

1 explain to them how you wanted your hair done and all of
2 that?

3 A. I explained to her over the phone how I wanted my hair,
4 so when I got there they knew what I wanted.

5 Q. All right. So do you have any idea generally what time
6 this was?

7 A. No. It was early in the morning. Honestly, I don't
8 recall the time.

9 Q. Well, when you say "early in the morning," six o'clock
10 in the morning early or --

11 A. No. More like ten, eleven.

12 Q. All right. So you're talking ten or eleven. All
13 right. But you have no way of knowing the exact time?

14 A. No, sir.

15 Q. So what started to happen with your hair?

16 A. Well, she started to do my hair.

17 Q. How many people were in the house that you saw?

18 A. There was three of us and a baby.

19 Q. Okay. So you and two other people and a baby?

20 A. Yes, sir.

21 Q. Two other -- were there any men in the house?

22 A. A man came to pick up some children that was there
23 earlier. Like, when I got there, there was children there,
24 about two of them, and a man came with them and came to get
25 them and left.

- 1 A. The back door.
- 2 Q. You heard that?
- 3 A. Yeah, I heard the back door open.
- 4 Q. All right. And when the person came in, what was the
5 pace of that person, walking or running?
- 6 A. He was nervous. You could tell he was nervous.
- 7 Q. And was that person saying anything?
- 8 A. No, I don't recall him saying anything. Just that he
9 wanted a shirt.
- 10 Q. He wanted a what?
- 11 A. A shirt.
- 12 Q. A shirt?
- 13 A. Yes, sir.
- 14 Q. All right. Well, when you saw that person and he was
15 asking for a shirt, you said he appeared nervous, what color
16 was that person?
- 17 A. He was a brown-skin man.
- 18 Q. Brown-skin man. Can you describe any other thing you
19 remember about his face?
- 20 A. His eyes were the thing that popped out to me the most.
- 21 Q. Why do you remember his eyes?
- 22 A. Because they were big and scary.
- 23 Q. All right. That was a distinctive feature that you
24 remember, his eyes?
- 25 A. Yes, and his braids.

- 1 Q. You say "braids." So how was he wearing his hair?
- 2 A. He had them in cornrows.
- 3 Q. Now, cornrows versus braids, what's the difference?
- 4 A. Well, cornrows are attached to your head and a braid is
- 5 not.
- 6 Q. All right. So his hair was done in a style that you
- 7 are saying had cornrows in it?
- 8 A. Yes, sir.
- 9 Q. Was the hair long or short?
- 10 A. It was short, sir.
- 11 Q. How short?
- 12 A. It came about to his neck.
- 13 Q. Was the hair close to his head?
- 14 A. Yes, sir.
- 15 Q. Now, if you were looking at the person -- did you look
- 16 at the person straight on face-to-face?
- 17 A. No, I saw him at a side -- like sideways.
- 18 Q. Sideways?
- 19 A. Yes.
- 20 Q. And how could you tell he had braids, was it from the
- 21 side or from the front?
- 22 A. Yes, sir. And I saw him from the back.
- 23 Q. In the back?
- 24 A. Yes.
- 25 Q. How could you tell most -- I should have call the

1 braids cornrows.

2 How could you tell most that his hair looked like it
3 had cornrows in it?

4 A. You could see them.

5 Q. From the side or the back?

6 A. From the side and the back, yeah, you could see them.

7 Q. Now, did you give a statement to the police?

8 A. Yes, sir.

9 Q. And when you gave the statement to the police, did you
10 write anything in there about what the person said when the
11 person entered?

12 A. Yes, sir.

13 Q. Do you remember what the person said when they entered?

14 A. He didn't say anything. He said that he wanted a
15 shirt.

16 Q. He wanted a shirt?

17 A. Yes.

18 Q. And do you remember right now anything else that you
19 wrote about what that person said?

20 A. I remember what I wrote, sir, yes.

21 Q. And did you see anything in the person's hand?

22 A. Yes. He had a gun, a black gun in his hand.

23 Q. A black gun in his hand?

24 A. Yes, sir.

25 Q. And what was the person wearing for clothing?

1 A. (Indicating)

2 Q. You didn't hear them?

3 THE COURT: Ms. Wright, can you answer out loud,
4 please. Answer verbally.

5 THE WITNESS: Oh; no, sir.

6 THE COURT: Thank you.

7 Q. (By Mr. Mastroianni) Now, describe what parts of the
8 house the person came in wearing the black hoodie. Describe
9 the parts of the house where he was pacing around.

