

1 Q Where did that interview take place?

2 A At the Pennsylvania State Police station in  
3 Gettysburg.

4 Q And how did the Defendant come to be at the  
5 Barracks at that time?

6 A He was requested. Trooper Holtz and I had gone  
7 to his residence earlier in the evening and stopped by and  
8 asked, indicated to Barry that we would like to talk to him  
9 and his father said, well, he would bring him up to the  
10 State Police station and then we left.

11 Q On this occasion it's true, is it not, that you  
12 particularly wanted to talk to the Defendant?

13 A Yes.

14 Q Do you recall about what time it was that you  
15 stopped by the Laughman residence and asked if Barry could  
16 come in and speak to you?

17 A I think it was about a quarter of 6:00 in the  
18 evening, p.m., 15 minutes til 6:00.

19 Q How did the Defendant get to the Barracks that  
20 evening?

21 A He was brought there by his father.

22 Q He did not come along with you and Trooper Holtz,  
23 ride in the police car or anything of that sort?

24 A No, he didn't.

25 Q His father's name is Oscar, is that correct?

1           A       That's correct.

2           Q       Did Oscar Laughman follow you or did you follow  
3 him on the way to the Barracks or anything of that sort?

4           A       No, we left and he said he would be up a little  
5 later. We said fine and we left and went back to the  
6 station and waited.

7           Q       At some point in time did the Defendant and his  
8 father arrive at the Barracks?

9           A       Yes, they did.

10          Q       Approximately what time was that please?

11          A       About 20 minutes til 7:00, just almost an hour  
12 after we had been at their house.

13          Q       Who was along with the Defendant when he arrived?

14          A       His father was. I didn't know it at the time but  
15 I think Madeline Laughman was in the car.

16          Q       She didn't come inside?

17          A       She didn't come inside. He and his father came  
18 inside.

19          Q       Where did the Defendant go when he came inside?

20          A       He came into the hallway, and if I recall, he  
21 wanted to use the bathroom as soon as they got there. So he  
22 was shown where the bathroom was and as soon as he was  
23 finished, he went into Corporal O'Brien's office which is  
24 the same room that he had been in before with Trooper Holtz.

25          Q       Was anyone else with them at that point?

1 A No.

2 Q Where did you go?

3 A I went into another office which is off from the  
4 communications room which is the OIC, officer's in charge  
5 office, a very small office with Oscar Laughman and Corporal  
6 O'Brien.

7 Q What were you doing in there?

8 A Talking to Oscar Laughman.

9 Q Without going into detail, can you tell me what  
10 you were talking about?

11 A About this investigation.

12 Q Any particular type or aspect of the  
13 investigation?

14 A Basically regarding previous interviews with  
15 Barry and some things that just didn't seem to fit.

16 Q At some point did you leave that office?

17 A Yes, I did.

18 Q Can you tell the jury how that took place please?

19 A In the office is a glass window in the door and I  
20 was seated as such that I can see straight out. As matter  
21 of fact, you can see the door to the office where Trooper  
22 Holtz and Barry Laughman were and at 7:30 p.m. I saw Trooper  
23 Holtz come out of that office and he motioned for me. I  
24 excused myself and went out and he asked me to come into the  
25 office with him to interview Barry Laughman.

1 Q You say Trooper Holtz motioned to you, what do  
2 you mean by that?

3 A He simply went something like that, waved his  
4 fingers.

5 Q Waved his hand?

6 A Waved his hand at me and I could see him clearly  
7 and it was apparent to me he wanted to speak to me. I left  
8 that office, walked out in the main office area and he  
9 simply said that I should go in the office with him and  
10 interview Barry.

11 Q We're not talking about one way mirrors or  
12 windows or anything like that, are we?

13 A No, Oscar Laughman has his back to that area so  
14 he couldn't see it but it was no secret. It's coincidental.

15 Q You hadn't set up the positions of the chairs for  
16 that or anything of that sort?

17 A No, we hadn't.

18 Q What did you do when Trooper Holtz motioned you  
19 and asked you to come back into the office where he and the  
20 Defendant had been seated?

