REUBEN RAINEY
18626016, 17
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1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2

STATE OF MARYLAND

3

INDICTMENT NO. 18626016, 17

4 VERSUS

5 REUBEN RAINEY

6 _____/ JULY 9, 1987

7

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE
AND A JURY

11

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE
ASSISTANT STATE'S ATTORNEY

15

BRIAN MURPHY, ESQUIRE

16 ASSISTANT STATE'S ATTORNEY

17 ON BEHALF OF THE DEFENDANT:

18 GORDON TAYBACK, ESQUIRE

19

20 REPORTED BY:
Rita M. E. Taggart
21 Official Court Reporter
507 Courthouse West
22 Baltimore, Maryland 21202

23

24

25

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

2 THE COURT: Be seated. Mr. Tayback, see

3 you at the bench. I don't need the Defendant or

4 the court reporter. Mr. Brave.

5 MR. BRAVE: Yes, sir, good morning.

6 (Whereupon, a bench conference was held

7 which was not made a part of this record,

8 following which proceedings resumed in open

9 court.)

10 (Whereupon, the jury entered the

11 courtroom, after which the following proceedings

12 ensued:)

13 THE CLERK: State satisfied its

14 witnesses have been sequestered?

15 MR. BRAVE: State is satisifed, Your

16 Honor.

17 THE CLERK: Defense satisfied?

18 MR. TAYBACK: Yes.

19 LEROY BOYCE,

20 a witness produced on call of the Court, having

21 first been duly sworn, according to law, was

22 examined and testified as follows:

23 THE CLERK: Sir, I remind you are still

24 under oath. For the record, state your name and

25 address?

1 THE WITNESS: Leroy Boyce, live 430 West
2 135th Street New York, New York now.
3 THE COURT: Good morning, ladies and
4 gentlemen.
5 THE JURY: Good morning.
6 THE COURT: All right.
7 CONTINUED RECROSS EXAMINATION
8 BY MR. TAYBACK:
9 Q Mr. Boyce --
10 A Yes, sir.
11 Q -- State's Attorney, Mr. Brave, spent
12 the better part of yesterday questioning you and
13 basically calling you all sorts of terrible
14 things, including a killer.
15 A Yes, sir.
16 Q Is that right? Now, of course, you
17 don't agree with that, do you?
18 A No, sir.
19 Q He also, among other things in his
20 questions, brought out that the State's witnesses
21 Joanne Blunt, Nellie Chew, and Deborah Blunt will
22 do just about anything you ask them to do
23 especially if cocaine is dangled in front of their
24 noses?
25 A Yes, sir.

1 Q You say jump, they say how high, as long
2 as the cocaine is up there, is that right?
3 A Yes, sir.
4 Q Now, the State's Attorney also brought
5 out that before Nellie Chew testified, excuse me,
6 before Nellie Chew cooperated with the Police
7 Department and gave her version of what took
8 place, you had a telephone conversation with her?
9 A Yes, sir.
10 Q And then it was after that that she
11 decided to be cooperative with the police?
12 A Yes, sir.
13 Q The same thing happened with Joanne
14 Blunt, isn't that true?
15 A No, sir.
16 Q Isn't it true that the day that she gave
17 her initial information to the Police Department,
18 she and you talked on the telephone?
19 A No, sir.
20 Q Now, if she indicated that, would she be
21 incorrect?
22 MR. BRAVE: Objection, Your Honor, there
23 is no such indication. The question is improper.
24 MR. TAYBACK: I can get into it, Your
25 Honor. I don't think it is.

1 THE COURT: Counsel, again, please do
2 not put the basis of your objections forward in
3 front of the jury.
4 You wish to approach the bench?
5 MR. BRAVE: Yes, Your Honor.
6 (Whereupon, counsel and the Defendant
7 approached the bench and the following conference
8 ensued:)
9 MR. BRAVE: Your Honor, Mr. Tayback has
10 a portion of the transcript, the gist of which is
11 there was a conversation the day before Joanne
12 Blunt went to the grand jury with Poppy. In that
13 conversation Poppy says, tell the truth.
14 Now, that's directly contrary to what
15 Mr. Tayback has proffered and is trying to elicit
16 from this witness.
17 MR. TAYBACK: The only difference that I
18 recall, I stated it before she went to the
19 police. Now, Mr. Boyce might be insisting that I
20 use the exact language and say the day before you
21 went to the grand jury. But, as a matter of fact,
22 I think she spoke to the police the day before she
23 went to the grand jury.
24 MR. BRAVE: I don't know. I don't think
25 so.

1 MR. TAYBACK: If he wants the question
2 phrased that way, I'll do that, but that's --
3 THE COURT: Very well.
4 MR. BRAVE: The bottom line is that
5 Poppy said tell the truth and --
6 MR. TAYBACK: Says here, look -- He said
7 tell them what you know, mommy.
8 MR. BRAVE: Tell them what you know,
9 mommy, that's what his advice was.
10 MR. TAYBACK: Final one up here says she
11 said I'm going to tell the truth and he said no.
12 In any case --
13 MR. BRAVE: You don't have to --
14 MR. TAYBACK: -- I'm saying it's here.
15 MR. BRAVE: -- explain. The whole thing
16 has to come out. If you think that --
17 MR. TAYBACK: I agree with that. I'm
18 not going to but, I mean, I've got it right here.
19 MR. BRAVE: All right. Brian left with
20 my copy. I'll share this with you.
21 MR. TAYBACK: I'll let you.
22 THE COURT: He didn't leave it here?
23 MR. BRAVE: He did but I don't know
24 where he left it.
25 THE COURT: All right.

1 (Whereupon, counsel returned to the
2 trial table and proceedings resumed in open
3 court.)
4 Q Mr. Boyce, I'd asked you whether you had
5 spoken with Joanne Blunt by telephone prior to her
6 cooperation with the police and you said no?
7 A I did not talk to Joanne Blunt to
8 cooperate with no police. I talked to Joanne
9 Blunt the same day after she cooperated with the
10 -- after she told the police about Reuben Rainey.
11 Q Well, let me, Mr. Brave, since you don't
12 have a copy --
13 A Spoke to her late that evening.
14 Q -- I'm going to show you page 88 of the
15 transcript from April 8th, excuse me, 1987, excuse
16 me, questions of Joanne Blunt under oath --
17 A Yes, sir.
18 Q -- on the stand.
19 A Yes, sir.
20 Q Question: -- starting at line 18 --
21 Just a moment, let me see if we shouldn't go the
22 whole page. You can read the whole page if you
23 want to. I don't want to cut you off. You can --
24 It seems like it starts nicely at line 18.
25 Question: Aren't you telling the ladies

1 and gentlemen of the jury what you were trying to
2 do, what you were trying to do --
3 MR. BRAVE: Your Honor, I think it ought
4 to be made clear who is asking the question.
5 MR. TAYBACK: Yes. Mr. Brave was not
6 asking, I assume this was me.
7 MR. BRAVE: That's right.
8 Q It would be me, I was asking this of
9 Joanne Blunt. So my question, this is me asking
10 her: Aren't you telling the ladies and gentlemen
11 of the jury what you were trying to do is tailor
12 your testimony to protect Leroy Boyce? Answer:
13 -- this is Joanne Blunt speaking -- No, I wasn't.
14 Question: Because you didn't know what Leroy
15 Boyce had told the police -- and it is spelled
16 Borts but your name is Boyce?
17 A Yes, sir.
18 Q -- told the police, if anything?
19 Answer: -- Joanne Blunt speaking -- Before the
20 police came to me he called me that morning. He
21 had told me that, yes. The day before he said
22 they might come and get you for questioning. I
23 said I don't know what to say. He said what do
24 you want to say? I said I'm going to tell the
25 truth. He said no, mommy, because Edward Cooper

1 and Robert Robinson, I think they talked to the
2 police. I said, Poppy, I'm scared. Joanne Boyce
3 saying, saying I said, Poppy, I'm scared.
4 My question. This is your conversation
5 with Leroy Boyce? Answer: On the telephone.
6 Question: By telephone? This is the day before
7 you go before the grand jury, is that right?
8 Answer: Yes. Question: Finish your answer
9 please. Answer: Okay. No, I wasn't protecting
10 Leroy Boyce, not like that. I said I didn't know
11 what to say. He said just tell them what you
12 know, mommy. I said, Poppy, I'm scared. What
13 about Rudy. I wasn't really listening to what
14 Poppy was saying at the time because I was still
15 scared because I wasn't even going to be there
16 when homicide came. That's how scared I was.
17 Isn't that what it says?
18 A Yes, sir.
19 Q Does that refresh your memory?
20 A No, sir.
21 Q You still don't remember that?
22 A No.
23 Q You don't remember talking with her all
24 the time, as a matter of fact?
25 A I spoke to Joanne after she had

1 testified, after she had talked to the police and
2 she told me that, that the police came to her
3 house and pick her up and took her down to
4 homicide.
5 Q You spoke to her every day, didn't you?
6 A No, not every day.
7 Q Every other day, is that it?
8 A While I was in receiving I didn't speak
9 to her, period, then. I spoke to her when I went
10 to P Section.
11 Q You were in receiving from June 19th to
12 approximately June 26th or June 27th?
13 A Yes.
14 Q Whatever date it was?
15 A Yes.
16 Q You indicated that to us previously. So
17 after June 26th or June 27th, you were in P
18 Section?
19 A Yes.
20 Q You were able to speak with her by
21 telephone?
22 A Yeah, but not every day.
23 Q As to Nellie Chew, you indicated to the
24 ladies and gentlemen of the jury yesterday when
25 Mr. Brave was asking you questions that you never

1 talked with her?

2 A I spoke to Nellie Chew on the phone from

3 the precinct.

4 Q From the precinct?

5 A Yes.

6 Q I'm saying before that when you were in

7 jail and she was in jail?

8 A I, I say hi to her, yes.

9 Q Just hi?

10 A It wasn't hard. Rudy holler at her too.

11 Q You're saying hollering when you would

12 see her in the female population and you were in

13 the male population?

14 A We in P Section, and they got to come

15 from the female section, they cut across P Section

16 to go to the gym.

17 Q But you didn't call her?

18 A I say, yo, you know, and I call like

19 that.

20 Q Call her by telephone?

21 A No.

22 Q That's what you told the ladies and

23 gentlemen?

24 A I call her from the telephone from the

25 precinct.

1 Q I understand. That's what you told the
2 ladies and gentlemen of the jury yesterday?
3 A Yes, sir.
4 Q However, you didn't bother to tell them
5 that you were writing to her all the time, isn't
6 that right?
7 A Yes, I wrote to her.
8 Q So, the fact that you were not
9 communicating with her by telephone is no big
10 deal, you were writing letters to her?
11 A Yeah, I would write to her. She wrote
12 me, I wrote her.
13 Q She wrote back to you?
14 A Yes.
15 Q We know further, for example, that
16 Joanne Blunt and Nellie Bey today were certainly
17 in conversation with each other, isn't that true,?
18 A Yes, sir.
19 Q Nellie Bey, Nellie -- excuse me, Nellie
20 Chew was in jail but Joanne Blunt was on the
21 street, wasn't she?
22 A Yes, sir.
23 Q Defendant's Exhibit Number 3. We have
24 in evidence as Defendant's Exhibit Number 3 a
25 letter or a card written by Joanne Blunt on June

1 21st, in which she signs Bey's signature to it
2 after she is talking with Bey on the telephone at
3 that very time when she is writing this letter.
4 So we know that they are talking amongst each
5 other?
6 A I don't know if they correspond with
7 each other.
8 Q They're your girls, they're your women,
9 they're your mommies, right?
10 A Yeah, all of them is my friends.
11 Q All of them is your friends?
12 A Yeah, my girlfriends.
13 Q Girlfriends?
14 A Yeah.
15 Q The point being made is that everybody
16 in your little group, your friends, they are in
17 communication whether they are in jail or on the
18 street, isn't that true?
19 A I were not communicating with everybody
20 I associates with. I was not communicating with
21 them while I was in jail.
22 Q Well, you weren't communicating perhaps
23 with Bus Driver? Would that be one you weren't
24 communicating with?
25 A I wasn't communicating with Bus Driver,

1 no. He came and see me, he came and see me to the
2 jail a couple of times.
3 Q So even he you were communicating by
4 visits at the jail?
5 A Yes.
6 Q But you certainly weren't communicating
7 with Deborah Blunt?
8 A Deborah, Deborah --
9 Q Joanne Blunt, Nellie Chew?
10 A Yes, sir.
11 Q Let me take you back up to New York
12 City, Mr. Boyce, and go over a few things you said
13 yesterday in response to Mr. Brave's questions of
14 you.
15 Before we do that, let me just go over
16 your plea bargain with the State again.
17 Mr. Brave brought it out that you are
18 going to plead guilty to possession with intent to
19 distribute cocaine --
20 A Yes, sir.
21 Q -- right? And you will -- the State
22 will recommend not more than twelve years?
23 A Yes, sir.
24 Q And that means that you through your
25 attorney, attorney --

1 MR. BRAVE: Objection, Your Honor.
2 State is going to recommend 12 years. The
3 defendant is going to be free to argue for less.
4 THE COURT: All right.
5 MR. TAYBACK: Well --
6 MR. BRAVE: Under the plea bargain the
7 Court cannot give more than the twelve years.
8 MR. TAYBACK: That's the bargain Mr.
9 Quisgard told me, not more than but I'll accept
10 the State's version.
11 MR. BRAVE: It is not more than but we
12 are going to ask for the top of the cap.
13 THE COURT: All right.
14 BY MR. TAYBACK:
15 Q State is going to ask for twelve years?
16 A Yes, sir.
17 Q Your attorney can ask for less. He can
18 ask for probation for that matter, can't he?
19 A Yes, sir.
20 Q It is up to the Judge but you can't get
21 more than twelve years?
22 A Yes, sir.
23 Q You're aware through your attorney that
24 you could get twenty years on possession with
25 intent to distribute cocaine, is that right?

1 A Excuse me?
2 Q I said you are aware through your
3 attorney you could get twenty years on possession
4 with intent to distribute cocaine?
5 A Yes, sir.
6 Q You are aware if the State filed what is
7 called a subsequent offender form on you because
8 of past conviction for drug offenses you could get
9 forty years on possession with intent to
10 distribute cocaine? Could be, isn't that right?
11 A I wasn't advised of that.
12 Q You were not told that?
13 A No.
14 Q You could get three years on a handgun,
15 you were told that, weren't you?
16 A No.
17 Q Because you are a subsequent offender
18 there you could get ten years on that, were you
19 told that?
20 A Excuse me?
21 Q Were you told that?
22 A What?
23 Q That because you are a subsequent
24 offender, on a handgun you could get ten years on
25 that?

1 A No, I wasn't told that.

2 Q Were you told that because you committed

3 perjury in April that the State's Attorney who is

4 the party who would decide to charge you or not

5 charge you could charge with you that and you

6 could get ten years on that?

7 A They told me about that, yes, sir.

8 Q So you know that?

9 A Yes, sir.

10 Q You know also that Judge Johnson could

11 give whatever time he's got suspended

12 consecutively to whatever time you get here, not

13 concurrently, not running together, but

14 consecutively? You understand that, don't you?

15 A Yes, sir.

16 MR. BRAVE: Objection to could. The

17 question should be can because he still can, not

18 could.

19 THE COURT: Very well.

20 Q Are you aware he can? That's still part

21 of your deal. He still could give it to you,

22 couldn't he?

23 A Yes, sir.

24 Q But State is recommending concurrent

25 rather than consecutive?

1 A Yes, sir.

2 Q So, twelve years considering all that

3 isn't too bad? It's a lot worse than getting a

4 noll pros or probation but it is not the worst

5 thing in the world, is it?

6 A It's bad.

7 Q It's bad but it is not as bad as that if

8 we added up all the others, is it?

9 A No.

10 Q Now, the State's Attorney made that deal

11 with you, such as it is, to get you to testify

12 here, isn't that right? Isn't that what we heard

13 yesterday about the Fifth Amendment and so forth

14 and so on?

15 A My lawyer advised me to testify in the

16 case, yes.

17 MR. BRAVE: Objection, Your Honor. That

18 is an incorrect statement. I would like to

19 approach the bench.

20 THE COURT: Approach the bench.

21 (Whereupon, counsel and the Defendant

22 approached the bench and the following conference

23 ensued:)

24 MR. TAYBACK: Could you read back his

25 last answer? I didn't catch what Sam did.

1 MR. BRAVE: I'll state the reason.

2 MR. TAYBACK: Let me hear it first and I

3 think I'll understand the reason. You thought he

4 said his lawyer advised him to testify. Are you

5 saying his lawyer advised him to testify against

6 him? Is that what he said?

7 MR. BRAVE: I'll tell you. If it is all

8 right with you, I'll explain why I'm up here.

9 MR. TAYBACK: Can't read it back while

10 --

11 MR. BRAVE: I'm here to whatever --

12 (Whereupon, the reporter read back as

13 requested.)

14 MR. TAYBACK: That's what I thought he

15 said.

16 Go ahead.

17 MR. BRAVE: Wherever, also in there, Mr.

18 Tayback made the point that the State entered into

19 this plea bargain in order to get him to testify.

20 That's an incorrect statement technically.

21 The State entered into this plea bargain

22 to get him to waive his Fifth, his right --

23 MR. TAYBACK: Fifth Amendment right.

24 MR. BRAVE: His right to stand on his

25 Fifth Amendment rights. So if Mr. Tayback wanted

1 to call him he wouldn't stand on his Fifth
2 Amendment right.
3 MR. TAYBACK: Okay, that's true. But
4 can I remind you that yesterday you said
5 somewhere, and we are to the going to fish it out
6 of her notes, but somewhere you said yesterday
7 that you worked this out so he would waive his
8 Fifth Amendment rights because essentially, and I
9 don't remember your exact words, because the State
10 wanted you to testify.
11 MR. BRAVE: For you.
12 MR. TAYBACK: Okay, I'll put it that way
13 if you want me to.
14 MR. BRAVE: Yeah.
15 MR. TAYBACK: Go whichever way you want
16 me to. You want me to say he waived his Fifth
17 Amendment rights pursuant to the plea bargain?
18 MR. BRAVE: Right.
19 THE COURT: Well, actually, the most
20 accurate way to put it is that State --
21 MR. TAYBACK: Court's witness.
22 THE COURT: -- State did not want him to
23 invoke his right, his Fifth Amendment right.
24 MR. TAYBACK: Yeah, okay. I'll say that
25 and then I'll indicate further --

1 MR. BRAVE: I might add for the record
2 that one of the reasons I didn't want him to is
3 because it had been discussed seriously in our
4 office when we were going over this thing that the
5 defense might later claim that by our refusal to
6 enter into a plea bargain with this man we had in
7 effect stepped into a Campbell versus State
8 situation where we were keeping the Defendant from
9 calling a witness he wanted to call by insisting
10 on some sort of arbitrary plea bargain and we
11 wanted --
12 THE COURT: I think it is incumbent upon
13 you -- I mean, I don't think you can get that out
14 through this witness. I think it is incumbent
15 upon you to call somebody in your office to
16 testify to that fact. You can't ask this witness
17 that.
18 MR. TAYBACK: He wouldn't know that
19 anyhow.
20 THE COURT: That's my point.
21 MR. BRAVE: Yeah. I don't know if I
22 want to.
23 MR. TAYBACK: That's a correct
24 analysis. That's exactly what --
25 THE COURT: Very well.

1 (Whereupon, counsel returned to the
2 trial table and proceedings resumed in open
3 court.)
4 Q Mr. Boyce, let me restate the last
5 question. You can give the same answer but let me
6 restate it so we have it clear. The plea
7 agreement with the State is so that you would not
8 invoke your Fifth Amendment rights, so that you
9 would waive that right so that you would be able
10 to testify? Is that the way you understood it?
11 A Yes, sir.
12 Q Now, you realize, of course, that you
13 are called this time as what is called a Court's
14 witness?
15 A Yes, sir.
16 Q Which means that we are not verifying
17 your credibility and we are not claiming that you
18 have any veracity or truthfulness, do you
19 understand that?
20 A Yes, sir.
21 Q The last time, of course, the State did
22 that, didn't they?
23 A Yes, sir.
24 Q Claimed that you were going to be
25 truthful?

1 A Yes, sir.

2 Q Now, Mr. Brave in a number of his

3 questions remarked among other things that

4 essentially you were cooking up a story to fool

5 the police, fool the State's Attorney and fool the

6 jury and, of course, you always said no, no, no,

7 isn't that right?

8 A Yes.

9 Q Isn't that right?

10 A Yes, sir.

11 Q But in reality you actually did cook up

12 a story that fooled the police and fooled the

13 State's Attorney. Luckily it didn't fool the jury

14 in April, isn't that right?

15 A No, sir.

16 MR. BRAVE: Object. Approach the bench

17 please.

18 (Whereupon, counsel and the Defendant

19 approached the bench and the following conference

20 ensued:)

21 THE COURT: Mr. Tayback, what you are

22 doing now comes close to contempt.

23 MR. TAYBACK: Judge --

24 THE COURT: I have throughout this trial

25 -- let me finish. I have been throughout this

1 trial emphasizing that I don't want us to get
2 sidetracked on the prior proceeding. It was
3 totally uncalled for for you to get into this
4 other subject.
5 I mean, I don't know what you are trying
6 to do at this point.
7 MR. TAYBACK: Your Honor, I disagree a
8 hundred percent with the Court. The Court is not
9 allowing me to respond to those points that are
10 made by the State in his cross examination of this
11 individual. I am using the State's exact language
12 and responding to it and asking him questions
13 directly based on what the State said.
14 I didn't bring it up, the State brought
15 it up. I have the right to have fair commentary
16 and fair response on that. I didn't bring it up,
17 he did it, and that's the point.
18 MR. BRAVE: Judge, what he just said in
19 effect with his question is the last jury wasn't
20 fooled by your attempt to --
21 THE COURT: That's precisely the reason
22 --
23 MR. TAYBACK: That's exactly right.
24 MR. BRAVE: You can't do that, if Mr.
25 Tayback doesn't realize that's improper, Your

1 Honor, I suggest you --

2 MR. TAYBACK: It's --

3 MR. BRAVE: -- remind -- and also tell

4 the jury that it was improper and to strike out of

5 their minds -- I really think the State is on

6 solid ground and that is a gross, a gross --

7 THE COURT: Mr. Tayback, I just finished

8 talking yesterday about this whole concept of

9 opening the door. I just mentioned to counsel the

10 Court of Special Appeals made it very clear that

11 you can't open the door to something that is

12 improper, despite the fact that if it were done on

13 the other side it may not encroach on the same

14 problems, that it would -- You are clearly --

15 MR. TAYBACK: It is not improper,

16 Judge. The State claims it is improper because

17 the State doesn't like it but the point is that we

18 all know what happened. The State did believe

19 him, the police did believe him. We know now that

20 they shouldn't have.

21 But the point is that he didn't get it

22 across to the jury. He didn't get that jury to

23 convict this man.

24 MR. BRAVE: What do you mean we know

25 now?

1 THE COURT: There are several problems
2 with the question. The first is that I have
3 directed both counsel to stay away from what
4 happened in that trial, the end result.
5 The second is that what you are saying
6 is technically wrong because it is not a question
7 of whether he fooled or did not fool. That was a
8 hung jury.
9 MR. TAYBACK: Exactly. He didn't get
10 the conviction. Now, the State is the one who
11 used the term fool. I am using the exact language
12 and I did that for a reason, because I didn't want
13 to run afoul of what the Court was saying. But I
14 have the right to fairly respond to what the State
15 brought up.
16 MR. BRAVE: The simple answer is, Your
17 Honor, is that the result of that prior proceeding
18 has been held time immemorial to be irrelevant to
19 this proceeding.
20 MR. TAYBACK: That's it and that's why
21 you have a instruction.
22 MR. BRAVE: Irrelevant.
23 MR. TAYBACK: That's why you have an
24 instruction that says what happened there doesn't
25 matter here.

1 THE COURT: It doesn't work that way.
2 There are things that can't be cured by
3 instructions.
4 MR. TAYBACK: Then, then if that's the
5 case, why did the State bring it up about fooling
6 the jury, fooling the police and fooling the
7 State's Attorney? He's the one who used that
8 language.
9 MR. BRAVE: Fooling this jury, the only
10 jury.
11 MR. TAYBACK: You said fooling the
12 jury. What are we talking about? You know as
13 well as I do that he's testified twice and he told
14 a different story and he fooled you and fooled the
15 police.
16 MR. BRAVE: Your Honor, Mr. Tayback has
17 --
18 THE COURT: Mr. Tayback, you can't
19 honestly be standing there and saying to me that
20 you didn't understand that it was my directive
21 that we stay away from what the results of that
22 first trial were?
23 MR. TAYBACK: Absolutely, that's your
24 directive but, as we discussed previously, before
25 we started the session this morning, that

1 directive has been breached both by myself and by
2 the State's Attorney, and I then have the right to
3 follow up on that. I can't just leave it out like
4 that. I have to follow up on it.
5 MR. BRAVE: When I'm standing in front
6 of the jury and referring to the jury, you think I
7 have to say this jury? I mean --
8 MR. TAYBACK: I think you do in this
9 case, absolutely.
10 MR. BRAVE: That's the most ridiculous
11 argument.
12 THE COURT: This is one time I cannot
13 agree with you, Mr. Tayback. You have really
14 stretched this thing.
15 MR. TAYBACK: Well, I just -- I disagree
16 with the Court.
17 MR. BRAVE: I ask for curative action on
18 the part of the Court. We have already lectured
19 Mr. Tayback but I would ask that the Court -- that
20 the jury be advised that the last question was
21 strictly improper and please disregard.
22 THE COURT: I'm going to say to both
23 counsel, the Court has attempted to be
24 accomodating but if counsel can't be more
25 compliant with the Court's orders, the Court is

1 going to take some other action in this case.
2 I'm not going to allow people to just
3 totally disregard what I say. I mean, that's what
4 is happening here.
5 MR. TAYBACK: I don't think so. That
6 might be an issue to resolve later on but the
7 point is that I think it is fair commentary. If
8 the Court is going to give a curative instruction,
9 it should give exactly that instruction which I've
10 told the Court that it is going to have to give
11 because of the way in which the matters came up in
12 closing argument. You can give that right now if
13 you want to and say no matter what happened in
14 that prior case, that has nothing to do with now
15 and you can leave it at that or you can expand
16 upon that as the Court finds appropriate.
17 But to say that the question in itself
18 was improper is not true.
19 THE COURT: There is no question that
20 question was improper. No question whatsoever.
21 MR. TAYBACK: It fairly follows that
22 which the State brought up.
23 THE COURT: If this hadn't come up
24 before it would be a whole different story but
25 this is something that has come up over and over

1 again.

2 If you had any question you should have

3 brought it up at the bench instead of blurting

4 this question out in front of the jury.

5 MR. TAYBACK: Judge, what you are just

6 saying is if it had come up in a vacuum, it would

7 be okay, because then it wouldn't be okay. It's

8 only okay when it follows what the State has said

9 and it fairly follows that.

10 MR. BRAVE: Nobody is going to disbar

11 you for the question but you are wrong.

12 MR. TAYBACK: I think I'm right.

13 MR. BRAVE: Just plain wrong. It is so

14 wrong it's ridiculous to even argue.

15 MR. TAYBACK: Factually right.

16 MR. BRAVE: You told the jury that Mr.

17 Brave asked an improper question, please

18 disregard, you know, please disregard it, that's

19 all I'm asking for here. It's an improper

20 question, please disregard it. That's all I'm

21 asking for.

22 MR. TAYBACK: I think you have to

23 indicate the reason why it would be improper.

24 MR. BRAVE: Come on. It's improper

25 because it is irrelevant. That's why it is

1 improper.

2 MR. TAYBACK: Yes, right, but why is it

3 irrelevant? You are going to have to answer it

4 sooner or later, Judge. Might as well answer it

5 now.

6 THE COURT: I am not going to permit

7 this line of questioning to go any further.

8 MR. TAYBACK: I don't need to go any

9 further. I made the point I wanted to make.

10 THE COURT: That's what is very

11 troubling, is the idea that somehow or another you

12 just felt you could slip it in and that would be

13 it.

14 MR. TAYBACK: Slip it in is the wrong

15 term to use. I have the right to do that when the

16 State brings it up. Are you saying just because

17 the State opens the door I don't have the right to

18 barge through it? But the reason for that is not

19 because --

20 THE COURT: I'm saying that the Court of

21 Special Appeals is saying it. I'm not saying.

22 The Court of Special Appeals is saying.

23 MR. TAYBACK: I think it is fair

24 commentary.

25 MR. BRAVE: Of course you do. You do

1 what you are going to. I think it is not.

2 MR. TAYBACK: I wouldn't ask the

3 question if I didn't think it was fair commentary,

4 and it directly responds, even to the same

5 language, as the State has raised in its

6 examination of this individual yesterday. That's

7 why I even made notes as to the exact language.

8 MR. BRAVE: What are we going to do?

9 MR. TAYBACK: I don't know. I have made

10 my point. It's on the record what I think is

11 appropriate.

12 MR. BRAVE: I think the relief I'm

13 asking for, Your Honor, is mild under the

14 circumstances-- Ladies and gentlemen of the jury,

15 the last question that was asked was improper,

16 period. Please disregard the question and

17 answer. Mr. Tayback please continue. I direct

18 you not to get into that area again.

19 MR. TAYBACK: Well, number one, I'm not

20 going into the area again. I have already

21 indicated that.

22 Number two, I see no reason for the

23 Court to make such a response because it is not

24 improper and not inappropriate. If the Court so

25 rules, then the State has the right to request a

1 curative remark by the Court sustaining the
2 State's objection.
3 MR. BRAVE: I don't have anything else
4 to say, Your Honor.
5 Do you want to sustain the objection and
6 just move on? If you don't want to lecture them,
7 I don't care. Can we just move on?
8 You are not going to overrule the
9 objection, are you, Judge?
10 THE COURT: Gentlemen, both of you
11 apparently consider this whole thing almost in a
12 comedic vein. The Court considers it very
13 serious.
14 As I have indicated, I have made it
15 clear what it is I intend or expect from you. I'm
16 going to tell both of you, if you pull a trick
17 like this again, I'm going to deal with you.
18 If you think I'm playing, if you think
19 I'm playing, try me.
20 Return to the bench.
21 (Whereupon, counsel returned to the
22 trial table and proceedings resumed in open
23 court.)
24 THE COURT: Ladies and gentlemen, the
25 question that was just asked was totally improper

1 and out of line and I'm instructing you to
2 disregard it. You are in no way to consider
3 whether or not anything that was presented fooled
4 any jury. That's not your concern whatsoever. I
5 instruct you now to please disregard it and please
6 do not give any consideration to that vein or that
7 line of questioning or to that thought at all.
8 Let's proceed.
9 BY MR. TAYBACK:
10 Q Mr. Boyce --
11 A Yes, sir.
12 Q -- going to New York, you in response to
13 Mr. Brave's questions of you yesterday indicated
14 that the house at West 121st Street is the house
15 of an individual by the name of Roscoe, is that
16 correct?
17 A Yes, sir.
18 Q You, you know Roscoe?
19 A Yes, sir.
20 Q You know where Roscoe has another
21 enterprise?
22 A Yes, sir.
23 Q Where is that?
24 A He live in the Bronx.
25 Q So you know even where he lives, is that

1 right?

2 A Yes.

3 Q Do you know, for example, whether he has

4 that house in his name?

5 A No, sir.

6 Q Is he like you, he doesn't put anything

7 in his own name?

8 A The house on 121st Street is in his wife

9 name.

10 Q So you even know that the house is in

11 his wife's name?

12 A Yes, I think. I am not positive but I

13 think the house on 121st Street is in his wife

14 name.

15 Q What is his wife's name?

16 A No, I don't know it.

17 Q You don't know that but you know that

18 information. You know -- what is this, a three

19 story house with a basement?

20 A It's either three or four stories high.

21 Q You know the people in the basement?

22 A Yes, sir.

23 Q You know somebody on the first floor?

24 A Yeah.

25 Q You know somebody on the second floor?

1 A No, sir.

2 Q Oscar, you don't know him?

3 A I know Oscar but I don't know if he live

4 on second floor. I don't even know if Oscar live

5 in the building. I know Oscar is the super of the

6 building. I don't know if Oscar live in that

7 building or not.

8 Q You know the people that live on the

9 third floor?

10 A That's the last floor up, isn't it?

11 Yes, the last floor, the top floor.

12 Q Except for the second floor where you

13 may know or may not know that Oscar lives there,

14 except for the second floor you knew all the

15 people living in this building?

16 A Yes, sir.

17 Q You know Oscar is the superintendent?

18 A Yes, sir.

19 Q You know Troy is having something to do

20 with Oscar?

21 A I know Troy is -- I only know Troy and

22 Oscar are friendly with each other. I know Troy

23 is Wayne's brother. That's all I know.

24 Q You know Wayne and his affiliation, as

25 you call it, with some drug organization --

1 A Yes, sir.
2 Q -- prior to him going to jail, which you
3 knew?
4 A I never know Troy to -- I mean, Wayne to
5 go to jail.
6 Q I am sorry, must have misunderstood that
7 then. But somehow or the other he leaves the
8 scene and then you take up with his wife or x-wife
9 or girlfriend or x-girlfriend, is that what it
10 was?
11 A No.
12 Q Well, you explain it.
13 A Troy -- Wayne used to go with a girl and
14 she started freebasing and he put her down, you
15 know, he quit her. When I was messing with her,
16 he was not messing with her then.
17 Q So --
18 A It wasn't like -- you know, because she
19 was basing up too much.
20 Q So you know all these people, you know
21 the history of the house, knew all about the
22 house. You even know, for example, it has
23 something to do with a drug organization? You
24 said that yesterday?
25 A I know the house belong to Roscoe and

1 Roscoe -- the house was almost abandoned and
2 Roscoe hook it back up for the people who working
3 with him to cop some place to stay.
4 Q So you know all that but you do not know
5 one person, Jesus?
6 A It have -- I say -- you said Troy live
7 in the house, which I know. What's the, the man
8 on the second floor? Oscar live in the house. I
9 know Oscar. You said he live on the second
10 floor. Rudy live, Rudy and Linda live on the
11 third floor, but in each floor's got approximately
12 three or four apartments. This is a place with
13 kitchenettes and each floor have three or four
14 apartments in it.
15 I wasn't -- I know two, three person --
16 I know three, I know Rudy, Linda, Troy and you say
17 that Oscar live in the apartment so -- which is
18 only four person I know in the whole building and
19 in the building it could have approximately four
20 and four and four, twelve, you could have twenty
21 people live in the building plus the people in the
22 basement.
23 Q You know Oscar as the superintendent of
24 the building, is that right?
25 A Yes, sir.

1 Q Yet his self-described assistant
2 superintendent you don't know?
3 A Excuse me?
4 Q His self-described assistant
5 superintendent you don't know?
6 A I don't know who -- if he have a
7 self-described superintendent or what. I don't
8 know.
9 Q You have -- when was it that you first
10 went to a 121st Street, again that particular
11 building?
12 A Back in January, maybe. January,
13 February, in '86.
14 Q About '86?
15 A '86, '85. I can't -- but sometime last
16 year.
17 Q You said some -- I think you said
18 yesterday sometime at the end of 1985 or beginning
19 of 1986?
20 A Yes, it could be that.
21 Q You also said you'd been there
22 approximately -- you didn't know how many times
23 but approximately thirty times, is that right?
24 A Yes, sir.
25 Q Now, you been to jail since June 19th,

1986, isn't that true?

A Yes, sir.

Q You described for us the time that you went up there on May 30th, 1986, that would be one of those thirty times I guess, is that right?

A Yes, sir.

Q So you go up every week to ten days, is that also true? Was that your usual format for getting drugs?

A To go up to New York to get drugs?

Q Yes.

A Yes, sir.

Q So if you took thirty times back and forth times a week or ten days -- every time you go to New York you go to 356 West 121st Street?

A No, before I came to Baltimore, right, I came -- you see, I have the years mixed up. Just being back incarcerated I have the time, the date and the years mixed up. But '85, '85 I was in New York for awhile, right, and I used to -- Roscoe had a place, a base house on 112th Street.

Q You used the term base house yesterday. Would you explain that, please?

A Excuse me?

Q Would you explain the term base house?

1 A Base house in New York is, you know, is
2 a building or apartment, apartment where people
3 comes in buy the crack, sit up there, and they --
4 the people that own -- owner of the place will
5 rent them a torch and pipe. They will sit there
6 and smoke it.
7 Q So you know that Roscoe owns through his
8 wife 356 West 121st, has a base house on 112th and
9 lives in the Bronx?
10 A Yeah.
11 Q And whatever time frame we are talking
12 about you have been to 356 West 121st Street,
13 thirty times?
14 A Maybe I been there.
15 Q In 1985, or early 1986?
16 A What I'm saying maybe I be there like
17 six times in one day with Roscoe.
18 Q I see. So the thirty times we are
19 talking about could include going back and forth,
20 back and forth, back and forth on the same day?
21 A On the day.
22 Q When you go up to New York or on May
23 30th, 1986, in response to Mr. Brave's question,
24 you said you left the girls off at that house
25 because you got there too early?

1 A Yes, sir.

2 Q Now, do you set up ahead of time with

3 Coochie that you are going to buy a certain amount

4 of drugs at a certain time?

5 A No.

6 Q Well, do you just get up there and you

7 search around until you find Coochie?

8 A No. Coochie's place usually open 2

9 o'clock.

10 Q 2 o'clock in the afternoon?

11 A In the evening.

12 Q Afternoon?

13 A Yeah.

14 Q You got up there too early for that?

15 A Yes.

16 Q Do you take Joanne Blunt with you to

17 Coochie's place?

18 A No, I did not take Joanne Blunt that

19 time with me.

20 Q So, how did you get over to Coochie's

21 place, do you take a cab?

22 A I think -- I can't remember. I can't

23 remember if I caught a cab or if I drove over

24 there.

25 Q Would you drive yourself?

1 A I cannot remember if I caught a cab or
2 if I drove over there.
3 Q Do you usually have people drive you
4 around?
5 A Usually when I get to the city I will
6 catch a cab and go over there to Coochie's house
7 because I have out of state plates and
8 neighborhood is a hard neighborhood and the police
9 see the out of state car, the tag, out of state
10 car tag in the neighborhood.
11 Q This time you don't know whether you
12 took your car with out of state plates over there
13 or not?
14 A I can't remember.
15 Q So it would certainly seem out of place
16 for somebody with say Maryland plates in a hot
17 drug area, known to the police as a hot drug area,
18 to pull up in an out of state car or, excuse me,
19 in an out -- in a car with out of state plates and
20 go into a drug house and come back in a few
21 minutes with a package. You described the package
22 with your hands yesterday, would you do that
23 again?
24 A Approximately about this big.
25 Q So it is not real small? It is not real

1 big, but it's a, it's a package that has some
2 substance to it?
3 A Yeah. It's no bigger than the, than the
4 picture.
5 Q Than the picture?
6 A Yeah, that picture.
7 Q Well, it is not in that form, is it?
8 A Huh?
9 Q It is not in this -- that shape, is it?
10 Is it in that shape?
11 A Can I explain? Can I --
12 Q Sure.
13 A Approximately this, this much here this
14 way, almost the same thickness.
15 Q And how long would it be using that?
16 A I said this, this.
17 Q About half of that then, so it would be
18 about eight and a half?
19 A Not half. Here, right here.
20 Q About a third?
21 A Right. Here, I want to show the jury
22 what I'm saying. Right here.
23 Q I'm trying to do it for the the record,
24 Mr. Boyce. So you would estimate about the third
25 of the size of the transcript in its length and

1 about it's width?

2 A Like right here. From here down.

3 Q Okay, so that's the --

4 A Right here, sir, this much. This out

5 here, and the same, this, just this piece off.

6 Q In other words, if you took a pair of

7 scissors and cut that to this size, that would be

8 the right depth, right length and once you cut it,

9 the right width?

10 A Yes, sir.

11 Q So, you come out with that package?

12 A Yes, sir.

13 Q You don't come out with it in your hand,

14 do you? You have it what, wrapped in something or

15 hidden somewhere?

16 A You put it under your arm like this.

17 Q Just put it under your arm?

18 A Yeah, and walk out.

19 Q You are just walking out with this thing

20 under your arm?

21 A Yeah, put it under my arm and walk out

22 with it.

23 Q You either get back in your cab or get

24 back in your car?

25 A If -- most likely I catch a cab and go

1 over there, but I walk from -- because in that,
2 Central Park and Manhattan Avenue, between, you
3 know, you don't catch a cab like that there. You
4 go to Central Park, on Central Park, on Central
5 Park Circle, easier to get a cab. So you walk up
6 to Central Park and catch a cab.
7 Q So if you don't have your car with you
8 -- I assume you drive your car back home if you
9 have the car with you, right?
10 A I don't take no cars there. I catch a
11 cab.
12 Q All right, so --
13 A I most likely catch a cab.
14 Q Now, we are just taking a cab. You take
15 a cab over there and after that you can't catch a
16 cab right there so you have to walk with this
17 package under your arm --
18 A Yes, sir.
19 Q -- until you catch a cab?
20 A Yeah, yeah.
21 Q To go back to 121st Street?
22 A Yes, sir.
23 Q Roscoe's a drug dealer, isn't he?
24 A Yes, sir.
25 Q Oscar, Troy, Wayne, all these people are

1 drug dealers, aren't they?

2 A Yes, sir.

3 Q Is there anything that compels you to

4 deal with this mystery person Coochie as opposed

5 to your buddies, Roscoe and et cetera?

6 A No.

7 Q So, you do that anyhow? That's just the

8 way you do it?

9 A Yeah.

10 Q Dealing with this guy for awhile?

11 A Number one, Coochie, I don't know what

12 nationality he is but he is a spanish speaking

13 person and all drugs come, they would come from,

14 from Columbia, Peru or some place like that. They

15 spanish speaking people. They get the better

16 quality, they get the drugs better than black

17 person will have it. They will give them more

18 pure than a black person would have it.

19 Just like I'm a drug dealer, if I get a

20 package of drugs, right, if I get a package of

21 drugs, I could tamper with it. When say tamper

22 with it, I mean put some cut in it like isotol,

23 mannitol, bonita or something like that. Compress

24 it back together and sell it to people as pure and

25 tell them it's pure, which most black people do

1 this but spanish people don't do that. So I
2 rather deal with the spanish people.
3 Q Well, you are not a small drug purchaser
4 on the street, the type of person who might be
5 fooled by some sort of unethical drug dealer. You
6 are buying twenty-four thousand to thirty thousand
7 dollars of drugs every week or so?
8 A Yes, sir.
9 Q Now, if it is twenty-four thousand
10 dollars every week, that's over a million dollars
11 a year. If it is thirty thousand every week, it's
12 a million and a half a year?
13 A I can't count that fast, so I don't
14 know.
15 Q That's a lot. You are just one of
16 presumably numerous, numerous, numerous clients of
17 Coochie, is that right?
18 A I don't understand the word.
19 Q You are the only client of Coochie?
20 A No, sir.
21 Q You are not the only person who bought
22 from him?
23 A No, sir.
24 Q You went in there and he had his shop
25 open after 2 o'clock?

1 A Yes, sir.

2 Q And he had his customers like you come

3 in unannounced --

4 A Yes.

5 Q -- without appointments to buy?

6 A Yes, sir.

7 Q If you wanted X amount, he had X amount?

8 A Yes, sir.

9 Q So he had not only a good source of

10 supply for himself, he had good a source of supply

11 for you. Whenever you were up there with money

12 you could get what you wanted?

13 A Yes, sir.

14 Q Now, this Coochie deals out of some

15 house on 107th Street?

16 A Yes, sir.

17 Q Do you know the address?

18 A No, sir.

19 Q But he's a big dealer?

20 A Yeah.

21 Q As big as Nickey Barnes? You mentioned

22 his name yesterday?

23 A No, he ain't as big as Nickey Barnes.

24 Q As big as Roscoe?

25 A When you say Nickey, you say Nickey

1 Barnes, he deal in coke and heroin, you
2 understand. You know, like he had like the whole
3 of New York City covered with heroin. You know,
4 Coochie, Coochie ain't known in the street like
5 him because the name goes out in the street. Like
6 when you have heroin, you know, your name goes out
7 who have the best dope.
8 Q Then you are telling, you are telling
9 the ladies and gentlemen of the jury that
10 Coochie's name is known on the street at 107 --
11 A I say his name is not known in the
12 street.
13 Q His name is not known on the street?
14 A Is not known on the street.
15 Q So somehow he's known to you?
16 A He known to me and other clientelles,
17 yes.
18 Q And his other clientele?
19 A But he not a Nickey Barnes like all you
20 want to put it.
21 Q And he must be dealing millions of
22 dollars a year?
23 A I don't know how much he deals.
24 Q Well, he's bigger than you?
25 A Yeah.

1 Q Lot bigger than you?
2 A Yeah.
3 Q And yet he's completely unknown to
4 everybody else except for him, you and his
5 clientelle?
6 MR. BRAVE: Objection, Your Honor, there
7 is no testimony -- Can I make the objection at the
8 bench?
9 THE COURT: Yes.
10 THE WITNESS: Could I go to the bathroom
11 please?
12 THE COURT: Yes.
13 (Whereupon, counsel approached the bench
14 and the following conference ensued:)
15 MR. BRAVE: The question, Your Honor, is
16 speckled with a lot of Mr. Tayback's very good
17 advocacy but it is improper. The evidence is not
18 that Coochie is known to the witness and to one or
19 two other people and to no other -- nobody else in
20 the world. That's the way the question is and I
21 am asking Mr. Tayback, you know, to limit your
22 advocacy to the extent you can to your final
23 argument and not to your questions.
24 MR. TAYBACK: Does the Court want to
25 hear from me before ruling?

1 MR. BRAVE: I would object to the form
2 of the question. That's what I'm going to object
3 to.
4 THE COURT: I sustain the objection.
5 (Whereupon, counsel returned to the
6 trial table and proceedings resumed in open
7 court.)
8 Q So, Mr. Boyce, after you finish with
9 Coochie at this address, whatever it may be, on
10 107th Street, you then catch a cab, walk or catch
11 a cab and get back to 121st Street.
12 Now, this is, according to you, Friday
13 May the 30th --
14 A Yes, sir.
15 Q -- of 1986?
16 A Yes, sir.
17 Q Now, prior to that time, you had told us
18 that you had had your problems with Rerun. He had
19 become unreliable because of his drug addiction?
20 A Yes, sir.
21 Q Therefore you had to have somebody else
22 assist you on your efforts to find Carlos?
23 A Yes, sir.
24 Q Carlos, in response to Mr. Brave's
25 question of you, is the one you thought had broken

1 a padlock on a door of Robin Robinson's bedroom
2 closet?
3 A Yes, sir.
4 Q She's the one who had the key to that,
5 isn't that right?
6 A Robin had the key for that.
7 Q For the padlock?
8 A Yes, sir.
9 Q The date that the padlock was broken,
10 were you informed that very day?
11 A The morning she said. Happened at, at
12 nighttime.
13 Q So it happened --
14 A I mean, it happened, happened in the
15 morning right before she was ready to go to work.
16 Q Did she see it?
17 A No. She just seen the -- when she came
18 from work she saw the lock was broken on the
19 closet door.
20 Q This is the woman who works until late
21 at night, is that right?
22 A Yes, sir.
23 Q Basically she works until late at night,
24 she gets home and finds that somebody has broken
25 the padlock to her closet in her bedroom?

1 A Yes, sir.

2 Q Somehow or the other we go from there

3 through whatever reports are garnered by her or by

4 you or by Rerun or by whomever to Carlos, is that

5 right?

6 A I -- say --

7 Q Carlos ends up as your object?

8 A Yes, sir.

9 Q Now, that is sometime in May?

10 A Yes, sir.

11 Q You don't even know the date when the

12 money is taken?

13 A I can't remember the exact date the

14 money was taken.

15 Q You don't even remember the exact amount

16 that was taken?

17 A I can't remember the exact amount

18 because like I -- I remember I had give her

19 thirty-one thousand in one bulk. I remember

20 that. But then I remember I gave her four

21 thousand, you know, like two thousand, a thousand,

22 you know, but I kept -- but like she, she, she

23 keeps the money for me.

24 Q She's keeps all your money for you?

25 A Yeah.

1 Q Except for what you need?
2 A Yeah.
3 Q So that's your safe, that's your bank?
4 A Yes, sir.
5 Q So it is all in there, your bank has
6 been broken into?
7 A Yes, sir.
8 Q And whatever date it is, whatever amount
9 it is, Carlos becomes the person who is the bank
10 robber?
11 A Yes, sir.
12 Q You go after him on one day?
13 A Yes, sir.
14 Q And that is in the morning and in the
15 evening?
16 A Yes, sir.
17 Q Then that's it?
18 A We was -- she hadn't -- they say --
19 Robin say he wasn't staying there no more, right,
20 because on that same day the money was stolen, the
21 same day that I know the money was stolen, he
22 supposed to had an eviction notice.
23 Q Okay. You explained that. But what I'm
24 saying is you -- we have got that day and we have
25 got the action you took on that day?

1 A Yes.

2 Q You have already testified to that.

3 Now, nothing else comes up between that period of

4 time, which is sometime around the middle of May,

5 until May 30th? You are not chasing him down any

6 more streets, not getting him to jump out any more

7 windows?

8 A I haven't seen him. Robin didn't know

9 where he at.

10 Q So Robin didn't know where he was. You

11 have no further reports and you haven't seen him?

12 A No.

13 Q But on May 30th, even though you have no

14 leads, nothing of consequence, you got nothing to

15 go on --

16 A Yes.

17 Q -- you decide on that day, let me bring

18 Reuben Rainey down to take care of this matter?

19 A Yes, sir.

20 Q Now, you decide to bring him down even

21 though he doesn't know anything about the City of

22 Baltimore?

23 A Yes, sir.

24 Q Doesn't know anything about Carlos?

25 A Yes, sir.

1 Q You got no leads to Carlos?
2 A Yes, sir.
3 Q You got nothing to even tell you where
4 he is?
5 A Yes, sir.
6 Q But you bring him down anyway?
7 A Yes, sir.
8 Q Of course, you bring him down because
9 he's so good at this sort of thing?
10 A Yes, sir.
11 Q But, of course, you are the one who has
12 to give him the 357 Magnum?
13 A Yes, sir.
14 Q You are the one who has to carry the bag
15 down with his dirty clothes?
16 A Excuse me?
17 Q And you are the one who has to carry his
18 bag down with his dirty clothes?
19 A I brought his bag down from New York.
20 Q And you make this conscious decision,
21 you decide to employ him and his talents and yet
22 you don't enter into any sort of understanding as
23 to how he's going to be paid, when he's going to
24 be paid, what he's going to be paid, how long he's
25 going to be working for you, none of that is

1 discussed?

2 A Rudy used to work with us in New York

3 City before.

4 Q So, he's coming to Baltimore now. You

5 don't make any sort of arrangements?

6 A Listen, he used to work with us in New

7 York City before on the door.

8 Q On the door?

9 A Yeah, as security on the door. I know

10 the man. I know the man. I know what he could do

11 and what he will do, you know. With me and Rudy,

12 Rudy -- If I tell Rudy, yo, take care of this for

13 me, he say he needs some money, he say, yo,

14 Bobbie, give me -- I back in my rent or my baby

15 need a crib or something, right, I'll give it to

16 him. That's before we left New York City, just

17 before we left New York City.

18 He -- his child with, with Linda, the

19 social worker people had took the child from her,

20 they took the child from him. He needed some

21 money to get a crib just before he came down, me

22 and him came down, because the social worker say

23 he have to have a crib in the house, in the

24 apartment for the child to stay in, I give him the

25 money to get the crib and money to buy food and

1 stuff so he could get the child back. You see
2 this is the way we work.
3 Q When you say a crib, you are not
4 referring the apartment, you are referring to a
5 baby crib?
6 A A baby crib.
7 Q What did you give him, twenty dollars,
8 fifty dollars?
9 A Give a hundred and, and something
10 dollars all together.
11 Q For food, the crib?
12 A For the food and the crib I give him a
13 hundred and something dollars.
14 Q Now, are you telling us that was your
15 contract, if you will, with Mr. Rainey, that in
16 return for you buying a crib for a child, who
17 doesn't live there, and some food, that he would
18 come down to Baltimore and work for you?
19 A You see, we -- me and Rudy are -- Easy
20 and them, like a family, like -- you understand
21 what I'm saying?
22 Q No, I don't?
23 A We like a family. One half washing and
24 both hands wash the face.
25 Q So that's how you end up bringing him to

1 Baltimore for the first time. Now, you are saying
2 that even though he works for you in New York, we
3 are hearing that now, nonetheless, he's not one of
4 these people who is going back and forth and back
5 and forth between New York and Baltimore?
6 A When I was in New York City he used to
7 work with me and Easy. The drugs was mine and the
8 spot was Easy's spot and he used to work in the
9 spot.
10 Q Somehow or other May 30th, that becomes
11 the time frame for him to come to Baltimore for
12 him to work for you?
13 A Yes, he came down and began working with
14 me.
15 Q He comes down to Baltimore to find the
16 mysterious Carlos?
17 A Yes, sir.
18 Q With no clues?
19 A Onliest clues we had was Robin who was
20 finding out where Carlos stay at, and Robin works
21 from two to eleven or three to eleven, something
22 like that, you know.
23 Q You have already told us, I think
24 several times, you have already told us that you
25 had no clues and she didn't have any idea where he

1 was?

2 A She didn't. She -- I keep asking her if

3 she hear where Carlos at and she keep telling me

4 no.

5 Q The answer is always no, no, no?

6 A Yeah.

7 Q Anyhow, this person comes down from New

8 York to Baltimore just at that time and, of

9 course, it is just at that time that you also

10 decide it is appropriate for you to take a couple

11 of days off and go over to Robin's house and be

12 incommunicado, not in communication with anybody

13 for a couple of days, say Saturday night, Sunday

14 into Monday, is that right?

15 A Yeah.

16 Q Just take a break, a vacation?

17 A No vacation. I just want to rest.

18 Q You just wanted to rest and it's at that

19 time you made that decision to do that?

20 A Yeah.

21 Q Now, just prior to going up to New York

22 you must have run out of your supply of cocaine.

23 That would be the reason for going up there,

24 right?

25 A I finished up, yes.

1 Q Finished what you had?

2 A I had finished what I had down here and

3 I went up there to get some more.

4 Q And your crew or your organization, they

5 would have known that? They work for you, they

6 depend on you not only for their personal needs

7 but whatever supplies or monies, whatever other

8 things you give to them?

9 A Yes, sir.

10 Q So you go up to New York, you then come

11 back to your, one of your main houses which is

12 Manchester Avenue?

13 A Yes, sir.

14 Q And you come back there and you got the

15 supply and you are giving everybody hits?

16 A Give everybody --

17 Q Hits?

18 A -- hit or hits?

19 Q Hits.

20 A Hits, yes.

21 Q How about Rerun?

22 A Rerun was ill.

23 Q Rerun even though he's laid off is at

24 Manchester Avenue on May 31st?

25 A He didn't. I tell you he laid off.

1 Q Laid off is the term you used yesterday
2 or the day before?
3 A Yes, I said I was going to lay him off.
4 Q Going to lay him off?
5 A Yeah. You see when you, you work like,
6 you work, Rerun and them work with me, if I lay
7 him off, Rerun will be still round me. They don't
8 go no place. Drug addict will still hang on you
9 like a buzzard.
10 Q You still got this buzzard still hanging
11 around you?
12 A Yeah.
13 Q And this is on May 31st?
14 A Yes.
15 Q But because he is a buzzard the gun
16 suddenly goes from you to Bus Driver to Reuben
17 Rainey?
18 A When I left to go to New York --
19 Q I understand.
20 A -- Bus Driver --
21 MR. BRAVE: Excuse me. The witness was
22 right in the middle --
23 THE COURT: Finish.
24 Q Go ahead.
25 A When I left to go to New York City, I

1 left the gun in the possession of Bus Driver.
2 When I came back to Baltimore, I cannot remember
3 if I took the gun myself from Bus Driver. I said
4 -- like say you had the gun, I say, Bus Driver,
5 give me the gun and I then put it in Reuben Rainey
6 hand or if I had ordered Rudy -- I mean, Bus
7 Driver and tell Bus Driver to give Reuben Rainey
8 the gun. I cannot remember that.
9 But I know the gun was transact right
10 there. When I came back the gun was given, he had
11 the possession of the gun couple hours after,
12 couple hours after I came back.
13 Q According to your testimony, and it
14 doesn't matter to me whether you say that it came
15 from Bus Driver to him or you through him,
16 honestly, okay, the gun was originally Rerun's?
17 A No, the gun was mine gun.
18 Q It was originally yours?
19 A No, no.
20 Q Originally yours. It is originally
21 stolen --
22 A The gun --
23 Q Let me finish, then you say yes or no.
24 A Yes, sir.
25 Q The gun is bought by somebody who is an

1 honest person, he loses the gun somehow or the
2 other. You end up with the gun somehow or the
3 other?
4 A Yes, sir.
5 Q The gun goes from you to Rerun somehow
6 or the other?
7 A No. No.
8 Q All right.
9 A No.
10 Q Does the gun ever go to Rerun?
11 A Rerun had possession of the gun.
12 Q Isn't Rerun the one you told us had
13 possession of the gun to shoot Carlos?
14 A Yes, sir.
15 Q So the gun presumably somehow or the
16 other gets into Rerun's hands that day?
17 A Yes.
18 Q Then do you retrieve your gun back?
19 A Yes.
20 Q So you retrieve your gun back from
21 Rerun, then it ends up with Bus Driver?
22 A Yes, sir.
23 Q Then it goes either from you directly or
24 through Bus Driver directly to Reuben Rainey?
25 A Yes, sir.

1 Q The reason for that would be to use it
2 against Carlos?
3 A Yes, sir.
4 Q And that's the reason for the gun to go
5 to Reuben Rainey, right or not? Yes or no?
6 A Say it over again. Just that short
7 paragraph, say it over again.
8 Q According to you --
9 A Yes.
10 Q -- the gun goes from whomever in your
11 group to Reuben Rainey for him to use against
12 Carlos?
13 A Yes, sir.
14 Q Right?
15 A Yes.
16 Q Now, again, and you have told us this,
17 you have nothing to go on with respect to Carlos?
18 A Robin say she would help me find him.
19 Q Exactly.
20 A Exactly. We have nothing to go on.
21 That's all I had. Robin would -- Robin say, said
22 she would help me find him because Robin and his
23 wife is personal friends.
24 Q Now, you disappear over to Greenmount
25 Avenue?

1 A Yes.

2 Q And then Deborah Veney gets killed,

3 Glenita Johnson gets killed, right?

4 A Yes, sir.

5 Q And supposedly, according to what you

6 are telling us that you have heard, they get

7 killed over either bad cocaine, not enough cocaine

8 or some other problem with the cocaine?

9 A This is -- Rudy say he kill the girls

10 over thirty-five dollars because Debbie went to

11 cop for him, for them. He, he used the word them,

12 they chipped in and Debbie went to cop. When they

13 came back they cook the coke in Debbie's apartment

14 and came back like a New York dime. Rudy didn't

15 want that. He wanted his money back. He say he

16 want his thirty-five dollars back.

17 Debbie started running off with the

18 mouth. He -- they keep arguing backwards and

19 forthwards with each other. Debbie say, all

20 right, I give you the thirty-five dollars and she

21 was going upstairs to give him the thirty-five

22 dollars, that is what he told me.

23 Q Now --

24 A Then she stood in the middle of stairway

25 still running at the mouth and Maggie started

1 kicking him in the butt and he pulled Maggie out
2 and shot the girl in the head.
3 Q So that now you are saying that that is
4 the reason they got killed?
5 A Yes, sir.
6 Q Now, you remember two days ago when I
7 first asked you, you said that the reason they
8 couldn't go over to 862, excuse me, to Greenmount
9 Avenue was because you essentially told them to
10 bug off even though they, they knew you had all
11 these drugs?
12 A Yes, sir.
13 Q Yesterday morning, however, I refreshed
14 your memory where you had said a number of times
15 previously that is exactly what they could have
16 done. They could have gone over to Greenmount
17 Avenue and they could have gotten drugs there --
18 A It --
19 Q -- now --
20 A What I'm saying --
21 Q Let me finish first, then you can
22 finish.
23 A Yes.
24 MR. BRAVE: Objection, Your Honor.
25 MR. TAYBACK: All right. Your Honor,

1 I've allowed him to finish. He should allow me to
2 finish.
3 MR. BRAVE: I'd just like a question
4 soon.
5 MR. TAYBACK: I'm getting to it.
6 THE COURT: Please do, Mr. Tayback.
7 Q Now, Mr. Boyce --
8 A Yes, sir.
9 Q -- take your time on this.
10 A Yes, sir. Excuse me.
11 Q Was it necessary two days ago for you to
12 come up with the explanation that they couldn't go
13 over to Greenmount Avenue to get drugs from you --
14 Just a minute.
15 A I'm listening.
16 Q -- whereas, previously, and I was glad
17 to refresh your memory for you, you had said that
18 they could go over to Greenmount Avenue to get the
19 drugs from you?
20 A Because -- I told them don't come back
21 over to Greenmount Avenue because they usually
22 come over like if, you know, in the motel or
23 wherever I'm at, and I don't want to be bothered,
24 right, they will come, still come and nag me, yo,
25 give me a hit, give me a hit, give me a hit,

1 right; and taking the thirty-five dollars and go
2 and buy the cocaine from somebody else, they --
3 think it was very stupid and they have, then have
4 to have a double homicide behind it, which they
5 could have come and asked me for the coke. I'd
6 have give it to them.
7 Q The new story that you have come up
8 with, Mr. Boyce --
9 MR. BRAVE: Objection, Your Honor. It's
10 the same story.
11 MR. TAYBACK: Let me finish.
12 THE COURT: Mr. Tayback, just ask the
13 question and leave all the commentary out.
14 MR. TAYBACK: Well, just a moment, Your
15 Honor.
16 Q The new story that you have came up
17 with, you came up with two days ago, different
18 than what you had said before, is the only way
19 that you can explain why somebody who works for
20 you, who receives drugs from you, who receives
21 money from you would have to go over to Deborah
22 Veney's to buy drugs, isn't that correct, Mr.
23 Boyce?
24 A That somebody -- say it over again.
25 Q Joanne Blunt --

1 A Uh-huh.

2 Q -- Nellie Chew, Reuben Rainey --

3 A Uh-huh.

4 Q -- the only explanation you can come up

5 with as to why they would have to go to Deborah

6 Veney to buy drugs when you have all those drugs

7 at Greenmount Avenue --

8 A Uh-huh.

9 Q -- would be if you say now, oh, I told

10 them not to come over?

11 A I told them not to come over. I said

12 don't come -- don't bother -- after they dropped

13 me off that night, I told them, yo, don't mess

14 with me no more, you know, until I come out.

15 Q That's a new explanation that you have

16 come up with since April, isn't it, Mr. Boyce?

17 A No, sir.

18 Q Certainly different than what you said

19 in April though, isn't it, Mr. Boyce?

20 A I told them I don't want to be bothered

21 after, after they dropped me off on Greenmount

22 Avenue, I told them I don't want to be bothered,

23 you know, I want to lay up, give me a break

24 because I was tired, I was up for like five days.

25 Q Mr. Boyce, are you the one who had

1 access to 4711 Navarro Road?

2 A If I had access there?

3 Q You did have access there?

4 A Yes, sir.

5 Q You are the one who had the 357 Magnum?

6 A Yes, sir.

7 Q You are the one who had the beef with

8 Deborah Veney?

9 A Yes, sir.

10 Q You have to come up with an explanation

11 as to why somebody else would have to go there,

12 don't you, as opposed to you?

13 A I have to come up with an explanation --

14 Q Don't you?

15 A -- why somebody else have to go there?

16 I --

17 Q Exactly.

18 A I don't understand the question.

19 Q I think you do. Mr. Boyce, you say that

20 when these people come to Greenmount Avenue --

21 A Yes, sir.

22 Q -- they rush in, Rainey is covered in

23 certain parts of his body with what appears to you

24 to be blood?

25 A Yes, sir.

1 Q Among those places would be what, the
2 shirt?
3 A No, he didn't have no shirt on.
4 Q Didn't have a shirt on?
5 A No.
6 Q His tennis shoes?
7 A His sneakers, yes.
8 Q And the groin or crotch area --
9 A The crotch area --
10 Q -- of his pants?
11 A -- of his pants.
12 Q Is that right?
13 A Yes.
14 Q Of course, the State and whatever number
15 it is -- Madame Clerk, could I ask you what number
16 the men's briefs are?
17 THE CLERK: Number 45.
18 Q And the State, of course, brings forward
19 a pair of men's briefs that have blood in the
20 crotch area?
21 A Yes, sir.
22 Q Had you even seen those before Mr. Brave
23 showed those to you?
24 A No, sir.
25 Q You didn't see them on Reuben Rainey

1 that night, did you, or that morning?
2 A No, sir.
3 Q As a matter of fact, you previously
4 testified that you saw him -- Mr. Brave, this
5 would be page 71, transcript April 14, 1987 --
6 that you saw him in a white T-shirt and white pair
7 of drawers, boxer drawers now?
8 A I never said so. When Rudy came to --
9 Q If you think I'm making it up, read it.
10 A Where?
11 Q Where I've got it marked.
12 A Show me where.
13 Q Look, I'll read it to you. I was look
14 at Reuben Rainey, he went in the hall --
15 A Huh.
16 Q -- he had on white T-shirt, white pair
17 of drawers, boxer drawers. Do you see that?
18 A I can't remember saying that like that
19 because he didn't have any. When Rudy came in
20 there he didn't have on no shirt. He'd blood on
21 his sneakers. I went in the shower. I went in
22 the shower and take a shower, Rudy went in the, in
23 the duffle bag and either take out a white pair, a
24 white piece, he took out a white piece of clothes,
25 something from the duffle bag, either a pair of

1 shorts or a T-shirt and he washed his sneakers in
2 the sink. I was in the shower, he went in the
3 duffle bag.
4 Q Certainly if the person is not wearing
5 the bloody garment which has blood around the
6 crotch area, then how is it that you know about a
7 garment which you have never seen before --
8 evidently, Mr. Brave showing it to you -- that has
9 blood around the crotch area?
10 A He had blood on his pants, he had some
11 dungarees and blood was on his pants and you could
12 see where the person wiped the blood, because the
13 ring, the wipe -- the blood from the pants -- He
14 had blood on his pants.
15 Q Well, agree with me or disagree with me,
16 I'm going to ask you a question. If Mr. Rainey is
17 wearing boxer drawers, which is what you said he
18 was wearing then?
19 A He wear jockey shorts. He don't wear
20 boxers drawers.
21 Q I'm reading your words to you, Mr.
22 Boyce. Do you understand that?
23 A All right, sir. Yes, sir.
24 Q These are your words. I'm not putting
25 them into your mouth. You are the one who says

1 them under oath as the truth?

2 A Rudy wear jockey shorts. He don't wear

3 boxer drawers.

4 Q You have to say that now because you

5 have got a pair of jockey shorts in evidence which

6 has blood on the crotch which evidently you are

7 the only person who knows about that and, of

8 course, these are the garments that are found

9 hidden away behind the bureau or dresser of one of

10 your ladies, Nellie Chew?

11 A I don't know where they came from.

12 Q You just don't know anything about them?

13 A I don't know where they came from.

14 Q You, of course, are the same person

15 yesterday in response to Mr. Brave's questions

16 concerning how you felt when you heard that

17 Deborah Veney, who is one of your ladies also, was

18 killed and another lady as well was killed, who

19 you knew as Peaches, you didn't express any

20 concern or remorse, you basically were concerned

21 about yourself, isn't that right?

22 Don't you remember you said, and correct

23 me if I'm wrong, but you said he's going to bring

24 trouble on me because I just had a beef with this

25 person a week before, that's what you were

1 concerned about, isn't it?

2 A No, I told -- I said that after Debbie

3 had died and Rudy had killed her, it -- I felt

4 sorry she should die but like, yo, she already

5 dead, I can't bring her back, you know. I have to

6 try to help him now. I tell him to get out of

7 here.

8 Q Mr. Brave then went on and essentially

9 said to you that you used women until you are

10 finished with them. Your answer was what?

11 A Yes, of course.

12 Q You also indicated to Mr. Brave in

13 response to his questions that if you got busted

14 on the street with the gun it's your homicide?

15 A Yes, sir.

16 THE COURT: Mr. Tayback, I have to

17 interrupt for one moment. Everyone remain

18 seated.

19 (Pause.)

20 BY MR. TAYBACK:

21 Q Now, Mr. Boyce --

22 A Yes, sir.

23 Q -- Monday you find out about the two

24 people being killed, one being your -- one of your

25 ladies, and you immediately go back into business,

1 isn't that right?

2 A I went -- I didn't work -- I work that

3 night but I only work -- I did not sell no drugs

4 or nothing. I went and bag up drugs, yes.

5 Q That's part of your business?

6 A Yes, sir.

7 Q Back to business as usual?

8 A Yes, sir.

9 Q And among the people who are around you

10 at that time are Joanne Blunt, Nellie Chew and

11 Reuben Rainey and Rerun?

12 A Yes, sir.

13 Q And this continues on and on and on and

14 were there June 18th when Robert Robinson and

15 Eddie Easy Cooper --

16 A Yes.

17 Q -- Your son --

18 A Yes, sir.

19 Q -- come down from New York, is that

20 right?

21 A Yes, sir.

22 Q And somehow right after that you are

23 caught, that's twenty-four hours later at 862 West

24 Fayette Street, with a large amount of drugs?

25 A Yes, sir.

1 Q And fourteen thousand dollars worth of
2 cash?
3 A Yes, sir.
4 Q And this is right after Robert Robinson
5 and Easy Cooper come down from New York, isn't it?
6 A Yes, sir.
7 Q And the police find all that but they
8 don't find the heroin?
9 A Excuse me?
10 Q They don't find any heroin, do they?
11 A No, sir.
12 Q So there is no substantiation by
13 evidence of Robert Robinson's story about coming
14 down with heroin, is there? Only thing we know is
15 that --
16 MR. BRAVE: Objection, Your Honor.
17 THE COURT: I'll sustain it as to the
18 form.
19 Q Isn't it correct that Robert Robinson
20 and Easy Cooper arrive in Baltimore and then very
21 shortly thereafter, approximately twenty-four
22 hours later, you are caught with them right there
23 with a lot of cocaine and a lot of money?
24 A Yes, sir.
25 Q But they, of course, aren't coming down

1 from New York to resupply you?
2 A No, sir.
3 Q It is also not Eddie Easy Cooper's
4 charge according to you or Robert Robinson's
5 charge, according to you, even though also,
6 according to you, Edward Easy Cooper is the one
7 who gave your drugs to Reuben Rainey that ended up
8 being sold?
9 MR. BRAVE: Objection, Your Honor, to
10 the absence of a question.
11 MR. TAYBACK: If I can get there. I'll
12 get there.
13 THE COURT: Mr. Tayback, please get
14 there.
15 MR. TAYBACK: Your Honor, can we
16 approach the bench?
17 THE COURT: Yes, you may.
18 (Whereupon, counsel and the Defendant
19 approached the bench and the following conference
20 ensued:)
21 MR. BRAVE: Your Honor, my objection is,
22 as you have correctly perceived, is aimed at the
23 speeches that precede the questions.
24 MR. TAYBACK: Now, we are getting to the
25 questions within a few seconds. The Court may

1 remember, Mr. Brave essentially stood in front of
2 the jury with his back to the witness asking five
3 minute questions, then turning around and saying
4 that is true or not true. He was giving speeches
5 in a closing argument yesterday.
6 Suddenly I'm the one asking lengthy
7 questions when I take thirty seconds to make a
8 question.
9 MR. BRAVE: Judge, that is true. He did
10 the same thing yesterday. Gave them his final
11 argument. He gave me my final argument. Now,
12 basically he's going over the same final argument
13 again.
14 MR. TAYBACK: I think --
15 MR. BRAVE: Get to it much quicker.
16 MR. TAYBACK: I'm re-establishing points
17 that were made or attempted to be refuted by the
18 State in its recross.
19 MR. BRAVE: Starting to get into a game
20 of which one gets the last say and just going over
21 old ground with these speeches, and I think that
22 is what is happening.
23 THE COURT: Mr. Tayback, you have a
24 right, obviously, on recross examination to cover
25 those points which, number one, are in reputation

1 of things that were raised and which need to be --
2 which you feel need to be answered or which need
3 to be answered.
4 You do not have a right, even if there
5 have been things raised by Mr. Brave, to rehash
6 and rehash the same things that you have already
7 delved into on your initial cross examination.
8 We have had this witness on this stand
9 for approximately four hours now and I don't think
10 that there is anything really new that is coming
11 out. I ask that you ask your questions directly
12 so we can get on with this.
13 MR. BRAVE: Thank you.
14 (Whereupon, counsel returned to the
15 trial table and proceedings resumed in open
16 court.)
17 BY MR. TAYBACK:
18 Q Do you agree, Mr. Boyce, that you stated
19 yesterday that Edward Cooper is the one who
20 transmitted the drugs through you to Reuben Rainey
21 to the police officer?
22 A When I woke up Eddie told me that he
23 give Rudy a half a quarter of cocaine and he
24 didn't bring back the money yet.
25 Q And Edward Cooper and Robert Robinson

1 are arrested in the same room with you with the
2 drugs?
3 A Yes, sir.
4 Q Then you go to Baltimore City Jail?
5 A Yes, sir.
6 Q You go through receiving as you have
7 told us all about and you end up in P Section?
8 A Yes, sir.
9 Q And it is at that time that the
10 discussions among all of you take place?
11 A We discuss it when we was in receiving.
12 Q And you continue and, and continue?
13 A We continue and we get to P we are still
14 talking about it.
15 Q Mr. Boyce, is it your only explanation
16 that based on this code of conduct you have talked
17 about among criminals that Reuben Rainey could
18 have accused you of murder only because you had
19 had a beef with the woman the week before?
20 A Say the question over again, sir.
21 Q You remember that you acknowledged that
22 Reuben Rainey accused you of the murders at
23 Baltimore City Jail, is that correct?
24 A He said that.
25 Q He --

1 A Yeah.

2 Q They're your charges?

3 A Yes, sir.

4 Q And it is your explanation to this jury

5 that the only reason for that would have been

6 because you had been in a beef with this woman,

7 that is Deborah Veney --

8 A Yes, sir.

9 Q -- the week before?

10 A Yes, sir.

11 Q And that's your only explanation for it?

12 A Yes, sir.

13 Q Now, finally, Mr. Boyce --

14 A Excuse me?

15 Q Finally --

16 A Uh-huh.

17 Q -- finally -- you know, finally --

18 A Uh-huh.

19 Q -- even though you have always denied

20 killing Deborah Veney and Glenita Johnson --

21 A Yes, sir.

22 Q -- do you not agree, Mr. Boyce, that you

23 are the one who had the beef with the lady?

24 A Yes, sir.

25 Q You are the one who fought with the

1 lady?

2 A Yes, sir.

3 Q Are you the one who had several beefs

4 with the lady?

5 A I had not several beefs with the lady.

6 Q We know about hitting somebody on the

7 butt with a gun?

8 A Yes.

9 Q We know about scratching and punching

10 and fighting?

11 A Yes.

12 Q We know about her parents evidently

13 threatening you with the police?

14 A Her parents?

15 Q Yes.

16 A Her parents never threatened me.

17 Q You don't know about that. So you have

18 got that, you are the one, isn't that right?

19 A I the one who?

20 Q You are the one that had beefs with --

21 one had the fight with her?

22 A Yes, I the one who say that a -- you say

23 that I hit her with gun in her butt but I cannot

24 remember hitting her with no gun in her butt but I

25 remember was loud talking to her and telling her

1 don't bring nobody to any where I hustling that I
2 don't know.
3 Q And you are the one who has the gun that
4 turns out to be the weapon used to kill Deborah
5 Veney and Glenita Johnson, isn't that true?
6 A I the one who -- I had owned the gun, I
7 had bought the gun for half-- for sixteenth of
8 cocaine. Yes, I had the gun.
9 Q So it is not too difficult really to
10 simply substitute your name for Reubin Rainey's
11 name or substitute his name for your name when
12 telling stories about what went on and what
13 occurred on June 2, 1986, isn't that true?
14 A I know.
15 Q Do you understand?
16 A No, I don't understand.
17 Q You don't have to come up with a wild
18 scenario, as Mr. Brave suggested to you for hours
19 yesterday, and conduct schemes over hundreds of
20 telephone calls or thousands of letters?
21 A Did I do that?
22 Q I'm saying you don't have to do that,
23 all you have to do is basically commit the crimes
24 and then do what you always do, shift the blame,
25 isn't that true?

1 A No, sir.

2 Q That's all you have to do, isn't it?

3 A No, sir.

4 Q You are telling us you didn't do that?

5 A I did not do that, sir.

6 Q That's all you had to do?

7 A I did not do that.

8 MR. TAYBACK: I have no further

9 questions.

10 MR. BRAVE: Bear with me a moment. Page

11 18. Page 18.

12 I'd like to explain again that Mr.

13 Murphy, who is unable to be here today, has our

14 transcripts.

15 THE COURT: How long are you going to

16 be?

17 MR. BRAVE: I would guess no more than

18 twenty minutes.

19 THE COURT: All right. We are going to

20 have to take our luncheon break now. Ladies and

21 gentlemen, we will take the luncheon recess until

22 1:30. The Court stands in recess until 1:30.

23 (Whereupon, luncheon recess was had.)

24 AFTERNOON SESSION

25 (Whereupon, the jury entered the

1 courtroom, after which the following proceedings
2 ensued:)
3 THE CLERK: You may have a seat.
4 THE COURT: Good afternoon, ladies and
5 gentlemen.
6 THE JURY: Good afternoon.
7 MR. BRAVE: Good afternoon, Your Honor.
8 THE COURT: Good afternoon, Mr. Brave.
9 RECROSS EXAMINATION
10 BY MR. BRAVE:
11 Q Mr. Boyce --
12 A Yes, sir.
13 Q -- if it wasn't made crystal clear when
14 Mr. Tayback first questioned you yesterday for an
15 hour and a half --
16 A Yes, sir.
17 Q -- and if it wasn't made crystal clear
18 when I cross examined you for hours and hours --
19 A Yes, sir.
20 Q -- and if it wasn't crystal clear after
21 Mr. Tayback then came back and questioned you,
22 let's make it crystal clear that Joanne Blunt,
23 Nellie Chew and Deborah Blunt, according to your
24 own testimony, would jump off a building for you?
25 A Yes, sir.

1 Q Almost?

2 A Yes, sir.

3 Q Lie for you?

4 A Yes, sir.

5 Q Do anything for you?

6 A Yes, sir.

7 Q If you didn't have a motive, at least

8 you had had this beef with one of the murder

9 victims, can't get around that, can we?

10 A No, sir.

11 Q I'm not suggesting that is a motive. So

12 the only answer is, according to Mr. Tayback, that

13 all of the people that have gotten on that witness

14 stand and pointed to this man are pointing to this

15 man because you put them up to it. Do you know of

16 any other answer?

17 A I ain't put them up to nothing, sir.

18 Q You mean they might be telling the

19 truth?

20 A They are telling the truth, sir.

21 Q Now, the other, the only other answer is

22 that you have gotten together with everybody and

23 cooked up this fantastically complicated

24 interlocking story on small things and on big

25 things?

1 A I did not get with anybody to cook up
2 anything, sir. Whatever I said is, is what
3 happened. I brought Rudy down here to kill
4 Carlos. That what happened. That's the reason
5 why Rudy came down here.
6 Q Mr. Tayback when he questioned you just
7 this last time --
8 A Yes, sir.
9 Q -- not the first time but just this last
10 time, said, now, wait a minute, did you talk to
11 Joanne Blunt before she told the police what had
12 happened and you said, no, sir?
13 A I spoke to Joanne Blunt the same day but
14 in the evening time. The police had already went
15 to her, the police already went to her. I spoke
16 to her that evening from Baltimore City Jail.
17 Q But then he points to a place in this
18 transcript where you say you don't remember this
19 but apparently you were talking to Joanne Blunt
20 before she told the police what happened?
21 A I usually call her in Baltimore City
22 Jail. Yes, they came and visit me in Baltimore
23 City Jail.
24 Q But whether you talked to her or whether
25 you didn't talk to her or whether you remember it

1 or whether you don't remember it, let's examine
2 what you talked about.
3 A You know, I asked --
4 Q Just a moment, sir. Now, this is Mr.
5 Tayback questioning you.
6 A Yes, sir.
7 Q This is the very portion that Mr.
8 Tayback caught you not remembering about. Mr.
9 Tayback talking. Aren't you telling -- now, and
10 Joanne Blunt is on the stand. Joanne Blunt is on
11 the stand and this is Gordon Tayback talking to
12 Joanne Blunt.
13 A Excuse me.
14 Q Aren't you telling the ladies and
15 gentlemen of the jury what you're trying to do was
16 tailor your testimony to protect Leroy Boyce? No,
17 I wasn't. Because you didn't know what Leroy
18 Boyce had told the police, if anything? Before
19 the police came to me, he called me that morning.
20 He told me that, yes. The day before he said they
21 might come and get you for questioning. I said I
22 don't know what to say. He said, what do you want
23 to say? I said I'm going to tell the truth. And
24 he said, no, mommy, because Edward Cooper and
25 Robert Robinson, I think they talked to the

1 police. I said, Poppy, I'm scared.
2 Did that conversation take place?
3 A No, sir.
4 Q No, sir?
5 A No, sir. When I, I talked --
6 Q No, sir, or you don't remember? Did you
7 tell her -- did she say to you, I'm going to tell
8 the truth?
9 A She told me that she was going to tell
10 the truth. She told me she told the truth. She
11 didn't say she going to tell -- they, they told me
12 she told the truth because she already spoke to
13 the police.
14 Q This is before the police --
15 A I --
16 Q She is saying she talked to you before
17 the police and she told you I'm going to tell the
18 truth?
19 A I can't remember speaking to her before
20 she talked to the police. I remember --
21 Q You say, wait a minute, mommy, no,
22 Edward Cooper and Robert Robinson, I think they
23 talked to the police. It sounds now like, wait a
24 minute, you don't -- Are you saying, wait a
25 minute, you don't have to talk to the police,

1 Robinson and Cooper have already talked to the
2 police?
3 A I can't remember saying anything to her
4 before she talked to the police. I remember after
5 she talked, after she talked to the police I spoke
6 with her. She told me that the police and them
7 had came to her house.
8 Q Let me ask you this. Mr. Tayback was
9 asking you how it is that you come to select
10 Reuben Rainey to bring down to Baltimore City, up
11 there on the weekend, that you bring him down.
12 You say he had worked for us before?
13 A Yes, sir.
14 Q Is that, is that this club that you, we
15 have been talking about that Cooper had an
16 interest in?
17 A It is a base house we had at 112th
18 Street off of 8th Avenue.
19 Q Base house?
20 A Yeah.
21 Q Base houses need protection?
22 A Yeah.
23 Q Was he protection at that base house?
24 A Rudy was working --
25 Q Just yes or no.

1 A Yes, sir.

2 Q You want to explain that?

3 A He was --

4 Q Does it need explaining?

5 A Yeah. He was working at the door you

6 know.

7 Q All right. That's protection?

8 A In case anybody -- he one who keep the

9 gun, hold the gun in case anybody come in, you

10 know, try to take off anybody.

11 THE COURT: What do you mean take off

12 anybody?

13 A Well, come in there to rob us or

14 anything like that.

15 Q You said -- this is a direct quote -- I

16 know what he could do and would do.

17 A Yes, sir.

18 Q Did you know what he could do and would

19 do?

20 A Yes, sir.

21 Q Is that why you brought him down here?

22 A Yes, sir.

23 Q To kill somebody?

24 A Yes, sir.

25 Q Mr. Tayback makes a big point about how

1 you get the man down here and you didn't spring
2 immediately into action. Were you expecting these
3 two murders to spring up?
4 A No, sir.
5 Q But you got back to business pretty soon
6 thereafter?
7 A Yes, sir.
8 Q He says that in the weeks that followed,
9 you didn't drop everything and go after Carlos?
10 A No, sir.
11 Q Could the fact that business was as
12 usual and he was following you around as your
13 protection, may that have had something to do with
14 the reason why you didn't drop everything?
15 A Well, I had almost all the money ready
16 to get the Rockwood. Then after he had killed the
17 girls and them, I didn't want him round me. I
18 didn't want it to be --
19 THE COURT: You didn't want what?
20 A I didn't want Rudy, you know, to be with
21 me no more. I, I wanted him to go back home and
22 so I had the money for, you know, for my Rockwood
23 but that were -- was -- were what I wanted. I got
24 what I wanted.
25 Q Look, I got one more question for you.

1 Can I have the shorts?

2 These are the pair of shorts, Mr.

3 Boyce. Did I show them to you yesterday?

4 A Yes, you showed me some shorts. Yes.

5 Q These shorts?

6 A Yes, sir.

7 Q Now, look, Mr. Boyce, let me tell you

8 something, I got enough to contend with in this

9 case. The fact that you could have, if you wanted

10 to, have ordered the killing of Deborah Veney?

11 A I did not order any killing of Deborah

12 Veney, sir.

13 Q I'm just telling you you could have if

14 you wanted to?

15 A Yes, sir.

16 Q And I got enough to contend with in this

17 case because you had a beef with that woman?

18 A Yes, I had an argument with her over her

19 cousin.

20 Q And I got enough to contend with in this

21 case that you lied last time on two very important

22 little points.

23 A Yes, sir.

24 Q Do you understand what I'm saying?

25 A Yes, sir.

1 Q Fortunately, I got some evidence in this
2 case and I don't need one more lie from you that
3 will screw things up any more than they might
4 already be.
5 Now, let me tell you something, see
6 these shorts?
7 A Yes, sir.
8 Q Yesterday I thought I heard you say and
9 Mr. Tayback thought he heard you say that Rudy
10 always wears jockey shorts?
11 A Rudy wear jockey shorts.
12 Q Always I thought you said?
13 A Always wear jockey shorts. As far as I
14 know he wear jockey shorts.
15 Q That's what I heard. Now, look --
16 A That's what I know he wear.
17 Q Let me read you something. I want to
18 find out -- I don't need you playing with us. I
19 got enough evidence. I don't need your lies.
20 You said in the last proceeding, I just
21 don't like to be closed in, so Reuben, Rudy had
22 this bag and the bag was sitting in the hallway
23 while I was in the shower --
24 A Yeah.
25 Q -- and the curtain wasn't all the way

1 closed. I was looking at Reuben Rainey. He went
2 in the hall, he had on a white T-shirt, a white
3 pair of boxer drawers, boxer drawers. No marks on
4 it. Later, Mr. Brave: Mr. Boyce, one quick
5 question. Well, wait a minute. That's not the
6 part.
7 Mr. Brave: Do you know the Defendant
8 well enough to know what kind of underwear he
9 wears? He wear anything. He wear boxer shorts,
10 Fruit of the Loom, he wear nylon, anything.
11 Now, what the hell is going on here?
12 A Well --
13 Q I don't need your lies.
14 A I know Rudy wear jockey shorts. He do
15 wear jockey shorts.
16 Q You said he always wears jockey shorts.
17 That is the point. Now, is that what you meant or
18 is -- explain all this because I don't want you
19 saying just because I hold up jockey shorts, if he
20 doesn't always wear jockey shorts, I don't want
21 you saying he does --
22 A Well, that --
23 Q -- because we know they're not yours?
24 A They're not mine.
25 Q If you are telling the truth?

1 A They're not mine, sir.
2 Q I don't know whether you always wear
3 nylon boxer shorts like in that picture but you
4 probably don't wear large so you might just be
5 telling the truth about that.
6 Now, we know they're not yours. The
7 question is are they his, and they might be his,
8 they might be somebody else's, I don't know, but
9 if you want him convicted because you know he did
10 it, please don't do me any favors and tell me he
11 always wears them if he always doesn't.
12 Now, what does he do?
13 A Well, he wear --
14 Q If you know?
15 A I don't know for sure if he always wear
16 jockey shorts but I do know he wear jockey
17 shorts. I don't know if he always wear them on
18 all occasions. I do know he wear jockey shorts.
19 Q Don't say he always wears jockey shorts
20 if you don't mean he always wears jockey shorts.
21 A I don't know for sure if he always wear
22 jockey shorts. I don't know for sure.
23 Q I appreciate the help but no thanks.
24 A Could be he wear other drawers sometime,
25 I don't know.

1 MR. BRAVE: I have nothing further, Your
2 Honor.
3 MR. TAYBACK: No questions.
4 THE COURT: Mr. Boyce --
5 A Yes, sir.
6 THE COURT: -- what size do you wear?
7 A Right now I wear thirty in the waist.
8 THE COURT: Thirty?
9 A In the waist right now.
10 THE COURT: What range is that, small
11 medium or large?
12 A Small. Before I get arrested on the
13 19th, I wear twenty-six. I gained a lot of weight
14 since I been locked up. Smaller waist, smaller in
15 the seat.
16 THE COURT: What are you wearing now?
17 A I still wear small.
18 THE COURT: You wearing small now?
19 A Yes, sir.
20 THE COURT: You wear nylon?
21 A Yes, sir.
22 THE COURT: Any questions in light of
23 the Court's questions?
24 MR. TAYBACK: Just one, Your Honor.
25 RECROSS EXAMINATION

1 BY MR. TAYBACK:

2 Q Mr. Boyce, have you gone from size

3 twenty-eight yesterday to size thirty today?

4 You are going to be into those shorts

5 real soon if you do that, aren't you?

6 A I wear size twenty-eight.

7 Q Do you have any idea what you said

8 yesterday?

9 A I ain't no shorts is -- I know I gained

10 a lot of weight because if you want me to show you

11 --

12 Q I don't need to see your underwear. I'm

13 asking you.

14 A That these pants twenty-eight. These

15 pants is twenty-eight and you see how they fit

16 me. They cannot button all the way.

17 Q The point I'm making is you have

18 absolutely no concept of what the truth is. You

19 say one thing one day you say another thing the

20 other day. That is your life, isn't it?

21 A No, sir.

22 Q When you call yourself a hustler, you

23 mean you are a manipulator, you take advantage of

24 things, you take advantage of people?

25 A No, sir.

1 Q Sure. No further questions.
2 MR. BRAVE: Nothing further.
3 THE COURT: Mr. Boyce, step down for a
4 moment.
5 (Whereupon, the witness stepped down
6 from the stand.)
7 THE COURT: What do you have underneath
8 of that? Just walk over in front of the jury.
9 Hold your jacket up.
10 A Take it out.
11 THE COURT: No, just hold it up. Pull
12 it up. Yes.
13 You may --
14 MR. BRAVE: Anything else, Your Honor?
15 A This is size twenty-eight pants.
16 THE COURT: I'm not going to ask him to
17 take them off. All right.
18 Any reason to have Mr. Boyce remain?
19 MR. BRAVE: No. No, Your Honor.
20 THE COURT: Thank you very much.
21 Gentlemen, I believe that --
22 MR. TAYBACK: Your Honor, I need to
23 introduce as evidence Defendant's Exhibit Number 3
24 which is the letter or the card from Joanne Boyce
25 to Rudy Rainey and the State and I have agreed to

1 a stipulation, if I can find where I have it here
2 --
3 MR. BRAVE: I am sorry, what did we --
4 MR. TAYBACK: You want to read it?
5 MR. BRAVE: Yes.
6 MR. TAYBACK: You want to read it?
7 MR. BRAVE: Yeah. Your Honor, we have
8 reached a stipulation. Does the Court wish to --
9 THE COURT: Approach the jury.
10 MR. BRAVE: Thank you, Your Honor.
11 Ladies and gentlemen, remember in opening argument
12 I said although it is pretty unlikely there might
13 be evidence received in this case in the form of a
14 stipulation which is a fancy word for an
15 agreement. Actually, as a result of a question
16 that was put forward, Mr. Tayback and I have
17 reached an agreement as to what evidence would be
18 if we produced an actual witness on the stand.
19 This is sort of a time saving device since there
20 is no disagreement as to it.
21 The agreement is that State's Exhibit
22 45, that's the pair of shorts that was recovered
23 from 862 West Fayette Street, which is down in,
24 was down in the property room under property
25 number so and so, was examined. It exhibited no

1 unusual damage. Human blood was identified in a
2 stain on the crotch area of the briefs, however,
3 A, B, O groupings determinations were inconclusive
4 and enzyme azotase attempts were unsuccessful,
5 period. One hair was recovered, period. That is
6 the stipulation. Thank you, Your Honor.
7 MR. TAYBACK: Your Honor, the defense
8 rests. May we approach the bench?
9 THE COURT: Yes.
10 (Whereupon, counsel and the Defendant
11 approached the bench and the following conference
12 ensued:)
13 MR. TAYBACK: Your Honor, I would at
14 this point renew my motions for judgment of
15 acquittal and submit.
16 THE COURT: Well, there's going to be
17 rebuttal, isn't there?
18 MR. BRAVE: Yes, Your Honor.
19 THE COURT: I'll deny the motion at this
20 time.
21 MR. TAYBACK: With respect to -- I'm
22 sorry, I forgot my notes.
23 THE CLERK: Is this in already?
24 MR. TAYBACK: That's what I just put
25 in.

