

1 Anything further, Ms. Gutierrez?
2 MS. GUTIERREZ: No, Your Honor.
3 THE COURT: Mr. Urick?
4 MR. URICK: No, thank you.
5 THE COURT: Very well. May this witness be
6 excused?
7 MS. GUTIERREZ: Yes, he may be.
8 THE COURT: And released from the summons?
9 MS. GUTIERREZ: Yes.
10 THE COURT: Mr. Urick? Yes.
11 Sir, you're free to go and you're released from
12 your summons at this time.
13 MS. GUTIERREZ: Do you want me to get my next
14 witness?
15 THE COURT: Yes, you may.
16 (Pause)
17 MS. GUTIERREZ: The Defense would call [REDACTED]
18 S [REDACTED] to the stand.
19 THE COURT: Mr. S [REDACTED] please step all the way
20 up to the witness stand, please. All the way up here.
21 Rest your coat on the back of the chair or on the table
22 beside the chair.
23 I need you to raise your right hand, look at
24 Mr. White here, sir. Raise your right hand and listen to
25 Mr. White.

1 Whereupon,

2 [REDACTED] S [REDACTED]

3 was called as a witness at 3:32 p.m., and after having been
4 first duly sworn, was examined and testified as follows:

5 THE CLERK: You may be seated. Please keep your
6 voice up. State your name, your address for the record.

7 THE COURT: State your name. There's a
8 microphone in front of you.

9 THE WITNESS: I understand.

10 THE COURT: State your name.

11 THE WITNESS: [REDACTED] S [REDACTED]

12 THE COURT: And your address for the record.

13 THE WITNESS: [REDACTED] -- excuse me, can I talk to
14 someone for a minute?

15 THE COURT: You can't speak to anyone. You're a
16 witness. Your address? Do you live in Baltimore City?

17 THE WITNESS: Yes.

18 THE COURT: Where do you live?

19 THE WITNESS: [REDACTED] feet.

20 THE COURT: Very well. Listen to Ms. Gutierrez
21 who has some questions for you.

22 DIRECT EXAMINATION

23 BY MS. GUTIERREZ:

24 Q Mr. S [REDACTED] Gilmore Street is close to a road
25 called Dogwood, is it not?

1 A Yeah.
2 Q Is that right?
3 A Yes.
4 Q Would you keep your voice up so that we can all
5 hear you, Mr. S [REDACTED]
6 Is that a yes?
7 A Yes, that is a yes.
8 Q Okay. And Dogwood at that juncture connects and
9 becomes the same road as Franklinton Road, does it not?
10 A I guess it does.
11 Q And that's closest in to the City?
12 A Yes, it is.
13 Q As opposed to going out farther in, in Baltimore
14 County?
15 MR. URICK: Objection as to the form of the
16 question.
17 THE COURT: Overruled.
18 Go ahead, you may answer that. Do you know?
19 THE WITNESS: What was that again?
20 BY MS. GUTIERREZ:
21 Q Franklinton Road would be closer into the City
22 than going out farther into the County?
23 A I guess. I don't know. I'm not a map
24 specialist. I don't know.
25 Q Well, you're familiar with Franklinton Road, are

1 you not?

2 MR. URICK: Objection.

3 THE COURT: Mr. S [REDACTED] are you familiar with --

4 THE WITNESS: Yes, I'm familiar with

5 Franklintown. Yes, I do.

6 THE COURT: All right, next question.

7 BY MS. GUTIERREZ:

8 Q Mr. S [REDACTED], you work at Coppin -- or you did

9 back in February of 1999 -- at Coppin State College, did

10 you not?

11 A Yeah.

12 Q In the maintenance department, did you not?

13 A Yeah.

14 Q And oftentimes, or at least on one occasion, you

15 traveled from Coppin to your home by way of Franklintown

16 Road, did you not?

17 MR. URICK: Objection.

18 THE COURT: Overruled.

19 Did you or did you not?

20 THE WITNESS: Yes, I traveled that way. Yeah.

21 BY MS. GUTIERREZ:

22 Q Yes, that way, right?

23 A Um-hum.

24 Q And you would take Franklintown Road, which turns

25 into Dogwood, to get to your house on Gilmore, correct?

1 A Yes.

2 Q Because that -- was that a yes?

3 A I said yes.

4 Q Okay. And that was back in February of 1999, you

5 still lived on Gilmore, did you not?

6 A Yes, I did.

7 Q The same place you live now?

8 A Um-hum.

9 Q The same road right off of Dogwood Road, is that

10 not right?

11 A I don't live off of Dogwood Road, no.

12 Q Well, you live on Gilmore, right?

13 A Right.

14 Q And to get to Gilmore from one way, you have to

15 get off Dogwood Road, don't you?

16 A I guess you can, yeah.

17 Q Okay. And you can get to it another way, but

18 then that road is Windsor Mill Road?