21 A I went in.

22 Q Anyone else there?

23 A No.

24 Q Beside yourself, Trooper Holtz and the Defendant?

25 A No one else.

1 Q What happened at that point?

2 A The first thing I did was inquired of Trooper  
3 Holtz whether or not he had advised Barry Laughman of his  
4 constitutional rights under Miranda and he said that he had  
5 and he showed me a Miranda rights warning form similar,  
6 exactly as this form that has been introduced.

7 Q Do you have that form with you, Trooper?

8 A It's in evidence, yes.

9 Q In your brief case?

10 A No, it's in the box.

11 (Commonwealth's exhibit No. 46 was marked for  
12 identification.)

13 BY MR. KEEFER:

14 Q Trooper Blevins, I am going to hand you a manila  
15 envelope marked as Commonwealth's exhibit number 46. Can  
16 you open up that envelope please.

17 (Commonwealth's exhibit No. 47 was marked for  
18 identification.)

19 BY MR. KEEFER:

20 Q Trooper, I will show you what's been marked for  
21 identification purposes as Commonwealth's exhibit number 47,  
22 ask you if you can identify that document please?

23 A It's a rights warning and waiver form  
24 Pennsylvania State Police SP 70019 dated 8 September '87,  
25 time 18:50 hours, which is 6:50 p.m., place Pennsylvania

1 State Police station, Gettysburg, and the name of the  
2 individual on the top of it is Trooper John J. Holtz, bottom  
3 right signature Barry J. Laughman.

4 Q You were not present when this document was  
5 filled out, is that correct?

6 A No, I wasn't.

7 Q Is that the same form that Trooper Holtz showed  
8 you when you inquired as to whether the Defendant had been  
9 given his constitutional warnings?

10 A Yes.

11 Q What happened next?

12 A Both Trooper Holtz and myself questioned Barry  
13 Laughman regarding this investigation from then until 9:35  
14 hours at which time I myself advised Barry Laughman of his  
15 constitutional rights again and used a different form for a  
16 different purpose and during that time and during that  
17 interview by Trooper Holtz and myself, as a result of the  
18 questioning, he admitted that he had committed this crime.

19 Q You say that you again reread Mr. Laughman his  
20 constitutional rights at 9:35?

21 A Yes.

22 Q Did you fill out a form at that point?

23 A Yes, it's a different form but basically the same  
24 Miranda rights and then on down it has question and answer  
25 areas. It's a statement form more than just a waiver.

1 Q Have you brought that with you today also?

2 A It should also be in that.

3 Q When you say be in that, you're talking about  
4 manila envelope number 46?

5 A Yes.

6 (Commonwealth's exhibit No. 48 was marked for  
7 identification.)

8 BY MR. KEEFER:

9 Q I am going to show you what's been marked for  
10 identification purposes as Commonwealth's exhibit number 48,  
11 ask if you can identify what that is for the record?

12 A This is a Pennsylvania State Police statement  
13 form which is SP form 70020 and it is in fact the same  
14 original form and statement that I used on that evening at  
15 9:35 hours on September 8th, 1987.

16 Q Does this form also contain Miranda warnings?

17 A Yes, it does.

18 Q And specifically did you read those to the  
19 Defendant on the evening in question?

20 A Yes, I did.

21 Q And I think you indicated the time was  
22 approximately 9:35 p.m.?

23 A Yes, it was.

24 Q Did Barry seem to understand when you read those  
25 rights to him?

1           A     Yes, he did.

2           Q     Did he give any indication that he did not  
3 understand what you were saying to him?

4           A     No, he didn't.

5           Q     Specifically is there a place on that form where  
6 you asked the Defendant quote do you understand your rights  
7 as I have explained them to you?

8           A     Yes, that's the first question at the bottom of  
9 the Miranda.

10          Q     And I see on the exhibits, which I have a copy of  
11 as I believe Attorney Cook does, is that answer or a period  
12 yes written in?

