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STATE OF MICHIGAN

SEVENTEENTH JUDICIAL CIRCUIT COURT (KENT COUNTY)

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THE PEOPLE OF THE
STATE OF MICHIGAN

-v-

Case No. 93-63014-FCB

STEPHEN DENNIS TURNER,

Defendant.

_____ /

**JURY TRIAL
VOLUME V of VIII**

BEFORE THE HONORABLE DENNIS C. KOLENDA, CIRCUIT JUDGE

Grand Rapids, Michigan - **Wednesday, December 8, 1993**

- - -

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STATE APPELLATE
DEFENDER OFFICE

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1 Grand Rapids, Michigan

2 Wednesday, December 8, 1993

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5 (At about 10:30 a.m. - Court back in
6 session, in the presence of the Stephen Turner
7 Jury)

8 THE COURT: Before we get started,
9 ladies and gentlemen, I understand we've had some
10 problems finding parking places today. That
11 hasn't happened in a long time, so, frankly, I
12 forgot to warn you about it.

13 If it should happen before this case is
14 finished again and the only parking place you can
15 find is a metered spot, go ahead and take it, even
16 though you're clearly going to get a ticket.

17 Under the circumstances, the city
18 attorney will void the ticket. All you have to do
19 is bring me the ticket, and I will give it to one
20 of the city attorneys who's responsible for
21 enforcing them and they will void it.

22 I would urge you to avoid parking
23 somewhere which might get your car towed away as
24 opposed to just getting a ticket, because I'm not
25 sure that I can go so far as to get them to undo

1 that. But sometimes things happen if there's a
2 convention in town.

3 So if the only place that you can find
4 is on the street and it's a metered spot, don't
5 hesitate to take it.

6 MR. BRAMBLE: Does this apply to all
7 parties?

8 THE COURT: Just jurors.

9 MR. BRAMBLE: With that, I would call
10 Lieutenant Straub.

11 **LIEUTENANT JAMES STRAUB,**
12 called by the People at 10:30 a.m. and sworn by
13 the Court, testified:

14 THE COURT: The record should reflect
15 that the only jury in the courtroom is Mr. Stephen
16 Turner's.

17 **DIRECT EXAMINATION**

18 **BY MR. BRAMBLE:**

19 Q Lieutenant Straub, you are employed?

20 A Yes.

21 Q Where are you employed?

22 A Kent County Sheriff's Department.

23 Q And how long have you been employed there?

24 A Twenty-three years next month.

25 Q And as part of your duties and responsibilities,

1 did you have contact with an individual named
2 Stephen Turner?

3 A I did.

4 Q And what date did you have contact with him?

5 A I spoke with him on September 15th, 1993.

6 Q And where did this take place?

7 A At the Kent County Sheriff's Department.

8 Q And was your conversation with him concerning the
9 incident that occurred on July 7th, 1993, at 4130
10 Oak Park?

11 A It was.

12 Q And did you take a statement from the defendant?

13 A Yes.

14 Q Did he indicate to you he'd been sleeping all day,
15 didn't see anything, or what did he indicate?

16 A He told me that he had been working the third
17 shift, and so that he had been sleeping, but that
18 he woke at 4:00 in the afternoon hearing voices
19 outside his room.

20 He said at 4:10 that he went outside his
21 room to see what the voices were, and that he
22 found his brother Daniel with a child, and that
23 Daniel was pointing out some clothing to the
24 child, and either a top or a blouse, and that the
25 child took off her own top or blouse and tried on

1 the one that Daniel had pointed to.

2 Q Did he indicate what type of shirt this young
3 black girl put on?

4 A Simply that it was a light-colored shirt.

5 Q Did he indicate whether or not he heard any of the
6 conversation between this young black girl and his
7 brother Daniel Turner?

8 A He said that he did not.

9 Q Did he indicate what he did next?

10 A He said that he went to the refrigerator and that
11 he got some water or something and went back into
12 his room, where he stayed until 4:30 p.m.

13 Q And did he indicate where his room was in the
14 apartment?

15 A I think that he did not to me.

16 Q Okay. Are we talking about a bedroom here?

17 A A bedroom, yes.

18 Q Okay. Did he indicate finally leaving the
19 bedroom?

20 A He did. He said that at 4:30 he left the bedroom,
21 left the apartment, and went to the Towne &
22 Country Shopping Center, and that he checked his
23 mail at the post office and found none.

24 That he walked to apparently his wife's
25 house, his home, own individual home, apparently,

1 and that he wanted to see if his car was there.
2 It was not, and so he walked back home.

3 Q Did he say whose apartment the 4130 Oak Park
4 apartment was?

5 A That it was his.

6 Q Before leaving, did he see Lakeysha and the
7 Co-defendant Daniel Turner playing any games?

8 A Yes, he told me that this child was sitting on his
9 brother's lap and that they were playing a video
10 poker game.

11 Q Did the Defendant Stephen Turner refer to a
12 statement made by the Defendant Daniel Turner on
13 July 20th, 1993?

14 A He did.

15 Q What did he say?

16 A He told me that on July 20th, 1993, his brother
17 Daniel told him that he, Daniel, had touched this
18 child's breasts, but not in a sexual manner.

19 Q Now, did he talk of the -- strike that. Did he
20 acknowledge talking to Daniel about playing the
21 game video strip poker, he, Daniel, and the young
22 girl, the young black girl that was in the
23 apartment?

24 A I don't know that he acknowledged that. He told
25 me that he saw that. I asked him if this poker,

1 this video poker game was a strip poker game, and
2 he said that it was.

3 Q Now, when he came back to the apartment, did he
4 indicate whether or not this young black girl was
5 present still in the apartment or gone?

6 A He told me that -- I presumed that this child was
7 gone, because Stephen told me that he asked his
8 brother, "Who was that girl," and that his brother
9 replied, "You don't know that girl," as a
10 question, and that, "She is Kayko," K-A-Y-K-O.

11 Q So I'm clear, he claimed to be in the back
12 bedroom?

13 A In a bedroom, yes.

14 MR. BRAMBLE: I have nothing further.

15 THE COURT: Miss Krause?

16 MS. KRAUSE: Thank you, your Honor.

17 **CROSS-EXAMINATION**

18 **BY MS. KRAUSE:**

19 Q Good morning, Lieutenant.

20 A Good morning.

21 Q How are you?

22 A Fine.

23 Q I notice there was a couple things the prosecutor
24 didn't ask you about Stephen's statement to you.

25 First of all, I assume you did Mirandize

1 him, correct?

2 A I did.

3 Q All right. Now, did or did not Stephen tell you
4 that he felt uncomfortable with this girl being in
5 the apartment?

6 A He told me that when he saw Daniel pointing out a
7 top or a blouse, and that the child had taken off
8 her own top and tried on the one that his brother
9 had pointed to, that he felt uncomfortable with
10 that.

11 Q Right, and he told you that he went back to his
12 bedroom?

13 A Yes.

14 Q Removed himself from the situation?

15 A Yes.

16 Q And then shortly after that left the apartment,
17 correct?

18 A He said that he returned to his bedroom at 4:10
19 and that at 4:30 he left the apartment.

20 Q And he gave you specific information about where
21 he went, did he not?

22 A He did.

23 Q The prosecutor also didn't ask you about the fact
24 that when you asked Stephen if he touched the
25 little girl, he said no?

1 A He denied touching this child.

2 Q You asked him that more than once, didn't you?

3 A Yes, I did.

4 Q And he denied it every time, correct?

5 A He did.

6 Q Now, just so we're clear, the events you were
7 asking Stephen questions about occurred in July?

8 A On July 7th, I believe is the correct date, yes.

9 Q Thank you. Your meeting with Mr. Stephen Turner
10 was in September?

11 A September 15th, yes.

12 Q Couple months after the alleged incident, right?

13 A Yes.

14 Q That delay was not Stephen's fault, correct?

15 A It was not.

16 Q That was the first available opportunity you had
17 to speak with him?

18 A Yes.

19 Q True?

20 A Yes.

21 Q You prepared a report about your conversation with
22 Stephen, yes?

23 A I did.

24 Q You turned that report in to whom?

25 A Detective Chris Karpowicz requested that I speak

1 with him, along with Detective Vazquez, and I
2 prepared a report and I believe I sent a copy to
3 Detective Vazquez, as well as the Assistant
4 Prosecutor Bramble.

5 Q So your report was made available to all the
6 detectives in charge of the case, yes?

7 A Yes.

8 Q And the prosecuting official?

9 A Yes.

10 MS. KRAUSE: I have nothing further of
11 Lieutenant Straub.

12 THE COURT: Anything more, Mr. Bramble?

13 **REDIRECT EXAMINATION**

14 **BY MR. BRAMBLE:**

15 Q Did this defendant tell you he was feeling
16 protective of his brother?

17 A He did.

18 MR. BRAMBLE: I have nothing further.

19 THE COURT: Anything more, Miss Krause?

20 MS. KRAUSE: Yes.

21 **RECROSS-EXAMINATION**

22 **BY MS. KRAUSE:**

23 Q But even though he told you he was feeling
24 protective of his brother, he did tell you things
25 about his brother that occurred on July 7th, did

1 he not?

2 A Yes.

3 MS. KRAUSE: Nothing further.

4 THE COURT: Mr. Bramble?

5 MR. BRAMBLE: No, your Honor.

6 THE COURT: All right, thank you,
7 lieutenant. You're free to go.

8 Your next witness, Mr. Bramble, will be
9 Detective Karpowicz?

10 MR. BRAMBLE: Hopefully she's here, your
11 Honor.

12 (At about 10:44 a.m. - The Daniel Turner
13 jury returned to the courtroom)

14 THE COURT: Ladies and gentlemen, as
15 they say, the best laid plans -- our next witness
16 is supposed to be Detective Karpowicz. She just
17 had a baby and I understand that the baby's ill,
18 and so while she's supposed to be here, she isn't
19 here at the moment. We expect her any minute.

20 So, unfortunately, let's go back to the
21 jury rooms and offices, and we'll wait for her.

22 We're going to see if she's here in just
23 a minute or two. She was supposed to be here,
24 didn't say she wouldn't be here. We do know she
25 had to arrange for a sitter, so maybe she's having

1 trouble in that regard or getting a little late
2 getting started. We've all had that experience.

3 (At about 10:45 a.m. - Recess taken)

4 (At about 11:10 a.m. - The Daniel Turner
5 jury returned to the courtroom)

6 (At about 11:10 a.m. - The Stephen
7 Turner jury returned to the courtroom)

8 THE COURT: Everybody can be seated.

9 We took a little extra time, ladies and
10 gentlemen, to be sure that our next witness was
11 here so we'd get two in a row done without taking
12 a break.

