IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2011-CF-2751

STATE OF FLORIDA

vs.

HENRY J. SEGURA,

Defendant.
_____/

PROCEEDINGS:	JURY TRIAL
BEFORE:	THE HONORABLE JAMES C. HANKINSON
DATE:	August 8, 2017
TIME:	Commencing at 8:30 a.m. Concluding at 2:30 p.m.
LOCATION:	Leon County Courthouse Tallahassee, Florida
REPORTED BY:	SUSAN BRYANT, RMR Notary Public in and for the State of Florida at Large

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Official Court Reporter
Leon County Courthouse, Room 341
Tallahassee, FL 32301

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and

GREGORY J. CUMMINGS, ESQUIRE
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INVERNESS, FLORIDA 34450

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P R O C E E D I N G S

THE BAILIFF: All rise. Come to order. Court is now in session, the Honorable James C. Hankinson presiding.

(The following took place outside the presence of the jury:)

THE COURT: Be seated, please. We're here in the State of Florida versus Segura, 2011-2751. Let the record reflect Mr. Segura is present with his attorneys.

Do you have any issues to deal with?

MR. EVANS: A couple of housekeeping matters.

THE COURT: Why don't you come up to that microphone. I kind of want to get a sound check anyway. It seems like maybe I got the -- don't -- okay.

MR. EVANS: Okay.

THE COURT: Don't be moving around too much. But, anyway, go ahead, Mr. Evans.

MR. EVANS: One was I think you were supposed to be provided the -- the e-mails that you were supposed to review. I don't know if you received those yet or not this morning.

THE COURT: I have not. Mr. Prince was going to get those for me.

MR. EVANS: And I did glance at the jury instructions, and there was one major -- I think there

was a part where you were talking about the interlocking confessions. It seems to be, whenever I looked at it, part of the second-degree murder instruction -- instruction seems to have gotten cut in half, and the interlocking seem to be stuck in the middle of it.

THE COURT: Okay. A spacing issue?

MR. EVANS: So I know -- yeah. Other than that, everything appeared to be acceptable to the State. I think we'll fine tune it; but, generally, the overview of it --

THE COURT: I may have been -- I may have been cutting and pasting and --

MR. EVANS: I assumed --

THE COURT: -- messed it up.

MR. EVANS: I assumed that's what happened.

THE COURT: Okay.

MR. EVANS: Because some of it was highlighted in that section. But that was the only two housekeeping matters, I think, this morning.

THE COURT: The highlight means that that's questionable whether that's appropriate is what -- when I highlight something, it's an optional matter.

Okay. Did you get me those documents, Mr. Prince?

MR. PRINCE: Yes, sir. I have them here. What's that?

THE COURT: Just -- we have a little problem with the sound in here.

MR. PRINCE: What I have here, Your Honor, this packet is how the e-mails came. There is only a small portion of it that we would intend to use, and I can direct the Court's attention to those two e-mails.

THE COURT: I would like to see the whole thing.

MR. PRINCE: Yes, sir. May I approach?

THE COURT: And there was a letter? You have that, too?

MR. PRINCE: Two -- two different letters, yes, sir.

THE COURT: Okay. All right. You may.

MR. PRINCE: And then I also have a copy of the report from FDLE detailing what inmate Benjamin Whitfield will testify to at the hearing on Wednesday.

THE COURT: Okay. We have a witness list?

MR. FUCHS: Your Honor, my understanding is that we have one witness; the others are on the way in. These are civilian witnesses this morning. I'd just ask for about 15 minutes to try and make sure they're here. They were coming in from out of town. I know they are in town, but --

THE COURT: We're not waiting to start the trial if that's what you're saying.

MR. FUCHS: I was just asking for 15 minutes, Your

Honor.

THE COURT: You don't have a witness?

MR. FUCHS: I -- I need to go outside and check.

THE COURT: We need to start with somebody. But you don't -- you then giving me a list of who you're planning to call today?

MR. FUCHS: Yes, sir. I forgot to make one this morning. I apologize. We're kind of ahead of schedule, so things changed.

MR. PRINCE: Just for clarity's sake, that's the packet that includes the e-mails, which ones I intend to mention are listed in the Permissive Motion in Limine.

This is a letter that was sent during July of this year. This is the report from the Florida Department of Law Enforcement. This exhibit is in evidence. It's State's Exhibit 96. The only thing I intend to talk about is the envelope itself, and that's already in evidence as State's 96, with other letters from Inmate Santos.

THE COURT: Thank you.

MR. FUCHS: Yes, sir. Can I step out, Your Honor?

THE COURT: What is that?

MR. FUCHS: Can I step out?

THE COURT: Yeah, grab a witness. Let's go.

Bring the jury, please.

Do you need that around your neck to hear from?

THE WITNESS: No, sir. No, I don't.

THE COURT: Why don't you give that to Mr. Fuchs.

THE BAILIFF: Jury in the courtroom.

(The jury entered the courtroom, and the following took place in open court:)

THE COURT: Everybody be seated.

Good morning, folks. Thank you for being back here. Did the parking arrangement work out all right?

JURORS: Yes, sir.

THE COURT: Okay. Okay. Good.

Anybody have anything they need to report to me, a problem, been exposed to something they shouldn't have been exposed to? Anybody?

JURORS: No.

THE COURT: All right. You may call your next witness, Mr. Fuchs.

MR. FUCHS: Thank you, Your Honor.

At this time the state would call Mr. Calvin Moore.

THE COURT: All right. If you would face the clerk and be sworn, please, sir.

Whereupon,

CALVIN MOORE

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: All right. Have a seat and slide up to the microphone, please, sir.

THE WITNESS: All right.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, sir.

A Good morning.

Q Can you please introduce yourself to the jurors.

A My name is Calvin Moore.

Q Okay. Mr. Moore, where do you live? Here in -- do you live here in Tallahassee?

A I live in Wakulla.

Q Okay. And how long have you been a resident of the Tallahassee/Wakulla area?

A All my life.

Q And how old are you?

A I'm 38.

Q Mr. Moore, what do you do for a living?

A Career firefighter. Security installer.

Q Okay. Do you know a gentleman by the name of Henry Segura?

A Yes, I do.

Q How do you know Mr. Segura?

A He's like a brother of mine. We come up from middle school together.

Q Okay. So you've known him a long time, then.
A A long time.
Q Okay. It's my understanding that Mr. Segura was a welder. At any point did you do welding as well?
A No, sir.
Q Okay. Do you ever talk to him about his job?
A Yes.
Q Okay. Is it fair to say that given how long a friendship you had with Mr. Segura, have you -- I assume y'all talked a lot.
A Yes.
Q Okay. And phone calls, things along those lines.
A Yes, sir.
Q Okay. Obviously, you know why you're here today.
A Yes, sir.
Q And this has to do with a homicide that occurred back on November 19th, 20th of 2010.
A Yes, sir.
Q During that time period, did you have any communication with Mr. Segura on a phone number of (850)408-8669?
A Yes, sir.
Q And to your knowledge, did Mr. Segura have multiple phones?
A Yes, sir.

Q Okay. Prior to that -- that date of November of 2010, had you had any conversations with Mr. Segura about getting a welding job or something over in Afghanistan?

A We talked about going overseas and working prior to this, yes.

Q Okay. And why was it that you were talking about going overseas and working there versus the United States?

A It's good money.

Q Okay. What kind of money are we talking about?

A Six figures.

Q Okay. Did you and Mr. Segura talk about any issues regarding going to Afghanistan as it relates to back child support?

A Yes, sir.

Q And what was that?

A You have to have -- you can't have more than 5,000 in back-owed child support in order to get a passport, so we kind of talked about that.

Q Okay. Was there a conversation between you and Mr. Segura of the fact that he wouldn't be able to go and do these -- get this job because of the fact he owed more than that in child support?

A Yes, sir.

Q Now, Mr. Moore, let's talk a little bit more about your background. Were you ever in the military?

A Yes, sir.
Q Okay. And what branch of the military were you in?
A Army.
Q Okay. And how long?
A Four years.
Q Familiar with firearms, relatively?
A Yes, sir.
Q Okay. Did you ever know Mr. Segura to have a gun?
A Yes, I do.
Q Do you know the difference between a revolver and a semiautomatic gun?
A I'm very familiar with that.
Q Okay. The gun that Mr. Segura had, was it a revolver or a semiautomatic?
A It was a revolver.
Q And do you know what caliber that gun was?
A It was a .32.
Q How is it that you know that?
A That's what he told me, actually, when I verified whether -- what type of caliber the weapon was.
Q So you actually saw the gun?
A Yes, I did.
Q And you asked him about it?
A Yes.
Q And he told you it was a .32?

A Yes.

Q Do you see Mr. Segura here in the courtroom today?

A Yes, I do.

Q Can you please point to him and indicate an article of clothing, please?

A Right there (indicating).

Q Talking about the gentleman in the yellow shirt and the blue suit?

A Yes, sir.

MR. FUCHS: May the record please reflect he has indicated the Defendant. One moment. (Pause.) No further questions.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. PRINCE:

Q Mr. Moore, when was it that you claimed to have seen Mr. Segura with a firearm?

A It was prior to the incident.

Q How far prior to the incident?

A Could have been a couple of months.

Q A couple of months?

A Yes, sir.

Q Where was that?

A He was getting ready for a job, and he was packing up to leave. He had a Buick Roadmaster, and I saw it in the

trunk. And he moved it to the cab of the vehicle, the front of the vehicle.

Q Was that back in July?

A I can't really pinpoint the time frame, what month it was, it's been so long.

Q Does that sound within the general time frame about which you're talking?

A Could be.

Q That's July of 2010, before the murder?

A Yes, sir.

Q Okay. At the some point in the past, did Mr. Segura sell you an '89 box Chevy?

A Yes, he did.

Q Prior to that, had you been out of the country, working, earning money?

A Prior to that?

Q Prior to --

A No.

Q -- him selling you the vehicle --

A No.

Q -- been out of town?

A No.

Q Were you dating somebody named Lisa Gaines during that time period?

A When he sold me the box Chevy, no. I had been

married for a long time.

Q Did you -- do you recall finding pictures that Ms. Gaines -- who was a girlfriend of yours, right?

A Yes.

Q Do you recall finding pictures of Ms. Gaines in lingerie in the trunk of the vehicle that Mr. Segura sent you?

A Yes, sir.

MR. PRINCE: I have no further questions at this time.

THE COURT: Redirect?

MR. FUCHS: No, Your Honor.

THE COURT: Any juror have a question of this witness? All right. If not, you may step down.

Do we need to keep him any further?

MR. FUCHS: He will be retained, Your Honor, but he can go about his business.

THE COURT: All right. I'm sorry, hold on a second. Do you have a question? Write your question down, please, sir. Let's go sidebar.

(Sidebar as follows:)

THE COURT: Just a more detailed question about the revolver. Do you know the make and model of the revolver? Either side object to that?

MR. PRINCE: No.

THE COURT: How many rounds did the revolver hold?

Either side object to that?

MR. FUCHS: No, sir.

MR. PRINCE: No.

THE COURT: Did the revolver contain live ammunition? Either side object to that?

MR. FUCHS: No.

MR. PRINCE: No, no objection.

THE COURT: If so, do you know what type of ammunition it was? Either side object?

MR. FUCHS: No.

MR. PRINCE: No objection.

THE COURT: Did Mr. Segura state what his intentions were with the revolver? Did he say why he had the revolver, I guess, is -- for want of a better word. It has been asked of this witness.

MR. PRINCE: It has been asked. No objection.

THE COURT: Everybody agree?

MR. FUCHS: A lot of history about these -- she was waiving at me that she couldn't hear me. There's a lot of history with these two, and I'm afraid they may open the door to --

THE COURT: Yeah. I think that if he said he was going to do a robbery with it, I mean --

MR. PRINCE: I don't know.

THE COURT: Did he say where he got the gun or how

long he had it? Either side object to that?

MR. FUCHS: No, sir.

MR. PRINCE: No.

THE COURT: All right.

(The sidebar concluded, and the following took place in open court:)

THE COURT: A couple of follow-up questions, Mr. Moore, from the jury about the gun you were talking about.

Do you know anything about the make or model of the gun you saw?

THE WITNESS: No, I don't. I didn't get to see it that close.

THE COURT: All right. Could you tell how many rounds it held?

THE WITNESS: Most revolvers hold six shots, but I -- I didn't get to see in particular. I didn't hold the gun at all.

THE COURT: Okay. Could you tell whether it had live ammunition in it?

THE WITNESS: No, I didn't.

THE COURT: And did Mr. Segura say anything about where he had got the gun?

THE WITNESS: No, he didn't.

THE COURT: Did he say anything about how long he

had had it?

THE WITNESS: No.

THE COURT: All right. Any follow-up from the State?

MR. FUCHS: None from the State, Your Honor.

THE COURT: From the Defense?

MR. PRINCE: Not from the Defense.

THE COURT: All right. You can step down. You remain subject to recall, but you can go about your business.

THE WITNESS: All right.

THE COURT: Call your next witness.

MR. FUCHS: Yes, Your Honor.

THE COURT: Face the clerk and be sworn, please, sir.

Whereupon,

SILAS ADAM THORNTON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat and slide up to the microphone, please, sir. Slide forward, if you would, a little bit so we get you near the microphone.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, sir.

A Good morning.
Q Can you please introduce yourself to the jury?
A Silas Adam Thornton.
Q Okay. And, Mr. Thornton, do you live here in town?
A No, sir.
Q Where do you live?
A Sopchoppy, Florida.
Q Okay. And Sopchoppy is down there in Wakulla County, correct?
A Yes, sir.
Q What do you do for a living?
A I'm a welder.
Q How long have you been doing that?
A Fifteen years.
Q All right. As a welder, do you do stuff as -- you mainly work here in Tallahassee, or do you go around to different locations?
A Different locations.
Q And I think right now you're somewhere down in the Central Florida area, correct?
A Yes, sir.
Q Do you know Mr. Henry Segura?
A Yes, sir.
Q Okay. And do you see that person here in the courtroom today?

A Yes, sir.

Q And could you please point to him and indicate a color of clothing he is wearing.

A Yellow shirt with a blue vest.

MR. FUCHS: May the record please reflect he's indicated Mr. Segura.

BY MR. FUCHS:

Q How long have you known Mr. Segura?

A Twelve years. Ten years.

Q During that time period, had he -- did he ever come to your house?

A Yes, sir.

Q How many times did he come to your house?

A Maybe two or three times.

Q Was one of those times back on November 20th of 2010, the day after these murders?

A I believe so, yes, sir.

Q Okay. And he came to the house to visit you?

A Yes, sir.

Q Okay. Was this a preplanned thing, where he was planning on coming down there, or was it more of a spontaneous thing?

A It was spontaneous, really; but, I mean, just, you know, he called and asked me -- he said he was in the area and asked if he could come out. I said, "Yeah, no problem."

Q What time did he call and talk to you and say he was in the area?

A It was morning time, early.

Q Now, when you say "early," are we talking about nine? Eight? Seven?

A Eight, nine, somewhere in there.

Q Okay.

A To the best of my recollection.

Q And he said he was in the area and going to come by?

A Yes, sir.

Q Did you find it odd that he was in the area of Sopchoppy?

A Yeah.

Q Okay. When he was there, what did y'all do?

A Just -- really just hung out. Had some other company over. Ate chicken and lunch and played football in the yard with the kids. I had some guys come by with a boat job, they wanted me to do a T-top on. We looked at it. Shot the bow and arrow in the backyard and really just hung out.

Q Shooting a bow and arrow, did Mr. Segura participate in that?

A Yes, sir.

Q Okay. And do you have a, I guess, a range or anything like that at your house or area that you shoot bows?

A Just behind the house, out toward the woods.

Q Okay. During that time period, did Mr. Segura go and crawl the through the woods or anything that -- where he would have got scratched up or anything?

A We had reached through a fence that was behind my property. But it was just, you know, whoever was shooting the arrow, the other person retrieved them.

Q You just reached through a fence?

A Yes, sir.

Q What kind of fence are we talking about? Chain link?

A What we consider to be a hog wire fence, like a, kind of, large square.

Q Okay. All right. But nobody crawling over the fence and going into the woods or anything like that?

A No, sir.

Q You and Mr. Segura ever talk on the phone?

A Yes, sir.

Q Do you know of Mr. Segura having more than one phone?

A Yes, sir.

Q Okay. Do you know of -- let me do it this way. At some point, did you have a phone that eventually Mr. Segura ended up with?

A Yes, sir.

Q Could you please tell the jury about how that

happened.

A Henry and I was out of town working. Instead of renting a motel room, we were trying to be cheap, so my sister lived in the area. We stayed at my sister's house.

I had a phone on her counter in the kitchen, being charged or whatnot, and she had washed dishes and either knocked tea over the -- I don't really remember exactly. It either got wet with the kitchen water, dishwater, or either tea.

I had -- they said put the phone in rice, and I tried that, taking the battery out and putting it in rice. And a couple of days later, it was swapping my -- my contacts, and the numbers were different. I called believing I was calling one person, it would call another person. So I just, you know, I told Henry, I said, "I'm going to get another phone," whatnot, blah, blah, and got another phone. And, you know, just said, "You can have the phone for your boy or whatnot," you know what I'm saying? He said he might get it fixed or something like that. So...

Q The rice trick -- I guess --

A Didn't work.

Q Didn't work. Who told you about that?

A My sister.

Q Okay. This phone that we're talking about, did you take it with you, or did you leave it somewhere?

A I just left it in the truck.
Q Whose truck?
A Henry's.
Q Okay. So you left that phone in Mr. Segura's truck?
A Yes, sir.
Q At some point did you become aware that Mr. Segura was using that phone?
A I don't -- I mean, I don't recall. I mean, really, I mean, he's called me before or whatnot, but I don't know if he called me off that phone, or...
Q Did you ever know Mr. Segura to utilize a phone, 408-8669 back then?
A Not really, that I recall, no, sir.
Q Fair to say you don't really remember a whole lot now?
A Yes, sir. Well, it's just I don't remember about what number he called me off of. I don't remember the phone number.
Q Okay. At some point did law enforcement come out and talk to you?
A Yes, sir.
Q Okay. And did they ask you about that phone and what we just talked about?
A Yes, sir.
Q Okay. Did they ask you to take them to Walmart and

show you what phone it was that you're talking about?

A Yes, sir.

MR. FUCHS: Your Honor, may I approach?

THE COURT: You may.

BY MR. FUCHS:

Q I'm showing you what's been previously marked as State's Exhibit No. 123 for identification purposes. I ask you to take a look at that item. Do you recognize that?

A That's the same kind of phone.

Q I'm sorry?

A That's the same kind of phone.

Q And that's the same kind of phone that -- that you left in Mr. Segura's truck?

A Yes, sir.

Q And that's the same kind of phone and boxing and everything like that as far -- that you took the Tallahassee Police Department and showed them what kind of phone we're talking about?

A Yes, sir.

Q Okay. And where did you take them?

A To the Walmart in Crawfordville.

Q Okay.

MR. FUCHS: One moment. No further questions at this time.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. PRINCE:

Q Mr. Thornton, you and -- you and Mr. Segura had been working in Tampa or St. Pete area the week prior to the murder, right?

A Yes, sir.

Q Okay. Y'all rode back up together?

A Yes, sir.

Q Had y'all had discussions on the way back up about putting up a dog line at your house?

A Probably, yes, sir.

Q Okay.

A We both had bulldogs at the time.

Q Okay. Did you discuss a time frame for doing that?

A I mean, I just -- I -- I don't recall a time frame. I mean, I'm sure we did.

Q Okay. And y'all were going to be off work for just a little bit of time before you started the next job, right?

A Yes, sir.

Q Okay.

MR. PRINCE: No further questions at the time.

THE COURT: Redirect?

MR. FUCHS: No, Your Honor.

THE COURT: You can step down.

Do we need to keep this witness further?