1 THE COURT: All right. What is it, Mr.
2 Tayback?
3 MR. TAYBACK: Your Honor, as I
4 understand, the State is considering at this time
5 calling in rebuttal certain witnesses. I would
6 want to make a general objection to any rebuttal
7 evidence at this time. That which would have to
8 be rebutted would be the testimony of the Court's
9 witness Leroy Boyce and/or Joanne Blunt who was
10 called as a defense witness. Those obviously
11 being the only two to be rebutted. I would like
12 to make an objection now.
13 It is obviously discretionary to the
14 Court as to whether rebuttal evidence is
15 appropriate or not but by doing so now, if it
16 turns out later it is inappropriate, I will have
17 objected in a timely fashion and preserve any
18 rights that I have for a motion for mistrial on
19 that by saying I'm objecting to any rebuttal
20 evidence at all.
21 THE COURT: Well, it is clear what the
22 law is, Mr. Brave. Simple matter is just to give
23 it the proper nomenclature. The Court has within
24 its discretion the right to allow the State to
25 reopen the case after the defense has presented a

1 case.

2 It's rebuttal evidence. Rebuttal

3 evidence is clearly that which responds to, is a

4 reply to, or answers to evidence that is presented

5 by the defense. If it does not do one of these

6 three things, then it is simply a matter of the

7 State putting the Court on notice that you are

8 asking that the case be reopened as opposed to

9 presenting rebuttal evidence.

10 MR. BRAVE: State's position, very

11 briefly, Your Honor, is that during the State's

12 case in chief it is true that Mr. Tayback did by

13 the tone of his questions suggest to various of

14 the State's witnesses that the police may have

15 once again bungled an investigation and arrested

16 the wrong individual. But I didn't think the

17 issue was firmly joined enough at that point for

18 me to really give it the dignity of a response, a

19 full flung response.

20 However, during the defense case for the

21 first time unquestionably the defense came forward

22 with its theory in cross examination of Leroy

23 Boyce. I mean, there was no question that the

24 issue was finally joined. I now want to respond

25 to that and show that the police did not bungle

1 it; that their investigation was a professional
2 one, conducted with absolute integrity, and that,
3 my God, they got the right man and that's our
4 response.
5 I think it was opened up a hundred
6 percent for the first time in the defense case.
7 MR. TAYBACK: Your Honor, in response,
8 very briefly, I'm not, I'm not disagreeing at this
9 time. I wanted to indicate the objection just for
10 the anticipatory purposes. I would agree that any
11 new matter raised by the defense can then be
12 rebutted in evidence with any competent evidence
13 which explains contradictions or replies to, and
14 that is State versus Hepple, and it is obviously
15 discretionary with the Court even if it were just
16 cumulative, which I suspect it will be, that
17 wouldn't be reversible because it is not going to
18 be manifestly wrong or substantially injurious,
19 all of which are various words, key words in the
20 cases.
21 But, I just wanted to go on notice as
22 objecting at this point then if it comes up later
23 that there is something wrong, I feel that I'm on
24 strong ground for a motion for mistrial.
25 THE COURT: That was the reason why the

1 Court made it clear to Mr. Brave that it is simply
2 a question of putting the Court on notice as to
3 what you are attempting to do. The Court is very,
4 is very familiar with Hepple and Jones, the Court
5 having handled the case in the Court of Appeals
6 and the Court of Special Appeals. So that --
7 MR. TAYBACK: Might I say very well
8 written.
9 THE COURT: I didn't write it. I simply
10 argued it.
11 MR. TAYBACK: Excuse me.
12 THE COURT: So for that reason, as long
13 as it is called the right thing, gentlemen, I
14 don't see that there is any problem.
15 MR. TAYBACK: Yeah. I think there was
16 -- let me get my notes again. I've got notes on
17 everything. We might be able to stipulate to some
18 on that also.
19 There's a note from the jury.
20 THE COURT: I'll read the note into the
21 record. Was the piece of hair on briefs
22 identified?
23 MR. TAYBACK: Other point I wanted to
24 make with respect to that which I'm up here at the
25 bench for at this time is that the State has a

1 witness whose name has been mentioned to me and,
2 quite frankly, I forget it. I have not had an
3 opportunity to speak with her or do anything with
4 her. She is truly a -- State is truly calling her
5 in rebuttal so there is no requirement for State
6 to give me her name or put me on notice or even
7 use it for voir dire purposes but I would like the
8 opportunity to speak with her, assuming she will
9 speak with me, prior to the State putting her on
10 the stand or prior to me cross examining her.
11 THE COURT: Fine. Who is your first
12 witness?
13 MR. BRAVE: I was going to call Earleen,
14 I was going to call this witness. Your Honor,
15 I'll proffer her testimony. Her testimony boiled
16 down to one sentence, Carlos is alive and well and
17 living in Detroit based on the fact that she just
18 left him Sunday in Detroit.
19 Now, if you want to chance questioning
20 her into some areas, that's your choice.
21 MR. TAYBACK: I don't want to chance
22 this.
23 MR. BRAVE: I think it is
24 discretionary. I don't think -- First place, a
25 rebuttal witness doesn't have to be revealed. If

1 he steps in something --

2 THE COURT: He's conceded that already.

3 There is no, there is no discovery on a rebuttal

4 witness.

5 MR. BRAVE: Right, but if he wants to

6 ask his questions, he's going to have take his

7 chances, it seems to me, without knowing the

8 answer to it. I don't think it is fair to -- I

9 mean, if you are in the search of the truth, I

10 think -- I just don't think it is fair for him to

11 see if you can get something, if you can't, just

12 not going to ask it. I'm not preventing him from

13 bringing out the truth or asking the question. I

14 don't think he ought to know -- nothing says he

15 has to know the answer first.

16 MR. TAYBACK: Well, in response, I must

17 admit I have to agree with the State, that it is

18 discretionary with the Court. I might have to go

19 blindly ahead if the Court won't allow it, but it

20 seems to me when we are talking about a trial, one

21 of the issues that has been resolved many years in

22 the past is that criminal trials are not supposed

23 to be trial by surprise and that really is I think

24 what we have here.

25 The State is suggesting that I should go

1 blindly ahead. I don't want to take chances,
2 especially in a case of this magnitude. I would
3 like to be able to sit down, speak with her and
4 ask her a series of questions, and depending upon
5 the answers I'll know where I'm going.
6 THE COURT: How many questions are you
7 going to ask her?
8 MR. BRAVE: You know establish who she
9 is and she knows Carlos and is Carlos alive. How
10 do you know that. Well, I mean, he hasn't died
11 since Sunday in Detroit. He's alive.
12 THE COURT: Well, even given what has
13 been in the news about Detroit, that's not
14 anything we can take for granted. I don't really
15 see that it is that complicated that it would
16 require a very extensive interview before.
17 MR. TAYBACK: I'm not saying extensive.
18 I would think five minutes. I'm --
19 THE COURT: Where is she?
20 MR. TAYBACK: That's five minutes based
21 on what the State is proffering.
22 MR. BRAVE: Outside.
23 THE COURT: I'll allow two minutes.
24 MR. TAYBACK: I am sorry.
25 THE COURT: I'll allow two minutes.

1 MR. TAYBACK: My I speak with her right
2 now?
3 MR. BRAVE: Keep the jury in the box?
4 THE COURT: Keep the jury in the box.
5 (Whereupon, counsel returned to the
6 trial table and proceedings resumed in open
7 court.)
8 (Pause.)
9 EARLEEN SMITH,
10 a witness produced on call of the State, having
11 first been duly sworn, according to law, was
12 examined and testified as follows:.
13 THE CLERK: State your name and your
14 address.
15 THE WITNESS: Earleen Smith. 819
16 Beaumont Avenue.
17 DIRECT EXAMINATION
18 BY MR. BRAVE:
19 Q Miss Smith, good afternoon.
20 A Good afternoon.
21 Q Are you okay?
22 A Uh-huh.
23 Q Want to take a deep breath. All right.
24 Okay?
25 THE COURT: What is your date of birth

1 Miss Smith?

2 A 6-5-59.

3 Q Miss Smith, do you know someone by the

4 name of Carlos?

5 A Yes.

6 Q Is it fair to say that Carlos is your

7 boyfriend?

8 A He was. He's not now.

9 Q Was he your boyfriend back in June of

10 1986?

11 A Yes.

12 Q Is Carlos alive?

13 A Yes.

14 Q How do you know that?

15 A Because I just left him Sunday from

16 Michigan -- Detroit, Michigan.

17 Q You were in Michigan with Carlos?

18 A Uh-huh.

19 Q Unless something has happened since

20 Sunday, Carlos lives?

21 A Yes.

22 Q You're a friend of Robin Robinson?

23 A Yes.

24 Q As a matter of fact, you know the whole

25 family?

1 A Uh-huh.
2 Q Their family knows your family?
3 A Yes.
4 Q Did there come a time last May that you
5 learned that Robin Robinson was missing some money
6 from her house?
7 A Yes.
8 Q Who did you learn that from?
9 A Ronald Harris -- well, Carlos.
10 Q Carlos' real name is?
11 A Ronald Harris.
12 Q Ronald Harris?
13 A Uh-huh.
14 Q He told you about that?
15 A Yes.
16 Q Did he mention the amount?
17 A I think he said it was twenty-six
18 thousand. Something like that.
19 Q Did you ever see the twenty-six
20 thousand?
21 A No.
22 Q But there was no question in your mind
23 that he had taken this twenty-six thousand?
24 A Well, I just believed what he told me,
25 that's all.

1 Q Well, did you speak to -- did you have
2 any other conversations with Robin Robinson or any
3 of her sisters after you learned from Carlos that
4 he had taken the twenty-six thousand?
5 A Well, when it first happened we
6 discussed it but after that we didn't.
7 Q You and Carlos discussed it?
8 A Me and Robin and her sisters.
9 Q Did Robin confirm -- Let me ask you
10 this, after you talked to Robin, you didn't think
11 that Carlos had made this whole thing up, did you?
12 A No.
13 Q I mean, you realized that Carlos was
14 telling the truth?
15 A Yes.
16 Q That he had, in fact, taken this
17 twenty-six thousand or whatever amount of money it
18 was?
19 A Yes.
20 Q Did there come a time when someone
21 shortly thereafter, when some people came looking
22 for Carlos and he had to go through a window?
23 A Yes.
24 Q Were you actually there or did you hear
25 about that?

1 A No, I came after, after it happened.
2 Q Did Carlos ever tell you that anybody --
3 someone was looking for him?
4 A Yes.
5 Q Who did he tell you was looking for him?
6 A He told me it was the guy named Lee and
7 two other guys.
8 Q Who?
9 A The guy named Lee and two other guys.
10 Q Did there come a time when he left town?
11 A Well, he left in April of this year.
12 Q April of this year. So from June until
13 April he was in Baltimore?
14 A Yes.
15 Q Did you do any -- Now, Robin is your
16 friend?
17 A Uh-huh.
18 Q Did you know where Carlos was located
19 between the time the money was missing and the
20 time he left town?
21 A Yes.
22 Q Were you his girlfriend during that
23 period of time?
24 A We separated about July. July of last
25 year.

1 Q About a month afterwards?
2 A Yeah, couple of months afterwards.
3 Q Did you stay in contact with him?
4 A Yes.
5 Q I mean, could you have -- Let me ask you
6 it this way. Could you, if you had wanted to,
7 could you have told Robin Robinson where to find
8 Carlos?
9 A I could have.
10 Q Did you?
11 A No.
12 Q I think we all know the answer but let's
13 hear it anyway. Why not?
14 A She never asked me.
15 Q I mean, if, even if she had asked you?
16 A I wouldn't have told her. I have a kid
17 by Carlos, for one thing, and I just couldn't. It
18 was -- if the guy wanted him, he had to do that on
19 his own.
20 THE COURT: Did you know what they
21 wanted him for?
22 A Uh-huh.
23 THE COURT: What?
24 A For the -- he said he took his money.
25 THE COURT: But did you think they were

1 just going to politely ask him for the money back?
2 A No.
3 THE COURT: What did you think they were
4 going to do?
5 A I knew they was going to do something to
6 him because they tried before.
7 THE COURT: What did you think they were
8 going to do?
9 A They spoke of shooting.
10 THE COURT: Go ahead.
11 Q Just one other question. When is the
12 first time you and I ever talked to one another?
13 A It was, hmm, the other day, hmm,
14 yesterday.
15 Q Yesterday?
16 A Uh-huh.
17 Q Just yesterday?
18 A Uh-huh.
19 Q Before yesterday did you know, did you
20 ever talk to Sam Brave or anybody from the State's
21 Attorney's Office?
22 A No.
23 Q Anybody from the --
24 A No.
25 Q Anybody from the Police Department?

1 A No.

2 Q Do you know how I got your name?

3 A Through Robin.

4 Q When -- just before I spoke to you, who

5 got you on the phone?

6 A Robin.

7 Q And after she said hello, who did she

8 hand the phone to?

9 A To you.

10 Q And that was our first conversation?

11 A Yes.

12 MR. BRAVE: I have nothing further.

13 THE COURT: How old is the child you

14 have by Carlos?

15 A She's three.

16 THE COURT: Mr. Tayback.

17 CROSS EXAMINATION

18 BY MR. TAYBACK:

19 Q Miss Smith, I think we met outside for

20 the first time about a minute or two ago, right?

21 A Yes.

22 Q And, as a matter of fact, I'm the one

23 who had to remind you of the story about running

24 through the house and jumping out the sixth floor

25 window because until I mentioned that, that to you

1 that slipped --

2 MR. BRAVE: Objection, Your Honor.

3 Counsel is testifying.

4 MR. TAYBACK: If I could get to --

5 THE COURT: Let me have you approach the

6 bench a minute please. Approach the bench.

7 (Whereupon, counsel and the Defendant

8 approached the bench and the following conference

9 ensued:)

10 MR. BRAVE: Apologize.

11 THE COURT: Any time we have an

12 interview of a potential witness we always have

13 this very tricky situation of counsel being put in

14 the position where they are forced to, trying to

15 get testimony of out of a witness, to pit their

16 credibility against the witness.

17 MR. TAYBACK: Mr. Brave was there so

18 there's no problem with that.

19 THE COURT: We can't call him as witness

20 either.

21 MR. TAYBACK: I don't think there will

22 be any question about it because I'm going to

23 relate it the exactly the way it happened.

24 THE COURT: You are saying that but the

25 minute that she -- that there is any divergence,

1 then we have got a problem.

2 I'm simply asking you to depersonalize

3 this whole thing. You can not inject yourself

4 into that conversation.

5 MR. TAYBACK: Then it's an almost

6 impossible question to ask otherwise. I had to

7 give her the information.

8 THE COURT: I'm asking you to avoid a

9 situation where you become in essence a witness in

10 the case. That's what is happening.

11 MR. TAYBACK: Your Honor, under the

12 circumstances, where I have two minutes to

13 interview the person, I can't go and get an

14 investigator to talk to her.

15 MR. BRAVE: Ask her if you asked that.

16 MR. TAYBACK: By whom, by me? I'm the

17 one who asked her. You sat right there.

18 THE COURT: Why is it important who

19 asked her? All you --

20 MR. TAYBACK: I won't say my then, I'll

21 just say were you.

22 (Whereupon, counsel returned to the

23 trial table and proceedings resumed in open

24 court.)

25 BY MR. TAYBACK:

1 Q Were you asked outside a couple of
2 minutes ago about somebody or group of people
3 being after Carlos?
4 A Yes.
5 Q And what was your response?
6 A Yes, it was.
7 Q And was your response that he had told
8 you he had heard some people were looking for him?
9 A Uh-huh.
10 Q Do you remember then that somebody asked
11 you outside whether you had happened to hear that
12 he had had a mad escape by running into a house
13 and jumping through a window on the second floor,
14 what was your response then?
15 A Yes.
16 Q That's when you happened to remember
17 that, is that correct?
18 A Uh-huh.
19 Q Now, you're a very close friend of
20 Robin's, aren't you?
21 A Yes.
22 Q That's Robin Robinson?
23 A Yes.
24 Q As a matter of fact, you came to Court
25 with her today, didn't you?

1 A Yes.

2 Q And Robin Robinson is the one who

3 brought your name to the attention of the State's

4 Attorney, is that correct?

5 A Uh-huh.

6 Q And, of course, this money supposedly

7 was stolen from Robin Robinson by your supposed

8 boyfriend, is that correct?

9 A Yes.

10 Q Who now supposedly is in Detroit,

11 Michigan, is that correct?

12 A Uh-huh.

13 Q Did you ever see any money in his hands

14 of any unusual amount at any time?

15 A Never.

16 Q Never buy any unusual things with that

17 money, did he?

18 A Yeah, he bought a car.

19 Q When did he buy the car?

20 A He bought a car. I think it was in

21 August.

22 THE COURT: What what kind of car?

23 A It was a used car. A cadillac.

24 THE COURT: What year?

25 A I think it was '78.

1 Q So he bought a 1978 cadillac sometime in
2 late summer last year?
3 A Yes.
4 Q Of course, you remember somebody asking
5 you outside whether anything had been purchased
6 of, anything of any unusual nature and what was
7 your answer at that time?
8 A No.
9 Q Now, was it ever explained to you how
10 Carlos supposedly came into possession of
11 twenty-six thousand dollars?
12 A What you mean explained to me?
13 Q Did this person Carlos ever explain to
14 you how he happened to get the twenty-six thousand
15 dollars?
16 A Yes, he told me he went in her house and
17 took it.
18 THE COURT: I'm sorry, he what?
19 A He told me he went in Robin's house and
20 took the money, yes.
21 Q He just walked in and took the money?
22 A Yeah, that's what he told me.
23 Q You say --
24 A He never told me how he really done it.
25 He told me he went in her house and took the money

1 from it. That's what he told me.
2 Q Robin's house as you know has a number
3 of people living there?
4 A Uh-huh.
5 Q Number of families in the same building?
6 A Yes.
7 Q I mean, a number of Robin Robinson's
8 family members live there?
9 A Uh-huh.
10 Q There's people there all the time?
11 A Yes.
12 Q According to you he walked in and
13 somehow walked out with the money?
14 A That's what he he told me.
15 Q Now, where did he live last year?
16 A When? What time he live.
17 Q Give me wherever he lived last year?
18 A Well, he lived in Hillendale Gate
19 Apartments.
20 Q That's it?
21 A And on Wyanoak.
22 Q The Hillen Gate Apartments?
23 A Hillendale Gate Apartments and Wyanoak
24 Avenue.
25 Q That's 1986, right?

1 A Uh-huh.

2 Q Finally, you said that Robin never asked

3 you about where he was, is that correct?

4 A Correct.

5 MR. TAYBACK: I have no further

6 questions.

7 THE COURT: Mr. Brave.

8 MR. BRAVE: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. BRAVE:

11 Q Miss Smith, did you hear Mr. Tayback ask

12 you how close a friend you are with Robin

13 Robinson?

14 A Uh-huh.

15 Q And did you hear him say you even came

16 to Court with her today?

17 A I didn't come with her, I came because

18 you asked me to come.

19 Q But did you hear the suggestion that

20 because of this friendship and because of this

21 inseparable relationship you have with Robin

22 Robinson that you might say anything on that stand

23 that she told you to say? Did you hear that?

24 A I don't understand.

25 Q Let me put it to you directly. Would

1 you lie for Robin Robinson?

2 A No.

3 Q Are you part of this conspiracy too?

4 A No.

5 Q Are you sure?

6 A I'm positive.

7 Q Poppy hasn't gotten to you?

8 A No, I don't know Poppy.

9 Q Out there in the corridor as Mr. Tayback

10 has suggested to you --

11 A Uh-huh.

12 Q -- he asked you whether Carlos had

13 bought any unusual purchases --

14 A Yes.

15 Q -- after, and you forgot about the '78

16 cadillac?

17 A Yes, I did.

18 Q Did you do that intentionally?

19 A No.

20 MR. BRAVE: I have nothing further, Your

21 Honor.

22 MR. TAYBACK: No further questions.

23 THE COURT: All right, you may step

24 down.

25 MR. BRAVE: Next witness, Your Honor.

1 Thanks, Miss Smith. You are free to go.

2 DEBORAH LOWE,

3 a witness produced on call of the State, having

4 first been duly sworn, according to law, was

5 examined and testified as follows:

6 THE CLERK: Take a seat please. State

7 your name and address.

8 THE WITNESS: Deborah Lowe, and I live

9 2404 West Franklin Street.

10 DIRECT EXAMINATION

11 BY MR. BRAVE:

12 Q Miss Lowe, good afternoon.

13 A Good afternoon.

14 Q At one time, sadly, you were a member of

15 Poppy's group of associates?

16 A Yes.

17 Q In fact, back in June of last year when

18 you knew he was going up to New York for a package

19 and taking Joanne Blunt and Nellie Chew, you

20 wanted to go along too?

21 A Yes, I did.

22 Q And I just use that as a point in time

23 from which we are going to move away from in

24 different directions.

25 Did there come a time when you learned

1 that a Deborah Veney and another lady by the name
2 of Glenita Johnson had been murdered?
3 A Yes.
4 Q How did you first learn about it?
5 A I seen it on TV, came across the news.
6 Q But it wasn't too long before you had
7 conversation with members of the group and you
8 learned, sadly, that, yes, Deborah Veney and
9 Glenita Johnson were dead?
10 A Minutes after I seen it on the news I
11 called down there.
12 Q To where?
13 A Called down to Nellie Chew's house.
14 Q And she confirmed it?
15 A Yes.
16 Q She didn't say she knew anything about
17 it?
18 A No.
19 Q Now, how long after the trip to New York
20 that you didn't go along on, how long after that
21 did those murders occur?
22 A Probably a week.
23 Q That's your memory?
24 A That's my memory, yes, a week.
25 Q Now, before those murders, you once had

1 an occasion to be in Poppy's presence when you
2 noticed something strange on his back?
3 A Yes.
4 Q Or on his arm?
5 A On his arm.
6 Q Okay. We will get to that in a moment
7 but I just want to try and set this in time.
8 That was before the murders?
9 A Yes.
10 Q About how long before the murders?
11 A Maybe a week or maybe two weeks before.
12 Q Describe what you saw on Poppy's body
13 that day or night? I don't know when it
14 happened. Do you remember whether it was day,
15 night?
16 A It was evening when I seen him when we
17 was together. We were together and he had some
18 scratches on his arm and I say, where did you get
19 those scratches, and he said, oh, California
20 Deborah, and I --
21 Q Just like that?
22 A Just like that.
23 Q Not that California, not that California
24 Debbie, I'm going to kill as soon as I have a
25 chance?

1 A No, no.
2 Q Just --
3 A Just California Deborah, you know, and I
4 say, oh, you want me to get her, and we started
5 laughing, he said no, I don't want you to, to get
6 her.
7 Q You said you want me to get her. How
8 were you saying that?
9 A I was saying it as a jealous type, as
10 being a jealous lover regardless. I say do you
11 want me to get her? No, I don't want you to get
12 her, bust out laughing and went on about whatever
13 we was doing.
14 Q Did he say, no, I don't want you to take
15 -- to get her or, no, I'll take care of it myself?
16 A He said no. He just said no.
17 Q That's your memory?
18 A That's my memory.
19 Q I have news for you, if you are down on
20 paper as saying I --
21 A I'm not, Mr. Brave --
22 Q -- I'll take care of it myself, could
23 you have said that, could he have said that?
24 A Yes, he could have.
25 Q Or could you have said that that is what

1 he said?

2 A I'm not sure. I'm not -- my mind is

3 kind of fuzzy about that part of it.

4 Q Whatever words he used, the point I want

5 to get across is, was this a man who was telling

6 you I'm going to get her or was this a man who was

7 engaged in casual off hand conversation?

8 A He didn't say it as a threatening, I'm

9 going to get her, you know. It was -- we laughed

10 it off.

11 Q Mr. Tayback is going to bring this out,

12 so -- at one point you had -- I'm sorry, you had a

13 nickname, Boosting Debbie?

14 A Okay.

15 Q Right?

16 A Uh-huh.

17 Q Boosting Debbie. I guess you were into

18 shoplifting at one point?

19 A Right.

20 Q To support your narcotics habit?

21 A Right.

22 Q Sorry. Thank you.

23 A Okay.

24 CROSS EXAMINATION

25 BY MR. TAYBACK:

1 Q Miss Lowe, on June 19th, 1986, at
2 approximately 11:46 do you remember being
3 interviewed by Detective Oscar Requer and Sergeant
4 Jay Landsman at the Baltimore City Police
5 Department?
6 A Yes, I do.
7 Q You were arrested at 862 West Fayette
8 Street?
9 A Yes, I was.
10 Q Do you remember at that time indicating
11 to the police officers as follows: I saw Lee at
12 862 West Fayette Street on the Thursday before the
13 murder. How are we doing so far? Do you remember
14 that?
15 A Okay.
16 Q He refers to Leroy Boyce?
17 A Uh-huh.
18 Q I saw Lee with scratches on his arm. I
19 asked, who did it. He said California Debbie.
20 California Debbie is Deborah Veney?
21 A Yes.
22 Q I asked if he wanted me to beat her up.
23 He stated it would be taken care of. It would be
24 taken care of.
25 Do you remember saying that on June

1 19th, 1986? Don't you?

2 A Let me tell you something, that is a

3 little bit too deep because maybe the way I was

4 shooken up, ain't no way in the world I could have

5 made all that -- say all that.

6 Q So --

7 A I told the police as best as I could

8 about the situation. Who was involved, I do not

9 know.

10 Q So it is either me who is reading it

11 wrong or the police who wrote it down wrong or you

12 who are not telling the truth on the stand?

13 A I'm telling the truth on the stand.

14 Q Then do you remember saying that?

15 A I could have.

16 MR. TAYBACK: No further questions.

17 REDIRECT EXAMINATION

18 BY MR. BRAVE:

19 Q Well, if Poppy had said that in the

20 threatening manner that Mr. Tayback wants the jury

21 to believe it was said when you learned of these

22 two women's murders -- if Poppy had said to you in

23 the threatening manner that Mr. Tayback would have

24 us all believe, I'll have it taken care of --

25 A For one thing --

1 Q -- when you learned that those two women
2 were murdered, couldn't you have said, well, Poppy
3 did it? Did that ever occur to you, that Poppy
4 might have done it?
5 A No, but it occurred to me somebody in
6 that crowd knew something from the phone call that
7 I made. See, when I made the phone call, they was
8 going --
9 Q You made some phones calls. I don't
10 want to, I don't want you to mention anything
11 about those phone calls.
12 A Uh-huh.
13 Q But after those phone calls, you knew
14 that someone in that crowd knew something about
15 it?
16 A Yes.
17 Q And you weren't suspecting Poppy, were
18 you?
19 A No.
20 Q That's all.
21 RECROSS EXAMINATION
22 BY MR. TAYBACK:
23 Q One final question, Miss Lowe. You were
24 with Nellie Chew on June 19th, 1986, at some time
25 while in police custody, weren't you?

1 A Yes, I was.

2 Q You remember Nellie Chew talking with

3 you concerning the homicide at 4711 Navarro Road?

4 A No, I don't.

5 Q You don't remember that?

6 A I remember her and another woman

7 talking. We all was handcuffed in the same room.

8 Q You know who Detective Oscar Requer is

9 because he's sitting right outside where you are

10 at?

11 A Yes, I do.

12 Q And he has testified he overheard Nellie

13 Chew say something to you concerning that matter.

14 Now, you want to reconsider your answer?

15 A No, I don't.

16 Q You don't want to?

17 A No, I don't. I told him that --

18 Q Go ahead.

19 A -- they were over talking about

20 something but I can't say if it was that, and I'm

21 sure I let them him know that they was over

22 talking about something but they weren't letting

23 me hear anything.

24 Q Who is this they?

25 A A girl named Coco. I don't know her

1 last name or if that is her first name.
2 Q That would be Karen Godlieb, is that
3 correct?
4 A That's right.
5 Q She got arrested along with you folks
6 also, is that right?
7 A That's right.
8 Q As a matter of fact, she's the one who
9 Nellie Chew mentioned in that conversation with
10 you that Detective Requer overheard, isn't that
11 correct?
12 A I'm not going to say that.
13 Q Well, you are not going to say it
14 because it is the truth or because you don't
15 remember or you just don't want to say it? You
16 just don't want to say it, all right.
17 MR. TAYBACK: I don't have any further
18 questions.
19 MR. BRAVE: Just one question.
20 REDIRECT EXAMINATION
21 BY MR. BRAVE:
22 Q Are you part of the conspiracy too?
23 Would you jump off a building for Poppy?
24 A No, I won't.
25 Q Would you lie for Poppy?

1 A No, I will not.

2 Q You mean you are not part of this

3 conspiracy?

4 A No, I'm not.

5 Q I have nothing further.

6 MR. TAYBACK: No further questions.

7 MR. BRAVE: Robin Robinson, Your Honor.

8 ROBIN ROBINSON,

9 a witness produced on call of the State, having

10 first been duly sworn, according to law, was

11 examined and testified as follows:

12 THE CLERK: State door name and

13 address.

14 THE WITNESS: Robin Robinson, 512

15 Oakland Avenue.

16 DIRECT EXAMINATION

17 BY MR. BRAVE:

18 Q Good afternoon, Miss Robinson.

19 A Good afternoon.

20 Q Miss Robinson, you live on Oakland

21 Avenue?

22 A Yes, I do.

23 Q And there is a number of sisters and

24 their families who share that home with you?

25 A Yeah, three sisters.

1 Q Now, you work in a carryout store just
2 off of Pennysylvania Avenue?
3 A Yes.
4 Q What's the name of that street?
5 A The street?
6 Q The street.
7 A Lawrence.
8 Q Your store is about a half a block in
9 from Pennysylvania Avenue on Lawrence?
10 A Yes.
11 Q What is it called?
12 A Covington's Carryout.
13 Q You work there as --
14 A Cashier, cook.
15 Q Cashier. You have been doing that for a
16 number of years now?
17 A Yes.
18 Q How many?
19 A Be twelve in March.
20 Q Now, you know Leroy Boyce?
21 A Yes.
22 Q Is it fair to say that of the woman
23 associates of Leroy Boyce, you unlike all of them,
24 are not a cocaine freak?
25 A No. No, I'm not.

1 Q I mean, that is not to say that you
2 don't take a hit every once in a while?
3 A Once in a while.
4 Q But it is not constantly shoving it up
5 your nose --
6 A No.
7 Q -- every chance you get?
8 A No. As a matter of fact, I don't even
9 use cocaine any more.
10 Q Yet, you were not only LeRoy Boyce's
11 lover at times but you used to do him other favors
12 as well, isn't that correct?
13 A Yes.
14 Q Would it also be fair to say that
15 despite his life style, which was not necessarily
16 your life style, you really felt for the guy? Let
17 me put it this way, what was -- what -- I can
18 understand why Poppy was seeing you because,
19 number one, you are an extremely attractive woman
20 but, in addition to that, you were doing him some
21 favors, right?
22 A Yes.
23 Q You were letting him store his cash at
24 your house?
25 A Yes.

1 Q And his cocaine?
2 A (Indicating affirmatively.)
3 Q With your knowledge?
4 A Yes.
5 Q In a closet?
6 A Yes.
7 Q Which was padlocked?
8 A Yes.
9 Q And you knew what was in that closet?
10 A Yes, I did.
11 Q I understand what was in it for Poppy.
12 I hope I'm not being too personal but what was in
13 it for you?
14 A Nothing. I was just doing it as a
15 friend.
16 Q Well, I'm suggesting you must have liked
17 the guy an awful lot?
18 A Yes, I -- he was a good friend of mine.
19 Q That's all?
20 A Good friend.
21 Q Did there come a time when that padlock
22 in that closet door got broken into?
23 A Yes.
24 Q And did you pretty quickly figure out
25 who was responsible for it?

1 A I had a feeling, a gut feeling who had
2 did it.
3 Q And as time passed on did your gut
4 feeling get stronger and stronger?
5 A Yes.
6 Q After speaking to this person and that
7 person and the other person?
8 A Yes.
9 Q How did you go about informing Poppy of
10 this news?
11 A I just told him.
12 Q How soon after you found, found it out
13 did you tell him?
14 A Well, when I found out.
15 Q Did you tell him the first chance you
16 had?
17 A Oh, yeah.
18 Q You didn't hide the news from him?
19 A No.
20 Q What was the first chance you had?
21 A That, like the day after I found out,
22 you know, the money and stuff was missing.
23 Q Did you wait to bump into him or did you
24 at least try to get a hold --
25 A Yes, I did try to get in contact with

1 him.

2 Q What steps did you try?

3 A I called him at the -- you know, the

4 numbers I had, like two or three numbers, his

5 beeper number, but I couldn't get in contact with

6 him.

7 Q You mean -- Would it be fair to say you

8 knew this was bad news and you better get it to

9 him as fast as possible?

10 A Yes, uh-huh.

11 Q Soon after you finally notified him or

12 finally were able to reach him, did he come by?

13 A Yes, he did.

14 Q Did you fill him in on what your

15 suspicions were?

16 A Yes.

17 Q Will you take it from there, where did

18 you all go?

19 A Over to Carlos' house.

20 Q Was he there?

21 A Yes.

22 Q First time?

23 A Yeah.

24 Q First time?

25 A Yeah, he was there. Well, when I went

1 over there. I don't know how many times they went
2 over but I went over there with him he was there.
3 Q Was there a chase of some kind?
4 A Well, he had took him upstairs, told him
5 to open his front door, he said he didn't have the
6 key had locked hisself out and then he started
7 fussing and stuff like that, hit him on top of the
8 head with the gun, he jumps out the window and
9 after that that was it.
10 Q Did Poppy ever tell you what he was
11 going to do about this situation?
12 A He told me that he was going to set
13 Carlos up and that was it.
14 Q When -- now this was some time -- how
15 long before the murders was this, if you know?
16 A I don't know, because I don't even know,
17 you know, too much about the murders.
18 Q How long was it before that night that
19 the three people came over, that early morning
20 when the three people came over? You remember
21 that incident?
22 A Talking about Greenmount Avenue?
23 Q Over to Greenmount Avenue. How long
24 before the Greenmount Avenue incident was this
25 incident with Carlos, a week, a month, a year,

1 five years?

2 A I'm not sure.

3 Q It certainly wasn't five years ago?

4 A No, no.

5 Q Was it more than a month before the

6 murders?

7 A I can't -- I'm not sure. I'm not sure.

8 Q Did there come a time on a Saturday

9 night that you left Covington's, went to --

10 sometime in late May I'm directing your attention

11 to, you left Covington's and went over to Oakland

12 Avenue and received a visit from Poppy and some

13 others?

14 A Uh-huh.

15 Q You focused in on that incident?

16 A (Indicating affirmatively.)

17 Q All right. Now, did you know that Poppy

18 was coming over?

19 A No, I didn't.

20 Q When Poppy came there, did he have

21 anyone with him?

22 A Yes.

23 Q Was it a male or a female?

24 A It was a male and a female.

25 Q A male and a female?

1 A Yes.

2 Q When he came over, did they come in the

3 house at Oakland Avenue or did they stay outside?

4 A The guy came in with Lee, well, Poppy,

5 as you all call him.

6 Q Let me bring you up to date. You get

7 off from work at Covington's about what time?

8 A I was getting off about -- I think it

9 was ten o'clock at that time.

10 Q Do you go directly to Oakland?

11 A Yes.

12 Q All right, how do you get there?

13 A Bus.

14 Q How long does it take to get there by

15 bus?

16 A About an hour.

17 Q So, it is about 11 o'clock?

18 A Uh-huh.

19 Q When you hit the door at your home on

20 Oakland Avenue, is Poppy there in a minute or two

21 or does it -- or does some time pass between the

22 time you arrive and the time that Poppy arrives?

23 A Time had passed because when he got

24 there I was doing my hair, just about finished.

25 Q About how much time, if you remember?

1 A Could have -- I'd say about half an hour
2 or an hour.
3 Q All right. Now, Poppy arrives at your
4 house, he's got with him, as I understand it, a
5 man and a woman?
6 A When he comes to the house only one that
7 comes in the house is the guy.
8 Q All right, but I mean -- Well, let's
9 take it this way. You are at home, you are doing
10 your hair, does the doorbell ring?
11 A No, he knock on the door. I don't have
12 a bell.
13 Q There's a knock on the door. Do you
14 answer?
15 A Yes.
16 Q When you answered, what are you looking
17 at? I mean, when you open the door, who is there?
18 A Lee and a guy.
19 Q Two?
20 A Yes.
21 Q Is there a woman there?
22 A No, she is not with him. They are out
23 -- she's out in the car.
24 Q Okay. That's what I wanted to get at.
25 A Okay.

1 Q So there's a man, Poppy and a man?
2 A Uh-huh.
3 Q Miss Robinson, do you see the man that
4 was at the door with Poppy here in the courtroom?
5 A Yes.
6 Q Would you point to him for the record?
7 A He's sitting there.
8 Q Defendant Reuben Rainey.
9 You say one of the two of them come into
10 your house?
11 A You mean Lee and --
12 Q Yeah.
13 A The both of them comes in.
14 Q Do you decide to do anything about that?
15 A What, as far as what going on.
16 Q Does Poppy ask you to come with him?
17 A Yes.
18 Q Do you agree?
19 A Yes.
20 Q Do you know where you are going?
21 A Well, he asked me could we go down
22 there, you know, over my sister house, because
23 it's my sister's apartment.
24 Q And do you agree?
25 A Yes.

1 Q Do you leave --
2 A Yeah.
3 Q -- with him?
4 A Uh-huh.
5 Q Do you go to a car?
6 A Yes.
7 Q Are there others in the car?
8 A Yes.
9 Q How many others?
10 A It was one, I think it was another, it
11 was a girl in there. I'm not sure if it was of
12 them or -- one but I do know it was at least one.
13 Q Could have been two, maybe one?
14 A Yes.
15 Q Did you know either of them? Had you
16 seen either of them before?
17 A Yes.
18 Q Do you know a person by the name of
19 Joanne or Joanne Blunt?
20 A I know her as Joanne.
21 Q Was Joanne one of the ladies in the car?
22 A Before I answer that, could I ask you
23 does she live on Manchester because that's only
24 way I can determine, you know, her from Nisi, you
25 know, as where they live at.

1 Q I understand Nisi to live at Manchester,
2 Denise Coleman?
3 A Okay. It wasn't -- it was Joanne.
4 Q Okay. In other words, it wasn't the one
5 that lived at Manchester?
6 A No, it was not.
7 Q It was another one?
8 A It was, it was Joanne.
9 Q Did you know a second woman if it was a
10 second woman? You are not even sure there was a
11 second woman?
12 A No, I'm not sure.
13 Q You weren't taking notes, were you?
14 A No.
15 Q I mean you didn't say to yourself this
16 may be very important in the annals of history and
17 I better save all this information because who
18 knows what they're going to ask me --
19 A No.
20 Q -- under oath --
21 A No.
22 Q -- a year from now? Did you go directly
23 to Greenmount Avenue?
24 A No, we stopped at 7-11.
25 Q Do you remember that?

1 A Yes.

2 Q Do you remember any of the details about

3 it?

4 A We got --

5 Q Who got out? Who purchased what?

6 A I don't remember.

7 Q I know it would be amazing if you did,

8 but do you remember anything?

9 A I don't remember who got out but I know

10 we got some cigarettes, and some -- I think it was

11 milk and cereal or something like that.

12 Q Something was purchased?

13 A Yeah.

14 Q Then you all left?

15 A Yes.

16 Q Where did you go?

17 A On Greenmount Avenue.

18 Q Were you dropped off there?

19 A Yes.

20 Q Did you go into Greenmount Avenue alone

21 or with anyone?

22 A Alone, just me and, ahm, Lee.

23 Q And the Defendant and the one or maybe

24 two other ladies drove off?

25 A Yes.

1 Q Now, this is some time -- it has to be
2 early Sunday morning, if you get off of work
3 Saturday night around 10 and it takes you an hour
4 to get home and you have had time to start doing
5 your hair and you have gone to the 7-11 and you
6 have driven over, it sounds to me like it is early
7 Sunday morning.
8 A Yes.
9 Q Would you agree?
10 A Yes.
11 Q Did you and Poppy -- Whose the next
12 person other than Poppy that you saw after you
13 were dropped off?
14 A The Defendant, him, and Joanne and it
15 was another girl with her.
16 Q Saw the Defendant and two other women --
17 one --
18 A Yes.
19 Q -- of whom was Joanne?
20 A Yes.
21 Q And when is this that you are talking
22 about, that you next saw the Defendant Joanne and
23 another woman?
24 A This was like early Monday.
25 Q Was it light out yet?

1 A I'd say it was like around dawn.
2 Q Now, in the twenty some hours since you
3 were dropped off and until the Defendant and the
4 two other ladies appear at your door, I mean, you
5 never went out of the house?
6 A No.
7 Q Never talked to a neighbor?
8 A No.
9 Q It was just you and Poppy inside?
10 A Yes.
11 Q Did he ever go out?
12 A No.
13 Q Did you go to sleep?
14 A Yes.
15 Q How do you know he didn't slip out
16 during the time you were asleep?
17 A I doubt it very seriously.
18 Q Why do you say that?
19 A I feel if he had slipped out I'd a
20 known. I feel, you know, if I'm going to be with
21 somebody and he gets up and get out, I'd a known.
22 Q Early Monday morning when the Defendant
23 and the two other ladies come to your house, where
24 was Poppy just before they arrived?
25 A He was in the bed sleeping.

1 Q Where were you?
2 A In the bed sleeping.
3 Q Do you have any idea how long you had
4 been sleeping?
5 A Since that night.
6 Q Do you have any idea what time you went
7 to bed?
8 A Around about 11, 12, I'm not sure.
9 Q You really weren't taking notes at that
10 time either?
11 A No, I wasn't.
12 Q And you think that if Poppy had gotten
13 up while you were asleep in bed, you probably
14 would have realized it?
15 A Yes.
16 Q It is not to say it is impossible?
17 A No. It is not impossible but it is just
18 not likely.
19 Q Highly unlikely?
20 A Yes.
21 Q When these three people came to your
22 door, where did they go?
23 A Upstairs to the bedroom.
24 Q And did you go in?
25 A To the bedroom?

1 Q Yes.
2 A No.
3 Q Do you know what was said in there?
4 A No, I do not.
5 Q Were you taking notes about how they
6 were looking?
7 A No.
8 Q I mean, were you really looking at them
9 that carefully to begin with?
10 A No.
11 Q You had just gotten up and you were
12 asleep --
13 A (Indicating affirmatively.)
14 Q -- from a sleep?
15 A (Indicating affirmatively.)
16 Q And three people come to the door and
17 you take them upstairs. To which floor? Is it
18 the bedroom?
19 A Well, she lived on the second floor.
20 It's an apartment house.
21 Q Take them in and where do you go?
22 A I goes into the living room.
23 Q Can you hear what they are talking
24 about?
25 A No.

1 Q How long do they stay in that room, do
2 you know?
3 A No, I don't know.
4 Q You didn't want to know, did you?
5 A No.
6 Q How long did you stick around?
7 A Maybe --
8 Q Let's start this, it's Monday, right?
9 A Uh-huh.
10 Q Got to go to work?
11 A I think I left it was round about like
12 9, something like that, 8 or 9 o'clock.
13 Q So you stuck around for a couple of
14 hours?
15 A Yes.
16 Q Did they ever come out?
17 A Not that I remember. I don't --
18 Q You mean they were all huddled in there
19 for two hours?
20 A Yes, that I -- yeah. I don't recall
21 them coming out.
22 Q Seemed like forever anyway. And the
23 less you know about this the better, huh?
24 A That's the the way I felt.
25 Q To the best of your knowledge, between 4

1 o'clock and 5 o'clock on Monday morning, June the
2 2nd, Poppy was asleep right there next to you?
3 A Yes.
4 Q You would do just about anything for
5 Poppy?
6 A No, I wouldn't say that, no. No.
7 Q Well, you stash his money?
8 A That's not -- I don't consider that just
9 about anything.
10 Q Right.
11 A You know, I wouldn't do just anything
12 for him.
13 Q You keep twenty to thirty thousand
14 dollars of, of cocaine in a closet under lock and
15 key?
16 A I didn't know --
17 Q Do you know --
18 A -- the amount.
19 Q -- the amount of years you could go away
20 to jail for thirty thousand dollars worth of
21 cocaine?
22 A Well, I didn't know the amount of
23 cocaine it was or whatever it was. I knew it was
24 cocaine but I didn't know, you know, what amount
25 wise and all that.

1 Q And the less you knew the better?
2 A Yes, that's the way I felt.
3 Q Would you lie for him?
4 A No.
5 Q Really?
6 A No, I would not lie for him. I wouldn't
7 lie for nobody.
8 Q You wouldn't lie and say, okay, Poppy,
9 I'll put you in bed next to me during the entire
10 time the murders could possibly have taken place?
11 A No, sir. No.
12 MR. BRAVE: Mr. Tayback's going to
13 challenge that right now.
14 CROSS EXAMINATION
15 BY MR. TAYBACK:
16 Q Even though you weren't taking notes,
17 Miss Robinson, do you recall that on April 10th,
18 1987, a Court reporter was taking notes of your
19 testimony under oath?
20 A Uh-huh.
21 Q Do you remember that?
22 A Yes.
23 Q Now, do you remember on that date under
24 oath you said that what you were storing at your
25 house as a favor for Poppy was?

1 MR. BRAVE: What page are you on? What
2 day, page?
3 MR. TAYBACK: April 10th, 1987. It's
4 all on the same day. This would be page 6. You
5 can read my notes if you want.
6 Q Going back to what I was saying, on
7 April 10th, 1987, you stated under oath that the,
8 that that which you were holding -- and this is
9 Mr. Brave who was asking that question -- that
10 that which you were holding for Poppy was drugs,
11 period, remember saying that?
12 A No. I might have said it.
13 MR. BRAVE: Your Honor, I think the
14 question -- May I state the reason for my
15 objection at the bench?
16 THE COURT: Approach the bench.
17 (Whereupon, counsel and the Defendant
18 approached the bench and the following conference
19 ensued:)
20 THE COURT: Mr. Brave.
21 MR. BRAVE: Your Honor, I think it is
22 only fair that the question, Mr. Tayback --
23 MR. TAYBACK: I'll read it all to her if
24 she wants. I'm just asking her whether she
25 remembers; if she doesn't, I'll read it to her.

1 MR. BRAVE: I think you ought to ask do
2 you remember being asked so and so. What question
3 is it you are talking about?
4 MR. TAYBACK: You asked her does he ever
5 leave some stuff at your house, her answer is,
6 yes. And you do that as a favor? Answer: Yes.
7 What kind of stuff are we talking about? You were
8 talking about drugs, not drugs and money?
9 Answer: Not money, but drugs. All right. Go to
10 page 7. You got my notes. As far as me holding
11 drugs for him, I would say for about the past
12 summer, about a month of the past summer. That's
13 all she claims.
14 MR. BRAVE: All right.
15 (Whereupon, counsel returned to the
16 trial table and proceedings resumed in open
17 court.)
18 BY MR. TAYBACK:
19 Q Now, Miss Robinson, I think you
20 indicated you don't remember, is that right?
21 A Yes.
22 Q Let me refresh your memory then.
23 Question: -- this would be Sam Brave asking you
24 the question -- Well, does he ever leave some
25 stuff at your house? Answer: Yes.

1 A Uh-huh.
2 Q That would be you answering, correct?
3 Question: And you do that as a favor? That's Mr.
4 Brave asking you, and your answer is yes.
5 Question: What kind of stuff are we talking
6 about? Your answer is: You are talking about
7 drugs. That's what you said, wasn't it? Says
8 that right here, doesn't it?
9 A Yes, it does.
10 Q You don't say drugs and money, you don't
11 say money, you say drugs, right?
12 A Yes.
13 Q That wasn't good enough. You went to
14 page 7, Mr. Brave was talking about him helping
15 you out when you needed some money and you were
16 saying, yes, he does, true?
17 A True.
18 Q You are also saying you had known him
19 for ten years, right?
20 A Yes.
21 Q I think you have been real close friends
22 for what, five years, is that --
23 A Close, what you mean?
24 Q Is that right?
25 A I don't know what your definition of

1 close is. I just say we have been friends.
2 Q Just friends, okay. So Mr. Brave says
3 to you, Question: So he helps you out and you
4 help him out? Answer: Yes. Question: And this
5 has been going on for all those ten years?
6 Answer: No. Question: Well, how long? Answer:
7 As far as me holding the drugs for him, I would
8 say for about the past summer, about a month of
9 the last summer. Question: Only a month?
10 Answer: Yes.
11 That's what you said, wasn't it?
12 A Yes.
13 Q You are referring to one month last
14 summer, that would be the summer of 1986, and
15 referring to drugs, you are not referring to
16 anything else? More particularly, you are not
17 referring to money, isn't that right?
18 A If he'd asked me about it, I'd have said
19 money, drugs.
20 Q Well, that's one way to look at it. Of
21 course, the other way to look at it would be that
22 he said to you what kind of stuff are we talking
23 about, so he's not just asking you about drugs.
24 He's asking you about anything, if you were
25 holding money and drugs for him, you should have

1 said that?
2 A Okay, okay.
3 Q But you didn't, did you?
4 A Okay, I get your point.
5 Q That was in April when you said that,
6 and, of course, between April and now we seem to
7 have a change and now you are holding money for
8 him, was that correct?
9 A At the time that I told that.
10 Q And that fits into the new version from
11 Leroy Boyce, doesn't it?
12 A The new version --
13 Q Yes.
14 Q -- of what really was going on?
15 A Yes, that's what I was, I was holding,
16 yes.
17 Q Again, because notes were being taken,
18 you said at this time anyhow, that with respect to
19 Reuben Rainey, when he showed up on your doorstep
20 with Poppy, that that wasn't the first time that
21 you had seen him, do you remember saying that?
22 A On which doorstep?
23 Q Well, you lived at -- I think you still
24 live at the same place?
25 A 512.

1 Q 512 Oakland Avenue?
2 A Uh-huh.
3 Q Now, --
4 MR. BRAVE: What's the page and line?
5 MR. TAYBACK: Page 14.
6 MR. BRAVE: I am sorry?
7 MR. TAYBACK: Page 14.
8 MR. BRAVE: Line?
9 MR. TAYBACK: Line would be line 17 and
10 18.
11 Q Do you recall in April of 1987 that you
12 said with respect to Reuben Rainey that you -- and
13 you were asked this question by Mr. Brave -- had
14 you ever seen him before that night and your
15 answer was, I think once or twice. Question from
16 Mr. Brave, in Lee's company? Lee being Leroy
17 Boyce, and your answer was, uh-huh, meaning yes,
18 true?
19 A Yes, I did say it.
20 MR. BRAVE: I am sorry, Your Honor, I'm
21 busy trying to understand this note, and I was
22 doing too many things at once. I'd like to --
23 MR. TAYBACK: I'll stop.
24 MR. BRAVE: I missed that whole last
25 question. I'm sorry. Could I ask that it be

1 repeated. Has Your Honor read this note?
2 THE COURT: Yes.
3 MR. TAYBACK: How about.
4 THE COURT: Go back over it, Mr.
5 Tayback.
6 MR. TAYBACK: Okay.
7 Q I had asked you Miss Robinson the
8 following question from Mr. Brave: Had you ever
9 seen him -- that's referring to Reuben Rainey --
10 before that night and your answer was, I think
11 once or twice. Question: In Lee's company, and
12 your answer was, uh-huh, meaning yes. And your
13 response was you remember now that you did say
14 that in your April testimony, on April 10th, 1987,
15 correct?
16 A Correct.
17 Q When you got to Greenmount Avenue, it's
18 your sister's apartment, it's the second floor?
19 A Uh-huh.
20 Q You are up there, you are isolated, it
21 is only you and Poppy?
22 A Yes.
23 Q How about electricity, does the
24 electricity work?
25 A Yes.

1 Q How about the telephone, is the
2 telephone working?
3 A No.
4 Q Remember I've got the transcript here,
5 okay. This would be page 30 and page 35. Now,
6 you want to re-think your answer before?
7 MR. BRAVE: No, she doesn't, Mr.
8 Tayback.
9 A I know what you are going to say.
10 Q You know what I'm going to say. What do
11 you want your answer to be?
12 A I made a mistake.
13 Q You made a mistake, whatever, a moment
14 ago?
15 A On that statement.
16 Q You made a mistake on that statement?
17 A Yes.
18 Q Let's go over and see how much of a
19 mistake you made. This would be --
20 THE COURT: Mr. Tayback, the jury's
21 indicating they can't hear.
22 Q I'll speak as loud as I can. You please
23 speak as loudly as you can. Oh, on April 10th,
24 1987, a question was asked of you -- and I think
25 it is Mr. Brave still speaking. No, I'm sorry,

1 this would be me asking the questions -- Is there
2 any telephone in that house? And your answer is,
3 yes, it is. Question: There is a telephone?
4 Answer: Uh-huh. Yes. Question: Does the
5 telephone work in that house?
6 What was your answer?
7 A Yes.
8 Q Now, of course, you could have been
9 confused about that but let's go to page 35. I
10 asked you whether anything unusual happened over
11 the weekend, that would be on -- excuse me, I
12 asked you whether anything unusual happened over
13 the entire day of Sunday. Question: Nothing
14 unusual, nothing happening, any calls coming in to
15 him?
16 That's Leroy Boyce, right?
17 A Uh-huh.
18 Q Is he conducting any business? Answer:
19 -- What was your answer? Now, remember, the phone
20 doesn't work, what's your answer?
21 A Well, he did use the phone.
22 Q Well, he did use the phone. Now, was
23 the phone working or not working?
24 A No, it was not working.
25 Q It was not working. So today are you

1 telling us the truth, April 10th you weren't
2 telling the truth?
3 A I just made a mistake. That's all it
4 was. That was --
5 Q You just made it up?
6 A No, I just made a mistake, simple as
7 that.
8 Q Some way or another you remembered him
9 using the telephone. How many times had you been
10 to this house with Poppy?
11 A Three times -- two, three times.
12 Q Two, three times?
13 A Yes.
14 Q So it certainly wasn't a usual or
15 frequent activity on your part?
16 A No.
17 Q As a matter of fact, in April you
18 indicated that the time that you were there on May
19 the 31st was only one out of two times that you
20 had ever been there. You remember saying that,
21 don't you?
22 A Uh-huh.
23 Q So that represents one out of two times
24 that you and Poppy had ever been to that
25 location. Just happens to be that weekend, right?

1 A Uh-huh.

2 Q I think there had been a question asked

3 about the appearance of the these midnight

4 visitors or early morning visitors at the house.

5 You remember --

6 A Yes.

7 Q -- Mr. Brave asked you about that?

8 A Yes.

9 Q You said you are the one who went

10 downstairs after hearing the doorbell ring and you

11 are the one who let them in?

12 A Yes.

13 Q Now, is there anything unusual about

14 them?

15 A No.

16 Q Is there anything unusual about their

17 appearance?

18 A No.

19 Q Was there anything unusual about their

20 demeanor, that is, the way they were carrying on

21 or not carrying on?

22 A No.

23 Q Did you see guns?

24 A No.

25 Q You are one of Poppy's girlfriends. I

1 don't know what better term for it. You are one
2 of Poppy's girls, right?
3 A I'm a friend of his.
4 Q You remain a friend of his, don't you?
5 A Yeah, I'll be a friend of his.
6 MR. TAYBACK: I have no further
7 questions.
8 REDIRECT EXAMINATION
9 BY MR. BRAVE:
10 Q Miss Robinson, you ever heard the
11 expression you can't have your cake and eat it
12 too?
13 A Yes, sir.
14 Q You ever heard the expression you can't
15 have it both ways?
16 A Yes.
17 Q Now, if you are part of this conspiracy
18 to save Poppy from picking up the murder charge he
19 so richly deserves and to pin it on this guy right
20 over here, and as part of that conspiracy you are
21 willing to lie for him and swear in front of this
22 jury that he was there sleeping next to you that
23 night, to the best of your knowledge, and you
24 would have known that he would have gotten up, why
25 wouldn't you also, as part of that conspiracy,

1 say, yeah, that guy really looked a little boiled
2 looking when he came in? Why would you say I saw
3 nothing unusual, Miss Conspirator? Do you
4 understand my question?
5 A Uh-huh. If anything was different or if
6 I knew anything about the murders I would tell
7 you. I don't have anything to cover up.
8 Q When you went down to open that door,
9 did you say to yourself a year from now -- I'd
10 better pay -- I'm going to be testifying in front
11 of a jury and I better be real careful about
12 making notes about what I'm observing or when you
13 walked out of there out of your sleep, did you
14 open the door and pay no particular attention or
15 do you even remember?
16 A If they had came in there in a rage,
17 blood over them, whatever, I'd have noticed it. I
18 didn't see anything unusual about them at all.
19 Q But Poppy was there?
20 A Yes, he was.
21 Q In your bed?
22 A Yes, he was.
23 Q Since 11 o'clock the night before?
24 A Yes.
25 Q Did you see Poppy covered with blood?

1 A No, I didn't.

2 Q What makes you so sure you would have

3 seen it?

4 A Could you repeat the question?

5 Q What makes you so cocksure you would

6 have seen blood all over a person?

7 A If I'm --

8 Q Suppose he had wiped it off?

9 A Well, then I wouldn't have been able to

10 see it.

11 Q Suppose he had straightened himself up,

12 gotten himself together?

13 A I wouldn't have been able to see it if

14 he they had went through all that.

15 Q I mean, did you look at his shoes? Did

16 you actually look at those shoes?

17 A No, no.

18 Q How do you know you wouldn't have seen

19 it?

20 A No. No, I wasn't looking at their

21 shoes.

22 MR. TAYBACK: I have nothing further,

23 Your Honor.

24 MR. BRAVE: Let me --

25 REDIRECT EXAMINATION

1 BY MR. BRAVE:

2 Q Mr. Tayback suggests that you would lie

3 for Poppy?

4 A No, I wouldn't lie for my own mother if

5 I knew she did something she didn't have any

6 business doing. Nobody.

7 Q Look, it has finally all come out, when

8 you and I met months and months and months back,

9 were you telling me all this stuff then that you

10 are telling the jury now?

11 A No.

12 Q Has every piece of information had to be

13 dragged out of you or have you just said here it

14 is, Mr. Brave?

15 A The part that I didn't tell you, I

16 didn't think it had anything to do with the case

17 that you had called me in on.

18 Q The part you didn't tell me was about

19 Carlos, right?

20 A Yes.

21 Q And missing money?

22 A Yes.

23 Q And since nobody asked you about it --

24 in fact, nobody knew about it?

25 A Yes.

1 Q I mean, last trial, to the best of your
2 knowledge, did anybody involved in this case even
3 know about the Carlos situation?
4 A Not that I know of.
5 Q And you are not about to volunteer, oh,
6 by the way, twenty-six thousand dollars was
7 missing from my house, were you?
8 A No, no.
9 MR. BRAVE: Excuse me just a second.
10 Q Question has been asked, first of all,
11 do you remember if the Defendant was wearing a
12 shirt or not wearing a shirt?
13 A He was wearing a shirt.
14 Q You are sure of that?
15 A Yes.
16 Q Do you remember anything about it?
17 A Nothing unusual about it.
18 Q Does the fact that you didn't want to
19 broadcast the fact that twenty-six thousand
20 dollars was missing from your closet, and I don't
21 know if it was twenty-six or thirty-one or
22 thirty-five, did you count it?
23 A No.
24 Q Did you ever count it?
25 A No.

1 Q Does the fact that you didn't want to
2 broadcast news about that money have anything to
3 do with whether you're telling the truth about
4 where Poppy was in the few hours before those
5 murders or before the Defendant came over to your
6 house?
7 A Me telling, me not telling no one about
8 that money didn't have anything to do with that.
9 Q Look at page 14 -- is it?
10 MR. TAYBACK: All right.
11 Q Mr. Tayback attempts to paint you as a
12 liar. One who would protect Poppy. Last time
13 after you say that's him, the question is asked of
14 you by me, had you ever seen him before that
15 night?
16 A Uh-huh.
17 Q Let me see what night we are talking
18 about, first of all, because there are two nights,
19 aren't there? There's the night you get dropped
20 off and the night that he comes back or the
21 morning he comes back?
22 A Uh-huh.
23 MR. TAYBACK: Go back a page or so and
24 and see.
25 Q It is obvious we are talking about the

1 night that you are picked up at Oakland Avenue?
2 A Uh-huh.
3 Q And you are driven over to Greenmount
4 and you are asked, had you ever seen him before
5 that night and your answer is, I think once or
6 twice?
7 A Yes.
8 Q All right. Where do you think you may
9 have seen him once or twice?
10 A I don't recall.
11 Q Are you sure that you saw him once or
12 twice? I know you say I think.
13 A I think I have seen him before other
14 than that night that he came over there.
15 Q But do you have any picture that flows
16 along with that as to where it might have been,
17 when it might have been, who you might have been
18 with?
19 A (Indicating negatively.)
20 Q What he was doing, what you were doing?
21 A Huh-uh. No.
22 Q All right. Look at page 30 and 35.
23 Oh. Now, wait a minute, I don't have to look but
24 let me have it.
25 After the last trial we met in my

1 office, didn't we?

2 A Uh-huh.

3 Q I'm not talking about the day after, I'm

4 talking about since then?

5 A Yes.

6 Q And along with us was one of your

7 sisters?

8 A Yes.

9 Q And one of the questions that was asked

10 of you was, let's get to the bottom of this phone

11 business at Greenmount Avenue, was the phone on or

12 wasn't it on, what's the story?

13 A No, it wasn't on.

14 Q Well, -- It wasn't.

15 Q Wasn't that the discussion?

16 A Yes.

17 Q Because I pointed out that you testified

18 that it was on. Did you give that question some

19 thought when it was asked to you in my office as

20 to whether it was on or whether it wasn't on?

21 A Yeah, I did think about it.

22 Q Did you consult with the sister that you

23 had with you in the office?

24 A Yes.

25 Q I mean, did the two of compare notes?

1 A Yes.

2 Q Did you actually think back, did you

3 come up with the answer?

4 A Uh-huh. Yes.

5 Q Explain to the jury why you were

6 confused then as to whether it was on or wasn't

7 on?

8 A I don't have no reason for why I was

9 confused. I just was. Was just confused, that's

10 all. I wasn't sure, you know.

11 Q Was there a time that that phone was on

12 and a time that it wasn't on?

13 A Yes, it was on.

14 Q I mean, was the phone being turned on

15 and off at various times for various reasons?

16 A Yes.

17 Q And did you and your sister sit there

18 and figure out whether it was on at that period or

19 off at that period?

20 A In your office, yes.

21 Q What conclusion did you reach?

22 A That it was off.

23 Q Did I have anything to do with the way

24 you figured it out?

25 A No.

1 Q Mr. Tayback says but you told -- you
2 said that he answered the phone. Do you have a
3 picture in your mind of him actually going over
4 and answering the phone or were you just like
5 saying the first that came into your head?
6 A I don't know. I don't know.
7 Q This man does a very, very good job?
8 A I see that.
9 Q If you don't know something, you don't
10 know it. Just don't answer because you think you
11 are being questioned about something and marked
12 about something.
13 Again, are you part of this conspiracy?
14 A No, sir.
15 Q Was Poppy lying next to you in the bed
16 from the time you went to bed until this man and
17 the two women came up there?
18 A Yes.
19 MR. BRAVE: I have nothing further, Your
20 Honor.
21 RECROSS EXAMINATION
22 BY MR. TAYBACK:
23 Q Miss Robinson, I must admit I yell at a
24 lot of witnesses. I have never yelled at you,
25 have I?

1 A No.

2 Q Your answers are really your answers.

3 If you didn't know something, you would say you

4 didn't know, isn't that right?

5 A Uh-huh.

6 Q I'm not the one who told you to say I

7 remember Poppy conducting business or doing

8 something with the telephone. That came out of

9 your mouth and your mind without my suggesting it,

10 without Mr. Brave suggesting it, without anybody

11 suggesting it? That's your answer, isn't it?

12 A Yes.

13 Q He didn't do it over tin cans with a

14 string between them, he did it over the telephone,

15 isn't that true?

16 A Phone wasn't on.

17 Q But that's what you said?

18 A Like I said I --

19 Q Now, of course, your answers are

20 different. Your answers are also different about

21 --

22 MR. BRAVE: Objection. Can we have a

23 question, Your Honor?

24 Q Well, your answer is also different, is

25 it not, as to drugs only as opposed to drugs and

1 cash being stored by Poppy?
2 A Yes.
3 Q I had forgotten to ask you this time,
4 besides there being nothing about the way the
5 people were acting and nothing unusual the way in
6 which they appeared and no guns or anything out of
7 the ordinary that way, when you were at this house
8 after these people arrived, did you hear any
9 shouting or screaming or yelling or loud
10 conversation about he just shot somebody or he
11 just did this or any questions why, why did you do
12 that, why did you shoot the bitch?
13 A No.
14 Q I just blew the bitch's head off?
15 A No.
16 Q You didn't hear any of that?
17 A No.
18 Q Now, according to you and your
19 testimony, Poppy didn't do it, and Reuben Rainey
20 didn't do it, so now we got to look for somebody
21 else?
22 A Well, I don't know who did it. I didn't
23 do it.
24 MR. TAYBACK: I have no further
25 questions.

1 REDIRECT EXAMINATION

2 MR. BRAVE:

3 Q Miss Robinson, after all is said and

4 done, the bottom line is and the tack you have

5 taken ever since you were brought out of the

6 corners in this case is the less you know about it

7 the better?

8 A Yes, it is. That's the way I felt.

9 Q That's way you felt from the moment you

10 opened that door and answered it that night, isn't

11 it?

12 A Yes.

13 MR. BRAVE: I have no further questions.

14 THE COURT: Gentlemen, we are going to

15 break now.

16 Ladies and gentlemen, I think with some

17 assuredness I will say to you we will conclude

18 this case on Monday. We will not have Court

19 tomorrow. I ask that you report Monday at 9:30

20 and follow the same procedures that you have

21 followed up until this time.

22 This Court will stand adjourned until

23 Monday at 9:30.

24 (Whereupon, Court adjourned for the

25 day.)

1 REPORTER'S CERTIFICATE

2 I, Rita M. E. Taggart, an Official Court
3 Reporter of the Circuit Court for Baltimore City,
4 do hereby certify that I recorded stenographically
5 the proceedings in the matter of STATE versus
6 REUBEN RAINEY, on JULY 9, 1987.

7 I further certify that the aforegoing
8 pages constitute the official transcript of
9 proceedings as transcribed by me to the within
10 typewritten matter in a complete and accurate
11 manner.

12 In Witness Whereof, I have hereunto
13 subscribed my name this 30th day of JANUARY, 1988.

14

15 Rita M. E. Taggart
16 Official Court Reporter

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1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2 STATE OF MARYLAND

3 INDICTMENT NO. 18626016, 17

4 VERSUS

5 REUBEN RAINEY

6 _____/ JULY 13, 1987

7 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE
AND A JURY

11

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE
BRIAN MURPHY, ESQUIRE

15 ASSISTANT STATE'S ATTORNEYS

16 ON BEHALF OF THE DEFENDANT:

17 GORDON TAYBACK, ESQUIRE

18

19 REPORTED BY:
Rita M. E. Taggart

20 Official Court Reporter
507 Courthouse West

21 Baltimore, Maryland 21202

22

23

24

25

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

2 THE COURT: May I see counsel at the

3 bench? Let's have Mr. Rainey up please.

4 (Whereupon, a bench conference was held

5 which was not made a part of this record,

6 following which proceedings resumed in open

7 court.)

8 (Whereupon, the Defendant approached the

9 bench and the following conference ensued:)

10 MR. BRAVE: Can we do this in open

11 Court?

12 THE COURT: Just say what you have said

13 up to this point.

14 MR. BRAVE: Your Honor, before you is

15 the latest, a photocopy, the latest note from the

16 jury which, if I may read as follows: Does this

17 case involve international mafia, and is it

18 noticeable that -- I can't make out the next word,

19 it could be African, it could be Afram demotology

20 is being used?

21 Now, Your Honor, that question is so far

22 off the wall that it draws into serious question

23 the issue as to whether this woman thinks she is

24 being influenced or controlled by factors outside

25 this courtroom and is therefore not able to sit as

1 a fair and impartial juror in this case. She is
2 simply -- I would argue if that is the case, that
3 the Court in its discretion should remove someone
4 who cannot pay attention to the evidence and is
5 concerned with demons busting around her head or
6 the heads of the witnesses. And I feel that what
7 she means by this question ought to be fully
8 explored with her being put on the stand and the
9 Court asking her as many questions as the Court
10 feels are necessary to arrive at what this woman
11 is -- where this is coming from because I think
12 she is coming from the funny farm.
13 THE COURT: Mr. Tayback.
14 MR. TAYBACK: Your Honor, I have -- I
15 have no comment.
16 THE COURT: Where are we in this case,
17 Mr. Brave?
18 MR. BRAVE: Your Honor, we are about to
19 put on Detective Oscar Requer in rebuttal to
20 review the course of his investigation from
21 beginning to end, to rebut the issue generated in
22 the defense's case that the police have bungled,
23 they have charged the wrong man, and Poppy, in
24 fact, could have ordered the killing, would have
25 ordered the killing if he wanted to, can get the

1 principal State's witnesses to lie, did have a
2 beef with one of the deceased and did, in fact,
3 lie in two previous proceedings, thus raising the
4 spectre that the police have bungled, that their
5 investigation was inept and that the wrong man
6 stands charged here today. And I am going to
7 rebut that proposition by going through the case
8 from beginning to end with Detective Requer.
9 THE COURT: How long do you anticipate
10 his testimony is going to take?
11 MR. BRAVE: I would say -- he was a
12 hundred and fifty-four pages last time, I would
13 say it's probably a good guess it will be at least
14 that much this time.
15 THE COURT: So how much time are we
16 talking about?
17 MR. BRAVE: At least the rest of the
18 morning after we have this hearing on the juror,
19 probably into the afternoon.
20 I would also suggest, Your Honor, that
21 if that is, in fact, the end of the evidence, Mr.
22 Tayback and I seem to agree that this case
23 deserves an overnight study by all counsel. We
24 have been at battle now, fierce battle for over
25 two weeks and I think it is appropriate that we be

1 allowed a reasonable time, certainly overnight to
2 gather our forces and make our best arguments in
3 this case. We feel that that is not an
4 unreasonable request.
5 THE COURT: One order of business I
6 intend to take up right now and, that is, I'm
7 saying to all, both sides, I don't want any more
8 reference to this prior trial. I don't want to
9 hear the word first trial or prior trial or
10 retrial or first jury any more in this trial. I
11 am ordering you not to say it.
12 Apparently there was some confusion or
13 at least there were protestations of confusion
14 about what the Court wished. There will be no
15 confusion about what I'm ordering you to do now.
16 I don't want to hear any more about any prior jury
17 or any prior trial or any -- I don't want to hear
18 the word retrial or anything that connotes any of
19 those things. I'm making it very clear that that
20 is what I'm ordering at this point. I'm not
21 requesting, I'm ordering that.
22 To be very candid with you, there are
23 many aspects of this trial that the Court is
24 coming not to be very happy about. This is a
25 serious case. I'm not satisfied that it's being

1 pursued in that manner. In any event --

2 MR. BRAVE: Would Your Honor care to be

3 specific?

4 THE COURT: No.

5 MR. BRAVE: Certainly not referring to

6 anything I'm doing in this case because I would

7 take great issue with you, sir.

8 THE COURT: Sir, you can take any issue

9 you want. I'm saying --

10 MR. BRAVE: I'd like to know what you

11 are talking about, plain and simple terms, Your

12 Honor.

13 THE COURT: Mr. Brave, you can take any

14 issue you want. You can become as upset as you

15 want. I'm saying I'm not pleased with the way

16 this case is proceeding.

17 MR. BRAVE: Well, I'd like to discuss

18 that with you and my superiors at any time, Your

19 Honor.

20 THE COURT: There is nothing to discuss,

21 Mr. Brave. I'm trying to move this trial along.

22 There has been too much by the way of stops along

23 the way. This case needs to move forward at this

24 juncture.

25 MR. BRAVE: This case is being moved

1 forward at a good pace. We are working hard on
2 it. Your Honor completely misassesses the
3 comlexity of what is going on in this case. If
4 you were with us outside this courtroom you would
5 see we are not sitting around with our legs up on
6 tables but we are interviewing witnesses, we are
7 discussing strategy and we are gathering evidence
8 every spare minute. And the logistics in a case
9 like this are huge. We are working very hard on
10 this case, Your Honor, and I take great pain to
11 let the Court know exactly when I'm going to --
12 THE COURT: I'm not suggesting --
13 MR. BRAVE: -- be available.
14 THE COURT: I have not suggested for one
15 moment that there has been any lack of work in the
16 case. I'm referring to other aspects of the case
17 which I find very troubling.
18 MR. BRAVE: I haven't a clue as to what
19 you are talking about.
20 THE COURT: I have just indicated to you
21 that this is an adversary proceeding. The Court
22 would find it very strange that it would become
23 the adversary in the case. At this juncture I'm
24 hopeful that this thing will proceed in a more
25 normal fashion than it has been up to this point.

1 MR. BRAVE: I have no response, Your
2 Honor, because I don't know what you are talking
3 about.
4 THE COURT: All right. Very well.
5 (Whereupon, counsel returned to the
6 trial table and proceedings resumed in open
7 court.)
8 THE COURT: Ma'am Clerk.
9 (Whereupon, the juror entered the
10 courtroom, after which the following proceedings
11 ensued:)
12 THE JUROR: Yes, can I ask you --
13 THE COURT: No, ma'am, sit down in the
14 chair please.
15 THE JUROR: All right.
16 THE CLERK: Your name please?
17 THE JUROR: I am Sonja Vaughn Sykes.
18 THE COURT: Ma'am Clerk, give this to
19 the witness.
20 THE JUROR: All right.
21 THE COURT: Ma'am, would you just remain
22 seated?
23 THE JUROR: Oh, all right.
24 THE COURT: Did you write that, ma'am?
25 THE JUROR: Yes, I did.

1 THE COURT: What does that mean? First
2 of all, read what it is that you wrote.
3 THE JUROR: All right. I wrote, does
4 this case involve international mafia and is it
5 noticeable that Afram demotology is being used in
6 this courtroom.
7 THE COURT: What does the note mean,
8 ma'am?
9 THE JUROR: It, it does -- it means is
10 do you understand that demotology is being used
11 back and forth on the jury in the case and does it
12 involve something higher than what is being said
13 here.
14 THE COURT: Whose feeling is that,
15 demotology.
16 THE JUROR: It is not feeling. It is
17 what is being done to the person, you know.
18 THE COURT: To whom on the jury?
19 THE JUROR: Okay, it is not that,
20 something that you can really explain. I would
21 have to sit in chamber with you and talk to you
22 about what is going on. It is something I just
23 couldn't sit up here and kind of make myself look
24 ridiculous explaining to you. I would have to
25 explain it to you in chamber.

1 THE COURT: Why is it that it is more
2 understandable in chambers.
3 THE JUROR: It is more understandable to
4 talk to you as a person. It is something that --
5 all I'm trying to figure out is what, what is
6 being used because, I mean, I'm sitting in there
7 and, you know, and I can't get, you know, I --
8 some things it's like you hear -- like I said, I
9 have to talk to you in chamber about it. All
10 right.
11 THE COURT: No, it is not all right. We
12 can't talk in chambers about it.
13 THE JUROR: All right. Then I'll have
14 to throw my question out. I guess it just wasn't
15 accepted, you know, because that is my right
16 within the -- to do that, right?
17 THE COURT: Throw your question out?
18 THE JUROR: Yes, because you said send
19 questions if you have a -- if you wanted to know
20 something.
21 THE COURT: So you feel that this
22 practice is being -- this has been practiced on
23 you?
24 THE JUROR: I didn't necessarily say on
25 me. I'm saying is it being used in this

1 courtroom, demotology. You know a person can sit
2 in here and be supernatural as I don't know what
3 they -- and they could be using demotology on a
4 person. It is like lying in the deep woods where
5 you don't see a person, you hear people talk of it
6 but you don't accept it until it happen to you as
7 if a person could root you or if a person could do
8 certain things with demotology.
9 You know people sit and practice with
10 this kind of stuff at home. They call it, what
11 you call it double eight or something like that.
12 They sit home and they get their way with this
13 kind of stuff, you know.
14 THE COURT: What do you think the effect
15 of this is?
16 THE JUROR: All I'm saying is is this
17 international where it has to be hush, where it
18 has to be -- let's see, where you have to hear
19 certain things that they wish you to hear and is
20 demotology being used to control the minds in this
21 room? That's all I'm asking you.
22 It's not a thing where --- like I said,
23 I really can't explain it and if I sit here and
24 talk to you about it like this, you would think
25 that I'm being silly or simple. But, like I said,

1 I'm sitting here where some things -- I sit and
2 listen at, and it is like a total wipe out, I
3 can't hear it and it is nothing wrong with my
4 mind.
5 THE COURT: What do you think the source
6 of this demotology is?
7 THE JUROR: Now, like I said, it's
8 something that -- lets say something that I can't
9 explain, you know. Is sort -- I mean -- well, it
10 could be somebody who is in witchcraft, something
11 like that, say, sitting home reading a book or
12 something.
13 THE COURT: You say somebody. Who is it
14 that you are accusing of this?
15 THE JUROR: All right, I'm not exactly
16 accusing anybody of it. I'm asking you do you
17 have the same notion that someone is using
18 demotology in this courtroom?
19 THE COURT: Have you discussed this with
20 any of the other jurors?
21 THE JUROR: No. No, I haven't. But I
22 don't think that I have to. I think that I -- I
23 believe some of the people up there could be aware
24 of it too. Maybe, amm, if in the -- using it
25 maybe to protect theirself or either just to --

1 use it for theirself and just not saying anything.
2 THE COURT: Use it for themselves. You
3 mean that they have received this and you feel
4 that some people are using it one way or the other
5 after they have received it?
6 THE JUROR: Well, let's just say like
7 this, I'm a little psysic, I'm a little extremist,
8 right.
9 THE COURT: You said something else.
10 THE JUROR: An extremist.
11 THE COURT: Extremist.
12 THE JUROR: Yeah, and lets just say that
13 I can sit there and like intuition know when
14 someone is abusing me and, like I say, it would
15 make you seem like I'm paranoid, if I need
16 psychiatric help or something like that, but there
17 are some kinds of people out here that have, that
18 is far beyond you and you just don't understand
19 how it's -- this power being used against you as
20 far as the -- It is not being used against me. It
21 is -- let's say in a way if you go biblical, if
22 you understand it, it's used as begatten.
23 THE COURT: You feel this power is
24 begatten.
25 THE JUROR: It's -- like I said it's

1 biblical as -- if you understand what's going on,
2 that's -- let's just say begatten. It's something
3 I can -- I can't sit up here without you thinking
4 I'm a little off or something as to what, but it's
5 just something that I was listening at and I just
6 asked you was this case being involved
7 international mafia, because, you know, just some
8 of the things that I -- like I said --
9 THE COURT: What's the mafia got to do
10 with supernatural or psysic powers?
11 THE JUROR: Well, it is not so much that
12 -- it's just so much as -- like I say, it's
13 something I would have to tell you, you know.
14 THE COURT: I don't understand why you
15 would even pretend the question if it is too --
16 THE JUROR: It's not so much that. It's
17 like something I would have to show you privately
18 in chamber, you know.
19 THE COURT: When you say show me, you
20 mean explain or show or what?
21 THE JUROR: Yeah, the pictures, you
22 know, for one thing.
23 THE COURT: What picture?
24 THE JUROR: Okay, the pictures that were
25 shown to me, to all of us, you know.

1 THE COURT: By whom?

2 THE JUROR: The pictures of the two

3 people in the home that was shown by --

4 THE COURT: You mean the photographs

5 that were introduced in evidence?

6 THE JUROR: Yeah.

7 THE COURT: So what is it about those

8 photographs.

9 THE JUROR: Like I say, it's a lot of

10 things that some people have to -- like it's --

11 let me just say like this, you are getting to the

12 point where it is like I don't believe you. You

13 know, not so much that I don't believe you, it's

14 that you are giving me cross question where what

15 I'm telling you, you are not really going to

16 believe, you know, but like I said --

17 THE COURT: There is nothing to believe

18 at this point. That's a question you have asked.

19 All I'm --

20 THE JUROR: What I'm asking you, don't

21 you think anybody could sit home and, sit home

22 could learn demotology? Do you think people could

23 sit home, I mean, by books and learn demotology?

24 That's all I'm asking you.

25 THE COURT: My problem is what does that

1 have to do with this case?

2 THE JUROR: I'm asking do you think it's

3 a thing where the things that you see, not a vivid

4 imagination from TV, TV or anything like that, but

5 do you think people could sit home and control

6 their lives and control what they own, control

7 what they do with demotology?

8 THE COURT: If you feel that that force

9 is being used in this courtroom, I'm still asking

10 you what impact do you feel that it is having on

11 the jurors in this case including yourself?

12 THE JUROR: Okay, I say it's, it's some

13 things that you hear that, that you are trying to

14 hear that you can't hear. That's one thing I

15 asked you -- why I asked you. You know, it's like

16 a complete wipe out, like you can't get the total

17 concentration of what is being said.

18 THE COURT: So you are having trouble

19 concentrating on the testimony in this case as a

20 result of what, of this demotology.

21 THE JUROR: Yeah. Uh-huh.

22 THE COURT: How long has this force been

23 working on you.

24 THE JUROR: Okay, it's just -- Well, I'm

25 not saying a force, okay, maybe you could call it

1 a force or someone is that powerful, you know, but
2 all I'm saying is does this involve international
3 mafia where something is going on where demotology
4 is being used? I mean, it's kind of complicated
5 to explain like that.
6 THE COURT: Without giving any answer to
7 the question, does this demotology you are talking
8 about have the effect of influencing a juror to
9 vote one way or the other as to his or her
10 verdict?
11 THE JUROR: I don't think so. Maybe,
12 maybe so, yeah. Maybe so. It's what I want you
13 to hear but not to hear, okay? That's, you know
14 --
15 THE COURT: All right.
16 Mr. Cohen, could you have the juror
17 stand out in the hallway?
18 THE OFFICER: This way, ma'am.
19 THE JUROR: All right.
20 MR. BRAVE: I guess we all drove her
21 crazy, Your Honor.
22 THE COURT: What is the State's
23 position?
24 MR. BRAVE: We move that she be, in your
25 discretion, be discharged as a juror. We ask that

1 the current number 1 alternate replace her.

2 THE COURT: Mr. Tayback?

3 MR. TAYBACK: Your Honor, I was hoping

4 to have an opportunity to ask her one question.

5 THE COURT: You may ask her a question.

6 I simply -- let me say for the record, the reason

7 I didn't ask counsel to ask questions was because

8 at the bench counsel made it clear that they

9 wanted the Court to do the questioning. I have

10 absolutely no objection to bringing her back and

11 letting you question her.

12 MR. TAYBACK: I will, and I say ahead of

13 time, unless I get very clearcut sense that is

14 favorable to my client in some fashion, which I

15 suspect I will not get, I will concur with the

16 State.

17 It is so bizzare, I don't wish to take

18 any chances one way of the other. However, I

19 would like to ask her one or more questions

20 concerning trying to tie her down as to where she

21 believes this demotology is, whether it is coming

22 from the Defendant or whether it is coming from

23 the State's witnesses.

24 THE COURT: I deliberately stayed away

25 from that question. And let me just say this, I

1 deliberately stayed away from that question and
2 one of the reasons why I did not ask counsel to
3 question her is because it is the Court's belief
4 that if certain notions are planted in the
5 witness' or in the juror's mind as to a feeling or
6 position the State or the defense has about this
7 thing, that is of importance to her, it clearly
8 creates a problem in terms of whether or not she
9 can be impartial from this point on. If she is
10 going to be excused, there is no problem.
11 I'm saying all this to make very clear
12 for the record why the Court stayed away from any
13 more in debth questioning than it did.
14 MR. BRAVE: Your Honor, may I add that
15 -- Mr. Tayback's refreshingly candid -- he wants
16 at opportunity to find out if Poppy is sending out
17 these devils to convict an innocent man, in which
18 case he's going to oppose having her removed or if
19 he wants to find out if these devils are coming
20 from the Defendant, it is devils no matter what.
21 I mean --
22 MR. TAYBACK: They could be friendly
23 ones, however.
24 MR. BRAVE: He wants to find out if
25 they're friendly devils. If that's the sole

1 purpose of his asking the questions, I don't think
2 that is a proper avenue.
3 MR. TAYBACK: That is the sole purpose,
4 Your Honor.
5 THE COURT: It is my understanding that
6 in all probability there is going to be
7 concurrence that this juror should be dismissed
8 under any circumstances.
9 MR. TAYBACK: Yes.
10 THE COURT: All right. Bring her back
11 in.
12 THE COURT: Want to have a seat, ma'am?
13 THE JUROR: All right.
14 (Juror resumed the witness stand.)
15 THE COURT: Mr. Tayback.
16 EXAMINATION
17 BY MR. TAYBACK:
18 Q Ma'am, there has been an indication in
19 the trial earlier by Mr. Boyce when he was on the
20 stand that he was hearing some sounds that sounded
21 to him like snake like sounds and I was wondering
22 whether that had been the point at which you had
23 felt that the -- I think you termed it African
24 demotology had begun in the case?
25 A You said someone else heard snake

1 sounds?

2 Q Mr. Boyce, the witness.

3 A Okay, I -- like that?

4 MR. BRAVE: Coming from the Defendant.

5 Q Yes, he indicated he felt --

6 A I don't think if -- it was coming from

7 the Defendant.

8 MR. BRAVE: Not from God but from the

9 Defendant.

10 A Like I said --

11 MR. BRAVE: Threatening noises.

12 A I know you could make a case out of it

13 but it could be a case of just, you know, like of

14 that, you know.

15 Q My question to you was did that have any

16 affect or was that a factor in any way in your

17 feeling that African demotology was in the case or

18 was yours independent of --

19 A Not just from the sounds. Not from the

20 sounds because it's -- I don't want -- I don't

21 know if you understand that a person could take --

22 like I said, how do you explain this without

23 really getting into real deep demotology of

24 supernatural where if you look and imagine you're

25 a person could take, let's say try to own a

1 person's soul, let's put it like that, okay, and
2 you don't really understand unless it really
3 affects you, and, like I said, it's one of them
4 things where I don't want to look like I'm sitting
5 up here being simple or getting into something
6 deep. It is something that you would have to get
7 someone here to really get into demotology to tell
8 them that it is not, it is not nice for her to sit
9 there just saying that demotology is being used in
10 this courtroom.
11 Q This is something you have studied, as I
12 understand it? You have much more of a background
13 or knowledge of it than we do here?
14 A Study? Excuse me, I didn't mean study,
15 no. Let's just say aware of.
16 Q Well, can I ask you this, and if you can
17 not be specific you let me know that also, but do
18 you believe that any sort of demotology that is
19 being practiced here is to the benefit of the
20 Defendant?
21 A Okay, now, look -- now, could you say
22 that again? Excuse me.
23 Q Well, I'm trying to find out, if I can,
24 if you're able to be that specific, whether you
25 believe that the Defendant either through himself

1 or through other people or through other forces is
2 practicing demotology to his benefit? Do you
3 think that is what is occurring here?
4 A Let's say, okay, as I sit here, you
5 know, and I watching around everywhere, it is not
6 being used there for benefit. Only when it is not
7 for, it is -- it is not being used there. It is
8 being used but it is not for him to hear. Let's
9 put it like that. Okay.
10 Q Then my question, on the other hand,
11 would be do you believe that the demotology that
12 is being used is being used for the benefit of
13 Leroy Boyce, Poppy?
14 A No, all I got to say is it -- like you
15 hear what I want you to hear, all right.
16 Q In other words, your position as a juror
17 -- just a moment, Mr. Brave -- your position as a
18 juror is that certain things are being excluded
19 from you being able to hear them, is that right?
20 In other words, you are able to hear certain
21 things, then you are not able to hear certain
22 things?
23 MR. BRAVE: She already said that.
24 Q Is that what you are saying?
25 A Yeah, okay.

1 Q Do you believe that the Defendant is
2 causing that or do you believe that the State is
3 causing that?
4 A Okay, now, say this, like I say, it's --
5 I can't really say if it's either.
6 Q Don't know?
7 A I can't really say if it is someone
8 sitting out in the audience or someone sitting on
9 the jury.
10 Q Okay.
11 A Or if -- like I said, you would have to
12 go biblical with this, you know.
13 Q Are there specific things that are being
14 excluded?
15 A Yeah. You know, like some things, it's
16 like as soon as you get to some things, it's like
17 I don't want you to hear, you know. I'm not
18 saying a voice coming or anything like that. I'm
19 not saying like that, you know, but --
20 Q But you are or other jurors are just
21 unable to hear it then, is that right?
22 A Yeah, you know.
23 Q Now, --
24 MR. BRAVE: Your Honor, are we leading
25 anywhere?

1 MR. TAYBACK: Just a moment, Mr. Brave,
2 please.
3 Q Now, you have indicated --
4 MR. BRAVE: Deeper into the snake pit.
5 THE COURT: Go ahead, Mr. Tayback.
6 Q Ma'am, you, you have indicated
7 previously that you feel that even though this is
8 occurring in the case, that it does not affect
9 your ability to judge the case strickly on the
10 evidence?
11 MR. BRAVE: Objection. That was not
12 asked.
13 A I did not hear that honestly and I was
14 concentrating on you.
15 Q Well, let me ask you that question
16 then.
17 MR. BRAVE: I would object, Your Honor.
18 THE COURT: I'll sustain the objection.
19 MR. TAYBACK: I have no further
20 questions.
21 MR. BRAVE: I have nothing further.
22 THE COURT: As I understand it, you did
23 say that this force might have an influence on
24 which way you would vote in your verdict. Did you
25 say that?

1 THE JUROR: No, no. I never said that.
2 You know, it's nothing -- it's not a thing where
3 it will affect my decision on how to vote because,
4 like I said, I am listening more than you know as
5 to what is going on.
6 MR. TAYBACK: Yes, we thought she had
7 said would not at first.
8 THE JUROR: No, I'm listening but like
9 I'm saying if I have to sit --
10 THE COURT: Just one minute. Miss
11 Taggart, would you be able to find the place where
12 she was asked about being influenced as to her
13 verdict?
14 (Whereupon, the reporter read back as
15 requested.)
16 THE COURT: The answer is yes, maybe
17 so.
18 MR. BRAVE: You have just --
19 THE COURT: Step out, ma'am.
20 MR. BRAVE: You have just heard that
21 woman say several times whatever force or non
22 force has interfered with her ability to catch all
23 the evidence.
24 THE COURT: That's the first thing she
25 said.

1 MR. BRAVE: Well, what else does she
2 have to say?
3 THE COURT: What I'm saying, the second
4 thing she just said -- apparently nobody is
5 hearing it but me -- is that the effect of these
6 demons is to affect how she votes and how she will
7 vote on her verdict.
8 MR. BRAVE: Exactly. Now, need I go
9 further? Suffice it to say that if we are going
10 to prove this man guilty as he is, we are going to
11 have to do it this time, not in some future time.
12 Your Honor, we have shot our bolt as far as plea
13 bargins and everything on this case and that woman
14 should not sit on the jury, Your Honor. With
15 demons at work in her mind affecting her
16 perception of the evidence, receipt of the
17 evidence and outlook on the evidence.
18 THE COURT: You get no argument from the
19 Court on that.
20 Mr. Tayback?
21 MR. TAYBACK: And you will get no
22 argument from me.
23 THE COURT: I'm prepared to discharge
24 this juror.
25 (Whereupon, the juror re-entered the

1 courtroom.)

2 THE COURT: Ma'am, do you have any

3 belongings upstairs?

4 THE JUROR: No.

5 THE COURT: That is all you have here

6 today?

7 THE JUROR: Oh, I have a book, yeah.

8 THE COURT: You have a book upstairs?

9 THE JUROR: Yes.

10 THE COURT: Counsel, do we have anything

11 else before the jury comes down? Anything else

12 before the jury comes down?

13 MR. BRAVE: I can't think of anything,

14 Your Honor.

15 THE COURT: All right. The Court has

16 instructed the clerk to take juror number, I

17 believe it was 10, in the Court's chambers. I'm

18 going to bring the jury down, seat them, then the

19 clerk is going to get the rest of her belongings

20 and she will be escorted out so there will be no

21 contact between --

22 MR. BRAVE: Juror 4, not 10.

23 THE COURT: Juror 4. Jin jin.

24 (Whereupon, the jury entered the

25 courtroom, after which the following proceedings

1 ensued:)

2 THE COURT: Good morning, ladies and

3 gentlemen.

