

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF PIMA

3
4 STATE OF ARIZONA,)
)
5 Plaintiff,) 2 CA-CR 2010-0164
)
6 vs.) CR-2008 4012
)
7 RONALD KELLY YOUNG,)
)
8 Defendants.)
9)
-----)

10
11
12 BEFORE: THE HONORABLE CHRISTOPHER BROWNING
13 Division 27

14
15 APPEARANCES: WILLIAM MCCOLLUM/SHAWN JENSVOLD
16 on behalf of the State

17 WALT PALSER/JOEL FEINMAN/MAGGIE HIGGINS
18 on behalf of the Defendant

19
20 JURY TRIAL - DAY EIGHT
21 MARCH 9, 2010

22
23
24 Michael A. Bouley, RDR
25 Certified Reporter #50235

INDEX**EXAMINATION**

	Witness Name	Page
3	Melissa Triano Walsh	
	Direct By Mr. McCollum.....	6
4	Cross By Mr. Palser.....	16
	Re-Direct By Mr. McCollum.....	22
5	Kevin McDonald	
	Direct By Mr. Jensvold.....	28
6	Cross By Mr. Feinman.....	59
	Re-Direct By Mr. Jensvold.....	68
7	Robert Beals	
	Direct By Mr. McCollum.....	75
8	Cross By Mr. Palser.....	87
	Re-Direct By Mr. McCollum.....	89
9	Samantha Gump	
	Direct By Mr. McCollum.....	90
10	Cross By Mr. Palser.....	123
	Re-Direct By Mr, McCollum.....	132
11	Mary Tiger	
	Direct By Mr. Jensvold.....	143
12	Cross By Mr. Feinman.....	152
	Re-Direct By Mr. Jensvold.....	155
13	Martin Shook	
	Direct By Mr. Jensvold.....	159

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Ready for the jury, counsel?

2 MR. MCCOLLUM: Yes, Your Honor.

3 THE COURT: Mr. Palser?

4 MR. PALSER: I assume so, Judge. The Court's
5 aware there are pending motions, correct?

6 THE COURT: Yes, I have those. I have read
7 them, and I have actually started dictating them. So --

8 MR. PALSER: Okay.

9 THE COURT: Thank you. All right. Bring them
10 in please, Jared.

11 MR. PALSER: Judge?

12 THE COURT: Yes, sir.

13 MR. PALSER: I would, on the record, ask for
14 oral argument on that, if the Court please.

15 THE COURT: All right. The briefings, I think,
16 are sufficient enough and adequate enough. I don't
17 think the Court needs oral argument, so I'll
18 respectfully exercise my discretion in that regard.

19 MR. PALSER: Ask to approach?

20 THE COURT: Yes, sir.

21 (Bench discussion.)

22 MR. PALSER: Just -- I am not arguing on that
23 issue. don't get worried.

24 THE COURT: I'm not worried.

25 MR. PALSER: On the issue of filing those under

1 seal, Judge, those specifically pertain to precluded
2 evidence that I don't want published again, thus even
3 more.

4 THE COURT: I'm going to sign those orders.

5 MR. PALSER: Messing up Mr. Young's right to
6 fair trial that that evidence was put forth through
7 America's Most Wanted despite the fact that the people
8 who were responsible for that incident were arrested and
9 convicted had nothing to do with Mr. Young. I certainly
10 don't want to mess up his right to fair trial any
11 further, or his right to retrial. Given, you know, that
12 we do have a motion under advisement, ask those remain
13 sealed.

14 THE COURT: I assume State has no objection to
15 defense request?

16 MR. MCCOLLUM: No, Your Honor. They gave me
17 notice in advance. I haven't popped mine into the
18 record yet, although I sent to the Court, waiting for
19 defense to make that motion.

20 THE COURT: Did you ask yours to be sealed? Of
21 course you don't reference.

22 MR. MCCOLLUM: I don't reference.

23 THE COURT: Mr. McCollum's motion doesn't.

24 MR. PALSER: I will ask they all be sealed.

25 MR. MCCOLLUM: They want sealed, then I will

1 ask for it to be sealed.

2 THE COURT: Very good. Why don't you do that.
3 Thank you.

4 (Bench discussion concluded.)

5 THE COURT: Please be seated, ladies and
6 gentlemen.

7 Welcome back, ladies and gentlemen of the jury.
8 We are back on the record in CR-20084012, State of
9 Arizona versus Young. Present are all members of our
10 jury. Bright-eyed and bushy-tailed, I might add.
11 Present are counsel for the State. Is Mr. Jensvold --

12 MR. MCCOLLUM: He is concluding another
13 hearing, Your Honor, but the first witness is mine, so
14 we can proceed.

15 THE COURT: Very good. And counsel for the
16 defendant and Mr. Young is present as well. All right.

17 At this time, Mr. McCollum, State may call its
18 next witness, sir.

19 MR. MCCOLLUM: Your Honor, we want to bring
20 back to the stand Melissa Triano Walsh. We said we
21 would today and here we are.

22 THE COURT: All right. Thank you.

23 You can come right back up to the stand. That
24 oath just kind of stays with you. I remind you, you are
25 under oath still.

1 bankruptcy?

2 A. No.

3 Q. Did you hold any debts with regard to that
4 bankruptcy?

5 A. No.

6 Q. On the business or the personal life of Gary
7 Triano?

8 A. No, I was a kid.

9 Q. You were a kid?

10 A. Well, I was young.

11 Q. Did he owe you any money?

12 A. Nineteen.

13 Q. Did he owe you any money?

14 A. Did my uncle owe me any? No.

15 Q. So, I'm going to show you what's been marked as
16 State's Exhibit Number 37-A. Put it up here. If you
17 have to move over, I have to leave it in the position so
18 the jury can see. 37-A is a list of four names.

19 MR. PALSER: Judge, may we approach?

20 THE COURT: Yes.

21 (Bench discussion.)

22 MR. PALSER: Once again, I object. I don't
23 believe this has been admitted and is being now in
24 effect published to the jury prior to its admission.
25 You know.

1 THE COURT: Well, we can get it published
2 quickly, but is there anything on there that is a
3 surprise or prejudicial to you or you think is otherwise
4 not going to be put in front of the jury?

5 MR. PALSER: There is nothing on there that was
6 a surprise matter of course, Judge. Exhibiting things
7 to the jury that are not admitted is not good practice,
8 and I ask that it not be done any more.

9 THE COURT: Mr. Palser, I understand. What my
10 question was for to see if we needed to turn it over
11 immediately while we had further discussions.

12 No.

13 THE COURT: Yes, I will admonish Mr. McCollum
14 in the future please show defense counsel whatever it is
15 you intend to show the jury through a witness.

16 MR. MCCOLLUM: Yes, Your Honor.

17 (Open court.)

18 BY MR. MCCOLLUM:

19 Q. What we are going to do for the time being is,
20 say, publish to you, okay? Do you see 37-A?

21 A. I do.

22 Q. And there is a list of four names on 37-A,
23 correct?

24 A. Yes, there are.

25 Q. And do you see your name as listed number

1 two?

2 A. I do.

3 Q. And the other names listed are Taylor
4 O'Connor?

5 A. Yes, Taylor O'Connor, Don Redmond and Jim
6 Madison.

7 Q. Okay. What I'd like to have do you is take
8 this marker and initial next to your name; it's a red
9 marker.

10 A. Can I ask who wrote?

11 Q. I'm going to show you another --

12 MR. MCCOLLUM: Mr. Palser, I'm not going to
13 publish it.

14 BY MR. MCCOLLUM:

15 Q. -- which was 37-B and ask you to take a look at
16 that. All right. Do you see your name there?

17 A. I do.

18 Q. Would you initial your name?

19 A. That say niece?

20 Q. Yes. Now, on -- last week you spoke about the
21 car that you drove back in 1996. Would you refresh us,
22 please, of the type of car, color, make and model that
23 you had?

24 A. It was a black convertible Corvette.

25 Q. And did you have it for the entire time period

1 of 1996?

2 A. I did.

3 Q. Specifically in July of 1996?

4 A. I did.

5 Q. You did. Okay.

6 Now on this piece of paper, above your name, do
7 you see convert -- Corvette convertible?

8 A. I do.

9 Q. And you already noted that the name next to it
10 is niece, correct?

11 A. Yes.

12 Q. So what I'm going to have you do is initial
13 Corvette convertible and niece, okay?

14 Now, having looked at those two lists, 37-A and
15 37-b, had you ever seen those lists before?

16 A. Before just now?

17 Q. Yeah.

18 A. No. Well, in your office you showed me --

19 MR. PALSER: Objection; nonresponsive.

20 THE COURT: Sustained.

21 A. Okay, but no.

22 BY MR. MCCOLLUM:

23 Q. All right. Now, do you know the name -- or
24 back in 1996, did you know the name Ronald Young?

25 A. No.

1 Q. Either as a business partner of your uncle or
2 as a personal name or as a name you knew personally?

3 A. No, I have never heard his name until America's
4 Most Wanted.

5 Q. Now, you were in court here for the last couple
6 of weeks and you know the defendant, Ronald Young, is
7 seated at the trial table. Had you ever seen him or
8 associated with that person, regardless of name --

9 A. Never.

10 Q. -- in 1996?

11 A. Never.

12 Q. Have to wait until I ask the question before
13 you answer.

14 Do you know of any reason why Mr. Young would
15 have your name on a list back in 1996?

16 MR. PALSER: Objection; speculation.

17 A. No.

18 THE COURT: Sustained.

19 MR. PALSER: Ask the answer be struck then,
20 Judge.

21 THE COURT: All right. Ladies and gentlemen,
22 disregard the last question and answer, please.

23 MR. MCCOLLUM: May I have a moment, Your Honor?

24 THE COURT: Yes, sir.

25 BY MR. MCCOLLUM:

1 Q. Did you own any other cars in 1996?

2 A. I did.

3 Q. What else did you own?

4 A. I owned a Grand Cherokee Limited.

5 Q. Did your uncle ever use your black Corvette?

6 A. He did, at one point, yes, when I was out of
7 town.

8 Q. Tell us about that?

9 A. I lived in a condominium and I didn't have a
10 garage. So, when I went out of town, I would leave my
11 car in his garage on Airway. And he enjoyed driving it
12 once in a while, not very often. I think maybe twice.
13 But I would leave my car in his garage.

14 Q. Do you recall whether or not the time you went
15 away was in 1996 or before?

16 A. I don't remember. It would have to have been
17 in '96. I had purchased the Cherokee, I think probably
18 in, I want to say, like, September. And I traded my
19 Corvette for it at that time. So, I don't remember when
20 I went out of town, though. Might have been 4th of July
21 or --

22 Q. You traded it in September of 1996?

23 A. I believe so. But, again, I don't remember the
24 exact month. But I know I had that -- I know I had the
25 Cherokee when my uncle was murdered because I drove it

1 there and ran over the barricades that night.

2 Q. The car we described as the black Corvette, did
3 you ever park it at the business, the GLT business?

4 A. Of course.

5 Q. That was located at Fourth and Craycroft?

6 A. Yes.

7 Q. Do you know the name -- or did you know the
8 name, back then, of Phillip Dezmond?

9 A. No.

10 Q. That name ring a bell?

11 A. No.

12 Q. Richard Perez?

13 A. No.

14 Q. Doug Franklin?

15 A. No.

16 Q. How about Dawn Cannon?

17 A. Yes, Dawn Cannon had been dating my uncle
18 during the time that he was murdered.

19 Q. And, was she living at the Airway address?

20 A. No.

21 Q. How often would you go to the Airway address?

22 A. I don't recall exactly, but often my uncle
23 would make us dinner at the house when we would go over
24 and have dinner. But I don't know how many times or how
25 often.

1 Q. On the Friday that your uncle was killed, were
2 you scheduled to go to the Airway address?

3 A. Yes.

4 Q. For what?

5 A. His birthday party.

6 Q. Do you know who was planning to be there?

7 A. I know several of the people, but I don't
8 recall everyone. I think there were probably upwards of
9 100 people that were going to be there, 150 maybe.

10 Q. Did you know whether Jim Madison was going to
11 be there?

12 A. I don't recall. I would assume, but I don't
13 know.

14 Q. Or Don Redman?

15 A. I don't -- honestly, I don't know. I know,
16 like, immediate friends and family that I still am in
17 touch with but I don't remember all those people. It
18 was a long time ago.

19 Q. What was the last contact, personal contact,
20 you had with your uncle?

21 A. The last time I saw him?

22 Q. Yes.

23 A. The Saturday before he was killed. It was my
24 birthday, so he took us to dinner.

25 Q. What was his demeanor then?

1 A. He was very happy.

2 Q. During that time, prior to this last meeting,
3 how often would you see him? Were you still working at
4 the office?

5 A. Every week. I can't remember -- I can't
6 remember when I started working at Prudential. I think
7 it might have been in the summer, but I don't remember
8 exactly. I know that the night that he was killed, I
9 went to La Paloma and I gave the detectives the keys to
10 the office. So I still had the keys and I would go
11 there, but I wasn't really working there any more. I
12 would just go and pop in and use the printer or
13 something. As a realtor, you kind of work from home or
14 wherever, you don't have to necessarily be in the
15 office. So I had the keys, but I don't recall when I
16 ceased working there.

17 Q. Did your uncle express any concerns or worries
18 or tell you about any threats on his life --

19 A. No.

20 Q. -- during the times you met with him prior to
21 his death?

22 A. No.

23 MR. MCCOLLUM: No further questions, Your
24 Honor.

25 THE COURT: Thank you, Mr. McCollum.

1 Ms. Higgins, cross-examination, ma'am? Mr.
2 Palser?

3 MR. PALSER: That would be me, if it's all
4 right with you, Judge.

5 THE COURT: That's fine.

6

7

CROSS EXAMINATION

8 BY MR. PALSER:

9 Q. Mr. McCollum just asked you some questions
10 about your uncle expressing concerns or worries,
11 right?

12 A. Right.

13 Q. And, I assume that that would be for his safety
14 or his well-being?

15 A. I don't understand your question.

16 Q. You took Mr. McCollum's questions being
17 concerns or worries about your uncle's own safety or
18 well-being, correct?

19 A. Yes.

20 Q. Okay. And, to kind of follow up on that, you
21 knew that there was a bodyguard that hung around towards
22 the end of his life?

23 A. He was a friend of our families. I assumed he
24 was some sort of bodyguard type person, but I don't
25 know.

1 Q. Somebody who was there basically as a bodyguard
2 or a friend for your uncle, correct?

3 A. I don't know that he was a bodyguard, but I
4 know he was a friend of our families. I can't remember
5 his name, either.

6 Q. In previous interviews, though, you did use the
7 term bodyguard?

8 A. I said he appeared to be, like, a bodyguard
9 type guy, yes.

10 Q. Okay. Fair enough. And Mr. McCollum asked you
11 some questions regarding your uncle's bankruptcy,
12 correct?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. Just for the sake of Mr. Bouley, if we could
17 say yes or no or whatever the appropriate answer is so
18 he can take that down, okay?

19 A. Okay.

20 Q. And, so the subject that Mr. McCollum was
21 asking you about was your uncle's finances. Actually,
22 your uncle was pretty secretive with you regarding his
23 finances, right?

24 A. Right, that's true.

25 Q. He didn't want you to know the extent his debts

1 or his assets or the particularities of any of his
2 financial dealings?

3 A. No, and I didn't ask.

4 Q. Okay. So, you really didn't have a whole lot
5 of knowledge of that because he really didn't want you
6 to know?

7 A. Correct.

8 Q. In one of your interviews you did talk about,
9 just so we can set the time line straight, that by
10 November you had been working for Prudential for about
11 three months. Does that sound right to you now?

12 A. I don't remember but probably.

13 Q. Sound pretty close, three months prior? So
14 that would be --

15 A. July, August --

16 Q. October, September. Back -- back -- started
17 with them probably in August?

18 A. Perhaps, yeah.

19 Q. Okay. And, not that I would ever ask a lady
20 her age, but in 1996, you were already working,
21 correct?

22 A. I was 26.

23 Q. I wasn't going to ask you. But you were
24 working, you had a job. I mean, I agree, 26 is very
25 young. But, at that point in time, you were an adult,

1 correct?

2 A. Yes.

3 Q. There were some issues that came up about your
4 uncle and him not locking his car. Do you remember
5 that?

6 A. Some issues?

7 Q. Have you ever heard that he didn't lock his
8 car?

9 A. He didn't.

10 Q. And, that was especially if he went places up
11 north like La Paloma Country Club?

12 A. I guess I don't understand. He did not lock
13 his car often. Oftentimes he would leave the keys in
14 the ignition.

15 Q. But you don't know if he locked it if he went
16 someplace that was public, like the mall or someplace
17 like that?

18 A. No, I don't know.

19 Q. That was a -- I think at one point you
20 mentioned once he went up north he probably didn't lock
21 it, he left the keys in there; is that fair?

22 A. Sure. I -- I know he didn't lock his car very
23 often, so --

24 Q. And in the last two to four years of his life,
25 you had stated that his biggest deal was probably the

1 casino in China; is that right?

2 A. I don't recall stating that.

3 MR. PALSER: Judge, for the record, it's 161.
4 I think we will call 161-A now because there is two in
5 there.

6 THE COURT: Very good, sir.

7 MR. PALSER: I think I have permission to
8 approach, right?

9 THE COURT: You do.

10 BY MR. PALSER:

11 Q. You did an interview with the police department
12 back in 1996 on November 11, right?

13 A. No, it was November 1st.

14 Q. Okay. Did I look at that wrong?

15 A. I corrected them in my statement. They said
16 November 11th and I said, no, it's November 1st.

17 Q. So they dated it November 11th and --

18 A. It was --

19 Q. -- it was actually November 1st?

20 A. It was November 1st.

21 Q. And, if you'd look at page 25 of that, which is
22 pretty much towards the back, I think it's about three
23 pages from the back. And there is not line numbers on
24 that, but towards the bottom of page 25 the police ask
25 you about what was his biggest deal in the last two to

1 four years. Do you see that portion of the
2 transcript?

3 A. Uh-huh.

4 Q. Is that a yes?

5 A. Oh, yes, sorry. I see where it says, who can
6 you think of in the last couple of years, two to four
7 years, was his biggest deal? I said, his biggest deal?
8 And the detective said, yeah, investment or casino. I
9 said, probably the casino in China.

10 Q. So that was what you told them back November 1,
11 1996?

12 A. Correct.

13 Q. All right.

14 A. But, again, that was the evening my uncle was
15 killed, and I was at the scene.

16 Q. Sure. I understand that.

17 A. I don't know that that was his biggest deal he
18 ever had.

19 Q. Sure. But at the time you were talking to
20 police there, you were trying to be honest and truthful
21 with them, correct?

22 A. Right.

23 Q. And give them the best information you possibly
24 could?

25 A. Uh-huh.

1 Q. Is that a yes?

2 A. Yes.

3 Q. Sorry about that.

4 And, I mean, you certainly -- you mentioned
5 earlier you even gave them the keys to your uncle's
6 business, so you were trying to be as cooperative as
7 possible at that point in time, right?

8 A. Yes.

9 MR. PALSER: That's all we have, Judge. Thank
10 you.

11 THE COURT: Thank you, Mr. Palser.

12 Mr. McCollum, redirect, sir?

13 MR. MCCOLLUM: Yes, Your Honor, briefly.

14

15 REDIRECT EXAMINATION

16 BY MR. MCCOLLUM:

17 Q. Mr. Palser asked you on cross-examination about
18 this bodyguard person. How many times did you see
19 him?

20 A. Maybe twice, two or three times. I know that
21 he was a family friend, and I had seen him a long time
22 before. And then I saw him come to the office a couple
23 of times.

24 Q. So you saw him at the office?

25 A. Uh-huh. Yes.

1 Q. Did you see him when you went out to dinner
2 with your uncle?

3 A. No.

4 Q. Did you see him at your birthday party the
5 Saturday before?

6 A. No.

7 Q. Did you see him on any other occasion outside
8 the office?

9 A. No, only at the office.

10 Q. On two occasions?

11 A. Two or three, yes.

12 Q. Mr. Palser asked you about your uncle being
13 secretive with regard to his business. Did he
14 specifically preclude you from understanding or knowing
15 or be a part of his business?

16 A. He didn't preclude me at all from being privy
17 to his business. I worked in there and I filed things
18 for him. But he did not express to me his financial
19 status or his bankruptcy stuff, no.

20 Q. So when you worked in the office, he didn't
21 have certain files that were off limits to you?

22 A. No.

23 Q. Did he ever refuse to answer questions that you
24 may have had about the business when you worked there?

25 A. No.

1 Q. Did he have a way of -- since you worked in his
2 office, did he have a way of prioritizing his files,
3 important files, not so important files, what was his
4 system like for organizing his --

5 A. He did it all alphabetically, so there was no
6 order of importance. It was all alphabetical.

7 Q. Was it alphabetical by business deal, by the
8 person he dealt with, can you recall?

9 A. I can't, but it would probably be by company,
10 would be my guess.

11 Q. And he had a lot of files, correct?

12 A. I thought so. But, in the mortgage industry
13 now, so, no. Now it's not a lot of files.

14 Q. Well, give the jury some perspective of how
15 many file cabinets, boxes, cabinets he may have had that
16 you helped him organize back then?

17 A. I don't remember. I don't recall how many
18 filing cabinets. There was a room, it wasn't very
19 large. I would -- I don't recall them being the tall
20 vertical ones, they were more the short horizontal, if I
21 remember correctly. So I would say three -- three, four
22 maybe.

23 Q. Was anything left under lock and key that you
24 didn't have access to?

25 A. No, not to my knowledge.

1 Q. When you worked with him, did he express to you
2 that any particular deal was a particular concern to
3 him?

4 A. No.

5 Q. Mr. Palser asked you on cross-examination about
6 locking the car. Did your uncle have a habit with
7 regard to his car and when he locked it and when he
8 didn't that you know of?

9 A. No. I don't lock my car either. We kind of
10 don't.

11 Q. So would you say that you have a habit of not
12 locking your car?

13 A. Uh-huh.

14 THE COURT: Yes?

15 A. Yes. Yes, I leave my keys in the ignition as
16 well, most of the time.

17 BY MR. MCCOLLUM:

18 Q. Mr. Palser asked you about the interview you
19 did on the night of your uncle's death regarding the
20 China gambling deal. How much involvement did you have
21 in that particular deal?

22 A. Not a whole bunch at all.

23 Q. Did you make any phone calls for him?

24 A. No.

25 Q. Did he ask you to copy or prepare any papers

1 for him?

2 A. Could have and I don't remember.

3 Q. Was there anything in particular about that
4 deal that stuck out in your mind as making it a big
5 deal?

6 A. Not that I can think of, except that I know he
7 was -- it wasn't coming together as he had wanted it to,
8 I know that. And I know that I met the guys that he was
9 dealing with at dinner one evening. Couldn't have been
10 too long before he was killed. But, that's all I can
11 remember about it. I remember it was going to be a big
12 deal. Obviously, casinos in China, it's a big thing for
13 him. And I know it wasn't coming together right. But
14 other than the details, I don't have any knowledge of
15 or -- he is my uncle, so I didn't ask him a whole lot of
16 financial stuff personally. I just -- I think that's
17 rude.

18 Q. Let me ask you a question about something you
19 just said a moment ago. You can recall a business
20 dinner deal that you were part of but not involved?