13 **DETECTIVE CHRISTINE KARPOWICZ,**

14 called by the People at 11:12 a.m. and sworn by
15 the Court, testified:

16 **DIRECT EXAMINATION**

17 **BY MR. BRAMBLE:**

18 Q Miss Karpowicz, how's your baby?

19 A Good.

20 Q You are employed with the Grand Rapids City Police
21 Department?

22 A Yes, I am.

23 Q And how long have you been employed as a
24 detective?

25 A As a detective, five years.

1 Q And what are your duties and responsibilities?
2 A I investigate sexual abuse to children.
3 Q Were you working in that capacity on July 7, 1993?
4 A Yes, I was.
5 Q And did you respond to a scene or respond to a
6 call at 4130 Oak Park, Apartment 204?
7 A Yes, I did.
8 Q And your purpose in responding there? What were
9 you intending to do once you arrived?
10 A I had obtained a search warrant. We were going to
11 search the apartment.
12 Q The search warrant was drafted and approved by the
13 prosecutor and by a judge, as well?
14 A That's correct.
15 Q Did you search the area?
16 A Yes.
17 Q The Apartment 204?
18 A Yes.
19 Q Without going through a number of things, there
20 has been an item that's marked as exhibit,
21 Proposed Exhibit 30. Would you look at the
22 contents of that bag, please?
23 A Do you want them out?
24 Q Pardon me?
25 A Do you want them out?

1 Q Have you looked at them, can you describe what
2 they are?
3 A They are two plastic containers containing
4 make-up.
5 Q And did you seize those items from the apartment?
6 A Yes.
7 Q Okay. Where did you locate them?
8 A These were located in the bathroom.
9 Q You when you were affecting the search warrant and
10 searching the area, were there more than one
11 person searching?
12 A Yes.
13 Q Who would that have been?
14 A Detective Vazquez and there was two street
15 officers there, also.
16 Q So a number of items were seized by different
17 people, then?
18 A That's correct, Lieutenant Sirard was also there.
19 Q And that's just one of the items that you seized?
20 A That's correct.
21 Q Did you have an opportunity to talk to Lakeysha
22 Cage?
23 A Yes.
24 Q And where was this taking place?
25 A I spoke with her at the Children's Assessment

1 Center.

2 Q Would that have been on or about July 20th?

3 A I believe it was the 19th.

4 Q The 19th? And did you take, did you discuss --
5 was it your intention to do an in-depth interview
6 with her at that time?

7 A No, it was not.

8 Q Did you obtain information from her?

9 A Yes, I did.

10 Q Did you convey that information to Dr. Cox?

11 A Yes, I did.

12 Q And what information did you obtain from Lakeysha?

13 A I spoke to her about what had took place on that
14 night, and she described some detail of what
15 happened.

16 Q What detail would that have been, please?

17 A She described --

18 MS. KRAUSE: Your Honor, I'm going to
19 object to the statements Lakeysha made to
20 Detective Karpowicz some twelve days later as
21 hearsay.

22 THE COURT: In the context of this
23 overall case, the objection is overruled.

24 **BY MR. BRAMBLE:**

25 Q What type of detail did she provide you?

1 A If I could refer to those notes, what she had told
2 me was that she was making stuff and was grabbed
3 by a male with lipstick, dragged into his
4 apartment, back bedroom.

5 Her clothes were off and his clothes
6 were off, and he got on top of her. She told me
7 that he touched her privates with his hands.

8 She said that his brother had come in
9 the room, and the one with the lipstick had told
10 the other brother to hold her down, and he
11 refused, so the one without the lipstick dragged
12 her into the living room, where he held her down
13 and rubbed her chest.

14 From there I asked her how she knew the
15 brother -- or why did he hold her down, the one
16 without the lipstick, and she told me that he
17 thought his brother still wanted him to.

18 I said, "Did he want to," and she said,
19 "No." She also told me the one with the lipstick
20 had licked her privates.

21 Q Now, were you aware that another interview had
22 been done with Lakeysha before this?

23 A Yes.

24 Q So were you intent on again fleshing out every
25 detail?

1 A No.

2 MR. BRAMBLE: I have nothing further.

3 THE COURT: Mr. Mirque?

4 **CROSS-EXAMINATION**

5 **BY MR. MIRQUE:**

6 Q Detective Karpowicz, what particular unit are you
7 assigned to in the Grand Rapids Police Department?

8 A Major Case Team, currently.

9 Q Currently, and back then?

10 A Back then it would have been the juvenile unit.

11 Q Is it fair to say that this was your case?

12 A It was assigned to me.

13 Q Why didn't you take a full statement from Lakeysha
14 Cage?

15 A Because it's our goal not to re-traumatize the
16 child, as she had a detailed statement done with
17 Detective Vazquez.

18 Q So are you saying that it was Detective Vazquez's
19 job to take a full statement?

20 A The night that we were called out, we were both
21 called out to investigate what had taken place.

22 She went to the hospital, per our
23 captain, and spoke with Lakeysha that night, and
24 later was assigned to me because I'm assigned to
25 the Children's Assessment Center.

1 Q Who took Lakeysha to the hospital?

2 A I don't know, offhand. I believe she went with
3 her parents and Detective Vazquez followed, as I
4 recall.

5 Q During the course of the investigation of a crime,
6 at least one full account of the incident must be
7 done?

8 A That's correct.

9 Q And you did not do it because Detective Vazquez
10 had done it?

11 A That's correct.

12 Q And I know you're not aware of this, but the
13 patrol officers also did not do it in anticipation
14 of a detective doing one.

15 A That's correct, we have procedures when we are
16 called out.

17 Q So is it fair to say that it was
18 Detective Vazquez's interview with Lakeysha Cage
19 that will be the full accounting of the event?

20 A I guess I'm not sure what you're getting at.

21 Q Is there any other full interviews done of
22 Lakeysha Cage other than the one by
23 Detective Vazquez?

24 A I spoke with her briefly.

25 Q But that, again -- like Mr. Bramble asked you, you

1 weren't trying to get all the information because
2 Detective Vazquez had already elicited a full
3 account?
4 A That's correct.
5 Q Were you present during the execution of the
6 search warrant?
7 A Yes, I was.
8 Q Were you directing people to look for certain
9 items?
10 A I'm not sure what you're getting at. I
11 conducted --
12 Q What role does the detective have in the execution
13 of a search warrant as opposed to a crime scene
14 technician?
15 A The crime scene technician gathers the evidence,
16 takes pictures at the direction of the detective.
17 Q At the direction of the detective. So either you
18 or Detective Vazquez are directing people to
19 gather the evidence, what evidence should be
20 gathered?
21 A That's correct.
22 Q As the detective in charge of the case, were you
23 familiar with where items were found during the
24 course of the search?
25 A Yes.

1 Q This is a layout of the apartment of the Turners.
2 A Yes.
3 Q Were you aware that some blankets were taken from
4 the apartment?
5 A Yes.
6 Q Do you recall where those blankets were taken
7 from?
8 A It was blankets taken, if I recall, from the back
9 bedroom and from the living room area.
10 Q So there were two blankets taken from these two
11 areas, correct?
12 A That's what I recall, yes.
13 Q One blanket was a green blanket, I seem to recall,
14 is that correct?
15 A I don't recall.
16 Q Is there anything that would help you?
17 A The photos.
18 Q The photos. Would the blanket help?
19 A No.
20 Q Would Crime Scene Technician Curtiss's notes help
21 you?
22 A I believe the photos would help.
23 Q The photos. I don't know if that's going to help
24 you, but do you recall a green blanket underneath
25 that particular quilt?

1 A I don't recall a green blanket under this.

2 Q That's what I'm trying to get at, is where stuff
3 was found, where was the green blanket, where was
4 the other blanket.

5 A What we did when we first came in the apartment
6 is, I had Karen Curtiss go in and take pictures of
7 the whole apartment, all angles, prior to even
8 doing the search, and prior to removing items from
9 where they were. We also took another picture.

10 Q In determining the items that were taken, I would
11 imagine that you have had some information about
12 the incident itself?

13 A That's correct.

14 Q Do you recall Lakeysha saying anything about
15 jelly?

16 A Yes.

17 Q Were you aware that there was jelly in the
18 refrigerator?

19 A Yes.

20 Q Did you request that that be taken?

21 A No, took a picture of it.

22 Q Do you recall any mention by Lakeysha about a
23 photograph being staged in this area (indicating)
24 involving the two defendants and her?

25 A I believe she was somewhere by the kitchen-living

1 room area, from what she had described.

2 Q And that photo was, allegedly, her with a knife,
3 and Daniel Turner taking the picture and Stephen
4 Turner with the knife up against his stomach or
5 some --

6 A I don't recall which one, but both of them were
7 involved in it and the knife was held by --

8 Q By whom?

9 A I don't recall. They both were -- one was in the
10 picture. She would have been holding the knife up
11 against the other brother while the other one took
12 the picture.

13 Q Okay. Was the knife ever processed for
14 fingerprints?

15 A No, it was not.

16 Q She told you she was holding it?

17 A I had spoke to the State Lab when I submitted the
18 evidence, and they had advised that our people
19 would need to do the fingerprinting.

20 So I contacted Karen Curtiss, who
21 advised because of the texture on the knife, it
22 wouldn't be able to be printed.

23 Q When did that all happen? Is that right after the
24 scene, right after the incident?

25 A When things were sent in to the lab.

1 Q Approximately how long was that?
2 A Within that first week.
3 Q When you requested the search warrant, is it you
4 who puts the information in that search warrant?
5 A The prosecutor.
6 Q The prosecutor writes that search warrant up?
7 A That's correct.
8 Q Do you sign that search warrant?
9 A Yes.
10 Q And when you sign that search warrant, you state
11 that what's contained in that search warrant is
12 true to the best of your knowledge?
13 A That's correct.
14 Q When you sign that search warrant, do you read it
15 over?
16 A Yes.
17 Q And when you read it over, does anything -- if
18 there's anything that you aren't familiar with,
19 you would bring it to the attention of the
20 prosecutor and would have it changed, so that you
21 can truthfully say that you have knowledge of the
22 contents of that search warrant?
23 A I swore this search warrant in from the
24 information that I had to the best of my
25 knowledge, it was all correct.

1 Q In that search warrant there is a mention of a
2 case in there. Which case is that?
3 A People versus Russo.
4 Q Okay, and based upon your knowledge of that case,
5 I imagine it can be said at this point, there's
6 certain items that you look for in executing a
7 search involving pedophilia?
8 A That's correct.
9 Q And you tailor the execution of that search
10 warrant according to what you believe has been
11 interpreted under that case?
12 A What the search warrant -- we look for evidence of
13 a crime, the information that's been given to us.
14 Q What evidence following up with Russo were you
15 looking for?
16 A I guess I'm not understanding what you're saying.
17 Q What evidence, according to Russo, were you
18 looking for?
19 A Well, in the Russo case there was videos,
20 photographs, children's toys, so on.
21 Q That's not the only thing, though.
22 A Magazines.
23 Q Magazines, other items which depict children or
24 adults in sex acts, is that what that says?
25 A Yes.

