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IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMMIT

STATE OF OHIO,	)	CASE NO. CR 2005-09-3204E
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	JUDGE ELINORE STORMER
LISA R. PENIX,	)	
	)	
Defendant.	)	TESTIMONY OF
	)	JASON KEENAN

APPEARANCES

BECKY DOHERTY, Assistant County Prosecutor  
BRIAN LOPRINZI, Assistant County Prosecutor  
On behalf of the State of Ohio

WILLIAM WHITAKER, Attorney at Law  
JEFFREY JAMES, Attorney at Law  
On behalf of the Defendant

BE IT REMEMBERED that upon the hearing of  
the above-entitled matter in the Court of Common  
Pleas, Summit County, Ohio, before the HONORABLE  
ELINORE STORMER, Judge Presiding, and a jury duly  
impaneled and sworn, commencing on February 13,  
2006, the following proceedings were had, being a  
Transcript of Proceedings.  
(TESTIMONY OF JASON KEENAN)

BARBARA J. DAY, RPR  
Official Court Reporter  
Summit County Courthouse  
209 South High Street  
Akron, Ohio 44308



1 \*\*\*\*\*BEGINNING OF EXCERPT\*\*\*\*\*

2 - - -

3 JASON KEENAN

4 A Witness herein, having been first duly  
5 sworn as provided by law, was examined and  
6 testified as follows:

7 - - -

8 DIRECT EXAMINATION

9 BY MS. DOHERTY:

10 Q. Could you tell us your name, and spell  
11 your last name for the record, please.

12 A. Jason Keenan, K-e-e-n-a-n.

13 Q. Okay. I'm going to have to ask you to --  
14 maybe I'll move that a little closer for  
15 you.

16 That's good. If you hit it, if you  
17 bump it, it's going to make some real loud  
18 obnoxious noise, so try not to, but try to  
19 keep your voice up.

20 Mr. Keenan, how old are you?

21 A. Thirty-one.

22 Q. And, currently, where are you residing?

23 A. Summit County Jail.

24 Q. And prior to being in the Summit County  
25 Jail, where did you live?

- 1 A. 756 Morgan Avenue.
- 2 Q. And was that a home that you owned, that  
3 you were buying?
- 4 A. Yeah.
- 5 Q. I'm going to ask you a little bit about  
6 your background. What did you do for a  
7 living primarily within the last ten years  
8 or so?
- 9 A. I've spent seven years working in nursing  
10 homes.
- 11 Q. What did you do there?
- 12 A. Dietary manager.
- 13 Q. Do you have any education that allows you  
14 to do that?
- 15 A. Yeah. I took a course at Akron U.
- 16 Q. And that allowed you to work at nursing  
17 homes in dietary management?
- 18 A. Yes, it did.
- 19 Q. Did you work in area nursing homes?
- 20 A. Worked in one in Richfield and got hired  
21 to open the kitchen in one in Solon, Glen  
22 Willow.
- 23 Q. And you did that for approximately seven  
24 years?
- 25 A. Yes.

- 1 Q. And what other interests and what other  
2 kinds of jobs did you have recently?
- 3 A. Recently, I worked in a bar.
- 4 Q. You worked where?
- 5 A. Worked in a bar.
- 6 Q. And did you ever have any involvement in  
7 tattoos?
- 8 A. Yes.
- 9 Q. And tell us about that.
- 10 A. That was just a personal hobby. I like  
11 tattoos and a roommate I had at the time  
12 was learning how to do them and was  
13 teaching me how to do them.
- 14 Q. So you were learning how to do that?
- 15 A. Yes.
- 16 Q. I'm going to ask you about some people  
17 involved in this case, and tell us if you  
18 know them and how you know them. Derek  
19 Shutt?
- 20 A. Yes, I know him.
- 21 Q. How do you know him?
- 22 A. I met him through my first wife about  
23 nine, ten years ago.
- 24 Q. And did that relationship continue on?  
25 Did you still have contact with him over



- 1 the years?
- 2 A. There was a period of time where we lost
- 3 contact and then I ran into him again at
- 4 Flashdance and we just started talking
- 5 again.
- 6 Q. All right. And Shane Rafferty, do you
- 7 know him?
- 8 A. I met him through Derek Shutt.
- 9 Q. And Lisa Penix?
- 10 A. I met her when she started working at
- 11 Flashdance.
- 12 Q. And any idea when that was?
- 13 A. Maybe a year and a half, two years ago. I
- 14 don't remember.
- 15 Q. And your girlfriend, what is her name?
- 16 A. Dawn Carter.
- 17 Q. Does she work at Flashdance also?
- 18 A. Yes.
- 19 Q. And so your contact with Flashdance, a lot
- 20 of it was through your girlfriend?
- 21 A. Yes.
- 22 Q. William Kramer, do you know him?
- 23 A. Yes, I know him.
- 24 Q. How did you know William Kramer?
- 25 A. I met him the night of the incident.

- 1 Q. All right. Prior to that, you did not  
2 know William Kramer?
- 3 A. No, I did not.
- 4 Q. Steven Spade, had you ever met Steven  
5 Spade?
- 6 A. I met him at his grandfather's funeral --  
7 or Lisa's grandfather's funeral.
- 8 Q. Both of their grandfather's funeral?
- 9 A. Yeah.
- 10 Q. And was that the only time up until the  
11 night that he was killed that you met  
12 Steve?
- 13 A. I've seen him maybe once or twice when he  
14 came into Flashdance with Lisa, but I  
15 didn't know him other -- we weren't  
16 friends, just kind of acquaintances.
- 17 Q. But you knew him at least --
- 18 A. Yeah, by face and name, I knew him.
- 19 Q. As an acquaintance through Lisa?
- 20 A. Yes.
- 21 Q. All right. Lisa's relationship with Shane  
22 Rafferty, as far as them dating, having a  
23 relationship, living together, what can  
24 you tell us about that?
- 25 A. They started seeing each other and they

1           were dating for a while, and then I was  
2           told they had broke up. And then they  
3           were living together at Derek's house.  
4       Q.     And you knew him to be living at that  
5           Voris Street address?  
6       A.     Yes.  
7       Q.     And the address there is 447 Voris. Are  
8           you aware of that?  
9       A.     I guess. I know it's 4 something. I  
10          don't know -- not too good with the  
11          numbers.  
12      Q.     But you know it's Derek's house?  
13      A.     Yes.  
14      Q.     And Lisa and Shane were living there?  
15      A.     Yeah. They were renting rooms from him, I  
16          believe.  
17      Q.     All right. Lori Zielinski, do you know  
18          her?  
19      A.     Yes.  
20      Q.     And how do you know who she is?  
21      A.     She worked at Flashdance.  
22      Q.     And a relationship between Shane Rafferty  
23          and Lori Zielinski, that you knew of?  
24      A.     Not really. I didn't -- I knew they were  
25          interested in each other, but I didn't

- 1 know for sure that they were actually  
2 dating or not.
- 3 Q. But you knew that there was something  
4 there, that they knew each other?
- 5 A. Yeah.
- 6 Q. Okay. Lori Zielinski and Lisa Penix, were  
7 you aware of any discord, problems between  
8 them regarding Shane Rafferty?
- 9 A. When Lisa was seeing him, they tended not  
10 to get along a little bit.
- 11 Q. When Lisa was seeing Shane?
- 12 A. Yes. Yeah, Lisa. And Laura was obviously  
13 interested in Shane, and that was causing  
14 problems.
- 15 Q. The night that this occurred on February  
16 4th, how is it that you went over to Derek  
17 Shutt's house?
- 18 A. I had gotten a message on my voice mail --  
19 it was a day or two before that day --  
20 that Derek was going to do tattoos on some  
21 people and he needed some ink, and I  
22 decided to take it over there that day.
- 23 Q. So it wasn't planned that you were going  
24 that day?
- 25 A. No.

- 1 Q. You just had to deliver some ink to Derek?
- 2 A. Right.
- 3 Q. Approximately what time did you get over
- 4 there that evening?
- 5 A. Oh, I don't remember, late afternoon or
- 6 early evening. I'm not exactly sure about
- 7 the time.
- 8 Q. What did you do prior to going over there?
- 9 A. I honestly don't remember. I know I took
- 10 Dawn to work.
- 11 Q. Was Dawn working at Flashdance then?
- 12 A. No. She was working at a club on
- 13 Tallmadge Avenue.
- 14 Q. So you took her to work. Did you go
- 15 straight over to Derek's house or did you
- 16 go somewhere else first?
- 17 A. I think I went home first and got the ink
- 18 and then went over -- I don't exactly
- 19 remember all the details. It was over a
- 20 year ago.
- 21 Q. Of what time, you don't remember what time
- 22 you got there?
- 23 A. No.
- 24 Q. Was it dark?
- 25 A. I believe so.

- 1 Q. Who was there when you arrive at Derek's  
2 house?
- 3 A. There was Shane, Lisa, Kramer and Derek  
4 and Steven.
- 5 Q. And Steven was there?
- 6 A. Yes.
- 7 Q. He was there already?
- 8 A. Yes.
- 9 Q. What were they doing when you got there?  
10 Where was everybody at?
- 11 A. I believe they were all in the living  
12 room, just having a little party and  
13 get-together, and everybody seemed like  
14 they were in a good mood, having a few  
15 drinks.
- 16 Q. They were drinking?
- 17 A. Yeah.
- 18 Q. Do you remember what everybody was  
19 drinking?
- 20 A. I think it was Budweiser.
- 21 Q. Did you drink at all that night?
- 22 A. I had a beer and a half.
- 23 Q. At some point, does anyone leave the  
24 house? Does Steve leave the house?
- 25 A. I think they left to get beer, him, and I

1           don't remember who else it was.