13          A     Yes.

14          Q     Who wrote the yes in there?

15          A     If I recall correctly, he did.

16          Q     And there is initials after that B JL. Who wrote  
17 the initials in there?

18          A     Barry Laughman did.

19          Q     The next question I believe is with these rights  
20 in mind, do you now wish to make a statement. Answer again  
21 appears to be yes. Initials B JL. Who wrote the yes and who  
22 wrote the B JL?

23          A     Barry Laughman.

24          Q     Next question can you read and write the English  
25 language a period. Yes again, B JL?



1           A       Barry Laughman did this also.

2           Q       Was the writing of those three answers and those  
3 three initials done before you proceeded to the questions  
4 which maintain the body of this statement?

5           A       That's correct, that's the first thing that was  
6 done.

7           Q       How was the statement taken, the written document  
8 that we have as Commonwealth's exhibit 48?

9           A       Again this was done after he had admitted to this  
10 crime and Trooper Holtz and myself asked him, I would write  
11 the question on the form and he would answer the question  
12 verbally and I would write the answer as well on the form  
13 and there were a total of 53 questions.

14          Q       Who was actually doing the writing on the form?

15          A       I was.

16          Q       Is there any particular reason why you were doing  
17 the writing as opposed to the Defendant or as opposed to  
18 Trooper Holtz?

19          A       Just for sake of convenience. Basically no real  
20 particular reason.

21          Q       Who was primarily asking the questions?

22          A       Trooper Holtz was doing most of the questioning.  
23 There would be times that I perhaps would think of something  
24 and interject a question but basically Trooper Holtz asked  
25 most all the questions and I would write them out as he

1 would ask them.

2 Q So the 53 questions primarily most of those or  
3 the body of those would have been Trooper Holtz's questions,  
4 is that correct?

5 A Yes, that's true.

6 Q You physically wrote the answers. Where did you  
7 get the words for those answers?

8 A From Barry Laughman.

9 Q Did you write down what he said or paraphrase  
10 what he said? How did you do that?

11 A I wrote down what he said.

12 Q Did you try to use the same language that he  
13 would use?

14 A Yes, I did.

15 Q For instance, if you'll look at question and  
16 answer number seven, which I believe is on the bottom of the  
17 second page of the statement, Question, Barry, by having sex  
18 with her, what did you do. Answer, I stuck my penis in her  
19 and started going up and down on her. I went up and down  
20 until I came. Are those your words or are those the words  
21 of the Defendant?

22 A Those are the words of the Defendant.

23 Q Question and answer number 25 if you'll find that  
24 one please. Have you found it?

25 A Yes, I did, sir.

1 Q Question, what did you do with the butt? Answer,  
2 outened them out, some on a chair and on the floor. The  
3 phrase outened them out. Whose phrase was that?

4 A Barry Laughman's phrase.

5 Q Question and answer number 34, Question, why did  
6 you do this? I tried to make it look like an accident. Who  
7 used the word accident?

8 A Barry Laughman.

9 Q Question and answer number 42, Barry, why did you  
10 do this? Answer, cuz she would have told on me. Whose  
11 expression was that?

12 A Barry Laughman's expression.

13 Q Question and answer number 45, why did you go to  
14 have sex with Edna. Answer because I could never ever get a  
15 girl. Again whose phrase is that? Whose language is that?

16 A That's Barry Laughman's language.

17 Q How long did the taking of this written portion  
18 of the statement take?

19 A Approximately an hour, if I recall correctly.

20 Q There appear to be three sets of initials on the  
21 bottom of each page, the written portion of the statement.  
22 Whose initials are those and when were those written on the  
23 papers?

24 A One set of initials are those of Barry, BJL which  
25 is Barry Laughman. He put those on. JJH is Trooper Holtz

1 and DGB is my initials and they were put on each form at the  
2 time of the statement.

3 Q Did you do one page at a time? As you finished  
4 each page, it was initialed or was that done after the  
5 statement had been written completely?

6 A If I recall correctly, after the statement had  
7 been written, it was read over again page by page and as  
8 each page was read, the initials were put on the bottom of  
9 it.