4 THE JURY: Good morning.

5 THE COURT: I'm going to ask Alternate

6 Number 1, would you please take seat number 4,

7 juror seat number 4, please? Alternate Number 3,

8 I'm going to ask that you move over to alternate

9 seat number -- sorry, Alternate Number 2 now move

10 up to Alternate Number 1. And Alternate Number 3,

11 would you move up to Alternate Number 2 seat?

12 Ma'am Clerk.

13 MR. BRAVE: With the Court's permission,

14 State would call Detective Oscar Requer.

15 DETECTIVE OSCAR REQUER,

16 a witness produced on call of the State, having

17 first been previously duly sworn, according to

18 law, was examined and testified as follows:

19 THE CLERK: State satisfied its

20 witnesses have been sequestered?

21 MR. BRAVE: State is satisfied, Your

22 Honor.

23 THE CLERK: Defense satisfied?

24 MR. TAYBACK: I'm satisfied.

25 THE CLERK: For the record, state your

1 name and assignment?

2 THE WITNESS: Detective Oscar Requer,

3 CID Homicide.

4 DIRECT EXAMINATION

5 BY MR. BRAVE:

6 Q Detective. You were on the stand

7 approximately two weeks ago in this case --

8 A Yes, sir.

9 Q -- at the very beginning of the case.

10 Just to bring you up to date, it was the early

11 morning hours of June the 2nd, 1986, you and

12 Detective Sergeant Landsman are down at CID

13 homicide, you receive notification of a homicide

14 at an address on Navarro Road and you and

15 Detective Landsman head out there as soon as

16 possible. Is that correct so far?

17 A Correct, so far, yes, sir.

18 Q Since you were up, as that word is used

19 in the homicide squad, in other words, the next

20 homicide that comes down will be your homicide,

21 since you were the first officer, first detective

22 from homicide on the scene, since you processed

23 the scene, took charge of the initial

24 investigation in the first few hours of that

25 scene, under police procedures that then becomes

1 your case, am I correct, sir --
2 A That's correct, sir.
3 Q -- so far? In the course of processing
4 the scene you directed the crime lab to take
5 certain pictures which you have described, you
6 directed the crime lab to take certain physical
7 evidence in its possession and to run certain
8 tests on it and to do whatever could be done
9 during the initial investigative visit to the
10 scene?
11 A Crime scene, that's correct.
12 Q You did follow up things like going to
13 the Medical Examiner's Office and retrieving spent
14 projectiles that the medical examiner had removed
15 from one or both of the victims?
16 A Yes, sir.
17 Q You made requests for analysis of things
18 that were found at the place. All those things
19 you did?
20 A That's correct, yes, sir.
21 Q A Jeanette Brown called while you were
22 there at the homicide scene and she was told to
23 come down to the homicide scene which she did
24 along with a Denise Coleman, is that correct?
25 A That's correct.

1 Q And you took statements from each of
2 them at the time?
3 A That's true and correct.
4 Q And in the case of Jeanette Brown you
5 learned that she had, in fact, been there earlier
6 that, the Sunday before and had left some time
7 around 10, 11, 12 o'clock at night, before the
8 homicide?
9 A Approximately 3:30 in the morning she
10 left.
11 Q And you spoke to a Denise Coleman and
12 you took down her address, Manchester Avenue,
13 which meant nothing to you at the time, right?
14 A At the time, no, sir.
15 Q Manchester Avenue's just an address and
16 she gave you no information of any shape, way,
17 shape or form concerning her knowledge of this
18 homicide?
19 A That's correct.
20 Q All you had at that point is Arthur
21 Kelly, right?
22 A Kelly.
23 Q Some guy asleep or drunk up on the
24 second floor of a neighboring house?
25 A Jordan.

1 Q Some guy who had heard --

2 MR. TAYBACK: Objection, Your Honor, the

3 State is testifying. I thought we were just doing

4 this preliminarily. Why don't you let the witness

5 testify?

6 THE COURT: Sustain the objection.

7 MR. BRAVE: Very well.

8 Q Well, at this point what did you have?

9 Arthur Kelly we have established you had. Did you

10 take steps to eliminate Arthur Kelly?

11 A Yes, sir. All the persons we had spoke

12 with at that time we did take certain steps to

13 eliminate them. Mr. Kelly was the person who

14 discovered the body of Miss Veney, and Miss

15 Johnson. He was the first person that was at the

16 scene.

17 Mr. Kelly was taken to the homicide unit

18 office where a statement was taken from him. In

19 addition, his hands were -- what we call a neutron

20 activation test were done on Mr. Kelly's hands.

21 Also Mr. Kelly --

22 Q Let me stop you right there. I said

23 before that you did certain tests. The name

24 neutron activation test has just come up. That is

25 a test -- Well, tell the ladies and gentlemen of

1 the jury what that test is for?

2 A That is a test used to -- performed on a

3 person's hand to determine if that person had

4 fired a weapon, a firearm.

5 Q Every time you fire a firearm there is

6 some primer residue that sprays back over certain

7 parts of the hand and unless it is washed off or

8 brushed off or shaken off, sometimes you could

9 pick up on cotton swabbings traces of those

10 elements, barium and antimony?

11 A Antimony, that's correct.

12 Q And you send them off to the F.B.I. and

13 they say whether there is an unusual high amount

14 of these two elements, barium and antimony, which

15 are components of primer residue powder and you

16 performed neutron activation tests on everybody?

17 A That's correct.

18 Q Everybody that you had, Arthur Kelly --

19 how about Jordan, the guy upstairs?

20 A Jordan, yes, we did it on him too.

21 Q In other words, you did all of those

22 kind of things. And, of course, they all came

23 back negative?

24 A Yes, sir.

25 Q You took other steps to eliminate Arthur

1 Kelly and Jordan and the, the guy who was awakened
2 by the noise of somebody yelling?
3 MR. TAYBACK: Objection, Your Honor.
4 May we approach the bench? This is obviously --
5 MR. BRAVE: I'll withdraw that question.
6 MR. TAYBACK: No, I don't want to.
7 Approach the bench.
8 (Whereupon, counsel and the Defendant
9 approached the bench and the following conference
10 ensued:)
11 MR. TAYBACK: Your Honor, in the State's
12 case in chief there was no mention of -- there was
13 never any mention of the fellow Jordan upstairs
14 drunk or anything else.
15 Now, the state has introduced some other
16 fellow who heard, and then I stopped it there.
17 But there is introduction to something else. If
18 State doesn't have the evidence in the State's
19 case in chief, how does the State raise it in
20 rebuttal? Certainly not responding to anything
21 that was brought in as new material in the defense
22 case so -- at least I didn't hear it, put it that
23 way.
24 THE COURT: Mr. Brave.
25 MR. BRAVE: Your Honor, if Mr. Tayback

1 is correct, and you must understand that sometimes
2 it's difficult to keep the two cases straight but,
3 if he's correct, that Jordan wasn't mentioned, I
4 think he was. I believe Detective Requer
5 mentioned him in passing as some guy up on the
6 second floor of some building next door. That's
7 my recollection. But, in any event, I'm just
8 leading him to a point where his investigation
9 begins and I'm just about finished with it.
10 THE COURT: Why don't you respond to Mr.
11 Tayback's point though? I mean, if, in fact,
12 there is some theory that you wish to rely upon as
13 to how it is a response, a reply, an answer.
14 MR. BRAVE: You mean why it is proper
15 rebuttal?
16 THE COURT: Yes.
17 MR. BRAVE: As I explained earlier, Your
18 Honor, in the defense case for the first time the
19 issue has been generated that the police bungled
20 their investigation, that they act -- they fell
21 for a concocted story, concocted by Poppy through
22 his influence over all of the State's witnesses
23 who are influenced to lie and they fell for this.
24 I am trying to rebut that proposition by showing
25 how the State, how the police developed their

1 investigation and this was not a bungled
2 investigation; that once they stopped working on
3 hunches, on theories and no evidence, and what
4 could be, once they got some evidence of what
5 actually happened, then they proceeded in a
6 thoroughly professional manner and the case
7 unfolded into the picture that the jury has now.
8 That's what I am rebutting.
9 THE COURT: But what I'm trying to get
10 at is Mr. Tayback is up here because he is saying
11 that you raised the name of -- I forget the name.
12 MR. TAYBACK: Jordan.
13 THE COURT: -- Jordan which is a new
14 name. If, in fact, this is a new name that for
15 whatever -- strike that. Whether it is or is not
16 a new name, you are telling the Court that this is
17 part of what you are trying to present to show
18 that it was an investigation --
19 MR. BRAVE: Good.
20 THE COURT: -- an investigation that did
21 proceed along logical and methodical lines.
22 MR. BRAVE: Exactly.
23 THE COURT: If that is the case, I mean,
24 why don't you say that because that's the reason?
25 MR. BRAVE: I thought I did. I just did

1 but I'll say it that way.

2 THE COURT: You were trying to justify

3 that the name was brought up. I'm saying that if

4 what you are saying is true, it doesn't matter

5 whether the name has been brought up or not.

6 You don't follow what I'm saying?

7 MR. BRAVE: I do. I thought I was

8 saying the same thing.

9 THE COURT: But you never responded to

10 what Mr. Tayback said. That's all I'm saying. He

11 is saying that it is a new name in the case. If

12 it fits within your theory, it doesn't matter

13 whether it is a new name. You are not reopening

14 your case. I mean, you have to tell me what you

15 are doing.

16 MR. BRAVE: I'm showing that the

17 investigation followed a very methodical, well

18 thought out, professional course, which yielded

19 this evidence and, finally, dispelled this

20 theory.

21 THE COURT: Mr. Tayback.

22 MR. TAYBACK: As the Court will recall,

23 I indicated at the beginning that I would make an

24 objection to rebuttal because again I think it has

25 to respond to new material that is developed in

1 the defense.

2 Now, it doesn't have to rebut it. It

3 has to respond to it or expand upon it or, for

4 that matter, contradict it, but it has to relate

5 to something that is newly brought into the entire

6 matter by the defense, an issue generated by the

7 defense. This is not something that is generated

8 by the defense.

9 THE COURT: That's not what he is

10 saying. He is saying it was generated by the

11 defense that the police messed up the

12 investigation and wound up with the wrong man.

13 MR. TAYBACK: Well, if he is going to

14 make that as the issue, fine. What he should do

15 then is respond specifically using the evidence

16 that he thinks is the important evidence because

17 he introduced it as evidence in the case, in the

18 case in chief, the State's case in chief and he

19 should use that evidence that he has been put into

20 the case and it is voluminous; say how does this

21 relate to that, how does this relate to that and

22 go through it and that way contradict, explain or

23 in some way respond to what he's claiming was

24 brought up in the defense case.

25 Other than that, I don't see how it is

1 responsive. Just can't simply introduce new
2 evidence in rebuttal when it wasn't really
3 introduced in the State's case in chief. He's
4 arguing to the Court that in the defense's case no
5 new evidence came up, it was just the inference,
6 if you will, that the police bungled the matter.
7 THE COURT: But he is saying this is his
8 way of responding to --
9 MR. TAYBACK: I understand. I'm not
10 disputing that. He has a right to respond but he
11 has to use the evidence he's already generated. I
12 don't think he can then through this officer
13 attempt to introduce somebody named Jordan being
14 drunk on the second floor, for whatever value that
15 has.
16 I don't know what else was going to go
17 on there and I stopped it at that point but the
18 fact is if that is evidence, that should have been
19 in the State's case in chief. You don't come up
20 now through an officer and say that I spoke to
21 this person or I spoke to that person, essentially
22 generating hearsay through the officer as a
23 response in rebuttal. It is not the proper way to
24 do it.
25 MR. BRAVE: You need a response, Your

1 Honor?

2 MR. TAYBACK: That's going to be the

3 problem. If he's going to say what did you do,

4 officer, what did you do this time, what did you

5 do next, he's going to try, I assume, to generate

6 information that the officer would have garnered

7 only through what other people told him. If the

8 State wanted to generate that evidence for the

9 jury, the State should put those people, those

10 specific people, whoever they may be, into the

11 case in chief by calling them to the stand so that

12 they can be examined and cross examined.

13 THE COURT: The Court doesn't have

14 enough before it to make a determination as to

15 whether or not there is any problem with respect

16 to the fact that the people themselves are not

17 being called. If, in fact, the point merely has

18 to do with what Oscar Requer did, that is step

19 one, step two, step three, step four. I'm not so

20 sure it is necessary to have those witnesses.

21 If we are getting into in depth as to

22 one particular path that Oscar Requer went off on

23 and various in depth things that were done with a

24 given witness maybe, maybe not, it would be

25 necessary to produce that witness.

1 At this point the Court is not in a
2 position to say that it is necessary to call those
3 witnesses or that those witnesses shall have been
4 produced in the State's case in chief.
5 Why don't you just proffer where you are
6 going with this, Mr. Brave? I mean, I understand
7 general --
8 MR. BRAVE: Take him through his entire
9 investigation. At this point he's got Arthur
10 Kelly, he's got William Jordan and he's got
11 Jeanette Brown and Denise Coleman. Did he talk to
12 all of them, did he do that with all of them, were
13 they eventually released. That's it. What did
14 you do next.
15 THE COURT: All right. Do you have
16 anything to say about Jordan?
17 MR. BRAVE: Well, I'm going to ask who
18 Jordan was, was he originally a suspect, yes; did
19 you take steps to eliminate him as a suspect;
20 Yes.
21 THE COURT: Then where?
22 MR. BRAVE: What did you do next.
23 THE COURT: All right. I'll overrule
24 the objection at this point.
25 (Whereupon, counsel returned to the

1 trial table and proceedings resumed in open
2 court.)
3 BY MR. BRAVE:
4 Q Detective Requer, picking up exactly
5 where we left off, at this point in time you had
6 an Arthur Kelly, correct?
7 A Yes, sir.
8 Q He's the man who approached Officer Roop
9 and said -- and pointed out the house?
10 A He discovered the bodies, yes, sir.
11 Q Mr. Tayback wants to go into it, let him
12 get into it, but at this point would it be fair to
13 say that you took every step imaginable to
14 eliminate him as a suspect?
15 A Yes, sir, he was eliminated as a
16 suspect.
17 Q But at first he was a suspect, correct?
18 A That's correct.
19 Q That's the job of a homicide detective,
20 everybody is a suspect?
21 A Right.
22 Q Especially the person who discovers the
23 body?
24 A Yes, sir.
25 THE COURT: Would the primary reason he

1 was a suspect be --

2 A No.

3 THE COURT: -- because he discovered the

4 body?

5 A No, he discovered the body plus he was

6 the boyfriend of one of victims.

7 THE COURT: Which one?

8 A Miss Johnson.

9 THE COURT: All right.

10 Q So could have been a beef between

11 Peaches and Arthur Kelly?

12 A Possible.

13 Q That's always a possibility?

14 A Yes, sir.

15 Q When you are first starting out the

16 investigation of a case, the good investigator

17 considers all possibilities, does he not?

18 A I usually do, yes, sir.

19 Q And did you eventually eliminate Arthur

20 Kelly?

21 A Yes, sir. Like through interviews,

22 certain testing, tests. Also we searched his

23 place, look for bloody clothes. I knew that if

24 persons or person responsible for these ladies'

25 death, their clothing would have to be covered

1 with either blood or brain matter.

2 All right, Mr. Kelly have a very, very

3 distinct limp. It's quite distant from his house

4 to where the bodies were found. Also had

5 detectives and technicians go to Mr. Kelly's home,

6 search his home, we found no bloody clothes. Also

7 the clothes he had on were free from blood, brains

8 and other matter. So he was pretty well

9 eliminated.

10 Q So you checked him out and you came up

11 with nothing?

12 A That's correct.

13 Q William Jordan, he was found where?

14 A He was in the vacant house next to where

15 the bodies were discovered.

16 Q What was his condition as to sobriety at

17 the time you first found him?

18 A He was intoxicated.

19 Q Did you take steps -- Was he a suspect?

20 A Yes, sir, at first.

21 Q Everybody is a suspect at first,

22 especially when you don't have any suspects,

23 right?

24 A That's correct.

25 Q Did you take steps to eliminate him as a

1 suspect?

2 A Again we spoke with Mr. Jordan at

3 length. We also performed tests on his hands, we

4 --

5 THE COURT: What test?

6 A Well, we did a neutron activation test

7 on his hands also. His clothing and shoes too

8 were free from blood or other brain matter. We

9 also spoke with his aunt who lived two doors up

10 the street and what had happened, Mr. Jordan was

11 supposed to be home at certain time. When he

12 wasn't there, they locked the house and he

13 couldn't get in, so he went next door to the

14 vacant house to sleep where he was found by the

15 police officers.

16 Q So you checked out that possible suspect

17 very thoroughly and you came up with nothing?

18 A That's correct.

19 Q Well, at this point in time, now we are

20 talking within a day or so of the homicides, what

21 suspects do you have left?

22 A Well, didn't have anyone at that time.

23 What had happened, in a case like this where there

24 is no force, usually look for his motive. There

25 wasn't any forced entry. We had some -- if it was

1 like a rip off or other domestic, Mr. Kelly was,
2 like I said, was eliminated.
3 We then begin to look into Miss Veney's
4 background for possible boyfriend or someone to
5 that effect. We also went to the Northwest
6 District and asked the drug enforcement unit did
7 they have anything pertaining to that address.
8 The reason being because we did find paraphernalia
9 and suspected maybe residue. We talked to a lot
10 of people at that time, during the course of this
11 investigation.
12 Q Let me stop you there. When you saw all
13 the drug paraphernalia on the kitchen table, you
14 realized that it was probably drug related?
15 A Figured either had to be drug or
16 domestic, yes, sir.
17 Q And domestic was something that you
18 ruled out in the case of Peaches. And did you
19 find out anything about Deborah Veney's boyfriend
20 situation?
21 A Yes, sir. It was one particular person
22 we were focusing on. He was a white male. She
23 had had several run-ins with him and we had police
24 reports substantiating that. Also we -- another
25 name surfaced during this investigation that could

1 be possibly involved in it.

2 Q What was that name?

3 A Lee.

4 Q And when did the name of Lee first

5 surface in this investigation?

6 A It was early on in the investigation. I

7 believe June the 5th I spoke with a young lady and

8 she gave me certain information.

9 Q That was Thomasina Johnson?

10 A Yes, sir.

11 Q And how did Thomasina Johnson get to

12 you?

13 A She had stopped an officer, a uniformed

14 officer and told the uniformed officer she had

15 certain information pertaining to this offense.

16 She was supposedly en route to homicide unit

17 office, however, she never showed up. I contacted

18 Officer Roop who just happened to know Miss

19 Johnson. He knew the places that she would

20 frequent, and he notified me early, approximately

21 3 a.m. on June the 5th, that he had located her at

22 a bar. She was -- I asked him to transport her

23 down to the homicide unit office where she did.

24 At that time I interviewed her and she

25 raised certain things, facts for me pertaining to

1 Mr. Lee.

2 Q Unless there is an objection, tell us

3 what Miss Johnson told you. Do you have that

4 report handy?

5 A Yes, sir.

6 Q Let's refer to the report precisely.

7 A Witness stated she had known Deborah

8 Veney for about two years, she --

9 Q Thomasina Johnson tells you she knows

10 Deborah Veney?

11 A Yes, sir. She last saw her on Friday

12 morning, which is June, excuse me, is 5-30-86 at

13 the victim's home at approximately 2 a.m.

14 Q So the Friday before she was at Deborah

15 Veney's house. Would that be on Navarro Road?

16 A On Navarro Road, that is correct.

17 Q She is telling you she was at Navarro

18 Road the Friday before?

19 A Right. Miss Veney introduced her to a

20 girl by the name of Peaches who was also at the

21 house.

22 Q Peaches was there Friday?

23 A Right.

24 Q If Thomasina Johnson's telling the

25 truth?

1 A That's correct. She also stated that
2 although she didn't see anyone but she felt
3 someone else was on the premises because a remark
4 that Miss Veney had made to her about that she was
5 entertaining someone.
6 Q So she had a feeling based on the fact
7 that Deborah Veney said she was entertaining that
8 there might be somebody upstairs?
9 A Yes, sir, that's correct.
10 Q But she never saw this person?
11 A She never saw this person. She also
12 readily admitted she knew that Miss Veney were
13 dealing drugs and she felt she was dealing for a
14 boyfriend of hers. She says she met this person
15 about a month ago at the Navarro Street address
16 and she described the person as being thirty,
17 thirty-five years of age. He spoke with a Jamican
18 accent and that at this particular, this
19 particular time at the house that this, this male
20 pulled a gun and told her to get out the house for
21 no reason.
22 She could furnish no other physical
23 description of the person because the person never
24 stood up, he remain seated the entire time. She
25 also state that victim Veney was afraid of this

1 male, told her as recent as Friday night.
2 Q Okay, so now this is one, two, three
3 days after the homicide, you are running out of
4 leads. Finally Thomasina Johnson pops up and
5 tells you, in effect, look, about a month ago I
6 was over at Deborah Veney's house, she had a
7 Jamican there by the name of Lee?
8 A Lee. She said his name could possibly
9 be Lee.
10 Q This Jamican took a gun and ordered me
11 out of the house?
12 A Yes, she said for no apparent reason. I
13 asked her why.
14 Q No apparent reason?
15 A Yes.
16 Q And Deborah Veney was afraid of this
17 Jamican?
18 A Yes, that's correct.
19 Q Do you have any -- at that point do you
20 have any better suspects?
21 A No. Lee, at that time we came to focus.
22 Q That's your sole suspect?
23 A That's correct.
24 Q Lee who she is afraid of and who pulled
25 a gun for no reason and ordered her out of the

house?

A That's correct.

Q So, that is the 5th?

A Right.

Q Anything happen the 6th?

A No. Well, nothing on the 6th and 7th.

Q 8th, 9th, 11th, something happen on the 12th?

A 12th, yes.

Q June the 12th, that's five, maybe seven, that's twelve -- that's a week later?

A Ten days.

Q Still all you have is a possibility that a Lee might be a suspect?

A Correct.

Q Because that's all you got?

A Yes.

Q What do you decide to do on the 12th?

A On the 12th of June we began to re-interview people. One in particular were Miss Deborah Pearson. Miss Pearson was the young lady that left the Navarro Street address on June the 2nd, which we believe was just prior to the two ladies being killed.

I brought her back into the office and

1 took a detailed statement from her. At this time
2 I knew about a person by name of Lee and I was
3 trying to find out if she had ever met a person
4 fitting this description, spoke with a Jamican
5 accent.
6 Q You knew that Deborah Pearson had been
7 at that house?
8 A Specifically on the Saturday.
9 Q Within minutes of the time of the
10 arrival of the killer, though you didn't know that
11 at that time?
12 A No, I didn't.
13 Q I am sorry. I am sorry. But you knew
14 that out of her own mouth that she had been at
15 that house until approximately 4 o'clock?
16 A Yes.
17 Q And that she had left --
18 A She -- right.
19 Q -- at 4 o'clock. You decided, well, she
20 is the closest thing to a witness we have got yet,
21 let's re-interview her, let's ask her if she knows
22 anything about this Lee, is that what are you
23 saying?
24 A We brought her back to the office for
25 the purposes of re-interviewing. Like I said, the

1 name Lee had surfaced and we was interested in
2 this person because Miss Thomasina had said that
3 this guy had threatened her with a weapon and
4 spoke with a Jamaican accent. She was interviewed
5 on the 12th down the homicide unit office.
6 At that time we asked her about person
7 by the name of Lee. She did recall one time
8 meeting a person that spoke with a Jamaican
9 accent. She stated that the person was at a three
10 story dwelling located somewhere in southwest
11 Baltimore. She believed the house was located off
12 of Martin Luther King Drive somewhere. She gave
13 me a detailed description of this house and the
14 block.
15 What was unique about this block was the
16 houses was fairly newly renovated around there and
17 there was only two houses in the entire block with
18 railings. Also in the back of the house was newly
19 renovated houses in addition to a large parking
20 lot. Miss Pearson stated that they went to this
21 house. She went there for the purpose of
22 purchasing some drugs. She was directed to the
23 third floor of this premises where there was a
24 Jamican male.
25 All right, this Jamican male, he served,

1 gave Miss Veney an amount of drugs and he became
2 very upset with her for bringing these two females
3 with her. Miss Pearson said with her at that time
4 was Miss Glenita Johnson, Miss Deborah Veney and
5 herself. She said the Jamican male pulled a
6 handgun and slapped Miss Veney on the behind with
7 the weapon. Short time later they exited the
8 premises and they left. She never returned to the
9 house again.
10 That same day, for hours, Miss Pearson
11 and myself, we rode through southwest Baltimore
12 attempting to locate the house with negative
13 results. We didn't locate it at that time.
14 Q Let me see if I understand this. The
15 closest person you have to a witness in this case
16 at this point in time is Deborah Pearson who left
17 just before the arrival of the murderers and you
18 decide to re-interview her and you decide to ask
19 her what knowledge, if any, she has about a person
20 by the name of Lee?
21 A Yes, sir.
22 Q She, in effect, tells you now that you
23 bring up the name Lee, about a month ago, is it,
24 you are saying?
25 A Approximately a month.

1 Q -- about a month ago I was down in a
2 house located off of Martin Luther King Boulevard,
3 I was up on the third floor, I was with Deborah
4 Veney and I was with Peaches Johnson and there was
5 a guy there with a Jamaican accent, is that what
6 she told you?
7 A That's correct.
8 Q Did she say his name was Lee?
9 A No, she didn't say. She said could
10 possibly be Lee.
11 Q Possibly could have been Lee but had a
12 Jamaican accent and this guy had a gun?
13 A Yes.
14 Q And he was upset that Deborah Veney had
15 brought me, Deborah Pearson and Peaches who he
16 didn't know from Adam, strangers into this house?
17 A Correct.
18 Q And that he hit her across the butt with
19 the gun?
20 A Yes, sir.
21 Q And you said do you think you can show
22 me where this house is and the two of you drove
23 around and drove around and she described it and
24 she described it and you described it and you
25 couldn't, and no matter where you drove she didn't

1 see the house?
2 A We didn't find it. We didn't locate it,
3 that's correct.
4 THE COURT: Which street was this house
5 on?
6 MR. BRAVE: Somewhere off of Martin
7 Luther King Boulevard is all the detective knows
8 at this point, Your Honor.
9 Q So that's the second time Lee has
10 surfaced. The first time on the 5th, and the
11 second time on the 12th. Now, do you have enough
12 to charge Lee at this point like they do on
13 television?
14 A No, of course not. No, sir.
15 Q You don't even know his name?
16 A That's right.
17 Q All you know is that he may or probably
18 did know the victim and probably has some kind of
19 beef with her over bringing the ladies to the
20 house?
21 A That was a possibility, yes, sir.
22 Q And it seems to be sort of a, sort of an
23 aggressive sort of guy because if Thomasina
24 Johnson is telling the truth, he has no trouble
25 whipping out a gun and say get out of here?

1 A No.

2 Q That's all you know. On the 17th of

3 June, does something else happen, yes or no?

4 A Yes, sir.

5 Q Does anything happen between the time

6 you talked to Deborah Pearson on the 12th of June

7 and the 17th of June, five days later? Does this

8 investigation move forward in any way, shape or

9 form?

10 A It didn't, no.

11 Q On the 17th of June you have still got

12 the same situation that I just described?

13 A That's correct.

14 Q Two people talking in vague terms about

15 a Lee. What do you decide to do on June the 17th?

16 A On the 17th of June we contacted Miss

17 Veney's first cousin, Jeanette Brown.

18 Q Now, why are you contacting Jeanette

19 Brown?

20 A Well, Jeanette Brown had been to the

21 house prior to their deaths. She was quite

22 friendly with Miss Veney. It's possibility she

23 might know Miss Veney's friends and just

24 investigative technique that we do anywhere we

25 interview people.

1 Q When you don't have anything you go try
2 to find something, right? You don't know what you
3 are going to find --
4 A That's correct.
5 Q -- when you talk to someone. Right now
6 the investigation, would it be fair to say, is at
7 a dead standstill?
8 A All we have is just Lee's name, correct.
9 Q You don't even have a theory yet, you
10 just have maybe a hunch and a possible suspect by
11 the name of Lee?
12 A Yes.
13 Q He's probably Jamican and probably,
14 probably carries a gun, and probably points it
15 sometimes at people and sometimes hits them along
16 the side of the butt, that's all you have?
17 A That's all we have, that's correct.
18 Q So you call in Jeanette Brown to see, to
19 re-interview her and see what, if anything, she
20 might be able to tell you that you don't know yet,
21 that you missed during your first interview with
22 her?
23 A Yes.
24 Q When you called Jeanette Brown's house
25 who answered the phone?

1 A It wasn't Miss Brown, it was a person
2 that spoke with a Jamaican accent I think. I
3 answered this myself to him and told him Detective
4 Requer, requested to speak to Miss Brown. I
5 introduced myself. The male stated that Miss
6 Brown wasn't there and give him a moment, he was
7 going to get something to write the information
8 down. After a few seconds I gave my name again.
9 I spelled my name to him, gave my phone number and
10 said he would relay it to Miss Brown.
11 Q You said -- what name did you give him?
12 A Told him Detective Requer from the
13 Homicide Unit.
14 Q I mean, you let the person who answered
15 in a Jamaican accent, you let that person know
16 right at the get-go that this is Detective Oscar
17 L. Requer of the Homicide Department calling?
18 A Certainly did, yes.
19 Q And what message did you leave with the
20 man with the Jamaican accent?
21 A I asked him to have Miss Brown to call
22 us at the office and I gave him the phone number.
23 After he hung the phone up, I told Sergeant
24 Landsman that Jamican just answered the phone at,
25 on Labrynth Road, Miss Brown's apartment.

1 Detective Sergeant Landsman and myself
2 immediately left the office and went to that
3 location.
4 Q In other words, you decide not to wait
5 for Jeanette Brown to call, you decided to get out
6 there as soon as possible in the hopes that this
7 Jamican might still be there?
8 A That was our purpose, yes.
9 Q And did you go right out there?
10 A We went directly there. It was, it was
11 approximately ten minutes up the beltway to her
12 home. Knocked on the door, Miss Brown was there
13 by herself. At this time --
14 Q No Jamican?
15 A No Jamican. No one was on the premises,
16 just Miss Brown. We asked her -- we questioned
17 her about who had answered the phone she told us
18 it was somebody from South Carolina that spoke
19 like that.
20 Q Did you believe her?
21 A Of course not, no, sir. We then
22 instructed her to get dressed, which she did, and
23 we transported her to the homicide unit office.
24 While at the office she was kind of
25 upset about me calling and giving my name to the

1 person answered the phone. Her reason was that
2 she was dealing weight and her apartment was
3 dirty. Knowing --
4 THE COURT: What does that mean?
5 A Well, she was dealing weight mean she
6 was dealing in quantity of drugs, large quantities
7 of drugs and that her apartment was dirty means
8 she still had some drugs at her apartment.
9 Q She in, in effect, says to you, stop
10 calling up and saying you are police officers, at
11 that moment I was dealing?
12 A She was working, that's correct, yes,
13 sir.
14 Q And I don't want my customers to be
15 picking up the phone and hearing that the police
16 are calling?
17 A That's correct.
18 Q It's bad for business?
19 A Yes.
20 Q Well, when you heard that, what did you
21 do?
22 A I knew that Miss Brown had some
23 information that possibly could be helpful to us
24 in this case and she wasn't going to cooperate.
25 So what I did, I got Detective Hardesty from the

1 narcotic unit and relayed the information to him
2 about the apartment being dirty and the statement
3 she had made to me. We obtained a search and
4 seizure warrant for her apartment and we returned
5 to that location and executed the search and
6 seizure warrant. We did, in fact, find certain
7 drug paraphernalia in addition to a small quantity
8 of drugs residue.
9 We also found several letters and some
10 other documents showing that Miss Brown -- to the
11 effect have a proprietary interest in the house.
12 She was brought back to homicide unit office and
13 at that time we began to interview her again.
14 Q Let me stop you at this point. Have you
15 ever heard the term a hammer?
16 A Yes, sir.
17 Q A button to push? Are there any other
18 terms that are used in law enforcement circles
19 that mean approximately the same thing?
20 A Well, hammer or leverage. It's
21 something that you --
22 Q Get some leverage?
23 A Right.
24 Q Push a button?
25 A Yeah.

1 Q Hold a hammer over your head? What do
2 all those terms mean?
3 A Well, to me what it means, if you have a
4 person that is uncooperative and you need
5 something to, something to hold over them as
6 leverage, to make them cooperate with you, and
7 after we raided her house and we had this CDS
8 paraphernalia, I had that hammer then that I would
9 need over her to make her cooperate.
10 Q Let me ask you this, you have been with
11 the Baltimore City Police Department twenty-three
12 years, is it?
13 A That's correct. That's correct, sir.
14 Q You have been a detective with the
15 criminal investigation division how many of those?
16 A Eighteen.
17 Q Eighteen of those twenty-three?
18 A Yes.
19 Q And the last nine years you have been
20 investigating nothing but homicides?
21 A Eight years, yes, sir.
22 Q In those nine years, have you ever
23 investigated a drug related homicide?
24 A Numerous.
25 Q Is there anything special about getting

1 to the bottom of a drug related homicide?
2 A Well, after you get around the
3 deception, a drug dealer have one thing on his
4 mind, that's to stay free on the street. And once
5 their freedom is more or less threatened, you
6 know, if you can threaten to get him off the
7 street, he'll usually cooperate with you. And I
8 had found that to be the fact in a lot of, dealing
9 with a lot of drug dealers and abusers, you know,
10 that their freedom is the most important thing to
11 them.
12 Q If you didn't have a hammer or you
13 didn't have any leverage, or a button to push, how
14 many people involved in the drug world step
15 forward and voluntarily tell the truth?
16 A I have never seen any so far.
17 Q If they do, what are they called by
18 their former associates?
19 A Informants, snitch, rat, things of that
20 nature.
21 Q What is their life worth?
22 A Not very much.
23 Q Is trying to find a button or a hammer
24 or some leverage an accepted law enforcement
25 technique?

1 A Yes, sir, I think so.
2 Q Not only is it an accepted law
3 enforcement technique, is there any other
4 technique in drug related homicides?
5 A I found this to be the most effective,
6 that's if you can get a hammer or something over
7 their head. To me that's the most effective
8 weapon, yes.
9 Q Now, when Jeanette Brown was stupid
10 enough to admit to you, whether it was true or
11 not, but she admitted to you that she was dealing
12 from that house on Labrynth Road, and you knew
13 that she was holding out information which you
14 wanted, how did you respond?
15 A Well, she was -- she made a bad mistake,
16 it was rather foolish on her part, took advantage
17 of it. I took the information, I got a warrant
18 for her.
19 Q You went to a Judge and you said in the
20 application, look, Judge, this woman says she's
21 dealing from there, there is probable cause to
22 believe that there might be some drugs there?
23 A That's correct.
24 Q You wanted to get in that place?
25 A Yes.

1 Q Not to bust heroin, drugs, but to get
2 what on her?
3 A To cooperate, to get a hammer, make her
4 tell me what I wanted to know.
5 Q Shame on you, detective.
6 A Yeah.
7 Q You resort to such tactics?
8 A Yes, sir, I do.
9 Q You found some drugs in her house,
10 didn't you?
11 A Found some residue, found some
12 paraphernalia, yes, sir.
13 Q Now that you have these drugs, tell us
14 how you used the leverage that you had over
15 Jeanette Brown?
16 A I told her that, first of all, if she,
17 she would cooperate with us that I would withhold
18 charging her, formerly charging her until the
19 analysis come back from the crime lab on the
20 suspected CDS and paraphernalia, which is a common
21 practice anyway. We don't -- I don't -- I didn't
22 know what they were. Had to be analyzed anyway.
23 She don't know that though and I just told her I
24 wouldn't charge her until after I get the results
25 back, what, whether they come back positive or

negative, and I will wait until then before I charge her, that is, if she would cooperate with me, and she decided she would.

Q In plain terms, you said, see this narcotics, you want me to start a case with this or do you want me to hold it aside and lets see if you will cooperate with me?

A Something to that effect, yes, sir.

Q I can charge you or I don't have to charge you?

A Right.

Q What, if anything, did she tell you when she was faced with that choice?

A Well, she began to cooperate with us. First of all, asked her about Lee. She started outright lying again. I showed her a letter had Lee, Poppy and some other names. She said it was from a Korean that she had met and then stayed on her a little while longer, she finally said that she --

Q Let me interrupt you. I'm sorry, I don't want you to get too far ahead. You showed her some letters. Where did you get these letters from?

A From her apartment.

1 Q In other words, when you went in there
2 you did go in there with a search and seizure
3 warrant, you found some drugs and you found some
4 letters?
5 A That's correct.
6 Q I understand they might be in the Court
7 file. Maybe we ought to -- Have they been marked
8 for identification yet?
9 THE CLERK: No, sir.
10 Q While we are looking for those, let me
11 pass on for the moment. You show her these
12 letters that you found in her apartment and
13 amongst the names mentioned in that letter is
14 what?
15 A Lee, Poppy, something like -- something
16 to that effect.
17 MR. MURPHY: It is not marked yet.
18 MR. BRAVE: May we have this marked?
19 MR. TAYBACK: Mr. Brave, it is marked in
20 the back.
21 THE CLERK: Doesn't count.
22 MR. TAYBACK: Doesn't count.
23 THE CLERK: Number 46 for
24 identification.
25 (Whereupon, so marked.)

1 Q We now have marked as State's Exhibit 46
2 for identification a letter. Up at the very top,
3 detective, in parenthesis, what does it say?
4 A Mr. LeRoy, Mr. -- Lee, Poppy and LeRoy.
5 Q Then I think you will agree it is a
6 somewhat personal letter assuming it is Jeanette
7 Brown who wrote it and it was meant for Mr. Lee,
8 Poppy or LeRoy?
9 A Yes, sir.
10 Q She brings out the fact that he brings
11 out the real her in her and they talk about a trip
12 to New York they had together and other personal
13 things. She also refers to him fondly at some
14 point as King Freak?
15 A Yes, sir.
16 Q And other personal things. Lee, now
17 this is the third time the name Lee has come up
18 and it is only June the what, 17th?
19 A 17th, yes, sir.
20 Q The murders are two weeks and one day
21 old and Thomasina Johnson is talking about this
22 man Lee with a Jamican accent who was sitting down
23 at Navarro Road about a month before the
24 homicides, right?
25 A That's correct, yes, sir.

1 Q Deborah Pearson is talking about a man
2 by the name of -- man with a Jamaican accent who
3 might have been named Lee who was up there on the
4 third floor of this house off of Martin Luther
5 King Boulevard?
6 A Yes, sir.
7 Q And was slapping Deborah Veney around
8 with a gun and was pretty upset about Deborah
9 Veney bringing two strangers to this house. Here
10 is a letter found on June 17th at Jeanette Brown's
11 apartment?
12 A Addressed to a Lee.
13 Q Addressed to a Lee?
14 A Yes.
15 Q Did you ask her who is this man Lee?
16 A I asked her the first time and she said
17 it was a Korean. It was a Korean that had a store
18 and that she had been to New York with.
19 Q Did you believe her?
20 A No, of course not. I asked her who
21 answered the phone if this was a Korean. She said
22 the guy from North Carolina. Finally she did,
23 admitted that she knew Lee. Lee was, in fact, a
24 Jamican. She didn't know where he lived at. That
25 she had recently visit him at the Quality Inn

1 motel on Reisterstown Road. She furnished us with
2 a room number and with that we went out to the
3 hotel.
4 Q Let me stop you. Finally she says, all
5 right, all right, he's not, he's not a Korean, all
6 right, you got me, I do know a man by the name of
7 Lee, I don't know his last name, right?
8 A That's right.
9 Q I don't know where he lives, right?
10 A She didn't know his address.
11 Q I don't know where you can get in touch
12 with him, right, all I know is that I met him at a
13 Quality Motel?
14 A Quality Inn on Reisterstown Road.
15 Q Did she describe which one?
16 A The Quality Inn on Reisterstown Road.
17 She did have a room number that she gave us.
18 Q She gave you a room number and you went
19 out there --
20 A No.
21 Q -- to that Quality Inn?
22 A I didn't personally go. I didn't go.
23 Rather, it was Sergeant Nolan and Sergeant
24 Landsman went to that location to search their
25 records.

1 Q And did they search the records of room
2 339?
3 A Yes, sir. They did. Came up with a --
4 Q Do you have that? Is that --
5 A It's in evidence I believe.
6 Q Sorry. There's a motel receipt in
7 there.
8 Detective, while I'm performing the
9 house cleaning, with the Court's permission, if
10 your file or our file contains a list of phone
11 numbers from the Quality Inn, trying to locate
12 that document.
13 MR. MURPHY: No.
14 Q You may already have provided it to us.
15 Perhaps during one of the recesses we can look
16 into that. But in the meantime I want to show you
17 State's Exhibit 47 for identification. When you
18 went out, when Sergeant Roger Nolan and Detective
19 Sergeant Jay Landsman went out to the Quality Inn,
20 did they bring you back any documents?
21 A Yes, sir. They brought back this, the
22 registration form from the Quality Inn in addition
23 to toll calls from that room, room 339.
24 Q All right. Now, the room that Jeanette
25 Brown mentioned as the room she stayed in with

1 this person, guy by the name of Lee, last name
2 unknown, address unknown, you looked at the
3 records of room 339 and this piece of -- this card
4 came up?
5 A Yes, sir, this is -- that's the form
6 that the person filled out. They have a date, the
7 rate, the room, have the person's name, their
8 address and the person's signature.
9 Q That on the day following the murders a
10 Nellie Chew registered and departed the next day,
11 a Nellie Chew who lives at 862 West Fayette Street
12 Baltimore, Maryland, is that correct?
13 A Yes, sir, that's correct.
14 Q Now, the name Nellie Chew at this point
15 in time, June the 17th, was a new name completely,
16 was it not?
17 A Completely.
18 Q Had you ever heard that name before in
19 this investigation?
20 A No, sir, never have.
21 Q The address, 862 West Fayette Street,
22 Baltimore, Maryland, that is the first time,
23 unless I'm mistaken, that that address surfaces in
24 this investigation?
25 A That too is correct.

1 Q Now, when the detectives searched the --
2 May I have this marked next State's Exhibit?
3 (Whereupon, so marked.)
4 MR. BRAVE: I'd like to offer 47 into
5 evidence, Your Honor.
6 THE COURT: Very well.
7 (Whereupon, so marked in evidence.)
8 Q When they checked the phone calls coming
9 out of room -- Well, let me ask you this. State's
10 Exhibit 48 for identification, what is that?
11 A It's a toll record for the telephone in
12 room 339 of the hotel.
13 Q You are saying that the motel keeps
14 records of every phone call that is made out of
15 that room during the time that a person is
16 registered in that room?
17 A Yes, sir, that's correct.
18 Q In looking through these records of the
19 phone calls that were made out of that room in
20 which a Nellie Chew was registered, did anything
21 come to your attention?
22 A Yes, sir.
23 Q What was that, sir?
24 A The phone number, 664-0666, 664-0666,
25 that phone number is listed to the address at 3537

1 Manchester which is Denise Coleman's home.

2 Q Denise Coleman. That was not a new name

3 to you on June the 17th, was it?

4 A No, sir. I met her on the 2nd of June

5 at the murder scene.

6 Q Someone in this room is making calls to

7 Manchester Avenue while the room is registered in

8 the name of Nellie Chew?

9 A That's correct.

10 Q Anything else emerge from those phone

11 calls?

12 A Well, those numbers in particular, that

13 was interesting to me. Have couple of numbers

14 here from out of town that had no meaning at that

15 time to me.

16 Q Now, after -- I'd offer the phone list,

17 Your Honor.

18 (Whereupon, so marked in evidence.)

19 Q Did you ever have an occasion to check

20 out the address 862 West Fayette Street that

21 appeared on the hotel registration card of Nellie

22 Chew?

23 A Yes, sir. It was on the morning of the

24 18th. I rode past there and the house was

25 situated off of Martin Luther King Boulevard and

1 it was identical to the house that was described
2 by Miss Pearson on the 12th with the railing, the
3 single railing, in addition only one other house
4 with a railing on it.
5 In the rear of the house there was some
6 newly renovated houses in addition to the park, to
7 the large parking lot as she described. So pretty
8 certain that 862 West Fayette Street was, in fact,
9 the house that Miss Pearson had been in early that
10 month that she described to me on the 12th.
11 Q On the night that you were driving
12 around with Deborah Pearson as you were looking at
13 different locations to try to find this house that
14 she had been in on the third floor, before the
15 murders, was she describing the things you have
16 just described, like knowing it had a railing like
17 this, no, it can't be this because of that?
18 A Yes, sir, she -- we didn't find it. We
19 went to different places. Fayette Street would
20 have been a street we never went down and she was
21 pretty certain about her description of the
22 place. She was also certain as to the houses
23 behind it and the parking lot. But I was certain
24 on the 18th when I went there this was the house,
25 in fact, she was talking about.

1 Q This is obviously after you hit the
2 motel, after you go to, after your other
3 detectives go to motel and get --
4 A Retain those letters, Miss Chew's notes.
5 Q -- get those records. So now it all
6 seems to be coming together or something seems to
7 be coming together, doesn't it?
8 A It does, yes.
9 Q Jeanette Brown obviously through this
10 Lee who she was at the motel with is somehow
11 connected to Nellie Chew and there is somehow a
12 connection with Denise Coleman and both Jeanette
13 and Denise converge on the crime scene the first
14 morning?
15 A Yes.
16 Q And Nellie Chew, whoever she is, lives
17 at a house that Deborah Pearson was in and there
18 was a third floor, a lot starts to come together?
19 A Yes, sir, it did.
20 Q Do you have any idea at this point what
21 it means?
22 A Well, I knew that there's connection
23 with the house. I knew too that Miss Pearson had
24 stated she had purchased drugs from that house. I
25 knew that Miss Veney was acquainted with people in

1 that house. Also knew that had a Jamican in that
2 house. Like I said, Nellie Chew for first time
3 surfaced on the 17th, but Miss Brown -- after we
4 were looking for the motel, but I knew there was
5 connection between all of them, Miss Coleman, Miss
6 Brown, Miss Chew, and also possibly Jamican and
7 this was on the 18th of June.
8 Q It is obvious that all of this means
9 something. It is just you are not sure yet what
10 it means?
11 A Correct.
12 Q You have got a suspect Lee also known as
13 Poppy at this point, right?
14 A Yes.
15 Q I mean, he is, let's face it, your
16 principal suspect?
17 A We certainly wanted to talk with him,
18 yes.
19 Q Every time something happens to make for
20 you to feel that Lee is a real good suspect, under
21 police procedures you write it down in the form of
22 a report, don't you?
23 A It's documented, yes, sir.
24 Q It is those reports that are sent to the
25 State's Attorney's Office when the case is being

1 prepared for prosecution?

2 A Yes, sir.

3 Q Those are the same reports that are in

4 that box of evidence?

5 A That's correct.

6 Q That under our rules go to both sides.

7 Does something happen within a twenty-four hour

8 period which allows you to find out what is inside

9 of 862, the house you have just discovered from

10 the Quality Inn records? What happens within a

11 short period of time?

12 A Well, it was approximately a little

13 after 11, not quite noon on the morning of the

14 19th of June, I received a phone call from the

15 Northwest District from the plain clothes squad.

16 They had related certain information to me

17 pertaining to a drug bust that started on

18 Manchester Street and ended at 862 West Fayette

19 Street.

20 Q You say this is from the Northwest

21 District drug enforcement units. This --

22 A Yes.

23 Q This homicide occurred in the Northwest,

24 correct?

25 A That's correct.

1 Q When you first entered the house, it was
2 obvious to you that in one way or another this
3 case was drug related?
4 A I thought so, yes, sir.
5 Q As part of your normal investigative
6 techniques did you touch base with the local or
7 the district drug enforcement unit to see if they
8 had any information about this case?
9 A Did that on the 2nd, the day it
10 occurred.
11 Q Was the fact that a Denise Coleman of
12 Manchester Avenue arrived at the crime scene
13 shortly after, was that one of the things, pieces
14 of information that was exchanged with the
15 Northwest District to try to get you some leads as
16 to what is going on?
17 A Yes, sir. We did, we told them about
18 Miss Coleman, told them about Miss Brown, told
19 them about Miss Pearson, told them about all of
20 them.
21 Q So, soon after you picked up this
22 information from the records and go out to 862 and
23 look at it and say, good Heavens, that looks to me
24 like the house that Deborah Pearson was trying to
25 describe to me six days ago, you get a call from

1 Northwest and what does Northwest tell you?
2 A That they just made an arrest and that
3 it started -- it was controlled purchase,
4 controlled narcotic purchase, which means simply
5 that a person sold an amount of CDS to an
6 undercover officer; that the case began on
7 Manchester Street, on 337 Manchester Street and
8 the arrest, the physical arrest was made in the
9 800 block of West Fayette Street.
10 Q When you say the case began on
11 Manchester Street, the undercover police officer
12 picked up the person who he later arrested and
13 charged at Manchester Street?
14 A That's correct, yes, sir.
15 Q They drove from Manchester Street to 862
16 West Fayette Street and this man that they had
17 just picked up from Manchester Street went into
18 862 West Fayette Street?
19 A That's correct.
20 Q And came out with drugs?
21 A Came out with drugs. He gave it to the
22 officer and was placed under arrest.
23 Q Leading that police officer who was
24 reporting to you to believe that there might be
25 other drugs in 862 West Fayette Street?

1 A That's correct.

2 Q And did you later learn who that person

3 was that lead the police from Manchester Avenue to

4 West Fayette Street and who entered West Fayette

5 Street and came out of West Fayette Street with

6 drugs?

7 A Yes, sir.

8 Q Did you ever learn the identify of that

9 person?

10 A Yes, sir.

11 Q Who was that person?

12 A Reuben Rainey, seated at the table

13 there.

14 Q The name Reuben Rainey didn't mean a

15 thing to you when you got that call from Northwest

16 District?

17 A Nothing at all, no, sir. Never heard of

18 him.

19 Q But the door was open for you to go into

20 862 West Fayette Street now, wasn't it?

21 A Yes. We really wanted to get into 862

22 West Fayette Street.

23 Q Why did you want to get in there?

24 A Well, like I said, the names kept coming

25 up. Miss Brown's name, Lee. Now, with a new

1 name, Miss Chew, she had connection with Lee
2 because of the hotel. Miss Brown, Miss Coleman,
3 all these people. I felt too that the person or
4 persons responsible for Miss Veney and Miss
5 Johnson's death, that there should be some
6 physical evidence hopefully at that location.
7 I was looking for a gun, a bullet,
8 clothing, anything like that, you know, that could
9 possibly be at that location. So we definitely
10 wanted to get in there.
11 Q So did you say to the narcotics
12 officers, listen, you go on in there and raid the
13 place and let us know the results of your raid or
14 did you say to him, I want to go along with you,
15 the minute you hit that door I want to be along
16 because I want to see what is in there for my
17 case?
18 A We told them of the interest, we told
19 them that I felt possibly contained on the
20 premises could be possibly some evidence in the
21 double homicide that we was investigating, and I
22 asked him if they would come down to the homicide
23 unit office.
24 As a matter of fact, I prepared the
25 warrant for them, I typed it for them myself, and

1 short time later we went to the Judge and had the
2 warrant signed, and we did, in fact, execute the
3 warrant at approximately 2100 hours which would be
4 9 p.m. that night, 19th of June.
5 Q So it is fair to say, to move ahead a
6 little bit, sometime around 9 p.m. on June the
7 19th, you and a lot of other officers, some
8 uniformed, some plain clothes, hit that house at
9 862 West Fayette Street?
10 A Yes, sir.
11 Q And on the third floor were found who?
12 A Third floor front bedroom there were
13 Leroy Boyce, a/k/a Lee, Poppy, there was Jeanette
14 Brown, Nellie Chew, Robert Robinson.
15 Q Now, excuse me, Leroy Boyce, at least
16 the name Lee or LeRoy is certainly familiar to you
17 at this point?
18 A Yes, it was.
19 Q Nellie Chew would have become familiar
20 to you at this point?
21 A On the records, yes.
22 Q You say Jeanette Brown was up there?
23 A Yes, sir, she was.
24 Q She certainly had been involved in one
25 way or another in your investigation thus far?

1 A From the beginning, yes, sir.
2 Q Robert Robinson, sounds to me -- I don't
3 remember his name coming up yet --
4 A That was the first.
5 Q -- in your investigation?
6 A First time we ran into Mr. Robinson was
7 in that location, that's correct.
8 Q It was a new name completely. Who else
9 was found in that room?
10 A On the third are you speaking of now?
11 Q Yes.
12 A All right, there was also Eddie Cooper
13 that was also in the third floor front bedroom.
14 Q I don't remember that name coming up in
15 your investigation up until that point.
16 A First time I heard of Mr. Robinson and
17 Mr. Cooper.
18 Q Who else is in that room?
19 A That was all that was on the third
20 floor.
21 Q Okay. Also arrested in the house were a
22 number of other people. Nellie Chew had two
23 brothers, Dean and Dennis?
24 A Dennis.
25 Q Dennis. They were both arrested?

1 A Karen Godlieb, Coco.

2 Q There was Coco arrested, there was

3 Deborah Lowe arrested?

4 A Deborah Lowe arrested on the sixth floor

5 hiding in the bathroom I think it was.

6 Q So there were nine people all together

7 in that house?

8 A Correct.

9 Q They were all charged?

10 A Yes, sir.

11 Q Of those nine you had Leroy Boyce who

12 might be the Lee that everybody has been talking

13 about so far, you have got Jeanette Brown and you

14 have got the Nellie Chew who appears on the room

15 registration for 339?

16 A Yes, sir.

17 Q What's more, you have many, many

18 thousands of dollars worth of drugs right there in

19 the middle of the bed?

20 A Have a large quantity of drugs and cash.

21 Q And cash, like over twenty thousand

22 dollars worth of seventy percent pure cocaine?

23 A Yes, over that. I would say over, yes,

24 sir.

25 Q Fourteen or approximately fourteen

1 thousand dollars worth of cash?

2 A Yes, sir.

3 Q There is a small arsenal of guns there?

4 A That's fair, yes. It was three guns and

5 a shotgun.

6 Q In fact, fortunately, we will never

7 know, but Leroy Boyce may have been going for one

8 of those guns when you hit that door?

9 A I thought so, yes, sir.

10 Q Fortunately, we won't know because you

11 were pretty quick?

12 A Uh-huh. Yes, sir, I was.

13 Q Anyway, when people are arrested

14 normally for a narcotics arrest, aren't they first

15 taken down to the narcotics unit and they fill out

16 addict forms and process them in that fashion?

17 A There usually taken to the district of

18 occurrence, which would be the Western District.

19 Q Well, was that procedure changed a

20 little bit in this case?

21 A Well, at my request I asked them that

22 they all be transported down to the homicide unit

23 office.

24 Q I mean, that's a nice, that's a nice

25 quantity of drugs to seize. I mean, we are not

1 sneezing at the amount of drugs. But at that
2 point the priority was the drugs or the homicide?
3 A Well, it would be the homicide case
4 would take precedent.
5 Q You've been made aware that Leroy Boyce
6 will plead guilty for that quantity of drugs on
7 that bed and will receive if State has anything to
8 do with it a twelve year sentence for that?
9 A Yes, sir, I'm aware of that.
10 Q So I'm not sneezing at the drugs.
11 A Yes, sir.
12 Q But at the moment the homicides had
13 priority?
14 A That's correct.
15 Q So instead of taking everybody down to
16 narcotics and having them fill out addict forms
17 and whatever goes down during the processing of an
18 arrestee on a narcotics charge, where do all these
19 people go?
20 A They were all transported to the 6th
21 floor headquarters, homicide unit office.
22 Q Is Leroy Boyce amongst the ones
23 transported?
24 A Yes, sir, he was.
25 Q Is he -- where are these people placed?

1 A Well, we usually -- I try to separate
2 them as best as possible. Leroy Boyce was in one
3 of the inner offices, the rest -- like I said, we
4 had, it was three interviewing rooms that we
5 utilize by putting people in those, in addition to
6 two squd rooms and different other places up in
7 the office. Mr. Boyce was placed in one of the
8 inner offices there.
9 Q Is there any particular reason why Mr.
10 Boyce was placed in an office by himself?
11 A Yes, sir. Mr. Boyce, first of all, I
12 wanted to get him away from everyone so that no
13 one would see -- so he couldn't see they were
14 talking to us. Also he was at that time our prime
15 suspect.
16 Q Your only suspect?
17 A That's correct.
18 Q At that point did you have any, any
19 evidence to support your theory that it was Lee
20 that might have been responsible for these
21 crimes? Did you have one bit of evidence?
22 A None whatsoever. Just merely his name
23 had surfaced and he was, in fact, a Jamican male
24 and he was a drug dealer and was trying to build
25 from there. As far as any physical evidence, any

1 witnesses, no, sir, we didn't have any.
2 Q Did you ask Jeanette Brown if she had
3 any information about the homicides?
4 A Yes, I did.
5 Q Did she give you any information that
6 she hadn't previously given?
7 A At first, no, sir, she did not.
8 Sometime later though she did.
9 Q I'm talking about the night of June
10 19th, you are all up there in the homicide unit,
11 you are interviewing this new group of individuals
12 except for Jeanette Brown who you have interviewed
13 in the past. Jeanette Brown that night gives you
14 no information other than the information she had
15 already given you?
16 A Well, Jeanette Brown nor anyone else
17 gave us any information.
18 Q Did Robert Robinson give you any
19 information on June the 19th?
20 A No, sir, he did not.
21 Q Did he say anything, anything to you on
22 June the 19th?
23 A No, they didn't know what I was talking
24 about. Didn't know anything.
25 Q Did Eddie Cooper give you any

1 information on June 19th?
2 A Same response, he didn't know what I was
3 talking about, and he didn't say anything at all.
4 Q Nellie Chew, did she give you any
5 information on June the 19th?
6 A No, sir.
7 Q I think it has come up in the past that
8 you think you may have overheard Nellie Chew
9 saying something to Deborah Lowe or Deborah Lowe
10 saying something to Nellie Chew. I'm not sure
11 which way that conversation went but would you --
12 was that, whatever it was, was that said to you?
13 A No, sir, it wasn't said to me.
14 Q Whatever it was, did you hear it
15 clearly?
16 A I heard it clearly. She made a --
17 Nellie Chew was talking to Miss Lowe, said that
18 Coco was there, something to that effect.
19 Q Something to that effect. You're
20 investigating a homicide and naturally that is
21 something that you would note down?
22 A It was noted, yes, sir.
23 Q Even though you don't know where this
24 was, it could have been the, the scene of the
25 homicide she is talking about, it could have been

1 second floor or third floor of this --
2 A Well, I didn't know.
3 Q -- arrest?
4 A I didn't know exactly but I made note of
5 it because I felt it was important at that time.
6 Q Did you talk to the brothers Chew, Dean
7 and Dennis?
8 A Yes, sir, we did.
9 Q Did they give you any information?
10 A No, sir, they didn't.
11 Q How about Deborah Lowe, did she give you
12 any information?
13 A No, sir.
14 Q When did you have that discussion with
15 Deborah Lowe about the scratches?
16 (Whereupon, the reporter had to change
17 paper.)
18 Q You were beginning to -- You were about
19 to say Sergeant Landsman had this conversation
20 with Deborah Lowe on a certain date.
21 A Yes, sir. Bear with me one second.
22 I'll tell you exactly when it was. I don't see it
23 in here, counsel.
24 Q It is possible we may have asked you for
25 it from the last, prior proceeding. Let's see if

1 we can locate it.

2 Well, did the conversation with Deborah
3 Lowe about the scratches, did that conversation
4 take place with Deborah Lowe the night she was
5 arrested at 862 or some other time?
6 A The night she was arrested on the 19th
7 of June.
8 Q That's on the 19th, you are certain of
9 that?
10 A I'm pretty sure. I thought it was the
11 19th.
12 THE COURT: Mr. Brave, I think we will
13 take a five minute recess.
14 (Whereupon the Court recessed, following
15 which the proceedings in this matter resumed:)
16 MR. BRAVE: If I haven't offered it, I'd
17 like to offer --
18 MR. TAYBACK: The Defendant is not here,
19 Your Honor.
20 THE COURT: Yeah.
21 MR. BRAVE: Sorry.
22 THE COURT: Mr. Brave.
23 MR. BRAVE: Thank you, Your Honor.
24 (Whereupon, the Defendant entered the
25 courtroom.)

1 BY MR. BRAVE:

2 Q Detective, we had broken off at the

3 point where you bring all the individuals who were

4 arrested at 862 West Fayette Street on June 19th

5 down to the homicide unit --

6 A That's correct.

7 Q -- for questioning. You talked to

8 Robert Robinson, he doesn't know anything, you

9 talked to Edward Cooper he doesn't know what you

10 are talking about --

11 A That's correct.

12 Q -- according to him. You talked to

13 Jeanette Brown, who you have talked to in the

14 past. She doesn't give you any new information.

15 This Nellie Chew whose name appears on the room

16 register at the Quality Inn and who is also up

17 there on the third floor of 862 at the time the

18 police arrive, you talked to her, she doesn't know

19 what you are talking about?

20 A That's correct.

21 Q You even talked to Dean Chew and to

22 Dennis Chew. They don't know what you are talking

23 about?

24 A Right.

25 Q You talked to Coco or do you talk to

1 Coco?

2 A Yes, sir, we did.

3 Q Does she have any idea what on earth you

4 are talking about?

5 A Nothing at all. That's correct, she

6 didn't.

7 Q Nobody knows what you are talking about?

8 A That's what she said.

9 Q Homicide, Navarro Road?

10 A Didn't know.

11 Q I don't know anything about it, right?

12 You also talked to a Deborah Lowe that was

13 arrested at 862 --

14 A Yes, sir, that's the --

15 Q -- that same night?

16 A That's correct.

17 Q And she tells you that before the

18 murders over at 862 she saw Leroy Boyce with some

19 scratches?

20 A On his arm.

21 Q Is that correct. You made -- notes were

22 made of that interview?

23 A She saw scratches on his arms, right.

24 Q She asked who did it and he said

25 California Debbie and she says, you want me to

1 beat her up and he says it will be taken care of?
2 A Right.
3 Q Is that pretty much what Deborah Lowe
4 says to you?
5 A That's exactly what she said.
6 Q Now, for the first time you not only
7 have evidence that this Lee is a drug dealer,
8 right? I mean, there he was in this room with a
9 mountain of drugs?
10 A That's correct.
11 Q His name keeps popping up here and there
12 with Thomasina Johnson on the 5th, with Deborah
13 Pearson on the 12th, he's out at the motel with --
14 A -- Jeanette Brown.
15 Q -- with Jeanette Brown, you get
16 information about that on the 17th and here you
17 are learning that about a week before the incident
18 he is going to take care of these scratches
19 himself. Is Leroy Boyce more of a suspect as a
20 result of that or less of a suspect?
21 A He would be more of a suspect. Start
22 really looking at him now as possible person
23 responsible.
24 Q You have even got a possible motive.
25 Now, I know that most people don't kill another

1 person over a question of a few scratches but you
2 never know, right?
3 A Never know.
4 Q You are dealing with the drug world?
5 A Yes.
6 Q Anything could happen?
7 A Yes.
8 Q Now, you've got a possible motive and
9 you've got information, true or not, that Lee knew
10 Deborah Veney?
11 A We knew that he knew her, yes.
12 Q Had had a fight with her, had hit her in
13 the presence of two friends with a butt of a
14 pistol?
15 A Yes.
16 Q And had pulled out a gun and chased some
17 lady?
18 A That's correct.
19 Q Sounds like you're home free.
20 A No, not at all.
21 Q Well, you mean you didn't charge him at
22 that point like they do on television?
23 A We didn't have enough to charge him with
24 anything. We just had three incidents where that
25 this person Lee allegedly had pulled a gun, had

1 possession of a gun twice and also this where Miss
2 Pearson, I think Miss Lowe said on the 19th,
3 that's not nearly enough to get a warrant for this
4 man, no, sir.
5 Q Well, you could have convinced some
6 magistrate to issue a warrant or some commissioner
7 to issue a warrant, couldn't you?
8 A I doubt it. No, sir, we wouldn't, not
9 at that point, made no --
10 Q He's got the opportunity and a possible
11 motive?
12 A No corroboration. We didn't have two
13 people saying the same thing. It was two
14 different incidents, quite a distance apart that,
15 that's supposed to have happened. As far as the
16 gun is concerned, once it was on Navarro Road and
17 once it was up on, later find out to be on Fayette
18 Street; and this other incident where the
19 scratches supposed to have taken place was on
20 Fayette Street, you know, it was too great a
21 distance.
22 Q Are you saying now, you have a solid
23 theory but no evidence?
24 A I'm saying that he could very well have
25 been involved but we have nothing to support that.

1 No evidence at all.

2 Q Besides the individuals I just

3 mentioned, and please limit your answer to a

4 simple yes or no on this, just yes or no --

5 MR. TAYBACK: Objection. I think I know

6 what State is going to do. May we approach the

7 bench?

8 THE COURT: Approach the bench.

9 (Whereupon, counsel and the Defendant

10 approached the bench and the following conference

11 ensued:)

12 MR. TAYBACK: Is it about that which we

13 discussed a few minutes ago, Mr. Brave?

14 MR. BRAVE: Yes, Your Honor.

15 MR. TAYBACK: Well, I don't want, if I

16 can --

17 MR. BRAVE: Go ahead.

18 MR. TAYBACK: This is a matter that has

19 been previously litigated. It's not even able to

20 be basically addressed at this particular point

21 with the jury present here possibly overhearing

22 that, anything that is relevant, but it is a

23 matter in which the Court has given a ruling

24 previously in a pretrial motion hearing months

25 ago, which still should carry over to this

1 matter.

2 If it doesn't then we will have to

3 relitigate it but without saying further that's

4 the situation.

5 If the State wishes to enter into that

6 at the present time, then I would suggest to the

7 Court that we will have to excuse the jury at this

8 time for lunch and litigate that issue then.

9 THE COURT: What is the issue?

10 MR. BRAVE: Your Honor, you ruled --

11 MR. TAYBACK: Can you keep your voice

12 down?

13 MR. BRAVE: -- months ago.

14 MR. TAYBACK: It's too --

15 MR. BRAVE: Can't even hear you.

16 MR. TAYBACK: It has to do with the

17 interrogation of Reuben Rainey by Detective Requer

18 on several different dates and, as the Court will

19 recall, the introduction of that evidence was

20 severely limited in a number of ways and, number

21 two, at that point there was an agreement without

22 litigating it further it could only be used if the

23 Defendant took the stand.

24 So that basically was the Court's ruling

25 at that time and that was the way in which we

1 proceeded in the first trial.

2 If the State intends to do differently

3 now, it would, of course, be doing differently

4 than the Court had ruled in pretrial motion but

5 certainly still has to do with this case and as

6 such I would think that it is extremely touchy

7 ground for State to trod upon. So if we are going

8 to do anything at all, it would seem to me we get

9 the ground rules straight. Other than that there

10 is conceivably potential for a mistrial.

11 THE COURT: Anything you want to say?

12 MR. BRAVE: Your Honor, we had a hearing

13 at the beginning of the first trial. At that time

14 you ruled that any --

15 MR. TAYBACK: Can you keep your voice

16 down a little bit further please?

17 MR. BRAVE: -- any statements made by

18 Rainey to the police at Rainey's request would be

19 inadmissible in the State's case in chief because

20 of their un-mirandized nature.

21 I think you made that ruling based on

22 the fact that after Capers came out of the

23 conference with Robert Robinson that the police

24 now suspected Reuben Rainey and the focus of

25 suspicion had focused on Reuben Rainey.

1 I feel inadvertently you ruled that not
2 only can that -- must that statement be suppressed
3 in the State's case in chief, which I agree to,
4 but you ruled that any contact between the State
5 and the Defendant prior to that, before he became
6 a suspect, would also not be able to be used in
7 the State's case in chief.
8 Not realizing at the time that I might
9 want to later use that, I just accepted the broad
10 nature of the Court's ruling and followed the
11 Court's ruling. I now would like an opportunity
12 after the jury is dismissed to re-litigate that
13 same issue.
14 For the moment, all I want to establish
15 with the -- I just want to establish with
16 Detective Requer that, yes, he did talk to someone
17 else at that time without identifying who it was
18 and later after we litigate the matter outside the
19 jury's presence, then, if permitted to, I can pick
20 up on that or I won't touch that.
21 THE COURT: Why don't I excuse the jury
22 now?
23 MR. BRAVE: Very well.
24 (Whereupon, counsel returned to the
25 trial table and proceedings resumed in open

1 court.)

2 THE COURT: Ladies and gentlemen, I'm

3 going to excuse you now for your luncheon recess

4 and ask that you report back -- I know this is

5 going to be pretty short but I'm going to ask that

6 you come back at quarter of one. You are excused

7 now until then for lunch.

8 (Whereupon, the jury was excused from

9 the courtroom after which the following

10 proceedings ensued.)

11 THE COURT: Mr. Brave.

12 MR. BRAVE: Yes, I think I bear the

13 burden of going forward.

14 THE COURT: Are you going to offer any

15 evidence?

16 MR. BRAVE: Yes, I'd call Detective

17 Requer on the motion.

18 MR. TAYBACK: Even before calling the

19 witness on the motion, Your Honor, I'd ask that

20 the Court would not allow such a proceeding for

21 the following reasons. It was a pretrial motion.

22 We had it in either March or early April. The

23 Court at that time made its ruling. The State has

24 obviously never asked for the ruling to be

25 litigated once again in a pretrial mode. We are

1 again almost where the case is at conclusion and
2 the State is asking to re-litigate that which was
3 a pretrial holding of this Court.
4 I don't even have my materials here to
5 litigate it, for that matter, but the point is
6 that I think that you have the threshold question
7 of whether the State can even at this point ask
8 the Court to change its ruling which it did make
9 as to this matter that the State now wishes to
10 present to the jury in evidence where previously
11 months ago when we did litigate it in proper form
12 the Court made very specific rulings and the state
13 bound itself to those rulings, has followed those
14 rulings throughout the first trial and, for that
15 matter, the little bit of the second trial that we
16 had and throughout this third trial.
17 It's only at this point that the State
18 is attempting to go past the Court's ruling or go
19 around the Court's ruling or asking for the Court
20 to revise or change its ruling.
21 So I think before you even allow the
22 State to present any evidence, you have first to
23 consider whether it is even appropriate to allow
24 the State to attempt to change the Court's ruling
25 and I suggest to the Court it is not.

1 Has an appropriate place. That
2 appropriate place was the pretrial hearing. We
3 all litigated it extensively at that time. The
4 Court came to a reasoned conclusion at that time
5 and we bound Ourselves to that ruling of the
6 Court.
7 THE COURT: Mr. Brave.
8 MR. BRAVE: Want me to respond, Your
9 Honor?
10 THE COURT: Yes. Before you do, I would
11 say that my very vague recollection, and I do not
12 have my notes on that particular proceeding here
13 handy, is that the State at some point during that
14 hearing almost conceded with respect to the
15 initial statement and didn't argue very vigorously
16 on the balance of the statements.
17 As I understand what you are asking
18 today or what you are suggesting to the Court is
19 that the Court made its ruling based on less than
20 the information that you felt the Court should
21 have had at that time. If I'm wrong, correct me.
22 I'm asking you basically to state your
23 position.
24 MR. BRAVE: Fine. Last time when I
25 realized that after Detective Capers came out of

1 the room with Robert Robinson and told Detective
2 Requer that the man you want is in jail and is on
3 parole for murder in New York, from that moment on
4 Detective Requer for the first time began to focus
5 his suspicion on Reuben Rainey.
6 Once the focus of suspicion had centered
7 on Reuben Rainey, as a result of detective,
8 Investigator Capers' statement to Detective
9 Requer, any further questioning of Reuben Rainey
10 by the police without the benefit of Miranda
11 warnings should not be permitted.
12 In the process Your Honor ruled that all
13 contact with the Defendant, including some
14 contacts that occurred the night of June 19th and
15 another contact that occurred on June 25th, and
16 there may have been still another contact on --
17 I'm not sure, but I don't think so, between June
18 the 25th and the time that Capers came down,
19 during any of those contacts, all of them were
20 initiated by the Defendant except the first one on
21 June 19th. He was in custody on June 19th on the
22 separate unrelated drug charge. But there was a
23 contact on June the 25th which was initiated by
24 the Defendant when he was not under suspicion in
25 this case in any way, shape or form which I think

1 should be brought out.

2 At the time you made that ruling I

3 didn't realize that the ruling covered both the

4 pre-suspicion focusing event of, I believe it was

5 July 16th or 17th when Capers came down, I think

6 it was the 18th when Capers came down, I had --

7 and I just decided, all right, the Judge has

8 ruled, I'm not going to get near the June 25th

9 situation but the June 25th contact is initiated

10 by the Defendant and --

11 THE COURT: You keep using the word

12 contact. There was a statement made.

13 MR. BRAVE: He made some statements to

14 Detective --

15 THE COURT: That's what I am saying.

16 MR. BRAVE: -- Requer.

17 THE COURT: I just want to be clear.

18 You are talking about a statement, not something

19 that he did or anything other than --

20 MR. BRAVE: That's correct.

21 THE COURT: -- other than a testimonial

22 statement?

23 MR. BRAVE: He gave a statement. He

24 gave a statement, we contend, to try to throw the

25 police off the scent. Just gave a statement

1 completely voluntarily. He asked to be brought
2 in. When the police got him in there, they said,
3 okay, why did you ask to be brought in. I have
4 some information for you, I think.
5 THE COURT: Let's take it step by step.
6 You want to respond to Mr. Tayback's argument that
7 you should be barred from raising it at this point
8 because of the pretrial ruling?
9 MR. BRAVE: I think the reason you ruled
10 that way is because it became apparent that at
11 some point the focus of suspicion had fallen upon
12 Reuben Rainey and that his statements to the
13 police after June the 18th were un-mirandized.
14 Remember Robinson, Rainey and Cooper and Boyce are
15 all in jail together. One day Rainey sees Boyce
16 and Cooper leave. Doesn't take a genius to figure
17 out that he's been to the police to talk right
18 after that and then, of course, he did talk.
19 He told Capers that the guy you are
20 looking for is in jail and is on parole for murder
21 in New York. He fingers, Robinson fingers
22 Rainey. From that point on the police now are
23 saying, wait a minute, it may not be Poppy, it may
24 be this Rainey guy. Let's see what this guy
25 Robinson has to say.

1 At that point it would be strictly
2 improper to bring Rainey in even though he asked
3 to be brought in and question him without Miranda
4 warnings. I concede that, that ruling.
5 THE COURT: After June 25th?
6 MR. BRAVE: After July 18th, after
7 Capers tells Detective Requer that your man in
8 effect is Rainey, at that point Detective Requer
9 can't under any stretch of the imagination
10 continue to question Rainey because he now
11 suspects Rainey based on what Capers has told
12 him. Prior to July 18th, he doesn't suspect
13 Rainey at all. Prior to July 18th, it is Rainey
14 who is asking to be brought in. It is Rainey who
15 is throwing smoke or sand in the police's eyes. I
16 don't think that has any protection.
17 Now, you ruled that none of the
18 pretrial, none of the pre-arrest statements made
19 by Rainey to the police can be gotten into by the
20 State. I think you meant to say or I should have
21 argued, wait a minute, Judge, we are talking about
22 only the one after the focus of suspicion, the
23 earlier ones requested by Rainey in which he is
24 just coming out to throw sand in the State's, in
25 the police's eyes is not really suppressible.

1 This is something that he set in motion, he wanted
2 to do. The police's role in those encounters
3 were, okay, we have brought you out like you
4 asked, what is it you want to tell us. They're
5 not -- he's not under suspicion at that point.
6 THE COURT: Well, I'm trying very
7 diligently to search my memory regarding how it
8 was presented to me. I don't want to state
9 something that is not accurate. But my memory is
10 that when it was presented to me -- Well, let me
11 say one preliminary, that is, that at the point
12 when this was brought out, the Court knew
13 absolutely nothing about the facts of the case. I
14 don't remember it being very vigorously presented
15 that the, as you called it, the contact was
16 initiated by the Defendant.
17 It is clear that under Miranda the
18 factors you have to deal with are, number one,
19 whether it is custodial; number two, whether it is
20 in response to interrogation, whether or not it is
21 an agent of the State who is doing the
22 interrogating and there are at least two other
23 factors but we seem to be dwelling solely on the
24 question of whether or not this was in response to
25 interrogation. You are saying it is not in

1 response to interrogation, that it was the
2 Defendant who was voluntarily making the
3 statements.
4 MR. BRAVE: Exactly. Come get me, I got
5 something to tell you.
6 THE COURT: I'm saying, for the record,
7 the Court at that time had no knowledge of the
8 facts and I don't recall it being pressed, that
9 this was not in response to interrogation.
10 MR. BRAVE: Well, I think what happened
11 is the factual, the facts that I'm just relating
12 were brought out. They were not argued at the
13 time by me or anyone else as I am arguing it now.
14 I didn't really see the point as clearly as I see
15 it now and, besides, it was a death case at the
16 time, and I didn't want to take a chance that
17 anything that even had a whiff of aroma could come
18 in. And I feel that I have sniffed it out
19 thoroughly, Your Honor, and there is not a whiff
20 of aroma about it now that I have thought about it
21 and realized that Mr. Tayback took advantage of a
22 rather broad ruling and kept out evidence which
23 properly should have been presented the last
24 time.
25 THE COURT: So, this is your argument

1 with regard to the threshold question?

2 MR. BRAVE: Right.

3 THE COURT: Mr. Tayback.

4 MR. TAYBACK: I find myself somewhat in

5 the same position I believe the Court has

6 described itself to be in, and, that is, I

7 remember vaguely what occurred. I don't even have

8 any notes here as to the argument but, as I

9 recall, there were several different statements at

10 several different times and we eventually came to

11 the Court ruling that nothing would come in unless

12 the Defendant took the stand and then it would be

13 appropriate at that time for the State to

14 introduce those statements, whichever one it was,

15 whether it is one, two or three, or four, whatever

16 number we have, as an appropriate way to impeach

17 him.

18 But I don't recall the specifics

19 otherwise and it seems to me that, again, the

20 point that has to be addressed before we go

21 further is whether we approach this any different

22 than we would in any other situation, which is at

23 a pretrial hearing, whether it would be this Court

24 or another Court makes a ruling on the

25 appropriateness of the introduction of certain

1 evidence or it's inappropriateness and then the
2 case proceeds, then somewhere three quarters of
3 the way or forth, fifth of the way or ninety
4 percent of way into the case the State then at
5 that point decides, well, I want to put this
6 evidence in, I want the Court to reverse itself.
7 I don't see this as being the
8 appropriate place for the State to argue that.
9 The State, for that matter, could have done so
10 even before we started this round of the
11 proceedings, which would have been timely. I
12 would have not objected to that even though you
13 did have a prior Court ruling indicating certain
14 evidence is not going to be allowed.
15 So I don't see any basis for even
16 proceeding at this point and then if the Court for
17 some reason determined that there was a basis to
18 proceed, I really am unable at this point to
19 address any issues specifically because I don't
20 recall, made no preparation, I made no review and,
21 as the Court is finding, my memory does not
22 contain specific information for me to be able to
23 argue off the top of my head as to what occurred,
24 what should have occurred or what the proper
25 ruling is, or to be able to convince the Court

1 that a new hearing should be held.
2 MR. BRAVE: Just by way of brief
3 response. The only person who has been taken by
4 surprise this morning is Your Honor. I think Mr.
5 Tayback in fairness will concede that I have
6 grumbled aloud both to him and to myself
7 throughout the last trial I let the Court make too
8 broad a ruling on those pre-arrest statements,
9 that we really should have, had we insisted, cut
10 off only the statement that was made by Rainey
11 after July 18th, that the other ones got caught up
12 in the confusion on the the part of the State
13 which followed the revelation on the stand that,
14 yes, Detective Requer did, in fact, suspect Reuben
15 Rainey as of July 18, and any conversations that
16 he had with him after July 18 were, of course,
17 inadmissible if un-mirandized.
18 THE COURT: Let me pin you down on one
19 thing. You are in a very, I don't want to say
20 casual way, but you are in a not so intense way
21 suggesting to the Court that -- let me back up.
22 MR. BRAVE: I can jump up and down if
23 you would like me to.
24 THE COURT: No, no. The point was made
25 about this being a death penalty case, and you are

1 kind of in a casual way or not so intense way
2 saying that may have had something to do with how
3 things proceeded. I would like for you to
4 represent as accurately as you can whether -- it
5 may well have been that your concern about the
6 fact that it was a case where you were seeking the
7 death penalty affected how adamant you were about
8 keeping the statement out, because I don't recall
9 there being a really vigorous joining of the
10 issue. That's what I'm getting at.
11 MR. BRAVE: I think you are right. It's
12 not only me at this time, Supreme Court that says
13 a death case is different.
14 THE COURT: I'm not critizing you. I'm
15 simply trying to reconstruct as much as I can what
16 happened.
17 MR. BRAVE: In approaching a death
18 penalty case, you have always got to keep in mind
19 those on the Court that philosophically will find
20 any reason whatsoever to pin their vote on to
21 reverse a case. When you are approaching a death
22 penalty case, any evidentiary issue must be viewed
23 by the prosecutor within that framework.
24 Here was Mr. Tayback saying the police
25 had discussions with Reuben Rainey while under

1 arrest for the narcotics case, both before the
2 focus of suspicion fell on him and after the focus
3 of suspicion fell on him. I can see clearly that
4 it would be improper to have any discussions with
5 Mr. Rainey, un-mirandized discussions after the
6 focus of suspicion and, as to the ones before, I
7 just let that slide figuring I'm not going to get
8 into that area.
9 Someone down the line may not see the
10 fine point that I'm trying to make but now that
11 the aura of the death penalty is off our
12 shoulders, so to speak, I can view this in
13 objective terms and I see nothing wrong with
14 trying to introduce a statement that a Defendant
15 while under arrest on other charges makes to the
16 police after he calls up the police or sends word
17 out to the police that he wants to talk to the
18 police and where the police then bring him in and
19 say, what do you want to say to us. I don't see
20 Miranda coming into play at that point. It is
21 true he's in custody but --
22 THE COURT: But he's not the focus.
23 MR. BRAVE: He's not the focus of
24 suspicion.
25 THE COURT: Well, this would have been a

1 lot cleaner if we had done this prior to the
2 commencement of these proceedings but I'm prepared
3 to at least take testimony on the issue.
4 MR. BRAVE: Very well, Your Honor.
5 MR. TAYBACK: Under those circumstances,
6 Your Honor, again, I'm completely unprepared. I
7 don't even remember the specifics at all and I
8 would ask the Court, that the Court allow, I
9 guess, until tomorrow. I don't know what else to
10 say really. I need to prepare.
11 THE COURT: I don't think I can refuse
12 that request, Mr. Brave. Is there any way we can
13 conclude the rest of the testimony that doesn't
14 deal with this issue and then just finish that up
15 tomorrow?
16 MR. BRAVE: Sure.
17 THE COURT: I don't think, irrespective
18 of whether you are suggesting Mr. Tayback was
19 caught by surprise or not, I mean, I don't think
20 that I can argue with the fact that he doesn't
21 have any notes or any aid to, in terms of records,
22 with him. I don't see that I can force him
23 without any preparation to deal with it.
24 MR. BRAVE: Can I simply leave it with
25 one question, did you talk to anybody else that

1 night, yes, and then pass onto the next step?
2 THE COURT: Yeah, you may do that. All
3 right, then, we will take the luncheon recess
4 until 1:15.
5 (Whereupon the Court recessed, following
6 which the proceedings in this matter resumed:)
7 THE COURT: Before we begin, let me see
8 counsel. We don't need the court reporter. We
9 don't need the Defendant.
10 (Whereupon, a bench conference was held
11 which was not made a part of this record,
12 following which proceedings resumed in open
13 court.)
14 (Whereupon, the jury entered the
15 courtroom, after which the following proceedings
16 ensued:)
17 THE COURT: Mr. Brave.
18 MR. BRAVE: Thank you, Your Honor.
19 Q Detective Requer, we had reached the
20 point in your testimony where you along with other
21 members of the Baltimore City Police Department
22 and other members of the homicide squad had on
23 June the 19th raided 862 West Fayette Street,
24 arrested nine individuals in that house and
25 brought them all down, not to narcotics but to

1 homicide, to question them about the June 2nd,
2 murders, and of all the people that you talked to,
3 the only new information you really received was
4 from Deborah Lowe in which you learned that now
5 this Lee or Poppy or Leroy, as the case me be, not
6 only is a drug dealer, not only deals in large
7 amounts of cocaine, but now you learn that he knew
8 Deborah Veney and had a beef of some type with
9 Deborah Veney in which Deborah Veney had scratched
10 Lee and that Lee said, never mind, I'll take care
11 of it myself and at that point Lee more than ever
12 was a suspect in your case?
13 A That's correct.
14 Q You had also indicated that on a theory
15 alone, no matter how appealing it might be, you
16 simply don't charge a person with homicide without
17 evidence?
18 A That's correct, you need some sort of
19 evidence.
20 Q Now, before we leave June the 19th, just
21 a yes or no on this question, did you talk -- and
22 don't identify if the answer is yes, don't
23 identify who it was -- did you talk with anyone
24 else associated with that 862 house in any way,
25 shape or form that night?

1 A Yes.

2 Q Now, detective, as much as we all like

3 to believe that in the real world things are like

4 they are on Kojack, where a whole squad of

5 detectives drops everything that they are doing at

6 the moment and work night and day twenty-four

7 hours on one case, in real life are you assigned

8 other cases but this homicide that you are working

9 on?

10 A Unfortunately, we are assigned quite a

11 few other homicides. We don't have the luxury of

12 just working on just one.

13 Q Before you return the various people who

14 had just been arrested either back to the district

15 where they were to be charged or wherever they

16 were supposed to go to be processed, did you hand

17 any of those individuals anything?

18 A Yes. With exception of Mr. Boyce,

19 everyone else in the office was given one of my

20 business cards and asked to call me if they should

21 remember something.

22 Q Is -- I believe we have one of those

23 marked from a previous proceeding. Ma'am Clerk,

24 is there -- I'm looking for a business card.

25 While we are looking for an already

1 marked example of your business card, do you have,
2 are you carrying one similar to that with you
3 today?
4 A They're out in the car. Wait a minute.
5 Yes, I have one.
6 Q I think we have located it.
7 May I have that marked for
8 identification?
9 (Whereupon, so marked.)
10 Q Detective, I show you what has been
11 marked State's Exhibit 51 for identification. It
12 is a blue card, appears to have your name on it,
13 Detective O. L. Requer, is that Oscar L. Requer?
14 A Yes, sir, my two initials, my last name,
15 Baltimore City Police Department, I have my
16 assignment, criminal homicide investigation,
17 homicide division. In addition is a phone number
18 and address.
19 Q And there is a phone number on the back
20 and what did you do with cards like this?
21 A I gave them to each of the persons that
22 were in the office at that time with instructions
23 if they should remember something to call me.
24 Q I would offer this card, Your Honor, as
25 State's Exhibit 51.

1 (Whereupon, so marked in evidence.)
2 Q You mentioned you didn't give Leroy
3 Boyce a card. Any particular reason?
4 A Well, at that time -- at this particular
5 time of the investigation, Mr. Boyce was the main
6 focus of our investigation. We are focusing in on
7 him as a possible suspect.
8 Q Still without one scintilla of evidence?
9 A That's correct, yes, sir.
10 Q But the theory at least had a certain
11 feel to it?
12 A It did, yes. The gun, by him hitting
13 the victim before with the gun, the scratches,
14 these things, it was beginning to mount.
15 Q Of course, as we pointed out before, all
16 these things that happened are reported?
17 A That's correct.
18 Q They are made part of your file?
19 A That's correct. That's true.
20 Q They are put in with all the rest of the
21 information into some sort of container or
22 recepticle --
23 A Yes.
24 Q -- and down the line they are all turned
25 over to the defense?

1 A That's correct.

2 Q Now, from June the 19th, when you gave

3 out these cards, when is the next time that

4 anything turned up during the course of your

5 investigation?

6 A Several contacts, if that's what you are

7 referring to.

8 Q Well, did you, did you talk -- Did you

9 bring out any of the individuals who you had

10 talked to on June the 19th?

11 A Yes, sir.

12 Q All right. Now, did you talk, for

13 example, to Nellie Chew?

14 A Yes, sir.

15 Q Did she give you any more information

16 than she gave you the first time?

17 A She did not.

18 Q Other than I don't know what you are

19 talking about?

20 A That's correct, just about what it

21 amounted to.

22 Q Did you believe that she didn't know

23 what you were talking about?

24 A I knew that she knew more.

25 Q Did you talk to Robert Robinson?

1 A Yes, sir.
2 Q Did he give you any more information
3 than he gave you back on June the 19th?
4 A Yes, sir, he did.
5 Q Now, that would have been on what date?
6 A July the 31st.
7 Q Okay. Now, July the 31st, we just want
8 to keep July the 31st out there on the back burner
9 for just a moment.
10 A Okay.
11 Q Up until July the 16th, some -- almost a
12 full month after these individuals had been
13 arrested, did you have any contact with any of
14 them?
15 A Yes, sir, I did.
16 Q Now, we are talking about the period
17 from June 19th to July 16th?
18 A 16th, okay.
19 Q I'm going to mention some names and just
20 answer yes or no. Did you have any further
21 contact with your primary suspect, Leroy Boyce?
22 A No, sir.
23 Q Did you have, during that period now,
24 just that period, did you have any further contact
25 with Robert Robinson?

1 A No, sir.
2 Q Eddie Cooper?
3 A No, sir.
4 Q Any further contact with Jeanette Brown?
5 A Yes, sir.
6 Q When was that?
7 A It was by phone. Couple of times we
8 talked to her on the phone.
9 Q Did that phone conversation yield any
10 more information than you already had?
11 A None whatsoever, no, sir.
12 Q Did you have -- you didn't even know
13 about the existence of Joanne Blunt at that point?
14 A Not until after the 31st, that is
15 correct.
16 Q On the 31st is the first time that you
17 even knew that there is such an individual as
18 Joanne Blunt or, as she's called, Joan --
19 A Johnson.
20 Q Joan Johnson or Jackson?
21 A Jackson, whatever.
22 Q I assume that during this period of time
23 your attention is focused on other matters in
24 addition to this particular case?
25 A Still did have some open cases I was

1 still working on investigating, yes.
2 Q What, if anything, happened on July the
3 16th to bring your attention back to the double
4 homicide at 4711 Navarro Road?
5 A I received a call from Mr. John Capers
6 who worked for the District Attorney's Office in
7 lower Manhattan, New York. He had called
8 concerning a Robert Robinson and that he wanted me
9 to make some arrangements that would enable him to
10 interview him in private and he was more concerned
11 about Mr. Robinson, about an incident that they
12 were investigating in New York.
13 He also wanted to know exactly what I
14 had on him or what his charges here were and what
15 was my interest in Mr. Robinson. I told him that
16 we were investigating a double homicide, that he
17 was here arrested in a narcotic raid and that he
18 had, he and Mr. Cooper rather had high bails.
19 That was the extent of our conversation
20 at that time. He informed me that he would be in
21 Baltimore on the 18th of July which he did. He
22 arrived here the early morning 18th of July.
23 Q Let me stop you. On the 16th you get a
24 call and it is this John Capers from New York.
25 Had you ever known or heard of John Capers before

1 that?

2 A No, sir, I never had.

3 Q He identifies himself as an investigator

4 for the District Attorney's Office of New York?

5 A That's correct.

6 Q Does he indicates to you -- I believe

7 you testified that he has some reason for wanting

8 to talk to Robert Robinson in connection with

9 something that is going on up in New York?

10 A That's correct.

11 Q And he asks you why you are holding him,

12 is that correct?

13 A He wanted to know, yes, sir.

14 Q And you not only mentioned the fact that

15 he was arrested in a room with a mountain of

16 cocaine but that you think he might have some

17 information about a homicide?

18 A That's correct.

19 Q Does John Capers arrive on June the 18th

20 as he said he would?

21 A Yes, sir, he did. He arrived at the

22 homicide unit office, I guess it was about 11:30,

23 quarter to twelve on the 18th. I had earlier that

24 day picked up Mr. Robinson and Mr. Cooper on writs

25 and had them at the homicide unit office.

1 Q So you had Mr. Robinson right there in
2 the homicide unit. You bring him out of jail and
3 you have him there in the homicide unit and you
4 make him available to John Capers?
5 A That's correct.
6 Q Do you talk to John Capers before he
7 goes in to talk to Robert Robinson?
8 A Well, casually. We didn't discuss
9 anything about what he had to talk to them about
10 or his case or anything. Not of that nature, no,
11 sir.
12 Q You don't ask him why, you know, what
13 he's working on up in New York?
14 A No, I don't.
15 Q Do you tell him anything about the
16 Baltimore murders?
17 A Yes, I told him that a month earlier,
18 June the 2nd, that we had two females that were
19 murdered at 4711 Navarro Road. We thought that it
20 might have been drug related. I also told him too
21 that we arrested Mr. Cooper and Mr. Robinson at a
22 house on 862 West Fayette Street and arrested at
23 that time was our main suspect person by the name
24 of Lee and we wanted -- we are interested in any
25 knowledge they might have of this offense.