10 A. The living room where I was getting my hair done.

11 Q. All right. And exactly what was that person -- what
12 else was that person doing?

13 A. Nothing. He was just looking out the windows.

14 Q. All right. How many times did that person ask for a
15 shirt?

16 A. Once, I believe.

17 Q. Did you see the person change?

18 A. No, sir.

19 Q. Did you see him get a shirt?

20 A. No, sir.

21 Q. Where did you go and where did the people who were
22 doing your hair go?

23 A. We went upstairs.

24 Q. I'm going to show you a photograph and ask you if you
25 recognize it. Do you recognize that picture?

1 A. Yes, sir.

2 Q. How many police officers were you with when you looked
3 at photographs?

4 A. One.

5 Q. Did you look at single photos or groups of photographs?

6 A. There was two groups of photos. One was a frontal view
7 and one was a side view.

8 Q. And before you looked at the photos, before you looked
9 both frontal view and side view, were there some forms that
10 the police went over with you?

11 A. Yes, sir.

12 Q. (By Mr. Mastroianni) Now --

13 MR. MASTROIANNI: May I?

14 THE COURT: Yes.

15 Q. (By Mr. Mastroianni) Now, I asked you about the
16 statement that you gave to the police and the statement that
17 you gave to the defense private investigator. Were there
18 any changes you made when you talked to the defense private
19 investigator that is different from what you originally told
20 the police?

21 A. Yes, sir.

22 Q. How many differences or can you tell us what the
23 differences were?

24 A. There was just the difference in what the man said when
25 he came in the house?

- 1 Q. Okay. By "the man," you mean who?
- 2 A. Kirkland.
- 3 Q. The man with the black hood?
- 4 A. Yes, sir.
- 5 Q. And what did you originally tell the police the man
- 6 said when he entered the house?
- 7 A. That he came into the house and he threatened us.
- 8 Q. You originally told the police that?
- 9 A. Yes, sir.
- 10 Q. Why did you tell the police that?
- 11 MR. KLYMAN: Objection.
- 12 THE COURT: Overruled. Go ahead. You can answer.
- 13 THE WITNESS: Because the girls had suggested that I --
- 14 that all of our statements should be the same.
- 15 Q. (By Mr. Mastroianni) And when you talked to the defense
- 16 private investigator, what did you tell him?
- 17 A. I told him what really happened.
- 18 Q. When you say "what really happened," what was the
- 19 difference?
- 20 A. What he said, he didn't say anything.
- 21 Q. So he didn't say anything threatening to the girls?
- 22 A. No, sir.
- 23 Q. When you talked to the defense investigator, was
- 24 everything else you told the police the same?
- 25 A. Yes, sir.

1 Q. And is what you told the police essentially the same as
2 what you've told us in your testimony?

3 MR. KLYMAN: Objection.

4 THE COURT: Overruled.

5 THE WITNESS: Could you -- I don't get the question.

6 Q. (By Mr. Mastroianni) Okay. What you wrote in your
7 statement to the police and what you told to the defense
8 private investigator, all right.

9 A. Uh-huh.

10 Q. Is that the same what you testified to today?

11 A. Yes, sir.

12 Q. Okay. I'm going to show you two forms and ask you if
13 you recognize each of those forms?

14 A. Yes, sir.

15 Q. Okay. And there's a signature on the bottom of each
16 form. Is that your signature?

17 A. Yes, sir.

18 Q. Do one form at a time.

19 Okay. This form dated 4/30/2011 at 3:23, is that your
20 signature on there?

21 A. Yes, sir.

22 MR. MASTROIANNI: Your Honor, I'd offer this as an
23 exhibit.

24 THE COURT: Is there any objection?

25 MR. KLYMAN: May I see it, please.

1 focused on?

