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(At this point, counsel for the parties approached the bench and an off-the-record discussion was had, in low tones, between Court and counsel.)

THE COURT: We'll take our morning recess at this time, ladies and gentlemen, if you'd retire to the jury room.

(Whereupon, a recess was taken from 10 to 10:15 a.m.)

(At 10:15 a.m. with counsel for the parties present and the defendant present and the jury IN the jury box, the following proceedings were had:)

THE COURT: All right. Are we ready to proceed?

MR. SMITH: The State is Ready, Your Honor.

MR. REDMAN: Yes, Your Honor.

MR. SMITH: Your Honor, at this time the State would call Debra Shelden to the stand.

DEBRA SHELDEN

Called as a witness on behalf of the plaintiff, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

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

A Debra K. Shelden.

Q Would you state your present age?

A Thirty-one.

Q Are you married?

A Yes.

Q To whom?

1 A. Clifford L. Sheldon.

2 Q. Can you give me your residence, please, your address?

3 A. 612. Lincoln Street, Gage County Jail.

4 Q. How long have you been there?

5 A. Six months.

6 MR. SMITH: Could I approach the reporter, Your Honor?

7 THE COURT: You may.

8 (Whereupon, Exhibit  
9 No. 34 was marked for  
10 identification.)

11 Q. (By Mr. Smith) Mrs. Sheldon, why are you in the Gage  
12 County Jail?

13 A. Because I'm guilty of second degree murder, aiding and  
14 abetting.

15 Q. Who are you guilty of aiding and abetting the second  
16 degree murder of?

17 A. Mrs. Wilson.

18 Q. Do you know her first name?

19 A. Helen.

20 Q. Do you remember the date that you aided and abetted in  
21 the second degree murder?

22 A. February 5, 1985.

23 Q. On that date was Mrs. Wilson related to you?

24 A. Yes.

25 Q. How was she related to you?

A. She's a great-aunt.

Q. Did you know her very well?

A. No.

1 Q. Can you tell me how many times you may have met her  
2 prior to that day?

3 A. Twice.

4 Q. When would that have been?

5 A. December of '84 and November of '84.

6 Q. And do you remember the event where you met her?

7 A. Thanksgiving and Christmas.

8 Q. And why did you have occasion to meet her on those dates?

9 A. I was with my mom, Sharon Epping, and we was at her  
10 sister's or her daughter's house.

11 Q. Was that some family gathering?

12 A. Yes.

13 Q. Was that Thanksgiving of 1984 the first time you ever  
14 met Helen Wilson?

15 A. Yes.

16 Q. Why would that be?

17 A. I didn't know her prior to that because I was raised  
18 with another lady.

19 Q. You weren't raised by your mother?

20 A. No.

21 Q. Mrs. Sheldon, did you plead guilty to aiding and  
22 abetting in the second degree murder of Helen Wilson pursuant  
23 to a plea agreement?

24 A. Yes.

25 MR. SMITH: May I approach, Your Honor?

THE COURT: You may.

26 Q. (By Mr. Smith) Mrs. Sheldon, handing you what's been  
27 marked for identification Exhibit No. 34. Do you know what

1 that is?

2 A. It's an agreement to waive preliminary hearings.

3 Q. Okay. Is that one of the topics in that agreement?

4 A. Yes.

5 Q. Is that, in fact, your plea agreement in total regarding  
6 this case?

7 A. Yes.

8 Q. Would it be correct to say on that document, there's some  
9 typewritten words and there's some handwritten words; is that  
10 correct?

11 A. Yes.

12 Q. Is there also some signatures on this document?

13 A. Yes.

14 Q. Is your signature on that document?

15 A. Yes.

16 Q. When you plead guilty, do you remember the date you plead  
17 guilty?

18 A. Yes.

19 Q. Okay. Are you remembering the date or are you looking at  
20 the date on the document?

21 A. I saw it on the document also.

22 Q. Okay. Was it at or near the time when you signed that  
23 document that you plead?

24 A. Yes.

25 Q. Were you represented by counsel at that time? Did you  
have a lawyer?

A. No.

Q. No? At the time you signed the document, did you have a

1 lawyer?

2 A. Yes.

3 Q. Did he sign that document in your presence?

4 A. Yes.

5 Q. What was your lawyer's name?

6 A. Paul Korslund.

7 Q. Is he a Beatrice attorney?

8 A. Yes.

9 Q. Mrs. Sheldon, I'd ask you to read the document carefully.  
10 Have you seen that document recently?

11 A. No.

12 Q. I'd ask you to take a look -- I'd ask the Court to  
13 allow her to read the document for a few minutes.

14 MR. REDMAN: I take it that's to herself.

15 MR. SMITH: Yes.

16 Q. (By Mr. Smith) Have you read the document, ma'am?

17 A. Yes.

18 Q. After reading that document, is that the total agreement  
19 as you understood it when you entered your plea?

20 A. Yes.

21 Q. Were there any threats or promises made to you outside  
22 of what's in that agreement?

23 A. No.

24 Q. Are there any threats in that agreement?

25 A. No.

Q. Are there promises in that agreement?

A. Yes.

MR. SMITH: We would offer the exhibit.