1 Q In effect you said, listen, when you go
2 in there to talk to him, I don't know what you
3 want to talk to him about as far as the New York
4 matter that you want to discuss with him but while
5 you are in there, maybe you can get some
6 information for us about this homicide that we are
7 investigating?
8 A That's true.
9 Q Is that a fair statement?
10 A That's a fair statement, yes, sir.
11 Q Do you go in there with him or do you
12 let him go in there alone?
13 A No, sir, he spoke with both, Mr.
14 Robinson first and then Mr. Cooper second, and he
15 was alone with both of them.
16 Q Spoke to -- speaks to Robinson first and
17 Cooper second?
18 A Yes, sir.
19 Q Does there come a time when he comes
20 out?
21 A Yes, sir, he did.
22 Q Does he say something to you about being
23 in the right ballpark or something?
24 A Yes, sir, he said that we -- I was right
25 on, meaning that we was going in the right

1 direction as far as the investigation was
2 concerned, that they do know something.
3 Q Does he give you, and under no
4 circumstances do either Mr. Tayback or I or the
5 Judge or Mr. Murphy want you to tell the jury what
6 Capers said to you, but did he say anything to you
7 which caused you to give some second thought to
8 the idea that it might be Leroy Boyce?
9 A Yes, sir, he did.
10 Q Did he, yes or no, did he identify
11 someone to you?
12 A He didn't identify the person, no.
13 Q Did he describe someone to you?
14 A He did, yes. He described someone to
15 me.
16 Q Based on that description, did you carry
17 away from that conversation the feeling that the
18 person he is describing could be one person and
19 only one person, just yes or no please?
20 A Yes.
21 Q And for the first time since June the
22 2nd or June the 5th when you way back on June the
23 5th, when you first talked to Thomasina Johnson
24 for the first time, did you now have another
25 suspect?

1 A Yes, sir, I did.

2 Q Now, detective, you've been a member of

3 the Police Department for twenty-three years?

4 A That's correct.

5 Q Eighteen years investigating criminal

6 matters for the criminal investigation division?

7 A Yes, sir.

8 Q And nine years doing homicides, many of

9 which are drug related?

10 A That's correct.

11 Q Now, it is no secret, detective, it is

12 no secret that Mr. Tayback wants this jury to

13 believe that you have bungled your investigation

14 of this case?

15 MR. TAYBACK: Oject, Your Honor.

16 THE COURT: I'll overrule the

17 objection.

18 Q You eventually wound up charging who in

19 this case?

20 A The Defendant, Reuben Rainey.

21 Q And when did you wind up charging Reuben

22 Rainey with the two murders?

23 A Obtained a warrant on the 31st of July.

24 We didn't actually execute it until sometime after

25 that.

1 Q What, if anything, did Investigator
2 Capers tell you as to what you should do before he
3 left Baltimore to return to New York?
4 A He became familiar with Mr. Robinson and
5 Mr. Cooper, knew that they wanted to, wanted to
6 gain their freedom. He suggested that if I could
7 keep them in jail with a high enough bail that it
8 would be like a leverage on him and I could hold
9 on to them and he felt that they would cooperate.
10 After his suggestion I immediately
11 contacted the State's Attorney's Office. I
12 believe preliminary hearing was four days after
13 Mr. Capers left here, the 22nd. I also appeared
14 at the preliminary hearing and their bail was
15 raised instead of being lowered and they -- we had
16 them now.
17 Q What you are saying is you went behind
18 the scenes and made sure that Robert Robinson and
19 Edward Cooper's bail not only would not be reduced
20 but you made sure they would stay in jail by
21 having their bail raised?
22 A That's correct.
23 Q You obtained another hammer over two
24 more individuals?
25 A That's correct, Mr. Cooper and Mr.

1 Robinson.

2 Q You are not ashamed of the word hammer?

3 A No, sir, I'm not.

4 Q You are telling this jury it is a

5 standard police investigating technique?

6 A It's one of them, yes, sir.

7 Q And in a drug related homicide it is not

8 only acceptable, it is the only way --

9 A I think so, yes.

10 Q -- to get people to reveal what they

11 know?

12 A Yes.

13 Q When Robert Robinson went for his bail

14 hearing on the 22nd of July, what happened to his

15 bail?

16 A They increased it to cash only.

17 Q How soon after that did you hear from

18 Robert Robinson?

19 A It was four days later, he called back

20 to New York and asked Mr. Capers, Mr. Capers

21 called me, and stated that he was ready to talk to

22 me now. Unfortunately, I wasn't able to get to

23 him until the 31st. I made arrangements and the

24 31st I brought him out to the homicide unit

25 office.

1 Q You are saying after you were successful
2 in getting his bail to be raised, that a couple of
3 days after that you get a call from Investigator
4 Capers, Investigator Capers says Robert Robinson
5 is ready to talk?
6 A That's correct.
7 Q Is that basically what you are saying?
8 A That is exactly right, yes.
9 Q As soon as you can get to it, you bring
10 him out again?
11 A That's correct.
12 Q Now, at this point you still suspect
13 Leroy Boyce, I would imagine?
14 A Well, he hadn't been completely
15 eliminated but I had another name now, another
16 person now I was looking at.
17 Q Well, as an experienced investigator,
18 you realize the importance, I would assume, of
19 getting the witnesses to tell you what they know
20 in their own words so you can evaluate whether
21 what they are saying is worthy of belief or not
22 worthy of belief?
23 A Well, that would be always the case, Mr.
24 Brave, to have the witness, a witness or witnesses
25 to tell us in their own words as to what occurred.

1 Q Now, we arrive at July 31st, Robert
2 Robinson has now been brought over to your
3 homicide office?
4 A Well, I went to get him myself. Went
5 over and picked him up at the City Jail and
6 brought him back to the homicide unit office.
7 Q Incidentally, I think I covered this but
8 is this at Robert Robinson's request or do you
9 just go out there and yank him out because
10 Investigator Capers says he's ready to talk?
11 A Mr. Robertson's request.
12 Q Oh, in other words, Robert Robinson
13 says, Detective Requer, bring me out, I'm ready to
14 talk and tell you what I know?
15 A That's correct.
16 Q Now, how does one of these interview
17 sessions work? How do you go about -- what's the
18 procedure when you are sitting down with someone?
19 A First I want to know what he expect of
20 me, what he expect me to do for him. You know,
21 within, within bounds that I can go through, you
22 know -- Like I can always go to the State's
23 Attorney on his behalf or something to that
24 effect.
25 Q What did he want from you?

1 A Wanted to get out of jail. Wanted his
2 bail lowered.
3 Q What else did he want, if anything?
4 A Well, some help on so-called charges he
5 had against him.
6 Q And did you say, sure, we will lower
7 your bail, we will make a deal and erase your
8 charges or did you say, let me see what you know
9 first and then I'll tell you what I think I can do
10 for you?
11 A I told him, like you said, let me see
12 what you know, tell me what's happening, you know,
13 what do you know and he told me.
14 Q Now, I'm holding what has been marked
15 State's Exhibit 36 for identification. Do you
16 have your own file copy of --
17 A Yes, I have.
18 Q -- of Robert Robinson's statement dated
19 July 31st?
20 A Yes, sir, I have.
21 Q Just take a moment and make sure that we
22 are both looking at the same thing.
23 A Yes. Yes. Yes.
24 Q This statement started at 10:30 in the
25 morning of July 31st?

1 A Yes, sir.
2 Q It took place at the homicide unit?
3 A Homicide unit office, yes, sir.
4 Q It lasted until 1:05, looking at the
5 last page?
6 A Yes, sir. Well, got 12:23 it says.
7 1:05 is the supplement statement I took from him.
8 Q I am sorry, okay. The first statement
9 ends at 12:23, almost two hours later?
10 A Yes, sir.
11 Q Then there is a supplemental statement
12 that begins four minutes after that and lasts
13 about a half an hour?
14 A That's correct.
15 Q You asked him his name, of course?
16 A Yes.
17 Q You asked him where he lived. You asked
18 him what the extent of his education was, you
19 asked him whether he knew where he was, you asked
20 him whether he was presently under the influence
21 of drugs or alcohol, correct?
22 A Yes, sir.
23 Q You asked him whether he was presently
24 incarcerated for a criminal offense, and he said
25 yes. Those were numerous narcotics violations.

1 Then you asked him -- you tell him that you are
2 presently investigating a double homicide
3 occurring in Baltimore City on June the 2nd,
4 1986. You asked him does he have any personal
5 knowledge as to who is responsible for this
6 offense.
7 MR. TAYBACK: Objection, Your Honor.
8 THE COURT: Overruled.
9 Q Does he tell you if he does have some
10 knowledge or doesn't have some knowledge?
11 A His answer was yes.
12 Q You asked him whether he had any
13 involvement in the actual offense itself.
14 MR. TAYBACK: Objection.
15 Q What does he answer?
16 MR. TAYBACK: Objection.
17 THE COURT: Approach the bench.
18 (Whereupon, counsel and the Defendant
19 approached the bench and the following conference
20 ensued:)
21 THE COURT: You will have to put your
22 basis on the record.
23 MR. TAYBACK: My basis for the
24 objection?
25 THE COURT: Yes.

1 MR. TAYBACK: Statement basically is not
2 introduced through Robert Robinson. Is not able
3 to be introduced or was not introduced for any --
4 whatever reasons. Now State is going to introduce
5 the substance of it, including all the questions
6 and answers involved in it through Detective
7 Requer.
8 It's an inappropriate manner in which to
9 proceed, whether this be the case in chief or
10 rebuttal.
11 MR. BRAVE: Your Honor, it was not
12 introduced during Robert Robinson's testimony
13 because it couldn't have been introduced at that
14 time. It would have been a prior consistent
15 statement. First of all, it would be hearsay.
16 And --
17 (Whereupon note was passed up from the
18 jury.)
19 MR. BRAVE: And inadmissible because it
20 is a prior consistent statement. The issue now on
21 rebuttal is quite different. The issue is did
22 the, did the police bungle the investigation as
23 the defense has asserted that the the State has
24 during, during the defense case.
25 The assertion has been made that the

1 police have bungled their investigation and now it
2 is inadmissible for one purpose -- certainly
3 admissible to show how the police proceeded in
4 this case and how it was, instead of being a
5 bungled investigation, it was a thorough
6 investigation in which the police touched base
7 with every possible step to make sure that he was
8 not charging the wrong man.
9 MR. TAYBACK: Very brief response, then
10 the Court may rule. My point is not that
11 objection to the State indicating that there was a
12 statement taken or even asking the officer in that
13 statement did Mr. Robinson indicate that he had
14 received information from Reuben Rainey that
15 Reuben Rainey had done the murder or from the --
16 Mr. Rainey thought this at the Baltimore City Jail
17 or something that would show -- and I think this
18 is the point that the State is trying to make, the
19 officer's state of mind as it flows from point to
20 point to point in his developing investigation.
21 But to simply read every question and
22 then every response or every question is
23 introducing not just the thrust, if you will, or
24 the intent of the statement or the critical aspect
25 of the statement but is just to introduce the

1 statement.

2 THE COURT: Mr. Brave, I'm going to have
3 to sustain the objection with respect to any
4 eliciting of the full contents of the statement.
5 This is a note from the jury. I think I
6 should, after you have reviewed it, I think I
7 should read it into the record.
8 The note reads as follows: How did
9 Detective Require (sic) eliminate Leroy Boyce as a
10 suspect? What steps did he follow? With what
11 certainty did Detective Require (sic) eliminate
12 Boyce. Is he still that certain that Boyce did
13 not commit the crime? All right.
14 MR. BRAVE: Very well. I will follow
15 the Court's instruction.
16 MR. TAYBACK: While we are -- this might
17 be something we can stipulate. I know we had a
18 previous question and it -- wasn't there a
19 question that had to do with hair on the
20 underwear? Do you remember some question about
21 that?
22 MR. BRAVE: I'll cover that.
23 MR. TAYBACK: Okay.
24 (Whereupon, counsel returned to the
25 trial table and proceedings resumed in open

1 court.)
2 BY MR. BRAVE:
3 Q Detective Requer, it is now again July
4 the 30th, Robert Robinson is in your office, you
5 don't know any of the details of what he is going
6 to tell you --
7 A Right.
8 Q -- before you ask him any questions?
9 A No, sir.
10 Q Is that correct?
11 A Did not.
12 Q Detective Capers seems to think that
13 he's going to tell you about some other person
14 than Leroy Boyce but you haven't heard that yet
15 from anybody other than Detective Capers?
16 A That's correct.
17 Q And I think we will all have to agree
18 that Leroy Boyce has not been elimated simply by
19 virtue of Detective Capers' statement to you that
20 Robert Robinson is going to tell you something
21 else, you've got to hear from Robert Robinson
22 first, I would assume?
23 A That's correct.
24 Q Before you can eliminate just in one
25 fell swoop evidence that Leroy Boyce had pulled a

1 gun on somebody over at Deborah Veney's house a
2 month or so before the incident, that Leroy Boyce
3 had patted Deborah Veney on the butt when Deborah
4 Veney had brought those two women, Deborah
5 Pearson, Deborah Pearson and Glenita Johnson to
6 862 --
7 A That's correct.
8 Q -- and you also had heard from Deborah
9 Lowe that, however it was meant, Leroy Boyce says
10 don't worry, I'll take care of it myself. Now, he
11 is still a suspect in your mind before you hear
12 from Robert Robinson, I would assume?
13 A Yes, he was still, yes.
14 Q Assume that since nothing more has
15 developed on the Leroy Boyce front, you are
16 willing to pursue this new avenue that the
17 investigation seems to be going off in?
18 A Certainly want to hear what they had to
19 say, yes.
20 Q You didn't even have any details to give
21 Robert Robinson as a lead off question? In other
22 words, you didn't say to him, we know this, we
23 know that, we know this, we know this, is that
24 true or not --
25 A No.

1 Q -- because you didn't know anything?
2 A No.
3 Q Did you ask Robert Robinson the
4 following question, will you tell me what personal
5 knowledge you have as to the shooting deaths of
6 Deborah Veney and Glenita Johnson?
7 A Yes, sir.
8 Q Did you ask him that question?
9 A I did.
10 Q Did he tell you Reuben Rainey was
11 responsible?
12 A Yes, sir, he did.
13 Q First time out?
14 A First, no -- yeah, the first time.
15 Q First time you talked to him on July
16 31st?
17 A Yes, he did.
18 Q Did he tell you that a Joan Jackson of
19 3613 Howard Park was present at the time of the
20 shootings?
21 A Yes, sir, he did.
22 Q Did he tell you that a Nellie Chew was
23 there and that she drove the car?
24 A Yes, sir.
25 Q Did you ask him how he came by this

1 information?

2 A Yes, sir, I did.

3 Q What did he tell you as to how he came

4 by that information?

5 A He was told first by Mr. Leroy Boyce and

6 since being incarcerated he was told again by Mr.

7 Rainey himself that he had did it.

8 Q First by Leroy Boyce. Did he mention

9 anything about a meeting that took place or an

10 opportunity to be present with Leroy Boyce over on

11 Manchester Avenue the day he got down here to

12 Baltimore?

13 MR. TAYBACK: Objection, Your Honor.

14 THE COURT: Overruled.

15 A Yes, sir, that's the first time he had

16 learned of this, was on the 18th of June at 3537

17 Manchester.

18 Q You also mentioned that he was also told

19 about the murders by Reuben Rainey?

20 A That's correct, yes, sir.

21 Q According to Robinson, under what

22 circumstances did Reuben Rainey tell him about

23 these murders?

24 A It was a conversation between Mr.

25 Rainey, Leroy Boyce, Mr. Cooper, and Robinson.

1 They were all incarcerated over the City Jail and
2 that he was told by Mr., told by Mr. Reuben Rainey
3 about killing the two people at Navarro Road over
4 thirty-five dollars, I believe it was, of coke.
5 THE COURT: You are just saying Navarro
6 Road. Just to get it clear, is it Navarro Road or
7 Navarro Avenue?
8 A Navarro Road I believe. Navarro Road, I
9 believe, Your Honor.
10 THE COURT: Where is this street
11 located?
12 A It's only a block -- it's between the,
13 between Roland and Belview. It's about the 4600
14 block of Roland Avenue.
15 Q For those who might be familiar with
16 Rogers Avenue, detective, it runs the same way as
17 Rogers Avenue, am I correct?
18 A It runs north and south, yes.
19 Q And it doesn't run too many blocks if it
20 runs more than one. Does it run more than one
21 block?
22 A It's one block.
23 Q It's just a one block street that runs
24 behind Rogers Avenue, between Reisterstown Road on
25 one end and Liberty Heights Avenue way down at the

1 other?

2 A Yeah, it's Groveland Avenue and Belview

3 Avenue, so between the two, Belvedere.

4 Q Right, but I mean generally it sits in

5 the area between Reisterstown Road and Liberty?

6 A I see what you saying.

7 Q Liberty Heights Avenue?

8 A I see what you saying, yes.

9 Q The one block is between Groveland and

10 Belview?

11 A That's correct.

12 Q And it runs the same way as Rogers

13 Avenue --

14 A Rogers Avenue, yes.

15 Q -- which does run all the way from

16 Liberty Heights Avenue to Reisterstown Road.

17 Did he mention where this conversation

18 with Leroy Boyce that he had on his arrival from

19 New York took place?

20 A Yes, sir, he did.

21 Q Says it was at Denise's house?

22 A Denise's.

23 Q House on Manchester, doesn't he?

24 A That's correct.

25 Q Does he say why Reuben Rainey killed the

1 two persons?

2 A Yes. He says he killed them for

3 thirty-five dollars, over thirty-five dollars

4 worth of cocaine.

5 Q Did he tell you who else overheard this

6 conversation, these conversations with Reuben

7 Rainey while he was in jail?

8 A Yes. Edward Cooper, and also Leroy

9 Boyce.

10 Q Referring to the Manchester Avenue

11 conversation, did he go into detail as to who --

12 this is the conversation on June 18th -- did he go

13 into any detail as to who else from among the

14 group of Poppy's followers were also at Manchester

15 Avenue at the time?

16 A Yes, sir, there was Jeanette Brown, Joan

17 Jackson, Coco, somebody by the name of Bus Driver,

18 Denise, he said me, Edward, and Lee.

19 Q Did he mention anything -- I'm on page 3

20 now -- did he mention anything about the girl

21 mouthing off at him?

22 A Yes, sir.

23 Q Did he mention anything about how she

24 was going up the steps?

25 A Yes, sir, he did. Did mention the steps

1 that --

2 Q Did he mention anything about that he

3 shot her?

4 A Yes, sir, he did.

5 Q Did he say anything about there being

6 brains all over the place, that he had blood on

7 his -- brains all over his shoes and hands?

8 A Yes, sir, he said all over his shoes,

9 hands, all over the place.

10 Q What, if anything, did he say about the

11 other girl in the living room? If I can help,

12 refer you to that first paragraph on page 3.

13 A Okay. He also said the other girl was

14 in the living room free basing cocaine and told

15 her couldn't leave any witnesses and shot her.

16 Q Did he say anything about the position

17 that the girl in the living room put her hands in?

18 A Yes, sir.

19 Q Did he go into that kind of detail?

20 A He did. He said she was trying to

21 protect herself by putting the hands over her head

22 when she was shot.

23 Q Did Robert Robinson tell you who Reuben

24 Rainey said was with him at the time this was

25 going on?

1 A Yes, sir, he did.
2 Q Who did he say was with him?
3 A He said Nellie Chew and a Joan Jackson.
4 Q Did he say where Nellie was when the
5 shots actually rang out?
6 A She was outside in an automobile in the
7 car.
8 Q Did Robert Robinson tell you why Reuben
9 Rainey said he shot them?
10 A Yes, sir, because she wouldn't -- she
11 talking about Miss Veney -- wouldn't give him his
12 money back.
13 Q Did Robinson tell you what Rainey told
14 him that he had done with the gun?
15 A Yes. Well, he told both of them he took
16 the gun back to New York where he sold it.
17 Q That statement was reduced to writing?
18 A Yes, sir.
19 Q How does it work? You talk to him and
20 -- tell the jury how it works, how it gets into
21 the form that we are looking at?
22 A All right. First when -- the procedures
23 that I usually follow, I usually talk with a
24 person first, all right, then I'll type a question
25 and I will give the question to them and type his

1 response, and that's how the statement, that's how
2 I took that statement from him.
3 Q You talk a little bit, you say to him --
4 so as I understand what are you saying, is this,
5 this, this -- you type it out, you say is this
6 what you are saying and he says yes or no?
7 A Yes.
8 Q And you pass on to the next question?
9 A That's correct.
10 Q You discuss each question, the answer to
11 each question as you go along?
12 A I talk about everything before we go
13 along, then reduce it to writing.
14 Q This statement ends, according to the
15 time set forth on here, at 12:23 p.m. Is that
16 right?
17 A It's got a start at 10:30, completed
18 signed and read at 12-23.
19 Q So about three or four minutes later
20 there is a supplemental statement taken?
21 A That's correct, sir.
22 Q And that was for the purpose of giving
23 him some photos to look at?
24 A Yes, the purpose of this supplemental
25 statement was to show him the photograph, among,

1 six photographs among which would be one of the
2 Defendant here, see if this person was the same
3 person he was talking about in the statement he
4 had conversation with.
5 Q You want to see -- you are testing him,
6 you want to see if --
7 A Know him.
8 Q -- he can pick out the man's --
9 A Exactly.
10 Q -- man's photograph he's been talking
11 about?
12 A That is correct.
13 Q Did he?
14 A Yes, sir, he did.
15 Q Did that thing end at 1:05?
16 A Began at 12:27, yes, sir, and
17 approximately 1:05 completed.
18 Q I would offer State's Exhibit 36 into
19 evidence at this time, Your Honor.
20 MR. TAYBACK: Objection, Your Honor.
21 THE COURT: Approach the bench.
22 (Whereupon, counsel and the Defendant
23 approached the bench and the following conference
24 ensued:)
25 THE COURT: Mr. Tayback.

1 MR. TAYBACK: My objection is based on
2 the grounds previously stated, that the question
3 and answer format at this particular stage of the
4 proceedings is inappropriate. I think Mr. Brave,
5 for the most part, conducted himself appropriately
6 after the Court had, I think, sustained the
7 objection that I made there, and now he wants to
8 introduce the question and answer into the case
9 anyhow.
10 So I think that again it is
11 inappropriate and I would still make the same
12 objection.
13 THE COURT: It's inappropriate on what
14 legal basis?
15 MR. TAYBACK: That what he is doing is
16 through Detective Requer on rebuttal attempting to
17 reinforce his case, the case, the State's case in
18 chief as to Robert Robinson. Whereas Robert
19 Robinson, if the statement were going to be
20 introduced properly as a prior consistent
21 statement, it should be done during the, during
22 the interrogation of Robert Robinson, period.
23 That's the appropriate way in which to do it.
24 If the State wishes to introduce the
25 face sheet to indicate that a statement was indeed

1 taken on that date without introducing the
2 question and answers, I would have no objection.
3 That supports what the State is
4 attempting to do at this point, to show that the
5 officer is following up leads, he's investigating
6 leads, he's doing that which is normal police
7 conduct. That doesn't go into the heart of the
8 question and answers or the specific words of the
9 questions and answers. It goes to the point that
10 I think State is attempting to make; that is, that
11 the officer supposedly made a thorough
12 investigation.
13 MR. BRAVE: State's response, Your
14 Honor, is that at the time Robert Robinson was on
15 the stand, the defense had not raised, generated
16 the issue that the police had bungled the
17 investigation and had charged the wrong man and
18 failed to uncover a plot concocted by Leroy Boyce
19 to pin the murder on the wrong man so that Leroy
20 Boyce could escape apprehension. We are rebutting
21 that proposition by showing that the police acted
22 in a thoroughly professional, careful manner as
23 they interrogate each of the various witnesses as
24 they surfaced.
25 Mr. Tayback is right, that during the

1 State's case in chief it would have been
2 inadmissible as a prior consistent statement of
3 Robert Robinson but now that Mr. Tayback has
4 chosen to generate the issue of the terrible job
5 the police have done, I feel that he has opened
6 the door for us to and it is relevant for us to
7 show that the police acted in a thorough,
8 professional manner in going about the discovery
9 of the true killer in this case.
10 THE COURT: Does the statement really
11 add that much to what you have already elicited?
12 MR. TAYBACK: Are you asking --
13 THE COURT: I'm asking Mr. Brave. Does
14 it really add that much to it?
15 MR. BRAVE: It allows the jury to have
16 it in their hands and to look at it at some point
17 in time.
18 THE COURT: I'm going to sustain the
19 objection.
20 MR. BRAVE: Very well, Your Honor.
21 (Whereupon, counsel returned to the
22 trial table and proceedings resumed in open
23 court.)
24 BY MR. BRAVE:
25 Q Detective Requer, after you finished

1 talking to Mr. Robinson shortly after 1 p.m. on

2 July the 31st, you now have for the first time a

3 new name, do you not?

4 A Yes, sir.

5 Q You already, of course, knew about

6 Robert Robinson on June the 19th, you knew about

7 Edward Cooper from June the 19th, you have known

8 about Lee or the Jamican way back since June the

9 5th, right?

10 A Yes, sir.

11 Q And you knew about Nellie Chew since

12 June the 19th?

13 A That's correct.

14 Q But now we have a Joan Jackson mentioned

15 as being present at the time of the shooting, a

16 Joan Jackson with an address, is that correct?

17 A That's correct.

18 Q That address is 3613 Howard Park Avenue

19 or Road, I'm not sure which?

20 A Howard Park Avenue.

21 Q Well, what do you do with this new

22 information?

23 A We immediately sent two detectives out

24 to that location. It was Detective Fahlteich and

25 Sergeant Landsman. They went to that location

1 where they picked up and brought into their office
2 a person by the name of Joanne Blunt, also known
3 as Joan Jackson.
4 Q When you talk to Joanne Blunt, do you
5 determine whether, in fact, her name is Joanne
6 Blunt or Joan Jackson or both?
7 A Her correct name is Joanne Blunt.
8 Q But does she tell you she also goes
9 sometimes under the name of Joan Jackson?
10 A No, she never told me that.
11 Q How does -- how do get from Joan Jackson
12 to Joanne Blunt?
13 A Evidently Mr. Robinson had mistaken her
14 name. He gave us the correct address but he gave
15 us the name of Joan Jackson. In fact, her name is
16 Joanne Blunt.
17 Q Now, Joanne Blunt is down at the
18 homicide office?
19 A She's brought to the homicide unit, yes,
20 sir.
21 Q This is the first time you have ever
22 laid eyes on her?
23 A First time, that's correct.
24 Q An hour or so previous was the first
25 time you ever heard of her?

1 A That's correct.
2 Q And it is now July the 31st, and what
3 time is it that she is sitting there in your
4 office?
5 A Time she is brought into the office at
6 12 -- Well, she's advised at 1252 hours which is
7 about eight minutes to one.
8 Q She is advised of -- what is she advised
9 of?
10 A She is Miranda advised, given her
11 rights.
12 Q She is given a full panoplay of Miranda
13 warnings as we say?
14 A That's correct.
15 Q Because you don't know whether this
16 woman is going to wind up being charged or not?
17 A Well, it's good possibility she could
18 have been charged, yes.
19 Q Now, you have just finished speaking
20 with Robert Robinson not too long before this, is
21 that correct?
22 A That's correct. Yes, sir.
23 Q He's given you a lot of details?
24 A He did.
25 Q He's told you what the shooting was

1 over, he tells you about a conversation on
2 Manchester Avenue?
3 A Yes, sir.
4 Q Tells you that Nellie Chew and this
5 woman you are about to interview were there?
6 A Yes.
7 Q Tells you it was over thirty-five
8 dollars of cocaine?
9 A That's correct.
10 Q Tells you about brains being on -- you
11 didn't have to be told about the brains being all
12 over the place?
13 A I knew that, yeah.
14 Q You knew that yourself?
15 A Yes.
16 Q And he told you about how the woman in
17 the -- that you discovered in the living room had
18 been killed, because he can't leave no witnesses?
19 A That's correct.
20 Q And he even told you about her
21 protecting her head. So you had some details now
22 to question Joanne Blunt about?
23 A Not to question her about, but I had
24 some details, yes.
25 Q How does a veteran of twenty-three years

1 on the Baltimore City Police Department with nine
2 years of investigating homicides go about this?
3 Do you say, Joanne Blunt, we know that
4 you drove over there with Nellie Chew, we know
5 that when you got inside there you had an argument
6 over thirty-five dollars worth of cocaine, we know
7 she was shot on the stairs, we know that he went
8 over and shot the woman because he couldn't leave
9 any witnesses, and we know that you ran outside
10 and he came out with blood and brains all over
11 him, isn't that true, and if it is just sign right
12 here, is that how a professional detective goes
13 about solving a case?
14 A No, sir, not at all. First, you have to
15 realize what you are dealing with with Mr.
16 Robinson. All right, Mr. Robinson gave us certain
17 facts. That's the first time I heard these
18 facts. All right. Naturally when he accused Miss
19 Blunt of being with him, the first thing I want to
20 do is find out. Brought her down, and we told
21 her, advised her of her rights, told her we had
22 certain information that she was present.
23 First she denied it. Then told her
24 again that she could very well be charged with
25 homicide if she didn't cooperate, again she denied

1 it and short time afterwards she did gave me a
2 formal statement in which she pretty well, pretty
3 much, rather, corroborates what Mr. Robinson had
4 given me earlier.
5 Q The first thing you do is you tell her
6 we know you were there?
7 A That's correct.
8 Q Except for the fact that you tell her
9 that you know that she was there, do you give her
10 any other help with the facts that you have just
11 heard from Robert Robinson?
12 A No.
13 Q I believe you just got finished
14 testifying that she says, no, I don't know what
15 you are talking about?
16 A She denied it. She did at first.
17 Q Did you reach for a hammer?
18 A Well, I told her -- Yes, I told her that
19 she could very well be charged with murder. The
20 likelihood of which was highly unlikely that she
21 would have been charged with murder. She could
22 have been charged realistically with accessory
23 after the fact but she wasn't charged. We never
24 charged her but I told her that to get her to talk
25 to us.

1 Q Detective Requer, aren't you ashamed of
2 yourself, that you threatened that poor twenty --
3 how old is she, twenty-two, twenty-three yearold
4 lady with charging her with a crime of murder just
5 to get her to tell you what she knew?
6 A Sir, I'm not ashamed of it.
7 Q You are not ashamed of yourself?
8 A Not at all.
9 Q Aren't you ashamed of yourself that you
10 threatened her with charging her with a crime,
11 used a hammer on that poor defenseless lady?
12 A No, sir, I'm not.
13 Q As a matter of fact, in a drug related
14 case, and in many homicide cases, not only is that
15 an acceptable way of proceeding, it is the only
16 way --
17 A That's correct.
18 Q -- if you are going to get to the truth?
19 A In a lot of cases it is necessary.
20 Q After you told her that she might be an
21 accessory after the fact or might even be charged
22 with homicide, did she then tell you what, if, if
23 anything, she knew about the murders that occurred
24 on Navarro Road on June the 2nd?
25 A She began at that time to tell us the

1 truth, like I said, pretty much corroborating what
2 Mr. Robinson had told us. However, I also got in
3 touch with the State's Attorney's Office and told
4 them exactly what I had now, that we had one
5 witness who, that we had one witness who had named
6 the person, Mr. Rainey, we had another person who
7 was corroborating it who was actually there.
8 My instructions were to stop with the
9 interview at that time, to bring her immediately
10 to the State's Attorney's Office, which I did, and
11 to take her before the grand jury for her
12 testimony, which I did.
13 Q How long did you go -- get in your
14 statement before you took her to the grand jury,
15 do you know?
16 A I can see. One second. Well, began the
17 statement at 1300 which is 1 o'clock, it was
18 thirty-seven minutes, we stopped at 1:37, take her
19 to the grand jury.
20 Q All right, for twenty-seven minutes
21 there is this questioning and answering?
22 A That's correct.
23 Q You say you didn't give her all these
24 details?
25 A Give her the details?

1 Q Like the fight over cocaine?
2 A I didn't give her any details at all.
3 These are her words.
4 Q She was shot on the stairs?
5 A They were her words.
6 Q Had to get rid of the other witness
7 because we can't leave any witnesses?
8 A Again this is all her words.
9 Q Nellie Chew drove the car. Did you ask
10 her her name?
11 A Yes, I did.
12 Q Did you ask her her date of birth?
13 A Yes, correct.
14 Q Did you ask her what her correct phone
15 number was?
16 A Yes, sir.
17 Q Did you ask her how far she had gone in
18 school?
19 A Yes, sir.
20 Q Did you ask her if she was under the
21 influence of alcohol?
22 A Drugs, yes, sir, I did.
23 Q Did you ask her whether she understood
24 the rights that Sergeant Landsman had just
25 finished reading her?

1 A Yes, sir.

2 Q Then did you ask her -- did you tell her

3 that on June the 2nd, around 4:30 in the morning,

4 two females were shot and killed at 4711 Navarro

5 Road? Did you ask her, will you tell us what

6 personal knowledge you have as to the person or

7 persons responsible for their death, did you ask

8 her that question?

9 A Yes, sir, I did.

10 Q Did she agree to tell you?

11 A She did.

12 Q Did you ask her, in your own words tell

13 us what happened?

14 A That's the question I asked her, yes,

15 sir.

16 Q This is still in that twenty-seven

17 minute period before she goes off to the grand

18 jury?

19 A That's correct.

20 Q Did she mention that Nellie Chew, also

21 known as Bey, had called Deborah Veney on the

22 telephone to find out if she had any drugs

23 available, did she say that?

24 A Yes, sir, she did.

25 Q Did she say that we went over to

1 Debbie's house, Nellie, myself and Rudy?
2 A Yes, sir.
3 Q Did she say that Peaches and Debbie were
4 in the kitchen freebasing?
5 A Yes, sir, she did.
6 MR. TAYBACK: Objection, Your Honor.
7 Can we approach? I think it's going to be the
8 same point.
9 THE COURT: Approach the bench.
10 (Whereupon, counsel and the Defendant
11 approached the bench and the following conference
12 ensued:)
13 MR. TAYBACK: Your Honor, I have a
14 feeling that basically what we are doing is
15 exactly that which I objected to previously with
16 respect the the statement of Robert Robinson and,
17 that is, that the State is going to introduce
18 question and answer to provide, if you will, a
19 prior consistent statement of Joanne Blunt through
20 the mouth of or through the mouths of State's
21 Attorney Sam Brave and Detective Oscar Requer.
22 It's incorrect procedure and I reiterate
23 the commentary I made previously when the Court
24 sustained my objections.
25 MR. BRAVE: Your Honor, my response is

1 exactly the same. Mr. Tayback has thrown the door
2 wide open in his defense; the police have bungled
3 this investigation; they have charged the wrong
4 man; they approached it non professionally; they
5 have done everything wrong in this investigation;
6 and they have fallen prey to LeRoy Boyce's clever
7 plot to take not only the police but State's
8 Attorney's Office and this jury in.
9 I am now showing, not by way of a prior
10 consistent statement, I am now showing as to how
11 the police proceeded; namely, they asked in their
12 own words what happened and what information they
13 got and what use they made of that information so
14 that the jury can determine whether they proceeded
15 as professional investigators or whether they
16 proceeded like bungling investigators.
17 I think it is relevant since the door is
18 wide open. Mr. Tayback is seizing upon the fact
19 that it is inadmissible for some other purpose and
20 completely trying to blind the Court to the fact
21 that it is relevant as can be to the issue that he
22 has thrown into this case and I believe I can meet
23 it squarely by showing that the police have not
24 bungled.
25 THE COURT: The Court's ruling precisely

1 as far as addressing this issue when it was raised
2 before is that I have absolutely no problem with
3 your right to show the jury what Detective Requer
4 did in terms of his investigation.
5 What I would sustain the objection to is
6 the actual presentation to the sum answer, to the
7 totality of the whole statement to the jury. I
8 don't know that that is necessary. It may not
9 even be desirable.
10 I would ask you simply to make clear to
11 the jury what the substance of the interview was
12 and just move on. I'm not going to allow the
13 whole statement to come in.
14 MR. TAYBACK: That's exactly the point I
15 was trying to make. But, in addition, is there,
16 there any problem with simply asking the officer
17 from this statement what important details were
18 given to you by Joanne Blunt. Just let him
19 answer. You ask the proper question, he gives the
20 answer.
21 MR. BRAVE: I'm sure that is the way Mr.
22 Tayback would want it but I most respectfully --
23 THE COURT: I didn't say you couldn't
24 ask questions but you are going down it line by
25 line. You are in essence trying to put the whole

1 statement in. That's all I'm saying.

2 MR. BRAVE: It's relevant at this point

3 because -- it wouldn't have been relevant earlier

4 during my case. Mr. Tayback has made it

5 relevant. He wants his cake and eat it too. He

6 wants to be able to tell the jury that the police

7 have bungled this case and he won't let me show

8 how they haven't bungled the case.

9 If he opens that door, he's got to take

10 it. It may be just because it is irrelevant --

11 just because it is inadmissible in the State's

12 case in chief as a prior consistent statement of

13 the witness that was then on the stand doesn't

14 make it irrelevant to the notion that the police

15 have screwed up this case something terrible. On

16 that issue it is relevant. And I can ask, it

17 seems -- I hope I can ask that, yes, she mentioned

18 this and she mentioned that, and she mentioned

19 that, and she mentioned that, all in answer to the

20 simple open ended question what do you know about

21 this case. That seems to me to be relevant and it

22 is made relevant by no other person than the

23 Defendant who chose to make it relevant.

24 Just because we are all afraid of prior

25 consistent statements on some other issue doesn't

1 mean that I can't bring it in now after the
2 Defendant has made it relevant.
3 THE COURT: I didn't say you couldn't
4 bring it in. I mean, the substance of what is in
5 there. I would simply ask you to -- I'm not even
6 asking that you ask an open ended question and let
7 him just give a narrative. I'm not even saying
8 that.
9 All I'm suggesting is that you deal with
10 the substance of the statement rather than going
11 detail by detail.
12 MR. BRAVE: I'll try, Your Honor.
13 MR. TAYBACK: And also, just if the
14 Court would direct him, and really I am positive
15 this officer knows how to answer the questions
16 properly, why don't you ask a non leading question
17 and let him answer the proper -- I don't feel like
18 objecting to every single question so I don't do
19 that, but really you are the one testifying. He's
20 just answering yes or no. Why not let him
21 answer.
22 (Whereupon, counsel returned to the
23 trial table and proceedings resumed in open
24 court.)
25 BY MR. BRAVE:

1 Q Detective Requer, I'm going to question
2 you concerning some of the content of page 3 of
3 this statement of Joanne Blunt, the portion that
4 you were able to take down before she was whisked
5 off to the grand jury.
6 In your conversation with Joanne Blunt
7 did she mention whether narcotics was involved?
8 A Yes, sir, she did.
9 Q In what fashion did she say narcotics
10 were involved?
11 A When she first got there that Peaches
12 and Nellie was in the kitchen freebasing and we
13 were all laughing and Nellie said to Debbie give
14 me a hit, I say come on, we can, we can, say come
15 on, we can, can do it somewhere else. Then Rudy
16 asked for a hundred dollars worth of cocaine, a
17 gram, Debbie said she didn't have it, said she had
18 seventy-five dollars worth and she gave him
19 seventy-five dollars worth of cocaine.
20 Q Was there any -- was the subject of
21 whether or not the cocaine could be cooked there
22 at 4711, did that come up?
23 A Yes, sir. He asked her if he could cook
24 it there, he cooked it there and said it was
25 compressed and said it was only fifty dollars

1 worth. Rudy wanted his money back. I said, said
2 people in Baltimore don't give money back. Debbie
3 said, man, that's all you -- she said, man, that's
4 all you are going to get, supposed to get,
5 rather. Then Debbie said to him, man, I'm not
6 going to give you your money back. Rudy said, oh,
7 yes, you are. Then Debbie, she said, Debbie said
8 her cousin had just left 2:30, 2:30, Debbie --
9 Q At that point there was some discussion
10 by Joanne Blunt about the cousin Jeanette who had
11 been there earlier?
12 A Yes, sir, Jeanette. Jeanette was on the
13 phone. She talked -- let me see, she said I
14 talked to Jeanette and Debbie told Jeanette to
15 come to her house before she went to work. I was
16 talking to Jeanette on the phone, Rudy and Debbie
17 --
18 MR. TAYBACK: Objection. I don't think
19 --
20 Q Let me ask you this. I withdraw that
21 question.
22 A Okay.
23 Q Did Joanne Blunt tell you about any
24 argument that was going on?
25 A Yes, sir.

1 Q What was the argument over?

2 MR. TAYBACK: Objection, Your Honor. If

3 I can just ask the State's Attorney, this is kind

4 of unusual? Withdraw the objection.

5 Q Did Miss Blunt, Miss Joanne Blunt

6 indicate to you that an argument was taking place

7 in her presence?

8 A Yes.

9 Q Who was that argument between?

10 A The Defendant Reuben Rainey and Miss --

11 the victim Veney.

12 Q Now, at that point, according to what

13 you said earlier, she was whisked off to the grand

14 jury, is that correct?

15 A That's correct.

16 Q Now, under our procedures, you are not

17 permitted in the grand jury room unless you are

18 testifying, is that correct?

19 A Yes, sir, that's correct.

20 Q I mean, you just can't wander in there

21 and see how Nellie is doing or how Joanne is doing

22 on the stand?

23 A Correct.

24 Q After she testified in front of the

25 grand jury, she was brought back to the homicide

1 unit, is that correct?
2 A Yes, sir.
3 Q And did you continue this question and
4 answer period with her?
5 A We did.
6 Q And about what time did this question
7 and answer period that had been interrupted for
8 her testimony in front of the grand jury --
9 A It was fifteen --
10 Q -- what time did this question and
11 answer period resume?
12 A 1509 which is 3:09 p.m.
13 Q When you resumed, did she relate any
14 conversation between herself, Joanne Blunt that
15 is, and Nellie Chew while Nellie Chew was still in
16 the house?
17 A Yes, sir. She was asking Nellie Chew,
18 do you think he's going to kill them.
19 Q What did Joanne Blunt tell you that she
20 said to Nellie Chew?
21 A She said, I said the nigger is crazy
22 enough to do it.
23 Q What did she say that, that Nellie Chew
24 did at that point?
25 A Nellie Chew went outside. He told

1 Nellie to start the car.

2 MR. BRAVE: Excuse me just one moment.

3 Q Did you tell Joanne Blunt that Robert

4 Robinson had said earlier that day to you that

5 Nellie was outside in the car and Joanne was in

6 the house?

7 A No, I never discussed anything Mr.

8 Robinson said to me with Miss Blunt.

9 Q What did she say happened after Nellie

10 Chew went outside into the car? What did, if

11 anything, did the Defendant say to her, that is

12 Joanne Blunt?

13 A Joanne Blunt, she said she was getting

14 ready to go out the door and Reuben Rainey told

15 her not to go anywhere, stay here, there. She

16 said Debbie was going up the steps to get the

17 money, he, Mr. Rainey, told her you have three

18 seconds.

19 Q You are telling the ladies and gentlemen

20 of that jury that the first time you talked to

21 Joanne Blunt on July the 31st, the first time she

22 tells you at that point that Reuben Rainey counts

23 one, two, three, before he pulls the trigger?

24 A That's correct.

25 Q Does she mention anything about the gun

1 going click?

2 A Yes, sir. She said, then I heard the

3 gun click twice and she told Rudy, don't do that.

4 That's when, that's when the gun went off and

5 Debbie fell down the steps and she ran out the

6 door. Then she, a short time later she heard a

7 second shot.

8 Q After she hears the second shot, what

9 does she tell you that Rainey did?

10 A Reuben Rainey ran out the -- ran outside

11 and told her to get in the car.

12 Q Just like that?

13 A Well, --

14 Q Nice and calm?

15 A -- no, didn't, he didn't. Rudy ran

16 outside and said get the fuck in the car, bitch,

17 get the fuck in the car. She says she got into

18 the car the same side as Nellie Chew, which mean

19 both of them were on the side as -- the driver's

20 side of the car. Nellie pulled around the

21 corner. He then told me to get in the front of

22 the car, and she got in the front of the car. She

23 began to ask him why and he just told her don't

24 ask no question or I'll kill you next.

25 Q First time you talked to Joanne Blunt on

1 July 31st, she tells you that she got in the same
2 side of the car as Nellie Chew?
3 A That's correct, sir.
4 Q Did she tell you she saw the gun?
5 A Yes, sir, she did.
6 Q Did she describe the gun?
7 A I asked her to describe it to me, she
8 said it was a large 357 Magnum, silver with black
9 handle, call it Maggie, his wife.
10 Q Did she describe any bloody clothing?
11 A Yes, sir. I asked her did he have any
12 blood on him, she said yes, he had blood on his
13 shirt and he threw his shoes away in the dumpster
14 behind Nellie's house.
15 Q Did you ask, did you ask her whether he
16 had anything to say about why he killed Peaches?
17 A Yes, sir, I asked her and her reply was
18 he killed her because she could identify him.
19 Q Did you ask her if Nellie was in the
20 house when the first shot was fired?
21 A Yes, sir, I did. Her response was, no,
22 she was in the car.
23 Q Did you ask her could it have been Lee's
24 gun?
25 A Yes, sir, I did. I asked her could it

1 have been Lee's gun, she said no, it wasn't Lee's
2 gun. It was not, rather, Lee's gun.
3 Q With the benefit of hindsight, this is
4 July 31st, 1986?
5 A That's correct, yes, sir.
6 Q We've had lots of conversations with all
7 the witnesses since then?
8 A Yes, sir, we have.
9 Q And we know now that she is lying when
10 she says that she doesn't know -- that it wasn't
11 Lee's gun?
12 A That's true, she did lie.
13 Q Does she mention anything about a
14 nickname for the Defendant Reuben Rainey?
15 A Yes, sir. She -- I asked her what, what
16 is Rudy's correct name, she said his name was
17 Reuben Rainey, call himself the Sheriff.
18 Q Did you ask her whether she had had any
19 conversations with Reuben Rainey since he's been
20 incarcerated on the drug charges?
21 A She did.
22 Q What did she answer?
23 A She told him the only way that homicide
24 could find out that he killed Debbie and Peaches
25 if I told them, meaning her, told them, and that I

1 better keep my mouth shut or he will kill me too
2 even if he was locked up.
3 Q Did you ask her about a cab?
4 A Pardon me?
5 Q A cab, a taxicab?
6 A Yes, sir, I did.
7 Q What did she say about a taxicab?
8 A I asked her had she seen a cab at
9 Debbie's house, she said no, it was a cab pulling
10 off. Jeanette told us that a girl had left in a
11 cab. Rudy told us to say, to say we left Debbie's
12 house around 3:15 if anyone asked.
13 Q The Defendant told her if anybody asked?
14 A We were at Debbie Veney's house but we
15 left there at 3:15, that's correct.
16 Q Not later when Deborah Pearson is
17 pulling off in the cab --
18 A That's correct.
19 Q -- as they are arriving. Now you've got
20 Robert Robinson and Joanne Blunt. Who is the next
21 person you talked to?
22 A Talked to Miss Chew, Miss Nellie Chew.
23 Q Now, it is July 31st and Joanne Blunt
24 has corroborated just about everything that Robert
25 Robinson has told you earlier in the morning?

1 A That's correct, yes, sir.
2 Q Now, are you beginning to focus in on
3 Reuben Rainey or are you still locked in on Leroy
4 Boyce?
5 A No, sir, Mr. Rainey at that time really
6 became the main focus of this investigation as the
7 primary suspect.
8 Q Unless, of course, everybody is making
9 this up?
10 A If that was the case, yes, sir.
11 Q With the benefit of the hindsight we
12 know that Leroy Boyce, if he says jump, everybody
13 under him will jump, right?
14 A He had that control over them I thought,
15 yes, sir.
16 Q At least while he was not in jail?
17 A That's correct.
18 Q At least while he had cocaine to
19 distribute?
20 A Yes, sir.
21 Q And he did have this beef with this
22 woman, didn't he?
23 A Well, I have since learned that he had,
24 yes.
25 Q So I imagine the next person you talk to

1 you want to be pretty careful is not part of this
2 possible plot that Mr. Tayback says that Mr. Boyce
3 is capable of producing?
4 A Well, I wanted to talk to the other
5 person who had supposedly been there. We have two
6 people saying she was there now. We have Miss
7 Blunt and we also have Mr. Robinson that said that
8 another person was, in fact, there, Miss Nellie
9 Chew.
10 Q And they both mention Nellie Chew, don't
11 they?
12 A Yes.
13 Q Does Nellie Chew come forward and
14 immediately say in accordance with the plot or
15 conspiracy that Leroy Boyce has set up, oh, yes,
16 now that you ask me, I was there, it happened just
17 the way Joanne Blunt said; we drove over there,
18 there was argument over drugs, there was this and
19 there was that, we did this and we did that, is
20 that what Nellie Chew tells you as soon as you go
21 get her?
22 A Quite the contrary. She denied any
23 knowledge of it.
24 Q But you know now from two individuals
25 that she was there?

1 A I felt pretty certain that she was
2 there, yes, sir.
3 Q Well, Robert Robinson has said that
4 Reuben Rainey said that she was there?
5 A That's correct.
6 Q And Joanne Blunt says that Nellie Chew
7 was there?
8 A Yes.
9 Q Now, unless there is a plot, unless
10 there is a conspiracy, unless it is all one big
11 lie that Leroy Boyce has put together, she must
12 have been there?
13 A Well, I felt pretty certain she was
14 there but I wanted her to tell me that she was
15 there.
16 Q Did you get the results of the
17 fingerprints July 31st? When did you get the
18 results of the fingerprints that were submitted?
19 A Sometime later.
20 Q Well, we know now -- I mean, you did,
21 you did get a report back from the fingerprint
22 people, she was physically, physically on the
23 premises at 4711 Navarro Road on the 2nd of June.
24 A I know that now through fingerprints
25 that she was physically there.

1 Q So we know, not through Joanne Blunt
2 because Joanne Blunt might be lying if Mr. Tayback
3 is correct, and Robert Robinson may be lying if
4 Mr. Tayback is correct, but the fingerprints don't
5 lie, do they?
6 A That's correct. She was physically
7 there on the 2nd.
8 Q But you didn't know what those
9 fingerprints were going to produce at the time
10 back on -- we are talking about July what now?
11 31st, is when you are talking to Joanne Blunt,
12 when do you talk to Nellie Chew?
13 A Talk to her the next day, was August the
14 1st.
15 Q So it is August the 1st, have the
16 fingerprints results come back showing that Nellie
17 Chew's fingerprint is on this bottle of grain
18 alcohol that was purchased that night by Jeanette
19 Brown and Deborah Veney who went out and bought,
20 replenished their grain alcohol bottle?
21 A I hadn't received the results at that
22 time, no. It had to be done because it was done
23 on the 2nd but I didn't have them then.
24 Q So when you confront Nellie Chew you
25 don't say to her -- you can't say to her we know

1 you are there because your fingerprints are on
2 this bottle, you have to say we know you were
3 there?
4 A We know you were there is correct.
5 Q What does she say?
6 A She denied it and, as a matter of fact,
7 this conversation took place at Mr. Tim Doory's
8 office in this building here. We confronted her
9 with it.
10 Q Tim Doory?
11 A He's Assistant State's Attorney in the
12 violent crimes unit of State's Attorney's Office.
13 She denied it and after she denied it several
14 times, she requested an attorney and we stopped
15 talking to her and had counsel -- and got counsel
16 for her.
17 Q You say counsel was obtained. Explain.
18 I'm not sure I understand that.
19 A We began talking with her. We told her
20 that now we knew that she was present when this
21 thing occurred, we also told her that we knew she
22 acted in concert with Mr. Rainey and Miss -- we
23 told her Reuben Rainey, that she drove a car away,
24 we also told her there's a good possibility she
25 could be charged with murder, that we wanted her

1 to cooperate with us about any involvement that
2 she might have in this offense. At that time she
3 stated she wanted counsel present and she was
4 taken down to the sheriff's lockup where she
5 remained for a short period of time until her
6 attorney, Mr. Smith, was located, and before we
7 re-interviewed her again.
8 Q Does Mr. Smith come into the courthouse
9 and do you reinterview Nellie Chew with Mr. Smith
10 present?
11 A Yes, sir, we do.
12 Q And in Mr. Smith's presence does she
13 admit being there or does she continue to deny
14 being there?
15 A She denied being there.
16 Q And what is the State's Attorney's
17 Office's response to her continuing to deny that
18 she was there?
19 A I was instructed to take her and charge
20 her formally with murder, which I did.
21 Q Now, is this another one of those
22 hammers that we are talking about?
23 A Yes, it was.
24 Q From what we know, what we knew at the
25 time and what we continue to know, Nellie Chew,

1 other than maybe driving away with the Defendant
2 --
3 MR. TAYBACK: Objection, Your Honor.
4 THE COURT: Sustained.
5 Q Well, did you really think that you
6 could make a murder charge stick against Nellie
7 Chew based on the facts that you had in your
8 possession at that time?
9 A Murder charge, no. I thought we had
10 pretty good accessory charge, after the fact.
11 Q Aren't you ashamed of yourself,
12 detective, that you would place a murder charge
13 against a woman who you didn't think you could
14 sustain a murder charge just to turn the lever?
15 A No, sir, it was necessary I thought.
16 Q Not only is it acceptable, it is the
17 only way to prove one of these cases?
18 A That's true.
19 Q Well, what happened, if anything, to
20 change the course of Nellie Chew's non
21 cooperation?
22 A She finally gave us a statement in which
23 she admitted being there and also named Mr. Rainey
24 as the person who was responsible for the deaths
25 of Miss Veney and Miss Johnson.

1 Q When did that happen?
2 A Sometime later, the 17th I believe it
3 was.
4 Q Let me refer you, if I may, to what's
5 been marked as State's Exhibit 34.
6 A Advisement sheet from Miss Chew.
7 Q And it is dated?
8 A The 9th of September 1986, at 12:19
9 p.m.
10 Q Now, is this statement of September the
11 9th, the statement that you are referring to that
12 where she eventually tells what she knows, is
13 there something in between that I'm not aware of?
14 A Yes, sir, this is the first time she
15 gave any type of formal statement in which she
16 names Mr. Rainey and also herself and Miss Blunt
17 as being there when it occurred.
18 Q Now, it is early August, first of
19 August, July 31st and Joanne Blunt has spilled the
20 beans, so to speak?
21 A Yes, sir.
22 Q And you move from Joanne Blunt directly
23 to Nellie Chew?
24 A Yes, sir.
25 Q Who denies, denies, denies?

1 A Correct.

2 Q Conference in the State's Attorney's

3 Office, lawyer brought in, more conferences, more

4 requests that she tell us what she knows, she

5 continues to deny, deny, deny?

6 A That's correct.

7 Q Are we still in early August while this

8 is taking place?

9 A This is on the first of August, that's

10 correct. She was formerly charged on the first of

11 August.

12 Q So it is the first of August that you

13 charged her with the murder?

14 A That's correct.

15 Q And it is the 9th of September when --

16 how does she come back in? Do you bring her back

17 in, does she request to be brought back in? What

18 happens on the 9th of August -- the 9th of

19 September, if you can recall?

20 A Well, prior to the the 9th of September

21 she, the 2nd of August, she wanted to speak with

22 me then but I refused to talk with her then. A

23 short time later I received --

24 Q The reason you refused was what?

25 A Well, she had had conversation with Mr.

1 Boyce on the, by the, via telephone, and Mr. Boyce
2 was instructing her to tell the truth, and tell us
3 everything we know.
4 Q This is on?
5 A August the 2nd, one day after she was
6 charged, correct, Saturday morning.
7 Q Now, Friday there is the conference with
8 her lawyer, Ed Smith, the Assistant State's
9 Attorney, they asked her to talk, she won't talk,
10 and she is charged?
11 A That's correct.
12 Q The next day, how do you get in contact
13 with her again the next day, August the 2nd?
14 A August the 2nd I had two writs. I had a
15 writ for Edward Cooper and also had a writ for
16 Leroy Boyce. Mr. Cooper was brought from the City
17 Jail first, short time thereafter I brought Mr.
18 Boyce over.
19 While in the office, at the homicide
20 unit office, Mr. Boyce, who was quite upset about
21 Miss Nellie, Miss Chew being charged with murder
22 asked me if he could talk with her. I said I will
23 make an arrangement. I called the duty officer at
24 the City Jail, a short time later Miss Chew was
25 brought to the telephone, Mr. Boyce was talking to

1 her on the phone in my presence and he was telling
2 her that she shouldn't take the weight for this,
3 she should tell us the truth.
4 Then Mr. Boyce gave me the receiver to
5 talk to Miss Chew. I informed him that she had
6 been formally charged that I couldn't speak with
7 her until she had been advised of her rights in
8 the presence of counsel. That was the extent of
9 our conversation at that time.
10 Q Just to make sure I understand it, July
11 31st, you talk to Joanne Blunt and Robert
12 Robinson?
13 A That's correct.
14 Q They both give you basically consistent
15 stories?
16 A Yes, sir.
17 Q Each providing details?
18 A Right.
19 Q You then move the next day to Nellie
20 Chew who won't say anything?
21 A That's correct.
22 Q She winds up getting charged?
23 A On the first, yes, sir.
24 Q You then move from Nellie Chew to the
25 remaining individuals who are in Baltimore City

1 Jail, Edward Cooper and Leroy Boyce. You bring
2 them out?
3 A That's correct.
4 Q Do you take a statement from Edward
5 Cooper?
6 A Yes, sir, statement was taken from him.
7 Q Does the statement from Edward Cooper
8 lead you to believe that any other person but this
9 man right here committed those murders?
10 A None whatsoever.
11 Q Do you take a statement from Leroy
12 Boyce?
13 A No, sir, we did not.
14 Q Why not?
15 A Mr. Boyce's situation was somewhat
16 different. Mr. Boyce was wanted by another
17 jurisdiction for other charges and in good
18 conscience we couldn't make any deals with him to
19 help him in any other way because of the other
20 charges.
21 Q You had nothing to offer?
22 A That's correct.
23 Q Judge Johnson wants a piece of him?
24 A Yes, sir.
25 THE COURT: Let me see counsel at the

1 bench, Mr. Brave, Mr. Tayback.

2 (Whereupon, a bench conference was held

3 which was not made a part of this record,

4 following which proceedings resumed in open

5 court.)

6 THE COURT: Ladies and gentlemen,

7 because of scheduling we are going to have to

8 excuse you at this point in time and ask that you

9 report no later than a quarter of ten tomorrow. I

10 expect that everything will conclude no later than

11 tomorrow or Wednesday at the very, at the very

12 latest.

13 You are now free to go till tomorrow at

14 quarter of ten?

15 A JUROR: Can I see you?

16 THE COURT: Remain seated.

17 Would you come forward please? Counsel

18 approach the bench.

19 (Whereupon, counsel and the Defendant

20 approached the bench and the following conference

21 ensued:)

22 THE COURT: Will you identify yourself

23 for the record?

24 THE JUROR: Annette Gregory.

25 THE COURT: You are juror number 9.

1 Yes?

2 THE JUROR: Really, I have tried hard to

3 hang in here but I'm going to have to go back to

4 work because I'm missing like fifty dollars per

5 day.

6 THE COURT: Are you single head of

7 household?

8 THE JUROR: Yes, single parent.

9 THE COURT: How many children do you

10 have?

11 THE JUROR: Two.

12 THE COURT: How old are they?

13 THE JUROR: 15 and 21.

14 THE COURT: This is creating a severe

15 hardship for you?

16 THE JUROR: Yeah, it is.

17 THE COURT: Would you do me a favor and

18 just step aside for one moment please?

19 Counsel, for the benefit of the record,

20 this is the same juror who very early on in the

21 trial indicated to the Court she was going to go

22 on vacation and but that -- she apparently is a

23 waitress, as I recall, who relies very heavily on

24 tips, and she said that she would -- she asked to

25 be released twice. The Court after talking to

1 counsel twice refused her request on each
2 occasion.
3 I will simply ask counsel what you feel
4 should be done at this point. She is saying that
5 it is a very severe financial hardship. I'll
6 start with you, Mr. Brave.
7 MR. BRAVE: We still have two
8 alternates.
9 THE COURT: Well, we will have one after
10 -- if we remove her.
11 MR. BRAVE: I think it is probably
12 safe.
13 THE COURT: I'll tell you what -- I
14 think I need to ask her one other question.
15 Ma'am, would you come back just one minute
16 please?
17 This financial problem you are having,
18 is it weighing heavily in your mind?
19 THE JUROR: Yeah, because see --
20 THE COURT: Well, go ahead.
21 THE JUROR: Because see my tips is what
22 pays my monthly bills, you know. Like mortgage,
23 I'm buying my home, and gas and electric,
24 telephone, food.
25 THE COURT: Do you feel that -- is there

1 any anxiety resulting from your --

2 THE JUROR: Yeah, lots, because my, all

3 my bills is laying home there.

4 THE COURT: Is there any possibility,

5 forgetting -- we understand you have a problem but

6 putting that aside for one moment, would this

7 anxiety or is there any possibility this anxiety

8 or this preoccupation with this problem

9 interfering with your ability to sit here and

10 fairly judge the evidence and to concentrate on

11 the evidence?

12 THE JUROR: Yeah, because it beginning

13 to, you know, with my problem, it's beginning to

14 like affect, you know, beginning to get on my

15 nerves because I don't like to get back in my

16 bills. I really don't. This beginning to be

17 personal for me. I'm thinking about that and I am

18 thinking about this. Not that easy.

19 THE COURT: Just weighing heavily on

20 your mind?

21 THE JUROR: Yeah.

22 THE COURT: You feel that is taking away

23 your attention from this trial.

24 THE JUROR: It's not taking away my

25 attention but I have -- I just have to go back to,

1 go back to work to get these bills paid off.
2 THE COURT: I guess the next question --
3 first question was whether it might be taking
4 away, whether your attention would be divided, the
5 second question is whether or not you find this
6 anxiety would affect your ability?
7 THE JUROR: See --
8 THE COURT: -- to think this thing
9 through rationally?
10 THE JUROR: Yeah, because, really, I'm
11 sitting here now, my mind is, you know, where am I
12 going to get this money from to pay my bills.
13 That's what I'm thinking about because this is my
14 responsibilities, you know.
15 THE COURT: You want to step aside?
16 Well, counsel.
17 MR. TAYBACK: I think she's been paying
18 attention. She's not one of the sleepers. She's
19 been one of the ones who has been paying attention
20 to the evidence and we are almost at the
21 conclusion of it. It would be inapropriate for
22 her to be excused.
23 She has indicated this problem or this
24 situation with her income but from the very
25 beginning we knew that before we ever chose her

1 for the jury. That being the situation, she did
2 indicate that it was something on her mind when we
3 -- I dare say that every single juror, including
4 the young lady who had the child, for example, who
5 was ill last week -- may still be ill for that
6 matter -- and everybody else has other problems or
7 other things that are on their minds but the fact
8 remains that we are almost to the conclusion.
9 Indeed, if we don't dilly-dally we will finish
10 tomorrow.
11 So, I would object very strenuously to
12 excusing her. I think that she has been a fine
13 juror so far.
14 THE COURT: Well, when I counted off the
15 numbers, she was one of the people that I had
16 indicated did nod briefly. She did not nod as
17 long as Juror Number 8 did. Juror Number 8 was
18 nodding for quite a while. Juror Number 1 fell
19 asleep and Juror Number 12 for a while nodded.
20 Now, she did nod but I will be the first to
21 concede it was not nearly as long as either one of
22 the other jurors. Mr. Brave.
23 MR. BRAVE: As Your Honor has observed,
24 she has been not happy from the very beginning
25 with one reason or another, and I believe it's

1 entirely discretionary with the Court. She has
2 indicated that she has had, is having some problem
3 following the evidence because of the anxiety
4 continued jury service is causing. I think, Your
5 Honor, it would be entirely well within your
6 discretion in excusing her since we still have at
7 this moment two alternates.
8 MR. TAYBACK: Looking at the alternates,
9 however, the one who is the first alternate is a
10 middle aged white male where she is a young middle
11 aged, if you will, black female. I think that
12 that is a factor that may be in the minds of the
13 various parties who are arguing their respective
14 positions on this point.
15 I think that has to be considered as
16 well and what we are doing here. State is arguing
17 for her to be excused, so that the Alternate
18 Number 1 who is, as I have indicated, would then
19 be seated on the panel. I'm saying that she
20 should remain because I like her demographically,
21 if you will, more so than I like Alternate Number
22 3 who is now Alternate Number 1.
23 That is all part and parcel of the
24 decision making from an adversarial point of view
25 and I understand that but it doesn't mean that she

1 has not done her job to this point, doesn't mean
2 that she did not do her job. Since we are truly
3 well over the ninety percent mark in this case,
4 there is really no justification in excusing her
5 short of a major illness or death.
6 I think that is the way the Court
7 essentially phrased the matter at the beginning
8 and should remain. Should be to work if not
9 tomorrow the next day.
10 MR. BRAVE: Nothing could be further
11 from the truth. My concern is that the jurors
12 are paying attention, not having their mind on
13 something else. The victims in this case are both
14 black and Mr. Tayback's suggestion just is not a
15 factor in this case.
16 What I am concerned about is that this
17 juror will be listening to the evidence in a very
18 difficult case and not worrying about how she is
19 going to pay her bills and how she is going to
20 make her tips.
21 THE COURT: I will make one observation
22 right off the bat, that is, that clearly this
23 situation in no way even approaches the recent
24 revamping of Swing versus Alabama that you are
25 both aware of, that under the new look see at the

1 whole concept of pre-emptory challenges the
2 Supreme Court has not given, not allowed the broad
3 range in terms of jury selection. We are
4 obviously not talking about jury selection but it
5 is the second problem we have with the jury panel,
6 jury composition.
7 I would note at this juncture that what
8 we have is a jury that is composed of two black
9 males -- it's really five black females or seven
10 blacks. Excusing this juror will simply give us a
11 jury of six blacks and six whites. I don't know
12 that that violates any constitutional proscription
13 against a cross section of the community, being
14 tried by one's peers.
15 I emphasize this, that her first
16 statement when she came up here was I have been
17 trying to hang in here. I think indeed she has.
18 I think she is to be credited for going along with
19 the program as long as she has. Her cry now is --
20 basically it's almost a cry in desperation. I'm
21 not so sure that there is any purpose to be served
22 now. I'm trying to see who we have as the
23 alternates. I don't know that there is any
24 purpose to be served by pressing her to the wall
25 any further. She says she has these two

1 children. She doesn't have any other means of
2 support and she is losing fifty dollars a day.
3 Fifty dollars a day to Mr. Tayback or to Mr. Brave
4 may not be much. I exclude Mr. Murphy and myself
5 but to these gentlemen fifty dollars a day may not
6 be much, to this lady it may indeed be a
7 considerable amount.
8 I'll hear anything else you wish to say
9 but I'm inclined to either allow her to go because
10 she has been a true soldier and I view her cry
11 almost as a cry of desperation to please release
12 me and let me get on with my life.
13 MR. TAYBACK: That was her cry at the
14 beginning, Your Honor. It fell on deaf ears
15 then. That was her cry throughout the first week
16 and it fell on deaf ears then. Why does it
17 suddenly fall on receptive ears when we are truly
18 within the finish line? If the State doesn't drag
19 it out we will finish today we know.
20 MR. MURPHY: There is deliberations too.
21 THE COURT: One of the responses to that
22 or the immediate response I would make to that,
23 Mr. Murphy does make a good point, the
24 deliberations could go on for a day, two or three
25 days.

1 MR. MURPHY: Like they did last time.
2 THE COURT: There is no way to say she
3 will be back to work but the direct answer to the
4 question is that we are now at least close to the
5 end. The Court was concerned in not depleting its
6 alternates. At this juncture the Court would feel
7 a little safer going into the last day or two with
8 one alternate than it did before with the idea of
9 a two or three week trial prospectively and
10 possibility of the depleting all four of those
11 alternates.
12 I think, if you will recall, when this
13 whole matter got started, there was a suggestion
14 by the State that there be six alternates. The
15 Court was talked out of that by defense counsel
16 who suggested that there be four. This has been a
17 concern for the Court going back several months
18 now. I am prepared to go into the last day or two
19 with one alternate. I was not prepared to go into
20 a three week, possible three week trial with
21 anything less than the maximum possible excepting
22 any situation where someone was claiming eminent
23 death or some very, very serious tragedy. At this
24 juncture I think we can make it with one
25 alternate. So that is the Court's answer to your

1 question.

2 MR. TAYBACK: Final point I'll make,

3 then I'll shut up and submit, would be this, that

4 in her responses she has indicated the situation

5 of the economic hardship and that is granted or

6 that is noted but the point is that even though

7 the Court did ask her a variety of leading or

8 suggestive ways whether she would be unable to be

9 fair about it, I got the distinct impression she

10 felt that she could be fair although she felt like

11 her mind was on other things while the case was

12 proceeding.

13 So if you have that as the situation,

14 you have the woman then being struck as a juror

15 from the panel because of the undue hardship of

16 her economic situation. That being so, I think

17 that is inappropriate reason to strike a juror at

18 this point and I'll submit as to further argument.

19 THE COURT: Miss Taggart, would you go

20 back to where the Court was questioning her. I

21 want the precise answer she gave regarding her

22 mind being on other things.

23 (Whereupon, the reporter read back as

24 requested.)

25 THE COURT: The Court has requested that

1 the portion of colloquy between the juror and the
2 Court be read back and the indication in the
3 record is that the juror while not articulating as
4 precisely as one might wish indicated that there
5 was some effect of the anxiety with respect to her
6 involvement or participation in the trial.
7 I will concede that there is no
8 statement by the juror that she could not be fair
9 and impartial in her deliberations but she does
10 indicate some effects of the anxiety with respect
11 to her sitting at this point.
12 The Court has already noted that
13 although she was not one of the great abusers that
14 she did nod. The two are really antithesis to
15 each other because on the one hand if a person is
16 anxious about bills surely is not going to go to
17 sleep. So I'm not attempting to make that
18 argument or attempting to present that to bolster
19 the other. I say that only in response to a
20 suggestion that she was one of the better jurors.
21 I agree she was one of the better jurors
22 but from time to time it appears to be lapses in
23 many of the jurors in this case.
24 I'm inclined because of what I have said
25 -- primarily because we are pretty close to the

1 end of the trial, number one, and can make it I
2 believe with one alternate; number two, because
3 that would bring this composition to six blacks
4 and six whites, which I don't think in any way
5 violates any constitutional standards, and I'll be
6 more precise and make sure that the record
7 reflects that what we would wind up with would be
8 two black males, two white males, four black
9 females and four white females, which is to me a
10 pretty good cross segment.
11 All right, thank you, gentlemen. Ma'am,
12 would you come back up please?
13 (Whereupon the juror approached the
14 bench.)
15 THE COURT: All right, we appreciate the
16 manner in which you have hung in there. We really
17 do believe that you have given it everything you
18 have got to stay here.
19 THE JUROR: Yes, I have.
20 THE COURT: I think you were interested
21 in the trial, you wanted to stay --
22 THE JUROR: Yeah, I really did. I
23 really would like to now but, like I say, I know
24 the pressure that it have on me, you know. I
25 really would like to hear it through but it's just

1 impossible.

2 THE COURT: How old again are your

3 children?

4 THE JUROR: Age?

5 THE COURT: Yes.

6 THE JUROR: I have one 21 but he

7 working. He only work part time, going to

8 school. He work like four hours a day; and 15.

9 THE COURT: All right.

10 THE JUROR: Which I was unable to find

11 him a job. I tried but I was unable to find him a

12 job.

13 THE COURT: All right. Then the Court

14 has made the decision to excuse you then. I'd ask

15 you for the time being to just go back in your

16 seat and do not report back tomorrow.

17 THE JUROR: Thank you very much.

18 MR. BRAVE: Your Honor, would you

19 instruct the juror not to discuss.

20 THE COURT: Please do not mention this

21 to any of the other jurors. Even if they ask you,

22 I instruct you not to tell them you have been

23 excused. Okay?

24 THE JUROR: Thank you.

25 THE COURT: All right. We are going to

1 wait until the other juror comes down and I'm
2 going to excuse them.
3 MR. TAYBACK: All right. I guess my
4 exception to the Court's ruling is noted?
5 THE COURT: It is noted, yes.
6 (Whereupon, counsel returned to the
7 trial table and proceedings resumed in open
8 court.)
9 THE COURT: Ladies and gentlemen, as I
10 was about to say, we are going to break now
11 because of scheduling. I'd ask that you please
12 report at quarter of ten. Pick up your money as
13 you have each day of this trial and again do not
14 let anyone approach you or talk to you about this
15 case and please do not follow any media coverage.
16 You are free to go now until tomorrow
17 morning at quarter of ten. All right, counsel you
18 are excused until tomorrow. Court stands in
19 recess until 9:30.
20 (Whereupon, Court adjourned for the
21 day.)
22
23
24
25

1 REPORTER'S CERTIFICATE

2 I, Rita M. E. Taggart, an Official Court
3 Reporter of the Circuit Court for Baltimore City,
4 do hereby certify that I recorded stenographically
5 the proceedings in the matter of STATE versus
6 REUBEN RAINEY, on JULY 13, 1987.

7 I further certify that the aforegoing
8 pages constitute the official transcript of
9 proceedings as transcribed by me to the within
10 typewritten matter in a complete and accurate
11 manner.

12 In Witness Whereof, I have hereunto
13 subscribed my name this 30TH day of JANUARY, 1988.

14

15 Rita M. E. Taggart

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

INDICTMENT NO. 18626016-17

VERSUS

REUBEN RAINEY

_____/ JULY 14, 1987

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE ARRIE W. DAVIS, JUDGE
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

SAMUEL BRAVE, ESQUIRE
ASSISTANT STATE'S ATTORNEY

BRIAN MURPHY, ESQUIRE
ASSISTANT STATE'S ATTORNEY

ON BEHALF OF THE DEFENDANT:

GORDON TAYBACK, ESQUIRE

REPORTED BY:
Rita M. E. Taggart
Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202

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

2 THE COURT: Mr. Brave.

3 MR. BRAVE: Good morning, Your Honor.

4 Before we bring the jury down I'd like to indicate

5 to the Court that I am not going to attempt to

6 litigate that issue of voluntariness that I had

7 raised yesterday. I thought it over, thought of

8 the possible benefit and have decided that it is

9 really not worth pursuing.

10 THE COURT: What you are suggesting to

11 the Court from the State's perspective, the

12 statement is basically not an inculpatory

13 statement anyway, is that what you are saying?

14 MR. BRAVE: Well, the statement, as I

15 understand it, is that on June -- the background

16 is that on June the 25th, six days after everybody

17 was handed out cards and encouraged to call the

18 homicide detectives, the homicide detectives

19 received a call from Reuben Rainey who was

20 incarcerated on other charges. He wasn't even a

21 suspect in the murder case and Poppy was still

22 very much the suspect. He said he wanted to talk

23 to the detectives. He was brought out on a writ.

24 The detectives asked him, okay, here you

25 are, what do you want to say? He says I think

1 Coco may have had something to do with those
2 murders you were asking me about. I saw her with
3 a gun after the murders took place, and that if I
4 am allowed to be released on bail, I might be able
5 to get the gun for you.
6 I don't see the benefit of bringing that
7 out.
8 THE COURT: Very well.
9 MR. BRAVE: So I'm ready to proceed with
10 the direct examination of Detective Requer.
11 THE COURT: To resume.
12 MR. BRAVE: To resume.
13 THE COURT: You can have a seat.
14 (Whereupon, the jury entered the
15 courtroom, after which the following proceedings
16 ensued:)
17 THE COURT: Good morning, ladies and
18 gentlemen.
19 THE JURY: Good morning.
20 THE COURT: All right. Alternate Number
21 1, will you take seat number 9? Alternate Number
22 2, you know what to do.
23 All right, Mr. Brave.
24 CONTINUED DIRECT EXAMINATION
25 BY MR. BRAVE:

1 Q Thank you, Your Honor. Detective
2 Requer, when we left off yesterday, you had
3 interviewed Robert Robinson on July the 21st. He
4 had given you in the form of a statement many,
5 many details of the July 2nd homicides, details
6 that he said had come directly from Reubin
7 Rainey's mouth while in jail and other details
8 that had come from Leroy Boyce up on Manchester
9 Avenue the day he arrived in Baltimore City.
10 Immediately following the statement that
11 you obtained from Mr. Robinson or even during the
12 statement a squad of detectives went running out
13 to Howard Park Avenue. Howard Park Avenue was an
14 address mentioned by Robert Robinson while he was
15 giving that statement to you and Howard Park
16 Avenue was supposed to be the address of whom?
17 A Mr. Robinson said it was a Joan Jackson.
18 Q And he gave you a specific address on
19 Howard Park Avenue, did he not?
20 A Yes, sir, 36, 3613. However, the
21 interview was on the 31st of July, and the offense
22 occurred on the 2nd of June, not the 2nd of July.
23 Q I am sorry, that's my mistake, thank
24 you.
25 According to Robert Robinson, both Leroy

1 Boyce had told him on --

2 A June 18th.

3 Q -- June the 18th and the Defendant had

4 told him numerous times in jail that this Joan

5 Jackson had actually been there when the homicides

6 occurred?

7 A That's correct, sir.

8 Q And would it be fair to say that a squad

9 of detectives went scurrying out to Howard Park

10 Avenue?

11 A We acted, yes, sir.

12 Q Who did they come back with?

13 A They later returned to the homicide unit

14 office with a Miss Joanne Blunt of that address,

15 3613 Howard Park.

16 Q And I don't want to go over all the

17 details but Miss Blunt at first expressed no

18 knowledge of what you were talking about, is that

19 correct?

20 A Excuse me. That's correct, sir.

21 Q You raised the spectre of a hammer over

22 her head when you found that she was not telling

23 -- denying any knowledge of the event?

24 A That's correct.

25 Q You told her you were going to charge

1 her with either murder or in your mind what would
2 have been more appropriate an accessory after the
3 fact of the murder?
4 A That is correct, sir.
5 Q Then she too gave you a statement?
6 A She gave us a detailed account as to
7 what occurred on the 2nd of June 1986 at the
8 Navarro Road address.
9 Q Corroborating Robert Robinson's story in
10 many, many important details?
11 A In details, yes, sir.
12 Q I believe you had said that the next
13 person you moved to was the Nellie Chew, mentioned
14 both in Robert Robinson's statement and Joanne
15 Blunt's statement?
16 A Yes, sir. That occurred on the 1st of
17 August, 1986.
18 Q And instead of Nellie Chew giving you
19 the same story, she gave you no story whatsoever?
20 A She declined to make any statements,
21 that is correct, sir.
22 Q Her lawyer was brought in?
23 A Yes, sir.
24 Q There were discussions with a Timothy
25 Doory of the State's Attorney's Office?

1 A That is correct.

2 Q There was another talk with the lawyer

3 present and Nellie Chew?

4 A Yes, sir. Again, it was on the 1st of

5 August 1986.

6 Q To get Nellie Chew to cooperate you got

7 Leroy Boyce to place a call to her at one time?

8 A Yes, sir, this occurred on the 22nd of

9 August, 1986, at the homicide office.

10 Q Although you didn't hear Nellie Chew's

11 end of it, Leroy Boyce in that conversation was

12 saying, Nellie tell the truth?

13 A That's correct.

14 Q And still she wouldn't say anything?

15 A Well, she wanted to but at that time I

16 couldn't very well talk with her because she had

17 been formally charged with homicide. So she had

18 to be Mirandized.

19 Q She had been charged?

20 THE COURT: Did she have a lawyer at

21 that point?

22 A Yes, sir, she had. Mr. Smith was her

23 attorney at that time.

24 Q In any event, there's this Nellie Chew

25 sitting in jail and you know that she wants to

1 talk to you?

2 A That's correct.

3 Q And eventually you get Nellie Chew out,

4 the lawyer has his discussions with the State's

5 Attorney's Office, and Nellie Chew eventually in

6 early September gives you a statement?

7 A Yes, sir. I believe it was the 9th of

8 September.

9 Q Now, I want to catch up with a few

10 details that occurred between the 2nd of August

11 and the 9th of September.

12 At this point you have a man who claims

13 to have been in jail with the Defendant and

14 quoting the Defendant verse and chapter about the

15 murders?

16 A That's correct.

17 Q And those details seem to corroborate

18 the physical evidence that you found at the crime

19 scene?

20 A Yes, sir. It was two persons that gave

21 statements that was incarcerated with him.

22 Q I know, but the first person is Robert

23 Robinson?

24 A Mr. Robinson, that's correct.

25 Q What Robert Robinson says is

1 corroborated by, for example, the grain alcohol
2 bottle with Nellie Chew's prints on it?
3 A Yes, sir.
4 Q Indicating that, just like Robert
5 Robinson says, Nellie Chew was there?
6 A It was physical evidence supporting
7 exactly what he said in his statement as to her
8 presence there.
9 Q The way he described, the way the
10 Defendant described the occurrence of the killings
11 to Robert Robinson was brought out by what you saw
12 in that staircase and what you saw at the bottom
13 of the staircase?
14 A Yes, sir, the amount of blood
15 splattering, also Miss Chew, Miss --- I am sorry,
16 Miss Veney's brain being absent from the cranial
17 cavity.
18 Q And what Robert Robinson says that the
19 Defendant says happened is corroborated right
20 there in that chair when you walk into the house,
21 exactly as Miss Johnson proceeded, the stippling
22 on her hand indicated that she did, in fact, have
23 defense wound to her hand and Joanne Blunt goes
24 through --
25 A Same thing.

1 Q -- the the same story?
2 A Yes, sir.
3 Q After she finally decides to talk?
4 A Yes, sir.
5 Q You meet a temporary stall in your sweep
6 through the various witnesses in the form of
7 Nellie Chew, she doesn't want to talk?
8 A Not at first, no, sir.
9 Q But you testified yesterday that you
10 brought out Edward Cooper too?
11 A That was on the 2nd of August, yes, sir.
12 Q And you talked to Edward Cooper?
13 A At length, yes, sir.
14 Q And after you talked to Edward Cooper,
15 you testified yesterday that you were even more
16 convinced of the truth of the information
17 previously given to you by Robert Robinson and
18 Joanne Blunt?
19 A Yes, sir. After speaking to Mr. Cooper,
20 I was certain that the information furnished by
21 Miss Blunt in addition to Mr. Robinson was, in
22 fact, accurate and true.
23 Q And while you were talking to Robert
24 Robinson, some information came out from Robert
25 Robinson about the whereabouts of the gun, did it

1 not?

2 A Yes, sir. I knew -- well, I learned

3 from my interviews that the gun had been stolen --

4 sold, rather, in New York and as to the person,

5 where the person lived who purchased the gun I

6 asked Mr. Robinson -- correction, asked Mr.

7 Cooper, rather. Mr. Cooper, rather.

8 MR. TAYBACK: Objection, Your Honor.

9 THE COURT: Sustained.

10 Q Mr. Cooper gave you some information?

11 A Yes, sir, he did.

12 Q In your presence did Mr. Cooper make a

13 phone call?

14 A Yes, sir, he did.

15 Q Do you know where that phone call was

16 made to?

17 A Yes, sir. Made to New York City.

18 Q Did you hear the conversation on the

19 other end?

20 A No, sir, I did not.

21 Q During the conversation, did Mr. Cooper

22 write something down?

23 A Yes, sir, he did.

24 Q Did he give you what he wrote down?

25 A Yes, sir.

1 Q As he was giving you what he wrote down,
2 did he tell you some other things?
3 A Yes, sir.
4 Q I show you what has been marked State's
5 Exhibit Number 49 for identification.
6 THE CLERK: Excuse me.
7 MR. BRAVE: Do I have the right number?
8 THE CLERK: No, you do not. 52.
9 Q Show you what has been marked State's
10 Exhibit 52 for identification. Do you recognize
11 that green piece of paper?
12 A Yes, sir, it's Baltimore Police
13 Department CID pawn shop index card. It's
14 utilized by the pawn shop and we use them for
15 scrap paper and on the front of it have the number
16 356 West 121st Street, next to it have Jesus, have
17 ground floor rear, have B and W, have Manhattan,
18 Morningside Avenue, and beneath it is the number
19 764-8720, 764-8720, State's Attorney's Office,
20 Northwest.
21 Q So, you are saying that this is the
22 piece of paper that Edward Cooper hands you after
23 he picks up the phone and calls New York and while
24 calling New York writes some information down on
25 this piece of paper and then gives it to you, is

1 that correct?

2 A That's correct, sir.

3 Q And then he says something to you, is

4 that correct?

5 A That's correct.

6 Q Now, before we get to Nellie Chew's

7 statement I want to develop this chronologically,

8 day by day.

9 You had mentioned that on the 31st or so

10 Reuben Rainey had been charged?

11 A He was formally charged, however, we

12 didn't actually execute the warrant until a few

13 days afterwards.

14 Q There was a reason for that, wasn't

15 there?

16 A Yes, sir, there was.

17 Q And it had something to do with this

18 green card?

19 A Yes, sir, it does.

20 Q Explain that to the jury.

21 A Well, after August 2nd I have the

22 interview with Mr. Cooper and the address there.

23 We called Mr. Capers in New York and we told him

24 that we had information that a person by the name

25 of Jesus possibly could have the murder weapon in

1 this offense. We also furnished him with the
2 address which is on the card. A short time later
3 Mr. Capers informed us that this person did, in
4 fact, exist and he was, in fact, a crack dealer in
5 New York City.
6 Detective Sergeant Landsman and myself
7 approximately two days later was enroute to New
8 York hopefully to obtain the weapon.
9 The reason we didn't charge Mr. Rainey
10 at that time, we didn't want him aware that we
11 knew the whereabouts of the gun or possible
12 whereabouts of the gun so we withheld charging him
13 formally until after we had an opportunity to
14 travel to New York and attempt to obtain the
15 weapon.
16 Q Would it be fair to say you didn't want
17 to let Reuben Rainey know he was charged before
18 you got the gun?
19 A That's correct.
20 Q You didn't want him calling up to New
21 York and say, Jesus, get rid of the gun?
22 A That's exactly why.
23 Q And lets talk about your role, if any,
24 in retrieving this gun.
25 Ma'am Clerk.

1 Do you go to New York?
2 A Yes, sir, we did.
3 Q Do you talk to Detective -- Investigator
4 Capers and give him the information that you had
5 at that point?
6 A Prior to going to New York, we talked to
7 detective -- we talked to Mr. Capers. We had
8 telephoned. He started the ball rolling in New
9 York. Upon our arrival in New York, couple of
10 days later, he obtained the search and seizure
11 warrant. We went to the Morningside address and
12 we sat there, we waited for the informant to tell
13 us exactly when Jesus would be at the location.
14 We stayed there approximately
15 twenty-three hours the first day, Jesus didn't
16 show. The next morning we went back to that
17 location, we stayed an extended period of time.
18 It was Mr. Caper's judgment that we should hit the
19 place, which we did. Jesus wasn't there this time
20 either.
21 We did recover the weapon at the
22 Morningside address. However, Mr. Capers
23 instructed myself, Sergeant Landsman, in addition
24 to several other New York detectives, that we
25 should wait at the 28th Street precinct, which we

1 did. A short time later Mr. Capers and Mr. Gordon
2 arrived at the station with the weapon and Jesus
3 -- Well, Mr. Leepoleon Jackson is his correct
4 name.
5 Q So basically the coaxing or convincing
6 the people at 121st Street to produce this weapon,
7 that was basically Inspector Capers' operation?
8 A It was all Mr. Capers, yes, sir.
9 Q And while he was doing his thing with
10 the Oscar's and Troy's of the world, you were
11 waiting back at the precinct?
12 A 28th precinct, that is correct, sir.
13 Q And at some point some people came back
14 to the precinct?
15 A There was Mr. Jackson, Leepoleon Jackson
16 I believe was his name, a/k/a, also known as
17 Jesus, Mr. Capers, Mr. Gordon, and they brought
18 the weapon back with them also.
19 Q Okay. And you had an opportunity to
20 talk to Leepoleon Jackson at that time?
21 A Yes, sir. We talked to Mr. Jackson at
22 the station on I believe it was -- I think the
23 date was August 8th. I believe it was. I'm not
24 sure.
25 Q That's right, it was the 8th. Box

1 marked date and time of interview was, correct?
2 A 8th of August. Okay.
3 Q You are up there in New York and you are
4 asking Leepoleon Jackson questions and he's
5 answering questions?
6 A Yes, sir.
7 Q Does he give you this statement
8 voluntarily?
9 A Yes, sir, he did.
10 Q Does he sign it?
11 A Yes, sir, he signed it.
12 Q And that signature takes place at 2:24
13 p.m.
14 A 2:24 is correct, sir.
15 Q On the 8th of August.
16 A Yes, sir.
17 Q And do you have your own copy or shall
18 we share this one? What I'm referring to is
19 State's Exhibit 42, 42 for I.D.
20 Does he say, did he say anything to you
21 then about having given a Rudy some money?
22 A Yes, sir, he said he gave Rudy one
23 hundred dollars in June for a 357 Magnum, and was
24 told keep the weapon and that Rudy would return
25 for the gun.

1 Q Did you show him three photographs to
2 make sure that you were talking about the same
3 Rudy?
4 A Yes, sir, he was shown three photographs
5 and he positively identified the photograph of
6 Reuben Rainey seated at counsel table as the
7 person who had sold him the weapon.
8 Q Did you then show him a weapon marked --
9 I am sorry, Madame Clerk, I got it.
10 Did you ask him whether a Magnum pistol
11 marked S -- is that SW?
12 A Serial number, yes, sir, SW 711 K, king,
13 0412. It's the same one that Reuben pawned to
14 him, he said, yes. He was sure because of the red
15 dots on the sight.
16 Q Do you remember where that serial number
17 is on this gun?
18 A Yes, sir. You have to remove the handle
19 from it.
20 Q Handle?
21 A Yes.
22 Q Is that a big deal?
23 A Yes. It's beneath the handle here.
24 Q Okay. Had you done that?
25 A Yes, sir, we did.

1 Q And if there is any question -- there is
2 a scratch marked JJC 133 on it. Do you know what
3 that means?
4 A Yes, sir, that's John Capers' initials,
5 initials of his, shield number 133, badge number.
6 Q Let me ask you to look at the sight of
7 this gun. Do you see anything unusual about the
8 sight?
9 A Yes, sir, it have red marking on it.
10 Q Did you ask him if 357 Magnum pistol,
11 serial number 71K0412, is the same gun that Rudy
12 pawned to you?
13 A Yes, sir. The question was asked to him
14 and he said, yes, he was certain of it because of
15 the red sight.
16 Q What did he answer?
17 A Said, yes, I am sure because of the red
18 on the sights.
19 Q So that's on the 8th of June?
20 A 8th of August.
21 Q I am sorry. Pardon me. Is that
22 consistent with what Reuben, with what Robert
23 Robinson told you about what the Defendant said he
24 had done with the gun?
25 A That's consistent, yes, sir.

1 Q Is that consistent with what Edward
2 Cooper had told you Reuben Rainey had done with
3 the gun?
4 A Yes, sir.
5 MR. TAYBACK: Objection, Your Honor.
6 THE COURT: Overruled.
7 A Yes, sir, it is consistent.
8 Q Did you talk to -- I'm not sure. Did
9 you talk to Leroy Boyce at any point about the
10 whereabouts of this gun?
11 A Yes, sir.
12 Q When did that take place?
13 A It was on the 2nd of August, 1986, at
14 the homicide office.
15 Q So sounds like the 2nd of August you got
16 Edward Cooper down there and Leroy Boyce?
17 A That's correct.
18 Q And Leroy Boyce is calling Nellie Chew
19 and telling her to tell the truth?
20 A That's correct, sir.
21 Q And did Leroy Boyce ever give you a
22 formal statement?
23 A No, sir, he did not.
24 Q Did he agree to talk to you?
25 A He did, yes, sir.

1 Q What did he tell you on August the 2nd?
2 A He told us of his conversations with Mr.
3 Rainey on the 2nd, early morning 2nd of June,
4 1986. He told of conversations with Deborah Blunt
5 and Nellie Chew. He also told of Mr. Rainey
6 disposing of the weapon in New York City to a
7 person by the name of Jesus, although Mr. Boyce
8 couldn't describe Jesus, give us any information
9 other than his name being Jesus.
10 He also told of Mr. Rainey's attempt to
11 clean himself up on Greenmount Avenue just prior
12 to arriving there on the early morning of June the
13 2nd, 1986.
14 Q Do you mean just prior to arriving there
15 or just after arriving?
16 A Well, I'm sorry. After arriving there.
17 Q So he described the Greenmount Avenue
18 scene that Joanne Blunt described to you?
19 A That's correct.
20 Q That Nellie Chew eventually described to
21 you?
22 A Yes, sir.
23 Q And this is on a Monday morning? I
24 mean, he's describing you a scene that took place
25 on a Monday morning right after --

1 A Early Monday morning.

2 Q -- right after the homicides?

3 A Yes, sir.

4 Q At this point, detective --

5 THE COURT: Mr. Brave, I hate to

6 interrupt you but I have an emergency. Everyone

7 remain seated.

