

IN THE FOURTH JUDICIAL DISTRICT COURT
OF UTAH COUNTY, STATE OF UTAH

_____	}	
STATE OF UTAH,)	
)	VOLUME VII
Plaintiff,)	
)	
vs.)	Case No. 141400517 FS
)	
MEAGAN DAKOTA GRUNWALD,)	
)	
Defendant.)	
_____)	

Jury Trial
Electronically Recorded on
May 6, 2015

BEFORE: THE HONORABLE DAROLD MCDADE
Fourth District Court Judge

APPEARANCES

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1 P R O C E E D I N G S

2 (Electronically recorded on May 6, 2015)

3 THE COURT: Thank you. Please be seated. All right,
4 we'll go on the record. Today is Wednesday, May the 6th, 2015.
5 This is Fourth District Court, Division 10. We're in the matter
6 of State of Utah vs. Meagan Grunwald, case 141400517. I believe
7 this is the seventh day of trial. Parties are present including
8 Counsel, the defendant Ms. Grunwald, all members of the jury
9 as well. It's still the State's case as we left it yesterday.
10 Mr. Pead.

11 MR. PEAD: Your Honor, at this time the State rests its
12 case in chief.

13 THE COURT: Mr. Zabriskie, are you ready to go?

14 MR. ZABRISKIE: Yes, we are ready to proceed, your
15 Honor. We have a few witnesses here that we're anticipating
16 calling this morning. The first of those witnesses is Will --
17 or excuse me, Shenise Abbott. So the defense will call her to
18 the stand.

19 THE COURT: Okay, thank you. Come forward, ma'am.
20 Let's have you cer -- sworn in, I'm sorry.

21 THE COURT: Raise your right hand. You do solemnly
22 swear that the testimony you shall give in the case now pending
23 before the Court will be the truth, the whole truth and nothing
24 but the truth, so help you God?

25 THE WITNESS: I do.

1 THE COURT: Thank you. Please have a seat here in the
2 witness box. Just make sure we get you close enough to the
3 microphone that it will pick you up okay. Thank you. Go ahead.

4 MR. ZABRISKIE: Thank you, your Honor.

5 SHENISE DELRAY ABBOTT,
6 having been first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ZABRISKIE:

10 Q. Why don't you go ahead and state your full name.

11 A. Shenise Delray Abbott.

12 Q. Okay, thank you, Shenise. I appreciate you being
13 here. I understand you traveled quite a distance to be here;
14 is that right?

15 A. I did.

16 Q. You understand that these proceedings here in Court
17 involve Meagan Dakota Grunwald? She was seated to the right of
18 me here.

19 A. Yes, sir.

20 Q. How do you know Meagan?

21 A. She's my cousin.

22 Q. Okay, you guys -- would you describe your relationship
23 as close?

24 A. I do. Well, it was.

25 Q. All right, I want to approach you with what's been

1 marked as Plaintiff's Exhibit 294. These are some text message
2 records that you've had opportunity to look at before, but I'm
3 going to put these up and show them to you, okay?

4 A. Okay.

5 Q. So we're going to ask you some questions today about
6 this line item that's No. 834, okay?

7 A. Okay.

8 Q. This is a message that was sent from Meagan's cell
9 phone to a number that's indicated here, right above the nick-
10 name "bug." Does "bug" have some significance to you?

11 A. Yeah, that's my nickname.

12 Q. That's a cute nickname.

13 A. Thank you.

14 Q. There's a phone number there. Do you want to read
15 that phone number.

16 A. It's 1-435-256-7038.

17 Q. Okay, is that a phone number that's familiar to you?

18 A. That's my old cell phone number.

19 Q. Okay, so you've identified that this message was sent
20 to you, item No. 834?

21 A. Yes, sir.

22 Q. Okay, here is a time -- this is in the fourth box
23 here, a time and a date. Can you read those.

24 A. The time is 9:06 p.m. and the date is January 2nd of
25 2014.

1 Q. Okay, so January 2nd, 2014, you've indicated the time
2 is 9:06:23 seconds p.m.?

3 A. Yes, sir.

4 Q. Okay, and then at the very last call -- well, next
5 to the last call on here, there's an indication of what the
6 message was. Do you want to read that.

7 A. It says, "Hmm, is Will still awake? I want to look at
8 his AK-47 and his other guns.

9 Q. Okay, who is Will?

10 A. My husband.

11 Q. All right, and there's -- is this a text message that
12 you have recollection of?

13 A. I honestly do not remember that text message at all.

14 Q. Okay, let me ask you a few questions -- well, I'm
15 going to return over to the lectern here.

16 A. Okay.

17 Q. You've indicated you don't recognize or have any
18 recollection of that text message.

19 A. Right.

20 Q. Do you have any recollection of Meagan, your cousin,
21 ever attempting to discuss guns with you?

22 A. No, sir.

23 Q. Okay, any recollection of Angel Jose Garcia -- let me
24 strike that question. Do you know an Angel Jose Garcia?

25 A. I used to.

1 Q. Okay, and how do you know him?

2 A. Through Meagan.

3 Q. Okay, did you -- do you have any recollection of Angel
4 Jose Garcia ever discussing guns around you?

5 A. No, sir.

6 MR. ZABRISKIE: Okay, thank you. I don't have any
7 further questions.

8 THE COURT: Thank you.

9 MS. HOWARD: May I approach.

10 THE COURT: Sure.

11 MR. ZABRISKIE: Judge, sorry, I've still got the mic
12 here.

13 THE COURT: Okay.

14 (Counsel conferring off the record)

15 THE COURT: You can just put it right here.

16 CROSS EXAMINATION

17 BY MS. HOWARD:

18 Q. Ms. Abbott, your nickname is "bug" from Meagan; is
19 that right?

20 A. Well, actually that's what my whole family calls me.

21 Q. They all call you "bug"?

22 A. They do.

23 Q. I will concur with Mr. Zabriskie; that is a cute nick-
24 name.

25 A. Thank you.

1 Q. As you can see -- well, you and your cousin would text
2 frequently; isn't that fair to say?

3 A. Uh-huh.

4 Q. So it was not unusual for her to text you, ask you
5 questions, and to carry on short, brief conversations over the
6 -- over a phone, right?

7 A. Right.

8 Q. Mr. Zabriskie asked you about the date of January 2nd,
9 2014. You don't recall the text message, but do you recall
10 whether or not Meagan was down south in the area where you
11 live?

12 A. I do remember her being there, but I couldn't tell you
13 exact dates. I mean, looking at this, obviously these were the
14 dates; but from my memory I don't remember the exact dates.

15 Q. But looking at the cell phone record, your first text
16 to her on that night at 9:01:23 p.m. on that very first line
17 item, 837, what does that say?

18 A. The message itself?

19 Q. Yes.

20 A. It says, "Hey, love, Will told me that you guys are
21 here --" well, it says "you guts are here" -- with a smiley
22 face. "You should come see me.

23 Q. Well, that is a reference to you that they were down
24 in Southern Utah.

25 A. Yes, ma'am.

1 Q. You live in Southern Utah, right?

2 A. Yes, ma'am, I do.

3 Q. Okay, and she hadn't contacted you to tell you she
4 was in Southern Utah. Someone had contacted your husband Will
5 first, right?

6 A. I'm sure he heard it through the family.

7 Q. Yeah, and then her reply to you at 9:02:55 p.m., what
8 does that say?

9 A. "Maybe."

10 Q. Okay, and that's consistent with text messages you've
11 had with Meagan, right?

12 A. Yes, ma'am.

13 Q. Okay, then you send a text message back to her at
14 9:05:26, and what does that say?

15 A. It says, "No maybe. It's a yes."

16 Q. Okay, and then she replies at 9:06:23 p.m., and then
17 what does she say?

18 A. Well, this text message says, "Hmm, is Will still
19 awake? I want to look at his AK-47 and his other guns."

20 Q. Okay, so it's still using kind of the same format as
21 the other responses you've had with her previously; is that
22 correct?

23 A. Well, other than she usually puts smiley faces, and
24 there is none in that text message.

25 Q. Uh-huh, but she has the H-m-m, right? Triple question

1 marks. Those kinds of things are consistent with even the
2 other messages on that page; is that correct?

3 A. Yes, ma'am.

4 Q. Okay, now you don't actually -- Will doesn't actually
5 own an AK-47; is that right?

6 A. Right.

7 Q. It's yours?

8 A. Yes, ma'am.

9 Q. It's not at your house, right?

10 A. No, it's not.

11 Q. It's somewhere else?

12 A. Uh-huh.

13 Q. So your cousin was asking -- excuse me, so this text
14 message is not referring to Will's gun, but one that you have
15 again not at your house now, right?

16 A. Yes, ma'am.

17 MS. HOWARD: Okay, nothing else. Thank you.

18 THE COURT: Thank you.

19 MR. ZABRISKIE: No further direct.

20 THE COURT: All right, thank you. Any reason why she
21 can't be excused?

22 MR. ZABRISKIE: We excuse her.

23 THE COURT: State's?

24 MS. HOWARD: Oh, no reason. Thank you, your Honor.

25 THE COURT: Okay, that's all. Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: Call your next witness.

3 MR. ZABRISKIE: The defense calls William Abbott.

4 THE COURT: Come forward, sir, let's have you sworn in.

5 THE COURT: Raise your right hand. You do solemnly
6 swear that the testimony you shall give in the case now pending
7 before the Court will be the truth, the whole truth and nothing
8 but the truth, so help you God?

9 THE WITNESS: I do.

10 THE COURT: Thank you, sir. Please have a seat here in
11 the witness box. As long as we can pick you up okay, we'll be
12 good.

13 MR. ZABRISKIE: I let a witness run off with one of my
14 exhibits. May I approach the witness stand.

15 THE COURT: Sure.

16 WILLIAM CLAUDE ABBOTT,
17 having been first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ZABRISKIE:

21 Q. How are you doing today?

22 A. Doing okay. How are you?

23 Q. Doing great. Appreciate you being here. We've spoken
24 with your dear wife, bug. Do you call her "bug"?

25 A. No, only when she's bugging.

1 Q. All right, does she have a nickname for you?

2 A. Honey.

3 Q. Dare you say it in public?

4 A. I hear "honey" a lot.

5 Q. All right, so why don't you go ahead and state your
6 full name.

7 A. My name is William Claude Abbott.

8 Q. All right, William, do you have a relationship, some
9 familial relationship with Meagan Dakota Grunwald?

10 A. That's my wife's cousin.

11 Q. Okay, and how long have you known Meagan?

12 A. I guess I met her within the first year that I met my
13 wife. So I'd say almost eight years, seven, seven-and-a-half
14 years.

15 Q. Okay, and in your acquaintance with Meagan and her
16 family did you ever become acquainted with an individual named
17 Jose Angel Garcia?

18 A. I met the guy twice, yes.

19 Q. Okay, approximately when was it that you had this --
20 made this acquaintance with him?

21 A. Beginning of last year. It was in January.

22 Q. January 2014?

23 A. Right.

24 Q. Okay, and why don't you tell me what the context of
25 that encounter was.

1 A. Well, the first time I met Angel, he -- he and Meagan
2 and I believe Tori came into my place of work. I work at a
3 restaurant. They -- in Southern Utah. They had come down.
4 Then the next day they had come over, and then while my wife
5 and Meagan and everybody was chitchatting, doing the things
6 women do, Angel asked me if I knew anywhere I could get a
7 firearm for him. He insinuated that he didn't care if it was
8 stolen or not. So -- and I -- I'm not into any crazy dealings
9 like that. So I told him no.

10 Q. All right, so I've never seen Jose Angel Garcia in
11 person. I have met his brother, though.

12 A. All right.

13 Q. And I've met an uncle of his; and they were both very
14 tall.

15 A. Okay.

16 Q. How would you describe Angel; is he a big guy?

17 A. No, not much taller than me. I'm kind of a short guy.

18 Q. How tall are you?

19 A. Like 5'6", 5'5 and three quarters.

20 Q. Okay, what about his physique? How would you describe
21 his physique?

22 A. A little bit smaller than me, build.

23 Q. Okay, is he athletic build?

24 A. Not like any - like overweight. Kind of average.

25 Q. Yeah, but one thing you surmised in your acquaintance

1 with him is he had an interest in guns?

2 A. Yeah.

3 Q. Yeah. He talked to you --

4 A. I mean, for not ever knowing the guy and him just
5 asking me randomly if I could get a firearm --

6 Q. Yeah.

7 A. -- was just kind of a weird -- and he talked to me,
8 he's like, "Hey, homie," like we were friends or something.

9 Q. Okay.

10 A. So yeah.

11 Q. Had he ever talked to you about any fighting he had
12 been involved in; anything of that nature?

13 A. No, sir.

14 Q. No. Just the guns?

15 A. Just the guns.

16 Q. Did Meagan ever talk to you about that subject matter,
17 about guns?

18 A. No, sir.

19 Q. She ever -- never requested to buy a gun from you?

20 A. Never talked to Meagan about firearms or anything.

21 MR. ZABRISKIE: Okay. All right, I appreciate your
22 testimony. Thank you.

23 THE COURT: Cross examination?

24 MR. PEAD: No questions, your Honor.

25 THE COURT: May he be excused?

1 MR. ZABRISKIE: Yes, he may, your Honor.

2 THE COURT: I believe that's all. Thank you, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Call your next witness.

5 MR. ZABRISKIE: Judge, the defense calls -- just one
6 second. Excuse me, Judge, I think he might have been allowed
7 to step away from this corridor here, and we're going to -- I'm
8 talking about how we may change our order of witnesses real
9 quick. Defense will call Patty Johnston.

10 THE COURT: Okay. Sorry, Miss.

11 MR. PEAD: Your Honor, may we approach.

12 THE COURT: You've already been sworn in, so you're
13 okay.

14 (Discussion at the bench)

15 MR. PEAD: Are you guys going to ask her questions
16 about what Meagan said?

17 MR. ZABRISKIE: I intend to.

18 MR. PEAD: Okay, your Honor, I am looking at the Rule
19 801(3)-2. This talks about admission of a party opponent which
20 is known hearsay. At this point I believe the defense is going
21 to ask Patty Johnston questions about what Meagan said to her.
22 At this point those are hearsay, because they are not being
23 offered by the party opponent. They're being offered by the
24 party itself. Until Meagan takes the stand and those become
25 either prior inconsistent statements under (d)-1 or consistent

1 statements after she's subject to impeachment, those were
2 hearsay.

3 MR. ZABRISKIE: We interpret the rule differently.
4 I interpret this rule as a rule of inclusion, not a rule of
5 exclusion, and i interpret the definition to indicate -- or the
6 definition's there to indicate that a party oppon -- anyone
7 who's a party to the action, like Meagan, in this context,
8 anything she said is not considered hearsay for purposes of
9 testimony.

10 MR. PEAD: But she's the declarant.

11 THE COURT: I agree with the State. There's -- that's
12 not too hard to figure that out.

13 MR. PEAD: Thank you, judge.

14 MR. ZABRISKIE: Thank you, you Judge.

15 (Discussion at bench concluded)

16 SANDY JOHNSTON,
17 having been previously sworn,
18 retakes the witness stand,
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. ZABRISKIE:

22 Q. How are you doing this morning?

23 A. I'm good, thank you. How are you?

24 Q. Doing fine.

25 A. Good.

1 Q. You and I have talked before, huh?

2 A. We have.

3 Q. Yeah, a little bit about this case, right?

4 A. Yes, we have.

5 Q. On a prior occasion. I've heard your credentials
6 before. I understand you've been in law enforcement for quite
7 some time.

8 A. Right.

9 Q. Okay, why don't you tell me when your career in law
10 enforcement began, or go ahead and explain to the jury what
11 your history in law enforcement is.

12 THE COURT: You need to have -- we need to have her
13 introduce herself again, even though --

14 MR. ZABRISKIE: Oh, I'm sorry, yeah. I'm sorry.

15 Q. BY MR. ZABRISKIE: Go ahead and state your name for the
16 record.

17 A. It's Patty Johnston.

18 Q. Thank you, Patty.

19 A. Uh-huh.

20 Q. So again for the jury will you explain what your
21 career in law enforcement -- when it began and what your
22 specific different capacities have been in law enforcement.

23 A. Okay, my law enforcement career began 22 years ago.
24 I was hired by the Utah County Sheriff's Office. I started in
25 the jail. I worked patrol. I worked investigations. I worked

1 sex crimes. I was a narcotics officer. I went to polygraph
2 school. I became polygraph certified. I did polygraphs for
3 quite some time. After 12 years at the sheriff's office I had
4 the opportunity to go over to the County Attorney's Office in
5 a law enforcement capacity. We do white collar fraud crimes.
6 I did computer forensics for some time.

7 I think that our most important function is that we
8 investigate the officer involved shootings. We investigate the
9 actions of the officers and I am always in charge of all the
10 interviews that we do in conjunction with the shooting; and I
11 interview the actual officers who fired their weapon.

12 Q. Thank you, Patty.

13 A. You're welcome.

14 Q. So in this specific case, the case of Meagan Dakota
15 Grunwald, your involvement began on what date?

16 A. On January 30th, 2014.

17 Q. Okay, and who initially contacted you?

18 A. Jeff Robinson did, my Bureau Chief contacted me.

19 Q. Okay, and what instructions if any were given to you
20 by Jeff?

21 A. Jeff informed me that Cory Wride had been shot and
22 killed, and that we needed to respond. We had various different
23 scenes at the time. He asked me to respond to the Santaquin
24 scene where Deputy Sherwood had been shot, and coordinate the
25 interviews at the police department of the witnesses on that

1 particular scene.

2 Q. Okay, what time of day was this; do you recall?

3 A. Oh, I think it was about 3:30, 3:30, 4 o'clock when we
4 first got the news.

5 Q. Okay, and where were you when you received the news?

6 A. I was sitting in my office in Provo.

7 Q. Where is your office?

8 A. It's in the County building in Provo.

9 Q. Okay, is that the same building that houses the Utah
10 County Attorney's Office?

11 A. Yes, sir, they're on the second floor. We're on the
12 third.

13 Q. Okay, and what -- or once you were contacted, what did
14 you then do?

15 A. We had a briefing, talked about a course of action,
16 and then I responded to the Santaquin scene. I met with the
17 crime scene manager to see how things were going on that parti-
18 cular scene, and then I went to the police department.

19 Q. Okay, who was the crime scene manager in Santaquin?

20 A. His name is Quinn Fackrell. He's the detective with
21 the Utah County Sheriff's Office.

22 Q. So he works in your office?

23 A. No, sir, he works with the sheriff's office.

24 Q. Oh, in the sheriff's office, okay. You have a lot of
25 dealings with him; am I right?

1 A. No, I don't.

2 Q. Okay, and you indicated that your initial call came --
3 call to action came from -- is it Jeff Robinson?

4 A. Yes, sir.

5 Q. He's your --

6 A. He's the Bureau Chief. He's my direct supervisor.

7 Q. Okay. Okay, so then you proceeded to leave your
8 office?

9 A. Correct.

10 Q. Anybody with you?

11 A. I brought Chelsea Crawford with me. She's my para-
12 legal.

13 Q. Okay, then when you left your office are you in a
14 patrol vehicle? What -- what's your means of transportation?

15 A. I have an unmarked police vehicle.

16 Q. Okay, and do you have a -- in that unmarked police
17 vehicle do you have access to police radio, for lack of a
18 better term?

19 A. Yes.

20 Q. Okay, and did you have your radio tuned in to what was
21 going on with this investigation?

22 A. I don't believe I did. We have a special channel that
23 we operate off of. I don't believe I did.

24 Q. Okay, but you indicated, though, before leaving the
25 office -- did the debriefing take place at your office?

1 A. Yes, sir.

2 Q. Okay, and who was involved in that debriefing there?

3 A. All of our investigators. Would you like me to name
4 them?

5 Q. Sure, yeah.

6 A. Okay, Jeff Robinson was in there, Mark Dell'Ergo,
7 Scott Finch, Richard Hales, Chelsea Crawford was in there,
8 and I believe Marjorie Hepworth was in there. I believe so.

9 Q. All right, so this became quite a coordinated effort
10 right at the beginning?

11 A. Yes, yes.

12 Q. And justifiably so. This was a very, very serious
13 crime that had taken place.

14 A. Correct.

15 Q. Did you know Officer Wride before?

16 A. I did, yes, sir.

17 Q. Okay, Sherwood, did you know him?

18 A. No, I did not know Deputy Sherwood.

19 Q. Okay, so this debriefing took place in your office?

20 A. Yes.

21 Q. Okay, and there was a great effort at coordination
22 there, right?

23 A. Correct.

24 Q. You participated in these coordinating efforts; am I
25 right?

1 A. You're correct.

2 Q. Okay, so from the beginning of this case you've been
3 very involved in the investigation; am I right?

4 A. Yes, sir.

5 Q. There are -- who's the main person in charge of the
6 investigation?

7 A. Jeff Robinson, I would say.

8 Q. Okay.

9 A. I mean, it's overseen by Jeff Buhman, but you know,
10 the main investigator would be Jeff Robinson.

11 Q. Okay, so there's some coordination between your office
12 and the Utah County Attorney's Office; am I right?

13 A. That's -- yes, sure.

14 Q. Do you have a certain liaison person that operates
15 between the two offices?

16 A. Chad Grunander is assigned to our office.

17 Q. Okay.

18 A. I don't recall him being involved in this incident,
19 but he is our liaison, yes.

20 Q. All right. Okay, so after you arrive at the scene in
21 Santaquin, who first greets you there?

22 A. Quinn Fackrell, Darren Durphy, Chief Howard was out
23 there. I'm not sure who the first one was, but those three
24 greeted me.

25 Q. Remind us what the subject matter was of that Santa-

1 quin crime scene.

2 A. That is the scene where Deputy Sherwood was shot in
3 the head.

4 Q. Okay, and did you participate in investigating the
5 scene there?

6 A. No, not the crime scene.

7 Q. Okay, were you delegated new responsibilities after
8 -- upon arriving there, or after arriving there?

9 A. I was delegated responsibilities before I left my
10 office.

11 Q. Okay.

12 A. So my responsibility was to respond to the PD.

13 Q. All right, so this -- your involvement in Santaquin,
14 was that more just an effort of checking in there, didn't
15 participate in the investigation there?

16 A. No, my responsibility was to call out what we call our
17 "protocol team members" --

18 Q. Okay.

19 A. --that work these shootings. My job was to get people
20 to respond to the police department, interview witnesses. It
21 was simply, you know, coordinating all of the interviews at the
22 scene.

23 Q. Your assignment there, then, was more of a logistical
24 in nature?

25 A. Yes.

1 Q. Okay, then ultimately you leave that scene. Where
2 do you go to?

3 A. When we cleared that scene, then I went to juvenile
4 detention.

5 Q. Okay, and ultimately in your participation in the
6 investigation that day you made it to a police department; am
7 I right?

8 A. That's correct.

9 Q. Okay, so when you arrive at the police department what
10 is your objective there?

11 A. My objective is to get as many interviewers as I can
12 to respond to that scene and to gather all of the witnesses.

13 Q. Okay, so you're at the police department, and what
14 city is that in?

15 A. It's in Santaquin.

16 Q. In Santaquin, and you're still participating in a --
17 on an ongoing basis in these logistical efforts in coordinating
18 investigation, right?

19 A. Yes.

20 Q. Okay, ultimately, though, while you're there at the
21 Santaquin Police Department you have some encounter with
22 Sherwood?

23 A. No, he was at the hospital.

24 Q. Or sorry, Sheets, Sheets?

25 A. Sheets, yes, Trooper Sheets.

1 Q. Okay, Trooper Sheets; and how does Trooper Sheets work
2 for?

3 A. He works for the Utah Highway Patrol.

4 Q. All right and what was the purpose of your encounter
5 with Detect -- or Patrolman Sheets?

6 A. He's a trooper.

7 Q. I'll just call him Sheets.

8 A. Okay, that's fine.

9 Q. All right, I'll call him Sheets.

10 A. Okay.

11 Q. So what was the purpose of your encounter with Sheets?

12 A. My encounter with Sheets, he had Meagan Grunwald in
13 custody.

14 Q. Okay.

15 A. His purpose was to hand her custody over to me.

16 Q. All right, so I want to talk with you a bit about that
17 exchange.

18 A. Okay.

19 Q. Because ultimately am I right that Meagan left the
20 custody of Sheets into your custody more or less, right?

21 A. That's correct, yes.

22 Q. Okay, so when this exchange takes place, is there-- am
23 I right in assuming that there's some sharing of information;
24 am I right? Sheets doesn't just say, "Here's the suspect.
25 Goodbye"?

1 A. That was pretty much it.

2 Q. Okay, was there --

3 A. There was not a whole lot of information going on.

4 Q. All right, was there -- all right, but so was Sheets
5 called by you before you showed up there?

6 A. No.

7 Q. Okay, so he does show up there. Does he just leave
8 Meagan there and then immediately he's out of there?

9 A. Pretty much.

10 Q. Okay, does he -- did he share with you any information
11 about his observations of Meagan?

12 A. No.

13 Q. No, so he never told you he saw any indication that
14 she looked to be impaired?

15 A. No.

16 Q. No. Okay, and then -- so Meagan comes into your
17 custody there in Santaquin. What time of day is this at,
18 approximately?

19 A. Oh, it's probably 6.

20 Q. Okay.

21 A. That is an estimate, but my estimate is 6 o'clock.

22 Q. At this time it's -- is it dark outside? This is
23 January, so --

24 A. Yeah, I would imagine. I mean, I was inside, so --

25 Q. Okay.

1 A. -- wasn't outside at that time, but January.

2 Q. All right, so Meagan comes into your custody. You
3 are in the police department. Good lighting in there, right?

4 A. Correct.

5 Q. You're able to make some physical observations of
6 Meagan, right?

7 A. Correct.

8 Q. One of those observations is that she's very young?

9 A. Yes.

10 Q. Yeah, and you also, I'm sure, have a little background
11 on Meagan, right; you know her date of birth?

12 A. I don't think I do at that time, sir.

13 Q. Know her age?

14 A. No.

15 Q. Okay.

16 A. I had to ask her her age.

17 Q. Okay, ultimately, though, you were able to determine
18 that her age was 17; am I right?

19 A. Yes. Yeah, she told me that.

20 Q. Okay, and then many regards -- at least in your duties
21 as an officer, a 17 year old can be lumped together or grouped
22 together in the same category as a child?

23 A. (No verbal response).

24 Q. Someone who's a -- I'll say a minor.

25 A. She's a minor, sure.

1 Q. Okay, a minor. So as you observe Meagan, you're able
2 to observe that she's wet; am I right?

3 A. Yes.

4 Q. Okay, she's not wearing a down parka?

5 A. No.

6 Q. No, she's dressed rather thinly for the weather
7 conditions?

8 A. I don't recall how thin her clothes were; don't know
9 that I observed that.

10 Q. Okay, but she -- she wasn't wearing obvious winter
11 gear, right?

12 A. No.

13 Q. Once she arrives there, you have an opportunity to
14 sit down with her; am I right?

15 A. That's correct.

16 Q. Okay, and this sitting down with her, this is some-
17 thing that's important to your investigation --

18 A. Sure.

19 Q. -- because you want to get some information from her,
20 hear her side of the story; am I right?

21 A. Absolutely.

22 Q. Okay, so I'm going to pause this inquiry about your
23 involvement with Meagan for a few minutes, and want to talk to
24 you about maybe a little bit more expansive about your involve-
25 ment in this case. After that date you are -- is it fair to

1 say you remain in the loop, right?

2 A. Yes, sir.

3 Q. You know what's going on?

4 A. Yes, sir.

5 Q. There are ongoing debriefings, right?

6 A. Correct.

7 Q. Opportunity for you and others on your investigative
8 team to review the totality of the evidence that's -- as it's
9 being collected?

10 A. That's correct.

11 Q. Opportunity to view dash camera videos?

12 A. Yes, sir.

13 Q. Things of that nature? Did you have opportunity to
14 review the dash camera video of Cory Wride?

15 A. Yes, sir.

16 Q. Okay, likewise did you have opportunity to review the
17 dash camera footage of Sherwood?

18 A. Yes.

19 Q. Okay, and then I know there were several other dash
20 cameras -- video that came into your department that you had
21 access to those as well, correct?

22 A. Uh-huh, yes, sir.

23 Q. One of those -- or actually there were two of those
24 videos that came in from Sheets; am I right?

25 A. I don't know.

1 Q. Okay, but there was dash camera footage from Sheets?

2 A. As far as I recall.

3 Q. Okay, did you have opportunity to review any dash
4 camera footage from Sheets?

5 A. Yes, sir.

6 Q. Okay, in reviewing the dash camera footage from Sheets
7 there is a scene that's depicted in there where you can see
8 Meagan laying on the ground in front of his patrol vehicle on
9 I-15. Do you recall seeing that?

10 A. I don't.

11 Q. Okay, appreciate that. So in your investigation,
12 again, you indicated that you did have opportunity to review
13 the dash camera footage of Cory Wride?

14 A. Yes.

15 Q. Is that something you viewed with others in your
16 department?

17 A. Yes, sir.

18 Q. Okay, I'm going to ask you a few questions specific to
19 your assessment of that footage.

20 A. Okay.

21 Q. It had very high evidentiary value; am I right?

22 A. Yes.

23 Q. It answered many questions, right, about what happened
24 to Cory Wride?

25 A. Several, yes.

1 Q. The most -- probably the biggest question that it
2 answered is cause of death, right?

3 A. Yes.

4 Q. That mortal wounds were inflicted upon him by firearm?

5 A. Correct.

6 Q. Okay, what you could not see in that dash camera foot-
7 age is who pulled the trigger, right?

8 A. We did not know; we couldn't see that.

9 Q. But in your ongoing investigation as you're connecting
10 the dots in this case, one of the dots that you connected was
11 that that trigger was pulled by Jose Angel Garcia?

12 A. Correct.

13 Q. Okay, you also were able to surmise from that dash
14 camera footage that after shots were fired from the Toyota
15 Tundra by Jose Angel Garcia, the vehicle speeds away?

16 A. Correct.

17 Q. Okay.

18 A. Both after he's shooting -- after he shot and as he's
19 shooting. Just wanted to clarify that.

20 Q. Okay, thank you for the clarification. I appreciate
21 that.

22 A. Sure.

23 Q. What you're testifying is very consistent with what I
24 observed, too.

25 A. Okay.

1 Q. What you were also able to surmise and it became
2 something very important to your investigation is that Meagan
3 Grunwald was also in that vehicle and she was the driver,
4 right?

5 A. That's correct.

6 Q. Okay, and you came upon that conclusion based upon
7 the inquiries made by Cory Wride by computer or otherwise,
8 right?

9 A. Yes.

10 Q. As he first approaches the driver's side?

11 A. Yes.

12 Q. Gets information from Meagan there, correct?

13 A. Right.

14 Q. This is what you would describe as a "police assist"?

15 A. Yes, sir.

16 Q. In layman's terms I've always called that a "welfare
17 check."

18 A. Fair enough.

19 Q. Fair description, okay. So when Cory approaches the
20 vehicle, as you watch that video, driver's side first, right?

21 A. Correct.

22 Q. Gets the information he -- you would expect; driver's
23 license, name --

24 A. Correct.

25 Q. -- date of birth from Meagan Grunwald. Returns to

1 his patrol vehicle, and upon returning to his patrol vehicle
2 there's nothing in your investigation that would indicate that
3 he found anything amiss with the information that had been
4 provided to him by Meagan Grunwald; am I right?

5 A. Yeah, not by Meagan, that's correct.

6 Q. Okay, so at this point there is nothing policy-wise
7 that you're aware of that would have mandated or required Cory
8 Wride to continue his encounter with this motor vehicle?

9 A. I really can't answer that.

10 Q. Okay.

11 A. I didn't hear the dialogue inside that vehicle, so --

12 Q. All right, well, not knowing the dialogue, you just --
13 you don't know?

14 A. I don't know.

15 Q. One thing, though, that is not answered in that dash
16 camera footage, or anywhere in the findings of your investiga-
17 tive team -- and I'll call this one of the dots in your invest-
18 igation because you're trying to connect the dots to paint a
19 picture, right?

20 A. Correct.

21 Q. One dot that is amorphous at this point, un-described
22 as what -- why was the Toyota Tundra parked on that roadside to
23 begin with. That's not answered.

24 A. I have no idea.

25 Q. So that's something that's an unanswered question in

1 the investigation, right?

2 A. It's an unanswered question.

3 Q. Knowing why it was parked there could perhaps be
4 important to your investigation; am I right?

5 A. It could be very helpful.

6 Q. Yeah, but you were able to surmise from the footage
7 that there was nothing disabling that vehicle; am I right? You
8 saw it speed away after.

9 A. It was able to speed away. That's all I can tell you.

10 Q. Right, so as far as you could tell, nothing's disabling
11 that vehicle?

12 A. Not that I could tell.

13 Q. There's no flat tire, no --

14 A. Not that I could tell.

15 Q. -- it's not out of gas? It's parked on a roadway
16 that's not the ideal place to pull off the side of the road;
17 would you agree?

18 A. I would agree.

19 Q. Especially under the conditions. It's terrible
20 weather.

21 A. It's snowing, yes.

22 Q. Yeah. So they're parking in this vehicle. The Toyota
23 Tundra is parked very close to a lane of travel?

24 A. Correct.

25 Q. Speed limit's 65?

1 A. I don't know that.

2 Q. I'm guessing. I was hoping you'd say "yes," answer my
3 question.

4 A. I don't know. That's the honest answer.

5 Q. But as I -- as you're looking at the dash camera
6 footage, it appears the vehicles are -- they're whizzing by,
7 right?

8 A. It's a busy road.

9 Q. Both directions?

10 A. Correct.

11 Q. At one point you see a -- looks like some kind of dump
12 truck or garbage truck goes zooming by and --

13 A. Yeah, I recall that.

14 Q. -- yeah, there's various vehicles zooming by. Not a
15 great place to be parked in your vehicle; and you would love
16 to know why she's parked there?

17 A. It would be helpful.

18 Q. Okay, there are some other what I'm going to call
19 "dots" that could be used to paint a complete picture. I will
20 acknowledge, as anyone who's been here in this courtroom, that
21 many of the thoughts have been described -- and we've got a
22 picture of much of what happened that day; but there's another
23 dot that becomes apparent in the dash camera footage of Cory
24 Wride. As you watch it, after he clears Meagan, walks back to
25 the driver's side door, right?