19 A No.

20 Q No?

21 A No.

22 Q If you could step off the witness stand,

23 Mr. S[REDACTED] and if I can direct your attention to the

24 State's exhibit behind you, which is a map. Would you step

25 off the witness stand, please, and keep your voice up since

1 it's hard to hear?

2 I'm going to show you an area of the map where
3 there's a B, do you see that?

4 A (No audible response)

5 Q Okay. That's --

6 THE COURT: Is that a yes?

7 THE WITNESS: Yeah.

8 THE COURT: See, there's a microphone and,
9 unfortunately, when you step away, it's hard to hear.
10 That's why she said keep your voice up.

11 MS. GUTIERREZ: Maybe if I put him here.
12 If you stay here and you turn your voice toward
13 the microphone, everything will be recorded.

14 BY MS. GUTIERREZ:

15 Q Where that B is is in the middle of Leakin Park,
16 is it not?

17 A Yes, I see --

18 Q Okay. And it goes down Franklinton Road until
19 it reaches a road that then would cross with Hilton
20 Parkway, does it not?

21 A I guess. I don't know.

22 THE COURT: Your answer is I don't know?

23 THE WITNESS: I don't know.

24 BY MS. GUTIERREZ:

25 Q If you'd stand there, please, sir.

1 Now, when you -- Coppin State College is along
2 North Avenue, is it not?

3 A It's on North Avenue.

4 Q It's on North Avenue, it goes --

5 THE COURT: Ms. Gutierrez, can we ask him to step
6 back? The map is not helping him and the mike would.

7 MS. GUTIERREZ: Well, I'll ask him to step off
8 once I lay the foundation.

9 THE COURT: That'll be fine.

10 MS. GUTIERREZ: With the Court's permission, can
11 I stay here?

12 THE COURT: I'd prefer if you would go back --

13 MS. GUTIERREZ: That's fine.

14 THE COURT: -- and I'd prefer if everybody get
15 back to a mike because I think that that helps everyone
16 here. And also, we have no stenographer, we just have the
17 audio. I'd like to make sure that the questions are on the
18 record.

19 Mr. S██████, listen to Ms. Gutierrez's next
20 question.

21 BY MS. GUTIERREZ:

22 Q I was asking you about Coppin State College where
23 you are employed. The actual mailing address of Coppin
24 State is North Avenue, is it not?

25 A Yes, it is.

1 Q And it is on the east of the area that would be
2 called Walbrook Junction, is it not?

3 A I guess. I don't know.

4 Q Well, you're familiar with Walbrook Junction, are
5 you not?

6 MR. URICK: Objection.

7 THE COURT: Overruled.

8 Do you know where Walbrook Junction is?

9 THE WITNESS: Where Coppin State College is
10 located.

11 BY MS. GUTIERREZ:

12 Q From Coppin State College, you know where it is?

13 THE COURT: Can you lean forward a little bit?
14 You can scoot the chair forward a little bit. There we go.
15 If you could speak into the mike, that would help me.
16 Thank you.

17 BY MS. GUTIERREZ:

18 Q And you are familiar, sir, with Hilton Parkway,
19 are you not?

20 A Yes. Yeah.

21 Q And you are familiar with the fact that Hilton
22 Parkway intersects North Avenue --

23 A Yes, yes.

24 Q -- west of Coppin State College, are you not?

25 A I guess.

1 Q If you are standing in front of Coppin State's
2 College main entrance on North Avenue, if you went to the
3 right, you'd run into Walbrook Junction, would you not?
4 A Standing in front of Coppin State College?
5 Q Sir, when you lived on [REDACTED], the street that
6 you've described you lived on back then, and you went to
7 work through Leakin Park, describe for us how you would go,
8 what road you would pass from your home.
9 A I would go through Dogwood Road to -- I think it
10 turns -- I'm not sure what street it turns into. Through
11 Franklintown Road, I think. I'm not sure.
12 Q You would go to Dogwood which would turn into
13 Franklintown --
14 A Up to North Avenue.
15 Q -- Road?
16 A I think that's --
17 Q And would that mean that you would go through
18 Leakin Park?
19 A Yes.
20 Q And that's an area where there aren't any houses,
21 right?
22 A Right.
23 Q It's just woods?
24 A I guess.
25 Q Well, sir, you've traveled through it before,

1 have you not?

2 A Yes.

3 Q Is it woods?

4 A I guess it is. It's a park.

5 Q Now, sir, after you would get through Leakin
6 Park, what would you do to get to Coppin State College?

7 A I'd have to -- I don't know the name of the
8 streets but I make a left to get on North Avenue, go down
9 North Avenue to get to Coppin State.