MR. FUCHS: No, sir.

MR. EVANS: Your Honor --

THE COURT: I'm sorry. We have a question of this witness. All right. We'll go sidebar. I'm sorry, I missed -- have a seat for a second.

(Sidebar as follows:)

THE COURT: The question is: Was Mr. Segura's number stored as a contact in Mr. Thornton's phone? Either side object to that question?

MR. PRINCE: No.

MR. FUCHS: No.

(The sidebar concluded, and the following took place in open court:)

MR. EVANS: Your Honor, we have got another one.

THE COURT: I'm sorry. There was another question? Is there another question?

JUROR: Yes, sir. I'm sorry.

THE COURT: Okay. All right. We need to be quick.

JUROR: I'm sorry.

THE COURT: All right. Sidebar.

(Sidebar as follows:)

THE COURT: I think it's been stated, but they want to know -- she wanted to know when this visit was where they used the bow and arrow. I think he already said it was the day of the murder, but, I guess, clarify that.

Either side object to that?

MR. PRINCE: No.

MR. FUCHS: No.

THE COURT: Were there any bushes around the area where they were using the bow and arrow? Either side object?

MR. PRINCE: No objection.

MR. FUCHS: No objection.

THE COURT: All right.

(The sidebar concluded, and the following took place in open court:)

THE COURT: All right. The first question relates to the phone, and we're talking about the phone you had back in November 2010. Was Mr. Segura stored as a contact in your -- in that phone?

THE WITNESS: I'm not -- I mean, I had him under Henry in my phone -- or, Junior, excuse me, I had him under Junior.

THE COURT: You think he was saved in there?

THE WITNESS: Yes, sir. On -- on my phone he was, yes, sir.

THE COURT: Okay.

THE WITNESS: I believe. I mean, I had him previously saved in my phone before I get another phone, so I don't ever recall swapping phone numbers.

THE COURT: Okay. But the -- the phone that you say ended up in Mr. Segura's possession -- I guess that's your testimony, he ended up with your phone; is that what I understood?

THE WITNESS: Yes, sir, with my old phone. And I didn't -- I didn't store that number in my phone, I don't believe, no, sir.

THE COURT: Was his number stored in that "old phone" as you put it?

THE WITNESS: Yes, sir.

THE COURT: Okay. And it would have been stored as what?

THE WITNESS: Junior.

THE COURT: Okay. Now, switching over to the day of the visit. I think you've said it was the -- the day after the murder. Is -- is that what I understood?

THE WITNESS: I believe so, yes, sir.

THE COURT: And -- and that's when you were using the bow and arrow?

THE WITNESS: Yes, sir.

THE COURT: In the area where you were shooting the arrows into, were there -- were there bushes out in the area around the fence you were talking about?

THE WITNESS: Yes, sir.

THE COURT: Okay. Any follow-up, Mr. Fuchs?

MR. FUCHS: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. FUCHS:

Q Regarding being stored in your phone, you said that Mr. Segura had multiple phone numbers?

A I gave him that phone. He had another phone, which -- yes, sir.

Q So he would have had another phone number that was the one stored?

A The phone that he had -- the phone that I had that got tore up had Mr. Segura's phone number and contact in that phone --

Q Okay.

A -- under Junior, I believe.

Q And then that phone is the one that Mr. Segura ended up with?

A Yes, sir.

Q Okay. All right. As it relates to the bushes in your yard, you obviously live in Sopchoppy, which is kind of out there in the rural area, correct?

A Yes, sir.

Q The bushes -- so there's a lot of bushes in your yard and around your yard, correct?

A There's -- you know, the grass is cut around the house; but behind the fence area there's -- it's growed up

pretty good, yes, sir.

Q All right. So you would have to cross the fence in order to get to that -- to the grown-up area where the -- where the bushes are?

A Yes, sir. I mean, it's just growed up there at the fence line, pretty much.

Q Fair to say that when you're shooting a bow and arrow, you're shooting in an open area, so that way you can practice your targeting?

A Yes, sir.

Q Okay. And then the -- the bushes are behind the fence that we talked about?

A Yes, sir.

Q Okay.

MR. FUCHS: No further questions.

THE COURT: Cross?

RECROSS EXAMINATION

BY MR. PRINCE:

Q Mr. Thornton, so when y'all are out there shooting arrows and that, you have a target set up, correct?

A Yes, sir.

Q Behind the target is a fence?

A Yes, sir.

Q And you said the fence line, there's -- there's bushes grown up all around it; is that right?

A Yes, sir.

Q Is that what you said? Both on the other side of the fence?

A Yes, sir.

Q And on the side of the fence that you were shooting from?

A I just always weed-eat it right there. I mean, it's a growed-up area. It's a swampy area. You know what I'm saying? The fence is here, bushes on the backside of the fence; and, you know, I don't weed-eat all the time. I just mow there. It's a back yard, it's, you know, not the front of the house.

Q So if you're -- if you're -- if you're -- if you miss the target, and the target is at the fence, around the fence, past the fence, and you're having to reach through this hog-wire fence --

A Yes, sir.

Q -- would you be reaching into the bushes to retrieve the arrows?

A Yes, sir.

Q Around this time you were spending a lot of time with Mr. Segura, correct?

A Yes, sir.

Q All right. You would ride in his truck with him?

A Yes, sir.

Q On jobs and --

A I didn't have a license. And we done the same kind of work and worked for the same company.

Q Okay. In the months leading up to -- to the -- the murders in this case, let's say August through November, at any point did you ever see Henry Segura with a revolver?

A I seen with him a pistol before.

Q Would that have been back in July?

A We had worked at Wakulla Correctional Institution together, and I seen a pistol in his car at that time. But I don't -- you know, I couldn't --

Q You don't remember exactly what it was?

A I couldn't tell you exactly what it looked like, no, sir.

Q Okay. At no point in time close to the murder do you recall seeing that firearm?

A No, sir.

Q No?

A No, sir.

Q Okay. Thank you.

THE COURT: Anything further, Mr. Fuchs?

MR. FUCHS: No, Your Honor.

THE COURT: All right. You can step down.

Do we want to keep him further?

MR. FUCHS: He'll be retained, Your Honor, but he

can go about his business.

THE COURT: All right. You can go about your business, subject to recall.

Call your next witness.

MR. FUCHS: Thank you, Your Honor.

THE COURT: I've been -- been trying to kind of get the sound monitored. I can't really tell what y'all are hearing. Are y'all hearing everything okay?

JURORS: Yes, sir.

THE COURT: I think yesterday I may have gotten it up a little bit too high, but I was trying to get the video up a little louder. It seemed a little low. But you're on different speakers than I am. So if at some point in time you can't hear, or it's too high, that it's breaking up on you, be sure and let me know.

Come on up here, please, ma'am. If you would face the clerk and be sworn, please.

Whereupon,

NATASHA SMITH-HAWTHORNE

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat. Slide up to the microphone, please.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, ma'am.

A Good morning.

Q Can you please introduce yourself to the jury.

A My name is Natasha Smith-Hawthorne.

Q Okay. And can you please spell your first and your last name for Madam Reporter.

A N-a-t-a-s-h-a. Last name is Smith-Hawthorne, S-m-i-t-h, hyphen, H-a-w-t-h-o-r-n-e.

Q And do you live in Tallahassee?

A No. I live in Tampa, Florida.

Q Okay. And how long have you lived in Tampa, Florida?

A Since 2014.

Q Back in 2010 where did you live?

A In Tallahassee.

Q Do you know Henry Segura?

A I do.

Q And do you see Mr. Segura here in the courtroom today?

A I do.

Q Can you please point to him and indicate a color of clothing he's wearing?

A He's here at the defense table in a yellow shirt and a blue suit.

Q All right. Thank you.

MR. FUCHS: May the record please reflect she's indicated Mr. Segura.

BY MR. FUCHS:

Q How long have you known Mr. Segura?

A Since early 2010.

Q And how was it that you met Mr. Segura?

A We were in a restaurant -- I don't know, we were both ordering at a restaurant one day.

Q Okay. Since that -- in that time period, did you talk to him on a pretty regular basis?

A Yes.

Q And when I say "talked to," were you e-mailing him?

A Yes.

Q Back and forth, you e-mailing him and him e-mailing you?

A Correct.

Q And were you also talking on the phone occasionally?

A Occasionally.

Q Okay. And how about text messaging?

A Yes.

Q All right. Did you know whether Mr. Segura had one phone or two phones at that time? Or more than one phone, I guess.

A As some point I was aware that he had two phones.

Q Okay. And I believe one of those phone numbers started with a 509 area -- phone call?

A Yes.

Q Or phone number?

A Yes.

Q And was the other phone number 408-8669?

A Yes.

Q Did you ever talk to Mr. Segura about his kids in Tallahassee?

A Yes.

Q Did he ever tell you about his son JaVante?

A No.

Q If I can take you back to November the 19th of 2010. Do you recall receiving any kind of text messages or phone calls or something from Mr. Segura on that day?

A Yes.

Q What do you remember?

A I recall that we communicated about getting together later on in the evening on the 19th. I recall that I was having my nails done at various salons, nails, toes. That's -- that's about the gist of it.

Q Okay. Do you remember receiving any kind of text message or something from Mr. Segura saying that he was somewhere other than his home?

A Yes.

Q What was -- where would he say he was?
A I don't recall that the message said specifically he was anywhere. I recall that he said he was on his way home.
Q Okay. And do you remember when that was?
A Somewhere between 9 and 10, I believe.
Q And we're talking about the Friday, November the 19th?
A That's right.
Q All right. One moment here.
THE COURT: Let me just clarify. You said 9 or 10. Are you talking about in the morning or evening?
THE WITNESS: Evening.
THE COURT: P.m.?
THE WITNESS: Yes, sir.
THE COURT: Okay.
BY MR. FUCHS:
Q That 408-8669 phone number, whenever he utilized that to either call you or text message, did he ever block it, star-67 it?
A No, sir.
Q So it showed up on your ID?
A Yes.
MR. FUCHS: No further questions, Your Honor.
THE COURT: Cross.

CROSS EXAMINATION

BY MR. PRINCE:

Q Ms. Hawthorne, after Mr. Segura got home that evening of the 19th, you and he started communicating frequently, correct?

A Yes.

Q Via text message?

A Yes.

Q And y'all were planning to set up a meeting at a hotel, right?

A Yes.

Q You were involved in a sexual relationship with Mr. Segura at that time?

A Yes.

Q And when interviewed by the police originally, you told them that you guys were just friends; that you used to be in a sexual relationship prior to his son passing away, but not after that; is that correct?

A Yes.

Q Why did you tell them that?

A Well, because I was aware that he was married. I knew that, you know, his wife didn't know about me. I knew that at some point, she probably would know about me if I told them that we were involved in a relationship. And I knew that he, you know, he had lost his son. And, you know, there had been a conversation between he and his wife that they were

going to be faithful; that he was going to be faithful. And so I knew that if I admitted that, she would know that he wasn't.

Q So you -- you were willing to mislead about -- mislead law enforcement about something not directly relevant to the investigation to help protect Mr. Segura's marriage?

A I was.

MR. PRINCE: No further questions.

THE COURT: Redirect?

MR. FUCHS: Hold on a second, Your Honor.

(Pause.)

MR. FUCHS: No, no, Your Honor.

THE COURT: Any juror have a question of this witness?

All right, you can step down.

Do we need to keep her further?

MR. FUCHS: Your Honor, she'll be retained, but she can go about her business.

THE COURT: All right. You need her, Mr. Prince?

MR. PRINCE: I'll keep her under the rule and under subpoena as well.

THE COURT: All right. You'll be subject to recall, but you can go about your business.

Call your next witness.

MS. DUGAN: State calls Monica Peters.

THE COURT: Come on up here, please, ma'am. Would you face the clerk and be sworn, please.

Whereupon,

MONICA PETERS

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Okay, have a seat. Slide up to the microphone, please, ma'am. You can slide up to the microphone, that would be good.

Ms. Dugan.

DIRECT EXAMINATION

BY MS. DUGAN:

Q Good morning, Ms. Peters. Will you state your name and then spell it for our court reporter, please.

A Monica Peters. M-o-n-i-c-a. Peters, P-e-t-e-r-s.

Q Thank you. And how do you know -- or how did you know Brandi Peters?

A She's my sister.

Q At some point, did you used to live with Brandi Peters and her children?

A Yes.

Q And how long did you live with them for?

A Maybe about four months.

Q But you weren't living with them on November 19th of 2010, right?

A No.

Q Now, in your experience living with them, what time did Brandi typically feed her children?

A Maybe about five, six o'clock.

Q So an earlier dinner as opposed --

A Yeah.

Q -- to a later dinner?

A Yeah.

Q Are you aware of any damage to any of Ms. Peters' window screens there at her Saddle Creek Run house?

A Yes.

Q And was it just one window screen that was damaged?

A Yes. On the backside of her house, maybe. I think, if I can remember.

Q Okay.

A Maybe in her master -- around her master bedroom area.

Q All right. Was that window screen damaged before November 19th of 2010?

A Yes, ma'am.

Q Had that damage always been there? How do you know about it?

A It had been there since she moved in the house. The screen was already tore out, because, you know, you have to inspect the house, because she lives on Section 8, so you have

to -- you have to do a full inspection.

Q Okay. I want to talk about November 19th of 2010 just briefly. When was the last time that you remember talking to Ms. Peters that day?

A That evening, maybe late in the evening time.

Q Okay. You said evening time?

A Yeah.

Q When you say "evening time," are you talking more about five o'clock or more about nine o'clock?

A Oh, five-ish, six-ish, somewhere around in there.

Q Okay. And later that night, did you try to call her again?

A Yeah. I tried to call a few times, and --

Q What happened?

A The phone went to voicemail.

Q Is it unusual for her phone to -- to go straight to voicemail?

A Yes, ma'am, it is.

Q I guess she -- was she one of those people who always had her phone on, always on the phone?

A Always.

Q How long did Brandi live at her Saddle Creek Run home?

A Oh, maybe about -- I can't remember. Maybe about -- maybe close to three years, I think. Two, three years, I

think. If I can remember.

Q And did the Defendant in this case, Mr. Segura, did he ever live with her and the kids, not necessarily at that home, but just at some point?

A Not that I know of.

MS. DUGAN: No further questions.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. PRINCE:

Q Ms. Peters, your sister used to live over off of Holton Street for awhile, right?

A Yes, she did.

Q Before she lived off of Saddle Creek?

A Yes.

Q Were you aware at the time she was living there, that Mr. Segura was staying there; or you didn't know about that?

A No.

Q You didn't know --

A I didn't know nothing about that one.

Q Okay.

A That's new.

Q You testified a minute ago that your best recollection is that you last spoke to Brandi at about, what, five o'clock, did you say?

A Yeah, maybe five. She came by my house with my mom that evening. She was going to pick up her daughters from school, so, yeah.

Q Okay. You -- you were actually at the scene, at her home the morning she was discovered, correct?

A I was the first one there.

Q And you had a chance to speak to law enforcement?

A Yeah.

Q Do you recall telling the officers that morning that you spoke to Brandi on the phone, not tried to call her, spoke to her on the phone at ten o'clock p.m. the night before?

A No, sir.

Q Would it refresh your recollection if I showed you a copy --

A Yeah, bring it on. Bring it on.

MR. PRINCE: May I approach the witness, Your Honor?

THE COURT: You may.

Just read whatever he's showing to yourself, please, ma'am.

THE WITNESS: No, I don't --

THE COURT: Just read it to yourself. Don't say anything, and then he'll ask you a question.

All right. You can step back, Mr. Prince.

MR. PRINCE: Yes, sir.

BY MR. PRINCE:

Q Did you have a chance to read that, ma'am?

A Yes.

Q Did that refresh your recollection at all?

A No.

Q You still don't recall telling law enforcement --

A No.

Q -- you spoke to Brandi at ten?

A No.

Q Okay.

MR. PRINCE: No further questions.

THE COURT: Redirect?

MS. DUGAN: Yes, sir.

REDIRECT EXAMINATION

BY MS. DUGAN:

Q In that sworn statement that the Defense just showed you, did you say --

THE COURT: Push that mic back a little bit from you a little, Ms. Dugan.

MS. DUGAN: Sorry.

BY MS. DUGAN:

Q -- I called to see if I had to talk to her. It was about ten or nine p.m.?

A Yeah.

Q And what did you mean by that?

A I was calling to try to get her on the phone, because at that time, my daughter, she was crying about going over there, because usually, on the weekends, she usually always go to Brandi house. I called a few times. My mama called me around nine, maybe around nine-ish or ten o'clock. She asked me have I spoken to Brandi, and I told her, I said, "No." I said, "I kept trying to call her phone a few times, and it kept going to voicemail."

And she was like, "I did, too." I said, "Well, maybe she's at CC house," because she's known to be at CC house a lot, I mean, when she's not home. So I said maybe she didn't understand that her phone had done went dead or whatever. So...

Q All right. Let me ask you about a deposition that you gave. Did you give a deposition -- I'm sorry, an interview that you gave. Did you give an interview to police on November 24th of 2010?

A Yeah. I remember them calling me in.

Q Okay. And that was at Tallahassee Police Department?

A Yes.

Q I'm referring to Page 13, Line 15 through 19 of that interview.

MS. DUGAN: Permission to approach?

THE COURT: You may.

BY MS. DUGAN:

Q Did you have an opportunity to read those sections of your interview?

A Yes.

Q In those sections of your interview do you --

MR. PRINCE: Your Honor, I would object to hearsay.

THE COURT: Sustained.

MS. DUGAN: Okay. May we approach?

(Sidebar as follows:)

MS. DUGAN: The Defense impeached her with a prior inconsistent statement saying that she did not tell police that she tried to call Brandi at nine or ten p.m., that it was earlier in the evening. On her police interview, she clearly told the police she tried to call her at nine or ten p.m. I'm trying to show a prior consistent statement.

MR. PRINCE: My position is a prior consistent statement is only appropriate when there's an allegation or suggestion of recent fabrication. I asked her if it refreshed her recollection, and she said no.

THE COURT: What would be your suggestion to them arguing recent fabrication?

MS. DUGAN: That he inferred that she did not call at that time.

THE COURT: I know, but I think Mr. Prince is

legally correct, that a prior inconsistent statement is admissible to rebut a claim of recent fabrication. There's been no such claim as far as I heard.

MS. DUGAN: Okay. All right. I will move on.

THE COURT: All right.

(The sidebar concluded, and the following took place in open court:)

BY MS. DUGAN:

Q I just have one more question for you, Ms. Peters.

MS. DUGAN: Permission to approach?

THE COURT: You may. Do you want her to read something?

BY MS. DUGAN:

Q That's your written statement that I just showed you, correct? Is that your handwriting in the statement that you gave to police on November 20th?

A Yeah.

Q Okay. And is that what Mr. Prince just showed you when he asked you about what you told police?

A Yes.

Q Okay. Did he show you anything else?

A No.

Q Okay.

MS. DUGAN: That's all.

THE COURT: All right. Any juror have a question of

this witness? All right, write your question down. We'll go sidebar, please. Let's go sidebar.

(Sidebar as follows:)

THE COURT: The question is: In her conversation with Brandi on November 19th in the evening, did Brandi mention what she was going to be doing? For instance, giving the kids a shower? Bedtime? Was anyone coming over?

Either side have objection to that?

MR. PRINCE: Yes, sir.

THE COURT: Okay. Your objection?

MR. PRINCE: Hearsay. Her state of mind --

THE COURT: Her state of mind is not relevant, so that's not a valid basis. That's what the line of cases that I was mentioning to Mr. Prince holds, that the victim's state of mind is not relevant. You can't offer it just for the state of mind of the victim. So I will sustain it.

(The sidebar concluded, and the following took place in open court:)

THE COURT: You can step down, Ms. Peters. Do we need to keep her?

MS. DUGAN: No, sir.

THE COURT: Do you need her for any reason?