8 (Pause.)

9 THE COURT: All right, Mr. Brave.

10 BY MR. BRAVE:

11 Q Detective, before we pick up the

12 chronology of events, during the short recess you

13 had occasion to remove this black handle we talked

14 about earlier, is that correct?

15 A Yes, sir.

16 Q And does the serial number appear

17 underneath the black handle?

18 A Yes, sir, it does. It's 71K, King,

19 0412.

20 Q In the meantime we discovered that we

21 didn't even have to do that because the same

22 number appears right here on the inside of the

23 cylinder?

24 A Cylinder, that is correct.

25 Q Okay. Now, it is now August 8th, you've

1 got the gun, you've talked to Leroy Boyce, you
2 have talked to Edward Cooper, you have talked to
3 Robert Robinson, you have talked to Joanne Blunt,
4 Nellie Chew is still sitting in jail now charged
5 not only with the narcotics but she's now charged
6 with the homicide?
7 A Yes, sir, that's correct.
8 Q Was Leroy Boyce still a suspect?
9 A No, he was no longer a suspect, no, sir.
10 Q I mean there's no question that from
11 June the 5th when you first talked to Thomasina
12 Johnson until, until some time after July 31st
13 when you talked to Robert Robinson, he was a
14 suspect?
15 A Yes, sir, that's correct, up until --
16 Q Did you eliminate him as a suspect
17 immediately after you talked to Robert Robinson on
18 July the 31st?
19 A No, sir. It wasn't until after the 2nd
20 of August that I knew that he had no involvement
21 in it.
22 Q What happened on the 2nd of August that
23 tipped the scales? You had already talked to
24 Joanne Blunt?
25 A Yes, sir. The 2nd of August Mr. Cooper

1 was brought out first. He corroborated everything
2 that I had learned from Miss Blunt, also in
3 addition to Mr. Robinson.
4 Also Mr. Boyce was brought out and I was
5 pretty well convinced after the conversation he
6 had with Miss Nellie Chew attempting to get her to
7 tell the truth as to her involvement and
8 involvement with Mr. Rainey.
9 Q Mr. Tayback suggests they could all have
10 made this up.
11 A It's impossible. There's no way they
12 could have made it up, not knowing that many
13 details as to what occurred there.
14 You remember I was there on the 2nd of
15 June, I saw the scene, and I know about the
16 condition of the victim's wounds, the amount of
17 damage to both the victims, the contact wounds on
18 Miss Johnson's hand. It's impossible for someone
19 to have known all those details unless they were
20 there themselves. I'm speaking of Miss Blunt.
21 Also speaking of Mr. Robinson and Mr. Cooper.
22 They would have to have been told by a person who
23 was actually there, participated in it.
24 Q Leroy Boyce was a suspect for a long
25 time?

1 A Yes, sir, he was but he didn't have that
2 many details as to, like I said, the condition of
3 the bodies, the wounds, things of that nature. A
4 person would have had to have been there to have
5 known that.
6 Q All that time that he was a suspect, you
7 certainly knew that he had -- he could exercise
8 some control over a lot of different people?
9 A Well, I felt that he did have some
10 control but you have to remember, too, Mr. Brave,
11 that the only thing we had, we had two incidents
12 where he supposedly pulled a gun which I don't
13 doubt he -- it probably did occur. Also too about
14 the scratches Miss Veney supposed to have put,
15 scratched him, this wasn't enough.
16 It is not enough to charge a person but
17 here now we have two people that was actually
18 there, we have three people that just this man
19 confessed to. Changed the whole complexion of the
20 thing from Mr. Boyce to Mr. Rainey.
21 Q The fact of the matter is that you never
22 got one scintilla of evidence to back up that very
23 intoxicating theory that it might have been Leroy
24 Boyce?
25 A That's correct, yes, sir.

1 Q Now, we -- did anything happen between
2 the 2nd of August and when Nellie Chew eventually
3 agreed to talk?
4 A Yes, sir. We presented Miss Blunt, Mr.
5 Robinson, Mr. Cooper to the grand jury where they
6 testified under oath as to conversation they have
7 had with Mr. Rainey. We also --
8 Q You, of course, weren't present in the
9 grand jury?
10 A No, sir, I was not.
11 Q But those notes get typed up?
12 A Yes, sir.
13 Q Those notes are in the possession of me
14 and form part of the State's case which is turned
15 over under the rules of a fair trial?
16 A Yes, sir, they are. Both counsels have,
17 defense and the State have it.
18 Q And did anything else happen between
19 August the 2nd and September the 9th?
20 A Well, in New York we had the weapon test
21 fired. Although they maintained possession of the
22 weapon until sometime in September, I brought the
23 projectiles from New York that was test fired. I
24 had them compared with the projectiles that was
25 recovered from the bodies of Miss Veney and Miss

1 Johnson, and it was a positive conclusion reached
2 that the projectiles fired in New York was, in
3 fact, the same fired from the same weapon that was
4 used to kill Miss Veney and Miss Johnson.
5 Q Let me see if I understand what you are
6 saying. This gun, after you, after Detective
7 Capers brings it down to the precinct, that gun
8 remains in New York for a period of time?
9 A Yes, sir, it did.
10 Q During that period of time somebody in
11 the New York lab division put some bullets in it
12 and test fires it into a water tank?
13 A I believe it was twelve projectiles that
14 was recovered by me and brought back to Baltimore.
15 Q The gun stays in New York but the
16 projectiles go down to Baltimore?
17 A I brought them back to Baltimore, yes,
18 sir.
19 Q Mr. Kopera compares those projectiles
20 with the projectiles that are removed from the
21 body of Deborah Veney and the body of Glenita
22 Johnson?
23 A Yes, sir.
24 Q And he forms certain conclusions?
25 A Positive that --

1 Q That they're both fired from the same
2 gun?
3 A They were all fired from the same gun.
4 Q Then he decides, okay, that is fine but
5 I want to fire it and perform my own test?
6 A Yes, sir.
7 Q So do you go up to New York?
8 A Yes, sir, I did. It was -- I returned
9 to New York. I believe it was in September.
10 Exact date I have to check. It was sometime in
11 September, mid September.
12 Q Do you physically bring this gun down to
13 Baltimore?
14 A Yes, sir, the gun was released to me by
15 the New York authorities and I returned to
16 Baltimore where I submitted it to our firearms
17 section and it was later test fired by Mr. Kopera
18 and the same conclusion was reached, that it was
19 definitely the murder weapon.
20 Q Detective Kopera -- Mr. Kopera performs
21 the same test that you had heard about up in New
22 York?
23 A That's correct.
24 Q Anything else happen before Nellie Chew
25 agrees to talk?

1 A Mr. Rainey was eventually charged. He
2 was formally charged.
3 Q Once you get the gun there is no reason
4 to keep the news from Mr. Rainey that now in
5 addition to the narcotics charges he now has a
6 double murder charge?
7 A That's correct.
8 Q Anything else you can think of between
9 then and September the 9th? I'm not suggesting
10 that there is, I'm just --
11 A No, not that -- nothing come to mind
12 that I know.
13 Q On September 9th Nellie Chew agrees to
14 talk?
15 A Yes, sir.
16 Q Any explanation as to how she changed
17 her mind?
18 A Well, she -- I knew that she wanted to
19 speak to us.
20 Q How did you know that?
21 A Well, because she had called. She
22 wanted --- she had changed her mind, she wanted to
23 speak with us. We also spoke with her attorney,
24 not me personally, the State's Attorney's Office,
25 I believe Mr. Salkin had spoken with counsel and

1 we set up a date to bring her out, which we did,
2 which was on the 9th of September, and we entered
3 into an agreement with her.
4 The agreement was that if she would tell
5 us, be completely truthful with us as to her
6 knowledge as to what occurred on the 2nd of June,
7 1986, at 4711 Navarro Road, that the State's
8 Attorney's Office would dismiss the charge of
9 murder against her only, the charge of murder
10 against her, nothing to do with the narcotic
11 charges pending against her. She agreed to that
12 and a statement was taken from her.
13 Two days later she presented to the
14 grand jury where she testified and immediately
15 after which the charges of first degree murder was
16 dropped against her.
17 Q Now, on September 9th, when you took a
18 statement from her, that started at what time in
19 the morning? Do you need a copy to --
20 A Yes, I have one here.
21 Q -- to work off of? I'm referring to
22 State's Exhibit 34 for identification.
23 A Excuse me. It was the 9th of September,
24 at 12:19 p.m., was taken at the CID homicide unit
25 office by me.

1 Q Are you asking the questions?
2 A I was asking the questions. Well, she
3 was advised of her rights at 12:19.
4 Q Okay.
5 A Actual statement began at -- immediately
6 thereafter. I don't make a note of the time.
7 I'm sorry, 1208 hours.
8 Q I'm just curious, the explanation of
9 rights on the paper at least looks like it started
10 11 minutes after the statement?
11 A Yes, it probably -- Well, probably was
12 an error as far as the time is concerned.
13 Q I mean, the sequence of events in any
14 statement is what comes before what?
15 A Always advisement first.
16 Q All right. Now, you asked her her name,
17 right?
18 A Yes, sir.
19 Q You asked her when she was born?
20 A Right.
21 Q You asked her what her current address
22 is?
23 A Yes.
24 Q You ask her what her phone number is,
25 whether she is presently incarcerated, right?

1 A Yes, sir.
2 Q And she was, of course, not only on the
3 narcotics charges but the homicide charges?
4 A Homicide, that is correct.
5 Q At this point at least. You ask her the
6 extent of her education, ask her if she is sober?
7 A Yes.
8 Q Or under the influence of drugs. Ask
9 her if she knows where she is. Oh, then you give
10 her -- this makes sense, then you give her this
11 form?
12 A Yes, sir, I did. I see now.
13 Q You give her the form probably 12:19.
14 Do you explain the form to her? Does it say I'm
15 giving you form 6 --
16 A It says I give you departmental form of
17 which, which is an explanation of your rights and
18 also I want you to read aloud and if you fully
19 understand each of your rights I want you to place
20 your initials to the right of each indicating you
21 understand them and sign the form with your full
22 name and date.
23 Q Is there a form, in reality a form 60?
24 I mean, this is a form 69?
25 A Well, again, it's typographical. It

1 should have been 69.

2 Q Is there such a thing as a form 60?

3 A Well, not to my -- well, I really don't

4 know. I meant to put 69.

5 Q When it says departmental form 60, you

6 are talking about this?

7 A That's explanation of rights.

8 Q This explanation of rights?

9 A Yes.

10 Q You ask her all those things because she

11 is still -- she is charged with the homicide?

12 A She is.

13 Q You asked her if the statement is given

14 voluntarily and freely and you ask if any threats

15 or promises have been made?

16 A Yes, sir.

17 Q Do you review the conversation she had

18 just had with James Salkin of the State's

19 Attorney's Office?

20 A Yes, sir, I do.

21 Q What the arrangement is?

22 A Yes, sir.

23 Q You cooperate with us by telling us

24 everything you know about these homicides and you

25 are no longer going to be charged with the

1 homicide?
2 A That's correct.
3 Q You still got the narcotics to worry
4 about because, after all, it was your house but as
5 far as the homicide, you have no problems?
6 A Yes, sir.
7 Q You tell her what Joanne Blunt told you
8 a month earlier?
9 A No, sir.
10 Q A month -- not a month earlier. A month
11 and a week earlier?
12 A No, sir.
13 Q Did you give her any of those details?
14 A Nothing at all.
15 Q Give her any of the details that Robert
16 Robinson gave you a month or so earlier?
17 A No, sir.
18 Q Do you provide her with any details as
19 to what happened to the gun, how you recovered it
20 or anything?
21 A No.
22 Q Do you fill her in with anything that
23 might, that might allow her to use your words to
24 make up a story?
25 A No, sir. I'm really asking her please

1 tell me what happened and she in turn responded to
2 that question.
3 Q The question actually was, Miss Chew,
4 are you still willing to give me a statement as to
5 what occurred on June 2nd, 1986, in the deaths of
6 Deborah Veney and Glenita Johnson at 4711 Navarro
7 Road and who is responsible for those deaths and
8 her answer is yes?
9 A Yes.
10 Q And then the next question is, please
11 tell me what happened?
12 A That's the question, yes, sir.
13 Q Does she say she was home in bed?
14 A Yes, sir, she does.
15 Q Does she say that the person she
16 identifies as Rudy and this girl Joanne came to
17 her house?
18 A Yes, sir.
19 Q Does she say they asked me to go with
20 them to Debbie's house?
21 A Yes, sir, she does.
22 Q Does she say that Rudy was going to buy
23 some coke and that she drove them up to Debbie's
24 house?
25 A Yes, sir.

1 Q Does she tell you that Debbie and
2 another girl was in the house?
3 A Yes, sir.
4 Q Does she tell you that Rudy bought some
5 drugs from Debbie and cooked it up?
6 A Yes, sir.
7 Q And the drugs wasn't what it was
8 supposed to be?
9 A Yes, sir.
10 Q Did she tell you that he asked Debbie
11 for part of his money back?
12 A Yes, sir, he said thirty, thirty-five
13 dollars he wanted back.
14 Q Did she say I believe it was thirty-five
15 or thirty dollars back?
16 A That's what she said, yes, sir.
17 MR. TAYBACK: Object. Just a moment.
18 Objection, Your Honor. Same grounds I stated
19 several times yesterday.
20 THE COURT: All right. Can we get the
21 substance, Mr. Brave?
22 MR. BRAVE: Your Honor, most
23 respectfully, I'd like to be heard.
24 THE COURT: Approach the bench.
25 (Whereupon, counsel and the Defendant

1 approached the bench and the following conference
2 ensued:)
3 MR. BRAVE: Your Honor, again I would
4 like to restate my position. Mr. Tayback has
5 seized upon the fact that in another part of the
6 trial this would clearly be hearsay as a prior
7 consistent statement. He has preyed on this fear
8 of all of us that we are going to inadvertently
9 step into some reversible error and has tried to
10 divert our attention from the fact that it is now
11 fully admissible. Even the physical piece of
12 paper is admissible now that he in his case on
13 defense has swung open the door widely by broadly
14 suggesting that the police have bungled their
15 investigation and this response in the State's
16 case in rebuttal is directly to the issue raised
17 by the Defendant, that the police had bungled
18 their investigation.
19 I feel now for a different purpose and a
20 different point in the trial this is clearly
21 admissible. There is nothing that says that
22 something can be inadmissible for one purpose yet
23 admissible for another. If there was ever a
24 situation that falls squarely within that
25 situation, this is it.

1 I feel that I should, if you are going
2 to stick to your ruling that I can't introduce
3 them physically into evidence, I feel that on the
4 issue of whether the police bungled it, the
5 questions that were asked, the way they were
6 asked, the responses that were received, bears
7 directly on the issue as to whether he bungled
8 this investigation. I feel it couldn't be more
9 squarely relevant for that reason.
10 THE COURT: Mr. Tayback.
11 MR. TAYBACK: Your Honor, as I have
12 indicated previously, I am not even entering an
13 objection to the State trying to show the stages
14 or the development of the investigation. Fine,
15 I'm allowing that.
16 Mr. Brave is even the one testifying.
17 Every once in a while Officer Requer says yes or
18 no. Mr. Brave, ninety-nine percent of the words
19 are his. All I'm saying is, why don't we get to
20 the heart of the matter. Does this correspond
21 with what somebody else told you. Does this
22 reaffirm this point or that point or whatever he
23 wants to get to.
24 We have basically been here a day and a
25 half doing the same thing and it is incredible

1 really because, first of all, it is not responsive
2 to what the State says he's trying to do. He's
3 trying to show a course of conduct in an
4 investigation that because of certain points
5 therefore leads Detective Requer this direction
6 rather than this direction. Fine, that is his
7 theory, let's get to it. That's basically more
8 than anything else I can say what I'm trying to
9 do.
10 MR. BRAVE: Your Honor, Mr. Tayback is
11 essentially saying, look, I don't like the way
12 that Brave is doing it, I wish he'd speed it up
13 because it is not helping my case any. He's
14 admitting that I can do this. He's just saying,
15 you know, get to the heart of the matter.
16 I maintain that this is the heart of the
17 matter. The questions that he asked, and the
18 answers he received, that's part of whether or not
19 he bungled the investigation or not.
20 THE COURT: The irony of the whole thing
21 is that, notwithstanding any prior ruling that I
22 have made, is that basically you are not tying it
23 together. You are asking is this what she said,
24 and maybe it would be cumbersome to do that but
25 the follow up questions aren't there. The follow

1 up question would be did she -- how much money did
2 she say that he demanded back. If the answer was
3 thirty-five dollars, then the follow up question
4 would be and how did that fit in with the
5 information you already had or how did that lead
6 you in one direction or the other. You are really
7 --
8 MR. TAYBACK: Exactly.
9 THE COURT: -- you are really just going
10 through the statement.
11 MR. TAYBACK: Exactly.
12 MR. BRAVE: I'll supply the connecting
13 links if that's --
14 THE COURT: The truth of the matter is
15 you are saying Mr. Tayback doesn't want you --
16 isn't happy with what you are doing. If the
17 connecting links were made it would really mean
18 more to the jury.
19 MR. TAYBACK: Exactly. The other thing
20 is the question, the way the questions should be
21 phrased are exactly the way the Court has done
22 it. Ask the officer the question without leading
23 him into where he says a yes or no after a hundred
24 word question. That's the proper way to do it. I
25 think we have gone over that for days now, really,

1 and I think that should be a directive of the
2 Court to Mr. Brave, just do it that way. It's
3 quicker and it is more effective.
4 MR. BRAVE: I'll do it that way.
5 THE COURT: All right.
6 (Whereupon, counsel returned to the
7 trial table and proceedings resumed in open
8 court.)
9 BY MR. BRAVE:
10 Q Detective Requer, when you were
11 interviewing Nellie Chew, did the subject of
12 whether Debbie said she was going to give the
13 money back or not come up?
14 A Yes, sir, it did.
15 Q And what did she say? What did Nellie
16 Chew say?
17 THE COURT: Mr. Brave, can I interrupt
18 you just one second?
19 (Pause.)
20 THE COURT: I'm sorry, Mr. Brave.
21 Q What, if anything, did Nellie Chew say
22 about whether the money was -- whether Deborah
23 Veney was going to give the money back or not?
24 A Debbie said she wasn't going to give his
25 money back.

1 Q What else did she say? What else did
2 she go on to say?
3 A Said they were arguing about the money,
4 the other girl told Debbie to talk to Peaches.
5 She should give the money back. As a matter of
6 fact, Miss Chew said she even told him that she
7 was going to give him the money back, to stop
8 arguing. He told the bitch shut up and get in the
9 car. She stated she went outside in the car. She
10 was sitting in the car for approximately five or
11 ten minutes, she said, then she heard a gunshot.
12 Q Now, is what you just told the jury, is
13 that consistent with what Robert Robinson told
14 you?
15 A Yes, sir, it is.
16 Q Is that consistent with what Joanne
17 Blunt told you?
18 A Yes, sir, it is.
19 Q Is that consistent with what Leroy Boyce
20 told you on August the 2nd?
21 A Yes.
22 THE COURT: So what conclusion did you
23 draw from the similarities in the stories?
24 A It was all of them was consistent. What
25 Miss -- what Miss Chew is saying and Miss Blunt

1 was saying is identical and both of them was
2 present when it occurred. In addition to what Mr.
3 Robinson said, and Mr. Cooper said, and Mr. Boyce
4 said, all corroborates what each other, each of,
5 all of them had said.
6 You had two persons that was actually
7 there. You also had three people that Mr. Rainey
8 had told this story to. It was all corroborating.
9 Q So in your version, in answer to the
10 Judge's question, who committed the murders?
11 A Mr. Rainey did. Reuben Rainey.
12 Q Did you, under any stretch of any
13 wildest imagination, still suspect Leroy Boyce at
14 this point?
15 A Not at all, sir, no.
16 Q Did you like Leroy Boyce?
17 A Not particularly, no.
18 Q Was there anything about his life style
19 that attracted you?
20 A It was offensive to me, yes. I didn't
21 particularly care for him at all.
22 Q Did you know that in some other
23 situations he, he may very well have ordered
24 killings?
25 A It wouldn't surprise me.

1 Q Is that any reason for you to charge him
2 with this crime?
3 A No, sir. Evidence didn't warrant him
4 being charged with it.
5 Q Did you approve of LeRoy Boyce's sphere
6 of influence through the use of drugs?
7 A No, sir, I did not. I do not, rather.
8 Q Would you have had him over for dinner?
9 A Of course not.
10 Q Is that any reason to charge a man who
11 may have done all kinds of other things but not
12 this thing?
13 A No, sir, he wasn't responsible for
14 this. He's not. Shouldn't have been charged with
15 this homicide which that is why I didn't charge
16 him.
17 Q Who did you charge?
18 A Charged Mr. Rainey, Reuben Rainey.
19 Q Did the subject of that -- when Joanne
20 Blunt came out of the house, did Nellie Chew tell
21 you anything about which side of the car she came
22 in on?
23 A Yes, sir, she did. She -- pardon me.
24 She said when Miss Blunt exited the house, that
25 she attempted to get on the side she was on, which

1 mean the driver's side of the car.

2 Q Is there any way in the world that

3 Nellie Chew could possibly have made up that

4 detail unless she was right there at the time

5 watching Joanne Blunt get into the wrong side of

6 the car?

7 A I felt there was no possibility had

8 known unless she was, in fact, there.

9 Q Did she say anything about Rainey coming

10 out of the house?

11 A Yes, sir. Said Mr. Rainey exited the

12 house, he was waiving a gun, got in the rear of

13 the car, he instructed her to drive off. He also

14 instructed Miss Blunt to check him for brains and

15 blood.

16 Q Did she say whether she had an

17 opportunity to look at him and see what he was

18 talking about?

19 A She was rather excited but, she was

20 driving, I believe she did.

21 Q Did she say anything about where they

22 drove off to?

23 A Yes, sir. He told her to take him to

24 Lee. She knew where Lee was, and he was at

25 Robin's house on Greenmount Avenue and she thought

1 the address was 3609 Greenmount Avenue. They went
2 to that location.
3 Q Now, that's not what Joanne Blunt told
4 us, is it?
5 A Not at first, no, it wasn't.
6 Q Not at first. And she has explained to
7 the jury why she didn't want to involve Poppy at
8 that point but unlike Joanne Blunt, Nellie Chew
9 says we went over to Greenmount Avenue?
10 A She did.
11 Q And what was the reason she said she
12 went roaring over to Greenmount Avenue?
13 A Tell Poppy what happened.
14 Q Exactly. Did she tell you how, what
15 condition Poppy was in when they found him?
16 A Yes, sir. She said that Robin -- I
17 guess it's Robin. I believe her name is Robinson
18 -- she opened the door, they went upstairs, there
19 was three of them, Mr. Rainey, Miss Blunt and Miss
20 Veney -- correction, Miss Chew, they went to the
21 bedroom where he was asleep. They awakened him
22 and he sat on the side of the bed. He was told --
23 rather, Reuben Rainey told him what had occurred,
24 that he had killed the two girls.
25 Q Now, at one point you ask her how many

1 shots she heard?
2 A Yes, sir, I did.
3 Q And she answered one, right?
4 A That's correct.
5 Q Now, you knew that couldn't be true?
6 A Yes, I knew that, yes.
7 Q Does that mean she is lying?
8 A I wouldn't say, no, sir. Just didn't
9 hear the other shot.
10 Q I mean, in your experience in
11 investigating matters such as this, when things
12 are happening fast and furiously, does everybody
13 come in contact with the facts and do they
14 register it the same way?
15 A They don't. It's a lot of times details
16 aren't the same. Doesn't indicate a person is
17 lying. Like I said, people running out the house
18 with a gun, she could very well have only heard
19 one shot in her mind.
20 Q If this were a conspiracy put up by
21 Poppy, it would be an awfully stupid, dumb
22 conspiracy to have one of the people giving
23 instructions to say that two shots and another to
24 say one shot. I mean, what kind of a story is
25 that to set up?

1 A They wouldn't have rehearsed it very
2 well if that was the case.
3 Q Did you ask her if she knew whether Rudy
4 was going to kill anybody?
5 A Yes, sir, I did.
6 Q What did she say?
7 A No, sir, she did not know.
8 Q Is that consistent with the information
9 you received from other witnesses?
10 A From Joanne, yes, sir. She too didn't
11 know he was going to kill them.
12 Q Did you ask her whether or not she
13 called the police after all this was over?
14 A Yes, sir, I did.
15 Q What did she answer?
16 A No, she did not.
17 Q Did she give a reason?
18 A Yes, sir.
19 Q What was the reason? Bottom of page 3.
20 A I asked her, after you found out that
21 Debbie and the other girl was killed, why didn't
22 you call the police? Her response was, because he
23 said he would kill me and I believed he would. As
24 a matter of fact, I still believe he would kill me
25 and my family.

1 Q Now, on September 9th, -- Well, anyway,
2 this is the questions and answers that you
3 received from Nellie Chew on September the 9th?
4 A That's correct, sir.
5 Q The next thing that happens is I believe
6 a couple other people are or maybe just one, Leroy
7 Boyce goes to the grand jury?
8 A He did. Sometime after Miss Chew I
9 believe it was.
10 Q After this case fell into my hands, had
11 you at that point interviewed Robin Robinson?
12 A No, sir, I had not.
13 Q Was it suggested that maybe we should
14 interview Robin Robinson?
15 A Yes, sir, it was suggested by you that
16 Miss Robinson should be interviewed.
17 Q Did we bring Robin Robinson in?
18 A Yes, sir, she was brought to the
19 homicide unit office.
20 Q When she was asked if she remembers the
21 hour or so after these murders, did she say she
22 remembered it?
23 A She wasn't completely sure. She
24 remembered a night but no details as to what
25 occurred there.

1 Q But did she remember who she was with?
2 A Yes, sir, she did.
3 Q Who did she tell you when you first
4 interviewed her that she was with?
5 A That she was with Leroy Boyce.
6 Q What was he doing?
7 A He was asleep.
8 Q And how long had he been asleep?
9 A She said that he were picked up on a
10 Saturday night I believe it was, they went to a
11 7-11 store, immediately after that they went to
12 Greenmount Street, Avenue address. They were at
13 that address from Saturday, Sunday and early
14 morning Monday morning when she was awakened by
15 Mr. Rainey, Miss Chew, and Miss Blunt. Leroy
16 Boyce had been there the entire time.
17 Q Bear with me, Your Honor. One final
18 question. Detective, you weren't here earlier
19 when Mr. Boyce was on the stand but Mr. Tayback is
20 sending out the message loud and clear that you
21 simply bungled this investigation. Detective, did
22 you bungle it?
23 A No. I beg to differ with Mr. Tayback.
24 I don't think so, no.
25 Q Well, let me turn you over to Mr.

1 Tayback because that is still his position.
2 A Yes, sir.
3 THE COURT: Mr. Tayback.
4 CROSS EXAMINATION
5 BY MR. TAYBACK:
6 Q Thank you. Detective Requer, would you
7 agree that two reasonable people with experience
8 --
9 MR. BRAVE: Objection.
10 MR. TAYBACK: If I can get the question
11 out, Mr. Brave can object then.
12 Q -- looking at the same evidence can come
13 to different conclusions?
14 MR. BRAVE: Objection, Your Honor.
15 THE COURT: I'll have to overrule it.
16 Q You may answer.
17 A I disagree with you. The evidence --
18 Q I know you disagree with me but I'm
19 saying as to my hypothetical question -- let me
20 ask you that first.
21 MR. BRAVE: Your Honor, I don't
22 understand the question. If he could be more
23 specific.
24 MR. TAYBACK: If Detective Requer
25 understands it, he's the person who has to answer.

1 THE COURT: Do you understand the
2 question, Detective Requer?
3 A I believe -- Well, the only way I can
4 answer counsel, if the --
5 THE COURT: Answer it whatever way you
6 can.
7 A If two people, two detectives was
8 looking at the same evidence as I was looking at,
9 there is only one conclusion they could reach,
10 that Mr. Rainey was responsible for these women's
11 deaths.
12 Q Well, let's go through not in the detail
13 that Mr. Brave has done for the day and a half but
14 let's go through and see whether that is true or
15 not?
16 A Okay.
17 Q All right. It is your case. You go to
18 the scene on June 2nd, 1986. At that time you
19 find no money, and you find no quantity of drugs,
20 the only thing you find is residue on the smoking
21 paraphernalia in the kitchen, is that true?
22 A That's correct, sir.
23 Q Yesterday at the beginning you
24 indicated, therefore, that you felt it would have
25 been a rip-off, which I'll ask you to explain in a

1 minute, or perhaps a domestic situation that
2 resulted in the killings of these two people, is
3 that true? That's what you said, wasn't it?
4 A I, I believe I said I thought it was
5 either domestic related or possibly drug related,
6 yes, sir.
7 Q Well, the term rip-off when you use it
8 in that regard means what? Does that mean a drug
9 rip-off? Is that what you are saying?
10 A It mean that a person or persons would
11 rob, take whatever CDS that person might have,
12 yes, sir.
13 Q And money?
14 A And money, true. Right.
15 Q There was no television missing was
16 there?
17 A No, sir.
18 Q No radio?
19 A Not that I could determine, no, sir.
20 Q Sterios, clothing, anything of value
21 except for money and drugs, is that true?
22 A I didn't find either one of them so I
23 assume it was missing.
24 Q So right away you know that -- Well, I'm
25 not quite sure how it becomes domestic but right

1 away you know you got the potential for drug
2 robbery or rip-off, as you call it, is that true?
3 A That and also domestic too. I knew that
4 Miss Veney had problems before with an
5 unidentified white male, also knew that Mr. Kelly
6 was Miss Johnson's boyfriend. He was there. So
7 that too could have been a possibility.
8 Q Then through the testing on the hands,
9 the neutron activation test on the hands of Mr.
10 Kelly, as well as the -- I think you said you
11 checked his apartment, is that right, for
12 clothing?
13 A Check his apartment, that's right.
14 Q As well as the fact he didn't have
15 bloody clothing on, you felt that excluded him?
16 I guess he was also acting in a very
17 shaken manner, is that true?
18 MR. BRAVE: Objection, Your Honor. I
19 heard five different questions.
20 THE COURT: All right.
21 MR. TAYBACK: Let me restate it.
22 Q Are those the reasons why you excluded
23 Mr. Kelly?
24 MR. BRAVE: Objection, Your Honor. I've
25 forgotten. I don't know if the witness remembers

1 all five of them but maybe they could be broken
2 down a little bit.
3 THE COURT: Mr. Tayback.
4 Q Detective Requer, do you remember the
5 question?
6 A I remember he didn't have any blood on
7 him. I believe that was one of the questions.
8 THE COURT: For the Court's benefit,
9 what question are you answering?
10 A Yes.
11 Q Did he have any blood on him?
12 A No, sir, he did not.
13 Q Did the neutron activation test come
14 back positive or negative?
15 A Eventually came back negative, yes, sir.
16 Q Eventually means what, a day or two?
17 A No, sir, weeks.
18 Q Weeks?
19 A Right.
20 Q How about his apartment, did it have any
21 bloody clothing hidden away?
22 A No, sir, did not find any.
23 Q Did you find any drugs in his apartment
24 or drugs on his person?
25 A No, sir.

1 Q Any unusual amounts of money, did you
2 find any of that with respect to Mr. Kelly?
3 A No currency, no, sir.
4 Q I think you mentioned that there was a
5 boyfriend, a former boyfriend of Miss Veney's who
6 Officer Roop had told you had been involved in
7 some sort of domestic disturbance with her, is
8 that correct?
9 A That's correct.
10 Q Did you check him out?
11 A Couldn't locate him.
12 Q Never could find him?
13 A No, sir.
14 Q So that was the end of the checks with
15 respect to him?
16 A Yes, sir.
17 Q June 5th, you then received a report
18 from Thomasina Johnson, is that correct?
19 A Yes, sir, I spoke with her on the 5th.
20 That is correct.
21 Q Her report was that Friday, which would
22 only be less than seventy-two hours or,
23 approximately seventy two hours before the lady
24 was killed, that's Deborah Veney, that she had
25 indicated to Thomasina Johnson that she was afraid

1 of this person Lee?

2 MR. BRAVE: Objection, Your Honor.

3 Multiple question. I don't know which question

4 the detective should address himself to. Could it

5 be broken down?

6 MR. TAYBACK: Your Honor, could I ask

7 Mr. Brave to sit down until I finish the

8 question? Then if he has a problem -- he's not

9 the one who has to answer it. It's Detective

10 Requer who has to answer.

11 THE COURT: The jury does have to

12 understand the question.

13 MR. TAYBACK: I understand that, true.

14 But if Detective Requer can answer it, I think we

15 are getting there. Just because Mr. Brave

16 portends he's unable to hear it or understand it,

17 I would ask --

18 THE COURT: I would ask that you ask one

19 question at a time.

20 Q Thomasina Johnson gave you a report

21 concerning the matter of Friday morning, is that

22 correct?

23 A Yes, sir.

24 Q Would that be what, would that be May

25 30th or May 31st or whatever date that would be?

1 A May 30th.

2 Q May 30th. Did she indicate to you that

3 at that time Deborah Veney was afraid of somebody?

4 A Well, she, Miss Johnson stated that she

5 was, she thought that somebody was at Miss Veney's

6 house. Although she didn't see anyone, she felt

7 someone was there. This was Miss Johnson's

8 feeling. It was also her feeling too that --

9 Q Well --

10 A -- that she felt --

11 Q Go ahead.

12 MR. BRAVE: Excuse me. Thank you.

13 MR. TAYBACK: Mr. Brave, quiet down.

14 Q Go ahead.

15 A -- that she felt, speaking again of Miss

16 Johnson, that Miss Veney was afraid of a Lee, and

17 she was told as recently as Friday; that she, she

18 again, referring to Miss Thomasina, felt that this

19 person was responsible for the victim's death.

20 Q Well, she actually said it more

21 specifically. She said, and your notes indicate

22 witness, that is, Thomasina Johnson, is that not

23 correct?

24 A Right.

25 Q That Debbie was afraid of this male,

1 that's the male you have also described in this
2 same paragraph as a Jamican accented male about
3 thirty to thirty-five who had pulled a gun on her,
4 is that correct?
5 A Right. Unfortunately, Mr. Tayback, what
6 I'm saying here, I'm quoting Miss Thomasina
7 Johnson's feelings, not Miss Veney's. Miss Veney
8 was dead. So she is saying, I have it here
9 witness states --
10 Q I understand.
11 A -- Debbie was afraid. This is her
12 opinion of it.
13 Q This is your report?
14 A Yes, sir.
15 MR. BRAVE: Excuse me, Your Honor. The
16 witness is in the middle of an answer. Ought to
17 be allowed to finish his answer.
18 MR. TAYBACK: Have you finished your
19 answer?
20 A Well, I'm saying that Miss Johnson felt
21 that Miss Veney was afraid of, and that she, Miss
22 Johnson, again feels that he was responsible for
23 both persons' death.
24 Q This is your report and -- this is your
25 report and it is your typewriter and you are the

1 one who hit the keys, witness states Debbie was
2 afraid of this male and had told her as recent as
3 Friday night, which is May 30th, 1986, that she
4 was afraid of him, isn't that correct?
5 A Yes, sir, we had to put it in proper
6 context. What I'm saying, this is what Miss
7 Johnson is telling me.
8 THE COURT: Let me understand --
9 Q I understand it is Miss Johnson telling
10 you that.
11 THE COURT: Excuse me for a minute, Mr.
12 Tayback. Let me just get one thing clear. She
13 says there was somebody upstairs but she never at
14 any point said, well, that person was male or
15 female, did she?
16 A No, sir, she didn't know who was
17 upstairs. She didn't know if anyone was, in fact,
18 upstairs. She felt there was someone upstairs.
19 THE COURT: Is there any real connection
20 between who was upstairs and this statement about
21 being afraid of this Jamican or this male?
22 A No, sir.
23 THE COURT: Between those two?
24 A No, sir.
25 THE COURT: You are not trying to

1 connect those two points, the male on Friday --
2 A No, I wasn't.
3 THE COURT: -- and the visitor?
4 I just want the jury to be clear. Those
5 two don't have anything to do with each other, is
6 that correct, sir?
7 A That's correct, sir.
8 Q The point I was trying to make, and I
9 think you answered it, on May 30th, on the night
10 of May 30th she said, that is, Debbie Veney told
11 Thomasina Johnson she was afraid of this
12 individual, the Jamican accented individual who
13 had the gun who was thirty to thirty-five?
14 A No, she said that, Mr. Tayback.
15 Q Here. Let's just read it.
16 A Okay.
17 Q Let's just read it. Tell me exactly
18 what it says because they are your words?
19 A She knew of the victim dealing in drugs
20 and believed she was dealing for her boyfriend who
21 she met once, not the 30th, at the house about a
22 month ago.
23 She could not describe the boyfriend but
24 said he looked to be about thirty to thirty-five
25 years of age, spoke with a Jamaican accent, she

1 further stated -- she further states rather, the
2 one and only time she met this male, this male
3 pulled a handgun, pulled a gun, rather, on her and
4 told her to get out the house, get out of Debbie's
5 house.
6 The reason she could not furnish a
7 better description of this person, this male, is
8 that he was seated and remained seated the entire
9 time while she was on the premises.
10 Q She is --
11 A She is talking about a month ago this
12 happened.
13 Q Keep on reading.
14 A Witness states Debbie was afraid of this
15 male and had told her as recent as Friday night,
16 5-30, that she had told her as recently as the
17 30th, that -- this is Thomasina -- that she feels
18 that this person is responsible for both victims'
19 death.
20 Q That's your report?
21 A Yes.
22 Q Of June 5th?
23 A That's correct.
24 Q Now, you have got no money in the house,
25 you got no drugs in the house, you got

1 paraphernalia in the kitchen, you got a report of
2 an individual who had some sort of dispute with
3 the victim and you also have a report from this
4 person who had met that person once and had
5 reported that dispute to you, that the victim,
6 that is, Deborah Veney --
7 MR. BRAVE: I'm lost, Your Honor.
8 Q -- was afraid?
9 MR. TAYBACK: Mr. Brave, can we approach
10 the bench?
11 THE COURT: Yes.
12 (Whereupon, counsel and the Defendant
13 approached the bench and the following conference
14 ensued:)
15 THE COURT: Mr. Tayback.
16 MR. TAYBACK: I'd ask that Court would
17 direct Mr. Brave to remain quiet, without a word
18 being spoken until the question is finished. Then
19 if he has an objection, to state the objection.
20 Not to say a word further until the Court asks for
21 that.
22 THE COURT: Mr. Tayback, lower your
23 voice.
24 MR. TAYBACK: Unless the Court requests
25 a reason for his objection.

1 THE COURT: Mr. Tayback, I can't order
2 any counsel to do that because there are questions
3 that are asked that legitimately counsel should
4 object before the question gets out.
5 MR. TAYBACK: I'm not saying he can't
6 object. What I just told the Court was let's
7 follow the rules. If he's going to object to
8 every question, fine. He cannot object until the
9 question is stated completely. That's the rule.
10 THE COURT: That's my whole point.
11 MR. TAYBACK: Number two, when he does
12 state the objection he has to remain silent unless
13 the Court requests a spoken reason for the
14 objection. Let's play by -- if he's going to play
15 the game of objecting to every question, fine.
16 Let's do it properly.
17 THE COURT: Mr. Brave.
18 MR. BRAVE: Mr. Tayback in effect is
19 asking for an opportunity to make a speech and
20 then throw a tag line in on the end which calls
21 for a yes or no answer. This speech is the
22 damage. If I have to wait until the end of the
23 speech to interpose my objection, it is
24 worthless. The jury has already heard the
25 speech.

1 I ask you to direct Mr. Tayback to stop
2 making speeches with a tag line calling for a yes
3 or no answer and ask him to ask questions that
4 could be answered and not throw fifteen questions
5 in a row in the form of statements at the
6 witness.
7 MR. TAYBACK: I will respond only to
8 that, that the State is very familiar with making
9 such speeches with tag line questions.
10 MR. MURPHY: They were short speeches.
11 These are five or six -- I mean, I'm sitting here
12 and there are like five or six questions which
13 there is no way you can answer them yes, no or
14 anyway.
15 MR. TAYBACK: So far the witness is
16 having no problems. It's the State's Attorneys
17 who are having problems.
18 THE COURT: Mr. Tayback, can we ask the
19 question directly?
20 MR. TAYBACK: All right, I'll do so.
21 But I would ask the Court direct the State now --
22 now, if he wants to play that way, he's got to
23 play by the rules, sir.
24 THE COURT: Well --
25 MR. TAYBACK: Wait until the question is

1 over and then object.

2 THE COURT: I might say this whole thing

3 has gone on for some period of time. I think we

4 are a little bit tried, is the word. Let us

5 attempt with the dear help -- with the help of --

6 Just a minute, Mr. Tayback.

7 MR. TAYBACK: I know where the Court is

8 going.

9 THE COURT: With the help of he who

10 looks over all of us to get through the end of

11 this. All right.

12 MR. TAYBACK: Right.

13 (Whereupon, counsel returned to the

14 trial table and proceedings resumed in open

15 court.)

16 BY MR. TAYBACK:

17 Q There came a time on June 19th, 1987

18 that you entered a house at 862 West Fayette

19 Street, is that correct?

20 A Yes, sir.

21 Q You along with another officer were the

22 first individuals to approach a room on the third

23 floor of that house, is that correct?

24 A That's correct, sir.

25 Q Who was the other officer who was with

1 you?

2 A Sergeant Landsman.

3 Q Were you and he essentially abreast of

4 each other as you crested the top of the steps?

5 A Pretty close, yes, sir.

6 Q Anybody in the hallway?

7 A I believe it's possibility might have

8 been Coco, Karen Carrington. I believe.

9 Q Specifically did you take Leroy Boyce,

10 force him or throw him from the hallway into the

11 bedroom?

12 A He was in the bedroom.

13 Q Answer to my question is what then?

14 A The answer to your question is he was in

15 the bedroom, he wasn't in the hallway.

16 Q When you entered that bedroom, you found

17 a large quantity of cocaine, is that correct?

18 A Yes, sir.

19 Q And you subsequently arrested everybody

20 at that location?

21 A Everyone on the premises, that's

22 correct.

23 Q You found bloody clothing at that

24 location?

25 A Yes, sir.

1 Q You found 357 Magnum bullets at that
2 location?
3 A Downstairs, yes, sir.
4 Q That represented the time that you
5 attempted to interview these people concerning the
6 homicides and received negative responses from
7 all, is that correct? Is that correct?
8 A Let me think. All, that's correct.
9 Q The break in your case then would have
10 to do with the coming forward, if you will, of
11 Robert Robinson, is that true?
12 A It helped, yes, sir.
13 Q Up to that point the reports that you
14 had were of Lee, a Jamican and you at that point
15 knew him as Leroy Boyce, didn't you?
16 A There's no dispute, I suspected Mr.
17 Boyce, yes, up until the 18th.
18 Q All right. So after the 18th, that is
19 when you start to receive the information
20 indirectly from Robert Robinson through Inspector
21 Capers. 18th is the first date, is that correct?
22 A 18th was the first date, that's correct,
23 yes, sir.
24 Q Subsequently, I think you stated the
25 date was July 30 or 31, that's when Robert

1 Robinson comes forward with his information and
2 speaks to you directly?
3 A That's correct, yes, sir, the 31st.
4 Also Miss Blunt on the 31st, too.
5 Q Immediately after Joanne Blunt?
6 A That's correct.
7 Q Is that true? Now, Joanne Blunt
8 indicated to you in her statement, and essentially
9 you asked her, tell me what happened, isn't that
10 the way you approached it?
11 A Yes, sir.
12 Q You didn't ask questions in a cross
13 examining, accusatory tone as I do. You asked,
14 tell me what happened, right?
15 A I accused her.
16 MR. BRAVE: Your Honor, I'd like to
17 approach the bench.
18 THE COURT: Approach the bench.
19 (Whereupon, counsel and the Defendant
20 approached the bench and the following conference
21 ensued:)
22 MR. BRAVE: Your Honor, I was waiting
23 for this line of questioning to begin because it
24 is familiar to me from the transcript of the last
25 trial when Gordon Tayback very cleverly,

1 understandably, tried to make the point that
2 during the investiagation there was no defense
3 attorney available to make sure that all the truth
4 is brought out, that no defense attorney is there
5 to cross examine each one of the individuals that
6 the police were talking to to give a balanced
7 picture. Now, it is right here.
8 MR. TAYBACK: I don't dispute that that
9 is true.
10 MR. BRAVE: For ten or fifteen pages I
11 let him get away with it.
12 THE COURT: Ten or fifteen pages what?
13 MR. BRAVE: Of this transcript of the
14 last trial at the beginning of cross examination.
15 THE COURT: Okay.
16 MR. BRAVE: When I reread it a month or
17 so later I was appalled at what I let Mr. Tayback
18 suggest in this, in his questions, which is pure
19 argument. They are not questions.
20 He can argue until he's blue in the face
21 in final argument that, after all, ladies and
22 gentlemen, there is a difference between an
23 investigation when a Defendant does or does not
24 have a right to have an attorney present and a
25 trial where he does have a right to have an

1 attorney present.

2 He can argue all this stuff that he is

3 putting in the form of these improper questions at

4 the proper time. But to get into this business

5 there was no defense attorney present and that --

6 I can't remember the exact language but it is

7 unconscionable what I let him do last time and I

8 don't want to let him do that again.

9 MR. TAYBACK: I can short circuit. I

10 agree that somewhere along the line we had a

11 lengthy question and answer session concerning

12 that. I don't, I do not agree, by the way, with

13 the statement that it is improper but, yes, but in

14 any case I wasn't going to take the same tact this

15 time. My -- wait a minute. So I think that that

16 should short circuit any problems that State

17 faces.

18 THE COURT: Will you proffer what we are

19 going into now?

20 MR. TAYBACK: I just asked him what was

21 the question you asked. He said tell me what

22 happened but I'm now going to ask some specific

23 questions of him as to what her responses -- how

24 they relate to the evidence. That's what I'm

25 going to try and do.

1 THE COURT: All right.
2 (Whereupon, counsel returned to the
3 trial table and proceedings resumed in open
4 court.)
5 BY MR. TAYBACK:
6 Q Going to the questioning of Joanne Blunt
7 which took place on July 31st. Prior to that time
8 were you aware she had spoken with Poppy to
9 determine what she should say or not say?
10 MR. BRAVE: Objection, Your Honor.
11 Counsel is testifying.
12 THE COURT: I'll overrule the objection
13 to that question.
14 A Speaking of the 31st now, sir?
15 Q Yes.
16 A I wasn't aware of any conversation that
17 Miss Blunt had with anyone as to this offense.
18 That was the first time I heard Miss Blunt, was on
19 the 31st.
20 Q So, in fact, she indicated that before
21 the police came to her Poppy called her that
22 morning and that she had discussed what she was
23 going to say. That's the first time you have
24 heard of that, is that correct?
25 A First time I heard of it now, just since

1 you just mentioned it. I wasn't aware of that.
2 Q So you have got Joanne Blunt who is
3 coming to you fresh, if you will, and you asked
4 her what happened and then she explains to you
5 that for some reason they had to buy cocaine from
6 Deborah Veney, is that correct?
7 A Purpose of going there, that's correct.
8 Q What was the reason?
9 A They went there to purchase -- Mr.
10 Rainey wanted to purchase some cocaine.
11 Q No, what I'm saying is why was, why was
12 it that they had to go to Deborah Veney's?
13 A Deborah Veney had some drugs.
14 Q Did you know at that time that Poppy was
15 in the existence of the case? You certainly knew
16 because he had been arrested?
17 A I don't understand your question.
18 Q Did you ever ask her why she just didn't
19 go to Poppy?
20 A No, I did not ask her that, no. I
21 didn't even know who she was until the 31st. I
22 didn't know of her involvement with Poppy or no
23 one.
24 Q Let's just stop for a second. That's
25 July 31?

1 A That's right.

2 Q You didn't even know who she was, is

3 that correct?

4 A Yes, sir.

5 Q Between July 31st and now, didn't the

6 question ever pop into your mind as to why she had

7 to go to Deborah Veney's house to buy drugs

8 instead of getting them from Poppy?

9 A Because Deborah Veney had some drugs.

10 Q Why would she have to buy them from

11 Deborah Veney? Do you understand my question?

12 A I understand your question. I haven't

13 the slightest idea why she would have.

14 Q Doesn't that seem to be something you

15 would want to know the answer to, why they have to

16 be there that particular time? Isn't that a

17 logical question to ask?

18 A Why would they have to be there at that

19 particular time? I don't understand what you are

20 saying.

21 Q If a person has a source of cocaine --

22 A Okay.

23 Q -- that is available and free, why does

24 a person have to go elsewhere to purchase it? Do

25 you have an answer for that?

1 A No, I don't.

2 Q Joanne Blunt ever tell you that the

3 reason they had to go there was because Poppy was

4 out of cocaine?

5 Mr. Brave this is page 11, April 8th,

6 1987.

7 A There have been many conversations with

8 Miss Blunt, Mr. Brave, Mr. Murphy and myself

9 during the course of this investigation. There is

10 a very, very good possibility she might have said

11 it to me or -- I really don't recall.

12 Also, you know, Miss Blunt, there are a

13 lot of things she said that I just disregard

14 totally.

15 Q When you mean disregard, that you don't

16 accept them as the truth?

17 A I never stated that everything Miss

18 Blunt or everything anyone else in this case have

19 told me I accepted all of it. No, I didn't.

20 There is certain things that she told me

21 that I know it to be factious, true.

22 Q So there are certain things you believe

23 to be truthful, certain things believe to be what,

24 untruthful?

25 A Sure.

1 Q The reason for them being there is to
2 purchase the cocaine according to her for
3 whatever?
4 A Not only her, Miss Chew. Miss Chew said
5 the same thing, they went there to purchase the
6 drugs.
7 Q I'm going to get into Miss Chew next but
8 I'm saying that's the reason she says?
9 A That's exactly right.
10 Q Did she indicate to you that they had
11 been washing clothes for approximately twenty-four
12 hours and then gotten tired and had to have some
13 cocaine, used it all up?
14 A No, she didn't say that.
15 MR. BRAVE: I would object to that
16 question, Your Honor. Like to approach the
17 bench.
18 THE COURT: Approach the bench.
19 (Whereupon, counsel returned to the
20 trial table and proceedings resumed in open
21 court.)
22 MR. BRAVE: Your Honor, what I'm
23 objecting to is the failure of Mr. Tayback to lay
24 the proper foundation for some of his questions.
25 Simply saying did she ever indicate to you that

1 she had been washing clothes becomes relevant only
2 if she was asked that and it seems to me that Mr.
3 Tayback should first lay the ground work.
4 MR. TAYBACK: Very good point.
5 THE COURT: Okay. We will have to wait
6 for a juror to come back.
7 MR. TAYBACK: I am sorry, what
8 happened?
9 THE COURT: When you go back to the
10 table you have to wait for the juror to come
11 down.
12 (Whereupon, counsel returned to the
13 trial table and proceedings resumed in open
14 court.)
15 THE COURT: Mr. Tayback.
16 BY MR. TAYBACK:
17 Q Did you ever ask Joanne Blunt what she
18 was doing that weekend before the killings of
19 Deborah Veney and Glenita Johnson?
20 A Some time after the statement. It was
21 many months after this investigation began, I
22 remember conversations with Miss Blunt in company
23 with Mr. Brave and Mr. Murphy and I do believe at
24 one time she was asked as to her activities prior
25 to this. Exactly her response, I honestly,

1 truthfully don't recall.
2 Q Do you recall her giving -- do you
3 recall what her response was at all in any
4 respect?
5 A No, I don't.
6 Q She is at the house to purchase one
7 hundred dollars worth of cocaine according to her
8 statement to you July 31st, I guess, thereafter,
9 is that correct?
10 A Mr. Rainey was there to purchase the
11 drugs. He was the one that purchased the --
12 Q I'm sorry, he was the one there to
13 purchase it?
14 A Right.
15 Q And the cocaine is only purchased in the
16 amount of seventy-five dollars worth because
17 Deborah Veney only had seventy-five dollars worth,
18 according to Miss Chew and Miss Blunt?
19 A That's correct.
20 Q That's according to Joanne Blunt. We
21 will get to Miss Chew in a minute.
22 A I thought it was Chew.
23 Q I'm just referring to Chew and Blunt
24 now, okay. Did you ask them, because remember
25 there was a dispute according to what you are

1 saying, as told you by these various witnesses,
2 about the return of the money. Did you ask where
3 the money was or how the money was kept?
4 A At one point I do recall Miss Blunt
5 stating that Miss Veney removed the drugs from a
6 plastic bag, I believe it was, that she had in her
7 outer garment pocket and, if I remember correctly,
8 she stated that she placed the money in that
9 jacket pocket also.
10 Q So you know then that, with respect to
11 the statement of Joanne Blunt, that the money, at
12 least according to Joanne Blunt, was contained in
13 one or other of the pockets of this black outer
14 garment and that the drugs came from one or the
15 other of those pockets of the black outer garment,
16 is that correct?
17 A At one time, yes, sir.
18 Q Now, did you, therefore, ask Joanne
19 Blunt why, if that is where the money was located,
20 did she have to go upstairs, or did Deborah Veney
21 have to go upstairs to get the money, did you ask
22 that?
23 A No, I didn't ask her that.
24 Q Is there any reason why you wouldn't ask
25 that?

1 A No reason why I would ask her that
2 either.
3 Q Well, it doesn't make sense to me that a
4 person has to go upstairs to get money that is in
5 her pocket. Does it make sense to you?
6 A Well, I don't believe Miss Blunt was
7 aware that we didn't recover any drugs or money.
8 I would have no reason to ask her why did she want
9 to go upstairs. I mean, just not a question I
10 would ask, counsel.
11 Q Joanne Blunt is telling you, is she not,
12 in her statement or statements or her continuing
13 stories that the lady is going up the steps and
14 the dispute continues on the steps because she's
15 not going up the steps quickly enough to get the
16 money, isn't that right?
17 A Correct.
18 Q Isn't that right?
19 A Yes, sir.
20 Q If the money is in her pocket, what does
21 going up the steps have to do with anything?
22 A Purely speculative. I could speculate
23 that she might have been stalling for all I know.
24 If that was the case, she would give the money to
25 him right away. She could have been stalling. I

1 really don't know the answer, Mr. Tayback.
2 Q She could have been stalling but the
3 point is, isn't it your responsibility as an
4 investigator to ask this same sort of question,
5 Miss Blunt, if the person has the money in her
6 pocket, and you saw that, and everybody is
7 standing right there, then why is it that the
8 person has to go up the steps?
9 Don't you ask a question like that to
10 see what the response will be?
11 A No. Not necessarily, no.
12 Q Did you ask Joanne Blunt to describe to
13 you specifically what was occurring right before
14 the shots or shot rang out?
15 A Yes, sir, I did.
16 Q Did she give to you a description of how
17 the person was positioned, that is Deborah Veney,
18 was positioned on the steps when the shot rang
19 out?
20 A She said that she was on the steps and
21 like going up the steps.
22 Q Well, did you --
23 MR. BRAVE: Objection, Your Honor. I
24 think the witness was in the middle of -- I am
25 sorry -- answering.

1 MR. TAYBACK: I thought he was finished.
2 Q Did you have anything further, sir?
3 A She was going up the steps. Probably
4 four or five steps up I believe it was.
5 Q Four or five steps?
6 A Yes.
7 Q Did you ask Joanne Blunt to describe to
8 you in more particular detail exactly how the
9 person was going up the steps when she got shot?
10 A No, sir, I did not, Mr. Tayback.
11 Q Did you ask Joanne Blunt to describe to
12 you whether the person was facing down the steps,
13 facing to the side, facing forward going up the
14 steps like a normal person would do? Did you ask
15 any of that?
16 A Not necessarily normal person. If you
17 are referring to me, what I asked her is tell --
18 Q Just tell --
19 MR. BRAVE: Objection, Your Honor.
20 MR. TAYBACK: Mr. Brave, quiet just a
21 second.
22 MR. BRAVE: The witness is beginning to
23 answer Mr. Tayback's question.
24 THE COURT: Mr. Tayback.
25 MR. TAYBACK: He misinterpreted it. I

1 was just going to correct it. I'm not saying you
2 are the normal person I was referring to. I said
3 the person walking up the steps normally. Let's
4 put it that way.
5 THE COURT: All right, I'll overrule the
6 objection.
7 MR. BRAVE: May the witness be allowed
8 to finish his answer?
9 THE COURT: He's going to answer that
10 question, isn't he?
11 MR. TAYBACK: Yes. Answer.
12 A My question to her was where was Miss
13 Veney when Mr. Rainey shot her. She was going up
14 the steps and Mr. Rainey pulled the gun, pointed
15 it to her head and clicked twice and the gun went
16 off and he shot her.
17 That's all the details I asked her about
18 it. I didn't ask was she standing backwards, was
19 she looking forward, was she sitting down. There
20 was no need for that. I wanted to know did he
21 shoot her and where was she when he shot her.
22 That's what she told me, Mr. Tayback.
23 Q You knew, did you not, even before you
24 spoke to her -- as a matter of fact, you would
25 have known, gee, a month and a half at least

1 before that, and you would have known June 2nd for
2 that matter that the bullet would have had to have
3 gone in from the front, basically a contact wound,
4 you knew that June 2nd when you are right at the
5 scene, isn't that true?
6 A Exactly, right. That's exactly why I
7 asked her where was she when Mr. Rainey shot her.
8 She said on the steps. Everything corroborated
9 the physical evidence, the way the body laid, the
10 blood splattering up and down the steps, the
11 brain. I didn't have to go into details, if she
12 was looking back at whatever. I knew from June
13 the 2nd that she was killed while she was going up
14 those steps or on the steps and Miss Blunt told me
15 exactly what we wanted to know, yes, Mr. Rainey
16 shot her as she was on the steps.
17 Q So, if you want to believe somebody, if
18 she says something that is corresponding to what
19 you already have in the way of evidence, you don't
20 go further?
21 A That's correct.
22 Q On the other hand, if you want to put
23 the person to the test, you ask further questions
24 to see whether that person really is telling the
25 truth?

1 A If she had told me she was in the
2 kitchen when she was shot, certainly, I would have
3 asked her. I knew better than -- She said she was
4 on the steps so she corroborated the physical
5 evidence.
6 Q You're a police officer with
7 twenty-three years experience?
8 A Twenty-three years experience.
9 Q Let me give you a hypothetical
10 question.
11 A Okay.
12 Q If Joanne Blunt were to state to you
13 that the person was walking up the steps with her
14 back downward and with her head pointed to the
15 side as she is speaking to somebody, that would be
16 either Joanne Blunt or Glenita Johnson in the
17 living room, and you have got the diagram right
18 there if you need to refer to it, how does the
19 person going up the steps with the head to the
20 side get shot right there by a person down at the
21 bottom of the steps?
22 MR. BRAVE: Object, Your Honor, as to
23 relevancy.
24 THE COURT: Overruled.
25 A You say this is hypothetical, right?

1 Person, she could have very well turned her head
2 toward where the shot came from.
3 Q Those aren't the facts that we have in
4 existence. You have to deal with that which we
5 have as the facts of the hypothetical question.
6 A You asking hypothetically. What --
7 Q I'm asking --
8 A -- what I'm saying now, you are correct,
9 I did not ask Miss Blunt in detail as to which way
10 she was facing or whatever. She told me, and
11 supported by the physical evidence, that Miss
12 Veney was shot by Mr. Rainey as she stood on the
13 steps. That was the extent of that questioning of
14 her as to her position. I didn't ask her anything
15 else.
16 Mr. Tayback, I neglected to ask her, if
17 that's the word you want me to use.
18 Q You had physical evidence, did you not,
19 to indicate that Miss Veney had been in some sort
20 of physical tussle at that scene, do you agree?
21 A No. Well, I agree with, and quite sure
22 it's in evidence, that one of her garments were
23 torn, and, hypothetically again, we were trying to
24 determine how that was done. We both don't know,
25 Mr. Tayback.

1 Q I am sorry, we don't know what?
2 A We both do not know how it was torn.
3 Q But you, again, based on your experience
4 and training, believe that it was done by somebody
5 grabbing her violently and some way ripping the
6 garment?
7 A I said it could have been done that
8 way. Sure it could have been done. It's
9 reasonable it could have been done that way. I'm
10 not saying it happened that way. I don't know.
11 Q You also have the physical evidence on
12 one of the hands, I believe it was, the -- Well, I
13 know it is the right hand of Deborah Veney that
14 indicates that she may have been in a fight with
15 somebody. You understood that from the autopsy,
16 didn't you?
17 A Miss Veney's hand? No, I wasn't aware
18 of Miss Veney's hand. I knew about Miss Johnson's
19 hand.
20 Q You knew about the powder burns to her
21 hand?
22 A Yes, sir, that's correct.
23 Q Did you look through the autopsy
24 report? You receive that, don't you?
25 A Yes, sir, I have a copy of it.

1 Q And the abrasions that are noted on the
2 second, third and fourth fingers of the hand of
3 Deborah Veney, that is potentially, I'm not saying
4 exclusively, but potentially consistent with
5 fighting?
6 A Well, also, fall, too. Abrasion when
7 you fall, you scrape your hand.
8 Q I understand.
9 A It's hypothetical, I really don't know.
10 Q Those are things that you as an
11 investigator would ask somebody who claims to be
12 the eyewitness, was there a fight, was there a
13 punch thrown or punches thrown, was there a
14 struggle, did you ask those questions?
15 A No, sir, I did not. I asked her where
16 was she when she was shot, and she told me.
17 Q As to the details, when the person comes
18 out -- excuse me, even before we get out of the
19 house, I think yesterday you indicated that Joanne
20 Blunt had told you that Glenita Johnson was
21 freebasing in the chair, is that true?
22 A That's what she told me, yes, sir.
23 Q Freebasing, again, is, as was explained
24 to us previously, the ingestion of cocaine through
25 smoking?

1 A Pipe, yes, sir, that's correct.
2 Q Through a pipe?
3 A Right.
4 Q Now, was there any pipe found around in
5 the location of Glenita Johnson's chair?
6 A There was nothing to support what she
7 told me as to Miss Johnson freebasing coke. That
8 is correct. In the chair I'm saying.
9 Q The materials, as a matter of fact, were
10 in the kitchen?
11 A All the material was in the kitchen,
12 that's correct, sir.
13 Q You then have her coming out of the
14 house, is that true?
15 A Running out of the house, yes, sir.
16 Q Running out of the house. Prior to that
17 time did she give you any very descriptive, very
18 specific words spoken by Deborah Veney on the
19 steps right before she was killed? Look through
20 every report you got.
21 A Yes, she said that Miss Veney said,
22 Debbie said, man, this is all you supposed to
23 get. Debbie then said, man, I'm not going to give
24 you your money -- give you no money.
25 Q So Joanne Blunt gave to you very

1 specifically spoken words, isn't that true?
2 A Yes, sir.
3 Q Again, based on your understanding of
4 the case, she is the one person other than the
5 killer who was there who survives, true?
6 A No, Miss Chew survived too.
7 Q She wasn't there at that time though,
8 was she?
9 A She was.
10 Q According to you she would have been
11 out?
12 A She was outside. She was there.
13 Q But she wouldn't have been hearing
14 anything spoken on the steps?
15 A No, sir, I don't think so.
16 Q So, those are the words, very specific,
17 very detailed words. How about if I got to go, I
18 got to go, ever hear that from Joanne Blunt?
19 A Yes, sir, I did.
20 Q When?
21 A Later during the interviews like I
22 previously stated.
23 Q Now, go ahead. Go ahead, go ahead.
24 A Later during the previous interviews
25 with Mr. Brave, and Mr. Murphy I believe it was.

1 Q And this is after, of course, Robert
2 Robinson comes forward and Leroy Boyce comes
3 forward and all these other people come forward
4 with their statements as to what they heard or
5 overheard or know about the incident, is that
6 true?
7 MR. BRAVE: Like to approach the bench,
8 Your Honor.
9 THE COURT: Approach the bench.
10 (Whereupon, counsel and the Defendant
11 approached the bench and the following conference
12 ensued:)
13 MR. BRAVE: My objection is aimed at Mr.
14 Tayback's violation of the canon -- one of the
15 canons of legal ethics which states very clearly
16 you do not draw the character or the personality
17 of your opponent into, into play.
18 He is suggesting by his answer that in
19 the presence of the prosecutor who knows what
20 everybody has said, that now the answer is
21 suggested to Joanne Blunt to come up with for the
22 first time with the language if I got to go, I got
23 to go, and that could only have been put together
24 by the prosecutor and that is what he is
25 suggesting by his answers and I think that is

1 against the canons of legal ethics.

2 MR. TAYBACK: If I may respond, I think

3 that paranoia may be setting in. As a matter of

4 fact, I haven't even thought of that.

5 If you review the question that I asked,

6 I referred specifically to Leroy Boyce and Robert

7 Robinson and the others who came forward with

8 their statements. But I was going, what I was

9 going to do, going to attempt to do anyhow, was to

10 make the point that she makes the statement

11 originally on July 31st, then later attempts to

12 correspond her re-answer of what occurred to that

13 which somebody else says.

14 How Mr. Brave comes into that I still

15 don't know. I have no knowledge of his

16 involvement at all. I don't even know whether he

17 had anything to do with her saying something or

18 not saying it. It's immaterial to me. He's not

19 on trial. I'm trying to bring forth the

20 information concerning her involvement with Leroy

21 Boyce, et al.

22 THE COURT: I have to overrule the

23 objection.

24 MR. BRAVE: Very well, Your Honor.

25 BY MR. TAYBACK:

1 Q You may answer.
2 A Repeat the question.
3 Q On July 31st, she has a certain specific
4 language that she remembers as having been spoken
5 on the steps by Deborah Veney, correct?
6 A Correct.
7 Q At a later time, a substantially later
8 time -- Do you have a specific date, by the way?
9 A No, I do not, Mr. Tayback.
10 Q But at a later time, whatever time it
11 may be, she then remembers additional details that
12 helped to correspond what she is saying was said
13 on the steps to what somebody else in the case
14 said, is that correct?
15 A Yes, which is not unusual.
16 Q Well, in this case, of course, you do
17 have the somewhat unusual factor of having as the
18 State's witnesses people who are all from the same
19 group or organization, aren't they?
20 A They were from, yes, sir.
21 Q Did Joanne Blunt ever tell you when she
22 was relaying, relating to you the details of what
23 occurred, after the shootings when they are in the
24 car, that the gun was handed to her?
25 A At one time, yes, she did tell me.

1 Q When did she say that?
2 A She, again, after the -- It was some
3 time later, much later.
4 Q Much later?
5 A Yes, sir.
6 Q Did Joanne Blunt on July 31st, 1986,
7 tell you whose gun it was?
8 A Yes, she did. I believe it was -- I
9 believe I asked her and she -- I asked her
10 specifically was it Lee's gun, she said no.
11 Q Now, your investigation continues, it
12 doesn't just stop at July 31st. It continues even
13 until the present, doesn't it? Wouldn't that be a
14 fair characterization of a police officer's
15 responsibility?
16 A No, not to the present, counsel. No,
17 sir.
18 Q It certainly continued until fairly
19 recently because fairly recently you did indeed
20 find out it was Lee's gun, didn't you?
21 A Yes, sir.
22 Q And that Joanne Blunt had misled you on
23 July 31st, 1986?
24 A I --
25 Q Or had, more specifically, lied to you

1 on July 31st 1986?

2 A That would be accurate, yes.

3 Q That was one of the factors that you did

4 not have in your equasion or in your consideration

5 as to dropping Leroy Boyce out of the picture and

6 picking it up against Reuben Rainey?

7 You didn't know at that time that the

8 gun was LeRoy Boyce's gun?

9 A There was lot of things I didn't know,

10 Mr. Tayback.

11 As far as Miss Blunt, you know, it is no

12 dispute. Miss Blunt, she haven't been completely

13 truthful to us about a lot of things but the facts

14 that she was completely truthful about, you know,

15 it's evident now, it's corroborated by other

16 things.

17 Q So far we have the facts that you claim

18 she is truthful about and that is corroborated by

19 other evidence that the person was shot on the

20 steps?

21 A No, that Reuben Rainey shot the person

22 on the steps.

23 Q Let's take it one step at a time.

24 A Okay.

25 Q Shot on the steps?

1 A Yes.
2 Q What else?
3 A All right. That she, they, both,
4 talking about both, talking about Miss Chew and,
5 in addition to Mr. Rainey, left the premises 4711
6 Navarro Road. They went to Greenmount Avenue
7 where they spoke to Poppy about the details.
8 Q Okay.
9 A She also told us the truth about her
10 attempting to get in the car. This is
11 undisputable. She also told us about other
12 conversations that she have had with Poppy since.
13 Q Well, this -- let's just break it down.
14 You got the shooting on the steps.
15 A Yes.
16 Q So you claim that is truthful?
17 A Sure it is.
18 Q And you say it is undisputable, her
19 getting into the car with Nellie Chew?
20 A That's correct.
21 Q And you claim that it is truthful that
22 they went to Greenmount Avenue?
23 A Went to Greenmount Avenue, yes.
24 Q So those are those details, right?
25 A Yes.

1 Q So we have those clearly identified as
2 the details, that all the rest of the evidence,
3 stuff, evidentally whether it is true or not,
4 garbage, lies or whatever, those are the important
5 points, really important points?
6 A Why are they important?
7 Q I'm asking you.
8 A I don't consider them as important. We
9 know -- I know that --
10 Q You are the one who is investigating the
11 case.
12 A Okay. Well, I know that on June the
13 2nd, 1986, at 4711 Navarro Road there were two
14 females killed, Miss Deborah Veney and Miss
15 Glenita Jackson. I know, too --
16 Q Nellie is undisputed. Everybody
17 realizes that.
18 A I know, too, it was three people at that
19 location. It was Miss -- that survived. That was
20 Mr. Reuben Rainey, Miss Nellie Chew and Miss
21 Joanne Blunt. I know, too, that Mr. Rainey killed
22 the two ladies. I know, too, that after that they
23 went to Greenmount Avenue where they awoke Mr.
24 Leroy Boyce and Mr. Rainey told him what he had
25 done.

1 I know, too, shortly thereafter he was
2 incarcerated and he told an additional three other
3 people what he had done. I know, too, that he
4 took a gun back to New York and sold it. The gun
5 was later recovered. These are things I know.
6 Q These are things that you believe?
7 A No, things I know. This is factual.
8 Q Well, they're factual only because
9 somebody tells you them, is that correct?
10 A It's corroborated. We have the gun
11 back.
12 Q Just a moment now. Isn't that true,
13 somebody, somebody is telling you those?
14 A Different people, yes, sir.
15 Q Well, the different people are Joanne
16 Blunt?
17 A Yes.
18 Q Nellie Chew?
19 A Yes.
20 Q Robert Robinson?
21 A Correct.
22 Q Eddie Easy Cooper?
23 A Right.
24 Q Jesus?
25 A Yes.

1 Q Leroy Boyce?
2 A Yes.
3 Q So, let's just take our time and see
4 exactly where we have a little bit of problems
5 here, if we have any problems, okay.
6 A Okay.
7 Q You have got Joanne Blunt, Nellie Chew
8 and Reuben Rainey then driving over to Greenmount
9 Avenue?
10 A That's correct.
11 Q At some point, certainly not on July
12 31st, but at some point much later you say to
13 Joanne Blunt do you remember the detail about the
14 gun being handed to her?
15 A Yes, sir, she told me that.
16 Q Now, Nellie Chew, do you have any
17 indication you can give to the ladies and
18 gentlemen of the jury that she remembers that
19 detail at all ever?
20 A I don't recall asking her. I could have
21 asked her. Really don't recall if I did or not.
22 Q Let's back up. With respect to Nellie
23 Chew, before she leaves the house, do you recall
24 Nellie Chew telling you, if she told you this,
25 that the cocaine was purchased, that she is the

1 one who cooked up the cocaine?
2 A Do I remember her telling me that she
3 cooked it up?
4 Q Yes.
5 A I know she told me that she did cook it,
6 yes.
7 Q Do you remember that she said that there
8 was a dispute then as to quantity or quality?
9 A Quantity. I believe it was as to
10 quantity.
11 Q Do you remember then that she said that
12 Deborah Veney took additional cocaine out of her
13 pocket and cooked up an additional amount of
14 cocaine?
15 A No, sir, I don't recall that part.
16 Q So she never told you that?
17 A Say I don't remember that part, Mr.
18 Tayback.
19 Q You are the one who writes down these
20 reports, aren't you?
21 A I'm saying I don't remember reading that
22 in her statement. No, sir, I do not remember
23 that.
24 Q Isn't that a particular point that is in
25 disagreement with the report that you have from

1 Joanne Blunt?

2 MR. BRAVE: Objection, Your Honor.

3 THE COURT: Overruled.

4 A I don't remember her saying that, Mr.

5 Tayback. I don't know if it is a dispute, if

6 there is a dispute. I don't remember her saying

7 that.

8 Q You eventually investigated the Quality

9 Inn situation, is that correct?

10 A Yes, sir.

11 Q You have, as a matter of fact, in

12 evidence a card from the Quality Inn which

13 indicates that Nellie Chew with a party of two

14 adults arrived on June 3rd and departed on June

15 4th from that particular location?

16 A The card indicates that, yes, sir.

17 Q Did you check to see who was in the

18 particular hotel room, that is, room 339, on June

19 2nd?

20 A No, I did not.

21 Q How about June 1st?

22 A No, I did not.

23 Q If I can bring your attention to -- do

24 you have the State's evidence, Madame Clerk, where

25 these telephone numbers are marked?

1 Now, Detective Requer, I'm going to show
2 you that which has been marked as State's Exhibit
3 Number 48, ask you to look at that and I believe
4 it may even be turned to the page that has the
5 telephone numbers for, excuse me, room 339
6 listed.
7 Do you find that? Is it cut off at the
8 top?
9 A Probably cut off, counsel.
10 Q In any case, you find in that particular
11 groupings at the top of that page a number which
12 is 664-0666, which you have previously identified
13 as being that of 3735 Manchester Avenue?
14 A Yes, sir.
15 Q What is the date on those telephone
16 numbers?
17 A 6-5.
18 Q So we have in evidence a card which
19 indicates that Nellie Chew checked in on 6-3 and
20 departed on 6-4, but we have telephone calls from
21 6-5?
22 A Yes, sir.
23 Q Now, did it ever occur to you when you
24 were looking at that, that that may mean that the
25 Quality Inn has a check in system or maybe Nellie

1 Chew used a check in system every day and daily?
2 In other words, there would be a
3 different card for each day, one for 6-1 to 6-2,
4 one from 6-3 to 6-4, one for 6-3 to 6-4 which is
5 the one you have, one for 6-4 to 6-5, which would
6 correspond with the telephone numbers you have?
7 A Yes, we checked the entire month, Mr.
8 Tayback, the entire month of June from out there
9 looking for that room number and also the cross
10 reference to names on there. As a matter of fact,
11 there was so many people that was in the room,
12 thought might have been Mr. Boyce, spoke with an
13 accent. We investigated that and so we checked
14 for details.
15 Q When did she check out?
16 A It wasn't Mr. Boyce. The card indicates
17 the 4th. I have no way of disputing that. I
18 really don't know.
19 Q Telephone numbers indicate she was at
20 least there until 2200 hours on the 5th, which
21 would be --
22 A Some, someone was there.
23 Q -- 8 o'clock at night?
24 A Someone was there, made the telephone
25 call.

1 Q Somebody was there making telephone
2 calls to Manchester Avenue as a matter of fact?
3 A That's correct, yes, sir.
4 Q Would that indicate to you as an
5 investigator that somebody dealing with Leroy
6 Boyce was there on June 5th?
7 A Someone was there, yes.
8 Q You have got long distance telephone
9 numbers which are to area code 212. Did you check
10 that out?
11 A No, sir, we did not.
12 Q 212 is New York, is it not?
13 A Yes, sir.
14 Q It is. Did you phone 864-9497?
15 A No.
16 Q Did you make a determination as to what
17 Jesus' number is, for example?
18 A No, sir, I don't believe Jesus had a
19 phone.
20 Q How about Oscar or Troy, any of those
21 people?
22 A Did we check the numbers? No, sir, I
23 did not check any of the numbers.
24 Q Before completing with Joanne Blunt,
25 were you aware that Joanne Blunt had written to

1 Rudy Rainey, as she referred to him, while he was
2 in jail?
3 A I know now, yes, sir.
4 Q Well, you know now because the evidence
5 is in the case?
6 A Well, yes, sir.
7 Q And, as a matter of fact, you know now
8 that June 21st, excuse me, which is approximately
9 -- guess it would be July 21st, I'm sorry, which
10 is only approximately a week before, if I could
11 have Defendant's Exhibit 3, a week before she says
12 he's the madman murderer, the one she was afraid
13 of and crazy, and every other descriptive
14 adjective she can use, she wrote a letter to him
15 and at the same time that she was writing to him
16 she was in conversation with Bey because she had
17 Bey's permission, Bey being Nellie Chew, to sign
18 it Joanne and Bey. You are aware of that now,
19 aren't you?
20 A No, I wasn't. I'm not aware of it. I
21 knew there was a letter, contents of which I
22 didn't know.
23 Q Show it to you. Why don't you hold on
24 to that also.
25 A Okay.

1 Q So you know from that that the people
2 are in communication, aren't they, they are in
3 touch with each other, aren't they? That is at
4 least Joanne, Bey and Reuben Rainey are in touch
5 with each other, is that correct?
6 A Now that you it to me, I know that. I
7 assume Miss Joanne Boyce, you got Joanne Boyce,
8 wrote a letter to him.
9 Q So you have that?
10 A Yes.
11 Q You also have no indication there, which
12 is July 21st, 1987, which corresponds to this
13 person in such fear of a crazed man, do you?
14 A By this letter here?
15 Q Yes.
16 A It's a card to him. He's incarcerated.
17 I don't --
18 Q Nobody is forcing her to write it to
19 him, are they?
20 A I haven't the slightest.
21 Q You have no knowledge of that?
22 A No knowledge at all. I don't know.
23 Q Does that then, because you are the
24 investigator, does that cause a wheel to turn and
25 say, wait a minute, that doesn't track with a

1 person saying I'm so afraid of this person, I'm so
2 fearful of this person, this person is a madman, I
3 saw him blow away two people, he is crazy --
4 that's what she is reporting to you on July 31st,
5 isn't she?
6 A Yes. Mr. Tayback, Miss Blunt, and I
7 know you have seen her on several occasions, spoke
8 with her, knowing her, this doesn't surprise me.
9 Nothing surprise me that she does. She don't do
10 things that any other rational person would do.
11 I'm, I'm not -- No, I'm not surprised at all she
12 sent him a letter. He couldn't get to her. She
13 haven't said anything to us when this letter was
14 sent. Maybe she want to maintain that posture
15 that she wasn't going to say anything.
16 I don't know the reason she sent it but
17 it doesn't surprise me she sent it.
18 Q Just another one of the unusual things
19 that Joanne Blunt does or says?
20 A Not only Joanne Blunt but other people
21 in the case. The characters -- I mean, it doesn't
22 surprise me.
23 Q They're characters, aren't they?
24 A They are somewhat but that's what you
25 are dealing with.

1 Q Fine. That's exactly it. You are
2 dealing with these people. These people are your
3 evidence, aren't they?
4 A That's what we have, exactly.
5 Q Now, you, as a proper police officer
6 does, you checked as thoroughly as you possibly
7 could for fingerprints. Don't find any of Reubin
8 Rainey's, right?
9 A Reuben Rainey's, Miss Johnson's, no one
10 else's in there.
11 Q You don't find any, for that matter, of
12 Joanne Blunt, do you?
13 A No. Of Joanne Blunt, no, sir.
14 Q Don't find any of Leroy Boyce's?
15 A No.
16 Q How about Karen Carrington, don't find
17 any of hers?
18 A No, sir.
19 Q Do you find one of Nellie Chew on a
20 bottle?
21 A Nellie Chew and Miss Veney's, only two
22 prints.
23 Q Miss Veney's?
24 A Only two.
25 Q And her brother, something about her

1 brother?

2 A And her brother, that is correct.

3 Q You don't have anything that you can use

4 specifically there, do you?

5 A No, sir.

6 Q Well, can't say anybody was or not

7 there. You don't have anything that is scientific

8 or firm or convincing evidence that supports

9 Joanne Blunt when she says that she saw what she

10 saw. You have to go and try to support that?

11 MR. BRAVE: Objection, Your Honor.

12 THE COURT: All right. Just a --

13 MR. TAYBACK: I'll rephrase it.

14 Q Do you have to then try to corroborate,

15 to use a term that State used?

16 MR. BRAVE: Your Honor, there are three

17 or four questions.

18 THE COURT: Approach the bench.

19 MR. BRAVE: I'd like the detective to

20 have a chance to answer.

21 MR. TAYBACK: How about if I withdraw

22 everything and start over? Does that make you

23 feel better? Fine.

24 MR. BRAVE: Fine.

25 Q Do you then have to corroborate through

1 other witnesses what Joanne Blunt tells you?
2 A Yes, sir, we have physical evidence
3 supporting what Miss Blunt said as to Miss Chew
4 being there when it occurred.
5 Q You have got the physical evidence
6 supporting that Miss Chew touched that bottle?
7 A She was there when it happened, yes,
8 sir.
9 Q You have the physical evidence to
10 support that the lady Deborah Veney was killed on
11 the steps?
12 A Yes, sir.
13 Q When you arrest the people on June 19th,
14 1986, you even have the physical evidence of the
15 bullets in the house of Nellie Chew?
16 A There was bullets in there and I believe
17 we didn't have an opportunity to completely
18 examine them. We took them to D. C. for the
19 purpose of that but I suspected that they were of
20 the same type that killed Miss Veney and Miss
21 Johnson.
22 Q As a matter of fact, you later report
23 whenever they came back do indeed substantiate
24 that they are of the same type as the ones that
25 killed Deborah Veney and Glenita Johnson?

1 A Yes, sir.

2 Q Also have bloody clothing found in the

3 room of Deborah Veney, the same group, and Deborah

4 Veney and Eddie Cooper and Robert Robinson and

5 whomever else is found in that room are found on

6 June 19th, 1986?

7 A No, sir, Miss Veney is dead.

8 Q Excuse me, I -- not Miss Veney.

9 A Miss Chew.

10 Q Miss Chew?

11 A Miss Chew was there and Mr. Robinson,

12 Mr. Cooper, Miss Brown, and I believe Mr. Boyce,

13 and Miss Karen Godlieb was also upstairs there and

14 there was bloody clothes found in the room where

15 all of them occupied, correct.

16 Q So you have all that material?

17 A Yes, sir.

18 Q Now, there came a time, and let me skip

19 ahead to this point while we are on the clothes.

20 There came a time when Leroy Boyce discussed or

21 was asked I guess, let's put it that way, was

22 asked by you about that clothing, wasn't there?

23 A Yes, sir.

24 Q Did you ever ask him?

25 A Yes, I did.

1 Q Do you remember what, if anything, he
2 told you about that clothing?
3 A He didn't know about it.
4 Q He didn't know anything about it?
5 A No.
6 Q Did you ever show it to him?
7 A I don't recall that. Probably I --
8 Q If he indicated he had never seen it
9 before, that would be consistent with what your
10 memory is?
11 A Yes, it would be.
12 Q The blood with respect to the briefs
13 that are found there is right in the crotch or
14 groin or whatever area you wish to call it of that
15 garment, is it not?
16 A Yes, sir, that's correct.
17 Q Now, do you remember Leroy Boyce telling
18 you at some time that he saw the clothing that
19 Reuben Rainey was wearing that morning, which
20 would be June 2, 1986, and that clothing had blood
21 in the crotch or groin area, that would be the
22 outer, the pants, the slacks whatever?
23 A I remember Mr. Boyce saying that Mr.
24 Rainey was covered with blood and it was on the
25 crotch and I believe he said shoes too. I'm not

1 certain.

2 Q But you remember the crotch part?

3 A On his clothing, probably did say on the

4 crotch. I believe.

5 Q Now, by the time that Leroy Boyce spoke

6 with you, of course you had this clothing in your

7 possession, didn't you?

8 A Yes, sir.

9 Q You knew it had blood in that area,

10 didn't you?

11 A Yes, sir.

12 Q And, now, that sounds on the surface

13 anyhow then that Leroy Boyce would be telling the

14 truth, because if he's talking about blood in the

15 crotch, and you find the bloody garment that has

16 blood in the crotch, one would seem like it would

17 add up with the other to make two? One and one

18 would make two, right?

19 A Yes, uh-huh.

20 Q Did you then ask Leroy Boyce about those

21 garments and more specifically did you ask Leroy

22 Boyce about the under garments that Mr. Rainey was

23 wearing June 2, 1986?

24 A No, sir, I did not.

25 Q It didn't seem important to you to try

1 to develop that point?

2 A It didn't occur to me. Like, I just

3 didn't think of it unfortunately. It's a good

4 point. I didn't think of it.

5 Q When you spoke with Robin Robinson did

6 you ask her about the clothing and the clothing

7 description of the individual, that is, Reuben

8 Rainey, when he comes to the house on June 2,

9 1986?

10 A I remember asking her if she noticed

11 anything unusual about his clothing, specifically

12 blood or brain matter. She didn't recall.

13 Q Did you then, because of her indication

14 of nothing to the or nothing unusual, did you then

15 say, well, wait a minute, that contrasts with what

16 Joanne Blunt has said, contrasts with what Leroy

17 Boyce has said, assume contrasts with what Nellie

18 Chew said if you asked her that, did you then say,

19 well, wait a minute, I'm getting two different

20 reports here?

21 A No, I didn't say that. I just asked her

22 about the clothing. She didn't recall anything

23 unusual about the clothing, and that was the

24 extent of it.

25 Q When you questioned Robert Robinson

1 concerning how he knew these particular details
2 over at the Baltimore City Jail, you indicate that
3 he said that that is because Reuben Rainey
4 specifically told him that?
5 A Yes, sir.
6 Q And did Robert Robinson indicate that he
7 was told those details specifically in front of
8 Leroy Boyce?
9 A If I remember correctly, they had
10 several conversations, and included Mr. Robinson,
11 Mr. Cooper, Mr. Boyce, and also Mr. Rainey. They
12 were all on -- in other words, they was all
13 talking together and I'm quite sure that they
14 probably discussed it among themselves.
15 Q How about specific dates or times, did
16 you ask him?
17 A I don't have specific dates or times.
18 Q Did you check and find that Reuben
19 Rainey among other things was on lockup for a
20 substantial period of time prior to Robert
21 Robinson coming forward with his information so,
22 therefore, he couldn't have been in contact with
23 Robert Robinson?
24 A No, that's not true. I was aware that
25 Mr. Rainey was put in segregation for a reason. I

1 also knew prior to him going, I knew exactly when
2 he was released from the segregation. I knew
3 prior to this the conversation occurred prior to
4 him being incarcerated there.
5 Q Prior to him going into segregation?
6 A That's correct.
7 Q So you got then Robert Robinson telling
8 you a specific time of a --
9 A He --
10 Q -- a conversation?
11 A He didn't know, counsel, the exact
12 date. Also Mr. Cooper was in segregation where he
13 and Mr. Rainey both conversed. He didn't know the
14 exact dates that this occurred. He knew it was
15 early in -- I mean -- I am sorry, early part of
16 June that these conversations took place.
17 Specific date he didn't know.
18 Q Couldn't have been the early part of
19 June because they were arrested --
20 A He said July, I'm sorry.
21 Q Early part of July?
22 A Yes.
23 Q Sometime in the early part of July?
24 A Yes.
25 Q Mr. Rainey went into segregation on July

1 4th. Is that the date you have?
2 A I don't know. I have to check the
3 records. I know it was --
4 Q But you did check that out, didn't you?
5 A Of course I did.
6 Q Because Robert Robinson isn't a
7 particularly believable person, is he?
8 A As far as his credibility, somewhat
9 suspect, yes.
10 Q Isn't he the person who told you that
11 the reason they came down here was to go and see
12 his long lost father?
13 A That's what he told me, yes, sir.
14 Q And did you believe that?
15 A No. Mr. Tayback, you are dealing with
16 people like this, you -- they are going to tell
17 you lies, they are going to tell you exactly what
18 you want to know, they are going to tell you what
19 is beneficial to them until you get something over
20 them, then they will be a little bit more truthful
21 to you.
22 What Mr. Robinson told me was something
23 about he was here in Baltimore City to see his
24 father, a person he hadn't seen in forty some
25 years.

1 Q Now, much, much, much later there comes
2 a story about Robert Robinson coming down with
3 heroin to have Leroy Boyce put onto the street for
4 him?
5 A Again, like I said, going to tell you
6 what you want to know, that is correct.
7 Q And, of course, Robert Robinson somehow
8 explains away the lack of heroin on his person on
9 June 19th, 1986 when the police are raiding the
10 the place by saying that he threw it out the
11 window?
12 A He did, in fact, he threw something out
13 of the window because we had the hellicopter
14 looking for it. We never recovered it.
15 Q I might have to take a little while but
16 you remember previously in a prior proceeding
17 indicating that you were right there, weren't you?
18 A I was.
19 Q You were one of the first two officers
20 in?
21 A I was.
22 Q And you saw him there?
23 A I saw him by the window and --
24 Q And you indicated previously under oath
25 that you didn't see him throw anything out the

1 window?

2 A It wouldn't surprise me. I might have

3 said it.

4 Q If you said it, didn't you mean it?

5 A No, what I'm saying now, I do recall, I

6 have documentation I checked and I did request a

7 helicopter. You know, a lot of times, Mr.

8 Tayback, I can like testify to the best of my

9 memory and I could have said that but it wasn't

10 correct.

11 Q How is it that from the time that you

12 say under oath that he did not, say did not throw

13 out anything, throw anything out the window to now

14 that something jogs your memory and you decide he

15 did throw something out?

16 A Simple reason I remember. He was

17 standing by the window. That's what you asked me

18 the last time when you asked me.

19 Q I asked you that, that's right, and you

20 remember that?

21 A And I remember that and I recall that he

22 did throw something out of the window.

23 Q And your answer was what?

24 A Probably no. I don't recall.

25 Q Your answer was not probably, was no?

1 A No. Now I remember. I did have the
2 hellicopter come over and I have documentation
3 where he did search the roof area and also the
4 ground. We wasn't looking for any drugs, we was
5 looking for another item. We was looking for a
6 weapon. That's what we was looking for.
7 Q You were looking for a gun?
8 A That's exactly right.
9 Q That's why the helicopter was there?
10 A That is exactly right.
11 Q Robert Robinson never even claimed he
12 threw the drugs on the roof, did he?
13 A No, no.
14 Q You never found any drugs?
15 A No, sir.
16 Q Other than the cocaine that is on the
17 bed?
18 A That's correct.
19 Q But, anyhow, he's got the same story
20 consistent with that of Joanne Blunt, so that
21 makes him believable, right?
22 A Certain facts he did, which was
23 consistent, yes, I believed it and still do.
24 Q His certain facts kind of begin and end
25 at the house. He never ever tells you anything at

1 all about anything that occurs after they get in
2 the car, does he?
3 A No, he did not.
4 Q He didn't have any facts whatsoever
5 about them then going over to Leroy Boyce's place
6 at 4609 Greenmount Avenue?
7 A Make it believable.
8 Q I'm saying did he or didn't he?
9 A No, he did not.
10 Q So his facts begin and end with a
11 situation in the house?
12 A Yes.
13 Q The shooting of the two people?
14 A That's correct.
15 Q Now, eventually you spoke with Robin
16 Robinson. You didn't speak with her right away
17 but specifically talking with her --
18 THE COURT: Mr. Tayback, I hate to break
19 you right in the -- break up your continuity but
20 we are going to have to take a luncheon recess
21 now.
22 Ladies and gentlemen, I'm going to ask
23 that you return at 2 o'clock to resume with the
24 trial. This Court will take a luncheon recess
25 now.

1 (Whereupon the Court recessed, following
2 which the proceedings in this matter resumed:)
3 AFTERNOON SESSION
4 2:30 p.m.
5 THE COURT: Detective Requer.
6 Gentlemen, is there anything before we
7 resume?
8 MR. BRAVE: Can't think of anything,
9 Your Honor.
10 THE COURT: Just let me see counsel one
11 moment at the bench.
12 (Whereupon, a bench conference was held
13 which was not made a part of this record,
14 following which proceedings resumed in open
15 court.)
16 (Whereupon, the jury entered the
17 courtroom, after which the following proceedings
18 ensued:)
19 THE COURT: Good afternoon, ladies and
20 gentlemen.
21 THE JURY: Good afternoon.
22 THE COURT: Mr. Tayback, I believe I
23 interrupted you.
24 MR. TAYBACK: Thank you, Your Honor.
25 CONTINUED CROSS EXAMINATION

1 BY MR. TAYBACK:

2 Q Detective Requer, before we had broken

3 for lunch I was discussing essentially the

4 movement of, if you full, of the party from 4711

5 Navarro Road over to 3609 Greenmount Avenue, do

6 you remember that?