10 Q And you'd go down North Avenue till you get to --

11 A Coppin State College.

12 Q -- Coppin, is that right?

13 A Yes.

14 Q And then you'd park on one of Coppin's lots,
15 correct?

16 A Yeah.

17 Q All right. So whatever road it is that you take,
18 it's at the end of Franklinton Road, correct?

19 A No. I think the road keep going. I turns off
20 before the road ends. It don't end.

21 Q I understand that, but first you go on Dogwood,
22 which turns into Franklinton, correct?

23 A Right.

24 Q And then you go on Franklinton, through the
25 park, correct?

1 A Right.

2 Q And then it's only after you exit the park that
3 you can get to a place where you end up turning on North
4 Avenue to get to Coppin, is that correct?

5 A I guess. There's another street that you get up
6 to North Avenue.

7 Q Well, sir, is that a way that you'd take to get
8 to your job when you worked at Coppin?

9 A That's just the way I take, yes, it is.

10 Q Is that right?

11 A Yeah.

12 Q And you worked five days a week, regularly?

13 A Right.

14 Q And you drove every day to work?

15 A Um-hum.

16 Q You drove yourself, sir?

17 A Yes, I drive myself.

18 Q Would you generally take the same route?

19 A On occasion, yes, I do.

20 Q What other route would you take?

21 A There's other routes I could take.

22 Q And the other route that we take, would it
23 involve your going across Windsor Mill Road?

24 A I got Liberty Road.

25 Q Pardon?

1 A Liberty Road.

2 Q Okay. But to get to Liberty Road from your
3 house, sir, don't you have to cross Windsor Mill Road?

4 A Yes, you cross that.

5 Q Okay. And --

6 A That's Gwynns Falls -- Gwynn Oak.

7 Q -- you also have to --

8 THE COURT: I'm sorry, you what?

9 THE WITNESS: That's Gwynn Oak Avenue.

10 BY MS. GUTIERREZ:

11 Q Okay, Gwynn Oak Avenue. And then from Gwynn Oak,
12 you have to get to --

13 A Liberty.

14 Q -- Liberty, is that right?

15 A Right.

16 Q And then from Liberty Road, you've go to get all
17 the way down to North Avenue, is that correct?

18 A No, Gwynns Falls.

19 Q Gwynns Falls Parkway?

20 A Um-hum.

21 Q And from there, you have to get to North Avenue,
22 do you not?

23 A No.

24 Q Or you have to get close to it, don't you?

25 A No. To Walbrook Avenue.

1 Q All right. Let me direct your attention to

2 February the 9th, sir, do you recall that day?

3 A No, I don't.

4 Q Well, you worked that day, didn't you?

5 A I guess I did.

6 Q You left work at some point in the morning to go
7 get something, did you not?

8 A I don't recall that day.

9 Q Well, sir, you recall the day that you found the
10 body in Leakin Park, don't you?

11 A Yes. Okay, I recall that day.

12 Q That was a pretty important day for you, was it
13 not?

14 MR. URICK: Objection.

15 THE WITNESS: If you explain that, I would know
16 what you're talking about.

17 MS. GUTIERREZ: Well, sir, that day --

18 THE COURT: Overruled.

19 BY MS. GUTIERREZ:

20 Q -- isn't significant to you?

21 A No, the date is not.

22 Q Okay. Now, on that date, whatever -- the same
23 day that you found the body in Leakin Park, sir, you
24 worked, did you not?

25 A Yes, I did.

1 Q And at some point you left your work at Coppin
2 State College?
3 A Yeah.
4 Q Is that correct?
5 A Um-hum.
6 Q And you drove home, correct?
7 A Right.
8 Q To your address on Gilmore, correct?
9 A Right.
10 Q The same address you live now, correct?
11 A Right.
12 Q And to get to Gilmore, you drove through Leakin
13 Park, did you not?
14 A Yes, I did.
15 Q You took Franklinton Road, did you not?
16 A Um-hum.
17 Q Is that right?
18 A Right.
19 Q And you took it until it turned into Dogwood
20 Road --
21 A Exactly.
22 Q -- is that right?
23 A Um-hum.
24 Q And then you turned off of Dogwood Road onto
25 another road that then took you to your road, correct?

1 A Um-hum.

2 Q Is that a yes?

3 A That's a yes.

4 Q Okay. Now, on that day you left your work in the
5 late morning?

6 A Excuse me?

7 Q You left your work in the late morning?

8 A No, I go to work 7:30 in the morning.

9 Q No, no, you --

10 THE COURT: I'm sorry, I couldn't hear you. And
11 you're speaking so softly --

12 THE WITNESS: I'm sorry.

13 THE COURT: -- that almost no one can hear you.

14 THE WITNESS: That's --

15 THE COURT: Well, then lean forward into the mike
16 because we've got to hear you and the recording device has
17 to pick up your voice, all right?

18 THE WITNESS: I'm sorry. That's my voice.

19 THE COURT: What you just did by leaning forward,
20 puts you closer to the mike. You can lean forward in that
21 chair. It's not going to bite you, that mike is not.