1 MR. REDMAN: May I ask a foundational question?

2 THE COURT: If it's foundational, you may.

3 (FOUNDATIONAL EXAMINATION  
BY MR. REDMAN:)

4 Q. You've read through that agreement and Mr. Smith asked  
5 you about that plea agreement. But you haven't been  
6 sentenced yet, have you?

7 A. No.

8 Q. And is there anything regarding sentencing in that plea  
9 agreement? Just answer yes or no.

10 A. Yes.

11 Q. Okay. But is there any specific, I guess --

12 THE COURT: Well, now, counselor, you're getting  
13 into the substance of it.

14 MR. REDMAN: I'm going to object, Your Honor, and  
15 may we approach the bench?

(At this point, counsel for the  
parties and the Court approached  
the court reporter and a  
on-the-record discussion was had  
in low tones, between Court and  
counsel.)

16 THE COURT: Let the record reflect that we are  
17 proceeding out of the hearing of the jury with counsel for  
18 both parties present.

19 MR. REDMAN: We are objecting to Exhibit 34 being  
20 received into evidence on the basis that the defendant hasn't  
21 yet been sentenced. Her sentencing is contingent, in part,  
22 upon how she behaves and testifies on the stand. To allow  
23 the document to go in evidence, in effect, cloaks her with  
24 some sort of truthfulness or veracity because the agreement  
25

1       itself says that she will testify truthfully. For those  
2       reasons, we object to it going into evidence.

3               THE COURT: Mr. Smith, any response?

4               MR. SMITH: Yes. The State would only offer the  
5       exhibit for the jury's viewing. It speaks for itself. It  
6       does not indicate that.

7               THE COURT: Objection's overruled. May I inquire,  
8       Mr. Redman, do you have further objections?

9               MR. REDMAN: No.

10              THE COURT: Objection is overruled. Exhibit 34 is  
11       received.

(Exhibit No. 34 is hereby made a  
part of this bill of except-  
ions and may be found herein  
immediately following.)

(The following proceedings were  
had in normal tones.)

14                              DIRECT EXAMINATION (Cont'd)

15       BY MR. SMITH:

16       Q.     Can you remember back to February 5 for me?

17       A.     Yes.

18       Q.     Can you tell me the first thing you remember on  
19       February 5, 1985?

20       A.     Yes.

21       Q.     What would that be?

22       A.     Getting up.

23       Q.     Approximately what time did you get up that day?

24       A.     11 o'clock.

25       Q.     Do you remember where you lived at that time?

      A.     Fifth and Ella.

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EXHIBIT NO. 34



EXHIBIT  
# 34 RMK  
11-2-89

EXHIBIT  
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617 4-26-89

P L E A A G R E E M E N T

Richard T. Smith Defense Counsel Paul Korslund  
 Jerry L. Shelton

CASE: State of Nebraska v. DEBRA K. SHELDEN  
Docket K Page 44

AGREEMENT:

1. The defendant has agreed to waive her preliminary hearing rights in this action on 4-24-89.
2. The State has agreed to file an amended Information charging aid and abetting for the Second Degree Murder of Helen L. Wilson. AND Defendant will pled guilty to said amended information RJS 4-26-89 DS 4-26-89 PK 4-26-89
3. The defendant has agreed, if necessary, to waive her preliminary hearing rights on this amended Information, to waive her 24-hour notice and service of the amended Information.
4. The defendant agrees to testify truthfully in any and all cases and give total cooperation to the State of Nebraska regarding the homicide of Helen L. Wilson.
5. The defendant and the State will stipulate and agree that the defendant should not be sentenced in this matter until all homicide cases have been tried in the Helen L. Wilson matter.
6. The State will recommend the minimum sentence of 10 years for the defendant if she complies with all of the above.

Richard T. Smith  
Counsel for State  
4-24-89

Paul Korslund  
Counsel for Defense  
Debra Shelton  
Debra K. Shelton, Defendant

1 Q Do you remember any buildings around that location?

2 A Salvation Army, the store was across the street. Bills  
3 was underneath and the flower shop.

4 Q Mrs. Sheldon, who did you live with at that location?

5 A Charolette Mendenhall, Clifford Sheldon, JoAnn Taylor,  
6 Darren Musterman, and myself.

7 Q How long had you lived there prior to February 5, 1985?

8 A Two months.

9 Q Had all these same people lived there during the full  
10 two-month period?

11 A Yes.

12 Q What's the next thing you remember doing after getting up  
13 at 11?

14 A JoAnn got up. She said that --

15 THE COURT: Now, just a moment. We can't go into  
16 conversation.

17 Q (By Mr. Smith) Okay. You've indicated JoAnn. You  
18 saw JoAnn get up?

19 A Yes.

20 Q All right. What's the next thing you remember about that  
21 day?

22 A I went to see my husband.

23 Q Was he your husband at that time?

24 A No, he was my boyfriend.

25 Q Where was he?

A He was at the hospital.

Q And how did you get there?

A I walked.

