

1 PRESENTATION ON BEHALF OF THE DEFENSE

2
3 EILENE KNIGHT,

4
5 being called as a witness on behalf of the Defendant and
6 after having been duly sworn, was examined and testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MR. McCOLLOUGH:

10 Q State your full name, please.

11 A Eilene Pearson Knight.

12 Q Mr. Knight, where do you live?

13 A 498 Burleson Road, Green Cove Springs, Florida.

14 Q Green Cove Springs?

15 A (Witness nods)

16 Q Is that anywhere near Jacksonville, Florida?

17 A It's a suburb of Jacksonville.

18 Q How are you employed?

19 A I'm employed as the secretary and bookkeeper for
20 the Southeast Color Coat, Incorporated, in
21 Jacksonville.

22 Q What kind of company is Southeast Color Coat?

23 A It's a commercial roofing contractor.

24 Q How long have you been employed there?

25 A Since September of 1979.

1 Q Have you had the capacity of secretary and
2 bookkeeper since you have been there?

3 A Yes, I have.

4 Q Ms. Knight, do you know Henry Lucas?

5 A By sight, yes.

6 Q All right. Do you see him here in the courtroom
7 today?

8 A Yes.

9 Q Can you identify him for the jury, please?

10 A Yes. Mr. Lucas is next to Mr. Parker.

11 MR. MCCOLLOUGH: Your Honor, I would like
12 the record to reflect the witness identified Mr.
13 Lucas.

14 THE COURT: The record will so reflect.

15 Q (By Mr. McCollough) Ms. Knight, are you here in
16 Texas under subpoena?

17 A Yes, I am.

18 Q In connection with that, were you requested to
19 bring work and payroll records concerning Henry
20 Lucas?

21 A Yes, I was.

22 Q Did you bring those records?

23 A Yes, I did.

24 MR. MCCOLLOUGH: Your Honor, may I
25 approach the witness.

1 THE COURT: Yes, you may.

2
3 (Whereupon Defendant's Exhibit
4 Nos. 5 through 26 were marked
5 for identification by the
6 Reporter.)
7

8 Q (By Mr. McCollough) All right. Ms. Knight, I'm
9 going to hand you at this time the following
10 exhibits: Defendant's Exhibits for identification
11 Numbers 5, 6, 7, 8, and 9, and ask if you can
12 identify those.

13 A Yes. These are our weekly time sheets for October
14 and November of '79.

15 Q All right. Who is the individual for which those
16 time sheets are made?

17 A Henry Lucas.

18 Q Is that the same Henry Lucas that you have
19 identified here in the courtroom?

20 A Yes, it is.

21 Q All right. I'm going to hand you what has been
22 marked as Defendant's Exhibits 10 through 20 and
23 ask you -- well, let me back up. Strike that --
24 Exhibits 10 through 25 and ask if you can identify
25 each of those, please.

1 A Yes. These are the foreman's daily time sheets for
2 our firm for periods during October and November of
3 '79.

4 Q Of 1979?

5 A Yes.

6 Q Ms. Knight, I'm going to hand you what has been
7 marked as Defendant's Exhibit Number 26, which is
8 one exhibit, and ask if you can identify that.

9 A Yes. These are also daily -- foreman's daily time
10 sheets for the remainder of the period of the year
11 of 1979.

12 Q All right. Do they include the entire time period
13 for 1979, or where does that go?

14 A No. These are just the foreman's daily time sheets
15 on which Mr. Lucas had time with our firm.

16 Q All right. And it ends with what day?

17 A December 28, 1979.

18 Q Do you see what date it begins with?

19 A February the 8th, 1979.

20 Q All right. I'm going to hand you what has been
21 marked as State's Exhibit Numbers 30 through -- I'm
22 sorry -- Numbers 28 through 73.

23 A They are canceled checks, payroll checks, on Henry
24 Lee Lucas for periods in '79 and the first of 1980.

25 Q All right. Now, who issued these payroll checks?

1 A Labor, Incorporated.

2 Q Could you explain for the jury what Labor,
3 Incorporated, is?

4 A Labor, Incorporated, is a firm operated by John
5 Reeves, who owns Southeast Color Coat, and through
6 which we sub our contract labor for our jobs.