22 And your next question.

23 MS. GUTIERREZ: Yes.

24 BY MS. GUTIERREZ:

25 Q You had a purpose -- you left early in the

1 morning, 7 or 7:30 to get to work, right?

2 A Yes.

3 Q And then you got to work, right?

4 A Right.

5 Q And then there came a time in the morning where

6 you left work, right?

7 A No.

8 Q There was no time when you left work in the

9 morning?

10 A No, not till lunchtime.

11 Q Okay. And so, it's your testimony that you left

12 for lunch?

13 A Right.

14 Q At that time that you left work, you then drove

15 back to Leakin Park, did you not?

16 MR. URICK: Objection as to the form of the

17 question.

18 THE COURT: Overruled.

19 You can answer that. Did you drive back through

20 the park at lunchtime?

21 THE WITNESS: I left work to drive home to

22 lunchtime, yes, I did.

23 THE COURT: All right, next question.

24 BY MS. GUTIERREZ:

25 Q And did you drive on Franklinton Road?

1 A Yes, I did.

2 Q And you went to the end of Franklinton, till it
3 turned into Dogwood?

4 A Yeah.

5 Q Is that a yes?

6 A Right.

7 Q And you then turned off Dogwood on a street which
8 then took you to your street, right?

9 A Yes.

10 Q Now, it was your purpose to leave work because
11 you were going to lunch?

12 A No. It was my purpose to leave work -- I had to
13 get a tool to bring back to work.

14 Q You had to get a tool?

15 A Yes.

16 Q And by bring it back to work, you meant Coppin
17 College --

18 A Coppin State College.

19 Q -- is that right?

20 A Right.

21 Q And you worked in the maintenance department,
22 correct?

23 A Yes, I did.

24 Q And the tool that was your purpose for leaving
25 work and returning home, that was a plane, was it not?

1 A Excuse me. May I ask a question?

2 Q No, sir.

3 THE COURT: No, you can't ask a question.

4 MS. GUTIERREZ: You just have to answer mine.

5 THE WITNESS: Yes, it was.

6 BY MS. GUTIERREZ:

7 Q It was a plane, was it not?

8 A Yes, it was, right. Exactly, it was.

9 Q And for those of us who don't understand what a

10 plane is, it's a tool that you shave off like doors or

11 windows or pieces of wood.

12 A Right.

13 Q Is that right?

14 A That's what it does.

15 Q To reduce them?

16 A Yes.

17 Q And shaving off doors and windows at Coppin State

18 College, that happened a lot, did it not?

19 A Yeah.

20 Q A lot of the buildings are older --

21 A Yeah.

22 Q -- and had interior wooden doors?

23 A Right.

24 Q And wooden windows?

25 A Yeah.

1 Q And those windows and doors swelled a lot?
2 A Yes.
3 Q Isn't that right?
4 A I guess so. I don't know.
5 Q Well, the way that you got assigned work at
6 Coppin State College is that somebody would request work
7 and then that job would be assigned to you, would it not?
8 A Yes, one of us, yes.
9 Q Okay.
10 THE COURT: I'm sorry, what'd you say?
11 THE WITNESS: I'm one of the person that they do.
12 BY MS. GUTIERREZ:
13 Q It would be assigned to somebody from the
14 maintenance department, correct?
15 A Right, right.
16 Q And that day was not the first day that you
17 needed a plane in order to do some work that had been
18 assigned to you, correct?
19 A Yeah, that was the first time.
20 Q Pardon?
21 A You asked me was that the first time?
22 Q That wasn't the first day that you had been
23 assigned --
24 A Yes, it was. Yes, it was.
25 Q -- at Coppin State College, correct?

1 Q -- at Coppin State College, correct?

2 A Right. Yeah, right.

3 Q You had worked there, back in February of 1999,

4 for how long?

5 A I think it was '95 I think I started there.

6 Q Okay. So for at least a couple years, right?

7 A Um-hum.

8 Q Is that a yes?

9 A Yes.

10 Q Okay. And that was not the first day for you to

11 get the assignment to shave down, with a plane, a door, was

12 it?

13 A You say that wasn't the first day? Yes, that's

14 the first day I got the assignment.

15 Q That is the very first time you ever got the

16 assignment?

17 A I might've got the assignment but I didn't get

18 around to do it. I mean, we have other things --

19 Q So you had never shaved down a door?

20 A At Coppin State College? No, that was the first.

21 Q That was the first time.

22 A Right.

23 Q And because it was your first time, of course,

24 you wanted to have your own plane?

25 A We didn't have none on the job, so I have to get

1 Q Okay. And because there was not a single plane
2 available, you were required to go home and get a plane?

3 A Right.

4 Q So that you could do your work, is that right?

5 A Yeah.

6 Q To do a work that you'd never been assigned to
7 before?

8 A I used to do home improvement. I have my own
9 tools, okay, and they didn't have that tool. I went home,
10 had to get this tool.