- 1 Q All right. Did you visit with him that day?
- 2 A Yes.
- 3 Q Do you remember what time that was?
- 4 A Around 2 o'clock.
- 5 Q Did you wear a watch during that time of your life?
- 6 A No.
- 7 Q Do you know how long you visited with him?
- 8 A No.
- 9 Q Did you leave that day from visiting with your husband?
- 10 A Yes.
- 11 Q And you've indicated at the hospital, what hospital was  
12 that?
- 13 A Beatrice Community.
- 14 Q How far was Beatrice Community Hospital from where you  
15 were living?
- 16 A Probably 11 blocks.
- 17 Q What did you do after you left the hospital?
- 18 A I walked back to my apartment.
- 19 Q Do you remember approximately what time that may have  
20 been?
- 21 A No.
- 22 Q Was that at night or was it still light when you walked  
23 back?
- 24 A It was starting to get dark.
- 25 Q Where did you go when you walked back?
- 26 A To Fifth and Ella.
- 27 Q Back to your apartment?
- 28 A Yes.

1 Q. Was anyone there?

2 A. Yes.

3 Q. Who?

4 A. Charolette Mendenhall, myself and JoAnn Taylor.

5 Q. All right. Now, you've indicated JoAnn. Who is JoAnn?

6 A. JoAnn Taylor.

7 Q. How long had you known JoAnn prior to February 5, 1985?

8 A. Two months.

9 Q. And how were you acquainted with her?

10 A. Through Clifford Sheldon.

11 Q. And you've indicated Charolette Mendenhall. Does she  
12 have any other last names that you're aware of?

13 A. Bishop.

14 Q. How are you -- How long had you been acquainted with  
15 her?

16 A. I went to school with her.

17 Q. How -- How much education have you had, Mrs. Sheldon?

18 A. I went to the 12th grade.

19 Q. And where was that at?

20 A. Beatrice Senior High.

21 Q. What happened? What do you remember doing at the  
22 apartment after you came back from the hospital?

23 A. I just stayed there.

24 Q. All right. Did you stay there the rest of the evening?

25 A. No.

26 Q. You left the apartment at some time that evening; is that  
27 correct?

28 A. Yes.

1 Q. Approximately what time?

2 A. After seven.

3 Q. Why do you think it's after seven?

4 A. Charolette had a clock on top of the television.

5 Q. Now, when you left, who was in the apartment when you  
left?

6 A. Charolette and myself.

7 Q. And did you leave by yourself?

8 A. No.

9 Q. Who did you leave with?

10 A. Tom Winslow.

11 Q. How did you come to -- come in contact with Tom Winslow  
that day?

12 A. He came to the apartment and was there.

13 Q. Did he come to get you or do you know why he came?

14 A. Yes.

15 Q. Why would that be?

16 MR. REDMAN: Well, I'm going to object at this  
17 point. I think it's going to get into hearsay.

18 THE COURT: Pose the question so it doesn't cause  
19 for conversation, Mr. Smith.

20 MR. SMITH: Yes, Your Honor

21 Q. (By Mr. Smith) You've indicated you left with  
Mr. Winslow; is that correct?

22 A. Yes.

23 Q. Where did you go when you left with him?

24 A. At Ninth and Ella.

25 Q. All right. Did you walk to that location also?

1 A. No.

2 Q. How did you get there?

3 A. We went in his car.

4 Q. Do have a memory of what type of car he owned on that  
5 date?

6 A. It was an Oldsmobile.

7 Q. Now, where did you go with Mr. Winslow?

8 A. To Ninth and Ella.

9 Q. Was that your original destination?

10 A. No.

11 Q. Where were you supposed to be going?

12 A. To the hospital.

13 Q. Is that -- Why were you going to the hospital again?

14 A. Tom Winslow wanted to see Clifford Shelden at the  
15 hospital.

16 MR. REDMAN: Judge, I'd ask -- She's been cautioned  
17 not to --

18 THE COURT: It depends on how you put the question.  
19 So be careful, Mr. Smith.

20 MR. SMITH: Yes, Your Honor. I'm sorry.

21 Q. (BY Mr. Smith) So the original destination you had was  
22 not this Ella Street?

23 MR. REDMAN: Well, I'm going to object to the State  
24 leading the witness.

25 THE COURT: Well, he's restating the question, but  
I do caution you, Mr. Smith. Let's not lead. Go ahead.

MR. SMITH: Thank you, Your Honor.

Q. (By Mr. Smith) Mrs. Shelden, after you went in the

1 vehicle with Mr. Winslow, where did you go?

