

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. VANCE: At this time, we
will call Martha Turner.

M A R T H A T U R N E R, called as a witness
on behalf of the Defendant, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. VANCE:

Q Would you state your name for the record, please?

A Martha Denise Turner.

Q Now, speak up, Ms. Turner, so everybody can hear you,
even the people on the back row, okay?

A Okay.

Q And where do you live?

A I live at 1111 Clover Drive.

Q And where is that?

A In Bellmead, Waco, Texas.

Q Ms. Turner, I'm going to direct your attention back
to July 13, 1982 in the afternoon or evening hours.

Did you have an occasion to be at Koehne Park in
Waco, Texas on that day?

A No special occasion.

Q Were you there?

A Yes, I was there.

Q Okay, do you know an area that is commonly referred
to as the circle there in Koehne Park?

1 A Yes.

2 Q Okay, and what is that area?

3 A Pardon me?

4 Q What is around that area?

5 A It is just a circle with picnic tables.

6 Q Okay.

7 A Overlooking the lake.

8 Q And how many times had you been out there prior to

9 that day? Can you estimate?

10 A That was the first and only time there.

11 Q Okay, and were you with anyone?

12 A Yes.

13 Q Who was that?

14 A Four friends, Regayle Bush, Bonnie Wood, Baryon

15 Wood and Hayward Lott.

16 Q Would you spell -- take your hand away so she can

17 hear you, and speak up, okay?

18 A Regayle Bush, R-e-g-a-y-l-e Bush, B-u-s-h and Bonnie

19 Wood, B-o-n-n-i-e W-o-o-d, Bayron Wood, B-a-y-r-o-n-

20 W-o-o-d and Hayward Lott, H-a-y-w-a-r-d L-o-t-t.

21 MR. VANCE: Judge, can we turn

22 that mike up a little bit?

23 THE COURT: It is up. It is

24 maxed out right now.

25 Q And how did the five of you get to Koehne Park that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

day?

A We all went in Bonnie's car.

Q What kind of car was it?

A A yellow Granada.

Q And what time do you think you arrived there at the circle at Koehne Park?

A Around 7:00 o'clock in the afternoon.

Q All right, and were there any other cars or individuals there when you arrived?

A Yes, there was a white pickup truck.

Q Okay, did you see any other people in the vicinity?

A No, I didn't.

Q All right, I am going to draw your attention to what's been marked and admitted as Defendant's Exhibit No. 2, okay, and this is a diagram of Koehne Park and the area.

I would like for you to come to that drawing and put a MT for Martha Turner as to where you all sat when you arrived there at the circle, okay?

A Okay.

Q All right, you all were at this table here where you marked an MT for Martha Turner?

A Yes, sir.

Q Okay. Now, you can resume your seat.

How long were you there at Koehne Park that

2

1 night with your friends?

2 A About an hour -- hour and a-half to two.

3 Q Okay, what were you all doing during this time?

4 A We were just sitting out enjoying ourself.

5 Q Did you see other people come into the circle?

6 A Yes.

7 Q About how many would you guess came during that

8 period of time?

9 A I would say about three or four cars came through.

10 Q And did you happen to recall seeing an orange Pinto

11 come to the circle that evening?

12 A Yes.

13 Q And did you see who got out of the car?

14 A Yes.

15 Q And would you describe to the jury who you saw that

16 got out of that Pinto?

17 A Two girls and a guy.

18 Q Okay, and where did they go when they got out of the

19 car?

20 A They went and sat on the ledge.

21 Q Okay, I am going to get you to put a black X, if

22 you would, please, where they went and sat when

23 they exited the orange Pinto.

24 A Okay, we were sitting here at this table, and they

25 came and sat possibly around right over there (indicating).

1 Q Okay, and that is an X, and it is on Defendant's
2 Exhibit No. 2 portraying where the three kids sat.

3 Is that right?

4 A Yes.

5 Q Okay, did you see a car come up right behind them
6 and park?

7 A No, I didn't.

8 Q Would you have noticed something like that?

9 A At the moment, no.

10 Q Did you ever see a gold Malibu in the circle?

11 A No, sir.

12 Q Okay, and where were the three individuals or
13 three kids when you left?

14 A I don't know. They weren't -- I didn't see them.

15 Q Where was their car?

16 A It was still parked there.

17 Q Okay, did you ever see them leave?

18 A No.

19 Q Okay, did you ever see a gold Pontiac --

20 A No.

21 Q -- in the circle?

22 A No.

23 Q And when you left, how many other vehicles were
24 there in the circle?

25 A I know the white truck was there for sure, and I am

1 not for sure about the station wagon, if it was
2 still there or not and the Pinto.
3 Q Okay, when you were seated with your friends at
4 that picnic table, were there other individuals at
5 the picnic tables on either side of you?
6 A No.
7 Q Okay, were you all playing any type of loud music
8 or anything?
9 A It wasn't loud, but we were playing music, yes.
10 Q And what was the lighting like when you left the
11 park?
12 A It was getting dark.
13 Q You have mentioned some other vehicles there. Did
14 you ever notice who was in the white truck?
15 A An old guy with binoculars.
16 Q What was he doing?
17 A Just overlooking the lake.
18 Q Okay, was he using his binoculars to look at
19 something on the lake?
20 A Uh-huh.
21 Q And where was he approximately in relation to you-all?
22 Why don't you put a circle with an X in there along
23 Defendant's Exhibit 2.
24 A Okay, his truck was parked right along in here.
25 Q All right, and that is his truck, and that is where

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

he was?