MR. PRINCE: No, Your Honor.

THE COURT: You're excused to stay in the courtroom or go about your business, as you see fit.

Next witness.

MR. FUCHS: Yes, Your Honor.

THE COURT: Everybody doing okay? You need a break? You good? All right. Somebody need a break? All right, let's take ten minutes.

(The jury was escorted from the courtroom, and the following took place outside their presence:)

THE COURT: Either side need anything?

MR. PRINCE: No, Your Honor.

THE COURT: We'll be in recess.

(Recess.)

THE BAILIFF: All rise. Court is back in session.

THE COURT: Be seated, please. Let's have the jury, please.

(The jury returned to the courtroom, and the following took place in open court:)

THE BAILIFF: Jury in the courtroom.

THE COURT: If you would face the clerk and be sworn, please.

Whereupon,

TYRA WILCOXSON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: You may proceed.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, ma'am.

A Good morning.

Q Can you please introduce yourself to the jury?

A Hello. I'm Tyra Wilcoxson.

Q And can you please spell your first and last name for Madam Reporter.

A Yes. T-y-r-a. Wilcoxson, W-i-l-c-o-x-s-o-n.

Q Okay. And, Ms. Wilcoxson, do you live here in Tallahassee, Florida?

A For the most part. But I'm never here.

Q What do you mean "for the most part"?

A My job, I'm never -- it's like I live on the road.

Q Okay. My understanding is you drive trucks for a living, essentially?

A Yes.

Q Okay. Fair enough to say you're traveling all over the country then?

A Yes.

Q Tallahassee kind of the home when you can get away?

A Yes, most of the time.

Q Okay. How long have you been doing that?

A Three years.

Q Okay. How long have you been -- prior to doing that, did you live here in Tallahassee regularly?

A Yes.

Q Okay. How long did you live in Tallahassee at that point?

A I would say essentially forever. I was here off and on, say, about ten years.

Q Okay. So you would have been living here around 2010, November of 2010?

A Yes.

Q Okay. When you lived here, did you know Henry Segura?

A Yes.

Q Okay. And how is it that you knew Mr. Segura?

A Well, when I first met him or how long?

Q Yeah, when you --

A I first met him in the neighborhood when I was in middle school.

Q Okay. At some point did you and Mr. Segura kind of start dating a little bit or something along those lines?

A Yes.

Q Okay. And it's my understanding you went on a trip with him over to Savannah?

A Yes.

Q And that ended badly?

A Yes.

Q Is that the last time you and Mr. Segura were together, I guess?

A No.

Q Okay. So y'all made up after that and started talking some more?

A Yes.

Q Okay. Whenever you talk to him -- do you talk to him regularly on the phone?

A Yes.

Q Okay. Did you know him to have more than one phone number?

A Yes.

Q Okay. Do you remember what those phone numbers were?

A No.

Q Okay. If I told you one of them started with a 509, would that sound right?

A Yes.

Q Okay. And another one was a 408-8669?

A Yes.

Q Okay. Now, which one of those, the 509 or the 408 number, would have been his regular number, I guess, if you will?

A I guess the 509.

Q Okay. And then did you have any conversations with him on that 408-8669 number?

A Yes.

Q Okay. Was he using that number around the time of the murders? You know why you're here, right?

A Yes. He got that phone when I was with him, I think, because he told me to call him on that one because his girlfriend be checking the bill or something.

Q Okay. Now, but he continued to use it? Did he continue to use it after that?

A After?

Q Did you call him on that phone? Did you call him on that 408-8669 phone?

A Oh, yes.

Q Okay. At some point after the murders, did he tell you he got rid of that phone?

A He told me -- he called -- he told don't call him on that one no more. He say he got rid of it.

Q Okay. About how long after the murders did that happen?

A Immediately after the murders, because I didn't know about the murders, but he told me, "Call me on the other phone." He say he would call me from a different phone.

Q You never learned of the murders?

A On Tuesday, Tuesday morning, I learned of it.

Q Okay. And at that point, on that Tuesday, had he told you already that he was going to get rid of that -- to not call him on that 408 number --

A He told me --

Q -- or was it afterwards?

A No. It was probably --

Q If you don't remember, that's fair enough.

A Probably like that day before, like, a Monday or something. It was, like, probably the day before or something.

Q Okay. So the day before you found out about the murders -- you found out about the murders on Tuesday. And then the day before he told you don't ever call him on that 408 number again?

A Yeah.

Q Okay. Prior to -- if I told you the murders happened -- I know you found out on Tuesday. But if I told you the murders happened the previous Friday, on November 19th, so the Friday before the Tuesday -- you found out on Tuesday?

A Uh-huh.

Q The immediate Friday before is when the murders would have happened. Does that sound about right?

A Repeat that. I'm lost.

Q My understanding is you found out about the murders

on the Tuesday; that's when you fund out about it, correct?

A Correct.

Q Okay. Did you find out the murders actually happened -- the Friday before that is when it actually occurred?

A I don't know when the murders -- I was in Orlando. I thought it -- I don't know when it happened.

Q Okay. What were you doing in Orlando?

A I was there for the Classic Weekend, for --

Q The Florida A&M football game?

A Yes.

Q Okay. Prior to that weekend, did Mr. Segura ever come and talk to you about getting a gun?

A Yes.

Q What did he say?

A He asked -- well, he asked about my gun, and I told him that can't happen. He asked to use mine.

Q Okay. When was that?

A That was when I was -- I was home getting ready to -- I was getting myself and my apartment ready to go to the game.

Q Okay. So you're talking about right before that weekend?

A Right before that weekend.

Q When did you leave to go to the game?

A I think I left Friday morning.
Q Okay. So just before Friday morning, you're getting ready; so, basically, Thursday night, was that when you were getting ready?
A I think. Tuesday or Wednesday.
Q Okay.
A It was, like, in the evening, like, Wednesday or Tuesday. I'm not sure exactly which day it was.
Q So Tuesday or Wednesday before you go to the football game is when he asked you about borrowing your gun?
A He popped up. He -- he popped up. He was red and balled up. And I was trying to ask him what's wrong, but he never say what was wrong with him. He didn't say why he was -- I've never seen nobody that mad. He was just real mad, and I didn't know why he was mad. He never said why he was mad.
Q So you saw him in person then --
A Yeah.
Q -- it wasn't on the phone?
A Yeah, I saw him in person. He popped up.
Q Ms. Wilcoxson, you've got -- you've been convicted of two petty thefts, as I understand it.
A I remember one, but, yes --
Q Okay.
A -- yes, I was --

Q All right. That change anything about your testimony today?

A No.

Q So on the Tuesday or Wednesday you meet with him, he's angry. I think you called -- you described him as "balled up." What did you describe him as? You said he was angry. I think you said something like "balled up" or --

A Oh, yeah. He was real red and intense and mad. He was just mad.

Q Did he tell you what he was mad at?

A He didn't never say what he was mad about.

Q Okay. When he talked about the gun, what did he say specifically? Do you remember?

A He didn't talk about it. He just asked me to use mine. And I told him if I find something -- because I thought somebody was probably messing with him. I said, "If I find something, I'll let you know," like a throw-away gun or something. You don't want to get somebody gun if you are going to do something crazy, if it's not yours.

Q Okay. So you had a gun?

A Oh, yeah.

Q And you said, no, I'm not going to give him yours. But you said if you ever found one, you'd let him borrow that?

A Yeah. If I find out anything, I'll --

Q Okay.

A -- let him know about it.

Q Now, Mr. Segura, that we've been talking about, do you see him here in the courtroom today?

A Yes.

Q Can you please point to him and indicate a color of clothing he is wearing, please?

A Blue and yellow. Blue and yellow shirt.

MR. FUCHS: May the record please reflect she's indicated the Defendant, Mr. Segura. All right. Thank you.

THE COURT: Cross.

MR. PRINCE: Your Honor, may we approach real quick?

(Sidebar as follows:)

THE COURT: All right. Mr. Cummings, he's supposed to be head of this party --

THE COURT REPORTER: Excuse me.

THE COURT: All right. So Mr. Prince is here. Mr. Cummings has been asked to not come to this sidebar.

Go ahead, Mr. Prince.

MR. PRINCE: I just wanted to preserve the prior objection regarding the Defendant's right to confront her with her prior inconsistent statements and discussed at the prior hearing, which was deemed privileged, and is the reason that Mr. Cummings is going to conduct the cross examination. I just wanted to note a

contemporaneous objection.

THE COURT: Okay. The Court stands by its ruling previously. Mr. Hobbs was in an attorney/client relationship with this witness at the time the statement was made; and, therefore, it has been excluded. Therefore, Mr. Cummings has been appointed to -- well, he was already appointed, but he's been asked to handle this part of the cross examination.

MR. PRINCE: Yes, sir.

THE COURT: Correct?

MR. PRINCE: Yes, sir.

THE COURT: State want to say anything?

MR. FUCHS: No, sir. I think that covers it.

THE COURT: All right. Thank you.

(The sidebar concluded, and the following took place in open court:)

THE COURT: All right. Mr. Cummings.

CROSS EXAMINATION

BY MR. CUMMINGS:

Q Hi, Ms. Wilcoxson. My name Greg Cummings. We actually talked on the phone a couple of weeks ago?

A Yes.

Q Remember, you were in Ohio?

A Yes.

Q Okay. I just wanted to let you know I'm that guy.

A Okay.

Q Have you ever been convicted of any felonies or crimes involving dishonesty or deceit? And if so --

THE COURT: I -- I think we need to separate that question out, please, Mr. Cummings.

MR. FUCHS: It's also been asked and answered, Your Honor.

MR. CUMMINGS: If it was, I apologize. Was the number two --

THE COURT: It was a crime of dishonesty -- we need to separate out the question, please.

BY MR. CUMMINGS:

Q Have you ever been convicted of a crime of dishonesty? And if so, how many? And I'm --

A I'm not sure what you're asking me. I mean, the petty theft? Yes, I guess.

Q Have you ever been convicted of two petty thefts?

A Yes.

Q Okay. Thank you. Sorry. And I apologize if that had already been asked.

Ms. Wilcoxson, back in 2010, in November of 2010, what was your phone number back then?

A I couldn't tell you that. My number changes all the time.

Q All the time. But you're able to remember these

numbers out of the air that --

A If you tell me -- if you say the number that was mine, I'll -- I can tell you it was mine.

Q Honestly, I don't know it.

A Okay.

Q I was hoping you would. Since you had the memory about Henry's numbers, was it just the 509 or the 408?

A Yeah. If you say one of my numbers that I had, I would remember. But as far as just remembering them out the air, I can't do that.

Q Okay. But your testimony is that Mr. Segura used at least one of the phones that we've heard about to call you on more than one occasion, correct?

A Yes.

Q Okay. And it was either the 408 number or the 509 number?

A No. He was using the 408 number. He wasn't using the main number anymore because of the phone bill.

Q Okay. But he had in the past used the 509 number?

A He did. But we was in Homosassa, Florida. And the wife kept calling about the bill, that he still talking to me or something, but -- so he wasn't calling me on that one anymore.

Q Now, at the time, in November of 2010, you were living at 601 Sixth Street, correct?

A Yes.
Q Okay. 601 Sixth Street in Tallahassee, Florida?
A Or was it Sixth Avenue? But, yes, that's --
Q Sixth Avenue? Maybe Sixth Avenue.
A Sixth, yes.
Q One of them. And how long had you lived there?
A Probably about a year or less.
Q And do you recall when you might have moved from there?
A Yes.
Q When -- when was it?
A I moved from there probably, like, in April.
Q April 2011?
A April 2011.
Q Did you ever live on Victory Garden Drive?
A No.
Q Not that you can recall.

My understanding, according to the State, there was something that happened in Havana [sic]. In fact, you and Mr. Segura sort of got into it, and he put your stuff out on the -- on the road and left you stranded in Savannah; did he not?

A Yes, he did.
Q Was part of that because you called his wife and told her that, "Hey, I'm with Henry"?

A Yes.

THE COURT: I assume we're talking about Havana, Florida?

MR. CUMMINGS: I'm sorry. Savannah, Georgia.

THE COURT: Savannah, Georgia. Okay. Little bit hard of --

MR. CUMMINGS: If I said Havana, Judge, I apologize.

THE COURT: Savannah, Georgia, okay.

BY MR. CUMMINGS:

Q Okay. And -- and eventually you found your way home, and you were a little upset at that point in time; weren't you?

A Sure.

Q And the day you say that Henry showed up at your house the week before these murders took place, now you've told the police at one point in time you thought it was on the 15th, so that would have been a Monday. But you weren't sure then either, were you?

You weren't certain at that point in time -- it was roughly the 15th, remember, in a statement to the police, making that statement?

A Roughly the 15th or telling them what exactly?

Q What date he showed up.

A Oh, no, I'm -- I'm not sure which day it was. It was like six years ago. But he --

Q But even back then, when they talked to you on November 30th, 2011 -- do you remember the Investigator Anne-Marie Johnson talked to you --

A Yes.

Q -- do you remember that?

Okay. So that was about two weeks after the event. At that point in time, you weren't even certain what day it was, were you?

A What day he showed up?

Q Yes.

A I'm not sure exactly. But I wasn't sure then, but I -- it was before I was on my way to Orlando. That's -- that's the main time frame that I remember because I know where I was going.

Q But are you sure it's the week before, or could it have been two weeks before?

A No. It wasn't -- it wasn't too far away from me getting ready to go on my trip.

Q Too far away, okay.

And in the deposition and in today -- today -- in testimony today, you said it was Tuesday or Wednesday?

A Exactly.

Q Okay. And you recall in the deposition you said it was towards the beginning of the week; that's the best you could come up with?

A Correct.
Q And --
A It wasn't a main event in my life that he popped up.
Q Okay.
A That's why I don't --
Q It wasn't unusual for Henry to show up?
A It was unusual because he usually will call. He was -- just popped up.
Q Okay. And I guess I misunderstood you. I thought you said he called that day, in -- in some testimony just a minute ago, that he had called, and he was mad.
A He used that phone to call me, yeah.
Q That day?
A No, he didn't call that day -- that night when he popped up, he didn't call me.
Q Okay. Did he use his phone while he was there?
A No, not that I know of. I didn't notice him on the phone.
Q And you're telling the jury today that you made some comment to him that you would help him find a gun, maybe a throw-away gun?
A Yes.
Q Now, at some point in time on this Tuesday, you say the day you found out about the -- the murders, where were you? Were you at your sister's?

A No. I was -- I was around. I was giving somebody a ride, and they asked me did I hear about it. And when I dropped them off --

Q Did you go over to your sister's that day?

A I went over my sister house that day. But when I found out, I first -- the first thing I did was went home to get on my computer.

Q Get on the computer and do some research?

A Right.

Q See what's up?

A No, no, no, not to do research. I had to contact my friend in Daytona to see what -- you know, to let her know that Brandi -- something happened to her -- that was her friend. We had a mutual friend.

Q I see.

A Yeah.

Q Okay. So you go home, eventually you get to your sister's house and start talking about, "I know about this, I know something about this"; isn't that true?

A Yes.

Q And you were at your sister's house, and there's some other people there?

A Yes.

Q Okay. And you told us before that Henry called at that point in time. When you -- when you were at your

sister's house, that Henry called.

A Either he called or I called him.

Q Okay. On the speaker phone, you put him on a speaker phone. So would that have been your cell phone?

A Yes.

Q Okay. It wouldn't have been a hard line?

A No, it was my cell phone.

Q It was your cell phone. So one way or another, on this Tuesday, Henry calls, correct?

A Correct.

Q Or you call Henry?

A Well, my -- he called me. I couldn't remember if I called him or he called, but the call happened, and I put him on the speaker phone.

Q Okay. And your sister and the other ladies that were there, they were -- they were able to listen to him talking?

A Yes.

Q And after that conversation, was it your sister that said, "Man, you need to call Crime Stoppers"?

A Yes.

Q "There's probably a reward for that, isn't there?"

A No. She didn't say anything about a reward. She have kids. I don't have kids, so I try to sympathize. I do have nieces and nephews. But the women, they have kids, and

she said that I should call.

Q What time of day did that phone call occur; do you recall?

A Well, it was -- if I -- I found out at, like, ten-something. It had to be around noon.

Q Noon? And the day that Henry actually came over to your house the week before, when he popped up, do you recall what time of day that was?

A That was evening, late evening.

Q Late evening? Still -- still light out, but -- actually, in November it gets dark pretty quick. Was it dark when he showed up?

A I don't recall, but he showed up. Like I said, it wasn't a main event until all this happened. I can't tell you everything that happened when he -- that day.

Q And the cell phone you would have used at the time to either call Henry, or Henry called you on that Tuesday, you don't recall that number?

A I don't know if it was a 284 -- no, I don't recall. My number changed so much, I don't recall. To this day, my number still changes a lot.

Q Okay. Now, the Crime Stoppers, you called in anonymously, didn't you?

A Yes.

Q And then the officers show up on the 30th of --

let's see, the Crime Stoppers -- that Tuesday would have been the 23rd of November, on a Tuesday. And you talked to the officers on November 30th; did you not?

A I don't know the exact date; but, yes, I did talk to the officers.

Q You did talk to them. And before that, when you called in Crime Stoppers and you told them the information, they told you the criteria for you to collect your money if -- if there's a reward, didn't they? They told you how to do that, didn't they?

A No. And I didn't actually talk to them. I did it online. I didn't talk to a person. I did -- my Crime Stopper thing, I didn't use my voice, I did it through the computer.

Q Okay. And when you do that, there's -- they tell you -- get your number, it's a private number, and how to go about staying in touch with them, correct?

A No. I don't recall how that's --

Q You don't recall any of that?

A To -- how to stay in touch, they just give you a PIN number or something.

Q Just a PIN number?

A You don't keep in touch with them. If you have any more information, you can add it in. It's not a you-keep-in-touch-with-them type -- not that I know of, unless something changed.

Q But there was a $25,000 reward. Are you going to wait for them to call you on this PIN number?

A 25,000? It was, like, you get $1,000, I think. I thought -- 25,000? Where did that come from? They don't tell you how much. I think it was $1,000.

Q So at the time you think it was $1,000, correct?

A Crime Stoppers don't go higher than $1,000.

Q So you're -- you're not aware of the rules and regulations surrounding Crime Stoppers? That's what it sounds like, correct?

A I called. My sister told me to call. They were concerned. It was so many red flags, that I called. I -- I wasn't aware if it was 25, but I didn't get anything.

Q You didn't get -- you weren't worried about it at all?

A They didn't pick him up until, like, probably a year later, so -- and that's when I thought you get money, if they pick -- make an arrest. But they still didn't pay me any money. They picked him up.

Q In fact, you retained an attorney to try to get your money from Crime Stoppers --

A Right.

Q -- did you not?

A Correct. I helped them catch the bad guy, why they didn't give me my funds?

Q So you weren't concerned about this money when you officially called, but then you go and hire an attorney for $1,000?

A I mean, if I helped you did your job, I think I should get paid for it.

Q And your attorney, the last time you talked to him was when?

A I talked to Bill -- yesterday, I think he called me. He said, "You got to be in court."

Q Bill Waters?

A Yes.

Q Okay. And, remember, we had this deposition a couple of weeks ago on a -- I think it was a Thursday or something like that. You had actually talked to Mr. Waters the day before, correct?

A Yes. I talked to both -- I talked to both offices because -- you said the day before?

Q The day before our deposition, when you and I --

A Yeah, I talked to everybody, because they was telling me I needed to be there, and they gave me a short notice in -- when I was in Ohio. Yeah.

Q So Mr. Waters, for all of this time -- when did you actually hire Mr. Waters?

A I hired him probably after Henry got arrested because I was contacting Crime Stoppers, and they were giving

me a hard time because I wasn't -- they say I wasn't anonymous anymore because the investigators kept coming to my house; and now that my name was out there, they wasn't going to give it to me. So I -- I wanted to get paid for helping them catch him or whatever.

