

1 A No, sir. We did not talk with him whatsoever.

2 Q Between the time that the original tape ended at 3:18 --
3 first of all, approximately what time did the follow-up
4 conversations begin?

5 A It was probably around five, maybe a little bit before.

6 Q Between 3:18 and 5:00 what were you and your men doing?

7 A I had ordered food for everyone, and I believe Jessie was
8 also eating himself.

9 Q Were you doing anything else?

10 A We were in preparation for getting papers together, copies
11 for getting affidavits and warrants.

12 MR. FOGLEMAN: That's all I have, your Honor.

13 THE COURT: You asked to reserve your cross
14 examination until tomorrow morning?

15 MR. STIDHAM: That's correct.

16 THE COURT: I'll permit that.

17 (WITNESS EXCUSED)

18 MR. FOGLEMAN: Are we going to call that other
19 witness now?

20 MR. STIDHAM: I'll leave that up to the Court.

21 THE COURT: If y'all didn't have any objection, I
22 was going to do that as long as you can assure me it
23 can be done in ten or fifteen minutes.

24 MR. FOGLEMAN: I think it can. Do you expect
25 your cross examination to be long?

1 MR. STIDHAM: No.

2 THE COURT: You know who the witness is?

3 MR. STIDHAM: I believe so, your Honor. I would
4 note for the record our previous objections to this
5 witness.

6 THE COURT: I don't remember them. You'll have
7 to come and tell me.

8 (THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH
9 OUT OF THE HEARING OF THE JURY)

10 MR. FOGLEMAN: It's to relevance since it
11 involves Damien. It's the thing about corroboration
12 and the objection they had to relevance.

13 THE COURT: Well, you've got to place, if you
14 can, Damien and Jason at the scene or near the scene
15 of the crime, and that corroborates the confession.

16 MR. CROW: That's our understanding of the
17 Court's ruling. We object to it.

18 THE COURT: All right. And, please, if you want
19 to object, just be sure you announce, "I object," and
20 then I'm going to let you have an opportunity -- they
21 tell me I might have cut you off early, Dan. If I
22 did, I'm willing to tell the jury that I cut you off
23 too quick if you want me to.

24 MR. CROW: I think it might do more harm than
25 good.

1 THE COURT: Well, it might.

2 MR. STIDHAM: Thank you, your Honor.

3 (RETURN TO OPEN COURT)

4 TABITHA HOLLINGSWORTH

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

7 DIRECT EXAMINATION

8 BY MR. FOGLEMAN:

9 Q Tabitha, would you state your name and where you live for
10 the ladies and gentlemen of the jury?

11 A My name is Tabitha Hollingsworth, and I live in Marion.

12 Q What part of Marion do you live in?

13 A Lakeshore.

14 Q Okay, the best you can you need to speak up. Are you
15 scared?

16 A (NO RESPONSE)

17 Q Don't be scared. How old are you, Tabitha?

18 A Seventeen.

19 Q I want you to go back to May the 5th. Do you remember
20 going with your mom and some other family members that night?

21 A Yes.

22 Q Where did you all go?

23 A We was going to pick my grandmother up from work and take
24 her home.

25 Q All right. And where does she work?

- 1 A She works at a laundromat in West Memphis.
- 2 Q How do you go to get where your grandmother is?
- 3 A We go down by Love's and the Blue Beacon.
- 4 Q Do you go on the interstate or the service road?
- 5 A Interstate.
- 6 Q All right. And who all was in the car with you?
- 7 A It was me, my dad, my brother, my sister. We was all in
8 the car.
- 9 Q Do you remember about what time this was?
- 10 A About 9:30.
- 11 Q And on the way to get your grandmother, did you see
12 somebody that you knew?
- 13 A Yes.
- 14 Q Who did you see?
- 15 A I seen Damien and Domini walking.
- 16 Q All right. Who is Domini?
- 17 A Domini Teer lives out there where I do.
- 18 Q What does she look like?
- 19 A She's got red hair. It's long.
- 20 Q Okay. And that night what was Damien wearing?
- 21 A He was wearing black pants and a black shirt.
- 22 Q What color clothes was Domini wearing?
- 23 A She was wearing some black pants that kind of had flowers
24 on them.
- 25 Q Okay, and what about a shirt?

1 A Black.

2 Q Was there anything about her pants? What was the condition
3 of the pants?

4 A It had holes above the knees.

5 Q What about the condition of the clothes of both of them?

6 A They -- they was kind of muddy.

7 Q And where did you see them?

8 A Beside Blue Beacon. They was right before you get there --
9 they was walking.

10 Q They was where now?

11 A They was right beside Blue Beacon.

12 (WITNESS EXCUSED)

13 THE COURT: All right, ladies and gentlemen, with
14 the usual admonition not to discuss the case, you may
15 stand in recess until 9:30 in the morning.

16 (ADJOURNMENT)

17 CORNING, ARKANSAS, JANUARY 28, 1994, AT 9:30 A.M.

18 THE COURT: Let me make an announcement to the
19 media. I've been informed that one of the papers
20 carried a photograph of a witness who had requested
21 not to be photographed or depicted on live coverage
22 that also included the jury. I'm considering a rather
23 substantial fine. I'm asking you not to do that
24 again. The jury is not to be photographed under any
25 circumstances, and I sure don't like it placed in the