7 Q All right. What do you mean when you say "sub our
8 contracts" for labor jobs?

9 A Okay. Southeast Color Coat obtains the contracts
10 for roofing or reroofing projects, and they
11 maintain the overhead, the contract, etc., and the
12 labor; the field labor itself is subbed through
13 Labor, Incorporated.

14 Q Ms. Knight, with regard to the daily work records
15 of the foreman that you have identified, are those
16 records of the business by which you are employed?

17 A Yes.

18 Q Now, are you the custodian of those records?

19 A Yes, I am.

20 Q Were those records made in the regular course of
21 business?

22 A Yes, they were.

23 Q Was it the regular course of business for an
24 employee to make the records, such as this?

25 A Yes, sir.

1 Q Were these records made at or near the time of the
2 events they record?

3 A Yes.

4 MR. McCOLLOUGH: May I approach the
5 witness, Your Honor?

6 THE COURT: Yes.

7 MR. McCOLLOUGH: Your Honor, at this
8 time the Defendant offers Defense Exhibits 10
9 through 26.

10 MR. WALSH: No objections, Your Honor.

11 THE COURT: Defendant's Exhibits 10
12 through 26 are admitted.

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Q (By Mr. McCollough) Ms. Knight, with regard to
Defendant's Exhibits 5 through 9, the yellow
sheets, you testified that those are time records
for Henry Lucas; is that correct?

A Right.

Q Now, these are records of the business, Labor,
Incorporated.

1 A Yes, sir.

2 Q Are you the custodian of these records?

3 A Yes, I am.

4 Q Were these records made in the regular course of
5 business?

6 A Yes, they were.

7 Q Was it the regular course of business for an
8 employee to make records such as this?

9 A Yes.

10 Q Were these records made at or near the time of the
11 events that they record?

12 A Yes, they were.

13 MR. McCOLLOUGH: Your Honor, at this
14 time, we offer Defendant's Exhibit's 5 through 9.

15 MR. WALSH: No objections, Your Honor.

16 THE COURT: Defendant's 5 through 9 are
17 admitted.

18
19 (Whereupon Defendant's Exhibit
20 Nos. 5 through 9, after being
21 offered into evidence, were
22 admitted by the Court.)
23

24 Q (By Mr. McCollough) Now, Ms. Knight, with
25 reference to State's Exhibits 28 through 73, the

1 payroll checks, are these records of the business
2 of Labor, Incorporated?

3 A Yes, they are.

4 Q Are you the custodian of these records?

5 A Yes, I am.

6 Q Were these records made in the regular course of
7 business?

8 A Yes.

9 Q Was it the regular course of business for an
10 employee to make records such as this?

11 A Yes.

12 Q Were these records made at or near the time of the
13 events that they report?

14 A Yes, they were.

15 MR. McCOLLOUGH: Your Honor, we would
16 offer into evidence through this witness State's
17 Exhibits Number 28 through 73.

18 MR. WALSH: No objections.

19 THE COURT: State's 28 through 73 -- was
20 it?

21 MR. McCOLLOUGH: Yes, sir.

22 THE COURT: State's Exhibits 28 through
23 73 are admitted.

24

25

(Whereupon State's Exhibit Nos.

1 28 through 73, after being
2 offered into evidence, were
3 admitted by the Court.)
4

5 Q (By Mr. McCollough) With regard to the payroll
6 checks, you are the custodian of these?

7 A Yes, sir.

8 Q Who did you give these checks to?

9 A To Ray Hardison with the Texas Rangers and Buddy
10 Terry of the Jacksonville Police Department.

11 Q Now, has -- have law enforcement people had an
12 opportunity to come over and look at these records?

13 A Yes, they have.

14 Q And have they, in fact, looked at these work
15 records and time sheets concerning Henry Lucas?

16 A Yes, they have.

17 MR. MCCOLLOUGH: May I approach the
18 witness?

19 THE COURT: Yes, you may.

20 Q (By Mr. McCollough) Ms. Knight, I'm going to hand
21 you what has been admitted into evidence as
22 Defendant's Exhibit Number 8 and Defendant's
23 Exhibits 14, 15,, 16 and 17, and ask you to tell
24 the jury what those exhibits are.

25 A These are the daily foreman's time sheets for

1 October 26th, 29th, 30th and 31st of 1979, and the
2 weekly recap sheet of those daily time sheets.

3 Q All right. Would you explain to the jury how the
4 figures on Defendant's Exhibit 8, the yellow sheet,
5 were obtained?