Q So Mr. Waters is still representing you on this issue, correct?

A Is he still --

Q He is, isn't he?

A He is still overseeing everything, and he helped me with a lot of stuff. Like, for -- someone was going to be living in my house -- like, any little legal thing I do, go to him and ask him --

Q On this issue with Crime Stoppers, he's still helping you, isn't he? Because he's told you it's whether or not the State Attorney gives certain information to Crime Stoppers, whether or not you get paid?

A Crime Stoppers made it clear that I'm not getting paid. Crime Stoppers not paying me. They told me I'm not anonymous. If you become a State witness or anything like that -- Crime Stoppers is for anonymous people, that's what they explained to me. They explained that to him. He knew I wasn't getting paid. That was nipped in the bud, the Crime Stoppers not paying me.

Q So Mr. Waters represented you for several years in

attempts to get your money from Crime Stoppers, did he not?

A He had no luck.

Q Not yet?

A Crime Stoppers is not paying me. They made it clear.

Q Okay. They made it clear to you?

A Yeah.

Q But Mr. Waters is still representing you on that issue?

A Yes.

Q Now, you mentioned that Henry, when he comes over the week before, he's all balled up; he's mad about something; and had he ever come over to your house all balled up, mad at something before?

A No, not like that.

Q Not like that. You never talked to Henry that week, did you?

A Which week?

Q The week before -- the week before the murders. You never talked to him, did you?

A I did talk to Henry.

MR. CUMMINGS: No further questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. FUCHS:

Q Ms. Wilcoxson, you were asked questions about the phone number as it is relates to 408-8669, how you're able to remember that. And Mr. Cummings talked about depositions, and you had a lot of questions. Is it fair to say that number has come up a lot over the past six years?

A No.

Q You were never asked about it in depositions or other stuff?

A No. I mean, the number didn't come up, but I know that he had another phone.

Q Okay.

A The actual number haven't came up.

Q Coming to court, you would have reviewed your statements and things like that in order to get ready and make sure that you -- and we've talked about the phone number or anything along those lines?

A No. Actually, I haven't even seen my own statement I gave to the investigators. The only statement I seen since all this happened was the statement from Chuck Hobbs' office with Beth, that's the only statement I seen.

Q Given the -- Mr. Collins asked you the question about why it is that that number stands out to you and why you were able to remember it here in the courtroom. Why can you remember that number versus the other ones?

A Because he said it. If you say one of my numbers, I can -- I can recognize one of my numbers.

Q So it's because I refreshed your recollection by saying the number?

A Correct.

Q Okay. All right. Now, you also said something about Mr. Waters, and there was a lot of questions I asked about Mr. Waters' representation. You said he helped you out with other stuff?

A Yes.

Q Okay. What do you mean?

A Like, if I have legal questions or whatever, he told me to always -- I can call him, contact him.

I was buying a house, and I was asking him about a tenant or having someone stay at my house, like, I wanted to know the law just in case it goes sour, that I can put them -- you know, they can just -- the way to get them out. And my sister was --

Q So he -- let me stop you right there. So, basically, he's an attorney you talk to on a regular basis --

A Yeah.

Q -- for all kind of legal issues?

A Yes, personal issues.

Q Okay. So if any questions did come up, he's obviously the one you're going to ask?

A Yes. And he can lead me in the right direction to go.

Q Okay.

MR. FUCHS: No further questions.

THE COURT: Any juror have a question of this witness? Sidebar. Write your question down, please.

(Sidebar as follows:)

THE COURT: Would one of y'all hold that?

The question is: What kind of gun did the witness have? Does either side object?

MR. FUCHS: No.

MR. PRINCE: What kind of gun did the witness have?

MR. FUCHS: She said she owned a gun.

MR. PRINCE: No objection.

THE COURT: Where did she keep it? Either side object?

MR. FUCHS: No.

MR. PRINCE: No.

THE COURT: Would she have known if it was missing? Either side object?

MR. PRINCE: No.

MR. FUCHS: No.

THE COURT: There is a question. It's not crystal clear because it's separated. It says: What exactly did she tell Crime Stoppers?

I don't know whether that's a question for this witness or a generalized question. You know, what did she tell Crime Stoppers? Either side object to that?

MR. FUCHS: No.

MR. PRINCE: No.

THE COURT: I'm going to leave out the "exactly" and just say: What did she tell Crime Stoppers? Okay?

MR. CUMMINGS: Judge, there's another issue, and I'll step aside because it may not involve me.

THE COURT: Okay. Mr. Prince.

MR. PRINCE: Mr. Cummings has raised the issue -- Mr. Cummings raised the issue, with him not knowing what the content or anything to do with Chuck Hobbs is, he just wanted me to bring the issue to the Court as to whether the door had been opened based on her referencing those communications.

THE COURT: She did say she had refreshed her recollection with the statement made in Mr. Hobbs' office. Let the State address it.

MR. FUCHS: Your Honor, what she said was the only thing -- the only thing we ever addressed was the statement regarding Beth.

The ruling by the Court's decision regarding why that is out is because it is privileged communication. In this case she's not violated that privilege; she's

never mentioned the content.

The fact that the statement exists does not waive that attorney/client privilege. All she said is a statement existed, that was it. And, additionally, anything -- anything that is -- that is used to refresh her recollection does not make that admissible. We saw that with a prior refreshing of recollection with Mr. Prince.

THE COURT: I'm not sure this is legally correct. I think if someone refreshes their recollection with a statement, the other side is entitled to have it to use for cross examination purposes. You know, if we're at an issue here -- I'm going to let the jury step out.

(The sidebar concluded, and the following took place in open court:)

THE COURT: Let's have the jury step out, please.

(The jury was escorted from the courtroom, and the following took place outside their presence:)

THE COURT: Let the record reflect the jury is out of the courtroom.

Ms. Wilcoxson, you said something about having reviewed the statement you gave in Mr. Hobbs' office. Is that what you said?

THE WITNESS: Yes.

THE COURT: And when did you review that?

THE WITNESS: When I came here.

THE COURT: What's that?

THE WITNESS: When I came to court.

THE COURT: Today, you're talking about?

THE WITNESS: No, no. When I was called to come in last time.

THE COURT: When we had the hearing about the statement?

THE WITNESS: Yes.

THE COURT: And at that point in time we had somebody from Mr. Waters' office here, and that was when we were deciding whether the statement could be used; is that what you're talking about?

THE WITNESS: Right.

THE COURT: Okay. Have you reviewed it since then?

THE WITNESS: No. I forgot, we supposed --

THE COURT: Hold on a second.

(Pause.)

THE COURT: I'm just looking at the court minutes. It would appear that hearing occurred back on May 3rd, 2017. The best I can reconstruct, that's when we had this hearing. Either side have a different recollection of it?

MR. FUCHS: No, sir. That's my recollection as well.

MR. PRINCE: And mine as well, Your Honor.

THE COURT: Is that when you're talking about, Ms. Wilcoxson, back in May when we had this hearing?

THE WITNESS: Yes.

THE COURT: Okay. Either side want to inquire further on this proffer?

MR. FUCHS: No, sir, I don't want to inquire further.

MR. PRINCE: Am I permitted to inquire, Your Honor?

THE COURT: About her review of the statement? Yes.

MR. PRINCE: Yes, sir.

PROFFERED EXAMINATION

BY MR. PRINCE:

Q Ms. Wilcoxson, at no time during these questions, even if you think what I'm asking you calls for you to talk about those communications, please don't mention anything about any prior communication or that prior statement, okay?

A Okay.

Q Did I understand your testimony today correctly that some of the things about which you're testifying here in the courtroom, your recollection was refreshed as to those things in reviewing the paperwork, including that statement, prior to May 3rd?

A No. What -- I'm -- break it down to what you --

Q It's not clear what I'm asking?

What I want to know is that -- you said you reviewed that statement?

A Correct.

Q Did that statement bring back in your memory, refresh your memory, help you remember facts about this case?

A No, not much.

Q But some?

A Some. Probably -- it maybe -- it remind me of -- took me back to -- but it didn't -- it didn't bring back too much of anything. Dates and times, I still don't remember exactly days or times or anything.

MR. PRINCE: Out of an abundance of caution, can we have Mr. Cummings step out? I don't want to create an issue.

THE COURT: Okay. Mr. Cummings.

(Mr. Cummings exited the courtroom.)

BY MR. PRINCE:

Q Did that statement refresh your recollection about your interaction with Crime Stoppers, the Tallahassee Police Department, and the State Attorney?

A Yes, a little bit about the Crime Stopper incident, yeah, it did.

Q Which you've testified about here today?

A Yes.

Q Okay. No further questions.

THE COURT: Anything further from the State?

PROFFERED EXAMINATION

BY MR. FUCHS:

Q As to refreshing your recollection, it helped you remember the event but not anything specific; is that what I understand?

A Correct.

MR. FUCHS: No further questions.

THE COURT: Who -- who gave you the statement to review?

THE WITNESS: I don't know who it was. They just called me in there. I think it was somebody from Henry defense team.

THE COURT: Somebody what?

THE WITNESS: I don't know who gave it to me.

THE COURT: Seemed like --

THE WITNESS: I don't know their name.

THE COURT: Somebody from Mr. Waters' office was there with you, seems -- my recollection is kind of vague. Wasn't there a lady from Mr. Waters' --

THE WITNESS: Yes.

THE COURT: -- office there with you?

THE WITNESS: Yes, it was.

THE COURT: Is -- is that who gave you the statement to read over?

THE WITNESS: I don't recall who gave me the statement.

THE COURT: All right.

THE WITNESS: I mean, I was -- I went in the room, and they were sitting there.

MR. PRINCE: Your Honor, I can -- I can just tell the Court, we gave it to her at the deposition, which was prior to the May 3rd hearing.

THE COURT: Okay. So it was at the deposition that you read over it, or was it at the hearing day?

THE WITNESS: Everything happened the same day, I think. When we went in there, then we came in --

THE COURT: So your deposition was May 1st, so this is all happening pretty close in time, I guess. Do you remember --

THE WITNESS: Yes.

THE COURT: Do you remember which of those days it was that you read your prior statement?

THE WITNESS: I don't recall, but I think everything happened in the same day. I don't think I came two days. Everything happened that same day. When I came in, then I came -- they were asking me the questions.

THE COURT: Okay. So the day they were asking you the questions is when you saw the statement?

THE WITNESS: Yes.

THE COURT: All right. Why don't we let the witness step down and step out.

Don't go far. We're just going to take a short break.

THE WITNESS: Okay.

(Witness exited the courtroom.)

THE COURT: Any further argument from the Defense?

MR. PRINCE: Your Honor, the Defense position would be that -- that she's testified specifically as to what her interaction was with people from Crime Stoppers and law enforcement. The portion of the communications rule privilege that pertains specifically to that is that, you know, during the course of writing this statement, as previously discussed at that hearing, she told members of Mr. Hobbs' legal staff, including investigators, that she made the statement -- made up her initial allegations about Mr. Segura in order to get the Crime Stoppers money.

I think she's opened the door by testifying that her recollection as to what happened with Crime Stoppers was refreshed by that statement.

THE COURT: State?

MR. FUCHS: Your Honor, the problem is that the testimony that she says was relevant towards the -- first of all, the testimony that she says is relevant towards

refreshing was testimony that was elicited by the Defense. They were the ones that asked all the questions regarding Crime Stoppers.

Obviously, you cannot open your own door. That's pretty obvious in that situation. So any of the -- anything that may have been contained in that privileged communication that is in reference -- we're talking about a recollection of her own -- and, quite frankly, she testified consistently with that.

In addition to that, the other problem we have is, once again, the Court ruled that the information was privileged, the information contained inside the document.

Nothing that she said on the stand revealed that particular content and then would breach -- would open the door and make it unprivileged.

Simply saying that the -- the statement existed, that's not privileged, the fact that a statement exists. We all know that, that's something that everybody knows about.

It's the content of it that is the privileged aspect and the basis for the Court's ruling. The fact that that statement was given under the representation of the prior counsel and the contents thereof is what constitutes a privilege.

She at no point has waived that client -- that attorney/client privilege here in the courtroom by just simply saying that I looked at that.

As the Court has also stated, it's clear that she -- by the inquiry of the Court, when she looked at it -- back in the hearing is when we basically forced her to look at it because we had a hearing and depositions about that very thing. The deposition that she was taking was for the purposes of ferreting out whether or not that was given during the course of a privilege, so she had to go in and look at it, and was -- in all honesty, was forced to look at it by the Defense.

So they not only forced the -- the -- because they are the ones that had to ask the question, so they were giving it to her and showing it to her and asking her questions based upon it; so they forced, not only her to review that document, then they forced this particular issue by saying -- and I don't mean force as in twisted her arm, I'm just saying that they brought -- brought -- made the issue an issue by asking the questions on cross examination having to do with the Crime Stoppers. So, essentially, they're -- they're opening their own door, which we know is not proper.

THE COURT: Mr. Prince.

MR. PRINCE: Very briefly, Your Honor. The cross

examination was following up on statements she made about her recollection being refreshed during direct examination. She's now clarified about what topic her recollection was refreshed, which was the Crime Stoppers. On that basis I believe she has opened the door.

MR. FUCHS: That's inaccurate, Your Honor. The question about the -- her saying -- when she looked at that document, it was on a redirect by the State, it wasn't the -- because it was having to do with that 408 number. That was specifically the question, was if she reviewed it for the purpose of the 408, to remind her about that 408 number, and that was the issue, not anything beyond that.

THE COURT: Looking at the record -- and -- and I have an advantage of being able to access it here -- the deposition has been made part of the record. The deposition was May 1st, 2017.

The hearing we had was on May 3rd, 2017. I believe that is the correct date based upon court minutes.

Though her testimony is a little confused, it's clear in the deposition that she's being shown the statement that's referenced.

She's not crystal clear at this point in time when she saw the statement, whether it was May 1st or May the 3rd. It would appear most likely that what she's talking

about is what happened at the deposition on May 1st. Really wasn't any reason for her to look at it again for the hearing.

I don't -- my recollection is she did not testify in the hearing. We -- other than she may have indicated that she was asserting the privilege, but I don't think there was any substantive testimony given about what happened.

If somebody has a different recollection, you can bring that to my attention. But the only question was whether she was asserting the privilege. So I don't think there has been what would be viewed as a recent refreshing of recollection.

There is certainly no idea that the State has asked her to refresh her recollection. It's -- the issue is whether, by mentioning that statement, she waived the privilege she had earlier asserted. I don't find that she has waived her privilege.

And although the law does say if someone has used a document to refresh their recollection for testimony, the cross-examining party has a right to see what they refreshed their recollection.

She has said that she refreshed her recollection to some extent about her dealings with Crime Stoppers from reviewing the statement. But that was basically elicited

by the Defense, her dealings with Crime Stoppers. And, frankly, I don't know what it would be that was asked that had any bearing on the direct examination that she provided.

So I am not going to find that there has been a waiver of the privilege. I am not going to allow the Defense to go into it based upon what she said.

In light of that, also, I think I'm just going to stay out of the question about what she told Crime Stoppers that was asked by the jury. I just think we're going to be running the risk of causing some further problem on a jury question that is discretionary. If somebody has a different opinion, I'll let you be heard on that. Anybody want to be heard on that?

MR. PRINCE: No, Your Honor.

MR. FUCHS: No, Your Honor.

THE COURT: All right. We still have a couple of questions we need to ask the witness. I think what I will do is -- I know we need to take a break. Let's go ahead and get the witness back in, get those questions out of the way, and then we'll take a break for the -- everybody hasn't had a break.

I know the jury has, but y'all probably need a little break, I would assume. All right. Let's have the jury in. Let's have the witness in.

(The jury returned to the courtroom, and the following took place in open court:)

THE BAILIFF: Jury in the courtroom.

THE COURT: Come back up here, please, Ms. Wilcoxson. Have a seat.

I'm sorry for the interruption, but every once in -- every once in a while I have to earn my money and make -- make some legal rulings. So, anyway, that's what we were doing, so it shouldn't be -- that's just part of the normal process.

We had a couple of questions from the jury that I'm -- I'm now going to ask Ms. Wilcoxson.

You had mentioned that you had a gun. What kind of gun did you have?

THE WITNESS: I think it was a .380.

THE COURT: Okay. Now, we're talking about back in November 2010.

THE WITNESS: Oh. A nine-millimeter.

THE COURT: I beg your pardon?

THE WITNESS: Nine-millimeter.

THE COURT: You had a nine-millimeter?

THE WITNESS: Yes.

THE COURT: Okay. Where -- where did you keep that?

THE WITNESS: In the living room.

THE COURT: Okay. Do you know whether you still had

your gun during the time that, you know, the murder would have occurred?

THE WITNESS: Yes.

THE COURT: Okay. All right. Any followup, Mr. Fuchs?

MR. FUCHS: No, Your Honor.

THE COURT: Any followup, Mr. Cummings?

MR. CUMMINGS: No, sir.

THE COURT: All right. You can step down.

JUROR: I have one question.

THE COURT: We don't -- we don't do it again. Okay? You can step down.

Do we want to keep her subject to recall?

MR. FUCHS: She will be subject to recall, Your Honor. However, she can go about her business.

THE COURT: Go about her business?

MR. FUCHS: Yes, sir.

THE COURT: Let me -- let me comment --

Go on, Ms. Wilcoxson, I'm sorry.

-- comment on questions. Questions by the jury are a little controversial among judges. Many judges don't believe it's appropriate to have any questions from the jury. They feel like it just kind of raises potential problems.

I think it's an important process, and I was one of

the first judges in the circuit, 15 years ago, to start letting juries ask questions. But it does have to be very limited.

We can't get in a situation where we just, you know, go back and forth and do it repeatedly. I can tell you, most of the judges in the state don't allow any questions at all.

I think it is a good process, and so I do it. But it does have to be limited. And so to the extent that frustrates anybody, I'm sorry, but that -- that -- those are the rules we have to operate under. Okay?

I know y'all had a break, but we didn't, so we need to take a brief break. So, anyway, we'll -- we'll take it as close to five minutes as we can.

(Brief recess.)

THE BAILIFF: All rise. Court is back in session.

THE COURT: Let's have the jury, please.

Do you have your witness in the courtroom?

MR. FUCHS: Coming, Your Honor.

(The jury returned to the courtroom, and the following took place in open court:)

THE BAILIFF: Jury in the courtroom.

THE COURT: Call your next witness, Mr. Fuchs.

MR. FUCHS: Yes, Your Honor. The State would call John Pritt.

THE COURT: If you would face the clerk and be sworn, please, sir.

Whereupon,

JOHN PRITT

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: You may proceed.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, sir.

A Good morning.

Q Can you please introduce yourself to the jury?

A My name is John Pritt. I'm the unit manager at Federal Detention Center here in Tallahassee, Florida, which is a facility -- one of the 116 facilities that the Federal Bureau of Prisons has within its agencies.

The best way I can explain it is we're the prison that's right beside Tom Brown Park. I've been there approximately 23 years.

I started as a correctional officer, became a correctional treatment specialist, and now I am the unit manager. And, like I said, I -- I -- basically, I'm in charge of the day-to-day operations of the -- the Federal Detention Center.

Q Okay. As it relates to, I guess, detention and

transportation, if someone is arrested in another state, say, Minnesota, for charges in Florida, is the federal government in charge of transporting that prisoner from the -- from Minnesota to Florida?

A The U.S. Marshal Service will coordinate that with local authorities. And, basically, if an inmate is arrested in Minnesota, one way or another, they will work their way down to the -- the arresting jurisdiction or the -- the -- the jurisdiction that has responsibility over the individual.

So they'll -- they'll stop off in different places, like the Federal Transfer Center in Oklahoma City, and then sometimes different county jails and whatnot on the -- and eventually make it back to the district.

Q Okay. In your duties there at the Federal Detention Center, do you have access to prison confinement locations and records and things of that nature?