1 Q I've marked out Russo. Is there anything to
2 indicate that those items involving adult sex acts
3 were in that case, or is it just children?
4 A In Russo?
5 Q Yes.
6 A In the Russo case it was children.
7 Q Just children. So you added the word "adults" in
8 here where Russo did not?
9 A I didn't add that in. That was typed up by the
10 prosecutor, I would assume to mean adults with
11 children.
12 Q Okay. So Russo stands for the proposition, in
13 executing that warrant, that when you're looking
14 at a pedophile, you look for items that typically
15 have children's pornography, with an adult
16 involved?
17 A Children's pornography. Not necessarily, you
18 know -- the adult might not be in the picture. I
19 guess it could be.
20 Q Well, did you find any books relating to children
21 in either a sexual, scientific, or social way?
22 A Pornography with children?
23 Q Anything, relating to books, relating to children
24 in a sexual, scientific, or social way. Did you
25 find any of those books that are there?

1 A I don't recall seeing any children's books.

2 MS. KRAUSE: Your Honor, may we approach
3 the bench?

4 THE COURT: Yes.

5 (Counsel approached the bench and a
6 discussion was held off the record and out of the
7 hearing of the jury)

8 THE COURT: Mr. Mirque, let's move on to
9 a new subject.

10 MR. MIRQUE: New subject? Okay, your
11 Honor.

12 **BY MR. MIRQUE:**

13 Q Detective Karpowicz, in your -- I don't know if I
14 asked you this already. That kind of boggled my
15 mind.

16 Did I ask you if you found a Polaroid in
17 the apartment at all?

18 A A Polaroid?

19 Q Polaroid camera.

20 A No.

21 Q Thank you.

22 THE COURT: Miss Krause?

23 **CROSS-EXAMINATION**

24 **BY MS. KRAUSE:**

25 Q Morning, Detective Karpowicz.

1 A Morning.

2 Q I think you told us you were a detective for five
3 years. How long were you a police officer before
4 you became a detective?

5 A Two-and-a-half years.

6 Q So you have almost eight years' experience, seven
7 and a half?

8 A That's correct.

9 Q And you've had a lot of training, is that fair to
10 say?

11 A That's correct.

12 Q Both when you were an ordinary police officer,
13 correct?

14 A That's correct.

15 Q And now that you're a detective?

16 A That's correct.

17 Q One of the responsibilities a detective has is to
18 collect evidence in a case, true?

19 A That's correct.

20 Q Am I correct in assuming that you have training,
21 then, in the particular issue of collecting
22 evidence?

23 A That's correct.

24 Q Now, you were not the first person on the scene.
25 We all understand that, right?

1 A That's correct.

2 Q By the time you got to the scene, several other
3 officers were already there?

4 A Right.

5 Q I believe Officer Baar?

6 A That's correct.

7 Q Officer Mesman?

8 A That's correct.

9 Q Was Detective Vazquez there already?

10 A No, we went together.

11 Q And you needed to be briefed by all of those
12 officers, correct?

13 A That's correct.

14 Q What they had to tell you is very important, isn't
15 it?

16 A Yes.

17 Q If they give you false information, that could
18 hinder a case, yes?

19 A That's correct.

20 Q So the information they need to give you needs to
21 be accurate --

22 A That's correct.

23 Q -- and as complete as possible?

24 A Right.

25 Q You did not do a complete interview of Lakeysha on

1 July 7th, did you?
2 A No, I did not.
3 Q Let's jump back to your training in collecting
4 evidence. I would assume that that also entails
5 knowing how to preserve evidence?
6 A That's correct.
7 Q So that you don't destroy it at the scene?
8 A That's correct.
9 Q Or get rid of any evidence that might help in the
10 case?
11 A Right.
12 Q Now, you took a photograph of the jelly, correct?
13 A That's correct.
14 Q But you did not seize the jelly that was in the
15 refrigerator?
16 A No.
17 Q By the way, by the time you got to the scene, was
18 the refrigerator door opened or closed?
19 A It was closed.
20 Q You directed that it be opened?
21 A It was part of the search, yes.
22 Q And the peanut butter jar was sitting on the
23 table, correct?
24 A That's correct.
25 Q With the knife inserted inside the jar?

1 A That's correct.

2 Q The items that you direct to be seized from an
3 alleged crime scene will depend largely on what
4 you know of the case at that point in time, true?

5 A That's correct.

6 Q You oversaw, then, the preservation and collection
7 of evidence in this particular case on July 7th?

8 A Are you referring to the jelly?

9 Q I'm referring to the entire process. You're the
10 detective in charge of this case, right?

11 A At that point myself and Detective Vazquez were
12 working together. I had not been assigned to
13 anything.

14 Q So sort of cochairs, for lack of a better phrase?

15 A Right.

16 Q All right. IBO Technician Karen Curtiss is going
17 to follow either your orders or
18 Detective Vazquez's, correct?

19 A That's correct.

20 Q And any other police officers who were assisting
21 in the collection of evidence will be bound to
22 follow your orders or Detective Vazquez's, yes?

23 A Correct.

24 Q So you remained on the scene for the entire time
25 the evidence was being collected?

1 A That's correct.

2 Q All right. Now, while the evidence is being
3 collected, to your knowledge, Detective Karpowicz,
4 was there a shirt removed from the scene that had
5 a jelly stain on the belly?

6 A I know there was a shirt collected that had a
7 jelly stain on it. Was it on the belly, I don't
8 know.

9 Q We've already talked about that in previous
10 testimony. But as far as a shirt with a jelly
11 stain on the belly, to your knowledge, there was
12 not one, correct?

13 A To my knowledge, there wasn't one?

14 Q Right.

15 A To my knowledge, there was a shirt collected that
16 had jelly on it.

17 Q But you don't know where the stain was?

18 A That's correct.

19 Q All right. We've already talked about that with
20 other witnesses. There was no Polaroid camera
21 removed from the scene, was there?

22 A No.

23 Q There were no Polaroid photographs removed from
24 the scene, were there?

25 A No -- there were photos taken from the scene.

1 Q All right, but not Polaroids?

2 A I don't believe so.

3 Q In the course of handling this case,
4 Detective Karpowicz, you received a report from
5 Lieutenant Straub of the Kent County Sheriff's
6 Department, did you not?

7 A A report from him?

8 Q Uh-huh.

9 A I do not believe I received his report, no.

10 Q Okay. He told us he turned it in to you. You're
11 telling us you didn't receive it?

12 A I would have to check the file, as far as police
13 reports, but I do not believe I received his
14 report, no.

15 Q Well, let's back up a step. Regardless of whether
16 or not you received Lieutenant Straub's report,
17 you were present when Lieutenant Straub talked to
18 Stephen Turner, were you not?

19 A That's correct.

20 Q And during the course of this conversation that
21 Stephen Turner had with Lieutenant Straub, he gave
22 several pieces of information about where he was
23 on July 7th during the periods of time that he was
24 not in the apartment. Do you recall that?

25 A Yes.

1 MR. MIRQUE: May I approach?

2 THE COURT: Yes.

3 (Counsel approached the bench and a
4 discussion held out of the hearing of the jury and
5 off the record)

6 THE COURT: Move on, Miss Krause.

7 MS. KRAUSE: Thank you.

8 **BY MS. KRAUSE:**

9 Q Just so we're clear, Detective Karpowicz, there
10 was no Polaroid camera?

11 A Not that I recall, no.

12 Q And, to the best of your knowledge, no Polaroid
13 photograph?

14 A That's correct.

15 Q Did you prepare a report about your conversations
16 with the lab technicians in this case?

17 A I had various notes.

18 Q Did you prepare an official police report?

19 A No, I did not.

20 MS. KRAUSE: No further questions.

21 **REDIRECT EXAMINATION**

22 **BY MR. BRAMBLE:**

23 Q Detective, how many cases, criminal sexual conduct
24 cases have you held during your two-and-a-half
25 years as a detective?

1 A In the last five years?

2 Q Correct, if you can give an approximate figure.

3 A Over a thousand.

4 Q Over a thousand cases?

5 A Of sexual abuse, yes.

6 Q In your training and experience, do all people who

7 sexually abuse children possess the items brought

8 out by defense counsel?

9 A Excuse me?

10 Q Do all people who sexually abuse children possess

11 items brought out by defense counsel?

12 A No.

13 Q Now, you seized a number of items?

14 A Yes.

15 Q Defense counsel has gone through a couple of

16 them. Technician Curtiss has testified that there

17 were, I think she used the word "lots" of these

18 type of things.

19 A That's correct.

20 Q Do you recognize these items?

21 A Yes.

22 (People's Exhibits 38 and 39 were marked

23 for identification by the Court Reporter)

24 BY MR. BRAMBLE:

25 Q That which is marked Proposed Exhibit 38, do you

1 recognize that?

2 A Yes, I do.

3 Q Okay. Do you recall where that was in the
4 apartment, 204?

5 A This was in the back bedroom next to the computer
6 system.

7 Q And is there a Post-Em, Stick-Em, whatever those
8 things are called, on the front of that?

9 A Yes.

10 Q Was that Stick-Em on there, Post-Em on there when
11 you went in to conduct the search warrant?

12 A Yes.

13 Q Is that in the same condition now as it was then?

14 A It's taped on. There's sticky on the back and it
15 fell off, so I taped it back on.

16 Q Okay. Is that in the location or the area it was
17 on?

18 A Yes.

19 Q Now, there's some writing on this. Has this
20 writing changed from the day you seized it?

21 A No.

22 Q And on it says "Call 911," gives a number, then it
23 says, "Says he's in 212"?

24 A Right.

25 Q And the next item there, 39, is another set of

1 disks?

2 A Yes.

3 Q And these were taken from the apartment, as well?

4 A Yes, they were.

5 Q Do you know where the 39 was seized from, do you
6 recall?

7 A That's this one (indicating)?

8 Q Yes.

9 A In the living room area.

10 MR. BRAMBLE: Nothing further.

11 THE COURT: Anything more, Mr. Mirque?

12 MR. MIRQUE: Yes, just one or two, maybe
13 three or four.

14 **REXCROSS-EXAMINATION**

15 **BY MR. MIRQUE:**

16 Q Detective Karpowicz, do you direct the State
17 Laboratory, in doing its analysis, as to what you
18 would like them to do?