2     Q.     Did anybody else leave, that you recall?

3     A.     Not while I was there.

4     Q.     You don't remember?

5     A.     I think Shane might have went with him to

6           get beer. I don't remember exactly.

7     Q.     But somebody had gone to get beer?

8     A.     Yeah.

9     Q.     Throughout the course of the evening, do

10           you have a conversation with Shane

11           Rafferty?

12    A.     Yeah.

13    Q.     And where does that take place, and tell

14           us about it.

15    A.     Out on the back breezeway, stoop, porch,

16           whatever. I'm not sure exactly what you

17           call it. I think it was a back porch. He

18           took me out back and told me -- his words

19           were somebody was going to die tonight, I

20           believe is what his words were. And I

21           just kind of shrugged it off. And he was

22           like, no, seriously, and I just -- I don't

23           know. I didn't know what to say. And he

24           told me it was going to be Steven and --

25           MR. WHITAKER:     I'm sorry. Was

1           that a "did" or "didn't"?

2                   THE COURT:           He told me it was  
3           going to be Steven.

4    A.    He told me it was going to be Steven.   And  
5           he said originally it was going to be  
6           Kramer too but he decided to go along with  
7           it..

8    Q.    Okay.   So Rafferty is telling you that  
9           they're going to kill Steven, that they  
10          were going to kill Kramer too but now he's  
11          going to go along with it?

12   A.    Right.

13   Q.    And did he talk to you about the other  
14          people, about anybody else in the house,  
15          Derek or Lisa?

16   A.    He said that everybody else was fine with  
17          it.   And the original plan was for Lisa to  
18          sleep with Kramer and they were going to  
19          kill him too but he decided to go along  
20          with it.   But, I mean, that's just what he  
21          was saying to me.   There was nobody else  
22          there to hear it.

23   Q.    But he indicated to you that Lisa was part  
24          of this also?

25   A.    That was my understanding, yes.



- 1 Q. All right. After you're having this  
2 discussion with him in that kitchen or  
3 breezeway area, does anybody else come  
4 out, that you're aware of?
- 5 A. No.
- 6 Q. And then what do you do? What do you and  
7 Shane Rafferty do?
- 8 A. He took me back in the house and told me I  
9 wasn't allowed to leave then.
- 10 Q. What is going on in the living room area  
11 of who's still in there?
- 12 A. Everyone is still there. The same  
13 environment that everyone was in earlier,  
14 no inclination that anything was going to  
15 happen. Everybody was having a good time,  
16 and I think they were all getting along.
- 17 Q. And drinking?
- 18 A. Yeah.
- 19 Q. At some point, does everyone go to the  
20 basement or some people go to the  
21 basement?
- 22 A. Everybody -- Shane ordered everyone to go  
23 to the basement.
- 24 Q. What was the purpose of going to the  
25 basement?

- 1 A. Supposedly it was to get high.
- 2 Q. To get high on what?
- 3 A. That, I don't know. It was never
- 4 mentioned.
- 5 Q. And do you get high on anything?
- 6 A. No.
- 7 Q. So when everybody was going to the
- 8 basement, was -- you said he ordered
- 9 everybody to the basement. Was it a
- 10 demand, or they were going to go down
- 11 there to do drugs?
- 12 A. They started going down the basement,
- 13 which was Steven, Kramer, Shane, Derek.
- 14 And I was sitting in the living room in
- 15 front of the TV, and Shane said everybody
- 16 had to come down the basement.
- 17 Q. And where was Lisa?
- 18 A. Going down the steps with them.
- 19 Q. All right. So she was going down there
- 20 with everybody?
- 21 A. Yes.
- 22 Q. All right. Tell us about what happens
- 23 when everyone is downstairs in the
- 24 basement, where everyone is.
- 25 A. Shane, Kramer, Lisa and Steven go into the

- 1 office at the bottom of the steps,  
2 straight ahead. Derek sits down on the  
3 steps, and I'm standing in front of him in  
4 front of the steps.
- 5 Q. All right. I'm going to show you what has  
6 been marked as State's Exhibit 100. Take  
7 a second to look at it and see if you  
8 recognize the layout.
- 9 A. Yeah.
- 10 Q. You do?
- 11 A. Yeah.
- 12 Q. And is this as you recall the basement of  
13 447 Voris? Does it resemble the layout of  
14 it?
- 15 A. As far as I can tell, there's some stuff  
16 over here (indicating).
- 17 Q. You just saw certain rooms?
- 18 A. Yeah, from here to here (indicating).
- 19 Q. Okay. All right. And so when you're  
20 talking about everybody being downstairs  
21 and Lisa, Kramer, Shane and Steven going  
22 into the office area, tell us where that  
23 office area is.
- 24 A. This area here (indicating).
- 25 Q. And the step area that you said Derek sat

1 down on, where is that?

2 A. Right here (indicating).

3 Q. And where were you?

4 A. Right there (indicating).

5 Q. Standing right by him?

6 A. Yes.

7 Q. Could you see into that office area at

8 all?

9 A. Yes, I could. There was a chair set up

10 here that Shane had Steven sit down in.

11 Q. So you see down in here, and the chair was

12 somewhere where you could see it in the

13 office?

14 A. Right.

15 Q. All right.

16 THE COURT: Can you all hear

17 him?

18 You really are going to have to

19 keep your voice up. I started to miss

20 what you said when you got to this chair.

21 What were you saying about the

22 chair?

23 THE WITNESS: That you could

24 see it from the doorway.

25 THE COURT: Okay.

- 1 Q. All right. And tell us what happened --  
2 what you could see in that doorway where  
3 the chair was.
- 4 A. Shane had Steven sit down in the chair and  
5 he had some tape and he told Steven he was  
6 going to tape his hands and feet to the  
7 chair and it was a matter of trust, or  
8 something along those lines.
- 9 Q. He said it was a matter of trust or  
10 something?
- 11 A. Yes.
- 12 Q. That's what Shane said to Steve?
- 13 A. Yeah.
- 14 Q. And the other people in that room at the  
15 time, did they stay in there?
- 16 A. Yeah.
- 17 Q. And that was Lisa and Kramer?
- 18 A. Correct.
- 19 Q. And when Shane said to Steve it's a matter  
20 of trust, what did Steve do?
- 21 A. He let him tape him to the chair.
- 22 Q. All right. And did you actually see Shane  
23 Rafferty taping Steve up?
- 24 A. Yes, I did.
- 25 Q. And he taped his hands and his feet?

- 1 A. Yes, he did.
- 2 Q. Could you see what he was taping him with?
- 3 A. It was duct tape.
- 4 Q. You believe it was duct tape?
- 5 A. Yeah, or some sort of duct tape or
- 6 packaging tape. I'm not sure exactly
- 7 which.
- 8 Q. The wide?
- 9 A. Yes.
- 10 Q. What happens after Steve is duct taped?
- 11 A. Shane punched him in the face.
- 12 Q. And does Shane have anything on his hands,
- 13 that you know of?
- 14 A. I believe he was wearing gloves.
- 15 Q. After Shane punches him in the face, what
- 16 else does he do?
- 17 A. He -- I guess he just kept hitting him. I
- 18 saw the one punch, and I turned around and
- 19 looked away --
- 20 THE COURT: I'm sorry. They
- 21 can't hear you, sir.
- 22 A. I saw that Shane had hit him the one time,
- 23 and then I turned around and didn't want
- 24 to watch, so I looked away. But I guess
- 25 he continued to hit him.

- 1 Q. Could you hear what was going on?
- 2 A. Yeah, somewhat.
- 3 Q. Describe what you heard.
- 4 A. After the first hit, Steven was like, wow,
- 5 what's all this about? And I don't
- 6 remember exactly what Shane's words were,
- 7 but he kept hitting him. And it sounded
- 8 like the chair tipped over, and it sounded
- 9 like he kept hitting him. And then I
- 10 heard Shane yell, his hands are free, and
- 11 just the sound of him still getting hit.
- 12 Q. And is Shane the only person you actually
- 13 saw hitting him?
- 14 A. Yes, he is.
- 15 Q. You said you turned around. You don't
- 16 know who else hit him?
- 17 A. Right.
- 18 Q. What else was Shane saying? Was he
- 19 calling Steven any names?
- 20 A. He kept using the word doggy when he
- 21 talked to him.
- 22 Q. Doggy?
- 23 A. Yeah.
- 24 Q. And what was the tone of whatever Shane
- 25 was saying to him and yelling?

- 1 A. He was excited and almost sounded happy,  
2 that he was actually enjoying it.
- 3 Q. And you said that the chair tipped over.  
4 Did you actually see it tip over?
- 5 A. I don't recall seeing it. I just -- it  
6 sounded like a chair tipped over. I might  
7 have glanced, but I don't really remember.
- 8 Q. Did you see Steven on the floor at all  
9 down in that office area?
- 10 A. In the office, no; but I saw him when  
11 Shane drug him out of the office.
- 12 Q. And who was actually dragging Steve out of  
13 the office?
- 14 A. Shane.
- 15 Q. Anyone else?
- 16 A. No.
- 17 Q. All right. Where were Kramer and Lisa at  
18 that point?
- 19 A. They had come out of the office. Kramer  
20 followed Shane as he was dragging Steven  
21 into the bathroom and Lisa stayed in the  
22 hallway.
- 23 Q. And when you talk about the hallway, can  
24 you show the jury?
- 25 A. It's this area here that leads to the



- 1 steps (indicating).
- 2 Q. All right. And you indicated that Shane
- 3 took Steve into the bathroom area. Where
- 4 is the bathroom area?
- 5 A. Down this way (indicating).
- 6 Q. So he would have been taken right past
- 7 where you were, correct?
- 8 A. Right, probably maybe six inches from my
- 9 feet.
- 10 Q. And was Steve conscious at that time? Do
- 11 you know?
- 12 A. I couldn't tell.
- 13 Q. But he was still taped up?
- 14 A. Yes.
- 15 Q. And then you indicated Kramer went with --
- 16 A. Yes.
- 17 Q. -- Shane into --
- 18 A. With Shane and Steve into the bathroom.
- 19 Q. And what about Lisa, where did she go?
- 20 A. She stopped here at the steps where Derek
- 21 and I were.
- 22 Q. All right. And did anything happen while
- 23 Steve was being taken down the hall?
- 24 A. His phone fell out of his pocket and it
- 25 started ringing.

