

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 II of VIII**

BEFORE THE HONORABLE DENNIS C. KOLENDA, CIRCUIT JUDGE

Grand Rapids, Michigan - Friday, December 3, 1993

- - -

APPEARANCES:

For the People:

MR. KEVIN M. BRAMBLE (P-38380)
Assistant Prosecuting Attorney
416 Hall of Justice
Grand Rapids, Michigan 49503
(616) 336-3577

For the Defendant:

MS. TONYA L. KRAUSE (P-42056)
Attorney at Law
200 North Division
Grand Rapids, Michigan 49503
(616) 456-7831

- - -

Reported By:

REBECCA L. RUSSO, RPR, CM, CSR-2759
Registered Professional Reporter
Official Court Reporter
(616) 774-3662

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STATE APPELLATE
DEFENDER OFFICE

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1 Grand Rapids, Michigan

2 Friday, December 3, 1993

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4 - - -

5 (At about 2:00 p.m. - The Daniel Turner
6 jury returned to the courtroom)

7 (At about 2:00 p.m. - The Stephen Turner
8 jury returned to the courtroom)

9 THE COURT: Mr. Bramble, you may call
10 your next witness.

11 MR. BRAMBLE: Thank you, your Honor.
12 The State would call India Harris.

13 **INDIA HARRIS,**
14 called by the People at 2:00 p.m. and sworn by the
15 Court, testified:

16 **DIRECT EXAMINATION**

17 **BY MR. BRAMBLE:**

18 Q India, how old are you, please?

19 A Ten.

20 Q Where do you live?

21 A 405 Park Drive.

22 Q And were you living there back on July 7th of
23 1993?

24 A Uh-huh.

25 Q Do you know a person named Lakeysha Cage?

1 A Yes.

2 Q How did you meet Lakeysha?

3 A By Cynthia.

4 Q Is Cynthia another friend of yours?

5 A Yeah.

6 Q Did Lakeysha move into this apartment complex you
7 live in?

8 A Nuh-uh, she lived across, I mean across the street
9 from me.

10 Q Okay. And you lived in an apartment complex?

11 A Uh-huh.

12 Q There are a lot of other apartments?

13 A Yes.

14 Q Do you go to school?

15 A Uh-huh.

16 Q Where do you go to school?

17 A Bowen Elementary School.

18 Q What grade are you in?

19 A Fourth.

20 Q I want to draw your attention back to July 7th,
21 1993. Did you -- do you recall having contact
22 with Lakeysha?

23 A Uh-huh.

24 Q Okay, and how did you happen to see her?

25 A Well, I was playing with Lorenzo and then she came

1 from a house, and I asked her where was she at,
2 and she told me that these men had snatched her
3 into a house that was dressed up as a woman.

4 And we got to playing and she didn't say
5 anything else about it, and then she got into a
6 fight with my friend, and then Carmen told her to,
7 "Come here," and she was scared because she
8 started thinking about what that man did and she
9 wouldn't come --

10 MS. KRAUSE: Objection, your Honor, this
11 woman doesn't know what Lakeysha was thinking.

12 THE COURT: Miss Harris, just tell us
13 what Lakeysha said to you and what she did, but
14 don't try and figure out what she meant, okay?
15 That's for these people to figure out.

16 THE WITNESS: Okay. She told me -- you
17 want me to tell you what she told me?

18 **BY MR. BRAMBLE:**

19 Q Let me ask you, did Lakeysha ever tell you what
20 she was thinking when she, after she got in a
21 fight with the boy?

22 A Nuh-uh.

23 Q What did she tell you then?

24 A She told me that this man was touching her chest
25 and feeling on her private parts.

1 Q Okay, and did she say what man?
2 A Nuh-uh. She just said he had on a black wig and
3 had make-up on.
4 Q Okay. Did she describe what kind of make-up?
5 A Nuh-uh.
6 Q Okay. Did she describe whether or not he had
7 anything on his lips?
8 A Lipstick.
9 Q Okay. Now, when she told you this, did she tell
10 you whether or not this man with the lipstick on
11 said anything about what would happen to her if
12 she told anyone?
13 A Yes, he said he would do something really bad to
14 her.
15 Q Did she ever state that she was going to tell you
16 more about what happened?
17 A She was going to tell me more until her mom came
18 and asked me where was Lakeysha, and I told her
19 that she was over there, and she asked me where
20 was she at. Then Lakeysha told her what the man
21 had did to her.
22 Q Okay. Now, could you tell, was Lakeysha -- how
23 can you describe how she was reacting?
24 A Crying.
25 Q I'm sorry?

1 A Crying.

2 Q Okay. Where was she when she was crying?

3 A By the bushes.

4 Q Then her mom came over?

5 A Yeah.

6 Q Okay. And what did Lakeysha's mom do then?

7 A She ran over to knock on, she asked --

8 MS. KRAUSE: Your Honor, objection as to
9 what Lakeysha's mother said, it's hearsay.

10 **BY MR. BRAMBLE:**

11 Q Understand that you can't talk about what other
12 people said. You can just tell the jurors if you
13 saw her, what she did. Not what she said, but
14 what she did, okay?

15 A She went and knocked on the man's door and then he
16 opened it, he came out the house.

17 Q Which man came out the house?

18 A That one (indicating).

19 Q Okay, tell me what color his hair is and what
20 color his shirt is, please.

21 A I don't remember the color. I just know that he
22 came out with make-up on.

23 Q Not what color he had on then, what color he's
24 wearing right now.

25 A Blue.

1 Q What color hair does he have?

2 A Black.

3 Q Okay, and --

4 MR. BRAMBLE: Your Honor, may the record
5 reflect the identification of Daniel Turner?

6 THE COURT: It may.

7 **BY MR. BRAMBLE:**

8 Q And you saw this man come out of the house?

9 A Uh-huh.

10 Q Come out of the apartment, it would be?

11 A Yes.

12 Q Okay. And can you tell the jury what this man
13 did?

14 A She asked him what did --

15 MR. MIRQUE: Objection, your Honor.

16 THE COURT: That's all right,
17 Miss Harris, go ahead.

18 THE WITNESS: Okay, he came out --

19 THE COURT: You can't tell us what the
20 answer is without knowing what the question is, so
21 go ahead, tell us what she said.

22 A He came out and she asked him, "Why did you do
23 this to my daughter," and he got on his knees and
24 he said, "I don't know why I did it."

25 **BY MR. BRAMBLE:**

1 Q Do you remember how he got on his knees, how his
2 hands were?

3 A Like this (indicating).

4 Q Okay, show the jury. Step out of the box. Show
5 me what he did.

6 A He just got on his knees and said, "I don't know
7 why I did it."

8 Q Did you see anyone else out or around the
9 apartment at this time?

10 A No.

11 Q Okay. Now --

12 MR. BRAMBLE: Your Honor, I have nothing
13 further at this time.

14 THE COURT: Counsel, may I see you at
15 the bench for a moment?

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

19 THE COURT: Mr. Mirque?

20 MR. MIRQUE: Thank you, your Honor.

21 **CROSS-EXAMINATION**

22 **BY MR. MIRQUE:**

23 Q India, how long have you known Lakeysha?

24 A About two months.

25 Q About two months? Do you play a lot with her?

1 A Uh-huh.

2 Q You told us that -- when Lakeysha told you what
3 happened, did Lakeysha say that the man had a
4 black wig on?

5 A Uh-huh.

6 Q You remember that specifically?

7 A Uh-huh.

8 Q A black wig, and Lakeysha told you that the man
9 had lipstick?

10 A Uh-huh.

11 Q Do you remember Lakeysha explaining to you how he
12 was dressed?

13 A He said he came out -- she was around the corner,
14 and he came out with a dress on.

15 Q He had a dress on?

16 A Yeah.

17 Q Did she say what kind of dress this was?

18 A Nuh-uh.

19 Q But it was a dress?

20 A Uh-huh.

21 Q Do you know that Lakeysha got into a fight prior
22 to Lakeysha's mom with some boys in the
23 neighborhood?

24 A No.

25 Q The Garcia boys or the Missad boys? I'm not quite

1 sure.

