

1 He -- what he wanted to say on the stand, he wanted --
2 but he scared because he got ten years probation. And
3 he said he felt like if he get on the stand, twist up
4 what he's saying, he feel like he's going to get
5 violated and he didn't want nothing to do with that. I
6 mean, he was about to leave. I told him don't.

7 Q All right. You had this conversation here
8 today?

9 A Yes, ma'am. He just told me.

10 Q And you -- did you ask him what was happening?

11 A No, ma'am. I was coming in. Matter of fact,
12 I was making a beeline to the door to come talk to his
13 lawyer. He called me. He spotted me. He was sitting
14 in the chair over there in the hallway. He called me
15 over there.

16 THE COURT: All right. Does either lawyer
17 wish to inquire?

18 EXAMINATION

19 BY MR. YEAZELL:

20 Q So I'm not sure I understand the statement
21 that he made to you. Just he didn't want to be here,
22 but he felt like if he wasn't that he would -- he would
23 get ten years; is that what he said?

24 A Well, he say he got ten years probation as it
25 is. And he feel like, you know, like, the first -- in

1 the first trial, he was like -- me and my brother --
2 he's really, like, incompetent a little bit, can't
3 really read and write. And, like, he wanted me and my
4 brother to be there. And he felt we let him down
5 because we couldn't get there and while they was talking
6 to him and stuff like that. So he felt like -- you know
7 what I'm saying -- he was stuck in the situation.

8 Q Well, Mr. Blanford, let's just -- I understand
9 but let's stick to what he said to you today.

10 So he said he felt like -- what did he say
11 again? He felt like what?

12 A He said -- this is the exact words he said --

13 Q Exact words.

14 A He said, "I really wanted -- they not going to
15 want me to tell what I really want to say on the stand,
16 but I can't because it will incriminate me." Talking
17 about -- you know what I'm saying?

18 Q "I can't tell -- "

19 A What's the name of the word if he get caught
20 lying on the stand?

21 THE COURT: Perjury.

22 A Perjury. So he just went ahead.

23 Q (MR. YEAZELL) So he said, "I can't tell
24 what I want to say on the stand -- "

25 A What he really want to say.

1 Q "What I really want to say."

2 THE COURT: Otherwise he'll be committing
3 perjury.

4 MR. YEAZELL: All right.

5 THE COURT: All right. Anybody else?

6 MR. GARCIA: Yes, Judge.

7 EXAMINATION

8 BY MR. GARCIA:

9 Q Mr. Blanford, had you been given an admonition
10 by Mr. Yeazell -- and what I mean by that, did he tell
11 you, "Hey, listen. You can't talk to any witnesses in
12 this case about this case".

13 A No. No, sir. You see me walk through the
14 door. I didn't even know I couldn't come in here
15 because I was a witness. This is the first time I ever
16 did this.

17 Q Okay. So he never instructed you not to talk
18 to the witnesses?

19 A No. I never got that. Never got that. And,
20 like, that's my brother so I'm not thinking nothing of
21 it. You know? That's my full brother.

22 MR. YEAZELL: Actually, Mr. Blanford, I did
23 give you that. But this sounds like it happened
24 first thing this morning before I even saw you.

25 THE WITNESS: Yeah. As soon as I walked -- as

1 soon as I got here about 8:30, 9:00 before he even
2 came and took the stand.

3 MR. YEAZELL: And I hadn't spoken to you then,
4 right?

5 THE WITNESS: No.

6 MR. YEAZELL: Judge, I actually did give him
7 that after -- he apparently talked to him before
8 this happened. So I mean, after it happened, but
9 before we were aware of it.

10 THE WITNESS: And the State Attorney, she even
11 seen -- she come outside. When I first got here, I
12 come in here. So she able to tell me this. She
13 walks to me and she say, "What, are you going to
14 get on the stand and tell a lie, that your brother
15 is lying?" I said, "I love my brother. Yes, I am
16 going to tell a lie. I'll tell that he's telling a
17 lie."

18 MR. GARCIA: Judge, I've got some followup.

19 EXAMINATION

20 BY MR. GARCIA:

21 Q Mr. Blanford, you would agree with me that on
22 March 23rd, you were here in court, right? Weren't you
23 one of the defense witnesses that was brought in by the
24 Mr. Yeazell?