2 A. Went to Ninth and Ella.

3 Q. And do you know what was at Ninth and Ella?

4 A. Kathy Bartak and James Dean lived there.

5 Q. All right. Is that a house, an apartment, what is it?

6 A. It's an apartment.

7 Q. Is it -- Can you describe the apartment for me, please?

8 A. There's an apartment downstairs and an apartment upstairs  
9 and it's kind of small upstairs.

10 Q. Which apartment did you go to?

11 A. Two.

12 Q. And would that be up or downstairs?

13 A. Up.

14 Q. And you've indicated that James Dean and Kathy Bartak  
15 lived there?

16 A. Yes.

17 Q. Did you go into their apartment at Ninth and Ella?

18 A. Yes.

19 Q. Did Mr. Winslow go in also?

20 A. Yes.

21 Q. Was there anyone in the apartment when you arrived?

22 A. Yes.

23 Q. And who was there?

24 A. Kathy Bartak, James Dean, JoAnn Taylor, Joseph White,  
25 Darren Musterman, myself, and Tom Winslow.

26 Q. All right. You've indicated that Kathy Bartak was there.

27 How -- Had you been previously acquainted with Kathy Bartak  
28 prior to arriving at the apartment that day?

1 A. No.

2 Q. You didn't know her prior to that?

3 A. Yes, I knew her. I didn't see her.

4 Q. Okay. You knew of her?

5 A. Yes.

6 Q. Tell me what you knew of her?

7 A. I met her through Clifford Shelden.

8 Q. You've indicated a name by the name of James Dean.

9 A. Yes.

10 Q. How did you know that individual?

11 A. I met him through Clifford also.

12 Q. You've indicated a name by the name of Darren Munsterman.  
How did you know that individual?

13 A. From Clifford Shelden and JoAnn Taylor.

14 Q. You've indicated an individual gave you a ride and that  
15 was Thomas Winslow. How did you know him?

16 A. Through Clifford Shelden.

17 Q. You've indicated a name of Joseph White.

18 A. Yes.

19 Q. Did you -- Or you've indicated an individual by the name  
of Joseph White was there; is that correct?

20 A. Yes.

21 Q. Did you know that individual by that name?

22 A. No.

23 Q. What name did you know him by?

24 A. Lobo.

25 Q. Is that how you had been introduced to him?

A. Yes.



1 Q. How long did you stay at the apartment, the Bartak  
2 apartment, Dean/Bartak apartment?

3 A. For a while. I don't know how long.

4 Q. Can you give me any guess?

5 A. Hour, maybe half hour at the most.

6 Q. What happened or what was going on or what were you doing  
7 at that apartment?

8 A. We was sitting there and JoAnn Taylor asked --

9 THE COURT: Excuse me. We can't go into  
10 conversation, Mrs. Sheldon. Well, excuse me. There is an  
11 exception. You better lay your foundation.

12 Q. (By Mr. Smith) Can you describe the apartment for me.  
13 First, what it looked like inside.

14 A. There was a bed by the window. There was a couch.  
15 Straight through goes to the kitchen. The bathroom's on the  
16 other side.

17 Q. Did the bathroom have a door to it?

18 A. Yes.

19 Q. Did you ever see anyone go into the bathroom while you  
20 were there?

21 A. Yes.

22 Q. Who?

23 A. JoAnn Taylor and James Dean.

24 Q. Did you happen to notice, did they shut the door?

25 A. Yes.

Q. Did you happen to notice how long they were in there?

A. I don't know how long.

Q. Did you ever see either one of them exit the bathroom?

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A. Yes.

Q. Which one or --

A. They both came out at the same time.

Q. You've indicated someplace between a half hour to an hour you stayed there. Where did you go after you left the apartment?

A. We went riding around.

Q. Okay. You've indicated, "We went riding around." Who went riding around?

A. Tom Winslow, JoAnn Taylor, Joseph White, myself, and James Dean.

Q. What did you go riding around in?

A. The Oldsmobile.

Q. The previous one, Mr. Winslow's?

A. Yes.

Q. Can you tell us -- Excuse me. Do you have a memory as to where the individuals were located in that car when you were riding around?

A. Yes.

Q. And can you tell me where they were located?

A. Tom Winslow was driving. In the front seat, JoAnn Taylor was in the middle. Joseph White was on the passenger side. I was behind Tom Winslow in the back and James Dean was on the other side behind Joseph White.

Q. You've indicated this car is an Oldsmobile. Is it a two-door or four-door?

A. Two-door.

Q. And you were in the back seat behind the driver?

1 A. Yes.

2 Q. Did you have a full-sized window to the left of you when  
3 you were in the car?

4 A. No.

5 Q. Did you have a window at all?

6 A. Yes.

7 Q. Would you describe it for me, please.

8 A. It was a little window half the size of a normal window.

9 Q. Would that -- Is it the same type of window for the  
10 back seat on the passenger side?

11 A. Yes.

12 Q. What type of window -- Excuse me. What type of window  
13 was next to the driver's door?

14 A. A normal size window.

15 Q. How about on the passenger side of the front seat?

16 A. The same.

17 Q. What type of window?

18 A. It is the same as the driver's.

19 Q. Now, you've indicated you drove around with these  
20 individuals; is that correct?

21 A. Yes.

22 Q. Where did you drive around?

23 A. We went up Sixth and Ella. We went down North Sixth  
24 and then around again down Elk.

25 Q. Okay. How long do you think you drove around?

A. Oh, I don't know. It was quite a while. I don't know  
how long.

Q. Did you finally -- Did you stop at any place to the best

1 of your memory when you were driving around?

2 A. Yes. We stopped in front of the apartment at 212 North  
3 Sixth.

4 Q. Outside of that, did you stop any other place, fast food  
5 place, to the best of your knowledge? Anything like that?