- 1 Q. And what happened then?
- 2 A. Shane came back after they took him in the  
3 bathroom, picked up the phone and saw that  
4 it was Lori calling Steven.
- 5 Q. And did you actually see the phone?
- 6 A. No, I didn't -- I saw the phone but I  
7 didn't see the number that was on it.
- 8 Q. All right. And when Shane realized that  
9 it was Lori's number that was showing up,  
10 what did he do?
- 11 A. He became totally irate and hostile, and  
12 he seemed to enjoy -- he went back into  
13 the bathroom, and -- hear him hitting him  
14 almost like -- sounded like he was  
15 stomping on Steven.
- 16 Q. Did he say anything about the fact that  
17 that was Lori's number?
- 18 A. He remarked about -- I think it was, why  
19 is Lori calling you, or something like  
20 that. I don't remember exactly what his  
21 words were.
- 22 Q. But he did mention Lori?
- 23 A. Yeah. And he was really mad about it.
- 24 Q. And when he is -- so he's even more  
25 enraged then than he had been --

- 1 A. Yes.
- 2 Q. -- when he's beating him up down the hall?
- 3 A. Yes.
- 4 Q. When that happens, do you -- does Lisa say  
5 anything?
- 6 A. She said that Shane told me this wouldn't  
7 be about Lori.
- 8 Q. She said, Shane told me this wouldn't be  
9 about Lori?
- 10 A. Yes.
- 11 Q. And that is, again, while you two were  
12 standing in the hall?
- 13 A. Yes.
- 14 Q. All right. What about Kramer, was Kramer  
15 saying anything to Steve, that you recall,  
16 while they were in that bathroom area?
- 17 A. He'd made a remark about Steven sleeping  
18 with his girlfriend; Amanda, I believe her  
19 name was.
- 20 Q. Amanda?
- 21 A. Amanda. I believe that's what it was.
- 22 Q. While the three of them were in the  
23 bathroom then, can you hear or see what is  
24 going on with Steven?
- 25 A. I could hear. I couldn't see.

- 1 Q. What did you hear?
- 2 A. Just more beating, punching, making --
- 3 sounded like somebody was hitting a side
- 4 of beef.
- 5 Q. Could you hear Steve saying anything?
- 6 A. I could just hear him moaning and
- 7 groaning, and I couldn't make out
- 8 anything.
- 9 Q. All right. Do you and Lisa stay in that
- 10 hallway, or do you go in another part of
- 11 that basement?
- 12 A. We ended up going into the office.
- 13 Q. All right. And did she say anything to
- 14 you at that time?
- 15 A. She said, I can't believe I'm letting this
- 16 happen to my cousin.
- 17 Q. And I think you had described, I guess,
- 18 how she was behaving --
- 19 A. She was -- at that point, she was crying,
- 20 and I don't know if it was --
- 21 MR. WHITAKER: Objection.
- 22 THE COURT: Sustained.
- 23 Q. At that point, she was tearful, crying?
- 24 A. Yes.
- 25 Q. And that was at the time she said, I can't

1           believe I let this happen to my cousin?

2    A.       Correct.

3    Q.       All right. And Lisa -- do you and Lisa

4           leave the office?

5    A.       No. We went back in the hallway.

6    Q.       You went back in the hallway?

7    A.       Yeah.

8    Q.       What happens then when you go back into

9           the hallway area?

10   A.       I believe she went to go into the

11           bathroom -- actually, I don't remember if

12           it was before we went to the office or

13           after. I'm not sure of the timeframe.

14           And then she came back out.

15   Q.       She went in -- when you talk about the

16           bathroom area, she went into the bathroom

17           area where Kramer, Shane and Steve are?

18   A.       Yes.

19   Q.       And then she came back out?

20   A.       Correct.

21   Q.       Where was Derek?

22   A.       At that point, Derek had got up and went

23           into the bathroom area. When you walk in

24           the doorway, he was on the left side of

25           it.

- 1 Q. And just so it's clear for the record,  
2 that bathroom area that you're talking  
3 about is -- they're two parts to it,  
4 correct?
- 5 A. Correct.
- 6 Q. All right. And show us on here, I guess,  
7 where the toilet area is.
- 8 A. I believe it's here. And then here's a  
9 doorway here. And Derek was on this side  
10 of the doorway (indicating).
- 11 Q. And the bathroom over here, the extension  
12 part of the bathroom, that's a bigger  
13 area, correct?
- 14 A. I believe so. I was never in there.
- 15 Q. But you could see it? I mean, you could  
16 see it from where you were in the hall?
- 17 A. See in the doorway where Derek was  
18 standing.
- 19 Q. All right. So Lisa goes into that area.  
20 Is Derek in there also at that time?
- 21 A. I don't remember if he was or not.
- 22 Q. All right. Then what happens?
- 23 A. She came back out. And I believe that was  
24 before we went into the office.
- 25 Q. All right. And then what happened after

- 1           you and Lisa came out of the office?
- 2     A.     That was after Shane had shot Steven -- I
- 3           believe it was Shane.
- 4     Q.     Well, then, you tell us the sequence of
- 5           how this happens.
- 6     A.     We went into the office, and she says -- I
- 7           was giving her a hug because she was
- 8           crying. And she said she couldn't believe
- 9           this was happening -- she was letting this
- 10          happen to her cousin. And I heard Shane's
- 11          voice ask for the gun, and then he asked
- 12          someone to cock it because he only had one
- 13          glove on, and then the shot fired.
- 14     Q.     Where were you standing when that
- 15          happened?
- 16     A.     In the office.
- 17     Q.     And do you know who handed Shane the gun?
- 18     A.     I believe it was Derek.
- 19     Q.     But you didn't actually see him do it?
- 20     A.     No.
- 21     Q.     After you heard the shot, how much after
- 22          that -- how long after that did you and
- 23          Lisa come out of the office?
- 24     A.     Almost maybe 30 seconds after, I think.
- 25          I'm not sure on the timeframe. It wasn't

- 1           very long.
- 2       Q.     And then what happens after you came out  
3           of the office?
- 4       A.     Shane, Derek and Kramer came out of the  
5           bathroom and were walking down the hall,  
6           and Shane made a remark that it smelled  
7           like a dead deer.
- 8       Q.     Did anything else happen then while you  
9           were in the basement?
- 10      A.     No, it did not. We all went upstairs.
- 11      Q.     Did you see Steven's body?
- 12      A.     No, I did not.
- 13      Q.     Did you look in that direction at all?
- 14      A.     No.
- 15      Q.     Did you realize at that point Steve had  
16           been shot?
- 17      A.     I assumed he was.
- 18      Q.     But you didn't go look?
- 19      A.     No.
- 20      Q.     What happened after that?
- 21      A.     Everybody proceeded to go upstairs and  
22           get -- picked up drinking again.
- 23      Q.     When you say everybody, are you talking  
24           about all five --
- 25      A.     Yes.



- 1 Q. -- of you?
- 2 A. Yes.
- 3 Q. And where did that take place?
- 4 A. In the living room.
- 5 Q. Tell me about the behavior of each one of
- 6 them. What is the conversation at that
- 7 point?
- 8 A. I just -- I continued to talk to Derek.
- 9 Shane was making some sort of jokes
- 10 about -- I don't remember exactly what
- 11 they were, what his words were, but he
- 12 seemed to be enjoying himself over the
- 13 whole incident.
- 14 Q. What about Kramer?
- 15 A. He was just going along with Shane.
- 16 Q. What about Lisa?
- 17 A. She would go back and forth between crying
- 18 and not and -- but she started drinking
- 19 again.
- 20 Q. Was she ever -- when she started drinking,
- 21 was she ever participating in the
- 22 conversation with them?
- 23 A. No -- she -- it seemed like she just
- 24 wanted them to shut up.
- 25 Q. Okay. But she was sitting there with

- 1           them?
- 2     A.     Yeah. We were all in the living room.
- 3     Q.     All right. As you're sitting there, what
- 4           is your impression of -- I mean, they're
- 5           not talking about this specifically, are
- 6           they, about what happened in the basement?
- 7     A.     I believe Shane was making remarks about
- 8           it. But, like I said, I was talking to
- 9           Derek, trying to tone him out, not really
- 10          pay attention to what he was saying.
- 11    Q.     Did everyone seem okay with what happened
- 12          downstairs?
- 13    A.     Some seemed somber about it. Shane was
- 14          really excited, like he had enjoyed
- 15          himself.
- 16    Q.     All right. Do you have any other
- 17          conversation with either Shane, Lisa or
- 18          Kramer after that?
- 19    A.     The next day, Shane wanted us all to get
- 20          together and come up with an alibi.
- 21    Q.     I'm talking about that night.
- 22    A.     That night, not about -- I don't -- no, we
- 23          sat there and talked and just BS'ing. But
- 24          some of us, obviously, didn't want to talk
- 25          about it.