2 A Oh, Duran.

3 Q Duran, yeah. Who's Duran?

4 A That's Carmen's son.

5 Q Carmen's son?

6 A Yeah.

7 Q Did she get into a fight, I'm sorry, did Lakeysha
8 get into a fight with Duran?

9 A Yes.

10 Q Did she throw a rock at him and hit him in the
11 head?

12 A No, it didn't hit him in the head.

13 Q Came close?

14 A Yeah.

15 Q Did you see that?

16 A Uh-huh.

17 Q What were they fighting about?

18 A He was calling her all kind of names so she threw
19 a rock at him.

20 Q What kind of names was he calling her?

21 A Bad names.

22 Q Bad names?

23 A (Nods)

24 Q All right, the "B" word?

25 A Something like that, yeah.

1 Q Something like that?

2 A He was messing around because he likes to mess
3 with people a lot.

4 Q How old is Duran?

5 A Nine.

6 Q Nine, and he says all sorts of bad words like
7 that?

8 A Yes, he mentioned he wanted to beat her up.

9 Q And so Duran was messing with Lakeysha?

10 A Uh-huh.

11 Q And Lakeysha got mad at him and threw a rock at
12 him?

13 A Yeah.

14 Q And then what happened?

15 A And then he came chasing after her, so they went
16 over to a field and she started fighting him.

17 Q Fighting him?

18 A Uh-huh.

19 Q They were wrestling?

20 A Yeah. He started it. He hit her and then she
21 started hitting him back.

22 Q Who won the fight?

23 A Lakeysha.

24 Q Lakeysha won the fight. Did she hit him a couple
25 of times?

1 A Yeah, and he was throwing her down some.

2 Q He was throwing her down some?

3 A Yeah.

4 Q How long did this fight go on?

5 A About two minutes.

6 Q Two minutes. How long were they chasing each
7 other?

8 A A minute, 'cuz then he grabbed her and she
9 tripped, then they went over there to the field
10 fighting.

11 Q After Lakeysha beat Duran, what happened then?

12 A Carmen said, "What happened," and then Mary came
13 out and said --

14 Q Who's Carmen?

15 A Okay, that's Duran's mother.

16 Q Duran's mother, okay. Duran's mother said,
17 "What's going on here"?

18 A Yeah, she said, "What's wrong," she say, and then
19 he said, "Keysha was playing and threw a rock at
20 me," and then Duran's friend's dad came out and
21 said he saw the fight, because he saw that Duran
22 was messing with her more than Keysha was messing
23 with him. So he said that Duran started it.

24 Q Did Mrs. Garcia tell Lakeysha to just stay away
25 from Duran?

1 A Yeah. She was calling him over there -- I mean
2 calling her over there. She wouldn't come. She
3 was crying.

4 Q Was Lakeysa afraid of Mrs. Garcia?

5 A Nuh-uh.

6 Q She knew that she wasn't going to get into
7 trouble?

8 A She just wanted to talk to her --

9 Q Okay.

10 A -- ask her if she was okay.

11 Q Was this fight with Duran before she told you
12 about the man?

13 A No.

14 Q After?

15 A Uh-huh, after we started playing a little bit.

16 Q So you started playing a little bit?

17 A Uh-huh.

18 Q Then you two went apart?

19 A Yeah, then they started fighting.

20 Q Okay, so Duran came over when you two people were
21 fighting?

22 A Yes.

23 Q When you and Keysha were fighting?

24 A Yes, messing with us.

25 Q And then you got in a fight?

1 A Yeah.

2 Q Then Mrs. Garcia comes?

3 A Uh-huh.

4 Q Okay. At any time in your conversations with
5 Lakeysha, did she say what happened in that
6 apartment?

7 A No.

8 Q She just said that some man was kissing her?

9 A Uh-huh, and feeling on her.

10 Q She said some man was kissing her?

11 A And feeling on her, yes.

12 Q Did she say where he was kissing her?

13 A (Shakes head)

14 Q Just that he was kissing her?

15 A Uh-huh.

16 Q And feeling her chest, is that what she said?

17 A Uh-huh.

18 Q And feeling her private parts?

19 A Uh-huh.

20 Q Did she say anything else other than that?

21 A She wanted to say something else until her mother
22 came.

23 Q You said you saw when Lakeysha's mom went to this
24 man's apartment?

25 A Uh-huh.

1 Q What was it that Lakeysha's mom said?

2 A She asked him why did he do this to her daughter.

3 Q Why did he do -- now, I want you to be very, very
4 clear what Lakeysha's mom said. Was it "why did
5 he do this to her daughter"?

6 A Uh-huh.

7 Q Or did she say something else?

8 A No, because Carmen had called me back to the
9 house, she wanted me to come back.

10 Q So you saw Lakeysha's mom say this?

11 A Uh-huh.

12 Q And you're clear that it was, "Why did you do this
13 to my daughter"?

14 A Yes.

15 Q Thank you.

16 THE COURT: Miss Krause?

17 Just a moment, India, we're not quite
18 finished. Don't worry about it. Everybody does
19 that, the grown-ups, too.

20 Miss Krause, any questions?

21 MS. KRAUSE: Just one, your Honor.

22 **CROSS-EXAMINATION**

23 **BY MS. KRAUSE:**

24 Q India, when Lakeysha told you what happened, she
25 said the things that were done to her were done by

1 a man wearing a wig and lipstick, correct?

2 A Yes.

3 MS. KRAUSE: No further questions.

4 THE COURT: Mr. Bramble, anything more?

5 **REDIRECT EXAMINATION**

6 **BY MR. BRAMBLE:**

7 Q India, you indicated Lakeysha, that she wanted to
8 tell you more?

9 A Yes.

10 Q Then the adults came up?

11 A Yes.

12 Q And that's the last chance she had to tell you
13 stuff?

14 A Yes.

15 Q Okay.

16 MR. BRAMBLE: I have nothing further.

17 THE COURT: Anything more, Mr. Mirque?

18 MR. MIRQUE: No, your Honor.

19 THE COURT: Miss Krause?

20 MS. KRAUSE: No, your Honor.

21 THE COURT: Okay. Now, India, you can
22 go. Thank you. Did we at least get you out of
23 school for the afternoon?

24 MR. BRAMBLE: Your Honor, at this time
25 the State would call Laura VanGenderen.

1 **LAURA LEE VanGENDEREN,**

2 called by the People at 2:15 p.m. and sworn by the
3 Court, testified:

4 **DIRECT EXAMINATION**

5 **BY MR. BRAMBLE:**

6 Q I want to draw your attention back to July 7th,
7 1993. Were you living on or about the area of Oak
8 Park?

9 A Yes.

10 Q Okay, and is this street of Oak Park, the address
11 of 4130, is that located here in the city of Grand
12 Rapids, County of Kent, State of Michigan?

13 A Yes, it is.

14 Q Were you residing in an apartment there?

15 A Yes, I was.

16 Q I want to draw your attention back to that day.
17 Did you hear or observe a commotion near your
18 apartment?

19 A Yes, I did.

20 Q And would this commotion have been out in front of
21 Apartment 204?

22 A Approximately, yes.

23 Q And did you know who lived in that apartment?

24 A I didn't know his name. I had seen him around.

25 Q And did you see a woman come up and either knock

1 on the door or confront the occupants of that
2 apartment?

3 A I didn't hear her knock on the door. I did hear a
4 confrontation.

5 Q Okay, and explain to the jury how you heard it and
6 under what circumstances, please.

7 A Okay. I had gotten home from work and I was
8 reading my mail. The TV was on and the air
9 conditioner was making a lot of noise, but over
10 all that noise I could hear shouting, and at that
11 point it sounded to me like there was anger
12 involved, something was going to happen.

13 I don't normally pay attention to what
14 goes on in front of my apartment because people
15 pass by all the time, but on that particular
16 occasion, because of the tone of voice, I decided
17 to check it out, and I opened my door and saw this
18 woman confronting a man out there.

19 Q And what was she saying to this man?

20 A I heard her say, "Why did you fuck with my
21 daughter."

22 Q Okay, and the person that came out of that
23 apartment, is this person in the courtroom?

24 A Yes.

25 Q Okay, and where is this person seated, if you can

1 point to him?

2 A Over there (indicating).

3 Q What color shirt is he wearing and what color
4 hair, please?

5 A Blue shirt with dark hair.

6 MR. BRAMBLE: Your Honor, may the record
7 reflect the identification of Daniel Turner?

8 THE COURT: The gentleman with or
9 without a tie?

10 THE WITNESS: Without a tie.

11 THE COURT: It may.

12 MR. BRAMBLE: Okay.

13 **BY MR. BRAMBLE:**

14 Q When this woman stated these things to this
15 individual, how did he respond?

16 A He had his arms in a defensive position, I
17 perceived it to be defensive, and he said, "I
18 don't know why I did it."

19 Q And I didn't ask you this question. You indicated
20 that you had a TV playing and an air conditioner
21 going. How did you hear him saying this?

22 A That is what I heard after I opened the door.

23 Q Oh, okay. What did you do once you heard him say
24 this?

25 A I sort of looked to find out what was going to

1 happen. I didn't really do anything at that point
2 in time.

3 Q Okay. Did you later do something?

4 A Yes.

5 Q What did you do, please?

6 A After the woman started shouting "Larry, Larry,
7 Larry," and a man came running down from the other
8 end of the building, he had what appeared to be a
9 wrench in his hand. It was piece of metal of some
10 sort, and I thought to myself something was going
11 to happen, blood was going to be shed, and I
12 didn't want that to happen in front of my
13 apartment, so I went into my apartment and called
14 the police.

