

DIRECT EXAMINATION

BY MR. BULONE:

Q. Sir, please state your name.

A. Howard Crosby.

Q. What is your occupation?

A. Police Officer, Largo Police Department.

Q. And how long have you been so employed?

A. Nine years.

Q. And your duties with the Largo Police Department are what, sir?

A. Patrol and sniper for the tack team, traffic, homicide, radar.

Q. Let me call your attention back to the very early morning hours of July 15th, 1989. Did you have occasion to go to the area of Audubon Drive in Largo?

A. Yes, sir.

Q. What county is that?

A. Pinellas County, Largo.

Q. Why did you go there at that time?

A. I was a backup officer to a call at the scene.

Q. And once you got there what did you do?

A. I went inside the residence and talked to the victim.

Q. Would that be Cheryl Hagan?

A. Yes, sir.

1 Q. Was there a time when you were there that you saw
2 Kevin Herrick?

3 A. Yes, sir.

4 Q. And where was that?

5 A. As you walk up the sidewalk to the apartments, it
6 was right on the corner of the victim's apartment.

7 Q. Well, we can get the diagram out.

8 Q. Does this fairly and accurately depict the
9 triplex if this is one apartment, this is another
10 apartment and that is the third apartment and this the
11 courtyard?

12 A. Yes, sir.

13 Q. Where did you first see the Defendant?

14 A. The lower left corner. No down. Right there.

15 Q. Do you see Mr. Herrick in the courtroom today?

16 A. Yes, sir.

17 Q. Please point him out and describe what he's
18 wearing for the record.

19 A. Sitting at the table. Black jacket, gray and
20 black stripe shirt and black tie, sneakers on.

21 Q. Did you notice anything unusual about him?

22 A. Yes, he looked very nervous. He was sweating. I
23 even noticed that his heart was pounding so much to where
24 I could see it, his chest rising and falling.

25 Q. Did he have a shirt on at that time?

1 A. He had a red shirt. It was sleeveless like a
2 tank top type shirt he had on.

3 Q. And you actually saw his heart beating?

4 A. Yes, sir. I walked righted up to him and started
5 talking to him. He looked very nervous and very scared,
6 that's why I started talking to him.

7 Q. Did his face look sort of sweaty?

8 A. Yeah, he was sweaty and breathing heavy.

9 Q. What did you do as a result of that?

10 A. I FIR'd him which is a Field Interrogation
11 Report. We get the information with his name, date of
12 birth and what he's wearing. I wrote all that information
13 down.

14 Q. Why did you do that for?

15 A. I told him we were just getting everyone's name
16 in the area and to me he just looked very suspicious,
17 that's why I wanted his name for sure.

18 Q. Did you also see one of the victims in the case,
19 Darren Scott Barfield?

20 A. Inside the apartment.

21 Q. Did you observe any injuries to him?

22 A. Yes, he had his shirt -- he had one to the chest
23 or abdomen area. I saw a lot of blood on his shirt and
24 the paramedics were taking care of him in the living room
25 of the apartment, and that's where they were taking care

1 of him.

2 Q. Was Mr. Herrick arrested later that evening?

3 A. Yes, sir.

4 MR. BULONE: I have nothing further, Judge.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. LEINSTER:

8 Q. You advised Mr. Herrick that he did not have to
9 consent to your taking hair and pubic samples, correct

10 MR. BULONE: I object. It's beyond the scope.

11 THE COURT: It has to do with his arrest, doesn't
12 it?

13 MR. LEINSTER: I believe so.

14 THE COURT: Overruled. I'll allow it.

15 Q. (By Mr. Leinster) You informed him he did not
16 have to consent to the taking of hair and pubic samples
17 for possible comparison?

18 A. At the station after his arrest, right.

19 Q. You advised him he didn't have to do that?

20 A. Post-Miranda, right.

21 Q. Nonetheless, he consented?

22 A. That's right.

23 Q. Okay. And did anybody else out there look
24 nervous that night?

25 A. No one that caught my eyes, no.

1 Q. How about Theresa Porrey; she was down right
2 hysterical, wasn't she?

3 A. I don't recall Theresa Porrey.

4 Q. You don't. How about Cheryl, was she a bit upset
5 herself?

6 A. The victim?

7 Q. Yeah.

8 A. She was inside the house.

9 Q. How long after all this did you arrive on the
10 scene?

11 A. After the canine officer broke the track down,
12 broke the area, we went in. Probably -- I'm not sure.
13 Three, four, five minutes. I'm not positive.

14 Q. Were you with the canine officer?

15 A. No. I was a canine officer back then, but I
16 wasn't with him.

17 Q. Do you know where the canine went?

18 A. No.

19 Q. You do not?

20 A. No.

21 Q. Okay. Was the canine set on the route that it
22 was on based on conversations with Darren Barfield?

23 A. I don't know.

24 Q. Don't know that either. The whole scenario out
25 there was one which might create nervousness, agitation;

1 would it not, in your experience?

2 A. With who?

3 Q. With anyone that perhaps was called from their
4 bed asleep and told that someone had just been raped.

5 A. I don't know why that would cause a man to be
6 nervous, no.

7 Q. You don't think that would do it? Okay. Did you
8 by any chance assist Mr. Barfield with his written
9 statement?

10 A. No, sir.

11 Q. You're not the police officer that told him he
12 didn't need to add in certain things?

13 A. No, sir.

14 MR. LEINSTER: That's all I have.

15 THE COURT: Redirect.

16 MR. BULONE: Nothing further, Judge.

17 THE COURT: Fine. Thank you, officer. You may
18 step down. Call your next witness, please.

19 MR. BULONE: Officer Joiner.

20 THE COURT: Call Officer Joiner to the stand to
21 testify.

22 THE BAILIFF: Stand here, face the clerk, raise
23 your right hand and take the oath.

24 THEREUPON,

25 STEPHEN JOINER