6 A. No.

7 Q. Now, you've indicated you stopped in front of 212 North  
8 Sixth; is that correct?

9 A. Yes.

10 Q. Handing you what is Exhibit No. 6. Can you tell me what  
11 that is, if you know?

12 A. This is the apartment of 212 North Sixth, apartment  
13 place.

14 Q. On February 5, 1985, did you know anyone that lived in  
15 that apartment building on that day?

16 A. Yes.

17 Q. Whom?

18 A. Mrs. Helen Wilson.

19 Q. Did you know of anyone else that lived in that apartment  
20 building that day?

21 A. Kathy Gonzalez.

22 Q. Now, did you have knowledge of her living there on  
23 February 5 or was that later knowledge?

24 A. I knew she lived there February 5.

25 Q. You've indicated you stopped in the front of that  
26 building. Those are your words. On Exhibit No. 6, is that  
27 what you're considering the front of the building in that  
28 exhibit?

1 A. Yes.

2 Q. You pointed on the exhibit --

3 MR. SMITH: May I approach, Your Honor?

4 THE COURT: You may.

5 MR. REDMAN: May I also approach, Your Honor?

6 (At this point, counsel  
7 for the parties approached  
8 the bench and an off-the-  
9 record discussion was had,  
10 in low tones, between  
11 Court and counsel.)

12 MR. SMITH: Let the record reflect, Your Honor, that  
13 I'm handing the witness a green marker.

14 Q. (By. Mr. Smith) Mrs. Shelden, I would ask you to place  
15 an X with a green marker at the location of where you've  
16 indicated that the vehicle stopped in front of the apartment  
17 on February 5, 1985. Mrs. Shelden, do you know the  
18 approximate time that the Winslow vehicle stopped at the  
19 location that you marked on Exhibit No. 6?

20 A. No.

21 Q. Did you get out at that time?

22 A. No.

23 Q. Mrs. Shelden, when you first talked to law enforcement  
24 officers, was that prior to your arrest for this murder?

25 A. I talked to them before I was arrested.

Q. All right. And at some point did you admit to them  
that you stopped out in front of --

MR. REDMAN: Judge, I'm going to object to him  
leading. At this point there's no foundation either.

THE COURT: All right. You're going to have to lay

1 your foundation and stop leading.

2 Q (By Mr. Smith) Mrs. Sheldon, was your memory always --  
3 Strike that. I believe I asked this. To make sure, did  
4 you get out of the car at that location?

5 A Not when we parked in front.

6 Q What happened after you parked in front then?

7 A We left, went down Elk Street to the corner of Eighth.  
8 We turned right. Stopped on Seventh and Ella and turned right  
9 again.

10 Q So what direction then, when you turned right on Ella,  
11 were you traveling?

12 A We was going down Sixth. We was going down Ella. We  
13 was going north.

14 Q Okay. Are you familiar with north, south, east, west?

15 A No.

16 Q All right. In other words, you were going down Ella  
17 Street; is that correct?

18 A Yes.

19 Q To your knowledge is Ella a one-way street?

20 A Yes.

21 Q What happened, if anything, after you were heading down  
22 Ella Street?

23 A We went real slow on Ella Street by the American Charter  
24 and the National Bank across the street.

25 Q All right. You've indicated that the American Charter --  
Is that on one side of Ella Street?

A It's on the right.

Q You're going down the street?

1 A. Yes.

2 Q. And then you indicated another bank. What was the name  
3 of that?

4 A. The National.

5 Q. What side of the street was that on?

6 A. The left.

7 Q. And you went slow during this period of time; is that  
8 correct?

9 A. Yes.

10 Q. Mrs. Sheldon, handing you Exhibit No. 3. Can you tell  
11 me what that is, if you know?

12 A. This is the parking lot where American Charter is and  
13 the apartment building on the other side of the alley.

14 Q. Is there a door on the east side of that building in that  
15 photograph?

16 A. There's one in the back but not where the parking lot is.

17 Q. Okay. You've indicated the back.

18 A. Yes.

19 Q. All right. Is that what you can see in that exhibit?

20 A. Yes.

21 Q. All right. What happened next?

22 A. We stopped at the light at Sixth and Ella, turned to the  
23 right and went into the alley.

24 Q. All right. You turned to the right. Did that put you on  
25 Sixth Street then?

26 A. Yes.

27 Q. And then you've indicated you went into an alley; is that  
28 correct?

1 A. Yes.

2 MR. REDMAN: Judge, I'm going to object at this  
3 time. He's leading here and in addition to that he just  
4 changed facts she testified to.

5 THE COURT: No, he's repeating. Well, I don't  
6 particularly think that's appropriate in the long run. I'm  
7 not going to sustain an objection now, but Mr. Smith you've  
8 got to stop leading and you've got to stop repeating all the  
9 answers. Now, let's proceed, please.