6 A They are a recap of the daily time from each of
7 these days onto one weekly summarization.

8 Q All right. How is that done?

9 A Okay. The foreman filled out the daily time and
10 turns it in to the office. In turn, Mr. Reeves
11 would take this daily time sheet and post it to the
12 weekly time sheet, day by day. At the end of the
13 week, it was totaled, recapped, extended and a
14 payroll check was written for that recap.

15 Q Was that payroll check based upon the figures as
16 calculated on the payroll summary?

17 A Right.

18 Q Ms. Knight, I want you to turn around, if you
19 would, and look at what has been identified as
20 State's Exhibit Number 93. And tell the jury, if
21 you would, what days that are reflected on the
22 Defendant's exhibit which you have in your hand.

23 A October the 26th, 1979, which was a Friday.

24 Q That would be this date here (indicating).

25 A Right.

1 Q All right.

2 A Monday, October 29th, 1979.

3 Q This day (indicating).

4 A Tuesday, October 30th, 1979; and Wednesday,
5 October 31st, 1979.

6 Q And those are reflected, are they not, on
7 Defendant's Exhibit 8, the yellow payroll sheet?

8 A Yes, they are.

9 Q I am going to show you now what has been identified
10 and admitted as Defendant's Exhibit Number 9 and
11 ask you to identify that, please.

12 A It is the weekly recap sheet for November 7th of
13 '79, the week ending.

14 Q All right. I'm going to hand you what has been
15 marked as Defendant's Exhibit Number 18 and ask you
16 to identify that, please.

17 A It is the foreman's daily time sheet for
18 November 1st, 1979.

19 Q All right. Now, November 1st, what day would have
20 have been?

21 A Thursday.

22 Q All right. That would have been Thursday, November
23 1st, here (indicating). Does that reflect on the
24 yellow payroll sheet the same amount of time as
25 reflected on the sheet from the foreman?

1 A Yes, it does.

2 MR. McCOLLOUGH: Your Honor, may I pass
3 these to the jury, please?

4 THE COURT: Yes, you may.

5 Q (By Mr. McCollough) Ms. Knight, how long do your
6 records indicate that Henry Lee Lucas was employed
7 by Southeast Color Coat?

8 A February of '79 until March of 1980.

9 THE COURT: Mr. McCollough, are you
10 ready to proceed on?

11 MR. McCOLLOUGH: Yes, sir. That's all
12 the questions I have of this witness, Your Honor.

13 THE COURT: Mr. Anderson?

14 MR. ANDERSON: I'm going to need the
15 records to cross-examine the witness, Judge,
16 whatever procedure the Court wants to follow.

17 THE COURT: You need those records for
18 cross-examining?

19 MR. ANDERSON: Yes, sir.

20 THE COURT: If I could, could I get the
21 jury to pass those records down, please, so we can
22 proceed with cross-examination? You will have
23 another opportunity to examine them in a little
24 while.

25

CROSS-EXAMINATION

1

2 BY MR. ANDERSON:

2

3

Q Ms. Knight, you testified that Mr. Lucas worked for your company for a period of little over a year; is that correct?

4

5

6

A Yes, just over a year.

7

8

Q During the course of that year, did you have occasion to see the Defendant?

9

A Yes.

10

Q Did you ever have a conversation with him?

11

A No.

12

Q You did see him around the office there; is that correct?

13

14

A Yes.

15

Q Did you ever notice him doing anything abnormal?

16

A No.

17

Q Did you ever see him talk or in other ways interact with other people there?

18

19

A Just in the course of working.

20

Q But nothing you noticed that he did was unusual.

21

A No.

22

Q Ms. Knight, the foreman's time records which have been marked as Defense Exhibits 14 through 18, you didn't prepare these at all, did you?

23

24

25

A No.

1 Q Who does prepare these?

2 A The foreman who is in charge of the job.

3 Q Is there anything that an employee for Labor,
4 Incorporated, does to show that he is working on a
5 given day such as punching a time card or signing
6 something himself?

7 A No.

8 Q Is the only record you have that somebody works
9 there these time sheets that the foreman prepares?

10 A Right.

11 Q Your pay week, what day does it run from until what
12 day?

13 A At that time it began Thursday morning and went
14 through Wednesday night of the following week.

15 Q And when were these time sheets turned in?

16 A The foreman's time sheets were turned in daily.

17 Q How was the payroll prepared?

18 A The time was posted on the recap sheet from the
19 foreman's time sheet daily, and at the end of the
20 week, on Thursday morning, the total recap was made
21 for the week and the checks were written.