2 A. Yes, sir.

3 Q. When you entered the house, you went in through the
4 kitchen, correct?

5 A. Yes, sir.

6 Q. Then you went into the living room, correct?

7 A. Yes, sir.

8 Q. So as far as what was going on inside the kitchen after
9 you went into the living room, you don't know because you
10 weren't in there, correct?

11 A. Yes, sir.

12 Q. So who might have gone in and out of that kitchen while
13 you were in the living room, you really weren't paying
14 attention, correct?

15 A. Yes, sir.

16 Q. Is that right?

17 A. Yes, sir?

18 Q. Now, you mentioned that while you were in that living
19 room, this person with the black hoodie and the cornrows
20 came in, correct?

21 A. Yes, sir.

22 Q. And that that person, in your first statement to the
23 police, started threatening you and the other girls, isn't
24 that right?

25 A. Yes, sir.

1 Q. That wasn't true, was it?

2 A. No, sir.

3 Q. You decided when you spoke to the police after this
4 incident occurred, you were going to lie to the police,
5 correct?

6 A. Yes, sir.

7 Q. And the reason you were going to do that is because the
8 other girls told you to, right?

9 A. Yes, sir.

10 Q. They told you to lie to the police, correct?

11 A. Yes, sir.

12 Q. All right. They didn't say exactly what words to use
13 to the police, did they?

14 A. Not really, sir.

15 Q. Okay. So as far as what, the words that you used to
16 lie to the police, came out of your own mind, isn't that
17 right?

18 A. Yes, sir.

19 Q. All right. So you elaborated on what occurred, didn't
20 you?

21 A. Yes, sir.

22 Q. All right. And, for example, when you said in the
23 first statement to the police, you said that the black guy
24 came in and said: Don't say shit or I'll fucking kill you.

25 He never said that, did you (sic)?

- 1 A. No, sir.
- 2 Q. And the girls who told you to make up a story did not
3 tell you to say that to the police, did they?
- 4 A. No, sir.
- 5 Q. All right. So you just decided to throw that in there
6 on your own, didn't you?
- 7 A. Yes, sir.
- 8 Q. Okay. And then you went on to say that the guy had a
9 black gun and he was waving it around. He wasn't waving it
10 around, was he?
- 11 A. No, sir.
- 12 Q. And that's something else that you made up on your own,
13 didn't you?
- 14 A. Yes, sir.
- 15 Q. That isn't anything anybody else told you to tell the
16 police, did they?
- 17 A. I don't recall, sir.
- 18 Q. Okay. Well, probably didn't, did they?
- 19 A. I said I don't recall, sir.
- 20 Q. All right. But in any event, it wasn't true, was it?
- 21 A. No, sir.
- 22 Q. All right. And then you said: The guy waved his gun
23 at us as he was talking his shit.
24 That wasn't true either, was it?
- 25 A. No, sir.

1 Q. Now, as far as when this person came in the house, you
2 said he had one gun, correct?

3 A. Yes, sir.

4 Q. You didn't see two guns, did you?

5 A. No, sir.

6 Q. And as you described earlier is that you saw him with
7 this black hoodie, correct?

8 A. Yes, sir.

9 Q. And black jeans, correct?

10 A. Yes, sir.

11 Q. And that's all the thing you remember about him as far
12 as the type of clothing he was wearing, isn't that right?

13 A. Yes, sir.

14 Q. Now, as far as the statement that you gave to the
15 defense investigator, you gave that statement a year later,
16 didn't you?

17 A. Yes, sir.

18 Q. And in May of 2012, isn't that right?

19 A. Yes, sir.

20 Q. And that's when you decided to tell the truth, as you
21 put it, about the fact that this guy never threatened
22 anybody inside the house, isn't that right?

23 A. Yes, sir.

24 Q. Now, you mentioned during your direct testimony this
25 morning that the fellow who came in also asked for a change

1 of shirt or asked for a shirt, didn't he?