7 A Yes, sir.

8 Q Now, do you remember Nellie Chew

9 indicating to you when she gave her statement,

10 whenever it was, that she is the one who drove

11 over there?

12 A I do recall, yes, sir.

13 Q Prior to that time evidently both, that

14 is Nellie Chew and Joanne Blunt, had indicated

15 that both had attempted to get into the car on the

16 driver's side first and they had to reverse their

17 positions or change their positions, if you will?

18 A I believe Miss Chew was already in the

19 vehicle and Miss Blunt attempted to get in the

20 vehicle with Miss Chew.

21 Q Fine. Eventually, after this change of

22 positions, if you will, then Nellie Chew was the

23 driver, Joanne Blunt is the front seat passenger?

24 A Passenger, yes, sir.

25 Q And Reuben Rainey is in the back seat?

1 A That's correct.
2 Q Now, did Miss Chew indicate to you how
3 she happened to know that Poppy, that is Leroy
4 Boyce, was over at 3609 Greenmount Avenue?
5 A They had dropped him off there two days
6 prior.
7 Q Did she indicate to you she had dropped
8 off Poppy two days prior?
9 A She -- yes, sir, it did come out two
10 days prior she had dropped him off there.
11 Q Do you recall looking, that is,
12 comparing the statements of Joanne Blunt and
13 Nellie Chew to see whether they were consistent or
14 inconsistent on the point as to leaving Poppy off
15 at 3609 Greenmount Avenue?
16 A At first Miss Blunt did not go into
17 Greenmount Avenue.
18 Q After she stopped lying on that point
19 and started telling what you think is the truth,
20 then did you start comparing?
21 A Yes, sir, we did.
22 Q And were they consistent?
23 A They were.
24 Q Well, is it consistent then that Nellie
25 Chew would say under oath that she is the one by

1 herself who left Poppy off at that address, is
2 that consistent with Joanne Blunt saying that she
3 with Reuben Rainey left Poppy off at that address?
4 A I remember Miss Chew telling myself and
5 also Mr. Brave and Mr. Murphy that it was she,
6 Reuben Rainey, Leroy Boyce, Robert Robinson and --
7 correction, Joanne Blunt that dropped Mr. Boyce
8 and Miss Robinson off after they had left the
9 address on Oakland Avenue. That's my recollection
10 of what occurred.
11 Q So that, in other words, was what she
12 told you?
13 A That's correct.
14 Q And that is consistent with what Joanne
15 Blunt said also, is that correct?
16 A That is correct, sir.
17 Q You got to 3609 Greenmount Avenue and
18 you have the people there, eventually another
19 person comes into there. This is a person you
20 should interview and that's Robin Robinson?
21 A Yes, sir.
22 Q You do interview her eventually?
23 A She was.
24 Q Months later?
25 A Sometime in the future, yes.

1 Q And she confirms that Saturday night
2 Poppy was left off, is that correct?
3 A Yes, sir.
4 Q Now, do you remember when it was that
5 you spoke with her?
6 A I don't remember the date, Mr. Tayback.
7 Like I said, it was after the case had been
8 assigned to Mr. Brave and Mr. Murphy. During that
9 time, it was a lot of -- we went over a lot of
10 things as far as the case is concerned and one of
11 the things that he brought to my attention was
12 that Miss Robinson should be interviewed and she
13 was, in fact, interviewed as well as the rest of
14 the witnesses was re-interviewed.
15 Q Suffice it to say this is months later?
16 A It was some time later.
17 Q Months after June 1986?
18 A I agree with you, sir.
19 Q Was it in 1986 or was it in 1987 you
20 interview --
21 A Conceivably could be in 1987. I don't
22 recall the dates.
23 Q Did you somehow or other refresh her
24 memory as to her being able to remember where she
25 was this particular weekend?

1 A Have to refresh her memory? Didn't have
2 to. She stated where she was. She was with Mr.
3 Boyce.
4 Q So when you asked her where she was on
5 this weekend, that would be May 31st through June
6 2nd, just she remembers months later I was with
7 Leroy Boyce?
8 A Yes, she did.
9 Q And, of course, you also determined that
10 she is one of his girlfriends?
11 A Yes.
12 Q Did she tell you that she stored drugs
13 for him?
14 A No, sir, she did not at first.
15 Q Then she eventually told you she stored
16 drugs?
17 A She did.
18 Q Did she ever tell you that she stored
19 money for him?
20 A Not at first, no, sir.
21 Q As a matter of fact, that has only come
22 into the case very, very, very recently, isn't
23 that true?
24 A That's correct. Like I said, Mr.
25 Tayback, you know a lot of things came out during

1 these interviews, a lot of things I wasn't aware
2 of, and Mr. Brave and Mr. Murphy preparing them
3 for Court a lot of things came out, a lot of
4 things that I didn't have, I didn't have any
5 knowledge of before.
6 Q More evidence, if you will?
7 A More evidence that made the case a lot
8 stronger, that's correct.
9 Q We will get into that. You think it
10 makes the case a lot stronger?
11 A Yes, sir.
12 Q That person lies to you, is that right?
13 A Well, on some things they weren't
14 completely truthful.
15 Q You think it makes the case more
16 truthful that a person lies before or lies under
17 oath, is that right?
18 A I didn't say that, no. I did not say
19 that.
20 Q How about this, sometime along the line
21 Robin Robinson must talk about money, is that
22 right, because that's the story we have now?
23 A Well, yes, sir, that's true.
24 Q Did she tell you something about a
25 Winnebago or a Rockwood?

1 A She did. Someone did mention that.
2 Q Who was it?
3 A Mr. Boyce.
4 Q So she didn't tell you that even though
5 she is the one who is holding the money for a
6 Winnebago or Rockwood according to Leroy Boyce, is
7 that right?
8 A That later came out, yes, sir.
9 Q You, as a detective, you as an
10 investigator, especially with people who are as
11 unreliable as you are saying they are, that is
12 Leroy Boyce, wouldn't you check to see whether
13 indeed he did have a down payment on a Winnebago
14 or a Rockwood with some dealer somewhere?
15 A Not necessarily. That wasn't the issue,
16 Mr. Tayback. I wasn't concerned about what he was
17 going to purchase. I was concerned about who
18 killed these two ladies and that was my concern.
19 Not with what he had purchased before or his drug
20 dealing. That wasn't the focus of my
21 investigation at all.
22 It came out during the course of the
23 investigation that we found that out, that he did,
24 in fact, purchase some money. There was other
25 people we talked --

1 Q He had purchased what, some money?
2 A No, he had large sums of money that he
3 was -- for the purpose of purchasing a Winnebago,
4 that this money was taken, that came out, but that
5 wasn't the focus of my investigation. I wasn't
6 concerned about that at first.
7 Q Let's go through it step by step and you
8 explain it to me then. You have got Leroy Boyce
9 saying that he has large sum of money, large sums
10 of money to place down on a Winnebago or
11 Rockwood. I assume at some point he told you he
12 had forty-five hundred dollars or five thousand
13 dollars with Tina somebody or other?
14 MR. BRAVE: Objection is aimed at --
15 THE COURT: Approach the bench please.
16 (Whereupon, counsel and the Defendant
17 approached the bench and the following conference
18 ensued:)
19 MR. BRAVE: Your Honor, my objection is
20 aimed at the fact Mr. Tayback is flip-flopping
21 back and forth in time without making it clear to
22 the witness what time he is talking about.
23 Now, the Winnebago discussion obviously
24 doesn't take place until very recently. Then he
25 switches back in time to the time when Leroy Boyce

1 is under suspicion.

2 I think the question should make clear

3 what time we are talking about because we are

4 talking about a period from June of 1986 until

5 almost the present. I just don't think the

6 question is framed properly unless it is made

7 clear what time we are talking about.

8 THE COURT: Is there any problem with

9 that, in laying --

10 MR. TAYBACK: I have no problem with

11 that. I think that's essentially a fatuous

12 argument by the State because I don't think

13 anybody else was having any problems with it.

14 I assume what the State is doing now is

15 just trying to break up the continuity of an

16 examination of a witness. It's a tactic but I

17 didn't see the officer having any problems with

18 responding to it.

19 Be that as it may, I have no problems

20 with the basic premise but I don't see where that

21 was a developing problem here.

22 THE COURT: It might be helpful to

23 everybody if, where possible -- it may not always

24 be necessary to lay out the time specifically

25 because there may be certain questions that have

1 to deal with the whole investigation, but as to
2 those things that are of recent vintage, if you
3 would pin him down, I think it might be helpful.
4 MR. BRAVE: Thank you, Your Honor.
5 (Whereupon, counsel returned to the
6 trial table and proceedings resumed in open
7 court.)
8 BY MR. TAYBACK:
9 Q As I was stating, officer, you have got
10 an individual whose credibility, Leroy Boyce, is
11 suspect, is that correct?
12 A Yes, sir, he was.
13 Q Number two, you have got him giving to
14 you a specific story that relates to the details
15 of this investigation, does it not?
16 A Pertaining to the deaths of them, yes,
17 sir.
18 Q When he gives you something specific
19 that you can investigate and determine whether it
20 is true or false so that you can firm up his
21 credibility or attack his credibility further,
22 don't you do that, don't you investigate?
23 A It should be investigated certain -- I
24 have to explain it to you again. There are
25 certain things that I would investigate. It

1 doesn't take -- from the reasons that Miss Veney
2 and Miss Johnson was killed, for thirty-five
3 dollars worth of cocaine that was told to me, that
4 was consistent, not about thirty-five thousand
5 dollar worth or thirty-five thousand dollars was
6 taken to buy a Winnebago. I had no reason to
7 check on that. It was checked out. It wasn't
8 even brought to my attention until a month ago. I
9 have no knowledge about that.
10 Q You mean the new story wasn't brought --
11 A That's correct, a month ago.
12 Q I understand we are talking about within
13 the last month?
14 A Right. It doesn't change -- Like I
15 said, that do not change what happened on June the
16 2nd, 1986 about thirty-five dollars, not
17 thirty-five thousand dollars.
18 Q So far you have indicated to us that
19 because of Joanne Blunt, because of Nellie Chew,
20 because of Robert Robinson and because of Leroy
21 Boyce --
22 A And Mr. Cooper.
23 Q -- and Mr. Cooper who's what, the so
24 called son of Leroy Boyce, right?
25 A Well, he's acquaintance of his. All of

1 them saying the same thing.
2 Q All of them saying the same thing, that
3 is the investigation in the case, is that true?
4 A That's part of it, yes, sir. Not only
5 that, we have two other people that we have talked
6 to. It's other people we talked to that I had
7 mentioned their names that is consistent with the
8 same thing.
9 Q Okay. I have made a list of things here
10 to try and get through it as quickly as we --
11 A I'm sorry.
12 Q You didn't check out the Winnebago or
13 Rockwood story?
14 A No, sir, did not.
15 Q How about the other story, did you know,
16 for example, that Leroy Boyce when he took the
17 stand was able to give to us a detailed version of
18 who the ownership, the hidden ownership and every
19 other thing about 356 West 121st Street?
20 A I don't know what Mr. Boyce testified to
21 here. I wasn't privy to that.
22 Q One of the things about Mr. Boyce is
23 he's claiming he doesn't know and didn't have any
24 contact with the weapon that is found because he
25 doesn't know Jesus and he's never known Jesus and

1 has had no contact with Jesus.
2 A That's consistent with what he told me.
3 Q That's the case with Jesus, right?
4 A I don't know what Jesus said about it.
5 I know Mr. Boyce --
6 Q You got Jesus' notes right there?
7 A Yes.
8 Q And Jesus claims not to know Leroy?
9 A Nothing in there about Leroy Boyce.
10 It's about Mr. Rainey, not Mr. Boyce.
11 Q Somewhere along the line later you asked
12 him about or somebody asked him about it and Leroy
13 Boyce says he doesn't know Jesus, Jesus says he
14 doesn't know Leroy Boyce, is that right?
15 A I know Mr. Boyce denied knowing Jesus
16 and he continued to deny knowing Jesus. I don't
17 recall asking Mr. Leepoleon Jackson if he knew Mr.
18 Boyce. I didn't ask him that.
19 Q Eventually, within the last month or so,
20 I think you have indicated the time frame for one
21 aspect, you have learned that this gun isn't just
22 a mystery gun, it's Leroy Boyce's gun?
23 A Yes, it did belong to him, yes.
24 Q It is Leroy Boyce's gun and Leroy Boyce
25 knows all about the hidden ownership of 356 West

1 121st Street and knows Oscar and knows Troy and
2 knows Roscoe who are all part of a drug operation
3 which includes Jesus. Wouldn't that be important
4 to find out whether some connection exists between
5 Jesus and Leroy Boyce?
6 MR. BRAVE: Objection.
7 THE COURT: Overruled.
8 A No.
9 Q No?
10 A Not to my way of thinking, no. The
11 reason being, Mr. Tayback, because Jesus didn't
12 get the gun from Leroy Boyce. He bought it from
13 Mr. Reuben Rainey.
14 Q Jesus says he didn't get the gun from
15 Leroy Boyce. You weren't there, were you?
16 A No, but I have another witness say the
17 same thing, that he was -- she was in New York
18 when he had the gun in his possession.
19 Q You have got witnesses who are lying,
20 liars, you know that they're sitting right on the
21 stand saying, look, I am going to tell this jury
22 what I want the jury to hear.
23 You know Robert Robinson would say that,
24 don't you.
25 MR. BRAVE: Objection, Your Honor, I

1 don't hear a question.
2 Q I'll rephrase it then. Would it
3 surprise you that Jesus would get on the stand and
4 say he's going to lie to this jury about his drug
5 dealing operations? It wouldn't surprise you,
6 would it?
7 A To say that he would lie to this jury?
8 Q Absolutely.
9 A It would surprise me that anyone would
10 lie under oath but --
11 Q It would surprise you but yet Joanne
12 Blunt does it?
13 A She does.
14 Q Leroy Boyce does it, Nellie Chew does
15 it, Jesus does it?
16 A Not --
17 Q Robert Robinson does it but it would
18 surprise you?
19 A It would surprise me that anyone would
20 lie under oath.
21 Q How about this, you have got Deborah
22 Blunt?
23 A Yes, sir.
24 Q Now, Deborah Blunt comes forward
25 recently and says, wait a minute, I saw, and she's

1 the only person other than these other people that
2 you have been talking to, comes forth recently to
3 say, yeah, I saw Reuben Rainey with that gun, I
4 saw him with that gun at the Town House Motel
5 sometime about a week or so after the murders took
6 place. She told you that, didn't she?
7 A Yes, sir, she did.
8 Q Now, you went out to the Town House
9 Motel and checked the registration, didn't you?
10 A No, I did not.
11 Q You just assumed that she is telling you
12 the truth?
13 A I certainly was, yes.
14 Q What do you do when you hear Nellie Chew
15 telling Deborah Lowe, overheard, in other words,
16 not for you to be able to hear it, that Coco,
17 referring to Karen Carrington Godlieb, was there
18 when it happened?
19 A Yes, I did hear that remark.
20 Q What do you do to investigate Karen
21 Carrington Godlieb being there or not being
22 there? Did you ask Karen Carrington?
23 A No, you know what I did, Mr. Tayback, I
24 submitted her fingerprints and her fingerprints
25 wasn't found in the house. What am I supposed to

1 do, go out and say you were there when these women
2 was killed? I had nothing to substantiate that.
3 Merely remark that I overheard.
4 Q You also have on the exact same basis
5 that you say, since her fingerprints don't come
6 back positive, Reuben Rainey's fingerprints don't
7 come back positive?
8 A Nor anyone else's fingerprint. It's two
9 people's fingerprints in the entire house.
10 Q How about this, did you submit the
11 fingerprints of Rerun for examination? Is that
12 his real name?
13 A I haven't the slightest idea what
14 Rerun's correct name is.
15 Q You certainly had him -- you had him I
16 believe -- let's put it this way -- upstairs about
17 a month ago talking to him, didn't you?
18 A Not me, sir, I wasn't present.
19 Q Somebody else?
20 A I'm quite sure he was there.
21 Q Somebody in an official capacity has his
22 name, don't they?
23 A Yes, sir.
24 Q Did you submit his fingerprints?
25 A No, sir, I did not.

1 Q How about Bus Driver, whatever his real
2 name is?
3 A I still don't know his name. No, sir, I
4 did not. These people weren't in the house on
5 Navarro Road.
6 Q Because who tells you they weren't
7 there, Joanne Blunt and Nellie Chew?
8 A Not Nellie Chew. Miss Pearson.
9 Q And Miss Pearson?
10 A Right.
11 Q Miss Pearson, according to what she has
12 told us, leaves the house at 3:35, 3:35, 4 o'clock
13 in the morning. She says she doesn't see Nellie
14 Chew there, doesn't see Joanne Blunt there, she
15 doesn't see Reuben Rainey there. She also, of
16 course, by implication doesn't see Leroy Boyce
17 there, Rerun, Bus Driver, Karen Coco, whatever her
18 name is.
19 MR. BRAVE: Objection, Your Honor, same
20 reason.
21 THE COURT: All right. Let's make it a
22 question.
23 MR. TAYBACK: I'm sorry.
24 Q Did it ever occur to you, officer,
25 excuse me, Detective Requer, that Leroy Boyce and

his group was packaging cocaine on June 19th, 1986, when you burst into that room?

A I believe but I know for a fact any dope dealer, drug trafficer worth his weight and salt would never have his drugs, money, weapons and everything in the same location. I believe that he had just received a shipment or just got a shipment back in. I don't believe he was packaging, no. I believe we caught him by surprise.

Q Forget about the packaging. I wanted to get to the other point which you said. Didn't it look because of quantity and the activity that he had just received a shipment in?

A I believe that, yes.

Q Now, you have Robert Robinson and Eddie Easy Cooper popping into town June 18th which is fairly or very consistent with somebody just getting a resupply if they have that the next night with Robert Robinson and Edward Cooper in the same room, does that make sense?

A Make a lot of sense, yes.

Q Does it then kind of indicate to you that Robert Robinson would have some sort of connection to Leroy Boyce?

1 A I believe Mr. Robinson, Mr. Cooper, and
2 Mr. Boyce are all drug trafficers. I believe that
3 they know sources in New York where they can
4 obtain these drugs from. I don't know if they
5 work together or independent of each other. I
6 really don't know. But I believe that they are
7 trafficers.
8 Q I'm not asking you to give us an
9 absolutely definite opinion that they are in it
10 together. What I am asking you is the mindset, if
11 you will, that you have when you are investigating
12 a case.
13 Isn't it logical to think, not knowing
14 one way or the other, but logical to think that
15 Robert Robinson and Edward Cooper have something
16 to do with the resupply of Leroy Boyce that you
17 found on June 19th, 1986?
18 A No, I wouldn't say that. Reason I'm not
19 saying it, Mr. Tayback, because of talking with
20 Mr. Boyce himself. He readily admit that he
21 himself go, travel back to New York to resupply
22 himself. Not knowing what, with absence of him
23 not telling me that, then, yes, there would be a
24 possibility but he have already said that he
25 resupplied himself.

1 Q But because of his words you say, well,
2 therefore, it is no longer logical --
3 A Right.
4 Q -- I accept what Poppy tells me?
5 A Yes, sir.
6 Q How about this, did you ever check out
7 his source of supply in New York then?
8 A Believe me, we would like to know his
9 source of supply. Mr. Capers, he would like to
10 know. We just don't have that information.
11 Stated, they only going to tell you so much.
12 Q He told us a name, he told us a specific
13 place. He even kind of indicated where it was on
14 a street.
15 A Well, I wasn't privy to that.
16 Q He didn't bother to give you that?
17 A No, sir, he did not.
18 Q Do you remember -- you have already told
19 us that you remember Joanne telling us that
20 Peaches was freebasing in the chair even though
21 that isn't substantiated by the physical evidence
22 we have because there was no equipment there,
23 right?
24 A No pipe in the living room, that is
25 correct, sir.

1 Q Would it surprise you that somehow Leroy
2 Boyce said the same thing under oath, that she was
3 freebasing in the chair?
4 A Would it surprise me?
5 Q Yes.
6 A No, not really.
7 Q Again, there is no indication of any
8 equipment there, that's the type of thing that
9 somebody would know --
10 MR. BRAVE: Objection, Your Honor, to
11 the absence of a question.
12 THE COURT: All right.
13 Q Is that the type of thing somebody would
14 know if they were there, yes or no?
15 A If what now?
16 Q That somebody was freebasing in a chair
17 when there was no equipment there? Presumably the
18 equipment then had to be moved. Does that make
19 sense?
20 A If you was freebasing you would need the
21 equipment. It would have to be there, yes, sir.
22 Q If Joanne said she was freebasing in the
23 chair and Leroy Boyce says she was freebasing in
24 the chair --
25 MR. BRAVE: Objection. Leroy Boyce

1 isn't saying it. Says Reuben Rainey is saying
2 it.
3 THE COURT: All right. Very well.
4 Q I'll accept that as Mr. Brave's
5 testimony.
6 So Leroy Boyce says that Reuben Rainey
7 says that the lady Peaches was freebasing in the
8 chair?
9 A That would have to --
10 Q That would indicate that the person
11 would have to be there or have absolutely direct
12 knowledge of it from somebody who was there,
13 right?
14 A I would say, yes, sir.
15 Q Now, did Nellie Chew ever tell you
16 that? Find it anywhere you want in any of your
17 records.
18 A I don't remember. I don't recall asking
19 her that, as a matter of fact.
20 Q Because you didn't ask, it is not in
21 evidence, right?
22 A I'm saying I don't recall asking Miss
23 Chew that. No. Only thing I asked her is when
24 you went to the car where was the -- I asked her,
25 I said, when you went to the car, where was the

1 other girl sitting. She said, as a matter of
2 fact, she says she is standing in the living
3 room. I guess she asked me, do you mean Joanne?
4 I said, no, the other girl that was killed. She
5 said, no, she was sitting in the chair in the
6 living room. There's no mention of freebasing or
7 anything.
8 Q Well, you know, however, that based on
9 the statement that you have right there of Nellie
10 Chew that she has Joanne running out the door and
11 immediately behind she has Reuben Rainey running
12 out the door, doesn't she?
13 A Yes, sir, she said that.
14 Q So, does she -- and again let's use
15 logic about this -- does she give a time frame
16 that allows for this freebasing equipment to be
17 gotten from around the chair if it is not broken
18 by the impact of the bullet or the force of the
19 impact from the bullet that hits Glenita Johnson
20 in the head to take it back into the kitchen to
21 put it on the kitchen table for the person then to
22 run out also, of course, without putting any
23 fingerprints on it?
24 MR. BRAVE: Objection, Your Honor.
25 Q Does she give any sort of time frame?

1 MR. BRAVE: Objection.

2 THE COURT: Again, Mr. Tayback, let's

3 give one straight question and get an answer to

4 it.

5 MR. BRAVE: I don't know what question

6 the officer is to answer.

7 Q Does Nellie Chew give a time frame of

8 more than a second between the two people running

9 out of the house?

10 MR. BRAVE: Does she give any time

11 frame, Your Honor, that's the proper question.

12 A She said short time.

13 Q She says a short time, doesn't she?

14 A Yes.

15 Q She has them, as a matter of fact, in

16 position one right behind the other, doesn't she?

17 A I believe she said she was in the car

18 five to ten minutes, she heard a shot, Joanne came

19 out first, followed shortly by Mr. Rainey.

20 Q You have got her statement right there.

21 Why don't you see what it says.

22 A Okay. She said I was sitting in the car

23 about five or ten minutes, then I heard a shot.

24 Joanne came running out of the house first. She

25 came on the same side of the car as me. That's

1 when Rudy came out of the house and told Joanne to
2 get in the car. He said, bitch, start the car.
3 He was sitting behind me waving this gun. He told
4 me to pull off. I asked him where he wanted to
5 go, he said just drive, just drive slow, slow
6 down, slow down.
7 Q Is that -- I think that is responsive
8 unless there is something else in there.
9 A No.
10 Q So even if you take it at the longest or
11 lengthiest period of time, you have got a matter
12 of seconds, a few seconds?
13 MR. BRAVE: Objection, Your Honor.
14 Q Isn't that true?
15 MR. BRAVE: Objection. It's not --
16 MR. TAYBACK: He can answer it yes or no
17 if he wants to.
18 THE COURT: Overruled.
19 A She didn't say that. She said a short
20 time.
21 Q But the one who is investigating, you
22 are the one who knows what the scene looks like.
23 You are the one that has to put the evidence
24 together, aren't you?
25 MR. BRAVE: Objection.

1 THE COURT: Overruled.
2 A Yes, sir, I was the one investigating.
3 Q And isn't that the way it seemed to you?
4 A I would say a short time would be a
5 short time, yes, sir.
6 Q Now, the entire incident is over
7 thirty-five dollars, right?
8 A Yes, sir.
9 Q Does anybody ever say in any of these
10 statements, any of these witnesses say that Reuben
11 Rainey either had money in his hand or in his
12 possession that was related to Deborah Veney or
13 Glenita Johnson or that he said he took that money
14 or got that money? Do you have any of that
15 whatsoever, any of these people saying that?
16 A I have no one saying it nor do I have no
17 one denying it. I didn't ask them that.
18 Q These are the critical questions really,
19 aren't they?
20 MR. BRAVE: Objection Your Honor.
21 MR. TAYBACK: I'll withdraw that
22 question.
23 THE COURT: Very well.
24 Q In response to Mr. Brave's question of
25 you, Detective Requer, when he said does this

1 sound like a conspiracy to make up a story that
2 Nellie Chew would only hear one bullet instead of
3 two, you said it would mean that they weren't
4 making up the story or if they were making up the
5 story, they wouldn't have rehearsed it very well.
6 Is that right?
7 A I believe, yes, sir, that's my answer.
8 Q Think of it this way, and if -- this
9 seems pretty easy, to think of it this way --
10 doesn't it, that you have got Nellie Chew --
11 MR. BRAVE: Object, Your Honor, to the
12 absence of a question.
13 THE COURT: Ask a question.
14 Q Think of it this way, Nellie Chew,
15 Joanne Blunt, Deborah Blunt, all the people
16 directly related to Leroy Boyce, all the people
17 that Leroy Boyce admits on the stand will do
18 anything or almost anything he wants them to do as
19 long as he's got his cocaine, let's put it that
20 way, and certainly they would lie on the stand for
21 him, so you have got those people and you know
22 that is what you are dealing with, don't you?
23 A They would do anything for Mr. Boyce,
24 yes.
25 Q Then you have got Robert Robinson and

1 Edward Cooper who deny to you any connection
2 between themselves and Leroy Boyce other than
3 initially just coming down for a visit or
4 secondary to come down and transfer some heroin,
5 isn't that correct?
6 A Yes, sir.
7 Q Yet you know that logically it makes as
8 much sense, if not a lot more sense, that they
9 have something to do with the cocaine operation,
10 that they are in town awfully fortuitously, isn't
11 that correct.
12 MR. BRAVE: Your Honor, I object.
13 Strictly improper.
14 THE COURT: Well, Mr. Brave, he
15 eventually got around to the question. Go ahead.
16 Q Isn't that correct?
17 A I don't view it as that.
18 Q I don't -- I know you don't view it.
19 I'm asking you is it logical, reasonable that way?
20 A No, I don't think it's logical.
21 Q But you think then it is logical simply
22 to accept the word of Joanne Blunt and Nellie Chew
23 and Deborah Blunt, we have got her name, and Robin
24 Robinson and Robert Robinson?
25 A Okay.

1 Q Is that right? And Jesus? Let's not
2 forget Jesus for Heavens sakes --
3 A Would you let me answer?
4 Q -- and all these people, sir?
5 MR. BRAVE: Your Honor, I object again.
6 I don't hear the questions.
7 Q If I can finish it I'll get to it. And
8 all these people circled around whom, do you know?
9 A Poppy.
10 Q Leroy Boyce?
11 A Right.
12 Q And is it correct or incorrect that
13 before you spoke to all of these people, they were
14 in contact with Leroy Boyce?
15 A No, it is not correct. All of them are
16 locked up. The only person --
17 Q All right, go ahead.
18 A You asked me now. The only person on
19 the street right now who we never knew about is
20 Miss Blunt.
21 Q Which --
22 A We knew about Debbie. Never knew about
23 Joanne Blunt. She wasn't incarcerated. Robert
24 Robinson was incarcerated, Edward Cooper was
25 incarcerated, Leroy Boyce was incarcerated in

1 addition to, in addition to Mr. Rainey.
2 All right, Coco, she was on the street.
3 Karen Godlieb was on the street and also Nellie
4 Chew, he didn't have access to Nellie Chew.
5 Q I beg to differ with you but we know
6 even though you don't seem to that Nellie Chew was
7 locked up?
8 A I said she was locked up.
9 Q She's not on the street and Karen Coco
10 is locked up, she is not on the street --
11 MR. BRAVE: Objection, Your Honor.
12 Counsel was about to explain why that was.
13 THE COURT: You mean the witness was
14 about to explain.
15 MR. TAYBACK: The witness.
16 MR. BRAVE: Exactly.
17 THE COURT: Detective Requer, finish
18 your answer please.
19 A First of all, Mr. Boyce, his attraction
20 is gone. His power over these people is gone.
21 He's incarcerated. He can do nothing else for
22 these people.
23 I was telling the type of character
24 these people are. The only thing they were
25 interested in, he couldn't even get them out of

1 jail, so they start making a deal for themselves
2 to get on the street and that is the first person,
3 Mr. Robertson. He called people up in New York to
4 get on the street. They eventually got on the
5 street. They owe no loyalty to Mr. Boyce any
6 more. Not any of them.
7 Q You honestly think that Joanne Blunt
8 doesn't have any connection to Leroy Boyce?
9 A Yes, I do.
10 Q You actually think that?
11 A I do.
12 Q You actually think that Nellie Chew
13 doesn't?
14 A Yes, I do.
15 Q Even though -- were you aware, by the
16 way, that there was constant communication between
17 Nellie Chew and Leroy Boyce while they were in the
18 City Jail?
19 A Not by letter. I knew that they refused
20 to accept any calls from him. None of them have,
21 none of them been in to visit him. I know this
22 for a fact.
23 Q Answer my question. Were you aware of
24 the letters going between the two?
25 A No, I was not. No, I'm not aware of any

1 letters.

2 Q Were you aware that Joanne Blunt was

3 visiting Leroy Boyce in jail according to both of

4 them?

5 A According to both of them no, not for

6 the past eight, nine months.

7 Q How about Robert Robinson and Edward

8 Cooper, weren't they locked up directly with Leroy

9 Boyce, right with him?

10 A Very, very short time. We saw that they

11 got out of jail. For a very --

12 Q For a short period of time. You are

13 talking about June 19 to approximately what, July

14 31, August 1st, August 4th?

15 A It was a very short time, believe me.

16 Q That's the short time we are talking

17 about, isn't it? Isn't that when they tell you

18 what their version is, their first version?

19 A That's when they tell me about the

20 conversation they had with Mr. Rainey where he

21 admits to them what he have done.

22 Q How about the code of the criminals such

23 as it is, big issue has been made of that. Were

24 you aware that Leroy Boyce tells us under oath

25 that Reuben Rainey in the City Jail accuses him of

1 the murders?

2 A Yes, I am aware of that.

3 Q You are aware of that?

4 A Yes.

5 Q Now, how does that --

6 MR. BRAVE: Your Honor, has the witness

7 finished his answer?

8 THE COURT: Detective, you may finish,

9 sir.

10 A No, I haven't. All right, yes, he did

11 tell us that this -- he felt that this would be

12 Mr. Rainey's defense, that try to accuse him of

13 killing -- being responsible for these people's

14 death.

15 Q Certainly makes sense, doesn't it?

16 A No, make no sense to me at all.

17 Q Doesn't make sense to you?

18 A No, it do not make any sense at all to

19 me.

20 Q Even though you, subsequent to you

21 believing Poppy and believing all of his

22 witnesses, somehow or the other it just comes out,

23 something that you certainly couldn't have

24 expected, you would have tried to find out this

25 information ahead of time if you could, that the

1 gun is not a misterious gun coming down from New
2 York, it is Poppy's gun all along?
3 MR. BRAVE: Objection, Your Honor.
4 Q Isn't that right?
5 MR. BRAVE: I'd like to approach the
6 bench. This is getting out of hand.
7 THE COURT: Approach the bench.
8 (Whereupon, counsel and the Defendant
9 approached the bench and the following conference
10 ensued:)
11 THE COURT: Mr. Brave.
12 MR. BRAVE: Your Honor, all I hear is
13 speeches. These aren't questions. It's improper
14 cross examination under the broadest definition of
15 cross examination. You are letting him make
16 speeches to this jury.
17 THE COURT: Mr. Tayback.
18 MR. TAYBACK: Well, I hardly see any
19 difference between what I have done and the State
20 has done. In any case, I have completed my
21 examination.
22 THE COURT: Okay. Very well.
23 (Whereupon, counsel returned to the
24 trial table and proceedings resumed in open
25 court.)

1 THE COURT: Mr. Tayback.
2 MR. TAYBACK: As I indicated, Your
3 Honor, at the bench, I have completed my
4 examination.
5 THE COURT: All right, Mr. Brave.
6 MR. BRAVE: Thank you, Your Honor.
7 REDIRECT EXAMINATION
8 BY MR. BRAVE:
9 Q Detective Requer, anybody sitting in
10 this courtroom --
11 MR. TAYBACK: Objection, Your Honor.
12 THE COURT: All right, I'll sustain the
13 objection.
14 Q You agree with Mr. Tayback that the
15 investigation of this double homicide was a sloppy
16 job geared solely to clearing a case off of the
17 unsolved case list?
18 A I disagree with Mr. Tayback, if that's
19 his version of the investigation.
20 Q I don't want to lead you back through
21 every step of your investigation --
22 MR. TAYBACK: Objection, again, Your
23 Honor.
24 MR. BRAVE: It took us --
25 THE COURT: I'll sustain it as to the

1 statement. Go ahead.

2 Q You have been on the stand now for a day

3 and a half, almost two days. I'm not going to go

4 over --

5 MR. TAYBACK: Objection, again, Your

6 Honor.

7 THE COURT: Sustained.

8 Q -- every step of the previous

9 questions.

10 MR. TAYBACK: Objection.

11 Q But very briefly, at the crime scene

12 does the name of Arthur Kelly come up?

13 A Yes, sir.

14 MR. TAYBACK: Objection, Your Honor.

15 Asked and answered a number of times.

16 THE COURT: Overruled.

17 Q What else could you possibly have done

18 to investigate any connection between Arthur Kelly

19 and these homicides?

20 MR. TAYBACK: Objection, same grounds.

21 THE COURT: Overruled.

22 A The only other thing possibly, and we

23 was making arrangement to have Mr. Kelly and

24 another man submit to a poligraph examination.

25 MR. TAYBACK: Your Honor, may we

1 approach the bench?

2 THE COURT: Yes.

3 (Whereupon, counsel and the Defendant

4 approached the bench and the following conference

5 ensued:)

6 MR. TAYBACK: Your Honor, I believe the

7 interjection of the potential of a poligraph exam,

8 which I think is well understood by most normal

9 people to be a lie detector exam, has been

10 interjected into this case. There is case law to

11 indicate that such is improper and on that basis I

12 would make a motion for mistrial.

13 THE COURT: Obviously any time there is

14 an attempt to interject during the investigation,

15 course of investigation that the Defendant

16 subjected himself to poligraph examination, that's

17 clearly improper but, number one, that's not the

18 suggestion whatsoever here.

19 MR. TAYBACK: And I am not saying that.

20 THE COURT: I know that but, number two,

21 the State didn't particularly ask for that

22 particular -- for that response. Detective Requer

23 gave the response because he has been pressed to

24 the wall to say what he could do. He's trying to

25 say, my goodness, we did everything we could do.

1 I have not said this one thing, and I assume that
2 the reason why he didn't say the one thing is
3 because he knew that there was a problem but he
4 has been pressed and pressed as to why he didn't
5 do a more thorough investigation. Now, as the
6 last straw, he is saying, well, for goodness sake,
7 we even tried to arrange a poligraph examination.
8 MR. TAYBACK: Well, two things to that,
9 Your Honor. You will remember I objected to the
10 question because it's already been asked and
11 answered which is exactly what the Court is
12 saying.
13 Basically how many times can you ask the
14 officer to say the same thing. So the State
15 continues to ask the question and the officer
16 gratuitously, I can see that, I'm not saying that
17 this is any plot or otherwise by the State to
18 interject that into the case, but it comes up
19 because of that situation.
20 Now, what does it do? Again, the case
21 law suggests that once you introduce the mention
22 of a poligraph examination, that that represents
23 grounds for a mistrial.
24 I will say that, that without, without
25 researching it, entirely off the top of my head, I

1 know that there is case law that definitely
2 supports that. I suspect or I think, not just
3 suspect, I think there is case law that says it is
4 not automatically harmful but now we have it
5 interjected into the case, I make the motion for
6 mistrial.
7 If there is any question as to the case
8 law, I ask for an opportunity to brief the issue
9 very briefly, not to write it but to orally
10 present it to the Court, and I would assume, if
11 Mr. Brave is going to be fairly short in his
12 continuing examination, we might be able to do
13 that afterwards. If the Court determines that it
14 is appropriate then to grant a mistrial, will do
15 so.
16 THE COURT: I deny the motion for
17 mistrial. If you wish to submit something to the
18 Court -- I have already denied the motion for
19 mistrial -- I will reconsider. I will say at this
20 point I don't believe that under the circumstances
21 here extant that a mistrial would be in order but
22 I will at this point ask -- tell Detective Requer
23 to come up here please.
24 MR. BRAVE: That's a good idea.
25 (Whereupon the witness approached the

1 bench.)

2 THE COURT: Detective Requer, I'm going

3 to have to request that you not make any reference

4 to any arrangements to conduct a poligraph

5 examination for anybody.

6 THE WITNESS: Yes, sir.

7 THE COURT: Okay.

8 MR. TAYBACK: Your Honor, just to state

9 two additional things for the record. That would

10 be one of my concerns in the matter, that once it

11 is introduced about that, I think that does

12 introduce speculation into the minds of the jury

13 as to whether one of the reasons why this officer

14 so strongly believes people that he says would lie

15 otherwise would be because they did pass some sort

16 of scientific test that we are keeping from them.

17 The next point I wish to make would be

18 that I would ask the Court in some way to fashion

19 a curative instruction at this time to the jury

20 concerning that last answer. It brings more

21 attention to it unfortunately but, on the other

22 hand, I think it is necessary to do so.

23 THE COURT: I do think the record needs

24 to reflect one very key point, that is, that he

25 never got a chance to talk about what these

1 arrangements were and to, in fact, say there was
2 one conducted or not conducted, but I'll be more
3 than happy to give a curative instruction. All
4 right.
5 (Whereupon, counsel returned to the
6 trial table and proceedings resumed in open
7 court.)
8 THE COURT: Ladies and gentlemen, there
9 was an inadvertent reference to arrangements to
10 conduct a poligraph examination. Please put that
11 out of your mind and give no consideration
12 whatsoever as to use or possible uses of any
13 poligraph examinations as part of any
14 investigation that preceded this case. All right,
15 Mr. Brave.
16 BY MR. BRAVE:
17 Q Detective, you've been doing this now
18 for years and years and years, investigating
19 homicide cases?
20 A Yes, sir, I have.
21 Q Sometimes you get lucky and you find a
22 man standing over a victim with a smoking gun?
23 A That's the case sometimes.
24 Q And those things happen?
25 A Yes, sir.

1 Q And the investigation is a pretty quick
2 one, I would imagine?
3 A In that case it would be, yes, sir.
4 Q You investigate certain surrounding
5 situations but, I mean, there you got the man
6 pointing the gun at the dead person and the smoke
7 is coming out of the barrel?
8 A It's an easy one.
9 Q Basically your investigation is over?
10 A That's correct, yes, sir.
11 Q This case was quite different, was it
12 not?
13 A Lot of difference.
14 Q There was nobody --
15 MR. TAYBACK: Objection, Your Honor.
16 Q Were there any people who were alive in
17 that house on Navarro Road when the police
18 arrived?
19 A No, sir, there was not.
20 Q So you are starting from scratch?
21 A That's correct.
22 Q Just about anybody in the world --
23 MR. TAYBACK: Objection, Your Honor.
24 THE COURT: Sustained.
25 Q Well, the world is suspect at that

1 point?

2 A Everyone is suspect, yes.

3 Q But rather than going around willy-nilly

4 hauling people off the street, you start with the

5 most likely?

6 A That's correct.

7 Q Did you eliminate Arthur Kelly?

8 A Yes, sir, he was eliminated.

9 Q Did you eliminate that guy asleep up on

10 the second floor of the neighboring building?

11 A Mr. Jordan, yes, sir, he too was

12 eliminated.

13 Q Jeanette Brown arrives at the scene, you

14 get certain information from her?

15 A That's correct.

16 Q Do you interview her?

17 A Yes, sir, on several occasions.

18 Q To the best of your ability do you

19 eliminate her?

20 A Yes, sir, I don't feel she was involved.

21 Q A couple of days later, on the 5th, you

22 get word that there is a Thomasina Johnson out

23 there who might have some information?

24 A She was interviewed, too, yes, sir.

25 Q Do you talk to her?

1 A Yes, sir.
2 MR. TAYBACK: Objection, Your Honor,
3 asked and answered.
4 THE COURT: Overruled.
5 A Yes, sir.
6 Q Now, for the first time the name Poppy
7 emerges as a possible --
8 MR. TAYBACK: Objection, Your Honor.
9 Q -- possible suspect?
10 THE COURT: Overruled.
11 A Jamican male, not Poppy.
12 Q Thank you. A Jamican male. I'm not
13 going to go over --
14 MR. TAYBACK: Objection, Your Honor.
15 THE COURT: Sustained.
16 Q -- the contents -- but as a thorough
17 investigator, do you write down what she says?
18 A Yes, sir.
19 Q Do you slip it under the rug somewhere
20 or do you put it right in your file where it
21 belongs?
22 A It's part of the case folder.
23 Q A week later on the 12th, do you
24 reinterview Deborah Pearson?
25 A Yes, sir.

1 Q On the 17th, do you reinterview Jeanette
2 Brown?
3 A Yes, sir.
4 Q Do you go to that motel?
5 A Yes, sir.
6 Q Do you get those telephone numbers?
7 A Gotten the numbers.
8 Q Do you come up with the name of Nellie
9 Chew?
10 A Yes, sir.
11 Q Do you get a search and seizure warrant
12 for 862 West Fayette Street?
13 MR. TAYBACK: Objection to all the
14 leading questions.
15 THE COURT: I'll overrule the objection
16 at this point.
17 A Yes, sir, a search and seizure warrant
18 was obtained for the premises of 862 West Fayette
19 Street on the 19th of June 1986.
20 Q You are on to something but you don't
21 know what?
22 A Yes, that's correct.
23 Q Do you have one bit of evidence, one bit
24 of evidence at this point that Leroy Boyce is the
25 murderer of those two women?

1 A None whatsoever.
2 Q How would you categorize what you have
3 at that point?
4 A All speculation. I didn't know his
5 correct name until the 19th. We just knew him as
6 a Jamican male we wanted to speak with.
7 THE COURT: Jamican male by the name of
8 Lee?
9 A By the name of Lee that we wanted to
10 speak with.
11 Q Since June the 19th, after everything
12 that has happened since June the 19th, have you
13 come up with one piece of evidence, testimonial
14 like you are doing right now, documentary like all
15 these exhibits, or stipulations, do you come up
16 with one piece of evidence, evidence that Leroy
17 Boyce was responsible for the deaths of those two
18 women?
19 A Not, not any at all.
20 Q When is the first time that the focus of
21 your suspicion turns from Leroy Boyce to this man
22 right here?
23 A It's on July 18th, 1986.
24 Q When Capers comes out of that interview
25 room with Robert Robinson?

1 A That's correct.

2 MR. TAYBACK: Objection, Your Honor, the

3 State is testifying.

4 THE COURT: I'll sustain the objection.

5 Q What date does Robert Robinson finally

6 come forward and tell you, not John Capers but

7 you, what he knows?

8 A Some thirteen days later. It was the

9 31st of July 1986.

10 Q Who are you -- now, he could be telling

11 the truth or he could be lying, right?

12 A That's true.

13 Q But one thing is certain, this is the

14 first person --

15 MR. TAYBACK: Objection.

16 Q -- who has come forward --

17 THE COURT: Overruled.

18 Q -- with any single bit of knowledgc of

19 those murders?

20 A That's correct.

21 MR. TAYBACK: Objection.

22 THE COURT: Overruled.

23 Q Who does he mention also has knowledge

24 of these murders?

25 A He said Joan Jackson, later determined

1 to be Joanne Blunt.

2 Q How soon does it take you to get a hold

3 of Joan Jackson also known as Joanne Blunt?

4 MR. TAYBACK: Objection, Your Honor.

5 THE COURT: Overruled.

6 MR. TAYBACK: Very briefly, just so I

7 can indicate on the record, can we approach the

8 bench?

9 THE COURT: Approach the bench.

10 (Whereupon, counsel and the Defendant

11 approached the bench and the following conference

12 ensued:)

13 MR. TAYBACK: By the rules, Your Honor,

14 I think I have to request and the Court has to

15 grant me a continuing objection to the line of

16 inquiry. If I state the continuing objection to

17 be as to two grounds, I won't have to object to

18 every single question.

19 As to the State's leading questions

20 whenever that would come in, if the Court would

21 grant to me a continuing objection, I wouldn't

22 have to object all time.

23 Then, number two, as to the State going

24 over exactly the same ground that it has brought

25 up before.

1 Again, the Court in it's discretion can
2 allow it or not allow it. It is certainly
3 something that simply is a situation of the State
4 reiterating, reiterating, reiterating points that
5 have been made.
6 THE COURT: I assume that what the State
7 is doing is in the nature of trying to
8 rehabilitate its witness.
9 MR. TAYBACK: I don't dispute that, but
10 the point is there is nothing in the way of new
11 material coming in. There is nothing that hasn't
12 already been stated and stated again, truly asked
13 and answered. It is truly a matter for closing
14 argument. He presents his side, I present my
15 side. That's what you do.
16 THE COURT: I would ask Mr. Brave that
17 we really get right down to the heart of the
18 matter. I think that that can be done a lot more
19 succinctly than the original direct examination
20 was done.
21 MR. BRAVE: I have already gotten to
22 Joanne Blunt in five minutes. It took me an hour
23 or two hours last time to approach this point.
24 THE COURT: How much longer are you
25 going to be?

1 MR. BRAVE: Ten minutes tops.

2 THE COURT: All right.

3 MR. BRAVE: Ten to fifteen.

4 (Whereupon, counsel returned to the

5 trial table and proceedings resumed in open

6 court.)

7 Q Do you tell Joanne Blunt what Robert

8 Robinson has just finished telling you earlier

9 that day?

10 A No, sir.

11 Q As a matter of fact, the only thing you

12 tell her is we know you were there?

13 A That's correct.

14 Q Does she give you, does she just fall

15 down and give you information right off the bat?

16 A No, sir, first she did not. Then she

17 later told us what occurred.

18 THE COURT: First she did not what?

19 A She denied any knowledge of being there,

20 then a short time later she gave me a formal

21 statement which was interrupted and she was taken

22 to the grand jury and she continued her statement

23 afterwards.

24 Q Mr. Tayback asked a question and your

25 answer to it was if she said that, she said that,

1 I wasn't here when she said it but if she said it,
2 she said it. Mr. Tayback said, are you aware that
3 Joanne Blunt testified that she talked to Poppy
4 within a day or so before the police came and
5 picked her up and interviewed her?
6 A I wasn't aware of that.
7 Q If she got on that stand and said
8 outside of your presence, Poppy, I'm scared, I'm
9 going to tell the truth, is that consistent or
10 inconsistent with this hair brained plot that Mr.
11 Tayback --
12 MR. TAYBACK: Objection.
13 Q -- Mr. Tayback is talking about?
14 MR. TAYBACK: Objection, Your Honor.
15 Also I'd like to state --
16 THE COURT: I'll strike the, I'll strike
17 the reference to the hair brained plot.
18 MR. TAYBACK: I don't know -- never
19 mind. If you could also ask the State to read the
20 whole statement made, not just to pick a portion
21 of it.
22 THE COURT: Very well.
23 MR. BRAVE: Be glad to.
24 Q I said -- this is Joanne Blunt talking,
25 in response, in a conversation with Poppy just

1 within a day or so of the time that you show up,
2 or not you but whoever you sent to bring her down
3 to homicide -- I said to Poppy, I don't know what
4 to say. He said, what do you want to say? I said
5 -- Joanne Blunt said, I'm going to tell the
6 truth.
7 Is that consistent or inconsistent with
8 this plot of Mr. Tayback?
9 A It would be inconsistent with any plot.
10 MR. BRAVE: Your Honor, I'm going to
11 re-offer, mindful of your prior rulings, I'd like
12 to re-offer, since the door in my opinion is wide
13 open, I want to re-offer Joanne Blunt's statement
14 and State's Exhibit 32 for identification and
15 Robert Robinson's statement, State's Exhibit 36
16 for identification at this time.
17 THE COURT: Well, the Court believes
18 that since the substance of what is there has been
19 covered thoroughly, I'm going to deny the
20 request.
21 MR. TAYBACK: I'll agree to it if Mr.
22 Brave is finished. If he's not, I won't agree to
23 anything.
24 MR. BRAVE: Wait till I'm finished, then
25 I'll re-offer it.

1 MR. TAYBACK: Make it quickly.
2 Q When you are sitting there as a homicide
3 detective with the years of experience that you
4 have had, when you are sitting there talking to
5 people who have some knowledge of an event, do you
6 have any idea whether a year or fourteen months
7 down the line the Defendant is going to come with
8 an alibi defense, whether he's going to come with
9 a defense that it is a case of misidentification
10 or it's a case of not being there or if it is a
11 case of the police beat the confession -- do you
12 have the slightest idea as you are sitting there
13 interviewing the witnesses how the Defendant is
14 going to come with his defense down the line
15 sometime?
16 MR. TAYBACK: Objection.
17 THE COURT: I'll sustain that
18 objection.
19 Q Mr. Tayback says my client's
20 fingerprints weren't there. You remember him
21 asking you that?
22 A Yes, sir, I recall.
23 Q Was Glenita Johnson there?
24 A She was there, she was dead in the chair
25 there.

1 THE COURT: She was dead in the chair
2 there?
3 A Yes, sir.
4 Q Something must be wrong, you are sure
5 she was dead in the chair there?
6 A I'm positive.
7 MR. TAYBACK: Objection. Just a
8 minute. Objection.
9 THE COURT: Overruled.
10 Q Well, her fingerprints weren't there.
11 What makes you say she was dead in the chair
12 there?
13 MR. TAYBACK: Objection.
14 THE COURT: Well, question is out now.
15 What makes you say that?
16 A I saw her body, I examined her body
17 there. She was, in fact, dead at 4711 Navarro
18 Road on the 2nd of June 1986. It is also true
19 that fingerprints were not found anywhere on the
20 premises there.
21 Q Did you know that a year down the line
22 Mr. Tayback was going to ask you to check all the
23 dealerships in town to find out if a Rockwood had
24 been put a down payment on? Did you know he was
25 going to come that route?

1 A No, sir, I did not.
2 Q You mentioned that Joanne Blunt is not
3 the only person you talked to, is that correct?
4 A That's correct.
5 Q You also mentioned that you didn't only
6 talk to Joanne Blunt and Nellie Chew and Robert
7 Robinson and Jesus and Deborah Pearson and whoever
8 else the State has put on.
9 A It was quite a few people that I spoke
10 to.
11 Q You spoke with a Jeanette Brown, didn't
12 you --
13 A Yes, sir.
14 Q -- at length? This is the lady whose
15 house you got a search and seizure warrant on on
16 June the 17th, which lead you out to the Quality
17 Motel?
18 A That's correct.
19 MR. TAYBACK: Objection, Your Honor.
20 THE COURT: Overruled.
21 A Yes, sir.
22 Q You talked to her thoroughly?
23 A Yes, sir, I did.
24 Q After talking to her, was the evidence
25 against Reuben Rainey stronger or was the evidence

1 pointing toward Leroy Boyce?
2 A Stronger towards Mr. --
3 Q Don't tell me what she said. Just
4 whether it was stronger or not?
5 A Stronger towards Mr. Rainey.
6 Q You talked to another lady by the name
7 of Linda Godbolt?
8 A Yes, sir.
9 Q Who is Linda Godbolt?
10 A She is an ex-girlfriend of the
11 Defendant, also the mother of his child.
12 Q And is that the Linda that lives up on
13 the third floor of 357 East 121st Street in New
14 York?
15 A Yes, sir.
16 Q Did you talk to Linda Godbolt during the
17 course of your investigation?
18 A Yes, sir.
19 Q Did your discussions with Linda Godbolt
20 cause you to re-think this case and think that
21 maybe it might have been Leroy Boyce or were you
22 surer than ever that your investigation had landed
23 on the right man?
24 A I was surer than ever it was Mr. Rainey.
25 MR. BRAVE: I have nothing further, Your

1 Honor.

2 MR. TAYBACK: Very briefly, Your Honor.

3 RECROSS EXAMINATION

4 BY MR. TAYBACK:

5 Q Detective Requer, the State's Attorney

6 read parts of the statement to you that Joanne

7 Blunt made under oath. It is talking about when

8 the homicide detectives are coming to get her so

9 that she can speak with you folks for the first

10 time. She is talking with, according to her,

11 Leroy Boyce.

12 MR. BRAVE: Objection, Your Honor.

13 MR. TAYBACK: I am setting the scene

14 only, Your Honor.

15 MR. BRAVE: Well, --

16 MR. TAYBACK: Well what?

17 THE COURT: Next question, Mr. Tayback.

18 Q She said, according to the State reading

19 it into the record, I said, I don't know what to

20 say. He said, what do you want to say? I said,

21 I'm going to tell the truth. State's Attorney

22 read that to you, didn't he?

23 A Yes, sir.

24 Q Just read it to you a minute or two ago?

25 A Yes, sir.

1 Q Of course, he didn't bother to read the
2 rest of it where Leroy Boyce said to her according
3 to her, he said, no, mommy -- You didn't hear him
4 say that to you, did you when Mr. Brave read that
5 to you a just a minute ago?
6 A No, sir, I did not.
7 Q Because Edward Cooper and Robert
8 Robinson, I think they talked to the police. She
9 said, Poppy, I'm scared.
10 A Yes.
11 Q That's the entire quote there, that
12 particular paragraph. Now, Linda Godbolt, for
13 example, if I asked you whether she was one of the
14 --
15 MR. BRAVE: Objection.
16 Q -- Poppy's girls --
17 THE COURT: Overruled.
18 Q -- would the answer be yes or no?
19 THE COURT: Overruled.
20 A One of his girls?
21 Q If you don't like that language, let me
22 rephrase it. Was Linda Godbolt having some sort
23 of physical relationship, to your knowledge, with
24 Leroy Boyce?
25 A She told me on one occasion, yes.

1 Q Well, she had sex with him, if you will?
2 A One occasion she told me, yes.
3 Q So she has a contact or a connection
4 with Leroy Boyce, a rather personal connection?
5 A I wouldn't say that, counsel.
6 Q It just happened in the dark, right?
7 A One encounter, I mean.
8 Q Just one encounter?
9 A According --
10 Q She has an encounter with Leroy Boyce?
11 A -- according to her, yes, sir.
12 Q Of course, you talked to this woman and
13 because, according to you, she what, reaffirms
14 what you believe, is that what you are telling us?
15 A Yes, sir, she added to what I suspected,
16 yes.
17 Q She added to what you suspected?
18 A Right.
19 Q Would it surprise you that under oath --
20 MR. BRAVE: Objection. Maybe we better
21 approach the bench on this because I think a door
22 is being opened.
23 THE COURT: Approach the bench.
24 (Whereupon, counsel and the Defendant
25 approached the bench and the following conference

1 ensued:)

2 MR. BRAVE: You are opening the door,

3 Mr. Tayback.

4 MR. TAYBACK: Just a minute.

5 MR. BRAVE: Let me state my objection.

6 It is my objection, state it.

7 MR. TAYBACK: Speak quietly and state

8 the --

9 THE COURT: Go ahead.

10 MR. TAYBACK: -- objection succinctly.

11 MR. BRAVE: This is an objection aimed

12 at the fact, Your Honor, that Mr. Tayback ought to

13 stand warned that if he brings out the hearsay,

14 and it is hearsay, of what Linda Godbolt testified

15 to under oath at the last trial that, no, that is

16 not the gun, that it opens the door for Detective

17 Requer to say that on the way back to New York,

18 and Mr. Tayback knows this, on the way back to New

19 York Linda Godbolt said I lied under oath,

20 detective, I recognized the gun, I just didn't

21 want to bury Rudy.

22 MR. TAYBACK: Let me --

23 MR. BRAVE: If one comes in, the other

24 comes in.

25 MR. TAYBACK: Let me ask you a question

1 then. If that is the situation, why don't you
2 produce Linda Godbolt? Why don't you bring her as
3 a witness then?
4 MR. BRAVE: I tried my best.
5 THE COURT: If you raise that, he's
6 going to have the right to respond explaining why
7 he hasn't produced her.
8 MR. TAYBACK: He hasn't produced her.
9 THE COURT: I know.
10 MR. TAYBACK: See, the problem is that
11 State is coming -- wait just a moment. Let me
12 talk. The State would love to bring that out.
13 MR. BRAVE: We'd love to have her here.
14 MR. MURPHY: Reason why she's not here
15 --
16 MR. TAYBACK: You have the State
17 bringing up the name with nothing to substantiate
18 it. Now, we know under oath what she did say.
19 The rest of this about what she said or didn't
20 say, why she did things or didn't say things. The
21 State is the one or the party, if you will, that
22 had her in its control to some extent and she
23 disappeared from their control. I'm not blaming
24 Mr. Brave but I'm saying that's the truth. Yet
25 the State through the back door, at the extreme

1 back door, comes up, does that help to reinforce
2 your position. They know what happened under oath
3 and that's the important thing.
4 MR. BRAVE: You are missing the point.
5 The relevancy, what we are talking about now, the
6 issue is did this investigator bungle his
7 investigation.
8 THE COURT: Mr. Brave, I can cut this
9 short. I can say to you, Mr. Tayback, if you do
10 go into it, I have to let them bring out the other
11 statement.
12 MR. TAYBACK: Okay. I'll just ask no
13 more questions.
14 (Whereupon, counsel returned to the
15 trial table and proceedings resumed in open
16 court.)
17 MR. TAYBACK: No further questions.
18 THE COURT: Do we have all the jurors?
19 THE CLERK: Yes.
20 THE COURT: I have just one question,
21 Detective Requer, before Mr. Brave, if he has any
22 more. I don't want to ask you anything about
23 anything you did so I'm saying that to preface my
24 question.
25 Is there anything you can say to this

1 jury or to me about how the the investigate
2 progressed or any elements or aspects of the
3 investigation, describing the investigation
4 itself, not what you did specifically except
5 insofar as is necessary to relate a particular
6 event to explain what you mean, that makes you or
7 that made the investigation shift from one person
8 to the other? In other words, the manner in which
9 witnesses responded or didn't respond or whatever,
10 is there anything you can tell us about what set
11 off a bell in your head?
12 A That made it shift from one person to
13 another?
14 THE COURT: From Boyce to Rainey.
15 A Yes, sir. Well, there were several
16 things I can say, like I say, I won't say. My
17 encounter with Mr. Capers, then from that point on
18 it began to change.
19 THE COURT: I mean, before Capers there
20 is nothing to even talk about. I'm saying is
21 there anything about the demeanor or the manner of
22 witnesses or anything that makes you think one set
23 of witnesses as opposed to another alternative is
24 more plausible or feasible than the other?
25 A No, sir, as far as the character, I

1 believe all of them were probably the same, same
2 type of environment, from the same type of
3 environment, same type of dealings and they all
4 about the same. As far as credibility, I would
5 say they are all the same.
6 THE COURT: I mean, even among people of
7 low credibility you got to look for something to
8 decide who is more or less credible than the
9 other?
10 A What I would gauge that by, Your Honor,
11 was as to what did they expect, what was the
12 purpose of their coming forward. That's how, as
13 far as their character is concerned, about their
14 credibility, I wanted to know what they want from
15 me and I did judge them on that ground including
16 -- well, all of them, every one that was arrested
17 at one time or another, I spoke to all of them.
18 THE COURT: Did the reluctance or the
19 anxiousness of a given witness to help or not to
20 help in any way mean anything to you?
21 A Yes, sir. At first, yes, sir. It meant
22 that Mr. -- Mr. Boyce, at first I felt that he's
23 waiting to find out if everyone was going to talk
24 before he would come forward. What can I reap
25 from it. The same thing with Mr. Cooper and Mr.

1 Robinson, they too -- they more or less used all
2 their trump cards and, and it didn't work out the
3 way they expected. They came forward, too,
4 furnishing information.
5 Miss Chew, she eventually came through
6 for the same reason. Also Miss Blunt, in fear of
7 going to jail, she finally came through. Miss
8 Brown, the threat of losing her job, she too
9 finally came through. Like I say, all of them had
10 a reason for coming through and which they did.
11 THE COURT: All right, Mr. Brave.
12 MR. BRAVE: Thank you, Your Honor.
13 Q I just want to ask one question to this
14 portion that Mr. Tayback read you, the portion
15 that starts off with Joanne Blunt saying, Poppy, I
16 don't know what to say. He said, what do you want
17 to say? I said, I'm going to tell the truth. He,
18 Poppy say, no, mommy, because Edward Cooper and
19 Robert Robinson, I think they talked to the
20 police. What does that mean?
21 A What date was this on?
22 Q Well, this is before --
23 A The 31st?
24 Q You have talked -- it's sometime before
25 you have talked to Joanne Blunt, Poppy is saying,

1 no, because Edward Cooper and Robert Robinson, I
2 think they talked to the police, what does that
3 obviously mean?
4 A It means, just like I attempted to
5 explain to the Judge, that, now that Mr. Boyce was
6 aware that two people had already come forward, to
7 keep from putting her under the gun, for her to
8 keep her mouth shut, not to say anything; there's
9 no need for you to say because two people have
10 already talked.
11 He had no way of knowing what they was
12 going to say, if they was, in fact, going to
13 implicate Miss Blunt.
14 Q In other words, there is no need for you
15 to talk, they have already talked?
16 A Exactly.
17 Q Okay. I have nothing further, Your
18 Honor.
19 RECROSS EXAMINATION
20 BY MR. TAYBACK:
21 Q When he tells her not to tell the truth,
22 detective --
23 MR. BRAVE: Where does he say that?
24 Objection, Your Honor. That's not what she said
25 he says.

1 MR. TAYBACK: Just a moment. Let's read
2 the exact words then. She says, I said, I'm going
3 to tell the truth, and he said, no. Now, does
4 that --
5 MR. BRAVE: Your Honor, objection. He
6 can't stop in the middle of a sentence.
7 THE COURT: Finish it, Mr. Tayback.
8 Q He said, no, mommy?
9 MR. BRAVE: And what else?
10 MR. TAYBACK: Mr. Brave, sit down
11 please.
12 Q No, mommy --
13 THE COURT: Mr. Tayback, I'll tell Mr.
14 Brave to sit down.
15 MR. TAYBACK: Would you ask Mr. Brave to
16 sit down then, please?
17 THE COURT: Will you sit down, Mr.
18 Tayback?
19 MR. TAYBACK: I'll sit also. I am not
20 going to move.
21 Q He said, no, mommy, because Edward
22 Cooper and Robert Robinson, I think they talked to
23 the police.
24 A Yes, sir.
25 Q Now, that's the whole sentence, right?

1 A Right.

2 Q She says, I'm going to tell the truth

3 and he says, no, mommy, because Edward Cooper and

4 Robert Robinson, I think they have talked to the

5 police. Now, you take that to mean that,

6 therefore, there is no reason for her to speak to

7 the police, is that correct?

8 A That's how I would interpret it, yes,

9 sir. I would say what he is saying to her --

10 Q How about the other side of the coin?

11 MR. BRAVE: Objection, Your Honor,

12 witness is right in the middle of explaining to

13 Mr. Tayback.

14 THE COURT: Go ahead, detective.

15 A He's telling her -- she's telling him,

16 Poppy, I don't know what to do. I think I'm going

17 to tell the truth. I'm going to tell the police

18 the truth. He said, no, mommy, Cooper and

19 Robertson already talked to them, there is no

20 need. That's my interpretation of what that is,

21 like I said.

22 Q That's your interpretation?

23 A Yes, sir.

24 Q There's no need?

25 A That's how I interpret that, yes.

1 Q How about this, officer, that he is
2 saying, no, mommy, don't tell the truth, because I
3 think that Edward Cooper and Robert Robinson have
4 gone to the police. He has to know what they have
5 said before he can tell her what to say. Have you
6 ever thought of that?
7 A No. Perfectly honest, no.
8 Q Never thought of that?
9 A Not in that vein, no, sir.
10 Q No further questions.
11 MR. BRAVE: I have nothing further.
12 THE COURT: Okay, then, Detective
13 Requer, we thank you very much for really
14 subjecting yourself to this grilling over this day
15 and a half.
16 A I'm excused, sir?
17 THE COURT: Yes, you may be excused.
18 A Thank you.
19 THE COURT: I need to talk to counsel
20 for a moment.
21 (Whereupon, a bench conference was held
22 which was not made a part of this record,
23 following which proceedings resumed in open
24 court.).
25 THE COURT: Mr. Brave, who will be the

1 State's next witness?

2 MR. BRAVE: Your Honor, as I explained

3 at the bench, we have closed our rebuttal case at

4 this time.

5 THE COURT: There will be no

6 sur-rebuttal?

7 MR. TAYBACK: No.

8 THE COURT: Ladies and gentlemen, what

9 that means is that this case is now concluded.

10 There is, in other words, all of the evidence is

11 in. The only thing remaining are my explanations

12 to you regarding the law which will take

13 approximately a half an hour and, finally,

14 arguments in the case which are in some regards

15 under the control of the lawyers.

16 That means if we begin at a quarter of

17 ten tomorrow I expect that this case will be to

18 you sometime by noon tomorrow for you to begin

19 deliberating. I think many of you really wanted

20 to know when that was going to happen and by your

21 shaking your head in the affirmative I can see

22 that I was right.

23 So I'm going to ask that you please

24 report here no later than -- despite the fact that

25 we are going to start promptly at a quarter of ten

1 I'm asking ask that you be here at 9:30 just on
2 the outside chance we get started a little bit
3 early.
4 This Court will stand adjourned until
5 9:30 tomorrow.
6 (Whereupon, Court adjourned for the
7 day.)
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1 REPORTER'S CERTIFICATE

2 I, Rita M. E. Taggart, an Official Court
3 Reporter of the Circuit Court for Baltimore City,
4 do hereby certify that I recorded stenographically
5 the proceedings in the matter of STATE versus
6 REUBEN RAINEY, on JULY 14, 1987.

7 I further certify that the aforegoing
8 pages constitute the official transcript of
9 proceedings as transcribed by me to the within
10 typewritten matter in a complete and accurate
11 manner.

12 In Witness Whereof, I have hereunto
13 subscribed my name this 30TH day of JANUARY, 1988.

14

15 Rita Taggart
Rita M. E. Taggart

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2

STATE OF MARYLAND

3

INDICTMENT NO. 18626016-17

4 VERSUS

5 REUBEN RAINEY

6 _____/ JULY 15, 1987

7

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE
AND A JURY

11

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE
ASSISTANT STATE'S ATTORNEY

15

BRIAN MURPHY, ESQUIRE

16 ASSISTANT STATE'S ATTORNEY

17 ON BEHALF OF THE DEFENDANT:

18 GORDON TAYBACK, ESQUIRE

19

20 REPORTED BY:
Rita M. E. Taggart
21 Official Court Reporter
507 Courthouse West
22 Baltimore, Maryland 21202

23

24

25

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

2 July 15th, 1987

3 THE COURT: First order of business, Mr.

4 Tayback has a motion to make.

5 MR. BRAVE: No, Your Honor, there is

6 something just before that. Your Honor, you will

7 recall after one of the bench conferences I set

8 forth an argument which I'd be glad to repeat

9 again if necessary. I felt now that the door had

10 been swung wide open, the statments of Joanne

11 Blunt, Robert Robinson and Nellie Chew which would

12 clearly have been inadmissible as hearsay as a

13 prior consistent statement in the State's case in

14 chief but once this door had been flung wide open

15 by questions such as, for example, so you fooled

16 the police, so you fooled the State's Attorney's

17 Office, but you didn't fool the last jury, I'm not

18 talking about that, didn't fool the last jury but

19 you fooled the police, and you fooled the State's

20 Attorney's Office, that throws the door wide open

21 to the State's Attorney's Office as you allow us

22 to go through question by question of these

23 statements to, in effect, read them in the

24 record.

25 I mean, if any error took place, it took

1 place right then and there when I read these
2 statements into the record. Seems to me that I
3 got into the record the questions that were asked
4 to show how the police conducted their
5 investigations, the answers that were received
6 relevant to whether it ties in with what other
7 witnesses, whether Joanne's statement tied in in
8 its essential characteristics with what Robert
9 Robinson's statement earlier that day was.
10 All this is very relevant to whether the
11 police bungled it, rushed to judgment, were fooled
12 or whether they conducted it in a professional
13 manner. All those questions are before the jury.
14 I indicated that I'd like to, certainly in the
15 Court's discretion since it is before the jury, to
16 clarify exactly what is before them so that
17 they're not up there guessing and wondering what
18 was said, why not have those words in their hands
19 in the jury room, and I said that I was going to
20 move for the admission of these statements at the
21 appropriate time when we broke last night. It
22 completely slipped my mind. Nothing has happened
23 since. I'd like permission to reopen the case and
24 offer those statements if you will receive them.
25 THE COURT: I'm inclined to believe that

1 you are probably right, Mr. Brave, that at such
2 time as the Court allowed you to go extensively
3 into the statement as it did, if any error would
4 have been committed it would have been committed
5 when the jury was exposed to basically, virtually
6 everything in the statements.
7 It would be helpful, however, if you had
8 available at least one, one piece of authority for
9 the proposition. I think, apparently, you are
10 relying more or less on basic Hornbook law.
11 MR. BRAVE: I'm relying on the fact that
12 relevant evidence deserves to be before the jury.
13 The relevant issue as defined by the defense as
14 clearly as any issue could possibly be defined is,
15 didn't you fool the police, didn't you fool the
16 State's Attorney's Office, that swings the door
17 open to any relevant inquiry into whether or not
18 the police were fooled, how they went about their
19 investigation, what questions they asked, what
20 questions they answered.
21 I could probably take time out and find
22 a raft of cases. I don't know if you could define
23 one in which this factual scenario is repeated but
24 you are going to find all over the place if it is
25 relevant it is admissible.

1 THE COURT: It wouldn't have to be this
2 precise factual scenario. Could simply be a case
3 that would in effect say notwithstanding that a
4 statement is clearly hearsay and inadmissible for
5 the purpose of proving the truth of the contents
6 of the statement, that in case X or the case of
7 Judas, the reason the Court allows it is because
8 notwithstanding the hearsay aspects, the statement
9 is allowed for this other purpose. This other
10 purpose does not necessarily have to be to
11 contradict a theory that the detectives and that
12 the prosecutors were fooled. It could be
13 contradicting some other point.
14 MR. BRAVE: Judge, I am sorry, I didn't
15 mean to cut you off.
16 THE COURT: Go right ahead. All I'm
17 saying is I'm not suggesting you find a case
18 directly on point.
19 MR. BRAVE: Your Honor, I have read
20 language and you I know have read language like
21 this, appellate judge is there in writing saying
22 the Defendant's argument in this case is
23 deceptively intoxicating but what he fails to come
24 to grips with is the fact that an item of evidence
25 may be inadmissible for one purpose but admissible

1 for another. The reason, and the appellate judge
2 says the reason it is not error for this to have
3 come in, because it was clearly relevant to such
4 and such an issue and not the issue that Defendant
5 is addressing. I have read that language time and
6 time again down through the years. That's the
7 proposition that I'm selling. It is a familiar
8 proposition to all of us.
9 If Mr. Tayback wants to challenge the
10 integrity of this investigation and if that is his
11 defense, it seems to me we ought to be able to
12 meet that defense fully and say, look, this is how
13 this investigation was conducted, these are the
14 questions that were asked, these were the
15 questions that were answered. This is the way a
16 professional investigation proceeds. And, as I
17 pointed out, you apparently bought the concept
18 when I initially made it, at least allowed me to
19 ask the detective the questions, did you ask her
20 this, did you ask her that, what did she answer,
21 what did -- did you notice any correlation between
22 what she said and what so and so said, what did
23 that mean to you. All of that is something that
24 has been testified to and it has also been
25 testified to that these pieces of paper marked

1 with ID numbers are what they were testifying
2 about and not to have them before the jury is
3 going to hamper their ability to agree on what the
4 evidence in this case was.
5 THE COURT: Let me hear from Mr.
6 Tayback.
7 MR. TAYBACK: May it please the Court, I
8 previously objected. I also objected at the very
9 beginning of the State's rebuttal and asked that
10 the Court would continue that objection throughout
11 which the Court allowed for purposes of objecting
12 to both the concept as well as the individual
13 actions of the State in its rebuttal.
14 I would still argue to the Court that it
15 is improper rebuttal by the State, always has
16 been, and on that basis certainly I would even
17 renew my motion for a mistrial at the appropriate
18 time.
19 But in response to that which the State
20 is arguing to the Court, the State has previously
21 argued that to the Court as to each time it
22 attempted to introduce these statements and each
23 time the Court did not so allow, and I would
24 simply submit on that previous argument made and
25 previous ruling of the Court.

1 THE COURT: All right, as I have
2 indicated, I believe that if any error were
3 committed, it would have been committed at the
4 time the Court allowed the initial introduction.
5 I'll reverse my ruling and receive the two
6 statements. That's the Joanne Blunt and Nellie
7 Chew --
8 MR. BRAVE: Three statements. First
9 Robert Robinson, State's Exhibit 36; secondly,
10 Joanne Blunt's, State's Exhibit 32 -- These are
11 all for I.D at the moment -- and Nellie Chew's
12 statement, State's Exhibit Number 34.
13 THE COURT: You are saying they're for
14 ID at the moment?
15 MR. BRAVE: They have been marked for
16 ID. I'm moving them into evidence.
17 THE COURT: Very well. They will be
18 received.
19 MR. BRAVE: Shall I do that in front of
20 the jury?
21 THE COURT: You may do it in front of
22 the jury but I'd ask you simply -- I've granted
23 permission for you to reopen your case, you have
24 moved them in evidence, I have received them, you
25 would now wish to rest your rebuttal case again?

1 MR. BRAVE: That's correct.

2 THE COURT: Before I bring the jury down

3 I will entertain argument on the motion for

4 judgment of acquittal.

5 MR. TAYBACK: Could I have the Court's

6 indulgence for just a moment? I need to write

7 this for Judge Angeletti.

8 THE COURT: Very well.

9 (Whereupon, so marked in evidence.)

10 MR. TAYBACK: Your Honor, may it please

11 the Court, I'll make --

12 THE COURT: Let me interrupt you one

13 moment. Before you begin arguing the motion for

14 judgment of acquittal, it would probably be

15 simpler if the State would advise the Court as to

16 what the State wishes to have submitted to the

17 jury.

18 MR. BRAVE: I have been under the

19 impression, I hope not erroneous, that there is

20 only one thing to submit to the jury. The two,

21 the only two things that are left are the two

22 first degree murders and the two uses of handguns

23 in the commissions of crime of violence. Those --

24 THE COURT: By virtue of the last

25 proceeding?

1 MR. BRAVE: By virtue of the last
2 proceeding.
3 MR. MURPHY: Carrying, transporting
4 charge.
5 THE COURT: I don't know if we --
6 MR. TAYBACK: I don't think he was
7 charged with that, was he?
8 MR. BRAVE: I don't even know if he was
9 charged, number one, or if he was --
10 THE CLERK: May I have my file back
11 please? Just hand me those indictments.
12 MR. BRAVE: But I don't know if we sent
13 that. I'm not sure. If we did send it, I
14 certainly want to send it again.
15 THE COURT: He was charged with wearing,
16 carrying or transporting. No question about
17 that.
18 Now, Mr. Murphy, will you look at the
19 file, the jacket, and see as to whether or not the
20 motion was granted as to that?
21 MR. MURPHY: Your Honor, there is a
22 verdict sheet which contains wearing, carrying and
23 transporting.
24 MR. BRAVE: It was sent.
25 MR. MURPHY: So we must -- I recall

1 arguing it too.

2 THE COURT: That's still open.

3 MR. BRAVE: Yes.

4 THE COURT: The only thing open now is

5 the use of a handgun in the commission of a crime

6 of violence; wearing, carrying, transporting a

7 handgun; and first degree murder.

8 MR. BRAVE: That's correct, Your Honor.

9 THE COURT: So that's all you have to

10 argue.

11 MR. TAYBACK: Yes, Your Honor. I would

12 make the motion for judgment of acquittal and

13 submit as to argument.

14 THE COURT: All right. Then, Mr. Brave,

15 there is no need for any argument from the State.

16 MR. BRAVE: Thank you, Your Honor.

17 THE COURT: I will deny the motion for

18 judgment of acquittal as to each and every count.

19 MR. TAYBACK: I would like to argue

20 briefly the two motions for mistrial that I made.

21 One I'll argue more extensively than the other.

22 The other I would simply argue again that the

23 Court should grant the motion for mistrial that I

24 made at the beginning, before the State's rebuttal

25 evidence began, because it was improper.

1 I would further indicate to the Court
2 that the Court in allowing the State to address
3 the same issues again and again and again with
4 Detective Requer, even though he had been asked
5 and answered a number of times, is beyond any case
6 in chief where the State is establishing its
7 points of evidence and is not anything that is in
8 the case in rebuttal.
9 It was clearly an improper procedure
10 and, therefore, the Court should not have allowed
11 it. I objected to the individual questions until
12 it became obvious that the Court was not concerned
13 in that regard. I did ask for a continuing
14 objection in that regard and, of course, I did
15 have the continuing objection to the entire
16 proceeding in the first place.
17 On that basis I make the motion for
18 judgment of acquittal and submit as to further --
19 excuse me, motion for mistrial, and submit as to
20 further argument in that regard.
21 THE COURT: That motion will be denied.
22 MR. TAYBACK: Your Honor, the last one
23 was to the mention of the poligraph examination by
24 Detective Requer which occurred yesterday. The
25 Court may recall that at that time it denied the

1 motion for mistrial but did allow for me to review
2 the evidence and present the arguments to the
3 Court in proper form this morning.
4 Your Honor, I did review the material
5 that I thought was the law and indeed I would cite
6 to the Court the following as the most recent case
7 that I'm aware of that addresses the case
8 substantially and does rely on prior cases that
9 are well known. That would be, I believe it's
10 pronounced Guesfeird, that would be
11 G-u-e-s-f-e-i-r-d, versus State, which is a Court
12 of Appeals decision, 300 Maryland 653, and it is a
13 1984 decision. Among other cases it relies on
14 Lusby, L-u-s-b-y, versus State, which is 217
15 Maryland 191, which is a 1985 case which to my
16 knowledge is one of the earliest if not the
17 earliest in Maryland which addresses the issue of
18 poligraph examinations.
19 Guesfeird would set forth that for a
20 Court to determine whether evidence of a lie
21 detector test which becomes involved in the case,
22 and in this case we do have the evidence of a
23 suggestion of a lie detector test by the officer
24 saying, and this is not an exact quote but it is
25 as close as I can recall, essentially what else

1 could I do but give him a poligraph examination.
2 So determining whether evidence of a lie
3 detector test was so prejudicial that it denied
4 the Defendant a fair trial, the Court would have
5 to first determine, among other factors, and each
6 one doesn't necessarily outweigh the other, these
7 are factors that would be considered whether it
8 was a single isolated statement -- I would concede
9 that it was -- whether the reference was
10 inadvertent or solicited by counsel.
11 Mr. Brave was questioning Detective
12 Requer at that time. It was in response to his
13 question but as I concede or not even conceded, as
14 I stated at the bench without prompting it is my
15 opinion that it was an inadvertent response by
16 Detective Requer and not elicited or solicited by
17 Mr. Brave. I think it was a surprise to him as
18 well. It was not the response that he was
19 expecting.
20 Number three, whether the witness making
21 the references is the principal witness upon which
22 the entire prosecution depends. In this
23 particular case, one would normally not think so
24 because he's not an eyewitness, he's not a witness
25 to whom anybody claims that the Defendant made any

1 statements incriminatory in nature, he's simply
2 the investigating officer.
3 On the other hand, the State in its very
4 proceeding in the case, taking the last two days
5 of the case, has essentially made the credibility
6 of Detective Requer the issue in the case, almost
7 forgetting the credibility of the other witnesses
8 who would normally be what I would consider the
9 State's witnesses.
10 So, as to that point, I would argue that
11 the principal witness may not be the correct term
12 to use but upon which the entire prosecution
13 depends. I would argue to the Court that it seems
14 to me the State in the way in which it has
15 completed its case has essentially established
16 that as the point.
17 Number four, where the credibility is a
18 crucial issue. Again, in this case credibility is
19 the issue. The absolute complete issue in the
20 case is credibility.
21 Number five, whether a great deal of
22 other evidence exists. I suspect the State will
23 say a great deal of evidence does, or other
24 evidence does exist. I would say to the Court
25 that great deal of other evidence does not exist

1 and it is almost arguing our points to the jury
2 but I think that there is certainly going to be a
3 split or dispute as to that.
4 Number six, whether an inference as to
5 the result of the test can be drawn. Well, of
6 course, there is no test so there can't be any
7 inference as to the result of the test drawn by
8 the jurors.
9 Now, this is not necessarily an
10 inclusive/exclusive list but it is one that
11 establishes parameters for consideration.
12 As the Court may recall, yesterday I
13 argued that it seemed to me that when you have
14 witnesses who on their very face are indicated by
15 Detective Requer as the principal investigating
16 officer that he knows that they are lying, he
17 knows that they are tied into Boyce, he knows that
18 they come from a milieu that he doesn't trust, he
19 doesn't rely on, he doesn't respect, he doesn't
20 any other word you can think of, indicate them as
21 being credible or reliable in their very nature.
22 He is saying, on the other hand, well,
23 that being so, I still believe them, and without
24 articulating he keeps on saying, well, even in
25 light of the inconsistencies and even in light of

1 the problems and even in light of the fact that I
2 know that they are liars, I still believe them,
3 does not create an inference to a juror who is
4 essentially thinking through the evidence, that
5 there must be something more that Detective Requer
6 is relying upon to give credence to people he says
7 on the other hand he knows to be lying to him.
8 Doesn't it give to them an inference, a
9 suggestion, if you will, that somehow or the other
10 he has something on which to rely to believe
11 them?
12 Now, we know, as a matter of fact, that
13 Detective Requer never had any one of these
14 individuals take a lie detector test. There were
15 no lie detector tests given to anybody. Indeed,
16 the only one that I know of who volunteered to
17 take a lie detector test was my client. No tests
18 were given. But the inference is there if the
19 jury wishes to pick that up and, if the inference
20 is there, it is an unfair inference because no
21 tests were given, and even if there were,
22 arguendo, even if there were, of course they're
23 not scientific and not reliable. But the
24 inference is the point, not whether it was done or
25 wasn't done.

1 So in looking at the list you go through
2 the factors. It is not necessary to require a
3 mistrial to be automatic upon any mention of a
4 poligraph examination. It is only whether the
5 discussion or the mention of a poligraph or a lie
6 detector substantially prejudices the Defendant's
7 position. I argue that it does. I think I have
8 given both sides of the law.
9 It is clear that the State can argue
10 very strongly that the factors are not met, the
11 burden is not met, then mistrial should not be
12 granted.
13 As the Court well knows, there's a
14 plethora of case law to indicate that a Judge will
15 not be overturned or reversed on his discretion if
16 he does not grant a mistrial unless it is so
17 obvious and so clear that one should have to be
18 granted.
19 I am not saying that this is a case that
20 fits in that regard. I'm simply saying that this
21 is a case where unfairness can result because of
22 that which Detective Requer mentioned on the
23 stand.
24 Therefore, I ask in an abundance of
25 caution on behalf of my client, who is facing two

1 of the most serious charges that somebody could
2 face, to have this Court grant a mistrial and
3 allow for us to proceed again.
4 THE COURT: Mr. Tayback, as you argued,
5 the Court responds to most of the items that you
6 have set forth, and I accept in good faith your
7 representation that this is an inclusive list of
8 the factors extracted from -- I assume that this
9 is Guesfeird you are talking about as opposed to
10 Lusby, but it doesn't matter.
11 MR. TAYBACK: That's my reading of it,
12 yes, sir.
13 THE COURT: In any event, the point is
14 that there is no question, there would be no
15 argument whatsoever, this is a single statement.
16 We all have to concede that.
17 As far as whether it was inadvertent or
18 solicited, it is a fact that there was the
19 suggestion that Detective Requer somehow or
20 another has proceeded in this investigation and
21 wound up with the wrong person that has brought us
22 to the point where or that had brought us to the
23 point where this issue of what he did and what
24 else he could have done become so paramount. That
25 being the circumstance, it is clear that the

1 specific response elicited was not solicited and
2 it was indeed inadvertent. So, I think we have to
3 view that as a factor to weigh in favor of the
4 witness who testified.
5 As to number three, the credibility and
6 the principal witness, while counsel I think makes
7 a very appealing argument on its face, the one
8 thing I think that it is crucial in an analysis of
9 what counsel is saying is that it is not the
10 credibility that we are really talking about here
11 with respect to the witness himself, it is a
12 question of credibility as as far as the other
13 witnesses in the case.
14 The focal point was on whether or not
15 the witness proceeded with such perception as to
16 give rise to a belief that he did the most
17 rational and logical thing in the course that he
18 took in the progress of the investigation and
19 whether he, in fact, took the right fork in the
20 road or the wrong fork. That may seem to be
21 splitting hairs but there is a difference between
22 that and the concept of the principal witness as
23 espoused by the authorities set forth by Mr.
24 Tayback.
25 Credibility is a crucial issue. There

1 is no question about that. But I will say little
2 about that and go on to what I think is an even
3 more significant factor and, that is, that the
4 statement itself needs to be looked at. What was
5 said was, we made arrangements for a poligraph. I
6 don't recall whether that was said in relation to
7 a specific witness or just how it came out. The
8 word arrangement was all that was said. There is
9 no follow up whatsoever, there is no suggestion
10 that a poligraph examination was ever administered
11 and, accordingly, there can't be any inference
12 drawn of the results of the poligraph examination
13 because there is really no statement that a
14 poligraph exam was ever, in fact, administered.
15 That, coupled with the Court's curative
16 instruction granted as an alternative to counsel's
17 request for mistrial, this Court believes, left no
18 question in the jury's mind that, at least as to
19 this issue, they were not in any way to delve into
20 the possibilities that may have been generated or
21 prompted by this inadvertent comment on the part
22 of Detective Requer regarding the arrangements of
23 or the arrangement to administer poligraph
24 examination.
25 The bottom line is that the Court feels

1 that, notwithstanding the fact that credibility is
2 a key issue, a crucial issue in the case, it is my
3 view that there indeed is other evidence beyond
4 Blunt and Chew, namely, the evidence regarding the
5 selling of the gun. I will concede that there is
6 a credibility issue there even with the gun.
7 However, I think that the credibility issue is not
8 as crucial there as it is with the two witnesses
9 in question, Blunt and Chew, simply because the
10 testimony is not developed as thoroughly regarding
11 any control that Mr. Boyce may have had over
12 Leepoleon Jackson. So the credibility, while at
13 issue with Leepoleon Jackson, it does not rise to
14 the same level as it does with Blunt and Chew.
15 So I say all that to say there is in the
16 Court's mind a great deal of other evidence
17 including Chew and Blunt, even though the
18 testimony of Chew and Blunt clearly comes where we
19 do have to delve into the issue of credibility to
20 a greater extent. Again, the Court's curative
21 instruction and the fact that the principal
22 witness referred to really is not the person whose
23 credibility we are attacking.
24 And, lastly, the fact that there is no
25 suggestion that a test was ever actually

1 administered I believe in this case creates no
2 possibility of any undue harm or unfairness or
3 denial of due process as a result of the comment
4 made.
5 Mr. Tayback.
6 MR. TAYBACK: Lastly, Your Honor, I had
7 previously indicated to the Court that I had no
8 additional requests as to jury instructions other
9 than those previously given. I would request that
10 the Court would, out of the standard binder book,
11 the new one, out of the Maryland Jury, Maryland
12 Criminal Jury Instructions, give that instruction
13 as to missing witnesses.
14 MR. BRAVE: I would object, Your Honor.
15 I'd like to know which witness is missing, and
16 which witness the State had particular control
17 over that Mr. Tayback doesn't have the same amount
18 of control over, and all those factors that make
19 up a missing witness, because I don't see one
20 missing witness in this case. Not under the --
21 THE COURT: Your response, Mr. Tayback.
22 MR. TAYBACK: Yes. I would list the
23 following, Linda Godbolt, primarily. Jeanette
24 Brown, Rerun, Bus Driver, and I think that would
25 be the list that I would be referring to.

1 THE COURT: There are several things you
2 have to deal with on the question of missing
3 witness. The first is it has to be demonstrated
4 that the witness' testimony would not have simply
5 been cumulative. That's the first thing.
6 MR. TAYBACK: We know what the testimony
7 would be of Jeanette Brown and we know what the
8 testimony would be of Linda Godbolt based on
9 transcripts we have of their prior testimony.
10 Your Honor, it is my understanding that
11 Linda Godbolt, it is not just my thinking, it is
12 my clear recollection that in the prior case Linda
13 Godbolt indicated that the weapon which was shown
14 to her by Mr. Murphy was not the weapon that she
15 had seen in the possession of my client. The
16 State had Linda Godbolt in their control in some
17 form, not custody evidently, but in their control
18 in some form.
19 Indeed, the Court will recall that State
20 clearly indicated to us that she had taken an 8
21 o'clock plane, was to be there or had missed an
22 earlier plane, excuse me, had taken a later plane
23 and would have been there about noon on one of the
24 particular dates. Then we later received a
25 message indicating that Inspector Capers had been

1 unable to find her that morning. And subsequent
2 to that the State somehow or the other lost
3 control over her and I've never known where she
4 was, as a matter of fact, other than at Rucker's
5 Island which is where she was the first time.
6 I even have papers here, legal papers
7 from New York to indicate that the child welfare
8 department, whatever it is specifically, called up
9 there, does not know where she is. So the State
10 knew where she was, Inspector Capers knew where
11 she was. Somehow she disappeared under his
12 watchful eyes and was never produced.
13 We do know that her testimony was as to
14 the weapon not being the weapon. Subsequent to
15 that, of course, Detective Requer takes the stand
16 and without giving specifics to it, infers that by
17 speaking to her she reinforces his opinion.
18 Somehow, again without knowing further about it,
19 she then supposedly speaks with him on the way
20 back up to New Jersey and says, well, really, I
21 lied on the stand. Maybe that is true, maybe that
22 is not.
23 We don't have any opportunity to cross
24 examine her. We don't even know where she is and
25 the last party of the two parties here that did

1 know where she was, that did have her under
2 control, that did exercise such influence that she
3 was expected at 12 noon of a particular day to
4 testify immediately thereafter, was the State.
5 As to her testimony being cumulative, it
6 obviously was not based on what we know about her
7 situation. She testified that the gun was not
8 that which she saw in the hands of Reuben Rainey,
9 that the gun she saw was longer in the barrel.
10 THE COURT: All right, Mr. Tayback, you
11 need to give me the entire issue you are referring
12 to. That was Linda Godbolt.
13 MR. TAYBACK: Yes, that is Linda
14 Godbolt.
15 THE COURT: Who are the other people?
16 MR. TAYBACK: As to Jeanette Brown, I
17 think upon reflection I would have to -- I guess I
18 would have to concede, to be honest with you. I
19 can't think of anything that she says that really
20 is other than essentially cumulative. It might be
21 different in detail but its thrust is cumulative.
22 As to Rerun and Bus Driver, I don't know
23 what they would say, to be honest with you.
24 THE COURT: Who else are we talking
25 about?

1 MR. TAYBACK: Those the other two, Rerun
2 and Bus Driver.
3 THE COURT: Linda Godbolt, Jeanette
4 Brown, Rerun and Bus Driver.
5 MR. TAYBACK: As to Jeanette Brown, she
6 was not produced by the State based on the fact
7 that would be I think cumulative. I would
8 withdraw the point as to her. That would leave us
9 with Linda Godbolt about whom I do know what she
10 would say or what she did say the last time,
11 excuse me, because I don't know what she would say
12 but what she did say under oath the last time.
13 As to Rerun and Bus Driver, I have no
14 idea what they would say.
15 THE COURT: Mr. Brave.
16 MR. BRAVE: Your Honor, the thrust
17 behind the missing witness rule is that one side
18 or the other has some special kind of control over
19 the witness.
20 THE COURT: Or if the witness has a
21 relationship --
22 MR. BRAVE: Special relationship.
23 THE COURT: -- special relationship that
24 would lead you to predict which way that witness
25 is going to testify.

