

2087:23 Whether or not he could identify a black voice, a male
2087:24 voice, is conjectural.

2088:01 I respectfully suggest to the Court common
2088:02 sense will either figure that one out one way or the
2088:03 other. But here's your so-called identification. Mr.
2088:04 McCraney on first blush states that he could not
2088:05 identify anyone. They were male black subjects. The
2088:06 area in which Mr. McCraney lives is jet black at night.
2088:07 I respectfully suggest that Mr. McCraney had testified
2088:08 that he would be relocated. He implied that he might
2088:09 get a new Cadillac. I don't know what else he has
2088:10 been promised, but there were some promises made.

2088:11 So, then all of a sudden he's able then to
2088:12 identify all the parties. He identifies them by
2088:13 picture, he talks about them specifically. He stated
2088:14 that the reason he didn't come forward with this at
2088:15 first blush is because he needed to relocate himself
2088:16 first or he needed some quote, unquote, protection.
2088:17 He testified as to smoking marijuana and people having
2088:18 sexual relationships in front of his house. Anything
2088:19 he could conceive to make his story more acceptable.

2088:20 I respectfully suggest to the Court that his
2088:21 credibility as a witness in what he has testified to
2088:22 are the only real connection now that we have against
2088:23 these people other than Paula Gray. Now, we'll get to
2088:24 Paula Gray. Paula Gray, a seventeen year old mentally
2089:01 retarded girl --

2089:02 MR. ARTHUR: Objection. No evidence of any mental
2089:03 retardation at all.

2089:04 MR. WESTON: She's in EMH.

2089:05 MR. ARTHUR: Objection. No evidence of that.

2089:06 MR. WESTON: Paula Gray, a seventeen year old minor.

2089:07 MR. ARTHUR: She's an adult. Being prosecuted as
2089:08 an adult.

2089:09 MR. WESTON: A seventeen year old girl was then
2089:10 taken without complying with the criminal statute into
2089:11 the custody of the police and there held for a period
2089:12 of three days. They kept her in a motel, in another
2089:13 motel and kept her overnight. And finally she
2089:14 appeared before the Grand Jury and she testified
2089:15 even prior to that testimony before the Grand Jury
2089:16 and she testified even prior to that testimony before
2089:17 the Grand Jury an officer of this police force
2089:18 testified, a female. And when she arrived at the
2089:19 criminal court she was reluctant to testify. She

2089:20 still did not want to say this lie that had been
2089:21 proffered to her.

2089:22 Now, according to her that's what the
2089:23 testimony says. But she does go before the Grand
2089:24 Jury and she recites like a memory book exactly what
2090:01 was told to her. Now, after she made this recitation
2090:02 before a Grand Jury, and mind you again before the
2090:03 Grand Jury at this point she's supposedly in some type
2090:04 of classification, either a protected witness or
2090:05 testifying against herself. By the Statute she's not
2090:06 in protective custody so she must be testifying against
2090:07 herself. No warnings at all were given to her. Miranda
2090:08 or otherwise. The fact that she had a right to counsel
2090:09 and all other appropriate warrants were not given to
2090:10 her.

2090:11 She then testified. She made a statement.
2090:12 Then, of course, it reached the newspaper. It reaches
2090:13 the newspaper that we solved this case by an eye
2090:14 witness who saw it. I end up representing four of
2090:15 the defendants and the Honorable Mr. Creswell
2090:16 represented one. We appeared before Judge Samuels and
2090:17 we had a preliminary hearing of sorts.

2090:18 I'm advised by the State's Attorney and he
2090:19 stated on the witness stand that [Ms.] Mrs. Gray, the key
2090:20 witness, is in Alabama. Then he states to me that
2090:21 he was told she was in Alabama. He didn't know. However,
2090:22 she came into the courtroom. She was not in Alabama.
2090:23 Then she testified. She testified over my objection,
2090:24 over Mr. Creswell's objection for an hour or so.

2091:01 Your Honor, she then said that what was
2091:02 told before the Grand Jury was a lie and the lie was
2091:03 then created by whoever had her in custody. After
2091:04 she had finished this testimony which, mind you, now
2091:05 eliminates any eye witness from the three defendants
2091:06 who ultimately were bound over to the Grand Jury,
2091:07 she then states she saw nothing.

2091:08 Now, she is then charged not with the
2091:09 perjury alone but with seventeen counts, the identical
2091:10 counts that were done and also charged to the defendants
2091:11 herein, counts that the state must know were not
2091:12 provable. None of the counts involved are a crime
2091:13 already committed. Even by her own statement she
2091:14 could not have done any kidnapping. Even by her
2091:15 own statement she did not do any of the aggravated
2091:16 kidnapping charges here and at most it would be