- 1 Q. And you didn't want to talk about it?
- 2 A. No, ma'am.
- 3 Q. At some point, you leave?
- 4 A. Correct.
- 5 Q. And how does that come about? How is it
- 6 that you leave?
- 7 A. I told -- first off, I told Derek that I
- 8 had to go so I could pick up Dawn from
- 9 work. And at first, Shane didn't want me
- 10 to go. And Derek told -- talked Shane
- 11 into it, telling him I could be trusted
- 12 and I don't know what else. Shane decided
- 13 to let me go, but as I was leaving, he
- 14 followed me into the kitchen. And I
- 15 believe Kramer was there at that point
- 16 when Shane had said that now it makes us
- 17 accomplices and he didn't want to have to
- 18 come looking for me. And he made some
- 19 remarks about loose ends, but I don't
- 20 remember exactly what it was.
- 21 Q. And he used the word accomplices?
- 22 A. Yes.
- 23 Q. All right. Any idea what time you left?
- 24 A. No, probably around midnight, shortly
- 25 after. I don't remember.

- 1 Q. What time did you have to pick Dawn up?  
2 Do you know?
- 3 A. Whenever I got there, just before 2:30.
- 4 Q. And she was still working at the club?
- 5 A. Yes.
- 6 Q. And did you leave then?
- 7 A. Yes.
- 8 Q. And you went and got Dawn?
- 9 A. Yes.
- 10 Q. Did you tell her anything about this?
- 11 A. No, I did not.
- 12 Q. You said at some point the next day or so  
13 you went back over there. How did that  
14 come about?
- 15 A. Derek had -- received a phone call from  
16 Derek in the morning saying that Shane  
17 wanted us all to come over there and talk  
18 and straighten things out, so I went over  
19 in the morning.
- 20 Q. And what happened when you got there?
- 21 A. Derek was sitting there. Everyone else  
22 was still sleeping, I believe. They were  
23 upstairs. Derek was in the living room at  
24 the time and he told me that Shane wanted  
25 me to get rid of the gun so he knew I

1           could be trusted. And Derek gave me the  
2           gun and I put it in my pocket. And then  
3           Shane and Lisa came downstairs and Kramer  
4           was -- followed shortly, I think. I'm not  
5           exactly what order they came down.

6       Q.       And what was the discussion then?

7       A.       Shane said that we had to get the story  
8           straight, that it was to be that Derek --  
9           that we were supposed to be doing tattoos  
10          over there and Derek needed ink, which I  
11          took it to him, which is what happened.  
12          And then at some point I left and Steven  
13          left and they don't know where he went.

14      Q.       And that was what was discussed among the  
15           group as the story if you were ever asked?

16      A.       Correct.

17                   MR. WHITAKER:       Objection, Your  
18           Honor. He said it was Shane that said  
19           that.

20                   THE COURT:           Was it Shane or  
21           was it others?

22      Q.       Were you all sitting there together?

23      A.       Yes. Everyone was present.

24      Q.       Okay. And that's what was discussed?

25      A.       Correct. But it was Shane that was the

- 1           one talking, and he's the one that came up  
2           with the story.
- 3     Q.     Okay. But among the group, he told  
4           everybody, and you all sat there?
- 5     A.     Yes.
- 6     Q.     When Derek gave you the gun and actually  
7           handed it to you, was anybody else in the  
8           room?
- 9     A.     No.
- 10    Q.     Just you and Derek?
- 11    A.     Yes.
- 12    Q.     As far as Lisa and Shane's relationship,  
13           what did you know about, I guess, Lisa's  
14           feelings for Shane?
- 15    A.     To my knowledge, she had very strong  
16           feelings for him.
- 17    Q.     All right. And that was something you  
18           knew from being around them, from knowing  
19           Lisa, correct?
- 20    A.     Yes.
- 21    Q.     All right. How long did you stay that day  
22           at the house on Voris?
- 23    A.     I think it was about 45 minutes to an  
24           hour.
- 25    Q.     And what did you do once you left? Did

- 1           you take the gun with you?
- 2     A.     Yes.
- 3     Q.     What did you do with it?
- 4     A.     I left it in my car.
- 5     Q.     Did you go home? Did you go --
- 6     A.     Yeah, I went home.
- 7     Q.     And, ultimately, what did you do with the
- 8           gun and when?
- 9     A.     I don't remember -- maybe a week or two
- 10           later, after it was sitting in my car, I
- 11           went to clean out the car and threw it in
- 12           a trash can at a car wash.
- 13    Q.     Do you remember where?
- 14    A.     Car wash was on Arlington, going towards
- 15           Green.
- 16    Q.     And this would have been about two weeks
- 17           after he'd given it to you?
- 18    A.     Yeah.
- 19    Q.     Did you ever say anything to Dawn about
- 20           what had happened and what you threw away?
- 21    A.     No, I did not.
- 22    Q.     Contact with Derek after that, did you
- 23           ever go back over to the house?
- 24    A.     Yes, I did.
- 25    Q.     And who was living there at the time, and

- 1           how much time had passed?
- 2       A.       I'm not exactly sure how much time had  
3           passed. I know for a little while, Shane  
4           and Lisa were still living there. I don't  
5           know how long afterwards they were there  
6           but I'd gone over a few times. The guy  
7           Derek and I worked for asked me to take  
8           Derek to court, so I'd go over there, pick  
9           Derek up, take him to court and take him  
10          back.
- 11       Q.       And at some point, were you aware that  
12           Lisa and Shane didn't live there anymore?
- 13       A.       Yes. Derek said that they'd moved out and  
14           went back to --
- 15                   MR. WHITAKER:       Objection, unless  
16           Derek is going to testify.
- 17                   THE COURT:           I understand  
18           Derek is going to testify. So subject to  
19           that, go ahead.
- 20       A.       He said that they moved into Lisa's old  
21           apartment.
- 22       Q.       And let me ask you about Lori. Were you  
23           aware of a time after that that Lori and  
24           Shane began dating and were together?
- 25       A.       Yeah. But I don't remember exactly



1           when -- when they started being together.

2    Q.       But it was after that?

3    A.       Yes. It was after that.

4    Q.       You just don't know what month, timeframe?

5    A.       No.

6    Q.       Mr. Keenan, do you see Lisa Penix in the

7           courtroom today?

8    A.       Yes.

9    Q.       And where is she sitting?

10   A.       Second seat on this aisle (indicating).

11               MR. WHITAKER:       Let the record

12       reflect he's identified Lisa Penix.

13               THE COURT:           So noted.

14   Q.       And Mr. Keenan, the reason you're in

15       orange, you're staying at the Summit

16       County Jail, correct?

17   A.       Correct.

18   Q.       And as it relates to this case, you were

19       originally charged with aggravated murder,

20       kidnaping, tampering with evidence, I

21       believe, correct?

22   A.       Correct.

23   Q.       And you have pled guilty to what charges?

24   A.       Tampering with evidence and obstruction of

25       justice.

1 Q. All right. And you are -- you have not  
2 been sentenced yet, correct?

3 A. No, I have not.

4 Q. And you understand from the plea that you  
5 entered into that you will be going to  
6 prison. You just don't know what the  
7 timeframe will be?

8 A. Correct.

9 Q. Is that a fair statement?

10 A. Yes.

11 Q. But the aggravated murder charge was  
12 dismissed against you, as well as the  
13 kidnaping?

14 A. Yes.

15 Q. And the sentence that you will ultimately  
16 receive, you don't know what that is, and  
17 that will be up to the judge?

18 A. Correct.

19 MS. DOHERTY: Okay. I don't  
20 have anything further, Judge.

21 THE COURT: Okay. Ladies and  
22 Gentlemen, at this time, we're going to  
23 take a morning break. It is about five to  
24 11. Be back in the jury room at ten after  
25 11. And I indicated we're going to have

1           probably a short lunch. So I'm not sure  
2           how long cross will take, but, hopefully,  
3           we'll start another witness and see how we  
4           go.

5                       Please rise for the jury.

6                               - - -

7                       (Whereupon, a recess was taken.)

8                               - - -

9                       THE COURT:           You're in  
10           cross-examination.

11                               - - -

12                               CROSS-EXAMINATION

13   BY MR. WHITAKER:

14   Q.       Mr. Keenan, I heard you when you repeated  
15           what you said Lisa Penix said down there  
16           the second time. First you said she  
17           couldn't believe she was letting it  
18           happen. The second time, you said, or you  
19           started to say, I couldn't believe this  
20           was happening. It could have been either  
21           one of those things, isn't that correct?

22   A.       No. I'm almost positive it was "I can't  
23           believe I'm letting this happen to my  
24           cousin."

25   Q.       So when you started to say she couldn't

1 believe this was happening, that was just  
2 some kind of mistake on your part?

3 A. Probably because I'm nervous because I've  
4 never testified before.

5 Q. Uh-huh. You've been in jail for some time  
6 now, haven't you?

7 A. Almost six months.

8 Q. And during that time, you have been  
9 transported to and from court with Shane  
10 Rafferty, William Kramer and Derek Shutt,  
11 isn't that correct?

12 A. Yes, it is.

13 Q. And during that time, the three of you,  
14 the four of you, have been, at times, in a  
15 holding cell by yourselves?

16 A. Yes, that's correct.

17 Q. And during those times, you've discussed  
18 this case, isn't that correct?

19 A. No.

20 Q. Well, let me ask you this: Did you ever  
21 hear the term, we're going to get this  
22 snitching bitch?

23 A. No, I did not.

24 Q. You never heard that?

25 A. No, sir.

- 1 Q. Did you ever tell anyone on your range, or  
2 your pod, that Lisa Penix was a snitching  
3 bitch who is going to get hers?
- 4 A. No, sir.
- 5 Q. You did tell them that the only reason you  
6 were in there -- you did tell people on  
7 your pod that the only reason you're in  
8 there is because Lisa went to the police  
9 and made a statement, isn't that correct?
- 10 A. No.
- 11 Q. Do you know a gentleman by the name of Mr.  
12 Paxton?
- 13 A. Yeah.
- 14 Q. And you play cards with Mr. Paxton?
- 15 A. Uh-huh.
- 16 Q. And you're saying you never told Mr.  
17 Paxton that the only reason you were in  
18 there was because of Lisa Penix and you  
19 were mighty pissed off about it?
- 20 A. No. What I told Mr. Paxton was according  
21 to the police, the only reason they  
22 identified the body was because of Lisa  
23 Penix.
- 24 Q. And you've never used the words or heard  
25 the words "that snitching bitch"?