15 Q And did you monitor or look at the situation
16 further after you called the police?

17 A After I had called the police, yes, I went back
18 outside.

19 Q Did this man with the wrench or whatever, did he
20 appear to you to calm down after a while?

21 A He was pacing in front of the apartment. He did
22 say to me --

23 MS. KRAUSE: Objection as to what the
24 person said. It's hearsay, your Honor.

25 **BY MR. BRAMBLE:**

1 Q You can't say what someone else said, but was
2 there some indication that --

3 A Yes.

4 Q -- that things were, that there was going to, that
5 things weren't going to be calm until the police
6 arrived?

7 A Calmer, yeah.

8 Q Okay. And you were present when the police
9 arrived, then?

10 A Yes.

11 Q And what did you do after that?

12 A I walked down to my manager's apartment. At that
13 point the manager's husband had come out and stood
14 there and sort of watched what all was going on.

15 Q What apartment are you in, please?

16 A 202.

17 Q Okay. And did you feel some obligation to notify
18 the manager, then?

19 A Our manager has instructed us if we call the
20 police to let her know so that she has record in
21 case anything comes down the line.

22 Q Okay.

23 MR. BRAMBLE: I have nothing further --
24 well, I guess I do have one other question.

25 **BY MR. BRAMBLE:**

1 Q Did you ever see how these individuals or how the
2 individual you've identified -- let me back up and
3 ask a couple more questions.

4 How many people did you know were there
5 or present in the apartment?

6 A I knew of only one who lived there.

7 Q Was there ever another person around there?

8 A On occasion, a couple of occasions I saw somebody
9 else, but I never saw him enter or leave that
10 apartment.

11 Q On that day?

12 A On that day, no.

13 Q Is that person present?

14 A Yes.

15 Q Where is he seated?

16 A Over there (indicating).

17 Q Okay. Is he the one with or without a tie?

18 A The one that I saw a couple times is without the
19 tie.

20 Q Okay, and does he look the same now as he did
21 then?

22 A His hair's a little bit shorter, but pretty much,
23 yes.

24 Q Did he have a beard then, do you recall?

25 A I don't recall.

1 Q Did you ever see the first individual that you
2 identified here, did you ever see how this person
3 dressed?

4 A No.

5 Q Was he open about wearing women's clothing or
6 anything like that?

7 A No.

8 Q That's the testimony.

9 A Not to my knowledge.

10 Q Okay.

11 MR. BRAMBLE: I have nothing further.

12 THE COURT: I want to just get something
13 straight. Maybe I didn't hear it correctly. The
14 person who lived in the apartment who you saw
15 speaking to the other apartment dweller was the
16 man without the tie?

17 THE WITNESS: Correct.

18 THE COURT: And the other person was the
19 man with or without the tie?

20 THE WITNESS: The one who rented the
21 apartment was the one in the suit jacket, and he's
22 the one that I would see more frequently.

23 THE COURT: Of the two, the one with the
24 tie or without the tie is the one that you saw
25 having the confrontation with your neighbor?

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THE WITNESS: Without the tie.

THE COURT: May I see counsel at the bench for a moment?

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

THE COURT: All right, we need to make a shift with our juries. Whenever we do this, ladies and gentlemen, we'll always have the Daniel Turner jury hear things first and then we'll bring in the Stephen Turner jury. So if I get confused sometimes and the order goes other than that, remind me.

So it should be for just a few minutes, but would Mr. Stephen Turner's jury return to the jury room, and we'll call you back in here in I believe about ten minutes or so.

(At about 2:25 p.m. - The Stephen Turner jury left the courtroom)

THE COURT: Mr. Mirque?

MR. MIRQUE: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. MIRQUE:

Q Miss VanGenderen, you were beginning to say what Larry Marble said to the man without the tie, and

1 then the female --

2 MR. BRAMBLE: I guess --

3 THE COURT: Yes, Mr. Bramble?

4 MR. BRAMBLE: If it's hearsay in front
5 of both juries, it's hearsay in front of one
6 jury. I don't think it changes the context of the
7 statement.

8 THE COURT: Mr. Mirque?

9 MR. MIRQUE: I think Miss Krause and
10 Stephen Turner exercised that option. I don't
11 recall Mr. Daniel Turner exercising that option.
12 As a matter of fact, one reason why we have this
13 jury in here is to hear exactly what Larry Marble
14 said.

15 THE COURT: That doesn't make it
16 admissible, but I don't think it's inadmissible
17 hearsay to begin with. So you may proceed.

18 THE WITNESS: Would you repeat the
19 question, please?

20 **BY MR. MIRQUE:**

21 Q You were beginning to say what Larry Marble said
22 to Dan, or said to you about what happened. What
23 did Larry say?

24 A He said it to me. He said that he had --
25 something to the effect, I can't remember his

1 exact words, other than the part that he said,
2 "What good would I be if I killed him and I'd be
3 in jail." He said, "What good would I be to my
4 wife and two little girls."

5 Q And this was after he had the tire iron or the
6 wrench, whatever it was, he said, "What good would
7 it be if I killed him"?

8 A It was after I had come back out from calling the
9 police, yes.

10 Q When you saw the confrontation between Cynthia
11 Marble and the man without the tie, Daniel Turner,
12 did you see Daniel Turner or did you just see
13 Cynthia?

14 A I saw them both.

15 Q Did you see what the man without the tie was
16 wearing at the time?

17 A I did. I don't remember. Blue jeans, I know
18 that. But what he had on for a shirt, I don't
19 remember.

20 Q And you saw him answer Cynthia Marble's question,
21 "I don't know why I did it"?

22 A Correct.

23 Q He didn't say anything else?

24 A No, sir.

25 Q Okay.

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THE COURT: Anything more, Mr. Bramble?

MR. BRAMBLE: No, your Honor.

THE COURT: All right, ladies and gentlemen, why don't you step out and I'll go get the other jury. They probably just sat down and didn't expect it to be this quick, and we'll be back in a few minutes.

(At about 2:28 p.m. - The Daniel Turner jury left the courtroom)

(At about 2:28 p.m. - The Stephen Turner jury returned to the courtroom)

THE COURT: Miss Krause?

MS. KRAUSE: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. KRAUSE:

Q Good afternoon, Miss VanGenderen. Did I say that correctly?

A Uh-huh.

Q You mentioned when you were talking about the apartment complex that it is easy to see in other people's windows. Would that be a fair statement?

A Yes.

Q As you walk by the balcony?

A Correct.

Q And just so there's no confusion, I know the judge

1 asked a couple of questions but I want to clear it
2 up, on the day we're talking about, July 7th, you
3 talked about a woman confronting a man, correct?

4 A Correct.

5 Q And the man that you saw being confronted is the
6 man sitting here today without a tie?

7 A Correct.

8 Q And on July 7 you did not see the man with the tie
9 at all, is that correct?

10 A Not until the police officers escorted them from
11 the apartment.

12 Q But prior to the confrontation --

13 A No.

14 Q -- you did not see the man with the tie sitting
15 here today?

16 A No.

17 Q And during the confrontation you did not see him?

18 A No.

19 Q Thank you.

20 THE COURT: Anything more, Mr. Bramble?

21 MR. BRAMBLE: Just real briefly.

22 **REDIRECT EXAMINATION**

23 **BY MR. BRAMBLE:**

24 Q Again, what apartment did you see the police
25 escorting the man with the tie out of?

1 A 204.

2 Q Okay, and were they also escorting anyone else out
3 of that apartment?

4 A Both of the defendants.

5 Q Okay.

6 MR. BRAMBLE: I have nothing further.

7 THE COURT: Anything more?

8 MS. KRAUSE: No.

9 THE COURT: Mr. Bramble, who's the next
10 witness?

11 MR. BRAMBLE: Judy Dixon, I believe.

12 THE COURT: All right.

13 (At about 2:31 p.m. - The Daniel Turner
14 jury returned to the courtroom)

15 MR. BRAMBLE: Mrs. Dixon is downstairs
16 and I have Mrs. Marble out here right now, so I
17 would just as soon not keeping anyone waiting.
18 I'll call her instead. That would be Cynthia
19 Marble.