21 A. Uh-huh, yes.

22 Q. Yes?

23 A. Yes.

24 Q. Not too long before his death?

25 A. Yes, it was that year. How far before, I don't

1 remember, but it was within that year, yes.

2 Q. Do you remember who was a part of that business
3 lunch, dinner deal?

4 A. I don't.

5 Q. How many people were there?

6 A. I would say about six.

7 Q. Were you part of the dinner or did you just
8 know that such a dinner occurred?

9 A. I went to dinner with them.

10 Q. So he took you along?

11 A. Uh-huh, yes.

12 Q. And what was the mood at the table? Was it a
13 hostile mood, a friendly mood, business mood, what was
14 the mood?

15 A. No, everyone was having a good time.

16 Q. These were all the people who were involved in
17 this particular business, correct?

18 A. Yes.

19 Q. Did you have any reason to believe when you sat
20 there that one of the business partners or business
21 contributors was not present?

22 A. I don't recall.

23 Q. Was everybody optimistic about this deal during
24 the dinner?

25 A. Everyone seemed to be, but it was more social.

1 I don't remember exactly but I know that we had a good
2 time.

3 MR. MCCOLLUM: No further questions.

4 THE COURT: Thank you, Mr. McCollum.

5 Ladies and gentlemen of the jury, any questions
6 for this witness.

7 All right. May the witness be excused?

8 MR. MCCOLLUM: Yes, Your Honor.

9 MR. PALSER: Yes, sir.

10 THE COURT: Thank you.

11 Mr. Jensvold, State may call its next
12 witness.

13 MR. JENSVOLD: Your Honor, State will call
14 Kevin McDonald. May I have just a moment?

15 THE COURT: Yes, sir.

16 (Witness sworn.)

17 THE COURT: Mr. Jensvold.

18 MR. JENSVOLD: Thank you, Your Honor.

19

20 DIRECT EXAMINATION

21 BY MR. JENSVOLD:

22 Q. Would you please state your name and spell your
23 last name?

24 A. My name is Kevin McDonald, M-C-D-O-N-A-L-D.

25 Q. And, Mr. McDonald, where are you living

1 currently, just what's the city?

2 A. Snowmass, Colorado.

3 Q. And is that near Aspen?

4 A. Yes, near Aspen, Colorado.

5 Q. Have you lived in Aspen before -- in the last
6 10, 15 years?

7 A. Yes, Aspen, Snowmass, for the past 15 years I
8 have lived between the two, yes.

9 Q. Do you live there full-time?

10 A. Now I do, yes.

11 Q. Prior to that time, did you used to work there,
12 like, part of the year?

13 A. I would work there in the ski season, which was
14 November to April, and then I would leave. And then
15 come back the next year for the past 15 years, yes.

16 Q. So you've been living in Aspen, Snowmass area
17 permanently for how long?

18 A. Permanently for the past five years.

19 Q. Are you still a ski instructor there?

20 A. Yes.

21 Q. And you've been doing the ski instructor bit
22 ever since you've been coming to the Aspen area?

23 A. Yes.

24 Q. When was the first year that you were in
25 Aspen?

1 A. '95, '96.

2 Q. So you got there sometime before the ski season
3 started?

4 A. I got there -- ski season starts Thanksgiving
5 day. And I arrived right about that time because I had
6 to tryout for ski school. So, I arrived right at the
7 end of November.

8 Q. Did you know anybody up there when you first
9 moved there in 1995, November time period?

10 A. No.

11 Q. Where did you live that first ski season,
12 November of '95 through the winter of '96?

13 A. When I first got there I -- well, before I got
14 there, I looked in the ads on the -- on the internet,
15 and I got a one-week rental. And then when I -- I lived
16 there, in the one-week rental, I asked people about rent
17 and they said it was so expensive. So I looked in the
18 paper in that first week, and I saw an ad for free room
19 and board to take care of two kids and light housework.

20 Q. And did you respond to that ad?

21 A. Yes, I called.

22 Q. And did you eventually meet with someone in
23 response to that ad?

24 A. Yes.

25 Q. Where did you go?

1 A. I went to Pam Phillips' house on Snowbunny
2 Lane.

3 Q. And was there anybody else there besides
4 Ms. Phillips?

5 A. Ron, Ron Young.

6 Q. And do you see Mr. Young in the courtroom
7 today?

8 A. Yes, I do.

9 Q. Will you point him out for the record, please.

10 A. There.

11 Q. Just -- for the record, that doesn't come out
12 that you're pointing. What is he wearing?

13 A. Right. Ron is wearing a jacket, tie and brown
14 shirt.

15 Q. Okay. Thank you. How long did this meeting
16 last with Ms. Phillips and Ron Young?

17 A. About a half hour, 45 minutes.

18 Q. Did you get the job?

19 A. Yes.

20 Q. Did they do a background check on you or
21 anything like that?

22 A. No.

23 Q. Despite the fact that you were going to be
24 hired to live in Ms. Phillips's house and watch over her
25 two kids?

1 A. Right.

2 Q. Was the decision made by just Ms. Phillips or
3 was Mr. Young involved in the decision?

4 A. It was Pam's decision. I mean, Ron asked me a
5 couple of questions, but Pam, you know, it was Pam's
6 house. Pam made the decision.

7 Q. Did you meet the kids that day?

8 A. No.

9 Q. What were the kid's names?

10 A. Trevor and Lois.

11 Q. How old were they back in November of '95, if
12 you remember?

13 A. Trevor was about seven, Lois was five. Five or
14 six, yeah.

15 Q. How soon after you were hired that day did you
16 move into Ms. Phillips's house?

17 A. I must have moved in a day later, a day or two
18 later.

19 Q. How much stuff did you have with you?

20 A. Two bags, skis, that's it.

21 Q. No U-Haul or anything like that?

22 A. No.

23 Q. Was there a room specifically for you?

24 A. Yes, that was -- I had my own room, bathroom
25 and my own entrance, so I could come and go.

1 Q. So who is living at the house, just you, the
2 two kids, Trevor and Lois, and Ms. Phillips?

3 A. Yes.

4 Q. At the time that you first moved in there, say
5 within the first couple of weeks, did you have an
6 understanding of the relationship between Ms. Phillips
7 and Ron Young?

8 A. Can you repeat the question? I'm sorry.

9 Q. Yeah. Like, within the first couple of
10 weeks -- I mean, obviously you met Mr. Young the first
11 day you went there. But within the first couple of
12 weeks, did you have an understanding of what the
13 relationship was between Ms. Phillips and Mr. Young
14 based on your observations?

15 A. No.

16 Q. Did you gain an understanding of their
17 relationship in the months after you first moved in?

18 A. Yes.

19 Q. Describe to the jury what you believed that
20 relationship was based on your observation?

21 A. Ron and Pam -- Pam had an idea, a company, to
22 do Star Babies. And Ron had some expertise in
23 computers, or that's what he told her. So, I was with
24 the understanding that he was helping her with this
25 project of building a website, something like that. I

1 wasn't very savvy with computers then. I didn't even
2 have an e-mail. I didn't know what that was. But
3 that's what I thought was happening.

4 Q. At some point did you observe anymore of a
5 personal relationship between Pam and Ron?

6 A. Yes.

7 Q. Describe to the jury what you saw?

8 A. Well, Ron was like a pseudo boyfriend. He
9 would come over some nights, Pam would make a -- would
10 make dinner for him, candlelight, wine. This is after I
11 put the kids to bed. Ron and Pam would be alone, I
12 would retire to my room, and, you know -- so they had an
13 intimate relationship. Once in a while he would sleep
14 over, but he was always gone by the morning because when
15 I would get up with the kids, he was not there.

16 Q. So from your observations, Ms. Phillips and
17 Mr. Young kept this aspect of their relationship from
18 the kids?

19 A. Yes.

20 Q. Did you ever observe or hear any conversations
21 about Mr. Young being a -- sort of a pseudo lawyer for
22 Ms. Phillips?

23 MR. FEINMAN: Objection, Your Honor. It's a
24 compound question and the second part of that question
25 calls for hearsay.

1 THE COURT: Sustained.

2 BY MR. JENSVOLD:

3 Q. Okay. Let me rephrase the question,

4 Mr. McDonald.

5 Did you ever hear Mr. Young refer to himself as
6 Ms. Phillips's sort of attorney?

7 MR. FEINMAN: Objection, Your Honor; hearsay.

8 THE COURT: What Mr. Young referred to himself
9 as?

10 MR. FEINMAN: Yes, sir.

11 THE COURT: Overruled.

12 MR. JENSVOLD: You can answer the question.

13 THE COURT: You can answer, sir, go ahead.

14 A. Okay. So -- sorry.

15 Q. Do you want me to rephrase it?

16 A. One more time.

17 Q. Did you ever hear Mr. Young, either in a
18 conversation with you or with Ms. Phillips, Mr. Young
19 refer to himself as Ms. Phillips's lawyer or sort of a
20 non-formal lawyer?

21 A. Yeah. No, no.

22 Q. Did you ever notice Mr. Young drafting any
23 documents for Ms. Phillips for her attorneys in
24 Tucson?

25 A. Not that I remember, no.

1 Q. Okay. Let me go back to the Star Babies thing.
2 We touched on it earlier, but what was your knowledge of
3 Star Babies? What was the business designed to do?

4 A. Star Babies was a astrological or -- it was --
5 Pam was into the stars and cosmos. And she said she is
6 able to, if you give her your baby's birth date and all,
7 she can see -- and the exact time that the baby was
8 born, she can work her magic and tell you things about
9 the baby. And she had a whole packet that she would put
10 together and present to you.

11 So, my niece and nephew were the same age as
12 Trevor and Lois. And so, she did a mock-up or a
13 presentation for my niece and nephew. And, you know, it
14 was nice; it's a nice presentation. And the name of the
15 company was going to be Star Babies, and she wanted to
16 do it, you know, as a business and Ron was helping her
17 with that.

18 Q. Besides Star Babies, did you ever hear
19 Mr. Young talk to Pam about her finances in general,
20 like him being a financial consultant for
21 Ms. Phillips?

22 A. Never.

23 Q. Okay. While you were living there, this is
24 November of '95 through the ski season of '96; is that
25 right?

1 A. Yes.

2 Q. Did you have any conversations on the phone or
3 in person with Gary Triano?

4 A. Yes.

5 Q. What were -- both on the phone and in person?

6 A. Yes.

7 Q. You knew who Gary Triano was?

8 A. Yes.

9 Q. Were you aware of any legal issues that Pamela
10 Phillips had with Gary Triano at that time?

11 A. Yes.

12 Q. Describe what you knew about those legal
13 issues?

14 A. I just knew they were fighting for custody of
15 Trevor and Lois. It was an ongoing court case that --
16 that Pam told me about, yes.

17 Q. Did you know anything about an order of
18 protection that Pam had against Gary?

19 A. Yes. Gary was not allowed to come into the
20 house. Even when he came to pick up the kids he would
21 wait outside, and I would bring the kids out.

22 Q. So, in your presence, when Gary would come up
23 to visit the kids, Pam never had any personal contact
24 with him?

25 A. Never.

1 Q. How many times during that first ski season
2 from November until April do you think Gary came to
3 visit Trevor and Lois?

4 A. He came twice. Two or three times.

5 Q. When he would call to talk to the kids, did he
6 ever speak with Pam as far as you knew?

7 A. Very rarely.

8 Q. Did Pam make efforts to make sure that she
9 didn't talk to Gary on the phone?

10 A. Yes.

11 Q. Would she ever instruct you to answer the
12 phone?

13 A. Yes.

14 Q. Do you ever remember any conversations with Ron
15 Young about that particular issue, when Gary would call
16 and you would answer the phone, did you ever remember
17 Ron Young having any problems with that?

18 A. No, no.

19 Q. Do you ever remember Ron Young -- well, let's
20 go even broader than that. Do you remember Ron Young
21 ever interjecting himself into this issue of Gary
22 calling the house at all?

23 A. No, no.

24 Q. So as far as you were aware, Ron Young had no
25 dealings with Pamela Phillips regarding her relationship

1 with Gary?

2 MR. FEINMAN: Objection, Your Honor. He is
3 leading the witness and I think it calls for
4 speculation.

5 THE COURT: Sustained.

6 BY MR. JENSVOLD:

7 Q. I will ask a more direct question,
8 Mr. McDonald.

9 Did you ever see Mr. Young talking with
10 Ms. Phillips, in your presence, about any of the custody
11 battles that she was having with Gary Triano?

12 A. No.

13 Q. Were you close enough with Ms. Phillips in your
14 observations of everything going on in the household to
15 be aware of her financial status as of late '95, early
16 1996?

17 A. Yes.

18 Q. Can you describe that for the jury?

19 A. I'm sorry. You want me to describe?

20 Q. Maybe -- I will be more specific. You seem a
21 little hesitant about that. It might be too broad.

22 So, was she living a simple, frugal lifestyle
23 based on what you saw during late '95, early '96?

24 A. Well, you know, everything is relative. You
25 know, what is excessive or frugal to one person, isn't

1 the same to another.

2 Q. Let's talk -- let's talk about Aspen then.

3 Aspen is a pretty affluent community.

4 A. Yes.

5 Q. In the grand scheme of Aspen, how was
6 Ms. Phillips living, what was her lifestyle like during
7 that period of time in relation to other people in
8 Aspen?

9 A. Well -- okay. It's hard to describe. I mean,
10 you know, Aspen, you have the average house is \$4
11 million. The house that we were renting, that Pam was
12 renting, was a three bedroom with a garage converted
13 into another quarter -- guest quarters, that's where I
14 was living. That was 2500 a month. I mean, it's -- she
15 wasn't living extravagantly as far as what Aspen is.
16 But her appearance was as she was -- I mean, she was
17 definitely an Aspen socialite. She would go out to the
18 parties and she was, you know, she wanted to be part of
19 that crowd. There are other people's homes that are 10
20 times bigger than what we had there. So, I mean, is
21 that what you're asking or --

22 Q. I'm sorry. I can't necessarily answer your
23 questions, but I can ask you another question.

24 So based on what you just said, did
25 Ms. Phillips have the desire to rise in the financial

1 stature of Aspen?

2 A. Yes.

3 MR. FEINMAN: Objection, Your Honor. Calls for
4 speculation.

5 THE COURT: Sustained.

6 MR. FEINMAN: I'd ask the answer be stricken.

7 THE COURT: All right. Ladies and gentlemen,
8 disregard the last question and answer.

9 BY MR. JENSVOLD:

10 Q. Did you have any personal observations with
11 Ms. Phillips's finances to know whether she was able to
12 uphold her lifestyle without going into debt?

13 A. I don't understand.

14 Q. Were you aware of her, like, the details of her
15 bookkeeping to know whether she was bringing in enough
16 income to support her lifestyle?

17 A. I never did any bookkeeping for her. Or I
18 didn't have any access to bank accounts or I didn't
19 know, other than what she told me.

20 Q. You said Ms. Phillips would go out and
21 socialize. Do you know where she would go? Were there
22 frequent establishments that she liked to go to?

23 A. Yes.

24 Q. Do you know what some of those were?

25 A. The Caribou Club, The Mill, what is the other

1 one, Saint -- St. Regis, those are the ones.

2 Q. Are all those in Aspen?

3 A. In Aspen, yes.

4 Q. The first one you mentioned, the Caribou Club.

5 Have you been there?

6 A. Yes.

7 Q. Describe it to the jury since I'm sure none of
8 them have probably seen it.

9 A. The Caribou Club is a nightclub in Aspen,
10 called the Billionaire's Club, because it's -- sorry.
11 It's an exclusive club where you have to be of a member
12 to go there. And members are Brittany Spears, Donald
13 Trump, the different socialites. And it's a nice dance
14 club, restaurant.

15 Q. Did you ever see Pam and Ron go there
16 together?

17 A. No.

18 Q. Did you ever see Ron go there by himself?

19 A. No.

20 Q. Would you go there with Ms. Phillips?

21 A. No.

22 Q. Did Pam go to Denver frequently when you lived
23 with her during that first ski season?

24 A. Not that I remember, no.

25 Q. She wouldn't take weekend trips there or

1 anything as far as you knew?

2 A. Not to Denver, I don't remember, no.

3 Q. Where was Ron Young living during that first
4 period of time that you lived there, from November '95
5 through April of '96?

6 A. He was down the street from us.

7 Q. How far down the street?

8 A. A block or two.

9 Q. Was there anybody else living next door or in
10 the same duplex type residence that you were living in
11 with Ms. Phillips and the kids?

12 A. Yes.

13 Q. Who was that?

14 A. Bob, Bob Beals. He is a dentist from Georgia,
15 Atlanta, Macon. And he -- I mean, he lives in Georgia,
16 but he has this house here, or in Aspen. And, you know,
17 he would come there for vacation, but usually the house
18 was empty.

19 Q. So can you describe this for the jury, just
20 this layout of the place. I mean, was the duplex like
21 most duplexes, back-to-back? Were they sharing a wall
22 or were they separated in some way?

23 A. Right. It's a basic duplex where we live on
24 this side, Bob is on this side, a common wall there.
25 Garage, garage, front door, front door.

1 Q. So when you were there, when you first got
2 there in November of '95, that part of the duplex was
3 vacant?

4 A. Yes.

5 Q. Did Mr. Beals arrive there during that ski
6 season?

7 A. Yes.

8 Q. During that period of time, between November
9 and April, did you ever see Ron Young having any
10 personal contact with Mr. Beals?

11 A. No.

12 Q. When did you leave Aspen that first year?

13 A. The end of the ski season, a little bit before
14 the end of the ski season. I would say April 1st, I
15 left right about then.

16 Q. At the time that you left, do you know whether
17 Ron Young was still in Aspen?

18 A. As far as I know he was, yes.

19 Q. So where did you go after leaving this ski
20 season, early April of 1996?

21 A. At that time I had a boat, a small boat that I
22 lived on in Charleston, South Carolina. So I was eager
23 to get back to the boat. So, I went to Charleston,
24 picked up the boat and sailed up and down the east coast
25 until the fall.

1 Q. And were you working with this boat or was it
2 just leisure?

3 A. It was just -- it's a small sailboat. And I
4 would work up and down the east coast in different
5 restaurants because I worked for Lonestar Steakhouse,
6 and I was a trainer. And you can -- as long as you know
7 your stuff, you can go from one restaurant to another.
8 And I would train different people and pop back on my
9 boat, go to the next town.

10 Q. And, so once the fall was finished, where did
11 you go? Or once you left the east coast?

12 A. Well, once it starts to get cold, not good to
13 live on the boat anymore. So, I always leave there, and
14 I go -- come here to Arizona, to Phoenix, because my mom
15 and dad live in Phoenix. And I visit them for about two
16 to three weeks, and then I head up to Aspen for ski
17 season. That was my routine. So, I went -- I came here
18 to Arizona.

19 Q. And were you in Arizona, the Phoenix area, on
20 November 1st of 1996?

21 A. Yes.

22 Q. And do you remember something that you heard
23 about that day?

24 A. Yes. As soon as I got -- well, I got in town,
25 and then woke up in the morning and I turned on the TV.

1 And the news says that a prominent Tucson developer is
2 executed mob style, or something. And I'm thinking to
3 myself, oh, the only Tucson developer that I know is
4 Gary Triano. And right then the TV said, or the
5 spokesperson said, Gary Triano. And I was very
6 shocked.

7 Q. And after you saw that, did you call anyone?

8 A. Yes, I called Pam.

9 Q. What time of day do you think it was, if you
10 remember?

11 A. Must have been about 8 o'clock Arizona time, in
12 the morning. So that's -- Arizona doesn't -- their time
13 doesn't change, but Aspen time does. So, let me see,
14 fall back, spring forward.

15 Q. That's okay. We don't need an exact time.
16 Just trying to get --

17 A. So --

18 Q. So we're either mountain time or pacific time
19 right around that period, right?

20 A. Right.

21 Q. So if it was in the morning, could it have been
22 the morning after the bombing happened that you saw the
23 news story?

24 A. It would have to be after because, yeah.

25 Q. I mean, at that point you weren't aware exactly

1 when it happened, were you?

2 A. No, I mean as soon as I got to Arizona, turned
3 on the TV, you know, that's when I saw it. So I presume
4 that it happened the day before.

5 Q. When you called Pam, did she answer the
6 phone?

7 A. Yes.

8 Q. What was Pam's demeanor during that first
9 conversation that you had with her after you saw the
10 story about Gary?

11 A. She was calm. She was -- you know, she just
12 said I know. Can you believe it? And she said -- yeah,
13 I mean, there weren't tears or it wasn't you know --

14 Q. How long was the conversation, do you think,
15 with Pam?

16 A. About 15, 20 minutes. I was asking about the
17 kids. And, you know, the way that Trevor found out
18 about it.

19 Q. Did you go back to Aspen that November of
20 1996?

21 A. Yes.

22 Q. About what time during the month did you
23 arrive, before Thanksgiving or after?

24 A. I can't remember if I got there before or
25 after. I think -- no, I stayed in Arizona through

1 Thanksgiving with my family. And then I went up after
2 Thanksgiving. Because I had called a friend to see
3 where I would live, and yeah, it was after
4 Thanksgiving.

5 Q. When you went back after Thanksgiving of 1996,
6 where did you live in Aspen?

7 A. In '96, I was living on Mckimming Lane.

8 Q. And where is that in relation to Snowbunny
9 where Pam was living?

10 A. Oh, it's the opposite side. Snowbunny Lane is
11 on the east side -- sorry, is on the west side. And
12 Mckimming is on the east side.

13 Q. About how far, do you think, between the two
14 places?

15 A. About a mile and a half. It's not a very big
16 town. About a mile and a half.

17 Q. What kind of place were you living in? Was it
18 an apartment or house or --

19 A. Once again, I was renting a space, or I had my
20 own space in a house. It was a German woman that was
21 leasing a studio. So I leased the studio for the
22 season.

23 Q. Did you stay at that location during the entire
24 ski season?

25 A. Yes.

1 Q. Did you have any contact with Pam, Trevor and
2 Lois during that ski season?

3 A. Yes.

4 Q. When you arrived after Thanksgiving of '96, was
5 Pam still living at the SnowBunny duplex?

6 A. Yes.

7 Q. Did she change residences during that ski
8 season?

9 A. I don't believe so.

10 Q. so did you -- that ski season, we are talking
11 about your second year in Aspen, did you leave around
12 the same time again, in April of 1997?

13 A. Yes.

14 Q. Did you come back the following year, I guess
15 fall of '97?

16 A. Yes.

17 Q. Did you have contact with Pam and the kids?
18 Again, that would be your third year, I guess, in Aspen.

19 A. Yes.

20 Q. Where was Pam and the kids living, let's see,
21 fall of '97?

22 A. I'm not sure when they moved in, but they moved
23 to the new house on Meadow -- Meadow Lane, Meadowood
24 Lane.

25 Q. Just make sure I have this correct. So your

1 first year, November '95 through April of '96?