22 Q When were the paychecks given to the employees?

23 A Normally, Friday afternoon at 4:30, unless an
24 exception was asked.

25 Q Were exceptions very often made?

- 1 A Occasionally, but it had to be okayed by Mr.
2 Reeves.
- 3 Q Did you keep any records when an exception was
4 made?
- 5 A No.
- 6 Q But there's no way an employee could get a check
7 before -- until after they were made up Thursday
8 afternoon; is that right?
- 9 A Right.
- 10 Q Now, back specifically in this time period of
11 October and November of 1979, what job or contract
12 were you working on?
- 13 A We had a large contract at the Naval Air Station at
14 Jacksonville, which was three large warehouses.
15 The total contract for reroofing it was
16 one-point-something million dollars.
- 17 Q And approximately how many employees did you have
18 that were working on that particular job?
- 19 A There were 55 to 60 employees employed out there.
- 20 Q And there was just one foreman in charge of keeping
21 these records and turning them in; is that right?
- 22 A Right.
- 23 Q Now, these records reflect the name of the foreman
24 as being a Caulder. Who is Caulder?
- 25 A Mack Caulder; he is the general superintendent.

1 Q Then on October 30th, they reflect the foreman was
2 Fred. Who was Fred?

3 A Fred Ellis.

4 Q Now, does Mack Caulder or Fred Ellis work for your
5 company at this time?

6 A No.

7 Q Did Mr. Reeves or your company have any way of
8 checking on the foremen to determine whether or
9 not they were accurately preparing these records?

10 A No. We accepted the foremen's reports.

11 Q And there was no other way your company went back
12 and made sure the foremen were being honest when
13 they turned these records in.

14 A No.

15 Q Ms. Knight -- I'm sorry. Mrs. Knight?

16 A Uh-huh.

17 Q What is a short check?

18 A A short check is written when a man's time is
19 inadvertently wrong at the end of the week. Either
20 the foreman has omitted putting him down on the
21 daily time sheet, and he comes down Friday
22 afternoon after he gets his check and says, "My
23 check was short." We get him to tell us where he
24 was, and then we go back to the foreman. If he
25 verifies, "Yes, he was here, but I inadvertently

1 left him off," then we would write a short check
2 that afternoon for the amount of the hours that he
3 was shorted.

4 Q Okay. Back in October or November of 1979, would
5 you have issued few or many short checks?

6 A Sometimes there would be five or six short checks
7 written in a week.

8 Q Per week.

9 A Per week.

10 Q So, Mrs. Knight, your testimony is that these were
11 prepared by the foreman, and you had no way of
12 double-checking them.

13 A Right.

14 Q And sometimes these weren't accurate; is that
15 correct?

16 A Right.

17 Q When the foreman prepared these, was there a
18 company policy about how they were supposed to
19 check to make sure the employees were on the job?

20 A The foreman was supposed to call roll two to three
21 times a day and check to make sure that those
22 employees were on the project.

23 Q And they were supposed to do that two or three
24 times each day, to make sure that everybody was
25 where they were supposed to be out there at that

- 1 Naval Air Station.
- 2 A Yes, because Mr. Reeves was very insistent about
3 that, because he would get very upset when a short
4 check had to be written.
- 5 Q Now, when Fred Ellis wasn't being a substitute
6 foreman, he was just a regular employee like the
7 rest of the workers; is that correct?
- 8 A Usually he was on the job, or else he was in the
9 office.
- 10 Q But lots of days he was just a manual laborer out
11 there with the rest of the men; is that correct?
- 12 A Yes, uh-huh.
- 13 Q And Fred Ellis worked for Mack Caulder directly; is
14 that correct?
- 15 A Yes.
- 16 Q Now, this particular roofing job, you said it was
17 worth one-point-something million dollars; that was
18 a federal contract. The federal government was
19 paying your company to perform; is that correct?
- 20 A Yes.
- 21 Q How far is that Jacksonville Naval Air Station from
22 your company's office?
- 23 A Approximately ten miles.
- 24 Q Ten? Okay.
- 25 A Ten.