2 A. Yes, sir.

3 MR. KLYMAN: If I may approach the witness, please,
4 Your Honor?

5 THE COURT: Yes, you may.

6 Q. (By Mr. Klyman) First of all, I would like to show you
7 this particular statement. Do you recognize that statement?

8 A. Yes, sir.

9 Q. And it's a three-page statement, isn't it?

10 A. Yes, sir.

11 Q. And the reason why you recognize it is because, first
12 of all, it has your signature on it, right?

13 A. Yes, sir.

14 Q. And you've had a chance to read it over, haven't you?

15 A. Yes, sir.

16 Q. And you read it over before you got on the witness
17 stand today, didn't you?

18 A. Yes, sir.

19 Q. Okay. Nowhere in that statement does it say anything
20 about the person who came in asking for a change of clothing
21 or for a shirt, does it?

22 A. No, sir.

23 Q. Now, a year later when you spoke to the defense
24 investigator -- first of all, I'm going to show you another
25 statement. Do you recognize this particular statement?

1 A. Yes, sir.

2 Q. Okay. That's the two-page statement that you gave to
3 the defense investigator, isn't that right?

4 A. Yes, sir.

5 Q. And that's the statement when you said: Yeah, I lied
6 to the police, he really didn't threaten us, isn't that
7 right?

8 A. Yes, sir.

9 Q. Again, in that second statement you say nothing about
10 this person asking for a change of clothing or a shirt, did
11 you?

12 (Pause)

13 A. No, sir.

14 Q. That was no, correct?

15 A. Yes, sir.

16 Q. The first time that you mentioned anything about this
17 person asking for a change of shirt is when you met with the
18 Assistant District Attorney and his associates in March of
19 this year, isn't that right?

20 A. Yes, sir.

21 Q. So two years later is when you first remember that this
22 person asked for a change of clothing; is that right?

23 A. Yes, sir.

24 Q. All right. So you kept it hidden for two years; is
25 that right?

1 A. Yes, sir.

2 Q. Now, you also said that when this person was inside the
3 house, at some point you and the other girls went upstairs;
4 is that right?

5 A. Yes, sir.

6 Q. You went upstairs after the person left the house,
7 didn't you?

8 A. I don't -- no, I don't believe so. I don't recall him
9 leaving the house while we were upstairs.

10 MR. KLYMAN: Again, if I may approach the witness,
11 please, Your Honor?

12 THE COURT: Sure.

13 Q. (By Mr. Klyman) I'm going to show you the documents
14 that you recognized earlier as being the three-page
15 statement you gave the police on April 30, 2011.

16 Again, that's the same thing I showed you before,
17 right?

18 A. Yes.

19 Q. And I refer you to the bottom paragraph where it says,
20 "The guy paced back and forth in the living room looking out
21 the window and then he went out the back door."

22 Do you remember saying that to the police?

23 A. Yes, sir.

24 Q. Okay. And you can go to the second page. "Me and the
25 hairdresser grabbed our stuff and went upstairs."

1 MR. MASTROIANNI: Objection to Mr. Klyman reading the
2 statement.

3 THE COURT: Sustained.

4 Q. (By Mr. Klyman) Did you tell the police that after this
5 person left, you and the other girls then went upstairs?

6 A. Yes, sir.

7 Q. All right. So, the person had already left the house
8 by the time you and the other girls went upstairs, isn't
9 that right?

10 A. I believe so, sir; yes.

11 Q. Thank you. So, once again, you don't know any of these
12 people in the house, correct?

13 A. No, sir.

14 Q. Never met them before in your life, correct?

15 A. Yes, sir.

16 Q. But because they asked you to lie, you decided to go
17 ahead and do it, isn't that right?

18 A. Yes, sir.

19 MR. KLYMAN: Nothing further. Thank you.

20 THE COURT: Do you have redirect?

21 MR. MASTROIANNI: Thank you.

22 **REDIRECT EXAMINATION BY MR. MASTROIANNI:**

23 Q. Now, what did these girls tell you about -- tell us the
24 conversation that you had with these girls about saying
25 certain things to the police just like Mr. Klyman just asked