1 A. I don't recall.

2 Q. Okay, if I tell you he did, you don't have any reason
3 to disagree with that, right?

4 A. I don't disagree.

5 Q. Okay, I've watched it. I've seen he walked up the
6 second time (inaudible).

7 A. Okay, I addressed it. I watched it on one occasion a
8 year-and-a-half ago.

9 Q. Okay, fair enough. So we don't know why he walked
10 back that second time?

11 A. We don't.

12 Q. But we do know when he walked back a second time,
13 makes inquiry into Angel Garcia?

14 A. I believe that.

15 Q. Returns to his vehicle with that information. Turns
16 out that it was bad information?

17 A. That's correct.

18 Q. Okay, but one thing we do not know is what prompted
19 Cory Wride on this day of very uncomfortable weather to get out
20 of his vehicle a second time and go and talk -- try and inquire
21 into the passenger of that vehicle. We don't know why.

22 A. I don't believe we know.

23 Q. It starts out as a motor assist, but nothing's wrong
24 with Meagan; no warrants for arrest, her documents seem to be
25 in order. So he goes back to the vehicle a second time. Turns

1 out he gives bad information.

2 A. Correct.

3 Q. False date of birth, false whatever, I don't -- I
4 don't recall. He's in his patrol vehicle for a couple of
5 minutes then back a third time, to the passenger's side of
6 the vehicle, okay?

7 A. Okay.

8 Q. When he walks back around to the passenger's side of
9 the vehicle, things look quite different. I would say his
10 posture looks very different.

11 MR. PEAD: Objection, Counsel's testifying.

12 MR. ZABRISKIE: It's the question.

13 Q. BY MR. ZABRISKIE: Do you agree?

14 THE COURT: Sustained.

15 Q. BY MR. ZABRISKIE: Okay, do you agree that his posture
16 looked different?

17 A. Um, yeah, I would agree.

18 Q. Standing back from the window a little bit?

19 A. Yeah.

20 Q. Okay, doesn't -- and that's a safety thing that law
21 enforcement does; am I right?

22 A. Sure.

23 Q. Especially if they see some indication, something that
24 they're concerned about; they're going to be more careful how
25 they are positioning themselves?

1 A. (Inaudible).

2 Q. It's something that law enforcement received training
3 on; but we didn't observe that same posturing the first time he
4 approaches and talks to Meagan; am I right?

5 A. I'll trust your word.

6 Q. Okay, thank you.

7 A. I don't recall his exact postures.

8 Q. So here are a couple more dots that are not described
9 in your investigation. One, why Cory Wride returns to the
10 vehicle after clearing Meagan. We don't know.

11 A. Okay.

12 Q. Why he asked for Angel's ID. We don't know.

13 A. Okay.

14 Q. But we do know that the vehicle's okay, right?

15 A. It sped away.

16 Q. Okay, we don't know why Cory Wride is demonstrating
17 such vigilance as he walks around the third time to the pass-
18 enger side of the vehicle; we don't know why?

19 A. I don't know why.

20 Q. Those are bits of information that we would love to
21 have for our investigation; am I right?

22 A. It would be nice to know. I don't know that it would
23 change anything.

24 Q. Unfortunately the great tragedy suffered in this case,
25 we don't know what was going through Cory's mind at that time;

1 we don't?

2 A. We don't.

3 Q. There's nothing in your dispatch records, his computer
4 records that you guys have looked at, that tells us -- that
5 answers that question, right?

6 A. Not that I know of.

7 Q. At the end of the day, as everybody in this courtroom
8 is aware, that Jose Angel Garcia takes a gunshot to the head?

9 A. Yes, he does.

10 Q. We don't know whose bullet hit him?

11 A. I personally don't know.

12 Q. Okay, so we can't get this information to fill in any
13 of the blanks obviously from Jose Angel Garcia?

14 A. No, he's dead.

15 Q. There's only one person that remains that can answer
16 these questions. It's Meagan Grunwald; would you agree?

17 A. I would agree with that.

18 Q. Okay, so as you guys are putting the pieces of this
19 puzzle together, when Meagan explains these dots and the
20 significance of them, it's going to add some pieces to the
21 puzzle; am I right?

22 A. I would hope so.

23 Q. Thank you. So let's back up a little bit to our
24 earlier dialogue.

25 A. Okay.

1 Q. So Meagan Dakota Grunwald, our 17-year-old minor,
2 she's shown up at Santaquin. You've made observations she
3 looks wet?

4 A. Sure.

5 Q. A little bit disheveled?

6 A. Yes.

7 Q. Okay, you know she's been outside in the elements,
8 right?

9 A. Yes.

10 Q. Sheets has given you no indication that she appeared
11 to be under the influence of any drugs or alcohol?

12 A. We did not have that discussion.

13 Q. Okay, and you likewise made the same observations; she
14 did not appear to be under the influence of any narcotics or
15 alcohol to you?

16 A. There was no outward show of that.

17 Q. Okay, and you indicated in a prior hearing as I was
18 questioning you that -- and you've indicated it today as well
19 that you're very credentialed in law enforcement, right?

20 A. I suppose.

21 Q. By my estimate.

22 A. Oh, your estimates. Okay.

23 Q. Yeah, you're very experienced at it. So you're on
24 a special team within your office, and you guys investigate
25 officer involved shootings, right?

1 A. That's correct.

2 Q. You indicated in a prior hearing that your -- one of
3 your unique protocols is you're going to get a blood draw from
4 anyone involved?

5 A. Correct.

6 Q. Okay, you'd had opportunity in your law enforcement
7 career, you indicated in a prior hearing, to initiate blood
8 draws on other suspects, right?

9 A. Yes.

10 Q. Those -- your typically investigation where you did
11 that would involve a person that gave some visible sign of
12 impairment; am I right?

13 A. No, you're not right.

14 Q. Let's say in a DUI case or something, you'd issued DUI
15 citations in your career, right?

16 A. I'm sure, yes.

17 Q. Okay, in those cases you request a blood draw because
18 there's something that would trigger your interest; am I right,
19 in what's in the blood?

20 A. No.

21 Q. I mean, you're not just willy-nilly with your request
22 to draw blood out of people, right?

23 A. No, we're not just willy-nilly, no.

24 Q. There's a reason, right, there's a reason for it? You
25 indicated in a prior hearing that in your lengthy career, yes,

1 you'd participated in some DUI arrests, right?

2 A. Yes.

3 Q. Participated in requesting blood draws from people,
4 right?

5 A. Correct.

6 Q. And that on none of those prior occasions where you
7 initiated a blood draw from a suspect, you'd never had consent
8 from anyone; am I right? That's what you'd indicated in a
9 prior hearing?

10 A. That's what I indicated, but at this time I would
11 say that there probably needs to be more explanation to that
12 answer.

13 Q. Okay.

14 A. Would you like explanation?

15 Q. Sure. Yeah, go ahead.

16 A. The DUI's that I arrested were 20 years ago, okay?
17 When you asked me that question I could not remember getting
18 consent for blood draws, when I thought more about that it
19 because we did not do the blood draws back then.

20 Q. Breathalyzer?

21 A. It was breathalyzer and field sobriety and that type
22 of thing.

23 Q. Oh, okay, that answers my question.

24 A. Okay.

25 Q. I thought that was --

1 A. So if that misled you, I apologize.

2 Q. -- the answer kind of -- yeah, the answer kind of
3 startled me. So that makes sense. I appreciate you clarifying
4 that. So in this case, though, ultimately you received what
5 you considered to be a consent to a blood draw; am I right?

6 A. Yes, sir.

7 Q. This came through an attorney show showed up several
8 hours later?

9 A. Correct.

10 Q. An attorney who's had the best interest of Meagan in
11 mind; am I right?

12 A. I would hope he did. Can't read his mind.

13 Q. All right, so he -- ultimately after he'd had an
14 opportunity to visit with Meagan, he comes out --

15 A. Correct.

16 Q. -- tells you he consents? I'm going to put this on
17 pause for a moment. So you -- in your involvement in this case
18 you put together a file, right? You share whatever reports you
19 make with the investigative team?

20 A. Yes.

21 Q. You have work product, what you can describe as work
22 product, right?

23 A. Yes.

24 Q. Sometimes that -- well, in this case it would have
25 involved narrative reports, right?

1 A. Okay, correct.

2 Q. Would have involved -- some of the persons that you
3 interviewed, you would have recorded the interviews?

4 A. Correct.

5 Q. Okay, and also adding to your -- the body of your work
6 product in this case, more than a year after, I don't have the
7 exact date, but you memorialized the consent that you claim
8 in this case for the blood draw with a sworn affidavit; am I
9 right?

10 A. Yes.

11 Q. Okay, and obviously, then, if you're recalling it that
12 much later -- because it wasn't in your original report, right?

13 A. No, it was not.

14 Q. But you're recalling it that much time after the fact.
15 Obviously it made a lasting impression upon you that consent
16 was given?

17 A. That's correct.

18 Q. Consent could be synonymous with cooperation; am I
19 right?

20 A. Yeah.

21 Q. Okay.

22 A. She's willing to cooperate with the blood draw.

23 Q. So when -- back -- backing up a little bit to your
24 time spent with Meagan Dakota Grunwald, you didn't observe any
25 efforts to resist law enforcement, as far as physically, right?

1 A. Was she physically resisting me; is that what you're
2 asking?

3 Q. Sheets, when you see her walking in with Sheets she's
4 not resisting?

5 A. No, she's not resisting.

6 Q. Okay, she's not cussing at him, using foul language at
7 him?

8 A. Not during the time I --

9 Q. Not that you --

10 A. -- I saw them together, no.

11 Q. -- not that you observed okay. Likewise when she
12 comes into your possession there's no physical effort to resist
13 the detention status, right?

14 A. No, she did not resist.

15 Q. Okay, and she's not using foul language at you,
16 cussing at you, right?

17 A. No.

18 Q. No gangster talk?

19 A. No.

20 Q. Okay, you made some other physiological observations
21 of her. You indicate in your report that you saw her crying,
22 right?

23 A. At times when I talked to her, yes.

24 Q. A times, okay. So she's wet, she's crying. Obvious
25 discomfort, right?

1 A. (No verbal response).

2 Q. So let's -- well, I want to talk to you a little bit
3 about what interactions you had with her personally. Where
4 do you guys place Meagan once she's in the Santaquin Police
5 Department?

6 A. In the interview room.

7 Q. In the interview room. Okay, is there a -- can you
8 describe the dimensions of that interview room?

9 A. Oh, my gosh, it's small. I really can't guess on the
10 dimensions, but it's a small room.

11 Q. All right.

12 A. It's three chairs and a table.

13 Q. Okay, so you're not going to fit your whole
14 investigative team in there, right?

15 A. No, sir.

16 Q. No. So you've got her in this room. What do you do
17 to provide comfort to her?

18 A. She's cuffed behind. That's really bothering her.
19 I get her cuffed in front, for safety purposes, sit down in a
20 chair. Take her to the restroom as needed, get her a drink,
21 try to make her as comfortable as possible.

22 Q. Okay.

23 A. Try to be compassionate.

24 Q. Okay, you don't hear any gangster talk from her?

25 A. No.

1 Q. No. She does not make any inquiry to you as to the
2 status of Jose Angel Garcia?

3 A. No.

4 Q. No. Okay, so you sit her in a chair?

5 A. Yes, sir.

6 Q. Do you immediately give her a blanket or anything to
7 help keep her warm?

8 A. No.

9 Q. No? Okay, did you extend any invitation for her to
10 call her mother?

11 A. No.

12 Q. Okay, did you let her make any phone calls?

13 A. She didn't request to make any phone calls.

14 Q. Okay, you didn't offer her a phone, then?

15 A. No.

16 Q. Okay, this is after 6 o'clock at night, right?

17 A. Correct.

18 Q. Okay, so let's-- let's put this on pause for a moment.
19 You've indicated that she's a minor, right?

20 A. Correct.

21 MR. PEAD: Objection, asked and answered, your Honor.

22 THE COURT: Sustained.

23 Q. BY MR. ZABRISKIE: Okay, I'll un-ask the question. So
24 she's a minor. You have dealt with minors before, right?

25 A. Yes.

1 Q. When a minor -- you get involved in an investigation
2 where a minor complains to have been plied up with drugs and
3 taken advantage of sexually by a man --

4 MR. PEAD: Objection, your Honor.

5 MR. ZABRISKIE: It's a question, your Honor.

6 THE WITNESS: I'm just -- I'm sorry, I'm not following.

7 MR. ZABRISKIE: It's a hypothetical.

8 Q. BY MR. ZABRISKIE: So if you have -- if you're involved
9 in an investigation with a minor.

10 THE COURT: Hold on, there's an objection.

11 MR. ZABRISKIE: Oh, sorry. Go --

12 MR. PEAD: I think a hypothetical question has to be
13 asked to an expert on this. This is speculation about what an
14 unknown minor might have gone through.

15 MR. ZABRISKIE: This is a policy question, protocol
16 question.

17 THE COURT: Sustain the objection. You need to ask
18 questions, Mr. Zabriskie.

19 Q. BY MR. ZABRISKIE: Okay, you've heard of the Children's
20 Justice Center; am I right?

21 A. Correct.

22 Q. That's where you take children to be interviewed who
23 have been victimized; am I right?

24 A. If --

25 MR. PEAD: Objection, relevance.

1 THE COURT: What's the relevance?

2 MR. ZABRISKIE: Protocol question.

3 THE COURT: Sustain the objection.

4 Q. BY MR. ZABRISKIE: Okay, so you begin an interview --
5 well, no, strike that question. Now, you sit down with Meagan
6 sometime around 6 o'clock, right?

7 A. (No verbal response).

8 Q. You introduce yourself, you say, "Hi, my name is
9 Patty." Do you remember that?

10 A. Okay, yes, I do.

11 Q. Okay, and then Sheets tells you that Meagan is in
12 custody?

13 A. Correct.

14 Q. Okay.

15 A. For now.

16 Q. For now, correct. At the -- now, referring to a --
17 some video footage that I received of this interview room,
18 okay?

19 A. Okay.

20 Q. I'm not going to ask you anything that Meagan said.

21 A. Okay.

22 Q. Just going to ask you about your communications to her
23 and perhaps what some other people were communicating to you on
24 the periphery there.

25 A. Okay.

1 Q. Although I am interested in what Meagan said to you --

2 A. You watched the video; did you not?

3 Q. -- but I'm not going to ask -- what's that?

4 A. Did you not watch the video?

5 Q. Yeah, but I'm not going to ask you. So --

6 A. Okay.

7 Q. -- we'll clarify that later, at some other -- some
8 later point.

9 A. Okay.

10 Q. So there are other people present there. I note that
11 Chelsea was there; am I right?

12 A. Yes.

13 Q. Chelsea's here in the courtroom?

14 A. She is.

15 Q. Okay, and Sheets was there for a short time, right?

16 A. For a very short time, yes.

17 Q. There was another individual that stepped into the
18 room, a police officer. Who was he?

19 A. It was a Santaquin police officer. I think he was a
20 reserve officer, I don't --

21 Q. Okay.

22 A. -- I don't recall his name. I never had dealt with
23 him before.

24 Q. So after you introduce yourself to Meagan, now going a
25 little deeper into the interview on the chronology. We're at

1 the 4:25 mark. Someone from the hallway, "Jeff wants the cell
2 phone." Do you remember hearing that?

3 A. I don't.

4 Q. Do you know someone named Jeff?

5 A. Yes.

6 Q. Who's Jeff?

7 A. I've got Jeff Robinson that's the Bureau Chief and
8 Jeff Buhman that's the County Attorney.

9 Q. Okay, so one of those. You know two Jeffs?

10 A. I know two Jeffs.

11 Q. "Jeff wants the cell phone" at the 4:25 mark.

12 A. I don't recall hearing that on the video, sir.

13 Q. Okay, I'll go to the 5:02 mark.

14 A. Okay.

15 Q. This is not 5:02 p.m. I'm talking about the second
16 counter on the video footage.

17 A. Okay.

18 Q. The 5:02 mark. You say, "We're going to cuff you in
19 the front." It's a statement you made to Meagan.

20 A. Yes.

21 Q. Okay, and what was the purpose of that?

22 A. Well, first of all, to relieve her discomfort. She
23 didn't need to sit there with the cuffs behind her. That is
24 very uncomfortable.

25 Q. Appreciate that, yeah.

1 A. Secondly, it was for officer safety purposes.

2 Q. Okay, very well. The 5:13 mark, "I understand this
3 has got to be very traumatic for you."

4 A. Correct, I recall that statement.

5 Q. "You --" all right, "You and I are just going to sit
6 and talk."

7 A. That was the plan.

8 Q. Okay, she doesn't have an attorney at this point,
9 though, right?

10 A. No.

11 Q. Okay, 5:23 mark, "You've had a horrific day."

12 A. I said that.

13 Q. Okay, 6:49 mark, you ask a question, to whom I don't
14 know, "Is this being recorded?" Do you remember that?

15 A. No, I don't.

16 Q. The 6:49 mark, "Is this being recorded?" You don't
17 remember that?

18 A. I don't.

19 Q. Okay, do you remember someone answering immediately
20 thereafter "No" from the hallway?

21 A. Was that when the attorney got there?

22 Q. No, this is 6 minutes and 49 seconds into your
23 encounter with Meagan in that interview room.

24 A. I don't recall the conversation at that point, no.

25 Q. Okay. All right, 7:42 mark, "Is she in custody at

1 this point?" This is a question you as someone. "Is she in
2 custody at this point, or is she just being detained?" I'm
3 sorry, strike that question. I misstated. At 7:42 mark some-
4 one from -- steps into the room. I don't know if it was Sheets,
5 and says, "Is she in custody at this point, or is she just
6 being detained?"

7 A. No, that was the Santaquin officer that asks that.

8 Q. Okay, you respond, "No one knows."

9 A. That was a truthful response.

10 Q. Okay, then whoever this was that asks that question to
11 you, the Santaquin officer, "Well, maybe we ought to just read
12 them to her, just to be safe." Do you -- what did you under-
13 stand him to be talking about; what would you be reading to her
14 just to be safe?

15 A. He wanted to read her her Miranda warning.

16 Q. Okay, so you respond, "Just to be safe;" am I right?
17 That's at the 7:42 mark, "Just to be safe."

18 A. I said that to him because I wanted him to get out of
19 my interview room, "Just to be safe," go.

20 Q. You didn't want the other officer in the interview
21 room?

22 A. Yeah.

23 Q. Just to be safe?

24 A. Yeah.

25 Q. You want him to be safe from Meagan?

1 A. No, I want -- I want her rights to be safe, is what I
2 was saying.

3 Q. Oh, I see. Oh, I'm sorry. Okay, I misunderstood you
4 there. Thank you. This video footage, this surveillance room
5 footage --

6 A. Uh-huh.

7 Q. Have you had opportunity to review it?

8 A. I did.

9 Q. Okay, how recently?

10 A. Monday.

11 Q. Okay, 8:02 mark. "I'm going to make sure all your
12 rights are protected. I'm not here to kidnap, to hold you
13 hostage or screw you over." Do you remember that?

14 A. I do.

15 Q. That was you saying that to Meagan?

16 A. Yep.

17 Q. Okay, 8:35 mark. This is about 30 seconds later.

18 "Are you comfortable? Are they too tight?"

19 A. I did ask her that.

20 Q. Okay.

21 A. In regards to the handcuffs.

22 Q. Okay, 8:45, "I just want to know about who you are."

23 A. Correct.

24 Q. Okay, 8:57, you're talking about Jose Angel Garcia,

25 "How do you know him?" Do you remember that?

1 A. I asked her that, yes.

2 Q. Okay, so we skip forward a little bit. You've been
3 sitting in there for several minutes now at the 11:25 mark.

4 "It sounds like he's been a good friend to you."

5 A. I did say that.

6 Q. Okay, 11:45 mark, "I'm so sorry that this has been a
7 horrible experience today."

8 A. I did say that.

9 Q. Okay, 12:13 mark, "You've had a hard day. Can I get
10 you some water?"

11 A. I said that.

12 Q. "Take a deep breath. We're going to talk."

13 A. I said that.

14 Q. Okay, in each of these statements that you've made,
15 this is not a monologue, right? Meaning --

16 A. No.

17 Q. -- just you talking?

18 A. No, she's talking back.

19 Q. Okay, she's responding to you, yeah. She's not
20 resisting, cussing at you, right?

21 A. What do you mean by "resisting"?

22 Q. She's not -- she's not cussing at you?

23 A. No, she's not cussing at me.

24 Q. Okay, but she's talking to you, right?

25 A. Yes.

1 Q. Yeah. Crying from time-to-time?

2 A. From time-to-time.

3 Q. Okay, you've not -- 12 minutes into this, and no

4 Miranda warning has been given, right?

5 A. I don't know that. I don't know at what minute --

6 Q. That you've given.

7 A. -- I gave Miranda.

8 Q. You haven't given a Miranda warning up to this point?

9 A. I never gave her Miranda.

10 Q. Never, okay, 12:43 mark, "I think it would be a good

11 idea to get a drink."

12 A. Yeah, I believe I said that.

13 Q. Okay, trying to make sure she's comfortable, right?

14 A. Sure.

15 Q. Okay, you also want to hear her story; am I right?

16 A. Absolutely.

17 Q. Okay, you'd love it if she'd just be an open book and

18 tell you everything, right?

19 A. Well, I would like to hear her side of the story, for

20 her and for me.

21 Q. Okay, 13:18 mark, you continue your kind overtures,

22 "This has got to be very scary for you, Meagan. So I want --

23 I want to make sure you understand what I am doing. I work for

24 the County Attorney's Office. Have you heard of the County

25 Attorneys before?" Do you remember that?

1 A. I do.

2 Q. Then at this point, this is at the 13:18 mark, "I am a
3 police officer. I'm not an attorney." You're telling her
4 you're a police officer?

5 A. I wanted her to understand that.

6 Q. This is -- you've been in the room for 13, almost 14
7 minutes when you tell her that?

8 A. That's not quite accurate.

9 Q. Okay, go ahead and --

10 A. I'm not in the room the whole time.

11 Q. Oh, okay, but to this point --

12 A. I'm not in the room for 14 minutes.

13 Q. -- up to this point you have been?

14 A. I'm in the room. I leave for a period of time.

15 Q. Yeah.

16 A. I come back.

17 Q. But up to this point you've been in the room; and
18 that's fine either way.

19 A. On and off, yes.

20 Q. Okay, 13:45 mark -- well, skip forward. Let's see.
21 Sorry, strike that -- 14:03 mark, "I have no idea about what
22 you saw or did today because I was not there. Hence, it is
23 really important for me to talk to you since you were there. I
24 would really like you to talk to me."

25 A. Sure.

1 Q. Do you remember that?

2 A. Yes, I do.

3 Q. Okay, true statement?

4 A. True statement.

5 Q. True statement that you really don't know what she saw
6 that day?

7 A. I don't. I have no idea.

8 Q. Okay, 14:35, "You've seen Miranda rights on TV?"

9 A. I did ask her that.

10 Q. Okay, so you're getting there, huh?

11 A. Correct.

12 Q. Okay, 14:42, "If you want an attorney before you talk
13 to me, that's what we need to do."

14 A. That's what we needed to do, yes.

15 Q. Okay, 14:50, "I don't know your involvement at all. I
16 don't know if you did something good. I don't know if you did
17 something bad. I don't know if you committed a crime. I don't
18 know, because I don't know what happened." Do you remember
19 that?

20 A. I do remember that.

21 Q. Okay, 15:02, "I just want to --" excuse me, strike
22 that. At 15:22 you ask her where she lives.

23 A. Yes.

24 Q. With her parents. You ask her if she lives with her
25 parents. At 15:35 you make another inquiry about an attorney,

1 right?

2 A. I don't -- I don't know what that means.

3 Q. I'll tell you what you said, "Tell me about your mom's
4 financial circumstances. Can she afford an attorney for you?"

5 A. I did ask her that.

6 Q. Okay, 16:25 mark, "It doesn't sound like your mom can
7 afford an attorney for you."

8 A. Correct.

9 Q. Okay, what you're getting at here is you trying to
10 find -- what are you trying to get at here?

11 A. I'm trying to find her an attorney, and I don't know
12 if their family already has one --

13 Q. Okay.

14 A. -- if her mother can hire one, if she needs a public
15 defender.

16 Q. All right.

17 A. I'm doing my best to protect her rights and her desire
18 to have an attorney.

19 Q. Okay, so then immediately after that -- well, let's
20 strike that. The 16:44 mark, "I have no idea what you'd be
21 charged with because I have no idea what you did. If you were
22 charged with a crime, then the Court pays for an attorney to
23 make sure you're protected. If that's the route you want to
24 go, then that's what we need to do, okay?"

25 A. I said that.

1 Q. So, again, about attorneys, huh?

2 A. Yes.

3 Q. After you make that statement you pause for a moment,
4 17:06, "I'm just confused, Meagan, about who did-- did somebody
5 ever ask you, did -- why did you have cuffs on?"

6 A. That statement is actually, "Did someone arrest you?
7 Why do you have cuffs on?"

8 Q. Okay, "Why do you have cuffs on?" Is this an effort
9 to make sure she's comfortable at this point? Is that the
10 question targeted at making sure she's comfortable?

11 A. No.

12 Q. Is it targeted at making sure that her right to an
13 attorney is protected?

14 A. All I wanted her to do is tell me she'd been charged
15 with a crime. If somebody said, "You've been arrested for X,
16 Y, Z," that's all I wanted to know.

17 Q. Okay, 17 -- hang on -- 17:17 mark, "Okay, you know
18 what, I don't want to -- you to tell me about what happened,
19 because once you say, 'I want an attorney,' then I can't really
20 talk about what happened."

21 A. That's correct.

22 Q. Okay, again, dealing with attorneys, but still no
23 attorney present, still no Miranda offered, right?

24 A. Correct.

25 Q. Okay, 17:58, "What I need to do is just find out

1 what's supposed to happen with you. You're wet, you know.

2 Obviously you're going to get cold."

3 A. That's correct.

4 Q. Yeah, this is 17:58 into your interview. You make
5 further inquiry as to why she's wet, right?

6 A. I think she just volunteered it.

7 Q. Okay, 18:24, "Have a drink. I'm going to step out.
8 Just chill. Have a drink. I'll try to figure out -- figure
9 this out as fast as possible," yeah?

10 A. I don't remember telling her to chill, but yeah.

11 Q. Okay, you asked her at the 36:25 mark she's going to
12 be a -- she's going to CMA school, and you congratulate her on
13 it, yeah?

14 A. Oh, yeah, we talked about it.

15 Q. Okay, you compliment her on her goals?

16 A. Yes.

17 Q. Okay, you compliment her on her accomplishments even
18 though she has learning disabilities, right?

19 A. Sure, yes.

20 Q. So at this point obviously you're-- you've acknowledged
21 and recognized that she does have some learning disabilities,
22 or at least she's told -- at least you've made that --

23 A. She made that statement to me, yes.

24 Q. Okay. All right, but still no Miranda, no attorney
25 for her?

1 A. No.

2 Q. Okay, so I don't mean to keep beating this point, but
3 we're getting close to the end here. You make several inquiries
4 into her acquaintance with Angel Garcia, right?

5 A. You'd have to point out them to me specifically, I
6 don't know.

7 Q. Okay, at the 39:30 mark you comment that "He is so
8 friendly and kind and helpful to you."

9 A. There was more to the statement than that.

10 Q. Yeah, that's part of the statement, yeah?

11 A. I've got to answer part of the statement.

12 Q. Okay, so you say, "Wow, that's interesting. I guess
13 that's hard to understand that he is so friendly and kind and
14 helpful to you, yeah?"

15 A. "And then he does this." There's more to that statement
16 that much of the statement I said, "Yes," but there's more to
17 it.

18 Q. I'm not going to ask you what she said. We've heard.
19 Working within certain confines here as I'm questioning you.

20 A. Okay.

21 Q. You asked if he was like a family friend or a boy-
22 friend, right?

23 A. I did ask her that, yeah.

24 Q. Her relationship with Angel -- Jose Angel Garcia
25 becomes a very critical component of your investigation; am I

1 right?

2 A. Eventually it does, yes. At that point, no.

3 Q. You ask her how she met him?

4 A. Yeah.

5 Q. You ask how old he is?

6 A. Yeah.

7 Q. Okay, 46:49, "Nightmares for you. I need to work on
8 what's going on. We will make sure you get an attorney. If
9 your attorney will let you talk, we would love to talk to you.
10 I know you want to cooperate, and we do need your help, to be
11 honest with you. It's the right thing to do to help us."

12 A. I said that.

13 Q. Okay, so you -- at no point in this -- your efforts to
14 find out more about her relationship with Angel, her involve-
15 ment that day, you never Mirandized her that day, right?

16 A. I never Mirandized her.

17 Q. Okay, you never told her the physical -- you never
18 described to her the physical harm that had been caused to
19 Wride or Sherwood, did you?

20 A. Um --

21 Q. The nature of their injuries?

22 A. I knew the nature of Wride's injury, but I didn't
23 know the nature of Sherwood's at the time.

24 Q. Okay, but you did not communicate the nature of
25 Wride's injury to Meagan?

1 A. No.

2 Q. Okay, nor did you indicate such regarding Sherwood?

3 A. No, I did -- I wasn't that -- I didn't know about
4 Sherwood's injury.

5 MR. ZABRISKIE: One moment, please.

6 THE COURT: Okay.

7 (Counsel conferring off the record)

8 Q. BY MR. ZABRISKIE: We're just about through here. Just
9 a couple questions I'm a little bit curious about. So you did
10 more interviews in this case than just your interactions with
11 Meagan; am I right?

12 A. That's right.

13 Q. Okay, yeah, other interviews. Some of those that you
14 interviewed were family members of hers; am I right?

15 A. You're correct.

16 Q. Okay, her father, Jerry Grunwald?

17 A. I did interview her father.

18 Q. When you interview people you're not -- how can I
19 phrase that. Strike that question. When you interviewed her
20 father you had some information about him; am I right?

21 A. I had some inform --

22 Q. You already had a report that had been prepared by
23 another officer?

24 A. About Jerry Grunwald?

25 Q. About Jerry Grunwald and his statements?

1 A. No.

2 Q. Okay, you weren't the -- you weren't the first to
3 interview him?

4 A. I was the first to interview him, as far as I know.

5 Q. Okay, he was interviewed on three occasions?

6 A. Two of them were me.

7 Q. Okay, in those two occasions you discussed an incident
8 where Jerry claims Angel pulled a gun on him; am I right?

9 A. You're correct.

10 Q. Okay, and in both of those -- each of those separate
11 occasions Jerry offered a description of the gun that he claims
12 Angel wielded; am I right?

13 A. As far as I recall.

14 Q. Okay, it wasn't until your last interview with Jerry
15 that Jerry described to you a gun with a wooden handle; am I
16 right?

17 A. I think he did say that. I would have to look at my
18 reports for sure.

19 Q. It was your last interview; it wasn't the one before.
20 So ultimately you get to a wooden handle?

21 A. I believe he said that.

22 Q. Okay, in your interviews with him, it was no secret
23 that he suffers from some mental challenges; am I right?

24 A. I don't know that I'm qualified to answer that.

25 Q. Okay, didn't quite look right to you?

1 A. He was having some difficulties communicating, but
2 evidently --

3 Q. It was communicated to you, though, that he had
4 suffered a brain injury?

5 A. His mother told me that he was born with brain damage.

6 Q. Oh, brain damage, okay. Okay, that brings up another
7 question. His mother, you also had inter -- opportunities to
8 interview her?

9 A. Yes, sir.

10 MR. ZABRISKIE: Okay, no further questions. Thank you,
11 Patty.

12 THE WITNESS: You're welcome.

13 THE COURT: Thank you. Cross examination?

14 CROSS EXAMINATION

15 BY MR. PEAD:

16 Q. Okay, Sergeant Johnston, what Mr. Zabriskie has just
17 described to you, you were attempting to build a rapport,
18 weren't you?

19 A. Absolutely.

20 Q. Isn't that how you've been trained?

21 A. Absolutely.

22 Q. It's your job?

23 A. My job.

24 Q. You use persuasion --

25 A. Sure.

1 Q. -- to see if people will open up about what happened?

2 A. Absolutely.

3 Q. At this point you knew nothing about the case except
4 that Sergeant Wride had been found deceased?

5 A. That's all I knew.

6 Q. You continued to tell her that you were responsible to
7 help protect her rights?

8 A. Absolutely.

9 Q. In fact, you effected her getting an attorney that
10 night?

11 A. Yes, I did.

12 Q. Even though you didn't have to wait for an attorney
13 to ask or to give blood or urine, you did?

14 A. Absolutely.

15 Q. Sometimes we hear about police interrogations or
16 questioning that involve use of dishonesty. You never told her
17 anything dishonest, did you?

18 A. No, I did not.

19 Q. Both times you met with Jerry, he told you that Jose
20 Angel Garcia pulled a gun on him?

21 A. Correct.

22 MR. PEAD: Thank you.

23 THE COURT: Thank you. Redirect?

24 MR. ZABRISKIE: No further questions. Thank you,
25 Judge.

1 THE COURT: May she be excused?

2 MR. ZABRISKIE: We excuse her.

3 THE COURT: Mr. Pead?

4 MR. PEAD: Oh, you know what, we're going to -- we'll
5 hold her in reserve.

6 THE COURT: All right, you're still under subpoena.
7 Thank you.

8 THE WITNESS: Thank you, Judge.

9 THE COURT: Next witness?

10 MR. PEAD: Can we take a break, your Honor.

11 THE COURT: It's their call.

12 MR. ZABRISKIE: Is the Court looking to me for --

13 THE COURT: Yeah, it's your call. I mean, Mr. Pead
14 needs a break, but it's your case.

15 MR. ZABRISKIE: Oh, we -- we're fine with a break.

16 THE COURT: All right, we'll take a recess.

17 MR. ZABRISKIE: Probably a good idea right now.

18 COURT BAILIFF: All rise for the jury.

19 (Jury exits the courtroom)

20 THE COURT: Thank you. We'll be in recess.

21 (Recess taken)

22 THE COURT: All right, we're back on the record. All
23 parties are present, including the defendant Ms. Grunwald, all
24 members of the jury as well. Still your case, Mr. Zabriskie.

25 MR. ZABRISKIE: Thank you, Judge. Defense calls Jeff

1 Robinson.

2 THE COURT: Come forward, sir, let's get you sworn in,
3 or did we already have you testify?

4 THE WITNESS: Not yet.

5 THE COURT: Not yet. Okay, thank you.

6 COURT CLERK: Do you solemnly swear that the testimony
7 you shall give in the case now pending before the Court will be
8 the truth, the whole truth and nothing but the truth, so help
9 you God?

10 THE WITNESS: Yes.

11 THE COURT: Thank you. Please have a seat in the
12 witness box. Go ahead and get you close enough that we can
13 pick you up on the microphone.