20 **CYNTHIA MARBLE,**
21 called by the People at 2:31 p.m. and sworn by the
22 Court, testified:

23 **DIRECT EXAMINATION**

24 **BY MR. BRAMBLE:**

25 Q Mrs. Marble, would you state your full name and

1 spell your last name for the record?
2 A Cynthia Marble, M-A-R-B-L-E.
3 Q Are you employed, ma'am?
4 A Yes.
5 Q Where are you employed?
6 A Bil-Mar Foods.
7 Q What do you do there?
8 A Assembler.
9 Q I want to draw your attention back to July 7,
10 1993. Where were you living, please?
11 A In -- I forgot the name of the place, I forgot the
12 name of it.
13 Q Do you remember the address?
14 A I forgot that, too. We were only there for like
15 two weeks, two or three weeks.
16 Q Where did you move from there?
17 A I moved from Muskegon to Grand Rapids, in
18 Kentwood.
19 Q Would that have been on Oak Park Street?
20 A Yes.
21 Q Okay. And how long had you lived there?
22 A About three weeks.
23 Q Okay, where did you move then?
24 A Back to Muskegon Heights.
25 Q Okay. And where do you work, where is Bil-Mar?

1 A Zeeland, Michigan.

2 Q I want to draw your attention back to July 7th,
3 1993. Were you working on that day?

4 A Yes.

5 Q Where were you working?

6 A At Bil-Mar.

7 Q Do you recall having contact, seeing your daughter
8 on that date?

9 A After I got home from work, but it was after -- I
10 was at my home for about half-an-hour to 45
11 minutes before I seen her.

12 Q And where did you see her?

13 A I seen her around the apartment building.

14 Q Can you describe her demeanor, what she looked
15 like when you saw her?

16 A Okay. I was coming out the driveway and I seen
17 her friend, India, and I said, "Have you seen
18 Keysha?" She said, "Yeah, she's right around the
19 corner." So I said, "Will you get her for me,
20 please?"

21 So when she was coming, I looked back
22 and she was like hysterical in the face, and I
23 said, "What's wrong with you, what's wrong with
24 you," and she said, "Momma, those guys up there
25 had me trying on they underclothes, feeling on my

1 privacy."

2 Q She said who did that?

3 A Those guys.

4 Q Okay. And when you found this out, where did you

5 go?

6 A I went where she pointed upstairs to the

7 apartment.

8 Q What did you do when you got to that apartment?

9 A I beated on the door.

10 Q Did someone respond to your beating on the door?

11 A Yes.

12 Q And who responded?

13 A That guy right there, with the black hair.

14 Q Is he wearing a tie or is he without a necktie?

15 A He's without a tie.

16 Q Is he without a tie now?

17 A Yes.

18 Q Okay. And did he come out of the apartment?

19 A Yes.

20 Q What did you ask him?

21 A "Why did you do that to my daughter."

22 Q What else did you ask him?

23 A I asked him why did he do that to my daughter.

24 Q Okay. And were you upset at the time?

25 A Yeah.

1 Q Okay, and did this particular defendant you have
2 identified, the man you've identified, did he
3 respond when you asked him that?

4 A Yeah, he said, "I don't know why, I don't know
5 why."

6 Q And what was he doing?

7 A He bent down, he was like, "I don't know why, I
8 don't know why."

9 Q What did you do then?

10 A I just stood over him, and at that time my husband
11 was coming.

12 Q What did the defendant do?

13 A He just bent down and said, "I don't know why, I
14 don't know why."

15 Q Does he eventually go back into his apartment?

16 A Yeah.

17 Q And what happens then?

18 A My husband came. As my husband was coming -- my
19 husband had a jackhammer and I guess he seen my
20 husband coming, right, and he went back to the
21 apartment. But the door was halfway open and we
22 pushed in so -- we was going to like hit him, and
23 we thought about it and said, "No, we ain't going
24 to do this."

25 So we came back out the apartment. Him

1 and his brother pushed my husband back out the
2 apartment --
3 Q Okay.
4 A -- and at the time asked somebody to call the
5 police.
6 Q Okay. And did you wait for the police to arrive
7 then?
8 A Yes -- well, my husband went back around the house
9 to make sure that they weren't trying to jump off
10 the balcony to get away.
11 Q Okay, to sneak out the back way?
12 A Right.
13 Q Did the police eventually arrive then?
14 A Yes.
15 Q And were you with Lakeysa, then, after that?
16 A Yes, I sent her to the apartment.
17 Q Okay, and did the police eventually talk to her?
18 A Yes.
19 Q Did a man eventually talk to her?
20 A Yes.
21 Q Okay, and do you recall him, the police officer,
22 asking her whether or not the man, the man with
23 the lipstick on, specifically, put his penis
24 inside her vagina?
25 A Yes.

1 Q Or tried to, whatever?

2 A Tried to, yeah.

3 Q What did Lakeysha say?

4 A She said he tried to.

5 Q Okay. Now, did you accompany Lakeysha to the
6 hospital after that?

7 A Yes.

8 Q Can you describe, tell the jury what hospital,
9 please?

10 A St. Mary's.

11 Q And what happened at the hospital?

12 A Well, the lady that was sitting over there
13 (indicating), she was questioning her in the room.

14 Q Okay, that would have been -- are you talking
15 about the lady that had been sitting next to me
16 for a while?

17 A Right, uh-huh.

18 Q And that would be -- she was a police officer of
19 some sort?

20 A Right, uh-huh.

21 Q Okay. And was there a time when Lakeysha was
22 going to be examined? And by "examined," I mean
23 have either a pelvic examine or have her vagina
24 examined with some instruments, or whatever.

25 A Uh-huh.

1 Q Were you present there then?

2 A No, I wasn't present there.

3 Q Okay, were you called in or --

4 A Yeah, he called me to tell me that he couldn't --
5 the doctor called me in to tell me that they
6 couldn't do it because she wouldn't be still.

7 Q Okay, and who called you in?

8 A The doctor, it was the doctor.

9 Q Was there a decision made whether or not to for go
10 an examination at that time?

11 A Well, he was explaining to me that, you know, in
12 other words, it wasn't that important or, you
13 know, that's okay, you know, because I thought she
14 would have to have one.

15 I was explaining to Lakeysha, "Well, you
16 got to have this, you got to have this," but he
17 didn't, you know, push the issue like it was
18 important to have.

19 Q Okay. So she wasn't examined, I take it, at that
20 point?

21 A Just the top of her body, not the inside of her
22 body.

23 Q Okay. By "inside," you mean her vaginal area?

24 A Right.

25 Q Okay. Mrs. Marble, there's been some talk here

1 about, number one, I don't know why, there's been
2 some discussion here about the relationship
3 between you and your husband.

4 A Uh-huh.

5 Q Was there a divorce going on at this time?

6 A No.

7 Q Okay. The second thing, did you ever specifically
8 tell Lakeysha to stay out of the two gentlemen's
9 apartment who you've identified here?

10 A I told Lakeysha, "Don't go in anybody's
11 apartment." That goes for anybody that lived in
12 that area across, you know -- I tell her don't go
13 in anybody else's.

14 Q Why did you tell her that?

15 A I just tell her that for her own safety.

16 Q Okay. So these people weren't specified, it just
17 didn't --

18 A I told her for everybody, I tell both of my kids,
19 that don't go in nobody house.

20 Q Okay.

21 A And that we just had moved there two or three
22 weeks ago, so we weren't familiar with the area,
23 you know, so they weren't supposed to.

24 MR. BRAMBLE: I have nothing further.

25 THE COURT: Would Stephen Turner's jury

1 step out, and we'll let Mr. Daniel Turner's jury
2 hear things.

3 (At about 2:41 p.m. - The Stephen Turner
4 jury left the courtroom)

5 THE COURT: Mr. Mirque?

6 MR. MIRQUE: Thank you.

7 **CROSS-EXAMINATION**

8 **BY MR. MIRQUE:**

9 Q Mrs. Marble, you said that you recall one of the
10 male police officers asking Lakeysha whether
11 Daniel Turner had penetrated her vagina with his
12 penis. Do you remember saying that?

13 A Yeah.

14 Q Do you remember translating for Lakeysha the word
15 "vagina" for the term "your cat"?

16 A Yes.

17 Q Is that perhaps because you thought that Lakeysha
18 didn't understand the word "vagina"?

19 A Right.

20 Q And she responded "yes"?

21 A Yes.

22 Q So she understood what a "cat" meant?

23 A Yes.

24 Q And "cat" to you meant vagina?

25 A That's what I tell her.

1 Q Is that a common term that you use in the house?
2 A Yes.
3 Q When you're bathing or whatever?
4 A Yes.
5 Q Do you remember yelling at Lakeysa when Lakeysa
6 said, "I woke up in that man's apartment"?
7 A No.
8 Q You don't remember, you don't remember Lakeysa
9 saying that one of the suspects threw her against
10 the wall and she was knocked out?
11 A Yeah, threw her against the wall and she passed
12 out, yeah.
13 Q Okay. But you don't remember her saying, "I woke
14 up in the apartment," then you getting mad and she
15 explained, "Well, one of the men threw me against
16 the wall and I was knocked" --
17 A No.
18 Q All you remember is her saying one of the men --
19 A Threw her up against the wall.
20 Q -- threw her up against the wall and she was
21 knocked out?
22 A Yes.
23 Q What was it that you asked Daniel Turner when you
24 first confronted him?
25 A Why did he do that to my daughter.