10 Q Who read it, if you recall?

11 A I think Trooper Holtz.

12 Q Were any instructions given to the Defendant as  
13 to when he should affix his initials or whether he should or  
14 not affix his initials? What was he told about that?

15 A It was indicated to him that if he was satisfied  
16 with what the particular page said and if it was true and  
17 correct and he was satisfied with that, that he should affix  
18 his initials.

19 Q At that point was a third step or process of the  
20 interviewing procedure taken?

21 A Yes.

22 Q What did that involve?

23 A Trooper Holtz got a tape recorder and went over  
24 the statement again on tape. I was not in the room when  
25 that was done.

1 Q Do you have the tape recording in your possession  
2 though?

3 (Commonwealth's exhibit No. 49 was marked for  
4 identification.)

5 BY MR. KEEPER:

6 Q Trooper Blevins, I am going to show you an object  
7 that's been marked for identification purposes as  
8 Commonwealth's exhibit number 49, ask you if you can read  
9 into the record what that object is or describe what that  
10 object is, first of all?

11 A The object is a cassette tape. C 60 diskette and  
12 it's exhibit number 49.

13 Q Is that the same tape that was made on the  
14 evening in question, if you know, sir?

15 A It certainly appears to be.

16 Q Is there writing on the tape?

17 A Yes, on the one side of the tape is a number one  
18 which would indicate side one and my name, Trooper Blevins,  
19 Gettysburg and Trooper John J. Holtz and the date 8  
20 September, '87. On the other side is just a number two  
21 indicating that it's side two of the tape.

22 Q You were not present in the room when that  
23 procedure was done, is that correct?

24 A I saw them through the window. I was in another  
25 office but, no, he was in there with Barry Laughman alone.

1 Q How long approximately did that part of the  
2 procedure take, do you recall?

3 A I can guess 20 minutes, 15, 20 minutes, not long  
4 at all. It was just basically reading over what we had  
5 already gone over. So my guess would be 15 minutes.

6 Q So you were, if my math is approximately correct,  
7 with the Defendant that evening for a period in excess of  
8 three hours, is that correct?

9 A I believe at least that, yes.

10 Q During that time period, were you in physical  
11 proximity to the Defendant? How close were you to him?

12 A At times inches away from him.

13 Q Can you relate how he appeared during the  
14 interview on this night?

15 A Nervous.

16 Q Did he appear more nervous, about the same or  
17 less nervous than he appeared when you interviewed him on  
18 the 27th of August?

19 A About the same initially. He appeared about the  
20 same nervous as he had been on the 27th.

21 Q Did he seem to get more nervous, less nervous or  
22 stay the same throughout the course of the interview?

23 A It was just a few moments that he appeared very  
24 nervous to me. Other than that, basically as the evening  
25 went on, he got less nervous it seemed to me.

1 Q Same type of thing that you saw on the 27th?

2 A Basically, yes.

3 Q You said a few points he appeared to be more  
4 nervous. Do you recall any of those particular points,  
5 Trooper?

6 A One particular point.

7 Q Can you describe that for the jury please?

8 A There was a time perhaps 20 minutes to a half an  
9 hour after I had entered the room that he agreed to tell us  
10 what had actually happened or his involvement regarding Edna  
11 Laughman and at that point he physically raised up in his  
12 chair and took a very deep breath and appeared to be very  
13 nervous. He sat back down in the chair and from that point  
14 on again he admitted to this crime and as time went on he  
15 seemed to get less nervous.

16 Q I want to go through certain things in the  
17 statement with you, if I can, Trooper. Let me just follow  
18 up where we are first I guess. Did you have any indication  
19 again using your experience that the Defendant was under the  
20 influence of alcohol or drugs or anything else at that point  
21 in time?