2 A. Yes.

3 Q. And your second year, around -- after
4 Thanksgiving '96 through sometime in April of '97?

5 A. Yes.

6 Q. And you think both of these years Pam was
7 living at Snowbunny?

8 A. Yes.

9 Q. So your third year, again am I accurate to say
10 November of '97?

11 A. Yes.

12 Q. And what month do you think you left that
13 year?

14 A. Same time, April.

15 Q. So this third year, you think Pam was living at
16 the Meadowood address?

17 A. Yes.

18 Q. Two w's or one?

19 A. One.

20 Q. Did you visit Pam and the kids at the Meadowood
21 address?

22 A. Yes.

23 Q. How did that residence compare to the one on
24 Snowbunny when you first saw it?

25 A. Okay. The one on Meadowood was very Aspeness.

1 It was a beautiful home. It was definitely a high-end
2 home. And Pam had finished it in the -- I mean, she's a
3 very good decorator. She has very good taste, and the
4 home reflected that.

5 Q. Was there construction going on in this house
6 when you first saw it, on Meadowood?

7 A. Yes.

8 Q. Was it -- do you have any idea whether it was
9 almost finished, was it just at the beginning or --

10 A. When I first saw the home, Pam took me through
11 it and it was very dark. The previous owner had painted
12 the rafters and everything black. It was cordoned off,
13 different rooms were kind of small. And Pam used her
14 expertise and gutted the whole house.

15 Q. Did she have someone in particular working as a
16 contractor?

17 A. Yes.

18 Q. Did -- what was this man's name?

19 A. I don't remember his name.

20 Q. Was Pam romantically involved with anyone at
21 that point?

22 MR. FEINMAN: Objection, Your Honor;
23 relevance.

24 THE COURT: Sustained.

25 BY MR. JENSVOLD:

1 Q. By the time you left Aspen that third year,
2 April of '98, was the construction still ongoing at the
3 Meadowood address?

4 A. Yes.

5 Q. Did you return for a fourth year?

6 A. Yes.

7 Q. Around the same time again, November time frame
8 of '98?

9 A. Yes.

10 Q. How was the house when you returned that
11 November of '98?

12 A. It was beautiful.

13 Q. Was construction finished?

14 A. Yes, inside.

15 Q. Inside. Okay.

16 Was there still stuff going on outside?

17 A. Yes.

18 Q. What was going on outside?

19 A. Putting in a roundabout driveway, gardens,
20 stone walls, landscaping.

21 Q. After you left that first year -- sorry, jump
22 around a bit. Back to April of '96 when you left, did
23 you ever see Ron Young again until today?

24 A. No.

25 Q. In all of your contacts with Ms. Phillips,

1 whether it was while you were living in Aspen or even on
2 the phone while you were on your boat or wherever, did
3 you ever hear her mention Ron Young's name?

4 A. Never.

5 Q. Did Pam, in any of those conversations after
6 April of '96, ever tell you about anyone blackmailing
7 her?

8 A. No.

9 Q. And I'm sorry to jump around a bit, it's just
10 that some of these questions come up as we go along.

11 In April of '96, before you left, now you think
12 you left around April 1st?

13 A. Yes.

14 Q. Did you ever see Pam talking to an Aspen
15 detective named Jim Crowley?

16 A. No, not that I remember, no.

17 Q. There weren't any detectives coming to the
18 house, as far as you knew, to come to talk to her around
19 that time before you left?

20 A. The police came to the house only one -- one
21 time. That I was there.

22 Q. Do you know what that was about?

23 Let me -- we will move on from there.

24 Throughout the years after you left in '96 and
25 then moving on, did you have any contact with Trevor and

1 Lois?

2 A. Yes.

3 Q. When is the last time you spoke to Trevor?

4 A. Spoke to Trevor about a year ago, in Aspen.

5 Q. Based on what we've already established, you're
6 fairly familiar with the Aspen geography, so to speak?

7 A. Yes.

8 Q. I want to show you -- show you what's been
9 marked as State's Exhibit 29-C. Does that look familiar
10 to you?

11 A. Yes.

12 Q. Does that look like an accurate representation
13 of the Colorado geography including Aspen?

14 A. Yes.

15 MR. JENSVOLD: Your Honor, state would move for
16 the admission of 29-C.

17 MR. FEINMAN: No objection.

18 THE COURT: Thank you. 29-C is admitted.

19 BY MR. JENSVOLD:

20 Q. I'll, since this won't fit completely on here,
21 let's focus in on the Aspen part of it first. You see
22 the towns Aspen, Basalt and Glenwood Springs in red.
23 Are you -- have you driven along these roads including,
24 I guess it looks like 82, that connects those three
25 towns?

1 A. Yes.

2 Q. Have you also driven from Aspen to Denver?

3 A. Yes.

4 Q. On the way from the airport, I assume, at
5 least?

6 A. Yes.

7 Q. How far is it from Aspen to Basalt, if you can
8 estimate?

9 A. Aspen to Basalt is about half an hour.

10 Q. As far as you knew in your dealings with Pam
11 during the time that you knew her in Aspen, specifically
12 from '95 through '98, did she have any business in
13 Basalt?

14 MR. FEINMAN: Objection, Your Honor;
15 relevance.

16 THE COURT: Overruled. Go ahead.

17 A. Not that I know of, no.

18 Q. Now, okay, we only have the first, second and
19 third year up there. You've already mentioned the
20 fourth. Did you basically return to Aspen every year
21 thereafter for the ski season?

22 A. Every year since '95 until the present, yes.

23 Q. Did you have contact with Ms. Phillips every
24 year until, say, 2006?

25 A. Yes.

1 Q. At any time during that entire period, did you
2 know Pam Phillips to have any business in Basalt?

3 A. No, no.

4 Q. During the times that you saw Pam at either the
5 Snowbunny or the Aspen residence, did you ever see FedEx
6 come to deliver packages to the door?

7 A. Yes.

8 Q. Would that be for Pam?

9 A. Yes.

10 Q. Do you know what the packages were for, were
11 they personal, were they Star Babies?

12 A. I don't know.

13 Q. Did she ever have you run errands for her, like
14 take FedEx boxes somewhere, would that be one of the
15 errands she would have you run for her?

16 A. I would do errands, but I never did a FedEx
17 run.

18 Q. Do you know if there was a FedEx box in Aspen,
19 a place where you could send FedEx packages within the
20 town of Aspen itself?

21 A. Yes.

22 Q. And after -- I think you already answered this
23 question for the specific time period of '95 to '96. In
24 any of those years after that, did you ever travel to
25 Denver with Pam?

1 A. Would you repeat it? Sorry.

2 Q. Any of the times that you saw Pam during those
3 ski seasons following April of '96, did you ever take
4 trips on the weekend with Pam to Denver?

5 A. I would not go with her, but I saw her one time
6 in Denver, yes.

7 Q. Just you randomly saw her or was it a
8 scheduled --

9 A. No, it was random.

10 Q. Show you just probably a close-up view of this.
11 Does this look like an accurate map, as well, State's
12 Exhibit 29-G?

13 A. Yes.

14 MR. JENSVOLD: Your Honor, State would move for
15 the admission of 29-G.

16 MR. FEINMAN: Your Honor, I don't think the
17 proper foundation has been laid with this witness. So,
18 I do object to admission, and I don't think proper
19 foundation has been laid.

20 THE COURT: Why don't counsel approach.

21 (Bench discussion.)

22 THE COURT: Only thing he was asked is is this
23 close-up view of State's Exhibit 29-G. He said yes.

24 MR. JENSVOLD: I think what Mr. Feinman is
25 getting at, he may not be aware of specific FedEx

1 locations.

2 MR. FEINMAN: Exactly.

3 MR. MCCOLLUM: Those are going to come in
4 through another witness.

5 THE COURT: If he is not aware of them, he is
6 not aware of them so.

7 MR. JENSVOLD: That's fine.

8 (Open court.)

9 THE COURT: Mr. Jensvold, go ahead, sir.

10 BY MR. JENSVOLD:

11 Q. Mr. McDonald, we'll show this map later on.

12 But, at least, do you see some markings here of 781
13 Meadowood Drive and 1270 South Snowbunny Lane? Do those
14 arrows indicate the approximate location within the town
15 of Aspen that this map reflects?

16 A. Yes.

17 Q. And how far away was the Meadowood address from
18 the Snowbunny address?

19 A. Mile, two miles.

20 Q. How big is the town of Aspen in total? I mean,
21 is it more than five miles across?

22 A. Right. No, no.

23 MR. JENSVOLD: Your Honor, that's all the State
24 has. Thank you.

25 THE COURT: Thank you, Mr. Jensvold.

1 Mr. Feinman, cross-examination, sir.

2 MR. FEINMAN: Thank you, Your Honor.

3

4

CROSS EXAMINATION

5 BY MR. FEINMAN:

6 Q. Your Honor, if I may have a moment?

7 THE COURT: You may.

8 Mr. Feinman, I think one of our jurors would
9 like to take a brief break.

10 MR. FEINMAN: Sure.

11 THE COURT: Why don't we take about a five or
12 10 minute recess. Thank you.

13 (Recess.)

14 (Jury present.)

15 THE COURT: Please be seated, ladies and
16 gentlemen.

17 Let the record reflect the presence of all
18 members of our jury, counsel and Mr. Young.

19 Mr. McDonald remains on the stand.

20 Mr. Feinman, cross-examination, sir.

21 MR. FEINMAN: Thank you, Judge.

22 BY MR. FEINMAN:

23 Q. Good morning, Mr. McDonald. How are you?

24 A. Hello. Good.

25 Q. Mr. McDonald, based on your discussions with

1 Ms. Phillips, she was concerned about her social
2 standing, correct? Well, let me rephrase that.

3 Her social standing was important to her based
4 on your discussions with her?

5 A. Yes.

6 Q. Now, Pam was good about never saying anything
7 bad about Gary Triano in front of her children?

8 A. True.

9 Q. You testified on direct that you met Ron Young?

10 A. Yes.

11 Q. You saw him on several occasions?

12 A. Yes.

13 Q. You remember Ron Young as a big guy?

14 A. Yes.

15 Q. About six-two, six-three?

16 A. Right.

17 Q. 240 pounds.

18 A. Right.

19 Q. When you saw him in 1995, 1996, he had long
20 hair?

21 A. Longer hair.

22 Q. In fact, his hair was past his shoulders,
23 correct?

24 A. Not past his shoulders, no.

25 MR. FEINMAN: Your Honor, if I can approach?

1 THE COURT: Yes, sir.

2 Q. I'm going to show Mr. McDonald what's been
3 marked State's Exhibit 146-B. Mr. McDonald, do you
4 remember having a discussion with two detectives from
5 Tucson in December of '06?

6 A. Yes.

7 Q. And does this look like a transcript of that
8 discussion, to the best of your recollection?

9 A. Yes, there's a lot of pages. I can't go
10 through the whole thing, but --

11 Q. Could you turn to page 2, sir. And line 15, if
12 you could follow along with me. You state on line 15
13 that, quote, his hair was longer before. And skipping
14 down to line 18, the question you're asked is, down to
15 his shoulders? And your reply is, quote, yeah, it was
16 longer. So that's what you said --

17 A. Yes.

18 Q. -- in December of '06 to the detectives,
19 correct?

20 A. Yes, that his hair was longer, yes.

21 Q. Thanks.

22 Now, you talked about on direct examination
23 that Ron and Pam Phillips had a business relationship?

24 A. Yes.

25 Q. And Pam was really excited about a business she

1 owned called Star Babies?

2 A. Yes.

3 Q. Ron was helping her out with this business?

4 A. Yes.

5 Q. He was trying to get the website for Star
6 Babies up and running?

7 A. Right.

8 Q. But you were not privy to all of Pam's business
9 dealings?

10 A. No.

11 Q. In fact, you were not that involved with all of
12 Pam's financial or business decisions?

13 A. No.

14 Q. You also said on direct that Ron and Pam had a
15 intimate relationship?

16 A. Yes.

17 Q. They were romantically involved with each
18 other?

19 A. Yes.

20 Q. Ron would come over to Pam's house once or
21 twice a week?

22 A. Yes.

23 Q. They would have a romantic dinner together with
24 candles and the like?

25 A. Yes.

1 Q. Ron would spend the night with Pam?

2 A. Yes.

3 Q. You don't know what Ron and Pam discussed when
4 they went up to Pam's bedroom and closed the door,
5 correct?

6 A. No.

7 Q. You didn't listen to those conversations?

8 A. No.

9 Q. You don't know how often Pam went to Ron's
10 house?

11 A. No.

12 Q. You don't know what Ron and Pam talked about
13 when they were at Ron's house?

14 A. No.

15 Q. You don't know what Ron and Pam talked about
16 when they were at Pam's house but you weren't around?

17 A. No.

18 Q. Pam stopped seeing Ron in April of '96,
19 correct?

20 A. I don't know.

21 Q. You don't know exactly when they stopped seeing
22 each other?

23 A. No.

24 Q. But they were fighting at the end of their
25 relationship, correct?

1 A. There were -- I mean, there is just one -- one
2 time that I knew about that.

3 Q. And that fight occurred at the end of the
4 relationship?

5 A. That fight occurred at the end of my staying
6 there. I don't know if it was the end of the
7 relationship.

8 Q. Ron would get jealous with Pam sometimes?

9 A. Right, yes.

10 Q. But Pam never told you that Ron was jealous of
11 Gary Triano?

12 A. No.

13 Q. You were not aware of any face-to-face contact
14 between Ron and Mr. Triano, were you?

15 A. No.

16 Q. Ron was never at Pam's house when Mr. Triano
17 showed up there to pick up the kids?

18 A. No.

19 Q. You don't remember precisely Ron leaving
20 Aspen?

21 A. No.

22 Q. That's because you stopped living and
23 working -- living with and working for Pam in April of
24 '96?

25 A. Correct.

1 Q. And as you said on direct, you left Aspen to go
2 back to South Carolina?

3 A. Correct.

4 Q. Now you spoke to Pam Phillips on the phone I
5 think was it the day of or day after Mr. Triano died?

6 A. I believe it was the day after.

7 Q. Now you said on direct that she was calm
8 discussing this?

9 A. Yes.

10 Q. But that's not what you told the police in
11 December of 2006, was it?

12 A. Is that in here?

13 Q. Yeah, if you could actually turn to page 8. If
14 you could look at line 20, Mr. McDonald.

15 A. Okay.

16 Q. Excuse me, line 21. You say, quote, she was
17 genuinely shocked, I thought, end quote.

18 A. Well, yes. And like I said here, that she was
19 calm, there was no tears. But she said, I know, that
20 I'm shocked.

21 Q. So you told the detectives in December of 2006
22 that Pam was genuinely shocked when she discussed Mr.
23 Triano's death with you?

24 A. Well, yeah. That's what she -- she said. But
25 I mean, she --

1 Q. I'm sorry, Mr. McDonald. I'm just asking you
2 what you told the detectives.

3 A. Okay.

4 Q. You told them --

5 A. Yes.

6 Q. -- Pam was genuinely shocked?

7 A. Yes.

8 Q. Right away Pam told you that she had missed a
9 payment on Mr. Triano's life insurance policy?

10 A. Yes.

11 Q. She told you that she checked with the
12 insurance company and that the October premium had not
13 been paid?

14 A. Yes.

15 Q. After you left Aspen in April of 1996, you
16 never lived with Pam Phillips again?

17 A. No.

18 Q. You never worked for Pam Phillips again?

19 A. No.

20 Q. About how often did you speak to her in the
21 last 10, 12 years, if you can average it out?

22 A. Average out would be -- I would speak to her
23 about three times a year.

24 Q. What would you talk about?

25 A. Talk about the kids, talk about her

1 relationships, talk about, you know, Aspen.

2 Q. Pam, in the three times average a year you
3 spoke to her, she didn't tell you every detail about her
4 personal life, did she?

5 A. No.

6 Q. She didn't tell you every detail about her
7 professional life, did she?

8 A. No.

9 Q. She didn't tell you every detail about her
10 businesses?

11 A. No.

12 Q. She didn't tell you every -- the name of every
13 person who was in her life at that time?

14 A. No.

15 Q. She didn't tell you what she was doing with
16 every person in her life at that time?

17 A. No.

18 Q. There could have been people that she was
19 involved with professionally in the last 10 years that
20 she didn't mention to you?

21 A. Correct.

22 Q. There could have been people she was involved
23 with personally in the last 10 years that she didn't
24 mention to you?

25 A. Correct.

1 Q. There could have been many conversations she
2 had with those people that she didn't mention to you?

3 A. Correct.

4 MR. FEINMAN: That's all I have. Thank you.

5 THE COURT: Thank you, Mr. Feinman.

6 Redirect?

7 MR. JENSVOLD: Thank you, Your Honor.

8

9 REDIRECT EXAMINATION

10 BY MR. JENSVOLD:

11 Q. Mr. McDonald, what color was Ron Young's hair
12 back when you met him in November of '95?

13 A. It was dark brown with little highlights in it.
14 Or -- am I good at describing? Trying to think. Let me
15 see. A color similar to the lady in back of -- in the
16 black dress here, in back of the -- Ron's lawyer. It
17 was about that color.

18 Q. You say he had highlights. What color were the
19 highlights?

20 A. I mean such as hers. I look at that and with
21 the light coming from it, you know, it's just not one
22 dark color. It's --

23 Q. Did he have any gray in his hair, do you
24 remember?

25 A. He could have had a little gray, yes.

1 Q. When you say it was longer, I mean, I may be
2 dating myself here, are we talking, like, Robert Plant
3 long hair or --

4 A. No, no, no. You know, just a little bit
5 longer, like a little bit bushier, fuller.

6 Q. Below the collar?

7 A. No.

8 Q. Meaning?

9 A. Well, right about the collar. It wasn't like,
10 well, mine.

11 Q. Now this fight that Mr. Feinman mentioned that
12 you had discussed earlier with the detectives between
13 Ron Young and Pamela Phillips, do you remember when that
14 occurred in relation to when you left at the first of
15 April of 1996?

16 A. You mean when -- when the dispute between them?

17 Q. Correct.

18 A. It was probably March, March.

19 Q. Now you answered this question specifically to
20 my question on direct earlier. But Mr. Feinman asked
21 you some questions about how many people Pam kept in
22 contact with after -- after you knew her from the first
23 year. Did you ever know that Pam was communicating with
24 Ronald Young after that first year that you left in
25 April of '96?

1 A. No.

2 Q. Mr. Feinman also talked to you about the phone
3 conversation that you had with Pamela Phillips on
4 November 2nd of 1996. How did the topic of the
5 insurance policy come up in this conversation?

6 A. Pam offered it up. She -- that's when she
7 said, I know, and they are looking at me because there
8 was an insurance policy.

9 Q. Who was she talking about with they?

10 A. The FBI.

11 Q. Did you know Joy Bancroft?

12 A. Yes.

13 Q. Did you know anything about Joy Bancroft being
14 involved with the insurance policy payments on the life
15 insurance policy for Gary Triano?

16 A. No.

17 Q. While you were there with Pam in November of
18 '95 through April of '96, did you know anything about
19 that insurance policy on Gary's life at that time?

20 A. No.

21 Q. After you returned in your second year,
22 November of '96, after Thanksgiving, did you have any
23 discussions with Pamela Phillips about the collection on
24 the insurance policy?

25 A. No.

1 MR. JENSVOLD: That's all I have, Your Honor.
2 Thank you.

3 THE COURT: Thank you, Mr. Jensvold.

4 Ladies and gentlemen of the jury, do you have
5 any questions for this witness?

6 All right. Counsel, please approach.

7 (At the bench.)

8 THE COURT: Any objection any of them?

9 MR. FEINMAN: My only objection, Your Honor, is
10 to question one B. I don't have an objection to the
11 witness being asked if he has personal knowledge.

12 THE COURT: I will ask him if he knows.
13 Any objection?

14 MR. MCCOLLUM: No.

15 THE COURT: Do we want to start with Beals,
16 maybe let the jury go to lunch? Mr. Palser, probably we
17 should do that.

18 MR. MCCOLLUM: That would be great.

19 THE COURT: That's fine.

20 (Open court.)

21 THE COURT: All right. Mr. McDonald, we have
22 some questions from our jury, sir.

23 How did you know that Ron Young slept over at
24 Pam's home if you went to bed and got up before he left
25 in the morning?

1 A. A few times I would get up, my room was right
2 off of the kitchen, and I would come into the kitchen to
3 get some water or something to eat. And, also the kids
4 rooms were over by the stairs and go check on the kids.
5 And they were upstairs in the bedroom, door closed, but
6 you could hear them upstairs.

7 THE COURT: And this question I want you to
8 answer if you know, but if you don't, I don't want you
9 to speculate or guess, all right? So if you know, tell
10 us. If you don't, just tell us you don't know.

11 How did Trevor and Lois find out about their
12 father's death?

13 A. Trevor found out at school, from the kids. I
14 don't know how Lois found out.

15 THE COURT: Did you ever observe Pam and Ron
16 leaving together for any reason, professional, social?

17 A. No.

18 THE COURT: Thank you.

19 May this witness be excused, counsel?

20 MR. JENSVOLD: Yes, Your Honor.

21 MR. FEINMAN: Your Honor, was there an
22 additional question?

23 THE COURT: I don't believe so. Oh, yes, there
24 was. I apologize. I overlooked it. I'm sorry.

25 When Ms. Phillips mentioned the insurance

1 policy, did she say how much it was?

2 A. Yes.

3 THE COURT: And what did she say in that
4 regard?

5 A. \$2 million.

6 THE COURT: All right. Thank you. Now, may
7 the witness be excused?

8 MR. FEINMAN: Yes, Your Honor.

9 THE COURT: Mr. Jensvold?

10 MR. JENSVOLD: Yes, Your Honor.

11 THE COURT: Thank you.

12 Thank you very much, sir.

13 All right, ladies and gentlemen, it's close
14 enough to the noon hour. I have a matter I want to take
15 up with the lawyers. So, we will take our noon recess a
16 little bit early. We will reconvene at 1:30. Please
17 remember the Court's admonitions. Thank you.

18 (Jury excused.)

19 THE COURT: Mr. Palser, you had a matter you
20 wanted to bring to the Court's attention, sir?

21 MR. PALSER: Can we approach, Judge?

22 THE COURT: Certainly.

23 (Bench discussion)

24 THE COURT: If you want, we can go back.

25 MR. PALSER: This is fine. I'm hoping to be

1 very brief, Judge. In reviewing the Ms. -- married
2 now, Miss Gump, it was Samantha Stubbs at the time -- in
3 reviewing her statement my recollection of the interview
4 I believe Mr. Jensvold and I did with her, she is the
5 type of witness very much tends to ramble. And she very
6 much tends to offer improper personal opinions. This is
7 during interview. But in an abundance of caution --

8 THE COURT: I will just ask Mr. Jensvold
9 admonish her.

10 MR. PALSER: She be specifically admonished she
11 is not to offer any personal opinions as to anyone's
12 guilt or innocence, be that Ms. Phillips or Mr. Young or
13 anybody else in the world, and that she is simply to
14 answer to the best of her ability questions put to her
15 and not lack of a better term ramble on any other
16 fashion.

17 THE COURT: In fact, I think she is your
18 witness.

19 MR. MCCOLLUM: Yes, Your Honor.

20 THE COURT: I will ask you to advise her of
21 that over the noon hour.

22 MR. MCCOLLUM: Yes. Obviously very cautious
23 with Mr. McDonald who had the same propensity earlier
24 on, too. We thought with the combination leading
25 questions, direct questions, helped get us through that.

1 We will do the same with Ms. Gump.

2 THE COURT: All right. Thanks.

3 Mr. Palser, obviously if you need to object,
4 object. And Mr. McCollum, I will expect you tell her if
5 there is an objection --

6 MR. MCCOLLUM: You get to stop.

7 THE COURT: Okay. Thank you, folks. See you
8 after lunch.

9 (Noon recess.)