1 Q Why did he do that, is that the language that you
2 used?
3 A Yup.
4 Q You didn't say, "Why did you fuck with my
5 daughter"?
6 A No, I don't remember saying that. I could have
7 said that at the time, you know, but I don't
8 remember saying that. I know I asked him why he
9 messed with my daughter. I could have said that
10 word, too.
11 Q Okay, but you just -- they're interchangeable.
12 You could have said it, you don't remember
13 exactly, you may have said it?
14 A May have said it at the time. I might have
15 cussed, yeah.
16 Q When Lakeysha told you what had happened, she told
17 you that Daniel Turner made her try on some --
18 A His underclothes.
19 Q -- underclothes?
20 A Yes.
21 Q Did she say that it was done, you know -- when she
22 said "made," did she say it was with force or --
23 can you kind of get what I'm trying to say here?
24 A She said with force.
25 Q With force?

1 A Yeah.

2 Q So Lakeysha said that Daniel Turner used force?

3 A Her to try on underclothes.

4 Q Forced her to try on these underclothes --

5 A Yes.

6 Q -- and bras and things? When you said, "Why did

7 you do it" or "Why did you fuck with my daughter,"

8 did you say exactly what it was that you were

9 referring to?

10 A No.

11 Q You just said that?

12 A Yup. He said, "I don't know why, I don't know

13 why."

14 Q But you didn't tell him what it was that you were

15 accusing him of?

16 A No. He probably knew because he said he didn't

17 know why, so --

18 Q When you were in the hospital and Lakeysha was

19 being interviewed by Detective Vazquez --

20 A I wasn't in there.

21 Q You weren't in the room?

22 A No, I wasn't in there.

23 Q So Detective Vazquez was questioning her all alone

24 in this room?

25 A Yeah.

1 Q For your children's sake, you've told them not to
2 go into any apartments?

3 A Any apartments, doesn't -- houses, doesn't make a
4 difference, nobody's.

5 Q Did you tell them what might happen if they did go
6 in, what would happen in an apartment if you went
7 into one of those, anybody's apartment?

8 A Well, I explained it to them, you know, things go
9 on, you know. You never know how the parents are
10 in other people's home.

11 Q Like what kind of things would you explain to your
12 children?

13 A That, you know, a lot of molesting and stuff is
14 going on, things like that.

15 Q So you've told Lakeysha that, "If you go into an
16 apartment, you might be molested"?

17 A Molested or messed with, you know, because you
18 never know what kind of parents other people have.

19 Q Do you have a video game system, a Super Nintendo
20 set?

21 A Yeah.

22 Q Does Lakeysha like to play that a lot?

23 A Yeah, sometimes.

24 Q And do you have a Polaroid camera at home?

25 A No.

1 Q You don't have a Polaroid?

2 A A Polaroid camera?

3 Q You know, a camera where the picture actually
4 comes right out?

5 A I used to have one. I don't know if I had it at
6 that time.

7 Q Have you ever had one?

8 A Yeah. I borrowed it, but it wasn't mine.

9 Q Have you ever had a regular camera with the film
10 that needed developing, a 35 millimeter or an
11 instamatic camera? Have you ever had one of
12 those?

13 A Yes.

14 Q Has Lakeysa ever seen that camera, with the film
15 and the regular, ordinary camera? Has Lakeysa
16 seen that?

17 A Sometimes, but we have moved, and it was my
18 sister's and I borrowed it, so I might have gave
19 it back to her. It wasn't ours.

20 Q When your husband Larry went around to see if the
21 Turners were going to try to escape, did they?

22 A No.

23 Q What time did you first get back from work?

24 A Well, I get off at three clock, so I get home
25 something like 3:45 or something like that.

1 Q When did you first see Lakeysha when you got back
2 from work?
3 A About a half-hour to 45 minutes later.
4 Q And what was she doing at that time?
5 A She was behind the apartment building, on the side
6 of the apartment building.
7 Q She was on the side, that's the first time you saw
8 her?
9 A Yeah, that's when I asked India where was she, had
10 she seen her.
11 Q And that would have been about what time?
12 A Probably some after four.
13 Q Right after 4:00?
14 A Some after four. I don't know the exact time.
15 Q When the doctors at the hospital were going to
16 examine her, her vaginal area, pelvic area, did
17 the doctors explain why they needed to do that?
18 A I can't recall. I guess for evidence or something
19 that they needed. They explained why, but I can't
20 explain, you know.
21 Q Did you believe at that time that the reason for
22 that examination was --
23 A Was to see was she penetrated.
24 Q Was she penetrated?
25 A Yes.

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MR. MIRQUE: I have no further questions, thank you.

THE COURT: Anything more, Mr. Bramble?

MR. BRAMBLE: No, your Honor, thank you.

THE COURT: Ladies and gentlemen, let's trade juries and we'll have you back in a few minutes. Would you go to your jury room? I'll get the other one.

(At about 2:50 p.m. - The Daniel Turner jury left the courtroom)

(At about 2:51 p.m. - The Stephen Turner jury returned to the courtroom)

THE COURT: Miss Krause?

MS. KRAUSE: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. KRAUSE:

Q Good afternoon, Miss Marble.

A Afternoon.

Q You told us that when you first saw your daughter Lakeysha on July 7th, her response was that both men had done something to her?

A Yeah, both guys, yup.

Q All right. Now, there came a point in time when police officers arrived on the scene, is that true?

1 A Yes.

2 Q And some of those police officers were asking your
3 daughter questions, correct?

4 A Yes, uh-huh.

5 Q And you were present with Lakeysha while those
6 police officers were asking questions, isn't that
7 true?

8 A Yes.

9 Q And do you recall, Miss Marble, that when the
10 police officers were asking Lakeysha who hurt her,
11 she said it was the man with lipstick?

12 A Right.

13 Q Is that true?

14 A Right.

15 Q Now, you've told us that you were obviously upset?

16 A Yes.

17 Q Correct?

18 A Uh-huh.

19 Q And you went to Apartment 204?

20 A Yes.

21 Q And you pounded on the door?

22 A Right.

23 Q The man that came to the door was the man wearing
24 the lipstick, is that correct?

25 A Right.

1 Q At that point in time you did not see the other
2 individual who's seated at the table?
3 A He was standing in the living room, in the front
4 room. He didn't come out.
5 Q And you did not have any conversation with him at
6 that point?
7 A Right. No, I didn't.
8 Q Now, at some point you called for your husband?
9 A Yes.
10 Q And your husband's name is Larry?
11 A Yes.
12 Q And Larry responded to your call?
13 A Right.
14 Q And he came to Apartment 204?
15 A Right.
16 Q And when he came he was holding an object?
17 A Yes.
18 Q Correct me if I'm wrong, but it sounds like it was
19 a pretty confusing situation right then, right?
20 A Right.
21 Q Did your husband actually approach Apartment 204
22 with an object in his hand?
23 A Yes.
24 Q What was that object, Miss Marble?
25 A A jackhammer.

1 Q Okay, a big piece of metal?

2 A Yeah.

3 Q Did you think that Mr. Marble intended to do harm
4 at that point in time?

5 A Yes.

6 Q It would probably be fair to say that it looked
7 that way, right?

8 A Yeah.

9 Q And is it after your husband appeared with this
10 jackhammer that you described that the door to
11 Apartment 204 was closed on you?

12 A No. We were like, when he -- we got in, we got
13 inside, right.

14 Q Okay. So both you and your husband who's holding
15 a jackhammer actually get inside the apartment?

16 A Yeah, we got inside.

17 Q And then?

18 A The two guys pushed us back out.

19 Q And closed the door?

20 A Right.

21 Q Did you stick by the door there?

22 A Did I? Yes.

23 Q And waited for the police?

24 A Right.

25 Q Have you ever owned a Polaroid camera?

1 A Yes.

2 Q Okay, and is this a camera that you would use to
3 take pictures of the family?

4 A Not that often, but I have one.

5 Q When I say "Polaroid," let's be clear we're
6 talking about the same thing. A Polaroid is a
7 camera where the pictures actually come out?