19 A Yes.

20 Q Did you direct the State Laboratory to analyze
21 this knife for jelly?

22 A I had -- no.

23 Q And you've said that Detective Vazquez was also
24 the detective coequal to you on this case, is that
25 correct?

1 A That's correct.

2 Q So if you didn't do it, then surely she would have
3 done it?

4 A The case was assigned to me for further follow-up
5 the next day. That would have been part of my
6 job.

7 Q Okay, thank you.

8 THE COURT: Miss Krause?

9 **RECROSS-EXAMINATION**

10 **BY MS. KRAUSE:**

11 Q Detective Karpowicz, Mr. Bramble asked you
12 something that made me think of something that I
13 forgot to ask you, and I apologize for not doing
14 it in order.

15 As the detective in this case, you
16 became aware of 911 tapes, is that correct?

17 A That's correct.

18 Q And, in fact, I believe you made a copy for
19 everyone of the 911 calls that were made in
20 reference to this case?

21 MR. MIRQUE: Your Honor?

22 THE COURT: Yes.

23 (Counsel approached the bench and a
24 discussion was held off the record and out of the
25 hearing of the jury)

1 THE COURT: Go ahead, Miss Krause.

2 BY MS. KRAUSE:

3 Q Detective Karpowicz, I was asking you about the
4 911 tapes.

5 A I made a copy of the copy that I had requested.

6 Q And there were several calls that were made that
7 day, correct?

8 A That's correct.

9 Q And one of the calls, you've come to learn through
10 your investigation, was made by Stephen Turner?

11 A That's correct.

12 Q I believe the prosecutor has set this up so that
13 you can play it. Now, I will state for the
14 record, you did make a copy for me as defense
15 counsel, correct?

16 A Yes, I did.

17 Q And the copy you made for me was made from your
18 copy or the originals?

19 A It was made from the copy.

20 Q And your copy was made from the originals?

21 A Yes.

22 Q All right.

23 MS. KRAUSE: Mr. Bramble, did you take
24 the tape out of the machine?

25 THE WITNESS: We need the tape.

1 MS. KRAUSE: No, I did. Excuse me.
2 MR. BRAMBLE: I supplied the machine.
3 MS. KRAUSE: I accept responsibility.
4 THE COURT: Detective, have you heard
5 that tape several times?
6 THE WITNESS: I've heard it a couple
7 times.
8 THE COURT: May I suggest, Miss Krause,
9 that we see if the detective can recount what's on
10 there, and given what you've heard, if you think
11 that's a pretty close recounting, we can then
12 simply rely on the jury listening to the tape in
13 the jury room at the appropriate time. We'll give
14 them a machine.
15 MS. KRAUSE: That's fine, your Honor.
16 I would like the record to reflect that
17 Mr. Bramble had this all set up and ready to go so
18 that this wouldn't happen.
19 **BY MS. KRAUSE:**
20 Q Detective Karpowicz, you listened to the 911 tape
21 made by my client, Stephen, correct?
22 A That's correct.
23 Q And isn't it true that he called and requested
24 assistance --
25 A That's correct.

1 Q -- to be sent to his apartment?

2 A That's correct.

3 Q And at the time he made the call, there was
4 something going on that made him make the call,
5 correct?

6 A From what he was saying, yes.

7 Q And what he was saying was that someone was trying
8 to beat into his door?

9 A That was part of what he said, yes.

10 Q That was the initial part of the call, correct?

11 A From what I recall, there was -- he was saying his
12 brother was being accused of doing something and
13 somebody was there at the door.

14 MS. KRAUSE: May we approach, your
15 Honor?

16 (Counsel approached the bench and a
17 discussion held out of the hearing of the jury and
18 off the record)

19 THE COURT: Miss Krause, go ahead.

20 What we're going to do, ladies and
21 gentlemen, is simply move on to another subject,
22 and, obviously, what's on the tape is on the tape,
23 and we'll work out over the noon hour getting it
24 played to you this afternoon so you can in fact
25 hear it.

1 MS. KRAUSE: I do not have any further
2 questions for Detective Karpowicz. If the
3 prosecutor doesn't need her here for playing the
4 tape when we come back from lunch --

5 MR. BRAMBLE: No, your Honor.

6 MR. MIRQUE: I have no objection to
7 that.

8 THE COURT: Mr. Bramble, anything you
9 want to ask the witness?

10 MR. BRAMBLE: No, your Honor.

11 THE COURT: All right, then, Detective,
12 you're free to go. Just leave the tape and we
13 will play things later.

14 **PATRICIA ANN HAIST,**
15 called by the People at 12:00 noon and sworn by
16 the Court, testified:

17 **DIRECT EXAMINATION**

18 **BY MR. BRAMBLE:**

19 Q Miss Haist, where are you employed?

20 A The YWCA Counseling Center.

21 Q And how long have you been employed there?

22 A Nine years.

23 Q What are your duties and responsibilities there?

24 A I supervise our adult sexual assault program. I
25 also supervise the non-familial child molestation

1 program.

2 MR. MIRQUE: Your Honor, Mr. Turner will
3 stipulate to the qualifications of the witness.

4 MS. KRAUSE: As will Mr. Stephen Turner.

5 THE COURT: Mr. Bramble, proceed, then.

6 MR. BRAMBLE: Thank you.

7 **BY MR. BRAMBLE:**

8 Q You've had some educational background that has
9 enabled you to obtain this position?

10 A Yes, I have.

11 Q There has been some information elicited by
12 defense counsel regarding the victim in this case,
13 while at the emergency room with her parents in a
14 waiting area actually laughing or eating or
15 drinking pop, and this is at least a couple hours
16 after the assault took place.

17 My question to you is, based on your
18 training, your qualifications, is this consistent
19 or inconsistent with a ten-year-old child that's
20 been assaulted?

21 A It is consistent.

22 Q Can you explain to the jury how that is, please?

23 A It's very likely that she was in shock, following
24 an assault, and that her emotions -- she may have
25 been emotional during the two hours prior to what

1 was witnessed in the waiting room.

2 What is known is that there are two main
3 styles of emotional expression following an
4 assault. One is the expected style, which is
5 sobbing and being hysterical. The other is being
6 very controlled and trying to get back to normal.

7 And so her behavior that was observed in
8 the waiting room is not unusual. That's one
9 expected style of emotional reaction following an
10 assault.

11 It's likely that she was trying to get
12 back in control of her emotions. All of her
13 control was taken away from her when she was
14 assaulted.

15 Q And these two theories you're describing, you have
16 witnessed them through your own work?

17 A I have, yes. I have often been in the emergency
18 room to be supportive of victims and have
19 witnessed both styles, yes.

20 Q And you have also, I take it, read studies of this
21 nature?

22 A Yes.

23 Q Been at seminars that have discussed this
24 material, as well?

25 A Yes.

1 Q Thank you.

2 MR. BRAMBLE: I have nothing further.

3 THE COURT: Mr. Mirque or Miss Krause?

4 MS. KRAUSE: I'll go first.

5 **CROSS-EXAMINATION**

6 **BY MS. KRAUSE:**

7 Q Good morning, ma'am.

8 A Good morning.

9 Q Know anything about this case?

10 A Nothing.

11 Q Don't know the victim, Lakeysa Cage?

12 A No.

13 Q You don't know the alleged victim's family?

14 A No.

15 Q You did not interview her, did you?

16 A No, I did not.

17 Q So you do not know how she would normally react?

18 A No, I do not.

19 Q And I believe you testified that in areas of crime
20 you can expect two results, a hysterical result or
21 a controlled result, right?

22 A Yes.

23 Q And the prosecutor asked you that in response to
24 specific issues that have come up in this case.

25 He used the example of laughing and -- laughing,

1 right?

2 A Right.

3 Q Because you don't know this person, you don't know
4 what her typical response would be, do you?

5 A No, I do not.

6 MS. KRAUSE: No further questions.

7 THE COURT: Mr. Mirque?

8 MR. MIRQUE: I can't think of anything.

9 Thank you.

10 THE COURT: Anything more, Mr. Bramble?

11 MR. BRAMBLE: Very briefly.

12 **REDIRECT EXAMINATION**

13 **BY MR. BRAMBLE:**

14 Q You indicated a response and then mentioned -- I
15 can't remember your exact response to one of
16 defense counsel's questions, but you compared that
17 with something you'd mentioned on direct, and that
18 is that you don't know what happened before this,
19 for two hours before this?

20 A Correct.

21 Q Are you saying that the response you might expect
22 could have occurred two hours before this?

23 A Sure.

24 Q And then she goes into this other type of coping
25 mechanism you've described?

1 A Absolutely, it's very possible.

2 Q Would you say to kind of gain control back?

3 A Yes. What we know to be true in sexual assault is
4 that control is taken away, and an effort to
5 regain some kind of control is emotional control,
6 and trying to get back to normal, doing something
7 normal like drinking a pop or giggling.

8 And that may appear to people observing
9 it that, well, the assault didn't really affect
10 her or maybe it didn't happen. But that is just
11 not the case. It's an emotional style of trying
12 to cope.

13 Q Thank you.

14 MR. BRAMBLE: I have nothing further.

15 THE COURT: Anything more?

16 MS. KRAUSE: Nothing further.

17 THE COURT: Miss Haist, you're free to
18 go.

19 Ladies and gentlemen, let us break for
20 lunch. It's going to be a long lunch. Being
21 Wednesday, I have matters scheduled at 1:30, but
22 let's come back at three, because I think there's
23 a good chance that we can finish up the evidence
24 either then or tomorrow morning and get this case
25 in your hands for deliberations tomorrow.

1 Three clock. You're welcome to use the
2 jury rooms if you want until then.

3 (At about 12:09 p.m. - Recess taken)

4 (At about 3:16 p.m. - The Daniel Turner
5 jury returned to the courtroom)

6 (At about 3:16 p.m. - The Stephen Turner
7 jury returned to the courtroom).

8 THE COURT: Everybody can be seated.
9 Got the tape recorder working?

10 MR. BRAMBLE: I think we got a tape
11 recorder, your Honor, that deletes the constant
12 referral to the time so it should make it easier
13 to listen to.

14 THE COURT: We should probably explain
15 to the ladies and gentlemen of the jury that the
16 police recorder is tuned into that time that you
17 hear on the telephone so that people know what
18 time any call comes in.

19 So what they record, normally, is the
20 person calling, plus the telephone operator
21 constantly repeating the time, and that does
22 sometimes get difficult to hear.

23 MS. KRAUSE: And based on that, your
24 Honor, before we play the tape, the prosecutor and
25 I have stipulated to some things we want to say

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first.

Because we have deleted the time, we were stipulating that the call was made at 1743, or 5:43.

We are also stipulating that my client's call to 911 was the fourth call made in a series of calls relating to this particular alleged offense.

MR. BRAMBLE: Exactly.

THE COURT: Ladies and gentlemen, a stipulation means that the two facts that these lawyers have agreed to may be accepted by you as fact, even though no witness is going to testify to that. That a call came in at 5:43 p.m. on July 7th of this year, and that it was the fourth call in sequence with regard to this incident.