11 Q So it's not that you needed to go out and get a
12 plane, it's that you wanted your own plane?

13 A Well, I have to use a plane, so where else am I
14 going to get a plane at?

15 Q Well, let me ask you, Mr. S. [REDACTED] a plane is a
16 kind of ordinary tool, is it not? It's not something that
17 has to be special ordered, is it?

18 A Well, you have to buy it. Where you going to get
19 it from?

20 Q At Coppin State College, you're not the only
21 employee in the maintenance department, are you?

22 A Excuse me?

23 Q You aren't the only employee in the maintenance
24 department?

25 A No, I'm not.

1 Q There are others that work there?
2 A Um-hum.
3 Q And there are -- is that a yes?
4 A Yes.
5 Q Okay. And the department -- you aren't
6 responsible for ordering tools now, are you?
7 A I don't order tools.
8 Q Okay. And you don't requisition what tools
9 should be in the maintenance department, correct?
10 A When I first started there, the supervisor asked
11 me did I have my own tools; I told him yes, I had my own
12 tools.
13 Q And, sir, did you bring your tools into work?
14 A Some of them, what I needed at the time.
15 Q So some of what you did for Coppin State College
16 was with your own tools?
17 A Yes.
18 Q Now, would it be fair to say that you prefer to
19 work with your own tools than their tools?
20 A Well, I would prefer --
21 MR. URICK: Objection.
22 THE WITNESS: -- to work with their tools, if
23 they had the tools.
24 BY MS. GUTIERREZ:
25 Q If they had them. Now, when you discovered --

1 and I assume that that's the first day you discovered that
2 they didn't have a single plane for you to work with?

3 A What?

4 THE COURT: Did you not hear the question?

5 THE WITNESS: No, I did not hear the question.

6 THE COURT: All right. Then say I cannot hear,
7 and then she'll repeat it.

8 BY MS. GUTIERREZ:

9 Q That day, there was requisition to do some work,
10 correct?

11 A A work order.

12 Q Okay. And the work order that you got stated
13 that you should shave down some doors or a specific door,
14 did it not?

15 A Yes, I guess so.

16 Q And as you've already told us, that wasn't an
17 unusual request that be handled by Coppin maintenance
18 department, was it?

19 A It was what?

20 Q It was not an unusual request? That request was
21 kind of ordinary, given the age of the building, was it
22 not?

23 A I just go by whatever -- work orders, whatever
24 work orders they gave me, that's what I go by day by --
25 daily. I don't --

1 Q When you're given a work order, you just go do
2 it, right?

3 A Yes. We try to do it.

4 Q So I'm sure before you drove all the way home to
5 get your own plane you went and complained to your
6 supervisor, there's no planes anywhere in all of Coppin
7 State College maintenance department?

8 A I guess not.

9 Q Was that a yes or a no?

10 A A no.

11 Q It's a no?

12 A No.

13 Q You didn't go speak to your supervisor?

14 A No.

15 Q And you didn't go tell your supervisor oh, I have
16 a plane at home and it's my tool, so I'll just go get it so
17 I can go shave down the door?

18 A No, because I have a key to our, our room where
19 the tools are. They were not in there.

20 Q There wasn't one there?

21 A No, right.

22 Q But you went there looking, of course, because
23 you expected it to be there, didn't you?

24 A No, I didn't expect anything to be there. I
25 don't know what's in the tool room.

1 Q You get the order to shave down a door, right?
2 A Right.
3 Q Then you go look to see if there's a plane in the
4 place that you have a key to, right?

5 A Right.

6 Q And that place was a place where tools are kept,
7 right?

8 A Um-hum.

9 Q But you didn't see a -- is that a yes?

10 A No, I did not see a plane.

11 Q Okay. And you knew what a plane looked like back
12 then, didn't you?

13 MR. URICK: Objection.

14 THE COURT: Sustained.

15 BY MS. GUTIERREZ:

16 Q Well, you had used a plane --

17 MR. URICK: Objection.

18 MS. GUTIERREZ: -- before?

19 THE COURT: Sustained.

20 BY MS. GUTIERREZ:

21 Q Mr. S█████ when you discovered there wasn't a
22 plane in this place where you went to look for one, did you
23 then go to your supervisor?

24 A No, because I had this work order the day before
25 this. That's when I looked for -- the lady had kept asking

1 me to come back to, you know, shave her door down.

2 Q To shave her door down?

3 A Right. And had so many work orders I had to

4 cover before I could get to her. And that particular day,

5 I just went to -- I said I would get her. I say I have a

6 plane at home. I told her I'll go home and get -- bring my

7 own back and I'll shave your door down.

8 Q So you knew that there wasn't any plane available

9 for you to do the work order the day before this day?

10 MR. URICK: Objection.

11 A I don't know what day it was. I'm not sure. I'm

12 not sure.

13 THE COURT: Sustained.

14 BY MS. GUTIERREZ:

15 Q Now, Mr. S [REDACTED] you just then waited on lunch

16 to go get your plane, is that right?