8 A Yeah, you use 600 film.

9 Q I'm not sure what kind of film you use.

10 A With that film I use 600. It's a Polaroid Sun
11 camera, I think it's called.

12 Q That's the kind you had?

13 A Yeah.

14 Q The picture came out as soon as you snapped the
15 shot?

16 A Right.

17 Q And you did have one of those cameras before?

18 A Yes.

19 MS. KRAUSE: I have no further questions
20 of Miss Marble.

21 THE COURT: Anything more, Mr. Bramble?

22 MR. BRAMBLE: Please, your Honor, very
23 briefly.

24 **REDIRECT EXAMINATION**

25 **BY MR. BRAMBLE:**

1 Q You indicated the statement from Lakeysha was the
2 man with the lipstick hurt her?
3 A What?
4 Q Is that your testimony, that Lakeysha told you
5 that the man with the lipstick on hurt her?
6 A Yeah.
7 Q Okay. Who did she say felt her?
8 A The guy with the lipstick.
9 Q Did she say both or --
10 A I'm not quite sure, but it was mostly the guy with
11 the black hair.
12 Q Okay. What's a jackhammer?
13 A Something you use to jack up a car with.
14 Q Okay, like that thing that you pump with?
15 A Yes.
16 Q You put it into the jack and pump it up?
17 A Right.
18 Q Okay.
19 MR. BRAMBLE: I have nothing further.
20 THE COURT: Anything more, Miss Krause?
21 MS. KRAUSE: No.
22 THE COURT: Thank you, Miss Marble.
23 You're free to go. Dan jury Dan jury.
24 (At about 2:56 p.m. - The Daniel Turner
25 jury returned to the courtroom)

1 MR. BRAMBLE: Your Honor, at this time
2 the State would call Judy Dixon.

3 JUDY DIXON,

4 called by the People at 2:56 p.m. and sworn by the
5 Court, testified:

6 DIRECT EXAMINATION

7 BY MR. BRAMBLE:

8 Q Miss Dixon, are you employed?

9 A Yes, I am.

10 Q Where are you employed, please?

11 A Grand Rapids Public Schools.

12 Q What do you do there?

13 A Child care, working with autistic children.

14 Q What kind of program?

15 A Autistic.

16 Q In what vicinity, where were you residing on
17 July 7, 1993?

18 A 4139 Oak Park, Southeast, Apartment D.

19 Q Is that in the City of Grand Rapids, County of
20 Kent, State of Michigan?

21 A Yes, it is.

22 Q And I want to draw your attention to the afternoon
23 hours of that date. Was your attention drawn to
24 Apartment 204 at 4130 Oak Park?

25 A Yes, it was.

1 Q And can you describe to the juries what drew your
2 attention to that apartment?

3 MS. KRAUSE: Your Honor, I'd like to
4 place an objection, and maybe we could approach
5 the bench, please.

6 THE COURT: Yes.

7 (Counsel approached the bench, and a
8 discussion was held off the record and out of the
9 hearing of the jury)

10 THE COURT: Go ahead, Mr. Bramble.

11 MR. BRAMBLE: Thank you.

12 **BY MR. BRAMBLE:**

13 Q I think I asked you what drew your attention to
14 that apartment, 204.

15 A A lot of people standing outside, a lady, you
16 know, continuously bawling on the door.

17 I was on my way to the store. I was in
18 my car. As I came out of the driveway, that's
19 when I seen a lot of people standing outside. So
20 I went back, parked my car, and came back around
21 to the front, and I stood there, you know, and
22 watched it and listened to what was going on.

23 Q Stood where?

24 A Stood out in my front yard by the street.

25 Q Okay. Could you hear what was going on?

1 A Yes, I could.

2 Q Could you hear what the parties were saying?

3 A The lady was bawling on the door, and finally one
4 of the men came out, and she kept saying, "Why did
5 you do this to my daughter, why did you do that to
6 my daughter," and he fell down on his knees, he
7 threw his hands up in the air, and said, "I don't
8 know why I did it."

9 And as he was saying this, she had said,
10 "I can't believe that all these people are
11 standing outside and nobody will call the
12 police."

13 After he made that comment, I went into
14 a friend's house right next door to my apartment
15 and I called the police, and they said someone had
16 just called.

17 Q Were you there when the police arrived?

18 A Yes, I was.

19 Q Okay, and were you there when -- okay, who --

20 A I wasn't across the street. I was still standing
21 in my front yard.

22 Q Okay, and can you tell me, just so we have it
23 correct, is the man who made the statement, "I
24 don't know why I did it," present in the
25 courtroom?

1 A His back was turned to me and he had dark hair.
2 Q And did you ever get a look at this person?
3 A Not in front of his face.
4 Q Had you seen him before?
5 A No, I haven't.
6 Q Have you seen him since?
7 A No, I haven't.
8 Q Could you identify this person?
9 A Somewhat, yes, I could.
10 Q Okay. Is there anyone in the courtroom that looks
11 like him?
12 A The guy sitting there with the dark long hair.
13 Q Is he wearing a tie or is he not wearing a tie?
14 A He's not wearing a tie.
15 Q You indicated you were there when the police
16 arrived?
17 A Yes, I was. I was still standing across the
18 street.
19 Q Okay, and did the police bring people out of the
20 apartment, this apartment?
21 A Later on, yes, they did.
22 Q Okay. Did you see who they brought out of the
23 apartment?
24 A They brought two guys out. I just still know it's
25 this one right here. The other one had, you know,

1 long, blond hair, you know. By then it was
2 starting to get a little dark.

3 Q Do you think you could identify him if you saw him
4 again?

5 A No.

6 Q Okay. Once the police arrived and escorted these
7 men out of the apartment, did you stick around?

8 A Yes.

9 Q Okay. What did you do then?

10 A Just still standing there watching from my patio.
11 By then I had moved back on to my patio.

12 Q Okay. Did you ever go across the street then?

13 A No, I didn't.

14 Q Okay.

15 MR. BRAMBLE: I have nothing further,
16 your Honor.

17 THE COURT: Okay.

18 We're going to make our switch again,
19 ladies and gentlemen. Would the Stephen Turner
20 leave, but given the hour, go ahead and consider
21 this time to take a break. If you want to go down
22 to the third floor for a smoke or have a pop, or
23 something like that, we'll plan on reconvening at
24 3:30.

25 Being that it's Friday, we'll try to

1 leave a little early, but we'll reconvene at
2 3:30. Have a seat in the jury room, all right,
3 before I get any further.

4 MS. KRAUSE: Your Honor, I was just
5 going to say, I know we have been going with
6 Mr. Mirque first and me second, but I think I can
7 save a little bit of shuffling if I say I don't
8 have any questions for this witness.

9 MR. MIRQUE: Me, too, I can't think of
10 any reason why I would have any questions.

11 THE COURT: Then, folks, we'll take an
12 afternoon recess as is until about quarter, 20
13 after three, and then we'll resume for another
14 forty-five minutes or so.

15 (At about 3:04 p.m. - Recess taken)

16 (At about 3:27 p.m. - The Daniel Turner
17 jury returned to the courtroom)

18 (At about 3:27 p.m. - The Stephen Turner
19 jury returned to the courtroom)

20 THE COURT: Everybody be seated.
21 Mr. Bramble, you may call your next witness.

22 MR. BRAMBLE: Your Honor, I have with me
23 Jeana Scott.

24 JEANA LANETTA SCOTT,
25 called by the People at 3:27 p.m. and sworn by the

1 Court, testified:

2 **DIRECT EXAMINATION**

3 **BY MR. BRAMBLE:**

4 Q Miss Scott, are you employed?

5 A Yes.

6 Q Where are you employed?

7 A Lincoln School.

8 Q What do you do there, please?

9 A I'm a substitute teacher.

10 Q Were you working in that job on July 7th, 1993?

11 A No, at that time I was not working.

12 Q Okay. Were you living in the vicinity of 4130 Oak
13 Park Street, Southeast?

14 A 4139 Oak Park.

15 Q That's where you were living?

16 A Yes.

17 Q Okay. I want to draw your attention back to
18 July 7th, 1993, in the evening hours. Did you see
19 or hear some type of commotion?

20 A Yes, I did.

21 Q What did you do when you heard it?

22 A At the time when I heard it, I was on my way out,
23 so Judy and I went back and parked the car and we
24 went to the front lawn. Then we heard a lady
25 yelling and screaming.

1 MS. KRAUSE: Your Honor, for the record,
2 I'm going to place the same objection at this time
3 as I did to Miss Dixon.

4 THE COURT: Okay, go ahead, Mr. Bramble.

5 MR. BRAMBLE: Thank you.

6 **BY MR. BRAMBLE:**

7 Q And what was she yelling?

8 A What I heard was her say, "Why did you do that to
9 my daughter, why did you do that to my daughter."

10 Q And did you see a person that she was talking to?

11 A I saw the back of a person.

12 Q Okay. What color hair did he have?

13 A Dark hair.

14 Q Did you later see the front of this person?

15 A I didn't see him directly in the face, no.

16 Q Did you see him after the police arrived?

17 A I saw a person, yeah, but I never saw him directly
18 in the face.

19 Q Okay. Can you identify that person?

20 A No, not to be sure, no.

21 Q Okay. And how did this person respond to --

22 A The person threw his hands up and said, "I don't
23 know why I did it, I just did it."

24 Q Okay, and was he standing up when he threw his
25 hands up?

1 A He had gotten down like this (indicating), "I
2 don't know why I did it, I just did it." That's
3 how he said it.

4 Q Was he on his knees, crouching down?

5 A He was on his knees.

6 Q Okay. What did you do then?

7 A I just watched everything.

8 Q What happened?

9 A Then by that time the police had come, and the
10 police was looking around and stuff, and
11 eventually they took the men down. They didn't
12 handcuff them or anything.