10 THE COURT: Please be seated.

11 Let the record reflect the presence of all
12 members of our jury, counsel, Mr. Young.

13 The State's next witness, Mr. McCollum?

14 MR. MCCOLLUM: Dr. Beals, Your Honor.

15 (Witness sworn)

16 THE COURT: Mr. McCollum.

17 MR. MCCOLLUM: Yes, Your Honor.

18

19 DIRECT EXAMINATION

20 BY MR. MCCOLLUM:

21 Q. Would you please state your name?

22 A. Robert Beals.

23 Q. Spell your last name, please?

24 A. B-E-A-L-S.

25 Q. And you indicated to me in the hallway that you

1 have some difficulty hearing?

2 A. Yes.

3 Q. And that we should all speak up as much as
4 possible?

5 A. Please.

6 Q. If there is a question that you don't hear,
7 please interrupt me and I will start over.

8 A. Okay.

9 Q. You're a doctor?

10 A. Yes.

11 Q. What type of medicine?

12 A. Dentistry.

13 Q. How long have you been a dentist?

14 A. 44 years.

15 Q. And, presently you live in what state?

16 A. Georgia.

17 Q. How long have you lived in Georgia?

18 A. 42 years -- 44 years.

19 Q. 44 years.

20 Do you also have a home in Aspen, Colorado?

21 A. Yes.

22 Q. Tell us about that home in Aspen, Colorado.

23 Where is it located?

24 A. It's on Snowbunny Lane.

25 Q. How long have you owned that?

1 A. I really don't know. Somewhere in the 25 -- 25
2 years.

3 Q. How big is that house on Snowbunny Lane?

4 A. It has been remodeled recently. Back before
5 remodeling when this is whatever, it was only about 15,
6 1600 square feet.

7 Q. So in 1996 it would have been 15 or 1600 square
8 feet?

9 A. True.

10 Q. In that time period of 1996, would you rent
11 that house from time to time?

12 A. Occasionally.

13 Q. What time of the year would you usually stay on
14 Snowbunny Lane in Aspen, Colorado?

15 A. Summer and winter, five to eight days at a
16 time, maybe four times in the summer, five times in the
17 winter.

18 Q. Did anyone stay there with you?

19 A. No.

20 Q. Now, in the time period of 1996 that I
21 mentioned earlier, did you know the name Ronald Young?

22 A. Yes.

23 Q. How were you introduced to Ronald Young?

24 A. His business associate, partner, employer,
25 whatever, I went hunting and fishing with him, and he

1 lived up the street from me.

2 Q. So you met Mr. Young through this man?

3 A. Yes.

4 Q. Was his name Hollinger?

5 A. Yes.

6 Q. Did there come a time that you had rented your
7 home on Snowbunny Lane to Ronald Young?

8 A. Would you restate that?

9 Q. Did there come a time in 1996 when you
10 rented -- or '95, when you rented your home on Snowbunny
11 Lane to Ronald Young?

12 A. Yes.

13 Q. All right. How long was that rental agreement
14 for, if you can recall?

15 A. It would probably be about two months and it
16 would probably have been in the springtime. But I'm
17 just guessing because that's the period of time that I'm
18 not there.

19 Q. Okay. So, how many springs or how many times
20 did you rent this home to Ronald Young?

21 A. Once.

22 Q. Before I go any further, do you see Mr. Young
23 in the courtroom today?

24 A. Yes.

25 Q. Would you tell the jury what you see him

1 wearing?

2 A. A light-colored sport coat, maroon-colored
3 shirt.

4 Q. Now, how long did you know him before you
5 rented this home to him?

6 A. Just from seeing him in the office with
7 Mr. Hollinger, and maybe passing him on the street. I
8 never ran around with him or socialized with him or
9 anything like that.

10 Q. Never had any business dealings with
11 Mr. Young?

12 A. Any what?

13 Q. Business dealings with Mr. Young?

14 A. No.

15 Q. If you can recall, how much did you rent this
16 home to him for, how much money?

17 A. I couldn't recall. It was a pittance. It
18 was -- covered the expenses, you know, electricity,
19 water. It's off-season.

20 Q. Did you rent that house empty or was it
21 furnished?

22 A. It was furnished.

23 Q. To what extent was it furnished? Give the jury
24 a sense how furnished it was?

25 A. It's got -- at that time it had two bathrooms;

1 one very, very small. Three bedrooms, living room,
2 kitchen.

3 Q. And all of those rooms were occupied with your
4 furniture?

5 A. Yes.

6 Q. How about electrical and gas service. Did you
7 provide that as part of the rental or was that paid for
8 by Mr. Young?

9 A. It was just -- we just sort of balanced it out.
10 And, you know, you can sort of guess at -- within \$20
11 for each one of them during the month.

12 Q. So you worked it out with Mr. Young on a
13 month-by-month basis?

14 A. It was -- yeah. It was just for the two
15 months.

16 Q. How much did you stay in contact with him
17 during that period?

18 A. None that I know of.

19 Q. Just with regard to the rent?

20 A. I got the rent at the end. I can't remember,
21 but I think I got the money at the end of the period of
22 time when I got back into town.

23 Q. Now, how about phone service itself? Did you
24 have a phone at the house?

25 A. There was a phone at the house.

1 Q. Did the phone have an answering machine?

2 A. Yes.

3 Q. And that was something that you provided to
4 anybody who rented the house, correct?

5 A. Yes.

6 Q. What type of answering machine, if you can
7 recall?

8 A. It was one of those old tape machines that they
9 had back in those days. It was not through the
10 telephone company. It was not like that. It was just
11 the little push-button deal.

12 Q. Like the little microcassettes?

13 A. Yes.

14 Q. When Mr. Young was occupying your house on
15 Snowbunny Lane, were you ever in Aspen at the same
16 time?

17 A. No.

18 Q. Were you in Georgia then?

19 A. Yes.

20 Q. I want to ask you another name, Pamela
21 Phillips. Are you familiar with that name?

22 A. Yes.

23 Q. And are you familiar with that name from that
24 same time period of the spring of 1996?

25 A. I can't remember much precisely at that time.

1 I mean, it's X number of years ago, but I just -- she
2 lived next door.

3 Q. What, if any, relationship did you have with
4 Pamela Phillips?

5 A. She was my next door neighbor.

6 Q. Did you ever go over to her house for dinner?

7 A. I probably did during the period of time that
8 she was there. How many years that was, I don't recall.
9 But I could not possibly have been over there more than
10 once or twice, or if that many.

11 Q. So let me clarify then, when you knew
12 Ms. Phillips, did you know her for more than one season
13 of you living on Snowbunny Lane or staying on Snowbunny
14 Lane?

15 A. Well, I saw her whenever I came in and out of
16 town. Sometimes I wouldn't even see her. Sometimes I
17 was only there for four or five nights or days. I'm
18 pretty athletic and I ski and I stayed gone during the
19 day.

20 Q. You indicated earlier that you rented this
21 place to him for -- Mr. Young on one occasion. Did
22 there come a time when you returned to the house after
23 this rental to find anything of his that was -- that was
24 still there?

25 A. No, not that I recall. When I came back it was

1 cleaned up and I moved in, and that was it.

2 Q. Did you ever go into the house while he was
3 occupying the house?

4 A. No, I was in Georgia.

5 Q. Now, I want to show you what's been marked for
6 ID only, Your Honor, at this time as 40. Have you ever
7 seen this type of note before? Take your time.

8 A. Yeah, I think something came from your office
9 that was e-mailed to my office some months ago. And it
10 had that on there.

11 Q. But in terms of your experiences back in 1996
12 and with Ronald Young, have you -- has this note ever
13 been part of a relationship you had with him?

14 A. No. I mean, all of this was just, like, new to
15 me when I got the e-mail from your office.

16 Q. Okay. Now, on the note, there is a reference
17 to phone messages, calls to the phone and some to Beals
18 phone. Do you remember Mr. Young ever asking you for
19 recordings from the phone?

20 A. No.

21 Q. Do you recall ever getting any recordings at
22 your phone in Georgia that involved Mr. Young?

23 A. No.

24 Q. When you returned to the house after the rental
25 to Mr. Young, were there any unusual messages on the

1 message machine that you erased?

2 A. I don't recall and I don't know.

3 Q. Do you ever recall talking to Mr. Young about a
4 D-day?

5 A. No.

6 Q. Or about a trip to Denver?

7 A. No.

8 Q. Or about an American Express card?

9 A. No.

10 Q. Or anything going to Santa Fe, Tucson or
11 California?

12 A. No.

13 Q. After Mr. Young moved out of your house on
14 Snowbunny Lane, did you ever have any further contact
15 with him?

16 A. Just to pick up some money for the rent.

17 Q. So he paid you in full?

18 A. Yes.

19 Q. Do you know whether or not there is a FedEx
20 office in Aspen, Colorado?

21 A. There is now. I didn't know -- back then, I'm
22 sure there was one, but I know there is two in town
23 now.

24 Q. Are you aware of where they are located in town
25 now?

1 A. One's across City Market.

2 MR. PALSER: Objection.

3 THE COURT: Just a minute, sir.

4 MR. PALSER: Objection as to relevance as to
5 where they are now.

6 THE COURT: Sustained.

7 BY MR. MCCOLLUM:

8 Q. How close is Basalt to Aspen, Colorado?

9 A. 10 or 12 miles, I guess.

10 Q. Did you ever do any business in Basalt?

11 A. Yes.

12 Q. What did you do there?

13 A. Go to the bike shop when I go to Sack's cafe.
14 I have a friend there I visit.

15 Q. What's the weather like between Basalt -- and
16 the roads like between Basalt and Aspen in the winter?

17 A. Say that again.

18 Q. What's -- what are the roads like between these
19 two towns, Aspen and Basalt, in the wintertime?

20 A. Are you referring to weather conditions on the
21 roads or are they asphalt or gravel?

22 Q. Weather conditions.

23 A. Well, along by the Shell Bluffs they can be
24 pretty slick and have black ice. The rest of it, it's
25 sort of monogomous. You go down the road and be careful

1 if there is snow.

2 Q. After 1996 -- after the rental to Mr. Young,
3 did you have a lot of contact with Pamela Phillips?

4 A. Yeah, I see her when I'm in town sometimes, but
5 she moved away. She moved to -- she wasn't next door.

6 Q. Do you know where she moved to?

7 A. It's up near the hospital.

8 Q. Did you visit with her there?

9 A. Yes.

10 Q. On how many occasions?

11 A. At least a dozen in several years.

12 Q. Did she invite you or did you invite
13 yourself?

14 A. Both.

15 Q. Both.

16 Okay. What kind of relationship did you have
17 with her?

18 A. She was just a friend. I just, you know -- I
19 would take her to dinner occasionally or whatever, you
20 know.

21 Q. For how many years thereafter?

22 A. All the way up until about a year ago.

23 Q. So about how many times would you see her a
24 year throughout these consecutive years?

25 A. Maybe 10 times.

1 Q. During these 10 times per year, did
2 Ms. Phillips ever talk about Ronald Young?

3 A. Never.

4 Q. Did you ever bring him up?

5 A. Never.

6 Q. Did she every bring him up?

7 A. Never.

8 MR. MCCOLLUM: May I have a moment, Your Honor?

9 THE COURT: Yes, sir.

10 BY MR. MCCOLLUM:

11 Q. What is the Aspen Zip Code, if you can
12 recall?

13 A. I didn't hear you.

14 Q. The Aspen Zip code?

15 A. 81611.

16 Q. Do you know what the Zip Code is for Basalt?

17 A. No.

18 MR. MCCOLLUM: No further questions, Your
19 Honor.

20 THE COURT: Thank you, Mr. McCollum.

21 Mr. Palser, cross-examination, sir.

22 MR. PALSER: Thank you, Judge.

23

24 CROSS EXAMINATION

25 BY MR. PALSER:

1 Q. Dr. Beals, how are you today?

2 A. I'm good.

3 Q. Can you hear me okay?

4 A. Not real good.

5 MR. PALSER: Maybe if I could just stand a
6 little closer, Judge?

7 THE COURT: That's fine, Mr. Palser. Yes,
8 sir.

9 BY MR. PALSER:

10 Q. Dr. Beals, I've just got a couple of questions
11 for you. You were asked about renting your house to
12 Mr. Young, correct?

13 A. Yes.

14 Q. And you only did that for one year?

15 A. Yes.

16 Q. And for a short period of time. Could have
17 been three, four, five, six weeks, something like that,
18 right?

19 A. Yes.

20 Q. And you really don't -- you really couldn't
21 tell us exactly what year that was, right?

22 A. I didn't hear you.

23 Q. You really couldn't tell us exactly what year
24 you made that rental; is that right?

25 A. That's right.

1 Q. So it could have been '95, could have been
2 earlier, could have been '96, you don't know?

3 A. Correct.

4 MR. PALSER: That's all we have. Thank you.

5 THE COURT: Thank you, Mr. Palser.

6 Mr. McCollum, any redirect, sir?

7

8 REDIRECT EXAMINATION

9 BY MR. MCCOLLUM:

10 Q. Did you ever know Mr. Young to live in any
11 other house on Snowbunny Lane?

12 A. No.

13 MR. MCCOLLUM: No further questions.

14 THE COURT: Thank you.

15 Ladies and gentlemen of the jury, any questions
16 for this witness? All right.

17 May the witness be excused, counsel?

18 MR. MCCOLLUM: Yes, Your Honor.

19 MR. PALSER: Yes, sir.

20 THE COURT: Thank you, sir.

21 THE WITNESS: Thank you.

22 THE COURT: Mr. McCollum, the State may call
23 its next witness, sir.

24 MR. MCCOLLUM: Samantha Gump, Your Honor.

25 (Witness sworn.)

1 THE COURT: Mr. McCollum.

2 MR. MCCOLLUM: Yes, Your Honor.

3

4

DIRECT EXAMINATION

5 BY MR. MCCOLLUM:

6 Q. Would you please state your name?

7 A. Samantha Colette Gump.

8 Q. Spell your last name, please.

9 A. G-U-M-P.

10 Q. And that is your married name now, correct?

11 A. Correct.

12 Q. What was your name, last name before your
13 marriage?

14 A. Stubbs.

15 Q. Spell that for us.

16 A. S-T-U-B-B-S.

17 Q. When did you become Samantha Gump, what year?

18 A. 2004, 2005.

19 Q. Do you know the name Pamela Phillips?

20 A. Yes.

21 Q. How did you know Pamela Phillips?

22 A. I knew her first as Pamela Triano. She hired
23 me as a nanny to her children in Tucson, Arizona.

24 Q. And you no longer live in Tucson now, do you?

25 A. No, I don't.

1 Q. You live in Oregon?

2 A. Yes, I do.

3 Q. When did you move to Oregon?

4 A. I moved to Oregon in 2003.

5 Q. When you were hired by Ms. Phillips, or
6 Ms. Pamela Triano, do you recall what year that was?

7 A. It was approximately 1991 or 1992. Early
8 1990s.

9 Q. Okay. And were you living in Tucson at the
10 time just prior to that?

11 A. Yes.

12 Q. How long had you lived in Tucson?

13 A. Relatively short time, approximately year and a
14 half or two years.

15 Q. How did you make the link between yourself and
16 employment with Pamela Triano?

17 A. I answered an ad in the newspaper.

18 Q. Did you go in for an interview?

19 A. Yes.

20 Q. Who was present for the interview, do you
21 recall?

22 A. Pamela was, and I believe at one point
23 Mr. Triano was present briefly.

24 Q. Did you know either Pamela Triano or Gary
25 Triano before you answered the ad in the newspaper?

1 A. No, I didn't.

2 Q. Did you know anything of them?

3 A. No.

4 Q. When you went to do your interview, where was
5 the interview conducted?

6 A. At the home on Woodland Road.

7 Q. That's in northeast Tucson?

8 A. Yes, it is.

9 Q. Near Tanque Verde?

10 A. I believe so, yes.

11 Q. All right. Tell us a little bit about that
12 home?

13 A. Long driveway, very big yard on the front, gray
14 stone house with a pool and tennis courts and a small
15 detached house and garage behind it.

16 Q. Was this employment -- or did this employment
17 intend or expect you to live on the premises?

18 A. Yes.

19 Q. Did you know that going in?

20 A. Yes.

21 Q. And obviously, were you hired?

22 A. Yes.

23 Q. How long did you work -- well, let me ask you
24 this. What were to be your duties at the house?

25 A. To care for the children, to help when they

1 traveled, to sometimes unpack and pack the clothes,
2 sometimes additional housework if the housekeeper didn't
3 come or needed help.

4 Q. Would you travel with them?

5 A. Yes.

6 Q. Let's talk about the kids first. Who are the
7 kids that you had contact with and worked with while you
8 were staying there in say 1992, 1993?

9 A. Trevor and Lois Triano.

10 Q. How old were they then, approximately?

11 A. Lois was approximately two years old, and
12 Trevor was just under five.

13 Q. Did anybody else live on the premises other
14 than the family members and yourself?

15 A. No.

16 Q. What were your living quarters? Did you have a
17 bedroom separate and apart, or was it a separate
18 building?

19 A. My room was next to the children's in the east
20 wing on the house.

21 Q. Other than taking care of the children and the
22 house and packing clothes, did you have anything to do
23 with the business affairs of either Mr. Triano or Pamela
24 Triano?

25 A. Only insofar as occasionally I would pick up

1 faxes for them that came. If Mr. Triano needed
2 something sent to his office, they would come to the
3 house. Or if Pamela had some paperwork that came and
4 needed to be sent to her insofar as that, but --

5 Q. Now you mentioned Mr. Triano had an office.
6 Was that on the premises or was it located somewhere
7 else?

8 A. It was located somewhere else, but he had a
9 small area in the house that he also kept some business
10 things, I believe.

11 Q. Did Pamela Triano have any offices separate and
12 apart from the home that you know of?

13 A. In Tucson?

14 Q. Yes.

15 A. No, at the time I worked for them, no.

16 Q. Did she work out of the house?

17 A. No, she did not.

18 Q. So she was not working?

19 A. She was not working.

20 Q. So the time that you met her and for, what, how
21 long after that, while you lived on Woodland Avenue, did
22 she not work?

23 A. She didn't work outside of the home. She
24 started a business called Star Babies about -- maybe a
25 year into my working for them. But she did not work

1 outside the home at no time.

2 Q. So was Star Babies a business that was started
3 while they lived on Woodland Avenue?

4 A. Yes.

5 Q. While they were still married?

6 A. Yes.

7 Q. Was there any office at the home for Star
8 Babies?

9 A. It was unofficial. It was upstairs in their
10 room, yes.

11 Q. In the bedroom?

12 A. Yes, in the master bedroom.

13 Q. Did you have any connection with Star Babies,
14 either setting it up, working with it or any other
15 aspect?

16 A. I did some rewriting work because the program
17 she had purchased for this business was geared towards
18 an adult. And, so it had to be rewritten as geared
19 towards children. The only -- I helped her rewrite --
20 everybody helped her do some of the rewriting to make
21 the verbiage more childlike. Insofar as that, nothing
22 else.

23 Q. So at the time in 19, what, '92, '93?

24 A. Uh-huh.

25 Q. Star Babies was an attempted business to appeal

1 to children?

2 A. To parents of new children or young children.

3 Q. I see. So having had some connection with
4 that, tell the jury what Star Babies was?

5 A. Star Babies was a program where if you called
6 with the name, time, date of birth and place of your
7 child, it would calculate a natal horoscope, meaning a
8 horoscope chart and a report that coincided with where
9 the child was born. And that was the business.

10 Q. Now, you say if you called. Would customers or
11 potential customers be calling the house during the day
12 when you were there?

13 A. I honestly can't remember if Pam had a separate
14 phone for that. I do remember occasionally something
15 would come in the mail for that, but I honestly don't
16 remember per se taking any phone calls for orders at the
17 house.

18 Q. Can you recall how advertising, if any, was
19 done for Star Babies?

20 A. I believe she advertised in astrology journals
21 maybe.

22 Q. If you don't know, that's fine.

23 A. Oh, and through mail order. Mail order, that's
24 correct. She engaged a company back east to do direct
25 mailings in the bags that the hospitals give you when

1 you have your baby, that's right.

2 Q. All right. To try to set the time period, when
3 did you move out of Woodland Avenue, Woodland Road, I
4 should say?

5 A. Approximately two years after I went to work
6 for them.

7 Q. Was that before, during or after their
8 divorce?

9 A. Before their divorce.

10 Q. Did you employ with somebody else when you
11 moved out?

12 A. Yes, I did. I moved to New York City to employ
13 and to complete some college.

14 Q. Was Pamela Triano still living on Woodland Road
15 when you moved out?

16 A. Yes.

17 Q. All right. When you moved out, can you tell us
18 a little bit about what the relationship was between
19 Pamela Triano and Gary Triano?

20 A. Very strained, lot of arguing.

21 Q. What kind of arguing?

22 A. About money, mostly money.

23 Q. Too much money, not enough money?

24 A. Not enough money.

25 Q. Is that what Gary Triano was saying?

1 A. Both of them. I think both of them. There was
2 a lot of strain. And Gary didn't like that Pam smoked,
3 that was a huge problem, too.

4 Q. They would argue over that?

5 A. Yes.

6 Q. They ever argue over the kids?

7 A. Sometimes, yes.

8 Q. They ever argue in front of the kids?

9 A. Not -- not greatly. I would not say on an
10 everyday basis would they. No, they wouldn't do that.

11 Q. Did you ever see any physical violence between
12 the two of them?

13 A. I never saw any physical violence between the
14 two of them, no.

15 Q. Any threats of physical violence between the
16 two of them?

17 A. No, I never, myself, heard any threats of
18 violence between the two of them.

19 Q. While you were there, prior to moving to New
20 York, did you ever know of or hear of any threats of
21 violence from outside the home against either Pamela
22 Triano or Gary Triano?

23 A. Against meaning did --

24 Q. Somebody from outside the house threaten them,
25 that you know of?

1 A. No, not that I know of.

2 Q. Were you getting your salary paid?

3 A. Yes.

4 Q. Why did you leave?

5 A. Too much strain in the house. It was a lot of
6 strain. And, to be honest, I wasn't earning enough, and
7 I wanted to return to college. So, I took a job back
8 east, so that I could do that. And --

9 Q. Did you stay in touch with Pamela Triano after
10 you left?

11 A. Yes, both Pam and Gary and the kids.

12 Q. How would you describe your relationship with
13 Pamela Triano back then?

14 A. More, you know, when you live in someone's
15 house, you have some sort of working friendship maybe or
16 more friendly than a regular employee at an office would
17 be because you're in someone's home. So, a work of
18 positive -- as positive, I guess, as could be working
19 relationship.

20 Q. How about with Gary Triano?

21 A. The same.

22 Q. Same. Now, you mentioned earlier that you
23 traveled with them from time to time?

24 A. Uh-huh.

25 Q. What kind of places where you would go?

1 A. Mostly Las Vegas. Sometimes to see his sister
2 in Irvine, California, or his mother in California.

3 Q. How would you get there?

4 A. Fly.

5 Q. Now, were you aware of the fact back then that
6 Mr. Triano was a pilot?

7 A. He flew us in their plane.

8 Q. What kind of plane did they have, if you can
9 recall?

10 A. A Golden Eagle? Was it Cessna Golden Eagle, I
11 think.

12 Q. I can't answer your questions.

13 A. I believe. It was a smaller plane. It wasn't
14 like a Gulfstream or anything to that matter. It was a
15 smaller plane.