We don't need anymore evidence of those two facts than what they've agreed to.

MR. MIRQUE: Mr. Daniel Turner will join in this motion.

MS. KRAUSE: Now, with any luck, this one will work better than the last one.

(At about 3:19 p.m. - Commenced with the playing of the 911 tape)

THE COURT: Do you think you can rewind

1 it without erasing it and try one more time?

2 MS. KRAUSE: You're asking an awful lot
3 of me.

4 THE COURT: We came in somewhere along
5 the line and it wasn't all that easy to hear. You
6 will be able to listen to it during your
7 deliberations, ladies and gentlemen, but so we can
8 put it in the context of everything else you've
9 heard, I'd like to try it one more time now.

10 (Played the 911 tape again)

11 THE COURT: Thank you, Miss Krause.

12 MS. KRAUSE: Thank you, your Honor.

13 THE COURT: Mr. Bramble, you may call
14 your next witness.

15 MR. BRAMBLE: Thank you, your Honor. We
16 would call Debra Vazquez.

17 **DETECTIVE DEBORA VAZQUEZ,**
18 called by the People at 3:21 p.m. and sworn by the
19 Court, testified:

20 **DIRECT EXAMINATION**

21 **BY MR. BRAMBLE:**

22 Q Detective Vazquez, you are employed with the Grand
23 Rapids Police Department?

24 A Yes, sir.

25 Q How long have you been employed there?

1 A I have been employed with Grand Rapids for just
2 over fifteen years.

3 Q And are you a detective now?

4 A Yes, I'm an investigator with the city.

5 Q How long have you been a detective?

6 A Thirteen years now.

7 Q What are your duties and responsibilities as a
8 detective?

9 A As a detective, my responsibilities are to read
10 over the cases that are assigned to me, to
11 interview the victims, any witnesses, and any
12 suspects that are involved to make sure that if
13 there is any evidence, that it is first sought for
14 and then processed properly, and then to seek
15 warrants, if the case has enough to it for a
16 warrant.

17 Q And you bring that warrant to the prosecutor's
18 office and someone reviews that?

19 A Yes.

20 Q Now, you've heard testimony from some of your
21 police officers regarding their conduct at the
22 scene, taking, eliciting only so much information
23 from Lakeysha.

24 Is that standard procedure?

25 A Yes. The patrol officers' duty and function are

1 to, first of all, establish peace at a scene,
2 protect the evidence, and make sure that everyone
3 there is safe, that there are no health problems
4 that need immediate attention, and then to get
5 kind of a thumbnail sketch or rough sketch of what
6 the incident is.

7 And then if it is a case that merits
8 more investigation, it is turned over to an
9 investigator.

10 Q Were you called to 4130 Oak Park?

11 A Yes, sir.

12 Q What time did you arrive there?

13 A I arrived at 4130 Oak Park probably around 10:00,
14 or later. I was called in to this case shortly
15 before 8:00, and responded to the police
16 department first and later to St. Mary's Hospital
17 before helping obtain a search warrant and then
18 responding to the scene.

19 So I'm not positive what time I went to
20 the scene.

21 Q What was your purpose in going to St. Mary's
22 Hospital?

23 A To interview the victim in this case, Lakeysha
24 Cage.

25 Q Is it your duty and your responsibility to conduct

1 the in-depth interview with the alleged victim?
2 A No. Normally there is one detective assigned to
3 the case as the primary detective and they do the
4 interview, the follow-up interview with the
5 victim, and make sure that if there are any
6 unanswered questions or gray areas, that those are
7 taken care of.
8 Q Were you acting in that capacity, then?
9 A No, I wasn't.
10 Q You were working alongside or with
11 Detective Karpowicz, then?
12 A Yes, in this case I was.
13 Q Okay. Did you have a chance to sit down with
14 Lakeysha Cage?
15 A Yes, I did.
16 Q And did you interview her?
17 A Yes, I did.
18 Q Did you tape that interview?
19 A Yes.
20 Q And did you question her regarding the incident
21 there at 4130 Oak Park?
22 A Yes. I had been given a brief description of the
23 incident and there were some, you know -- a more
24 in-depth interview was needed with her. So I was
25 sent to the hospital to do that.

1 (Defense Exhibits 40, 41, and 42 were
2 marked for identification by the Court Reporter)

3 **BY MR. BRAMBLE:**

4 Q Showing you what's marked as Exhibit 41, do you
5 recognize the handwriting on that tape?

6 A Yes, sir, this is my handwriting.

7 Q Is that in fact the tape of the interview that you
8 had with Lakeysha Cage?

9 A Yes, sir.

10 Q Where did this interview take place?

11 A This interview took place in the examination room
12 at St. Mary's Hospital.

13 Q Was this interview interrupted on a number of
14 occasions?

15 A Numerous times, doctors, nurses, the mother were
16 coming and going throughout the interview during
17 which time the tape was stopped to avoid the
18 interruption of the questions.

19 Q Was a transcription taken of this --

20 A Yes, sir.

21 Q -- done of this tape?

22 A Yes, sir.

23 Q I'll show you one of these and ask if this is --
24 is that, what you're holding now, a copy?

25 A Yes, it is. This is a copy of the transcription

1 that was made from this tape.

2 Q Does it accurately reflect the interview you had
3 with Lakeysha Cage?

4 A Yes, it does.

5 Q Okay. Obviously this, the tape collects the
6 recorded message. Were there hand signals or
7 anything of that nature, motions made by Lakeysha
8 that wouldn't be picked up on that?

9 A Yes, quite often in talking with her she would nod
10 her head in response to answers or shake her head
11 no, or make gestures with her hands showing what
12 had been done or what she was saying had been
13 done.

14 Q How long is the tape?

15 A It's about an hour.

16 MR. BRAMBLE: Your Honor, at this time I
17 would like to -- I don't think each defense
18 counsel has a copy of this. I would like to pass
19 one out to the jurors to follow along with the
20 tape.

21 THE COURT: All right.

22 MS. KRAUSE: Your Honor, the record
23 should reflect at this time my standing objection
24 to these items as hearsay.

25 THE COURT: It will. It may,

1 nonetheless, be received.

2 While they're handing out the
3 transcripts, ladies and gentlemen, I want to
4 caution you that transcripts are just aids to
5 listening to the tape.

6 Obviously, a transcript is somebody
7 else's interpretation of the tape. If in the
8 course of hearing the tape you think that it says
9 something other than what's on the transcript, of
10 course, it's your understanding of the tape which
11 controls. But having a transcript in front of you
12 may help to interpret those matters which at first
13 glance don't seem all that audible.

14 But remember, it's the tape and the
15 transcript is merely an aid.

16 (People's Exhibit 42 was marked for
17 identification by the Court Reporter)

18 MR. BRAMBLE: Go ahead and play the
19 tape.

20 JUROR NUMBER ONE: Excuse me, your
21 Honor, I have one that has been yellowed in. I
22 wonder if that's someone's copy.

23 THE COURT: Anybody else that has
24 somebody's suggestions of what's significant or
25 not? Of course, most suggestions are irrelevant.

1 It's your interpretation which counts.

2 JUROR NUMBER ONE: This one has also
3 been highlighted.

4 MR. BRAMBLE: All right, Mr. Bramble,
5 how many have something that's highlighted?

6 MR. BRAMBLE: We had a power outage this
7 afternoon when I was coping these. I thought I
8 had twenty-eight of them together.

9 JUROR NUMBER ONE: We can share back
10 here.

11 THE COURT: You may write on them,
12 ladies and gentlemen. They're yours now.

13 (At about 3:31 p.m. - Commenced with the
14 playing of the taped interview)

15 (At about 4:28 p.m. - Completed the
16 playing of the taped interview)

17 **BY MR. BRAMBLE:**

18 Q Detective, you then went to the apartment
19 following this interview?

20 A I came back downtown here and picked up the
21 completed search warrant. Detective Karpowicz and
22 we got the search warrant signed and then went to
23 the apartment, yes.

24 Q Detective Karpowicz has identified Exhibit 39, and
25 this contains certain computer disks, for lack of

1 a better word?

2 A Yes, sir.

3 Q Did you look through those disks?

4 A Yes, I did.

5 Q And your purpose of looking through them?

6 A I was attempting to determine whether the computer
7 games that Lakeysa had talked about, the Pac-Man,
8 race track, and strip poker were in fact among
9 these disks.

10 Q Did you find them?

11 A Yes, I did.

12 Q Could you pull them out for us?

13 A (Complied) In this batch of disks, the three
14 disks she talked about are each separate disks.
15 There's the Strip Poker, the Great American Cross
16 Country Road Race and a couple other Pac-Man games
17 with a couple other games on it.

18 Q Did you attempt to access these games?

19 A Yes, I did.

20 Q And did you have trouble finding a computer system
21 compatible with the games?

22 A Yes, we needed an Atari system to run these games,
23 and most computers in the city of Grand Rapids are
24 IBM or IBM compatible, Hewlett-Packards and such.

25 I did find one Atari computer in the

1 Grand Rapids City Government system that I could
2 access these games with.

3 Q Did you go there and access them?

4 A Yes, I did.

5 Q Without bringing the computer system here to show
6 the jury what's contained on these tapes, did you
7 find another way to get it displayed on the
8 screens there?

9 A Yes, I hooked a VCR, video cassette recorder, to
10 the computer system, to the monitor of the
11 computer and inserted a tape into the VCR, ran the
12 programs on the computer system, and that way what
13 was showed on the monitor we could also videotape
14 simultaneously onto the VCR.

15 (People's Exhibit 43 was marked for
16 identification by the Court Reporter)

17 **BY MR. BRAMBLE:**

18 Q Showing you what's marked Exhibit 43, is that the
19 tape you're referring to?

20 A Yes, sir, it is.

21 Q Okay. Could you play that for the jury now,
22 please?

23 A Yes.

24 MR. BRAMBLE: This cord doesn't reach
25 quite far enough.

1 (Commenced with the playing of the video
2 tape)

3 THE WITNESS: That's the sound of the
4 computer powering up on this disk. As the
5 computer was put in and turned on, these were the
6 games displayed on the disk. This is the Pac-Man
7 combination disk.

8 I played just a few moments of each game
9 to show this was in fact on the disk.

10 This is the race track disk, powered up
11 there for a moment. This is the graphics that
12 came up.

13 **BY MR. BRAMBLE:**

14 Q Detective, as I indicated, there were some
15 motions -- you indicated before you played the
16 tape Lakeysha had made some motions during your
17 interview?

18 A Yes, sir.

19 Q Would you show how the defendant was handling,
20 playing, or whatever with his penis?

21 A She showed that he was masturbating his penis.
22 She showed that he was moving his hand in an
23 up-and-down motion at a rapid rate.