13 Q How many men?

14 A It was two men that they took downstairs.

15 Q And did you have any contact with any of the
16 parties that were involved, the woman --

17 A No.

18 Q -- or the man?

19 A No. I watched everything across the street.

20 Q Did you know either of these, any of these people?

21 A Not personally, no.

22 Q Okay.

23 MR. BRAMBLE: I have nothing further.

24 THE COURT: Mr. Mirque, Miss Krause,

25 Mr. Bramble, may I see you up here?

1 (Counsel approached the bench, and a
2 discussion was held off the record and out of the
3 hearing of the jury)

4 THE COURT: You didn't get the seats
5 warm, ladies and gentlemen, but would Mr. Stephen
6 Turner's jury step out, and we'll have you back in
7 just a couple minutes.

8 (At about 3:31 p.m. - The Stephen Turner
9 jury left the courtroom)

10 THE COURT: Mr. Mirque?

11 MR. MIRQUE: Thank you, your Honor.

12 **CROSS-EXAMINATION**

13 **BY MR. MIRQUE:**

14 Q Mrs. Scott, Miss Scott?

15 A Miss Scott.

16 Q Miss Scott, your last answer said that you didn't
17 know either of these two individuals personally.

18 What did you mean by that?

19 A I didn't know 'em.

20 Q Have you heard about them?

21 A I don't know them at all.

22 Q So when you said you don't know them personally,
23 you meant you just don't know them?

24 A He asked did I know any of the people personally,
25 and I said I didn't know anybody personally.

1 Q I was just assuming that maybe you perhaps heard
2 something about them.

3 A I didn't hear anything. I don't know those people
4 at all.

5 Q Okay, fine, thank you very much.

6 THE COURT: Any more, Mr. Bramble?

7 MR. BRAMBLE: No, thank you, your Honor.

8 THE COURT: Miss Krause?

9 MS. KRAUSE: No, your Honor.

10 THE COURT: Let's get the jury back and
11 we have one more witness.

12 Miss Scott, you're free to go. Thank
13 you.

14 (At about 3:32 p.m. - The Stephen Turner
15 jury returned to the courtroom)

16 THE COURT: Miss Krause had no questions
17 of Miss Scott, ladies and gentlemen, so we're
18 going to move on to the next witness.

19 Mr. Bramble?

20 MR. BRAMBLE: Thank you, your Honor. At
21 this time the State would call Carmen Garcia.

22 **CARMEN GARCIA,**

23 called by the People at 3:35 p.m. and sworn by the
24 Court, testified:

25

DIRECT EXAMINATION

BY MR. BRAMBLE:

Q Miss Garcia, are you employed?

A Yes, sir.

Q Where are you employed?

A Grand Rapids Public Schools.

Q What do you do there, please?

A I work as a time-out coordinator.

Q What's that?

A Taking care of bad kids that misbehave in class.

THE COURT: So that's what they call it these days.

THE WITNESS: We call it another.

THE COURT: You have other names for it.

BY MR. BRAMBLE:

Q Were you living in the vicinity of 4130 Oak Park Street on July 7, 1993?

A Yes, I was.

Q And during the late afternoon hours, did you have contact with an India Harris?

A Yes, I did.

Q And did you also have contact with Lakeysha Cage?

A Yes, I did.

Q Can you tell the jurors how you happened to have contact with her?

1 A I was out on the patio and my kids were, my son
2 and my baby were out on the patio, and Keysha was
3 across the street and India.

4 Q Lakeysa is Keysha, that's what you call her?

5 A Yeah, I call her Keysha.

6 Q Okay.

7 A She was across the street by the wall of the
8 apartment by the bushes, and India was, you know,
9 running back and forth. So I called Keysha to
10 come over to see what was wrong with her because
11 she was crying and --

12 Q Would she come over?

13 A No.

14 Q Where was she when you were calling for her to
15 come over?

16 A She was across the street against the wall by the
17 bushes. There's two huge bushes that were right
18 there by the side of the building, and she was
19 cuddled up.

20 Q What do you mean by "cuddled up"?

21 A She was down in a position like this (indicating)
22 with her head down.

23 Q And what was she doing when she was like that?

24 A She was crying.

25 Q Did you go over and try to get her out of the

1 bushes?

2 A I went over to the fence, because there's the main
3 street and my little boy was right there, and I
4 didn't want to bring him out and about. So I was
5 yelling to her. And she kept nodding her head.
6 She said, "No, I don't want to come over there."

7 I said, "Come here, let me talk to you
8 and ask what's wrong," and she said, "Nope." So
9 then India went and talked to her.

10 Q Did you eventually hear something going on over at
11 the apartment complex?

12 A About ten minutes later I heard Keysha's mom.
13 There was a little commotion going on, so I
14 stepped out onto the patio, and I heard Keysha's
15 mom banging on the door up on the second floor.

16 Q And did someone respond to that knock on the door?

17 A I heard a door open and I heard some yelling.

18 Q Who was yelling?

19 A Keysha's mom.

20 MS. KRAUSE: Your Honor, if I may, I
21 would interject the same objection as previously
22 noted at side bar as to the rest of this
23 testimony.

24 THE COURT: All right, it's noted.

25 You may proceed, Mr. Bramble.

1 MR. BRAMBLE: Thank you.

2 BY MR. BRAMBLE:

3 Q What was Mrs. Cage yelling or shouting?

4 A She asked the gentleman or the person that was in
5 that apartment questions, "Did you attack my
6 daughter, did you touch my daughter," and in a
7 certain way, she was really frustrated and was mad
8 and she kept asking him over and over.

9 Q And did this person respond?

10 A I heard him say, "I did, but I don't know why,"
11 and it went on to more commotion. And then she
12 started calling her husband over, and then I heard
13 a door slam.

14 Q Did you see the individuals, could you see them,
15 Mrs. Cage and --

16 A I could see Mrs. Cage, but I couldn't see the
17 other person on the opposite side. I just heard
18 the door slam.

19 Q The police eventually arrive?

20 A Yes.

21 Q And were individuals taken from that apartment?

22 A I didn't see that, because I had to leave because
23 I was running for an appointment, so I had to take
24 the kids and we left, and as I was leaving the
25 police had already arrived and was calming down

1 Keysha's father and the mother and questioning
2 them.

3 Q Okay. And then you left?

4 A Yeah, I had to leave.

5 MR. BRAMBLE: I have nothing further.

6 THE COURT: Counsel, may I see you at
7 the bench?

8 (Counsel approached the bench, and a
9 discussion was held off the record and out of the
10 hearing of the jury)

11 THE COURT: Go ahead, Mr. Mirque.

12 MR. MIRQUE: Thank you, your Honor.

13 **CROSS-EXAMINATION**

14 **BY MR. MIRQUE:**

15 Q Miss Garcia, about what time did this all happen?

16 A Probably it's around -- I don't remember.

17 Q You don't work in that neighborhood?

18 A No. It was during the summer so -- I had the
19 summer off. I work at the store during the
20 summer.

21 Q Okay. You said just a few minutes ago that
22 Cynthia asked Daniel Turner, "Why did you attack
23 my daughter, why did you touch my daughter."

24 Now, are those the words that Cynthia
25 Marble used?

1 A She asked him, "Did you attack my daughter, did
2 you molest my daughter," in that way. It was so
3 much screaming involved in it, all I know, she
4 questioned him. She had questioned him about it.

5 Q Okay. I guess what I'm asking you is, you said
6 there was a lot of screaming involved --

7 A Uh-huh.

8 Q -- a lot of noise, yelling, and what-have-you, a
9 very excited experience, and I want you to think
10 back.

11 To the best of your ability, were those
12 the actual words that she used, or is that the
13 actual language she used, or is that something
14 else?

15 A It's the actual thing. She was questioning him.
16 She kept questioning him.

17 Q I know. I want to point your attention to the
18 language she used, and I know the gist of the
19 question. We know what she was trying to get at.