16 Q. Single engine, double engine?

17 A. Don't know.

18 Q. How would -- all of could you fit though?

19 A. Oh, yes.

20 Q. With suitcases?

21 A. Uh-huh, uh-huh.

22 Q. Did you ever go to Aspen, Colorado with them?

23 A. Once, yes.

24 Q. Where would you stay?

25 A. We stayed at John Denver's house.

1 Q. At who?

2 A. At John Denver's house.

3 Q. John Denver?

4 A. Yes.

5 Q. What about Denver, did you ever go to Denver
6 with them?

7 A. No.

8 Q. Now, you indicated earlier that you stayed in
9 contact with Pamela Triano after you left for New
10 York?

11 A. Uh-huh.

12 Q. How often would you talk to her?

13 A. I would call most likely to speak with the kids
14 at least once a month.

15 Q. Did you?

16 A. Yeah, or the kids would call me. They would
17 have Pam call me.

18 Q. Did you stay in touch with Mr. Triano after you
19 left for New York?

20 A. The same. If he was there when I called, I
21 would speak to him. I do believe I had some
22 conversations with his secretary, Rita, because I was
23 friendly with her.

24 Q. Did you know names -- did you know the
25 following names: Did you know Don Redman?

1 A. Yes.

2 Q. Who is Don Redman?

3 A. I don't recall but I know him. I recall the
4 name, but I don't recall -- he was some kind of business
5 associate I believe of Gary's.

6 Q. Did you have any dealings with Mr. Redman
7 yourself?

8 A. I believe that I did come in contact because
9 when you say his name, I imagine a tall, older gentleman
10 with white hair for some reason. I believe that I did,
11 at least, in contact, see him, yeah.

12 Q. What about Jim Matison?

13 A. Yes. Yes.

14 Q. Same thing?

15 A. Maybe more Mr. Matison. I believe he is the
16 person who was married with children that played with
17 Trevor and Lois.

18 Q. No connection between the two that you know of,
19 Mr. Redman and Mr. Matison?

20 A. I don't recall.

21 Q. All right.

22 A. I can't recall.

23 Q. And, at the time, did you know Melissa
24 Triano?

25 A. No.

1 Q. The niece, Gary Triano's niece, you didn't know
2 her?

3 A. I don't recall. I don't believe so.

4 Q. Okay. Did there ever come a time when you were
5 reemployed by either Gary Triano or Pamela Triano or
6 Pamela Phillips?

7 A. Yes.

8 Q. Let's talk about that. When did that occur?

9 A. Approximately a year after I left their
10 employment. Pam and Gary had become divorced. And Pam
11 was in New York City visiting with someone and we went
12 out for lunch. And she asked me if I would come back to
13 work for her because the children were lonely and that
14 Gary agreed that I was okay. He had had -- I think he
15 didn't like the last person that she had had taking care
16 of them.

17 Q. Now, you mentioned the divorce just now. Did
18 you have any involvement with the divorce process?

19 A. At one point I was called as a witness during
20 something. I don't recall, honestly, if it was the
21 divorce because I had to state something that I had
22 seen. But --

23 Q. Did you have any difficulty with either Gary
24 Triano or Pamela Triano at the time of the divorce or
25 before?

1 A. No, not more so than you would have if your
2 employer makes you work for three days straight or
3 something to that effect.

4 Q. There was nothing unusual about your
5 employment?

6 A. No.

7 Q. No inference that they mistreated you or
8 anything like that?

9 A. No, absolutely not, no.

10 Q. Let's go back to you meeting with Ms. Phillips
11 in -- or did she go by Phillips at that time?

12 A. No, she went by Triano until she was divorced.
13 And I believe when she was in New York, she was
14 referring to herself as Pamela Phillips.

15 Q. All right. So by the time you met with her
16 again, it was Pamela Phillips?

17 A. Uh-huh.

18 THE COURT: Please answer yes or no.

19 A. I'm sorry, yes.

20 BY MR. MCCOLLUM:

21 Q. That's okay.

22 Were the kids with her at that time?

23 A. In New York?

24 Q. Yes.

25 A. No.

1 Q. So, did you make arrangements to go with
2 Ms. Phillips at the time, or did you come later?

3 A. I followed approximately two weeks later. I
4 had to give my current employer notice and give them
5 time to find someone else to care for their children.

6 Q. At the time you agreed to go back with her, did
7 you know where she was living?

8 A. She said she was still living at Woodland
9 Road.

10 Q. Tell us about that?

11 A. The home on Woodland Road?

12 Q. No. Tell us about where you went to be with
13 her again, what home did you go to?

14 A. To Woodland Road, I returned to work at
15 Woodland Road. And we were there, I believe, about six
16 months before she wanted to move again.

17 Q. All right. Was Gary Triano living in the house
18 at that time?

19 A. No, he was not.

20 Q. And were you aware of the fact that a
21 protective order was placed against him at that time?

22 A. Yes, I was.

23 Q. Did you have anything to do with that
24 protective order?

25 A. I don't know, again, if they called me in as a

1 witness for something during that. But did I make any
2 statement that Gary had been violent or anything? No, I
3 was not part of that.

4 Q. So you indicated you stayed there about six
5 months. Did you have any notice or warning that Pamela
6 Phillips was going to pick up and move off of Woodland
7 Road?

8 A. Yes. She for, I think, approximately -- well,
9 she was trying to sell the home. And she wanted to
10 move, she wanted to leave and start over. That was what
11 she said. And, so, it was at least a couple of months
12 or three months when -- before we knew we were going to
13 leave. And then it was another two -- maybe we were in
14 longer than six months at Woodland Road when I came back
15 to work for her after New York because she knew that she
16 wanted to move. She had to wait to sell the house. She
17 went and visited the two places that she wanted to move
18 to. She went and rented a house in Colorado and came
19 back.

20 Q. I'm going to stop there and make it more
21 question and answer, okay?

22 A. Sorry.

23 Q. Did you do any business for Ms. Phillips? In
24 other words, help her run the daily business affairs of
25 the house during that six month period after you

1 returned?

2 A. Yes.

3 Q. How involved were you with that process?

4 A. Very involved. Pam was -- Pam wasn't
5 functioning very well.

6 Q. Because of the divorce?

7 A. Yes, she was very depressed.

8 Q. Did you have any difficulty with money during
9 that period of time? When I say you, I mean in helping
10 her manage the affairs?

11 A. Yes. I don't recall. I don't think -- I think
12 it wasn't too big of an issue.

13 Q. Did you assist in the sale of the house?

14 A. We helped clean the grounds.

15 Q. You were aware of the fact that the house was
16 in her name, correct?

17 A. Yes.

18 Q. And when sold, she got all the money?

19 A. Yes.

20 Q. By then, by the time the house sold, were you
21 aware that you were going to go to Aspen, Colorado?

22 A. Yes.

23 Q. That a house had already been rented?

24 A. Yes.

25 Q. Was that the house on Snowbunny Lane?

1 A. Yes.

2 Q. During that six month period of time, did you
3 ever travel with Ms. Phillips to Aspen, to see the
4 house, to get the house ready or anything like that?

5 A. No.

6 Q. During that six month period of time, was there
7 any visitation between Mr. Triano and the children?

8 A. Yes.

9 Q. By the way, did you know the name Heather
10 Triano?

11 A. Yes.

12 Q. And do you see her here today?

13 A. Yes, I do.

14 Q. Was she part of a lifestyle at the house prior
15 to you moving to New York? Would she come over to the
16 house?

17 A. Yes, Yes.

18 Q. How about Brian Triano?

19 A. Yes.

20 Q. Did you know him?

21 A. Yes, I'd seen him.

22 Q. Prior to your move to New York, was he also
23 part of the lifestyle there on Woodland Road?

24 A. Yes.

25 Q. Would they spend the night?

1 A. I don't believe so. I don't believe -- I don't
2 recall.

3 Q. During the six month period of time after your
4 move back from New York -- well, let's stop there.

5 You indicated there came a time that you went
6 to Aspen, Colorado?

7 A. Yes.

8 Q. Tell us about that house on Snowbunny Lane?

9 A. It was half of a duplex owned by a judge.

10 Q. Did you have an individual space that you
11 intended to live at the house?

12 A. Yes.

13 Q. What aspect -- where was your space at
14 Snowbunny Lane?

15 A. My room was to the east of the kitchen and the
16 living room, children's rooms and Pamela's room, which
17 were to the west of the kitchen.

18 Q. Now, when you moved to Aspen, had you ever been
19 to Aspen before? Other than the one visit you spoke of
20 earlier?

21 A. No.

22 Q. Where they stayed with John Denver?

23 A. No.

24 Q. All right. Do you know how much Pamela was
25 paying -- Pamela was paying for the house on Snowbunny

1 Lane, can you recall?

2 A. I don't recall an exact number. It was -- I
3 would say it was under 10,000, but more than two.
4 Something in that range, I'm not sure.

5 Q. Per year, per month?

6 A. Per month.

7 Q. Per month.

8 Did you manage her affairs during that
9 period?

10 A. I took care of the children. I opened the mail
11 and put it up for her, throw away the junk mail. I
12 cleaned the house, those kinds of things.

13 Q. Let's establish the parameters before we ask
14 any further questions. About what year do you recall
15 moving to Aspen, Colorado?

16 A. I do not recall exactly. I believe it to be
17 about 1994.

18 Q. All right. And how long did you stay with
19 Pamela Phillips on Snowbunny Lane?

20 A. I worked for Pam for approximately, I will say
21 four years. But during that time -- if not more, four
22 to six years. But during that time I would leave to
23 work outside of Aspen for periods of time.

24 Q. So it was an off and on employment?

25 A. Yes.

1 Q. Was it seasonal or did it just depend upon
2 other employment that was available?

3 A. It would depend on if the children were well in
4 school and I had a job opportunity available that I
5 wanted to take, or if I was having a disagreement with
6 Pam.

7 Q. When you were staying there on Snowbunny Lane,
8 did you ever become familiar with the name Ronald
9 Young?

10 A. Yes.

11 Q. And what kind of contact did you have with
12 Ronald Young?

13 A. He first appeared at the house, I believe, it
14 was someone to help Pamela with her business.

15 Q. Do you see Ronald Young in the courtroom
16 today?

17 A. Yes.

18 Q. Would you tell us what he is wearing?

19 A. Beige jacket, brown tie.

20 Q. Now, point to him, please.

21 Okay. What kind of contact did you have with
22 Ronald -- let me ask you this first. When do you
23 believe -- how long after your arrival in Aspen,
24 Colorado, did you have some kind of contact with Ronald
25 Young?

1 A. I don't recall. It was not right away. And it
2 was not near the end of my employment. If I had to
3 guess, my best estimate would be maybe two years we were
4 there, maybe.

5 Q. So you moved there in 1994?

6 A. Uh-huh.

7 Q. That would make it 1996?

8 A. Approximately, that's my best guess.

9 Q. Do you know if he lived nearby at the time?

10 A. In Aspen, I believe, or near.

11 Q. How much contact would you have with Ronald
12 Young in 1996?

13 A. Not much. He would occasionally be over. Or I
14 would see him with Pamela. But not every day, all day
15 long, no.

16 Q. When you say you saw -- occasionally saw him
17 with Pamela Phillips, would that be in the house or out
18 of the house?

19 A. In the house.

20 Q. Did you ever see them go out together?

21 A. Yes, occasionally I think.

22 Q. How would you describe their relationship in
23 1996?

24 A. They -- he came to work for the business. That
25 was what I believe she told me, he was going to do

1 something. But then there seemed to be, like, a
2 friendship or something between them, but definitely it
3 wasn't just business.

4 Q. Let's talk about the business aspect first.
5 And going back to something you mentioned earlier. Tell
6 the jury whether or not the Snowbunny's business was
7 still in operation when you were in Aspen, Colorado?

8 A. Star Babies, yes.

9 Q. Star Babies.

10 A. Yes.

11 Q. My apologies, Star Babies.

12 A. Yes.

13 Q. Was it still functioning in 1996?

14 A. Yes.

15 Q. To the same extent that it was in Tucson, or
16 had it become more productive or more successful?

17 A. It had become slightly more productive, but
18 definitely more of a solid business. She had hired
19 marketing people and professional designers for her
20 packages.

21 Q. Were you involved with the business then?

22 A. Yes.

23 Q. To what extent?

24 A. I would help to fill orders.

25 Q. And those orders, originally we spoke about the

1 orders at Woodland Road. There would be some phone
2 calls, maybe some mail?

3 A. Uh-huh.

4 Q. How much mail and phone calls would come in, so
5 to speak, how many orders?

6 A. I believe in Colorado, it was mainly by mail.
7 And it was not a lot, maybe three, four a week.
8 Occasionally, there would be an order of 20 for some
9 kind of children's party as party favors parents
10 ordered.

11 Q. Now, a moment ago you say that the business had
12 become more solid?

13 A. Uh-huh.

14 Q. Relate that to success as opposed to hiring
15 other people. Do you believe that the business had
16 become successful?

17 A. I believe that she was actually giving it an
18 honest effort. Before it was an idea that she really
19 hadn't pursued and wasn't that interested in turning it
20 that much into a money-making idea. And in Aspen, she
21 was trying to find a way, I believe, to make a
22 livelihood, so she was putting more of an effort into
23 it.

24 Q. Do you know if she did any other employment
25 while she was in Aspen in 1996, or had any other

1 employment?

2 A. To my knowledge, no.

3 Q. So it was Star Babies?

4 A. Yes.

5 Q. Now, to what extent -- you mentioned that
6 Mr. Young came on the scene and helped with some
7 business. Let's help clarify that. Did that have to do
8 with Star Babies or did it have to do with some other
9 type of business advice?

10 A. I think it was both. I think that he was going
11 to help her with something about Star Babies and maybe
12 something about the computers, or some kind of
13 investing. I think there was more than one purpose to
14 what he was going to help her with.

15 Q. Let's talk about computers for a minute. In
16 1996, did Pamela Phillips have a computer?

17 A. We had two, yes.

18 Q. Two?

19 A. Yes.

20 Q. Tell us about those computers. Where were
21 they, if you can recall what type and what they were
22 used for?

23 A. Oh, Trevor had one, in his room. And there was
24 one in the back living room, and it was used for the
25 internet and for printing off Star Babies and things

1 like that.

2 Q. Did you have access to the computer?

3 A. Yes.

4 Q. Did she have any blocking codes on that
5 computer that prevented from you having access?

6 A. I don't recall if she had a personal sign in.
7 I always had my own, I believe. Not that I know of, but
8 I don't recall honestly.

9 Q. Did she ever place any restrictions on you for
10 the use of the computer?

11 A. No.

12 Q. All right. Now, we talked about Mr. Young and
13 his business relationship with Ms. Phillips. Let's go
14 back to the personal relationship. How often would you
15 see them together?

16 A. Sometimes I think a couple of times a week
17 maybe.

18 Q. And what would be their demeanor when they were
19 together?

20 A. Friendly, yeah.

21 Q. Did he ever spend the night while you were
22 there?

23 A. Not to my knowledge, no.

24 Q. Do you know the name Kevin McDonald?

25 A. Yes.

1 Q. Describe your employment with Ms. Phillips with
2 regard to any employment that had been part of, his
3 relationship, Mr. McDonald's relationship with
4 Ms. Phillips?

5 A. I believe Kevin acted also as a nanny during
6 the time of -- a different time of employment. I wasn't
7 there. She had a different person taking care of the
8 children.

9 Q. So whatever one period that you weren't there,
10 he filled in?

11 A. Well, no, there were multiple people. People
12 would come to work for her, and then they would leave.
13 And, you know, people would come to work for her and to
14 leave. Occasionally, I would come back to work for her.

15 Q. Each time you left, did you have plans of
16 returning?

17 A. Did I have what?

18 Q. Plans to return?

19 A. Generally, no, no.

20 Q. Now, did there come a time when you returned to
21 her and no longer saw Mr. Young in her life?

22 A. Well, yes, because he had disappeared. I was
23 actually working for her at the time when it was in the
24 newspapers that -- yes, sorry.

25 Q. So there came a time when you were working with

1 her that he left?

2 A. Yes.

3 Q. Did you get a chance to see Mr. Young before he
4 left?

5 A. In the weeks prior, yes, I had seen him.

6 Q. That would have been March or April?

7 A. I do not recall the time of year.

8 Q. Now, you said he left. How did you find out
9 that he left?

10 A. The newspaper.

11 Q. Other than that, did you talk to Ms. Phillips
12 about it?

13 A. I believe that she also read it in the
14 newspaper.

15 Q. We don't want to talk about the newspaper.

16 A. Okay. Sorry.

17 Q. My apology.

18 So after he left, did you ever get any calls
19 from him?

20 A. No.

21 Q. Do you know if he ever -- any mail ever came in
22 from him?

23 A. Not that I recall.

24 Q. Do you notice -- did you ever notice anything
25 on the computer coming in from him?

1 A. Not that I noticed.

2 Q. Did Ms. Phillips ever talk about Ronald Young
3 after he left?

4 A. No, she didn't really talk about it that
5 much.

6 Q. Did she ever talk about -- let's ask you this.
7 After he left, how many more years do you think you
8 worked for her? For Ms. Phillips?

9 A. Maybe a total of two.

10 Q. Two years?

11 A. Maybe -- like, intermittently, but maybe a
12 total of two years.

13 Q. When you say intermittent, maybe one month out
14 of those two years, or was it a significant portion of
15 those two years after 1996?

16 A. Three to four months, probably, of each year I
17 would say.

18 Q. During those three to four months, to your
19 knowledge no communications came in from Mr. Young?

20 A. To my knowledge, no.

21 Q. Did Ms. Phillips ever talk about having any
22 difficulties with Mr. Young during that period, those
23 two years?

24 A. No.

25 Q. Any threats from Mr. Young?

1 A. Not that I know.

2 Q. Did she ever talk about being blackmailed by
3 anybody?

4 A. Not that I know of.

5 Q. Or express any concern about coming up with
6 money?

7 A. She was always nervous about money.

8 Q. Now were you with her at the time that she
9 collected on the insurance policy for the death of Gary
10 Triano?

11 A. I believe so. I believe I was there in that
12 time period.

13 Q. Were you with her when she discovered or found
14 out about the death of Gary Triano?

15 A. Shortly after.

16 Q. How shortly thereafter?

17 A. I believe later in that day.

18 Q. All right. So you were employed with her at
19 the time?

20 A. No, I was not.

21 Q. Where were you?

22 A. I was employed at the Gap.

23 Q. At the Gap in Aspen?

24 A. Yes.

25 Q. And did you have a discussion with Ms. Phillips

1 about the death of Gary Triano that day?

2 A. Yes.

3 Q. Where was she?

4 A. At home.

5 Q. Did you go see her?

6 A. Yes, I did. I went to see the children.

7 Q. Did the children know?

8 A. No, they did not.

9 Q. Did she talk to you about the insurance policy
10 at all that day?

11 A. No.

12 Q. When did you find out about the insurance
13 policy?

14 A. Not long after that, I think.

15 Q. When was the next time you employed with Pamela
16 Phillips after the policy?

17 A. I don't recall. There were multiple years
18 where I worked for her part-time or I would fill-in for
19 a couple of weeks when her other nanny was out. So I --
20 honestly, I don't know.

21 Q. From the time of April of 1996 until today, did
22 you have any contact with Ronald Young?

23 A. No.

24 MR. MCCOLLUM: May I have a moment, Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. MCCOLLUM:

2 Q. When you did business with Ms. Phillips when
3 she lived in Aspen, did she ever use FedEx?

4 A. Possibly if someone ordered something overnight
5 or she had to send something out.

6 Q. When you did business with Ms. Phillips and
7 lived with her in Aspen, did you go ever go to Basalt?

8 A. Yes.

9 Q. What would you go to Basalt for?

10 A. There was a nice restaurant there, take the
11 children, sit on the deck.

12 Q. Did you go with her?

13 A. Maybe occasionally.

14 Q. So it was something you would do with the
15 kids?

16 A. Yeah, or if we were going to Glenwood we might
17 stop there. It's on the way. But not a lot, no.

18 Q. Not a lot?

19 A. No.

20 Q. What's in Basalt?

21 A. Not much. A restaurant, a little mall, the
22 housing for the police officers of the local area, they
23 had employee housing.

24 Q. The officers from Aspen and Basalt?

25 A. Some of them, yes, and county office.

1 Q. County office?

2 MR. MCCOLLUM: May I have a moment, Your Honor?

3 THE COURT: Yes, sir.

4 MR. MCCOLLUM: No further questions, Your
5 Honor.

6 THE COURT: Thank you, Mr. McCollum.

7 Mr. Palser, cross-examination, sir.

8 MR. PALSER: Thank you, Judge.

9

10 CROSS EXAMINATION

11 BY MR. PALSER:

12 Q. How are you today, Ms. Gump?

13 A. I'm okay. Thank you.

14 Q. Mr. McCollum asked you some questions about
15 right after Gary Triano died, correct?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. Yes. I'm so sorry. Yes.

19 Q. And you went shortly after that to Pamela
20 Phillips house?

21 A. After I found out that Gary died?

22 Q. Yes.

23 A. Yes.

24 Q. Pretty quickly after you found out you went to
25 the house?

1 A. Within several hours, yes.

2 Q. And -- okay. Within several hours?

3 A. Yes.

4 Q. Okay. And you had described her at that time
5 as being in a state of shock?

6 A. Yes.

7 Q. And can you -- what do you mean when you say
8 state of shock?

9 A. She was chain-smoking. She hadn't combed her
10 hair, she looked disheveled, and she was not herself at
11 all.

12 Q. So fair to say, pretty upset?

13 A. Yes.

14 Q. All right. And Mr. McCollum asked you some
15 questions regarding Pamela Phillips's finances, right?

16 A. Yes.

17 Q. You were pretty familiar with those?

18 A. The household finances insofar as she told
19 me.

20 Q. Okay. And he asked you some questions about a
21 house on Woodland Road?

22 A. Yes.

23 Q. That I think somebody described as a big stone
24 house?

25 A. Yes.

1 Q. And that you were aware that, in essence, that
2 was her house. When it sold, she was going to get the
3 money?

4 A. Yes.

5 Q. And that you had known for a period of a few
6 months she was planning on selling that house and
7 moving, correct?

8 A. I believe it was a period of months, yes. It
9 was not long. It was not, for example, two years, no.

10 Q. But a couple of months?

11 A. Short term, yeah. Yes.

12 Q. And the house on Woodland Road is -- I mean, I
13 guess in actuality, that's a pretty nice place, isn't
14 it?

15 A. It is, yes.

16 Q. Big house?

17 A. Yes.

18 Q. It's got two stories, I believe?

19 A. The master bedroom is the second story, yes.

20 Q. So, like, a stairway up to the master
21 bedroom?

22 A. Yes.

23 Q. Open, nice floor plan?

24 A. Yes.

25 Q. When we call it a rock house, I mean, it's

1 actually a very fancy rock house, right?