- 1 A. No, sir.
- 2 Q. And you never heard a discussion when you  
3 were all together about Lisa was going to  
4 get hers?
- 5 A. No.
- 6 Q. But you were bragging about the charges  
7 you had while you were in jail, weren't  
8 you?
- 9 A. No. I wasn't bragging about anything.  
10 Why would anybody be happy with them?
- 11 Q. As a matter of fact, you told some guy --
- 12 MS. DOHERTY: Your Honor,  
13 object.
- 14 THE COURT: It's overruled.
- 15 Q. You told some guy that he better watch  
16 himself or you might cut his head off,  
17 isn't that right?
- 18 MS. DOHERTY: What guy, Judge?
- 19 THE COURT: That's the next  
20 question. Are you going to identify this  
21 person or not?
- 22 Q. In the presence of Mr. Paxton?
- 23 A. No. Other people have joked about it.
- 24 Q. You're saying in the presence of Mr.  
25 Paxton, you never said that?

- 1 A. Not to my knowledge, no.
- 2 Q. And do you know a gentleman by the name of  
3 Weese, who is now in Lorain? Was he on  
4 your pod?
- 5 A. I don't know everybody's name that was on  
6 my pod.
- 7 Q. Did you say any of the things that I've  
8 just asked you about in front of other  
9 people?
- 10 A. Not to my knowledge. No, not those words.  
11 I don't use those words.
- 12 Q. Let's talk about your charges being  
13 reduced. Now you've -- they've been  
14 reduced to tampering with evidence and  
15 obstruction of justice, isn't that  
16 correct?
- 17 A. Correct.
- 18 Q. And while the prosecutor said you don't  
19 know what you're going to get, you didn't  
20 know the timeframe, the fact of the matter  
21 is you don't know exactly what you're  
22 going to get, but you know the timeframe,  
23 don't you?
- 24 A. I was told it could be up to five years  
25 ran consecutive or concurrent.

1 Q. It's your -- did you ever have a  
2 discussion with your lawyer in which you  
3 were told that the maximum --

4 MS. DOHERTY: I object.

5 THE COURT: Let him finish.

6 Q. That the maximum you were going to get was  
7 three years?

8 MS. DOHERTY: I object.

9 THE COURT: That's sustained.  
10 He doesn't have to discuss any discussions  
11 that he's had with his lawyer.

12 Q. Were you ever under the impression that  
13 the maximum you would get was three years?

14 MS. DOHERTY: I object.

15 THE COURT: Sustained.

16 MR. WHITAKER: I think that what  
17 he believes he's going to get is  
18 important --

19 THE COURT: I'm the one that  
20 is going to make the decision, so I don't  
21 know how he would know what he's going to  
22 get, and I don't think his lawyer would  
23 know what he's going to get.

24 Q. You were in discussions about entering  
25 this plea, isn't that correct?



- 1 A. Entering a plea, yes. Correct.
- 2 Q. And you had to agree to it before it
- 3 happened, isn't that correct?
- 4 A. Yes.
- 5 Q. And my simple question is when you agreed
- 6 to that, what did you think the maximum
- 7 you were going to get is, by agreement?
- 8 A. Honestly, I don't know, because part of
- 9 the plea is it's open-ended, that they can
- 10 still come after me and press the charges
- 11 for aggravated murder, kidnaping and abuse
- 12 of a corpse.
- 13 Q. And that's if you don't cooperate and come
- 14 in here and testify like you're
- 15 testifying. Is that correct?
- 16 A. That's correct.
- 17 Q. But if you do that, if you do what you're
- 18 asked, then you don't expect those charges
- 19 to be reinstituted, do you?
- 20 A. I would hope not.
- 21 Q. And as a matter of fact, one of the things
- 22 that you hope is if your testimony is so
- 23 good, that you hope that you might even
- 24 get probation, isn't that correct?
- 25 MS. DOHERTY: Your Honor,

1 objection.

2 THE COURT: It's overruled.

3 A. Well, isn't that what anybody would hope?

4 Q. And that's something that you've also  
5 shared with Mr. Paxton, that your hope is  
6 that you might get probation?

7 A. Sure. Everybody hopes they'll get  
8 probation.

9 Q. And the fact of the matter is if you would  
10 have been convicted or pled guilty to  
11 aggravated murder, you know you would have  
12 been facing a minimum of 23 years to life,  
13 isn't that correct?

14 MS. DOHERTY: Your Honor, I  
15 object.

16 THE COURT: Sustained.

17 Q. Do you know what it is -- what benefit --  
18 the benefit in terms of what is the  
19 most -- what you would be more likely to  
20 face and what you're not going to have to  
21 face by entering this plea?

22 A. Clarify your question a little bit.

23 Q. Okay. You know you're getting a big  
24 benefit by entering this plea?

25 A. I know that I accepted responsibility for

1 the part I've taken in this, which is the  
2 tampering and the obstruction.

3 Q. And you know you're getting a big benefit  
4 compared to what you were charged with?

5 A. Yeah.

6 Q. And what I'm asking you is do you know  
7 what the difference between what you were  
8 charged with and what you're actually  
9 getting is in terms of time?

10 A. Yeah. I have an idea.

11 Q. What is it?

12 A. A lot less time.

13 Q. What -- what is your impression of what  
14 you were risking before you got the  
15 benefit of not being charged?

16 MS. DOHERTY: I object.

17 THE COURT: It's sustained.  
18 It's been asked and answered.

19 MR. WHITAKER: Your Honor, he  
20 hasn't answered it --

21 THE COURT: It's a lot less  
22 time. I don't think he knows what you  
23 know about this. And I'm not going to  
24 permit you to get into his discussions  
25 with his lawyer. It's a lot less time.

1           It was a big change. You've had him  
2           testify to that. You can argue that.

3                   MR. WHITAKER:       I'd like the  
4           record to note my objection on the  
5           specifics.

6                   THE COURT:           Absolutely.

7    Q.       The reason you went down in the basement  
8           is because Derek Shutt -- you didn't want  
9           to go down in the basement, did you?

10   A.       No, I did not.

11   Q.       And the reason you went down in the  
12           basement is because Derek Shutt showed you  
13           his gun and said you had to go down, isn't  
14           that correct?

15   A.       Correct.

16   Q.       And once you got down there, you could not  
17           leave, could you?

18   A.       No, sir.

19   Q.       And you couldn't leave because Derek Shutt  
20           was blocking the way, isn't that correct?

21   A.       That's correct.

22   Q.       And describe Derek Shutt for the folks on  
23           the jury.

24   A.       Derek is a rather large man that takes up  
25           the whole stairway when he's sitting on

- 1           it. There's no way to get around him.
- 2    Q.    He's probably close to 300 pounds, isn't
- 3           he?
- 4    A.    I'd say he's over 300 pounds.
- 5    Q.    Over six feet as well?
- 6    A.    No. I believe he's shorter than that,
- 7           maybe five-ten, I think. I'm not sure.
- 8    Q.    But nonetheless, he's a big guy?
- 9    A.    Yes, he is.
- 10   Q.    Bigger than you?
- 11   A.    Yeah.
- 12   Q.    So the truth of the matter, he was
- 13           guarding the door so no one could leave,
- 14           isn't that correct?
- 15   A.    That's the way I took it.
- 16   Q.    And if I understood you correctly, you
- 17           said Shane threatened you as well?
- 18   A.    Yes.
- 19   Q.    And Shane said that after you got back
- 20           upstairs, after he'd already shot Steven,
- 21           isn't that correct?
- 22   A.    That's correct.
- 23   Q.    All right. And that's the first time he
- 24           made a threat to you, isn't that correct?
- 25   A.    Other than when he told me that somebody

- 1           was going to die and I couldn't leave.
- 2     Q.     That's not something that you mentioned in
- 3           any of your previous statements to the
- 4           police, did you?
- 5     A.     What?
- 6     Q.     That he told you earlier today that
- 7           somebody was going to die?
- 8     A.     Yeah. I told them that.
- 9     Q.     We're going to ask a few other questions
- 10          about that, so we'll come back to that.
- 11                 And then did you really believe
- 12          your friend Derek would shoot you?
- 13     A.     I had no idea. I didn't think he'd show
- 14          me a gun. I didn't think anybody was
- 15          going to do what they done that night
- 16          either.
- 17     Q.     So there was no question that Derek was in
- 18          on it, isn't that correct?
- 19     A.     That was my assumption.
- 20     Q.     So then you knew this was a gun that was
- 21          used in a murder, right?
- 22     A.     Correct.
- 23     Q.     And you just tossed it in your back seat
- 24          and drove around with it?
- 25     A.     Yeah.

1 Q. For two weeks?

2 A. Yep.

3 Q. No big deal?

4 A. Just -- I was in denial about the whole  
5 thing.

6 Q. Well, when you got there -- first of all,  
7 you knew it was the gun when you got it,  
8 isn't that correct?

9 A. Yeah.

10 Q. And, in fact, Derek said straight out, I  
11 want you to get rid of the gun?

12 A. Yeah.

13 Q. And Shane said something about that too,  
14 didn't he?

15 A. To Derek.

16 Q. And what did he say to Derek?

17 A. Just what Derek told me, that Shane wanted  
18 me to get rid of the gun to show that I  
19 could be trusted.

20 Q. Well, what he wanted to try to do was make  
21 you believe that if you ever said anything  
22 about it, you would be charged with  
23 aggravated murder, isn't that correct?

24 MS. DOHERTY: Your Honor, I  
25 object. He's already answered the

1 question.