24 Q One of the exhibits has the time of the call, the
25 911 call, and it also has -- and that would be

1 Exhibit 38.

2 It also has another notation on that
3 Post-Em or Stick-Em?

4 A Yes, it does.

5 Q What does it say?

6 A It says 930707.1743. 1743 is the time of the
7 call, and below that it says, "Says he's in Number
8 212."

9 Q Whose apartment is 212?

10 A 212 is Lakeysha Cage's apartment, and that of her
11 mother and father.

12 Q Besides the disks and the video components that
13 have been described, did the defendants have
14 anything that they hooked up to their phone?

15 A There was a modem system hooked up to the computer
16 in the back bedroom. A modem system accesses the
17 computer to the phone lines, basically.

18 MR. BRAMBLE: I have nothing further.

19 THE COURT: Mr. Mirque?

20 MR. MIRQUE: Thank you, your Honor.

21 **CROSS-EXAMINATION**

22 **BY MR. MIRQUE:**

23 Q Detective Karpowicz -- I'm sorry,

24 Detective Vazquez.

25 A My name was polish before marriage, so that may be

1 the mistake.

2 Q Now, there's been a lot of finger pointing as to
3 who was the detective in charge in this case.

4 Were you the detective in charge or was
5 Detective Karpowicz?

6 A No, sir, this case was assigned to
7 Detective Karpowicz, and I was called in to assist
8 her in the investigation.

9 Q Were you -- I'm not quite sure on departmental
10 policy, but in directing the forensic laboratory,
11 Michigan State Laboratory, is it within your duty
12 to do that or is it Detective Karpowicz's duties
13 to do that?

14 A In this case, it is Detective Karpowicz's, if I
15 may explain a little further.

16 Q Sure, go ahead.

17 A Detective Karpowicz and I are both members now of
18 the Major Case Team. Her investigations are those
19 of child sexual assaults, primarily, and child
20 abuse cases. Mine are of adult criminal sexual
21 assaults, robberies, and homicides.

22 If it's a case involving juveniles, it
23 would be investigated by one of the juvenile
24 investigators, and they would be the ones --
25 although we do assist them, it is that detective's

1 case to see to it what evidence is handled and
2 how.

3 Q So in making requests to the State Laboratory, if
4 there was some pertinent information you thought
5 that could be gathered, it's Detective Karpowicz's
6 job to make that request, even though it might be
7 your idea?

8 A Yes.

9 Q You were in on the search warrant, were you not?

10 A Yes, sir.

11 Q As a matter of fact, you signed off on the return
12 of warrant, isn't that correct?

13 A Yes, I kept track of the return of search. Every
14 item that we take or the items that we take from
15 the home are listed on a return of search, and I
16 did that.

17 Q One of the questions I can't seem to get any
18 answers from is where was this green blanket
19 found?

20 A Okay, the green blanket that you've referred to is
21 referred to in our paperwork mostly as an aqua
22 blanket. It was found on the cot in the back
23 bedroom, beneath the red-and-blue comforter that
24 is shown in most of the photos.

25 You can see an edge of that blanket

1 below those.

2 Q So the green blanket is here (indicating)?

3 A Yes, sir.

4 Q Underneath?

5 A Underneath the red-and-blue comforter that was on
6 top of it, and it's listed on the search warrant,
7 roughly the eighth line down -- or the return of
8 search, I'm sorry.

9 Q Now, there was a comforter on top. I'll ask you,
10 was it this comforter (indicating)?

11 A Yes, and in the left-hand side of that picture,
12 just below the green pillowcase, you can see an
13 edge of the blue blanket that's in question, or
14 aqua or green. It's kind of a turquoise color.

15 Q There (indicating)?

16 A Right.

17 Q And in discussing with Lakeysa, it's this blanket
18 or this room where much of the sexual activity had
19 occurred?

20 A Yes, sir.

21 Q So when she says she wiped it on, wiped the semen
22 on the blanket --

23 A The blanket or sheet there, yes.

24 Q Blanket or sheet. Was this picture taken when you
25 had first entered the room?

1 A That was taken by IBO Tech Curtiss when she first
2 entered the room, before I entered the room.

3 Q And is it typical for them to touch anything
4 before you take these pictures?

5 A No. Typically, you want to leave as much evidence
6 as possible as it is before you take any pictures
7 or disturb any of it.

8 Q Were the sheets confiscated in this?

9 A There were no sheets on those beds when we got
10 there, on that bed when we got there.

11 Q There were no sheets on this particular bed?

12 A On that particular bed.

13 Q There was no white sheet on that bed?

14 A No, there wasn't.

15 Q Was any white sheet found?

16 A No, sir.

17 Q There was some discussion yesterday regarding the
18 possibility of a Polaroid camera in this room, the
19 front room.

20 A Yes, sir.

21 Q Do you have any additional information regarding
22 that particular item?

23 A Yes, sir.

24 Q What is that?

25 A When I first saw this photograph, I thought it

1 looked like a Polaroid camera and I couldn't
2 imagine how this was the room I was in most of the
3 time, how I could have overlooked it.

4 I then took this downstairs and
5 magnified it, and it is not a Polaroid camera, it
6 is a flashlight with a rechargeable battery-type
7 unit on it.

8 Q Okay. So Technician Curtiss was wrong when she
9 identified it as a Polaroid camera?

10 A Yes.

11 Q Or mistaken --

12 A Mistaken.

13 Q -- is a better word. I think that's a little
14 kinder (sic), gentler. Was any Polaroid camera
15 found in the contents of this entire apartment?

16 A No, sir.

17 Q When you went and executed the search of the
18 apartment, you had already spoken with Lakeysha,
19 isn't that true?

20 A Yes, sir.

21 Q So you were privy to some information regarding
22 the incident, the knife and the shirt and the
23 jelly, what-have-you?

24 A Yes.

25 Q Did you find any jelly in the apartment?

1 A I did not see any jelly in the apartment. I am
2 aware of other officers finding that, but I myself
3 did not.

4 Q You knew there was jelly in the apartment?

5 A Yes.

6 Q Did you as a detective instruct anybody to take
7 that jelly for analysis?

8 A No, sir, I didn't.

9 Q And this knife in the peanut butter, was that
10 consistent with Lakeysha Cage's description of the
11 knife?

12 A Yes. She described the knife with a silver handle
13 and blade. She described it similar to a butter
14 knife or as a butter knife, and she had said it
15 had been in the peanut butter jar on the table as
16 she was taken past, as she was dragged past the
17 table.

18 Q And the reason why it was confiscated is because
19 it was consistent with her story of the knife in
20 the picture?

21 A Yes, sir.

22 Q Was the knife analyzed for fingerprints?

23 A To my knowledge, no, sir, it wasn't.

24 Q Do you typically make a request to a technician, a
25 crime scene technician to do fingerprints?

1 A If it is a surface that can be fingerprinted.

2 This knife was not.

3 Q Who makes that determination, you or the crime
4 scene technician?

5 A If it is something that is obviously not possible,
6 the detective himself can make it. Otherwise, we
7 sometimes leave it to the crime scene
8 technicians.

9 This knife had a very rough handled
10 surface -- or rough-surfaced handle.

11 Q Was any attempt made at all?

12 A Not to my knowledge.

13 Q What about the computer materials that Lakeysa
14 said she played with? Was it a keyboard-type
15 system or a joy-stick-type system?

16 A There were both keyboard and joy stick. One of
17 the games in particular, I recall -- I don't know
18 if you could run them on keyboards. We used joy
19 sticks to maneuver these.

20 Q Were those dusted for fingerprints to match up
21 with Lakeysa Cage's?

22 A No, sir, not to my knowledge.

23 Q Were those requested?

24 A Not that I'm aware of.

25 Q Was a shirt with grape jelly found in the

1 apartment?

2 A There was a shirt found on the other side of the
3 mattress, the wall side of the mattress, that had
4 numerous stains of various kinds on it.

5 Q And were those -- did you request that those
6 shirts be analyzed for jelly stains?

7 A I did not request that they be analyzed.

8 Q Were they?

9 A They were analyzed, yes.

10 Q And as the detective in the case, do you know the
11 results of those analyses?

12 MR. BRAMBLE: Objection, your Honor. We
13 had an evidence technician in here. He's gone
14 through each one of these exhibits. This is
15 outside her expertise.

16 Again, I guess he can also say it's been
17 asked and answered by the person who did the
18 analysis.

19 THE COURT: Mr. Mirque?

20 MR. MIRQUE: Detective Vazquez is the
21 detective in charge of the case. I believe she
22 should have firsthand knowledge of this material,
23 and if it has been covered -- I don't think it has
24 been.

25 THE COURT: What you're asking her to do

1 is report on what someone else told her reported,
2 which makes it hearsay.

3 Objection sustained.

4 **BY MR. MIRQUE:**

5 Q Detective Vazquez, when you were analyzing the
6 computer disks, were you there when that was
7 brought up on the screen?

8 A Yes, I brought that up on the screen.

9 Q What we saw only had a woman on it. Did you find
10 a man in any of the games?

11 A Yes. In fact, there are two men and two women on
12 the games. In the female version there are Susie
13 and Melissa. The male version is David and Tony.

14 Q Did you tape the male versions?

15 A No, I didn't.

16 Q Why was that?

17 A Because when I interviewed Lakeysha, it was --
18 wrongly perhaps, now having reviewed these
19 disks.

20 I thought she had been referring to the
21 defendant Daniel Turner as the man that she got
22 naked. I had not realized at that time that it
23 was the computer game that she had gotten naked.

24 Q So you were able to access a male version of the
25 strip poker?

1 A They can be accessed, yes.

2 Q Did you play those games?

3 A I did not play the male version. As you can see,
4 I'm not very good at poker.

5 Q Is it similar in construction to the female
6 version?

7 A Yes.

8 Q Did it take almost as long to get nowhere, as the
9 other one?

10 A It depends on your poker abilities and the cards
11 you're dealt.

12 Q Thank you.

13 THE COURT: Miss Krause?

14 MS. KRAUSE: Thank you, your Honor.

15 **CROSS-EXAMINATION**

16 **BY MS. KRAUSE:**

17 Q Detective Vazquez, I believe you said when
18 Mr. Bramble first started asking you questions
19 that when officers arrived on the scene, one of
20 your primary functions and duties is to establish
21 peace at the scene?

22 A Yes.

23 Q And you had personal knowledge, based on your
24 handling of the case, that when officers first
25 arrived at the scene there was a little bit of

1 mayhem?

2 A Yes.

3 Q And I believe that was a man with a crowbar?

4 A Yes.

5 Q And you had personal knowledge of that?

6 A Yes.

7 Q Would it be standard operating procedure that when

8 the police officers are trying to establish the

9 peace, first they're going to try to calm things

10 down, right?

11 A Yes.

12 Q Then they're probably going to ask who people are,

13 right?