A Yes. I have complete electronic access.

Q Okay. I'm showing you what's been previously marked as State's Exhibit No. 134.

THE COURT: 134 was the DNA summary, so we don't want it to be 134.

MR. FUCHS: I'm sorry, Your Honor. I thought I had -- my bad. It'll be 135 then.

May I approach, Your Honor?

THE COURT: You may.

MR. FUCHS: Thank you.

BY MR. FUCHS:

Q Have you had an opportunity to review those?

A Yes, I have.

Q And do you recognize those items?

A Yes, I do.

Q What are those items?

A The -- the first page is just basically us telling the requester that the documents we've attached are true and accurate.

The documents that are attached are -- is the electronic database that I spoke to earlier, that I have access to. And what this -- what this particular function does on these forms, it's -- it's a printout of where an inmate, particularly Henry Segura, where he was housed, which was the facility of Oklahoma --

Q Let me -- let me get to that in just a second.

A Oh, okay.

Q Let me lay a predicate real quick.

So the documents we're talking about there are the documents that we just talked about, being confinement locations and things of that nature?

A Yes, they are.

Q And are those kept during the regular course of business with the US government?

A Yes, they are.

Q And are they made, basically, at the time, during the regular course of business?

A Yes, they are.

Q And were they made at the time that the information, or what has transpired that they reflect is done?

A Yes.

Q And those are official government records for the United States government, correct?

A These are official government records.

MR. FUCHS: Your Honor, at this time I would move State's Exhibit No. 135 into evidence, please.

THE COURT: Any objection?

MR. PRINCE: No, Your Honor.

THE COURT: It will be admitted.

(State's Exhibit No. 135 received in evidence.)

BY MR. FUCHS:

Q Okay. Now, let's talk as to the actual records. You mentioned that those are records, as -- on Page 2, as it reflects Mr. Henry Segura?

A Yes, sir.

Q And where does it say that he was housed at that time?

A There's a code that says FCL, and under- -- underneath that -- well, it stands for facility, and

underneath that there's another code that say O-K-L, and that stands for Oklahoma City.

Q Okay. And what are the dates that he was housed in Oklahoma City?

A His -- his starting date was October 3rd, 2011. And then he departed Oklahoma City October 12th, 2011.

Q Okay. And do those informations tell you which cell he would have been in?

A Yes, they do.

Q Okay. And if I can, turn to the next page. You also have records there as it relates to Kelsey Kinard.

A Yes.

Q Okay. Well, is Mr. Kinard also another inmate there?

A Yes, he was.

Q Okay. And when was Mr. Kinard located -- or where was Mr. Kinard located?

A He was also at Oklahoma City.

Q And when was he at Oklahoma City?

A He was there from September 13, 2011 through October 19th, 2011.

Q So he would have been there the same time as Mr. Segura?

A Yes, sir.

Q Okay. Does it also reflect whether or not Mr.

Segura and Mr. Kinard were ever housed together?

A Yes, it does.

Q What does it tell us regarding that?

A They were in the same housing unit, the same cell. One was in an upper bunk; one was in a lower bunk.

Q So that goes in and tells you even what bunk they're in?

A Yes, sir.

Q And how long were they together?

A Approximately nine days. Basically, the entire time Segura was there, October. So, basically, they were -- they were there in the same cell approximately nine days together.

MR. FUCHS: All right. No further questions, Your Honor.

MR. PRINCE: No questions, Your Honor.

THE COURT: Cross? None?

MR. PRINCE: No questions, Your Honor.

THE COURT: All right. Any juror have a question of this witness? All right, step down.

Do we need to keep him any further?

MR. FUCHS: We do not, Your Honor.

THE COURT: Is he excused?

MR. FUCHS: He can be released, Your Honor.

THE COURT: He is excused. Thank you for being here.

THE WITNESS: Yes, sir.

THE COURT: Call your next witness.

MR. FUCHS: Your Honor, at this time the State would call Kelsey Kinard.

THE COURT: Come on over here, please, sir. If you would face the clerk and be sworn, please, sir. Raise your right hand.

Whereupon,

KELSEY KINARD

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat and slide up to the microphone, please, sir.

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good morning, sir.

A Good morning.

Q Can you please introduce yourself to the jurors?

A Yes, sir. I'm Kelsey Kinard.

Q Okay. And, Mr. Kinard, it's my understanding that you are actually in prison?

A Yes, sir.

Q Okay. And how long have you been in prison?

A Eleven years and about two months, three months.

Q Okay. During that term of imprisonment, were you

at -- in Oklahoma City back in 2011?

A Yes, sir.

Q During that time period, did you have a cellmate by the name of Henry Segura?

A Yes, sir.

Q Do you see Mr. Segura here in the courtroom today?

A Yes, sir.

Q Could you please point to him and indicate an article of clothing he's wearing.

A The guy in the yellow striped tie with the blue suit, with the glasses.

MR. FUCHS: May the record please reflect that he has indicated the Defendant, Mr. Segura.

BY MR. FUCHS:

Q Mr. Kinard, during that time period, do you remember how many days or how long you were there with Mr. Segura?

A I think, if I am not mistaken, roughly about a week.

Q Okay. During that time period, did you and Mr. Segura have an opportunity to talk, obviously?

A Yes, sir.

Q While Mr. Segura was there and talking, did he ever talk about why it is that he had been arrested?

A Yes, sir, he did.

Q Did he ever give you any information -- what did he tell you about that?

A You know, he told me he was incarcerated for murder, and that he was just being picked up from Minnesota, I think, if I'm not mistaken.

Q Okay. Did he give you -- at any point, did Mr. Segura tell you anything about whether he did the murders?

A At first he kept talking about it, and then I kept telling him, like, "Don't tell me your case." And then the next day he kept talking about it. But after about the third day, yes, sir, he went in full details of why he was in and what he was charged with.

Q When you say the first time, the first three days you're telling him not to talk to you, was he saying anything at that point about it, specifics?

A Yeah. He told me that he was from Florida. He had -- he had killed -- he said he had killed four people and went to Minnesota. Then I was like, "Oh, don't tell me your case." And I told him -- actually, I told him, "Don't tell nobody in here your case."

Q But he told you anyway?

A Yes, sir.

Q Okay. What did he tell you on the third day about this case?

A Well, he had told me that he killed his baby moms [sic] for -- because him and her was going through some child support issues or something like that. And he was upset

because she obviously had money, more money than him, and she wouldn't take him off because he had a little boy or something by her. And he killed her and the kids and everybody.

Q Okay. Did he give you -- so he says that there was a money issue having to do with child support?

A Yes, sir.

Q And he was upset because she apparently had more money. Did he give you any other details regarding it?

A Well, he -- if I'm not mistaken, he was, like, that he knew that she was -- something with some drugs or something; and he tried to get her to take off child support and she wouldn't. And he was like, "I just lost it."

Q Did he say anything about who was present or how he -- let me ask you that.

Did he say anything about how he killed her?

A He shot her and one of the kids, and he drowned two of them.

Q Did he give you any information about why it is he would have shot two but then only drowned two?

A No, sir, he didn't.

Q Did he give you any information about whether or not all four of those persons were there at the same time or -- or anything along those lines?

A No, because, like I said, at first it was -- I could tell it was bothering him, right? And then he -- when he

started telling me that, I was, like, "Listen, I'm a dude you really don't want to tell your case to like that. All right?" So he kind of start stammering around. But he -- also, he was making rap songs about it, too, so...

Q What do you mean he was making rap songs about it?

A He was actually rapping about it.

Q And what was he saying in those raps?

A How -- how he had killed her and the kids, and he was -- he was nothing to be played with.

Q Did he make any statements to you about where he may or may not have hidden any kind of murder weapons or anything like that?

A Yes, sir. He had, I think, a wife or something that -- and at this time, that the guns -- the gun that he used was supposed to have been at her house in an old car or something, in the motor, or something to that nature.

Q And did he tell anything about the kind of car we're talking about?

A No, sir.

Q Did he tell anything else regarding these murders? The rap songs you're talking about, was that just a one-time occurrence or over a time period?

A Nah, like, for the whole week he was in there, he was making all kind of raps. But that one rap, he -- he wrote several to them. I think I actually mailed them out to

somebody, like his wife or somebody. Because when he left, he left them behind, and I had -- like, when you leave Oklahoma City, you can't take nothing with you. So I actually had to put my name on the mail and send it out to his -- to -- I think it was his wife or somebody.

Q Okay. Anything else he told you regarding these murders?

A Yeah. It was this one girl he used to go with. She -- he had went to her and asked her to buy a gun or something, and she denied it. I mean, she wouldn't get the gun for him. And he was, like, if he get out, he was going to kill her, too.

Q Okay. Did you just talk to him the one time -- I know he had the rap, but did you just talk to him the one time about the cases, or did you talk to him more than one time?

A We talked -- we spoke several -- in that -- in that week, we spoke several times.

Q The information you're talking about, did that all come out at one time, or was it just over the course of that week?

A Over -- over a course of that week.

MR. FUCHS: One moment, Your Honor. One moment, Your Honor.

(Pause.)

BY MR. FUCHS:

Q At some point did you tell law enforcement about the statement that Mr. Segura told you?

A Yes, sir, I did.

Q Why is it that you told law enforcement that?

A Well, for one, I'm a father; and, two, a part of my plea deal in the federal -- federal courthouse is that if I have any knowledge of any criminal activity and I don't report it, I could be prosecuted for that. That was part of my plea deal.

Q Okay. So you're doing this, one, to keep from being prosecuted?

A Yes, sir.

Q And, two, you have children of your own?

A Yes, sir.

Q Are you also looking to get benefit, maybe, of sentence reduction?

A Well, as you know, the -- the government can never promise you nothing, but it's an and/or situation; I could, but I couldn't.

Q Okay. But you're hoping for it?

A Yes, sir.

Q Based upon that, does that mean you're being untruthful?

A No, sir.

MR. FUCHS: No further questions.

THE COURT: Cross?

MR. PRINCE: Yes, sir.

CROSS EXAMINATION

BY MR. PRINCE:

Q Mr. Kinard, how many times, if at all, have you been convicted of a felony offense?

A I think five.

Q And you've got 11 years served at this point. How much did you have to serve back in 2011? About five years or so?

A No. Actually, I received one time cut already. I had 16 years and eight months, and they reduced it to 14 years.

Q So you were originally sentenced to 16 years?

A Yes, sir.

Q And at some point it got reduced to 14 years?

A Yes, sir.

Q Was that on a post-plea sentence reduction?

A Again, my plea deal was if I had any criminal activities that I knew about, I was supposed to report it, so I did.

At that time, I hadn't -- they didn't give me nothing at sentence. So when they convicted the people that was involved with me at that time, they later reduced my

sentence.

Q They reduced your sentence based on the government filing a Motion for Substantial Assistance?

A Yes, sir.

Q Which you didn't have at the time of your plea?

A No. I cooperated, but it's a process in the federal system that has to go through, a whole lot of investigation, building cases, and things of that nature. And when you actually do get locked up, they might let that person out to cooperate. So when that person get through cooperating, then they come in, and they, too, receive a time cut, and then that's when I get mines [sic] as well.

Q So you were originally sentenced to 16 years. You got a time cut on a subsequently filed Motion for Substantial Assistance, correct?

A Yes, by the government.

Q And the -- the government is the only party that can file a Motion for Substantial Assistance, correct?

A No.

Q That's your understanding?

A No. I can file one. If I feel like that my assistance that I turned over to the government was substantial enough, yes, I can file one under a Motion to Compel the government and lay grounds out why.

And then if the -- the government, which is my USA

attorney, if she feel that my -- my assistance was substantial enough, then she would grant me one.

Q You're aware, sir, that not even a federal judge can compel a US attorney to file a Motion for Substantial Assistance unless they're withholding it for, like, racial or gender reasons, right?

A I mean, when I filed mines [sic] in 2011 and '12, that's when I filed mine; and the government told me if I withdraw it, they would grant me mines [sic], so that's what they did.

Q So they granted you one already?

A Yes, sir.

Q And you're hoping for an additional sentence reduction?

A Yes, sir.

Q And when you say you would be prosecuted, you're aware you wouldn't actually be prosecuted if you didn't tell them anything. A condition of your plea was that you testify truthfully, if called upon to do so, regarding criminal activity that you have knowledge of, correct?

A Yes, sir.

Q Okay. So you're aware, then, that it's not actually a criminal offense to not proactively report a new offense.

A Well, all I know is my plea agreement stated that, and that's what I must do.

Q Okay. So your understanding of your plea was that you would be charged with new offenses if you didn't come forward?

A Yes.

Q Okay. I noticed when Mr. Fuchs asked you why you were coming forward, the first thing you mentioned is that you're a father. And, you know, he had to kind of drag out of you that you want a sentence reduction. Why were you hesitant to give that information?

A Well, I don't think I was.

Q He asked you why. You gave two answers. The fact that you were --

THE COURT: We're not going to argue with the witness, Mr. Prince.

MR. PRINCE: Yes, sir. Yes, sir.

BY MR. PRINCE:

Q Do you recall Mr. Fuchs asking you why you were here, why you were offering information against Mr. Segura?

A Yes, sir, I do.

Q Do you recall giving him two reasons, one of which was that you were a father?

A Yes, sir, I do.

Q And it was only after he prompted you with an additional question, specifically about whether you were hoping to get a sentence reduction, that you admitted that?

A Yes, sir.

Q Okay. So my question is: Why did he have to specifically point you to that? When you were asked the question, why are you doing this, why didn't you offer that information truthfully?

A He didn't. Because, like, again, in the federal court system that -- we really don't have to turn that information over. I don't know how that works over here in the state; but in the federal system, we don't have to turn that information over because it's something that's already noted, and we don't have to turn that information over.

Q You don't have to turn what information over?

A That we will receive a time cut. We don't have to -- we don't have to state that for the record.

Q Are you saying it's your understanding you will receive a time cut?

A No. I said that in the federal system, we do not have to state that we will receive a time cut or -- we will or we won't, we don't have to state that.

Q I see.

A We -- we don't be asked those questions.

Q I see. Okay.

Let me ask you about these raps that you say Mr. Segura wrote or sang.

Was anybody else around when he did those raps?

A He had several homeboys there that I also told him not to talk to his case about. But I can't -- it's been a -- a little while ago. It was two other dudes there from Florida at that point, and I can't remember they names or nothing, though.

Q Okay. And so the two people who would have been able to corroborate your story about what Mr. Segura said, you never provided that information to law enforcement?

A No, no, I didn't.

Q And, likewise, the written rap that you say would have corroborated what he was saying about these offenses, you sent that off to his wife and also didn't provide that to law enforcement?

A I think in my original letter I did. I told them that -- because I wrote the courthouse, I told them that they can check my call logs, because I not only sent letters to his house, I spoke to his wife.

If you go back to 2011, you can see his phone numbers are on my list where I called her several times for him and spoke with her while he was there and after he left.

Q My question is: You sent the rap that you claim he wrote to his wife, not to law enforcement, correct?

A Yes. That's what he asked me to do with it, because he had other mail in there, too.

Q And so all of the corroborative evidence that could

have supported what you're saying, the other witnesses' names and the rap, is gone, right?

A I sent it to his wife.

Q My question is: That evidence is gone?

A I sent it to his wife.

Q Okay. And, likewise, didn't provide law enforcement with the names of people who could have corroborated your story?

A (No response.)

Q Is that true?

A I sent it to his wife.

Q Okay. I saw that you mentioned during your questioning with Mr. Fuchs, you said that you told Mr. Segura he's not a guy -- you're not a guy that he wants to be talking about his case?

A Yes, sir.

Q Are you somebody who, besides the time you've already told us about, when you got a two-year sentence reduction, that's either cooperated with the government or attempted to cooperate with the government to get a sentence reduction for yourself in the past?

A Well, I never -- his situation, I never ran across nobody like that. But, yes, I have -- I have cooperated with the government on a high level, and there's never been a doubt about my cooperation.

Q So you're somebody here who is eager to cooperate with the government.

A No, I'm -- I'm not eager. But, again, my plea agreement stated that if I have criminal activity knowledge, I must turn it over.

Q Okay. So over what period of time have you been cooperating with the government, providing information to them about criminal offenses?

A Oh, several years now on several cases.

Q How many cases?

A If I can remember correctly, like, three, four, maybe.

Q Okay. Been to court to testify in those cases?

A Yes.

Q Okay. Is that why you got the sentence reduction, you came to court and testified against the defendant in that other case?

A Yes, sir.

Q Okay.

A Well, he actually pleaded out, though. Once he seen they had me, he actually pleaded out.

Q How many times have you attempted to provide assistance to the government? Meaning, reach out and contact, or have your attorney reach out and contact somebody from the government to tell them, hey, I've got information about

another case for you?

A Again, in the federal system, it works different. Once you turn the information over, it might be an ongoing case that they may don't even use you because they might have enough people already.

And then it could take years on down the line, so it could take maybe ten years just to build this case on this certain individual. So it's probably still ongoing cases that they -- I gave information on that they just haven't used me for yet.

Q My question is: How many times have you either provided information or attempted to provide information?

A I can't give you an accurate number on that. It was several cases.

Q More than ten?

A No.

Q You don't know how many times you've attempted to provide information?

A No.

Q How many -- how many times you've provided information that hasn't come -- hasn't come to fruition in the form of a Motion for Substantial Assistance?

A I can't give you an accurate number on that.

Q Isn't it true, Mr. Kinard, that the reason you said Mr. Segura shouldn't talk to you about what he was accused of

doing, what he was alleged to do is because you're somebody who takes information like that and uses it to try and put yourself in a better position with respect to -- with respect to sentencing?

A No. I just give the government the truth.

MR. PRINCE: No further questions.

THE COURT: Redirect?

MR. FUCHS: Yes, Your Honor. Actually, there's a couple of questions I want to ask that would be more subject for recall --

THE COURT: You may proceed. Hold on one second.

(Pause.)

THE COURT: Go ahead.

MR. FUCHS: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. FUCHS:

Q When Mr. Segura was there with you, did he have any trouble sleeping?

A Yes. Some nights he used to just wake up, and you could hear him moaning, and he would just get up, because we -- we was allowed two chairs in the room, and he'll get in his chair and sit at the foot of the bed for a few hours.

Q Okay. Did he ever wake up screaming as if he had nightmares or something?

A Yes, sir, he did.

Q Okay. At some point did Mr. Segura talk to you about the fact that there were only two people at the house initially, but two more people came home?

A No, sir, he didn't. I can't recall that.

Q Do you remember talking to law enforcement officers back in November of 2011 when they came to see you?

A Yes, sir. I think one guy -- one of the agents. I can't --

Q Does Investigator Bossio sound right?

A Yes.

Q Bald guy?

A Vincent? Vincent?

Q Yes.

A Yes, sir.

Q Would it help refresh your recollection if I showed you a copy of his report that may contain information that you had?

A Yes.

MR. FUCHS: May I approach, Your Honor?

BY MR. FUCHS:

Q Without reading this -- read this to yourself, not out loud.

A (Witness complies.)

Q Does that help refresh your recollection?

A Yes, sir.

Q Do you remember that? Do you remember anything about him saying anything about somebody being home and then two other people coming home?

A If I'm not -- I can't recall. It was a while ago, but...

THE COURT: Well, don't guess. If you recall or you don't.

THE WITNESS: I don't.

BY MR. FUCHS:

Q Doesn't refresh your recollection?

A No, sir.

Q Okay.

MR. FUCHS: One moment.

BY MR. FUCHS:

Q You said that Mr. Segura said he put the gun in a car. Did he tell you anything about where in the car?

A Yes, sir. In the motor of the car.

Q Okay. In the motor?

A Yes, sir.

Q Okay. Did he say anything about whether the car worked or not?

A No. I think he just told me it was a car sitting in his yard at his wife house, sitting at his wife house or something, and the car was there.

