

1 Q. Okay. And if you could again take my pen and if you  
2 could just write across the top here "S. Dollar." (HANDING TO  
3 WITNESS.)

4 A. (COMPLIES.)

5 Q. Are you aware of where the defendant lived?

6 A. Yes, sir.

7 Q. Alright, and if you could show the general area of where  
8 the defendant lives.

9 A. (COMPLIES.)

10 Q. Okay. And if you could -- okay. Alright. Now, when you  
11 went the first time, were you with other officers or alone?

12 A. I was alone.

13 Q. Alright. Did other officers later come?

14 A. On the third call.

15 Q. On the third call? And who were those officers?

16 A. Officer McAfferty and Officer Jason Oliver.

17 Q. Alright, and on any of these trips did you ever see the  
18 defendant?

19 A. No, sir.

20 Q. Okay.

21 MR. FOGLEMAN: I don't have any further questions,  
22 your Honor.

23 MR. STIDHAM: No questions, Judge.

24 (WITNESS EXCUSED.)

25 JOE McAFFERTY

1 having been first duly sworn to speak the truth, the whole  
2 truth, and nothing but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. FOGLEMAN

5 Q. Would you state your name and occupation for the jury?

6 A. My name is Joe McAfferty. I'm a Corporal of Marion  
7 Police Department.

8 Q. How long have you been in law enforcement?

9 A. Twenty-one years.

10 Q. Officer McAfferty, I want to direct your attention to May  
11 the fifth of nineteen ninety-three. Have you been shown a  
12 report of that?

13 A. Yes.

14 Q. And do you recall going in response to a dispatch to that  
15 area?

16 A. Yes.

17 Q. Alright. Did looking at that report help refresh your  
18 memory?

19 A. Yes.

20 Q. Alright. And where did you go and who else went when you  
21 responded to Highland Park?

22 A. I went to Highland Trailer Park along with Officer Oliver  
23 of the Marion Police Department and Deputy Dollahite of  
24 Crittenden County.

25 Q. And let me show you what's been introduced as State's

1 Exhibit Two A and if you could indicate on that map what  
2 entrance that you entered the park and if you would use this  
3 red marker. (HANDING TO WITNESS.)

4 A. (COMPLIES.) And this is Highway Seventy-seven here?  
5 (INDICATING.)

6 Q. (EXAMINING.) No, that's the service road.

7 A. Oh, the service road. Okay.

8 Q. North would be up this way. (INDICATING.)

9 A. Okay. This is the service road coming along side  
10 Highland?

11 Q. Um-hum.

12 A. Okay. I came in the very first entrance which would be  
13 right along here. (INDICATING.) This would be the same way.

14 Q. Alright. Same way as this one?

15 A. Right.

16 Q. Okay.

17 A. Exactly the same way here. This is the first entrance  
18 here---

19 Q. When you say "exactly the same way", the jury---

20 A. ---into Highland.

21 Q. ---can't see what you're referring to. Are you referring  
22 to the same way as the pink marks?

23 A. Yes, sir. This is the very first entrance coming into --  
24 into the park. This is the last entrance which is by Heck's  
25 Wrecker Service.

1 Q. Okay. And if you could take the red marker and mark the  
2 route you followed.

3 A. (COMPLIES.) That's about where I stopped right there.  
4 (INDICATING.)

5 Q. Where you stopped the darker marker?

6 A. Yes, sir, right there.

7 Q. Okay. Now -- now, when you arrived there approximately  
8 how many people were there?

9 A. Not counting the officers?

10 Q. Not counting the officers.

11 A. There would be around six, I think.

12 Q. Alright. And do you remember any of the people that were  
13 there?

14 A. I recognized one of them, Mr. Dedman, I believe was one  
15 of them that was there. There were some young children and a  
16 young lady standing there.

17 Q. Now, when you say "young children", what age are you  
18 talking about?

19 A. Oh, I don't know, maybe around thirteen, some younger  
20 than that -- some little kids. There might have been some  
21 young lady there in her early teens.

22 Q. Okay, and are you acquainted with the defendant?

23 A. Yes, sir.

24 Q. Alright. Were you acquainted with the defendant prior to  
25 May the fifth?

1 A. Yes.

2 Q. Did you ever see the defendant on that day?

3 A. No, sir, I don't recall seeing him there when I was  
4 there.

5 MR. FOGLEMAN: I don't have any further questions,  
6 your Honor.

7 CROSS EXAMINATION

8 BY MR. STIDHAM:

9 Q. Officer, you don't recall?

10 A. No, sir.

11 Q. That means you're not real certain then, right?

12 A. I just don't recall seeing him where I was at.

13 MR. STIDHAM: Nothing further.

14 REDIRECT EXAMINATION

15 BY MR. FOGLEMAN:

16 Q. I want to show you this radio log that's been introduced  
17 as Defendant's Exhibit Four. (INDICATING.) What time does it  
18 show that you all checked off the scene or left that area?

19 A. (EXAMINING.) It would be right here. (INDICATING.)

20 Q. And what time is that?

21 A. Eighteen fifty-nine.

22 Q. What does that mean?

23 A. It would be around six forty-three -- or six fifty-nine.

24 Q. Six fifty-nine?

25 A. Yes, sir.

1 Q. Okay. Did you all ever go back after that?

2 A. No, sir, that was the only time I went there.

3 Q. Okay.

4 MR. FOGLEMAN: I don't have any further questions.

5 MR. STIDHAM: Nothing further, your Honor.

6 (WITNESS EXCUSED.)

7 JASON OLIVER

8 having been first duly sworn to speak the truth, the whole  
9 truth, and nothing but the truth, then testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FOGLEMAN:

12 Q. Would you state your name and occupation for the jury?

13 A. Jason Oliver. I'm a patrolman with the Marion Police  
14 Department.

15 Q. And, Patrolman Oliver, I want to direct your attention to  
16 May the fifth of nineteen ninety-three. Have you been shown a  
17 report in regard to that day and in regard to the incident at  
18 Highland Park?

19 A. I was shown a report and I was -- I was the officer there  
20 at the time.

21 Q. Okay. Well, I was getting to that. Alright, and you  
22 were there?

23 A. Right.

24 Q. Who else went to that scene when you were there?

25 A. Corporal Joe McAfferty with the Marion Police Department