14 A Correct.

15 Q Try to find out what's going on?

16 A Yes.

17 Q And do you have any reason to believe or any

18 personal knowledge that anything other than that

19 happened in this case?

20 A No, I don't.

21 Q We all listened to the tape of your interview with

22 Lakeysa?

23 A Yes, ma'am.

24 Q And we read along on the transcript?

25 A Yes.

1 Q There was reference in the transcript to Marble?
2 A Right.
3 Q You were identified as Vazquez, correct?
4 A Correct.
5 Q Lakeysa was identified as Cage?
6 A Correct.
7 Q Someone was identified as Marble?
8 A Correct.
9 Q Was that her mother or her father?
10 A That was her mother, that was Cynthia Marble, and
11 there is mention of that in the transcript when
12 she identifies herself.
13 Q So she was in fact in the room when you
14 interviewed her?
15 A During portions of the interview she was. At one
16 point she appeared to be becoming more upset about
17 what her daughter was saying, and I took her out
18 of the room and spoke with her, and much of the
19 rest of the interview she left.
20 Q So the answer is "yes"?
21 MR. BRAMBLE: Objection. Let her finish
22 her answer. She asked a question. Let her finish
23 it.
24 MS. KRAUSE: My question was, "yes" or
25 "no," was she in the room. You can clear it up

1 on redirect.

2 MR. BRAMBLE: No, it's not your answer,
3 it's hers. You're not the one answering
4 questions.

5 THE COURT: The answer was, yes, she was
6 in the room some of the time and, no, she was not
7 there all the time.

8 MS. KRAUSE: Thank you, your Honor. I
9 believe the prosecutor can clear that up if he
10 wishes to on redirect examination.

11 MR. BRAMBLE: Why don't you let her
12 answer your questions.

13 THE COURT: Let's not argue with each
14 other, Counsel. I can do it, as well, clear
15 things up, that is.

16 **BY MS. KRAUSE:**

17 Q Now --

18 THE COURT: You can argue with me, but I
19 won't --

20 MS. KRAUSE: I'm ready to move on, thank
21 you.

22 **BY MS. KRAUSE:**

23 Q Now, in the tape -- let me back up. Throughout
24 the trial, because there are two people on trial
25 here, we've had to use identifying phrases, right?

1 A Yes.

2 Q And we refer to Daniel Turner as the man with
3 lipstick --

4 A Yes.

5 Q -- right? And throughout the course of the trial
6 Stephen has been referred to as the man with the
7 beard, right?

8 A In the courtroom, yes.

9 Q In the courtroom, thank you, and I think as
10 Daniel's brother, or the man without lipstick?

11 A Correct.

12 Q But the bottom line is, we've used phrases to
13 describe the two?

14 A Correct.

15 Q Now, when you were interviewing Lakeysha in the
16 hospital room, you didn't really get that specific
17 in distinguishing between the two, did you?

18 A No. We referred to Daniel as the one with the
19 lipstick, primarily, or the dark hair, and
20 Stephen, basically, as the other brother.

21 Q Okay.

22 A Or his brother.

23 Q Right. You referred to him, you referred to
24 Stephen as the brother?

25 A Correct.

1 Q Was the modem seized out of the apartment,
2 Detective Vazquez?

3 A No, it wasn't.

4 Q Correct me if I'm wrong, wouldn't it be the first
5 time -- the only statement attributed to Stephen
6 by Lakeysa in your interview in the hospital room
7 is that Stephen asked her name, correct?

8 A No.

9 Q Okay. We'll go through -- all right, I'll tell
10 you what, I will let you answer that. I'm not
11 trying to cut you off. But we're going to go
12 through some things one at a time.

13 When that comes up again, we'll go over
14 that, is that fair?

15 A Okay.

16 Q All right. Now, Lakeysa tells you that she's
17 grabbed?

18 A Yes.

19 Q That's by the man with lipstick?

20 A Yes.

21 Q Not by Stephen?

22 A Correct.

23 Q And she tells you that there is nobody else with
24 the man with lipstick when she's grabbed?

25 A Correct.

1 Q Lakeysa tells you that she's grabbed by the neck
2 and held by the mouth?
3 A Yes.
4 Q And that she was told if she screamed "he was
5 going to kill me"?
6 A Correct.
7 Q That statement is attributed to the man with
8 lipstick, correct?
9 A Yes.
10 Q Not to Stephen?
11 A Correct.
12 Q She tells you that she's dragged to the apartment,
13 that's by the man with lipstick?
14 A Correct.
15 Q And not by Stephen?
16 A Correct.
17 Q She talks about the door being kicked open to the
18 particular apartment?
19 A Yes.
20 Q And dragged to the back room?
21 A Yes.
22 Q Again, that was by the man with lipstick?
23 A Yes.
24 Q And not by Stephen?
25 A Correct.

1 Q Got a lot of Stick-Ems here, bear with me. She
2 talks about, while she's in the back bedroom, that
3 she's urinated on and there's a man laying on top
4 of her?

5 A Yes.

6 Q That is the man with the lipstick?

7 A Yes.

8 Q Not with Stephen?

9 A Correct.

10 Q And you clarified at a later point that Stephen
11 was not in the room when this occurred, correct?

12 A Correct.

13 Q She tells you that while she's in the back room,
14 that her clothes were taken off.

15 She's referring to the man with lipstick
16 doing that, correct?

17 A Yes.

18 Q And not Stephen?

19 A Correct.

20 Q She says at one point she tells the individual
21 that she wants to go home. The individual she
22 told that to was Daniel?

23 A Yes.

24 Q Not Stephen?

25 A Correct.

1 Q And the response she got was that, "I wasn't," I'm
2 quoting from the transcript, "I wasn't going home
3 'cause he was going to kill me."

4 She's referring to Daniel making that
5 statement, correct?

6 A Yes.

7 Q Not Stephen?

8 A Correct.

9 Q And, to the best of your knowledge, and from what
10 you gained from Lakeysha on the day in question,
11 Stephen was not present when that comment was
12 made, correct?

13 A Correct.

14 Q Now, you then ask her, and this is on page 20 of
15 the transcript, there's conversation about when
16 the brother came into the back room?

17 A Yes.

18 Q And, for the record, when you refer to "brother"
19 in the transcript, you're referring to Stephen
20 Turner?

21 A Yes.

22 Q When Stephen comes into the room, Lakeysha tells
23 you that the man with lipstick asked him to do
24 something?

25 A Yes.

1 Q And that was to hold her down?
2 A Correct.
3 Q And Lakeysha told you that Stephen said "no"?
4 A Correct.
5 Q He refused?
6 A Correct.
7 Q She then describes to you that Stephen drags her
8 out of the room?
9 A Yes.
10 Q Do you have the transcript in front of you?
11 A No, I don't.
12 Q Do you recall that when this first came up and
13 she's talking about Stephen dragging her out of
14 the bedroom, that there is no mention of Stephen
15 touching her breast at that point, or do you need
16 to see page 20?
17 A At that point, no, I recall. At that point when
18 she said he dragged her out of the room, she did
19 not mention him fondling her breast.
20 Q She then says her clothes are thrown to her. That
21 was by the man with lipstick, correct?
22 A Correct, yes.
23 Q And not Stephen?
24 A Correct.
25 Q All right. You then ask Lakeysha some questions

1 about the video games?

2 A Yes.

3 Q She didn't mention Centipede specifically, did

4 she?

5 A No, she didn't.

6 Q She indicates that the man who has her play video

7 games is Daniel, the man with lipstick --

8 A Yes.

9 Q -- correct, and not Stephen?

10 A Correct.

11 Q That the man with lipstick holds her on his lap?

12 A Correct.

13 Q Not Stephen?

14 A Correct.

15 Q In fact, Stephen is not present while the video

16 games are being played, correct?

17 A I don't recall if he was not present or if she --

18 I don't think we mentioned him at that point in

19 time.

20 Q Okay. You then proceed to ask her questions, and

21 I'm referring to page 22 of your transcript -- I

22 should say the transcript of your conversation,

23 thank you. I recognize that look, Detective.

24 You asked her -- do you remember asking

25 her what the brother was doing, what Stephen was

1 doing while they played the video games?

2 A No, to be honest, I don't. If I could see the

3 transcript, it would help.

4 Q Have you had a chance to review page 22,

5 Detective?

6 A Yes, thank you.

7 Q You asked her what the brother was doing, the

8 brother being Stephen?

9 A Correct.

10 Q While they played video games?

11 A Yes.

12 Q And she told you that Stephen had left?

13 A Yes.

14 Q In fact, that he had left the apartment?

15 A Correct.

16 Q Not just the room --

17 A Correct.

18 Q -- but the apartment. You ask her again about

19 when Stephen felt on her breast, right?

20 A Yes.

21 Q You asked her if Stephen did anything to her while

22 he dragged her from the back room to the living

23 room. She said, "He felt on my breast"?

24 A Correct.

25 Q You then asked Lakeysha if Stephen felt her

1 anywhere else?

2 A Correct.

3 Q And she said "no"?

4 A Correct.

5 Q But then she tells you that Stephen felt her
6 breast when he was holding her down in the back
7 bedroom?

8 A Correct.

9 Q But we've just discussed that earlier she told you
10 that in the back bedroom Stephen refused to hold
11 her down.

12 A Correct.

13 Q That's true?

14 A Yes.

15 Q In fact, then you continue on page 23 to reask her
16 the questions I just asked you.

17 A Yes.

18 Q That, in fact, Stephen did not hold her down in
19 the back room.

20 A Correct.

21 Q And she clarified that Stephen did not hold her
22 down in the back room?

23 A Correct.

24 Q You proceed to ask Lakeysa if -- about the man
25 with lipstick touching her privates?

1 A Yes.

2 Q And you specifically asked her if Stephen was in
3 the room when he did that, correct?

4 A Yes.

5 Q She told you "no"?

6 A Correct.

7 Q Again, you asked her if when her privates were
8 being -- when there was oral contact with her
9 privates, you asked her if anyone else was in the
10 apartment at that time?

11 A Correct.

12 Q She told you "no"?

13 A Correct.

14 Q Now, about the photograph that she says is taken
15 in the apartment. The transcript reflects that
16 you asked her whether it was the kind of camera
17 where the picture comes out right away.

18 A Yes.

19 Q You do remember asking her that.

20 A Yes.

21 Q The transcript is unclear as to what her response
22 was.

23 A She said that she did not see the picture. She
24 did not specify whether it was or was not the kind
25 of camera that you see the picture right away.

1 She says she did not see the picture.

2 Q She told you that part of this photograph entailed
3 staging a situation?

4 A Yes.

5 Q And that situation was to make it look like she
6 stabbed Stephen?

7 A Correct.

8 Q That's the way you understood it?

9 A Yes.

10 Q She told you that there was jelly put on Stephen's
11 shirt to make it look like blood?

12 A Yes.

13 Q Is that how you understood that?

14 A Yes.

15 Q In fact, Lakeysa told you Stephen had a shirt?

16 A Yes, she did.

17 Q Again, one of the last things you ask her is about
18 the threat that was made to her. That threat was
19 made by Daniel?