Q Okay. And he put it in the motor? In the actual

motor or in the motor area?

A In the motor area, I guess, because I don't think you can put a gun in the actual motor.

Q That's why I asked the question. Thank you, sir.

MR. FUCHS: No further questions.

THE COURT: All right. Any juror have a question of this witness? We'll go sidebar, please.

(Sidebar as follows:)

THE COURT: Did Henry Segura tell you what type of gun he used? In other words, a revolver or shotgun, or what caliber? Either side object to those questions?

MR. PRINCE: No, sir.

MR. FUCHS: No.

THE COURT: What is he in prison for? Either side object to that? They have the same problem, but that's -- either side object?

MR. PRINCE: I don't object.

MR. FUCHS: I don't think it is relevant to this particular case.

THE COURT: Defense want to be heard on that?

MR. PRINCE: I will leave it to the Court's discretion.

THE COURT: What is he in prison for?

MR. FUCHS: I don't remember off the top of my head.

MR. PRINCE: I don't remember either.

THE COURT: If nobody is objecting, the Defense doesn't have a strong feeling, we'll just leave it alone. Okay.

(The sidebar concluded, and the following took place in open court:)

THE COURT: Did Mr. Segura tell you anything about the type of gun he used?

THE WITNESS: I think, if I'm not mistaken --

THE COURT: Speak to the jury.

THE WITNESS: If I'm not mistaken, and I could be wrong, but I think it was like a nine-millimeter or something.

THE COURT: But it was a pistol; is that what you're saying?

THE WITNESS: Yes, sir.

THE COURT: All right. Any followup, Mr. Fuchs?

MR. FUCHS: No, Your Honor.

THE COURT: Followup?

MR. PRINCE: I guess that would have been -- yes, sir, I do.

RECROSS EXAMINATION

BY MR. PRINCE:

Q I guess that would have been a semiautomatic, then, right?

A I'm not -- I'm not really too familiar with guns, so

I couldn't -- I don't know the difference between them like that.

Q You don't know about whether nine-millimeters come as revolvers? You only know that it was a nine-millimeter?

A Yes.

MR. PRINCE: Okay. No further questions.

THE COURT: All right. You can step down.

Call your next witness.

MR. FUCHS: Your Honor, can we approach, please?

(Sidebar as follows:)

MR. FUCHS: Your Honor, we are way ahead of schedule. The next witness is going to be Mr. Corbitt, who incorporates multiple screens, and so just some logistical things that need to be set up for Mr. Corbitt.

I would ask the Court if we could take a lunch, maybe a little bit longer lunch than normal, so that way all those logistics -- there's -- there's -- court administration has to come in and do some stuff as well as the IT department to set up for his testimony. So I ask we take a little bit longer lunch, an extended lunch. I would request until one o'clock, Your Honor, and then we can put on Mr. Corbitt. We are ahead of schedule.

THE COURT: Defense?

MR. PRINCE: Certainly no objection from me.

THE COURT: You think he'll -- might take up the

afternoon?

MR. FUCHS: He'll be close to it, I'm sure.

THE COURT: I say if you're going to cross him on this -- because some of the witnesses you've just saved for later, but you will do the cross now on this?

MR. PRINCE: I would intend to cross Investigator Corbitt today, yes.

THE COURT: Okay. All right.

(The sidebar concluded, and the following took place in open court:)

THE COURT: Okay. Well, the report is we've been moving a little faster than the State had anticipated. The next witness that they have involves some technical stuff that we need to get set up in the courtroom to be able to show you, so we're going to take a little bit longer lunch break than normal.

Again, don't discuss the case among yourselves or let anyone discuss the case with you. Be back and ready to go at one o'clock. One o'clock. All right? Have a good lunch.

(The jury was escorted from the courtroom, and the following took place outside their presence:)

THE COURT: All right. Let's come back to session, please.

I assume there are going to be some phone records

offered in anticipation of Mr. Corbitt's testimony.

MR. FUCHS: Yes, Your Honor.

THE COURT: We got them marked?

MR. FUCHS: They will be marked, Your Honor, and brought down. Yes, sir.

THE COURT: So what I'm trying to do is see if there are any legal objections that we need to deal with.

What are the -- the phone records are going to be marked as what? You have some -- you have a 123 at this point.

MR. FUCHS: Yes, Your Honor.

THE COURT: That's TPD phone -- 126 says phone records. What -- what records are we anticipating?

MR. FUCHS: We are actually going to have -- 126 is going to be Brandi Peters' phone number, phone records.

We're going to do 136, I think it is, for Mr. Segura's 509 phone number.

137 is going to be his 408 number. And then one -- I'm sorry, 123 is the phone records for the duplicate phone that TPD did.

THE COURT: Would that be the extent of it?

MR. FUCHS: Yes, sir.

THE COURT: All right. Are there any additional objections the State -- the Defense wish to make? I know you previously objected to some portions of Mr. Corbitt's

testimony. My ruling would be the same on that.

Any additional objections?

MR. PRINCE: No additional objections.

THE COURT: Do we have any legal issues on the record, so they're proposing -- I know you've objected to the experiment -- but to the records themselves?

MR. PRINCE: I've -- I've viewed all the text messages, and there's no hearsay within hearsay that I've seen. I don't think there are any other legal issues.

THE COURT: All right. So we'll have 123, 126, 136 and 137. We could admit those by stipulation?

MR. PRINCE: Yes, sir.

THE COURT: All right. So get those marked. Hopefully, that will maybe keep it moving forward. We'll -- let's be ready to go at one o'clock.

MR. FUCHS: Thank you, Your Honor.

(Lunch recess.)

(The following took place outside the presence of the jury:)

THE BAILIFF: All rise. Court is back in session.

THE COURT: Be seated, please.

Are we ready for the jury?

MR. FUCHS: No, Your Honor. I tried to scramble and get Mr. Corbitt -- everything set up. We ran into some technical difficulties regarding his testimony. There is

an issue regarding resolution and things like that, that we can resolve this afternoon.

Where we are is the case that the State is -- what we're going to do is change some orders of witnesses. We have Investigator Mark Lewis is going to testify as to a recording of -- of an interview with Mr. Segura that occurred on November 30th of 2011 -- or 2010, excuse me.

I spoke to Mr. Prince, off the record, of course; and he's obviously free to do whatever he does. But the anticipated testimony is going to be that the State is going to play excerpts from this video because it is a lengthy video. And Mr. Prince, I believe, is going to want to play the whole thing in Rule of Completeness aspects that we previously discussed. Given that, it would basically take up the rest of the day given the length of this interview. We do have another witness outside --

THE COURT: You can play whatever you want to play during the State's case. He can play whatever he wants to play in the Defense case. That's how it works.

MR. FUCHS: I thought the Rule of Completeness has to be played on cross examination.

THE COURT: He can -- he can play it during the Defense case.

MR. FUCHS: Given that, Your Honor, after the

testimony, then we are going to ask -- we are ahead of schedule. We are going to ask for the break for the remainder of the day and come in first morning -- first thing tomorrow morning with Mr. Corbitt. Mr. Corbitt would be the final witness for the State.

THE COURT: So this statement is all that --

MR. FUCHS: We have this statement and one jail call from the Minnesota County -- from Minnesota that is -- that we can both -- do both of those witnesses today. But after that, the remaining -- the only remaining testimony will be Mr. Corbitt's.

THE COURT: Who -- who is your witness on the -- the call from Minnesota?

MR. FUCHS: His name is -- I forgot his first name, but it's Smith. Ms. Dugan is the one talking to him. And he's outside, and she's finalizing that right now.

He just flew in, literally landed a half hour ago.

THE COURT: So why does the Defense want the whole thing played?

MR. PRINCE: Your Honor, I think it's relevant. And I think under the Rule of Completeness, we're entitled have the whole thing played. I think --

THE COURT: Now, there's been a recent Florida Supreme Court case on that, that's kind of clarified that. The Rule of Completeness means that -- applies to

things that are taken out of context. It doesn't mean you're entitled to the whole -- whole thing. So in what way is it taken out of context?

MR. PRINCE: Well, it's difficult to say exactly what portions are -- are necessary to explain the portions that the State intends to play since I -- I don't know the portions that the State intends to play.

THE COURT: Well, we can certainly cure that. But what is the other issue?

MR. PRINCE: We can -- we can clear that up if the State plays it, yes, sir.

THE COURT: What's that?

MR. PRINCE: We can cure it if the State plays the sections that they want to play. From talking to Mr. Fuchs, it doesn't sound like he disagrees that we'd be entitled play portions that we want played, at least to the extent that they bear on explaining what the Defendant -- the portions that they want played.

I don't have objection, if the State doesn't have objection to them just playing that interview subject to the -- the objections that I raised over the weekend, that the State agrees with, in total, now, rather than wasting time this afternoon that could be spent presenting evidence that may be presented anyway. What I mean by that --

THE COURT: Yeah, I didn't follow that.

MR. PRINCE: What -- what I mean by that is if -- if there are going to be portions that are presented during the Defense case in chief, rather than having the State chop up the video and then us chop the video and play the other portions, it may make more sense to just play the video this afternoon and use the whole afternoon; because if we don't, the State isn't prepared to put Mr. Corbitt on because of the technical difficulties, and that would put us in a position where we have most of the afternoon dead this afternoon without having an opportunity to present evidence.

THE COURT: How long is the whole thing if we just play it straight through?

MR. FUCHS: Four hours. And much of it is redundant from yesterday.

THE COURT: Well, I just hate wasting the jury's time. My experience is generally when it comes for the Defense to present it, they generally don't present it because they know they're just wasting time doing it.

Do you want to look and see what parts we don't need, Mr. Prince?

MR. PRINCE: We need -- in order to -- in order to determine what portions the Defense would intend to introduce during our case in chief, I would have to know,

like I said --

THE COURT: Okay. You can accomplish that, can't you, Mr. Fuchs? Show him what -- what parts you plan to play.

MR. FUCHS: Sure. I've got it right here.

THE COURT: Do we have transcripts of this portion?

MR. FUCHS: I am not anticipating having them read along with transcripts. They are relatively short in duration, so -- and they are easier to hear than yesterday.

THE COURT: All right. Well, why don't you get -- I'll give you about ten minutes. Y'all figure out what parts really relate to what the State plans to show, and if -- is there a transcript?

MR. PRINCE: I have a transcript.

MR. FUCHS: Yeah. We have a transcript of the entirety, yes, sir.

THE COURT: All right. So if you can show him where it is in the transcript, that will probably facilitate things.

Tell the jury it's going to be about ten minutes.

(Brief recess.)

(The following took place outside the presence of the jury:)

THE BAILIFF: All rise, come to order. Court is

back in session.

THE COURT: Be seated, please, folks.

Where do we stand?

MR. PRINCE: I don't have any evidentiary objections to the portion the State has intended -- that they indicate they want to play.

I believe that there are parts that I would want to introduce during my chase in chief, if that's the way that the Court prefers to do, that are relevant to the jury's understanding of the statements that are in the portions the State wants to play.

But if the Court doesn't want us to just play the four-hour video, in between now and when the Defense starts presenting its case, we can chop up the video; and, you know, I can tell the Court before we play it what portions I think are relevant.

THE COURT: So you can't play the parts you think are relevant today?

MR. PRINCE: No, sir. I would have to edit the video. I don't know off the top of my head where exactly in the transcript -- I know what content that I think is relevant, but I would have to find that -- those portions in the transcript and then edit the video to make it viewable for the jury.

THE COURT: Okay. So how long is the part the State

is going to play?

MR. FUCHS: The State has multiple clips. It should take, I think, roughly, including the testimony of Investigator Lewis, I think it's going to take roughly an hour.

THE COURT: Okay. All right. And I -- I want to -- I want to make sure I'm clear, Mr. Prince. I kind of said "play whatever you want." It's not exactly "play whatever you want," it's play whatever you're wanting that relates to the topics the State has brought up.

MR. PRINCE: Yes, sir. I'll -- I'll do the same thing the State did. Before I try to play anything, I'll tell them what I think is relevant to explaining it and see if they have any objection.

THE COURT: And -- and I did just for -- well, I don't need to get into it today, but there was one other case, that Fourth DCA -- the Fourth DCA had cited the Supreme Court, which is a recent ruling on Rule of Completeness. I will give y'all a copy of that if you want.

I just cut out the part that's -- Supreme Court cases are so long, and I didn't see any reason to print it all. That's just the portion that talks about the Rule of Completeness, which is, basically, a rule of fairness, as both cases -- both courts have indicated.

All right. So you ready, Mr. Fuchs?

MR. FUCHS: Yes, Your Honor, we are.

THE COURT: Do you have your witness in the courtroom?

MR. FUCHS: We do, Your Honor.

THE COURT: All right. Let's have the jury, please.

MS. DUGAN: You can go ahead up to the chair right there.

THE COURT: If you'll just stand right here, it would be most convenient, sir.

MS. DUGAN: Thank you.

THE COURT: Just stand there for a second. We've got the jury coming in.

(The jury returned to the courtroom, and the following took place in open court:)

THE BAILIFF: Jury in the courtroom.

THE COURT: All right. Everybody be seated.

I think we have these consoles mainly here so you can hide behind them. I don't think they're going to have any use this afternoon.

Apparently, the State has run into a little bit of a technical problem. We have some other testimony we're going to proceed with. If you would swear the witness, please.

Whereupon,

BRUCE COLLINS

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat, please, sir.

I don't know whether everybody can even see the witness. Can y'all see him?

JURORS: Yes.

THE COURT: Not perfect; but, anyway, go ahead, Ms. Dugan.

DIRECT EXAMINATION

BY MS. DUGAN:

Q Good afternoon. Will you introduce yourself to our jury, please.

A Good afternoon. My name is Bruce Collins. I'm an investigator with the Le Sueur County Sheriff's Office in Minnesota.

Q Okay. And was the Defendant in our case, Henry Segura, was he an inmate at the Le Sueur County Jail in Minnesota in 2011?

A Yes, he was.

Q Approximately -- was that in September of 2011?

A Yes. Approximately from the dates of September 2nd to on or about September 29th of 2011.

THE COURT: Can you spell that county for us, please?

THE WITNESS: Pardon?

THE COURT: The name of the county, can you spell it?

THE WITNESS: I will do that, sir.

THE COURT: Okay.

THE WITNESS: It's a capital L and a small e, and there's a space, and then there's a capital S, u-e-u-r.

THE COURT: Thank you, sir.

THE WITNESS: You bet.

BY MS. DUGAN:

Q Will you also spell Minnesota for us?

A Yeah.

Q Okay. So -- I'm just -- I'm just kidding.

Okay. And that's pronounced Le Sueur?

A Yes.

Q All right. Now, are the jail calls at the Le Sueur County Jail, are those recorded?

A Yes, they are.

Q And what system -- or are you familiar with the system that they are recorded on?

A Yes.

Q Do you have access to that computer system?

A Yes.

Q And can you just explain to us quickly how the system works?

A Yes. On each of the cellblocks of the Le Sueur County Jail, there's a phone that an inmate in each respective cellblock can use. That -- that cell -- or that phone system comes through a computer system that is located off the booking room of the jail.

That computerized system records the information related to the call, for example, the date, the time, the numbers that are dialed, those type of information related to the call.

Q And does the inmate that's making the call, does he know that the calls are being recorded?

A Yes.

Q How?

A As part of the jail's booking process and the -- the inmate handbook that they're given, it indicates that the phone calls are recorded and can be monitored. And in each of the respective cellblocks, there's a posting or a sign there that indicates the calls are recorded and monitored.

Q And did you have an opportunity to review a call made by the Defendant, Henry Segura, before your testimony here today?

A Yes.

Q I want to talk specifically about a call made on September 4th of 2011. When a call is being recorded and later played back, are you able to see the date of that call

and the number dialed on the top of that recording?

A Yeah. In the upper left-hand corner, that's what those numbers represent.

Q Okay. And the number that -- or the call that you reviewed, was that made on September 4th, 2011, to an (850)421-1288 number?

A Yes.

Q Was the Defendant identified as the person making that call by his cellblock location and also voice identification?

A Correct.

Q Or voice recognition?

A Yes.

Q All right. And the call that you saw, is that a true and accurate recording of the call that was made on September 4th, 2011, by Henry Segura?

A Yes. As much of it as -- as I reviewed, yes.

MS. DUGAN: All right. At this time I move State's 124A, which is the call, into evidence. And I have marked a transcript of that call, with relevant portions to -- to the call, as 124B.

THE COURT: Any objection to 124A or B?

MR. PRINCE: No, Your Honor.

THE COURT: They'll be admitted.

(State's Exhibit Nos. 124A & 124B received in

evidence.)

MS. DUGAN: I'd ask for permission to publish at this time.

THE COURT: You may. And, again, we are going to just publish parts of it; is that right?

MS. DUGAN: Yes, sir. And the transcript reflects the relevant portions. I've left one copy on the bench, and Deputy Beall has copies for the jurors.

THE COURT: Okay. So, again, I told you that we -- we try to cut things down so we're not wasting too much of your time.

There may be extraneous things we've taken out. Don't let that concern you. And the recording, not the transcript, is the actual evidence. The transcript is for your aid, but it's not the actual evidence.

I'm sure you probably found some things in that first transcript where there was some discrepancy between the recording and the transcript. The recording is what you should rely upon.

You may hand out the copies, please. And have we marked one for the clerk for identification purposes?

MS. DUGAN: Yes, sir.

THE COURT: 124B?

MS. DUGAN: Yes, sir.

THE COURT: This is strictly a recording, correct?

This is not a video?

MS. DUGAN: Correct.

THE COURT: All right.

(Recorded jail call played as follows:)

MALICA SEGURA: Hello.

ICS RECORDING: Thank you for using ISC. This is a collect call from the Le Sueur County Jail in Le Center, Minnesota, using ICS. To accept the call, dial zero. Thank you for using ICS.

MALICA SEGURA: Hello.

(Inaudible.)

MALICA SEGURA: What's up?

DEFENDANT SEGURA: Did you talk to Adam?

MALICA SEGURA: Huh?

DEFENDANT SEGURA: Did you ever get in touch with Adam?

MALICA SEGURA: I can't hear you.

DEFENDANT SEGURA: I said did you ever get in touch with Adam?

MALICA SEGURA: No.

DEFENDANT SEGURA: Did you try to?

MALICA SEGURA: What?

DEFENDANT SEGURA: Did you try to?

MALICA SEGURA: Not yet.

DEFENDANT SEGURA: What are you waiting on?

MALICA SEGURA: What -- what you mean he's going to take up the payments? What payments? The $1,782?

DEFENDANT SEGURA: Yeah.

MALICA SEGURA: What I'm waiting on is to figure out what I'm going to do, where I'm going to go.

(Recording paused.)

MALICA SEGURA: -- and y'all have steady been lying, but whatever. All I give up for you, all I do for you, all I'm going through for you don't mean shit. You don't love me.

(Pause.)

MS. DUGAN: Should be on page 17.

THE COURT: I was going to say, as we skip, let's tell the jury where -- as we -- as we -- if we're skipping from one to another, let's go to -- alert the jury where we should be. Seventeen, line -- where we're starting.

MS. DUGAN: I believe that I -- I played the beginning of the recording, "Hello, hello," on page 2. After that initial portion, we skipped to Page 17, and I believe we are at about Line 7 or 8 right now.

THE COURT: Okay.

(Recorded jail call played as follows:)

MALICA SEGURA: -- this bitch over here who ain't did shit for you.

(Recording paused.)

MS. DUGAN: Line 13.

(Recorded jail call played as follows:)

MALICA SEGURA: What she done did for you?

DEFENDANT SEGURA: She make me happy.

MALICA SEGURA: What?

DEFENDANT SEGURA: She make me happy.

MALICA SEGURA: How?

DEFENDANT SEGURA: She just does.

MALICA SEGURA: She makes you happy way up in Minnesota, huh?

DEFENDANT SEGURA: Yeah, she do.