9 Q. (By Mr. Smith) Mrs. Sheldon, where is the alley in  
10 relationship to Sixth Street?

11 A. It's on the right.

12 Q. What happened after you went into the alley?

13 A. We parked in the back.

14 Q. Who was in the car at this time?

15 A. Tom Winslow, JoAnn Taylor, Joseph White, myself, and  
16 James Dean.

17 Q. Had anyone moved from the positions in the car that you  
18 previously told the jury about?

19 A. After we stopped, we all got out.

20 Q. All right. But before you stopped, was everybody sitting  
21 in the same positions?

22 A. Yes.

23 Q. What happened after you got out?

24 A. We went into the back door of the apartment place, went  
25 up the steps and down the hall.

26 Q. Where to?

27 A. To Apartment 4.



1 Q Did you know why you were going there?

2 A No.

3 Q Had anyone told you why you were going there?

4 A No.

5 Q Had there been any conversation in the car while you were  
6 going there?

7 A Yes.

8 MR. REDMAN: I'm going to object to this conver-  
9 sation, Judge.

10 THE COURT: Well, it's a yes or no question and  
11 depends on whether the defendant's present objection is  
12 overruled at this time.

13 Q (By Mr. Smith) There was conversation in the car?

14 A Yes.

15 Q And when did that conversation occur in the car?

16 A When we stopped in front of the building.

17 Q What did you say?

18 A I asked him what we were doing here.

19 Q Without telling me what the response was, did someone  
20 respond?

21 A Yes.

22 Q Who was it that responded?

23 A JoAnn Taylor.

24 Q And then what happened after she gave you a response?

25 A We pulled out and went down Elk Street.

Q As you previously described?

A Yes.

MR. SMITH: May I approach the exhibits?

1 MR. REDMAN: I'm going to make an objection at this  
2 point to his last comment, "as you previously described"  
3 right now. I'm confused. She is not --

4 THE COURT: The Court's understanding was it was a  
5 description of the previous trip made after they stopped in  
6 front of the apartment building. I think the record is  
7 fairly clear on that. All right. Let's proceed.

8 Q (By Mr. Smith) Handing you Exhibit No. 7. Can you tell  
9 me what that is, if you know?

10 A It's the door to Apartment 4 and down a little ways is  
11 the front door.

12 Q Is the door in that exhibit the door that you entered  
13 when you went into the apartment or when you went into the  
14 building?

15 A Yes.

16 Q Is that the front door?

17 A No. That's the front door there. We went in the back  
18 door.

19 Q All right. What happened next after you got to the  
20 door?

21 A JoAnn Taylor knocked on the door.

22 Q Where were you standing when JoAnn Taylor knocked on the  
23 door?

24 A Behind JoAnn Taylor and Joseph White.

25 Q Who was there in relationship to the door at the time  
she knocked?

A I don't understand.

Q You don't understand the words? Where was she standing

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when she knocked?

A. She was in front of the door.

Q. Where was Joseph White?

A. On the side of her, on the right side.

Q. And you've indicated there were others besides the three of you; is that correct?

A. Yes.

Q. Who else was there at the door?

A. Tom Winslow was on the left side of her. James Dean was behind JoAnn Taylor.

Q. What happened after JoAnn Taylor knocked on the door?

A. Mrs. Wilson answered the door.

Q. Did you recognize her?

A. Yes.

MR. SMITH: May I approach, Your Honor?

THE COURT: Yes.

Q. (By Mr. Smith) Handing you Exhibit No. 1. Can you tell me what that is, if you know?

A. It's Mrs. Helen Wilson.

Q. What happened next, Deb?

A. JoAnn after she knocked, she -- I don't know what she said, but Mrs. Wilson spoke to me.

Q. What did she say?

A. She said, "Hello".

Q. What did you say?

A. I said, "Hello".

Q. What happened next?

A. JoAnn Taylor and Joseph White pushed themselves in to

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1 the apartment.

2 Q. Where was Mrs. Wilson after they pushed themselves in?

3 A. They pushed her back. She was passed the bathroom.

4 Q. All right. You've indicated there's a bathroom near the  
5 door?

6 A. Yes.

7 Q. Where is the bathroom?

8 A. On the left.

9 Q. What happened next?

10 A. They, Joseph White and JoAnn Taylor, grabbed Mrs. Wilson,  
11 put her arms behind her back.

12 Q. What happened next?

13 A. They were threatening her, wanting to know where the  
14 money and stuff was at.

15 Q. All right. You've indicated they were threatening her.  
16 How were they threatening her?

17 A. By holding her arms and asking to, demanding --

18 MR. REDMAN: I'm going to object to what is being  
19 said.

20 THE COURT: Well, amplify, please.

21 MR. REDMAN: As to foundation.

22 MR. SMITH: Okay.

23 Q. (By Mr. Smith) You indicated somebody was threatening  
24 her at this point?

25 A. JoAnn Taylor and Joseph White.

Q. What was Joseph White saying?

A. He was demanding money.

Q. Was Mrs. Wilson giving him any response?

1 MR. REDMAN: I would object to any response at  
2 this point. That would be hearsay.

3 THE COURT: Overruled.

4 Q (By Mr. Smith) I'll ask the question again,  
5 Mrs. Sheldon. Did Mrs. Wilson give any response?

6 A Yes.

7 Q What was her response?

8 A She said she didn't know and she wasn't going to give  
9 him any.

10 Q What was the next thing that happened?

11 A James Dean went in the apartment.

12 Q Did you enter the apartment?

13 A Yes.

14 Q Who else entered the apartment?

15 A Tom Winslow, JoAnn Taylor, Joseph White, myself, and  
16 James Dean.

17 Q Was the door shut?

18 A Yes.

19 Q After your entrance?

20 A Yes.

21 Q Who shut it?

22 A I did.

23 Q James Dean left the apartment; is that correct?

24 A Yes.

25 Q What happened next?

A After he came back, Kathy Gonzalez came in before he got  
back.