22 A No indications whatsoever.

23 Q In fact was he particularly asked that by  
24 someone?

25 A Yes, he was.

1 Q Did the Defendant seem to understand the  
2 questions that you and Trooper Holtz were proposing to him?

3 A He seemed to me. He didn't seem to have any  
4 problem understanding the questions.

5 Q Was there any point in time when either you or  
6 Trooper Holtz would ask him a question and he would respond  
7 with an answer that was totally inappropriate, if you will,  
8 something totally off track from what you asked him?

9 A No.

10 Q Did he ask for anything during the course of the  
11 interview, any physical needs let me put it to you that way?

12 A I am not exactly sure when but he had sodas. He  
13 had cigarettes and I think water. I can't tell you at what  
14 stage, but yes, during the evening he asked for things and  
15 was given them immediately.

16 Q Was he ever denied anything that he asked for?

17 A No, he wasn't.

18 Q At any point did you or Trooper Holtz or anyone  
19 else threaten him?

20 A No, sir.

21 Q Did you promise him anything?

22 A No, sir.

23 Q Were either of you two in uniform that evening or  
24 are you dressed similar to how you are today?

25 A Similar to how we are today.



1 Q Trooper, if you'll go along with me on the  
2 statement that you have here, in question and answer I  
3 believe it's number five there's a portion of that where the  
4 Defendant apparently indicates that he struck the victim on  
5 the head with a flashlight. We heard Dr. Mihalakis testify  
6 earlier in this trial with regard to the wound or bruise on  
7 the back of the victim's head. Had that been made general  
8 knowledge prior to this statement being made on September  
9 8th, 1987?

10 A No, sir.

11 Q How many people, if you know, knew about that  
12 bruise on the back of the head?

13 A Maximum probably four people.

14 Q Who would those people have been, if you recall?

15 A Myself, Trooper Holtz, Dr. Mihalakis, Corporal  
16 O'Brien and I am not sure if anyone else knew at all.

17 Q Had you particularly told any of the Defendant's  
18 family about anything?

19 A No, sir.

20 Q About that I mean?

21 A No.

22 Q In the same answer there's a statement about the  
23 victim wearing a bra and the Defendant I believe the words  
24 slipped it up. Had anyone talked about the clothing that  
25 the victim was wearing at the time that her body was

1 discovered?

2 A I had not talked to anyone about it other than  
3 police involved in the immediate investigation.

4 Q Particularly had you told the Defendant or any  
5 members of his family?

6 A No, sir.

7 Q That same series of answers goes to talk about  
8 the fact that he had sex with her. Had the facts that semen  
9 or seminal fluid or sperm, whatever, been found during the  
10 course of the autopsy been released to the press or to any  
11 family members or any of the general public?

12 A No, sir.

13 Q That statement also talks about the use of the  
14 pills, the language saying dumped the whole bottle of pills  
15 in her mouth. Had the cause of death itself been released  
16 to the public?

17 A No, it had not.

18 Q Had you discussed that cause of death with the  
19 Defendant or any members of his family?

20 A No, sir.

21 Q I guess there was a coroner who came out and  
22 would have filed a report. Do you know how the cause of  
23 death was listed in that report?

24 A I don't recall. It was very brief and it wasn't  
25 descriptive at all but without looking at it, I don't recall

1 the exact wording.

2 Q Do you know whether that cause of death listed  
3 strangulation or asphyxiation, do you recall whether it did  
4 that even?

5 A I am not sure if the initial report listed any  
6 cause. I think it was done on a supplemental, if I recall,  
7 but I don't recall the wording, not without looking at a  
8 copy of it.

9 Q Had the fact that the person involved in this  
10 crime gone upstairs in the building, had that been released  
11 to anyone?

12 A No, sir, not to my knowledge.

13 Q Looking at question and answer number ten,  
14 there's an answer regarding a blue cloth bag. You testified  
15 yesterday about your interview with Madeline Laughman  
16 regarding a blue cloth bag. Had you discussed that at all  
17 with the Defendant prior to this interview taking place?

18 A No, sir.

19 Q Had you discussed how much money had been  
20 indicated to you by Madeline Laughman that Edna may have had  
21 in that bag or had in her house?