1 Q Now, these paychecks, then they were given out on a
2 Friday. Were they given out back at the office?

3 A Normally the foreman and the crew came in on Friday
4 afternoon, and the checks were given out at the
5 shop.

6 MR. ANDERSON: I pass the witness.

7 MR. McCOLLOUGH: Just a few more
8 questions, Your Honor.

9 THE COURT: All right.

10

11

REDIRECT EXAMINATION

12

BY MR. McCOLLOUGH

13

Q It is possible, isn't it, Ms. Knight, that an
14 individual could pick up his payroll check on
15 Thursday?

16

A Yes.

17

Q Wasn't Fred Ellis a part owner of Southeast Color
18 Coat?

19

A No.

20

Q The short checks that you talked about, didn't they
21 have to be verified by the foreman before you could
22 issue them?

22

23

A Yes.

24

Q Were there ever any government inspectors on that
25 job, to your knowledge?

25

1 A Yes, there's a government inspector who checks the
2 job. He is supposed to check it daily.

3 Q Do you know what his function is, as far as
4 checking it?

5 A Just to check the work going on, not particularly
6 who is there or -- just the quality of the work.

7 Q Now, you stated that you saw Henry Lucas either
8 around the shop or around the office there; is that
9 correct?

10 A Yes.

11 Q Would you characterize his behavior as quiet and
12 withdrawn?

13 A He was quiet, as far as I know, because, you know,
14 he was always out away from the office. You know,
15 I had seen him out in the field or warehouse but
16 never in the office.

17 Q And your records indicate that he was employed from
18 February of '79 through March of '80; is that
19 correct?

20 A Right.

21 MR. McCOLLOUGH: Pass the witness.
22

23 RE-CROSS-EXAMINATION

24 BY MR. ANDERSON:

25 Q But you are aware that Mr. Lucas had friends with

1 other workers there; is that right?

2 A Yes.

3 Q One last question, Mrs. Knight. If a foreman
4 wanted to mark somebody present who in fact wasn't
5 present and later wanted to take a kickback from
6 that employee for marking him present and getting
7 him paid more than he should have been paid, that
8 was something that could have been done by a
9 foreman without you knowing about it; is that
10 correct?

11 A Correct.

12 MR. ANDERSON: I'll pass the witness.

13

14 FURTHER REDIRECT EXAMINATION

15 BY MR. McCOLLOUGH:

16 Q You don't have any actual knowledge of that,
17 though, do you? You never saw that.

18 A No, I do not.

19 Q Is there any indication in your records of anything
20 of that nature?

21 A No.

22 MR. McCOLLOUGH: No further questions.

23 MR. ANDERSON: Nothing further, Judge.

24 THE COURT: May this witness be excused?

25 MR. McCOLLOUGH: I'm not real sure at

1 this time. I will advise the Court after lunch.

2 You have to wait. They may possibly
3 excuse you after lunch.

4
5 (The witness, Eilene Knight, was excused.)
6

7 THE COURT: Ladies and gentlemen of the
8 jury, it is time to take our lunch break. We will
9 break until 1:30. While you are out at lunch, I
10 need to remind you again not to discuss this case
11 with each other nor with anyone else, not to watch
12 any television programs, listen to any radio
13 broadcasts or read any newspaper, magazine,
14 periodical or any written material on the subject
15 that is before the Court here today. I want to
16 remind you that if you will come back here about
17 five minutes early, I'm going to try to start right
18 on time, right after lunch, to do the very best we
19 can.

20 Don't seek any information from any
21 reference materials of any sort. At this time I
22 think you all can remember all of that; I just
23 forgot about it there. And I'll excuse you and see
24 you back at 1:30.
25

1 (The jury retired from the
2 courtroom.)

3
4 THE COURT: Court is recessed until 1:30.

5
6 (Whereupon, after the luncheon
7 recess, Defendant and counsel
8 were present and seated in the
9 courtroom, and the following
10 proceedings were had:)

11
12 THE COURT: Is there anything to be
13 brought before the Court before we bring in the
14 jury?

15 MR. McCOLLOUGH: Just a second.

16
17 (Whereupon Defendant's Exhibit
18 Nos. 27 through 30 were marked
19 for identification by the
20 Reporter.)

21
22 (The jury was returned to the
23 courtroom, and the following
24 proceedings were had:)

25

1 THE COURT: Members of the jury, you
2 recall where we left off when we had our break for
3 lunch was that the Defense was having the
4 opportunity to present their evidence in chief at
5 this time.