14 JEFF ROBINSON,

15 having been first duly sworn,

16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. ZABRISKIE:

19 Q. Good morning, Mr. Robinson.

20 A. Good morning.

21 Q. How you doing?

22 A. Good, thanks.

23 Q. Appreciate you being here. Why don't you go ahead and
24 state your full name.

25 A. Jeff Robinson.

1 Q. Okay, and who are you employed by?

2 A. Utah County Attorney's Office --

3 Q. Okay.

4 A. -- or Utah County.

5 Q. What's your description of your job position?

6 A. I'm the Bureau Chief of the Utah County Attorney's

7 Office Bureau of Investigations.

8 Q. Okay, and where is your office located?

9 A. It's at 100 East Center Street in Provo.

10 Q. Okay, is that the same building the County Attorney
11 is in?

12 A. That would be correct.

13 Q. Okay, so you have very close interactions with the
14 County Attorney's Office?

15 A. Yes.

16 Q. Okay, you understand the subject matter here today;
17 Meagan Dakota Grunwald is on trial?

18 A. Yes.

19 Q. This is an investigation you've been involved in for
20 some time; am I right?

21 A. That's correct.

22 Q. Okay, and in your involvement in this investigation
23 are you top man in the investigation? We don't like to describe
24 ourselves that way, but --

25 A. That could -- that could mean a lot of different

1 things. I am -- I was over the incident commander in the
2 investigation.

3 Q. Okay, so let's say amongst your investigative team are
4 you the chief there?

5 A. Yes.

6 Q. Okay, so all other investigators communicate their
7 findings with you?

8 A. I sup -- I supervise them, yes.

9 Q. All right, and you're very familiar, then, with the
10 evidence that's been presented in this case by the State?

11 A. I haven't been -- I haven't been here.

12 Q. I won't quiz you on it all; but you know what we're
13 going to talk about today, right?

14 A. Correct.

15 Q. Okay, but beyond that, you're very familiar with the
16 body of evidence in this case; am I right?

17 A. When you say "very familiar," I'm familiar.

18 Q. Familiar?

19 A. Yeah, I'm familiar.

20 Q. Fair enough. Fair enough. You have had opportunity
21 to conference with the County Attorney's Office in this case,
22 right?

23 A. Correct.

24 Q. You've shared with them your investigative findings,
25 of course?

1 A. Yes.

2 Q. Yeah. You've interviewed a few people in this case?

3 A. Yes.

4 Q. Okay, one of them that you interviewed was a witness
5 by the name of Clarcken. Do you remember that interview?

6 A. James L. Clarcken, yes.

7 Q. Okay, do you remember what date that interview took
8 place on?

9 A. April 14th, 2014.

10 Q. Okay, and was that interview recorded?

11 A. It was recorded.

12 Q. Okay, have you had recent opportunity to examine that
13 recording?

14 A. I did.

15 Q. Okay, and where did you interview Mr. Clarcken at?
16 Where was the -- where were you guys situated?

17 A. At his office in Salt Lake.

18 Q. Okay, he made a point during the interview to tell you
19 that he was vice president of a -- is it a petroleum company?

20 A. Correct.

21 Q. Okay, and James Clarcken, is it your understanding that
22 he offered testimony here in this case?

23 A. Yes.

24 Q. Okay, and your understanding is that he was an eye-
25 witness at one of the crime scenes, right?

1 A. That would be correct.

2 Q. Okay, and what scene was that?

3 A. That would be the shooting scene of the subject down
4 in Juab County.

5 Q. Okay, and correct me if I'm wrong --

6 A. Jose --

7 Q. -- but that was approximately mile marker 216?

8 A. I believe that's correct.

9 Q. Okay.

10 A. I-15, uh-huh.

11 Q. So Mr. Clarcken was a witness there. Your understanding
12 is that he offered testimony regarding what he witnessed there,
13 right?

14 A. That is correct.

15 Q. Okay, Mr. Clarcken also made a point in your interview
16 with him to point out that he has a Master's Degree in Business
17 Administration; am I right?

18 A. That's correct.

19 Q. Okay, and he-- in that interview described what his --
20 claimed to be his observations were, right?

21 A. Yes.

22 Q. You emphasized to him the importance of telling the
23 truth upon that day; am I right?

24 A. Yes.

25 Q. Of course, and in your interview with him he indicated

1 to you that he observed -- he didn't know her by name, but the
2 young lady who was laying on the side of the road, right?

3 A. Right.

4 Q. Who you know to be Meagan Grunwald?

5 A. Yes.

6 Q. He described her as being approximately 30 or 40 years
7 old?

8 A. He did say that.

9 Q. Okay, and he also described that when she first comes
10 into -- strike that question. So he claims he overheard a
11 statement from Meagan on that occasion, right? Vocalize --
12 he heard her vocalizing something on the roadside?

13 A. Yes.

14 Q. Is what he claims. Okay, and he claims that he's
15 situated roughly 10, 15 feet away from her --

16 A. Correct.

17 Q. -- when he overhears what he believes she said?

18 A. Yes.

19 Q. Okay, and he described -- well, he made a point of
20 indicating to you that he -- indicating to you that he was in
21 a 2014 Audi?

22 A. A6, that's right.

23 Q. An Audi A6, okay; and in your interview with him, one
24 important thing that you wanted to get clarification on is
25 whether or not the windows were up or down in his car when he

1 claims to have overheard what Meagan was saying, right?

2 A. Right.

3 Q. What did you -- what did he tell you when you asked
4 him if the windows were up or down?

5 A. He said the windows were up.

6 Q. The windows were up?

7 A. Yes.

8 Q. Okay, so if he had offered testimony to the jury here
9 that the windows in his vehicle were down when he overheard
10 that, that would have been false testimony?

11 A. I don't know if it was a mistake or --

12 Q. Okay, let me rephrase that. That would have been
13 inconsistent with the test -- with the statement he made to
14 you in 2014?

15 A. Yes.

16 Q. That interview in 2014 obviously is more close in time
17 to when he witnessed what he claimed to have witnessed?

18 A. Yes.

19 Q. Yeah, and in your interview with him back in 2014, he
20 didn't anywhere claim that Meagan called law enforcement "ass-
21 holes," right? He didn't claim that in his interview with you?

22 A. Not in his interview.

23 Q. Okay, that begs the question.

24 A. Okay.

25 MR. ZABRISKIE: Well, I'll let the prosecution ask that

1 question. All right, thanks, Jeff.

2 THE WITNESS: All right, thanks.

3 THE COURT: Thank you. Cross examination?

4 CROSS EXAMINATION

5 BY MR. TAYLOR:

6 Q. Mr. Robison, when you were interviewing Mr. Clarken,
7 you talked to him about whether or not his windows were up; is
8 that correct?

9 A. Yes.

10 Q. In addition to that, did you ask him any questions
11 about whether he heard anything with regards to what was going
12 on around him; is that correct?

13 A. The actual -- yes.

14 Q. Did he -- did he describe what he had heard?

15 A. He did.

16 Q. Was this interview recorded?

17 A. It was.

18 Q. During the course of this recording have you had a
19 chance to listen to his description as to what he heard while
20 he was parked 10 or 15 feet away from the subject who was lying
21 on the ground?

22 A. Yes.

23 MR. TAYLOR: Judge, pursuant to 801(d)-1(b), State
24 would like to play a little portion of that interview as a
25 prior consistent statement.

1 THE COURT: Any objection?

2 MR. ZABRISKIE: No, your Honor.

3 THE COURT: Okay.

4 (Counsel conferring off the record)

5 Q. BY MR. TAYLOR: Okay, I'm going to play a little bit of
6 the beginning, and then I'll stop and then I'll just ask you a
7 few questions at that point.

8 (Dash cam video played in the courtroom)

9 MR. ROBINSON: Okay, just for the record, it's April
10 24th, 2014, and I'm Jeff Robinson. I have Scott Finch here, and
11 I also have -- is it Jim Clarcken?

12 MR. CLARKEN: Yeah, it's Jim Clarcken.

13 MR. ROBINSON: Is the -- your full name is what there?

14 MR. CLARKEN: James L. Clarcken, Jr.

15 MR. ROBINSON: James. L. Clarcken, Jr.

16 Q. BY MR. TAYLOR: So is this the interview that you're
17 talking about when you met with Mr. Clarcken?

18 A. It is.

19 Q. Okay, and so -- all right, and Scott Finch was with
20 you also at that time?

21 A. Yes.

22 Q. That's correct.

23 MR. TAYLOR: Okay, could we move to 3:40.

24 Q. BY MR. TAYLOR: So this is into the interview a little,
25 but I'm going to play a little part and have -- see if this

1 accurately reflects what you heard on that occasion.

2 (Dash can video played in courtroom)

3 MR. CLARKEN: Stayed out. She started to get down. My
4 son was, "What's going on? What's going on?" At that point I
5 noticed a couple of the men with the assault rifles come over
6 to a female subject who was maybe 15 feet from the side of --
7 passenger side of my vehicle, 10 to 15 feet, and motioned to
8 there guns (inaudible) and told her to stay down on the ground.

9 MR. ROBINSON: Were your windows down so that you could
10 hear?

11 MR. CLARKEN: No.

12 MR. ROBINSON: Okay.

13 MR. CLARKEN: There was just a lot of yelling.

14 MR. ROBINSON: Okay.

15 MR. CLARKEN: You could hear audible instruction pretty
16 clearly, even though we were in the vehicle. It was snowing.
17 I remember thinking to myself why is this person outside in
18 summertime type attire, you know. I mean, she didn't have a
19 coat on or anything in the snow, and she was very upset, very
20 visibly shaken.

21 I remember her words were, "Oh, my God, why the F did
22 you shoot him? You didn't have to f-ing shoot him. Oh, my
23 God. Oh, my God," and crying and screaming. They were just
24 telling her, "Stay down. Stay down." My son said, "They're
25 not going to shoot her, are they?" I said, "No, they're

1 telling her to stay put. It's okay. You're okay. We're going
2 to be fine. We're going to be fine." The UHP officer spun
3 around and motioned us and said, "Get the hell out of here."

4 Q. BY MR. TAYLOR: So does that accurately reflect at
5 least that part of your conversation with Mr. Clarken and about
6 his -- what he heard on that date?

7 A. Yes.

8 MR. TAYLOR: Okay, thank you. Nothing further.

9 THE COURT: Thank you. Redirect?

10 MR. ZABRISKIE: No further direct.

11 THE COURT: Thank you. Can he be excused?

12 MR. ZABRISKIE: Defense excuses him.

13 THE COURT: Thank you. Call your next witness.

14 MR. ZABRISKIE: Defense calls Meagan Grunwald to
15 testify, your Honor.

16 THE COURT: Come forward. Let's have you sworn in,
17 Ms. Grunwald.

18 COURT CLERK: You do solemnly swear that the testimony
19 you shall give in the case now pending before the Court will be
20 the truth, the whole truth and nothing but the truth, so help
21 you God?

22 THE WITNESS: Yes, I do.

23 THE COURT: Thank you. Please have a seat here in the
24 witness box. Just make sure we can get you close enough it
25 will pick you up okay. Just pull that down a little bit more.

1 Okay, thanks.

2 MR. PEAD: It's a brave new world, Judge, (inaudible).

3 MR. ZABRISKIE: Sorry, Judge, we're sharing some equip-
4 ment together, so we've got to make a few little adjustments
5 real quick.

6 THE COURT: Okay.

7 MR. ZABRISKIE: Thank you, Judge.

8 THE COURT: Okay.

9 MR. ZABRISKIE: May I have just a second, your Honor,
10 too.

11 MEAGAN GRUNWALD,
12 having been first duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZABRISKIE:

16 Q. Meagan, let's get started. If you need anything, the
17 Judge will consider whatever your needs are at the time. Can
18 you go forth at this time?

19 A. Yes.

20 Q. Okay, please state for the record what your name is,
21 your full name.

22 A. Meagan Dakota Grunwald.

23 Q. Spell your last name for me, Meagan.

24 A. G-r-u-n-w-a-l-d.

25 Q. Okay, and Dakota, does that have any special signifi-

1 cance like the Dakotas or anything like that?

2 A. I don't really know.

3 Q. Uh-huh, and tell us how old you are now.

4 A. Eighteen.

5 Q. How old were you when this -- when this experience --
6 well, let's go back when you first met Angel. How old were
7 you?

8 A. Sixteen.

9 Q. Do you recall that year that was?

10 A. I think 2013, if I'm correct.

11 Q. Okay, and were you in school at the time?

12 A. I just ended school just a little after I met him.

13 Q. Uh-huh, and what grade were you in, technically what
14 grade were you in?

15 A. Junior, going into senior year.

16 Q. Okay, and was that school located in Salt Lake County?

17 A. Yes, sir.

18 Q. What school was it?

19 A. Riverton High School.

20 Q. Now, I'm going to ask you where -- not where you live
21 now, but where you were living at the time?

22 A. In Draper.

23 Q. Okay, and is -- had you lived in that home for very
24 long?

25 A. Yes, my whole life.

1 Q. Okay, and that home was located in Draper; am I
2 correct?

3 A. Yes, sir.

4 Q. Okay, who did you live with?

5 A. At the time when everything happened I lived with my
6 mom, but before I lived with my mom and dad.

7 Q. Do you have any brothers and sisters?

8 A. No, I'm the only child.

9 Q. Now, you know what this trial's about, don't you?

10 A. Yes, sir.

11 Q. It's about your acquaintance with one Angel Garcia?

12 A. Yes, sir.

13 Q. And a little bit about your life prior to that, so the
14 jury gets to know you. You understand all that, don't you?

15 A. Yes, sir.

16 Q. My dad was "sir." Do you feel comfortable calling me
17 "sir"?

18 A. I've just always had manners.

19 Q. All right, makes me feel older. Okay, let's kind of
20 cut to the chase. When did you meet Angel Garcia?

21 A. It was about June, was when I officially met him.

22 Q. Did you know him -- excuse me, give me the year,
23 please.

24 A. Um, 2013.

25 Q. Were you acquainted with him prior to that? You

1 indicated when you officially met him. Was there another date
2 when you had contact with him?

3 A. Yeah, at church I said "hi" to him, but I didn't
4 really have a conversation with him.

5 Q. When you -- so you saw him -- do you recall the date
6 when you first saw him?

7 A. I'm not quite sure, but I knew it was a couple of
8 months before I officially met him.

9 Q. Uh-huh. Were you aware of where he was living at that
10 time?

11 A. No.

12 Q. Did he ultimately live with someone in your neighbor-
13 hood?

14 A. Yes, sir.

15 Q. Who was that?

16 A. Chris and Rudy.

17 Q. Please give us their last name.

18 A. Chris Staker Allred and Rudy Burnell. I think that's
19 how you pronounce his last name.

20 Q. Had you had their acquaintance prior to the dates
21 we've talked about?

22 A. Yes, I've known Chris pretty much my whole life.
23 Then she married Rudy, and I've known Rudy since they've been
24 together.

25 Q. Okay, and you indicated that Angel may have lived with

1 them?

2 A. Yes, sir.

3 Q. Do you know -- do you know when he lived with them?

4 A. I'm not quite sure when he moved in. I know it was
5 the year 2013, I believe.

6 Q. Okay, but while he was living with them did you -- did
7 you meet him?

8 A. Yes, sir.

9 Q. Okay, now look, before we go forward as it relates to
10 Angel, you-- in high school did you have any special interests?

11 A. Yes, I did.

12 Q. In your junior year what were your interests?

13 A. I did FFA pretty much my whole high school time I was
14 there.

15 Q. All right, now I want you to stop there, please. What
16 -- we call initials acronyms or abbreviations. What does "FFA"
17 stand for?

18 A. Future Farmers of America.

19 Q. Okay, how did you get involved in that particular
20 organization?

21 A. A little before I did 4-H and I showed pigs. Then
22 once you --

23 Q. What is 4-H? 4-H what?

24 A. It's called "4-H." It's like a club.

25 Q. You know, I've heard that a lot of times. What does

1 the 4-H stand for?

2 A. I'm not for sure what it stands for, but I know that
3 I was in that club and I showed pigs.

4 Q. Pigs. Why pigs?

5 A. They are pretty much the only thing that you can
6 really make money on now, because steers cost so much money.
7 By the time you are showing them you have to feed them about a
8 five gallon barrel of barley or grain a day. So it gets pretty
9 pricey, and then plus hay. As they get older you have to feed
10 them more, and it's just a lot more work. So you're really
11 lucky if you even come out even on them.

12 Q. On cows?

13 A. Yes, sir.

14 Q. Okay, now let me ask you about the home you lived in.
15 Was it a small home?

16 A. Yes.

17 Q. Did you have much land with your home?

18 A. No.

19 Q. Where were the pigs maintained?

20 A. At my bishop's house. We would do them there, or the
21 local meat packing plant where he also owned. We would house
22 the pigs there.

23 Q. Okay, and did you purchase the pigs?

24 A. My attorney helped me -- I mean, not my attorney,
25 excuse me. My bishop helped me get them, and then at the end

1 of the year when I would sell them, I would pay him back the
2 money that -- for the pigs. Then whatever feed I owed him, I
3 would pay him with the check I got from the pigs from selling
4 them.

5 Q. So did you keep the pigs at your house -- at your
6 place or at the packing house or the farm wherever they were
7 at?

8 A. At the farm or the meat packing plant. It just
9 depended on the year.

10 Q. Uh-huh, and how long from start to finish if you were
11 to have a project involving these animals, what type of time
12 are we talking about? Did you raise them from little pigs to
13 big pigs; what happened?

14 A. Yes, we would get them when they were piglets, and
15 then we would have to work with them at least once a week to
16 like basically have them get used to you, because you guide
17 them with a cane or a stick, and you would have to train them
18 to basically like obey your commands.

19 Q. Train them to do what?

20 A. There's an arena where we show the pigs. So we would
21 take them like out and like basically like a smaller area, not
22 big so they could like run off. Then you would have to -- you
23 would basically gently tap to the back of their -- their heel
24 to make them go, or you would -- if you wanted them to turn
25 left you would tap their right shoulder, and if you wanted them

1 to turn right you would tap their left shoulder.

2 Q. They learned from that?

3 A. Not really. They're stubborn.

4 Q. Okay, did you have other projects involving the Future
5 Farmers of America, FFA?

6 A. Yes, I did a couple of other things. One of them was
7 science fare, and the other one was ag issues.

8 Q. Well, tell me about the science fare, what did you do
9 there?

10 A. Science fare we did them -- well, I basically did it
11 with a really good friend, and we decided to show the study
12 if the circumference of a farm of a cow measures the rib eye
13 count, and how you count the rib eye, is you can purchase a
14 grid off line, and you put it over the rib eye, and you would
15 count all the little squares that have the meat, but not the
16 outside, which is basically like the fat you wouldn't count,
17 but if there was fat inside the meat you would count it.

18 Q. To what end? Why?

19 A. Because we was trying to see if there was like a
20 relationship, to be able to tell like before like if you could
21 measure their circumference and decide like how big the rib eye
22 is. So we try to do that.

23 Q. Did it work?

24 A. No.

25 Q. Okay, so it was a wasted project?

1 A. I wouldn't say it was a waste. I learned a lot.

2 Q. Now, did you get involved in any competition with the
3 science fare or the FFA, anything like that?

4 A. Yes, I did with science fare.

5 Q. Okay, and tell us about that.

6 A. So we went to County and we competed. Then we ended
7 up basically winning County. So we went to State, and we took
8 second in State, and then I got a scholarship to Westminster,
9 a thousand dollars for four years.

10 Q. That was based on the competition?

11 A. Yes, sir.

12 Q. Was there any competition past that? Did you hear any
13 comment during this trial about going back to Indianapolis?

14 A. Yes, sir.

15 Q. How is it that you went back to Indianapolis?

16 A. I was on the ag issues team, and the ag issues you
17 basically have to show the pros and the cons about a certain
18 debate. So we decided to show the antibiotics in livestock.
19 You couldn't show more like pros to it or more cons to it.

20 Some of the cons were people, like if you ingest meat
21 and if it's not certify like tested for the antibiotics in
22 the meat, because sometimes it goes straight into the car and
23 then it goes straight to their meat. So you can basically like
24 overdose on antibiotics, and there were some cases where people
25 died from it.

1 Then we -- it was a team of five other girls. There
2 were six of us. We had to do a presentation. We had to do a
3 bunch of research. Then we took -- then we went to State, and
4 then State we took first. Then we went back to Indianapolis,
5 Indiana, and we ended up taking second.

6 Q. Is that second just for Indianapolis or did it involve
7 more area?

8 A. Just Indianapolis. It was basically like a national
9 regional, so only one team per state could go there.

10 Q. So you're a champion pig raiser and know a little
11 about cows?

12 A. Yes, sir.

13 Q. Now, I'm going to ask you a little bit about your
14 family's finances, and we'll get into that because I'm -- did
15 your parents -- what was the source of your parents' income?

16 A. They basically was on Social Security or Government
17 funds.

18 Q. Was that because of their handicaps?

19 A. Yes, sir.

20 Q. You've heard testimony during this trial as it relates
21 to their handicaps?

22 A. Uh-huh.

23 Q. Has there been an accurate description of what their
24 problems are?

25 A. Yeah.

1 Q. Your mother suffered some injury to her head; do you
2 recall that?

3 A. Yes, sir.

4 Q. You're aware of that?

5 A. Uh-huh.

6 Q. Your father had some difficulties?

7 A. Yes, sir.

8 Q. Okay, now I had one question that just came to me.
9 What -- Indianapolis, you didn't hitchhike back there.

10 A. No.

11 Q. How did you get -- pay your way back?

12 A. So my advisor Ms. Ferrufino, she -- they -- for the
13 FFA, like you basically like we could get like package deals,
14 and the cheapest package was \$300 per person. So I asked my
15 bishop if he would put my number up and if I could put a flyer
16 up in our ward so I could go around and do errands to make
17 money, and at that time I had to work extra hours to basically
18 provide the funds so I could go back there, plus food and stuff
19 like that.

20 Q. Is that what you did?

21 A. Yes, sir.

22 Q. Now, another thing just comes to mind. Pigs start off
23 cute, but they don't finish cute.

24 A. They're really stubborn.

25 Q. Do you bond with these little critters?

1 A. Yeah.

2 Q. So if you have them for a certain amount of time and
3 you care for them, you develop a relationship with a pig?

4 A. Yeah.

5 Q. But the pig goes to the packing plant ultimately,
6 right?

7 A. Yes, sir.

8 Q. You don't keep a -- they just keep growing, don't
9 they? Aren't they like a reptile, just like -- they go to the
10 packing plant?

11 A. Yeah, once I sell them, the person that buys them will
12 take them to the meat packing plant.

13 Q. So that critter that you've taken care of, you know
14 what's waiting there, don't you?

15 A. Yeah, unfortunately.

16 Q. Did that bother you?

17 A. A little, yeah.

18 Q. Did you eat the pig?

19 A. One pig didn't make weight one year, so we had to --
20 there was someone in our ward that was willing to buy half the
21 pig, and then we got the other half back and we ate it.

22 Q. Was it good?

23 A. Yeah.

24 Q. Okay, so with that, you were involved in what we would
25 call "extracurricular activities." Does that sound correct?

1 A. Yes, sir.

2 Q. Now, did you get a grade for that?

3 A. Yeah, and I got extra credit for it.

4 Q. Did those credits count towards your graduation?

5 A. Yes, sir.

6 Q. Now, tell me a little bit about school and -- did you
7 take a normal curriculum in school?

8 A. No, I had to take special classes, which are basically
9 resource classes because I have a hard time reading and writing
10 and I have a really hard time of like when I read stuff of
11 comprehending it and knowing what it says.

12 Q. Now, one of your teachers and counselors, and I just
13 forgot her name, Ferru --

14 A. Ferrufino.

15 Q. -- Ferrufino, she indicated that you had a little bit
16 of disability as it relates to reading. Is that in agreement
17 with what you just said?

18 A. Yes, sir.

19 Q. Okay, and how did you -- how did you advance with that
20 disability?

21 A. I had to work like extra harder than regular students.
22 So I had to take time and to-- so like if we had a book project
23 I had to spend like almost three times the time that a normal
24 student did to be able to understand it.

25 Q. Did you get pretty good grades?

1 A. Yes.

2 MR. ZABRISKIE: May I approach, your Honor.

3 THE COURT: Yes.

4 Q. BY MR. ZABRISKIE: I don't know that I've put these in
5 order, but I'm going to show you what's been marked as Exhibit
6 308, 308.

7 MR. ZABRISKIE: May I approach, your Honor.

8 THE COURT: Sure.

9 Q. BY MR. ZABRISKIE: Would you identify this for us,
10 please. Excuse me, ladies and gentlemen.

11 A. This is one quarter of being on the honor roll, and
12 this other one is another quarter of me being on the honor
13 roll.

14 Q. What does it take to get on the honor roll?

15 A. You have to have a 3.5 GPA.

16 Q. Did you get a 3.5 GPA?

17 A. I actually got a 4.0 that year.

18 Q. This is with your handicap?

19 A. Yes, sir.

20 MR. ZABRISKIE: Ask that this be admitted, your Honor,
21 as Exhibit 308.

22 THE COURT: Any objection?

23 MR. PEAD: No, your Honor.

24 MR. ZABRISKIE: Offer to publish to the jury, your
25 Honor.

1 THE COURT: I'll accept and receive Defendant's Exhibit
2 308. Any objection to publishing it?

3 MR. PEAD: No.

4 THE COURT: Go ahead. Thank you.

5 (Exhibit No. 308 received into evidence)

6 MR. ZABRISKIE: Just as -- we probably could have done
7 these together, your Honor. We have another exhibit here, 309.
8 May I re-approach, your Honor.

9 THE COURT: Sure.

10 Q. BY MR. ZABRISKIE: What is this here?

11 A. This is another quarter of me being on the honor roll.

12 MR. ZABRISKIE: Ask that the Court admit it, your
13 Honor, as Exhibit No. 309.

14 MR. PEAD: No objection to it being admitted or
15 published, your Honor.

16 THE COURT: Thank you. I'll accept and receive
17 Defendant's Exhibit 309.

18 (Exhibit No. 309 received into evidence)

19 Q. BY MR. ZABRISKIE: Now, Meagan, were you -- difficult
20 question, but were you a good student? I mean, by that, talking
21 about your conduct in high school. Were you a -- were you a
22 troublemaker? I'm trying to find the words.

23 A. No, sir.

24 Q. By that, you know there's certain rules that you live
25 by when you're going to an institution. You understand that,

1 don't you?

2 A. Yes, sir.

3 Q. Was your conduct exemplary and acceptable, as far as
4 you know?

5 A. Yes, sir.

6 Q. In fact, did you receive at least a reward in May of
7 2012 for being a good student?

8 A. Yes.

9 MR. ZABRISKIE: Approach, your Honor.

10 THE COURT: Yes.

11 Q. BY MR. ZABRISKIE: I'm going to show you what's been
12 marked as Exhibit 310. Tell us what that is and read its
13 content, please.

14 A. Do you want me to read the whole thing?

15 Q. It's not very long. Can you read it now?

16 A. Yeah. "This is a student of the month for May at
17 Riverton High School," and it states my name "Meagan Grunwald,"
18 and it states my teacher that gave it to me.

19 Q. Okay, and what does it take to get this type of award?

20 A. The teachers basically get to choose one student each
21 month. So that month my teacher chose me because I was very
22 quiet. I kept to myself. I worked extra hard in my math
23 class, and just simple tasks like that.

24 MR. ZABRISKIE: I ask the Court to admit Exhibit 310,
25 your Honor.

1 MR. PEAD: No objection to its admission or to being
2 published.

3 MR. ZABRISKIE: Thank you.

4 THE COURT: Thank you. Accept and receive defendant's
5 Exhibit 310.

6 MR. ZABRISKIE: (Inaudible).

7 (Exhibit No. 310 received into evidence)

8 MR. ZABRISKIE: I'm sorry, your Honor. I walked away
9 from the mic and I didn't realize I'm not at the mic.

10 Q. BY MR. ZABRISKIE: Now, when you were going to school
11 did you have extracurricular activities? By that, outside of
12 the school, except -- I mean, we've already talked about the
13 FFA and things like that. Did you have other activities?

14 A. Yeah, I did my CNA.

15 Q. Okay, now again, what -- you did the CNA program.
16 Before we discuss what CNA is, was that part of the school's
17 curriculum?

18 A. No, it was an outside thing at a college campus and
19 you got college credits for it, and you had to be tested in to
20 be able to see if you qualify for the class.

21 Q. What does "CNA" stand for?

22 A. Certified Nurse Assistant.

23 Q. For the benefit of the jury and certainly my benefit,
24 what -- what does a Certified Nursing Assistant do?

25 A. They do multiple different things. They work at

1 short-term and long-term facilities, also at hospitals and
2 rehab places. So would you like me to describe like what --

3 Q. Yes.

4 A. Okay, so basically what you would do is people that
5 are in rehab, some of them can't get up because they either had
6 like surgery on their knees and stuff, so you would help them
7 change their -- technically like what everyone else would call
8 them as diapers. So you would help them change them, clean
9 them. You would bath them, and you would help them get up and
10 go to like the dinner tables and stuff like that and help them,
11 because some of them they can't support themselves anymore
12 really, and some of them are blind, so you have to help them
13 and guide them to places like that.

14 Q. Was there a certain amount of time that was required
15 of you as it relates to achieving the CNA --

16 A. Yes.

17 Q. -- or whatever certification?

18 A. Yes, 140 hours.

19 Q. Did you in fact do that?

20 A. Yes, sir.

21 Q. What -- again, to what end? What -- does that mean
22 you can work in those facilities? Tell me what a CNA does for
23 you.

24 Q. They basically help you with basically like your --
25 even like your daily needs, like a simple task is like brushing

1 your teeth, putting on your glasses, putting your -- even like
2 putting on your clothes on, some people need help with that.

3 Q. Now, but does the CNA lead to something else? I mean,
4 you weren't going to -- were you going to make that your lives
5 work?

6 A. No, my goal in life is to be a life flight nurse.

7 Q. Okay, and how about did you have goals or was it your
8 desire to get involved in any other program like EMT, for
9 example?

10 A. Yes, I actually tested into EMT, and I was accepted,
11 and I was supposed to do it the second semester of high school,
12 but then my parents had to get a divorce and so we ended up
13 moving. So I planned on doing my EMT down where I'm going to
14 live.

15 Q. Now, did you -- did you work when you were in school?

16 A. Yes, I worked two to three jobs.

17 Q. Okay, let's go back to -- we don't have to go all the
18 way back in your life, but let's go back from the time between
19 being a junior in high school and a senior.

20 A. Okay.

21 Q. Or graduation from high school. Did you work during
22 that period of time?

23 A. Yes, I did.

24 Q. We've talked about your family's limited resources.

25 A. Yes.

1 Q. Was -- did that motivate you to have -- to work?

2 A. Yes, if I wanted a car, I had to pay for the car, I
3 had to get insurance, I had to pay for my own gas.

4 Q. Okay, and did you contribute to the -- to the family,
5 their costs and expenses?

6 A. Yes, occasionally when my mom was like short on money
7 or if a bill was not like the average like payment that we
8 usually pay, I usually gave my mom some money so she could make
9 the payment.

10 Q. Again, we've talked about your resources were somewhat
11 limited. I'd like you to tell the jury, if you can, what type
12 of jobs you had, and what type of time they took from your
13 daily schedule.

14 A. Um --

15 Q. That's -- let me -- let me back up. Strike the
16 question. Excuse me, your Honor. Describe what kind of jobs
17 you had.

18 A. I worked in a movie theater, so I would help people
19 like get their tickets, help them see where they wanted to
20 get seated. I did condiments, which is basically like your
21 popcorn, your soda, your nachos, your pretzels. I did that,
22 and then I also would clean the theaters after. That was one
23 of my jobs. Another one of my --

24 Q. Okay, stop there, please. What kind of time was
25 required of you as it relates to that job?

1 A. I believe I worked 20-plus hours just at that job a
2 week.

3 Q. Okay, and was that during your senior year in high
4 school?

5 A. And junior.

6 Q. Okay, and then what other job did you have?

7 A. I worked at Dale T. Smith and Son's Meat Packing
8 Plant, and I was -- I would basically clean up like after the
9 staff-- basically like I would go in their offices, I'd vacuum,
10 wipe the tables. Conference room I would do that.

11 Then in the break room because we had so many employees
12 working on the floor, which is basically -- they call it the
13 (inaudible) floor, which is basically where the cows are pack-
14 aged and stuff like that. They would have their own little
15 break room.

16 They had to separate rooms, and I would go clean the
17 microwaves, clean the tables, sweep the floors, mop the floors,
18 sweep the carpets and then vacuum them, and then sweep the
19 floors underneath them. I did stuff like that at that place.

20 Q. How many -- was that -- on a weekly basis how many
21 hours would you put in on that job?

22 A. At least ten. Sometimes there's three hours a night
23 just cleaning the break rooms.

24 Q. There has been testimony offered that that was kind of
25 come as you're needed job. Is that a correct description?

1 A. Yes.

2 Q. Then there was a third job?

3 A. Yes.

4 Q. What job was that?

5 A. I worked at the Holiday Oil, and so I'd basically help
6 people like cash out. So I'd basically ring their items up and
7 then tell them their total and then they would give the money,
8 stuff like that. I would go in the back, I would stalk the
9 refrigerator, and then I would also clean the floors after, so
10 like mop them and stuff like that.

11 Q. Dare I ask, how much time did you put in on that?

12 A. I worked there at least 10 to 15 hours there a week.

13 Q. So what you've described to us, would you characterize
14 it as a pretty -- pretty full week?

15 A. It was. It was very packed. I was lucky if I even
16 got the right amount of sleep.

17 Q. Uh-huh, now you have no brothers and sisters?

18 A. No, sir.

19 Q. If you could, describe for us in general terms how you
20 got along with your parents.

21 A. I knew like my mom had some mentally handicap. So I
22 was very -- I loved my mom, and I would basically help her a
23 lot. My dad, sometimes I would get a little frustrated with
24 him, but I just had to understand that like he was more frus-
25 trated than I was. So I had to take a breath and I had to help

1 him.

2 Q. Were you a perfect child?

3 A. I wouldn't say perfect, but I was pretty good.

4 Q. Did you have to help your mom with her memory?

5 A. Yes, she would call me multiple times a day; eight,
6 nine, ten, sometimes eleven times a day just to remind me of
7 simple tasks, such as like taking out the garbage. She would
8 have to call me to remind me that I did it.