17 A Well, I couldn't just leave the job to go get my

18 plane. I had to wait till it's on my time to leave my job.

19 Q And lunchtime was your time?

20 A It was a good time, right. It was my time.

21 Q So your purpose in going home was to get the

22 plane to help you do the work order --

23 A Right.

24 Q -- is that right?

25 A That's right.

1 Q And the work order would be done on their time,
2 not your time, right?

3 A I guess. I guess so, yeah.

4 Q Well, which is it, sir?

5 A I don't make up the work orders. They make the
6 work orders. They give it to us to do the work.

7 Q And when they give it to you, you're expected to
8 do the work orders --

9 A As soon as possible.

10 Q -- that are given to you by Coppin on the time
11 they pay you for, correct?

12 A Yes.

13 Q Not -- is that a yes?

14 A On what they pay us for? That's why I work
15 there.

16 Q On the time that --

17 THE COURT: Wait, wait, wait.

18 First, wait till she finishes asking you a
19 question before you answer. Don't argue with her, just
20 answer her question.

21 THE WITNESS: Okay.

22 THE COURT: Ms. Gutierrez, I need you to ask a
23 question and allow the witness to answer before you ask the
24 next question.

25 MS. GUTIERREZ: Mr. S[REDACTED] --

1 THE COURT: Please do not argue with the witness.
2 MS. GUTIERREZ: Yes, ma'am.
3 THE COURT: And if we would all just wait a
4 moment until this noise passes.
5 (Pause)
6 If it'll pass.
7 (Pause)
8 All right, very well.
9 MS. GUTIERREZ: Thank you.
10 BY MS. GUTIERREZ:
11 Q Mr. S [REDACTED], when you worked for Coppin State
12 College, you did so for pay?
13 A I what? Excuse me, I didn't -- say that again.
14 Q You did so for pay? You worked for them for pay?
15 A Of course.
16 Q You weren't a volunteer, were you?
17 A No, I was not a volunteer.
18 Q Okay. You got paid for the time that you worked,
19 correct?
20 A Yes.
21 Q And were you expected to work the job orders or
22 the work orders that came for you on time that they were
23 paying you for?
24 A None of the work orders was on time. We got them
25 as soon as -- we got to each job --

1 Q That wasn't my question, sir.

2 MR. URICK: Objection.

3 THE COURT: Mr. Se[REDACTED] if you would listen to
4 her question, her question isn't whether you got -- you did
5 your work on time, her question was were you supposed to do
6 the work during your work time? In other words, during
7 your work hours?

8 THE WITNESS: Um-hum. And my answer was if we
9 could get to that job, specific job, yes, we -- if we could
10 get to that specific job, we'd do it at the time. We can't
11 do it at the time, we do it when we could get to it.
12 That's my answer.

13 BY MS. GUTIERREZ:

14 Q Which might be the next day?

15 A Whenever.

16 Q Or the day after that?

17 A It doesn't -- whenever. I don't know.

18 Q Well, sir, my question is, though, you were
19 expected to work during your work hours, were you not?

20 A We work -- that's what we're supposed to be doing
21 our work hours.

22 Q And at the --

23 THE COURT: I'm sorry, I couldn't understand a
24 word you said.

25 THE WITNESS: We are supposed to work during our

1 work hours. Yes, we do work during our work hours.
2 BY MS. GUTIERREZ:
3 Q And your work day would end, you would then
4 leave?
5 A I guess so.
6 Q You wouldn't -- well, sir, is that a yes or a no?
7 I'm not asking you to guess.
8 A It's a yes. When you work day, don't you leave?
9 Q Okay. If you had to work overtime, did you
10 require your supervisor's approval?
11 A Yes, we do.
12 Q Did you ever work overtime?
13 A Yes.
14 Q Okay. Now, Mr. Sellers, let us get back to the
15 9th of February, okay? Prior to the 9th, you had gotten
16 this work order to shave the doors, is that right?
17 A Yeah.
18 Q And it was a specific door, correct?
19 A Yeah.
20 Q And a specific lady had asked you about when you
21 were going to get to shaving down the doors?
22 A Right, because I had to --
23 Q Is that right?
24 A I didn't get to --
25 Q Just answer my question.

1 MR. URICK: Objection. He was trying to answer.
2 BY MS. GUTIERREZ:
3 Q Did a specific lady -- sir --
4 A If you want me to answer your question, you've
5 got to wait and listen to me, okay?
6 THE COURT: Mr. S [REDACTED] --
7 THE WITNESS: I'm sorry, Your Honor. She keep
8 going on and on.
9 THE COURT: Mr. S [REDACTED] if you would just hold
10 it one moment. Now, I'm not going to argue with you.
11 THE WITNESS: I'm sorry, but --
12 THE COURT: She's not letting you finish your
13 answer. Well, guess what?
14 THE WITNESS: She is not.
15 THE COURT: I have the authority to let you
16 finish your answer, okay? So if you would just be patient.
17 Now, Ms. Gutierrez, Ms. Gutierrez, I'm going to
18 let the witness finish his answer. He wants to explain.
19 Your question was did a specific person ask you to shave
20 down the door. Your answer was yes, and then you wanted to
21 explain, correct?
22 THE WITNESS: Right.
23 THE COURT: You may explain.
24 THE WITNESS: Okay, I had the order, like, I
25 think a few days earlier, the work order, and she kept

1 asking me when I might get to her. I said well, I can get
2 to her that day.