20 What I'm trying to get at is the actual
21 words. Are those the actual words that Cynthia
22 Marble used?

23 A Well, she said, "Did you fuck with my daughter,
24 did you touch her, did you -- why did you do this
25 to her."

1 Q "Why did you fuck with my daughter"?

2 A Uh-huh.

3 Q Did she say that once, did she say that twice,
4 "Why did you fuck with my daughter, why did you
5 fuck with my daughter"?

6 A "Why did you do this, why did you fuck with my
7 daughter."

8 Q Thank you.

9 THE COURT: Miss Krause, any questions?

10 MS. KRAUSE: No questions, thank you.

11 THE COURT: Mr. Bramble, anything more?

12 **REDIRECT EXAMINATION**

13 **BY MR. BRAMBLE:**

14 Q I take it that there were a series of questions
15 asked?

16 A There were more questions asked. She kept asking
17 him over, "Why did you fuck with my daughter, why
18 did you do this, why did you do that." She was
19 just asking why, why.

20 Q And were some of those not only, "Why did you fuck
21 with my daughter," but "Why did you touch my
22 daughter"?

23 A "Why did you touch my daughter."

24 Q "Why did you molest my daughter"?

25 A "Why did you molest my daughter, why" -- questions

1 that come out. You ask them why did they -- why
2 they did it. It keeps coming out why, why, why,
3 and, "You keeping fucking with my daughter, you
4 fucking with my daughter."

5 Q Just a bunch of questions?

6 A It's just a bunch of questions, all more than one.

7 THE COURT: Mr. Mirque?

8 MR. MIRQUE: No, thank you.

9 THE COURT: Miss Krause?

10 MS. KRAUSE: No, thank you.

11 THE COURT: Thank you, Miss Garcia.

12 You're free to go.

13 Mr. Bramble, do I understand you've run
14 out of witnesses?

15 MR. BRAMBLE: Yes.

16 THE COURT: Well, that happens
17 sometimes, ladies and gentlemen, if things go
18 sometimes faster than planned. We try not to have
19 everybody here all the time. We bring in a few
20 people at a time.

21 So we're finished for the day. I want
22 to thank you for coming in on a Friday afternoon.
23 I know that's not normal jury service. We managed
24 to get through six witnesses this afternoon, so I
25 think that's helped.

1 We'll also help you keep track of things
2 because we won't have a big three-day hiatus in
3 the middle of the trial, but two, so it should be
4 easier to hold everything together.

5 Please, again, be very careful with
6 regard to exposure to the newspaper or the media.
7 I would assume there's something in today's paper,
8 although I have not had a chance to look, so
9 please have someone look for you. If there is,
10 take it out.

11 Please don't listen to anything on
12 television or radio about the case. I don't think
13 there will be anything of that media forum, but
14 you never know.

15 Also, be careful not to even pay
16 attention to something that sounds like this
17 case. We've talked about the reasons why.

18 Also, don't talk about anything. Don't
19 come to any conclusions. Again, we talked about
20 why, and we'll reconvene Monday at 10:00.

21 (At about 3:45 p.m. - The Daniel Turner
22 jury left the courtroom)

23 (At about 3:45 p.m. - The Stephen Turner
24 jury left the courtroom)

25 THE COURT: The Court needs to put a few

1 things on the record.

2 We have had several bench conferences.
3 A couple of those have dealt with evidentiary
4 objections, and I'll handle those in a moment.

5 The bulk of the conferences, however,
6 have dealt with a question of whether to have a
7 witness cross-examined separately, by that I mean
8 in front of one jury but not the other, or having
9 them cross-examined in front of both juries.

10 I called the parties to the bench and
11 asked what they wanted to do with regard to
12 Miss India Harris. Both defense counsel said they
13 saw no need for separate cross-examination.
14 Accordingly, none took place.

15 At that point I indicated that what I
16 would do is assume that unless asked for a bench
17 conference, that separate cross-examination was
18 not required. If asked for a bench conference, we
19 would have it, and then I would order separate
20 cross-examination.

21 A couple of times during the course of
22 the afternoon it struck me that there might be
23 reason, even though I wasn't being asked, to
24 cross-examine a witness in front of only one
25 jury. So rather than run the risk of making a

1 mistake in that regard, I summoned counsel to the
2 bench and asked.

3 In each instance when the witnesses were
4 cross-examined in front of only one jury, that's
5 because one or both of the defense counsel thought
6 that appropriate. If a witness was examined in
7 front of both juries, that's because there was no
8 request made to examine them separately, or if
9 after a bench conference it was specifically
10 stated that they, meaning defense counsel, saw no
11 need to do that.

12 What we're doing here is examining
13 witnesses separately -- as I say, at the motion
14 hearing when I granted the motion -- whenever
15 either defense counsel indicates that they think
16 there's the possibility of a conflicting defense
17 or inappropriate information coming out.

18 With regard to the objections to Miss
19 Dixon, Miss Scott, and Miss Garcia, Miss Krause
20 has objected, and Mr. Mirque did, I believe, with
21 regard to Miss Dixon, that those witnesses are
22 cumulative because each of them is describing the
23 same incident in which Lakeysa's mother confronts
24 Mr. Stephen Turner and are describing his
25 response.

1 It's true that they are all describing
2 the same incident and more or less repeating
3 things. I ruled, however, that I don't believe
4 that rises to the level yet of cumulative. Three
5 or four witnesses on an issue, especially a
6 significant issue as is this one, can't be said to
7 be cumulative, but, frankly, corroborative one of
8 the other.

9 The two children involved, India Harris
10 and Lakeysha Cage, have described the incident one
11 way. Miss Cage's mother described it slightly
12 differently.

13 In addition to that, those three
14 witnesses can all be said to have interest or
15 bias, at least the argument is there.
16 Accordingly, the presentation of corroborative
17 witnesses who are adult and maybe not subject to
18 the same emotions as that of children might be
19 helpful to the jury.

20 The simple fact is, under the
21 circumstances, having half a dozen witnesses
22 testify to the incident is not inappropriately
23 cumulative.

24 Accordingly, the objections are noted,
25 but overruled.

1 I'll see everybody Monday morning at
2 10:00.

3 MS. KRAUSE: Your Honor, there is one
4 further matter that we didn't put on the record
5 yesterday, and that was in reference to Mr. Marble
6 being allowed to stay in the courtroom while
7 Lakeysha Cage testified. I did place an objection
8 to that, in that I was asking that the witnesses
9 be sequestered.

10 You denied that and said that it was at
11 the discretion of the Court and indicated that we
12 should put it on the record later, which is what
13 I'm doing.

14 THE COURT: That's correct. When the
15 child was on the witness stand, a bench conference
16 was held and noted that the father was in the
17 courtroom. Since he's a likely witness in this
18 matter, defense counsel requested that the
19 witnesses be sequestered.

20 The Court indicated that it was a matter
21 of discretion and that, frankly, its experience is
22 that sequestration is usually an unnecessary
23 formality, and, under the circumstances, I was
24 going to exercise my discretion not to order him
25 to leave the courtroom, but did that for a very

1 specific reason, not just any general reason.

2 The prosecutor represented that the
3 child had asked that one of her parents be here.
4 The father was the one who was here. I understand
5 the father and mother are alternating being here
6 so as not to lose too much time from work, and I
7 simply thought it inappropriate, since the child
8 expected the father to be here, since she already
9 was on the witness stand with her father in the
10 courtroom, to very unexpectedly have him asked to
11 leave.

12 Perhaps if arrangements had been made
13 much sooner so that she knew he wouldn't be here,
14 she'd be acclimated to that, but the abrupt change
15 I thought ran the risk of disconcerting her to the
16 point that it would interfere with her testimony,
17 not one way or the other, as far as I'm concerned,
18 with regard to its credibility, just that the
19 young lady had every right to expect that her
20 father be here and it wasn't fair at the last
21 minute to change things on her.

22 But the objection was made and it was
23 denied by me, and I'll accept responsibility for
24 doing so.

25 Anything else before we adjourn?

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MS. KRAUSE: No, your Honor.

THE COURT: If not, 10:00 Monday
morning. Have a good weekend, all.

(Proceedings adjourned)

-ooOoo-

1 OFFICIAL REPORTER'S CERTIFICATE

2
3 STATE OF MICHIGAN)
4 COUNTY OF KENT) SS

5
6 I, Rebecca L. Russo, Court
7 Reporter in and for the Circuit Court for the
8 County of Kent, State of Michigan, do hereby
9 certify that I reported stenographically the
10 proceedings held in the above-entitled cause
11 before the Honorable Robert A. Benson on
12 December 3, 1993; and do further certify that the
13 foregoing transcript is a true and correct
14 transcript of my stenographic notes of said
15 proceedings so reported and transcribed by me.

16
17
18
19 Rebecca L. Russo
20 Rebecca L. Russo, CSR-2759
Official Court Reporter

21 Dated: 3.24.94
22 Grand Rapids, Michigan