1 MR. BRAVE: Well, Mr. Tayback, first of
2 all, leaves out a very important fact; that
3 between trials every time we learned a piece of
4 new information, we turned it over to him. As
5 soon as we learned that Linda Godbolt on the trip
6 back said, I'm sorry, fellows, I, you know, I did
7 recognize the gun, I just didn't, you know -- I
8 wanted to give you fellows a little bit and I
9 wanted to give Rainey a little bit, after all he
10 is the father of my child, as soon as we learned
11 that, that information was provided to Mr.
12 Tayback.
13 THE COURT: What you are arguing, Mr.
14 Brave, is that what we are talking here about is
15 an inference but an inference doesn't come into
16 play when one knows the actual facts.
17 MR. BRAVE: No, but I just want --
18 THE COURT: That's not what you are
19 saying?
20 MR. BRAVE: What I'm saying is the bona
21 fides of Mr. Tayback's argument, that he is really
22 suggesting that Miss Godbolt's testimony would be
23 unfavorable to the State. He doesn't know that, I
24 don't know that. We didn't, I have never spoken
25 directly to her. I'm getting this from the

1 detectives. But knowing this, I sure want to
2 bring her down and ask her this question. I took
3 every step imaginable. I kept Mr. -- if Mr.
4 Tayback wanted to know her whereabouts, I would
5 have filled him in. If he had wanted her, if he
6 had wanted her, I would have given -- I would have
7 called up Detective Capers and say give me a step
8 by step accounting of how you proceeded today and
9 what you did. I do know that she moved from 121st
10 Street. I do know that they located her.
11 THE COURT: Let me ask you a question,
12 Mr. Brave. In a situation where one attempts to
13 call a witness and is unsuccessful, is that the
14 same circumstance as contemplated by the missing
15 witness rule where one could have called that
16 witness but made a decision not to call the
17 witness?
18 MR. BRAVE: Exactly.
19 THE COURT: I'm asking you.
20 MR. BRAVE: No. I mean, there's no
21 relationship at all between the two concepts. We
22 would have loved to have called her. First we
23 would have taken the precaution of talking to
24 her. I mean, I concede that, but I had a feeling
25 that this time she would have told the truth and I

1 would have had the same situation with her as I
2 had with Leroy Boyce and Joanne Blunt, to say,
3 okay, last time I lied, this is the reason I lied,
4 I was hoping to be able to present the same
5 picture.
6 I tried to get her. That's not a case
7 such as Mr. Tayback is saying, where the State
8 just decided not to call her even though it had a
9 special control over her. We had no special
10 control over her.
11 It is true the first time we did. She
12 was at Rucker's Island the first time. We, if I
13 remember correctly, suggested to the defense, to
14 her defense attorney, Linda Godbolt's defense
15 attorney, look, why don't -- would you ask for a
16 postponement so that when she is due for the trial
17 up in Rucker's Island, would you join with the
18 State and ask for a postponement so that we will
19 know where she is so we can, as we did do, bring
20 her out on a special Court order under some
21 interstate pact, where she came down here in
22 custody.
23 We had some control over her last time.
24 We lost that control because as soon as she went
25 back, her case went to trial and she got

1 probation. I had no, no role whatsoever in --

2 THE COURT: But, for the record, as I

3 understand it, you made contact with New York and

4 indeed were even, as I recall, holding the trial

5 over for a day anticipating her arrival.

6 MR. BRAVE: We were getting favorable

7 reports but, as Your Honor knows, if a witness

8 wants -- is not in custody and we had no basis for

9 putting her in custody, no reason to put her in

10 custody, she was telling us that, yeah, she will

11 meet us at a location and she will be -- she will

12 go to an airplane. She threw us off the scent

13 there and when it came down to push and shove, she

14 just eluded us.

15 THE COURT: So what you are suggesting

16 to the Court is that under, pursuant to Woodland

17 versus State, 62 Maryland App., this particular

18 witness was not peculiarly available to one side

19 or the other?

20 MR. BRAVE: Exactly. Exactly.

21 THE COURT: That's your argument?

22 MR. BRAVE: That's my argument. The

23 same with Rerun and Bus Driver.

24 THE COURT: Well, I think more needs to

25 be said about Rerun and Bus Driver.

1 MR. BRAVE: We interviewed Bus Driver
2 and Rerun. As soon as we interviewed them we gave
3 the defense their names, where they could be
4 located.
5 THE COURT: Simple question is could
6 they have been called if you wanted them?
7 MR. BRAVE: Could they have been?
8 THE COURT: Yes.
9 MR. BRAVE: Yeah, they could have been
10 but we had no special control over them. I mean,
11 defense had the same subpoena power. It is not,
12 it is not a case of us having any control over.
13 We interviewed them.
14 THE COURT: Are they under -- are they
15 incarcerated?
16 MR. BRAVE: Not at the time we
17 interviewed them, they're not. They weren't. I
18 don't know, you know, I don't know what has
19 happened to them in the last three or four or five
20 weeks. I don't want to say they're not
21 incarcerated if they have been rearrested for
22 something. I don't know.
23 THE COURT: But your argument is they
24 were not peculiarly available to the State?
25 MR. BRAVE: Not, they were out on the

1 street. Mr. Tayback had our information, the
2 results of our interviews, where he could locate
3 them if he wanted to. It has no relationship to a
4 missing witness situation at all.
5 THE COURT: You wish to say anything
6 about Jeanette Brown?
7 MR. BRAVE: Well, Mr. Tayback concedes
8 that point.
9 THE COURT: All right, that's what I'm
10 saying. Anything you want to say about it?
11 MR. BRAVE: Again, Mr. Tayback knew what
12 she would testify to from the last trial. She
13 wasn't going to change her testimony. Both of us
14 apparently came to the conclusion that it wasn't
15 worth all that much to bother about. But he could
16 have called her if -- I mean, I could get in touch
17 with her, he could get in touch with her.
18 THE COURT: All right.
19 MR. BRAVE: Time and time again
20 throughout this trial he's turned to me and said I
21 need so and so on such and such a day, I produced
22 them.
23 THE COURT: All right. Mr. Tayback, any
24 response?
25 MR. TAYBACK: No, Your Honor.

1 THE COURT: All right. Then with
2 respect to Jeanette Brown, I think it is conceded
3 that the testimony in all probability would have
4 been cumulative.
5 I feel the Court ought to make one
6 observation at this juncture regarding this
7 request for this particular instruction, that is,
8 that the State made an election at this trial, I
9 don't say this is dispositive, but the State made
10 the election not to call, not to call Leroy Boyce
11 and counsel for the Defendant requested of this
12 Court that Leroy Boyce be called as a Court's
13 witness. I, quite frankly, don't know whether
14 Rerun and Bus Driver would have been available or
15 not but I'm advised by the State that if their
16 testimony had been sought, the State would have
17 done whatever is within its power to produce these
18 two witnesses so that they could be called.
19 The rule itself does not require that a
20 party go through any specific effort but merely
21 that these factors be in play. So that I say what
22 I'm observing now or my observations now are not
23 dispositive. I think they do merit some
24 consideration in that there apparently was no
25 effort to assertain whether Rerun or Bus Driver

1 could be produced.

2 I make a factual finding from all that

3 is available to me that these witnesses, if

4 available at all, were equally available to both

5 sides. I think it should be further noted that

6 the nature of the witnesses and the people

7 involved in this whole scenario is such that the

8 terms of availability to a Court, they're not the

9 type of people who come, who break their neck to a

10 courthouse to testify in the trial, obviously

11 because they are all involved in activities which

12 make them not want the spotlight directed upon

13 them. I think that is significant because we are

14 not just talking about any witness. We are

15 talking about witnesses, from the Court's point of

16 view, where they don't want to be witnesses.

17 So if, in fact, they were unavailabe, it

18 may be that their unavailability was equal as to

19 both sides and that, in all probability, has

20 absolutely nothing to do with their relationship

21 with the Defendant Reuben Rainey or anyone else.

22 So as to Rerun and Bus Driver, I make

23 the finding that they, if available, were equally

24 available to both sides.

25 As to Linda Godbolt, the Court was kept

1 apprised of the State's efforts to get Miss
2 Godbolt into this courtroom. The State's case, as
3 I recall, was even held over in anticipation that
4 she, based on telephone calls that were made to
5 New York, was going to voluntarily come down to
6 Baltimore. There we have efforts made in essence
7 on the part of the State to produce Linda
8 Godbolt.
9 It is my understanding that the rule is
10 designed to allow an inference to be drawn in a
11 situation where a party makes a deliberate
12 determination that the calling of this witness
13 would hurt his or her case. That determination in
14 the Court's mind was not made by the State in this
15 case because the State was, in fact, attempting to
16 obtain the witness. So whether she would have
17 been hurtful or harmful to the State's case or
18 not, the State's actions don't comport with the
19 requirements of the rule in the Court's judgment,
20 namely, that the person make the decision not to
21 call the witness because they do believe the
22 witness' testimony would be harmful.
23 It is my understanding that there was a
24 subsequent conversation as Miss Godbolt was being
25 escorted back to New York wherein she said that

1 she did not wish to inculpate Mr. Rainey any more
2 than he already was, or words to that effect, and
3 that that is why she said that the gun recovered
4 was not the gun. Given that fact along with the
5 State's efforts to get her in here, and
6 notwithstanding the fact that in the first trial
7 she said it was not the gun, the Court finds that
8 she does not fit within the missing witness rule
9 because of the fact that her not testifying is not
10 the result of the failure to call the witness by
11 the State, the State having made every effort to
12 call the witness.
13 Again, I guess as a corollary or flip
14 side of that, is that Miss Godbolt was not
15 available to anybody.
16 The request for the instruction is
17 denied.
18 MR. TAYBACK: Your Honor, that would be
19 all the requests that I have in addition to those
20 jury instructions that the Court had given the
21 first time out which were, as I recall,
22 inclusive.
23 I would take exception to the Court not
24 granting my request there to preserve it for
25 appeal. Actually I don't think I have to take

1 exceptions any longer these days but just to be on
2 the safe side I do take exception.
3 THE COURT: One other matter I would
4 like to address before going any further, that is,
5 the question of the Defendant's right to remain
6 silent.
7 MR. TAYBACK: Well, can you stand up,
8 Mr. Rainey? As the Court knows, previously I had
9 indicated that my client or, excuse me, I had
10 indicated to my client on the record his right to
11 remain silent and his right to testify. It had
12 been my strong recommendation to him not to
13 testify. That obviously was our election on that
14 basis because we did not have him take the stand
15 in the defense's case. I think that that is clear
16 and, as a matter of fact, I indicated to the Court
17 at that time that if the Defendant were to take
18 the stand he would take the stand first. He did
19 not take the stand. That's because he was
20 electing voluntarily not to testify. Now, that is
21 the situation with respect to that.
22 As to any jury instruction in that
23 regard, I would request simply that the Court
24 would not so instruct the jury. If it becomes an
25 issue sometime in the future in the deliberations

1 of this jury where we receive a specific question
2 that addresses that issue, at that point I think
3 that it would be appropriate for us to consider
4 subsequent jury instructions.
5 I would almost certainly argue against
6 that but that would be the time at which that
7 would be appropriate.
8 THE COURT: That's fine. I'm simply
9 asking counsel to go on record now as to whether
10 you are asking this Court in this proceeding to
11 advise this jury that the Defendant has an
12 absolute right to remain silent.
13 You are advising the Court not to tell
14 the jury that the Defendant has exercised his
15 election not to to testify in this case?
16 MR. TAYBACK: That's correct.
17 THE COURT: So the Court will not --
18 MR. TAYBACK: So instruct.
19 THE COURT: -- give that instruction.
20 MR. TAYBACK: That's correct.
21 THE COURT: That is all I'm trying to
22 resolve.
23 MR. TAYBACK: All right.
24 MR. BRAVE: State has no special
25 requests, Your Honor, and we would reserve any

1 further comment on this last issue.

2 THE COURT: At the appropriate time.

3 MR. BRAVE: Until the appropriate time.

4 THE COURT: All right, bring the jury

5 down.

6 (Whereupon, the jury entered the

7 courtroom, after which the following proceedings

8 ensued:)

9 MR. BRAVE: Good morning, Your Honor.

10 THE JURY: Good morning.

11 MR. BRAVE: With Your Honor's

12 permission, I'd like to reopen the State's case on

13 rebuttal and now offer into evidence what was

14 formally marked as State's Exhibit 34 for

15 identification;, State's Exhibit 32 for

16 identification; and State's Exhibit 36 for

17 identification.

18 THE COURT: Very well.

19 MR. BRAVE: Thank you, Your Honor. We

20 again close our case in rebuttal.

21 (Whereupon, so marked in evidence.)

22 THE COURT: All right, ladies and

23 gentlemen, good morning.

24 THE JURY: Good morning.

25 THE COURT: We have come now to the

1 final phase of the proceedings, namely, the
2 Court's instructions and the closing arguments by
3 counsel. As I indicated, the time would come when
4 I would explain the law which is applicable in
5 this case. You may feel free, ladies and
6 gentlemen, where you think necessary, to take
7 notes if you feel that that will be of assistance
8 to you.
9 Ladies and gentlemen, there are certain
10 aspects of the law which are binding upon you and
11 you must use and follow the law as I explain those
12 aspects to you. They include the presumption of
13 innocence, the State's burden of proof, the use of
14 impeachment evidence for that purpose only, the
15 consideration of testimony, exhibits,
16 stipulations, and reasonable inferences therefrom
17 only in making your decision as to the Defendant's
18 guilt or innocence, and the fact that evidence
19 does not include the arguments of counsel and the
20 remarks of the trial Judge relating to the facts.
21 Now, in some cases there are what we
22 call matters which relate to the law of a crime.
23 There are no such issues that will be presented to
24 you in this case. Because of that, everything
25 that I say to you regarding the law will be

1 binding upon you and you must use the law and
2 follow it as I explain the law to you.
3 Now, any comments which I may make, on
4 the other hand, about the facts are only to help
5 you and you are not required to use and follow
6 them. It is your function and responsibility to
7 decide the facts. You must base your findings
8 only upon the testimony of the witnesses, the
9 exhibits which have been received into evidence,
10 any demonstrative evidence, any stipulations of
11 the parties, and conclusions which may fairly and
12 reasonably be drawn from that aforementioned
13 evidence.
14 Opening statements and arguments of the
15 lawyers are not evidence in this case. If your
16 memory of any of the testimony is different from
17 any statement that I might make in the course of
18 these instructions or that counsel will make in
19 their closing arguments, you must rely upon your
20 own memory of the evidence.
21 Any evidence which I have ordered
22 stricken must be disregarded by you. You are not
23 to be influenced in any way by the disposition
24 which I have made of any motion during the trial
25 or any ruling concerning the admissibility of

1 evidence or anything else that I have said or done
2 because my conduct in no way indicates any
3 feelings I might have as to the guilt or innocence
4 of the Defendant.
5 You are the sole judges of whether a
6 witness should be believed. In making this
7 decision you may apply your own common sense and
8 your own everyday experiences.
9 In deciding whether a witness should be
10 believed, you should carefully look at all of the
11 testimony and evidence and the circumstances under
12 which each witness has testified. You should
13 consider the following: The witness' behavior on
14 the stand and way of testifying; the witness'
15 intelligence; did the witness appear to be telling
16 the truth; the witness' opportunity to see and
17 hear about things about which testimony was given;
18 the accuracy of the witness' memory; did the
19 witness have any reason for not telling the truth;
20 does the witness have an interest in the outcome
21 of the case; was the witness' testimony consistent
22 and was the witness' testimony supported or
23 contradicted by other evidence.
24 You don't have to believe any witness
25 even though the testimony was uncontradicted. You

1 may believe all, part or none of the testimony of
2 any witness.
3 The testimony of a witness may be
4 discredited or impeached by showing that he or she
5 made previous statements which are inconsistent
6 with his or her present testimony. The earlier
7 contradictory statements are admissible only to
8 impeach the credibility of the witness and not to
9 establish the truth of these statements.
10 It is within the province of you, the
11 jury, to determine the credibility, if any, to be
12 given the testimony of a witness who has been
13 impeached. You must decide the facts and in so
14 doing you must decide the weight to be given to
15 the testimony and evidence as well as the
16 credibility of the evidence and testimony.
17 Weight of the evidence or weight of the
18 testimony refers to your evaluation of the
19 testimony and evidence as proof, that is, you must
20 determine the degree or the amount of reliability
21 to give to the evidence. The weight of the
22 evidence is not measured by the number of
23 witnesses presented by one side or the other or by
24 any particular circumstances. Rather, it is
25 measured by its probability and its persuasiveness

1 as well as by the logical and reasonable
2 inferences which you find should be drawn from
3 that testimony.
4 We ordinarily assume that a witness will
5 speak the truth under oath. That assumption may
6 be dispelled, however, by the appearance or
7 conduct of that witness or by the manner in which
8 he or she testifies or by the character of the
9 testimony given and by testimony to the contrary.
10 Inconsistencies and discrepancies in the testimony
11 of a witness or between the testimony of two or
12 more witnesses may or may not cause you to
13 disbelieve any of such testimony.
14 In weighing the effect of a discrepancy
15 or inconsistency, always consider whether and to
16 what degree the discrepancy or inconsistency is
17 pertinent to a matter of importance in the case
18 and whether or not it results from innocent error
19 or is the result of intentional falsehood.
20 In short, in considering the weight of
21 the evidence and its credibility, you are entitled
22 to consider anything having a legitimate tendency
23 to shed light on the truthfulness of a witness.
24 Now, there have been certain witnesses
25 who have, or at least one witness in this case,

1 who has been called as a Court's witness. This
2 was done at the request of counsel and this
3 procedure has allowed both sides to cross examine
4 the witness.
5 A party who produces a witness in Court,
6 whether it be by the defense or the State, vouches
7 for that witness' credibility and trustworthiness
8 and no attack upon the witness' truthfulness may
9 be made by the party who calls the witness in the
10 absence of hostile or rather surprise, hostility
11 or deceit.
12 When a party cannot vouch for a witness'
13 credibility and trustworthiness but believes that
14 the witness possesses important knowledge, the
15 party may request the Court to call the witness to
16 the stand. When this happens, neither defense nor
17 the State vouches for the witness' credibility and
18 both the defense and the State may cross examine
19 the witness.
20 Now, additionally, we have heard
21 testimony from at least two expert witnesses in
22 the case. An expert is one who by education and
23 experience has become expert in some art, science,
24 profession or calling and is thereby qualified to
25 state an opinion as to relevant and material

1 matters in which he or she professes to be an
2 expert.
3 An expert witness is permitted to
4 testify not only as to facts but may also state
5 his or her then opinion on relevant matters as to
6 which he or she has been qualified as an expert in
7 order to assist you in reaching a conclusion with
8 respect to the subject matter being considered.
9 You are to weigh this testimony with all
10 of the other testimony in the case and give it
11 such consideration and weight as you feel it
12 deserves.
13 You have heard the evidence in this case
14 and you must decide what happened and then you are
15 to apply the law to the facts as you find those
16 facts to be. You are to perform this duty without
17 bias or prejudice to either side. You are not to
18 be governed by sympathy, prejudice or public
19 opinion.
20 Now, the fact that the Defendant Reuben
21 Rainey has been indicted by the grand jury does
22 not raise a presumption that he is guilty of the
23 charges against him. Mr. Rainey comes into this
24 Court clothed with a presumption of innocence and
25 the presumption of innocence continues with him

1 throughout the trial. The presumption may be
2 overcome but it may only be overcome if the state
3 produces evidence such to convince you beyond a
4 reasonable doubt and to a moral certainty that Mr.
5 Rainey is guilty as charged after you have
6 considered in your role as triers of the facts all
7 of the evidence presented in the case and you are,
8 in fact, convinced that he is guilty beyond a
9 reasonable doubt and to a moral certainty.
10 Now, while the State has the burden of
11 proving by material facts the Defendant's guilt
12 beyond a reasonable doubt and to a moral
13 certainty, this does not mean that the State must
14 prove the Defendant guilty to an absolute or
15 mathematical certainty.
16 A reasonable doubt can perhaps best be
17 defined by attaching to those words their ordinary
18 meaning and when one does that a reasonable doubt
19 is defined as a doubt which is based on reason.
20 It is not a doubt which is illogical or
21 capricious. It is not based on mere conjecture.
22 Rather, it is a doubt for which there exists a
23 sound and logical basis.
24 If after a consideration of all of the
25 facts and the law in this case you can say that

1 you have an abiding conviction of the Defendant's
2 guilt such that you would be willing to act upon
3 in an important matter relating to your personal
4 affairs, then you have no reasonable doubt.
5 Stated otherwise, the evidence may be
6 sufficient to remove a reasonable doubt when it
7 convinces an ordinarily prudent person of the
8 truth of the proposition to the degree that he or
9 she would act upon this conviction without
10 hesitation in his or her own important affairs.
11 While you are not to find the Defendant
12 guilty if you entertain a reasonable doubt of his
13 guilt, you are not to search for a doubt. The
14 doubt referred to must be such a doubt as would
15 naturally arise in the minds of reasonable persons
16 upon the review of all of the evidence in the
17 case. The concurrence of the twelve minds of the
18 jury, that is, all of you, is necessary to find
19 the Defendant guilty and that same concurrence of
20 twelve minds of the jury, that is you all, must
21 agree in order to find the Defendant not guilty.
22 If after consideration of all of the
23 evidence and all of the circumstances in this
24 case, any one member of the jury has a reasonable
25 doubt as to the guilt of the Defendant, then that

1 juror cannot and should not consent to a verdict
2 of guilty.
3 On the other hand, if any member of the
4 jury, after considering the evidence presented, is
5 convinced beyond a reasonable doubt that the
6 Defendant is guilty of the charges, then that
7 juror cannot and should not consent to a verdict
8 of not guilty. Each juror should be governed by
9 his or her own independent judgment in the matter
10 but I do not mean that you should not consider and
11 weigh the views and opinions of your fellow
12 jurors. You should listen and you should consider
13 the views and opinions of your fellow jurors but
14 after you have done this and after you have
15 arrived at your decision in your own mind, you
16 should not recede from or bend from your
17 independent judgment simply to reach a compromise
18 verdict.
19 Now, ladies and gentlemen, in defining
20 the charges which will be submitted to you, I will
21 attempt insofar as possible to cover only those
22 charges that will be relevant to your
23 deliberations. It may be from time to time
24 necessary to stray a bit in order to tell you what
25 we are not concerned about so that we will know

1 what we are concerned about.

2 In Maryland, first off, you will have

3 submitted to you three offenses. The first will

4 be murder in the first degree. The second offense

5 will be use of a handgun in the commission of a

6 crime of violence. And the third will be wearing,

7 carrying, or transporting a handgun.

8 In Maryland there are two grades of

9 murder, murder in the first degree and murder in

10 the second degree. In order for murder to be

11 murder in the first degree, our law requires that

12 the murder shall be perpetrated by any kind of

13 willful, deliberate and premeditated killing. For

14 homicide to be willful, there must be a specific

15 purpose and design to kill.

16 Willful means with intentional purpose

17 as distinguished from accidental or negligent. To

18 be premeditated the design to kill must have

19 preceded the killing by some length of time, that

20 is, time enough to deliberate. There is no

21 specific time requirement and the time between the

22 firing of two shots has been held to be

23 sufficient.

24 To be deliberate there must be a full

25 and conscious knowledge of the purpose to kill.

1 Deliberation, as an element of murder, means
2 acting in a cool state as opposed to a heated
3 state. Deliberation simply implies reflection,
4 however brief, upon the act before committing it;
5 a fixed purpose, rather, a fixed and determined
6 purpose, an opportunity to reflect and make the
7 decision to kill or not to kill as distinguished
8 from a sudden impulse.
9 Deliberation is evidenced by choice,
10 determination or thought about the act. You must
11 find from the evidence the actual intent to fully
12 form the purpose to kill.
13 In order the prove murder in the first
14 degree the State must prove beyond a reasonable
15 doubt and to a moral certainty that the murder was
16 willful, deliberate and premeditated.
17 Ladies and gentlemen, the Defendant is
18 further charged, and you will receive verdict
19 sheets containing the offense of use of a handgun
20 in the commission of a crime of violence.
21 Our statute dealing with the use of a
22 handgun in the commission of a crime of violence
23 says that any person who shall use a handgun in
24 the commission of a felony or any crime of
25 violence as defined in the statute shall be guilty

1 of a separate offense. When we say separate, we
2 mean using the handgun is an offense separate from
3 the felony or crime of violence.
4 You have in this case the evidence of
5 the handgun itself or the weapon itself that was
6 used to commit the killing and you must be
7 satisfied from your inspection of the handgun and
8 your observation of the handgun that this weapon
9 in effect is a gun capable of being held in the
10 hand and fired to satisfy the statute that it was,
11 in fact, a handgun.
12 I instruct you that first degree murder
13 is a crime of violence under Article 27, Section
14 441.
15 I would further instruct you that in
16 order for there to be a finding of guilt on use of
17 a handgun in the commission of a crime of
18 violence, there must preliminarily be a finding
19 that there was a crime of violence or a felony as
20 contained in the applicable statute. In other
21 words, if you in your deliberations determined
22 that there was no crime of violence committed or,
23 if there was, if there is no finding of guilt as
24 to first degree murder, it would be inappropriate
25 to return a verdict of guilty as to the use of a

1 handgun in the commission of a crime of violence
2 there being no finding of any crime of violence
3 committed.
4 Lastly, ladies and gentlemen, the
5 offense of wearing, carrying or transporting a
6 handgun is being submitted to you and the law
7 regarding that offense simply says that, with a
8 few exceptions, it is a violation of that law for
9 you to be found in possession of a handgun on the
10 public street or on roadways, parking lots or
11 other public areas of this State in possession of
12 a handgun.
13 All right, let me see counsel at the
14 bench.
15 (Whereupon, counsel and the Defendant
16 approached the bench and the following conference
17 ensued:)
18 THE COURT: Mr. Tayback.
19 MR. TAYBACK: I have no exceptions.
20 MR. BRAVE: None, Your Honor.
21 THE COURT: Are you ready to get
22 started?
23 MR. MURPHY: Yes.
24 THE COURT: I know that this has been a
25 long ordeal but I'm going to, I am going to take a

1 break at some point but I do want to get the jury
2 out as soon as possible. I will take a break at
3 some point but I do want to get them out.
4 MR. BRAVE: Figuring tentatively between
5 Mr. Tayback's remarks and mine?
6 MR. TAYBACK: I would suspect.
7 THE COURT: If you talk of a time frame,
8 if Mr. Murphy is not too long, as he has indicated
9 he may not be, that would probably take it up to
10 --
11 MR. MURPHY: I'm first.
12 MR. TAYBACK: I would probably take it
13 up to lunch time.
14 THE COURT: Well, when you say lunch
15 time --
16 MR. BRAVE: Talking about one o'clock is
17 my guess. It's now twenty after eleven.
18 THE COURT: I'll have to play it by
19 ear. I will attempt to be as compassionate in
20 selecting a time for a break as possible.
21 MR. TAYBACK: Is there some time at
22 which you would prefer? I can somewhat temper my
23 remarks if I'm getting to a point that I know the
24 Court might be considering as a time frame.
25 THE COURT: No, I don't want you to do

1 that. I don't want you to do anything.
2 MR. TAYBACK: I'm saying I will draw
3 them to a close. I might be where a point is
4 better broken than another.
5 THE COURT: Let my try to play it by
6 ear.
7 (Whereupon, counsel returned to the
8 trial table and proceedings resumed in open
9 court.)
10 THE COURT: Ladies and gentlemen, we are
11 now ready to hear closing arguments by the
12 attorneys in the case. As I understand it, Mr.
13 Murphy will make the opening-closing argument for
14 the State.
15 Mr. Murphy.
16 MR. MURPHY: Your Honor, thank you very
17 much. May it please the Court, Mr. Tayback,
18 ladies and gentlemen of the jury, there's a few
19 things I guess we can all agree on in this case.
20 Number one, it's been a long case. We have been
21 here for I think two weeks. Seems like a lifetime
22 to me. That's because it is an important and
23 serious case. We are here for a deadly serious
24 business.
25 I guess the second thing we can all

1 agree on, that's all of us, and Mr. Tayback as
2 well, that this was a brutal and gruesome and
3 horrible and senseless murder. The worst, the
4 worst that I have ever seen anyhow and probably
5 the worst that our collective years in the
6 courthouse have brought us in contact with.
7 I guess we can agree on a third thing.
8 We have heard about a slice of life, all of us,
9 that we don't really care for, the world of drugs,
10 because it is the kind of world that brings good
11 people, people with families, in contact with bad
12 people. The result very often, very often being
13 this, this kind of thing.
14 When you, for whatever reason, begin
15 associating with people like the Defendant Reuben
16 Rainey and are put in a position where you have to
17 invite him into your home, very often what happens
18 is you end up with your blood and brains on your
19 own wall. That's what we can all agree on.
20 In any criminal case, which of course
21 this is one, the State, that is the State's
22 Attorney's Office, Mr. Brave and I are State's
23 Attorneys, has to prove to a jury such as
24 yourselves in this case just two things. Number
25 one, who did it and, number two, what did he do.

1 That's it. Who did it, and what did he do.

2 You heard a lot of instructions on the

3 law from Judge Davis. I guess you could liken

4 that to a thirty minute course of three years of

5 law school, boil it down. You are going to have

6 to know some law in order to make your decision

7 but I think we can all help you try to understand

8 the law as best we can to make your job a little

9 bit easier.

10 Looking at the second of those two

11 things the State has to prove, first, that is what

12 did he do. I don't think it is going to be

13 seriously argued by the defense in this case that

14 what we say he did is what he did; that is, I

15 don't think there is going to be serious argument

16 that the crime, the crimes in this case are first

17 degree murder two times; use of a handgun in the

18 commission of a crime of violence two times and

19 wearing, carrying, transporting a handgun. I

20 don't think Mr. Tayback is probably even going to

21 argue that. Maybe he will, I don't know. I can't

22 tell him what to do.

23 Before you begin your job of

24 deliberation, I think it is important to recognize

25 one more thing, and that's to define your job, to

1 decide what your job is not, what your job is.
2 Right now you are to us here the thirteen most
3 important people in the world because you have a
4 very, very important job but a very limited job.
5 You are not here to decide the law. The
6 law was decided a long time ago. Murder is
7 illegal. Use of a handgun is illegal, and so on.
8 You are not here to decide what, if anything, will
9 happen to Mr. Rainey, the Defendant, when he is
10 convicted. That is up to Judge Davis. You are
11 not here to render a verdict on whether drugs are
12 bad or good or somewhere in between, whether I am
13 a better lawyer or worse than Mr. Tayback, or Mr.
14 Brave, whether the State's witnesses you would
15 like to take home to dinner or not. Those are the
16 things are you not here to decide.
17 Your job, as you have taken your oath a
18 long time ago, two weeks ago, is simply to hear
19 the evidence in the case, the evidence in the case
20 and render a verdict according to the law on the
21 evidence in the case. Not on my words, not on his
22 words, not on Mr. Tayback's words, but the
23 evidence in the case. I believe that was probably
24 the first thing, the first rule of law Judge Davis
25 read to you, arguments of counsel and other

1 things, anything else that happens in this
2 courtroom is not evidence.
3 The evidence is the testimony of the
4 witnesses, the physical exhibits, and any
5 stipulations of the parties. That is your job.
6 It is, as I say, the most important job in the
7 world right here and now but it is a limited job.
8 Based on the evidence did he do it? Did this man
9 do this horrible, horrible thing.
10 Looking at, as I began, the second
11 question first, what did he do? There won't be
12 too much argument about that. First degree murder
13 of both Deborah Veney and Glenita Johnson.
14 What is first degree murder? As Judge
15 Davis instructed you, there is three key words in
16 the charge for the crime of first degree murder.
17 It must be willful, it must be deliberate, and it
18 must be premeditated. They can be simply thought
19 of this way. Willful simply means did he mean to
20 do it. As Mr. Brave I think said a long time ago,
21 did he mean to kill or did he walk in, did he trip
22 over the rug or his own leg and the gun went off
23 accidentally.
24 Willful simply means was it an accident
25 or not. That I know is not going to be seriously

1 argued in this case. This was a willful killing
2 of two people.
3 Deliberate. What does deliberate mean?
4 That means that the person who did it, in this
5 case Mr. Rainey, he thought about it before he did
6 it. It didn't just happen. He thought about it
7 before he did it.
8 I don't believe, again, that is going to
9 be seriously argued.
10 Premeditated, what does that mean? That
11 simply means that the thought to do this thing,
12 this horrible killing came before the pulling of
13 the trigger. As Judge Davis instructed you, there
14 is no magic formula in the law of Maryland or any
15 other State. Two minutes, thirty-eight seconds,
16 four years, there is nothing like that. On the
17 contrary, as Judge Davis told you, premeditation
18 can be for an instant, for as long as it takes to
19 form a thought. We all know that is not very
20 long. I think I'll move my hand and I moved it.
21 That's all the time that it takes. The time
22 between one shot and the second, certainly,
23 certainly is enough.
24 How does that translate to this case?
25 What have you heard from the witnesses who were

1 there, the eyewitnesses, if you will? This man
2 here, the Defendant, Reuben Rainey, went over to
3 Navarro, Navarro Road with the eyewitnesses,
4 Joanne Blunt and Nellie Chew, to buy some
5 cocaine. They bought some cocaine. They took
6 some time and they made a woolie out of the
7 cocaine which is in a cigarette. They tried it
8 out. It was cooked with this as a part of what
9 was used. This man here the Defendant, Reuben
10 Rainey, didn't like this cocaine when it came
11 back. It wasn't good enough. It wasn't up to New
12 York standards or whatever. An argument began. I
13 guess quiet at first then getting louder, the
14 thrust of which was you are going to give me
15 something back. You are going to give me some
16 cocaine, some more cocaine, you are going to give
17 me some money, you are going to give me
18 something. No, I'm not. Yes, you are. No, I'm
19 not. Give me some money, give me something. Back
20 and forth.
21 Meanwhile, the two eyewitnesses think
22 something is up, something is going to happen
23 here. They know that. They begin sort of edgeing
24 away. The argument goes on. The whole time this
25 man, the Defendant, Reuben Rainey has this gun.

1 What does he do in preparation for this first
2 degree murder.
3 He orders to the chair one of the
4 victims, Glenita Johnson. Peaches sit down in
5 that chair, sit down. He tells Nellie Chew, get
6 out in the car. The whole time this argument is
7 going back and forth and he's got this cannon with
8 him. This takes time. She goes out and she gets
9 in the car. His exact words were a little more, a
10 little less clean than what I'm using right now
11 but he tells her to get out in the car and start
12 it. Joanne Blunt, one of the eyewitnesses, you
13 watch her, stand by the chair, watch her, watch
14 Peaches, whatever her name is, Glenita, watch
15 her. Meanwhile, the whole time the argument is
16 going on back and forth and he's got this cannon,
17 this loaded cannon. Nellie Chew is out in the
18 car. He demands money again, you better get it.
19 Whatever words exactly you will remember were
20 used. She goes toward the steps. She doesn't
21 move quickly enough. She starts to go up the
22 steps but not sprinting up the steps but in some
23 rather slower fashion. Nellie Chew is out in the
24 car, Joanne is watching Peaches in the chair,
25 something is going to happen.

1 He's got this cannon. It comes out.
2 This thing comes out. Thank God it is not loaded
3 now. I can demonstrate what he did. You are not
4 moving fast enough, bitch, she is on the steps,
5 she is moving slowly. There is some back talk
6 between the two, he cocks it once, you better move
7 more quickly, move, move, the gun is out, it's
8 pointing at her. It is pointing at her head, the
9 players are frozen outside, inside, he releases it
10 once. You better move, move, money, argument,
11 back and forth. It is pointed at her again. He
12 releases it again, he cocks it again, he releases
13 it for the second time, it is going on, everyone
14 is where they are. Finally, you think I'm playing
15 with you, bitch, you think I'm playing, I'll teach
16 you, one, two, three, bang, off goes her head
17 across the room of her own house.
18 If that is not premeditation, nothing
19 is. Victim number two, the poor unfortunate lady
20 in the chair who was just there, she sees this for
21 this period of time that I demonstrated, which
22 could have been even longer than I demonstrated,
23 she sees this leading up to the point, the
24 counting one, two, three, the whole bit. She sees
25 her friend, her skull blown off, her brain across

1 the room, slumped down maybe five feet from her.
2 She fears the worst. The worst does happen. This
3 man, this maniac with this gun here turns to her
4 and in some form or the other, depending on where
5 it comes from, says something like, sorry, bitch,
6 you got to go too. He even, he even speaks his
7 premeditation in that case. Walks over to her
8 with this cannon. Certainly she knew what was
9 coming. I mean, she knew it was coming. That's a
10 vivid testament to his premeditation. She covers
11 her head. She knows she can't stop a bullet but
12 what are you going to do in that situation.
13 Imagine the fear. She covers her head. She
14 dodges side to side. He dances over her. He gets
15 a good line up, he pulls the trigger and blows her
16 head off too.
17 He leaves, he gets in the car covered
18 with blood and brains and who knows what else and
19 he drives back, and you have heard the rest of the
20 story. The question is is it first degree
21 murder. Absolutely without question. Again, I
22 think that Mr. Tayback probably is not going to
23 even argue that point but in case he does,
24 remember what I have said. Remember that.
25 It is also the crime of the use of a

1 handgun in the commission of a crime of violence.
2 Murder is a crime that has been around since we
3 have been around, since man and woman have been on
4 this earth. It has always been a crime to, the
5 highest form of crime to, for no good reason, take
6 a human life. That's the nature of being human.
7 The name of why we are all here today. That crime
8 has been around forever.
9 Use of a handgun in the commission of a
10 crime of violence has been around on the contrary
11 since 1972, I think, when the State legislature
12 made it a separate crime, a separate crime when a
13 crime of violence is committed, murder, robbery,
14 some other things that aren't relevant in this
15 case, with a handgun. It is a separate and
16 distinct and serious crime in and of itself. All
17 that means is, was the crime of violence -- murder
18 is a crime of violence, Judge Davis told you --
19 committed with a handgun. The answer, again, is
20 beyond argument. This is a handgun. No question
21 about that. Again, that will probably not be
22 seriously argued.
23 Lastly, he's charged with wearing,
24 carrying and transporting a handgun, with having a
25 gun. It is illegal, as you may or may not know,

1 without a permit which is issued by the State
2 Police to have a gun, handgun, except in your
3 house. Then that is okay. You can't roam around
4 on the street, in a car, anywhere with a handgun
5 unless you have a permit issued by the State
6 Police. If they run a record check on you, things
7 of that nature. There is abundant testimony that
8 this man was running around everywhere, including
9 when he blew the victim's heads off, with a
10 handgun. Testimony from New York, he even went to
11 New York with it. His girlfriend Debbie Blunt
12 puts it in his hands. There is abundant testimony
13 of that crime as well.
14 MR. TAYBACK: Objection, Your Honor, may
15 we approach?
16 THE COURT: Approach the bench.
17 (Whereupon, counsel and the Defendant
18 approached the bench and the following conference
19 ensued:)
20 MR. TAYBACK: Mr. Murphy knows that the
21 indictment specifies a specific date wearing,
22 transporting, carrying a handgun. Has to be
23 related to that specific date. He's gone outside
24 the parameters of the date already just by his
25 indications concerning New York, concerning

1 different dates and considering different time
2 frame, which I think even he would have to
3 acknowledge.
4 The only argument I can potentially see
5 the State even making would be that when it draws
6 an indictment and has a grand jury pass on it
7 which says the date of offense as June 2, 1986 and
8 the location is 4711 Navarro Road, State's
9 Attorney doesn't really mean to be bound by that
10 because they want to use the words on or about
11 that particular time frame or on or about that
12 particular location. But clearly it is beyond
13 that which the State has drawn in its indictment
14 to bring up New York. It is clearly beyond that
15 which is drawn in the indictment to bring up other
16 times and other places.
17 So I would ask that the Court would,
18 after Mr. Murphy has had a chance to respond,
19 would sustain an objection which I am making now.
20 I would further ask for a curative
21 instruction basically indicating to the jury that
22 Mr. Brave's comments were, excuse me, Mr. Murphy's
23 -- I'm sorry Mr. Brave -- Mr. Murphy's comments
24 were incorrect and should be disregarded in that
25 respect and leave it at that.

1 THE COURT: Mr. Murphy.

2 MR. MURPHY: My response would be,

3 Judge, I think him carrying that gun on other days

4 is certainly relevant to credibility as to the

5 other witnesses as to him carrying the gun on the

6 date charged here. There's no question that the

7 date of the charge is June the 2nd. I think that

8 is good evidence toward the charge.

9 I would not object to you instructing

10 the jury that the date of the charge of this crime

11 is June 2nd. I don't see any need for any other

12 instructions.

13 THE COURT: All right. I'll sustain the

14 objection as to them returning their finding of

15 guilt on any date other than June the 2nd.

16 MR. TAYBACK: That's fine, Your Honor.

17 I'd also ask, and there is something that, because

18 of the commentary of Mr. Murphy, I'd ask that the

19 Court would consider, which we didn't have in the

20 last verdict sheet, but that the Court would in

21 this verdict sheet use the particular language on

22 June 2, 1986.

23 THE COURT: Very well.

24 (Whereupon, counsel returned to the

25 trial table and proceedings resumed in open

1 court.)

2 THE COURT: Ladies and gentlemen, just

3 one cautionary instruction. You will be submitted

4 or submitted to you will be two verdict sheets,

5 one for Glenita Johnson, one for Deborah Veney.

6 Mr. Murphy has just argued to you

7 regarding testimony that the Defendant had this

8 gun in New York, that Deborah Blunt, as I believe

9 her name was, puts it in his hand in the motel

10 room. You may consider that only insofar as it

11 corroborates the testimony of the witnesses who

12 place the gun in the Defendant's hand at the time

13 of the shooting which is June 2nd, 1986.

14 Again, it is up to you to assess the

15 credibility of all the witnesses and decide who is

16 telling the truth or not telling the truth but you

17 may not return a guilty finding of wearing,

18 carrying and/or transporting a handgun on any day

19 other than June 2nd, 1986.

20 If there is any confusion about what I

21 just said please raise your hand.

22 Let me try to do it as simply as

23 possible. Mr. Murphy did mention other times

24 other than June 2nd that he is claiming that

25 testimony shows the Defendant had the gun in his

1 possession. That third charge, wearing, carrying
2 or transporting a handgun, is a charge that
3 relates to June the 2nd. You may not, for
4 instance, find the Defendant guilty of carrying a
5 handgun on June the 17th or 18th or rather 16th or
6 15th in New York City, or some other time other
7 than June the 2nd. The charge relates only to
8 June the 2nd.
9 THE FOREMAN: All right.
10 MR. MURPHY: Thank you. The crimes part
11 again is probably not going to be seriously
12 argued. That's probably a given. Bearing in mind
13 everything I have said to you and the Judge's
14 instructions, the second part, who did it, I
15 imagine will consume the bulk of Mr. Tayback's
16 argument. That's why he's here. It is
17 instructive, I believe, and you have heard the
18 same case I have heard for the last two weeks, to
19 approach this case once again from the point of
20 view of someone who had to solve the case.
21 Detective Requer, for example.
22 In any crime, I don't care whether it is
23 running a stop sign or it's a mass murder or a
24 shoplifting or whatever, I think it is a given
25 that even good people like yourselves, myself,

1 most of the people in this courtroom don't really
2 want to get involved if they don't have to.
3 Nobody likes crime. Nobody likes to be the victim
4 of a crime without saying even more. But I don't
5 think anybody really likes either having to come
6 to Court to wait around, to sit on the witness
7 stand and testify, to be cross examined by one of
8 the best, and asked questions fast and furiously
9 and so on.
10 Under the best of circumstances, there
11 is a bank robbery in a downtown bank, everyone in
12 there has a suit on and they see it and some of
13 them can identify the person. Under even the best
14 of circumstances, I guarantee you that a lot of
15 those people if they could slip out the side door
16 to get away from the involvement in this which you
17 have witnessed for the last two weeks would. I'd
18 like to believe I wouldn't but I don't know. I
19 haven't been there.
20 It is obvious that in this case we are
21 not dealing with the best of circumstances. We
22 are not dealing with people such as yourself,
23 myself, a daytime crime in front of a lot of good
24 people. We are dealing with a nighttime, middle
25 of the night drug related homicide, which,

1 needless to say, is not committed in front of
2 people with suits on downtown in the middle of the
3 day. It is committed in front of drug users, in
4 front of drug dealers, whatever you want to call
5 them that is who saw the crime.
6 The police, as hampered as they are in
7 any normal crime, are doubly, triply, quadruply
8 hampered in a crime like this. But they don't
9 just write it off. They don't just take these
10 gruesome bloody pictures and file them in a drawer
11 somewhere and say, tough luck, Peaches, tough
12 luck, Debbie Veney, you don't count because no one
13 good saw this happen, besides that you are a drug
14 user. They don't do that, we don't do that, and I
15 hope you don't do that because that's not the way
16 it is in this country.
17 They try to solve it. They do their
18 best. They know what it takes. They know what it
19 takes. What does it take? You have heard what it
20 takes. Nobody is going to say a blessed thing
21 they don't have to. Not even a good person
22 probably. These kind of people, they want to be
23 on that witness stand about as much as they want
24 to jump around the other side of the moon. What's
25 going to make them get on that witness stand?

1 Look, you are a good citizen, it is your duty. Of
2 course not.
3 What's it going to take to get them up
4 there? Exactly what Detective Requer did in this
5 case. Month after month, day after day,
6 sandwiched between his other case, his other
7 homicides and whatever he had. He got a theory,
8 he is checking everybody out. When you go to a
9 homicide scene and there is two dead people and no
10 one around, anybody in the whole wide world could
11 have done it, you don't hone in on anybody. You
12 grab at straws. You interview everybody, you
13 listen, you talk to the police in that area, the
14 district police, you do exactly what he did.
15 He gets a name, and, boy, I wish he had
16 never gotten this name and done his job as well as
17 he did because you are going to hear this name
18 probably a hundred and fifty thousand times after
19 I sit down. You got an idea maybe, let's look at
20 this guy Lee. Officer's wrong, as it turns out,
21 as the evidence mounted, mounted up, built up, as
22 the witnesses came forward by him doing what he
23 had to do.
24 You want to get out of jail Bobbie
25 Robinson, you better tell me what you know. You

1 tell me first, then we will look into that getting
2 out of jail thing. What does he say? This maniac
3 here who trusted me -- what else is there to talk
4 about in jail except why you are in jail -- told
5 me about a homicide that he did. He described it
6 to me and, I tell you, it chilled me the way he
7 described it. He just -- he did it for
8 thirty-five bucks. I think Joan Jackson was
9 there. That's the name that I believe he said or
10 that's the name that sticks in my mind.
11 They run out and get her minutes later.
12 They ask her, what do you know about this
13 homicide? They don't say, what do you know about
14 the homicide where two women were killed and you
15 were there and Nellie Chew was there too and was
16 over thirty-five, you know, so on. They say what
17 do you know, and here's what she knows and she
18 told you what she knows.
19 Nellie Chew's name comes out. They go
20 after her. I won't belabor all this. You have
21 heard it all time and time again, but they did
22 what they had to do. It unfolded, as you heard,
23 it unfolded in a natural way given who we are
24 dealing with. The case got better and better and
25 stronger and stronger. They got more evidence,

1 and they even got something that I don't think I
2 have ever seen in a murder case I have tried and
3 that's the murder weapon. Contrary to what they
4 say on TV, or in an Agatha Christie novel, you
5 don't need this thing to get a conviction in a
6 criminal case. I say nine times out of ten we
7 don't have this.
8 We know that bullet from some gun killed
9 somebody. But they got something that you hardly
10 ever get, the murder weapon. So what do they end
11 up with? What did the police have? What do you
12 have? Here's what you have. Ten days, I think it
13 was eight, ten, twenty, twenty-two witnesses. Who
14 are they? What did they say?
15 I'll preface what I'm about to say with
16 the remark, and it is true, it is the law, that
17 just about any part of the evidence you have been
18 given in this case would be enough for you to walk
19 up in that jury room and find Reuben Rainey guilty
20 of two murders in the first degree. It is
21 elementary law. I think you can all figure out
22 the reason that the testimony of a single
23 eyewitness, of a single eyewitness to a crime is
24 sufficient to convict in the State of Maryland.
25 That single eyewitness can be the victim of a

1 crime in the case of something, obviously, other
2 than a murder. It can be a robbery victim, a rape
3 victim, a theft victim, a whatever. It can be
4 someone who happened by, someone who was there,
5 someone who even helped the Defendant do it. A
6 single eyewitness is enough.
7 What do you have in this case, not one,
8 but two eyewitnesses, Joanne Blunt and Nellie Chew
9 right there. If not right there with the blood
10 and brains splattering on them, right around the
11 corner. They are eyewitnesses. They saw it, they
12 heard it, they told you what they saw and heard,
13 they told you why it happened, and everything
14 else.
15 What else do you have? It's also
16 elementary law in the State of Maryland that a
17 confession to a crime, a confession to a crime
18 coupled with proof the crime, of course, did occur
19 is fully sufficient to convict. A confession
20 doesn't have to be to the police written down with
21 Miranda and all that stuff. It can be to a
22 friend, a wife, a girlfriend, an acquaintance,
23 overheard in a bar, this happens time and time
24 again. Maybe not on television but in real life,
25 in this courthouse, even in this courtroom. A

1 statement by somebody that, in whatever form,
2 doesn't have to be yes, on June 2nd, 1986 I killed
3 Glenita Johnson. It doesn't have to be like
4 that. It can be what we have in this case. That
5 is, I killed the bitches, I killed the bitch,
6 however, here's why. She disrespected me. She
7 wouldn't give me my money back. I had to kill the
8 other one after this one went flying down the
9 steps after I killed her because she saw it.
10 Whatever form it took, that is called a
11 confession. That alone to one of the people to
12 whom he confessed would be absolutely sufficient
13 to convict under Maryland law. But it wasn't one
14 confession, it wasn't even to one person, it was
15 to three people, Robert Robinson, Leroy Boyce and
16 Eddie Cooper. I guess you could also say it was
17 to Joanne Blunt and Nellie Chew even though they
18 saw it. He further reveled them in the details.
19 Full confessions, detailed repeated, what he did,
20 why he did it and how he felt about what he did.
21 And what else? As I said before, a
22 bonus, the murder weapon coming from his hands to
23 a man in New York. This is also not going to be
24 argued. It's going to be conceded this is the
25 murder weapon, this is the gun that did that. It

1 is put in his hands by Jesus in New York. It is
2 put in his hands by his girlfriend, the one who
3 wants to marry him, Debbie Blunt, shortly after
4 the crime. It is put in his hands by a number of
5 other people.
6 I'll finish in a minute but I'll close
7 with this. What's Mr. Tayback going to argue to
8 you? Now, he doesn't have to give me an outline
9 of what he's going to say, so I don't know exactly
10 what he's going to say. But I have a real good
11 idea what he's going to say because, after all,
12 I'm not stupid and none of you are either.
13 He's going to say a couple of things.
14 First of all, he's probably going to do an
15 extremely effective tactic in any drug related
16 homicide. He's going to prey on your natural,
17 your natural repugnance, not too strong a word, of
18 the life styles of some of these witnesses.
19 I have it too, believe me. Everyone
20 here does. If we had a priest, a rabbi and a
21 minister to testify, you better believe we would
22 bring them in. We don't. He's going to prey upon
23 your natural repugnance, your, I guess your
24 mindset that going into this thing I'm not sure I
25 want to believe these people. You are going to do

1 a little turn. That's natural, believe me. He's
2 going to exploit that and use that. He's going to
3 throw out the inconsistencies you have all heard.
4 He's going to throw out the lies, lies, big lies,
5 little lies, unsworn lies and sworn lies. He's
6 going to give you what you want. Extremely
7 effective tactic.
8 You've got a natural repugnance. You
9 are saying just give me something to hang my hat
10 on, give me a reason. He's going to throw them
11 out. Five, ten, fifteen, twenty, a hundred,
12 however many, he's going to shake it up and he's
13 going to try to convince you to throw all this
14 out. That's one of things he's going to do.
15 Instant disbelief.
16 The other thing he is probably going to
17 try to get you to do, and this again is an
18 extremely effective tactic whether it be in Court,
19 in a war, on a battle field, in sports, it's
20 called a diversion. It's called a diversion.
21 What do you do, what do you do to defend
22 a case like this? In another kind of case, for
23 example, the robbery in the bank downtown, people
24 with suits on, how do you defend that case? Okay,
25 there are eyewitness, there are men, women in

1 there just looking at the robber, but what you say
2 is, look, they didn't get a good look at that guy,
3 that woman, whatever, it happened in a flash, they
4 had never seen this person before. How can you
5 base it on that brief glimmer of someone they had
6 never seen before and probably will never see
7 again? That's what you do in that kind of case.
8 That's how you get around eyewitness testimony, if
9 you can, in that kind of case.
10 Well, that option is obviously not
11 available because there is no question that we are
12 not talking about strangers identifying
13 strangers. We are talking about Nellie Chew,
14 Joanne Blunt. They know him as well as I know Mr.
15 Brave. That option is simply not available to
16 him.
17 What do you say when you have, for
18 example, a confession in a case. What's your
19 defense, what is your usual defense? You say
20 something like, say the police took the
21 confession, well, look here's what happened, they
22 beat him up, they smacked it out of him, they made
23 him say this, they pulled out a piece of paper, it
24 was all completely written up except for the blank
25 where he is supposed to sign his name, and it was

1 signed, then he passed out, just to get these
2 police off his back. That's what you say in your
3 defense in that kind of case.
4 Well, that's not going to work too well
5 either because not only did he not get beaten into
6 it, he loved it, he enjoyed talking to his buddies
7 in jail about what he did. That's not available.
8 What do you do insofar as a defense when someone
9 has what is obviously and definitely the murder
10 weapon in his hand? Well, you look at it. Is it
11 rusty? Is this a year later? Did he find it
12 floating down the river, in the gutter? He can't
13 make that argument either because, no, it is not
14 dirty and rusty like he found it. Somebody else
15 did it, threw it in the river. It is not a year
16 later, it is days later and it comes right out of
17 his hand. That is not available to him either.
18 All he can then do, which as I said
19 before, attack the source of this overwhelming
20 evidence. Attack their life styles, their
21 records, whatever else you are going to hear for
22 the next hour or so to try to get you to disregard
23 everything they have said because, like I said,
24 and you realize, that it doesn't take all of this
25 to convict. It doesn't take all of this. It

1 takes only one part of what you have heard to
2 convict him. A diversionary tactic built into the
3 case, built in. You are outnumbered by
4 confessions, murder weapons, eyewitnesses, what do
5 you do? You are on a battle field, you are
6 outnumbered by the enemy. They have fifteen
7 thousand, you have two. Well, you are going to
8 get creamed like General Custer did, outnumbered
9 like that unless you do one thing, that is, to
10 create a diversion, to get the people to look that
11 way, and hopefully while they are looking that
12 way, if they look that way long enough, and they
13 don't realize it is a diversion quickly enough you
14 can sneak around, and that's probably what else
15 he's going to do.
16 I think diversion, the name he's going
17 to use is one the police gave to him, the name of
18 Leroy Boyce. He's going to shift the focus of
19 this whole thing. It's testament to his skills in
20 doing so that we have had to spend the kind of
21 time on him that we have in this trial. It is a
22 testament to his skills in doing so that I am even
23 mentioning that name now because I'm sure that is
24 in your mind.
25 But bear in mind, as I close, that

1 everything I said to you, everything he is going
2 to say to you, everything Mr. Brave is going to
3 say to you is not evidence. Ask yourself this
4 question, does what he wants you to believe in
5 defense of his client, is his theory backed up by
6 the evidence in this case or is our theory? Which
7 of those theories, Reuben Rainey didn't to it,
8 LeRoy did it, I guess, or some other person or
9 whatever, is that backed up by the solid
10 admissible legal, legal evidence, or is our
11 assertion, our strongly held assertion that this
12 man here did do it, as you heard, is that backed
13 up by the solid admissible legal evidence before a
14 jury in a Court of law?
15 That's the question to keep in your mind
16 when you listen to Mr. Tayback. Give him all the
17 attention I have seen you have given to me but
18 just hold that as a question up there, which,
19 which of those things, which of those theories,
20 which of those theories you are being asked to buy
21 is being backed up by the evidence and not the
22 arguments. Thank you very much.
23 THE COURT: Mr. Tayback.
24 MR. TAYBACK: Thank you, Your Honor.
25 May we approach the bench just as to scheduling

1 for minute, Your Honor?

2 THE COURT: Yes.

3 (Whereupon, a bench conference was held

4 which was not made a part of this record,

5 following which proceedings resumed in open

6 court.)

7 THE COURT: All right, ladies and

8 gentlemen, so there will be no break in the

9 argument of counsel, we are going to take the

10 luncheon recess now. I know that this is going to

11 be asking a great deal of you. I believe the

12 clock on the wall is just a couple of minutes

13 fast. I'm going to ask that you please arrive

14 back no later than, absolutely no later than

15 between twenty-five of and twenty of one. And I'd

16 ask that you please cooperate with this. We

17 really need your cooperation because of the press

18 of the schedule that we are under now.

19 Court will take its luncheon recess

20 until twenty-five of one.

21 (Whereupon the Court recessed, following

22 which the proceedings in this matter resumed:)

23 AFTERNOON SESSION

24 1:45 p.m.

25 THE COURT: Bring the Defendant up.

1 Ma'am Clerk, bring the jury down.

2 MR. BRAVE: Your Honor, before the jury

3 comes down --

4 MR. MURPHY: I have to leave about

5 2:30. I just wanted to tell you that. I have to

6 go to a doctors appointment, just so you

7 understand I'm not walking out.

8 THE COURT: Mr. Brave.

9 MR. BRAVE: Yes.

10 THE COURT: You said before the jury

11 comes down.

12 MR. BRAVE: That's just what I wanted

13 you to know. Didn't want to take you by

14 surprise.

15 THE COURT: All right.

16 (Whereupon, the jury entered the

17 courtroom, after which the following proceedings

18 ensued:)

19 THE COURT: All right, counsel. Mr.

20 Tayback.

21 MR. TAYBACK: Thank you, Your Honor.

22 May it please the Court, Mr. Prosecutor, Mr.

23 Prosecutor, Mr. Foreman, ladies and gentlemen of

24 the jury, Mr. Alternate. As you know, this

25 represents the final time that I'll have an

1 opportunity to speak with you. I'm sure you are
2 saying thank God. The point is that try to
3 remember back, what is it two weeks or more ago,
4 to what I told you in opening statement which was
5 that a trial is a search for the truth, that's
6 what it is supposed to be anyway, and that you as
7 jurors, you are Judges, you are judges of the
8 facts and what you are supposed to do is to take
9 the evidence that you have, that's presented to
10 you, and look at that evidence, weigh that
11 evidence and then apply to it your reason, your
12 logic, your common sense.
13 Before I go over the evidence I'd like
14 you to think of two points, if you will, and keep
15 those in mind throughout the presentation that I
16 make to you because I think it is very important,
17 number one, for understanding the entire case, but
18 it is also very important, number two, for
19 understanding what is going on in a very unusual
20 presentation of the evidence.
21 This case is not the normal case where
22 the State presents the evidence to you, there's
23 cross examination --
24 MR. BRAVE: Objection, Your Honor.
25 THE COURT: Approach the bench.

1 (Whereupon, counsel and the Defendant
2 approached the bench and the following conference
3 ensued:)
4 THE COURT: Mr. Brave.
5 MR. BRAVE: Mr. Tayback, correct me if
6 I'm wrong, Mr. Tayback is about to attempt to make
7 a point that there is something unusual about the
8 State not calling a witness. Now, you will recall
9 that we did not call Leroy Boyce in our case. We
10 did not call Leroy Boyce in the defense case. The
11 defense called Leroy Boyce in the defense case and
12 asked that he be designated as a Court's witness.
13 The State, in fact, made it clear on the record
14 that we could vouch for what he would be
15 testifying to now. We just didn't choose to call
16 him. As a tactical matter we would prefer to
17 cross examine him. We made that crystal clear on
18 the record.
19 Mr. Tayback is going to attempt to use
20 this as an opportunity to say that this is a very
21 unusual case and the State did not vouch for his
22 credibility. Now, that's not correct.
23 If he's wants to say that he thought he
24 was a liar and that's why he called him as a
25 Court's witness, that's fine. But to drag the

1 State into it as having a role is not fine and
2 improper.
3 THE COURT: Mr. Tayback.
4 MR. TAYBACK: Well, I wasn't going to
5 say that at all. That's my response. But what I
6 was going to say is it's an unusual case because
7 you have had the State's case, you had defense,
8 then you had rebuttal and it went on for several
9 weeks and we didn't anticipate that but let's go
10 over the evidence bit by bit, point by point.
11 MR. BRAVE: Sorry, Mr. Tayback. I'm a
12 little trigger happy. I apologize.
13 MR. TAYBACK: That's all right.
14 (Whereupon, counsel returned to the
15 trial table and proceedings resumed in open
16 court.)
17 MR. TAYBACK: I was saying this is, was
18 an unusual case. You have had the State's case,
19 you had the defense, then you had rebuttal and it
20 went on. I think at the beginning we indicated to
21 you it might be a week or so, or something like
22 time frame like that, and here we are
23 approximately two and a half weeks later. So,
24 something that we didn't expect or didn't
25 anticipate. We didn't explain it to you directly

1 or properly in that regard.

2 But remember what your function is, and

3 that I think is something that even though there

4 has been the passage of time, two and a half weeks

5 instead of the one week, should still be

6 absolutely crystal clear. You are the judges of

7 the facts. You have to weigh the sufficiency of

8 the evidence. You have to weigh the credibility

9 of the evidence and use your common sense to do

10 that.

11 When you do that, you should keep in

12 mind these points that I wanted to stress right

13 now and I'll come back to them at the end. I will

14 stress them right now to you so that you keep it

15 in mind throughout.

16 Why do we bother to swear in witnesses

17 to testify to the truth under oath, under the

18 threat of perjury, it's a criminal offense, tell

19 the truth, the whole truth and nothing but the

20 truth. Just keep that in mind as we go on.

21 Keep in mind also why do we use the

22 expression that the guilt of a Defendant, forget

23 about this case for a minute, but the guilt of a

24 Defendant in any criminal case has to be proven

25 beyond a reasonable doubt and to a moral

1 certainty. You think of those words, they are
2 really not words that you use in your normal
3 language. Don't walk down the street and say,
4 well, I know this to be true because it's been
5 proven to me beyond a reasonable doubt and to a
6 moral certainty. But, really, when you think
7 about them, you got a word that has in it
8 certainty and you got a word in it that says that
9 you should be sure and if you have a doubt based
10 on reason, you are not sure. Really all the words
11 mean.
12 Another way of saying it is what I told
13 you at the beginning of the case. That your
14 responsibility as jurors is to say to the State,
15 Mr., Mr., wherever Mr. Brave is, Mr. Murphy, oh,
16 yeah, prove it. That is what you have to do.
17 That's what your responsibility is.
18 So what do you have in the case? The
19 State presents witnesses. The State presents
20 whom? Joanne Blunt. Now, does anybody here, any,
21 any one of you really think that when Joanne Blunt
22 was testifying to you on this stand, when she was
23 giving her answers, whatever time she testified,
24 whatever date it was, and with all the
25 contradictions that were brought forward, with all

1 the mention of prior proceedings in which she
2 testified differently, that she was telling you
3 the truth, the whole truth and nothing but the
4 truth? That's Joanne Blunt.
5 Now, if you think that, well so be it.
6 You're the jury. But, on the other hand, if you
7 don't think that, and you really shouldn't because
8 all of the evidence, if you weigh it together,
9 clearly indicates that she is hedging here and
10 hedging there. Well, then why is she doing that?
11 The same thing with Nellie Chew. The
12 same thing with Robert Robinson. The same thing
13 with Leepoleon up in New York, Jesus, Leepoleon
14 Jackson.
15 Why do people who have nothing to hide
16 get on the stand and tell less than the truth?
17 Why do we as jurors, as citizens, as a system
18 demand that they tell the truth, the whole truth
19 and nothing but the truth if we don't really mean
20 that? If we say to ourselves, well, that's not
21 what we really mean by the oath, if the person
22 just gets up there and tells me what I want to
23 hear, I'll ignore the rest.
24 As the Judge in his instructions to you
25 indicated, that you have the right to believe all

1 of what a witness says, none of what a witness
2 says, or part of what a witness says.
3 Why do you have the right to believe
4 only part of what a witness says and to exclude
5 other parts? You have the right to say basically,
6 well, I know the person is lying to me about this
7 and I know the person is lying to me about that,
8 but there is a kernel of truth somewhere so I can
9 believe this and not believe that.
10 Well, you have that right. Absolutely.
11 You do have that right. Judge Davis told you you
12 have that and that's the law. But why did he say
13 you have the right to do that? Remember when he
14 gave his instructions to you he said that you have
15 to decide when you are weighing the credibility of
16 these people whether the errors, or that which you
17 believe to be not true, that which you know to be
18 not true is caused by an innocent mistake or an
19 intentional falsehood, an intent to deceive.
20 That's the way that you determine whether
21 witnesses have told you the truth and are
22 believable or not believable because they have
23 lied to you.
24 In a complex case like this, sometimes
25 the easiest way to understand the evidence, to put

1 it into a coherent fashion so that you can
2 evaluate it and come to a reasoned, logical
3 conclusion is to use a framework. You can either
4 use the witnesses as they testified, say this is
5 witness number one, let's examine what we have
6 here, this is witness number two, and this is
7 witness number two. If there were twenty
8 witnesses, witness number twenty, and take it that
9 way, or you can look at the way in which the
10 evidence relates to the other evidence in a
11 chronological order.
12 For purposes of my argument, to try and
13 keep it as coherent as I can, let me try and take
14 you back to the way in which the case develops.
15 Now, I would like you to think of one
16 thing, because it became a major issue in the case
17 and, that is, whether the investigation was
18 complete or not complete.
19 So, go back, June 2, 1986. You are on
20 call, you get the call, there is a homicide,
21 there's a double homicide at 4711 Navarro Road.
22 You respond. You go there. You see the people
23 are dead. You call the crime lab. You make sure
24 that fingerprints, wherever possible, that they
25 might be able to be found are attempted to be

1 found. You take photographs of the scene as the
2 scene is preserved. You take twenty or thirty or
3 forty photographs, whatever the evidence is. You
4 look throughout the house to see whether there is
5 evidence to indicate why what occurred did occur.
6 You come to a conclusion that because there are
7 drugs there that it is reasonable that it may have
8 some relation to drugs. No problem. That makes
9 sense.
10 You also have the first officer on the
11 scene. You are the investigator. You have the
12 first officer on the scene come and say, I know
13 something about a domestic dispute previously
14 between one of these ladies and a former boyfriend
15 or a boyfriend. So, you file that away in the
16 back of your mind also. You say that is something
17 to investigate.
18 As Mr. Murphy said, at the point where
19 you start, you have no idea what occurred. The
20 whole world is suspect. So what do you do? Well,
21 you canvass the neighborhood. You don't find
22 anything. You talk to whomever shows up and you
23 make notes of their names, their addresses, of
24 what they said, for future reference to try to
25 talk to them again, see whether something develops

1 there.

2 You have no leads at that point. You

3 suspect it is a drug rip-off because there is no

4 money and no drugs found. You have a little

5 residue on the stuff in the kitchen and that is

6 it, or you suspect it has something to do with

7 domestic violence. You just let it drop there and

8 wait for somebody then to call you on June 5th.

9 Well, maybe you do. It's up to you. You are the

10 investigator.

11 When the person calls you on June 5th,

12 tells you somebody by the name of Lee was a

13 boyfriend of this person, he's a Jamican sounding

14 individual, had a handgun on him at one time

15 approximately a month ago because he threatened me

16 with it, made me get out of the the house at 4711

17 Navarro Road and as late as Friday, the murder

18 occurs Monday, remember the investigating officer,

19 as late as Friday in the evening, one of the two

20 victims, Deborah Veney, the owner of the house, is

21 saying that she, pointing to this person who calls

22 you on June 5th, is afraid of this individual and

23 that this person who called, excuse me, who calls,

24 you are the investigator, who calls you, Thomasina

25 Johnson calls you and said she was afraid of this

1 person and Thomasina Johnson thinks that this
2 person may well have killed her.
3 Well, that's again, absolutely no --
4 MR. BRAVE: Objection, Your Honor.
5 THE COURT: Approach the bench.
6 (Whereupon, counsel and the Defendant
7 approached the bench and the following conference
8 ensued:)
9 MR. BRAVE: Mr. Tayback is absolutely
10 correct. He was doing fine until the last
11 statement. Thomasina Johnson did not say I think
12 he may have killed her. It's not in that --
13 MR. TAYBACK: What did she say, may have
14 had something to do with the murders?
15 MR. BRAVE: She reported this, she
16 reported this to the police obviously because she
17 thought it was something the police should work
18 on. She didn't have any evidence other than that.
19 MR. TAYBACK: Wasn't I just saying
20 that?
21 MR. BRAVE: You put in a conclusion that
22 is not there and is not part of the evidence.
23 MR. TAYBACK: Okay, just a moment.
24 Don't you recall, and this is in the record, don't
25 you recall she said --

1 MR. BRAVE: You can argue --
2 MR. TAYBACK: -- and Detective Requer
3 has it in his notes that she said she feels that
4 that person may have had something to do with the
5 murders. What else do you want me to say?
6 MR. BRAVE: Okay, but that's different
7 than she killed him. I mean, that he killed,
8 killed her. That's what you said, he killed her.
9 That she -- this is -- that he killed her.
10 MR. TAYBACK: Fine. If that's the
11 dispute I'll go back and say --
12 MR. BRAVE: It's a hair but it's --
13 MR. TAYBACK: Fine, I'll -- fine.
14 MR. BRAVE: I want you to stay to the
15 evidence.
16 MR. TAYBACK: Thanks. Appreciate that.
17 (Whereupon, counsel returned to the
18 trial table and proceedings resumed in open
19 court.)
20 MR. BRAVE: Thank you, Your Honor.
21 THE COURT: You are welcome.
22 MR. TAYBACK: She said that he, he may
23 have had something to do with the murders. So you
24 as the jury sitting there do know what? You know
25 that this guy is Lee, he's a Jamican, he's a drug

1 dealer. As the investigator try whatever ways in
2 which you have resources to find this individual.
3 Well, you don't locate him on the 12th.
4 You attempt through a lady named Deborah Pearson
5 to find a location where she says she saw Lee
6 before and you are unable to do that when you
7 drive her around whatever streets were driven
8 around close to Martin Luther King Boulevard. You
9 try again on the 17th to determine whether you can
10 develop some evidence about this case.
11 You call the house of a lady Jeanette
12 Brown, and a person with a Jamican accent answers,
13 you give him your name, you give him your address,
14 you say that's why you want to speak with the
15 person and would, better run out there right away,
16 that might have been Lee the Jamican. When you
17 get there it is too late.
18 Finally, on June 19th, 1986 is when the
19 evidence really starts to generate or develop in
20 this case and June 19th, 1986, until August 8th,
21 1986, that time frame, is the time frame in which
22 the officer, Detective Requer, as well as the
23 other officers involved, you have heard about
24 Sergeant Landsman, develop their evidence on which
25 this case hinges.

1 So what do you have? June 19th, 1986,
2 you do arrest an individual by the name of Leroy
3 Boyce who becomes the Jamican individual named
4 Lee, with no question in your mind, as well as
5 arrested Jeanette Brown with whom he has spoken
6 before, as well as a Nellie Chew. Nellie Chew
7 being the person, of course, that you have found
8 out about because of something that Jeanette Brown
9 had told you about a hotel on Reisterstown Road
10 and you got that information, you also got Edward
11 Cooper, you also got Robert Robinson.
12 So, you try at that point to fit the
13 pieces together. You ask these individuals what,
14 if anything, do you know about the murders on June
15 2, 1986. Evidentally, they don't want to talk
16 about anything. So you give them your cards.
17 That's where you are, June 19th, 1986.
18 But in review for just a moment, what do
19 you know? You know you got a lot of drugs, got a
20 lot of money and you got guns. You also have
21 bullets and you also have bloody clothing at 862
22 West Fayette Street.
23 Now, at that point, as Detective Requer
24 tells you, he's zeroing in on Lee, Leroy Boyce.
25 Doesn't have any evidence to present to a grand

1 jury, doesn't have the evidence to present to a
2 jury, but he's zeroed in on him.
3 Something then occurs between June 19th
4 and the present which causes him to take a
5 different fork in the path that leads from the
6 crime to the courthouse. He's on a path leading
7 from the crime to the courthouse that has its name
8 imprinted on it just like a road, Leroy Boyce.
9 Something causes him to take a fork off.
10 Now, what is that? Well, it is Robert
11 Robinson. Robert Robinson tells him that Reuben
12 Rainey told him at the Baltimore City Jail that he
13 did it. So, now, he still hasn't excluded Leroy
14 Boyce but he's got another name. He's got
15 somebody saying this person actually did it. Then
16 he's got Joanne Blunt to say Reuben Rainey did
17 it. Now he's got two people.
18 As you heard, even though the person
19 didn't testify, he's got Edward Cooper to say the
20 same thing. So you've got all of that and at that
21 point he's attempting to get Nellie Chew to say
22 the same thing but she's not cooperative.
23 What do you do with all that? Now, you
24 are the investigators, do you -- and remembering
25 that you have in your mind that these people all

1 know each other, are all part of the same drug
2 operation, and all are of the worst sort that you
3 know basically as a gut feeling that they will
4 lie, that they do lie, that they will do whatever
5 they need to protect themselves and Their
6 operation, what do you do at that point? Do you
7 simply ask, as Detective Requer does, after some
8 initial comments and initial questions about your
9 name, your age, so forth and so on, tell me what
10 happened? Then do you leave it at that when they
11 come up with basic versions similar to each
12 other? Or do you say, look, these people are not
13 trustworthy, they're not reliable, they're not the
14 type of people that I would believe about anything
15 else, why should I believe them now? Forget about
16 being the police investigator a minute because
17 isn't that exactly what your responsibility is as
18 a juror?
19 So what do you do? You then say, Miss
20 Blunt, tell me what happened and when Miss Blunt
21 says, well, it happened this way and this occurred
22 and that then this occurred, then this occurred,
23 do you simply write that down and do nothing
24 further with it? Or do you do as I did, do you
25 ask her, well, tell me something more about that,

1 tell me exactly what happened, exactly what
2 occurred? Don't you ask questions, not to be
3 nasty and mean like I am, but to be suspicious,
4 because these people are inherently unreliable?
5 That's even conceded. So don't you ask questions
6 to either support them, to build them up, in other
7 words, to make them more reliable or questions to,
8 not to knock them down so that you don't believe
9 them, so you know reasons why not to believe
10 them?
11 Don't you put them through every test
12 you can think of? Don't you say, well, Miss
13 Blunt, tell me exactly what occurred in this
14 house? Tell me what happened from start to
15 finish, and when Miss Blunt says, well, before we
16 got there, we needed some cocaine, before we got
17 to 4711 Navarro Road we were out. Before we got
18 there, we had been doing laundry for twenty-four
19 hours, and then we had to go to Deborah Veney's
20 house and wake her up in the middle of the night
21 so that she could find cocaine for us when she
22 didn't have any, and she ended up driving us over
23 there even though she didn't want any.
24 Now, if you are thinking about it, if
25 you are the investigator, you have to be saying,

1 that's a little bit unusual. To then ask, well,
2 wait a minute, why, why did you have to go to
3 Deborah Veney's house to buy cocaine? Don't you
4 work or aren't you associated with or aren't you
5 the main woman of Leroy Boyce? What was the
6 problem with Leroy Boyce? Why couldn't he give
7 you the drugs? Free. Well, you heard that as we
8 read it into the record on April 8th, 1987, Joanne
9 Blunt under oath said, well, that's because Poppy,
10 when we were going over to 3609 Greenmount Avenue
11 had told me that he was out of concaine.
12 Now, Detective Requer told you that he
13 hadn't heard that before. She hadn't told him
14 that. So the question evidentally hadn't even
15 been asked until it was asked in a proceeding.
16 But the point is, stop right here, stop right
17 here, before you can make sense of this case,
18 before you can decide it flows from a to z
19 logically, you have to start with the premise of
20 why they are there in the first place.
21 Is the premise logical? The premise is
22 very logical if they are out of cocaine and Poppy
23 is out of cocaine and they have to go somewhere
24 where they know that the person does have cocaine
25 and they have to buy some if they need some.

1 That's a perfect premise. It makes a lot of
2 sense.
3 And on July 31st, 1986, when the
4 detective is speaking with the young lady, and she
5 is talking about why she is going there, maybe it
6 makes sense to him at that time. But then Poppy
7 speaks to him August 2nd, I believe the date he
8 indicated, even though there was no written
9 statement made, because Poppy didn't want to make
10 a written statement. Now, Poppy indicates that he
11 has his entire source and supply of cocaine with
12 him at 3609 Greenmount Avenue and that Joanne
13 Blunt would know that and Nellie Chew would know
14 that, Reuben Rainey would know that.
15 Now, you as the detective, you as the
16 jury have to say these two factors do not fit
17 together. This one is not sensible when placed
18 against this one. Who even told you it didn't
19 make any sense that they would go over to Deborah
20 Veney's house to buy cocaine? Who even told you
21 that under oath on the stand? Whether you believe
22 him or not doesn't matter but you know who told
23 you that, that it didn't make sense to him. Well,
24 it doesn't make sense to anybody. Leroy Boyce
25 even tells you it doesn't make any sense.

1 Then, of course, Leroy Boyce comes up,
2 well, wait a minute, I just happened to remember I
3 told them before I left the car to go into the
4 house, don't bother me, don't come back. Of
5 course I, because I have the transcripts, say,
6 now, Mr. Boyce, that's not what you said before,
7 that's not what you said. Very clearly you didn't
8 say that before. You never said that before. You
9 are coming up with a new version because you
10 realized how incredible, not credible, but
11 incredible the story is.
12 Number one, what do you do at that
13 point? Do you say, Miss Blunt, I believe
14 everything you say or do you say, Miss Blunt, that
15 doesn't make any sense, but I believe you about
16 anything anyhow? You should, all of you right
17 now, and Detective Requer, should know that the
18 premise for the person going over there is
19 illogical. So right away you have got a problem
20 with the story.
21 How about the next portion. You have
22 got Nellie Chew claiming that she has to get out
23 of bed to take them over there because even though
24 she doesn't want any cocaine, she is the one who
25 knows how to get there, even though she concedes

1 that Joanne Blunt had been there before.

2 Now, you also know from the evidence in

3 the case that it's almost like a travelling

4 circus, two days at this house and two days at

5 this house, then on to the next, and on to the

6 next, and one of those houses on this route was

7 4711 Navarro Road. Because it's -- does it make

8 sense then that somebody, Joanne Blunt, Joanne

9 Boyce as she also calls herself, doesn't know

10 where 4711 Navarro Road is and needs Nellie Chew,

11 sleeping Nellie Chew to get out of bed to take

12 them over there so they can buy the cocaine even

13 though Poppy has ten or more ounces of cocaine

14 he's just gotten and has it at 3609 Greenmount

15 Avenue where it can be had for free?

16 At that point you've got to be saying,

17 so far we are not doing too well with this story.

18 It is not logical. My common sense tells me it

19 doesn't fit together. So you have got them over

20 there at 4711 for whatever reasons. Even if you

21 believe that they're there for those reasons, you

22 have got them there. They go inside the house and

23 Joanne Blunt says that the young lady Deborah

24 Veney, even though it was requested that they

25 receive one gram for a hundred dollars, she didn't

1 have that much cocaine. She had only seventy-five
2 dollars worth.
3 Now, later, and this is not a situation
4 where Detective Requer has to make up his mind on
5 this date and has to stick with that for ever
6 more. Later you got Nellie Chew talking and later
7 Nellie Chew says what? She says that they had
8 seventy-five dollars, they didn't have a hundred
9 dollars, therefore, they got seventy-five dollars
10 worth. Furthermore, later, the woman even cooked
11 up more cocaine, so she obviously had more
12 cocaine.
13 By the way, if you are the jury, if you
14 are the investigator, if you are anybody
15 listening, you have to say, now, is that just
16 innocent error or is that somebody who is trying
17 to deceive. They are over there, they are cooking
18 it up, it doesn't come back. There is a problem
19 with thirty-five dollars worth and how
20 seventy-five down to fifty becomes thirty-five --
21 don't worry about the mathematics. Forget that.
22 Thirty-five dollars is the issue. They either
23 want more cocaine or their money back to the
24 extent of thirty-five dollars. That's the story.
25 Now, if Nellie Chew is correct, there is

1 absolutely no problem with giving more cocaine.
2 If Joanne Blunt is correct, the problem with
3 giving more cocaine is because there is no more
4 cocaine. But either one can not present any
5 rational explanation as to why the money, which is
6 in the coat which you have in evidence of an
7 eighty-four pound woman, can't simply be gotten by
8 somebody going give me the money back and getting
9 the money. It is not upstairs as they try to
10 convince you because it is in the pocket and there
11 is no logical explanation for going upstairs. You
12 don't have it in the pocket by the story and then
13 have the need to go upstairs to get it. That's
14 the problem with stories.
15 As I told you before, Mr. Brave will say
16 on the one hand, because the story doesn't fit
17 together hand and glove, that makes it true.
18 I am telling you because the story
19 doesn't fit together hand in glove that makes it
20 false. And the reason is this. If these two
21 people were there and had it really happened the
22 way they said it did and really focusing in on
23 this, they will know that this occurred and this
24 didn't occur. They will have a logical
25 explanation for going upstairs. You know the

1 person was shot on the steps. So the physical
2 evidence doesn't fit together with the story.
3 Now, what do you do? Do you say, what
4 is going on, Joanne Blunt? What is going on,
5 Nellie Chew? You are lying to me. You ought to
6 tell me the truth or I'm not going to believe you
7 about anything and all deals are off. Or do you
8 simply do as Detective Requer tells you, that
9 wasn't important to me, that wasn't the point that
10 I considered to be important?
11 How about this then, you have got Joanne
12 Blunt saying the person is going up the steps, and
13 I took her through it because nobody else will do
14 it, so I took her through it. She's on the stand,
15 I'm standing here, I am going up the steps, how am
16 I going up the steps, I'm going up the steps with
17 my back to the individual who is supposedly
18 shooting her in the head and I have got my head
19 turned, that's the left side of my head, to look
20 over here into the living room which is where
21 Glenita Johnson is seated in a chair and which is
22 where Joanne Blunt says that she was standing.
23 Now, if you are the detective, and you asked those
24 questions, which wasn't done in this case, but if
25 you asked those questions, do you not then say,

1 Joanne Blunt, the pictures, and the evidence and
2 the autopsy say that the woman was shot right here
3 in the right forehead and not like you're saying
4 it happened. You are telling a lie. Why?
5 Now, if you were there in that living
6 room and you are looking at what is going on, are
7 you going to get it backwards or are you going to
8 get it straight?
9 Doesn't it then make sense when you
10 apply the logic to the individual story and the
11 individual bits of the story to say this woman is
12 lying? Joanne Blunt says that she then ran out
13 the door and Nellie Chew was already out because
14 she had been ordered out by Reuben Rainey.
15 Now, she says that she was ordered out
16 of the house and that she was ordered to start the
17 car, start the car, bitch, I think was the way Mr.
18 Murphy said it was said. Miss Chew, of course,
19 says she is sitting in the car for five or ten
20 minutes without the engine on. She just, excuse
21 me, she is just sitting out there waiting and she
22 hears a shot and then out the door comes Joanne
23 and right behind comes Reuben Rainey.
24 Now, so far the story is illogical, not
25 sensible, not realistic, not rational. But the

1 State's Attorney says or will say, I'm sure, well,
2 wait a minute, wait a minute, they got this point,
3 they got this point, you have got to believe the
4 whole thing because they have got this going,
5 Joanne Blunt says and Nellie Chew says that Joanne
6 Blunt tried to get into the car on the left hand
7 side. Fine. That's what they did say.
8 Absolutely, they both said that.
9 Now, of course, Joanne Blunt somehow or
10 the other has herself getting in on the left hand
11 side and Reuben Rainey getting into the back
12 seat. Nellie Chew has them all getting into the
13 front seat. Joanne Blunt has herself reversing
14 positions right there before they move off.
15 Nellie Chew has it happening down the block as
16 they get to the other, to the next block. Fine.
17 They do have themselves both at that same
18 position. They got one thing together so far.
19 Before we leave the house, Joanne Blunt
20 tells you that Glenita Johnson was in the chair
21 freebasing cocaine. Nellie Chew doesn't say
22 that. Glenita, excuse me, Joanne Blunt says that
23 about Glenita Johnson. You know the physical
24 evidence is not consistent with that. The
25 freebasing equipment is in the kitchen. Even

1 Detective Requer tells you that. Even Detective
2 Requer says he noticed that but he doesn't do
3 anything about it. Doesn't ask about it, doesn't
4 say, wait a minute, that doesn't make sense. Was
5 there time enough to clean up the house? Was
6 there time enough to do this, was there time
7 enough to do that? Well, not if the other portion
8 of the story is true. Again, A doesn't fit
9 together with B. So what do you have? You got
10 that as the situation.
11 One other thing before you leave the
12 house, does anybody, anybody whatsoever, before,
13 during, after, anybody, any of these witnesses
14 ever say that Reuben Rainey comes out of the house
15 with money or Reuben Rainey claims he got the
16 money back or Reuben Rainey got drugs, does
17 anybody ever claim that?
18 Now, somehow or the other the State has
19 to explain that no drugs are found in the house,
20 and no money is found in the house. Yet,
21 according to the State, at least seventy-five
22 dollars passes, two minutes, five minutes, ten
23 minutes, whatever it is before the people are
24 killed, but there is no explanation for the
25 missing money. It is just up in the air. The

1 State doesn't have an explanation for it, so you
2 folks don't worry about it.
3 They are in the car, they are driving
4 along, now what happens? Do you believe Joanne
5 Blunt when she says that she was scared of Reuben
6 Rainey when he's in the back seat because he's a
7 madman and he's crazed and she doesn't know what
8 is going to happen and he's covered with blood and
9 he's covered with brains?
10 Well, let me tell you something. You
11 should believe that if Joanne Blunt were telling
12 the truth and what she says happened did happen.
13 On the other hand, is it logical and, again, use
14 your common sense, and use your logic, is it
15 logical that the madman, the mad killer or the
16 person who kills over thirty-five dollars simply
17 then says, here, Joanne, hold my gun and that she
18 puts it between her legs?
19 If you are Nellie Chew and you are in
20 that car and you are trying to observe everything
21 that is going on as well as drive and you are
22 crazed because of what has occurred and your heart
23 is beating and you are so upset you don't know
24 what is going to go on because the person behind
25 you has got a gun and he's just killed two people,

1 do you think it might make some impression upon
2 you that the gun is in Joanne's possession and not
3 his? Of course, Nellie, oh, no, that didn't
4 happen; no, no, I don't remember that at all.
5 Now, Mr. Brave no doubt will get up and
6 say they are inconsistent because they didn't get
7 together on their story. If they were consistent
8 from a to z, then that means they would have
9 gotten together. That's like telling you that
10 people who lie should be believed because they are
11 lying. You can't have it that way.
12 They get over to Poppy's. Who is over
13 at Poppy's? Poppy's, 3609 Greenmount Avenue. You
14 got Poppy and Robin Robinson there. Robin
15 Robinson isn't even talked to by the detective
16 until either months and months -- very much later
17 I think is the term used and maybe even 1987, the
18 detective doesn't even know, and yet Robin
19 Robinson when asked about it immediately is able
20 to recall the events of the weekend involving June
21 2, 1986.
22 Now, if it were July 4, or December 25,
23 or January 1st, that might make some sense. But
24 if you are talking six months later to somebody
25 who presumably has not been briefed by Poppy, by

1 Joanne, by Nellie or by whomever as to what to
2 say, you would think, at least I would think that
3 the person would have difficulty coming up with
4 June 2, 1986. It is not exactly a stellar day.
5 There is nothing according to Robin Robinson that
6 was out of the ordinary. Nothing out of order.
7 Eventually you as the investigator do
8 talk to Robin Robinson. Robin Robinson says, yes,
9 Poppy was there. I'm his alibi. He couldn't have
10 done it because he was there during that
11 particular time that the murders occur and I
12 remember it because he was sleeping there with
13 me. You also ask Robin Robinson, what did you
14 say, what else occurred? She said, I saw Reuben
15 Rainey and girl I know as Joanne and another girl
16 whose name I don't know but it could have been
17 Nellie Chew, come to the house. Anything
18 unusual? No. Anything out of the ordinary? No.
19 Any shouting, any yelling? No. Do you at that
20 point say, this just does not track on important
21 points, not minor stuff but important points with
22 what I know is claimed to have occurred or with
23 what I know should be the situation? Do you then
24 question and re-question, trying to establish
25 something that either supports, buttresses your

1 theory of the case or, in the alternative, if you
2 are an investigator trying to do your job, that
3 tears it down so that you can go in the other
4 direction? Now, nothing is done.
5 And then you have Joanne Blunt and
6 Nellie Chew and Leroy Boyce saying, the madman
7 comes up there and tells us how he did it, he just
8 blew away the two over thirty-five dollars. Of
9 course, Leroy is so upset he gets up and goes into
10 the shower to get dressed to go about his business
11 and everybody else gets into the car eventually
12 and puts Reuben Rainey in a car to go elsewhere
13 and we all meet up together that night. Surprise,
14 surprise. But he says one thing before, and these
15 are the slips that people who are lying don't
16 think when you ask them question after question,
17 quickly, intensively, pounding on them, not just
18 asking them tell me what happened, but you ask
19 them questions, that's what cross examination is,
20 he said that he saw Reuben Rainey with blood, no
21 shirt but blood on his pants, blood around the
22 crotch area, blood around the groin area, whatever
23 you want to call it. We have in this case
24 evidence which is of underwear with blood in that
25 particular area. But his problem is he's trapped

1 by prior words. Before he was even shown that
2 underwear by the State or by the detective, and
3 his former words were that when he saw Reuben
4 Rainey that day he was wearing boxer shorts, not
5 that sort of underwear.
6 Now, right away if you are the detective
7 and you have that information, what do you do? Do
8 you say to yourself, well, that just means
9 nothing, it was bloody --
10 MR. BRAVE: Objection, Your Honor.
11 THE COURT: Approach the bench.
12 (Whereupon, counsel and the Defendant
13 approached the bench and the following conference
14 ensued:)
15 MR. BRAVE: I have reconsidered, Your
16 Honor, I think I'll just hit him with it on
17 rebuttal rather than make an issue of it now.
18 THE COURT: Very well.
19 (Whereupon, counsel returned to the
20 trial table and proceedings resumed in open
21 court.)
22 MR. TAYBACK: Do you say, how is it that
23 he knows about this underwear that he says he's
24 never seen before, that is hidden behind a bureau
25 dresser in his girlfriend's house, how is it that

1 he knows about this underwear and why is it that
2 he claims that Reuben Rainey, the killer, has
3 blood on his pants and in exactly the same area
4 that would correspond to the underwear even though
5 nobody ever testifies, nobody ever claims that
6 Reuben Rainey wore them? Why do you do something
7 like that? Well, I don't know. I don't know what
8 goes through Mr. Boyce's mind but I can suggest to
9 you this, number one, he knew about the underwear,
10 he knew about the underwear with the red blood
11 stain on the crotch whether it has anything to do
12 with this case or another case. Who knows.
13 You also know another thing, that is,
14 that when he was on the stand the final cross
15 examination of him by Mr. Brave, where Mr. Brave
16 is wearing his plastic gloves and essentially
17 waiving the underwear in Mr. Boyce's face and Mr.
18 Brave throws the underwear down and rips off the
19 gloves and says, Poppy, I don't need you to lie
20 about the underwear, I don't need you to lie to
21 try to help me out.
22 Now, does that sound as if Leroy Boyce
23 is to be believed or not believed? Does that
24 sound like Leroy Boyce is telling the truth about
25 the underwear and his knowledge or lack of

1 knowledge or is he lying about it? If he's lying
2 about it, you go a step further, you just don't
3 see things on their surface. If he's lying, then
4 why is he lying? You know he is not here to
5 protect Reuben Rainey. You know he's here to
6 convict Reuben Rainey. Why is he trying to put
7 together blood soaked pants with blood soaked
8 underwear? For one reason, to convict Reuben
9 Rainey.
10 Now, why is he trying to do that if
11 supposedly he has no knowledge of the underwear
12 and the underwear has nothing to do with him?
13 He's either going to tell the truth or he's lying
14 about him for one reason, because he knows
15 something about that underwear and it has either
16 nothing to do with this case, might even have to
17 do with another case, or it has to do with him in
18 this case or Rerun in this case, or Bus Driver in
19 this case or anybody in this case but it doesn't
20 have to do with Reuben Rainey in this case.
21 He also, I dare say, knows how the
22 evidence got behind that bureau dresser drawer
23 because Lee put it there or because Nellie Chew
24 put it there.
25 Remember, he says, on June 2, I was

1 surprised when I got to that house. By golly, who
2 was in Nellie Chew's bedroom? Can't remember what
3 he was doing, wasn't doing anything, didn't have
4 any reason to be there, but he was there. Now,
5 why does Leroy Boyce want to put him up there?
6 One reason and one reason alone because he wants
7 to instill in your minds that Reuben Rainey had
8 something to do with that underwear.
9 Now, that underwear is old, it is
10 stretched out, and I don't know whose it is. I
11 have absolutely no knowledge of that. I'm not
12 about to stand here and tell you that it is Leroy
13 Boyce's underwear. I don't know. Remember, Leroy
14 Boyce, his weight evidentally fluctuates from day
15 to day, whatever. He claims, he claims the
16 underwear doesn't fit him.
17 MR. BRAVE: Objection, Your Honor.
18 THE COURT: Overruled as to the last.
19 MR. TAYBACK: His waist size fluctuates
20 twenty-eight to thirty-eight to thirty, because
21 you heard him. Twenty-eight to thirty. You are
22 investigating or you are in the house, you got the
23 bloody underwear, got the box of bullets, what do
24 you do? Do you simply believe people like Robert
25 Robinson who you know is a liar or you basically,

1 as the investigator, say he's from that criminal
2 milieu, I know he would do anything, I know he
3 would lie? Do you believe somebody like that? Or
4 could you say I approach this from the position of
5 these people are liars, let them prove it to me
6 because that is the position you folks have to
7 take as jurors? That's the position the police
8 should take to do a proper investigation.
9 So you got Joanne Blunt, inconsistencies
10 mount. You got Nellie Chew, problems with her
11 story. You have got Robert Robinson, problems
12 with his story. What is the key then that
13 develops the case and puts it over the top for the
14 State? Is it the recovery of the gun? That seems
15 to be what we are talking about here, doesn't it?
16 You have got a person who is supposedly
17 independent of Leroy Boyce up in New York City who
18 is given the gun by Reuben Rainey and Leepoleon
19 Jackson lives in 356 West 121st Street, and he
20 says I don't know anybody by the name of Leroy
21 Boyce. So when you get Leroy Boyce and you talk
22 to him and you question him, do you do as
23 Detective Requer did, not ask him any questions at
24 all about any sort of contact between himself as
25 Leroy Boyce and Jesus? Do you accept the bald

1 assertion that he doesn't know him or do you
2 investigate? You are a detective, do you try to
3 detect something?
4 Do you find it unusual, do you find it
5 suspicious, do you find it strains your
6 credibility that a person like Leroy Boyce who
7 knows Roscoe, who knows that Roscoe's wife has the
8 ownership of the building, the secret ownership
9 yet, who knows that the superintendent is Oscar,
10 who knows the individual named Troy who knows a
11 person on the basement level who knows a person on
12 the first floor level, who may know somebody on
13 the second floor level who knows somebody on the
14 third floor level doesn't know Jesus? Jesus being
15 the assistant superintendent, person who helps out
16 around the building, Jesus being the one who
17 Inspector Capers tells you is the lieutenant of
18 Oscar and that the organization in the building
19 goes from Oscar to Jesus to Troy.
20 Do you as a detective say, means nothing
21 to me, I don't care, Jesus tells me that Reuben
22 Rainey gave him the gun and that's good enough for
23 me? Or do you say to yourself, why would this
24 individual know everything about the building,
25 everything at all, more than the police seem to

1 know, and yet not know Jesus?