3 THE COURT: What day?

4 THE WITNESS: The 9th.

5 THE COURT: All right, next question.

6 BY MS. GUTIERREZ:

7 Q The 9th of February?

8 A Yes, the 9th. And I --

9 Q Okay. So my question, sir, when the specific
10 lady asked you about it, you had previously been given the
11 work order to do the work, right?

12 A Right.

13 Q Previous to February the 9th, is that right?

14 A Yeah.

15 Q So before February 9th, you knew that you needed
16 a plane to do the work, didn't you?

17 A Yeah.

18 Q Okay. And because you knew about it ahead of
19 time, had you spoken to your supervisor about Coppin State
20 College's maintenance department's lack of a plane?

21 A No.

22 Q No. And you hadn't requisitioned the plane in
23 order for you to do the work, did you?

24 A I knew I had one, so I didn't have to ask.

25 Q Well, sir, on February 9th you got up and you

1 drove yourself to work from your house, did you not?

2 MR. URICK: Objection.

3 THE COURT: Sustained.

4 I'm going to see counsel at the bench, please.

5 (Whereupon, counsel and the Defendant approached

6 the bench and the following ensued.)

7 THE COURT: I would note that it's about 5

8 minutes of 4 and I'm going to recess --

9 MS. GUTIERREZ: Okay.

10 THE COURT: -- and pick up the testimony of

11 Mr. S█████████ tomorrow.

12 MS. GUTIERREZ: Okay. I would ask that --

13 THE COURT: Let me advise you --

14 MS. GUTIERREZ: -- the Court instruct him before

15 he leaves.

16 THE COURT: Before he leaves, but I will advise

17 you that we're going to start tomorrow morning at 9:30.

18 Ask him to be here a few moments earlier, because at 9:30

19 I'm going to come on the bench and we're going to start

20 this case. Whenever people get a docket together --

21 MS. GUTIERREZ: Then we can stop.

22 THE COURT: -- we're going to stop, but we're

23 going to start this case again at 9:30 tomorrow morning,

24 all right?

25 MR. URICK: Thank you.

1 MR. URICK: Thank you.

2 THE COURT: Thank you.

3 (Whereupon, counsel and the Defendant returned to
4 trial tables and the following ensued.)

5 THE COURT: Ladies and gentlemen of the jury,
6 we're going to ask that you go home. The Court has some
7 matters to take care of.

8 And I must advise you that we are going to change
9 the schedule tomorrow a little bit. I've talked to the
10 Jury Commissioner's office. This morning I did about six
11 cases and was not able to get to you as soon as I was able
12 to -- as soon as I wished to. Tomorrow, however, I'm going
13 to make my docket wait. I'm going to start with this case
14 first, at 9:30, which means that I'm going to ask that you
15 not go to the Jury Commissioner's office in the morning
16 but, rather, come straight here.

17 The Jury Commissioner will look for you between
18 12 and 1:30. They've given me that whole hour and a half
19 window for you to get paid. What I propose to do, since I
20 have a meeting at 12:30 tomorrow, is to break around noon,
21 have you go to lunch. Go over, get paid, first, then go to
22 lunch, and then return here at 1:30. In other words,
23 you'll get an hour and a half for lunch, and I'll get to go
24 to my meeting for that hour, from 12:30 to 1:30. That's my
25 plan.

1 arrangements in that I have no meetings tomorrow and I am
2 planning to sit until 5:30. I know that makes it a long
3 day for us tomorrow, but I really would like to try to get
4 as much testimony. Today did not go the way I would have
5 liked in terms of the amount of testimony we got in, but
6 tomorrow, hopefully, we'll make up for some of that. I
7 know this has been very difficult. We are into the Defense
8 case and I really would like to move this case as much as
9 we can. I've been trying to do that the whole time. With
10 your continued patience, we will do that.

11 I'm going to ask that you leave your notepads
12 face-down, not to discuss the testimony of Mr. S [REDACTED] or
13 any of the other witnesses that you have heard amongst
14 yourselves or with anyone else. We are near the end, we
15 are getting there, but we're not there yet, and it would be
16 inappropriate for you to discuss this case amongst
17 yourselves or with anyone else. You haven't heard all the
18 witnesses, you haven't heard the law, and you haven't heard
19 closing argument of counsel.

