

1 MR. WALSH: Your Honor, our first witness
2 will R. V. Barker.

3
4 PRESENTATION ON BEHALF OF THE STATE

5 R. V. BARKER,

6 being called as a witness on behalf of the State
7 and after having been duly sworn, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WALSH:

11 Q Will you state your name for the jury.

12 A R. V. Barker.

13 Q Where do you live, Mr. Barker?

14 A I live at Route 2, Georgetown.

15 Q What do you do for a living, Mr. Barker?

16 A I'm in the meat processing business.

17 Q Directing your attention to sometime between 4:00
18 and 4:30 p.m. on October 31st of 1979, did you see
19 anything unusual that afternoon?

20 A Yes, sir.

21 Q What did you see?

22 A Well, me and my little grandson were traveling on a
23 service road north; we were coming from Walburg.
24 And at this culvert I just got a glimpse of
25 something pink out of the corner of my eye, and I

1 stopped and backed up, and it was a young woman's
2 body.

3 Q Okay. You were traveling north on the --

4 A West service road.

5 Q -- west service road of Interstate 35.

6 A Yes, sir.

7 (Whereupon State's Exhibit
8 No. 1 was marked for
9 identification by the
10 Reporter.)

11 Q (By Mr. Walsh) Where was this body laying when you
12 saw it?

13 A Well, it was laying right at the foot of the
14 culvert, underneath it.

15 Q Mr. Barker, I'll show you what has been marked as
16 State's Exhibit Number 1 and ask you if you can
17 identify what is depicted in that exhibit.

18 A Yes, sir. This is the culvert, and her body was
19 right about here (indicating).

20 Q Is the body visible in this photograph?

21 A I don't see it -- yes, sir. I haven't got my
22 glasses on.

23 Q That's the way the body was laying when you saw it?

24 A Yes, sir.

25 Q There is a car here. I take it that wasn't there

1 when you went by; that was a police car.

2 A No, sir, there wasn't a car there.

3 Q Does this picture, with the exception of the police
4 car being there, fairly and accurately portray the
5 scene as you saw it at that time, that afternoon?

6 A Yes, sir.

7 Q Did you ever go up next to the body, or did you
8 just view the body from the road?

9 A Just from the service road.

10 MR. WALSH: We offer State's Exhibit 1,
11 Your Honor.

12 MR. HIGGINBOTHAM: No objections.

13 THE COURT: State's Number 1 is admitted
14 into evidence.

15 (Whereupon State's Exhibit
16 No. 1, after being offered
17 into evidence, was admitted by
18 the Court.)

19 Q (By Mr. Walsh) Mr. Barker, what did you do after
20 seeing this body?

21 A Well, a friend of mine was driving ahead of me, and
22 so I called him and -- well, I blew my horn at
23 him and stopped him. He got in the pickup with me,
24 and we went back down and stopped for just a
25 minute, you know, where the body was. And then we

1 went to the Conoco Service Station down the road
2 and called the Sheriff's Department.

3 Q You called the Sheriff's Office?

4 A Yes, sir.

5 MR. WALSH: Pass the witness.

6

7

CROSS-EXAMINATION

8 BY MR. HIGGINBOTHAM:

9 Q Mr. Barker, I'm Don Higginbotham. What time of day
10 was it, did you say?

11 a It was roughly around 4:00 to 4:15.

12 Q And what day of the month was it on?

13 A On the 31st.

14 Q Of October?

15 A Of October, yes, sir.

16 Q This was in 1979?

17 A 1979.

18 Q Who was the friend of yours that was ahead of you
19 in the car?

20 A Mr. Birch Dewey.

21 Q I'm sorry?

22 A Birch Dewey.

23 Q Okay. Now, you say that you went back up to view
24 the body. Did you go back on I-35 --

25 A No, sir.

1 Q -- or just --

2 A Back on the service road. I stopped him and he got
3 in the pickup with me, and we come right back down
4 the service road and headed south and stopped where
5 we could see her. And then we went on down to the
6 Conoco Station.

7 Q You were headed north, then, out of Georgetown
8 heading north?

9 A At that time we were headed south, after I had got
10 my friend who was in a pickup ahead me.

11 Q Okay. But originally you had been headed north?
12 a Yes, sir.

13 Q On the westbound service road?

14 A On the westbound service road.

15 Q Do you remember what the weather was like that day?

16 A It was cool, but it was clear, the best I remember.

17 Q In other words, do you remember whether you were
18 wearing a jacket? When you say cool, what do you
19 mean?

20 A I think I had a jacket on. I had my little
21 grandson with me, and I know that he had his on.

22 Q Okay. How old is your grandson?

23 A He's four years old.

24 Q You did not go down to the body?

25 A No, sir, I never left the service road.

1 Q Okay. Do you recall in what position the body was
2 lying when you observed it?

3 A Well, I know her face was facing the east, I
4 believe, because I couldn't see her face the way
5 she was laying. But I could see the pink, you
6 know, socks that she had on, or whatever they were.

7 Q Okay.

8 A She had her back to me.

9 Q Her back to you.

10 A Yes, sir.

11 Q Okay. Do you remember whether the body was lying
12 face down or face up?

13 A The face, I believe, was up, the way she looked
14 from a distance.

15 MR. HIGGINBOTHAM: Pass the witness.

16 THE COURT: Mr. Walsh.

17

18 REDIRECT EXAMINATION

19 BY MR. WALSH:

20 Q In summary, Mr. Barker, you never went down and got
21 a close look at the body; you left that up to the
22 police.

23 A Yes, sir. I never left the service road.

24 MR. WALSH: Nothing further, Your Honor.

25 THE COURT: Mr. Higginbotham?