2 A. Yes, I believe it's some kind of mortar or
3 something. It's not wooden --

4 Q. Sure.

5 A. -- per se.

6 Q. There is actual stones that are set into mortar
7 that make the walls of the house?

8 A. Uh-huh, and the whole floors.

9 THE COURT: You have to say yes or no.

10 A. Yes, I'm sorry.

11 BY MR. PALSER:

12 Q. That's all right.

13 So it's all stone work?

14 A. Yes.

15 Q. And it's not -- it doesn't sit on a little lot,
16 it sits on, what, do you know how much it is?

17 A. I think it's -- I believe it's about five
18 acres. It's very large, the property.

19 Q. So a very large piece of property?

20 A. Yes.

21 Q. And you mentioned up on the northeast side of
22 town, correct?

23 A. Yes.

24 Q. Do you know what she sold that for in 1996?

25 A. I believe I do. I believe it was \$600,000.

1 Q. Okay. So, that was the money that I guess, in
2 essence, she took with her to Aspen, Colorado, right?

3 A. Yes.

4 Q. And Mr. McCollum asked you some questions about
5 Pamela Phillips and how she was employed. She was
6 actually I think you said at one point in time, getting
7 chunks of money from a Portrero partnership, right?

8 A. No. She would have to pay money.

9 MR. PALSER: Approach the witness, Judge?

10 THE COURT: You may.

11 BY MR. PALSER:

12 Q. And you've spoken -- you've given a number of
13 different interviews to police officers in this case,
14 correct?

15 A. Yes.

16 Q. And for the record, that's number 135-A.

17 A. Okay.

18 Q. And at one point you spoke with a Detective
19 Gamber regarding this case?

20 A. Yes.

21 Q. And I -- the exhibit I have handed you up there
22 is actually a transcript of that, correct?

23 A. It looks -- appears so, yes.

24 Q. And it looks like this was a phone call that
25 you had with him, if you want to refer, it's page 18.

1 A. Page what number?

2 Q. 18, the very last page. Looks like this was a
3 phone call that you had with Detective Gamber on
4 September 12, 2006.

5 A. Okay.

6 Q. And he was asking you some questions. If you
7 would refer back to page 4 of that. And it kind of
8 starts, if you want to kind of just follow along with
9 me, I will paraphrase a little bit, it kind of starts
10 here on about line 10, where he asks you, do you recall
11 what Pam was doing? And, I mean, do you remember any,
12 anything around that amount going out? And your answer
13 was, I don't know. She had money coming in from a
14 couple of different, you know, where I think she paid
15 him from. I think she got money out of Portrero.

16 Then later on, on line 19, you mentioned her
17 getting -- got some chunks of money from that. So at
18 some point was she getting money from Portrero?

19 A. I believe she got one payout. I thought your
20 question was, did she receive money continually from
21 this? No, I believe maybe once or twice she received
22 money from --

23 Q. And in fairness, at different points in time,
24 because that was a partnership, she had to put money
25 into that?

1 A. Yeah, yeah. I would assume so.

2 Q. I didn't quite hear you.

3 A. Sorry.

4 Q. So -- but you recall, at least at one point in
5 time when she got a payout from Portrero?

6 A. I believe, yes. I believe the partners
7 purchased some.

8 Q. And that was a land deal somewhere near San
9 Diego, California?

10 A. Yes.

11 Q. Give me just a minute. You did actually --
12 you've given a number of different interviews in this
13 case over the years, right?

14 A. Yes.

15 Q. So you don't mind if I take a second to make
16 sure I got all the right ones?

17 A. No.

18 Q. Thank you.

19 Over the years you worked for a long period of
20 time, kind of split up, for Ms. Phillips, right?

21 A. Yes.

22 Q. Is it fair to say that social standing was
23 pretty important to her?

24 A. Yes.

25 Q. And you personally knew Kevin McDonald,

1 right?

2 A. Only after he worked for her. I met him a
3 couple of times. That's the only kind of knowledge I
4 have of him, yes.

5 Q. But when we refer to him, you know who he is?

6 A. Yes, I do.

7 Q. And would you disagree with Mr. McDonald that
8 he worked for Ms. Phillips from November of 1995 through
9 April -- about April 1st of 1996?

10 A. I wouldn't disagree.

11 Q. Could that very likely have been one of the
12 periods in which you were not employed by
13 Ms. Phillips?

14 A. Yes, it could have been.

15 Q. Okay. Because it was very much on and off over
16 the years, correct?

17 A. Yes.

18 Q. All right. And you mentioned there was a time
19 when you knew Mr. Young was helping Ms. Phillips with
20 her business, correct?

21 A. Yes.

22 Q. And they had a personal relationship also,
23 correct?

24 A. Can you describe what you mean by that?

25 Q. You said they were --

1 A. They were friendly.

2 Q. They were obviously friends?

3 A. They were friendly, yes.

4 Q. You said on direct examination they went out,
5 there was friendship, it was definitely not a business
6 type occasion?

7 A. Yes, yes.

8 Q. So there was definitely times where they got
9 together where it was definitely not for business?

10 A. Yes.

11 Q. And you said at some point Mr. Young
12 disappeared, correct?

13 A. Yes.

14 Q. Do you recall the date?

15 A. I do not.

16 Q. Do you have an estimate of the date?

17 A. I'm sorry. I do not.

18 Q. And was that around the same time that there
19 were allegations Mr. Young had taken money from
20 Ms. Phillips?

21 A. Yes.

22 MR. PALSER: That's all we have. Thank you.

23 THE COURT: Thank you, Mr. Palser.

24 Mr. McCollum, redirect, sir.

25

1 REDIRECT EXAMINATION

2 BY MR. MCCOLLUM:

3 Q. Mr. Palser asked you about him taking money
4 from Ms. Phillips. Did you ever talk to Ms. Phillips
5 about money from the account?

6 A. Missing?

7 Q. Yes.

8 A. Yes.

9 Q. And what did she say to you?

10 A. She said that Ron must have taken it, taken a
11 check or something. And that -- you want me to
12 continue, what our conversation was? I told her
13 immediately to go to the police.

14 Q. Why?

15 A. Because if they were looking for him for other
16 things, she should tell them, they would looking for him
17 for this, also. And she said no. That she didn't want
18 to get involved in it.

19 Q. All right. Was that just before he left or
20 just after he left?

21 A. After.

22 Q. After he left?

23 A. Uh-huh, yes.

24 Q. Did you ever talk to her about missing money
25 from the account before he left?

1 A. I don't recall if there was more than one
2 episode. I distinctly remember the money being missing
3 afterwards because of a conversation we had.

4 Q. You brought it to her attention, did you not?

5 A. Yes.

6 Q. So you tell her there is money missing, she
7 reacts?

8 A. Call the police. Yes, I noticed there was
9 money missing from the household ledger of money
10 available for kids things, groceries, whatever. And
11 that's when I brought it to her attention.

12 Q. Would this have been money in a bank account?

13 A. Yes, yes.

14 Q. To your knowledge, did Mr. Young have access to
15 her bank account?

16 A. Not to my knowledge.

17 Q. Did you figure out any reason why he would have
18 had access to that account after you discovered that the
19 money was missing?

20 A. No, it was my understanding she said it was a
21 check.

22 Q. I see.

23 A. Like maybe it was missing from the house or
24 something.

25 Q. I see. So did he manage her checking account

1 for her during your time there, to your knowledge?

2 A. Not to my knowledge, no.

3 Q. You handled the checking account, if anybody,
4 correct?

5 A. Well, only insofar as, yes, household, I need
6 money, please. Things for the -- check for the
7 groceries, that kind of thing.

8 Q. So you didn't discover any link between Ronald
9 Young and that checking account other than, what, the
10 fact that there was money missing, correct?

11 A. Yes.

12 Q. And that she suggested Ron may have taken it?

13 A. Yes.

14 Q. You never talked to Ron Young about that, did
15 you?

16 A. No.

17 Q. He was already gone?

18 A. He was gone.

19 Q. You never had any further contact with him?

20 A. No.

21 Q. And she didn't go to the police?

22 A. No.

23 Q. And that would have been about what month, do
24 you recall?

25 A. I'm sorry. I don't.

1 Q. Weeks after he left, months after he left?

2 A. That conversation was within the same week of
3 when he left.

4 Q. Okay. So, during cross-examination Mr. Palser
5 asked you about the money from the house on Woodland
6 Road and he suggested 600,000 --

7 MR. PALSER: Objection; misstates the
8 question.

9 MR. MCCOLLUM: My apology. You suggested
10 600,000.

11 THE COURT: Sustained.

12 MR. MCCOLLUM: I apologize, counsel.

13 BY MR. MCCOLLUM:

14 Q. Where did you come up with that figure,
15 600,000?

16 A. I believe it's stuck in my mind because it was
17 such a hard thing for her to sell the house so
18 inexpensively. She kept lowering the price, and I seem
19 to remember her saying, 600,000, 600,000, all I got was
20 600,000. I believe -- I really think that I -- I think
21 that's the correct amount.

22 Q. After coming up with that amount, you moved to
23 Aspen?

24 A. Yes.

25 Q. What was the lifestyle like in Aspen when you

1 moved there with her?

2 A. Can you --

3 Q. I mean, you said the rental was probably two to
4 \$10,000 a month?

5 A. Yes.

6 Q. That's a wide range, two to 10,000. Could it
7 have been 10,000?

8 A. No, I believe -- it was somewhere, maybe,
9 4,000, 5,000, which is not a lot for Aspen.

10 Q. The lifestyle is expensive?

11 A. Very.

12 Q. And she didn't work at the time, correct?

13 A. No.

14 Q. Did you believe she was spending the \$600,000
15 to live on?

16 A. She was spending a portion of it. She said she
17 had invested some. Yes, she was using that as --

18 Q. Could that investment have been that Portrero
19 property we spoke of earlier?

20 A. No, she told me that she had some investment
21 people in Denver, like Merrill Lynch I seem to recall.
22 Because occasionally she would go there to sign
23 paperwork or --

24 Q. Did you ever go to Denver with her?

25 A. Yes.

1 Q. Where would you stay in Denver?

2 A. We went for the day a couple of times.

3 Q. What about overnights?

4 A. I don't believe we ever stayed the night.

5 Q. Did she ever stay the night in Denver without
6 you?

7 A. Yes. Well, she said she was in Denver.

8 Q. Did you have contact information for her when
9 she was in Denver?

10 A. Usually, just the phone.

11 Q. Does the name the Loews Georgio Hotel ring a
12 bell?

13 MR. PALSER: Judge, this is way beyond the
14 scope of cross.

15 THE COURT: Sustained.

16 A. No.

17 MR. PALSER: Ask that the question and answer
18 be struck.

19 THE COURT: All right. Ladies and gentlemen,
20 disregard the last question and answer.

21 MR. MCCOLLUM: May we approach, Your Honor?

22 THE COURT: You may.

23 (Bench discussion.)

24 MR. MCCOLLUM: Mr. Palser raised the fact that
25 the \$600,000 was available to Pamela Phillips. I think

1 I'm entitled to talk about how that money may have been
2 spent after it was collected from the sale of the
3 house.

4 THE COURT: I disagree. I think it's way
5 beyond the scope of redirect.

6 MR. MCCOLLUM: Okay.

7 (Open court.)

8 BY MR. MCCOLLUM:

9 Q. During cross-examination Mr. Palser asked you
10 about Ms. Phillips's reaction when you visited her at
11 the house?

12 A. Yes.

13 Q. You talked about chain-smoking?

14 A. Yes.

15 Q. To your knowledge, before that, was she still
16 smoking?

17 A. Yes.

18 Q. How much would she smoke?

19 A. I would think about probably a pack a day.

20 Q. Did you know her to be a chain-smoker before
21 she found out about the death of Gary Triano?

22 A. Well, if she was upset. Or very tired,
23 sometimes.

24 Q. What are some of the other characteristics you
25 mentioned, not to put words in your mouth --

1 A. No, certainly.

2 Q. -- what you observed of Ms. Phillips when you
3 made contact with her?

4 A. She was still in her pajamas at approximately
5 4:30 or 5 o'clock. I left work, I believe, at 4 o'clock
6 and it's not that far, went over there. She was in her
7 pajamas, she looked very disheveled, no makeup.

8 Q. Was she on the phone with anybody when you
9 arrived?

10 A. I don't recall. I don't believe so, no.

11 Q. Was anybody with her when you arrived?

12 A. No.

13 Q. Had anybody been with her, to your knowledge,
14 prior to your arrival?

15 A. Not to my knowledge.

16 Q. Now when you were with her in Aspen, did she
17 have friends and neighbors in the area that she would
18 stay in contact with on a regular basis?

19 A. Yes.

20 Q. But nobody was there that day when you
21 arrived?

22 A. I believe, no.

23 Q. How long did you stay with her that day?

24 A. I stayed the night.

25 Q. Take care of the kids?

1 A. Yes. I may have stayed more than a night. I
2 may have stayed a couple of days.

3 Q. Now you described it as a state of shock?

4 A. What it appeared to me.

5 Q. Appeared to you.

6 Did you talk to her at all about -- well, I
7 asked you that already.

8 MR. MCCOLLUM: With that said, I have no
9 further questions.

10 THE COURT: Thank you, Mr. McCollum.

11 Ladies and gentlemen of the jury, any questions
12 for this witness?

13 Counsel, please approach.

14 (Bench discussion.)

15 MR. MCCOLLUM: Apologize jumping around. I
16 wanted to get clarification how far to go with that.

17 THE COURT: Don't need to apologize.

18 Both of you read them all?

19 MR. FEINMAN: Yes.

20 THE COURT: As to number one, any objections?

21 MR. PALSER: No.

22 MR. MCCOLLUM: No, Your Honor.

23 THE COURT: Number two?

24 MR. PALSER: I think door is open to that.

25 THE COURT: Think what?

1 MR. PALSER: We may have opened the door some
2 of that, not all of it.

3 MR. MCCOLLUM: I think you'll regret the
4 answer.

5 MR. PALSER: Maybe so. I'm going to object to
6 number two.

7 MR. MCCOLLUM: I will agree.

8 MR. PALSER: Things -- just for the record
9 there is some things that are not part of that that open
10 up.

11 THE COURT: Very good. Any objection to three
12 if she knows, I will ask her if she knows.

13 MR. PALSER: If she knows, that's fine.

14 MR. MCCOLLUM: No objection.

15 THE COURT: Thank you. And four?

16 MR. PALSER: No objection to four.

17 MR. MCCOLLUM: No objection.

18 (Open court.)

19 THE COURT: All right. Ms. Gump, we have some
20 questions from our jury, ma'am.

21 When you would go back to work for Pam
22 Phillips, would she ask you to return, or would you ask
23 if she needed help or ask her for work or sometimes
24 both?

25 A. Who should I address, the jury?

1 THE COURT: Sure, just anybody.

2 A. She would ask me to return, the children would
3 ask me to return. Usually, the person that had been
4 working for her, the children didn't like or had quit.
5 And I don't recall ever a time that I called Pam and
6 said can I have a job back.

7 THE COURT: The next question I want to you
8 answer, if you know. But if you don't know, please tell
9 us that, don't speculate or guess. All right?

10 The house sold for \$600,000. How much was the
11 mortgage on the house that Ms. Phillips had to pay off?

12 A. I don't know.

13 THE COURT: Okay. Do you know Joy Bancroft?

14 A. Yes.

15 THE COURT: Did you see her on the day of the
16 murder?

17 A. I don't recall. I don't believe so. I don't
18 believe that Joy was there that day.

19 THE COURT: All right. Thank you.

20 May this witness be excused, counsel?

21 MR. MCCOLLUM: Yes, Your Honor.

22 MR. PALSER: Yes, sir.

23 THE COURT: Thank you very much, ma'am.

24 All right. Ladies and gentlemen, we will take
25 our afternoon recess now for about 15 minutes. Thank

1 you.

2 (Recess.)

3 (Jury present.)

4 THE COURT: Please be seated, ladies and
5 gentlemen.

6 Let the record reflect the presence of all
7 members of our jury, counsel and Mr. Young.

8 Mr. McCollum or Mr. Jensvold? Mr. Jensvold,
9 State may call its next witness, sir.

10 MR. JENSVOLD: State calls Sergeant Mary Tiger.
11 (Witness sworn.)

12 THE COURT: Mr. Jensvold.

13 MR. JENSVOLD: Thank you, Your Honor.

14

15 DIRECT EXAMINATION

16 BY MR. JENSVOLD:

17 Q. Sergeant, will you please introduce yourself to
18 the jury?

19 A. My name is Mary Tiger. I'm a sergeant with the
20 Broward Sheriff's Office.

21 Q. Where exactly is Broward County in Florida?

22 A. It's Fort Lauderdale, Hollywood. It's in
23 between Miami and West Palm Beach.

24 Q. So that's on the east coast of Florida?

25 A. Yes, southeast coast.

1 Q. Southeast coast. All right.

2 How long have you been with the Broward County
3 Sheriff's Department?

4 A. 24 years.

5 Q. And what's your current assignment as a
6 sergeant? Do you have any particular task, or is it
7 just a general sergeant in charge of general duties?

8 A. I'm a sergeant in the fugitive squad.

9 Q. Were you in the same assignment back in
10 November of 2005?

11 A. Yes.

12 Q. And on November 21st of 2005, were you, as part
13 of a team, did you participate in the arrest of Ronald
14 Young?

15 A. Yes.

16 Q. That was on an unrelated matter to this
17 particular case?

18 A. Yes.

19 Q. During the entire time that you participated in
20 the arrest of Mr. Young, was there anything that was
21 done out of protocol for your particular unit?

22 A. No, sir.

23 Q. Did anyone, in your presence, make any promises
24 to Mr. Young during that entire time?

25 A. No, sir.

1 Q. Did they threaten him in any way during that
2 entire time?

3 A. No, sir.

4 Q. Did you see Mr. Young at the exact time of his
5 arrest?

6 A. Yes.

7 Q. Where was that arrest made?

8 A. It was in Pompano Beach, Florida, on Atlantic
9 Avenue.

10 Q. Where is that in relation to Fort Lauderdale?

11 A. 10 miles north of Fort Lauderdale, five miles
12 north of Fort Lauderdale.

13 Q. Let me show you a map here, this is State's
14 Exhibit 29-J. Does that look like an accurate
15 representation of the Fort Lauderdale, Pompano Beach
16 area?

17 A. Yes.

18 Q. There are some specific places, addresses,
19 identified here with red dots. Do you recognize those
20 locations?

21 A. The only location that I was at, was at the
22 1919 East Atlantic Boulevard. And I also went to the
23 1126 South Federal Highway.

24 Q. You didn't actually go to these other three --
25 yeah, these other three dots?

1 A. No, no.

2 MR. JENSVOLD: Okay. May counsel approach?

3 (Bench discussion.)

4 MR. JENSVOLD: The foundation for these other
5 three areas is going to be laid with Mr. Shook, would
6 like to show the jury general layout of the land here so
7 to speak.

8 MR. FEINMAN: Well --

9 MR. JENSVOLD: She hasn't been to those three.

10 MR. FEINMAN: I understand, why do you need the
11 jury --

12 MR. JENSVOLD: I just want them to see the map
13 where the locations were to give them perspective.

14 MR. FEINMAN: I do object to it being admitted,
15 published if she doesn't have the foundation to identify
16 all the --

17 THE COURT: Then why don't you put something
18 over it and show it to the jury like that. You don't
19 have any objection to that?

20 MR. FEINMAN: No.

21 MR. JENSVOLD: Okay.

22 THE COURT: Obviously not admitted yet. We are
23 holding it unpublished.

24 MR. FEINMAN: That's fine.

25 (Open court.)

1 BY MR. JENSVOLD:

2 Q. All right. So Sergeant, with this little
3 sticky in the way here, do you -- you recognize these
4 two dots that you can still see?

5 A. Yes.

6 Q. Other than that, the general area appears to be
7 an accurate representation of the Fort Lauderdale and
8 Pompano Beach?

9 A. Yes.

10 Q. We are going to have to kind of show this in
11 stages, I guess. This area that appears on State's
12 Exhibit 29-J, you see the red mark of Pompano Beach, and
13 then the chiropractor's office at the top?

14 A. Yes.

15 Q. Is that the address that you just mentioned
16 previously, the 1919 East Atlantic Boulevard?

17 A. Yes.

18 Q. That's where the arrest of Mr. Young took
19 place?

20 A. Yes.

21 Q. And all this is within Broward County?

22 A. Yes.

23 Q. This whole map?

24 A. Yes.

25 Q. Then if we go to the southern portion of the

1 map, this is Fort Lauderdale as it's identified?

2 A. Yes.

3 Q. And there is an address there, 1126 South
4 Federal Highway. Have you been there?

5 A. Yes.

6 Q. Explain to the jury what that location is?

7 A. It's a Mail Box store.

8 Q. When did you go there?

9 A. A month or two ago, a few months ago.

10 Q. You were asked, at our office's request, to go
11 there and take some photographs?

12 A. Yes, sir.

13 Q. Did you take those photographs?

14 A. Yes.

15 Q. And these are State's Exhibits 3AD, AE, AF, AG,
16 and AH. Are these all the photographs that you took?

17 A. Yes.

18 Q. You saw all of them?

19 A. Yes, I saw them earlier. Yes.

20 MR. JENSVOLD: State would move for the
21 admission of the aforementioned exhibits.

22 MR. FEINMAN: No objection.

23 THE COURT: Thank you. They are admitted.

24 BY MR. JENSVOLD:

25 Q. Okay. This is State's Exhibit AD. Does that

1 exhibit represent what that place looks like now or when
2 you took the photographs?

3 A. Yes.

4 Q. Did you go to this address back at the time of
5 Mr. Young's arrest in November of 2005?

6 A. No.

7 Q. This is State's Exhibit AE. There is a number
8 1126 there. Is that the correct address?

9 A. Yes, sir.

10 Q. And that's on Federal Highway?

11 A. Yes, South Federal Highway.

12 Q. How long is this Federal Highway? Does it go
13 all the way up and down the coast of Florida?

14 A. It runs all through Broward County. It runs
15 through Dade County. Honestly, I don't know if it goes
16 all the way through the state.

17 Q. But it's a fairly long strip of road?

18 A. Yes.

19 Q. Along the coast?

20 A. Yes.

21 Q. In State's Exhibit AF, what is that?

22 A. That's the inside of the Mail Box store as you
23 walk through the door.

24 Q. And AG?

25 A. That was the wall where all the mailboxes were

1 located.

2 Q. And finally AH?

3 A. That was the mailbox I was asked to take a
4 picture of, 254.

5 Q. You were specifically asked to take a picture
6 of 254?

7 A. Yes, yes.

8 Q. Now did you have any significant involvement in
9 this case as far as an investigation goes between the
10 time of Mr. Young's arrest and when you went to take
11 those photographs?

12 A. No.

13 Q. Other than correspondence with our office?

14 A. That's it.

15 Q. When you arrested Mr. Young, after his initial
16 arrest, was he cooperative with you?

17 A. Yes.

18 Q. And with the other officers that you had -- he
19 had contact with during the arrest?

20 A. Yes.

21 Q. What other agencies were involved besides the
22 Broward County Sheriff's Department, was there ATF
23 involved?

24 A. Yes. And there was a U.S. Marshal, two U.S.
25 Marshals that were there.

1 Q. And you were not involved in any of the
2 collection of other evidence from locations of Mr.
3 Young's property; is that correct?

