

# Smathers

388

- 1           You may proceed, Jim.
- 2           MR. BANKS: Thank you.
- 3           Q           (Mr. Banks) Ms. Smathers, referring to that evening,  
4           you talked to Officer Koepke; is that right?
- 5           A           Yes.
- 6           Q           Now, the first time you told him what you had  
7           related here today, that you saw a heavy-set stocky black  
8           man running east from the north side of 1712?
- 9           A           Yes.
- 10          Q           Now, this is 1712; is that correct? (Indicating)
- 11          A           Yes.
- 12          Q           And you saw him run this way?
- 13          A           Yes.
- 14          Q           Across the parking lot and get into a car?
- 15          A           Yes.
- 16          Q           Okay. And you said he turned and slid into the  
17          snow; is that correct?
- 18          A           Yes.
- 19          Q           Then he was stuck for a while and he rocked back and  
20          forth to get out?
- 21          A           Yes.
- 22          Q           Okay. And do you remember telling what color the  
23          car was?
- 24          A           It was a light colored car, cream colored--
- 25          Q           Did you tell him light yellow or light blue?

- 1 A It was a light cream color but I couldn't, you know,  
2 with the lights and stuff, see the exact color. I know it  
3 was a white, cream, light yellow.
- 4 Q Okay, and it was a large black male?
- 5 A Yes.
- 6 Q And he had on a hat?
- 7 A Yes.
- 8 Q Had no gloves on?
- 9 A Right.
- 10 Q You said his face was not covered?
- 11 A Right.
- 12 Q But you told them you could not identify that man;  
13 didn't you?
- 14 A That night at that time, no I couldn't.
- 15 Q As a matter of fact you said that you saw his face,  
16 but it was so dark that you only could recognize a mustache  
17 or facial hair?
- 18 A I couldn't see distinct features like the color of  
19 his eyes.
- 20 Q You saw the form of a big man?
- 21 A I seen, it's not exactly features but I seen the  
22 shape -- the head shape of the man.
- 23 Q But you told them that you weren't close enough to  
24 see the color of his eyes. You couldn't make out distinct  
25 details about who the person was; could you?