MALICA SEGURA: What?

DEFENDANT SEGURA: She do.

MALICA SEGURA: Huh?

DEFENDANT SEGURA: I said, yeah, she does.

MALICA SEGURA: What?

DEFENDANT SEGURA: Yeah, she do.

MALICA SEGURA: Well, I guess I don't need to do shit else for you, then, huh?

DEFENDANT SEGURA: If that's how you feel.

MALICA SEGURA: No, that's -- that's what you're making it seem like. You don't fucking need me. You don't care about me.

DEFENDANT SEGURA: Yes, I do.

MALICA SEGURA: Because I'm the one holding it down for you, and so when you come out, we could still have something. But you going to take it and go over there.

DEFENDANT SEGURA: I'm not going to take anything, Malica. When I get out, I'm going to work, so I can --

MALICA SEGURA: So you're going to get out, and you're going to be with her after I'm the one that gave up the most. You don't understand how much I love you, but you don't care because you love her, and I'm just an afterthought.

DEFENDANT SEGURA: She's given up stuff, too.

MALICA SEGURA: What's she given up?

DEFENDANT SEGURA: She said she's going to move back in with her mama and break her lease so that she can help pay some of my legal fees.

MALICA SEGURA: Whatever. I don't have nowhere to move into. I don't have nowhere to go. (Inaudible.)

DEFENDANT SEGURA: Well, I was thinking, if she moves back in with her mama, you could move in over there where she lives at. She wouldn't have to break her lease. You wouldn't have to get a new lease.

MALICA SEGURA: How much does she pay over there?

DEFENDANT SEGURA: I don't know.

MALICA SEGURA: Is it an apartment?

DEFENDANT SEGURA: Yeah, it's a townhouse, a

two-bedroom townhouse. So you can afford it if she can afford it. You make more money than her.

MALICA SEGURA: But how can you love her when I love you?

DEFENDANT SEGURA: Say what?

MALICA SEGURA: How can you love her when I love you? What?

DEFENDANT SEGURA: I didn't say anything.

MALICA SEGURA: How could you? Why can't you get out and come home with us?

DEFENDANT SEGURA: Well, I'm sure I'm going to be able to come home and see y'all.

MALICA SEGURA: What?

DEFENDANT SEGURA: I'm still going to come home and see y'all.

MALICA SEGURA: (Inaudible.) Huh?

DEFENDANT SEGURA: Why -- why don't we just worry about me coming home right now?

MALICA SEGURA: Because I want to know you want to be with me.

DEFENDANT SEGURA: What difference do it make?

MALICA SEGURA: Because I'm suffering, and I'm sacrificing so much. We're suffering over here. And I'm suffering for somebody who don't want me. Do you know how that makes me feel? Huh?

DEFENDANT SEGURA: Yeah.

MALICA SEGURA: What?

DEFENDANT SEGURA: Yeah.

MALICA SEGURA: I can't hear you.

DEFENDANT SEGURA: I said yes.

MALICA SEGURA: It ain't fair. We have nowhere to go.

DEFENDANT SEGURA: Well, you ain't going to find somewhere sitting in a room crying.

MALICA SEGURA: What?

DEFENDANT SEGURA: Have you been looking?

MALICA SEGURA: I don't have any good credit. I don't have any money. I don't have nowhere to go.

DEFENDANT SEGURA: Did you go to the bank today?

MALICA SEGURA: Yes.

DEFENDANT SEGURA: Everything going to be all right, Malica.

MALICA SEGURA: Not when Malachi and Tre look at me and say, "What are we going to do now?" And I don't know what to tell them.

DEFENDANT SEGURA: Say what?

MALICA SEGURA: Not when (inaudible) Malachi and Tre look at me and say, "What are we going to do now?"

DEFENDANT SEGURA: I'm telling you right now what you need to be doing. You need to be doing it right now.

You should be on your Internet on the computer there (inaudible) looking right now.

MALICA SEGURA: Looking for what?

DEFENDANT SEGURA: What do you mean looking for what? (Overlapping voices.)

What are you doing, watching Lifetime?

MALICA SEGURA: (Inaudible) with no credit?

DEFENDANT SEGURA: What are you doing, watching Lifetime?

MALICA SEGURA: I'm cooking us something to eat. They're hungry.

DEFENDANT SEGURA: Well, Malica --

MALICA SEGURA: What?

DEFENDANT SEGURA: -- in between cooking, you should be on your laptop.

MALICA SEGURA: (Inaudible) what am I looking at? What can -- what can I afford?

DEFENDANT SEGURA: Well, you can afford plenty making $40,000 a year.

MALICA SEGURA: But I don't bring home that much.

DEFENDANT SEGURA: Well, you can afford it with what you bring home.

MALICA SEGURA: What?

DEFENDANT SEGURA: You should be able to afford something with what you bring home.

MALICA SEGURA: And what about my credit issues? I have no -- I -- I have terrible credit. Who's going to take a chance on me?

DEFENDANT SEGURA: I don't think that's going to be an issue.

MALICA SEGURA: What?

DEFENDANT SEGURA: I don't think that's going to be an issue.

MALICA SEGURA: It was an issue before, and I had to pay an extra security deposit. Huh?

DEFENDANT SEGURA: Well, you're going to have to find something or move in with my daddy (inaudible).

MALICA SEGURA: They probably wouldn't let me take over her lease because my credit ain't good. Huh?

DEFENDANT SEGURA: Yeah.

MALICA SEGURA: What?

DEFENDANT SEGURA: I don't know.

MALICA SEGURA: Whatever. All I know is I gave up my life for you, and you chose someone else, and now I've got to find me a new life.

DEFENDANT SEGURA: Well, it's looking like I gave up mine for you.

MALICA SEGURA: Huh?

DEFENDANT SEGURA: I said, well, it's looking like I gave up mine for you.

MALICA SEGURA: I can't understand you.

DEFENDANT SEGURA: I said it's looking like I gave up mine for you. I'm sure everything going to be okay, all right?

MALICA SEGURA: If you say so.

(Recording stopped.)

MS. DUGAN: No further questions.

THE COURT: Cross?

MR. PRINCE: No cross.

THE COURT: I assume nobody has questions of this witness.

All right. You can step down.

Do we need to keep him any further?

MS. DUGAN: No, sir. He can be released.

THE COURT: Do you need him for any reason?

MR. PRINCE: No, sir.

THE COURT: You're free to go. Thank you for being here.

Call your next witness.

MR. FUCHS: Yes, Your Honor. State would call Investigator Mark Lewis.

THE COURT: You remain under oath, Investigator Lewis.

THE WITNESS: Yes, Your Honor.

Whereupon,

INVESTIGATOR MARK LEWIS (RECALLED)

was recalled as a witness, having been previously duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FUCHS:

Q Good afternoon again.

A Good afternoon.

Q Investigator Lewis, we've previously talked about the interview on the 20th with Mr. Segura.

Did you have an opportunity to interview him again on the 30th of -- of November 2010?

A Yes, I did.

Q And, again, where -- where did that interview occur?

A At the Tallahassee Police Department.

Q Prior to conducting that interview, at this point, did you advise Mr. Segura of his rights per the Miranda decision?

A Yes, I did.

Q And how do you go about doing that?

A A preprinted piece of paper, read it verbatim.

Q And advising -- after advising Mr. Segura about his rights, did -- did he agree to talk to you?

A Yes.

Q Was, again, that interview recorded?

A Yes, it was.

Q Both audio and video?
A Yes.
Q Okay. Prior to coming in to court today, did you have an opportunity to go back and review that video?
A Yes, I did.
Q Did you also have an opportunity -- and it's my understanding that video is very lengthy?
A It is.
Q Approximately four hours long?
A Yes, it is.
Q Did you have an opportunity -- rather than play the whole thing, did you have an opportunity to go back and look at certain clips that the State had pulled out in order to determine whether they are authentic or not?
A Yes, I did.
Q And were they, in fact, accurate representations of that video?
A Yes, it was.
MR. FUCHS: Your Honor, at this time I'd move State's Exhibit 130A into evidence, please.
THE COURT: One, three, zero?
MR. FUCHS: One, three, eight, A.
THE COURT: Eight, okay.
Any additional objection?
MR. PRINCE: No, Your Honor.

THE COURT: It will be admitted.

(State's Exhibit 138A received in evidence.)

MR. FUCHS: Permission to publish, Your Honor?

THE COURT: Let me -- let me make a comment to the jury.

The State is only going to play a small part of it is my understanding. There are some parts the Defense thinks need to be presented also for you to have a complete understanding of the interview, but they weren't available to show those clips at this point in time.

I've indicated I didn't want to listen to four hours of the tape, most of which was not relevant, so I directed them to get the clips ready that they think are relevant, put in context what is said.

It won't be today when you hear that part, but they will be presenting that to you later during the course of the trial.

You may publish your part, Mr. Fuchs.

MR. FUCHS: Thank you, Your Honor.

(The recorded interview was played as follows:)

INVESTIGATOR FURNEY: (Inaudible) -- like I say, I wasn't here last week. (Inaudible.)

DEFENDANT SEGURA: (Inaudible.) 509-4380.

INVESTIGATOR FURNEY: Do you have a (inaudible) phone?

DEFENDANT SEGURA: (Inaudible.) The area code is the same, 421-1288.

INVESTIGATOR FURNEY: Do you work or --

DEFENDANT SEGURA: Yeah.

INVESTIGATOR FURNEY: (Inaudible.)

DEFENDANT SEGURA: I work different places.

INVESTIGATOR FURNEY: Okay. You're not any of those two numbers (inaudible)?

DEFENDANT SEGURA: I'm always on my cell phone.

INVESTIGATOR FURNEY: All right. (Inaudible.)

(Recording stopped.)

BY MR. FUCHS:

Q Investigator Lewis, let me ask you a question regarding this.

The lady that's speaking in there, is that -- obviously, it's not you. Who is that?

A That's Investigator Anne Furney.

Q Okay. And is she a part of the -- I think she went by Anne-Marie Johnson back at the time?

A Yes.

Q Okay. And is she a part of that investigative team we previously talked about?

A Yes.

Q I understand that -- or even though you weren't there -- or, I'm sorry. Even though you weren't the one

talking, were you present during the course of this interview?

A Yes, I was.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: I don't know what -- well, talking about -- like I said, I wasn't here last week. But let me get --

MR. FUCHS: Let me pause it real quick.

(Recording stopped.)

BY MR. FUCHS:

Q Another question I have, in that first portion, Mr. Segura was asked again about his phone numbers?

A Yes, he was.

Q And at that point it's my understanding he failed to give you that 408-8669 number again, correct?

A That is correct.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Let me get all your numbers and stuff. In case something happens, I'll have them so I can call you, okay?

(Recording stopped.)

MR. FUCHS: I'm sorry. I replayed the clip.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: When was the (inaudible) when, actually, did you speak to her last?

DEFENDANT SEGURA: (Inaudible.)

INVESTIGATOR FURNEY: It was (inaudible).

DEFENDANT SEGURA: I seen her (inaudible) about 1:30 until 2:30, probably.

(Recording stopped.)

BY MR. FUCHS:

Q The "her" that he's referring to there in the context, is he referring to Brandi Peters?

A Yes.

Q And going over to her house?

A Yes.

(Recorded interview played as follows:)

INVESTIGATOR LEWIS: I guess I'm just going to say (inaudible).

(Recording stopped.)

BY MR. FUCHS:

Q In that clip you asked him a question at the front, as I understand it, you asked him whether or not he was there at the house all day on Friday, being his house?

A Yes.

Q Mr. Segura's house?

A Yes.

Q Not Mrs. Peters' house?

A That's correct.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Friday when you were

(inaudible) did you go anywhere? Did you go to the store or anything like that?

DEFENDANT SEGURA: No.

INVESTIGATOR FURNEY: No? Okay. I just (inaudible).

What's the best way for us to verify where you were Friday? I think you said (inaudible).

DEFENDANT SEGURA: When Friday? All day Friday?

INVESTIGATOR FURNEY: Yeah.

DEFENDANT SEGURA: Yeah, I was -- talk to the next-door neighbors (inaudible). I got one guy that lives right next door to me. I have a guy that lives next door to him. They normally outside working on lawn mowers and stuff like that. I don't really talk to them. (Inaudible.)

INVESTIGATOR FURNEY: You obviously live in a subdivision or something?

DEFENDANT SEGURA: It's on a dirt road.

INVESTIGATOR FURNEY: Okay.

DEFENDANT SEGURA: And it's -- including my house, it's one, two, three, four, five, six houses on that road. I'd say my neighbor right next door and the one next to him, I think someone is always home there. All the rest of the houses, I don't think no one is home during the day.

(Recording stopped.)

BY MR. FUCHS:

Q Again, Mr. Segura said he was home all day on Friday?

A Yes.

Q Talking about his home?

A Yes.

Q Is it fair to say that throughout the course of these interviews and these clips that we're talking about, that they became more accusatory by the Department?

A Yes.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: And then one of the other days, I think you said Friday, sent you a text asking what's up. Friday you were at home all day?

DEFENDANT SEGURA: Yes.

INVESTIGATOR FURNEY: You were at home all night?

DEFENDANT SEGURA: Yeah.

INVESTIGATOR FURNEY: Did you ever leave your house Friday?

(Inaudible.)

INVESTIGATOR FURNEY: Was your wife with you?

DEFENDANT SEGURA: (Inaudible.) Got off about five or so (inaudible).

INVESTIGATOR FURNEY: Were you -- were you home when

she got home?

DEFENDANT SEGURA: Yeah. I was in the backyard.

INVESTIGATOR FURNEY: Okay. Did you guys cook dinner? You guys (inaudible) a movie?

DEFENDANT SEGURA: She -- she wasn't feeling good. I went -- went in the house and talked to her (inaudible). She went to the back, and I watched TV.

INVESTIGATOR FURNEY: When -- when was the first time you left the house after that?

DEFENDANT SEGURA: Saturday morning. I went to my buddy, Adam's house. (Inaudible) showing me how to shoot a bow and arrow.

(Recording stopped.)

BY MR. FUCHS:

Q Again talking about being at his house, correct?

A Yes.

Q During the course -- have you had an opportunity to go back, during the course of the interview on the -- November 30th of 2010 and count the number of times that Mr. Segura said that he was home all day on Sunday -- on -- on that Friday of the murders?

A Yes.

Q How many times did Mr. Segura say he was at home all day long on the day of the murder?

A Twenty-three times.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Question: What would you say if I told you that people (inaudible) you weren't home on Friday?

DEFENDANT SEGURA: I was there.

INVESTIGATOR FURNEY: And, like I said, I want to believe everything you say. I -- I have to try to verify that you were at your house on Friday. Okay?

Any suggestion on how I can do that? Did you go to a store to pick up a part? Did you talk to anybody? Did anybody come visit you, anything like that? Did a neighbor stop in your house? Anything like that, that would help me.

DEFENDANT SEGURA: (Inaudible) lunch. I checked my phone.

INVESTIGATOR FURNEY: You did?

DEFENDANT SEGURA: I talked -- I talked to my wife. She knew I was there. She called me.

INVESTIGATOR FURNEY: Did you say you talked to your wife?

DEFENDANT SEGURA: Yeah.

INVESTIGATOR FURNEY: Did she call you at your house or on your cell phone?

DEFENDANT SEGURA: She called me on my cell phone, like, before she left work.

INVESTIGATOR FURNEY: Okay. All right. About what time was that?

DEFENDANT SEGURA: I don't know, probably before seven.

INVESTIGATOR FURNEY: Okay. What did you guys talk about? (Inaudible) she doesn't remember that.

DEFENDANT SEGURA: I don't remember. She just called.

INVESTIGATOR FURNEY: All right.

DEFENDANT SEGURA: I just remember she called because I went in the house to use the bathroom, and the reason I got the call, because the phone was in the house (inaudible).

INVESTIGATOR FURNEY: Anything else? Anybody else that day or anything? All right.

(Recording stopped.)

BY MR. FUCHS:

Q Y'all were requesting people that could verify he was at home, and he told you to check his phone records, correct?

A That is correct.

Q Up to this point, he still has not told you about the 408-8669 phone number, has he?

A No, he has not.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Did you -- did you communicate with anybody else besides your wife Friday night?

DEFENDANT SEGURA: No, I didn't. I really didn't use my phone that day. (Inaudible) with her on the phone earlier that afternoon (inaudible), sending a text message, Brandi text me. (Inaudible.) I think I might have called my cousin from my house phone.

(Recording stopped.)

BY MR. FUCHS:

Q That text message he's referring to from Brandi is the one that he previously talked about being -- that he didn't respond to that, correct?

A That's correct.

Q And she was just asking him what's up?

A That's correct.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Like I said, why would -- why would people say things? I don't know. We talked to a lot of people, and people are saying you weren't home Friday night. And if you happened to go out, see somebody or talk to somebody, that's why I'm urging you to -- you know, it's best that we know ahead of time. That way it doesn't come up later, and there's an issue with it. Okay?

Did you go anywhere at all Friday? You didn't leave

your house from the time you woke up until the time you went to bed that night?

DEFENDANT SEGURA: I didn't leave the house Friday all day (inaudible) remember that Friday. (Inaudible.)

INVESTIGATOR LEWIS: Did you -- did you take your kids to school?

DEFENDANT SEGURA: Yeah, I did. Yeah. I did leave the house.

INVESTIGATOR LEWIS: Okay. You said take them to school. Did you pick them up from school? So you took the kids to school?

DEFENDANT SEGURA: (Nodding head affirmatively.)

INVESTIGATOR LEWIS: So from the time you got back home and dropped them off, you never left, right?

DEFENDANT SEGURA: Right.

INVESTIGATOR LEWIS: Okay. So what time do your kids get home?

DEFENDANT SEGURA: My oldest son get home at, like, 4:45.

INVESTIGATOR LEWIS: How about your youngest?

DEFENDANT SEGURA: About 5:30. He goes to Woodville Elementary.

INVESTIGATOR FURNEY: Did you go get them? Did you pick them up?

DEFENDANT SEGURA: My oldest son catches the bus

home. My other son, I'll pick him up, or Malica will pick him up. So if I was in the middle of something, so she'd pick him up.

INVESTIGATOR FURNEY: And so she picked him up? What time does she get home?

DEFENDANT SEGURA: After five.

(Recording stopped.)

BY MR. FUCHS:

Q By "she," she was referring to his wife?

A Yes.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: (Inaudible.) Did you see her get home? Did you talk to her?

DEFENDANT SEGURA: I don't know. She -- she was in the house before I went in the house, but I was (inaudible) that she seen me. Saying how did your day go? What are you doing? How was work? (Inaudible.) Good. She went in and shortly after I came in (inaudible).

INVESTIGATOR LEWIS: Who cooked dinner?

DEFENDANT SEGURA: I think we -- I don't think she cooked anything that night. I think she brought something home, if I'm not mistaken. I know we didn't cook. I didn't cook. I know she didn't cook because she wasn't feeling good.

INVESTIGATOR LEWIS: Did the kids cook?

DEFENDANT SEGURA: No.

INVESTIGATOR FURNEY: Did you go over to Brandi's at all on -- on Friday?

DEFENDANT SEGURA: (Inaudible.) Someone seen me at Brandi's house on Friday?

INVESTIGATOR FURNEY: I've got to ask the questions.

DEFENDANT SEGURA: (Inaudible.)

INVESTIGATOR FURNEY: Would -- would somebody tell us that?

DEFENDANT SEGURA: I don't know. I've been seeing a bunch of stuff on me. I been hearing about a bunch of stuff on the news and on the Internet. But --

INVESTIGATOR FURNEY: Like, what kind of stuff have you been reading?

DEFENDANT SEGURA: Someone said something about I got -- I had a key to her house. I couldn't afford to pay the child support, so I killed her before my wife would find out about her because my wife didn't know about her. And just a bunch of stupid stuff.

(Recording stopped.)