2 THE COURT: It's overruled.

3 Q. Go ahead. You can answer.

4 A. Yeah. I was -- he'd already stated that  
5 we were going to be considered -- we're  
6 all accomplices now.

7 Q. Because you were there?

8 A. Correct.

9 Q. So if I understand you correctly, he made  
10 two threats. One was he threatened that  
11 he'd kill you if you ever said anything to  
12 anybody?

13 A. Not those exact words, but that was what I  
14 understood.

15 Q. Didn't he threaten -- didn't you say he  
16 would kill you and your family even if he  
17 was in jail?

18 A. No. That -- I never heard that.

19 Q. But for one reason or another, you were  
20 certainly under the impression that he was  
21 threatening to kill you if you ever -- or  
22 somehow harm you if you ever told anything  
23 to anybody, isn't that correct?

24 A. Yes.

25 Q. And even after Derek asked you to get rid



1 of the gun, you still went over and  
2 visited him from time to time, isn't that  
3 correct?

4 A. Yeah. It was a lot less frequency.

5 Q. Took him to court a couple times?

6 A. Right.

7 Q. Now, when you were making your first  
8 recorded statement, you had said -- you  
9 said to the police that you had spent two  
10 weeks racking your brain so you would  
11 remember every detail when you came back  
12 in there to talk to them, didn't you?

13 A. Yeah. Well, they asked me to.

14 Q. And during that entire statement that you  
15 made that was tape recorded, not one  
16 single time did you say anything  
17 whatsoever about this having anything to  
18 do with Lori, did you?

19 A. I wasn't sure that that's what the initial  
20 reason for it was. I didn't know what an  
21 exact motive was.

22 Q. So at the time that you made this  
23 statement in September --

24 THE COURT: Thank you. Can  
25 you -- apparently, there was a number of

1 statements. Is that correct? So this is  
2 the first statement that Mr. Keenan makes?

3 MS. DOHERTY: No, it's not.

4 MR. WHITAKER: No. It's not his  
5 first statement. His first recorded  
6 statement, as far as we can tell, August  
7 26th of '05.

8 Q. And the statement that you made on August  
9 26, six months ago, of 2005, not one  
10 single time did you mention that this had  
11 anything to do with Lori, isn't that  
12 correct?

13 A. Yeah, that's correct.

14 Q. And not one time did you mention anything  
15 about some cell phone dropping and Lisa  
16 saying something like, oh, I didn't know  
17 this was going to be about Lori, did you?

18 A. I honestly don't remember what I told  
19 them.

20 Q. I tell you what --

21 A. You have my statement, so --

22 Q. I've got your statement right here. I  
23 want you to take a look at it and see if  
24 you could find today in there one time.

25 MS. DOHERTY: Your Honor, he

1           said he doesn't even recall saying that  
2           then.

3                   THE COURT:           Well, do you  
4           agree that it's not in there?

5                   MS. DOHERTY:        I mean, he can  
6           sit and look through the whole thing, but  
7           I think the question has to be a little  
8           more narrow.

9                   THE COURT:        Well, he's asking  
10          if he can remember saying it. He says he  
11          doesn't. He's going to give him the  
12          opportunity to refresh his recollection.

13                   If you want to agree that it isn't  
14          in there, we can move on.

15                   MR. WHITAKER:     Are you going to  
16          agree to that?

17                   MS. DOHERTY:     Go ahead. I  
18          don't even know what you're referring to  
19          exactly.

20                   THE COURT:        You're looking to  
21          see if you made a comment about Lori and  
22          the cell phone.

23                   How long is this August 26th  
24          statement, Mr. Whitaker?

25                   MR. WHITAKER:     About 50 pages.

1           You know, Your Honor, what I could do is  
2           this, let him look at it over the lunch  
3           break, and I could continue with the  
4           cross.

5                   THE COURT:           All right. Well,  
6           we'll see how that goes.

7                   Mr. Keenan, at this time, if you  
8           could just direct your attention back to  
9           him and we'll observe what is in this  
10          statement in a minute or two perhaps.

11   BY MR. WHITAKER:

12   Q.       In fact, what you told the police on  
13           August 26th, after you had been racking  
14           your brains for two weeks to give them  
15           every detail, is that you thought it was  
16           about Kramer being jealous about his  
17           girlfriend and Steven, isn't that correct?

18   A.       No. I said that had something to do with  
19           it. I didn't say that was the reason it  
20           happened.

21   Q.       Well, what you said is, specifically, do  
22           you remember saying, specifically, on  
23           August 26th, the only thing I knew was  
24           supposedly Steve had slept with Kramer's  
25           girlfriend, as a reason for this

1           happening?

2       A.       I don't remember saying it for a reason it  
3           happened, but I remember saying it.

4       Q.       And you were also specifically asked about  
5           Lori. And you said, I don't know anything  
6           about Lori, isn't that correct?

7       A.       No, because I knew Lori.

8       Q.       You didn't know Lori?

9       A.       I said I knew Lori, so I wouldn't say that  
10           I didn't know anything about her. But, I  
11           mean, you have my statement. You  
12           obviously know what I said and didn't say.

13                   MR. LOPRINZI:       Judge, can we  
14           have him indicate what page he's on?

15                   MR. WHITAKER:       46.

16                   THE COURT:           Page 46?

17                   MR. WHITAKER:       That's correct.

18                   THE COURT:           Do you want to  
19           show that statement to Mr. Keenan.

20       Q.       Do you remember saying -- you recall being  
21           asked, you know what, I thought it was  
22           Shane's girlfriend that Steven had contact  
23           with?

24                   And you said, well, at any given  
25           point, he could have had contact with any

1 of them that work at Flashdance because  
2 Lisa had brought them up there. So I  
3 don't know what -- I know they had said  
4 that Steven had slept with Kramer's  
5 girlfriend, but that's all I know for  
6 sure. Isn't that correct?

7 A. Yeah. But it doesn't say that that's the  
8 reason that this whole incident occurred,  
9 does it?

10 Q. Don't you think, Mr. Keenan, that that  
11 might have been a good time to say, oh,  
12 that's right, the cell phone fell on the  
13 floor and Shane got all mad?

14 MS. DOHERTY: Your Honor, I  
15 object.

16 THE COURT: Well, you need to  
17 bring it down a little bit. We get the  
18 point.

19 He's going to check and see if  
20 there's anything of the events in there.  
21 You're saying there isn't. It's 50 pages.

22 Q. But don't you think that that might have  
23 been a good time, if this thing is true  
24 about this cell phone, that you might have  
25 mentioned it to them when you'd been

1           racking your brains?

2     A.     I'm sure it would have been.

3     Q.     In fact, this was something that was

4           discussed the first time in that holding

5           room when you were with all of the other

6           defendants, isn't it?

7     A.     I don't remember that.

8     Q.     Okay. Let me ask you something else. I

9           heard you say on your direct testimony

10          that Lisa was supposed to kill Kramer.

11          Did I hear you say that right?

12    A.     Yep.

13    Q.     You didn't mention that in any single

14          statement you ever gave to any of the

15          police or any of the prosecutors, did you?

16    A.     I thought I'd told Detective Harrah about

17          it.

18    Q.     When you're looking at your statement,

19          when you're looking at your statement

20          today, see if there's anything in your

21          statement about that. Okay. That's the

22          statement where you were racking your

23          brain to get every detail. Will you check

24          that when you look at that over the noon

25          break?

- 1 A. Sure I will.
- 2 Q. But you would agree with me, if, in fact,  
3 that were the case, that would have been a  
4 pretty important detail to put in your  
5 statement, wouldn't it?
- 6 A. Uh-huh.
- 7 Q. Okay. Mr. Keenan, that also was something  
8 you learned about for the first time  
9 sitting in the holding cell with Shane who  
10 is concocting up another cock and bull  
11 story, isn't it?
- 12 A. No. And I don't recall you being in the  
13 holding cell.
- 14 Q. What about Kramer? Kramer was in the  
15 holding cell.
- 16 A. All of us were in the holding cell,  
17 especially with the separation order that  
18 we were supposed to have that I informed  
19 my attorney about.
- 20 Q. After you had all been together?
- 21 A. Do we have a choice?
- 22 Q. I understand. And even informing your  
23 attorney about it, you were together with  
24 them after that again, weren't you?
- 25 A. Yeah, when they walked us back.



1 Q. No. I mean the next time you came to  
2 court.

3 A. No. I told them -- I was in with Derek  
4 and Kramer.

5 Q. Okay.

6 A. Not Rafferty.

7 Q. All right. And in any of your previous  
8 statements to the police and the  
9 prosecutor, you never said anything about  
10 anyone being pissed off because apparently  
11 Steve Spade was calling Lori, did you?

12 A. You lost me there a second. Could you  
13 repeat it?

14 Q. Yes. In any of your previous statements,  
15 you never said a single thing to any  
16 police officer or prosecutor about Shane  
17 being pissed off because he thought there  
18 was a call from Lori to Steven Spade, did  
19 you?

20 A. I thought I told the prosecutor about it.

21 Q. Okay.

22 THE COURT: And by previous  
23 statements, there are a number of  
24 statements. You're talking about any  
25 statement made before he testifies?

1                   MR. WHITAKER:       Right.   That's  
2                   correct.  
3       Q.       That statement that you made after you  
4                   agreed to enter your plea and after it was  
5                   agreed that these charges would be  
6                   dropped, was that statement recorded?  
7       A.       No.  
8       Q.       Now, there is no question about it, Kramer  
9                   and Shane were laughing and just having a  
10                  good old time committing this murder,  
11                  isn't that correct?  
12      A.       That's the way it seemed to me.  
13      Q.       And the both of them were joking, even  
14                  when they got upstairs. They were  
15                  laughing and joking, isn't that correct?  
16      A.       Yes, it is.  
17      Q.       And you also will agree with me that at no  
18                  time was Lisa ever laughing or joking  
19                  after this started, was she?  
20      A.       Not about the incident.  
21      Q.       And that -- well, in your previous  
22                  statement, you said -- correct me if I'm  
23                  wrong -- that she alternated between  
24                  crying and trying to drink herself into a  
25                  stupor, isn't that correct?