9 Q. Did that happen at a certain time of the day or was
10 it --

11 A. It was pretty much all hours once she left the house.

12 Q. Uh-huh, and during that period was she all-- if you're
13 aware of whether in fact she had to call your father?

14 A. Yeah, she would call my father sometimes more than me
15 if I was in school.

16 Q. Okay, so her -- her agenda and her memories were
17 measured by telephone calls?

18 A. Yeah, and having sticky notes all over the house.

19 Q. Everywhere?

20 A. Everywhere.

21 Q. Now, I've noticed that you cuss.

22 A. Yes, but I've been working on it.

23 Q. Was there cussing in your home?

24 A. It was basically like frequent. It was basically
25 every sentence there was a cuss word in it.

1 Q. Uh-huh, and did you cuss in the home?

2 A. Sometimes, but I really tried hard not to.

3 Q. Now, you're -- we've made reference to the F word.

4 A. Yes.

5 Q. Did you use the F word?

6 A. Sometimes.

7 Q. Are you working on that?

8 A. Yes, sir.

9 Q. How are you doing?

10 A. Pretty good.

11 Q. Let's go back now, and if I -- I didn't offer this

12 as a caveat to you, but if I -- if you don't understand the

13 question I'm asking, ask me to repeat it. If I'm going to

14 fast, his Honor generally will say, "Slow down, Zabriskie,"

15 but if I -- if I confuse you at all, I want you to stop me.

16 A. Okay.

17 Q. Okay, let's go back and talk about Angel Garcia, Jose

18 Angel Garcia, okay? When did you formally -- I'm assuming that

19 you met him formally; is that correct?

20 A. Yes.

21 Q. When was that?

22 A. About June.

23 Q. Now, you've heard testimony -- well, let me ask you.

24 Did you hear testimony as offered by -- who's your friend, I

25 forgot her name.

1 A. Chris.

2 Q. -- Chris, that you met him at church. Is that your
3 recollection?

4 A. Yeah, but it was just a simple "hi." It wasn't like a
5 conversation.

6 Q. Okay, when were you introduced to him?

7 A. Then, and I was introduced by Chris.

8 Q. Pardon?

9 A. At church. I don't recall the month, but I know it
10 was that year of 2013.

11 Q. Okay, and how was he introduced to you?

12 A. Chris said, "Angel, Meagan. Meagan, Angel," and I
13 just said, "Hi."

14 Q. Where was that at?

15 A. At church.

16 Q. Okay, and did you have the occasion to meet him again
17 after that?

18 A. Yes.

19 Q. Tell me the circumstances -- or tell the jury.

20 A. June 2013 I went over to Chris' house to see if she
21 could help me find someone to help me study, and she's like,
22 "Angel's upstairs," and I was like, "Okay." She was like,
23 "I'll come up there with you and I'll introduce you to him
24 again, and you guys can talk."

25 Q. Well, why -- now, you've asked if -- did you ask her

1 to help you with your homework?

2 A. Yeah, but I knew she worked a lot, so I asked her if
3 there was anyone in the ward that would be willing to help me
4 study.

5 Q. Okay, now let me -- let me jump ahead a little bit.
6 Has your reading ability improved?

7 A. At that time -- right now?

8 Q. Uh-huh.

9 A. A little, yeah.

10 Q. During that period, in June of 2013, were you still
11 having trouble with reading comprehension?

12 A. Yes, sir.

13 Q. Okay, and is that -- that's the reason you went over
14 seeking help?

15 A. Yes, sir.

16 Q. Am I right in assuming that your parents were not
17 capable of helping you with your homework?

18 A. No, sir.

19 Q. In fact, if I heard your father correct, he can't read
20 or write?

21 A. Yes, sir.

22 Q. Did that cause frustration in your home?

23 A. Yeah, my dad would always ask my mom to read stuff, or
24 he would ask me.

25 Q. Uh-huh, and so they couldn't help you with your home-

1 work?

2 A. No, sir.

3 Q. You had resources at school; were they available to
4 you on a nightly basis for your homework?

5 A. No, because I was usually at work.

6 Q. Okay, now you evidently were referred to Angel. Was
7 that for the purpose of helping you with your homework?

8 A. Yes, because I had the CNA program coming up the fol--
9 that year, and so I wanted to make sure I had someone before
10 the time to help me study my medical terminology.

11 Q. Prior to that and prior to what you've described here
12 in this Court this day, did you know anything else about Jose
13 Angel Garcia?

14 A. Not at the time.

15 Q. Okay, had you heard anything from others -- don't
16 tell me what you've heard, but have you heard anything else
17 from others as it relates to him -- his demeanor or anything
18 like that?

19 A. No, all I knew that he was a very nice, respectful
20 man.

21 Q. Okay, did -- was it your impression that people liked
22 him?

23 A. Yes, it seemed like everyone liked him.

24 Q. Okay, and when you met him what was your feeling?

25 A. I got a good vibe from him. I felt like he was really

1 nice, and I felt like he was going to be really helpful for me.

2 Q. Did he help you?

3 A. He did a lot.

4 Q. I'm sorry?

5 A. He did a lot.

6 Q. Okay, did he -- now, that's one night sometime in

7 June; is it not?

8 A. That I met him, yes.

9 Q. Did you have occasion to meet him again after that?

10 A. Yes.

11 Q. When was that, if you can recall? If you can't recall

12 the date, give me how many days after.

13 A. I don't really recall, but I remember talking to him
14 about mid-August to see if he was still okay of taking the time
15 and helping me.

16 Q. So what happened between June and August, did you have
17 the occasion to meet him again or --

18 A. I would occasionally go by Chris' and talk to her and
19 her kids, and sometimes I would say "hi" to him, but we didn't
20 really have a conversation that much.

21 Q. Did he -- during that period of time did you learn a
22 little bit more about the man?

23 A. Yeah, I felt like I wanted to know a little bit more
24 about him, but he was really, really quiet, like more quiet
25 than I usually am.

1 Q. Uh-huh, and how did he treat you?

2 A. Very good.

3 Q. Okay, did he continue to help you with your homework?

4 A. Yes, he did.

5 Q. Was in -- what area? Was that just in reading or were
6 there other subjects he helped you with?

7 A. Reading, sometimes math, and I had history coming up
8 next, the second semester. So I was getting assignments from
9 one of my teachers to help me basically study so I would be
10 kind of ready for the class.

11 Q. When did you sleep?

12 A. After work, after studying. Sometimes I wouldn't go
13 to bed until 12 o'clock at night and I'd have to wake up around
14 6, 6:30 in the morning to get ready for school.

15 Q. Okay, now sometime in August you indicated that there
16 was another contact with Angel.

17 A. Yes, sir.

18 Q. Tell us the nature of that contact and what happened.

19 A. I went over to Chris' and I was like, "Hey," I was
20 like, "Like where is Angel? I kind of want to talk to him to
21 see if he is still willing to help me study." She was like, "I
22 don't know where he's at right now," but she's like, "Here's
23 his cell phone number, and you can just text him."

24 So I texted him. I was like, "Is this Angel?" He
25 replied, "Yes." I said, "Are you willing to help me study?"

1 I was like, "It's Meagan, by the way." He was like, "Yeah."
2 I was like, "Are you really okay?" I was like, "I don't have
3 money to pay you," I was like, "Because I'm really like -- but
4 it would basically really, really be appreciated if you took
5 the time and helped me study a couple hours every night."

6 Q. What happened?

7 A. He was like, "Yeah." He was like, "Just text me and
8 tell me basically when you want me to come over," and -- or
9 "I'll be at Chris' and we can study."

10 Q. Is that what happened?

11 A. Yes, sir.

12 Q. Did -- was there a program begun wherein he would help
13 you?

14 A. Yes.

15 Q. Can you remember at least some type of schedule? How
16 many times thereafter did he help you study?

17 A. I think August he started a new job. I can't recall
18 if it's August or September he started a new job, and he ended
19 up working at Dale T. Smith and Son's Meat Packing Plant where
20 I worked. He was a butcher, so he worked on the kill floor.
21 So he would basically --

22 Q. A what?

23 A. A butcher.

24 Q. He worked on the what?

25 A. On the kill floor. It's basically where they pack

1 meat. That's what they call it is the kill floor.

2 Q. Uh-huh.

3 A. He would jag the pieces, because they have a big table
4 of five to six guys on each side. So they would drag a 300 to
5 400 -- basically -- basically like a side of a cow, the meat
6 down, and they would cut it up into pieces and then cut up like
7 the rib eyes, the ribs, and stuff like that. So he did that.
8 So he ended up working 12 to 14 hours a day.

9 Q. Did you know how old he was?

10 A. Um --

11 Q. Well, let me back up. When you first met him --

12 A. When I first met him he said he was 22, 23.

13 Q. When you first met him, how old were you?

14 A. I was 16.

15 Q. Okay, now that's still quite a bit older than you.

16 Did the age difference bother you?

17 A. A little, but we were always in open areas. So I kind
18 of felt a little more safe.

19 Q. Uh-huh, now did you ultimately find out whether that
20 was the correct age?

21 A. No, I found out that he lied to me about his age.

22 Q. All right, how much older than you was he?

23 A. I found out later that he was almost ten years older
24 than me.

25 Q. Would it be closer to nine?

1 A. Yeah.

2 Q. Okay, now did you find out anything else about him
3 upon your first meeting?

4 A. No.

5 Q. Were you aware that in fact he had been in prison or
6 jail?

7 A. No, he said he was on parole, but I didn't really ask
8 why or anything.

9 Q. Uh-huh, now you're a young girl. Had you had any
10 contact with the criminal justice system during this period of
11 time?

12 A. Are you talking about like the police, basically?

13 Q. Uh-huh.

14 A. No, but I had a 7-Eleven right around the corner of
15 my house. Every time I would go there I would always say "hi"
16 and I would talk to them and see how they were doing, but other
17 than that, not really.

18 Q. By that, though, did you know the grades of crime,
19 the difference between felonies, misdemeanors, jail, prison?

20 A. No.

21 Q. Stuff that we have to know. You would -- would you
22 know that?

23 A. No, I never really understood it.

24 Q. Uh-huh. Now, when did you find out that he had been
25 in prison?

1 A. About Novemberish.

2 Q. Could it have been a little before or a little after?

3 A. It might have been, but I know it was around November.

4 Q. How did you find out?

5 A. I was talking to him, and he's like, "There's some-
6 thing I need to tell you." I was like, "Like what?" He's
7 like, "I was actually in prison." I was like, "Okay." I
8 was like -- because I don't -- I really didn't understand
9 the difference between jail and prison. Asked him why he
10 was in prison and he said, "It was self-defense," but he's
11 like, "The guy ended up dying, so I got a manslaughter charge."
12 He never told me the story. He never told me what happened.
13 That's all he said, and it was like a quick conversation and
14 then he changed to something else.

15 Q. Now, were you aware of -- you've indicated in your
16 testimony that he lived with Rudy and your friends -- lived in
17 their house?

18 A. Yes, sir.

19 Q. Do you know when he moved out of that house?

20 A. I don't really recall when he moved out. He was still
21 -- sometimes he would go there and spend the night, but I'm not
22 really for sure when he moved out.

23 Q. But he ultimately moved to another house; did he not?

24 A. Yes.

25 Q. What house was that?

1 A. My house.

2 Q. Okay, now do you know what the terms or circumstances
3 were of that move? Once again, though, let me -- excuse me,
4 let me back up, delay that question, if you would. Describe
5 for us again your house.

6 A. It's only a two-bedroom house.

7 Q. Would you characterize it as a rather small home?

8 A. Yes.

9 Q. Okay, and so how -- how is it that he ended up -- I
10 think it was Rudy Burrell is his name, right?

11 A. Yeah.

12 Q. How did he move from Rudy's house to your house, if
13 you know?

14 A. I don't really recall him moving in. Just all of a
15 sudden he would spend some nights there. I don't really recall
16 him occasion -- like all the way moving in. He did have some
17 clothes there and stuff for the next day at work, but other
18 than that I don't really recall him moving in all the way.

19 Q. Do you know -- well, somebody in your home had to give
20 permission. Tell us how, if you know, how he ended up at your
21 house as a resident of your home.

22 A. I remember one Sat -- one time he was outside talking
23 to my dad, Jerry, and I went to go open up the garage door
24 because we have a back door that connects our house and our
25 garage. I went to go open up the garage door, and I'm like,

1 "Hey, like I'm ready to study. Like I got my laptop ready, and
2 I got stuff so we can study." He's like, he's like, "Go back
3 inside." He's like, "I'm talking to your dad." I was like,
4 "Okay." Then come to find out, he was helping my dad with a
5 little bit of rent and buying his own food so he could stay
6 there.

7 Q. But you were aware that he was moving into your home?

8 A. Yes.

9 Q. Now, there's been testimony to the effect that he
10 filed a change of address with parole that took effect sometime
11 in December. Is that your recollection?

12 A. I don't -- what are you asking? Sorry.

13 Q. I'm sorry, when did he move into your home? Not just
14 be there, but when did he move into your home, if you can
15 recall?

16 A. I would say late September.

17 Q. So it would have been before the December date?

18 A. Yes.

19 Q. Okay, and did you ever determine whether in fact he
20 was paying rent or anything like that?

21 A. Yes, I know he was giving my dad a little over \$300 a
22 month, I think, and then he had to buy his own food.

23 Q. Okay, and did he bring anything else to that -- to the
24 deal -- to the table?

25 A. What do you mean?

1 Q. Was there any other compensation that you're aware of
2 that he paid for his residence there?

3 A. Not that I'm aware of.

4 Q. Okay, now is he continuing to help you with your home-
5 work?

6 A. Yes.

7 Q. Okay, is the relationship between you and Angel --
8 what direction is it going in? By that, is it becoming more
9 friendly? Are you hanging out together? The vernacular of
10 the young escapes me, but tell me how -- what the nature of
11 the relationship is let's say in November between you and
12 Angel?

13 A. I started having a little bit of feelings for him.

14 Q. Uh-huh, and did you see him almost every day?

15 A. Yeah, pretty much almost every day.

16 Q. Now, when he moved into your home, was he there every
17 day?

18 A. He was there usually every day to help me study, but
19 he didn't usually spend the night. He would usually go to his
20 brothers; but other than that, I know he stayed at Chris' some-
21 times.

22 Q. But he did stay at your house on occasion?

23 A. Yeah.

24 Q. In fact, he was paying rent for that privilege?

25 A. Yes.

1 Q. Okay, let me cut to the chase. Did you become -- was
2 the relationship one of boyfriend/girlfriend?

3 A. Yes, but only for a really short period of time.

4 Q. When did that start, this -- where you considered
5 yourself a pair? Tell me when that started, if there is a
6 date, I don't know, but about.

7 A. I know it was towards the end of November.

8 Q. Was he your first boyfriend?

9 A. No, I only had one before.

10 Q. Okay, now do you know how old he is when you -- when
11 you developed this relationship with him?

12 A. I didn't quite found out his real age.

13 Q. Uh-huh. When did you find out his real age, if you
14 remember?

15 A. December. It was around November, December time.

16 Q. Do you recall how you found out?

17 A. Um, I -- he asked me to get something out of his
18 wallet, and I was like, like I don't -- like I was like, "Are
19 you sure?" He's like, "Yeah." So I glanced at his ID and I
20 saw his birth date, and I questioned him about it later. I
21 was like, "Why did you like lie to me about your like date?"
22 I was like, "I just --" I was like, "I asked you a simple,
23 honest answer -- like question, and you couldn't reply with
24 me to an honest answer."

25 Q. Okay, now you know he's quite a bit older than you.

1 Did that bother you?

2 A. Yes.

3 Q. But you didn't break it off?

4 A. I started to a little, but not all the way.

5 Q. Well, let me ask you, did you love this man?

6 A. I did care for him.

7 Q. Did you love him?

8 A. I did.

9 Q. You turned -- when did you turn 17?

10 A. The August of that year.

11 Q. Okay, now you did describe about the arrangement as it
12 relates to his staying there. Was there a place -- where was
13 he supposed to sleep when this started?

14 A. The living room.

15 Q. Okay, and now if he's paying \$300 a month, that's a
16 pretty expensive couch. Did he stay in the living room?

17 A. No, he officially -- he eventually moved to my bedroom
18 and then I was in the process of taking my clothes out of there
19 and putting them into my mom's bedroom.

20 Q. Okay, and where were you going to stay?

21 A. In my mom's bedroom.

22 Q. Excuse me, was your dad -- your dad -- did you know
23 your dad's testimony when he was on the stand?

24 A. Yes, a little.

25 Q. Uh-huh. Was that difficult for you?

1 A. Yeah.

2 Q. Okay, how did your dad feel about this arrangement?

3 A. I'm not quite sure how he felt. I never -- I haven't
4 talked to him.

5 Q. Uh-huh.

6 A. Since him and my mom decided to get a divorce, I just
7 really haven't talked to him since then.

8 Q. Is that because there's a protective order?

9 A. Yes.

10 Q. Do you care for your dad?

11 A. Yes, I do love him.

12 Q. Do you see some reconciliation in the future with your
13 dad?

14 A. Yes.

15 Q. It goes without saying, did you love your mother -- or
16 do you love your mother?

17 A. Yes, I do.

18 Q. Would it be your intention to continue to live with
19 your mother?

20 A. Yes.

21 Q. Now, there was a confrontation in November, and
22 there's been testimony offered to the effect that it had
23 something to do with Angel. Do you recall that in November?

24 A. I don't really recall what happened.

25 Q. But you got pretty mad about something?

1 A. Yeah.

2 Q. Okay, was there an argument between you and your
3 father?

4 A. Yes.

5 Q. Do you recall what that was over?

6 A. It was over Angel, and then he told me to basically
7 like get out of the house. I was like, "Can I at least grab a
8 sweater and stuff?" He's like, "No." He's like, "Get out of
9 my f-ing house."

10 Q. Was that over Angel?

11 A. Yes.

12 Q. Where was Angel when this was happening?

13 A. I'm not for sure where he was, but I remember he took
14 off in his Cadillac.

15 Q. Okay, now that was -- I think it's been characterized
16 as November -- can't remember the exact -- excuse me, December
17 11th or 12th; does that sound right?

18 A. I don't really remember the date, but it sounds about
19 right.

20 Q. Okay, now you were frustrated that day?

21 A. Yes.

22 Q. Was Angel still helping you with your homework?

23 A. Yes, he was.

24 Q. Were you getting pretty close to graduation?

25 A. Yes.

1 Q. Was that a critical time in your life?

2 A. Yeah, I just wanted to finish off my high school year,
3 basically my high school time really strong.

4 Q. Now, there had been tension between -- was there
5 tension between you and your father prior to that date?

6 A. A little, yes.

7 Q. Had there been tension building up that had nothing
8 to do with Angel between you and your father?

9 A. Yes.

10 Q. Describe to us the nature of that tension.

11 A. I know my dad, he basically -- I don't think that he
12 realized like how old I was, that I was about to move out. I
13 was about to graduate high school. I don't think he realized
14 that like when I turned 18 that I was going to move out of the
15 house. I don't think he fully realized that. So he was really
16 upset about it, I think.

17 Q. Well, you were close to your dad at one time; were you
18 not?

19 A. Yes, I was very close when I was younger.

20 Q. Did he teach you how to work on cars?

21 A. Yes.

22 Q. What do you know about cars; what can you do?

23 A. Do you want me to tell you like things I've done?

24 Q. Yeah.

25 A. Okay, I -- in one of my trucks, my grandma's, I was

1 taking apart the transmission to rebuild it because the fourth
2 gear was worn. So there's a plate on the transmission, and I
3 removed the plate, I drained the oil, and I looked inside, and
4 I had someone get in the car and shift down into fourth gear so
5 I could tell what gear it was, and I found out that my fourth
6 gear was -- there's little -- like I don't know if you would
7 really call them "notches" in the gears, and mine was almost
8 down all the way where like fourth gear wouldn't even go in.

9 Q. Okay, now you can stop right there. You probably lost
10 all the attorneys in this room for sure, and maybe some of the
11 jury, but you know how to work on cars?

12 A. Yes, sir.

13 Q. Is it kind of a hobby?

14 A. Yes, I love doing it.

15 Q. Were you a tomboy?

16 A. Yeah.

17 Q. Are you still a tomboy?

18 A. Yeah.

19 Q. Now, Angel is in the home and he's still maintaining
20 that as his residence in November and up to this date, right?

21 A. Yes, around -- I remember my dad said that he could
22 come back, that he was sorry --

23 Q. Well, let's not get ahead of ourselves here. He --
24 you and -- I know this is difficult for you, but I have to ask
25 these questions. Were you and Angel drawing closer together

1 physically?

2 A. Yes, there was a little bit of intimacy.

3 Q. Well, let me -- just wait.

4 A. Sorry.

5 Q. You were going together -- you're becoming closer
6 together?

7 A. Yes.

8 Q. You've testified that you loved the man?

9 A. Yes.

10 Q. Okay, now is he becoming more involved in your life?

11 A. Yes.

12 Q. In fact -- let me back up a little bit. You had three
13 jobs, as you've testified to here?

14 A. Yes.

15 Q. Did you -- what happened to those jobs?

16 A. Angel said that --

17 Q. Just tell me what happened to the jobs, then we'll ask
18 -- okay?

19 A. I ended up quitting all of them.

20 Q. Okay and was that -- what caused that; is it because
21 you had more money in the home?

22 A. No, Angel said that if I studied more and focused more
23 on school, that he would pay for all my -- basically like -- I
24 don't know if you really want all my things I had to pay for.
25 So like my -- my insurance, my gas, school supplies --

1 Q. So he's becoming more involved in your life?

2 A. Yes.

3 Q. Would you characterize that as controlling?

4 A. At the time I didn't realize it, but now that I look
5 back on it he was very more controlling. He was getting more
6 and more controlling.

7 Q. Now, like all relationships, they're rarely static,
8 dormant. Did you become intimate with Angel? Go ahead.

9 A. Yes, only on a few occasions.

10 Q. Uh-huh, and did that intimacy ultimately result in
11 sexual conduct?

12 A. Yes.

13 Q. You don't have to tell us, describe it in detail, but
14 again, using a vernacular that has long since disappeared into
15 history, did you go all the way?

16 A. Yes.

17 Q. Now, were you worried about being -- or getting
18 pregnant?

19 A. Yes.

20 Q. In fact, did you make inquiry as to what it takes to
21 get pregnant and things like that?

22 A. Just -- I don't -- sorry, I don't understand the
23 question.

24 Q. Neither do I; but you were worried about it, right?

25 A. Yes, I was.

1 Q. Okay, now I'm not going to ask you how many times this
2 happened, but was it frequent, this intimacy?

3 A. No.

4 Q. Okay, is that because you were still living in your
5 home?

6 A. Yes.

7 Q. Now, to do this particular -- to do what you've
8 described, did that require some sneaking around on your part?

9 A. Yes.

10 Q. Did your folks inquire -- well, let me start with your
11 mother. Did your mother inquire as to whether you were being a
12 good girl or a bad girl? I don't know how she would put it to
13 you.

14 A. She asked me about it and I told her no.

15 Q. So you fibbed to your mom?

16 A. Yes.

17 Q. How about your dad?

18 A. I did the same.

19 Q. Did your dad ask you if you had -- or did he accuse
20 you of being intimate with Angel?

21 A. Yes.

22 Q. Now, after this -- after this -- this incident with
23 your dad in December, you said, I think you testified, that
24 Angel left; is that correct?

25 A. Yes.

1 Q. Did he -- did he come back to your home? Let's assume
2 this is -- and again, the date might be wrong, but I trust the
3 jury to remember it. Sometime in December did he -- he left
4 after this experience with your dad?

5 A. Yes.

6 Q. Did he come back that day?

7 A. No.

8 Q. Did he come back the next day?

9 A. No.

10 Q. When did he come back to the house -- or if he did
11 come back. Did he come back to the house?

12 A. Yes.

13 Q. When was that?

14 A. I believe it was like the middle of December or a
15 little bit before Christmas.

16 Q. How is it that he came back for Christmas?

17 A. My dad said that he was welcome back to the house.

18 Q. Was it because it was Christmas or just the Christmas
19 spirit?

20 A. I believe it was because Angel didn't really have any
21 family besides his brother, and he didn't want to go over to
22 Chris' house. So my dad I think kind of felt bad for him, so
23 decided that he could come back to the house and celebrate
24 Christmas with us.

25 Q. Now, I'm going to ask you -- get it out of the way

1 right now. Did you ever use methamphetamine before you met
2 Angel?

3 A. No.

4 Q. Did you use methamphetamine after you met Angel?

5 A. Yes.

6 Q. How is it that you came to get involved with meth-
7 amphetamine?

8 A. I'm sor -- I don't really --

9 Q. Why after meeting Angel did you get involved in the
10 consum -- the taking of methamphetamine -- I'll call it meth?

11 A. Okay, I had wisdom teeth that were supposed to get
12 pulled out the day after I got arrested, and I told Angel that
13 they was really hurting me, and my mom called my dentist and
14 got me some pain medication, but when I take that I -- I like
15 I throw up and vomit, even if I take a little bit, and I eat, I
16 end up throwing it up, and I basically get really, really ill.

17 Q. So you took -- who gave you the meth?

18 A. Angel.

19 Q. You'd never used it before?

20 A. No, sir.

21 Q. And you did use it?

22 A. Yes, sir.

23 Q. How did that make you feel?

24 A. It would make me to the point where I felt really,
25 really ill. It would work for a really, really short period

1 of time, and then it would make me extremely ill, and then I
2 would end up throwing up, and then my mouth hurt worse.

3 Q. I'm going to cut -- jump ahead a little bit here, and
4 there's a lot in between. Up to June 30th -- excuse me, January
5 30th of 2014, you realize that that date is the date that -- the
6 date of infamy. That's when everything that's been addressed
7 here in this Court took place.

8 A. Yes, sir.

9 Q. Do you remember that date?

10 A. Yes, sir.

11 Q. Did you sometime before that take meth?

12 A. Do you want me to tell you the date I did?

13 Q. Yeah.

14 A. Just the night before I got arrested.

15 Q. Okay.

16 A. It was probably --

17 Q. Did you take it on the date that you were arrested?

18 A. No, sir.

19 Q. So you heard the expert testimony to the effect that
20 the evaluation of your system indicated that you had not taken
21 it the day of the arrest?

22 A. Yes, sir.

23 Q. But you do admit to taking it before?

24 A. Yes, sir.

25 Q. How did it make you feel the day before?

1 A. I worked for a little. Then it just made me really,
2 really ill again, and I would throw up, which would make my
3 teeth hurt more because my jaw was opening.

4 Q. Okay, another matter I'd kind of like to get out of
5 the way before we go forth. There's been some talk about a
6 tattoo --

7 A. Yes.

8 Q. -- on Angel's neck. Do you recall seeing that tattoo?

9 A. Yes, I do.

10 Q. Do you recall what it said?

11 A. Baby. That's what it said when I met him.

12 Q. Was it spelled Babby, B-a-b-b -- i-e- or y?

13 A. Y. It's just y.

14 Q. So B-a-b-b-y?

15 A. Uh-huh.

16 Q. That's Babby?

17 A. I guess, if you want to call it that.

18 Q. If you recall, did he have that tattoo spelled the way
19 you spelled it when you met?

20 A. Yes, he had it the exact same way.

21 Q. So did you at any time thing that Babby was some type
22 of endearment or homage to you?

23 A. No.

24 Q. In honor of you, I'm sorry?

25 A. No, not really.

1 Q. Okay, so would it be correct to state you really don't
2 know when he got that thing?

3 A. Yes, sir.

4 Q. Now, again, so I don't lose sight of this, did he give
5 you any type of gift; by that, a ring?

6 A. Yes, he did.

7 Q. What would you call that ring?

8 A. Just a friendship ring.

9 Q. Okay, and were you thrilled with that?

10 A. A little, yes.

11 Q. A little, yes. Were you thrilled with that?

12 A. Yeah.

13 Q. Okay, did you interpret that to be some type of
14 wedding ring or anything like that?

15 A. No, sir.

16 Q. There was some concern the day that you talked to
17 Patty Johnston that that ring be preserved. Was there any
18 particular reason for that, other than the fact that it's a
19 ring?

20 A. Yes, I decided -- I didn't know how much it was worth,
21 but I thought it was around 300, and I wanted it to give to my
22 mom so if she needed any expenses paid for, she could pay for
23 it.

24 Q. Okay, did you ever say to your mother or any member of
25 your family, "Save his clothes"?

1 A. I don't --

2 Q. Angel's clothes?

3 A. -- I don't remember saying that.

4 Q. Okay, so now he's been out of the house from the
5 experience in December. He comes back sometime around Christ-
6 mas; is that correct?

7 A. Yes, sir.

8 Q. Does he continue to stay at the house after Christmas?

9 A. Yeah, he did. He wasn't there every night, but he was
10 there a couple nights a week at least.

11 Q. In the way of correction, if I told you that this
12 first conflict was November 16th, would that sound more correct
13 to you?

14 A. I don't really recall the day.

15 Q. Okay, now you're -- he's back in the house. Tell us
16 -- tell us about the -- there's about a month of time here,
17 maybe a month and a half where you're boyfriend/girlfriend.
18 Is that a correct -- a correct definition of your relationship?

19 A. I thought we were.

20 Q. Now, tell me what -- what kind of activities you were
21 involved in? I mean, what do people that are dating or going
22 together, what did you do?

23 A. Um --

24 Q. Other than what we've already described.

25 A. We would go to the movies occasionally, but it wasn't

1 like every day. We would sometimes go out to eat, but it wasn't
2 like -- I guess you would call it like a date, kind of, but not
3 really.

4 Q. Well, would you go out -- there's pictures showing you
5 at different -- different events. Were those dates?

6 A. Kind of, I guess, now that I look back at it, yeah.

7 Q. Okay, you weren't going -- or dating anyone else, were
8 you?

9 A. No.

10 Q. You went to a -- a Tech 9 --

11 A. A Tech 9 concert?

12 Q. Yes.

13 A. Yeah, we did.

14 Q. Uh-huh. Was that a date?

15 A. Yeah.

16 Q. Okay, but you went with other people?

17 A. Uh-huh.

18 Q. Were there any other concerts you went to, anything
19 like that?

20 A. Not concerts. We went to different events, but not
21 concerts.

22 Q. Now, did you have guns in your house?

23 A. No, they weren't allowed.

24 Q. Any type of gun; did you have a gun?

25 A. I had a b.b. gun, but that's all.

1 Q. Okay, have you ever owned a gun?

2 A. No, sir.

3 Q. Do you know what an AR-15 is?

4 A. No, sir.

5 Q. Would you know an AR-15 from a dozen eggs?

6 A. No.

7 Q. Okay, have you ever shot a pistol before in your life?

8 A. No, sir.

9 Q. Have you ever had a pistol shot around you excepting

10 the 30th of January and thereafter of 2014?

11 A. No, sir.

12 Q. Have you ever shot with an uncle, a friend or anyone

13 else a shotgun?

14 A. No, sir.

15 Q. Ever shot a rifle?

16 A. No, sir.

17 Q. Now, was that because your folks would not allow it?

18 A. Yeah, pretty much.

19 Q. Did you ever have the inclination or the urge to

20 purchase a gun, anything like that?

21 A. No, they honestly kind of scare me.

22 Q. Okay, now in your room there was a -- a chest, or

23 excuse me, a box, a security box, a picture of which you've

24 seen; and in there were some bullets?

25 A. Yes.

1 Q. Had you seen those bullets before those pictures were
2 taken?

3 A. Yes.

4 Q. Who had those bullets?

5 A. Angel.

6 Q. Did you know what they were?

7 A. All I knew is that they were bullets.

8 Q. Did you know anything about the caliber?

9 A. No.

10 Q. Did you handle them?

11 A. I remember holding them for a quick second, but other
12 than that, no.

13 Q. Did -- were you curious as to why he had them?

14 A. Yes, I questioned him about it.

15 Q. Tell me what you asked him.

16 A. I was like, "Why do you have these bullets?" and he
17 said that they were -- he was basically going to give them to a
18 friend at work. I was like, "Well, like they need to get out
19 of the house." I was like, "My family does not allow guns in
20 the house.

21 Q. Was that the last time you saw those bullets excepting
22 here in Court?

23 A. Yes, sir.

24 Q. Okay, now while we're on the subject, you indicated
25 you were having trouble with your teeth; is that correct?

1 A. Yes, sir.

2 Q. Did it cause you pain?

3 A. Yes, sir.

4 Q. Were you going to attend to that sometime that month?

5 A. Yes, sir.

6 Q. Tell us what you had planned.

7 A. I called an -- I think they're called an oral surgeon,
8 the person that takes out your wisdom teeth. I called them and
9 made an appointment. He x-rayed my teeth, and then later on
10 made an appointment to get them removed.

11 Q. Okay, now let's -- let's back up. It's Christmas, the
12 holidays between 2013 and 2014. Am I right, or was -- Angel
13 now is back in the house?

14 A. Yes.

15 Q. Was it the same routine as it relates to his coming
16 and going?

17 A. A little.

18 Q. Uh-huh. Now, you're -- at that time do you still care
19 for Angel?

20 A. I did. I did as a friend, though.

21 Q. Uh-huh. Well, I saw a birthday card addressed to him.

22 A. Yes.

23 Q. It was obviously from you.

24 A. Yes.

25 Q. Do you know when you gave him that birthday card?

1 A. I recall it was the beginning of January-- I mean, not
2 the beginning, excuse me. It was around the middle of January.
3 I gave it to him sometime before his birthday because I didn't
4 know what his plans were, and I didn't know like what he basic-
5 ally had planned, so I didn't want to --

6 Q. Let's stop right there. Was there a confrontation
7 sometime in January, and if I told you January 11th or 12th,
8 would you remember that date?

9 A. I don't really remember --

10 Q. The date?

11 A. -- the date.

12 Q. Sorry. Was there a confrontation involving Angel and
13 your dad?

14 A. Yes.

15 Q. Did you witness that confrontation?

16 A. No.

17 Q. But you knew about it?

18 A. Yes.

19 Q. When did you get involved?

20 A. When -- I don't really recall what happened, but
21 I remember talk -- I was talk -- I was in my mom's bedroom
22 talking to my mom, and my mom has like a really, really long
23 bedroom. So I was clear in the back by her bed talking to my
24 mom, and I remember hearing the back door slamming, which is
25 -- the garage door, which is -- there's a little hallway that

1 connects to my mom's bedroom and the garage door. I remember
2 that. Then I remember slamming it. Then I remember my dad
3 getting physical with me and my mom.

4 Q. Okay, and when you -- did you ultimately go in and
5 see your dad and your mom and whatever was going on between
6 them?