22 A I had not discussed it with anyone outside of the  
23 immediate investigative team.

24 Q Question and answer number 24 asked how many  
25 cigarettes the Defendant may have smoked that evening and he

1 answers four or five I think. Had the amount of cigarette  
2 butts that were discovered within the Laughman residence  
3 been released to the press or to anyone so far as you know?

4 A No.

5 Q Had the location as to where those cigarette  
6 butts had been put out been released to the press or to the  
7 Defendant or to his family or to any other member of the  
8 general public?

9 A No, sir.

10 Q Had the brand of cigarettes that were found in  
11 the house and the brand of the cigarette box top that was  
12 found in the house been released to the press or to the  
13 Defendant or to his family?

14 A No, it wasn't.

15 Q Question and answer number 32 talks about a pill  
16 bottle, had the existence of a pill bottle been discussed  
17 with the press, with the family, with the Defendant?

18 A With no one outside the immediate team of  
19 investigators.

20 Q Had the fact that the pill bottle had been found  
21 in the right hand of Edna Laughman been discussed with  
22 anyone prior to this interview?

23 A No, sir.

24 Q That same answer talks about a white rag which I  
25 think is Commonwealth's exhibit number five. Had the

1 existence of that white rag in the hand of Edna Laughman  
2 been discussed with the press, with the general public, with  
3 the Defendant or with his family?

4 A No, sir, it had not.

5 Q Had the fact that anything had been taken from  
6 Edna Laughman's house been discussed or disclosed to the  
7 press, to the public, to the Defendant or to his family?

8 A No. We didn't know if anything had been taken as  
9 a matter of factly.

10 Q If my timing is right, I guess we're somewhere in  
11 the vicinity of I guess pretty close to 11:00 o'clock by  
12 this time once the statement is done, the written part is  
13 done, the tape recording has been made, is that  
14 approximately correct?

15 A Yes.

16 Q What was done at that point then?

17 A The Defendant was placed under arrest by myself,  
18 a criminal complaint was prepared and he was taken before a  
19 district magistrate and arraigned at 11:30 p.m. hours.

20 Q Trooper, are you familiar with what's known as the  
21 Davenport or the six hour rule?

22 A Yes, I am.

23 Q Can you explain what your understanding of that  
24 rule is?

25 MR. COOK: Objection.

1 THE COURT: The objection is sustained.

2 MR. KEEFER: May I approach for a moment just to  
3 explain where I am going with this?

4 (The following discussion occurred at side bars)

5 MR. KEEFER: Your Honor, during Trooper Holtz's  
6 testimony, Trooper Holtz is going to indicate that he would  
7 have conducted a further taped interview with the Defendant  
8 had time allowed but that Trooper Blevins along with  
9 Corporal O'Brien were very insistent that it was necessary  
10 to get the Defendant to a magistrate for arraignment within  
11 the six hour time period. That's why no further  
12 interviewing was done on the night in question. Obviously  
13 the defense is going to attack Trooper Holtz. They have  
14 during the suppression hearing, during the preliminary  
15 hearing about taping or not taping and why certain things  
16 were done. We certainly believe we have the opportunity to  
17 present this as an explanation as to why the procedure took  
18 place the way it did.

19 THE COURT: I don't even know if the Davenport  
20 rule is in effect.

21 MR. KEEFER: Whether that is or not --

22 THE COURT: Getting into an explanation of the  
23 police giving rules and so forth that's beyond the purview  
24 of their expertise. They may be allowed to say that they  
25 thought they had to do this but I don't want any explanation

1 of Davenport Rule because it's just not pertinent and it's  
2 not accurate and they're just not the people to say that.

3 MR. KEEFER: So in other words, the Court  
4 disagrees with the way I phrased the question. The Court  
5 would allow me to ask the Trooper why he took the Defendant  
6 to the magistrate when he did?

7 THE COURT: That's perfectly all right.

8 MR. KEEFER: All right, no problem with it then.

9 (End of discussion at side bar.)

10 BY MR. KEEFER:

11 Q If I can withdraw the last question, Trooper, and  
12 just ask you why did you take the Defendant to the  
13 Magistrate's office when you did that evening?