25 A Deposition?

1 Q No. No. No. Brought in here.

2 A Yes. Yes. Yes. Yes.

3 Q Yeah. And did not the Court tell you, "You
4 all are witnesses; you are not to discuss any testimony
5 with any of the other witnesses"?

6 A I cannot recall, man.

7 Q You came in here, right?

8 A I understand that, but I can't recall.

9 MR. YEAZELL: Judge, he didn't discuss it with
10 him. He's saying that --

11 THE WITNESS: No. Not really.

12 MR. YEAZELL: Hold on. He's saying John came
13 up to him and made this comment to him.

14 THE WITNESS: Yeah.

15 MR. YEAZELL: He didn't discuss it.

16 MR. GARCIA: Judge, the problem is, though,
17 you've giving them the instruction and he was told
18 not to discuss any of the case with any of the
19 witnesses. What he should have done was said,
20 "John, I can't talk to you. You know, we're
21 witnesses in this case" and gone and talked to
22 someone, not sit there and have a conversation with
23 him about his testimony and what he felt and how he
24 felt.

25 THE WITNESS: First of all, I didn't have no

1 conversation. He was talking to me. I didn't say
2 nothing. I ain't put no input or nothing. The
3 only input I told him was, "Don't go nowhere." He
4 was ready to leave. That's the only input I put.

5 MR. YEAZELL: You told him not to leave?

6 THE WITNESS: I told him not to leave.

7 MR. YEAZELL: Okay.

8 THE WITNESS: I told him, "Do what you got to
9 do."

10 THE COURT: All right. And does anybody
11 have -- anybody want to do anything about this?

12 MR. YEAZELL: Judge, my inclination would
13 be --

14 THE COURT: Hold on. Let's -- are we done
15 with this witness for now, for this part?

16 MS. LAVENDER: Yes.

17 THE COURT: We're not done with you entirely.
18 If you want to wait outside for just a few minutes.

19 THE WITNESS: Yes, ma'am. Okay.

20 THE COURT: And we'll get right back to you as
21 soon as we can.

22 (Witness absent.)

23 THE COURT: All right.

24 MR. GARCIA: Judge, I see two options: We'd
25 move to strike the witness, number one. Number

1 two, if the Court's not inclined to do that, I
2 would ask the Court to not allow him to testify to
3 any statements that Mr. Blanford gave to him
4 while -- I guess, today or whenever they were
5 talking.

6 THE COURT: I'm inclined to do that.

7 Your response?

8 MR. YEAZELL: Inclined to do what, not to
9 testify to that statement?

10 THE COURT: No statements about what happened
11 today.

12 MR. YEAZELL: Yeah. I mean, Judge, I don't
13 think there's any basis to strike the witness. He
14 didn't do anything improper. His brother came up
15 to talk to him. He didn't have any idea what he
16 was going to say when he said it. And the
17 statement is relatively convoluted anyway.

18 The one thing that I did take down that I
19 think would be relevant and admissible and useable
20 for purposes of impeachment is that -- the
21 statement that, "I can't tell what I really want to
22 say because I'll be committing perjury", if I took
23 that down correctly.

24 So I don't know. I mean, it's -- I don't see
25 anything that Ralph Blanford did improper at all.

1 It was the State witness that came over and talked
2 to our witness and somehow our witness should be
3 excluded?

4 THE COURT: No. I don't think -- I'm not
5 going to exclude him. I don't find anything there
6 that was concerning. John Blanford's already
7 testified and done. So what he wishes he could
8 have said or anything else is pretty irrelevant and
9 done.

10 So I am going to exclude any statements that
11 he -- you know, that were made to this Mr. Blanford
12 and that's that. We're going to go on just as if
13 this hadn't happened.

14 MR. YEAZELL: Okay. All right.

15 Judge, then I probably ought to tell him that
16 real quick just so that he doesn't all of a sudden
17 say something about it.

18 And once we bring the jury in, I think that we
19 can just move forward with Mr. Blanford.

20 And then just for the bailiffs' information, I
21 think we can go ahead and do Brian Davis.

22 THE COURT: All right.

23 MR. YEAZELL: And then if they want to bring
24 in Eugene Bryant. Then that's that. And then the
25 only two that we have left over here would be Kraig