7 A. Yeah.

8 Q. Okay, did you see Angel there?

9 A. No, I guess -- I found out later that he took off.

10 Q. Okay, at any time after this incident or at anytime
11 that day did you see Angel with a gun?

12 A. No.

13 Q. Okay, now there's -- is there an argument going on
14 between your father and mother?

15 A. Yes.

16 Q. Describe to us, if you can, what -- I don't want a
17 blow-by-blow definition, but what was going on?

18 A. My mom and my dad were fighting, and my dad started
19 getting physical with my mom.

20 Q. Started what?

21 A. Started getting physical with my mom.

22 Q. Okay, and did you get involved?

23 A. Yes, I did. I pushed my dad off my mom, and I said,
24 "Please don't put hands on my mom."

25 Q. I suspect it was with a much more intense voice than

1 I'm hearing here.

2 A. Yes.

3 Q. Were you upset?

4 A. Yeah, I was.

5 Q. Was there some confrontation between you and your
6 mother -- excuse me, father?

7 A. Yeah, my dad backhanded me across the face; and I
8 said, I was like, "You know you can get in trouble for that,
9 right?" He's like, "Yeah." Then me and him started -- I
10 guess he started hitting me more, and I said, "Get off me,"
11 and I pushed him; and he started getting physical with me more,
12 and so I took him down to the ground and I said, "Just leave me
13 and my mom alone."

14 Q. Is that what happened?

15 A. Yes, sir.

16 Q. Now, did Angel return to the home that day?

17 A. No.

18 Q. Was he -- at that time he was not residing there any-
19 more was he?

20 A. No.

21 Q. Okay, did he give you a reason why? Did he talk to
22 his probation officer, that you're aware of?

23 A. Not that I'm aware of.

24 Q. Okay, are you aware of whether in fact his probation
25 officer told him, "You can't go back there"?

1 A. Yeah, I was.

2 Q. How did you find that out?

3 A. He told me.

4 Q. Okay, so he's out of the house now?

5 A. Uh-huh.

6 Q. So except for what you've described, moved in sometime
7 in the fall, he was there until this blowup in November. He
8 leaves, he comes back for a period of time from the holidays up
9 until the date of this last battle, and then he's out of the
10 house again?

11 A. Yes.

12 Q. Did he return to the house, though? I mean, not to
13 live, but did he return to the house?

14 A. Yes, he did.

15 Q. Now, when -- were the police called during this
16 confrontation with your father?

17 A. Yes.

18 Q. Did the police come?

19 A. Yes, they did.

20 Q. What happened?

21 A. They just asked me basically what I seen, and I told
22 them.

23 Q. What happened to your father?

24 A. My father ended up going to jail that night.

25 Q. Do you know what a protective order is?

1 A. A little, yes.

2 Q. Tell me what a protective order is.

3 A. Basically to protect you from someone if they I think
4 got physical with you, and they can't come within like so many
5 feet of you.

6 Q. Was the protective order, as far as you know, issued
7 against your father?

8 A. Yes.

9 Q. Okay, now what happens? We're -- your father's
10 evidently in jail, Angel's gone. What goes on now? You've
11 mentioned divorce. Was that -- did that happen?

12 A. Yeah, a little -- I don't remember or recall when,
13 but I know my dad gave my mom the papers for divorce.

14 Q. Okay, and so there was a divorce?

15 A. Yes.

16 Q. What were your plans after this?

17 A. To move down to St. George with my mom.

18 Q. Did you begin the process of moving?

19 A. Yes.

20 Q. Did you go down to Cedar City, St. George sometime
21 that month?

22 A. Yes.

23 Q. Huh?

24 A. Yes.

25 Q. Was that on the 24th of January?

1 A. I don't really recall the day.

2 Q. Who went with you?

3 A. Me and my mom and Angel.

4 Q. So he went with you to St. George?

5 A. Yes.

6 Q. Okay, how long were you there?

7 A. Only -- I would say only like two days.

8 Q. Then what happened?

9 A. I don't -- like after?

10 Q. Yeah, what happened? Did -- well, I -- did you come
11 back?

12 A. Yeah, we did.

13 Q. All right, and did you begin the process of moving
14 thereafter?

15 A. Yes.

16 Q. Okay, again, this may sound -- may sound silly, but
17 what were you doing to get ready to move?

18 A. We were boxing up stuff, and my mom was really partic-
19 ular on the certain stuff we couldn't box up. She didn't know
20 if my dad asked for it. So we had to box up stuff. So I basic-
21 ally had to get the trucks ready to make sure that they were
22 going to be like willing to make the drive down there.

23 Q. So the home you've lived in your whole life, now
24 you're moving out?

25 A. Yes.

1 Q. Moving out of the greater Salt Lake Basin?

2 A. Uh-huh.

3 Q. Right?

4 A. Yes.

5 Q. Okay, let's pause there for a second and let's go
6 back.

7 THE COURT: Hold on. Can we take a recess for lunch at
8 this time, Mr. Zabriskie?

9 MR. ZABRISKIE: We could, your Honor, because this will
10 be the only time she -- it's going to go another hour at least.

11 THE COURT: Okay.

12 MR. ZABRISKIE: We're not even to the video, so --

13 THE COURT: If this is a good time, then we --

14 MR. ZABRISKIE: Yeah.

15 THE COURT: All right, we'll go ahead and break for
16 lunch at this time. Remind the jury of the instructions that
17 you'll need to comply with. We'll come back at 1 o'clock and
18 start as soon as we can thereafter.

19 COURT BAILIFF: All rise for the jury.

20 (Jury exits the courtroom)

21 THE COURT: All right, we'll be in recess. Thank you.

22 (Recess taken)

23 THE COURT: Okay, thank you. Please be seated. We
24 are back on the record. All parties are present, including
25 Counsel, defendant Ms. Grunwald, and all members of the jury.

1 Ms. Grunwald is still on the stand. Are you ready to proceed,
2 Mr. Zabriskie?

3 MR. ZABRISKIE: Yes, your Honor.

4 THE COURT: Okay, go ahead.

5 MR. ZABRISKIE: May I proceed.

6 THE COURT: Sure.

7 Q. BY MR. ZABRISKIE: Meagan, just before the lunch break
8 we had been talking about the trip to St. George and Cedar
9 City. That was the -- the 24th of January; is that correct?

10 A. I don't recall the date.

11 Q. Uh-huh.

12 A. But it sounds about right.

13 Q. Okay, now you also indicated -- and again, I'm just
14 trying to kind of join the current here. You came back and you
15 started packing, getting ready to move south; did you not?

16 A. Yes, sir.

17 Q. Am I right in assuming that Angel came back with you?

18 A. Yes, sir.

19 Q. Okay, was it -- did Angel want to move with you to
20 St. George?

21 A. No.

22 Q. Was there a reason he couldn't do that, other than
23 the fact he's on parole?

24 A. A little before, I told him that I could no longer be
25 with him. Like I was getting ready, I was moving my life. I

1 just -- I couldn't -- the age really bothered me and him lying
2 to me. He couldn't tell the truth. So that really bothered
3 me, and I like I can't leave my mom, and I was moving with my
4 mom.

5 Q. Well, let's talk about that for a second. At any time
6 during your relationship with Angel Garcia, was there ever talk
7 about moving to Mexico?

8 A. He talked about it.

9 Q. Did you join with him in that conversation?

10 A. A little, yes.

11 Q. Was it your plan to go to Mexico or move to Mexico
12 with him?

13 A. No, Mexico really scares me.

14 Q. Okay, doesn't scare Mexicans, though. Did you -- how
15 about marriage; did you talk about marriage?

16 A. We just joked about it.

17 Q. But wasn't -- was there serious talk about marriage
18 one time?

19 A. A little.

20 Q. Well, you loved him; isn't that the case?

21 A. Yeah.

22 Q. Okay, but was there ever a commitment on your part to
23 getting married with Angel?

24 A. No.

25 Q. Did he ask you to marry him?

1 A. No.

2 Q. Okay, but you did talk about it?

3 A. Yes.

4 Q. Now, you indicated that -- did you know that he had
5 other girlfriends?

6 A. Yes, I later on found out that he had multiple girl-
7 friends.

8 Q. Did you find out about one in particular that was
9 pregnant?

10 A. Yes.

11 Q. Did you come to terms with the fact that you weren't
12 the only girl in his life?

13 A. Yeah, but it really, really bothered me.

14 Q. Uh-huh, and how is it that you found this out?

15 A. I overheard Chris and Angel talking, and later on I
16 confronted Angel and I asked him about it, and that's when I
17 found out about his pregnant girlfriend.

18 Q. Okay, and were you aware of whether in fact he was
19 married -- or excuse me, had children?

20 A. Yeah.

21 Q. Okay, now I -- strike the part about married, but you
22 were -- you were aware that he had children?

23 A. Yes.

24 Q. Okay, and did you ask him about that?

25 A. Yeah.

1 Q. What did you find out?

2 A. I found out that he had I think a eight and a six -- I
3 don't -- I'm not really -- I don't really know the kids' ages,
4 but I know they're a little over five years old, but I don't
5 really recall their ages, but I know they were younger than
6 ten.

7 Q. Okay, so is it -- would it be right to assume that you
8 found out substantially more about Angel than you knew when he
9 first moved in with you?

10 A. Yes.

11 Q. One, that he had multiple girlfriends?

12 A. Yes, sir.

13 Q. Two, pregnant girlfriend, right?

14 A. Yeah.

15 Q. You also found out he was older than he indicated?

16 A. Yes, sir.

17 Q. Okay, and that he had children?

18 A. Yes, sir.

19 Q. Now, did even finding this out, did you -- did you
20 still love the man?

21 A. Yeah.

22 Q. Were you bothered by what you found out?

23 A. Yes.

24 Q. When you found out that he would not be able to go to
25 St. George what was your feeling, if any?

1 A. I just figured it was a little -- it was better for
2 him and it was better for me.

3 Q. Do you feel bad about that?

4 A. No.

5 Q. Uh-huh. Now, this -- before we go to the day of the
6 move, you -- had you completed all of the requirements needed
7 to graduate from high school?

8 A. No, I was supposed to graduate the June of 2014, but
9 since we were moving and I was -- I planned on doing online
10 high school down -- down where I was going to live --

11 Q. Uh-huh.

12 A. -- I talked to one of my teachers about it, and she
13 said since I have college credits, and since I have over the
14 credits that are required, she could ask the principal and the
15 principal decided that he would let me graduate.

16 Q. Okay, and was it your goal to graduate before you
17 moved to St. George?

18 A. No, I planned on finishing school down there.

19 Q. Uh-huh, but did you in fact graduate from Riverton
20 High School?

21 A. Yes, sir.

22 Q. Was that based on what you just explained? By that,
23 accumulated credits?

24 A. Yes, sir.

25 MR. ZABRISKIE: May I approach, your Honor.

1 THE COURT: Sure.

2 Q. BY MR. ZABRISKIE: I have here what's been marked as
3 Exhibit 307. It's actually something inside a packet, but
4 would you look at this and then tell us on the record what
5 that is.

6 A. Okay, this is my diploma for graduating from Riverton
7 High School.

8 Q. Does it give a date of your graduation?

9 A. Yes, "Given this --" not quite sure what that says,
10 but it says, "Of June 2014."

11 Q. Would that be the date of your graduation?

12 A. Yes, that was the day I was supposed to graduate and
13 walk.

14 MR. ZABRISKIE: Okay, your Honor, move to admit Exhibit
15 307.

16 THE COURT: Any objection?

17 MR. PEAD: No objection to it being admitted and
18 published, your Honor.

19 THE COURT: Thank you.

20 MR. ZABRISKIE: Thanks, Counsel.

21 THE COURT: Accept and receive State -- or Defendant's
22 Exhibit 307.

23 (Exhibit No. 307 received into evidence)

24 Q. BY MR. ZABRISKIE: So even with all the turmoil in your
25 life, you managed to graduate?

1 A. Yes.

2 Q. Did your plans remain the same as it relates to the
3 future after high school graduation in January?

4 A. I'm not -- like after my plans after high school,
5 like --

6 Q. Yeah.

7 A. Yeah.

8 Q. Okay, and where did you intend on pursuing that?

9 A. I -- do you want me to tell you like the colleges I
10 planned on or -- I planned on going down there and finishing
11 high school at an online thing.

12 Q. Uh-huh.

13 A. Then going in I think it's every month to take tests.
14 Then finding an EMT program I could attend. Then while doing
15 that, work. Then try and find someone or pay someone to help
16 me study.

17 Q. Is that still your goal?

18 A. Yes, sir.

19 Q. What does "EMT" stand for?

20 A. Emergency Medical Technician.

21 Q. What does that qualify you to do?

22 A. It's basically like on the ambulances and stuff like
23 that, basically helping like when people have injuries, helping
24 them brace their injuries.

25 Q. Did Angel at any time during this period -- and I'm

1 talking from the 24th or -- excuse me, after the 12th of January
2 up until the time you left, did he try to talk you out of
3 leaving?

4 A. Yes.

5 Q. Was he upset by the fact that you were leaving?

6 A. He was very upset.

7 Q. Was there a reason as to his anxiety that you were
8 aware of about you leaving?

9 A. He had no money, he had no job, he didn't really have
10 a place to go either.

11 Q. Well, it was my understanding he was going to stay
12 with his brother; was that a possibility?

13 A. I think so. I'm pretty sure.

14 Q. Uh-huh. Did he indicate to you whether in fact that
15 was going to be a possibility to live with his brother?

16 A. No.

17 Q. Okay, and wanting you to stay, did he say why he
18 wanted you to stay? That's -- doesn't that make two people
19 who wouldn't have a place to live?

20 A. He just said he really cared for me. He was like --
21 he was like, "I'll get another job." He's like, "I'll find a
22 place for us." I was like, "Like you don't understand. Like
23 I can't just leave my mom. Like I need to move with my mom."

24 Q. Uh-huh. Getting back to his job -- and I apologize,
25 I'm glad you mentioned that. He -- did you know he no longer

1 worked for the meat packing place, Smith's Meat Packing or
2 whatever it was called?

3 A. I never -- I didn't really find out until January,
4 when he decided to tell me.

5 Q. Okay, and was there a reason -- or did he quit his
6 job, as far as you know?

7 A. No. As far as I know, it was because of his head
8 injury.

9 Q. Okay, now the head injury's been mentioned in prior
10 testimony. Were -- did you see him receive a head injury or
11 did you witness it? What do you know about the head injury?

12 A. I didn't see it. I was in the living room, and I was
13 watching TV, and he came in and he sat down. He was holding
14 his head, and I was like, "What's wrong?" He was like, "I just
15 banged my head on the bathroom door."

16 Like our bathroom door opens this way, and I guess he
17 -- he hit himself like right on the edge of the door like right
18 on his eyebrow, and I was like -- I was like, "Are you okay?"
19 I was like, "Do you want me to go get you ice?" He's like,
20 "No, I'm fine."

21 Then next thing I look over and he's bleeding because
22 he like cut his eyebrow open, and I -- I basically got like
23 gauze and stuff, and I put it on his thing and I glued his cut
24 back shut.

25 Q. Is that stuff you learned in your medical training?

1 A. Kind of.

2 Q. Uh-huh. Did he -- did he complain thereafter about a
3 head injury?

4 A. Yeah, he always said that there was like pressure on
5 his head.

6 Q. Did -- are you aware of whether in fact he ever sought
7 medical treatment for that alleged injury?

8 A. Yes.

9 Q. Okay, tell us how you're aware of that.

10 A. He couldn't drive, so my mom took him to the emergency
11 room. Then I know he later on followed up with the doctor and--

12 MR. PEAD: Your Honor, could we get more foundation on
13 that.

14 MR. ZABRISKIE: I'll inquire as to when, where and how.
15 Would that be enough.

16 MR. PEAD: How she knows that.

17 THE COURT: Are you objecting, Mr. Pead?

18 MR. PEAD: Yes.

19 THE COURT: All right.

20 MR. ZABRISKIE: I think it's an appropriate objection,
21 your Honor.

22 THE COURT: Sustained.

23 MR. ZABRISKIE: I'll establish foundation.

24 Q. BY MR. ZABRISKIE: You say you found out from your
25 mother. Did your -- did you go with them or was it your mother

1 told you?

2 A. No, my mom told me. I was at work at the time.

3 MR. ZABRISKIE: It's hearsay (inaudible). Your Honor,
4 we stipulate that that's hearsay, but I'll get the date and
5 stuff that she -- she may have known.

6 THE COURT: Okay.

7 MR. ZABRISKIE: Other than that, if she can't then I'll
8 just move to strike.

9 THE COURT: Okay.

10 Q. BY MR. ZABRISKIE: Were you aware of what date they
11 went to the hospital?

12 A. Not for sure.

13 Q. Okay, were you aware based on your own observations
14 or anything that you witnessed as to the nature of the head
15 injury?

16 A. No, just what he told me.

17 Q. Okay, and did you ever have the opportunity to see any
18 type of medical document or anything else that would reflect
19 what his head injury was?

20 A. I remember looking at one of them, and it just said
21 a concussion, but I don't remember reading it.

22 Q. But you don't have that medical document with you
23 today?

24 A. No, sir.

25 MR. ZABRISKIE: Might be a trivial matter, your Honor,

1 but I'd move to strike the question and strike the answers for
2 lack of foundation.

3 THE COURT: Okay, I'll grant that. Jury, disregard the
4 last questioning with regard to the hospital and (inaudible).

5 MR. ZABRISKIE: Yeah, kind of convoluted, but I apolo-
6 gize, your Honor.

7 THE COURT: Thank you.

8 Q. BY MR. ZABRISKIE: Now, so you've returned from your
9 trip to Dixie, to Southern Utah, right?

10 A. Uh-huh.

11 Q. You started packing up. Where was Angel; what was
12 Angel doing during this period of packing up and getting ready
13 to leave?

14 A. I know he was packing his things up, and I know he was
15 -- he was off and on at the house while I was packing.

16 Q. But he was coming to the house?

17 A. Yes, sir.

18 Q. Did he ever stay over night during that period of
19 time?

20 A. I rem -- I think just a few nights, but it wasn't all
21 the time. He would come and then he would just -- I would go
22 look for him, and he wasn't there.

23 Q. Uh-huh.

24 A. So I just figured he left again.

25 Q. I see, and so was it planned that -- what day did you

1 plan on moving?

2 A. We planned on moving the January 31st, I think. It was
3 -- we were going to start the day everything happened, and then
4 it was probably going to take a couple of days because of the
5 trips.

6 Q. Now, you testified that during this period of time you
7 were having trouble with your wisdom teeth?

8 A. Yes, sir.

9 Q. Was it -- was it your plan or your goal to have those
10 teeth attended to before you left or after?

11 A. Before.

12 Q. Okay, what -- when you say "before," what date would
13 that be?

14 A. I know it was January 31st, the day after I got arrested
15 that I was going to -- I was supposed to get those attended to.

16 Q. Has that happened yet?

17 A. No.

18 Q. Okay, do you still have bad teeth?

19 A. Yes.

20 Q. All right, do -- is it your plan somewhere in the
21 future to get those things taken care of?

22 A. Yeah.

23 Q. Do they cause you pain?

24 A. All the time.

25 Q. When you say "all the time," am I right in assuming

1 that includes today?

2 A. Yes.

3 Q. Now, was he there on the 29th of January? Now, I
4 realize this is a year-and-a-half ago or close to it, but do
5 you recall whether in fact he was there on the 29th of January?

6 A. Yes.

7 Q. Okay, yes, you recall or --

8 A. Yes, I recall.

9 Q. Okay, was he there or not?

10 A. Yes.

11 Q. Okay, what -- if you recall, what was he doing?

12 A. Um, I'm not quite sure what he was doing. He was
13 in the house a lot. I was outside just finishing up my trucks,
14 putting my transmission back together, and I know he came out a
15 couple of times just to see what I was doing.

16 Q. Did he offer to help?

17 A. Yeah, but then he got frustrated and just went back
18 inside.

19 Q. Okay, and did -- were his effects -- by that, his
20 private prop -- or personal property, or was there still some
21 of that in the house?

22 A. Yes, sir.

23 Q. Did you note whether in fact he was beginning to pack
24 and get his stuff ready to go?

25 A. I know he was beginning to get everything packed, but

1 I didn't know if he was doing that or if he -- or what he was
2 really doing.

3 Q. Was there a lot of tension building -- was there
4 tension at that time? By "tension," I mean, was there -- were
5 you anxious?

6 A. Between like just me?

7 Q. Well, you personally?

8 A. Yeah.

9 Q. Okay, were others -- did the others appear to be
10 anxious?

11 A. A little, yeah.

12 Q. Uh-huh. Well, you'd lived in that house your whole
13 life and now you're moving. Would that make you sad or happy?

14 A. A little bit of both.

15 Q. Now, was there anyone else in the -- or tell me, who
16 was in the house on the 29th?

17 A. Just me, Angel and my mom, and then my uncle came, I
18 think, late the 29th.

19 Q. When you say your uncle, is that the uncle that's
20 testified here in this matter here these last few days?

21 A. Yes, my Uncle Buck.

22 Q. You call him Uncle Buck?

23 A. Uh-huh.

24 Q. Is that his name, "Uncle Buck," or is it --

25 A. It's just his nickname everyone has for him.

1 Q. Okay, were you close to your Uncle Buck?

2 A. Um, yeah.

3 Q. Now, are you aware of why Uncle Buck came to your
4 house on the -- you said late the 29th. Why was Uncle Buck
5 there?

6 A. To help us move, and he -- it was going to -- it was
7 going to be basically more efficient if he came up and drove
8 a car.

9 Q. Okay, that's the 29th. Let's go to the next day.
10 Who was in the house on the 30th? Now, that's the fateful
11 day. That's the day we're -- we've been talking about these
12 last couple of weeks.

13 A. Uh-huh. Just my mom, Angel, my Uncle Buck and me.

14 Q. Were others -- had you recruited anyone else to come
15 help you move?

16 A. Um, I remember Angel texting one of his friends and
17 asking, and he was supposed to be there.

18 Q. But was that person there?

19 A. No.

20 Q. Okay, now sometime that day, the 30th --

21 A. Uh-huh.

22 Q. -- did you leave the house?

23 A. Yes.

24 Q. Well, let me go back even further. Did you have the
25 occasion to talk to your Uncle Buck earlier in the day on the

1 30th?

2 A. Yes.

3 Q. Was it in a -- don't tell me what he said, but was it
4 an extensive conversation?

5 A. Yes, sir.

6 Q. Did -- did Angel -- was he part of that conversation?

7 A. No, sir.

8 Q. Okay, did -- ultimately did Angel want to leave on
9 that day?

10 A. Yes.

11 Q. Tell me what happened. How did -- how did he bring
12 that to your attention?

13 A. I was in my bedroom and I was packing, and he was like
14 -- he was like, "Can we go on a ride. I need to talk to you."
15 I was like, "Can't it wait?" I was like, "I really need to
16 like focus on packing right now." He's like, "No." He's like,
17 "Let's go." I was like, "Angel," I was like, "Please, like can
18 we just talk in here?" I was like, "I am packing. Like I need
19 to pack." He came up to me, because he was on the other side
20 of my bedroom. He came up to me, and he said, "If you don't go
21 with me," he's like, "stuff's going to happen."

22 Q. Did he tell you what that stuff would be?

23 A. No, sir.

24 Q. Had he ever -- had he ever said anything like that to
25 you before, with that type of command or threat?

1 A. No, sir.

2 Q. Okay, had you ever seen him angry before?

3 A. Yes, but not to that extent.

4 Q. Uh-huh, and did you know what he meant?

5 A. No.

6 Q. Okay, now so did you in fact decide to go with him?

7 A. Yes.

8 Q. Did you tell other people in the house that you were

9 going?

10 A. I told my mom and my uncle that I was going to go talk

11 to some friends, because I thought I would just be right back.

12 Q. Did you in fact leave?

13 A. Yes.

14 Q. At any time during that period before you leave was

15 there any talk about running away to Mexico?

16 A. No.

17 Q. Was there any talk about getting into a battle with

18 the police?

19 A. No.

20 Q. Was there any talk about any type of violence involving

21 you and Angel?

22 A. No.

23 Q. Against anyone else?

24 A. No.

25 Q. Okay, when you got in that car did you take anything

1 that would be characterized as an extra change of clothes?

2 A. No.

3 Q. Did you take anything that would indicate that you
4 were going on a long jury?

5 A. No.

6 Q. Toothbrush?

7 A. No.

8 Q. Now, you had money with you, though?

9 A. Yes.

10 Q. What was that for?

11 A. To gas up the vehicles.

12 Q. Who gave you that money?

13 A. My mom.

14 Q. Okay, and did you in fact have the opportunity to
15 start gassing the cars up or did you do anything that day in
16 gassing the cars?

17 A. No.

18 Q. Is that a poor choice of words for you mechanics,
19 "gassing the cars"?

20 A. No.

21 Q. Putting gas in, is what I should say?

22 A. Yeah.

23 Q. All right, and so what time of the day on the 30th of
24 January 2014, what time did you leave?

25 A. I believe it was a little before 12.

1 Q. When -- am I right in that you were driving?
2 A. Yes, sir.
3 Q. What car did you take?
4 A. My white Toyota Tundra.
5 Q. I'm sorry, it's the tone of my voice that I think
6 that's upsetting you. I don't mean to sound too severe.
7 A. It's okay.
8 Q. Okay, it was your Tundra?
9 A. Uh-huh.
10 Q. Okay, and who drove?
11 A. Me.
12 Q. Did he want to drive?
13 A. No.
14 Q. Would you have let him drive?
15 A. No.
16 Q. Why?
17 A. Because I just got my truck, and I -- I've just taken
18 pride in all my vehicles.
19 Q. Okay, and where did you go?
20 A. Well, I started to drive, and I started to head out
21 towards five mile, and --
22 Q. Stop. Where's five mile?
23 A. I'm not for sure where it's at, but I think it's out
24 by Eagle Mountain. I know it's like -- I think it's a back way
25 to Tooele. I'm not for sure --

1 Q. I can't hear you. What --

2 A. I'm not for sure where it's located; I just know how
3 to get there.

4 Q. Well, you're -- now you're -- you live in Draper?

5 A. Yeah.

6 Q. Were you going south or north?

7 A. South.

8 Q. Okay, do you know -- did you know approximately where
9 it was at?

10 A. Oh, yeah. Well, I headed west and then went south a
11 little.

12 Q. Well, you said "five mile." Had you ever been there
13 before?

14 A. Yes.

15 Q. Is it that you didn't know where it was, or you
16 forgot?

17 A. I'm confused.

18 Q. So am I. You'd been to five mile before?

19 A. Yes.

20 Q. Is that where you were going?

21 A. Yes.

22 Q. Okay, did you in fact go there?

23 A. No.

24 Q. Okay, now sometime during that day you were on Highway
25 73; isn't that the case? That's the road that you ultimately

1 ended up on. Sometime during that day did -- do you know High-
2 way 73 from a hole in the ground?

3 A. No, I don't. I don't know what highway that is.

4 Q. All right, let me back up a little bit, then. How
5 -- what was Angle's conduct? By that, what was his demeanor
6 as you're driving?

7 A. As I started driving, he was like really like anxious,
8 and like -- do you want me to tell you how he was?

9 Q. Yeah.

10 A. Then he got a call from his mom on my cell phone.

11 Q. Now, let me stop you there. Do you speak Spanish?

12 A. No, sir.

13 Q. Do you know a little Spanish, like most people?

14 A. Just very, very tiny bit. Just like "Hello" and
15 "How you doing?" That's all.

16 Q. Okay, and you testified that his mom called?

17 A. Yes.

18 Q. How did you know it was his mom?

19 A. Because I had my phone in like my middle console,
20 and I looked down and I saw it was like a 011, and then like --
21 all I know is like his mom's number is just a bunch of numbers,
22 because she lives in Mexico; and he called -- she called for
23 Angel, and Angel picked up the phone. Then after that his
24 face just went like white, like he was just pale.

25 Q. Okay, honey -- excuse me, Meagan, was that call

1 received on your phone or his?

2 A. I want to say mine, but it might be his. I'm not
3 quire sure. I know both of our phones were in the center
4 console.

5 Q. Okay, and you said after the call -- again, pick it
6 up from where you left.

7 A. After the call he was really, really white, and I said,
8 "Angel, what's wrong?" and he's like -- he's like, "They got a
9 warrant out for me." I was like, "Okay," I was like, "Are you
10 going to go take care of it?" That was just kind of the end
11 of the conversation, and I was like, "You need to like go take
12 care of it." I was like -- I was like, "All you got to do
13 is go in there and talk to them," and I was like, "You'll be
14 fine." He just didn't say anything to it.

15 Q. Did he -- tell us a little bit more about his -- what
16 you observed. Did he -- how he appeared, his look, everything.
17 Tell us what you observed.

18 A. He was really, really nervous, and he was really,
19 really anxious. Like he didn't know -- I guess -- I guess
20 you could say like he didn't know what he was going to do.
21 I was like -- I was like, "Do you want me to drive you up
22 there?" I was like -- I was like, "We can just grab your
23 stuff," and I was like, "I'll drive you up there."

24 Q. Up where?

25 A. Up to his parole officer.

1 Q. Okay, was he upset with you?

2 A. A little.

3 Q. Okay, did an argument ensue, come --

4 A. Yes.

5 Q. Okay, do you recall what the argument was about?

6 A. Yes, it was over my Uncle Buck.

7 Q. Why was it over your Uncle Buck?

8 A. Because he thought my uncle was the main reason why I
9 was moving, and that -- to basically like he thought my uncle
10 was the -- also the main reason of me and him splitting up.

11 Q. Why did he blame your Uncle Buck, that you -- if you
12 know?

13 A. I don't really know. Probably -- I would assume
14 because me and my Uncle Buck were talking, but I really don't
15 know why.

16 Q. Uh-huh. Well, and again, I -- in the realm of human
17 emotion, even at that time did you still love this man?

18 A. Yes.

19 Q. Okay, did you -- what did -- what did you say when he
20 said -- said something about Uncle Buck?

21 A. I said, "No." I said, "It's not over my Uncle Buck."
22 I said, "I have my reasons why this is ending," but I basically
23 just left it at that. Like --

24 Q. Uh-huh.

25 A. -- and then he just kept on pursuing that it was Uncle

1 Buck's reason.

2 Q. Did that result in you crying, anything like that?

3 A. Yeah, I started to cry and get upset, and he kind
4 of started raising his voice at me. I was like, "Angel, it's
5 not over my Uncle Buck." I was like, "I promise." I was like,
6 "You did this," like "You gave me the reasons why we are split-
7 ting up mostly."

8 Q. And you still loved the man?

9 A. Yes.

10 Q. Okay, you were driving -- while this was going on,
11 are you driving?

12 A. Yes.

13 Q. Did you ultimately come to a stop?

14 A. Yes.

15 Q. Tell us about that. What were the circumstances of
16 the stop?

17 A. Do you want me to tell you a little before what
18 happened?

19 A. Yeah.

20 Q. Okay, I was driving down that road. I'm not for sure
21 what road it is. I was driving down it. I passed the Maverik,
22 and I was going down and there was some houses, and I passed
23 those. Next thing I hear is two gunshots out of the window.
24 I -- a little after that I turned around and I pulled over,
25 and I said, "Angel," I was like, "What are you doing?" I was

1 like, "I'm pretty positive like you're not supposed to have
2 that;" and he -- he kind of just sat there for a second. I
3 was like, "Angel," I was like -- like "You need to get out
4 of my car. Like I don't want -- I don't want you in my car
5 anymore." Then I put my flashers on because I didn't want to
6 get hit by another vehicle.

7 Q. All right, let's stop there, please. You -- there's
8 arguing, you're crying. Did you know he had that gun?

9 A. No.

10 Q. Had you ever seen that gun before?

11 A. No.

12 Q. When he shot it, what was your reaction?

13 A. It was really, really scary, and I kind of swerved
14 over to the left.

15 Q. Uh-huh, and then what?

16 A. Then I -- after I turned around and I pulled over and
17 I put my flashers on, I tried to confront him of why he had it,
18 and he wouldn't answer me.

19 Q. Were you arguing?

20 A. Yes.

21 Q. Was he mad at you?

22 A. Yes.

23 Q. When you say "mad," I want you on a scale of one to
24 ten, how would you describe his anger?

25 A. Like way above a ten.

1 Q. Had he ever acted like that towards you before?

2 A. No.

3 Q. Uh-huh. Now -- well, let's go back before we talk
4 about what happened thereafter. Was it unusual for Angel to
5 use your phone?

6 A. No.

7 Q. During that -- that disagreement with your -- with
8 your dad on the 12th of January, did you at any time see him --
9 by that, Angel -- with a gun?

10 A. No.

11 Q. Did you ever see -- you indicated that you saw the
12 ammunition in his safe. Did you ever see a gun in that safe?

13 A. No.

14 Q. Other than the movies or shooting your b.b. gun, had
15 you ever had anyone shoot a gun off in your presence?

16 A. No.

17 Q. Was it loud?

18 A. No.

19 Q. The gun, was it loud?

20 A. In the house?

21 Q. No, I'm sorry, in the truck?

22 A. No.

23 Q. Now, going back to the safe, there was meth found in
24 that safe.

25 A. Yeah.

1 Q. Did that belong to you?

2 A. No.

3 Q. Did you -- after -- well, it's your safe. Did you
4 have access to that safe?

5 A. I didn't know where the key was.

6 Q. Okay, did Angel have the key?

7 A. I believe so.

8 Q. You weren't sure?

9 A. Uh-uh.

10 Q. When was the last time you'd been in that safe, if you
11 recall?

12 A. I would say I believe a little after Christmas. I'm
13 not entirely sure.

14 Q. Okay, it had your birth certificate in there?

15 A. Yes.

16 Q. And a few other things with your name on it, but was
17 -- there was a lot of stuff in there that belonged to Angel;
18 was there not?

19 A. Yes, sir.

20 Q. I mean, you heard the testimony that was offered as to
21 what was found in there?

22 A. Yeah.

23 Q. Did you -- did you see him with that meth that was in
24 the safe?

25 A. No.

1 Q. Okay, and is it your testimony that you had nothing to
2 do with that meth?

3 A. Uh-uh.

4 Q. You're not denying, though, that you had used meth?

5 A. Correct.

6 Q. Okay, there was also a -- what appeared to be -- and
7 I can't remember what it was designated as -- a calendar in
8 that room --

9 A. Uh-huh.

10 Q. -- and it appeared to have a schedule on it. What
11 was that?

12 A. My workout calendar, and if I had like doctor's
13 appointments and et cetera.

14 Q. So on that calendar is a schedule for exercise, things
15 like that?

16 A. Uh-huh.

17 MR. ZABRISKIE: Okay, well, we'll get to this a little
18 bit later. Your Honor, we're now approaching a section where
19 we're going to talk about what happened on Highway 73 and that
20 will involve one of the videos, but I'll just build up to it
21 and then we'll probably have to put it up on the screen.