A When I left, yes.

Q Now, turn around and speak up so that everybody can hear you.

All right, what about the station wagon?

Did you see anybody in this particular station wagon?

A An old guy and some kids.

Q An old guy and some kids?

A Yes.

Q Do you remember anything about their facial features or anything?

A No.

Q Were they white?

A Yes.

Q Okay, did you -- did they park and get out of their station wagon?

A The kids were playing around the station wagon.

Q And you were there from about 7:00 p.m. until it got almost dark?

A Yes.

Q And you didn't see a gold Pontiac pull up right behind the orange Pinto when it first arrived?

A No, I didn't.

MR. VANCE: I will pass the witness.

CROSS EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

QUESTIONS BY MR. BUTLER:

Q How are you doing, Ms. Turner?

A Fine, and you?

Q Just fine. Now, we have talked about this before, have we not?

A Yes.

Q And I believe, you have told me that you saw the kids get out of the car and they all had a beer in their hand?

A Yes.

Q Or at least, some of them did?

A Yes.

Q And they went down on past the tables and went down there and kind of sat around in a little circle, just sitting there talking and drinking beer?

A Yes.

Q And they didn't bother you all in any way?

A No.

Q And you didn't see anything unusual happen regarding those kids. Is that correct?

A That is correct.

Q And at the time you left, as far as you know, they were still down there?

A Yes.

1 Q And their car was still parked right where it was?
2 A Yes.
3 Q Now, do you know what they did after you left?
4 A No, I don't.
5 Q Could they have gotten back in their car, driven
6 over to the other part of the park and then come
7 back?
8 A No, they didn't.
9 Q I say, after you left, could they have done that?
10 A They could have.
11 Q And is it possible if they did that, that a gold
12 colored Pontiac could have pulled right in behind
13 them and stopped?
14 MR. VANCE: Judge, I will object
15 to him asking her to speculate when she has already
16 testified that she had left the premises. It is
17 totally immaterial and irrelevant.
18 THE COURT: Overruled, go ahead.
19 You all asked about the gold Pontiac.
20 Q I say, is it possible that after you left, they
21 could have driven over to the other part of the
22 park and then come back and a gold Pontiac followed
23 them back?
24 A It is possible.
25 Q You wouldn't know, would you?

- 1 A I wouldn't know.
- 2 Q Now, Ms. Turner, how old are you?
- 3 A I am 24.
- 4 Q Twenty-four. When you say you saw an old guy and
5 some kids in the station wagon, how old is an old
6 guy to you?
- 7 A About 40.
- 8 Q And how big were those kids that you saw in that
9 station wagon?
- 10 A I would say, about five and under. They were small
11 kids.
- 12 Q Now, you say you saw another old guy -- and we have
13 got that out of the way -- around the white pickup?
- 14 A Yes.
- 15 Q About how old was he?
- 16 A About 40.
- 17 Q Really old?
- 18 A Yes.
- 19 Q Do you recall seeing any writing on the side of
20 that pickup about a welding company or something?
- 21 A All I know is it was two circles on the side of
22 the doors.
- 23 Q You don't remember anything about the welding
24 company?
- 25 A No, sir, I sure don't.

210

1 Q Okay, why haven't you been back to that park?

2 A Because of what happened.

3 Q How did you first find out, Ms. Turner, that you

4 had seen anything or that you might possibly have

5 some knowledge regarding this specific crime?

6 A Because it was in the newspaper.

7 Q Okay, do you recall what it was that made you aware

8 that you might have some knowledge?

9 A I was at work, and it was either Pinky or B.J. or

10 Bonnie or Regayle, they called and told me that we

11 were wanted. Her mother saw it in the paper, and

12 they had --

13 Q What do you mean that you were wanted?

14 A I mean, well, you know, five picnickers wanted

15 for questioning, and they described B.J.'s car,

16 and you know, just calculating up that it was the

17 car that we were in and the place we were at.

18 Q So what did you do?

19 A I called down to the police station.

20 Q And went down and told them everything that you

21 knew about it and everything that you had seen?

22 A Yes.

23 Q Is that correct?

24 A That is correct.

25 Q And if you had seen anything happen to those kids,

1 you would sure tell us about it?

2 A Yes.

3 MR. BUTLER: Judge, we would
4 pass the witness.

5 REDIRECT EXAMINATION

6 QUESTIONS BY MR. VANCE:

7 Q Do you have an approximate idea as to what time you
8 left?

9 A It was getting dark. It wasn't quite dark, but
10 it was getting dark.

11 Q 8:30 -- 9:00 o'clock?

12 A In between 8:45 -- 9:00 o'clock.

13 MR. VANCE: I have no further
14 questions.

15 MR. BUTLER: We have nothing
16 further, Your Honor.

17 THE COURT: All right, may she
18 be excused to go back to Waco?

19 MR. REAVES: Defense has no
20 objections.

21 MR. FEAZELL: We have no
22 objection.

23 THE COURT: All right, you are
24 finally excused.

25 (Witness excused.)