Q So, now, who's in the apartment after the return of

1 Mr. Dean?

2 A. James Dean, Kathy Gonzalez, Joseph White, JoAnn Taylor,  
3 myself, and Tom Winslow.

4 Q. Was Mrs. Wilson there?

5 A. Yes.

6 Q. What happened after the return of Mr. Dean?

7 A. After they had got into the apartment, JoAnn Taylor and  
8 Joseph White was in the bedroom.

9 Q. Had you left the apartment with Mr. Dean?

10 A. No.

11 Q. How long was he gone, do you think?

12 A. I don't know.

13 Q. Was it a very long time?

14 A. No.

15 Q. Had any of the other individuals left the apartment to  
16 this point?

17 A. No.

18 THE COURT: Just a moment. May I see one of the  
19 officers, please?

(At this point, an officer approached the bench and an off-the-record discussion was had, in low tones, between Court and the officer.)

20 THE COURT: Ladies and gentlemen, we've been having  
21 a lot of people walking in and out of the courtroom. It's  
22 distracting. You're in here now until the noon recess. There  
23 will be no one exiting and no one coming in until the recess.  
24 Let's proceed.  
25

1 MR. SMITH: Thank you, Your Honor.

2 Q (By Mr. Smith) Mrs. Sheldon, where were you in the  
3 apartment when Kathy Gonzalez entered the apartment?

4 A I was in the living room.

5 Q Mrs. Sheldon, would you describe the apartment for us,  
6 please?

7 A The living room is when you come into the door. There's  
8 a living room. There is a kitchen on the right, bathroom on  
9 the left. Bedroom on the right up in front by the windows.

10 Q Did you observe Kathy Gonzalez after she entered the  
11 apartment?

12 A Yes.

13 Q And what did she do?

14 A She went into the bedroom and was besides Joseph White.

15 Q All right. Who was in the bedroom at that time?

16 A JoAnn Taylor, Tom Winslow, Joseph White, and Mrs. Wilson.

17 Q And what did you observe Kathy Gonzalez doing, if  
18 anything?

19 A She was bending over Mrs. Helen Wilson.

20 Q What happened next that you observed?

21 A She came back out of the bedroom holding her hand under-  
22 neath her nose.

23 Q Did you observe anything at that time about her face?

24 A Her nose was bleeding.

25 Q Where were you standing when she came out of the  
26 bedroom?

27 A I was in the doorframe of the bedroom.

28 Q Did you see Kathy Gonzalez after that time?

- 1 A. No.
- 2 Q. What's the next thing that you remember that happened?
- 3 A. I went in and tried to pull Joseph White off the top
- 4 away from Mrs. Wilson.
- 5 Q. What was Joseph White doing when you were trying to
- 6 pull him away?
- 7 A. I don't remember.
- 8 Q. You've indicated he was near Mrs. Wilson at that time.
- 9 A. Yes.
- 10 Q. Where was JoAnn Taylor at that time?
- 11 A. On the other side of Mrs. Wilson.
- 12 Q. Where was Tom Winslow?
- 13 A. At the foot of her.
- 14 Q. Were you successful with Mr. White?
- 15 A. No.
- 16 Q. Tell me what happened.
- 17 A. He shoved me back and I hit the wall.
- 18 Q. When I came back to see what was going on, they were
- 19 taking her out into the bed -- or living room.
- 20 Q. You indicated when you came back when you saw what was
- 21 going on. Why couldn't you see what was going on?
- 22 A. When I hit my head, I didn't see much after I hit my
- 23 head.
- 24 MR SMITH: May I approach the exhibits, Your Honor?
- 25 THE COURT: Yes.
- 26 Q. (By Mr. Smith) Mrs. Shelden, I'm handing you Exhibit
- 27 No. 13. Can you tell me what that is, if you know?
- 28 A. That's Mrs. Wilson's bedroom and the window in the



1 bedroom.

2 Q In relationship to what you've just described in that  
3 exhibit, can you tell me where Mrs. Wilson was in the  
4 bedroom?