4 A. That's right.

5 Q. When you first saw Mr. Young prior to his
6 arrest, where was he, specifically?

7 A. He was in a cab.

8 Q. Did you see him get out of the cab?

9 A. Yes.

10 Q. And where did he go?

11 A. It was -- went to the rear of 1919 East
12 Atlantic, the chiropractor building.

13 Q. That was the location that we had marked on the
14 Exhibit 29-J?

15 A. Yes.

16 Q. And did he come out of the chiropractor's
17 office?

18 A. Yes.

19 Q. And is -- was it at that time that he was
20 arrested?

21 A. Yes, sir.

22 Q. Did you see anything -- did you see a bag
23 inside the cab that Mr. Young had left?

24 A. After I arrested him.

25 Q. And was there a laptop computer inside that

1 bag?

2 A. Yes.

3 Q. And what did you do with that bag when you were
4 finished with it? And the computer, itself, do you know
5 what happened to it afterwards?

6 A. ATF signed over the property receipt and took
7 the property.

8 Q. Do you remember an Agent Coes with the ATF as
9 part of this whole investigation?

10 A. Yes.

11 Q. Do you know if he was the one who took
12 possession of the computer?

13 A. Yes.

14 Q. You didn't open the computer and turn it on and
15 do any file manipulation while you had it?

16 A. No. We never turned it on. We got the serial
17 number off the back of it. That was --

18 MR. JENSVOLD: No further questions, Your
19 Honor.

20 THE COURT: Thank you, Mr. Jensvold.

21 Mr. Feinman, cross-examination, sir?

22 MR. FEINMAN: Thank you, Your Honor.

23

24

CROSS EXAMINATION

25 BY MR. FEINMAN:

1 Q. Good afternoon, Sergeant. How are you?

2 A. Hi, good.

3 Q. Just a few questions. So on November 21 of
4 2005, you arrested Mr. Young because he had outstanding
5 warrants for his arrest?

6 A. Yes.

7 Q. You knew what these warrants were for?

8 A. Yes.

9 Q. These were for theft and forgery charges out of
10 Aspen, Colorado?

11 A. Yes.

12 Q. When Mr. Young was arrested, other members of
13 your squad knew the arrest was for these charges?

14 A. Yes.

15 Q. And a person in your unit, a Detective John
16 India, checked to make sure that the warrants were still
17 active?

18 A. Yes.

19 Q. On that day, you only arrested Mr. Young for
20 the charges listed in the Colorado warrant?

21 A. Correct.

22 Q. You didn't arrest him for any other charges?

23 A. No.

24 Q. When you arrested Mr. Young you were -- other
25 officers on the scene ordered him to the ground?

1 A. Yes.

2 Q. He complied?

3 A. Yes.

4 Q. He identified himself as Ron Young?

5 A. Yes.

6 Q. And as you told Mr. Jensvold on direct, he was
7 cooperative while he was being placed under arrest?

8 A. Yes.

9 Q. You noticed when you arrested Ron that he was a
10 huge man?

11 A. Yes.

12 Q. In fact, he was so big you had to put more than
13 one pair of handcuffs on him when you arrested him?

14 A. Yes.

15 Q. Before you took Mr. Young to jail you had to
16 take him to the hospital?

17 A. Yes.

18 Q. This was because he had high blood pressure?

19 A. Yes.

20 Q. And the policy of Broward County jail is that
21 they would not take somebody unless they were previously
22 cleared by doctors at the hospital?

23 A. Correct.

24 MR. FEINMAN: Thank you, Sergeant.

25 THE COURT: Thank you, Mr. Feinman.

1 Redirect, Mr. Jensvold?

2 MR. JENSVOLD: Yes, Your Honor.

3

4 REDIRECT EXAMINATION

5 BY MR. JENSVOLD:

6 Q. Sergeant, Mr. Feinman asked you whether Mr.
7 Young identified him as Ron Young. That's how he
8 identified himself?

9 A. I'm not sure if he said Ronald or Ron.

10 Q. But he did not identify himself as Kelly
11 Young?

12 A. You know what? I was the second one, I wasn't
13 the first one over there. So he probably identified
14 himself, I may have it in my police report if I can
15 refresh my memory?

16 Q. Sure.

17 A. I don't see it in here. It may have been in my
18 depo, if you want to read through my depo.

19 Q. That's okay. But to your recollection, based
20 on your contact with Mr. Young, he did not identify
21 himself by the first name Kelly?

22 A. No.

23 Q. Did he identify himself as Richard Perez?

24 A. No.

25 MR. JENSVOLD: That's all I have. Thank you.

1 THE COURT: Thank you, Mr. Jensvold.

2 Ladies and gentlemen of the jury, any questions
3 for this witness?

4 All right. May the witness be excused?

5 MR. FEINMAN: If I may have a moment, Your
6 Honor?

7 THE COURT: Yes, sir.

8 MR. FEINMAN: Your Honor, I have nothing
9 further. If the witness could remain under subpoena in
10 case we need to recall her for rebuttal.

11 THE COURT: That's fine. So you're free to go,
12 but the subpoena remains in full force, all right?

13 THE WITNESS: Yes.

14 MR. MCCOLLUM: With regard to that procedural
15 matter, can we approach, Your Honor?

16 THE COURT: Certainly.

17 (Bench discussion.)

18 MR. MCCOLLUM: Obviously this officer is
19 Broward County and significant arrangements will have to
20 be made to get her back, something that we can do now on
21 the record without the jury being present.

22 MR. FEINMAN: The only issue is her certainty
23 regarding whether or not Mr. Young identified himself as
24 Ron Young when he was arrested, videotape of America's
25 Most Wanted which is --

1 THE COURT: Videotape?

2 MR. FEINMAN: Videotape recorded by TV program
3 Americas Most Wanted makes clear he identified himself
4 as Ron Young, Now obviously can't play that videotape.
5 We'd like to go back, look at the videotape and at the
6 depositions if necessary, ask her didn't he in fact
7 identify himself as wrong Young.

8 THE COURT: Number one, they are free to do
9 that. Number two, if you want to bring her back, it's
10 on your nickel.

11 MR. FEINMAN: We understand that.

12 THE COURT: Number three it is probably
13 something that if you were talking about bringing her
14 back for that question only, it's clearly shown on
15 videotape, I would expect State would probably
16 stipulate.

17 Now that you've been up here so long, we have a
18 question.

19 MR. PALSER: If we could stipulate to that,
20 that would take care of it.

21 MR. JENSVOLD: Crowley can answer that
22 question. I don't know if she knows.

23 MR. MCCOLLUM: Very interesting. When there
24 were motions in limine to prevent the State from
25 mentioning this information, and we crafted our case to

1 avoid answers, instructing witnesses to avoid.

2 Now second time we bring it up we are not going
3 make fuss in front of the jury, we have to have a better
4 understanding of whether counsel going stick with their
5 original motions in limine or case is going to go
6 through some kind of evolution.

7 THE COURT: I think that's fair answer,
8 different issue obviously with regard to the jurors
9 question. Mr. Jensvold, any objection I will ask her if
10 she knows?

11 MR. JENSVOLD: That's fine.

12 MR. FEINMAN: No objection.

13 THE COURT: Okay.

14 (Open court.)

15 THE COURT: All right. Ms. Tiger, we actually
16 have a question now before we let you go.

17 And I want you to answer this question if you
18 know. If you don't know, we don't want you to guess or
19 speculate, just tell us you don't know.

20 What year were the forgery and theft warrants
21 out of Colorado?

22 A. I don't know.

23 THE COURT: Okay. Thank you.

24 All right. You are excused, ma'am. However,
25 you do remain under subpoena. If the lawyers need you,

1 they will contact you, okay?

2 A. Okay.

3 THE COURT: Thank you very much.

4 A. Thank you.

5 THE COURT: Mr. Jensvold, the State may call
6 its next witness.

7 MR. JENSVOLD: Your Honor, State calls Martin
8 Shook.

9 (Witness sworn.)

10 THE COURT: Mr. Jensvold.

11

12 DIRECT EXAMINATION

13 BY MR. JENSVOLD:

14 Q. Would you please state your name and spell your
15 last name?

16 A. Martin Baum Shook, S-H-O-O-K.

17 Q. And, Mr. Shook, where do you live currently?

18 A. Deerfield Beach, Florida.

19 Q. And where is Deerfield Beach, Florida?

20 A. It's in the suburb of Ft. Lauderdale, Broward
21 County.

22 Q. Fort Lauderdale is north of Miami?

23 A. Yes, it is.

24 Q. And how long have you lived in that general
25 area of the country?

1 A. About 25 years.

2 Q. And what do you do for a living currently?

3 A. I'm a taxi cab driver.

4 Q. And how long have you been doing that?

5 A. 20 years now.

6 Q. Is that your only occupation or do you do that
7 on the side?

8 A. No, that's full-time.

9 Q. Do you have a normal shift that you work
10 currently?

11 A. Yeah, I'm a day driver.

12 Q. And how long have you been a day driver?

13 A. The whole 20 years.

14 Q. Do you -- as a cab driver, do you have regular
15 clients? Is that typical for you?

16 A. Yes, I have built a small business of regular
17 customers. I learned years ago that I would never make
18 money working just totally for the company. I had to
19 build my own business on the side, or part of my daily
20 work.

21 Q. So among these people that you have as regular
22 customers, do they own vehicles?

23 A. Most of them don't. Lot of them are senior
24 citizens. Sometimes they are working people I take to
25 work every day. So, the whole spectrum.

1 Q. By being out here, are you missing out on some
2 good business during spring training?

3 A. This is supposed to be our busy season, yeah,
4 the wintertime. So, been a little bit bad. Our season
5 has been terrible. The season had been off, our cab
6 business has been off five years, since Hurricane Wilma.
7 It took a nosedive. About half the cabdrivers can't pay
8 for the cabs, that's how bad it is.

9 Q. But do you, even to this day, do you still have
10 a core of regular customers that you drive around?

11 A. Yeah, yeah. I built a business of regular
12 customers.

13 Q. Then you also have just people that call out of
14 the blue for a cab, as well?

15 A. Well, I also pick up people off the streets,
16 get computer calls, computer dispatched calls, too. But
17 it's both. About half of my business is regular
18 customers, the other half computer dispatch calls.

19 Q. Now the geographic area that you serve, is it
20 just Broward County or do you go beyond that?

21 A. I take people anywhere, but I work out of
22 Broward County.

23 Q. Is there a limit to how far you'll take someone
24 in a cab?

25 A. No, I will take them as far as they can pay

1 for.

2 Q. What's the farthest that you've taken
3 someone?

4 A. Vero Beach, it's about 150 miles north. A
5 lucky job one day, somebody's car broke down.

6 Q. Okay. You know Ronald Young?

7 A. Yes, I do.

8 Q. Can you point him out for us?

9 A. Right there. Mr. Young.

10 Q. And when did you first meet Ronald Young, do
11 you remember?

12 A. It would have been 1999, as I -- my memories of
13 him are on a political dateline. I first met him when
14 President Clinton was still president and the 2000
15 political season hadn't started. Because I remember
16 when President Bush was first announced his nomination,
17 Mr. Young tried to tell me what a great person he was
18 going to be, great president. And, of course, I'm a
19 liberal, so I don't support Republicans.

20 Q. So, this was a typical conversation topic
21 between you and Mr. Young over the years?

22 A. Always. We were constantly talking politics,
23 current events. I'm a liberal, he is a conservative.
24 We talked politics quite often.

25 Q. And you guys were right at the epicenter of

1 this whole election controversy as well, right, being in
2 Broward County?

3 A. Yeah, yeah. Florida, everybody knows 2000
4 election, George Bush.

5 Q. You had plenty to talk about that during that
6 period of time?

7 A. It was -- we were constantly -- constantly on
8 each others -- I'd take the liberal perspective, he
9 would take the conservative perspective and we would
10 have conversations based on that almost every time. It
11 was part of the --

12 Q. First time that you met Mr. Young, how did that
13 happen? Did he call you or --

14 A. No, I got his call off the computer. Handed
15 him my business card, and then he started calling me
16 regularly.

17 Q. About how many times per week, per month, were
18 you seeing Mr. Young?

19 A. Well, over the five years that he was my
20 customer, I would -- I'd say about a week, about every
21 week or two, I would get a call. That's a conservative
22 number. If I had a chance to be able to go back in time
23 and add up all of those pick ups, he was probably more
24 times than that. But once I realized I was going to be
25 questioned by law enforcement, I reflected on my

1 relationship with him and came up with a frequency rate
2 of how often I picked him up, which is about every week
3 to two, for those five years. It was probably more than
4 that, but that's the number I could testify here
5 today.

6 Q. Do you remember the specific location that you
7 picked Mr. Young up at the very first time you drove him
8 around?

9 A. No, it was a small job. The very first time I
10 got a call off the computer, it was like a \$10 job.

11 Q. After that initial call, was there a routine
12 that you would follow in picking Mr. Young up?

13 A. Yeah, yeah. Well, the next time he called me,
14 I thought he was going to go on a \$10 cab ride. And I
15 had to explain to him that if he wanted me to pick him
16 up in three or four hours or something like that, that
17 he would have to call me about a half hour before. If
18 it was long runs, like airport rides or something, I
19 could stop an hour before, or you could call me, say,
20 three hours before, but I had to explain to him how the
21 business worked. I was a little surprised because -- I
22 could have handled my situation better, my business
23 practice when I explained it to him. But a surprise to
24 me, he called me a couple of hours later, and that
25 started my business arrangement with him on a regular

1 basis.

2 Q. Did this routine -- did this routine start
3 shortly after your first meeting?

4 A. Uh-huh.

5 Q. Is that yes?

6 A. Yes.

7 THE COURT: You have to say yes or no.

8 A. Yeah.

9 THE COURT: Thank you, sir.

10 BY MR. JENSVOLD:

11 Q. Was there a typical location that you would
12 pick him up at when he would call you?

13 A. His home. His apartment.

14 Q. How far in advance, once you guys were into the
15 established routine, how far in advance would he have to
16 call you?

17 A. It would be the day of the pick up. But he
18 usually would call me in the morning because I realized
19 he was not a \$10 cab ride. It was going to be a pretty
20 good ride every time. So, if he wanted to make an
21 appointment for two or three in the afternoon, that
22 would be okay. I would make that appointment with him.
23 He would usually call me in the morning, late morning,
24 to let me know what time to pick him up.

25 Q. So on this routine, about how much would

1 Mr. Young have to pay you for this?

2 A. They were usually pretty good rides. They were
3 multiple stops almost every time. And it would probably
4 be maybe a 40- or \$50 cab ride, they were pretty good
5 runs, on an average.

6 Q. Because he was a regular customer, did you give
7 him a little bit of a discount?

8 A. I did give him a discount. That's common in my
9 practice, in my business, to lock down regular
10 customers. You may give them 10 percent off on the
11 meter to assure that they will call you every time.
12 It's a common practice. I don't do that with everybody,
13 some of my regulars I do.

14 Q. And you did that with Mr. Young?

15 A. Yes, I did.

16 Q. What were the places that you remember him
17 stopping at routinely?

18 A. Well, there was -- most common was the grocery
19 store, drugstore. We'd go to -- he had a doctor's
20 office. There was a Big and Tall store at the mall we
21 would go to. He had a doctor's office, he had post box,
22 he had a bookstore, he liked to buy books at a
23 bookstore, things like that. It was pretty routine,
24 half a dozen regular places, but the routine would
25 change. Publix, the grocery store, was the most common

1 one.

2 He'd, almost every time, we'd had have to stop
3 for groceries. Sometimes it'd be a drugstore.
4 Sometimes it'd be a doctor's office. Sometimes it would
5 be the Big and Tall store. But those are the same
6 places, through the years, that I would take him to.

7 Q. How about the bank?

8 A. And the bank, too, yes.

9 Q. Mr. Shook, I want to show you this map that's
10 been marked as State's Exhibit 29-J. Have you had a
11 chance to look at this?

12 A. Yes.

13 Q. You recognize all of the -- you recognize the
14 map in general?

15 A. Yes, Broward County.

16 Q. And do you recognize the locations that are
17 marked with red dots, as well?

18 A. Yes, uh-huh.

19 Q. Okay.

20 MR. JENSVOLD: Your Honor, State would move for
21 the admission of 29-J.

22 MR. PALSER: No objection, Judge.

23 THE COURT: Thank you. 29-J admitted.

24 BY MR. JENSVOLD:

25 Q. Okay. Let's see. Let's start up at the

1 northern portion. That says Pompano Beach. Is that
2 correct, that that's the -- Pompano Beach rather than
3 Fort Lauderdale?

4 A. You're right, yes.

5 Q. Let's start -- actually, let's start here, with
6 this one. It's marked Young's residence, 313 South
7 Riverside Drive in Pompano Beach. Do you recognize that
8 location?

9 A. Yes, I do.

10 Q. How do you recognize that?

11 A. I have been by there a million times. I lived
12 only a mile and a half from that location for about 10
13 years, so I know that area very well.

14 Q. Does that have any significance to you in
15 regards to your cab rides with Mr. Young?

16 A. That's where I always picked him up and dropped
17 him off. They were almost always round trips. Very
18 seldom I would ever drop him off and leave him
19 somewhere. I always dropped him off -- maybe at a
20 doctor, but then I come right back and pick him up. So
21 it was always a round trip to that location.

22 Q. And then the one below is marked Young's hotel,
23 1200 South Ocean Boulevard, Pompano Beach. Do you
24 recognize that?

25 A. Yes, I do. As I stated, we had a Hurricane

1 Wilma that came through. He was using that hotel, he
2 told me that his air conditioner went out. So he was
3 staying there apparently while the air conditioner was
4 being fixed.

5 Q. Do you know when that was, this -- this time
6 frame that Mr. Young was staying at that hotel, when was
7 that?

8 A. That was right -- 2005, right after that
9 Hurricane Wilma.

10 Q. And when was that in relation to when Mr. Young
11 was arrested?

12 A. The last day -- the last day I picked him up.
13 The last -- very end of the last week or so. It was --
14 the day I picked him up was from that location, the 1200
15 South Ocean. And, of course, he told me it was because
16 the air conditioner had broke down, and -- which was not
17 uncommon, a lot of people had problems with the
18 hurricane. But that was where I picked him up the last
19 day he got arrested.

20 Q. And were you the cab driver on the day that he
21 got arrested?

22 A. Yes.

23 Q. Now, this next one, just a little bit below the
24 hotel is -- says Kelly Young, mailbox, 6278 North
25 Federal Highway in Fort Lauderdale. Do you recognize

1 that location?

2 A. Yes, I do.

3 Q. Do you recognize that location in relation to
4 the trips that you would take with Mr. Young?

5 A. Yeah, but I didn't take him to -- that was the
6 last year or so. When I first met him, most of his post
7 box runs were down to the one on Davie Boulevard. That
8 one that you're pointing to was probably the last year I
9 knew him, I started taking him to that -- that location.
10 It was incorporated in part of our routine. It wasn't
11 at the very beginning but it was towards the end of my
12 relationship with him, or his business relationship.

13 Q. Okay. And the witness that we just had before
14 you established that Mr. Young was arrested on November
15 21st of 2005. How far back do you think it was, prior
16 to November 21st of 2005, that you began taking
17 Mr. Young to this mailbox location?

18 A. Maybe the last year, year and a half, something
19 like that I remember stopping at that location. It was
20 a new pick up for us -- for me, you know, I was -- it
21 had been incorporated in our routine. It wasn't one of
22 the -- through the five years, the grocery store, the
23 drugstore, it wasn't one of those. That was, like I
24 say, along the last year I started dropping and picking
25 him up and taking him to that location, rather.

1 Q. Now let's -- before we talk about this one down
2 here, this is about as good as it's going to get to show
3 the whole lay of the land here.

4 Is there a general route that you would take
5 during the let's say, the early years, from 1999 through
6 2003? Is there a typical route that you could pick up?
7 There is a pointer, Mr. Shook. Is there a typical route
8 that you would take with Mr. Young?

9 A. Well, we would usually take A-1-A, the beach
10 route, it's more scenic, right on down to either 17th
11 Street or we'd get off on Sunrise Boulevard, because
12 Sunrise Boulevard, once in a while we'd stop at the
13 Galleria Mall. We'd have to come down Federal Highway,
14 U.S. 1, that's about the best one. But most of the time
15 took the beach route.

16 Q. Let me stop you there, just one second,
17 Mr. Shook.

18 A. That's better.

19 Q. Sunrise Boulevard is right there?

20 A. Yeah, Galleria Mall, U.S. 1, there's a little
21 bit over here, in this area over here. Galleria Mall,
22 we'd stop there. I think the last day I was with him,
23 he also stopped there. And, of course, then we'd swing
24 down Federal Highway to the mailbox. Or if we were at
25 the Galleria Mall, sometimes we would come up A-1-A and

1 then come back.

2 Q. Okay. Now we have gotten to this box at the
3 end. This dot that's labeled Richard Perez, mailbox,
4 1126 South Federal Highway in Fort Lauderdale. Was
5 that, if you can estimate, about how many -- what were
6 the percentage of times that you would pick Mr. Young up
7 would you stop at that particular mailbox?

8 A. I would say through the years, maybe every
9 month, month and a half would be pretty -- there was an
10 ebb and flow to these pick ups and drop offs of where I
11 was taking him to. But if I was to average it out
12 through the five years, I think that's pretty
13 reasonable.

14 Q. Did Mr. Young ever tell you specifically why he
15 was going to this mailbox?

16 A. No.

17 Q. Did -- what would Mr. Young have with him --
18 let's start with the '99 to 2003 period. Was there
19 something that he would typically carry with him when he
20 would come to you?

21 A. He usually had a little briefcase, an attache
22 case, he usually carried that with him.

23 Q. Would he take that in with him when he left
24 your cab to go inside of the mailbox here at 1126 South
25 Federal Highway?

1 A. Sometimes he would, sometimes he wouldn't.

2 Yeah.

3 Q. Did you ever notice him either taking in papers
4 that were marked FedEx or bringing out papers that were
5 marked FedEx from this particular mailbox?

6 A. I don't remember. I remember for FedEx we
7 would stop at a box, where you'd see these FedEx boxes
8 and stuff like that. He would drop for FedEx. But I
9 don't remember him taking anything specifically into
10 their FedEx or bringing out anything specifically from
11 FedEx out of that box. He would have a lot of mail
12 coming out. He usually had some mail.

13 Q. And how would he be carrying his mail?

14 A. Just in his -- just carrying it in his hands.

15 Q. Were you paying specific attention to the stuff
16 that he was bringing out of the mailbox?

17 A. Not really, not really. I would just sit there
18 in the parking lot. He would be in and out in a short
19 period and have whatever mail he would have. I remember
20 one time he had a VHS movie that he had sent away for.
21 It was a rare movie. I forget the name of the movie
22 now, but he was happy. He was looking forward to seeing
23 this movie. He showed me the movie, but I can't
24 remember the name of it. It was apparently a hard movie
25 or a rare movie of some sort. I think Dom DeLuise was

1 in it or something, some of these old movie actors.

2 Q. And then can you show the jury, let me wide out
3 again here, can you show the route that you would
4 typically take back from this mailbox with Mr. Young?

5 A. Well, yeah, we would usually take the Federal
6 Highway back because there would be a Welcome Park
7 Boulevard, the Big and Tall store, seeing his doctors
8 along here, Federal Highway, Dr. Franzen's, the
9 bookstore, there was a Borders bookstore. So along this
10 Federal Highway, sorry, along this Federal Highway we
11 would -- it was more opportunities for some of the
12 things that he would do in his routine.