20 I ask that you go home now, have a safe journey
21 home. Make arrangements for a long day tomorrow. I'll see
22 you tomorrow morning at 9:30. I'm going to send in --
23 folks, please, don't make me be out here by myself. This
24 morning I was by myself, although you weren't supposed to
25 be here, but I was alone out here at 9:30. Tomorrow, since

1 everyone knows where I will be, I hope everyone will be
2 here to join me.

3 And with that said, please travel home, ladies
4 and gentlemen. I'll see you tomorrow here at 9:30.

5 THE JURORS: Good night.

6 (Whereupon, at 4:03 p.m., the jury was excused.)

7 THE COURT: Mr. S [REDACTED] I need to advise you
8 that you are a witness on the witness stand, which means
9 that you cannot discuss your testimony with the Defense
10 attorney, you can't discuss it with the State's attorney.
11 You can't talk about your testimony with either of them or
12 anyone who's maybe a witness in this case. Because you are
13 a sequestered witness, that means you can't talk about your
14 testimony with anyone.

15 THE WITNESS: Okay.

16 THE COURT: I also need to advise you that
17 tomorrow morning, since you're the witness on the witness
18 stand, I need you here, in that seat, at 9:30. I'm going
19 to be here in my seat, you need to be here in your seat.

20 THE WITNESS: I may not --

21 THE COURT: Now that the jurors have left and I
22 have advised you about the fact that you're under
23 subpoena --

24 THE WITNESS: Can I just --

25 THE COURT: -- and what will -- let me finish,

1 let me finish -- and what will occur if you do not show up,
2 I will send -- you see that sheriff over there?

3 THE WITNESS: That's not what happened.

4 THE COURT: So him or someone like him will come
5 looking for you.

6 THE WITNESS: I'm going to need something for my
7 job because I will get fired.

8 THE COURT: I'll be happy to give you something
9 for your job. First of all, you have a summons. Where is
10 your summons? Okay.

11 Sheriff, can you give Mr. S [REDACTED] another
12 summons? If you would just write it out, telling him to be
13 here at 9:00 tomorrow morning.

14 THE WITNESS: You all said something about I
15 signed -- I never signed a subpoena.

16 MS. GUTIERREZ: He was served on --

17 THE WITNESS: It's not signed.

18 THE COURT: That's it.

19 THE WITNESS: It's not signed. I didn't even
20 see -- it wasn't given to me. It was not given to me.

21 THE COURT: Right. Well, you're going to get
22 another one just like this. And it doesn't have to be
23 given to you, in your little hands.

24 THE WITNESS: Okay.

25 THE COURT: But you have it. That's why you're

1 served. And tomorrow morning you'll be expected to be here
2 at 9:30.

3 THE WITNESS: What I'm saying, I'm in
4 construction and I work day by day. If I miss --

5 THE COURT: I understand. That's why he's going
6 to give you another summons. You show that to --

7 THE WITNESS: I still don't get paid, though.

8 THE COURT: The only thing I can advise you is
9 that you have to be here tomorrow.

10 THE WITNESS: I thought you said they could call
11 me and I could come in or something like that.

12 THE COURT: Yeah, but you're on the witness stand
13 now. You're testifying now.

14 THE WITNESS: After tomorrow, can --

15 THE COURT: Once you finish tomorrow morning,
16 you're done, unless they tell you that they need you back.

17 THE WITNESS: Okay.

18 THE COURT: But you're now testifying. Tomorrow
19 morning at 9:30.

20 THE WITNESS: You don't know how long that might
21 be? Because I still --

22 THE COURT: Well, Ms. Gutierrez could tell you
23 probably better than I. And then when she's finished
24 asking you questions, Mr. Urick will ask you questions.
25 And once they're finished, you will be excused. Do you

1 understand?

2 THE WITNESS: I understand.

3 THE COURT: Now, I start promptly at 9:30. Don't
4 let us wait for you. Just come straight in here, have a
5 seat in that chair. Just have a seat in that chair. I'll
6 know you're here because I'll look out the window -- out
7 the door and see that you're present.

8 THE WITNESS: Okay.

9 THE COURT: Tomorrow will be the 23rd --

10 THE WITNESS: And you say I will have a slip --

11 THE COURT: -- 9:15.

12 THE WITNESS: -- for my job I can show them?

13 THE COURT: That is a summons. He's filling it
14 out. You show that -- you do not have a choice. It says
15 so at the bottom.

16 Give him his old one back for today.

17 And then I'll also give you my card. If your
18 employer wants to call to verify that you were, in fact, a
19 witness, you're welcome to give him the number to my
20 chambers.

21 (Whereupon, at 4:06 p.m., the witness was
22 excused.)

23 THE COURT: All right, ladies and gentlemen, this
24 Court's going to stand in recess till tomorrow morning at
25 9:30.

1 (Whereupon, at 4:07 p.m., the trial was
2 adjourned.)
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