1 A. Yeah.

2 Q. All right. And that's all you noticed?

3 A. Yeah, but people usually, when they're  
4 drinking, tend to laugh a lot about some  
5 things. I remember one when she fell out  
6 of her chair and laughed about it.

7 Q. When she fell out of her chair, did she  
8 have a skirt and heels?

9 A. I can't remember. I think so, but I'm not  
10 sure.

11 Q. Was she dressed like she was going to go  
12 to a club or something?

13 A. I think so. I don't know.

14 Q. All right. Now, your exact quote was --  
15 in your tape recorded statement was Lisa  
16 did not look like she was having a good  
17 time at any time, isn't that correct?

18 A. Yeah.

19 MS. DOHERTY: Your Honor, it's  
20 taped. Could he please read it correctly  
21 out of the statement.

22 THE COURT: Do you want to  
23 show it to him? That might be easier.  
24 Name the page and show it to him.

25 MR. WHITAKER: Page 21.

- 1 Q. You were specifically asked, was she  
2 laughing and having a good time too,  
3 meaning Lisa. And your answer was, no,  
4 she didn't seem to be having such a good  
5 time. She started crying for a second and  
6 then stopped and must have been thinking  
7 about it. It seemed like one second she  
8 was comfortable but the other second she  
9 wasn't. Isn't that correct?
- 10 A. Yeah.
- 11 Q. All right. And when she said -- made that  
12 statement downstairs about -- whichever  
13 way it was, about I can't believe this is  
14 happening or I can't believe -- I can't  
15 stop this from happening, she was crying,  
16 isn't that correct?
- 17 A. Correct.
- 18 Q. In fact, it was your opinion, even when it  
19 started, that there never was supposed to  
20 be a murder and it just got out of  
21 control, isn't it?
- 22 A. I don't know. I don't know if there was  
23 supposed to be a murder or not. I was  
24 told there was going to be. I didn't have  
25 an opinion about it one way or the other.

1 I went by what I was told.

2 Q. And what you told the police and  
3 prosecutors in your second statement was  
4 that Lisa cried intermittently throughout  
5 the night, isn't that correct?

6 A. Correct.

7 Q. And that is true, isn't it?

8 A. Yeah.

9 Q. And you stand by that, even though Kramer  
10 and Shane appeared to be having just a  
11 good old time with this and laughing. And  
12 their laugh is just evil, wasn't it?

13 A. Yes, it was.

14 Q. Lisa was having none of that part?

15 A. No.

16 Q. And there's no question about it, that  
17 thing about the story being made up, that  
18 was Shane that was doing the talking about  
19 what the story was going to be, wasn't it?

20 A. That's what I said earlier.

21 Q. And there was no question he was saying,  
22 you go along with the story or you'll have  
23 consequences to face, isn't that correct?

24 A. Yeah. That's what I understood.

25 Q. You did not come forth voluntarily to make

1           these statements, did you?

2       A.       I remember talking to Detective Harrah  
3               cooperatively the first time.

4       Q.       Cooperatively after -- after they went out  
5               and picked you up and brought you in and  
6               said they wanted to talk about this  
7               murder?

8       A.       He came to my house, asked me if I would  
9               be willing to come downtown and talk to  
10              him about the Steven Spade case and I  
11              went.

12      Q.       And when the detective came out to your  
13              house in August of 2005, you -- before  
14              that happened, you hadn't said anything to  
15              any police officers about this, had you?

16      A.       I hadn't said anything to anyone.

17      Q.       And you certainly hadn't gone to the  
18              police to try to tell them about this  
19              story?

20      A.       No.

21      Q.       And when you were taken downtown by  
22              Detective Harrah, there was no question he  
23              was taking you down to talk about this  
24              murder, isn't that correct?

25      A.       That's correct.

- 1 Q. You said that Lisa said, I can't believe  
2 I'm letting this happen. But you couldn't  
3 believe you were letting it happen either,  
4 could you?
- 5 A. No, I could not.
- 6 Q. And you were letting it happen because  
7 there wasn't anything you could do about  
8 it, isn't that correct?
- 9 A. That's correct.
- 10 Q. You had Kramer and Shane acting like two  
11 crazy people and Derek Shutt blocking the  
12 door, isn't that correct?
- 13 A. That's correct.
- 14 Q. And you're certainly a lot more able to  
15 take care of yourself against those odds  
16 than Lisa Penix, aren't you?
- 17 MS. DOHERTY: I object.
- 18 THE COURT: That's sustained.
- 19 MR. WHITAKER: Okay. If I might  
20 have one second, Your Honor.
- 21 Q. When everybody went downstairs, Shutt told  
22 you that the reason they were going  
23 downstairs was to take care of some  
24 business, isn't that correct?
- 25 A. No. I don't remember him telling me that.

- 1 Q. They said they were going to take care of  
2 a problem?
- 3 A. No. When everybody went downstairs, Shane  
4 said everybody has to come downstairs to  
5 get high.
- 6 Q. And he didn't say -- you don't remember  
7 saying, Shutt told them they had business  
8 to conduct downstairs?
- 9 A. No. I don't remember that.
- 10 Q. Did you make that -- did you make that  
11 statement in your first tape recorded  
12 statement?
- 13 A. I don't know. You have the statement.
- 14 MS. DOHERTY: Could we just ask  
15 him --
- 16 THE COURT: I'll handle it at  
17 the break.
- 18 MS. DOHERTY: I just want to  
19 know what page.
- 20 THE COURT: There isn't one.
- 21 Q. That was the statement you made when you  
22 first talked to Detective Harrah before  
23 you made the tape recorded statement,  
24 isn't that correct, that Shutt had told  
25 you that?



1     A.       I don't remember.

2               MR. WHITAKER:       Okay.  If I might  
3       just have one second, Your Honor.  I  
4       misplaced a sheet that I have.

5     Q.       When you gave your tape recorded  
6       statement, you also said at that time that  
7       after having seen Lisa the way she was  
8       that night, after seeing what happened,  
9       you said it was her cousin, so I don't  
10      think she would have done anything and she  
11      was with Derek and me outside, was outside  
12      the room with me, isn't that correct?

13    A.       I guess.

14              THE COURT:           What page are you  
15      on and read --

16              MR. WHITAKER:       Page 4.

17              THE COURT:           And this is the  
18      statement from August?

19              MR. WHITAKER:       August 26th.

20    Q.       Do you remember saying that?

21    A.       No, but, obviously, I did.  As I said, you  
22      have the statement; I don't.

23              MR. WHITAKER:       No further  
24      questions at this time, Your Honor.  I  
25      want to be able to ask him after he's had

1 a chance to look at the --

2 THE COURT: Right. We're  
3 going to preserve that at the conclusion  
4 of all of it. Do you have a copy that he  
5 can take with him?

6 MR. WHITAKER: I'll put one  
7 together.

8 THE COURT: Redirect?

9 MS. DOHERTY: Thank you, Your  
10 Honor.

11 - - -

12 REDIRECT EXAMINATION

13 BY MS. DOHERTY:

14 Q. Mr. Keenan, you weren't at the house  
15 earlier that day on Voris talking to  
16 either Kramer, Shutt or Rafferty or Lisa  
17 about what was going to happen, correct?

18 A. Correct.

19 Q. You just went over there as -- as a result  
20 of going to drop something off to Derek?

21 A. Correct.

22 Q. So you have no idea what discussions took  
23 place between Lisa, Kramer, Shutt, any of  
24 those people earlier?

25 A. No, I do not.

- 1 A. Yes.
- 2 Q. And what Kramer did?
- 3 A. Correct.
- 4 Q. And what Shutt did?
- 5 A. Correct.
- 6 Q. And what Lisa Penix did?
- 7 A. Correct.
- 8 Q. And you pled guilty to tampering with  
9 evidence, and that was for getting rid of  
10 the gun. Is that correct?
- 11 A. Correct.
- 12 Q. And for obstructing justice for not  
13 talking about this, not doing anything,  
14 correct?
- 15 A. Correct.
- 16 Q. After all of this was over, after the  
17 murder, you still saw Derek Shutt. You  
18 still communicated with him. You went  
19 over to the house, correct?
- 20 A. Correct.
- 21 Q. So you weren't afraid of Derek Shutt?
- 22 A. No. I was just trying to go about life as  
23 normal.
- 24 Q. All right. You took him to the county  
25 jail at one point?

- 1     A.     Yes, I did.
- 2     Q.     So you still had contact with him?
- 3     A.     Correct.
- 4     Q.     And just so we're clear, you indicated on  
5             direct examination that Lisa said, I can't  
6             believe I'm letting this happen to my  
7             cousin, correct?
- 8     A.     That's correct.
- 9     Q.     And when you spoke to the police -- and  
10            Attorney Whitaker has asked you about  
11            statements and a taped statement that you  
12            gave to Detective Harrah, and I'm going to  
13            have you read --
- 14                    THE COURT:            Page number?
- 15                    MS. DOHERTY:        Page 13 of the  
16                    August 26th taped interview with Detective  
17                    Harrah.
- 18    Q.     And I'm going to ask you, first of all,  
19             when you talked to Detective Harrah, were  
20             you in custody? He came out and talked to  
21             you, correct?
- 22    A.     Correct.
- 23    Q.     Were you in custody at that time?
- 24    A.     No. I was never taken into custody until  
25             September 1st.