20 A Correct.

21 Q Not by Stephen?

22 A Correct.

23 Q Detective Vazquez, before I forget, this tape that
24 I had so much trouble with, Defense Proposed
25 Exhibit Number 40, do you recognize this?

1 A Yes, I do.

2 Q What is it?

3 A It's a copy of one of our 911 tapes. Any time a
4 phone call, 911 call or non emergency comes into
5 the police department, it is automatically taped.

6 There are two tracks on the tape, one of
7 which is the time operator, which kind of
8 overrides if you play it on the wrong kind of
9 recorder. The other tape, or the other track is
10 of the actual phone call, the conversation between
11 the caller and the dispatch operator.

12 Q Okay. Now, this is not the original, is it?

13 A No, it would not be the original.

14 Q All right. Can you tell us how we got from the
15 original to this tape?

16 A The original is in a bank of tapes, each tape
17 being approximately this large around
18 (indicating), and when we ask for a copy of that
19 tape, one of our radio operators goes back to that
20 date, that tape, plays that, and then tape-records
21 it with another recorder at the same time.

22 Q So what did you record this particular tape from?

23 A I did not record that tape, Detective Karpowicz
24 did.

25 Q And do you have knowledge based on procedure?

1 A Past experience.

2 MS. KRAUSE: Mr. Prosecutor, are you
3 objecting?

4 MR. BRAMBLE: Are you trying to obtain a
5 foundation?

6 MS. KRAUSE: Yes.

7 MR. BRAMBLE: That's okay, I'll
8 stipulate.

9 MS. KRAUSE: Your Honor, at this point I
10 would move the introduction of Defense Exhibit
11 Number 40.

12 MR. BRAMBLE: No objection.

13 MS. KRAUSE: It may be received.

14 **BY MS. KRAUSE:**

15 Q Detective Vazquez, you did not retrieve personally
16 from the apartment a shirt with a jelly stain on
17 the belly, did you?

18 A I did not personally. I was there when other
19 officers did the search, retrieved the items, and
20 I logged them.

21 Q Because Detective Karpowicz is unavailable to
22 handle the trial, you have filled in as the
23 detective in charge, correct?

24 A I have filled in as the detective here at the
25 trial to help with the evidence, yes.

1 Q And I know that on occasions you've had to run in
2 and out of the courtroom.

3 A Yes.

4 Q Were you here yesterday when Mr. Birr testified?

5 A For most of his testimony, yes, ma'am.

6 Q Do you have personal knowledge that the shirt that
7 was retrieved from the living room was found to
8 have semen and something consistent with lipstick?

9 A Through his testimony and through the lab results
10 reports which I've seen working in the case only.

11 MR. BRAMBLE: Excuse me, relying on
12 Officer Birr's testimony, again, this is hearsay.

13 MS. KRAUSE: I asked her if she had
14 personal knowledge.

15 THE COURT: Yes.

16 Detective, if your knowledge is based on
17 Mr. Birr's testimony or reports that you've read,
18 it's not personal knowledge. Then you should
19 answer "no." If you know otherwise direct, then
20 you may answer.

21 MS. KRAUSE: I have no further
22 questions.

23 THE COURT: Mr. Bramble?

24 MR. BRAMBLE: Real brief.

25 THE COURT: A few?

1 MR. BRAMBLE: Very brief.

2 REDIRECT EXAMINATION

3 BY MR. BRAMBLE:

4 Q Technician Curtiss mistook the item, the
5 flashlight, the rechargeable flashlight there as a
6 Polaroid-type camera?

7 A Yes.

8 Q You did yourself, didn't you?

9 A I did myself and drew her attention to that. That
10 was my mistake.

11 Q She identified it as such, as well?

12 A Yes.

13 Q Can the strip poker game that you played go along
14 quicker?

15 A Yes. As I said earlier, if you're a better poker
16 player than I am, and if you are dealt good cards
17 and if you bet high enough, it can go along much
18 quicker.

19 Q Because you can either lose money very quickly or
20 gain money very quickly?

21 A Yes.

22 Q And that causes the game to proceed quicker?

23 A Yes, sir.

24 Q For how much of the interview with Lakeysa that
25 has been taped and before the jury was Mrs. Marble

1 present in the interview, how long?

2 A Approximately half of the interview. She came in
3 to the room, she was in the room when I got
4 there. She left the room. She did come back in a
5 little bit later and left again. I would say
6 roughly half the interview.

7 Q Okay. Just so I'm clear, Lakeysa indicated to
8 you that Stephen Turner felt her breasts?

9 A Yes, sir.

10 Q And the statement by Lakeysa to you was that the
11 Defendant Daniel Turner tried to penetrate her?

12 A Yes.

13 Q By trying to penetrate her, be it her rectum, her
14 bottom, or other areas?

15 A Yes. Part of the rustling that you heard on the
16 tape was the paper covering the table that she was
17 on. She had rolled over to demonstrate how he had
18 attempted to penetrate her bottom or her rectum
19 with his penis, and how she had rolled away from
20 that.

21 MR. BRAMBLE: Okay, nothing further.

22 THE COURT: Mr. Mirque?

23 MR. MIRQUE: Just one or two more.

24

25

1 **RECROSS-EXAMINATION**

2 **BY MR. MIRQUE:**

3 Q Officer Vazquez, at all times when Lakeysa said
4 that Mr. Daniel Turner urinated on her, she always
5 said it was white?

6 A Yes. I did ask her which color. She did say
7 white.

8 Q Thank you.

9 THE COURT: Miss Krause?

10 MS. KRAUSE: Nothing further, your
11 Honor.

12 MR. BRAMBLE: Nothing further.

13 THE COURT: Detective, you can resume
14 your seat.

15 Ladies and gentlemen, we're finished for
16 the day. I understand everyone's available at
17 9:00, so please be here tomorrow. We don't have
18 anything else scheduled, so we can get to this
19 matter right away.

20 The way it has progressed,
21 Detective Vazquez is the 20th witness, and I think
22 we may well be able to finish it up as we
23 indicated we would.

24 Remember, don't read anything about it
25 in the paper, this case or anything like it.

1 You're close to having all you need to decide the
2 matter, but you still don't have all the lawyers'
3 arguments trying to pull things together and my
4 instructions, so it's still too soon. Don't come
5 to any conclusions, and we'll see you tomorrow.

6 (At about 5:25 p.m. - Court in session,
7 in the absence of the juries)

8 THE COURT: We are convened without the
9 presence of the jury. We do need to put an
10 evidentiary ruling on the record.

11 When the tape of Detective Vazquez's
12 interview with Miss Cage was about to be played,
13 defense counsel for Mr. Stephen Turner objected,
14 making reference to a standing objection. I'll
15 explain what that is in a moment.

16 Specifically, with regard to the
17 interview at the hospital, I decided that it did
18 not offend the proscription on hearsay for any one
19 of several reasons.

20 It's important to keep in mind that it
21 was an interview at the hospital, no more than a
22 few hours, two or thereabouts, after the alleged
23 incident. It was not an interview by medical
24 personnel, so it clearly did not satisfy
25 Rule 8034.

1 I do believe, however, that it satisfied
2 Exception 803(1). Obviously, it was not the
3 child's relation of an event while perceiving the
4 event, but given that it was a child and the case
5 law recognizes different time parameters, I think
6 it qualified as immediately thereafter.

7 Similarly, I think the statement
8 qualified under exception 803(2), related to a
9 startling event. Of course, it's for the jury to
10 decide whether the startling event occurred, but
11 it describes what everyone agreed, if it occurred,
12 was a startling event, made under the stress of
13 the excitement caused by the event or the
14 condition.

15 Again, because of the fact that this was
16 a child, the case law gives greater latitude in
17 defining still under the stress of the excitement
18 than it would if it were an adult. I think a
19 couple of hours later in the hospital, all the
20 circumstances of this matter, say that that
21 exception was satisfied.

22 I'm also satisfied that, as a practical
23 matter, the evidence is not hearsay. It's hearsay
24 as defined because Rule 801(D)(1) defines a
25 variety of things as not hearsay. To be honest

1 with you, they should be defined as hearsay for
2 which there is an exception, but the rule defines
3 them as not hearsay.

4 And, specifically, I'm talking about
5 801(D)(1)(B). I think that was applicable here,
6 too. Again, this was a statement made within
7 hours of the incident.

8 It's clear that the defense here is that
9 what the child is reporting to this jury and has
10 reported to others over time is a fabrication,
11 fabrication in the sense that it's not true.
12 Perhaps she believes it, but that it is,
13 nonetheless, an inaccurate recounting of what
14 happened.

15 I think, therefore, a statement made
16 very early on, as this one is, clearly qualifies
17 as a consistent statement offered to rebut what's
18 a rather expressed charge here of recent
19 fabrication.

20 With regard to the various other
21 statements that have been admitted, India's
22 statement was admitted under exceptions one and
23 two, as well as D and B, as have all others. The
24 simple fact is the defense has demonstrated a
25 variety of different inconsistencies and

1 statements, and has told the jury that is simply a
2 component of the defense.

3 I don't think, once that's done, it's
4 appropriate to simply pick and choose its
5 statements, but that at that point all statements
6 are to be put into evidence so that a jury can
7 decide whether there are significant
8 inconsistencies or not.

9 I make no finding as to whether there
10 are or are not, but simply point out that once we
11 start down the road of talking about the various
12 different things that the child said at various
13 different times, it's no longer appropriate to
14 exclude all those different statements.

15 We have to have the whole statement, not
16 just those portions of it which are said to be
17 inconsistent, because, as the Court of Appeals has
18 repeatedly said, context can be everything, and
19 what is said without reference to other things
20 said can in fact be misleading, so the jury just
21 needs to know what the context is.

22 We have a couple of exhibits we need to
23 put in.

24 MR. BRAMBLE: I would move for the
25 remaining exhibits that haven't been offered. I

1 believe they are 1 through 28, and this would be
2 up to, I believe, 43, and that would include some
3 of the defense's exhibits which we have no
4 objection to. I believe they are the overlays.

5 THE COURT: Do you want the overlays in,
6 Counsel?

7 MS. KRAUSE: Yes.

8 MR. MIRQUE: Yes.

9 THE COURT: All right, everything is
10 received, and let's spend just a couple minutes in
11 the office. It's getting late. People have other
12 things to do, but a couple of quick discussions
13 about instructions for tomorrow, in the event that
14 we get there.

15 (At about 5:30 p.m. - Proceedings
16 adjourned)

17 -ooOoo-