22 THE COURT: Okay.

23 Q. BY MR. ZABRISKIE: Now, you're parked alongside of the
24 road, correct?

25 A. Yes.

1 Q. You're parked alongside the road, and what happens
2 next? Back up a little bit. You say you had your flashers on?

3 A. Uh-huh.

4 THE COURT: I need you to answer audibly so we can pick
5 you up.

6 THE WITNESS: Sorry, sir.

7 Q. BY MR. ZABRISKIE: Your blinkers, I guess -- is that
8 what you call them?

9 A. Yes, sir.

10 Q. Why did you have those on?

11 A. Because I didn't want a car to hit me.

12 Q. Let's talk about the weather just shortly. What --
13 based -- you've heard descriptions of how the weather was that
14 day. How would you describe the weather?

15 A. It was really, really foggy. It was snowing, and the
16 roads were really, really wet.

17 Q. Was it cold?

18 A. Yes.

19 Q. How were you dressed?

20 A. Just in a sweater and like kind of jeans.

21 Q. Did you have a hoodie or anything like that on?

22 A. Yeah.

23 Q. Okay. All right, what's the next thing you remember?

24 A. After me and Angel arguing, he starts blaming my Uncle
25 Buck again for why we're moving. I assure him again that it

1 has nothing to do with my Uncle Buck, and he -- and next thing
2 I know, I hear a tapping on my driver's window, and I look over
3 and it's a police officer. I roll down my window and he asked
4 if I was okay, and he was standing like fairly up by my side
5 mirror.

6 Q. Had you ever met that police officer before?

7 A. No, sir.

8 Q. Did you recognize him in any way?

9 A. No.

10 Q. Okay, what did the police officer do?

11 A. He asked me if I was okay, and I was crying so my face
12 was red. He then -- he asked me for my ID and my registration
13 and my insurance card. I grabbed my ID out of my back pocket.
14 I told Angel to get in the glove box and grab my registration
15 thing out, and I grabbed that and I asked Angel to look for the
16 insurance thing, but we couldn't find it -- well, he couldn't
17 find it. I gave it to the officer, and he was like, "Are you
18 sure you're okay?" I was like, "Yeah, I'm fine." Then he went
19 and --

20 Q. When you say, "He said," if you would, please, who
21 said?

22 A. Officer Cory Wride.

23 Q. Okay, how did Officer -- Sergeant Wride treat you?

24 A. He was really, really nice.

25 Q. Did he ask you if you were okay?

1 A. Yeah, multiple times.

2 Q. Uh-huh. Okay, you give him your paperwork, right?

3 A. Uh-huh.

4 Q. That was your driver's license, your registration and
5 your insurance; is that correct?

6 A. I couldn't find my insurance. So it was just my
7 registration and my ID.

8 Q. Okay, and did he take that and check it out?

9 A. Yes, and then he went back to the vehicle, and a few
10 -- i believe it was a few minutes later, I'm not sure, he came
11 back to my side, and he gave me it back; and he was like -- he
12 was like basically like, "You're --" like "Everything checked
13 out." I then --

14 Q. Let me ask -- let me ask a question. If you know,
15 where was the gun?

16 A. I don't know.

17 Q. Did you see it anywhere in that cab when Sergeant
18 Wride -- excuse me, Sergeant Wride was standing there?

19 A. No.

20 Q. Okay, so Sergeant Wride returns to his car and then
21 what does he do?

22 A. He comes back to my side, he gives me everything, and
23 he basically tells me like everything checked out and stuff.
24 Then he's like, "Are you sure you're okay?" I'm like, "Yeah,
25 I'm fine."

1 Q. Why did he ask you that, if you know?

2 A. Because a little --

3 MR. PEAD: Objection, speculation.

4 Q. BY MR. ZABRISKIE: Did he comment on --

5 THE COURT: Sustained.

6 Q. BY MR. ZABRISKIE: Did he comment on anything about
7 your person that he was concerned about?

8 A. I think it was because I was crying and my face was
9 red.

10 MR. PEAD: Move to strike, your Honor.

11 MR. ZABRISKIE: No objection, your Honor.

12 THE COURT: Sustain. Grant the motion to strike.

13 Disregard the last comment, please.

14 Q. BY MR. ZABRISKIE: But you don't know why he kept --
15 other than -- he didn't give you a reason as to why he kept
16 asking, "Are you okay?"

17 A. No.

18 MR. ZABRISKIE: Okay, now before we put the video on,
19 your Honor, just let me make sure I've covered everything, if
20 you would.

21 Q. BY MR. ZABRISKIE: I'm kind of curious, what is the
22 relationship -- or what was or continues to be the relationship
23 between you and your Grandma -- what's her name?

24 A. Renate.

25 Q. Renate.

1 A. It was okay. I didn't really talk to her that much.
2 The only time she ever talked to me was when she had complaint
3 about something.

4 Q. So it's not been too good?

5 A. No.

6 Q. Was she mad at you?

7 A. Sometimes, yeah, but if I didn't like basically do it
8 her way, she would get upset with me.

9 Q. I see. One other matter I skipped over and I'm sorry.
10 You were aware that the key -- there was a key to your safe on
11 your key chain; were you not?

12 A. I didn't really know that, but I later found out, yes.

13 Q. Okay, but is that where you would normally keep it?

14 A. Yes.

15 Q. Did you think -- did you think someone else had it?

16 A. I thought Angel had it.

17 Q. Okay, did he have it at one time?

18 A. Yeah.

19 Q. Did he have another key, a key that -- or would he
20 take your keys?

21 A. Yes.

22 Q. Okay, do you know if there was another key?

23 A. Not that I know of.

24 MR. ZABRISKIE: Okay, your Honor, if we could put on
25 the video.

1 THE COURT: Okay.

2 MR. ZABRISKIE: Your Honor, would the Court -- she may
3 be more comfortable with me standing up there, but I wear tri-
4 focals and can't -- still can't see that well. I'd ask permis-
5 sion to remain at the table so I could read off the script that
6 I have.

7 THE COURT: That's fine.

8 Q. BY MR. ZABRISKIE: Do you have a marking pen up there,
9 or a marker -- what do we call it?

10 A. A laser pointer?

11 THE COURT: Laser, yeah.

12 Q. BY MR. ZABRISKIE: Laser pointer, yeah. Do you have
13 one up there?

14 A. Yes, sir.

15 Q. Okay, we're going to go to what is characterized as
16 Exhibit No. 1. It's been characterized as the "Wride dash
17 cam."

18 (Dash cam video played in the courtroom. Turned on
19 and off through witness' examination. Video portion
20 is not transcribed due to not being audible enough to
21 produce an accurate record.)

22 Q. Yeah, starting at 1:45 on the DVD, and I want you to
23 stop there, or pause. Okay, tell me what that is that you're
24 looking at.

25 A. That would be my truck, and Officer Cory Wride just

1 off the side right there.

2 Q. Okay, but he's not quite in the picture yet; is that
3 true?

4 A. Yes, sir.

5 Q. Uh-huh. Let's skip forward -- let's skip forward to
6 9:44. Okay, I notice the back of the car. Were your -- were
7 your windows smoked? By that, were they darkened?

8 A. Yeah, I did have tint on them.

9 Q. Uh-huh, and is that an accurate reflection of what the
10 back of your car would look like?

11 A. Yes, sir.

12 Q. If I indicated that you can't see through those back
13 windows, would that be an accurate description of the view from
14 the back of that truck?

15 A. It's harder to see, but I know -- like from the out-
16 side in or the inside out?

17 MR. ZABRISKIE: All right, go. Play. Okay, pause.

18 Q. BY MR. ZABRISKIE: Now, is the man standing to the left
19 there, is that who you've identified as Sergeant Wride?

20 A. Yes, sir.

21 Q. Is that his first approach to the car?

22 A. I'm not for sure on this video.

23 Q. I'm sorry, could it be the first?

24 A. Yes.

25 MR. ZABRISKIE: Go ahead and play.

1 Q. BY MR. ZABRISKIE: Is this where he's inquiring as to
2 your identification and things of that nature?

3 A. Yes.

4 Q. Okay, now you're seated there. Where -- just for the
5 record, where is Angel seated in that car?

6 A. He's in the passenger side.

7 Q. Okay, is he saying anything at this time?

8 A. No, he's really quiet when Officer Cory Wride is at
9 the truck.

10 Q. Meagan, you're going to have to speak up just a
11 little, please.

12 A. When Officer Cory Wride is at the truck he's very
13 quiet.

14 Q. You indicated that Officer Wride-- excuse me, Sergeant
15 Wride, his demeanor towards you is what again?

16 A. He was really, really nice.

17 Q. Okay, you didn't have anything against him; he didn't
18 antagonize you or anything?

19 A. No, sir.

20 Q. Did he appear to be helpful?

21 A. Yeah.

22 Q. All right, now he goes back to his car. Pause. He
23 goes back to his car. Is there a conversation going on between
24 you and Angel at this time?

25 A. Yeah, he told me, he said, "You better make sure that

1 you're --" basically like "If the officer asks you again that
2 you're okay, you better make sure that you say you're okay."

3 Q. Why did he -- but you've already said that to the
4 sergeant; have you not?

5 A. Yes, I have.

6 Q. So when Angel said, "You better make sure that --"
7 what, that he believes you? Tell me again what he -- what
8 Angel said.

9 A. He basically said that "If Officer Cory Wride --" but
10 he didn't say Officer Cory Wride. He just said "Officer asked
11 me again if I was okay, that I better just say that I'm okay."

12 Q. Did you agree with that?

13 A. I just went with it at the time.

14 Q. When this conversation is going on do you see that
15 gun?

16 A. No.

17 MR. ZABRISKIE: Now go ahead and play. Let's -- let's
18 move it forward, your Honor, to 9:40. This is just a period of
19 waiting. Or 9:30, excuse me. Pause, pause. Let's back it up
20 just a little bit to the second trip, if you will (inaudible).
21 Okay, pause.

22 Q. BY MR. ZABRISKIE: Meagan, this is the second time he's
23 come to the side of your car and asked for your testimony.
24 What is happening now?

25 A. That's when he gives me back my ID and stuff, and he

1 -- he says that basically everything's fine. He was like, "Are
2 you okay?" and I'm like, "Yeah." Then that's when he starts
3 basically turning his attention to Angel.

4 Q. Now, it's your testimony that you had been crying; is
5 that correct?

6 A. Yes, sir.

7 Q. Were you crying while he was back in his car? By
8 that, Sergeant Wride checking out your ID, were you still
9 crying?

10 A. Yes, I was.

11 Q. So he comes back to the car, and once again, what did
12 he ask you?

13 A. He -- the second time?

14 Q. Yes.

15 A. He gives me back everything and he says everything
16 checked out, and that's when he starts turning his attention
17 towards Angel.

18 Q. Okay, and what -- when you say "turn his attention,"
19 tell me what that attention consisted of.

20 A. He was -- he pointed at Angel and he's like, "What's
21 your name?" I'm not -- I couldn't tell you the name he gave
22 him, but it wasn't his actual name.

23 Q. What did Sergeant Wride do upon receiving that inform-
24 ation?

25 A. He wrote it down on -- he had like a little notepad he

1 pulled out of his -- one of his pockets, and he started writing
2 it down.

3 Q. Okay, and then what?

4 A. Then he returns back to his car.

5 Q. Okay, now you've indicated that the information as it
6 relates to his name was incorrect.

7 A. Yes, sir.

8 Q. Did you say anything to Angel in the cab after Sergeant
9 Wride had left and gone back to his car, did you bring it to
10 Angel's attention that he had given the wrong name?

11 A. Yes, I did. I asked Angel, I was like, "Why didn't
12 you just give him like your name?" That's when he basically
13 he's like, "There's a warrant out." I was like -- I was like,
14 "Well, why don't you just give him your name." I was like,
15 "You can like get it taken care of now," and he just --

16 Q. What did -- what did he say?

17 A. He basically just didn't respond, but he kind of
18 rolled his eyes a little bit.

19 Q. Did Angel threaten you at any time during this period?

20 A. A little.

21 Q. When you say "a little," what did he do?

22 A. He told me just if the officer asks, to make sure that
23 I tell him that I'm fine.

24 MR. ZABRISKIE: Okay. Okay, pause.

25 Q. BY MR. ZABRISKIE: I note there that he pointed at

1 something. What is that? Is he talking to Angel then?

2 A. Yeah, he -- that's when he pointed at Angel and asked
3 him for his name.

4 MR. ZABRISKIE: Okay, play.

5 Q. BY MR. ZABRISKIE: Were you able to see what he was
6 doing? By that, Sergeant Wride.

7 A. I don't know if you can tell in the video, but right
8 here --

9 Q. Uh-huh.

10 A. -- he has a pen and a little notepad that he's writing
11 his name down on.

12 MR. ZABRISKIE: Pause.

13 Q. BY MR. ZABRISKIE: Okay, now the officer -- excuse me,
14 Sergeant Wride has returned to his car.

15 A. Yes, sir.

16 Q. What is going on between you and Angel in the cab of
17 that car -- truck?

18 A. I looked at Angel, and that's when I described to him,
19 I said, "Why can't you just tell him your name." I was like,
20 "Just tell them your name." I was like, "You can get everything
21 taken care of." He was like -- he was like -- that's when he
22 said the warrant again, and he's like, "You don't understand."
23 I was like, "Angel," I was like, "Just tell him your name." I
24 was like, "You can just go and get it taken care of." That's
25 when he just rolled his eyes.

1 Q. He what?

2 A. He rolled his eyes and he looked the other way.

3 Q. Does he threaten you at this time?

4 A. No.

5 MR. ZABRISKIE: Go ahead and play. Pause.

6 Q. BY MR. ZABRISKIE: All right, what -- if you recall,

7 what side of the car is Sergeant Wride on now?

8 A. On the passenger's side, which would be Angel's side.

9 Q. All right, and do you recall what the conversation was
10 between Sergeant Wride and Angel at this time?

11 A. I know Sergeant Wride said, "What's your birth date?"
12 Then he asks, he's like, "Are you sure this is your name?"
13 That's when Angel was like, "Yeah," and that's when he couldn't
14 remember his birth date, and he -- and then Sergeant Wride
15 basically was like, "Are you sure?" and he's just like, "Yeah,
16 I'm sure."

17 Then Angel says, "I just had a head -- like basic-ally
18 a concussion a little bit ago." He's like, "I've been having a
19 hard time remembering stuff." But on the video and in person,
20 if you notice, Sergeant Wride is more towards the back of the
21 car than he was on my side.

22 MR. ZABRISKIE: Okay, play. Pause.

23 Q. BY MR. ZABRISKIE: Meagan, this is -- I note that some
24 lights have gone on in the picture.

25 A. Yes, sir.

1 Q. What are those?

2 A. Well, Angel takes my mirror that I have on my wind-
3 shield, and he moves it up, and I asked him, I was like, "What
4 are you doing?" He's like step your foot on the f-ing brake.
5 So I put my foot on the brake, and he reached over and put it
6 into drive. I was like, "What re you doing?"

7 Q. Stop right there. Did he threaten you there?

8 A. Just shortly after.

9 Q. Go ahead.

10 A. I have a center console in my truck, and it's maybe
11 like a foot or something. It's not that big. He points the
12 gun towards my head, and he says, "If you don't do what I tell
13 you to do, I'm going to kill you and your fucking family," and
14 that look he gave me, the best way to describe it was looking
15 at the devil.

16 Q. Let me ask a little bit more. Meagan, did you -- he
17 points that gun at your head, right?

18 A. Yes, sir.

19 Q. What did he say again? I -- it's a little hard with
20 my hearing. What did he say again?

21 A. He said, "If you don't do what I tell you to do, I'm
22 going to kill you and your fucking family."

23 Q. Had he ever talked like that to you before?

24 A. No.

25 Q. Okay, do you have any idea as to why he moved your

1 mirror?

2 A. No.

3 Q. Okay, and then you say you had a console?

4 A. Uh-huh.

5 Q. You mentioned something about that. What happened to

6 that?

7 A. That's where Angel set the gun and pointed it up

8 towards my head.

9 Q. Okay, so then is that the -- is that the next time you

10 saw the gun, as opposed to when he shot out the window?

11 A. Yes, sir.

12 Q. Did he actually point the gun at you?

13 A. Yes, the barrel was aimed right at my face.

14 Q. How, distance-wise how far is he from your head, with

15 the gun?

16 A. I would say a little over two feet.

17 Q. How did his face look at the time?

18 A. I could tell he was serious.

19 Q. Had you ever seen that look before?

20 A. No, sir.

21 Q. Did you believe him?

22 A. Yeah, I did.

23 Q. All right. Okay, Meagan, I note right there that

24 something moved. Do you know what that is?

25 A. Yes, Angel opened up my back window, (inaudible) my

1 back window.

2 Q. Okay, and is that fully open then?

3 A. I went -- at the time he pushed it as far open as he
4 could.

5 Q. Okay, and then --

6 MR. ZABRISKIE: All right, go ahead and play. Pause.

7 Q. BY MR. ZABRISKIE: Did you have any idea as to why he
8 opened that window?

9 A. No.

10 Q. Did he say anything to you?

11 A. No.

12 Q. Now, I'm going to ask you questions that may seem
13 unnecessary, but at any time did you encourage him during the
14 period that we've talked about to do anything violence -- any
15 type of violence to anyone?

16 A. No, sir, never.

17 Q. Uh-huh, what -- were you saying anything, doing any-
18 thing at this time, during this period?

19 A. I sat there and was thinking I was never going to see
20 my family again.

21 Q. Is he saying anything to you at this time?

22 A. No, but he's turned towards the back window with the
23 gun in his hand.

24 Q. What -- did he say anything?

25 A. He then said, "I'm going to buck him."

1 MR. ZABRISKIE: Pause, pause.

2 Q. BY MR. ZABRISKIE: Again, so there's no distraction,
3 what did he say?

4 A. He said, "I'm going to buck him."

5 Q. That's b-u-c-k?

6 A. Yes, sir.

7 Q. Did you know what that meant?

8 A. No, sir.

9 Q. Had you ever heard it before?

10 A. No.

11 Q. What is he doing when he says that?

12 A. He starts to turn around, and he's kind of -- he's
13 kind of facing me, but he's mostly looking out my back window
14 with a gun in his hand.

15 Q. Okay, did he tell you what he was going to do aside
16 from the word "buck"?

17 A. He then stated again.

18 Q. Said what again?

19 A. He said, "I'm going to buck him in the fucking head."

20 I was like, "Angel, what do you mean?"

21 Q. Were you crying?

22 A. Then I started crying.

23 Q. Meagan, that -- something evidently is happening in
24 that car. You were in that car. What is going on right there?

25 A. Angel opened up my back window. He basically opened

1 it up, and that's when he started shooting, and he was --

2 MR. ZABRISKIE: Just a second. We can turn the lights
3 back on. Let's (inaudible) for a while. Leave the screen down
4 there.

5 Q. BY MR. ZABRISKIE: I'm sorry. Okay, so the back window
6 opened up?

7 A. Yes.

8 Q. Did you help in any way in opening that back window?

9 A. No, sir.

10 Q. Did you touch it in any way?

11 A. No, sir.

12 Q. Does Angel have a gun in his hand?

13 A. Yes, and his finger's on the trigger.

14 Q. Okay, and is that the gun that is -- I don't know if
15 you know one from another. Is it the gun that's been shown in
16 this box?

17 A. Yes, I believe so.

18 Q. Okay, are you -- you're still at the driver's seat?

19 A. Yes, sir.

20 Q. Then what happens?

21 A. He opens up his back window, and he puts his hand like
22 this, and he starts shooting, and the gun's less than a foot
23 away from my ear.

24 Q. Okay, he starts shooting. Do you know how many times
25 he shot?

1 A. I couldn't recall after the first shot. I don't
2 remember. I just --

3 Q. Okay, when he -- how far was that gun from your ear
4 when he fired it off?

5 A. A little less than a foot.

6 Q. Okay, did you have anything protecting your ear? Did
7 you put your hand up, anything like that?

8 A. No, sir.

9 Q. Okay, and what happened after he fired the gun? What
10 did he say, if he said anything?

11 A. I believe after a couple of times he shot out the back
12 window, he's like, "Go, go, go, go."

13 Q. What did you do?

14 A. I put my foot on the gas.

15 Q. Now, we've seen in the video in times past -- I don't
16 know that it's necessary to look at it again, but is that when
17 your truck just takes off?

18 A. Yes, sir.

19 Q. Am I right in assuming that you went east?

20 A. Yes, sir.

21 MR. ZABRISKIE: Ladies and gentlemen, this -- if I may
22 -- may I address the gallery and the -- this is a mock -- this
23 is a fake gun, your Honor. It's not a real gun. It's been in
24 the custody of law enforcement. It's just used for the purposes
25 of demonstration. It's not a piece of evidence. It's an air

1 gun. Again, it's an air gun. The clip has been removed by
2 the sheriff's office. We're just using it for purposes of
3 demonstration. After the demonstration we -- again, because
4 it's a scary looking -- it's not a toy, it's not a gun, but
5 it's scary looking. We'll just use it --

6 THE COURT: Any objection?

7 MR. PEAD: I just wonder if Dep -- Deputy Ray could
8 testify about it real briefly.

9 MR. RAY: I cleared it. It's a -- it's an air soft
10 gun. The magazine has been removed. It's been dry fired
11 several times so there's nothing in it.

12 MR. PEAD: Based on that, I have no objection.

13 MR. ZABRISKIE: We'd also indicate that it's been in
14 his custody since the trial began, your Honor.

15 THE COURT: Okay.

16 MR. ZABRISKIE: May I approach, your Honor.

17 THE COURT: Sure.

18 Q. BY MR. ZABRISKIE: Is -- does the gun look similar to
19 that --

20 A. Yes.

21 Q. Without the -- without -- with the slide not being
22 back?

23 A. Yes, sir.

24 MR. ZABRISKIE: May she step down for a second, your
25 Honor.

1 MR. PEAD: I have no objection.

2 THE COURT: Okay.

3 Q. BY MR. ZABRISKIE: All right, if the steering wheel's
4 here in front of you -- let's put the steering wheel here,
5 so we don't scare the jury -- and you're the driver, and the
6 record will reflect that you're facing into the west end of
7 the building; is that correct? If I told you it was west --

8 A. I assume.

9 Q. Okay, and where -- you direct me. You put my arm
10 where it's supposed to be. Where is Angel?

11 A. He's right there.

12 Q. Okay, I want you to look forward. Does that look
13 close to what you recollect?

14 A. Yes, sir.

15 Q. So if it goes "Bang, bang, bang, bang," it's right in
16 your ear?

17 A. Yes, sir.

18 Q. Thank you. You can return. Was it louder than that?

19 A. Yes, sir.

20 Q. What else was going on? Was there a -- did you feel
21 anything inside the car?

22 A. I felt a bunch of heat like coming towards my ear.
23 Then I remember the cab filling up with smoke.

24 Q. All right, now he says, "Go, go, go," and did you in
25 fact proceed from there?

1 A. Yes, I did. I put my foot.

2 Q. All right, where did you go?

3 MR. ZABRISKIE: May we have this marked as -- I didn't
4 get it marked, your Honor, but the Court gave me permission to
5 have it done, and then --

6 THE COURT: Sure. Is that 308, 311?

7 MR. ZABRISKIE: Your Honor, this is just a larger
8 reflect -- picture of Utah lake and the respective places.
9 I don't wish to deprive the Court of its view or Counsel, but
10 I'm --

11 THE COURT: State has seen it?

12 MR. PEAD: I haven't seen it. I just saw it sitting
13 there. Can I look at it.

14 (Counsel conferring off the record)

15 MR. ZABRISKIE: Your Honor, if I could describe it for
16 purposes of the record, it's just an expanded view of the lake,
17 similar to the one that's already been admitted into evidence,
18 excepting it's a little easier to see.

19 THE COURT: Okay.

20 MR. ZABRISKIE: May I approach, your Honor.

21 THE COURT: Sure.

22 MR. ZABRISKIE: Let me stand over here.

23 Q. BY MR. ZABRISKIE: Okay, I don't know if you've ever
24 seen an aerial view.

25 MR. ZABRISKIE: May she step down one more time, your

1 Honor.

2 THE COURT: Okay.

3 Q. BY MR. ZABRISKIE: Okay, this is -- do you see the map?

4 A. Yes, sir.

5 Q. What does this say here?

6 A. Utah Lake.

7 Q. Again, is that where I'm pointing?

8 A. Uh-huh.

9 Q. Okay, and this is -- what is this up here?

10 A. Lehi.

11 Q. Okay, and so if this is Eagle Mountain down 73 here,
12 you don't have to be right -- right on squat, but where were
13 you when this mess started?

14 A. I believe I was about right here. I know I was short
15 distance from this road. I know I was about right here.

16 Q. Okay, so the record reflect hat you're about -- on
17 this map, you're about midway west on route 73, between 73 and
18 145; is that correct?

19 A. Yes, sir.

20 Q. All right, tell us where you went form the time you
21 left Sergeant Wride.

22 A. I started driving, and as I was driving, I -- I was
23 like, "Can I get out of the car?" He was like, "No, you're
24 going to drive." Me and him started struggling over the
25 steering wheel.

1 Q. Is that when the car swerved?

2 A. Yes, sir, and as I'm going down, he's like, "Turn
3 right, turn right, turn right," and I proceeded to go right
4 down this back road.

5 Q. Okay, and now you correct me if I'm wrong. What you
6 pointed out there would be called "Redwood Road;" would it not?

7 A. I believe so.

8 Q. Okay, and is that on the west or east side of the
9 lake?

10 A. West.

11 Q. Okay, and did you in fact proceed down that road?

12 A. Yes, sir.

13 MR. ZABRISKIE: Your Honor, I'd ask that this be marked
14 as what's, excuse me, accepted as Exhibit No. 316, admitted.

15 MR. PEAD: No objection.

16 MR. ZABRISKIE: I don't know that it's necessary to
17 publish it.

18 THE COURT: Should be 311.

19 MR. ZABRISKIE: No. 311?

20 THE COURT: I think it's 311.

21 MR. ZABRISKIE: Okay.

22 THE COURT: Accept and receive Exhibit 311 from the
23 defendants.

24 (Exhibit No. 311 Received into evidence)

25 MR. ZABRISKIE: Record reflect that I've demonstrated

1 to the Court, your Honor, and we're not going to ask that it be
2 published any further.

3 THE COURT: Thank you.

4 Q. BY MR. ZABRISKIE: Now, you went -- you're now on
5 Redwood Road, okay, and does he tell you where you're going?

6 A. No.

7 Q. Now, again, this is going to sound unnecessary, and I
8 don't mean to offend you, but was there any talk in that cab
9 about "Hey, this is a great adventure. Let's go for broke,"
10 anything like that?

11 A. No, nothing like that.

12 Q. Did you ever volunteer for this particular experience
13 that you're having now?

14 A. No, sir.

15 Q. Did you encourage him in any way?

16 A. No, sir.

17 Q. Okay, where is that gun when you start down Redwood
18 Road?

19 A. It's in his lap with his finger on the trigger the
20 whole time.

21 Q. Okay, does he say anything -- that's a long drive.
22 How long did it take you to get to the full length of Utah
23 Lake, if you can remember?

24 A. I would say about an hour.

25 Q. Okay, so did you ever go towards I-15 up there in

1 Lehi?

2 A. No, sir.

3 Q. Did you ever -- did you ever take part of I-15 going
4 north/south to Santaquin?

5 A. No, sir.

6 Q. Excepting past Santaquin? Do you know what I'm talking
7 about?

8 A. Yes, sir.

9 Q. All right, what is going on in the cab of that truck
10 during this period of time?

11 A. As we go down that back road, Redwood Road, he -- he
12 then again states kind of a threat again. Then about ten or
13 so minutes after, he says, "I love you." He says, "You know
14 I wouldn't do anything to hurt you." Then he states again a
15 little after a threat.

16 Q. Does he -- does he -- what does he do with that gun
17 when this is going on?

18 A. It's in his lap pretty much the whole time, or it's in
19 his hand, but his hand's on the gun on his lap.

20 Q. What is he doing and how is he acting?

21 A. I would describe it as very bipolar to me.

22 Q. Have you ever seen him during those few months you
23 knew him act like that?

24 A. No, sir.

25 Q. During this period of time did he ever give you some

1 reason other than the fact that there's a warrant out for him
2 for this behavior?

3 A. No, sir.

4 Q. All right, tell us what happens. You're still going
5 south. Do you pass any cars on the way?

6 A. Just a few. There's really nothing out on that side.

7 Q. Okay, are you speeding, going slow; tell us how you're
8 driving.

9 A. I would say about 55, 60'ish.

10 Q. Uh-huh, and at this time do you think maybe this whole
11 thing's over with?

12 A. Yeah.

13 Q. Uh-huh, is that your hope?

14 A. It was.

15 Q. Okay, was there other conversation in that car? By
16 that, you've described another threat, but we've got a long
17 drive ahead of us here. What else was said?

18 A. I tried to ask him about halfway through that drive, I
19 tried to ask him, I said, "What did you do? What did you do?"
20 He just said, "I disabled the car."

21 Q. I'm sorry, did you say "disabled"?

22 A. Yes, sir.

23 Q. Were you, or did you know that what you had described
24 here today and what happened back on the 30th, the damage that
25 it had done to Sergeant Wride? I'm not talking about after the

1 fact. I'm talking right there on that road did you have any
2 idea what had happened?

3 A. No, sir.

4 Q. What -- did you know whether in fact Sergeant Wride
5 had been struck?

6 A. No, sir.

7 Q. What did -- did you wonder if he'd been struck?

8 A. Yeah, but I tried not to think about it.

9 Q. Okay, but you knew he wasn't in pursuit?

10 A. Yes, sir.

11 Q. Is that -- Angel told you he disabled his car?

12 A. Yes, sir.

13 Q. Did you actually see, seated there with your rearview
14 mirror somewhat -- did you actually see what had gone on in
15 that car behind you?

16 A. My mirror by my windshield?

17 Q. Did you see anything that happened inside Sergeant
18 Wride's car?

19 A. No, sir.

20 Q. Then what happened? Let's go back to Redwood Road.
21 What happened?

22 A. As I'm driving down Redwood Road, I don't recall where
23 -- what city that is, but as I'm on Redwood Road, he tells me
24 to turn left.

25 Q. Okay, now stop. You have your cell phone at the time,

1 when this is going on?

2 A. Yes, sir.

3 Q. It's in the car with you?

4 A. Yes, sir.

5 Q. Is there any telephone communication between you and
6 your mother?

7 A. Yes, there is.

8 Q. Tell us, was there a car or calls received at -- let's
9 establish when this happened is around 1 o'clock. Does that --
10 does that sound -- 1 o'clock in the afternoon; does that sound
11 right?

12 A. Yeah, it sounds about right.

13 Q. Okay, did you start -- did you get a call after that
14 from your mother?

15 A. Yeah, I did.

16 Q. Okay, what time did you get that call?

17 A. I don't recall the time.

18 Q. Okay, were you able to tell your mother what was going
19 on?

20 A. No.

21 Q. Did Angel say anything to you about that call or any
22 call you received thereafter?

23 A. Yeah, my phone started going off, and I said, "Can I
24 please answer it?" I was like, "It's just my mom." He said,
25 "Yeah." He said, "You better -- you better not say anything

1 about what's going on." He's like, "You better sound like
2 you're okay." So I picked up the phone with my mom, and my
3 mom asked, "Did you take the garbage out?" I said, "Yes, Mom,
4 I did." She's like, "Are you okay?" and I'm like, "Yeah." At
5 that time I told her I loved her.

6 Q. Was that a common exchange between you and your mother?

7 A. Yes.

8 Q. When you talked to your mother on the phone did you
9 usually tell her you loved her?

10 A. Yes, sir.

11 Q. Did that give the impression of -- well, were you
12 trying to give the impression of normality?

13 A. What does that mean?

14 Q. Everything's cool.

15 A. Yeah.

16 Q. Okay, did she ask you anything else?

17 A. No.

18 Q. Okay, that's the first call. Did you receive another
19 call after that?

20 A. I believe so.

21 Q. Do you recall when that call came?

22 A. No, sir.

23 Q. Did you at any time try to call your mother?

24 A. Yeah, sometimes like with my phone I had, it would
25 automatically call back. Like because when you like hang up

1 the call, sometimes it will like call back the person you just
2 talked to.

3 Q. Did that in fact happen?

4 A. I don't know at that time, but I know it happened a
5 couple of times.

6 Q. Okay, did you talk to your mother again between there
7 -- well, let me -- let me jump forward. Excuse me, strike that.
8 Where do you go? You indicated that you went down Redwood
9 Road. Did you go the full length of the lake?

10 A. Yeah, I believe so.

11 Q. Okay, and ultimately did you turn or where -- tell me
12 where you went down Redwood Road.

13 A. I'm not sure what city that is, but he had me turn
14 left.

15 Q. You don't know what city you're in?

16 A. I don't know what city that's in, but I know it went
17 -- I found out it went to Santaquin.

18 Q. Okay, so you turn left; and how long after that do you
19 arrive at Santaquin? I'm trying to figure a distance here.

20 A. Probably -- I'm not -- I'd say like 15 or 20 minutes.

21 Q. Okay.

22 A. It was kind of long.

23 Q. Now, during this period of time between Lehi and where
24 you turned left, was there conversation going on between you
25 and Angel?

1 MR. PEAD: Can I -- Dean, did you say Lehi?

2 MR. ZABRISKIE: Did I say Lehi?

3 MR. PEAD: I thought I heard Lehi.

4 MR. ZABRISKIE: I'll go with you on that.

5 Q. BY MR. ZABRISKIE: Between Eagle Mountain -- or where
6 you turn left -- or right --

7 A. Uh-huh.

8 Q. -- off of 73.

9 A. I turned left.

10 Q. Then when you turned left thereafter.

11 A. Yes.

12 Q. What was the conversation? Was there more to it than
13 you've -- you've described here today?

14 A. On that road I asked Angel, I said, "Will you please
15 just let me get out of the car?" I was like, "You can take the
16 truck." I was like, "Just let me out of the truck."

17 Q. What did he say?

18 A. He said, "No, you're going to fucking drive."

19 Q. Is that all he said?

20 A. Then a few minutes after, he says, "We need to go
21 back to the house. We need to go back to the house." I asked
22 why; and he said, "We need to go get more bullets." Then I
23 was like, "You didn't give those bullets to your friend like
24 you said you was going to." Then that's when he tells me to
25 fucking shut up.