14 A Basically we had finished up interviewing him,  
15 had finished processing him and generally we had six hours  
16 from the time he comes into our custody to arraign him on  
17 the charge and that was within that time frame.

18 Q Did you stop your investigation at this point,  
19 Trooper Blevins? Was this the last thing you did with  
20 regard to this case?

21 A No, sir.

22 Q You had indications I guess during the course of  
23 the statement the Defendant had had a flashlight apparently  
24 with him, is that correct?

25 A That's what he said.

1 Q Did you take steps to try to locate that  
2 flashlight?

3 A Yes.

4 Q Did you through the course of your investigation  
5 I guess the next day have the opportunity to go to the  
6 Defendant's home and to look for a particular flashlight?

7 A Yes.

8 (Commonwealth's exhibit No. 50 was marked for  
9 identification.)

10 BY MR. KEEFER:

11 Q I will show you what's been marked for  
12 identification purposes as Commonwealth's exhibit number 50.  
13 Can you open that manila envelope please. Can you take out  
14 the contents please. Can you describe the contents of that  
15 envelope for the jury please?

16 A It's a red plastic flashlight.

17 Q How did you come into possession of that  
18 flashlight?

19 A It was obtained at the residence of Barry  
20 Laughman the 9th of September with a search warrant.

21 Q Is that the particular flashlight the Defendant  
22 had described for you during the course of the interview on  
23 the 8th of September?

24 A Yes.

25 MR. KEEFER: Your witness.



1 THE COURT: Would it be better to take the  
2 recess at this time?

3 MR. COOK: I believe so. There's going to be  
4 lengthy cross-examination.

5 THE COURT: Step down please and just step into  
6 the jury room.

7 (Whereupon a recess was taken at or about 10:18  
8 a.m.)

9 AFTER RECESS

10 THE COURT: Bring the jury back in please.  
11 Trooper Blevins, would you resume the stand.

12 (Jury brought into the courtroom at or about 10:35  
13 a.m.)

14 (Witness resumes the stand.)

15 THE COURT: Mr. Cook.

16 CROSS EXAMINATION

17 BY MR. COOK:

18 Q Trooper Blevins, you said you got that flashlight  
19 the day after the statement, is that correct?

20 A I believe that was the date.

21 Q Do you have with you your application for a  
22 search warrant in that regard?

23 A Yes, I do, sir.

24 Q May I see it please. Under the listing of  
25 identify items to be searched for and seized, will you

1 please indicate what you wrote in that section?

2 A Three cell plastic flashlight.

3 Q Is this a three cell plastic flashlight?

4 A It appears to be a two cell plastic flashlight.

5 Q Isn't it true, Trooper Blevins, when you got to  
6 the Laughman residence and seized this flashlight, it didn't  
7 even work, isn't that true?

8 A I don't believe it had batteries in it.

9 Q It didn't even have batteries in it?

10 A I don't think so. I don't think. Maybe it has.  
11 It didn't feel like it.

12 Q Neither you nor anyone at the police barracks put  
13 those batteries in it?

14 A No, it didn't feel heavy enough to have  
15 batteries.

16 Q It's your contention this is what Barry Laughman  
17 used to put that two inch diameter bruise in the cranium of  
18 Edna Laughman, is that correct?

19 A That's what he said, yes, sir.

20 Q Was that flashlight sent to the lab for analysis  
21 to see if there were any hairs in it or blood or anything  
22 like that?

23 A No.

24 Q Why was that not done?

25 A I don't recall.

1 Q Your testimony today in this seven page document,  
2 your testimony today was that you went through and you  
3 copied down verbatim each question asked by Trooper Holtz  
4 and then copied verbatim each answer by Barry Laughman, is  
5 that your testimony today?

6 A Yes, sir.

7 Q That would include the answer to question number  
8 five which is about a half a page narrative, is that  
9 correct?