- 1 Q. All right. So if you could, read Page 13,  
2 the area there that is highlighted. Is  
3 that your statement?
- 4 A. It's got my name next to it.
- 5 Q. Read that.
- 6 A. She couldn't believe that she was doing  
7 this or letting this happen to her cousin.
- 8 Q. Okay.
- 9 A. Just highlighted?
- 10 Q. Yes. And that is in response to a  
11 lieutenant asking you what did Lisa say to  
12 you, correct?
- 13 A. I assume so.
- 14 Q. Okay. What does it say? What did Lisa  
15 say to you?
- 16 A. Correct. Yes.
- 17 Q. And that was your response, that she  
18 couldn't believe she was doing this or  
19 letting this happen and it was her cousin?
- 20 A. Correct.
- 21 Q. So you told the detectives this long  
22 before you ever sat in a cell with any  
23 co-defendants?
- 24 A. That would be correct.
- 25 Q. Attorney Whitaker also asked you about

- 1 Lisa's behavior and the fact that she was  
2 crying periodically, correct?
- 3 A. Correct.
- 4 Q. And when you were asked some questions  
5 about that by Lieutenant -- or by  
6 Detective Harrah, you were asked was she  
7 laughing and having a good time too,  
8 correct?
- 9 A. I believe so.
- 10 Q. All right. And your response -- and you  
11 can read it here on Page 21 -- was what?
- 12 A. No. She didn't seem to be having such a  
13 good time. She -- she started crying for  
14 a second and then stopped and must have  
15 been thinking. And so it did seem like  
16 one second she was comfortable and the  
17 other second she wasn't. It was like  
18 her -- it was like her conscious was  
19 trying to -- trying to get -- trying to  
20 get a hold of her or get a hold of it.  
21 And -- I can't -- it seems like her  
22 conscious was trying to -- trying to  
23 get -- trying to get a hold of it and  
24 get -- catch up with her.
- 25 Q. Like her conscious was trying to catch up

- 1           with her for letting this happen, is that  
2           what you meant?
- 3     A.     Yeah.
- 4     Q.     There were specific questions that were  
5           asked of you during the time that the  
6           detectives were talking to you, correct?  
7           Some of them were recorded. Like the  
8           initial one was not recorded but then this  
9           one on August 26th was, correct?
- 10    A.     Correct.
- 11    Q.     And as you were talked to, as more  
12           information developed, you had more  
13           questions asked of you, correct?
- 14    A.     Correct.
- 15    Q.     And once the information about Lori  
16           specifically was being asked, is that when  
17           you told Detective Harrah or talked about  
18           the fact that the cell phone had fallen  
19           out?
- 20    A.     I don't remember what I said about the  
21           cell phone --
- 22    Q.     Did that happen?
- 23    A.     What?
- 24    Q.     The cell phone?
- 25    A.     Yeah.

- 1 Q. And you went home after that, right?
- 2 A. Correct.
- 3 Q. Did you leave the state?
- 4 A. No, ma'am.
- 5 Q. You weren't picked up in another state
- 6 when you were arrested? Where were you
- 7 arrested?
- 8 A. At my lawyer's office talking to him about
- 9 filing bankruptcy.
- 10 Q. So you didn't leave?
- 11 A. No.
- 12 MR. WHITAKER: Objection, Your
- 13 Honor.
- 14 THE COURT: It's outside the
- 15 scope.
- 16 MS. DOHERTY: Pardon?
- 17 THE COURT: It's outside the
- 18 scope of cross.
- 19 Q. Were you arrested here, yes or no?
- 20 A. Yes.
- 21 Q. You weren't related in any way to Steven
- 22 Spade, correct?
- 23 A. Correct.
- 24 Q. I mean, he wasn't a relative of yours?
- 25 A. No.



1 Q. I think you indicated you had just met him  
2 a couple times?

3 MR. WHITAKER: Objection.

4 THE COURT: It's all been  
5 asked and answered. It was not the  
6 subject of cross.

7 Q. And your relationship with Shane Rafferty,  
8 you weren't his girlfriend? You weren't  
9 his boyfriend?

10 MR. WHITAKER: Objection, Your  
11 Honor.

12 THE COURT: It's sustained.

13 Q. You just knew him. Is that right?

14 A. Right.

15 MR. WHITAKER: Argumentative,  
16 Your Honor.

17 THE COURT: We already know  
18 this, and it's not been the subject of  
19 cross.

20 MS. DOHERTY: It was, Your  
21 Honor. He was asking about relationships,  
22 and that's why I'm asking him.

23 Q. You weren't having a relationship with  
24 Shane Rafferty? Yes or no?

25 A. Say that again.

- 1 conversation, correct?
- 2 A. We all did.
- 3 Q. All right. And was there laughing going  
4 on?
- 5 A. Somewhat. I mean, everybody seemed like  
6 they were having a good time at that  
7 point.
- 8 Q. All right. And then afterwards, when  
9 everybody was back upstairs, there was  
10 still this conversation going on, correct?
- 11 A. Correct.
- 12 Q. And other than Lisa, I think you said  
13 crying intermittently, everything was  
14 fairly -- I'm going to use the word  
15 normal?
- 16 MR. WHITAKER: Objection, Your  
17 Honor.
- 18 THE COURT: It's overruled.
- 19 A. I wouldn't say normal. But, I mean, Shane  
20 and Kramer were laughing, having a good  
21 old time making jokes. We were trying to  
22 get them to shut up and carry on a normal  
23 conversation. But the situation wasn't  
24 normal.
- 25 Q. But you indicated and you read your

1 statement that Lisa said -- it seemed like  
2 one second she was comfortable with it and  
3 the other second she wasn't?

4 A. That's right.

5 THE COURT: That would be the  
6 third time that's been read. Now can we  
7 move on?

8 MS. DOHERTY: I'm trying to  
9 make a point, Judge.

10 THE COURT: Well, you've made  
11 it, I think.

12 MS. DOHERTY: Okay. Good.  
13 Just give me one second.

14 Q. You indicated that on cross -- Attorney  
15 Whitaker said that you were sure, you had  
16 no question in your mind, that Derek was  
17 in on it, right?

18 MR. WHITAKER: Objection --  
19 sorry, Your Honor. Withdraw my objection.

20 A. What was that, again? I'm sorry.

21 Q. The question Mr. Whitaker asked you was  
22 that you were sure there was no question  
23 that Derek was in on this, right?

24 A. That was my assumption, right.

25 Q. And was that your assumption about the

1 remaining people there as well?

2 A. Yes, it was.

3 MR. WHITAKER: Objection, Your  
4 Honor.

5 THE COURT: Overruled.

6 A. Yes, it was.

7 Q. And, Mr. Keenan, your agreement was to  
8 testify truthfully, not just to testify.  
9 Is that right?

10 A. Correct.

11 MS. DOHERTY: I have nothing  
12 further, Judge.

13 - - -

14 RECROSS-EXAMINATION

15 BY MR. WHITAKER:

16 Q. When you talked about conscious and  
17 comfortable, you're -- those are  
18 conclusions you make based on your  
19 observations. They're not something you  
20 saw with your own eyes. You made certain  
21 observations, and you're saying -- you're  
22 speculating, for example, about whether or  
23 not it had anything to do with conscious?

24 MS. DOHERTY: Your Honor, I  
25 would object. It's been asked.

1                   THE COURT:           Overruled.

2     A.     Yeah, but observation is seeing something.

3     Q.     Right. What you actually saw with your

4            own eyes was Lisa crying downstairs,

5            right?

6     A.     Yeah.

7     Q.     Lisa -- and once it started to happen,

8            there was no more joking by Lisa, isn't

9            that correct?

10    A.     That's true.

11    Q.     And from that point on through the rest of

12            the night, you saw her crying

13            intermittently and also trying to drink,

14            isn't that right?

15    A.     That's what I said earlier.

16    Q.     And you were laughing and joking upstairs

17            as well?

18    A.     I don't remember that.

19    Q.     Before you went down?

20    A.     Oh, yeah, we all -- like I said, everyone

21            there was.

22    Q.     And you also -- and you didn't have -- you

23            didn't know what was going to happen down

24            there, right?

25    A.     That's true.

1 Q. And once you got down there and you saw  
2 what happened, then you stopped laughing  
3 and joking as well?

4 A. I was scared to death.

5 Q. You said your assumption about Derek Shutt  
6 being in on it -- your assumption about  
7 Derek Shutt being in on it is because he  
8 showed you a gun and blocked the doorway,  
9 isn't that correct?

10 A. And it was the house he was renting.

11 Q. And he had also made some statements about  
12 needing to go downstairs, everybody, isn't  
13 that correct?

14 A. That's correct.

15 Q. Lisa never showed you any gun?

16 A. No. I never said she did.

17 Q. And Lisa never tried to block your way  
18 from getting out?

19 A. I never said she did.

20 Q. Lisa never made any threats to you of any  
21 kind, did she?

22 A. No, she didn't.

23 MR. WHITAKER: No further  
24 questions.

25 - - -

FURTHER REDIRECT EXAMINATION

BY MS. DOHERTY:

Q. But when you were in the room alone with Lisa in the office, did she ever say, get me out of here?

A. No.

MS. DOHERTY: I don't have anything further.

MR. WHITAKER: Nothing further.

THE COURT: Thank you very much. Mr. Keenan is going to take his 50-page statement, and if you find anything in there that says anything in that taped statement about Lisa and the cell phone, tell the deputies and they'll bring you back in. If we don't see you, we're --

MR. WHITAKER: There were two things I asked him about.

THE WITNESS: About Lori --

THE COURT: Lori and the cell phone.

MR. WHITAKER: And anything about Kramer supposed to be killed.

THE COURT: Okay. So those

1 two things. Do you want me to write them  
2 down?

3 THE WITNESS: No. I can  
4 remember that.

5 \*\*\*\*\*END OF EXCERPT\*\*\*\*\*  
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