1 Q. Did he ever -- now, was he pointing that gun at you
2 the whole time or was the gun just pointed?

3 A. It was pointed towards me, but it was on his lap.

4 Q. What's that, I'm sorry?

5 A. It was pointed towards me, but it was on his lap.

6 Q. Okay, did you ever consider just jumping out of the
7 truck?

8 A. Yeah, but I couldn't find the courage.

9 Q. Okay, now you turn left, you go towards Santaquin.
10 Then what happens?

11 A. He tells me to make a right and we start heading
12 southbound on I-15.

13 THE COURT: Can we stop right there and take a recess,
14 Mr. Zabriskie.

15 MR. ZABRISKIE: Yes.

16 COURT BAILIFF: All rise for the jury.

17 (Jury exits the courtroom)

18 THE COURT: Thank you. We'll be in recess.

19 MR. PEAD: Thanks, Judge.

20 (Recess taken)

21 THE COURT: Thank you. Please be seated. Okay, we're
22 back on the record. All the parties are present, including the
23 defendant Ms. Grunwald, all members of the jury. Ms. Grunwald.

24 MR. ZABRISKIE: Can I stand at the lectern, your Honor.

25 THE COURT: Sure. Go ahead, Mr. Zabriskie.

1 MR. ZABRISKIE: May I proceed. Thank you.

2 Q. BY MR. ZABRISKIE: Meagan, you were describing a -- and
3 let me kind of run through what your testimony has been, but
4 very briefly so we can be on the same page.

5 A. Okay.

6 Q. You go down Redwood Road, you indicate you turn left,
7 and you go into Santaquin?

8 A. Yes, sir.

9 Q. Then you were discussing where you -- once you entered
10 Santaquin, what happened thereafter. I'd like you to pick that
11 up, because it was right about there that we recessed.

12 A. Okay.

13 Q. Does that sound right? Okay, go ahead.

14 A. As I go down the Santaquin road, he has me turn right
15 I-15 southbound. As I'm going right, he says, "We need to
16 go back and get the bullets. We need to go back and get the
17 bullets." I said -- I said, "But you have to promise me one
18 thing." He's like, "What?" I said, "You're not going to do
19 anything to my uncle or my mom if they're there." That's when
20 he begins to describe that he's going to either tie up my Uncle
21 Buck and light him on fire, or he's going to shoot him. I said,
22 "I'm sorry, Angel. I can't let you do that."

23 Q. Then what happened?

24 A. Then he said, "Okay." He said, "I promise I won't --
25 I won't hurt either of them." I said, "Okay," I was like, "but

1 you're going to give me the key, and I'm going to go in the
2 house and get them, and I'll be right back out." All he said
3 was, "Okay." So I ended up flipping a U-ee, and heading north-
4 bound on I-15. As I'm heading northbound, I said, "Angel,
5 remember, you promised."

6 Then he starts bringing up that my Uncle Buck is
7 the cause of everything. I had to tell him again, "It's not
8 because of my Uncle Buck." Then again he states that he's
9 going to tie up my Uncle Buck and light him on fire.

10 That's when I basically decide to risk my own life
11 to save my Uncle Buck and my mom, and I turn off the exit of
12 Santaquin, and I got in the wrong lane, ended up turning right.
13 There's a Maverik over there. I end up turning right towards
14 it.

15 He's like, "What the fuck are you doing?" He's like,
16 "Turn around." So I go up this side road and I end up turning
17 around, and I end up -- and he's like, "Turn left." When he
18 told me to turn left, it was because I was about to back -- go
19 on I-15 southbound. Next thing I know I heard sirens.

20 MR. PEAD: Your Honor, I didn't hear that last comment.

21 MR. ZABRISKIE: "Next thing I know, I hear sirens."

22 THE COURT: She needs to say that, Mr. Zabriskie. What
23 was your last comment?

24 THE WITNESS: I said, "The next thing I know, I hear
25 sirens," and I went and grabbed my mirror, and I turned it --

1 I started to turn it down, and Angel grabbed my wrist, and he
2 again moves it back up. As Officer Sherwood pulls behind me --

3 MR. ZABRISKIE: Okay, let's stop right there. Your
4 Honor, could we go to the video now. It would be the Sher --
5 it would be Exhibit 58, Sherwood Dash Cam Video.

6 THE COURT: Okay.

7 MR. ZABRISKIE: Do you have the laser?

8 THE WITNESS: Sorry.

9 Q. BY MR. ZABRISKIE: All right, Meagan, you were just
10 testifying that you got on the Main Street of Santaquin; is
11 that correct?

12 A. Yes.

13 Q. Is this -- is this the position, or is this what we're
14 talking about here, as far as your recollection is this the
15 Main Street in Santaquin?

16 A. Yes, sir.

17 Q. Okay, and then again, south would be, following the
18 little green dot, would be the left, north would be the right?

19 A. Yes, sir.

20 (Dash cam video played in the courtroom. Turned on
21 and off through witness' examination. Video portion
22 is not transcribed due to not being audible enough to
23 produce an accurate record.)

24 MR. ZABRISKIE: All right, play. Okay, stop. Stop.

25 Excuse me, pause.

1 Q. BY MR. ZABRISKIE: Who is that, or what is that?

2 A. That's my truck.

3 Q. Okay, and you're in the left turn lane; is that
4 correct?

5 A. Yes, sir.

6 Q. At the time do you know -- obviously this dash cam is
7 in someone's car. Do you know there's someone behind you?

8 A. That's when I -- since Angel wouldn't let me look out
9 of the mirror up here, I looked out of my side view mirror and
10 I realized that Officer Sherwood was approaching behind us.

11 Q. You didn't know it was Officer Sherwood at the time?

12 A. No, sir.

13 MR. ZABRISKIE: Okay, play. Pause, pause.

14 Q. BY MR. ZABRISKIE: All right, now you -- you proceed --
15 evidently you don't turn left, and you proceed straight. What's
16 going on in the cab of that truck when this is happening?

17 A. As Officer Sherwood pulls behind me, Angel -- he says,
18 "Go, go, go."

19 MR. ZABRISKIE: May I approach, your Honor, just for a
20 second.

21 THE COURT: Okay.

22 MR. ZABRISKIE: Thank you.

23 Q. BY MR. ZABRISKIE: I'm sorry, Meagan, would you please
24 repeat that?

25 A. Angel says, "Go, go, go."

1 MR. ZABRISKIE: Okay, go ahead and play. Okay, pause.

2 Q. BY MR. ZABRISKIE: Okay, now I presume this is still
3 your car?

4 A. Yes, sir.

5 Q. That I'm pointing at with a green arrow -- excuse me,
6 the dot. Is there anything in front of you that you can see
7 from the cab of that truck?

8 A. There's a UTA bus, and then between me and the UTA bus
9 there's like a Lexus hatchback.

10 Q. Uh-huh.

11 A. You evidently know your cars. Did you identify it as
12 a Lexus hatchback?

13 A. I remember looking at it.

14 Q. Then is there anything between you, the bus and the
15 Lexus?

16 A. No.

17 Q. Okay, now when you were going down Main Street were
18 you able to determine or can you recall how fast you were
19 going?

20 A. Pretty fast.

21 Q. Pretty fast is pretty 50, pretty 60, what?

22 A. I would say probably around 50. I was going pretty
23 fast.

24 Q. Okay, and then this -- you recognize this here or
25 where the dash cam is, is an officer is in hot pursuit now; do

1 you not?

2 A. Yes, sir.

3 Q. Okay, and could you hear the siren?

4 A. I remember hearing it.

5 MR. ZABRISKIE: Okay, let it go. Pause, pause.

6 Q. BY MR. ZABRISKIE: Now, here, I notice there for a
7 second that the cars were getting closer. Did you slow down?

8 A. Yeah, I did.

9 Q. Did you do that so that Officer Sherwood would get
10 closer to you?

11 A. No, I didn't.

12 Q. Why did you slow down?

13 A. Because there was a car in front of me. I didn't want
14 to hit the car; and then Angel told me to go around, and I told
15 him I couldn't because he was already facing towards the back
16 window.

17 Q. Okay, and did in fact shots go off in the cab of that
18 truck, your truck?

19 A. Yes, sir.

20 Q. Do you recall how many shots?

21 A. No, sir.

22 Q. Was it more than one?

23 A. Yes, sir.

24 Q. Again, was -- where, in what direction was Angel
25 pointed when those shots went off?

1 A. He was pointed towards the back window again.

2 Q. Was that a similar position as you had seen in the
3 first incident involving Sergeant Wride?

4 A. Yes, sir.

5 Q. Again, am I right in assuming that the positioning of
6 that gun as it relates to the side of your face was the same?

7 A. It was a tiny bit farther, but it was about the same.

8 Q. Okay, and was the sensation that you described in the
9 first incident, was it the same this time?

10 A. Yes, but my ear was ringing now. It was ringing when
11 the first shots were fired, but it was ringing at that time
12 when he shot.

13 Q. Okay, and again, did you have any ear protection on
14 that right ear?

15 A. No, sir.

16 Q. Have anything on your left ear?

17 A. No, sir.

18 Q. Were your windows open or closed?

19 A. All my windows were closed. I don't know about the
20 side mirror, but -- I mean, the side back window, but I know
21 the two front windows were closed.

22 MR. ZABRISKIE: Okay, play. Pause, pause.

23 Q. BY MR. ZABRISKIE: Where is your car; am I pointing at
24 it or is it somewhere else?

25 A. It's right there.

1 Q. Okay, and you just pointed at a white truck that's
2 turning left in what we would call a U-turn.

3 A. Uh-huh.

4 Q. Does that sound correct?

5 A. Yes, sir.

6 Q. Is that the truck you're in?

7 A. Yes, sir.

8 Q. Okay, what's going on; why did you turn left there?

9 A. Because as I was going down and after Angel shut the
10 back window, he told me to turn around.

11 Q. Okay, and did he say anything else to you?

12 A. He then again made the threat.

13 Q. Do you recall what he said?

14 A. "If you don't do what I tell you to do, I'm going to
15 shoot you and your fucking family."

16 Q. So he's repeating the same threats that he's made
17 before?

18 A. Pretty much.

19 Q. Did he point that gun at you?

20 A. It was pointed towards my head.

21 Q. Now, you --

22 MR. ZABRISKIE: Go ahead. Okay, you can turn the lights
23 back on now.

24 Q. BY MR. ZABRISKIE: Now, that video showed you coming
25 back and going what would be considered east on Main Street in

1 Santaquin; is that correct?

2 A. Yes, sir.

3 Q. I know on a cloudy day it's hard to tell north from
4 south, but if I said east you'll accept that?

5 A. Uh-huh.

6 Q. Where did you proceed from there?

7 A. I then went down and there's -- it's like a vacant gas
8 station, and right before I approached that, Angel told me to
9 turn right. So I went to go turn right, and my truck started
10 sliding and my brakes locked. Then I was able to -- I barely
11 missed the stop sign that was right there, and as I'm turning,
12 he's like, "Just go behind there. Just go behind there." He
13 was pointing at the gas station.

14 So I pulled in, and I stopped for a second to hope
15 that everything would be over. Then he yelled at me, he's
16 like, "Why are you stopping?" I was like, "I've got to put
17 it in four-wheel drive." I figured if I put it in four-wheel
18 drive that would give me an excuse to if he had me go back on
19 the freeway.

20 So I put it in four-wheel, and I pulled behind the
21 gas station. There's like a drive-through thing, and I pull
22 behind, and I pull down, and he's like, "Stop, stop." There is
23 ice there, and as I pulled and I hit my brakes, my truck goes
24 -- it's over the sidewalk and it's just a tiny bit into the
25 road.

1 Q. Stop for a second, Meagan. At the risk of some
2 confusion, and rather than dig out the exhibit, do you recall
3 the testimony that was offered by the witness that was at the
4 mortuary?

5 A. Yes.

6 Q. There was a gas station across the street, and we saw
7 exhibits as it relates to the positioning of that gas station
8 as opposed to the Main Street and of course the mortuary. Do
9 you remember that?

10 A. Yes, sir.

11 Q. Is that the gas station we're talking about?

12 A. Yes, sir.

13 Q. All right.

14 A. As I hit my breaks and I stopped, all I see is cop
15 cars passing by. All I was thinking at the time is am I really
16 invisible? I just basically risked my life to try and have
17 everything end.

18 Q. Did the police see you?

19 A. No, they didn't.

20 Q. Were you in plain sight?

21 A. Pretty much.

22 Q. What did they do, just drive by you?

23 A. Yeah.

24 Q. Okay, and then what happened?

25 A. I was just thinking this really is just a nightmare

1 that I can't wake up from. After I would say about four or
2 five cop cars passed me, Angel tells me to turn right. As I
3 start going, he tells me to stop. So I stop again. That's
4 when another two cop cars pass by.

5 Q. Do they see you?

6 A. No, they don't.

7 Q. You come to that conclusion because they didn't stop,
8 or what drew you to that conclusion?

9 A. That they didn't stop, and I kind of just figured that
10 they knew what truck -- what kind of truck I was driving.

11 Q. Okay, then what happened?

12 A. I proceed to go down, and as Angel tells me to turn
13 right on the highway, I turn right.

14 Q. Okay, now right on I-15?

15 A. Yes.

16 Q. What direction was that?

17 A. Southbound.

18 Q. Okay.

19 A. As I start getting on the highway, I ask Angel if I
20 can pull over and take it out of four-wheel drive. He said,
21 "Yeah, you can," but he's like, "You better fucking hurry." I
22 said, "Okay."

23 Q. At this time did you know what or if Officer Sherwood
24 had-- what injuries he had suffered or if he suffered anything?

25 A. No.

1 Q. Did you realize there was a possibility that he had
2 been horribly injured?

3 A. Yeah.

4 Q. Okay, now you -- okay, do you -- go ahead with what
5 you were saying. I didn't mean to interrupt you. It's my
6 memory I'm worried about, not yours.

7 A. I pulled --

8 MR. PEAD: What was the question?

9 MR. ZABRISKIE: What direction they were going in and
10 what happened.

11 THE WITNESS: As I'm southbound I proceed to go and
12 basically join traffic. A short time after, another police
13 officer pulls in behind me, and Angel opens up the back window
14 a third time.

15 MR. ZABRISKIE: Your Honor, if we could pause here,
16 we'll watch just briefly.

17 (Dash cam video played in the courtroom)

18 Q. BY MR. ZABRISKIE: All right, Meagan, do you -- in this
19 particular frame do you see your vehicle?

20 A. It's right there.

21 Q. Okay, and although it's some distance from this lense,
22 you do recognize it?

23 A. Yes, sir.

24 Q. Is the car, this car -- and again, there's nothing to
25 point at excepting the windshield wiper. Is this the police

1 car that you referred to as falling in behind you?

2 A. I kind of remember glancing back a little, but I don't
3 remember -- if I'm correct, this car is a Dodge something, and
4 I remember Ford -- I would say it was an SUV. I don't know
5 really what kind, probably a Ford Expedition that pulled in
6 behind me.

7 MR. ZABRISKIE: All right, go ahead and play. Pause.

8 (Dash cam video played in the courtroom)

9 Q. BY MR. ZABRISKIE: Meagan, I notice in this -- in this
10 view here that there's some distance now to what was a closer
11 contact with that vehicle from which the video's being made,
12 now there seems to be a widening distance.

13 A. Uh-huh.

14 Q. Did you hear the commentator or the commentary
15 referring to shots being fired?

16 A. Yeah.

17 Q. Okay, do you recall that, whether in fact or when
18 those shots were fired?

19 A. I don't recall the time, and all I --

20 Q. One more thing, is that your car down there?

21 A. Yes, all I can remember was that it was a Ford. It
22 was like an SUV sort of thing. I kind of really want to say a
23 Ford Expedition.

24 Q. Okay, were shots fired?

25 A. Yes, Angel did open up the back window and shoot.

1 Q. The same scenario; you're in the same position, you're
2 driving the car. Where is he shooting from?

3 A. The back window.

4 Q. Is that the same configuration that you have described
5 in the two other incidents of gun fire?

6 A. Yes, sir.

7 Q. Same distance from your ear, things like that?

8 A. Yes, sir.

9 Q. How many shots were fired?

10 A. I believe just one.

11 Q. Okay, and then what -- were any more shots fired as it
12 relates to this particular stanza here?

13 A. No, all I can remember is Angel shutting the back
14 window and saying, "Fuck."

15 Q. Uh-huh.

16 MR. ZABRISKIE: Record reflect we're skipping forward
17 to 8, your Honor.

18 THE COURT: Okay.

19 (Dash cam video played in the courtroom)

20 Q. BY MR. ZABRISKIE: Would you point to your car, the
21 car that you're in.

22 A. I can't really see.

23 Q. Right there?

24 A. But --

25 MR. PEAD: Your Honor, can I ask that the witness

1 identify it rather than Counsel.

2 THE WITNESS: I can't really see, but I know my truck
3 is now a ways up there. I don't know if that's the car that
4 got hit.

5 Q. BY MR. ZABRISKIE: Is it that you can't recognize it?

6 A. Yes, sir.

7 Q. Is there a possibility that's not your car?

8 A. Yes, sir.

9 Q. Okay, let me see.

10 (Counsel conferring off the record)

11 Q. BY MR. ZABRISKIE: Was -- on this -- in this particular
12 stanza, was there a -- did you collide with any other cars as
13 it -- well, before you get to 222?

14 A. Yes, I did.

15 MR. ZABRISKIE: We don't need to see anymore. Pause
16 and turn it off.

17 Q. BY MR. ZABRISKIE: Okay, so going up that road, you --
18 was there another -- was there a collision with another car?

19 A. Yes, there was.

20 Q. Do you recall a collision, what happened?

21 A. I think I was in the slow lane, and there was a semi
22 in front of me, and there was a semi I believe on the side. I
23 know there was a car in front of me. It was a bigger car, and
24 I went to go turn left, because Angel kept on insisting that I
25 go around it.

1 Q. Was there a collision with a car?

2 A. Yes, sir.

3 Q. Okay, tell us what happened and what you recall as it
4 relates to that collision.

5 A. I remember there was a bigger car. I think it was a
6 semi, I'm not for sure, but I know there was a bigger car in
7 front of us, and I was in the slow lane, and Angel told me to
8 go around it. There was a semi passing, and then there was --
9 I don't know if it was like a leak in the Cadillac sort of car.
10 That was right behind it, and I turned to go -- to go around
11 it, and it -- and I remember the car like kind of speeding up,
12 and then it stopped.

13 Then as I turned left to go in that lane, I ended up
14 colliding with the car; and a little before that, Angel said,
15 "Don't stop. Don't stop. Don't fucking stop." I ended up
16 hitting the car, and Angel's head ended up coming up and
17 hitting the windshield.

18 Q. Did it hit it with force?

19 A. Yeah.

20 Q. Was that caused by the collision with what you
21 characterize as possibly a Lincoln?

22 A. Yes, sir.

23 Q. Okay, what color was that car?

24 A. Like a tannish brown.

25 Q. So am I right in assuming that -- strike that. Did --

1 or can you remember whether in fact Angel had his seatbelts on?

2 A. He didn't.

3 Q. Okay, and when you collided with the Cadillac, again,
4 Angel's head went where?

5 A. Um, it hit the windshield.

6 Q. If you can in more detail describe that particular
7 incident. I mean, by that, you can determine the collision,
8 whether it was -- what happened?

9 A. I remember hitting the car, and as I looked back,
10 Angel was pushing himself off of the dashboard, and he was
11 like, "Are you fucking serious?" I remember telling him,
12 "I'm sorry, I'm sorry." Then that time I thought I was done.

13 Q. Did he appear to be injured?

14 A. After he grabbed his head.

15 Q. Okay, was there any blood or anything?

16 A. Not that I could see.

17 Q. Okay, when you say "after he grabbed his head," what
18 did you mean by that?

19 A. After he like pushed himself off of the dashboard.

20 Q. Okay, and was he angry with you?

21 A. He was really upset.

22 Q. Okay, now I know this is difficult, but when you
23 repeat Angel's -- what he said, would you describe his voice
24 as sufficiently more stronger and deeper than yours?

25 A. Yes, sir.

1 Q. So when you recite what -- the threats that he's
2 offering against you, it's in your voice; you understand that.
3 It was a man's voice you were hearing, wasn't it?

4 A. Yes, sir.

5 Q. Okay, so what happened after that?

6 A. After that I slowed down a little, and the car turns
7 over and Angel's like, "Go, go, go." So I put my foot on the
8 gas and I then again proceeding.

9 Q. Now I'm going to ask you a question. During -- we've
10 described an incident between Santaquin and now what you've
11 just recently testified to. At any time during that period
12 did you give direction or suggestions or any type of command
13 to Angel as to what was going on?

14 A. No, not at that time that I've described.

15 Q. So he's the one that's -- he's the captain of the
16 ship, so to speak?

17 A. Pretty much.

18 Q. Then what happened?

19 A. Then a little after -- I said, "Angel, just please let
20 me out. Just please let me out." I said, "You can take my
21 truck. You take everything." I was like, "Just let me out of
22 the truck."

23 Q. Did you -- did you think you were going to die?

24 A. Yeah, I did.

25 Q. Okay, and then what happened?

1 A. Then down a little bit of ways --

2 Q. Before you answer that, let me -- let me ask another
3 question and strike that, and then I'll re-ask you, but were
4 those -- I saw something stretched across the road. Did you
5 recognize those?

6 A. Yeah, thsoe were the spike strips.

7 Q. Did you get spiked?

8 A. Twice.

9 Q. By the spikes that we saw in that -- in the video we
10 just viewed, did you get spiked by those?

11 A. Yeah.

12 Q. Do you know what tires were affected by it?

13 A. I'm not sure.

14 Q. Okay, but you did get spiked?

15 A. Uh-huh.

16 Q. Based on your experience with that car, had your tires
17 been punctured?

18 A. Yeah, pretty much.

19 Q. Okay, now go ahead with what you were saying. What
20 happened after that?

21 A. After down a little bit a ways, after I asked Angel
22 if I could get out of the truck, he didn't respond. Then he
23 says, "You know I love you, and you know I wouldn't hurt you."
24 He's like, "I'm going to get you out of this mess." That's
25 when I looked at Angel, and I said, "What did you do? What

1 did you do?" He wouldn't answer me.

2 Q. Okay, now ultimately do you arrive at marker 20 -- 222
3 on I-15?

4 A. I remember it was in Nephi, but I don't remember --

5 Q. If I told you that it was marker 220 -- 222, would you
6 not object to that, or disagree?

7 A. Yeah.

8 Q. Okay, where did you go as it relates to marker 222?

9 A. I -- a little before, he tells me to turn off the
10 exit, and at that time I thought that he was going to stop,
11 and if he didn't, I planned on turning right, because there
12 was like a gas station right there. I planned on turning right,
13 and I figured if he got out and ran, I could go behind multiple
14 cars and I could hide, and my truck wouldn't turn right.

15 Q. Was that because of -- the truck was damaged?

16 A. Yeah.

17 Q. All right, so do you -- do you proceed down that off-
18 ramp?

19 A. Uh-huh.

20 Q. Does your car -- what happens to your car when you
21 reach the bottom of the off-ramp?

22 A. I -- like my steering in my truck is like totally
23 lost. So I ended up going -- there's like a little road that
24 connects like the off-ramp, and the main road, I would assume.
25 There's a little like dirt embankment right there; and my truck

1 ended up there. A little before that he's like, "I got every-
2 thing." He's like, "You better fucking follow." So I put my--

3 Q. Now, is this -- this -- excuse me, I didn't mean to
4 interrupt you, but is this -- is this after he again professes
5 his love and concern for you?

6 A. Yeah.

7 Q. Okay, so then are we right in assuming that then the
8 threats begin again?

9 A. Yeah.

10 Q. So is he going back and forth between love and hate?

11 A. Uh-huh.

12 Q. Okay. Okay, you're at the bottom of the ramp. What
13 happens?

14 A. I -- right before my truck comes to a complete stop,
15 Angel's like, "You better remember what I said." He's like,
16 "Get out and follow." I said, "Okay."

17 Q. Okay, stop right there.

18 MR. ZABRISKIE: Okay, your Honor, we're going to ask
19 to display Exhibit 105, which is the Worwood dash cam video.
20 Frames -- our timing would be 6:57 through 8:09 for the record.

21 THE COURT: Okay.

22 MR. ZABRISKIE: Go ahead.

23 (Dash cam video played in the courtroom. Turned on
24 and off through witness' examination.)

25 Q. BY MR. ZABRISKIE: Okay, this is a still, but do you

1 recognize this still as it relates to the testimony that you've
2 offered?

3 A. Yeah.

4 Q. Do you recognize this road?

5 A. Yeah. Yes, sir.

6 Q. What is it?

7 A. I believe that's the Nephi exit.

8 Q. Somewhere out there I -- do you see where your car
9 ultimately ended up?

10 A. My truck's right there, and you have to play it a
11 little more so I could show you where my truck ended up. My
12 truck ends up like right there.

13 Q. Okay, again, point at it with your pointer.

14 A. Right there.

15 Q. Again.

16 A. Right there.

17 Q. Now, you indicated that on a couple of occasions that
18 that gun was fired; and on one instance you indicated that
19 there was ringing in your ears. About this time, if you can
20 recall, what was the condition of your hearing?

21 A. My ears were still ringing, and my teeth were hurting.

22 Q. Okay, so at the bottom of this hill do you recall --
23 do you have any problems as it relates to hearing?

24 A. Yes.

25 Q. Okay, you're at the bottom of the hill. Tell us what

1 happened.

2 A. Right after Angel tells me to follow, I put my truck
3 in gear, I take off my seatbelt, and I start following him.

4 Q. Now, I don't know if your marker's not working or not.
5 Can you point again to where you were at.

6 A. Right there.

7 Q. You get out, and what does he -- what, does he say
8 anything to you?

9 A. Right as he's like to the front of my truck, he tells
10 me to find a fucking car.

11 Q. Okay, now do you hear anything -- there's another ramp
12 across the street. Can you see that?

13 A. Yeah.

14 Q. Okay, are you able to hear sirens or bullhorns, any-
15 thing like that?

16 A. No.

17 Q. Okay, is it that you didn't hear it or are you just
18 distracted?

19 A. I don't recall hearing it. I might have been a little
20 distracted, but I would say I mostly couldn't hear it.

21 Q. Okay, did you hear anyone saying, "Stop," and "Get
22 down," any -- anything instructing you to take a different
23 course?

24 A. No, sir.

25 Q. I know that this is a video, but assuming that there's

1 a car parked right here, which -- from which this video was
2 photographed or made -- that's even more clear. Before we get
3 to that --

4 MR. ZABRISKIE: Stop. Pause.

5 Q. BY MR. ZABRISKIE: -- was there -- were there any other
6 cars between this video, this frame and the car that you were
7 driving, the Tundra, which is now disabled?

8 A. Can you re-ask that?

9 Q. Anything between you that we can't see?

10 A. No.

11 Q. There are other cars there. Did you notice any other
12 cars going by?

13 A. At the time where my truck stopped?

14 Q. Uh-huh.

15 A. No.

16 Q. I see two figures there running east, or going east.

17 Can you point out -- can you point out the figure furthest to
18 the left or furthest to the east -- or have I got that wrong?
19 I'm turned around here -- south.

20 A. That is me and that's Angel.

21 Q. Okay, and are you -- is he running?

22 A. Yeah.

23 Q. Is he getting further away from you or closer?

24 A. Further.

25 Q. Okay, are you running as fast as you can?

1 A. No.

2 Q. What was your goal, if you had one?

3 A. I -- I was hoping that he would take off and leave me
4 there.

5 Q. Okay, do you recall whether in fact Angel shot his
6 gun?

7 A. I only remember hearing it once.

8 Q. Sorry?

9 A. All I remember hearing it once.

10 Q. Okay, did he in fact shoot that gun?

11 A. Yes.

12 Q. Did you see him shoot it?

13 A. Yes.

14 Q. What was he doing? Is he -- there's been testimony to
15 the effect that he was moving around. What was your recollec-
16 tion?

17 A. He was pointing the gun in all directions, but when --
18 after he fired the first shot, he turned around towards me, and
19 I thought I was seriously going to die then.

20 Q. Okay, did he say anything to you?

21 A. He just told me to fucking hurry.

22 Q. Did you hurry?

23 A. No, I told him I was running as fast as I could, which
24 was a lie.

25 Q. Okay, now based on your recollection and not this

1 picture here, did you in fact slow down and almost stop?

2 A. Yes.

3 Q. Would it be your testimony that a closer review of
4 this would show that?

5 A. Yes, sir.

6 Q. Okay, did you think he was pointing that gun at you?

7 A. For a second I did.

8 Q. Did he point it up the hill up the other -- up the
9 other ramp?

10 A. Yes.

11 Q. Did you hear him or see him fire a shot with the gun?

12 A. Just one.

13 Q. Okay, you heard that Officer Robison was up the hill.
14 Did you see or hear him fire a shot up the hill?

15 A. Uh-huh.

16 Q. Did you see him fire or hear him shoot back towards
17 where this video was being taken?

18 A. No.

19 Q. But in fact a shot could have been fired, or is it --

20 A. It could have been.

21 Q. But you -- but you couldn't hear it?

22 A. No.

23 Q. Okay, where are you going after this still here?

24 A. Angel is running towards under I-15.

25 MR. ZABRISKIE: Right there, stop.

1 Q. BY MR. ZABRISKIE: Is that where you slowed down?

2 A. Yeah.

3 Q. Okay, where -- can you see Angel in this video, or was
4 he behind that sign?

5 A. No, but I believe he's right behind the sign.

6 Q. Okay, does he turn towards you about this time or does
7 -- is he running forward?

8 A. I believe after he fires the first shot up there, he
9 turns around but he's like running backwards kind of, and I
10 thought I was going to pretty much die then.

11 Q. All right, go ahead. Then what happened?

12 A. He tells me to find a car, and I'm not all the way
13 over on the road. I'm actually in this first lane still, and
14 there was multiple cars under the I-15 overpass, and all I did
15 was I just went like that, and --

16 Q. All right, the video is now pointed towards -- and it
17 was my error before. This is pointed towards the south. Do
18 you recognize the components of this particular still here?

19 A. Yeah, that's the car Angel hijacked.

20 Q. Okay, and did you -- were you involved in that?

21 A. (No verbal response).

22 Q. By that, were you -- did you also get in the car?

23 A. Yes.

24 Q. Okay, now he -- I don't know if we can see where
25 people are. Where are you in this video?

1 A. I'm in the passenger side.

2 Q. Okay, and this one here, can you tell whether in fact

3 you're in the car or out of the car?

4 A. I wasn't all the way in the car yet.

5 Q. Do you get into the car?

6 A. Yes.

7 Q. You get in on what side?

8 A. The passenger side.

9 Q. You've heard the owner of that car testify. When you

10 got in that car did you say anything at all to her?

11 A. No.

12 Q. Did you give her any instructions?

13 A. No.

14 Q. How soon after you got in that car did Angel get in --

15 or did Angel get in, excuse me? Let me (inaudible).

16 A. Angel got in and then I got in.

17 Q. How long after you got in did he get in?

18 A. Can you re-say that?

19 Q. Who got in first?

20 A. Angel.

21 Q. He got in the car first?

22 A. Yes, sir.

23 Q. Pardon me?

24 A. Yes, sir.

25 Q. Did you get in the car thereafter?

1 A. Uh-huh.

2 Q. How close were you to him in getting in and out of
3 that car?

4 A. I couldn't really tell you the time; it just happened
5 so fast.

6 Q. The timing?

7 A. Uh-huh.

8 Q. Meagan, let me remind you, there's a record being kept
9 here, so if I ask a question that could be answered "yes" or
10 "no," it might be better if you answer "yes" or "no," okay?

11 A. Okay, sorry.

12 Q. It's all right. So do you recall how soon after --
13 was it simultaneous; what happened? How did -- tell us how
14 you got in that car.

15 A. He got in, and then he told the lady that if -- she
16 asked something about her baby. I don't really recall what she
17 said, but she asked something about her baby, and Angel peered
18 in the car and looked in the back seat, and there was a younger
19 child in the back seat. Angel told her to hurry, and Angel got
20 in and then I got in, but I kept my door a little open, and
21 after she got the baby out of the back seat, I shut my door
22 and she -- I don't remember her name, but the lady shut the
23 back door.

24 Q. Did you think you had a choice as to getting in that
25 car?

1 A. No, I was scared for dear life.

2 Q. Then what happened?

3 A. After she shuts the door, Angel's driving. He's still
4 got the gun in his hand and his finger on the trigger, and he
5 shifts the gear shift down. After that, Angel takes off this
6 way and goes -- continues back onto I-15 southbound.

7 MR. ZABRISKIE: All right, let's just go ahead and turn
8 the lights on.

9 Q. BY MR. ZABRISKIE: Now, you indicated that he got in on
10 the driver's side?

11 A. Yes, sir.

12 Q. Again, it sounds redundant, but who was driving the
13 car?

14 A. Angel is.

15 Q. Okay, and are you -- you're seated in the passenger
16 side?

17 A. Yes, sir.

18 Q. Okay, now where do you go from there?

19 A. We get on I-15 southbound, and Angel's driving, and a
20 little after, Angel says again, "You know I wouldn't hurt you,
21 right?" and I just sat there and I stared at him. He's like,
22 "I promise I'll get you out of this mess." I just said, "Okay."
23 Drive down a little, and an officer has the tires that spike
24 out, and the officer's car, the front was pointed towards us,
25 so north, and the officer was right on the other side of the

1 car.

2 Angel swerved to miss the spikes, and at that time I
3 thought he was going to hit the police officer, and I turned --
4 I turned this way and I ducked my head down. He just has one
5 hand on the wheel, and the gun pointed out towards the officer.

6 Then a little bit after that, he pulls -- I don't --
7 it's like the middle of the freeway, and there's I-15 north-
8 bound's going this way, and we're on I-15 southbound, and
9 there's a strip of land and it's down a little lower. I'm
10 not for sure what you would call it, but he then pulls down
11 into there, and he barely misses another car again.

12 Q. Now, you're -- you're going what direction now on
13 I-15?

14 A. We're still going south, but in the northbound lane
15 now.

16 Q. Okay, let's -- let's back up a little bit. We're --
17 did you have any contact with any other law enforcement cars
18 before you reach that stanza where you're going south in the
19 northbound lanes? By that, any other police cars, things like
20 that?

21 A. I remember a police officer being behind us, but I
22 don't remember --

23 Q. Did you have any further -- I'm sorry, you didn't
24 finish.

25 A. -- I don't remember any other cars.

1 Q. Okay, were there other -- did you come in contact with
2 any other spikes along the way? Now, you're in -- you're in
3 the other car, and you're driving south and he's driving.

