

1 Mack Caulder to continue our cross  
2 examination, Judge.

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4 THE COURT: Mr. Caulder, I remind you,  
5 you are under oath. Have a seat.

6  
7 MACK CAULDER  
8 was recalled as a rebuttal witness by the State and,  
9 being first duly sworn, was examined and testified on  
10 his oath as follows:

11  
12 DIRECT EXAMINATION

13 BY MR. ANDERSON:

14 Q You are the same Mack Caulder who has testified  
15 earlier in this case?

16 A Yes, sir.

17 Q Are you the same Mack Caulder that was convicted  
18 in 1969 in the State of Alabama for the felony  
19 offense of forgery and served three years in  
20 prison?

21  
22 MR. PARKER: Objection, Your Honor,  
23 that's improper impeachment.

24 THE COURT: Objection is overruled.

25

1 A (By the witness) I was convicted in Alabama  
2 around that time, yes, sir.

3 Q (By Mr. Anderson) Are you same Mack Caulder  
4 who was convicted in 1970 in Federal Court of  
5 the offense of forgery and sentenced to three  
6 or four years in the state in Federal Prison?

7 A Yes, sir.

8

9 MR. ANDERSON: Pass the witness.

10

11 CROSS EXAMINATION

12 BY MR. McCOLLOUGH:

13 Q Mr. Caulder, while you were employed on the  
14 Building 163 at the Naval Air Station in  
15 Jacksonville, Florida, did any one of your  
16 employees ever offer to pay you anything in  
17 exchange for your marking them present at work?

18 A No, sir.

19 Q Did Henry Lucas ever offer you any form of  
20 payment in his -- any manner whatsoever to  
21 mark him present at work?

22 A No, sir.

23 Q You understand, Mr. Caulder, that you are under  
24 oath?

25 A Yes, sir, I am under oath.

1 Q Is it your testimony that you gave here in front  
2 of this jury -- may I approach the witness, Your  
3 Honor?

4

5 THE COURT: Yes, sir.

6

7 Q (By Mr. McCollough) -- that on October 31, 1979,  
8 you checked Mr. Lucas present at work?

9 A Yes, I did.

10 Q All right, sir, is that your signature? Is that  
11 your handwriting on Defendant's Exhibit No. 17?

12 A Yes, sir, that's my handwriting.

13 Q All right. And is there a check by Mr. Lucas's  
14 name?

15 A Yes, sir, there is.

16 Q And did you see Mr. Lucas on that day?

17 A Yes.

18

19 MR. McCOLLOUGH: Pass the witness.

20 MR. ANDERSON: Nothing further, Judge.

21 THE COURT: May the witness be excused?

22 MR. WALSH: Yes, sir.

23 MR. McCOLLOUGH: At this time, yes, sir,  
24 he may be excused.

25

THE COURT: You want him to be excused

1 or excused from the courtroom?

2 MR. McCOLLOUGH: Excused from the  
3 courtroom, I'm sorry.

4 THE COURT: All right, you are just  
5 excused from the courtroom.

6 MR. WALSH: Your Honor, the State closes.

7 THE COURT: All right.

8 MR. PARKER: May we approach the bench?

9 THE COURT: Yes.

10  
11 (Whereupon, a discussion was  
12 had at the bench, between  
13 Court and counsel, out of  
14 the hearing of the jury,  
15 after which the proceedings  
16 continued as follows:)

17  
18 THE COURT: Ladies and gentlemen, we are  
19 going to take a break for about 30 minutes  
20 to allow the Defense to proceed on. They  
21 have a right to rebut, also, and so we are  
22 going to take about a 30-minute break, and  
23 during that break I remind you of the  
24 instructions that I have given you. You are  
25 excused. We will stand in recess until 5:00 o'clock.

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(Whereupon, there was a brief recess, after which the following proceedings were had out of the presence of the jury:)

THE COURT: Anything to be brought before the Court before we bring in the jury?

MR. WALSH: No.

MR. McCOLLOUGH: No.

THE COURT: Bring in the jury, please.

(The jury was returned to the courtroom and the following proceedings were had:)

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

MR. McCOLLOUGH: Yes, Your Honor, we are. At this time the Defense will call Kenneth Emery.