BY MR. FUCHS:

Q Just so we're clear, this is 10 days, 11 days after the homicide?

A Ten days, 11 days after the homicide.

Q No allegation has been made by the Tallahassee Police Department at this time regarding that child support being the motive for the crime or anything like that, have they?

A That is correct.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: Why would people tell us and (inaudible) with you other ways than what you told us about? You've got to know that we're -- we're talking to people, you know. And I'm telling you, you're seeing somebody else, you're talking to somebody else. Okay?

People -- people tell us about communications they might have with you, whether that's your phone, mail, e-mail, text messages, any -- any of those ways. Okay?

So why would they tell us these things, and why were you not telling us about that?

DEFENDANT SEGURA: Who would tell you something like that?

INVESTIGATOR FURNEY: Is there any way for you to talk to somebody else besides the phones that you got?

DEFENDANT SEGURA: E-mail. Text message.

INVESTIGATOR LEWIS: What's your e-mail address?

(Recording stopped.)

BY MR. FUCHS:

Q At that point he had still not told you about the

408-8669 number, had he?

A He has not.

(Recorded interview played as follows:)

DEFENDANT SEGURA: Why?

INVESTIGATOR LEWIS: Why? Because we're investigating a homicide.

DEFENDANT SEGURA: I didn't have -- a homicide that I didn't have anything to do with, a homicide that -- the people who I know, say, people I work with, live in Texas. They don't know Brandi. They don't have any idea about my relationship that I had with Brandi. They don't know her children or her child.

(Overlapping voices.)

INVESTIGATOR LEWIS: What -- what -- what would they have to do with this --

INVESTIGATOR FURNEY: -- know about Brandi?

DEFENDANT SEGURA: No. What -- what would they have to do with this? That's what I haven't figured out, why would you want Artron, or why would you want my cousin number in Spring Hill (inaudible). They don't have anything to do with Brandi, or they don't know anything about our relationship that we had.

INVESTIGATOR LEWIS: Henry, I already explained this thing to you earlier. I said there is no stone that's being unturned, and you're not the only person we're

confronting with these hard-hitting questions, so to speak.

DEFENDANT SEGURA: It's not hard-hitting questions, it's just that I just don't see no -- I don't see where this is going to get you.

INVESTIGATOR LEWIS: Because --

DEFENDANT SEGURA: Because they don't -- they don't know her. They didn't have any dealings with her.

INVESTIGATOR LEWIS: And I appreciate you -- and I appreciate that information, but I have to know this. I have to -- have to go down every single road, every single road. And I -- I explained to you last weekend, this isn't a case that's going to get solved in two days, two hours, two weeks, maybe even two years. I have to have everything -- I have to know everything about everyone, and you have a child with a dead lady.

It just turns out that your child, with that dead lady, happens to be dead. That is serious. Understand?

That's why I need to know everything about Henry Segura. I need to know everything about Henry Segura's children. I need to know about your parents. Everything. I need to know what makes you tick.

DEFENDANT SEGURA: You know (inaudible) ticked enough to kill anybody, especially Brandi and her kids.

INVESTIGATOR LEWIS: Well, you know what?

DEFENDANT SEGURA: Ain't nothing going to make me tick like that.

INVESTIGATOR LEWIS: I have to (inaudible). I -- I have to feel comfortable with it, and then I have to -- ultimately, I have to explain that to my higher-ups, because if you really think that they are going to let this one go and let me off the hook, huh-uh. No, they're not.

So for me to keep my job and keep a roof over my head and food in my kid's stomach, I'm going to do the best job I can. That's why she's helping me. So when I'm away, it still goes forward. And if something happens to her and something happens to me, there'll be another person, and you'll be right back here, talking to them, if we don't have all our stuff together. (Inaudible.)

A homicide case never, ever goes away until someone is in custody. Ever. That doesn't mean that it's 10 minutes, 10 hours, 10 days, 10 years, 100 years. It never goes away.

DEFENDANT SEGURA: Well, what y'all don't understand is, like I be telling you, I don't know what type of people Brandi has been dealing with.

INVESTIGATOR LEWIS: And I appreciate that.

DEFENDANT SEGURA: I don't know who she has been

talking to and what she been doing.

INVESTIGATOR LEWIS: I understand.

DEFENDANT SEGURA: I'm telling --

INVESTIGATOR LEWIS: I understand that.

DEFENDANT SEGURA: I don't see where my personal lifestyle has anything to do with Brandi's personal lifestyle, because we live two totally different personal lifestyles.

INVESTIGATOR LEWIS: And I -- and I appreciate that, and I appreciate everything you're helping and doing for us. And I want you to continue to do that. But right now, we're looking on you. The microscope is on Henry. There are -- there's a team of eight other investigators. They are talking to all sorts of people; people you've probably never even heard of. Understand?

Nothing gets uncovered in this case, nothing whatsoever. The who, what, when, where, how, and whys will be answered. Obviously, you know why, and you should want me to know why. You were a victim in this.

DEFENDANT SEGURA: (Inaudible) I'm telling you (inaudible).

INVESTIGATOR LEWIS: Well, then, I'm asking for your cooperation.

DEFENDANT SEGURA: I'll give you my cooperation (inaudible).

INVESTIGATOR FURNEY: Let me ask you this: What's your other cell phone number?

DEFENDANT SEGURA: I don't have another cell phone.

INVESTIGATOR FURNEY: You've got a second phone. You have a second phone. I know you have a second phone. I'm (inaudible) percent positive you have a second phone. The reason I'm wondering why -- the only thing I don't know is why you don't want to tell us about the second phone.

DEFENDANT SEGURA: I don't have a second phone. I had a second phone. I don't have one.

INVESTIGATOR FURNEY: Well, (inaudible) on the other phone, what's the other phone number?

DEFENDANT SEGURA: 408-something. I don't even remember it by heart. I didn't know it. I don't have another phone. I really don't.

INVESTIGATOR FURNEY: What did you do with it?

DEFENDANT SEGURA: Threw it away.

INVESTIGATOR FURNEY: Why did you throw a phone away?

DEFENDANT SEGURA: Because I don't need it.

INVESTIGATOR FURNEY: Is that the phone you used to talk to other people?

DEFENDANT SEGURA: Yeah.

INVESTIGATOR FURNEY: Who were you talking to

(inaudible).

DEFENDANT SEGURA: Nobody. (Inaudible.)

INVESTIGATOR FURNEY: Well, I said, "Did you use the phone to talk to other people?" You said, "Yeah." And I said, "Who were you talking to?" You said, "Nobody." So you're either talking to other people or you're not. I mean --

DEFENDANT SEGURA: I'm not talking to anyone. I don't -- that's why I say I don't have another phone.

INVESTIGATOR FURNEY: But you did at one point?

DEFENDANT SEGURA: Yes.

INVESTIGATOR FURNEY: So who were you talking to?

DEFENDANT SEGURA: Blain Stevens (phonetic).

INVESTIGATOR FURNEY: Okay. What's his number?

DEFENDANT SEGURA: I don't think that's -- I think that's irrelevant and that was a while ago. That was before Brandi passed away, or before -- that was a long time ago. That don't have anything to do with this today. I think that's irrelevant. I was talking to a girl that lived in Georgia, Atlanta -- Texas, what she got to do with it?

(Recording stopped.)

BY MR. FUCHS:

Q Even at this point, Mr. Segura is giving you the 408 number, but he's still trying to distance himself from it,

saying he got rid of it before Brandi died; is that correct?

A That's correct.

(Recorded interview played as follows:)

DEFENDANT SEGURA: I don't see no reason for you to call her, her family or --

INVESTIGATOR FURNEY: She's --

DEFENDANT SEGURA: You understand what I'm saying? I don't think that has anything to do with anything. If there's anything I can do to help y'all solve this case (inaudible).

INVESTIGATOR FURNEY: I appreciate that. But that's where I'm getting at when I'm telling you it's important for you to be honest with us, because we got people talking. We're not just -- we don't -- like he said, we're not just letting it go. We've got to talk to everybody, and we're talking to everybody who knows everybody. Okay?

And you don't think that we're getting people talking to us, saying, hey, I talked to so-and-so, I talked to such-and-such, and this is actually how I talked to them. This is the number that I talked to them on, that kind of stuff. This is what they told me. This is what we talked about. Okay? This is when we talked. Okay?

So, I mean, we're doing -- we're doing as much as we

possibly can on it, all right? And you're not being truthful about it with us. You're hiding things from us. And why -- and if you were sitting in my shoes, what would you think? I mean, if -- if I go and I start lying to you, what are you going to think of me? That I'm a liar. Okay. Is that right?

DEFENDANT SEGURA: Yeah.

INVESTIGATOR FURNEY: Okay. So we have to get past that. Okay. We know you have a second phone. We know you're talking to other people. So let's get past it. Okay? Where is that phone now?

DEFENDANT SEGURA: I don't have it.

INVESTIGATOR FURNEY: Okay. Is it down in your car, or is it --

DEFENDANT SEGURA: The phone is not active. I don't have a phone no more, that's what I'm telling you.

INVESTIGATOR FURNEY: When did it -- when did it go inactive?

DEFENDANT SEGURA: I don't know how long it's been off, just to be honest with you.

INVESTIGATOR FURNEY: Because you talked to people on it Monday. Monday of -- not yesterday Monday. Monday, the week of Thanksgiving. Monday after all this happened. So it had to have gone inactive after that; is that right?

DEFENDANT SEGURA: Yeah, probably.

INVESTIGATOR FURNEY: Okay. So does Malica know about that phone?

DEFENDANT SEGURA: No.

INVESTIGATOR FURNEY: Why doesn't --

DEFENDANT SEGURA: (Inaudible) I got rid of it. It don't exist no more. Like I said, I had -- I don't have a phone.

INVESTIGATOR FURNEY: Well, why, then -- I mean, did you use it to talk to girls, right? And I'm assuming that's why you're keeping it from Malica. Is that right? Okay. So you ain't going to (inaudible) talking to other girls.

DEFENDANT SEGURA: (Inaudible). I'm not even in a relationship with no other females. I haven't cheated on my wife, so -- so I'm good. (Inaudible.)

INVESTIGATOR FURNEY: But how -- how did you get rid of the phone? I mean, you said it went inactive. But, I mean, who's paying for the phone?

DEFENDANT SEGURA: I was paying for the phone.

INVESTIGATOR FURNEY: So is it on your -- your phone plan? Or...

DEFENDANT SEGURA: It was a prepaid phone.

INVESTIGATOR FURNEY: Okay. So you could put more minutes on it? So where is the phone? You didn't

just -- didn't get rid of the phone?

DEFENDANT SEGURA: I got rid of the phone.

INVESTIGATOR FURNEY: Okay. Where did you get rid of it?

DEFENDANT SEGURA: I threw it in the trash.

INVESTIGATOR FURNEY: Where? I'm assuming it's not at your house because Malica would find it.

DEFENDANT SEGURA: I put it in the dumpster at the house.

INVESTIGATOR FURNEY: The dumpster at the house?

DEFENDANT SEGURA: Uh-huh.

INVESTIGATOR FURNEY: Okay. You got a big dumpster at your house?

DEFENDANT SEGURA: It's a regular trashcan you put all the trash in.

INVESTIGATOR FURNEY: When did you do that?

DEFENDANT SEGURA: I don't remember. I know the trash has been dumped since then. I don't have trash (inaudible) on Wednesday.

INVESTIGATOR FURNEY: So was it maybe before Thanksgiving?

DEFENDANT SEGURA: No. I don't know (inaudible) getting rid of the phone. I didn't want her to find the phone.

INVESTIGATOR FURNEY: Okay.

DEFENDANT SEGURA: Like I say, I don't see where that has anything to do with this.

INVESTIGATOR FURNEY: It shows that you're not -- you're not being completely truthful with us.

DEFENDANT SEGURA: I am being completely truthful with you. But, like I said, I don't know see where this has anything to do with this.

INVESTIGATOR FURNEY: Well, because, you know, you're telling us all about you, and you're -- you're not telling us all about this other (inaudible) okay. And that's one of the things -- part of our job is to get down at everything that we know. So that way, when -- when push comes to shove at the end of the day, we can say we've done our job. Okay?

And you're not being truthful. Okay? There's other stuff that you're not being truthful about as well.

We know you weren't at home on Friday. We know you weren't at home all day Friday. Where did you go?

DEFENDANT SEGURA: (Inaudible.)

INVESTIGATOR FURNEY: Okay. Again, I need you to be 100 percent truthful with me. Okay? I can guarantee you that you were not at your house on Friday. I talked to a lot of people. All right?

Just think about that. Think about the people you talked to. Think about the places you went. Think about

things that you might have done that Friday. Okay? Where did you go?

DEFENDANT SEGURA: Nowhere.

INVESTIGATOR FURNEY: Okay. You left your house?

DEFENDANT SEGURA: No.

INVESTIGATOR FURNEY: I'm telling you, you left your house. I know that you left your house.

DEFENDANT SEGURA: (Inaudible.)

INVESTIGATOR FURNEY: Okay. Where all did you go?

DEFENDANT SEGURA: I didn't go anywhere.

INVESTIGATOR FURNEY: You understand the importance of all this, right?

(Recording stopped.)

THE COURT: Let's stand up for just a second. Let everybody stand up and stretch for a minute. It can be a little tedious. Make sure we stay awake. Stand up, Mr. Fletcher. Let's --

JUROR FLETCHER: Oh, yes, sir.

THE COURT: Just make sure everybody is -- all right. Thank you.

Go ahead, Mr. Fuchs.

BY MR. FUCHS:

Q After all that, confronted with the phone number, still said he was home all day?

A That's correct.

(Recorded interview played as follows:)

INVESTIGATOR FURNEY: What happened on Friday?

DEFENDANT SEGURA: Talking about with Brandi?

INVESTIGATOR FURNEY: Yes.

DEFENDANT SEGURA: I didn't have anything to do with whatever happened to Brandi.

INVESTIGATOR FURNEY: You were there Friday. Okay?

DEFENDANT SEGURA: I was at her house Friday?

INVESTIGATOR FURNEY: You were there Friday.

DEFENDANT SEGURA: How you figure that?

INVESTIGATOR FURNEY: I'm telling you, you were there Friday. Okay? You can't think that when something like this happens, that -- that they're not going to find evidence, okay? You can't think that. All right? We have to get past that.

There's -- there's no question here. Okay? We have to get past that. Okay. What happened happened. What we have to do is we have to tell the whole story. We have to tell your story. Because when I stand up there and I start telling people what happened, they're not going to understand. Okay? They're not going -- they're not going to understand how anybody can do it.

DEFENDANT SEGURA: I don't understand.

INVESTIGATOR FURNEY: Okay.

DEFENDANT SEGURA: I didn't kill Brandi and -- and

my kid and (inaudible).

INVESTIGATOR FURNEY: You were there. Okay?

DEFENDANT SEGURA: (Inaudible.)

INVESTIGATOR LEWIS: (Inaudible.)

DEFENDANT SEGURA: (Inaudible.) We wasn't upset with each other over nothing.

INVESTIGATOR FURNEY: You were -- you were in the bedroom. We have to get past that. Okay? You were there.

DEFENDANT SEGURA: I wasn't there.

INVESTIGATOR FURNEY: Okay.

DEFENDANT SEGURA: Friday, no, I wasn't.

INVESTIGATOR FURNEY: Okay. When were you there?

DEFENDANT SEGURA: Wednesday.

INVESTIGATOR FURNEY: You weren't at home Friday.

DEFENDANT SEGURA: Yes, I was.

INVESTIGATOR FURNEY: I'm telling you, you were not at home Friday. You were over at Brandi's home Friday. Okay?

We've talked to a lot of people. We've done a lot of evidence gathering. We've done -- we've done our jobs. Okay? That's why I'm urging you to be as honest as you possibly can be, because all it can do is help you in the long run. You've got to think about Malachi. You've got to think about Henry. Okay? And you've to

think about Malica. Because this -- your decisions today affect the rest of their lives, just like it affects the rest of yours. And when you're -- 10 years from now, when you have to sit back and think about today, I don't want you to sit back and think, I could have changed their life. I could have changed my life. Things may be different if I had been completely honest that day.

Because what happens is when people have to sit back and decide what happens to the person who did this, and they have to judge you, to determine what happens to you, okay --

DEFENDANT SEGURA: I didn't do (inaudible).

INVESTIGATOR FURNEY: Let me finish. Okay? They can understand people's mistakes. They can. They can understand (inaudible). They can understand not enough money. They can understand, you know, people hounding you for -- for child support. What they don't understand is given the opportunity to do the right thing and to be remorseful for what happened, and you not being (inaudible).

(Recording stopped.)

BY MR. FUCHS:

Q One final question just for clarification purposes. The weekend all this -- that Brandi was actually killed, was that the same weekend as the Florida Classic FAMU football

game that was down there in Orlando?

A I was told it was, yes.

MR. FUCHS: No further questions.

THE COURT: Cross?

MR. PRINCE: No questions at this time. We will retain him.

THE COURT: Okay. Anybody have questions of this witness on this subject? All right. All right. You can step down.

Let's go sidebar. We don't need the court reporter.

(Sidebar off the record.)

THE COURT: All right. Well, we're going to -- let me first -- would y'all pass the transcripts down to one end or the other? You already got them?

THE BAILIFF: Yes.

THE COURT: You already got them?

All right. We're going -- we're going to be breaking for the afternoon. The State ran into some technical problems on their next witness.

They have one more witness they are going to be presenting in their case in chief. It will probably be a lengthy witness, going to deal with phones and phone stuff.

We hope to be done by lunchtime tomorrow. That will -- but, you know, as you can see, things are not

totally predictable. But at least by early afternoon, the State is going to be resting their case.

Once we get through with that, I have some legal issues I need to deal with on the -- on the Defense, before the Defense starts their case. We're going to plan to do that tomorrow afternoon. So you're probably going to be off maybe -- maybe lunchtime or at -- at least by early afternoon tomorrow.

I'm just kind of telling you this so you can kind of be able to make some plans if there's anything you need to catch up on.

We'll be starting with the Defense case first thing on Thursday morning. So that's -- that's kind of the schedule. And probably -- can't really tell you how long that's going to take. We'll have a better handle on that Thursday as to how long that's going to take. But that's -- so that's where we stand.

I mean, I know you wish everything could just go straight through and get it all done. But it -- you know, these things are pretty complicated. There are a lot of moving parts, and we have to kind of work through these things. So everything is moving pretty smoothly.

So, anyway, need you to be back tomorrow at 8:30, same kind of parking arrangement we had this morning.

Don't talk to anybody about the case or review any

media either and watch it or read it.

Anybody have any questions about scheduling or what's going on or anything of -- of that sort? We'll need to -- they have to let you out of the building. I don't know why, but you have to have a card to get out as well as to get in. But I think Court Administration, they'll be -- they'll be prepared to get you out of the building, like you're captured here.

But, anyway, y'all have a good evening. We'll see you tomorrow morning at 8:30.

(The jury was escorted from the courtroom, and the following took place outside their presence:)

THE COURT: At -- at sidebar we didn't make it of record, but I just discussed with the attorneys the schedule that I just announced. It's my understanding everybody was on the same page with that. Anybody have any problem with what I told the jury?

MR. PRINCE: No, Your Honor.

MR. FUCHS: No, sir.

THE COURT: Any issues from either side?

MR. FUCHS: No, sir.

MR. PRINCE: No, sir.

THE COURT: All right. If not, we'll see y'all in the morning, tomorrow morning, 8:30.

MR. FUCHS: Thank you, Your Honor.

(The proceedings adjourned for the evening at 2:30 p.m.)

CERTIFICATE

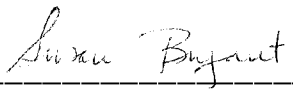
STATE OF FLORIDA:

COUNTY OF LEON:

I, SUSAN BRYANT, Registered Merit Reporter, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED this 1st day of November 2017.



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