6 Mr. McCollough.

7 MR. MCCOLLOUGH: Your Honor, at this time
8 the Defense would recall Eilene Knight.

9 THE COURT: Ms. Knight, I'll remind you
10 that you are still under oath.

11

12 EILENE KNIGHT,

13 being recalled as a witness by the Defense and being
14 previously duly sworn, was examined and testified
15 further as follows:

16 FURTHER REDIRECT EXAMINATION

17 BY MR. MCCOLLOUGH

18 Q State your name, please.

19 A Eilene Knight.

20 Q Are you the same Eilene Knight who testified here
21 this morning?

22 A Yes.

23 MR. MCCOLLOUGH: May I approach the
24 witness, Your Honor?

25 THE COURT: Yes, you may.

1 Q (By Mr. McCollough) Ms. Knight, I'm going to show
2 you what has been marked as Defendant's Exhibits
3 27, 28, 29 and 30, and ask if you can identify
4 those, please.

5 A They are foremen's daily time sheets for the period
6 of January, February and March of 1980.

7 Q Ms. Knight, you have testified, have you not, that
8 you are employed by Southeast Color Coat?

9 A Yes.

10 Q Located in Jacksonville, Florida?

11 A Yes.

12 Q Are these exhibits that I just showed you, which
13 you have just identified, are these exhibits
14 records of the business by which you are employed?

15 A Yes.

16 Q And are you the custodian of those records?

17 A Yes, I am.

18 Q Were these records made in the regular course of
19 business?

20 A Yes.

21 Q Was it the regular course of business for an
22 employee to make records such as this?

23 A Yes.

24 Q Were these records made at or near the time of the
25 events they record?

1 A Yes, they were.

2 MR. McCOLLOUGH: Your Honor, at this
3 time we would offer Defendant's Exhibits 27, 28, 29
4 and 30.

5 MR. WALSH: No objections.

6 THE COURT: Defendant's 27, 28, 29 and
7 30 are admitted.

8
9 (Whereupon Defendant's Exhibit
10 Nos. 27 through 30, after being
11 offered into evidence, were
12 admitted by the Court.)

13
14 MR. McCOLLOUGH: Pass the witness.

15
16 FURTHER RECROSS-EXAMINATION

17 BY MR. ANDERSON:

18 Q Ms. Knight, earlier when I talked to you about
19 these short checks, Mack Caulder was the foreman at
20 the time that those short checks were a problem; is
21 that correct?

22 A Well, we have short checks not just on his
23 particular job, but --

24 Q But back in October and November of 1979, when I
25 asked you about short checks, he was the

1 foreman --

2 A Yes.

3 Q -- except for that one day Fred Ellis was.

4 A Yes.

5 MR. ANDERSON: That's all I have.

6 THE COURT: Mr. McCollough?

7

8 FURTHER REDIRECT EXAMINATION

9 BY MR. McCOLLOUGH:

10 Q There were other people that had short checks; is
11 that correct?

12 A If there were other foreman. I think this was
13 basically the largest and probably the only job we
14 had at that time.

15 Q And Mack was -- or Mr. Caulder was the foreman
16 during most of that time.

17 A Right.

18 Q Is that correct?

19 A Yes.

20 Q Were there ever any other short checks from any
21 other jobs?

22 A Yes.

23 Q So that's not that unusual a problem, is it?

24 A No.

25 MR. McCOLLOUGH: No further questions.

1

2

FURTHER RECROSS-EXAMINATION

3

BY MR. ANDERSON:

4

Q But Mack was one of the foremen, and people came in where he hadn't recorded their hours correctly; is that correct?

5

6

A Yes.

7

MR. ANDERSON: That's all I have, Judge.

8

MR. McCOLLOUGH: That's all I have, Your

9

Honor.

10

THE COURT: All right. You may step

11

down.

12

MR. McCOLLOUGH: Your Honor, may this

13

witness be excused?

14

MR. WALSH: We would ask that she wait

15

around a while and see what else comes up.

16

THE COURT: Okay. Thank you.

17

18

(The witness, Eilene Knight, was excused.)

19

20

THE COURT: Call your next witness.

21

MR. McCOLLOUGH: Your Honor, the Defense

22

would call Fred Ellis.

23

24

25