2 Now, why is it important that Leroy

3 Boyce not know Jesus? Because if Leroy Boyce

4 knows Jesus, then logically he may well be the one

5 who gives the gun. We will get to the gun in a

6 while but remember for the longest period of time

7 in this case, the detective is operating under the

8 assumption given to him by Joanne Blunt and others

9 that it is not Poppy's gun.

10 Now, why is it important to Poppy, Leroy

11 Boyce, that he not know Jesus? Well, you already

12 know the answer. It is important because guess

13 whose gun it really turns out to be? Leroy

14 Boyce's gun. And if Leroy Boyce knows Jesus, is

15 it logical or illogical to believe that Leroy

16 Boyce got the gun to Jesus? And if he is the one

17 who did that, then does that cause you to have

18 more faith or less faith in this theory under

19 which you are working, that Robert Robinson and

20 Joanne Blunt and Nellie Chew are really telling

21 the truth no matter how many inconsistencies, no

22 matter how many lies, no matter how incredible

23 these people are?

24 The case goes on. Does the

25 investigation stop? Well, it shouldn't but the

1 case goes on. We have Nellie Chew who
2 interestingly enough is willing to talk to the
3 police after she talks to whom? After she talks
4 to the police officers? No. After she talks to
5 her attorney? No. After she gets indicted? No.
6 After she talks to Leroy Boyce? Yes. And Joanne
7 Blunt talks to the police after she talks to
8 nobody? After she talks with Leroy Boyce. What
9 we have is her words when she is being asked
10 questions fast and furiously, she tells Poppy,
11 Poppy, the police are coming for me, they're going
12 to ask me about it, I don't know what to do, I'm
13 scared, and he says, what -- well, before he says
14 anything, she says, I'm going to tell the truth,
15 and he says, what? No, mommy, because I think
16 that Edward Cooper and Robert Robinson have talked
17 to the police. And Detective Requer takes that to
18 mean, well, that means she doesn't have to speak
19 to me because others have already spoken and Mr.
20 Boyce is saying, well, there is no reason then for
21 you to come forward and do what, tell the truth?
22 Isn't that what she says she was going to do. Is
23 that logical as an investigator, as detective, as
24 a juror to believe that or is it more logical to
25 believe, no, mommy means no, mommy. When she is

1 talking about telling the truth, he is saying no,
2 he needs to know what Edward Cooper and Robert
3 Robinson have said exactly. You have got the
4 parameters of this story, he needs to know more
5 about it, then she can talk.
6 How about Robert Robinson and Edward
7 Cooper? Is it logical for you to believe, is it
8 logical for Detective Requer to believe that they
9 just happened out of nowhere on June 18, either to
10 visit a father who hasn't been seen for forty
11 years or to suddenly come down with heroin to
12 distribute through a person who distributes
13 cocaine, who hasn't been called, who hasn't been
14 notified, they don't know whether he'll do it or
15 not, is it logical to show up on the steps of 3735
16 Manchester Avenue or is it more logical to
17 believe, as Detective Requer indicated it was
18 logical to believe, that they could -- I'm not
19 saying they are, but could be the supply source
20 that brings down the supply that is found by the
21 police on June 19, 1986? If they are that, then
22 they are directly tied into Leroy Boyce even more
23 than you know that they are.
24 You know, for example, that Robert
25 Robinson is the fiance of Denise Coleman who is

1 one of Poppy's girls. You know that Edward Cooper
2 is the self-described, by Leroy Boyce, the
3 self-described son. Forget about these people
4 being of different names and different families.
5 Think of them the way Leroy Boyce described all of
6 these people, essentially as his family. Think of
7 it this way. If these were all brothers and these
8 were all sisters, and they are testifying, is it
9 logical to believe that they are going to protect
10 their brother or their father figure, or their
11 family member, Leroy Boyce? And they are going to
12 do that which needs to be done to accomplish
13 that. Who told you they would do that? Leroy
14 Boyce said that.
15 Detective Requer comes up and says,
16 well, I don't think they would do that any longer,
17 but you know until very recently Leroy Boyce,
18 because he told you so, was hoping to get
19 probation or a noll pros. Nolle prosequi means a
20 dismissal, a voluntary dismissal by the State.
21 He's hoping, not any longer, but he's hoping until
22 very recently to be back on the street, to keep
23 his group together and they are hoping the same
24 thing. And that is what is occurring. They're
25 even telling you in their ways that they are in

1 communication by telephone or by letter. You know
2 that and Detective Requer knows that as he's
3 investigating. But does it matter or is it just a
4 stone wall once I've got Reuben Rainey with Joanne
5 Blunt and Nellie Chew saying something that I
6 think is consistent, and Robert Robinson saying
7 something that I think is consistent, I've got the
8 gun from Jesus who tells me the gun is from Reuben
9 Rainey? That is what I need. That is what I've
10 got, I'm going to the jury with that story come
11 hell or high water.
12 Well, the high water is here. That's
13 why we have trials. That's why there is cross
14 examination, that's why it is not just a situation
15 where the State's Attorney and the detective on
16 behalf of the Police Department bring a case and
17 drag somebody into Court and say, this is what we
18 have got, you are guilty, that's it. That's why
19 we have the adversarial proceeding that we do.
20 That's why we have somebody like me who questions
21 and demands answers and yells at witnesses because
22 it brings out what, the truth and that's what a
23 trial is, a search for the truth.
24 In this case, you know what the truth
25 is, that Leroy Boyce has something to do with the

1 murder of Deborah Veney. He has a beef with her a
2 month before. He has a beef with her some other
3 time before. He has a beef with her to the extent
4 that on the Thursday before the Monday he has got
5 scratches according to what he told Mr. Brave in
6 his examination. He even beat up the girl at that
7 time, that's Deborah Veney, and he is telling a
8 lady, another one of his ladies, Deborah Lowe,
9 don't worry about it, it will be taken care of.
10 Now, that is Thursday before Monday and
11 she is dead on Monday. I agree with Detective
12 Requer, I agree with Mr. Brave, that's not
13 evidence sufficient by law to take to a jury and
14 convict. I agree it would be nice if the system
15 worked where I get a shot at it right at the
16 beginning and I kicked tail as necessary to bring
17 out the truth. But we have got what we have got
18 here. And what we have got here is a situation
19 where you have to believe that these people are
20 telling you the truth and that these people are
21 not lying and that these people are not doing that
22 which Leroy Boyce says they will do. And that
23 everything they say, no matter how illogical, no
24 matter how ill-conceived, makes sense so that you
25 are convinced beyond a reasonable doubt and to a

1 moral certainty of the guilt of the Defendant.
2 Leroy Boyce is not on trial here,
3 Detective Requer is not on trial here. I'm not on
4 trial here. No matter how much the State wants to
5 make an issue of what Detective Requer did or did
6 not do, whatever I want to say about that, that is
7 not the case. Whatever Mr. Brave or Mr. Murphy
8 say that I am putting past you or doing or not
9 doing, forget about all that. Forget about
10 everything that I have said right now if you want
11 to.
12 Look at the evidence. Look at it with
13 common sense. Look at it with logic. Look at it
14 rationally and you tell me whether it convinces
15 you beyond a reasonable doubt and to a moral
16 certainty. You tell me whether you're willing to
17 buy this story in events most important to your
18 own personal lives, buying a house. Is there
19 anything really more important in the way of
20 purchase that most of us make? Would you believe,
21 for example, if somebody said the house is in
22 great shape and you know that it is infested with
23 termites, that the beams are rotting, that the
24 electricity is shot, that the plumbing doesn't
25 work, would you believe that? Absolutely not.

1 That's what beyond a reasonable doubt and to a
2 moral certainty is. You have to be certain before
3 you buy that house, before you decide that it is
4 solid, you have to be certain.
5 What else did, excuse me, what else did
6 Judge Davis tell you about beyond a reasonable
7 doubt and to a moral certainty? We have been
8 through law school for years all of us and I
9 understand that these instructions come to you one
10 right after the other. In the space of
11 twenty-five or thirty minutes the Judge gives to
12 you instructions that you have to use to decide
13 the issue as to whether somebody is guilty of
14 first degree murder. But what else did he tell
15 you? He said that you have to be able to rely on
16 this evidence to be able to act without hesitation
17 as if it were an important event in your own
18 lives, without hesitation.
19 Truthfully, no matter what you think of
20 me, whatever you think of Mr. Brave or Mr. Murphy,
21 Detective Requer or anybody.
22 When you think of my client, you know
23 he's guilty of the drug transaction on June 19th,
24 he's going to pay the price on that later. That
25 has nothing to do with now. You are deciding one

1 issue.

2 MR. BRAVE: Objection, Your Honor.

3 THE COURT: Approach the bench.

4 MR. BRAVE: I'll deal with it in

5 rebuttal, Your Honor.

6 THE COURT: All right, approach the

7 bench.

8 (Whereupon, counsel and the Defendant

9 approached the bench and the following conference

10 ensued:)

11 THE COURT: Mr. Tayback, I do have a

12 problem with that argument. It is strictly an

13 argument calculated to convey to the jury the

14 notion that they can in a sense compromise because

15 this man will be punished for other things.

16 I am going to instruct this jury that

17 they are in no way in their deliberations to --

18 MR. BRAVE: I am sorry, what was that?

19 THE COURT: I am going to instruct the

20 jury that they are in no way in their

21 deliberations to consider what other punishment --

22 MR. TAYBACK: That's fine. I thought I

23 said that.

24 THE COURT: No, no. What you are

25 saying, what you are conveying to this jury by

1 what you are saying is that this man is going to
2 pay for these drug charges. He'll have to deal
3 with the drug charges later on. I don't want the
4 notion conveyed to this jury that somehow or
5 another if they acquit, he will be punished for
6 this by whatever happens to him in his drug
7 charge.
8 MR. TAYBACK: That's fine. I agree with
9 that. I thought, to be honest with you --
10 THE COURT: The argument conveys --
11 MR. TAYBACK: Last point of that, I say
12 that's a matter that has nothing to do with this
13 case.
14 THE COURT: You said that but that
15 argument conveyed something I don't think is
16 proper. All right.
17 MR. TAYBACK: Okay. No problems with
18 your curative instruction.
19 MR. BRAVE: Thank you, Your Honor.
20 (Whereupon, counsel returned to the
21 trial table and proceedings resumed in open
22 court.)
23 THE COURT: Ladies and gentlemen, in
24 counsel's argument to you just a moment ago there
25 was some suggestion about Mr. Rainey being

1 accountable for his drug charges on some other day
2 and that he would have to pay for anything he had
3 done by way of his involvement with the drugs.
4 I instruct you that it is an improper
5 argument for counsel to suggest in any way you
6 should factor into your consideration of this
7 charge what you might, by conjecture or
8 speculation, think might happen to him on some
9 other charge. I ask that you put that totally out
10 of your mind. Give that no consideration at all.
11 We are here today for the question of
12 whether the Defendant is -- whether there is
13 evidence to show the Defendant committed first
14 degree murder beyond a reasonable doubt as to both
15 victims and we are not here concerned with whether
16 or not on another day the Defendant will have to
17 face some separate penalty for these drugs. So
18 please do not give any consideration to that.
19 Go ahead, Mr. Tayback.
20 MR. TAYBACK: If I didn't make that
21 clear, that is exactly the point I was making when
22 I said that is another matter, another time.
23 What you have here is a situation in
24 which you have to decide the issue, the issues on
25 the facts. No matter what you think of me or

1 anybody else, no matter what you think of Reuben
2 Rainey, you got to be precise. You got to be like
3 Judges. You have got to weigh the evidence and
4 you got to come to a rational conclusion. And you
5 know, even if I stopped right now, you know that
6 the rational conclusion is that he has not been
7 proven guilty beyond a reasonable doubt. But the
8 case continues, you know that and you know that
9 some time in the very recent past we find what, we
10 find additional evidence and we find it against
11 whom? We find it against Poppy. We establish
12 what? We establish that this gun which is the
13 murder weapon, is whose? Whose gun is this? Just
14 like it says right on it, it should say this
15 property is that of Leroy Boyce. So Leroy Boyce
16 has the problem now of what? He has the problem
17 of the gun being established as his to the
18 contrary of what has been said by Joanne Blunt and
19 Nellie Chew and anybody else.
20 So what does he have to do now? He has
21 to come up with a new reason why Reuben Rainey
22 would be in town with his gun and using his gun
23 because, other than that, it is closing in again
24 on Leroy Boyce. So we come up with the story of
25 Carlos and the missing money. That's a brand new

1 one. Among the factors involved in this are the
2 purchase of a Winnebago or a Rockwood.
3 Mr. Brave suggests to Detective Requer,
4 do you have the time, detective, to run around to
5 every mobile home lot and question whether Leroy
6 Boyce has been there? Is that what a detective
7 has to do or does a detective do this, Mr. Boyce,
8 you said that the money that was being used was to
9 be used for the purchase of a Rockwood or a
10 Winnebago that was to come in and indeed was in
11 stock at or about the middle of May, 1986, you had
12 even put down forty-five hundred dollars or five
13 thousand dollars in the name of a young lady by
14 the first name of Tina, unknown last name, she's
15 the girlfriend of Rerun? Where was it that you
16 put down the money? Mr. Boyce, where was it that
17 this vehicle was in stock now after having been
18 ordered, where was it that you were going to take
19 this money that turned up to be missing to make
20 that additional purchase?
21 Wasn't asked. Wasn't something that was
22 considered important. Was it the type of thing
23 that somebody who is an investigator or a
24 detective would say, this is something I can use
25 to firm up the story, to give me something that is

1 credible and reliable, something that is
2 documentary, something that is physical, something
3 that I know to be true? No, didn't do it. Didn't
4 think of it.
5 Mr. Brave says, well, he didn't have all
6 the time to run all the way around. All you have
7 to do supposedly, if it is true, is to find out
8 the information from Leroy Boyce or Robin Robinson
9 or Tina or Rerun or whomever has that information
10 and go there and if it is true, find the
11 evidence. That's all. That's what you do.
12 So think of the Carlos story. Carlos is
13 a man who somehow or the other, this is completely
14 unknown to everybody I guess, somehow or the other
15 gets into the house where a whole lot of families
16 live, this is the house on Oakland Avenue, while
17 Miss Robinson is away at work, gets into her
18 storage closet, the one with the lock on it,
19 breaks the lock, gets out of there with thirty-one
20 thousand dollars, thirty-five thousand, twenty-six
21 thousand, whatever the money is, and gets away
22 with it. Then she reports, that is, Robin
23 Robinson reports it to Leroy Boyce because he's
24 going to be upset and he, of course, gets his main
25 muscle Rerun and him to go after the guy but the

1 guy is on the porch front of the house and somehow
2 gets away.
3 Or, if you listen to the story a little
4 bit later, is on the porch front of the house and
5 runs through the house and escapes through the
6 second floor window. Or, if you listen to the
7 story a little bit later, Poppy goes inside, slaps
8 him up the head with a gun and the guy gets away.
9 Or, if you listen to the story a little bit later,
10 the guy lives in the Hillendale Gate Apartments
11 and is there throughout 1986, and is not evicted,
12 and is not missing, and is there.
13 Of course, to buttress up the State's
14 story in this regard about the Carlos story, we
15 have the young lady Earlene Smith who magically
16 appears sometime during trial to the extent that
17 the State asks her, and didn't I just speak with
18 you for the first time yesterday and you know that
19 I asked her, didn't I just speak with you two
20 minutes ago, yes and yes. So she appears
21 magically and who, of course, brings her in?
22 Well, she is the friend of Robin Robinson.
23 She comes in and says, oh, yes, really,
24 there is a guy, but his name is Ron Harris but for
25 some reason he now lives in Detroit, Michigan and

1 he just happened to move. There is a Carlos, it
2 was true that somebody was after him because he
3 told me so. Of course, I asked her, I said, well,
4 is that all there was to it? Oh, yes, he had to
5 jump out a window. And I asked her on the stand,
6 I said, well, whose the one who told you that
7 story two minutes ago, you didn't know it before
8 then? Me. I had to tell her the story. So that
9 that could be the story.
10 So far does the Carlos story hold too
11 much water? Well, it certainly doesn't seem to.
12 How about purchases, guy ripped off of twenty-six
13 thousand, thirty-one thousand, thirty-five
14 thousand, any purchases out of the ordinary? No.
15 Gets in here, oh, yes, I remember a cadillac.
16 Didn't remember that a minute ago but I remember
17 one now. You are the jurors. You have to
18 approach the case with suspicion, essentially
19 prove it to me. Right away you should say, would
20 you?
21 There is something going on here. Now,
22 why is something going on? It's because Leroy
23 Boyce has to establish something. Leroy Boyce has
24 to establish stories that take his gun out of his
25 hands and take him away from this murder, these

1 murders.

2 Carlos supposedly takes the money around

3 the middle of May, disapears because he's

4 evicted. Leroy Boyce doesn't do anything. This

5 is his money, thirty-one thousand dollars. You

6 can see what he does for the money. But he's up

7 in New York and just off the top of his head he

8 decides, well, I know this guy is a good man, he's

9 been a good guard at the gate of some place or the

10 other, he's security, he'll do what you need to be

11 done, whatever words he comes up with I don't

12 know, you put them all together and you come up

13 with the worst scenario if you want to, and I

14 asked him to come on down.

15 Now, this guy, according to Leroy Boyce,

16 doesn't have any gun to come down with, so he has

17 to be given a gun by either himself or by Bus

18 Driver. I think the last story was Bus Driver was

19 holding it because Rerun had got laid off, even

20 though he is not really laid off because Rerun was

21 with the group on June 2, Rerun was with the group

22 thereafter, Rerun was with the group June 18,

23 according to all this testimony we are hearing.

24 But, anyhow, had to import somebody to take care

25 of Carlos. Don't know where Carlos is, don't have

1 any contacts, don't know where he is, don't know
2 when I'm going to get him. That's what you have
3 as the situation. That's the reason to bring the
4 person down that particular weekend. That's the
5 new story, that's the new version, the latest from
6 Poppy, because when you come right down to it, Mr.
7 Brave, I'm sure, will spend a long time, I could
8 spend a long time, you could all spend a long time
9 going through these bits and pieces.
10 Why does somebody like Joanne Blunt call
11 herself Joanne Boyce? Why does somebody like
12 Joanne Blunt write a really very nice little
13 letter to Reuben Rainey if she is scared to death
14 of him, if she's afraid of him, if she is scared
15 such to the extent that she thinks he is crazy,
16 after seeing him kill two people? Statement is
17 going see, well, that's because she wanted to stay
18 on his good side. Logic tells you just the
19 opposite. Logic tells you that the woman is
20 writing to somebody who didn't kill anybody, who
21 didn't do anything, who was exactly that which he
22 was on June 19th, 1986, a person selling drugs for
23 Leroy Boyce' organization who didn't have a gun
24 anywhere. That's what it comes down to.
25 I ask you to do one thing, that's it,

1 honestly. We have done I think our jobs. I'm
2 asking you to do one thing, that is your
3 responsibility, take this evidence apart, go
4 through it, think of the really important function
5 that you have, not just in this case but in our
6 society, to be fair minded, to be impartial, to
7 believe in what you are doing, I think that is
8 fairly important, and to say the person is guilty
9 only if proven guilty beyond a reasonable doubt,
10 to a moral certainty.
11 A reasonable doubt, technically that
12 means if you have one doubt based on reason, you
13 find the person not guilty. That's presumption of
14 innocence. That's what those words mean. But
15 there are doubts and doubts and doubts, one right
16 after the other. And you know that you have got a
17 person, Leroy Boyce, who is lying to you, who has
18 his people lying to you, who is trying to remove
19 himself and he's trying to do it for a reason.
20 Think it over and then honestly ask yourselves
21 individually am I certain -- certainty -- am I
22 certain before you find a person guilty.
23 State's Attorney is going to appeal to
24 you and say that you are the last hope for these
25 victims. And I don't for the life of me -- I hope

1 none of you feel that I am in any way condoning
2 these people being killed. That's not the issue
3 here. Don't be sidetracked by these appeals to
4 emotion. Although I have been emotional in my
5 closing argument I hope that I have said that to
6 you which is not emotional. Weigh the evidence,
7 way it sceptically, weigh it and if you decide in
8 the final balance of the scales of justice that it
9 weighs so that you are convinced beyond a
10 reasonable doubt to a moral certainty, then
11 convict. But if you are not so convinced, then it
12 is not guilty. If you can act on this evidence
13 without hesitation, then I have failed because I
14 have brought forward for you in two weeks, over
15 two weeks just point after point after point of
16 where, when you look at it, and when you weigh it,
17 you can say, I understand what he was saying, I
18 understand that when you say the search for the
19 truth, that being a trial, that it's adversarial,
20 that he has the right to cross examine, that's the
21 reason things are done that way, to bring out
22 point after point after point that shows that it
23 is not logical, it is not reasonable, your common
24 sense must tell you not guilty, not guilty.
25 Truly, one final point. His Honor

1 indicated to you that you are to weigh the
2 evidence, discuss it together, deliberate
3 together, try to reach a verdict and I want you to
4 do that. I want you to reach a verdict of not
5 guilty. But he said something else also, and it
6 works both ways and I will tell you both ways
7 because I hope, if nothing else, that I have been
8 able to give you the flavor of what is going on
9 here by calling Leroy Boyce.
10 When you have made up your mind and you
11 have listened to everybody and you have given
12 everybody that respect that you need to give in
13 the deliberation process, if you have decided
14 guilty and you have decided that and you know that
15 is correct, well, stick by it.
16 And if you have decided not guilty, and
17 you know that is correct also, then stick by
18 that.
19 If you can't make up your mind, what
20 does that mean? It means that he is not guilty
21 and that's what it comes down to. I'm asking you
22 to search within you, to do an absolutely fair,
23 absolutely impartial job of weighing the evidence
24 because I know if you do that, you can only reach
25 that same conclusion that I have, not guilty, that

1 I have already mentioned to you, not guilty.
2 Thank you.
3 THE COURT: Mr. Brave.
4 MR. BRAVE: Thank you, Your Honor.
5 Mr. Foreman, members of the jury, Mr.
6 Alternate, first of all, I want to thank you for
7 paying attention in this case. I now have an
8 opportunity to respond to Mr. Tayback's remarks.
9 Ladies and gentlemen, Mr. Tayback has
10 been talking for a little over an hour. He's been
11 trying to spin a fabric which he hopes will hold
12 water. He is a master weaver. There is no
13 question about that if this were a contest as to
14 who is the better lawyer, no contest at all. He
15 is a master. His spinning was intoxicating at
16 times. No question about it. I mean, he can get
17 you going. It was always, believe me, extremely
18 clever, but in the final analysis, ladies and
19 gentlemen, ladies and gentlemen, that argument is
20 ridiculous. It is ridiculous.
21 The argument is a combination of two
22 things. The argument is Leroy Boyce has put
23 together some kind of devilishly clever conspiracy
24 with Joanne Blunt who would jump off a building
25 for him and lie for him, with Nellie Chew who

1 would do the same thing, with Robert Robinson,
2 with Deborah Blunt, with Leepoleon Jackson. All
3 these things that he spun before you, when it
4 comes out the funnel at the other end, ladies and
5 gentlemen, there has got to be this conspiracy.
6 It doesn't work otherwise. There would be no
7 reason, the conspiracy is the end product. Not
8 only does it have to be a conspiracy, it's got to
9 be a conspiracy which gets past a sadly
10 incompetent investigation by the homicide
11 department. That's how devilishly clever it's got
12 to be. Or it doesn't have to be that devilishly
13 clever because if the homicide department had done
14 its job and investigated this thing right, it
15 would never have worked. It would have been
16 checked out. And then later it would have to get
17 by our office, it would have to be logic -- unless
18 -- I don't think Mr. Tayback is saying that I'm
19 just interested in getting a conviction, that I'm
20 not interested in arriving at the truth that he
21 claims he is trying to arrive at. So, we'll deal
22 with what he said in a second but it all comes
23 down at the end to that proposition.
24 There has got to be this -- the only way
25 I can describe it is fiendishly clever -- and I'll

1 explain why it has to be fiendishly clever --
2 conspiracy put together by Leroy Boyce which goes
3 right past the bungling detective and the over
4 zealous prosecutors. That's what it comes down to
5 in the end.
6 How does he spin this tale? First of
7 all, he throws out as a given something which is
8 simply not true. He suggests that after the
9 homicide detective -- and I will get to his
10 investigation in a minute. Maybe not a minute.
11 I'm sorry, incidentally, maybe this is a good time
12 to say this. I am sorry that there is no break,
13 but I wanted to get right up while these words are
14 ringing in your ears, and I don't know if I can
15 say what has to be said in the few minutes maybe
16 some of you would like it to be said and I'm going
17 to ask you to stay with me on this for awhile
18 because I think it is important.
19 This plot, I was talking about the
20 assumption, the given that you are given to
21 assume, you are supposed to -- you are being asked
22 to assume that after Detective Oscar Requer,
23 twenty-three years on the Baltimore City Police
24 Department, eighteen years investigating criminal
25 matters for the criminal investigation division,

1 nine years doing homicide investigations -- get in
2 a moment to how he digs and digs and digs until he
3 reaches the point where Robert Robinson comes
4 forward. But Robert Robinson finally comes
5 forward and lays out this statement that you can
6 take up and read in which suddenly, as Mr. Tayback
7 says, the fork, the path went down another fork
8 from the theory and that's what it is, a theory,
9 that Lee, the drug dealer, hits people with guns
10 in the behind and gets scratched and says he's
11 going to take care of something, the suspect in
12 this case, that's when the Robert Robinson
13 conversations -- that's when you go off on a
14 tangent completely different from Leroy Boyce.
15 Robert Robinson lays it out.
16 He moves to Joanne Blunt. She lays it
17 out, warts and all. Goes to Nellie Chew, no
18 soap. Goes to Edward Cooper, he lays it out.
19 They go running, they get the slip of paper with
20 the address, they go up to New York to get the
21 gun. They get the gun. They talk to Leepoleon
22 Jackson, he lays it out. Goes back, takes people
23 into the grand jury. Finally get back to Nellie
24 Chew, she lays it out. Then gets to Leroy, Leroy
25 Boyce then goes to the grand jury.

1 Now, what you are being asked to swallow
2 here is that the detectives should then sit down
3 and say, okay, this is what I've got, Mr. Schmoke,
4 this is what we have got. Should he then sit down
5 and say, I wonder, I wonder a year or so from now
6 whether the defense is going to come at us with
7 alibi, whether he's going to come at us with this,
8 whether he's going to come at -- how is the
9 defense going to come at us? Which possible
10 defense is this clever weaver of tales going to
11 come up with to intoxicate this jury with?
12 Should I go out and maybe try to find
13 out who is responsible for that child who was
14 found in the dumpster last night or should I sit
15 here dreaming for the next month and try to figure
16 out what he is going to be saying and how I can
17 disprove it and how, you know -- That's what he is
18 asking you to swallow.
19 Time and time again he comes up with
20 these challenges, why didn't Detective Requer do
21 this, why didn't he do that. For every one of
22 those things that he says why, why he didn't, you
23 ask yourself, how is he supposed to know that he
24 is going to ask that question. What Detective
25 Requer has is everybody telling him the same

1 thing. He is supposed to have this chrystal ball
2 that it's going to be a Poppy defense.
3 He's also asking you to buy the fact
4 that Detective Requer should have been very
5 suspicious by all this illogical behavior on the
6 part of everybody, and he cites example of,
7 example of, example. Well, if Poppy had the drugs
8 in that house, why didn't they go to Poppy, this
9 that and the other thing? You are talking about
10 people, as we all know, who are sticking cocaine
11 up their nose every chance they get and smoking it
12 every chance they get.
13 This man is trying to sell you the
14 proposition that everything they do has got to be
15 like you would do if you come, if you buy at
16 K-Mart a toaster that doesn't work. I mean, you
17 would take, like a logical sensible person, the
18 toaster back to the K-Mart complaint department.
19 There would be a next logical step, he's asking
20 these people to take all these logical steps.
21 He takes the fact that at one time --
22 now, Poppy, his ego is still way up there. He
23 still thinks that people still jump off the
24 building for him and for the purposes of argument
25 I'll concede that, but I wonder. Maybe when he

1 was the source of everybody's cocaine, maybe when
2 he was paying everybody's rent, I dare say he
3 could bring out some lies. But when this thing is
4 going on, and unless Joanne Blunt and Deborah
5 Blunt have done a complete reversal of their life
6 style between Poppy's arrest on June the 19th, and
7 July the 31st she's still got to be sticking
8 cocaine up her nose and Poppy is in jail and Poppy
9 doesn't have the control over her that Poppy would
10 like to think that he still has to this day but,
11 for the sake of argument, let's say he's got this
12 kind of control, you have got that as a given in
13 the case. You've got the fact that there was a
14 beef, presumably over Poppy being romantically
15 involved at one time with Deborah Veney and at the
16 same time with Jeanette Blunt. It is okay with
17 anybody else but not with my cousin. That's the
18 testimony before you as to what the beef was all
19 about.
20 Fiendishly clever plot for all this to,
21 you know -- I mean, for him to be thinking of all
22 these things, sending out all these messages, ask
23 you this question, this is what you answer. Think
24 about it, think about it, how a man puts that
25 together.

1 Mr. Tayback takes the given of the fact
2 that Poppy had, maybe still has although I doubt
3 it, control over these people. The fact that he
4 has had this beef with these people. The fact
5 that the police suspected this man because he
6 apparently displayed, he slapped her around pretty
7 good. That came out. The police as part of their
8 investigation -- Mr. Tayback complains about the
9 investigation, the police document this, turn it
10 over, where does this defense come from, it comes
11 from the suspicion of the Police, the first
12 seventeen days of this investigation. That's
13 where it comes from. He takes this and he builds
14 on it. He builds on the fact that Detective
15 Requer should be running around for months after
16 he gathers all his evidence and wonder where he's
17 going to be coming from. Builds on the fact that
18 Detective Requer ended his investigation, turned
19 it over to the State's Attorney's Office. That is
20 the State's Attorney's Office function, to read
21 over these things, warts and all, the raw data.
22 That's the State's Attorney's Office's job to come
23 in and say, now, wait a minute, did you go over to
24 Poppy's house or didn't you, okay, yeah,
25 explanation. That's the State's Attorney's

1 Office's job.

2 Mr. Tayback is trying to sell you a

3 proposition which just won't go down, that that

4 was Oscar Requer's job after he had assembled this

5 mountain of evidence. If there was ever a case,

6 ladies and gentlemen, if there was ever a case

7 that stands for the proposition of law that the

8 Judge told you before I stood up in opening

9 statement, he told you this, during opening

10 statement I told you this, what I'm about to tell

11 you the Judge again in instructions told you this,

12 if there is ever anything that has been banged at

13 and banged at and banged at in this trial is that

14 arguments of counsel are not evidence. They are

15 simply not evidence. There is one person in this

16 courtroom who is telling you that this is a

17 conspiracy.

18 There is one person in this courtroom

19 who is telling you that the investigation was

20 terrible. There is not one shread of testimonial

21 evidence whatsoever that there was a plot, a

22 conspiracy. There is not one shread of

23 testimonial evidence that this investigation was a

24 botched up job. That's final argument. That is

25 not evidence.

1 This is the diversion that Mr. Murphy
2 was telling you about. Please recognize it for
3 what it is. It is a diversion, this fabric thing
4 he's been spinning. Instead of holding water,
5 this fabric, as you reach for it, it is smoke, it
6 is a screen of smoke to cover up the evidence in
7 this case. He tries to throw you off time and
8 time again. Of course, I wouldn't buy a house
9 from Leroy Boyce. That's not what we are here
10 for, to decide whether we are buying houses from
11 Leroy Boyce or whether we are going to seek a
12 medical opinion from Leroy Boyce.
13 I know we said it time and time again.
14 In opening statement, I said it, Detective Capers
15 made the point, Detective Requer made the point.
16 When you are dealing with a drug related homicide,
17 you are dealing with a separate and unique species
18 of situation.
19 The people you have got to go to to get
20 the information are not dressed in business
21 suits. They're not ready to come forward with
22 what they know. You've got to push buttons. Mr.
23 Tayback tries to divert your -- it is an end
24 around play. These people will lie and have
25 lied. That doesn't mean that they are not the

1 people who know what happened in this case and are
2 telling you what happened.
3 Don't confuse their life style and their
4 propensity to lie with the fact that you know what
5 happened. Make that distinction in your mind.
6 You know what happened in this case. It came
7 through. It came through the evidence. Remember
8 I was asking you in opening statement, listen for
9 whether the argument is over, whether they look
10 for the carbureator or looked for this first or
11 whether it was a handcart or a locomotive coming
12 down the track. Mr. Tayback wants to draw you
13 into an argument over who looked for what under
14 the hood first. Don't fall for it. And the
15 topper, the real coup de grace to me, to me this
16 man has, I guess, since I'm in Court, just use the
17 word nerve, to attack this investigation. Think
18 about it for a minute. Finding fault with them,
19 first of all, that they didn't solve it between
20 June the 2nd and June the 5th. I guess he doesn't
21 find any fault with the fact that he talks to
22 Thomasina Johnson, documents the conversation, and
23 puts it in the file and turns it over to the
24 Defendant.
25 What does Thomasina Johnson really say?

1 She says as recently as last Thursday, Thursday
2 before the murders, I was over at Deborah Veney's
3 house. I think there was somebody upstairs. I
4 think she was afraid of him. It might be the same
5 guy I saw a month ago whose name was Lee or had a
6 Jamaican accent, I'm not sure which. Let's assume
7 -- I mean, obviously it was Leroy Boyce she was
8 talking about -- who ordered me out of the house
9 at gunpoint. Ladies and gentlemen, is that
10 evidence that Leroy Boyce killed Deborah Veney,
11 Glenita Johnson? He attacks this investigation
12 which after nothing is happening for a couple of
13 days they decide to go back, let's talk to Deborah
14 Pearson. How do you think they got to Deborah
15 Pearson in the first place? Do you think that was
16 magic? It is not in this case. I mean, you could
17 have been here, if we wanted to, for a month and a
18 half, if everything that has to do with this case
19 were aired.
20 MR. TAYBACK: Objection, Your Honor.
21 May we approach?
22 THE COURT: Yes.
23 MR. BRAVE: I'd like to make clear where
24 I'm heading because I think it will be cleared up
25 in a minute.

1 MR. TAYBACK: I'll give him that.
2 THE COURT: Very well.
3 MR. BRAVE: Remember the box, the
4 illustration of the box at the beginning of the,
5 beginning of the trial in opening statement,
6 everything the State has is in the box. The box
7 is his to rummage around with as he chooses. Does
8 that mean that we have to hold up everything in
9 the box as long as if he wants to he can hold up
10 anything he wants from that box?
11 MR. TAYBACK: I'll object, again. May
12 we approach?
13 MR. BRAVE: As I --
14 THE COURT: Approach the bench.
15 (Whereupon, counsel and the Defendant
16 approached the bench and the following conference
17 ensued:)
18 THE COURT: Mr. Tayback.
19 MR. TAYBACK: Your Honor, though I
20 concede it is a very clever argument, it is not a
21 correct argument to make because what it does is
22 it attempts to either equalize the burden of proof
23 or to even shift the burden of proof.
24 As the Court very clearly made known in
25 its instructions to the jury, the State has the

1 burden of proof. The State's Attorney decides,
2 for example, the witnesses it wants to put on, the
3 witness he doesn't want to put on. The Defendant
4 has absolutely no obligation to do anything at
5 all.
6 So I think what the Court has to do in
7 the way of a curative instruction is to simply say
8 this, the State's Attorney chose the witnesses who
9 he wishes to present, the Defendant has to do
10 nothing whatsoever if he decides not to do
11 anything. It is the State's burden of proof and
12 burden of production of that proof.
13 MR. BRAVE: Brave Your Honor, I would
14 suggest as an alternative, of course, to let me
15 finish what I was going to say. There is a
16 difference. I was going to say between --- there
17 is a difference between not being able to do
18 something if you want to do something and not
19 being able to do something. And the Defendant
20 does not have to do anything at all but that's
21 different from not being able to do something if
22 he wanted to.
23 I made that, I made that remark in
24 opening statement and didn't get a peak from
25 anybody because it is exactly right. There is a

1 difference between not being required to do
2 anything and being prevented from doing something
3 if you want to. I'm simply trying, so we don't
4 lose sight of the point, I'm simply -- because I'm
5 just making a simple point here, that this case
6 could have gone on for three weeks if everything
7 that was --
8 THE COURT: It did go on for three
9 weeks.
10 MR. BRAVE: Not quite, three months
11 then. I was going to cite as an example -- I
12 mean, it is part of this case who the grandmother
13 is, who the relatives are but, I mean, what you
14 know --
15 THE COURT: But you can't do it in a
16 fuzzy way. You have to delineate who it is that
17 you are saying could have done all this. I mean,
18 you really can't allow the jury to think that
19 somehow or another the Defendant has some
20 obligation to do all that.
21 MR. BRAVE: No.
22 MR. TAYBACK: I guess that's one -- What
23 was I referring to. I don't know, I let you go
24 once, you're almost ready to say something else.
25 I was almost ready to sit down again.

1 The two problems I see are this, number
2 one, even inferentially shifting the burden,
3 especially for people who don't understand the
4 concepts as you and I --
5 MR. BRAVE: I will clear that up.
6 MR. TAYBACK: Number two --
7 MR. BRAVE: I'd like to clear it up.
8 MR. TAYBACK: I grant that. I don't
9 need a curative instruction from the Court if the
10 State clears it up.
11 THE COURT: Point two?
12 MR. TAYBACK: Point two, that is that it
13 seems to me that we come very close to a point and
14 if State steps over that line, then there is a
15 real problem that develops by him suggesting, if
16 you will, that in addition to these witnesses I've
17 got this and I've got that, I just didn't put it
18 on for whatever reasons.
19 MR. BRAVE: I'll make it clear that the
20 reason you reject it is because you don't think it
21 is of any significance. That's what I want to --
22 MR. TAYBACK: If you --
23 MR. BRAVE: There is things in the box
24 if you don't put it on it is just because you
25 don't think it has any significance.

1 MR. TAYBACK: You are saying you don't
2 --
3 MR. BRAVE: You don't have to agree with
4 me. You can say it is significant.
5 MR. TAYBACK: I'll leave it in your
6 hands.
7 THE COURT: All right.
8 (Whereupon, counsel returned to the
9 trial table and proceedings resumed in open
10 court.)
11 MR. BRAVE: Let me clarify what I was
12 saying. Remember I said about this, folks, it's
13 where all the information goes, all the
14 information. Now, let me make it crystal clear
15 that the Defendant does not have to do anything at
16 any time in a criminal proceeding. He comes into
17 Court clothed in innocence as the Judge instructed
18 you. Doesn't have to do a thing.
19 That box that we are talking about has a
20 lot of stuff in it, right, that box is turned
21 over. Now, I may decide to pull ten or twenty, I
22 think Mr. Murphy who, incidentally, didn't lose
23 interest in the case, there's a reason which is
24 not important to go into, Mr. Murphy and I think
25 counted twenty witnesses. Let's call that twenty

1 pieces. We went into that box and we pulled out
2 twenty pieces because we thought it was worthwhile
3 holding up these twenty pieces. There may or
4 there may not be other pieces in that box but if
5 there are or are not, everybody has a chance to
6 look down there. Because the State decides, if
7 there is -- say there is another, there's other
8 pieces left, if the State should decide I'm not
9 going to hold up this piece, the Defendant always,
10 although he doesn't have to do anything, can if he
11 wants to say, wait a minute, I don't agree with
12 the State, the State says this isn't worth
13 anything, I think it is. The defendant can,
14 although he does not have to, he can hold it up.
15 That's the point I'm trying to make.
16 The only trouble is -- I know, I'm
17 explaining to you what happened with Detective
18 Requer during the course of this early
19 investigation. Goes to Deborah Pearson's house on
20 the 12th. I know where I got off on this
21 tangent. I said how do you think Deborah Pearson
22 appeared? I mean, do you think she just decended
23 out of the Heavens on a chariot or do you think
24 maybe there is a piece in that box which would
25 explain how she appeared? All I'm saying is that

1 if that were significant, the State would have
2 probably held it up. If it didn't think it was
3 significant, it would have properly left it in the
4 box. Don't assume that every, don't play -- with
5 all due respect, I want to say to you, don't try
6 to play detective unless you have all of the
7 facts. That's all I'm saying to you.
8 By way of example, if the finding of
9 Deborah Pearson were of any significance
10 whatsoever, the Defendant, although he doesn't
11 have to, could have held it up. I mean, I'm not
12 making a big philosophical point here.
13 In any event, you learn on June the
14 12th, Oscar Requer, you know that he went back to
15 interview Deborah Pearson. You know under the
16 evidence that he had already talked to Deborah
17 Pearson. How he got to them, nobody chose to get
18 into. But he goes back to talk to Deborah Pearson
19 on the 12th. He learns for the first time from
20 her, yes, this Lee that Thomasina Johnson is
21 talking about seems to really exist. In fact,
22 he's in some house down off of Martin Luther King
23 Boulevard and that time he had a gun too and he
24 was patting Deborah Veney on the behind because he
25 was upset that Deborah Veney brought me, Deborah

1 Pearson, and a girl named Peaches there without
2 his permission, took him by surprise.
3 It is not, it is not at all hard to
4 understand why a drug dealer doesn't want people
5 walking in and out of his house, you know,
6 freely. I mean, I bet he was upset. Is that any
7 evidence that he killed Deborah Veney? I mean,
8 really, think about that. This bungling detective
9 then gets in his car and drives around, drives
10 around and around with Deborah Pearson. Maybe you
11 can find, give me this house, maybe you can show
12 me which house you are talking about. They drive
13 around for a long time. This detective who is not
14 asking the right questions, not doing the right
15 things, they can't find it.
16 On the 17th they say let's talk to
17 Jeanette Brown again who you know already from the
18 evidence that Jeanette Brown called the murder
19 house in the early morning hours, got a homicide
20 detective on the phone, was told to get down
21 there. Got down there, talked to the detectives
22 and they learned that she had been there like
23 earlier and left before the murders. Let's talk
24 to her again.
25 They don't have anything. They call her

1 up, bingo, somebody with a Caribbean accent
2 answers the phone. They identify themselves as
3 homicide detectives. They say give us a call
4 back. They take a look at each other after they
5 hang up, they say let's get out there. They get
6 out there, Jeanette Brown is obviously shaken up.
7 She says, you know, you shouldn't a done that, you
8 shouldn't have identified yourself as police on
9 the phone, I was serving a customer.
10 Bad move, Jeanette. Why is it a bad
11 move? She handed the police a hammer. Don't be
12 admitting to the police that you are dealing out
13 of your house. If the police think that you are
14 withholding information and thumbing your nose at
15 the police, the police representing every person
16 sitting in this jury box should follow through
17 with every legal pressure they could.
18 If it was some investigation involving
19 you or your loved ones you would want them to act
20 like that.
21 Okay, Jeanette, you play games with us,
22 let me show you how we are going to respond. Back
23 downtown, as long as it takes to write up a search
24 and seizure warrant and any Judge who hears from a
25 detective that a woman just admitted she is

1 dealing narcotics in her house is going to have no
2 trouble finding probable cause that maybe in the
3 few hours or few half hours that have elapsed
4 maybe it is still in that house. They go back
5 there and they get small quantitites. They say,
6 look, Jeanette -- now, who amongst you is going to
7 say, oh, police shouldn't do that, that's wrong?
8 Does anyone seriously think that is wrong? Look,
9 Jeanette, we are interested in that guy who
10 answered the phone, don't tell me he is from North
11 Carolina, don't tell me -- I forget what she said
12 -- he was Korean or Indian from North Carolina
13 first, but she is switching these stories around.
14 You tell me who he is. Well, I don't really know
15 his name but I know I was at the Quality Motel
16 with him on such and such a date and in room
17 number 339. That's where I met him. Don't ask me
18 anything more about him.
19 Now, is she lying? Of course she is
20 lying. Not that she was at the motel with him,
21 but that she doesn't know who he is, and that he
22 is Korean or whatever. Of course she is lying.
23 Does that mean you take the State's case and say,
24 I'm not going to believe those people?
25 They go out there, I will find it, you

1 know what I am looking for, to the motel register,
2 right, the motel phone numbers, list of calls, the
3 name Nellie Chew crops up first time, phone number
4 out to Manchester. Why Manchester? Why does
5 Manchester strike these bumbling detectives
6 heads? Manchester is the address of Denise
7 Coleman. Denise Coleman was one of the women who
8 came charging down in the hour just after the
9 bodies were discovered after calling that house.
10 There's a connection here somewhere.
11 Has the nerve to attack this
12 investigation. Just listen to the way it
13 unfolded. This is one of the finest jobs of
14 police investigation I have ever seen. To show
15 the extent of the, of the good police work,
16 Detective Requer goes out to north -- this happens
17 in the Northwest District, Navarro Road is in
18 Northwest District. He knows it is drug related
19 by all this stuff on the table. He goes out to
20 Northwest District, he talks to their drug
21 enforcement unit, the specialists, the ones that
22 know pretty much, hopefully know pretty much what
23 is going on out in their district. Tells them
24 what they have got. Mentions that a Denise, do
25 you know a Denise Coleman on Manchester Avenue?

1 No, hasn't come to our attention. Do you know a
2 Jeanette Brown of Labrynth Road? No, hasn't come
3 to their attention.
4 The next, two days later, two days later
5 -- oh, the detective who doesn't know how to
6 investigate thoroughly, has now got on this card
7 -- let me flash it to you so you'll --
8 THE CLERK: You have the file on your
9 desk.
10 MR. BRAVE: It's a card, it's in
11 evidence, it's the card that says Nellie Chew, 862
12 West Fayette Street, it's the registration card
13 for that motel, the Quality Inn. It is the phone
14 numbers. 862 West Chester -- Fayette Street is on
15 that card. What does our detective who doesn't
16 know how to ask the right questions do? He goes
17 out to 862 West Fayette Street. He says, my God,
18 that's the house that Deborah Pearson and I were
19 trying to find back on the 12th.
20 Some guy from Northwest calls him the
21 next day. This is the evidence. Remember you
22 were asking about somebody at Manchester Avenue,
23 that double homicide that occurred seventeen days
24 ago, you remember you were up here, one of my men
25 just made a controlled buy out of 862 West Fayette

1 Street which started off at Manchester Avenue. I
2 don't know if it means anything to you but I
3 thought I'd pass it along to you.
4 Terrible police work, right?
5 Incompetent police work, right? You are kidding.
6 You just had a controlled buy out of 862 West
7 Fayette Street, the house I'm dying to get into,
8 get down here immediately. Search and seizure
9 warrant, into that house. Is that, is that shoddy
10 police work? Is that a detective who doesn't know
11 how to ask the right questions? Don't buy this
12 smokescreen, please.
13 Do you think for one second, for one
14 second that Defendant cares which bad reason you
15 find him not guilty on?
16 MR. TAYBACK: Objection, Your Honor.
17 THE COURT: Overruled.
18 MR. TAYBACK: May we approach the
19 bench?
20 THE COURT: Yes.
21 (Whereupon, counsel and the Defendant
22 approached the bench and the following conference
23 ensued:)
24 MR. TAYBACK: That's an improper
25 statement by the State. And it is essentially the

1 inference being consistent, if you will, with the
2 State's prior argument that inferentially what is
3 being drawn was a web of lies or a smokescreen of
4 lies.
5 Cases from the appellate courts have
6 indicated that State has a right to make fair
7 commentary including discussing smokescreens and
8 things like that. I'm not saying that that is
9 improper, but once you go too far, you essentially
10 infer without stating specifically. Obviously if
11 he stated specifically that we were lying too, I
12 think that would be grounds for a mistrial but
13 he's inferring basically that a web is being drawn
14 or smokescreen is being laid so that the Defendant
15 can get off on any grounds whatsoever. But what I
16 said to the jury was I wanted them to weigh the
17 evidence. The trial is a search for the truth. I
18 wanted them to look at the evidence and come to
19 the truth. The truth is this person is lying, not
20 guilty.
21 MR. BRAVE: The State has the right to
22 say my side is just the opposite of that. That's
23 what Mr. Tayback said. But he doesn't have the
24 right to then say just because he says that he
25 doesn't mean that. That's exactly what he is

1 claiming. What I said was exactly what I said.
2 THE COURT: Well, I'm not sure I get
3 that out of it.
4 MR. BRAVE: It's a transparent attempt
5 to break my momentum. It's succeeded. I haven't
6 the slightest idea what I was just talking about.
7 All I said was it was a smokescreen and do you
8 think that's a bad reason to find him not guilty
9 based on a smokescreen. And do you think he cares
10 whether --
11 MR. TAYBACK: Let's see you back on the
12 track. That's what you said which is wrong.
13 MR. BRAVE: That's fine, that's fine. I
14 didn't say you lied.
15 MR. TAYBACK: Aren't you saying the same
16 thing in different words?
17 MR. BRAVE: I didn't have any evidence
18 to lie about.
19 MR. TAYBACK: I was saying the same
20 thing but you are just saying it differently.
21 Aren't you saying look, he's lying to you? Isn't
22 that what you are saying?
23 MR. BRAVE: No.
24 THE COURT: Who lied to you?
25 MR. TAYBACK: Presumably me.

1 MR. BRAVE: I'm not saying that. I'm
2 saying he's doing his job. He's throwing out a
3 smokescreen. That's his job.
4 THE COURT: Well, I'm still having
5 difficulty bridging the gap between a bad reason
6 and suggestion that somehow or another you are
7 misleading the jury or creating a smokescreen. He
8 is saying -- I guess the real problem I'm having
9 with it is just what do we mean by bad reason.
10 MR. BRAVE: Bad reason is a reason that
11 is not any good.
12 THE COURT: I know that.
13 MR. BRAVE: That's what I meant, not a
14 good reason.
15 THE COURT: The bad reasons you are
16 referring to are --
17 MR. BRAVE: It's not a good reason.
18 THE COURT: -- what? Are what?
19 MR. BRAVE: All right. Naive notions of
20 what to expect out of witnesses.
21 THE COURT: I think it would be better
22 if you say that.
23 MR. TAYBACK: Yeah, I have no problem
24 with that. If you will be specific and not
25 infer. The problem is I think maybe I'm reading

1 more into it than the Court is. I guess I'm
2 reading more into it than Mr. Brave intended.
3 THE COURT: I found it a little more
4 innocuous than you did, Mr. Tayback, but I'm still
5 confused because I just think you need to be a
6 little more -- have a little more clarity for the
7 jury's sake.
8 MR. BRAVE: Okay.
9 (Whereupon, counsel returned to the
10 trial table and proceedings resumed in open
11 court.)
12 THE DEFENDANT: Go to the bathroom?
13 MR. TAYBACK: My client --
14 THE COURT: Yeah, he can go.
15 THE COURT: Mr. Brave.
16 (Pause).
17 THE COURT: All right, counsel.
18 MR. BRAVE: Thank you, Your Honor.
19 Ladies and gentlemen, we are discussing, just to
20 review where we are, we are discussing this
21 investigation of Oscar L. Requer because part of
22 the formula, part of the proposition that you are
23 being asked to buy down at the end of the funnel,
24 after all the examples are tossed out at you, is,
25 number one, there is this conspiracy; number two,

1 it was so good that it got past the detective
2 whose investigation -- because his investigation
3 was so sloppy. Anyway, we are dealing with this
4 like subheading under investigation, question, was
5 the investigation sloppy, and we are moving along
6 this investigation to June the 19th and I just
7 spent some time describing to you how we got
8 there. Asking you, you know, is this what Mr.
9 Tayback talks about as sloppy investigation. And
10 there up on that third floor is twenty some
11 thousand dollars worth of seventy-five percent
12 cocaine, a small arsenal of weapons, bullets, a
13 pair of jockey shorts with blood in the crotch,
14 marked large, and nine people, including, guess
15 who, our number one suspect. There's this boy
16 Robert Robinson there, who is key, key in this
17 case.
18 Let's talk about Robert Robinson for a
19 second. He tells us he came down here because he
20 had some heroin to sell at Baltimore prices. This
21 is a man who took nine shots when he was being
22 driven around by his chauffeur one day in the mid
23 seventies when he was on better times, before he
24 went to prison, recovered from those nine shots
25 and testified for the DA's Office in the case

1 against the man accused of shooting his chauffer
2 once during that incident and he died, Robert
3 Robinson survived that.
4 The evidence in this case is that is not
5 the only shooting Robert Robinson survived. You
6 learn he had been convicted a second time for
7 drugs and in the plea bargain worked out with
8 Nancy Ryan, in exchange for his testimony up in
9 New York, he got six to life. That meant that for
10 whatever he did, and God knows what he did -- I
11 mean, Robert Robinson is one tough buzzard.
12 Robert Robinson finds himself down here. He lucks
13 out because when Oscar Requer hits that door on
14 June 19th, suddenly he is fortunate enough to get
15 rid of that heroin. Mr. Tayback thinks that you
16 know everybody was looking up there waiting for
17 the heroin to come flying down, that they weren't
18 doing anything else and expresses amazement,
19 amazement that that heroin wasn't pounced upon in
20 the midst of this scene with the police hitting
21 that door and everybody running around in all
22 directions. So he lucks out about the heroin.
23 But Robert Robinson is Court savvy.
24 He's a smart man. He knows that something is
25 funny about the fact that he is taken down to

1 homicide and what are they asking him about? They
2 are asking him about a homicide that he just
3 talked to Leroy Boyce about the day before.
4 Recall his testimony. He came down not
5 to see his father but to sell heroin. Comes down
6 with Easy Cooper. They both know Leroy Boyce from
7 New York days. In fact, Leroy Boyce used to work
8 for him. He's seen Leroy Boyce recently up in New
9 York. They all know Reuben Rainey because Reuben
10 Rainey used to be the doorman at the base house
11 that Eddie Cooper used to run. They are all
12 related on top of it, if you want -- I call it
13 related. Edward Cooper's mother used to have an
14 involvement with Leroy Boyce and Cooper dated a
15 cousin of Reuben Rainey. Something close to that
16 anyway. I think that was the evidence. They all
17 know each other from New York. This is Poppy who
18 on June the 2nd is awakened in the middle of the
19 night, not the end of the night, by this man
20 telling him he just shot and killed a woman who he
21 just beat up a week or so ago.
22 Poppy was not happy to hear that news
23 but you are dealing with people in the drug
24 world. I mean, they can receive that news and
25 toss it off just like the news that, well, the Sun

1 Paper is going to suspend delivery here starting
2 next week. I mean, this is the, this is the way
3 this news -- the impact it has on people because
4 despite the fact that he's just learned that
5 Deborah Veney has been blown away, Poppy's concern
6 is, oh, my God, they're going to think it is me,
7 not poor Deborah Veney, not get the hell out of
8 here, go back to New York, you are bad news. Life
9 goes on, sales go on, we are alive, she is dead,
10 and, after all, I still need someone to kill when
11 I say kill, and maybe he'll learn the lesson that
12 you are not supposed to kill unless I tell you to
13 and stop doing these rogue killings that aren't
14 part of the program.
15 So life goes on. I mean, can you
16 believe it? This is the life we are talking
17 about. These are the people we are talking
18 about. Don't for one moment think that that life
19 style doesn't -- that we don't feel the same way
20 about it as you do but that life style is not on
21 trial here. Don't get the issues mixed up.
22 Don't, because you can't stand that life style
23 that Leroy Boyce and Joanne Blunt talk about,
24 don't take it out on the case. That life style is
25 not what is being tried here.

1 How do you think Poppy felt when he got
2 -- after he left Jeanette Brown's house on the
3 17th and got back together with her and Jeanette
4 Brown says, guess who they were looking for, they
5 were looking for a Jamican by the name of Lee.
6 This is on the 17th, the day before Robert
7 Robinson hits town. Is it any wonder that the
8 minute he gets through that door, his associate
9 from years past, who he's worked for, who he knows
10 knows Reuben Rainey, is it any wonder he pulls him
11 over and says, you won't believe what is going on
12 down here, the police are looking for me for some
13 killing that that idiot Reuben Rainey did.
14 Mr. Tayback says that this is totally
15 implausible, that they should walk in and sit down
16 and start talking about this. Scratch and dig for
17 the reality of what is going on. How much detail
18 Boyce gives him at that point I don't know but it
19 is enough detail for Robert Robinson to know the
20 next day when the police have him down there in
21 the homicide unit, he is smart enough and Court
22 wise enough and tough enough to know they aren't
23 interested in those drugs, they are interested in
24 that murder.
25 Mr. Tayback suggests it like it's

1 another one of these givens, that Poppy has
2 control over Robert Robinson. Do you really think
3 so? Robert Robinson is in that jail. It doesn't
4 take him long to figure out that the reason, the
5 reason they are in jail in the first place is not
6 only did Reuben Rainey kill these two women but
7 seventeen later he brings the police to the door
8 of 862 because he's got to sell some heroin to
9 some undercover police officer.
10 I bet you Robert Robinson really was
11 tickled pink with his situation. Doesn't take
12 much imagination to picture the scene in that jail
13 once they go through receiving and get assigned to
14 their dorms and Robert Robinson puts the thing
15 together and knows the police are interested in
16 these killings, and just like he says right here,
17 I mean, he probably will go for this criminal code
18 of conduct that you don't snitch unless you have
19 to. I mean, he's willing to go along with that.
20 Poppy tells him don't worry because we will be out
21 of here in no time, just hold yourself together
22 here, Bobbie, we will be out of here in no time.
23 I got it set up that Nellie Chew is going to take
24 the weight. Huh-uh. Police know that they have
25 got the right people and they aren't going to sell

1 that narcotics case until they get to the bottom
2 of this.
3 That's the way real detectives work.
4 That's the way real detectives work effectively,
5 not this pipe dream of chasing after defense
6 attorney's defenses a year later that Mr. Tayback
7 is trying to sell you. That's the way a real
8 detective works, one who knows his business and
9 wants to get to the truth.
10 Poppy doesn't have Robert Robinson under
11 his control. As soon as it is apparent that
12 Nellie Chew isn't going to take the dive that is
13 going to somehow magically release everybody,
14 Robert Robinson is getting restless. There is a
15 call up to New York; Nancy, what you doing down
16 there, Bobbie? I got some information for the
17 Baltimore Police. Tell them to listen to me. All
18 right, Bobbie, I'll give them a call.
19 Capers goes down there. Capers goes in
20 the room with -- Capers talks to -- talking about
21 Investigator John Capers, the New York homicide
22 detective for I don't know how many years, the one
23 who specialized in drug related homicides, the one
24 who coaxed that gun out of 121st Street like an
25 artist. Did you follow that? That was

1 beautiful. A man who is nobody's fool, who has
2 seen it all, who knows the only way in which drug
3 related homicides are solved, the real life
4 detective and Capers get together, they bring
5 Bobbie Robinson out. Oscar Requer fills Detective
6 Capers in on what he knows which at this point is
7 nothing. He suspects. He hears the homicide, it
8 was a double homicide, there was drug
9 paraphernalia and stuff, we been getting this
10 information about Poppy, we don't have enough to
11 charge Poppy, it is only theory, we don't even
12 have any motive unless you want to call scratches
13 on the back a motive. That's what we have got.
14 Robinson is telling us he knows something. Find
15 out what he wants. Find out if he really knows
16 something. Find out if we are wasting our time.
17 He trusts you, find -- give us some information.
18 Capers goes in there, Capers comes out,
19 he says, I'll tell you this, you are talking to
20 the right people. I'll tell you something else,
21 the man you are looking for, blank, blank, blank,
22 he says something, whatever it was he said, and it
23 was not the name of Reuben Rainey, that's part of
24 the evidence. Whatever he said, communicated to
25 Oscar Requer, that the man they are looking for is

1 Reuben Rainey, he said it without mentioning his
2 name.
3 Now, you say what are you talking about,
4 Mr. Brave? Why don't you talk English? What I'm
5 telling you is that this is the way the evidence
6 must come to you and enough said, under the rules
7 of a fair trial. Okay. The man you are looking
8 for blank blank blank blank and so on, however
9 many words it takes him to say it. At that point
10 Oscar Requer suddenly from nowhere now has another
11 path to go down. He knows that the guy from New
12 York says you are in the right, you have got the
13 right people, the right players, and the man you
14 are looking for is without mentioning his name
15 Reuben Rainey.
16 Reuben Rainey hadn't even come up except
17 in the arrest outside of 862 West Fayette Street
18 on June the 19th. This is the first inkling of
19 any kind that it might not be Leroy Boyce. Robert
20 Robinson tells Capers that he, he's hoping. Look,
21 I'll give you the information, but what I need is
22 to get out of here. I need what you need, what I
23 need from you is get me out of here. Capers being
24 nobody's fool -- I mean, he's not been with the
25 police department in New York City for twenty

1 however many years it is, for nothing. He turns
2 to Detective Requer, he says, keep him in. If he
3 wants to get out, keep him in, he'll come forward
4 with that information.
5 He has a bail hearing on July the 22nd
6 -- we are talking about Robert Robinson -- the
7 bail not only doesn't get lowered, it gets raised
8 or the equivalent of getting raised, they make it
9 a full cash bail. Anyway, it is ransome. He
10 can't get out. He knows it. He sends word to
11 Detective Requer, okay, I'm ready to talk to you.
12 On the 31st this is the statement that
13 comes forward. It is in evidence now. You can
14 take it up with you. You can read it. You can
15 look at it. Take as much time with it as you
16 want. I'm going to skip the part about his name,
17 his address, and whether he's under the influence
18 of drugs, et cetera. Do you have any involvement
19 with this offense, no. Tell us your personal
20 knowledge that you have as to the shooting deaths
21 of Deborah Veney and Glenita Johnson. I was
22 informed by a person named Reuben, that a person
23 named Reuben Rainey was the person that committed
24 the crime.
25 As you read on, it is apparent that he

1 is talking about the conversation on Manchester
2 Avenue on June the 18th.
3 Also a Joan Johnson, address 4613 Howard
4 Park Avenue was present, also a Nellie Chew.
5 Now, remember, when we were talking
6 about this train or handcart, whichever it is,
7 coming down the tracks and everybody going under
8 the hood and everything like this. Nellie Chew
9 was there and Joan Jackson was there. Is that a
10 core fact or is that something like, well, who
11 looked under what first? That's a core fact,
12 obviously, who was there.
13 Nellie Chew drove the car. That is not
14 necessarily a core fact, but it is there. How did
15 you come by this information? I was first told by
16 Leroy Boyce and then since being incarcerated by
17 Reuben Rainey. Is that a core fact? Yes. He
18 first learns about it from Leroy Boyce on
19 Manchester Avenue. He then hears about it in
20 jail. When he was in jail facing this
21 incarceration for who knows how long a time, don't
22 you think when he realized, first of all, that
23 Rainey had killed them, and, second of all, that
24 Rainey had brought the police, do you think he
25 might have said, you know, I'm willing to go along

1 with this code of silence and not -- by the way,
2 Rainey, why did you kill those two women, you
3 know, I mean, I'm willing to take a little time in
4 jail if, you know, it was a matter of life and
5 death for you, and then he hears this guy laughing
6 about it, boasting about it, talking about beating
7 the bullet down -- out the gun -- sorry, baby, you
8 gota go. Do you think this man who took nine
9 bullets and survived and went through the Court
10 process up in New York, do you think he said to
11 himself, I'm not going to be a snitch or did he
12 say I'm staying in jail, I got a chance to get a
13 ticket out of here and I'm staying in for this
14 guy?
15 Poppy didn't control Robert Robinson.
16 Robert Robinson made his own decision to come
17 forward based on his own self interest as he
18 perceived it. This is what he told you as far as
19 why he came down here. Yes -- page is missing.
20 THE CLERK: Staple it.
21 MR. BRAVE: Yes, it's true he first
22 tells the police I came down here to see my
23 father. Is that a reason for having reasonable
24 doubt as to whether this man killed those two
25 women? Thanks. Do you think he cares what why

1 you find him not guilty?

2 MR. TAYBACK: Objection, again, Your

3 Honor. I think I said that one half an hour ago.

4 THE COURT: I'll sustain the objection.

5 Proceed.

6 MR. BRAVE: I'm confused, Your Honor. I

7 would have thought otherwise. May we approach the

8 bench?

9 THE COURT: Approach the bench.

10 (Whereupon, counsel and the Defendant

11 approached the bench and the following conference

12 ensued:)

13 MR. BRAVE: I thought the prohibition

14 was to not be specific as to what the bad reason

15 was and I may have made very specific the bad

16 reason is just because he lied, you know, and in

17 argument I'm saying that is a bad reason to find

18 him not guilty. I was very specific as to what

19 the bad reason was.

20 THE COURT: Mr. Tayback.

21 MR. TAYBACK: Well, I apologize if I

22 heard it incorrectly but as I heard it, it was

23 that here we go again with do you care for what

24 reason.

25 THE COURT: That's what I heard but I'll

1 --

2 MR. BRAVE: I immediately followed that

3 --

4 THE COURT: I'll allow you to clear it

5 up.

6 MR. BRAVE: Does it really need clearing

7 up?

8 THE COURT: Doesn't need clearing up

9 then.

10 MR. TAYBACK: If you said it before,

11 I'll take your word for it.

12 THE COURT: Very well.

13 (Whereupon, counsel returned to the

14 trial table and proceedings resumed in open

15 court.)

16 THE COURT: All present and accounted

17 for?

18 MR. BRAVE: Ladies and gentlemen, I have

19 to say this at this point. I wish I were a good

20 enough lawyer to say what little I have to say in

21 less time. But you are stuck with me and I am

22 going to please ask you to stay here until I feel

23 reasonably confident that I have -- I can't let

24 you go away without covering some points. This

25 case is too important. I can't risk you getting

1 lost as is possible in this case. Mr. Tayback is
2 a bear as you have seen, and --
3 MR. TAYBACK: That is physically -- I'm
4 not quite sure what that means.
5 MR. BRAVE: -- and I've got to explain
6 to you that this investigation was thorough, was
7 complete and arrived at the truth. What is being
8 presented to you today now is what happened. Got
9 to keep doing that. I hope we, the Judge
10 permitting, he allows me to keep going a little
11 bit longer.
12 We were talking about Robert Robinson.
13 The advocate over here makes this whole thing
14 sound so implausible. Puts Robert Robinson's
15 character and life style on trial. I say to you
16 that Robert Robinson, it is extremely unlikely
17 from what we know of him that Poppy was pulling
18 any strings of his. That man did what he had to
19 do for himself. And although he wasn't feeling
20 all that comfortable talking to the law and
21 telling him, well, I was down here, you know,
22 trying to get rid of heroin, he told them exactly
23 what Poppy told him on his first day of arrival
24 and he told what Reuben Rainey told him while in
25 jail after he says to him, what, what did you kill

1 them for, you know, what am I being a hero for you
2 for, tell me, let me -- give me a reason why I
3 should, you know, think of you rather than me.
4 THE COURT: Mr. Brave, Mr. Tayback, can
5 I see you at the bench? We don't need the court
6 reporter.
7 (Whereupon, a bench conference was held
8 which was not made a part of this record,
9 following which proceedings resumed in open
10 court.).
11 MR. BRAVE: I know I'm breaking a lot of
12 rules. I know the attention span is, amongst the
13 best of us, is limited but I'm going to try to
14 speed it up.
15 Ladies and gentlemen, take a look at
16 Robert Robinson's statement. I'm not going -- I
17 had planned to read it line by line and discuss it
18 line by line. Maybe that's not a good idea due to
19 the hour.
20 Read it real carefully, search for core
21 facts, search for peripheral facts. Ask yourself
22 is this the kind of thing that people would like
23 you to take notes down about because they might
24 want to remember it a year later, or is it the
25 kind of thing like what kind of a tie I was

1 wearing last, yesterday or suit or whatever, that
2 go in one ear and out the other. Look for core
3 facts in this.
4 Remember how the detectives went
5 scurrying out to Howard Park Avenue to find out
6 whether Joan Jackson is living there. I mean,
7 right in the middle of the interview another squad
8 is on the way out there. They get her, I don't
9 know nothing. I don't know what you are talking
10 about. Well, maybe you ought to think about it,
11 Miss Blunt, because we know you were there, we
12 know you were there, and how about accessory after
13 the fact or maybe even murder. All right, read
14 this for core facts. Is it a handcart or is it a
15 locomotive, is it the kind of thing that is
16 crucial or is it the kind of thing that people do
17 make mistakes about?
18 The core facts are here. You bet I'm
19 going to stress the business about running into
20 the automobile on the wrong side. I mean, down
21 the end of this funnel, can you picture Poppy back
22 and forth saying be sure to mention that you went
23 in the wrong side? I mean, that is dream stuff.
24 That's not evidence in this case.
25 Please don't get lost in this case. The

1 evidence, the evidence is what I want you to
2 concentrate on, not on whether Detective Requer
3 should have been sitting up nights while he should
4 have been busy on other stuff dreaming up possible
5 investigations for heading off Gordon Tayback, not
6 knowing what he is going to come up with by way of
7 defense.
8 In the opening statement I said the way
9 not to get lost in this, said the most crucial
10 thing is to watch the police operate once they get
11 their foot in the door. Are they interested in
12 just clearing up a case or are they proceeding
13 professionally step by step?
14 Ladies and gentlemen, the evidence in
15 this case, the evidence in this case tells us one
16 thing. It tells us that that man right over there
17 is a bad man. It tells us that he was brought
18 down here to kill and he went outside the scope of
19 his employment and killed when he wasn't supposed
20 to kill. The evidence in this case tells us that
21 his little group decided not to become snitches at
22 first, but when they started squeezing them, they
23 finally told the truth, the core facts.
24 The core facts are that this man,
25 because he was disrespected, blew that woman's

1 head right off and then to walk over and just like
2 ordering an order of toast, say, sorry, no
3 witnesses.
4 Ladies and gentlemen, the tough things
5 in life, as I'm sure you are not surprised to
6 learn at this point in your lives, fall on the
7 shoulders of everyday people like you and I.
8 Nobody wants to point to somebody and say you are
9 a killer. Sorry, looks like the Judge is going to
10 have to remove you from society for a while.
11 Nobody likes to make that decision. But the dice
12 have placed that responsibility, that duty on you
13 to come to that decision.
14 Ladies and gentlemen, the evidence
15 points to one thing and one thing only. There's a
16 bad, dangerous man sitting at that table who needs
17 to be taken out of society for awhile. It is not
18 a nice chore. There is no question that it has to
19 be done.
20 I read and I see that the people in
21 their churches, on the streets, trips down to Mr.
22 Schmoke's office, are carrying banners from time
23 to time saying stop the killing, stop the killing
24 --
25 MR. TAYBACK: Objection.

1 THE COURT: Sustain the objection.
2 MR. TAYBACK: Ask for a curative
3 instruction.
4 MR. BRAVE: Let me cure it myself.
5 THE COURT: Go ahead.
6 MR. TAYBACK: Okay.
7 MR. BRAVE: Justice in this case,
8 justice in this case requires that this man be
9 held responsible for his acts. If justice is not
10 served, the word will go out.
11 MR. TAYBACK: Objection, Your Honor.
12 THE COURT: I have to sustain the
13 objection.
14 MR. TAYBACK: Can I approach as to the
15 curative instruction I'd ask?
16 THE COURT: Mr. Brave.
17 MR. BRAVE: Your Honor, I'm in somewhat
18 of a --
19 THE COURT: Approach the bench.
20 MR. BRAVE: -- quandry --
21 (Whereupon, counsel and the Defendant
22 approached the bench and the following conference
23 ensued:)
24 MR. TAYBACK: Your Honor, the Court has
25 already sustained my objection. What I would

1 request of the Court would be that the Court would
2 give an instruction essentially that you are to
3 decide this case by itself on the facts and the
4 evidence presented in this case regardless of any
5 -- disregard any arguments Mr. Brave made as to
6 societal pressures or otherwise, are not a
7 consideration and are improper for Mr. Brave to
8 bring into this case.
9 THE COURT: Mr. Brave.
10 MR. BRAVE: I am simply making the point
11 that the evidence in this case dictates a verdict
12 of guilty and that when justice works, the word
13 goes out and people obey the law.
14 THE COURT: Well, you are flirting with
15 error when you in any way suggest to the jury that
16 the reason for their decision should be sending
17 some message. The reason should be that the
18 evidence supports a proper finding of guilty and
19 they can't return a verdict of guilty for any
20 other reason. That's where the problem is.
21 Mr. Brave, if you will, I want to do
22 this one thing, this need not even be on the
23 record. If you will just stand right there.
24 MR. TAYBACK: Will you give that
25 instruction?

1 (Discussion off the record.)
2 MR. TAYBACK: Back on the record. Will
3 you give my curative instruction?
4 THE COURT: I will give one that I think
5 covers the substance.
6 MR. TAYBACK: Thank you.
7 (Whereupon, counsel returned to the
8 trial table and proceedings resumed in open
9 court.)
10 THE COURT: Ladies and gentlemen, there
11 was some comment made about the campaign to stop
12 the killing in Baltimore City and about a message
13 going out. I am constrained to say to you that
14 your verdict in this case has to be based solely
15 on the evidence that is presented in this case and
16 you may not simply return a verdict, whether it is
17 not guilty or guilty, because of any societal
18 pressures or any outside reasons.
19 Go ahead, Mr. Brave.
20 MR. BRAVE: Thank you, Your Honor. Of
21 course, I never meant to suggest but that the
22 evidence is what you base your verdict on. But
23 let the message go out nevertheless that when the
24 State presents evidence that a man is a cold
25 blooded killer, that a jury in this city will act

1 on that evidence and arrive at a just verdict.
2 Let that message go out.
3 Ladies and gentlemen, most respectfully,
4 I have concluded. God be with you.
5 THE COURT: All right, let me see
6 counsel again without the court reporter.
7 (Whereupon, a bench conference was held
8 which was not made a part of this record,
9 following which proceedings resumed in open
10 court.)
11 THE COURT: Ladies and gentlemen,
12 counsel have concluded their final arguments. The
13 Court began this morning at 9:15. We have had
14 only a half an hour for lunch today and it is now
15 4 o'clock. It's been a very long day and even
16 though I had every intention of trying to send you
17 out to begin your deliberations today, it is my
18 judgment that it would be better to begin fresh
19 first thing in the morning when all of your minds
20 would be very clear.
21 I'm going to give you your instructions
22 now and ask that you report here at 9:15
23 immediately after you have been paid. I'm going
24 to also have to require -- he's shaking his head
25 as though he knows what I'm about to say -- the

1 alternate is going to have to report tomorrow
2 morning as well. It may be that you will be
3 excused but we will have to have you report. When
4 you arrive, I will ask that you go directly up to
5 the jury assembly room.
6 Now, listen very carefully. You may not
7 begin your deliberations until the twelth juror
8 has arrived. As to the alternate, I know this is
9 going to sound very cold but I'm going to have to
10 ask you to come in and be seated right where you
11 are sitting right now tomorrow. Do not go up to
12 the jury room and mix with the other twelve
13 jurors. When the twelth juror arrives, the clerk
14 will bring the evidence up to you and at that
15 time, Mr. Foreman, you may then begin to preside
16 over the deliberations.
17 It will be your responsibility from that
18 point on, namely, from the point that the twelth
19 juror arrives, to be preside over the
20 deliberations. It is your responsibility to
21 recognize those who wish to make contribution to
22 the deliberation and in all respects keep order
23 and to make sure that there are no heated
24 differences of opinion and, in other words, run
25 the show.

1 When you arrive at an agreement as to
2 all of the counts in both verdict sheets, those
3 verdicts should be recorded on the verdict sheet
4 and I will then ask you, Mr. Foreman, to come down
5 the steps without the verdict sheet, knock on the
6 door, the clerk will respond, all I wish for you
7 to do is tell the clerk that you have arrived at a
8 verdict. Do not tell the clerk what the verdict
9 is. Go back upstairs. We will reassemble counsel
10 in the Court room and the verdict will be
11 announced in the courtroom through the jury
12 foreman for the first and only time in open
13 Court.
14 Now, if you have any questions during
15 the course of your deliberations, I'd ask that you
16 reduce the questions to writing. I'd ask you, Mr.
17 Foreman, to bring the question down the steps,
18 knock on the door, submit the question to the
19 clerk. The clerk will submit the question to me.
20 I will confer with the lawyers, and we, if
21 possible, will send a written response to you. If
22 the question is so complicated or complex that it
23 requires that you be brought back to open Court,
24 we will bring you back and we will try to resolve
25 the question here in open Court. But, in any

1 event, you are to communicate the question to the
2 Court in writing.
3 I will re-admonish you at this stage
4 that even though I have said many times during the
5 course of this trial, please under no
6 circumstances allow anyone before the verdict is
7 in to approach you to try to talk to you about
8 this case, to try to offer any suggestions, to try
9 to influence you in any way or in any other way
10 discuss the case with you. You are really, in
11 fact, not supposed to engage in discussions among
12 yourselves until the twelth juror arrives.
13 The purpose of that is so that no one
14 juror has less information than the other eleven
15 have in arriving at the verdict. You all will
16 have the same information and the benefit of the
17 same discussions in arriving at your verdict.
18 I think that just about covers it.
19 Again, don't follow any media coverage and do not
20 conduct any special or independent investigations
21 on your way home. Please do not drive by Navarro
22 Avenue to try to get any additional information or
23 do anything else of an independent nature.
24 All right. We appreciate the fact that
25 you have been most diligent today in what has been

very strenuous schedule. Please arrive as promptly around 9:15 as possible so that you can begin immediately and, Mr. Alternate, if you will be seated where you are we will see to it that you are taken care of tomorrow if it is possible.

Court stands adjourned until tomorrow at 9:30. The jury will report at 9:15.

(Whereupon, court adjourned for the day.)

1 REPORTER'S CERTIFICATE

2 I, Rita M. E. Taggart, an Official Court
3 Reporter of the Circuit Court for Baltimore City,
4 do hereby certify that I recorded stenographically
5 the proceedings in the matter of STATE versus
6 REUBEN RAINEY, on JULY 15, 1987.

7 I further certify that the aforegoing
8 pages constitute the official transcript of
9 proceedings as transcribed by me to the within
10 typewritten matter in a complete and accurate
11 manner.

12 In Witness Whereof, I have hereunto
13 subscribed my name this 30th day of JANUARY, 1988.

14

15 Rita M. E. Taggart

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

INDICTMENT NO. 18626016, 17

VERSUS

REUBEN RAINEY

_____/ JULY 16, 1987

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE ARRIE W. DAVIS, JUDGE
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

SAMUEL BRAVE, ESQUIRE
ASSISTANT STATE'S ATTORNEY
BRIAN MURPHY, ESQUIRE
ASSISTANT STATE'S ATTORNEY

ON BEHALF OF THE DEFENDANT:

GORDON TAYBACK, ESQUIRE

REPORTED BY:
Rita M. E. Taggart
Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202

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

2 THE COURT: Good afternoon. Bring the

3 Defendant up.

4 (Whereupon, the jury entered the

5 courtroom at 1:15 p.m., after which the following

6 proceedings ensued:)

7 THE CLERK: Mr. Rainey, will you stand

8 and face the jury?

9 Members of the jury, have you agreed

10 upon a verdict?

11 THE JURY: We have.

12 THE CLERK: Mr. Foreman, will you stand

13 please.

14 What is your verdict in the State of

15 Maryland versus Reuben Rainey in indictment number

16 18626016, the first count charging murder in the

17 first degree?

18 THE FOREMAN: Deborah Veney, guilty.

19 THE CLERK: As to the second count

20 charging use of a handgun in the commission of a

21 crime of violence?

22 THE FOREMAN: Guilty.

23 THE CLERK: Of the third count, charging

24 unlawfully wearing, carrying, or transporting a

25 handgun --

1 THE FOREMAN: Guilty.

2 THE CLERK: -- on June 2nd, 1986?

3 THE FOREMAN: Guilty.

4 THE CLERK: And indictment number

5 18626017, first count charging murder in the first

6 degree?

7 THE FOREMAN: Guilty.

8 THE CLERK: Second count, use of a

9 handgun in the commission of a crime of violence?

10 THE FOREMAN: Guilty.

11 THE CLERK: Third count charging

12 unlawfully wearing, carrying or transporting a

13 handgun on June 2nd, 1986?

14 THE FOREMAN: Guilty.

15 THE CLERK: Thank you. You may be

16 seated.

17 Do you want the jury polled?

18 THE DEFENDANT: Excuse me. Your Honor

19 --

20 MR. TAYBACK: Your Honor, I would like

21 the jury polled at the appropriate time.

22 THE CLERK: Juror Number 2, would you

23 stand please.

24 You have heard the verdicts as announced

25 by your foreman, are your verdicts the same as

his?

THE JUROR: Yes, they are.

THE CLERK: You may be seated.

Juror Number 3, are your verdicts the same as his?

THE JUROR: Yes.

THE CLERK: Juror Number 4, are your verdicts the same as his?

THE JUROR: They are.

THE CLERK: Juror Number 5, are your verdicts the same as his?

THE JUROR: Yes.

THE CLERK: Juror Number 6, are your verdicts the same as his?

THE JUROR: Yes.

THE CLERK: Juror Number 7, that's you, sir.

THE JUROR: Yes.

THE CLERK: Are your verdicts the same as his?

THE JUROR: Yes.

THE CLERK: Juror Number 8, are your verdicts the same as his?

THE JUROR: Yes.

THE CLERK: Juror Number 9, are your

1 verdicts the same as his?

2 THE JUROR: Yes.

3 THE CLERK: Juror Number 10, are your

4 verdicts the same is his?

5 THE JUROR: They are.

6 THE CLERK: Juror Number 11, are your

7 verdicts the same as his?

8 THE JUROR: They are.

9 THE CLERK: Juror Number 12, are your

10 verdicts the same as his?

11 THE JUROR: Yes.

12 THE CLERK: Harken to the verdicts as

13 the Court has recorded them, you say that Reuben

14 Rainey is guilty in indictment number 18626016 of

15 the first count charging murder in the first

16 degree, guilty of the second count charging use of

17 a handgun in the commission of a crime of

18 violence, guilty of the third count charging

19 unlawfully wearing, carrying or transporting a

20 handgun on June 2nd, 1986.

21 And in indictment 18626017, he is also

22 guilty of the first count charging murder in the

23 first degree, guilty of the second count charging

24 use of a handgun in the commission of a crime of

25 violence, and guilty of the third count, charging

1 unlawfully wearing, carrying or transporting a
2 handgun on June 2nd, 1986; and so say you all.
3 THE COURT: All right, ladies and
4 gentlemen, the Court on behalf of counsel and the
5 Court wish to extend to you our deep appreciation
6 for the conscientious manner in which you have
7 listened to the evidence in this case and which
8 you have deliberated and in which you have arrived
9 at the verdict that you have just rendered. We
10 thank you.
11 We say to you that the system would not
12 work but for people like yourselves, and we mean
13 that in all sincerity.
14 At this point your jury service is at a
15 close. I will say to you that I have asked that
16 throughout the trial you not under any
17 circumstances let anyone talk to you or in any way
18 approach you about this case. The case is now
19 concluded. You have a right, if you so chose, not
20 to discuss your feelings about the case. However,
21 if you do wish to discuss the case with counsel,
22 or whomever, then you are free to do so.
23 All right. If you will turn your juror
24 badges in, I believe that you have already
25 received your work slips.

1 Counsel, I'd ask that you check your
2 calendars for September 9th.
3 MR. TAYBACK: Your Honor, we are ready
4 for sentencing right now. We would not request a
5 presentence report. We would like to get the
6 appeal moving.
7 THE COURT: All right. Mr. Brave.
8 MR. BRAVE: If that is counsel's wish.
9 THE COURT: Mr. Rainey, please stand.
10 As to the indictment number 18626016, charging
11 murder in the first degree, as to the Deborah
12 Veney, it is the judgment of the Court --
13 MR. BRAVE: Excuse me, Your Honor,
14 allocution.
15 THE COURT: All right. That is
16 correct. Mr. Rainey, you have a right to say
17 anything you wish on your behalf.
18 MR. TAYBACK: Court's indulgence.
19 Now, Mr. Rainey, you have the right to
20 speak in what is called allocution for mitigation
21 purposes indicating to His Honor anything prior to
22 him passing sentence on you. You do not have to
23 speak if you don't want to. Do you wish to say
24 anything?
25 THE DEFENDANT: No.

1 MR. TAYBACK: Ready for the sentence.
2 THE COURT: The Defendant wishes to
3 waive his right to allocution?
4 MR. TAYBACK: That's correct.
5 THE COURT: 18626016 charging the murder
6 of Deborah Veney, it is the judgement of the Court
7 that the Defendant in this case be sentenced to
8 the jurisdiction of the Commissioner of Correction
9 for the balance of his natural life. As to the
10 charge of use of a handgun in the commission of a
11 crime of violence in that case, it is the judgment
12 of this Court that the Defendant receive a
13 consecutive sentence of twenty years as to that
14 charge.
15 It is the judgment of the Court as to
16 count three, charging wearing, carrying or
17 unlawfully using or transporting a handgun that
18 the Defendant be sentenced to the jurisdiction of
19 the commissioner or correction for a period of
20 three years in that case. That sentence to run
21 consecutively.
22 As to indictment number 18626017,
23 charging the murder of Glenita Johnson, it is the
24 judgment of the Court that the Defendant, as to
25 the murder charge, be sentenced to the

1 jurisdiction of the Commissioner of Correction for
2 a period of the balance of his natural life.
3 As to the second count charging use of a
4 handgun in the commission of a -- strike that.
5 Going back to count one, it is the
6 judgment of this Court that the sentence be a
7 consecutive sentence to the sentences that have
8 been imposed in the first indictment.
9 As to count two, charging use of a
10 handgun in the commission of a crime of violence,
11 it is the judgment of the Court that the Defendant
12 receive a twenty year sentence as to that case.
13 That sentence to run consecutively to the murder
14 conviction or the sentence in the murder
15 conviction and both of those sentences to run
16 consecutive to the three sentences in the other
17 indictments.
18 As to the last count, count three, of
19 18626017, charging unlawfully wearing, carrying or
20 transporting a handgun, it is the judgment of the
21 Court that the Defendant receive a three year
22 sentence to the jurisdiction of the Commissioner
23 of Correction. That sentence to be consecutive to
24 count one and count two of that indictment and
25 that the three as already indicated be consecutive

1 to the counts in the other indictment.

2 Mr. Rainey, you have thirty days within

3 which to file a written appeal to the Court of

4 Special Appeals of Maryland.

5 You have ninety days to apply to this

6 Court in writing asking that I reduce or modify

7 your sentence. And you have thirty days in

8 writing to file an application for a review of

9 sentence before a three judge panel which would

10 not be or on which I would not sit. That panel

11 could increase your sentence, reduce your sentence

12 or allow it to remain the same.

13 In that case, again, I could be

14 consulted as to why I imposed the sentences I have

15 imposed but I would not be allowed to sit on that

16 panel.

17 MR. TAYBACK: Your Honor, just one thing

18 with respect to the three year sentences as to the

19 handgun violation, I think that you could not give

20 consecutive three year sentences on that. You

21 only have the one offense even though it is listed

22 in both indictments. You only have the one

23 offense of wearing, carrying or transporting the

24 handgun on June 2, 1986.

25 THE COURT: All right. The Court --

1 MR. BRAVE: I don't think that is
2 correct.
3 MR. TAYBACK: If we have a dispute --
4 MR. BRAVE: They do not merge. The
5 elements are separate, distinct.
6 MR. TAYBACK: I missed the argument
7 there. Are you talking about the handgun in the
8 commission of a crime of violence?
9 THE COURT: It is clear the handgun in
10 the commission of a crime of violence doesn't
11 merge but we are talking about wearing, carrying
12 transporting a handgun.
13 MR. BRAVE: Where you can use the got
14 without wearing, carrying or transporting it.
15 MR. TAYBACK: It is charged twice, same
16 thing, wearing, carrying or transporting a handgun
17 as to Deborah Veney and as to Glenita Johnson.
18 MR. BRAVE: I understand the argument.
19 It seems to me that one three year sentence can be
20 made to run consecutive.
21 THE COURT: That's the argument that is
22 being made.
23 MR. TAYBACK: Yes.
24 THE COURT: I will order that the
25 wearing, carrying or transporting the handgun in

one 18626017, the case involving Glenita Johnson, will merge into the third count of indictment 18626016 charging the murder of Deborah Veney.

MR. TAYBACK: Fine.

THE DEFENDANT: How much is all that?

THE COURT: All that mounts up to two consecutive life sentences in addition to forty-three years. All right. Starting date would be June the 18th or --

MR. TAYBACK: He was arrested on June the 19th.

THE COURT: From June the 19th.

MR. TAYBACK: He wasn't formerly charged with these offenses on that date.

MR. BRAVE: Your Honor, I don't want to quibble but I think it should start from the day he was charged.

THE COURT: All right. Very well.

Again, thank you, ladies and gentlemen. Take a brief recess.

THE CLERK: What date?

MR. BRAVE: July 31.

THE CLERK: 7-31.

(Proceedings concluded.)

1 REPORTER'S CERTIFICATE

2 I, Rita M. E. Taggart, an Official Court
3 Reporter of the Circuit Court for Baltimore City,
4 do hereby certify that I recorded stenographically
5 the proceedings in the matter of STATE versus
6 REUBEN RAINEY, on JULY 16, 1987.

7 I further certify that the aforegoing
8 pages constitute the official transcript of
9 proceedings as transcribed by me to the within
10 typewritten matter in a complete and accurate
11 manner.

12 In Witness Whereof, I have hereunto
13 subscribed my name this 3rd day of February, 1988.

14

15 Rita M. E. Taggart
16 Official Court Reporter

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