4 A. Uh-huh.

5 Q. Were there other spikes that you came in contact with?
6 By that, those things that they stretch across the road to
7 puncture your tires; did you see any of those?

8 MR. PEAD: Objection, asked and answered.

9 THE COURT: Sustained. No need to respond.

10 Q. BY MR. ZABRISKIE: Were your tires spiked?

11 A. Okay, sorry. Yes, once in that car.

12 Q. Okay, and then what happened after that?

13 A. Then after Angel pulled onto the I-15 northbound, he
14 stops the car on the other end of the freeway, and as a little
15 bef-- right as he starts going, he starts slowing down a little
16 on the I-15 -- on the I-15 northbound lane, he slows down a
17 little, and he says, "If I don't die today, I'm going to make
18 sure you and your family die, too."

19 Q. Now, had you said anything to him prior to that state-
20 ment that this new threat?

21 A. All I said was, "Okay."

22 MR. ZABRISKIE: Okay, your Honor, at this time we're --
23 we'd ask the Court to allow us to watch Exhibit -- it would be
24 Exhibit 112. That's the Rod Thompson dash cam. In way of
25 context, it's 1:50 through 2:34.

1 THE COURT: Okay.

2 (Dash cam video is played in the courtroom)

3 Q. BY MR. ZABRISKIE: Okay, and this -- in this stanza
4 right here, Meagan, can you describe to us what you see, if in
5 fact you remember it and recognize it.

6 A. I believe that's the car.

7 Q. When you say "that's the car," I want you to tell me
8 what car.

9 A. I don't remember what type of car. I know it was like
10 a hatchback sort of car, and it was like a goldish-brown.

11 Q. Okay, and that's the car that you were in?

12 A. Yes, sir.

13 Q. Okay, and do you recognize this car here?

14 A. Yeah, that's a police officer's car -- well, truck.

15 Q. Okay, now you've -- you've testified that you went
16 across the center divider; is that true?

17 A. Yes, sir.

18 Q. Okay, and your car is now on the other side. Is it --
19 does it come to a stop?

20 A. Yeah, on the other far end of it, it ends up coming to
21 a stop.

22 Q. I'm sorry?

23 A. On the other far end it ends up coming to a stop.

24 Q. Okay, would you characterize it as being disabled?

25 A. I guess you could call it. I figured so because the

1 tires were spiked.

2 Q. Okay, then what happened?

3 A. Before the car totally stops, Angel tells me if he
4 doesn't die today, he's going to make sure I die, too.

5 Q. Now -- okay, pause. You see -- I see two figures
6 across the freeway and what you've identified as the SUV. Can
7 you point it out for us.

8 A. That's the SUV.

9 Q. All right, and there appears to be two figures there.
10 Can you describe those figures to us and tell us who they are.

11 A. That's Angel, and that's me.

12 Q. Okay, now what is happening here, without -- without
13 any movement? What are -- where are you going and what are you
14 doing?

15 A. Angel starts running northbound, and there was a car
16 parked on the side of the road which you can't see, and as I
17 am coming around the car, I see the car that's over here, it
18 was like the bluish looking car, I see Angel opening up the
19 passenger's side and all I can remember --

20 Q. Excuse me just a second.

21 (Dash cam video played in courtroom)

22 Q. Okay, who was that that we saw running off the screen?

23 A. Angel.

24 Q. Okay, and is that -- that person behind, who is that?

25 A. That's me.

1 Q. Okay, now he's running. Are you running at the same
2 time?

3 A. Can you rephrase that, please.

4 Q. He's running. Are you also running?

5 A. Yes, sir.

6 Q. Why did you exit the car?

7 A. What was that question again?

8 Q. He got out of the car. Why did you get out of the
9 car?

10 A. I was trying to save my family.

11 Q. Did you feel -- still feel threatened by him?

12 A. Very much.

13 MR. ZABRISKIE: Now, go ahead and play it through with
14 the sound.

15 (Dash cam video played in the courtroom)

16 MR. ZABRISKIE: Pause, pause.

17 Q. BY MR. ZABRISKIE: All right, do you see this police
18 officer right here?

19 A. Um --

20 Q. That's -- the one standing there would be closest to
21 us if we were to measure distance.

22 A. I remember seeing about three or four officers right
23 here, with really, really big guns.

24 Q. This one here that I'm pointing at that's standing,
25 again, he appears to be the one closest to us, it appears that

1 his gun is pointed right at you. Did you see that?

2 A. Yeah.

3 Q. Okay, did -- what did you think when you saw that?

4 A. I thought he was going to shoot me.

5 Q. Can you -- can you hear everything that's going on?

6 A. No.

7 Q. Did you hear gunshots?

8 A. I only remember hearing one.

9 Q. One?

10 A. Just one gunshot.

11 Q. Okay.

12 A. At the time; and then a little after, I might have
13 heard one more, but that's all I can recall.

14 Q. I'm sorry?

15 A. That's all I can recall because my hearing, I couldn't
16 really hear.

17 Q. Now, this -- without moving, this is you here and we
18 can't see Angel anymore.

19 A. Yeah.

20 Q. What are you doing right there? Of course, we'll be
21 able to pick it up in a second.

22 (Dash cam video played in courtroom)

23 Q. Now, what are you doing over here? By that, I'm
24 pointing to you what's been identified as your person on the
25 other side of the freeway. What are you doing?

1 A. I knelt down first, and then I seen Angel rolling off
2 the other side. There's like an embankment, I guess you would
3 call it, and it's kind of fairly steep. I remember seeing Angel
4 falling and rolling over there. Then he has a gun in his hand
5 again, and I thought I was going to die.

6 Q. Now, can you still see these three police officers
7 here?

8 A. Yeah, I can.

9 Q. Is it your recollection, or what was your recollection
10 as to what they had in their hands?

11 A. All I remember seeing is really big guns.

12 Q. Okay. You do recall the one police officer aiming his
13 gun at you?

14 A. Yes, sir.

15 Q. Could he have been looking at it through his scope at
16 you, or do you know?

17 A. I don't know.

18 Q. Okay, now, there's a vehicle there that I'm pointing
19 at that appears to be south of you. Were you able -- as you
20 look at it now, are you able to identify that truck?

21 A. Yeah, it was a semi, and if you look up here, it's one
22 of those car -- call haul -- excuse me -- hauler trucks.

23 Q. It was hauling cars?

24 A. Uh-huh, it's the one semis that can haul multiple cars
25 on it.

1 Q. Okay, now there are -- is there -- is there more than
2 that? Is there -- how would you describe the traffic going
3 north on that side of the street?

4 A. I would say a bunch of cars passed me, and I was
5 afraid to get hit.

6 Q. Okay, so over here are you laying out flat -- and I
7 can't tell. Are you laying out flat or are you in a kneeling
8 position; what are you doing?

9 A. I went to kneeling position to flat.

10 Q. Okay, and how would you describe the surface where you
11 were at?

12 A. It was really, really set.

13 Q. Did you ultimately lay down, spread out, whatever?

14 A. Yes, sir.

15 (Dash cam video played in the courtroom)

16 Q. BY MR. ZABRISKIE: Okay, did you say something there?

17 A. I re --

18 Q. Do you recall if you said anything there?

19 A. Yes, sir.

20 Q. Do you recall what you said?

21 A. Uh-huh.

22 Q. What did you say?

23 A. I remember saying, "He's shot in the head."

24 Q. Did you say "f-ing head"?

25 A. Yes, sir.

1 Q. Again, what did you say?

2 A. "He's shot in the fucking head."

3 Q. Why did you say that?

4 A. I -- because where -- when there was bullets flying
5 towards my position, I was afraid I was going to get hit with
6 one of them.

7 Q. Okay, so what were you trying to do? Say -- why
8 didn't you just say, "Stop shooting"?

9 A. Because I was scared.

10 Q. Now, did you -- did you note that he was shot in the
11 head? By that, how did you know he had been shot in the head?

12 A. All I remember is him looking up, and then I don't
13 really know how to explain it, but all I remember seeing is
14 like red on top of his head, and then him looking like straight
15 down, like face first in the snow.

16 Q. Did you think he'd been shot?

17 A. Yeah.

18 Q. Did you think Angel had shot himself?

19 A. Yes, I did.

20 Q. Why did you think that?

21 A. Because right as -- almost right as he was about to
22 get out of the car he said, "I'm going to save the last bullet
23 for me."

24 Q. Did you assume that he'd use that last bullet on
25 himself?

1 A. Yeah, I assumed it.

2 Q. Okay, now --

3 MR. ZABRISKIE: Will you turn the lights back on now.

4 Q. BY MR. ZABRISKIE: -- were you upset with the police at
5 that time, while you were laying out there?

6 A. I wouldn't categorize it as upset. I just -- I didn't
7 know why they was still shooting in my direction.

8 Q. So did you think they were shooting at you?

9 A. Yeah, I did.

10 Q. Uh-huh, and so you were upset with them?

11 A. A little, yes.

12 Q. Now, did you ultimately assume a different position
13 other than kneeling?

14 A. Yeah, after that first shot I laid straight down, and
15 I covered my head.

16 Q. Okay, did you think they continued to shoot at you?

17 A. Yeah.

18 Q. Okay, now, did you ask them -- or did you voice the
19 concern, "Why did you shoot him? Why did you f-ing shoot him?"

20 A. (No verbal response).

21 Q. Do you recall saying that?

22 A. No, I don't recall saying that.

23 Q. Uh-huh. Did you -- were you aware of whether in fact
24 he was dead or alive after he was shot?

25 A. No.

1 Q. Okay, then what happened?

2 A. Then after that I remember I had -- after I had my
3 arms on my head, I had my arms under me because there was I
4 would say about a quarter inch of water on the interstate, and
5 I was laying down on it. So I put my arms under me so I would
6 try not to get as wet.

7 I remember looking back and there was a police officer
8 car behind me, and I was staring down the barrel of a shotgun.
9 He told me to lay down, and he said, "Put your hands where I
10 can see them," and I put my arms out to the side, and I kept
11 on kind of pushing myself a little off the pavement, just so
12 I wouldn't get as wet.

13 That's when I remember looking back again, and he's
14 closer, and I remember looking over at Angel. Then he grabs my
15 hands and he's kind of kneeling on top of me. I don't know why
16 he was kneeling on top of me, but he was kneeling on top of me,
17 and he grabbed -- he grabbed my hands and put them in cuffs,
18 and then he patted me down.

19 Q. Did he put your hands in front of you or behind you?

20 A. Behind me.

21 Q. What did you think when all this had happened? What
22 did you think your position was? By that, how -- how were you
23 being treated? I'm not doing a good job of this. It's been
24 a long day, but how -- did you feel that you were a suspect?

25 A. I felt like they thought that I did everything.

1 Q. Did you tell them that, or did you deny that?

2 A. I later on told, because Officer Johnston asked me
3 while I was in custody --

4 Q. Let's not -- let's not go there.

5 A. Okay.

6 Q. Let's just talk about what's going on here. How long
7 were you laying there?

8 A. I would say a little over -- I would say actually a
9 little less than five minutes.

10 Q. Okay, and then you were -- you were handcuffed and
11 patted down?

12 A. Yes.

13 Q. Okay, and then what happened?

14 A. As he started patting me down I think he realized that
15 I was a female, and he stopped. Then another officer was on
16 the side of me, and the helped me get to my feet, and then they
17 took me back -- back to the police officer car.

18 Q. Was that Officer Sheets' car?

19 A. Yes.

20 MR. ZABRISKIE: Okay, your Honor, we would offer to
21 play Exhibit 117. That's the Sheets' dash cam No. 1, and for
22 the area of reference we would start at 354. This one here
23 there is some moving around. So we'll keep the Court advised
24 as to where we're going.

25 THE COURT: Okay.

1 Q. BY MR. ZABRISKIE: While we're on this still, Meagan,
2 if I told you that this dash cam was in Officer -- Patrolman
3 Sheets' car, you wouldn't disagree with that would you?

4 A. No.

5 (Dash cam video played in the courtroom)

6 Q. Where are you --

7 A. I'm right there.

8 Q. -- let me use my -- it's a little easier, but right
9 there, is that you laying down? Where are you at right there?

10 A. I don't know what that is, but I believe I'm right
11 there.

12 Q. Okay, I was going to say, you looked awfully thin. So
13 it's not entirely clear, but that's where you're at up there?

14 A. Yes, sir.

15 Q. Okay, and is -- this is what we call a "fog line;" do
16 you remember that?

17 A. I refer to it as a white line.

18 Q. White line, good. Okay, is that -- were you pretty
19 close to that white line?

20 A. Yeah.

21 Q. Did cars continue to go by?

22 A. Yes, sir.

23 Q. Did that cause you any fear?

24 A. Yeah.

25 Q. All right, now did you have any rain gear on? By

1 that, anything that was impermeable that water could not go
2 through?

3 A. No, sir.

4 Q. What was the condition of your clothing caused by
5 laying there in that water?

6 A. I was soaked all the way through.

7 Q. Okay, and is that where the officers helped you to
8 your feet?

9 A. Yes.

10 MR. ZABRISKIE: All right, go ahead and --

11 (Dash cam video played in the courtroom)

12 MR. ZABRISKIE: Okay, go ahead and pause there.

13 Q. BY MR. ZABRISKIE: Now even my old eyes can see. Is
14 that where you're at?

15 A. Yes, sir.

16 Q. Okay, pause. You indicated that you looked up and you
17 looked down the barrel of a gun. Can you identify from this
18 particular frame where and if the party that had that gun is
19 located?

20 A. The officer right there.

21 Q. All right, so you look up and you see him pointing a
22 gun at you?

23 A. Yes, sir.

24 Q. Is he shouting any instructions to you, anything like
25 that?

1 A. He just tells me to get down and place my hands where
2 he can see them.

3 Q. Well, that's protocol. You understand that, don't
4 you?

5 A. Yes, sir.

6 Q. Okay, did you in fact do that?

7 A. Yes, sir.

8 Q. Okay, then what happened?

9 A. I looked back towards the off -- these officers, and
10 then again I glanced back at them once, and I looked at these
11 officers again, and next thing I know he is kind of kneeling
12 on my back, and he grabs my hands and puts them in cuffs.

13 MR. PEAD: Just a second.

14 (Counsel conferring off the record)

15 MR. PEAD: Could we briefly approach, Judge.

16 THE COURT: Sure.

17 (Discussion at the bench)

18 MR. PEAD: Judge, if you remember from this video there
19 was an enhanced version and a regular version. The defense
20 objected to the enhanced version, so we played the regular
21 verison. I don't think it was intentional, but I think the
22 defense was playing the enhanced version based on the title.
23 That's why I asked to stop (inaudible). We'll submit it.
24 Okay, just making a record.

25 THE COURT: Okay, one other question. You don't intend

1 to have that air gun --

2 MR. ZABRISKIE: I was going to present that to the
3 Court --

4 THE COURT: -- well, no, the air gun --

5 MR. ZABRISKIE: -- (inaudible) --

6 THE COURT: Hold on, hold on.

7 MR. PEAD: Now he's talking the air gun.

8 THE COURT: You don't intend to mark the exhibit "One
9 air gun"?

10 MR. ZABRISKIE: No, (inaudible).

11 THE COURT: That's not going to come in as an exhibit?

12 MR. ZABRISKIE: We'll send it back if they want it. I
13 can work it.

14 THE COURT: Well, that's the wonder I'm worrying about,
15 because media wants to publish it. If you don't mark it, I can
16 say, "Yes, go ahead;" but if you're going to think about doing
17 it, then I'm not going to allow that.

18 MR. ZABRISKIE: We won't mark it.

19 THE COURT: Okay. All right, thank you.

20 MR. ZABRISKIE: Okay, on the video, this is the Sheets'
21 video, and even in its edited form we could ride through 5. Has
22 the Court already got it (inaudible)? Have we?

23 MR. PEAD: Yeah.

24 MR. ZABRISKIE: Okay, we're fine.

25 THE COURT: What's that?

1 MR. ZABRISKIE: We're fine. We just want to finish by
2 5 (inaudible) today.

3 THE COURT: I intend to get through direct if we can.

4 MR. ZABRISKIE: Sorry?

5 THE COURT: I intend to get through direct if we can.

6 (End of discussion at the bench)

7 (Dash cam video played in the courtroom)

8 Q. BY MR. ZABRISKIE: Is this what you described earlier
9 when the officer put the handcuffs on you?

10 A. Yes, sir.

11 Q. Pause. Okay, did you hear yourself on that video?

12 A. Yes, I did.

13 Q. Okay, and when you first approached I heard something
14 that appeared to be a -- someone crying. Was that you?

15 A. Yes, it was.

16 Q. Okay, and then you said something thereafter. Do you
17 recall what you said?

18 A. I don't know why I told the officer this, but after he
19 put handcuffs on me I started crying a little, and then I told
20 him --

21 Q. I want to make sure you get this right. Let's go back
22 and listen to it one more time.

23 MR. PEAD: Well, is she testifying from memory of from
24 what she heard?

25 MR. ZABRISKIE: Well, let's let her hear it and then --

1 it's not (inaudible). I want you to listen carefully.

2 (Dash cam video played in the courtroom)

3 Q. BY MR. ZABRISKIE: Pause. Did you hear that?

4 A. Yes, I did.

5 Q. What did you say?

6 A. He said if I didn't go with him, he was going to shoot
7 me and my family.

8 Q. Is that the first time you repeated that particular
9 statement to anyone other than -- is that the first time it was
10 heard by anyone outside that car of yours?

11 A. Yes, sir.

12 MR. ZABRISKIE: Okay, could we have a second, your
13 Honor.

14 THE COURT: Okay.

15 (Counsel conferring off the record)

16 Q. BY MR. ZABRISKIE: Where were you placed -- you're off
17 the camera now, but where did they take you?

18 A. To the back of the officer's car.

19 Q. Okay, and is that the officer that has been identified
20 as Officer Sheets?

21 A. Yes, sir.

22 Q. Were you placed in the car?

23 A. Yes, sir.

24 Q. Again, we've heard testimony as it relates to how --
25 how you were secured, but tell us what happened as you were

1 being put in the car based on your recollection?

2 A. He put me in the car and he told me to sit like sit
3 with my back towards the car, and he told me to sit down, and
4 I sat down. Then he told me -- all he said after that was,
5 "Put your feet in the car," and I put my feet in the car, and
6 he slammed the door. Well, I wouldn't say "slammed it," but he
7 -- he shut the door pretty hard.

8 Q. Were you handcuffed?

9 A. Yes, I was.

10 Q. Where were your hands handcuffed; were they in the
11 front or the back?

12 A. Behind my back.

13 Q. Okay, and the seatbelt, was it one that stretches
14 across your chest and then -- how were secured in by seatbelt?

15 A. Officer Sheets did it.

16 Q. Tell us what he did.

17 A. He put the seatbelt on over me, and if you pull the
18 seatbelt hard enough, when it goes back it locks, and he pulled
19 it and then pulled it back so it locked. Then he checked it
20 and then he shot the door pretty hard.

21 Q. Was it -- you heard testimony to the effect that the
22 heater was left on in that car; was that your recollection?

23 A. I don't ever remember there even being one.

24 Q. Was the heat on or --

25 MR. PEAD: Your Honor, I couldn't hear that.

1 THE COURT: Repeat was your response was.

2 Q. BY MR. ZABRISKIE: Pull the microphone towards you,
3 sweet.

4 A. I thought you said the mic, not the heat. Sorry.

5 Q. Oh, that's all right. Could you feel -- was their
6 heat on in the car?

7 A. It was kind of warm in there but he -- the officer had
8 his driver's window down almost halfway.

9 Q. Okay, and am I right, tell me what the condition of
10 your clothing was.

11 A. I was soaked all the way through.

12 Q. Okay, and were you cold?

13 A. I was very cold.

14 Q. Tell me about your handcuffs. Were they -- how did
15 they feel?

16 A. They were on really tight.

17 Q. Did it hurt your hand?

18 A. Yeah, it did. I kind of lost feeling in my hands.

19 Q. Uh-huh, and does the seatbelt hold you back against
20 the seat with your hand behind you?

21 A. Yes, sir.

22 Q. Okay, now tell me how you felt at that time. I want
23 you to start at the top of your head and go down. Tell me how
24 were you -- anything, any pain, anything you were suffering at
25 that time.

1 A. My teeth hurt, and my ear was really, really hurting
2 me.

3 Q. Now, I want to talk about that just for a second. How
4 are your ears today?

5 A. Both my ears drain but my right one drains frequently.
6 I always have to clean my ears out.

7 Q. Uh-huh, and did you have that problem before your ears
8 were exposed to what you've described here?

9 A. No, sir.

10 Q. Has your hearing improved?

11 A. No, it's got worse. I almost can't hear out of my
12 right ear?

13 Q. How about your left ear?

14 A. It's really hard for me to hear.

15 Q. Anything else bothering you? Remember, I'm -- I want
16 you to talk about what was going on in the back of that car.
17 Your ears were bothering you. How about your teeth?

18 A. My teeth were really hurting me.

19 Q. Uh-huh, anything else?

20 A. I had to go to the bathroom, and I was really hungry.

21 Q. Uh-huh, now there's been -- let me -- let me back up
22 a little bit. How long were you in the back seat of that car?

23 A. It felt like a while. I would -

24 Q. What's a while?

25 A. I would say almost an hour.

1 Q. Okay, and were you kept in that one position -- by
2 that, did the car remain there, or does that include transport
3 time?

4 A. The car remained there for some time.

5 Q. Okay, and that was Officer Sheets' car. Did any other
6 officer get in that car or offer any type of assistance as it
7 relates to you?

8 A. No, just Officer Sheets.

9 Q. Okay, there has been -- I don't want to put anymore
10 recordings on, but in one of the recordings you're in the back
11 of the car and we hear --

12 (Counsel conferring off the record)

13 Q. -- I misquoted, okay?

14 A. Okay.

15 Q. In the back of that car, and if we were to extend this
16 recording out any further, we hear more crying?

17 A. Uh-huh.

18 Q. You've already recited what you said outside the car,
19 "He said if I didn't come he was going to shoot me and my
20 family."

21 A. Yes, sir.

22 Q. More crying. Then on the same dash cam did you say,
23 "I told you?" You're in the car alone. You said --

24 A. Uh-huh.

25 Q. -- did you say, "I told you"?

1 A. Yeah.

2 Q. What did you mean by that?

3 A. I basically meant that he should have let me out of
4 the car.

5 Q. Uh-huh, and then at 20:40 we hear, "Come on, baby."
6 What is that?

7 A. That would be me talking about Angel.

8 Q. Okay, did you want him dead?

9 A. No, I don't want anyone dead.

10 Q. Were you still -- after all of this were you still
11 somewhat worried about Angel?

12 A. Yes, I was.

13 Q. Okay, now at this time did you know the nature of the
14 injuries to those that preceded this final stanza? By that,
15 Sergeant Wride and Officer Sherwood, did you know what had
16 happened to them?

17 A. No, I didn't.

18 Q. And you didn't want Angel to die?

19 A. No, sir.

20 Q. Okay, then a little further on in the -- it would
21 be considered the Sheets' dash cam No. 2, and this would be
22 recorded in Exhibit 144, there's something that has been inter-
23 preted as "fucking hos" or "fucking hos, man" is what they
24 thought they heard. Did you say that?

25 A. I don't -- I could have said it, but I don't really

1 recall saying it.

2 Q. Were you upset at the time?

3 A. Yeah, I was.

4 Q. Tell -- again, you've explained all the things that
5 were going on, but were you upset with the police at that time?

6 A. No, I just couldn't believe that they kind of treated
7 me like that. I was a little upset about that, but other than
8 that, I was -- I was extremely cold, because I had a hoodie on,
9 and I had two shirts on under that, and I was soaked all the
10 way through, even my pants, and Officer Sheets still had his
11 window down. So there was cold air coming from the back to
12 the front because I was seated right behind the driver's seat.

13 Q. So you could have said, "F-ing hos"?

14 A. I could have.

15 Q. After you were placed in Officer Sheets' car, what
16 happened after that? After the wait where did you go?

17 A. Um, we started driving northbound in the southbound
18 lane, and then he got into the northbound lane.

19 Q. But where did you ultimately go?

20 A. To Santaquin.

21 Q. Before that, were you taken to any type of medical
22 facility for an examination?

23 A. No, sir.

24 Q. Was there a nurse involved?

25 A. No, sir.

1 Q. You didn't talk to a nurse?

2 A. At that time?

3 Q. Did they take you -- before taking you to Santaquin,
4 isn't it true that you were taken to a clinic or something of
5 that nature where a nurse saw you?

6 A. After I was at Santaquin for a while.

7 Q. Okay, and did you tell the nurse, "I was just in the
8 wrong place with the wrong person at the wrong time"?

9 MR. PEAD: Objection, hearsay.

10 THE COURT: Sustained.

11 Q. BY MR. ZABRISKIE: What did you say to the nurse?

12 MR. PEAD: Objection, hearsay?

13 THE COURT: Sustained.

14 MR. ZABRISKIE: Your Honor, I'm not asking what the
15 nurse said. I'm asking what she said to the nurse; and she's
16 on the stand and under oath.

17 THE COURT: There's not question coming. I mean, it's
18 still hearsay because she's responding to something.

19 Q. BY MR. ZABRISKIE: Did you volunteer anything to the
20 nurse in the way of comment?

21 A. No, I didn't.

22 Q. Okay, (inaudible). Well, let me ask you, were -- were
23 your teeth bothering you at the time --

24 A. Yes, they were.

25 Q. -- you talked to the nurse?

1 A. Yes, they were.

2 Q. Okay, now, were you -- where were you taken from
3 there?

4 A. From the -- the hospital?

5 Q. Uh-huh.

6 A. I was taken to DT.

7 Q. Were you taken -- you mean, to detention?

8 A. Yes, sir.

9 Q. Where were you taken, Meagan, if you can remember?

10 A. After the hospital?

11 Q. Uh-huh.

12 A. Detention.

13 Q. Oh, so you went -- but we're -- I'm sorry, I'm the one
14 that's confusing you. Where were you before you were taken to
15 the hospital?

16 A. I was in the Santaquin.

17 Q. Okay, and at Santaquin who did you see and who did you
18 talk to?

19 A. Patty Johnston.

20 Q. Okay, and therein was -- there was an interview
21 involving you and Ms. Johnston?

22 A. Yes, sir.

23 Q. Okay, and do you remember the nature of the interview?

24 A. A little.

25 MR. ZABRISKIE: Okay, may I have just a second, your

1 Honor.

2 THE COURT: Okay.

3 (Counsel conferring off the record)

4 Q. BY MR. ZABRISKIE: Okay, just a few questions before I
5 forget. Do you bear any malice towards law enforcement after
6 this incident? In other words, are you mad at them for any-
7 thing?

8 A. No, I'm not.

9 Q. Is that the way you felt even before this incident?

10 A. Yes, sir.

11 Q. Did you at any time during which you've described here
12 feel like you wanted to hurt a police officer or anything like
13 that?

14 A. No, sir, never.

15 Q. Pardon me, did you -- do you recall -- well, let me
16 ask you about your cell phone. Did you -- did Angel use your
17 cell phone?

18 A. Yes, sir, he did.

19 Q. Did he use it during this trip?

20 A. Yes, sir.

21 Q. What ultimately did you witness him do with your cell
22 phone?

23 A. He made a phone call and I don't know who that phone
24 call was to at the time, but he was speaking Spanish and I
25 don't know Spanish and so I couldn't understand any of it.

1 Then shortly after, he took out the chip -- because there was
2 like a sim card inside of the phone. He took out the chip and
3 burned it and threw it out the window, and then he did the same
4 with his phone.

5 Q. You say he burned it. What mechanically -- what mech-
6 anics did he use for that?

7 A. He used a lighter.

8 Q. Did he tell you why he did that?

9 A. No, he didn't.

10 Q. Did he also do the same to his phone; was that -- was
11 that your testimony?

12 A. Yes, sir.

13 Q. When you -- during your interview with Ms. Johnston,
14 did you ask the question, "Do you want to search me?"

15 A. Yes, I did.

16 Q. Do you recall what else you said in concert with that?
17 Not in response to a question, but when you said, "Do you want
18 to search me," what else did you say?

19 MR. PEAD: Objection, hearsay.

20 MR. ZABRISKIE: Not in response to a question. I'm
21 asking you --

22 MR. PEAD: Still an assertion, your Honor.

23 THE COURT: Sustained.

24 Q. BY MR. ZABRISKIE: Okay, did you volunteer anything to
25 Ms. Johnston?

1 MR. PEAD: Objection, hearsay.

2 THE COURT: If you're asking for a response, it's hear-
3 say. If you're -- if it's an object or something like that,
4 maybe I'll let it go, but at this point --

5 MR. ZABRISKIE: No, your Honor, she's not responding
6 to a question, that would be hearsay. A volunteered statement
7 is not hearsay --

8 MR. PEAD: Your Honor --

9 MR. ZABRISKIE: -- if it's not in response to a
10 question.

11 THE COURT: If you phrase it that way, maybe I can let
12 it come through, but that's not what she's going to understand.

13 MR. ZABRISKIE: But if she did volunteer it then --

14 THE COURT: Approach.

15 (Discussion at the bench)

16 THE COURT: It's hearsay the way you're phrasing it.

17 MR. ZABRISKIE: Truth of the matter asserted.

18 MR. PEAD: My point is that any assertion she makes
19 is hearsay until I cross her. Until her veracity is attacked,
20 it's hearsay.

21 THE COURT: I understand that.

22 MR. ZABRISKIE: But if it's not in response to a
23 question, it's a volunteered statement, it is not hearsay.

24 MR. PEAD: It's still an assertion.

25 THE COURT: It's hearsay.

1 MR. ZABRISKIE: No, she's on the stand and can be cross
2 examined.

3 THE COURT: Yeah, she can, but she's not -- I mean,
4 it's hearsay.

5 MR. ZABRISKIE: Well, what would she cross examined as
6 to what if in fact --

7 THE COURT: I don't make that assertion. It's hearsay
8 in my mind.

9 MR. ZABRISKIE: Even if there's no question and she's
10 not quoting Patty Johnston.

11 MR. TAYLOR: Do we want to make a record of this.

12 THE COURT: It's on the record.

13 MR. TAYLOR: Okay, can you hear us on this?

14 THE COURT: Yes.

15 MR. TAYLOR: All right.

16 MR. PEAD: I think it comes in (inaudible) cross, but
17 until then --

18 MR. ZABRISKIE: So what you're suggesting is she's
19 barred from -- if you don't cross her, she's barred from ever
20 saying what she said?

21 MR. PEAD: If it's an assertion such as "He made me do
22 it." That's an assertion.

23 MR. ZABRISKIE: You're saying a volunteered statement
24 without a police officer even proffering a question is hearsay?

25 MR. PEAD: Absolutely.

1 MR. ZABRISKIE: Anything they say --

2 MR. PEAD: Look at the definition of 101.

3 MR. ZABRISKIE: Even after they've been Mirandized, if
4 they volunteer a statement, it's admissible.

5 MR. PEAD: That goes to --

6 MR. TAYLOR: It's admissible to the subject of cross
7 examination her being on the stand subject to cross examination
8 is admissible.

9 MR. PEAD: Let me grab the rule because -- "A statement
10 means a person oral assertion, written assertion or (inaudible)
11 conduct as a person intended it as an assertion. (Inaudible) is
12 a statement that a declarant does not make while testifying at
13 a current trial, and a party offers in evidence to prove the
14 truth of the matter."

15 So you're offering to say you told Patty Johnston,
16 "He made me do it." That's an assertion unless it's offered
17 by me as hearsay. Now, after I vet her, it comes in as a prior
18 consistent statement.

19 MR. ZABRISKIE: No, she's taken the stand. That makes
20 her subject to cross examination.

21 MR. PEAD: It doesn't say "subject."

22 MR. ZABRISKIE: Therefore there is exception.

23 MR. PEAD: It says, "After she's been attacked."

24 MR. ZABRISKIE: That's how it's been interpreted in
25 the past.

1 MR. PEAD: There's nothing about subject to cross.

2 MR. ZABRISKIE: If I asked her to repeat back what
3 Mr. Johnston said, that would be hearsay. Ms. Johnston is
4 not here. If she walks in and blurts out -- I wonder how many
5 homicides there would have been not guilty if somebody comes in
6 and says, "I killed him."

7 MR. PEAD: Well, that's -- I can (inaudible).

8 MR. ZABRISKIE: But it's not in response to a question.

9 MR. PEAD: It doesn't have to be; It's still an asser-
10 tion.

11 THE COURT: That's the way the rules state it.

12 MR. ZABRISKIE: Well, that being the case, we're not
13 going to be able to finish with her tonight. We want to, but
14 (inaudible) tomorrow, but we're going to have to revise this.
15 I've never had one like this before.

16 THE COURT: You can research it if you'd like tonight,
17 and then we can come back tomorrow and deal with it.

18 MR. ZABRISKIE: Okay.

19 THE COURT: But for now I would agree it's hearsay.

20 (Discussion at the bench concluded)

21 MR. ZABRISKIE: I -- that's about all we can cover
22 tonight. I think we would be able to finish up in short order
23 tomorrow morning. We would ask to recess at this time.

24 THE COURT: Any objection from the State?

25 MR. PEAD: No, your Honor.

1 THE COURT: All right, at this point we'll recess for
2 the evening. We'll commence again tomorrow at 8:30, unless
3 there's some problem where any of the jurors have to be some-
4 where. At the conclusion of the defense witnesses, of course,
5 we still have rebuttal, possibly. Then possibly we can finish
6 up after that; but it's hard to say, as you see how things go,
7 how long that will be. So we're still planning for the next
8 two days, and you should as well. Anything before we allow the
9 jury to recess?

10 MR. PEAD: No, your Honor.

11 MR. ZABRISKIE: No, your Honor.

12 THE COURT: I admonish you again with regard to the
13 instructions. Okay.

14 COURT BAILIFF: All rise for the jury.

15 (Jury exits the courtroom)

16 THE COURT: Counsel, I've previously sent you by email
17 the final jury instructions as well as the final verdict form.
18 I actually proposed documents for your review and editing.
19 Hopefully you've received those. If you haven't, take a look
20 at those tonight and -- if you have a chance, so we'll be ready
21 to go when the time comes.

22 MR. ZABRISKIE: Thanks, Judge.

23 MR. PEAD: I've emailed your clerk with my (inaudible).

24 THE COURT: Okay, anything else before we break for the
25 evening?

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MR. ZABRISKIE: No, your Honor.

MR. PEAD: No, your Honor.

THE COURT: Have a good evening. We'll be in recess.

(Seventh day of trial concluded)

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