13 We would just usually come down here. There
14 wasn't too many things that would be in this stop, but
15 it was a nicer ride, more scenic ride. And that was
16 typically the way we went.

17 Q. Now, this chiropractor's office here at the
18 top, 1919 East Atlantic Boulevard, was that a typical
19 stop for you and Mr. Young?

20 A. It was part of the routine. It wouldn't be
21 every time but we would incorporate that into some of
22 the trips.

23 Q. And you said he had another doctor's office,
24 like a typical physician down here somewhere?

25 A. Yeah, Murray Franzen. He was on Federal

1 Highway just a little south of Commercial Boulevard,
2 right in this vicinity here.

3 Q. And do you know, what kind of bank was he
4 stopping at? Was it --

5 A. It was a Bank of America. That was at 62nd
6 Street. Let's see, there is McNab, it's just a little,
7 there's 62nd street, yeah, it's right there, right
8 there.

9 Q. Right near that other mailbox?

10 A. That's right, within a couple blocks.

11 Q. Did -- in any of these times that you took
12 Mr. Young, from 1999 all the way through 2005, did he
13 ever have you stop at 7-Eleven?

14 A. Seemed like I did stop at a 7-Eleven a couple
15 of times, but that was -- I do remember a couple. But
16 that was pretty rare, pretty rare to get a 7-Eleven
17 stop. I do remember twice on Atlantic Boulevard
18 stopping at a 7-Eleven.

19 Q. Do you think that was -- do you have any idea
20 which time frame that was? I mean, closer to '99 or --

21 A. Closer to 2005, toward the end, yeah. I only
22 remember a couple times at 7-Eleven.

23 Q. And these have already been admitted. I just
24 want to show you this, State's Exhibit 3-AD. Do you
25 recognize that location?

1 A. Looks like the mailbox, mailbox center, yeah.

2 Q. Is that the one towards the south that you
3 would drop Mr. Young off?

4 A. Yeah, yeah.

5 Q. Did you and Mr. Young, during all of these
6 trips where you guys talked about politics, did you have
7 conversations with Mr. Young about his previous life
8 prior to Florida?

9 A. Well, he brought up his businesses and his
10 chicken restaurants in the Bahamas. He was constantly
11 talking about his business history, about his business
12 practices. And, yeah, it was a constant.

13 This is my life. That's what people do when
14 they get in their cab -- my cab, they want to relive
15 their glory days and tell about their life and talk
16 about themselves. That's pretty typical.

17 Q. And you encourage that, I assume?

18 A. Well, it's just part of human nature. They
19 want to get in and have somebody to talk to, and they
20 want to talk about their life, and what's going on in
21 their life. You learn a lot about people. The people
22 that you drive in your cab, you get insight, a real
23 perspective. You see things that a lot of people don't
24 see.

25 Q. Did Mr. Young -- besides the Bahamas, you

1 mentioned that, did he say when he lived in the
2 Bahamas?

3 A. I think he said he had some in the late '60s, I
4 can't remember. Think it was -- think he had mentioned
5 something about the '60s. I don't remember exact all
6 the dates that his businesses were. But it seemed like
7 for some reason, I could be wrong, but I -- it seems
8 like it was -- he had mentioned something about the late
9 '60s or something like that. He had flown in some rock
10 and roller to work at one of his clubs or one of his
11 restaurants or something like that.

12 Q. Besides the Bahamas, what other locations did
13 he mention to you that he had lived at besides -- before
14 coming to Florida?

15 A. He said -- I think he'd been out in Aspen,
16 Colorado. I think he told me he grew up in California,
17 stuff like that.

18 Q. Did he tell you when he lived in Aspen?

19 A. No, I don't remember specific the years, no.

20 Q. Did he tell you what he did in Aspen for a
21 living while he was there?

22 A. I just can't remember, just can't remember what
23 exactly he was doing up there in Aspen, but I remember
24 he talked about Aspen quite a bit.

25 Q. Did he ever mention any -- did he ever mention

1 the name Pamela Phillips to you?

2 A. No.

3 Q. You had never heard that name from Mr. Young
4 during the entire time, from 1999 all the way to 2005?

5 A. No, never heard that name.

6 Q. Did you ever -- did he talk about his kids?

7 A. Yeah, I met both his children.

8 Q. And who were they?

9 A. Kelly and Brady.

10 Q. And how did you meet them?

11 A. At his apartment. I'd take them to the airport
12 when they were here.

13 Q. How many times did you meet them?

14 A. Two or three times each.

15 Q. Do you know where they were living?

16 A. I believe Kelly was a student at Georgetown. I
17 think Brady was working out in Aspen, if I remember, he
18 was working out there as a bartender.

19 Q. Now, we have been talking about Ronald Young
20 this whole time, but how did you know him back during
21 the time that you did business with him?

22 A. I never knew his name was Ronald. It was Kelly
23 Young. I had never knew his name was Ron until after
24 the arrest.

25 Q. Did he ever use any other names --

1 A. No.

2 Q. -- with you?

3 A. No. Kelly was how I knew him.

4 Q. That was his daughter's name, too?

5 A. Yeah, I found that kind of strange. But --

6 Q. Did you ask him about that?

7 A. No, no, I never mentioned it. But I did find
8 it kind of strange. That a father, daughter would have
9 the same name. Father, sons, of course. But never seen
10 a father, daughter.

11 Q. Did you ever hear the name Richard Perez from
12 Mr. Young?

13 A. No.

14 Q. Did he ever mention the name Doug Franklin to
15 you?

16 A. No.

17 Q. Did you ever hear the name Michael Woodcock?

18 A. No.

19 Q. Did Mr. Young usually have a computer with him
20 when he would ride in your cab, if you know?

21 A. Yeah, he had a laptop towards the end, not the
22 beginning. I don't remember at the beginning, but in
23 the last couple of years he had a laptop.

24 Q. Now we talked a little bit -- or you talked a
25 little bit about the days before Mr. Young's arrest.

1 Did you -- were you -- I mean, did you have any kind of
2 a personal relationship with Mr. Young outside the cab
3 rides?

4 A. Well, we went out to have dinner a few times
5 because after -- he bought a car. I had a regular
6 customer that was taking up all my time. It was -- he
7 would call me, I couldn't make some of the pick ups
8 because I had this regular customer that was eating up
9 all my time. He bought a car. And -- only three or
10 four months before he got arrested. And, so, once he
11 bought a car, he wanted to know if I wanted to have
12 dinner a couple times. Go out and have a couple of
13 dinners, a few dinners in those three to four month
14 periods.

15 About every month, maybe once a month we'd go
16 to have a steak somewhere. It's part of the business.
17 I have -- it's not so unusual that some of my clients, I
18 have a dinner engagement with.

19 Q. Do you remember having dinner with Mr. Young
20 just shortly before his arrest, like, within a couple
21 days beforehand?

22 A. Yes, at Hops Restaurant, two days before he got
23 arrested, the day before, yeah.

24 Q. You remember any specifically anything that you
25 watched on TV that night?

1 A. Yeah, it was a Patriot football game on, and I
2 believe it was against Indianapolis, and Manning against
3 Brady. It was quite a big game, and I was interested in
4 it. And that was going on while we were eating
5 dinner.

6 Q. Did you ever -- did Mr. Young ever mention to
7 you the name of his ex-wife, the mother of Brady and
8 Kelly?

9 A. No, but I know he had talked to her because I
10 remember he had mentioned a couple times he had called
11 her the night before and talked to her about Brady or
12 one of his children or something. But I never got her
13 name. I don't remember -- don't recall her name.

14 MR. JENSVOLD: May I have a moment, Your Honor?

15 THE COURT: Yes.

16 BY MR. JENSVOLD:

17 Q. Did you ever notice Mr. Young having large
18 amounts of cash with him after coming out of the mailbox
19 down on southern Federal Highway?

20 A. Well, I don't know about large amounts, but he
21 always seemed to pay me in a \$100 bill. That was pretty
22 common. He wanted change for 100 and seemed to always
23 have money.

24 Q. At any time, let's start specific towards the
25 end, between 2004 and 2005 period, did Mr. Young ever

1 say anything to you about having cancer?

2 A. No.

3 Q. Did he ever say anything to you about having to
4 fly to Mexico to have a surgery?

5 A. No, never mentioned that.

6 Q. This other doctor that you mentioned, not the
7 chiropractor's office, the other one, you said Dr.
8 Franzen?

9 A. Franzen, yes.

10 Q. Do you know why he went to see him?

11 A. Well, I know he got prescriptions. When he
12 come out of there, he would have a prescription and
13 usually we would go to a Walgreens and he would get that
14 prescription filled.

15 Q. Now on the day of his arrest, prior to that
16 point, how long before the time that he was arrested did
17 you pick him up, was it an hour, two hours, 30
18 minutes?

19 A. Could you repeat that for me?

20 Q. On the day that Mr. Young was arrested, so
21 prior to the point where they actually took him into
22 custody, how long was it prior to that that you picked
23 Mr. Young up for the trip that you took that day?

24 A. I think I picked him up the day before. His
25 car had been broke down. The car that I told you that

1 he had boughten because I had a customer that was taking
2 up all my time, that his car had broken down in Delray.
3 And they had to tow it down to Fort Lauderdale.
4 Apparently the part that they were looking for wasn't in
5 stock and they had to wait for the next day to get it.
6 So, I had picked him up not -- the day before he got
7 arrested, also.

8 Q. Okay. But then on that particular day -- so
9 you had contact with him the day before. How was he
10 acting? Was he acting normal?

11 A. Well, he seemed a little nervous. He had --
12 the day before he -- I picked him up at that hotel. I
13 think he was talking to one of his children. And I
14 remember him easing back in the seat and taking a big
15 sigh.

16 Q. All right.

17 A. A little nervous, I thought.

18 Q. That was a little out of the ordinary?

19 A. Little out of the ordinary, yeah.

20 Q. What about the next day, on the day of the
21 arrest, how was he acting in comparison to the day
22 before?

23 A. Pretty normal, I guess. Just average, I mean,
24 just average. I do remember that one sigh. And, of
25 course, as I reflect back, I often wonder just what that

1 sigh was.

2 MR. PALSER: Object to wondering, Judge.

3 THE COURT: Sustained. Sir, just let him ask
4 another question. Thank you.

5 BY MR. JENSVOLD:

6 Q. Now that day that you picked him up, you said
7 he was acting more normal. Was he coherent, I mean, he
8 was answering your -- any questions that you would
9 have?

10 A. Yes.

11 Q. Did he have that black bag with him with the
12 laptop that day, if you remember?

13 A. He had the black bag. I don't know if he had
14 the laptop. He had the black bag.

15 MR. JENSVOLD: May I have moment, Your Honor?

16 THE COURT: You may.

17 BY MR. JENSVOLD:

18 Q. Can I just -- sorry, just to go back to this
19 routine where you would drop him off at the -- or you
20 would stop at the post office box on south Fort
21 Lauderdale. Was that -- would you go directly there or
22 would you always make stops in between before you would
23 get there?

24 A. Most of the time when we would go first to the
25 post box. That was the farthest southern point of any

1 of the stops. It was the very southern point. So we
2 would go to that point and then start working back north
3 towards his neighborhood. That was pretty much the
4 routine.

5 Q. How often would there be also a bank stop along
6 with the Federal Highway stop?

7 A. Well, that was -- that would be incorporated
8 into the trips, too. I mean, the frequency of the -- of
9 a post box and a bank stop, I know that happened. I
10 don't know if it happened every time. But sometimes we
11 would go to the post box and then he'd have other stops
12 without the bank. I do remember going to the bank a few
13 times, too, after the post box.

14 MR. JENSVOLD: Your Honor, I think that's all I
15 have. Thank you.

16 THE COURT: Thank you, Mr. Jensvold.

17 Cross-examination, Mr. Palser?

18 MR. PALSER: Your Honor, we have no questions
19 for Mr. Shook. Thank you.

20 THE COURT: Thank you, sir.

21 Ladies and gentlemen of the jury, any questions
22 for this witness?

23 All right. May the witness be excused?

24 MR. JENSVOLD: Yes, Your Honor.

25 MR. PALSER: Yes, sir.

1 THE COURT: Thank you, sir.

2 MR. MCCOLLUM: May we approach, Your Honor?

3 THE COURT: You may.

4 (Bench discussion.)

5 MR. MCCOLLUM: Next witness Patricia Nolan, but
6 I'd also like some time, actually she won't be done in
7 10 minutes. I'd like some time to talk about the issue
8 arrest, fugitive, big issue for me tomorrow. I'd like
9 some time on the record with that before we break for
10 the day.

11 THE COURT: Okay. All right.

12 (Open court.)

13 THE COURT: Ladies and gentlemen, we are at a
14 point where to call another witness, we wouldn't get
15 them finished. So the lawyers have asked that we come
16 back tomorrow. I think that's a fine suggestion. So we
17 will reconvene for the evening, and we will come back
18 tomorrow morning -- excuse me. We will break for the
19 evening and reconvene tomorrow morning. And tomorrow is
20 a 10:30 start.

21 So you all I assume all got the little
22 calendar. Okay. Tomorrow is the only 10:30 start, but
23 tomorrow is 10:30. So we will see you tomorrow morning
24 at 10:30. Please remain mindful of the Court's
25 admonitions. Have a nice evening. Thank you for your

1 attention.

2 (Jury excused.)

3 THE COURT: Mr. McCollum.

4 MR. MCCOLLUM: Yes, Your Honor, I just -- I
5 don't care where we go from here in terms of the theft
6 and warrants out of Colorado, et cetera. But I can't
7 keep advising witnesses not to discuss certain things
8 and continue redactions with regard to certain things,
9 if I'm going to find out in cross-examination that it's
10 open field running.

11 THE COURT: I understand your point. And I
12 think it's well taken.

13 Mr. Palser, are you going address this issue?

14 MR. PALSER: Sure. Judge, number one, the
15 Court allowed in the fact that, originally, I'm going --

16 THE COURT: Okay. Back to the beginning.

17 MR. PALSER: Let's go back to the beginning.

18 The Court allowed in the fact that -- the Court was
19 going to allow Andre Mims to testify, which puts
20 Mr. Young in custody. Also there was information that
21 Mr. Young was arrested on an unrelated matter. We have
22 a right to explain what those matters are.

23 If the State is arguing now that the door is
24 open, I have to, in all honesty, agree. We have opened
25 the door with our questions. Did you want to hear more?

1 THE COURT: Well --

2 MR. PALSER: Or is that sufficient?

3 THE COURT: I'm trying to find my specific
4 minute entry. I thought I recalled that one of the
5 defendant's motions was, in limine, that there be no
6 mention of the charges out of Colorado for Mr. Young.
7 And, something else. That was, at the time, I thought,
8 after the time it was clear Mr. Mims was going to
9 testify. And we all knew that in testifying Mr. Mims
10 would necessarily have to have Mr. Young placed in
11 custody.

12 So, I didn't see the nexus between those two
13 issues. I thought the defense was simply not going to
14 make mention, at least, of the Colorado incident and
15 perhaps not make any mention of why Mr. Young was in
16 custody. But Mr. McCollum is right. You can't have
17 your cake and eat it, too.

18 MR. PALSER: And, Judge, that's why, in all
19 honesty, I was telling you, I believe we have opened the
20 door.

21 THE COURT: So, let's make sure everybody
22 understands what door has been opened. From this point
23 forward, it's fair game for either the State or the
24 defense to question witnesses regarding the fact that
25 Mr. Young was on warrant status out of Colorado for

1 warrants alleging forgery and fraud; is that right?

2 MR. PALSER: Yes, sir.

3 THE COURT: Is that your understanding, Mr.
4 McCollum?

5 MR. MCCOLLUM: It is, Your Honor.

6 THE COURT: Is are there any -- are there any
7 other issues that you think are now properly in the
8 case?

9 MR. MCCOLLUM: Some of the redactions that were
10 done on Mr. Young's statement that will be played
11 tomorrow were as a result of that earlier request in
12 terms of the warrant that had been issued. We also have
13 issues of whether or not the fact that there was a
14 warrant involved Mr. Hollinger or Mr. Stratford, what
15 was alleged to have been taken, the fact that the
16 charges have never been fully prosecuted. That he has
17 never been incarcerated for those crimes, or convicted
18 of those crimes.

19 THE COURT: What's the relevance of the fact
20 that he's never been incarcerated for the crimes?

21 MR. MCCOLLUM: That's my point, Your Honor. At
22 this point in time, now seeing this evolution, and I
23 think this evolution was opened up by Mr. Palser when he
24 asked Mr -- and I forgot what it was -- somebody about
25 the fugitive status. And that surprised me they did

1 bring up the fugitive status, fugitive in possession of
2 a firearm. I think it was -- trying to remember the
3 name -- it was Bell, I believe, who testified, and there
4 were questions about the fugitive status.

5 I just want to know that we are going to draw
6 the line now, right now, in the courtroom, how far down
7 that section we are going to go. I mean, that's it. He
8 was arrested. He was a fugitive in possession of a
9 firearm. It was for a warrant out of Colorado that was
10 issued when? Are we going to get into --

11 THE COURT: I thought, correct me if I'm wrong,
12 gentlemen, and Ms. Higgins, I thought -- I apologize. I
13 just don't always see you back there. I thought that
14 Mr. Young's status as a prohibited possessor and the
15 fact that he was arrested with a firearm came out early
16 on, through at least one or more of the ATF agents that
17 were involved in his arrest.

18 MR. MCCOLLUM: My apology. But during
19 cross-examination, not by the State.

20 THE COURT: I'm not saying who brought it out.
21 But I thought that cat was already out of the bag, so to
22 speak.

23 MR. MCCOLLUM: It was, Your Honor. To be
24 honest, it caught me by -- because I advised them not to
25 talk about it.

1 THE COURT: So I think the fact that Mr. Young
2 was arrested with the firearm and was a prohibited
3 possessor is properly now in the case, you agree Mr.
4 Palser?

5 MR. PALSER: Well, it's splitting hairs but
6 with everything but the phrase prohibited possessor. I
7 mean, hyper technically speaking, it's fugitive in
8 possession of a firearm.

9 THE COURT: All right.

10 MR. PALSER: It's splitting hairs but --

11 THE COURT: Okay. But you believe the fact
12 that Mr. Young was arrested with a firearm and the fact
13 that he was a fugitive in possession of a firearm are
14 both now before this jury, and therefore are fair game?

15 MR. PALSER: Yes, sir.

16 THE COURT: We have already established the
17 fact that he was wanted on a warrant out of Colorado,
18 alleging fraud and forgery is fair game. What else are
19 you asking? I mean, what we need to do here is clarify
20 so neither side is surprised.

21 MR. MCCOLLUM: At the very least, the jury
22 needs to know when the warrant was issued.

23 THE COURT: The Colorado warrant?

24 MR. MCCOLLUM: August of 1996.

25 THE COURT: Okay. Mr. Palser, any objection

1 to -- how are you going to make the jury aware of that,
2 just out of curiosity?

3 MR. MCCOLLUM: Detective Crowley.

4 THE COURT: All right. Any objection to
5 putting a time frame on the warrant?

6 MR. PALSER: No, not at all.

7 THE COURT: So that's in.

8 MR. PALSER: It may possibly come in through
9 Aucoin. It may come in through Mawhinney.

10 THE COURT: Okay. So both counsel agree that
11 the date of the warrant, the date of the warrant is fair
12 game?

13 MR. PALSER: Yes.

14 THE COURT: Mr. McCollum, is there anything
15 else that you anticipate getting into or would like to
16 get into that we should cover now, sir?

17 MR. MCCOLLUM: I'm thinking through, Your
18 Honor, I may --

19 THE COURT: Take your time.

20 MR. MCCOLLUM: -- even need the overnight hours
21 to present additional facts to you in the morning. I
22 think the thing that jumps out at me right away though,
23 is this fact that the warrant was issued in August. We
24 will get to that through other witnesses. I just beg
25 the courtesy of the Court to think about it overnight.

1 THE COURT: That's fine. We can revisit it if
2 need be.

3 MR. MCCOLLUM: And it may be one of those
4 things where we visit it before each witness, Your
5 Honor, rather than being asked, finding out about how
6 far we are going during cross-examination. My biggest
7 concern is, again, Detective Crowley because he has been
8 advised very specifically of where not to go. And I'm
9 not going to continue to advise him about that if we are
10 going to come to a different understanding.

11 THE COURT: Okay. All right. On an unrelated
12 note with regard to the --

13 MR. PALSER: Before we leave --

14 THE COURT: Mr. Palser, did you have something?
15 Yes, sir. I'm sorry.

16 MR. PALSER: Before we leave that note, just so
17 I'm clear, my assumption at this point is, we are going
18 to come back and have at least a brief chat in the
19 morning; is that fair?

20 THE COURT: The way I plan to leave it is, we
21 are done unless Mr. McCollum, tomorrow or some other
22 time, comes up with something else, at which time he'll
23 throw it out there and we will all discuss it.

24 MR. PALSER: Okay.

25 THE COURT: That's my understanding.

1 MR. MCCOLLUM: I won't address the record in
2 front of the jury until we have talked with the Court.

3 THE COURT: Okay. This is, I think, fairly
4 somewhat -- fairly minor. But nevertheless, the exact
5 statement attributed to Mr. Mims that was the basis for
6 the defendant's request for mistrial and has been used
7 in argument by defense counsel, and I thought the State,
8 has certainly been used in quotation marks in both the
9 defendant's written motion for mistrial and the
10 defendant's supplemental motion for mistrial, is
11 different by one word, an adjective, if you will, of
12 what Mr. Bouley captured in the transcript.

13 So, if counsel want to approach. This is what
14 the transcript reveals Mr. Mims said, and that -- this
15 being the operative part. And, I think Mr. Palser, you
16 believe that there was an adjective in there, which
17 preceded that particular word.

18 MR. PALSER: Yes, of a parental female
19 variety.

20 THE COURT: Some geniological significance.

21 But our crack court reporter, whose hearing is
22 at least mediocre, if not better, has double-checked his
23 notes and is convinced that that particular word did not
24 precede this particular word. So, just so you know,
25 when I deal with the request, I'm going to quote this

1 part of the transcript. And I just didn't want --

2 MR. MCCOLLUM: I don't think it's a material
3 change.

4 THE COURT: I'm not sure how material it is.

5 MR. PALSER: I don't think it's material at
6 all.

7 THE COURT: I just simply wanted to point it
8 out.

9 MR. PALSER: I understand, Judge, and if we in
10 any, way, shape or form misquoted, I would apologize for
11 that.

12 THE COURT: Not necessary. It wasn't brought
13 up for that point. In fact, my recollection was similar
14 to yours. That's why I asked Mike to double-check his
15 notes because I thought that the statement was as you
16 said. Absolutely, it was not brought up to elicit an
17 apology.

18 MR. PALSER: But if we were wrong, we were
19 wrong.

20 THE COURT: Hey, it's fine. And there is no
21 problem with it.

22 Is there anything else we need to do today,
23 ladies and gentlemen?

24 MR. MCCOLLUM: No, Your Honor, thank you.

25 THE COURT: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PALSER: I don't believe so.

THE COURT: All right. See you in the morning.

(Proceedings concluded.)