10 A Yes.

11 Q So your testimony today is that in response to  
12 the question asked by Trooper Holtz, Barry, what happened on  
13 the evening of August 12th, 1987; Barry stated I was home  
14 watching t.v. and decided to go for a soda. Tim was in his  
15 bedroom with his girlfriend. I had a flashlight and walked  
16 down the front way to Emerson's Sharp's Cars to get a Pepsi.  
17 I started back home. I stopped at Edna's house. I knew she  
18 was there and I wanted to have sex. I went inside her home  
19 through the front window. She was there. She heard me  
20 coming in. She had her bra on. She started to run toward  
21 the kitchen. I chased after her and hit her on the head  
22 with the flashlight. I knocked her down and drug her back  
23 to a bed or pile of clothes. She had a bra on and I slipped  
24 it up. I was holding her around the arms. I asked her if I  
25 could have sex with her. She says no. Then I did it

1 anyway. I had sex with her after I put pills in her mouth.  
2 She made a choking sound when I put the pills in her mouth.  
3 I dumped a whole bottle of pills in her mouth and was  
4 holding her nose. I then stroked her throat.

5 So it's your testimony that those were Barry  
6 Laughman's exact words in answer to the question, Barry,  
7 what happened on the evening of August 12th, 1987, by  
8 Trooper Holtz?

9 A Those were his words, but it took a little longer  
10 than that.

11 Q I assume it would. And Emerson's Sharp's Cars,  
12 are you saying that Barry said Emerson and then said that's  
13 Sharp's Cars?

14 A If I recall correctly, I wasn't sure that it was  
15 Emerson's. Emerson's is actually behind Sharp's and that  
16 characteristic or that particular word was perhaps asked him  
17 does he mean Sharp's or does he mean Emerson's. Emerson's  
18 garage is behind Sharp's. That's where the soda machine is.

19 Q Sir, you were present when Judge Spicer gave some  
20 opening introductory remarks to the jury, were you not?

21 A Yes.

22 Q Do you recall when he asked questions about how  
23 testimony is to be received. Do you recall that?

24 A Yes.

25 Q Do you recall when he said he made the statement

1 the question becomes part of the answer. Do you recall  
2 that?

3 A I think so.

4 Q Do you recall he gave an example, he said if you  
5 asked the question are you 21 and the answer was yes, that  
6 the question becomes part of the answer. Yes, I am 21. I  
7 am not sure what age the Judge used, but do you recall him  
8 citing that example?

9 A Yes, I think I do.

10 Q You have been a police officer for 20 years, is  
11 that correct?

12 A Yes, sir.

13 Q And you know what I mean when I say the phrase  
14 leading question, do you not?

15 A Yes, I do generally.

16 Q That is a question to which normally a yes or no  
17 answer may or may not be sufficient, is that correct?

18 A That's correct.

19 Q In fact I am asking you leading questions right  
20 now, aren't I?

21 A Yes, you are.

22 Q In fact isn't that the main tool used by a police  
23 interrogator, asking leading questions?

24 A Not always, sir.

25 Q I am sure in all your many years of taking

1 statements and confessions you don't just merely say what  
2 happened, pal, and then a statement comes forward from the  
3 Defendant. Possibly that does happen on occasion?

4 A It can happen on occasion in certain questions  
5 but not generally speaking, no. We don't use leading  
6 questions. I don't. I don't use leading questions.

7 Q You just asked them what happened?

8 A Not always. When I interview hundreds of people,  
9 it's varies. I never really think about that.

10 Q Isn't it true that Trooper Holtz was asking Barry  
11 leading questions during the interview on September 8th,  
12 1987?

13 A Maybe from time to time but not generally  
14 speaking.

15 Q Let me get some facts straight. Mr. Keefer went  
16 through a long list of items in the statement and he was  
17 trying to get across the point that these were facts that  
18 were not released to the public and I can appreciate that  
19 but let me just go over this list that he talked about the  
20 pills. Obviously you knew about the pills on September 8th,  
21 1987?

22 A I did, yes.

23 Q And so did Trooper Holtz?

24 A That's correct.

25 Q And on September 8th, 1987, you knew there had