5 A She was on the floor by the bed.

6 Q In which direction by the bed?

7 A On the right.

8 MR. REDMAN: What exhibit number is that?

9 MR. SMITH: Thirteen.

10 Q (By Mr. Smith) Showing you what's been marked or is  
11 Exhibit No. 14. Can you tell me what that is, if you know?

12 A It's blood on the wall.

13 Q Have you ever seen that wall before?

14 A Yes.

15 Q When?

16 A The 5th of February.

17 Q Is that the wall you hit?

18 A Yes.

19 Q Did you receive any injury at that time?

20 A Just the hit on my head. It was bleeding.

21 Q Did you know that it was bleeding?

22 A No.

23 Q When did you realize it was bleeding?

24 A After I touched my head after I had left the crime scene.

25 Q Do you think that you were knocked unconscious at that  
time?

26 A Well, I don't remember anything that happened.

27 mainly -- I was --

- 1 Q. Now, do you remember anything else that evening?
- 2 A. After I came to, yes.
- 3 Q. Do you have any idea how long you might -- You've
- 4 indicated, "come to". How long between the time you hit
- 5 your head and you say, "come to", how long was the time span?
- 6 A. I don't know.
- 7 Q. What did you next observe?
- 8 A. Joseph White, JoAnn Taylor, Tom Winslow, James Dean was
- 9 out in the living room.
- 10 Q. Where was Mrs. Wilson?
- 11 A. She was on the floor.
- 12 Q. What part of the living room?
- 13 A. She was on the floor.
- 14 Q. What part of the living room was she on the floor?
- 15 A. She was in front of the couch.
- 16 Q. Can you tell me what part of her body was near the couch?
- 17 A. Her head.
- 18 Q. Where was JoAnn Taylor in relationship to her head?
- 19 A. She was in front of her head.
- 20 Q. Was she -- How was she on the floor? You've indicated
- 21 she was on the floor.
- 22 A. She was on her knees.
- 23 Q. That would be JoAnn Taylor; is that correct?
- 24 A. Yes.
- 25 Q. How was Mrs. Wilson on the floor?
- A. She was laying on her back.
- Q. Where was Tom Winslow?
- A. At her feet.

1 Q. Was he touching Mrs. Wilson?

2 A. He was holding her legs.

3 Q. What part of her legs was he holding?

4 A. Around her ankles.

5 Q. Were her legs together?

6 A. They were, but they wasn't after --

7 Q. All right. When he first held onto her legs, were they  
together?

8 A. Yes.

9 Q. Were they moved later?

10 A. Yes.

11 Q. Approximately how long after he first put his hands on  
12 her were they moved?

13 A. Probably a short while after. I don't know.

14 Q. Where was Mr. White during this time?

15 A. He was on top of her.

16 Q. All right. You've indicated he was on top of her.

Please describe to the jury how he was on top of her.

17 A. One knee was on one side and the other knee was on the  
18 other side.

19 Q. On the other side of what?

20 A. Mrs. Wilson.

21 Q. What part of Mrs. Wilson?

22 A. Her waist.

23 Q. Mrs. Sheldon, we've been talking about a Joseph White,  
haven't we?

24 A. Yes.

25 Q. Mrs. Sheldon, do you see the individual that you've told

1 us is Joseph White in the courtroom today?

2 A. Yes.

3 Q. Would you please point that individual out?

4 A. Over there.

5 Q. All right. Now, you've indicated over there. There are  
6 three gentlemen sitting at that table; is that correct?

7 A. Yes.

8 Q. All right. Is he the nearest gentleman to you or the  
9 farthest?

10 A. The farthest.

11 MR. SMITH: Let the record reflect, Your Honor,  
12 that she's identified the defendant.

13 THE COURT: It will so reflect.

14 Q. (By Mr. Smith) What was your next observation,  
15 Mrs. Sheldon?

16 A. He was -- had -- He was leaning on one hand and then  
17 undoing his pants with the other.

18 Q. Do you remember which hand he was undoing his pants with?

19 A. His right.

20 Q. He was leaning with his left?

21 A. Yes.

22 Q. What did you observe next?

23 A. Her nightgown was up over her waist and --

24 Q. All right. You've indicated you put the -- you indicate  
25 up over your chest. When you indicate that, where was the  
nightgown placed?

A. It was up here.

Q. All right. The stenographer can't say up here. What

1 part of your body are you touching?

2 A. It was up on her breast.

3 Q. Were her breasts exposed? Could you see them?

4 A. Yes.

5 Q. What happened next?

6 A. He raped her.

7 Q. What do you mean by he raped her?

8 A. He had intercourse with her.

9 Q. Mrs. Shelden, do you remember hearing anyone saying  
10 anything at this time? Without telling me what they were  
11 saying, do you remember anything, anybody saying anything?

12 A. No.

13 Q. Do you remember anything that may have been said or  
14 sounds after you hit your head?

15 A. I heard Mrs. Wilson screaming.

16 Q. What was she screaming?

17 A. She was just screaming. I don't know exactly what she  
18 was saying.

19 Q. When, in this process you've described, was she  
20 screaming?

21 A. She was screaming after they took her by force and all  
22 the time that they were doing all the stuff they did to her.

23 Q. All right. Mrs. Shelden, was she screaming when  
24 Mr. White was raping her?

25 A. She had -- no.

Q. There was a pillow over her face. Who was holding the  
pillow?

A. JoAnn Taylor.

1 Q And where were you standing when you observed this or  
2 were you standing?

3 A I was standing.

4 Q Where?

5 A I was behind Tom Winslow in the living room.

6 Q Did you do anything to try to help her?

7 A No.

8 Q What happened next?

9 A He got off. Joseph White got off the top of her.

10 Q Did you make any other observations after he got off  
her?

11 A Yes.

12 Q What did you see next?

13 A Tom Winslow turned her over on her stomach.

14 Q What did Mr. Winslow -- What happened next? What did  
you see next?

15 A He propped her up, kind of, and sexually assaulted her.

16 Q He did that on her back?

17 A She was on her stomach.

18 Q What was Mr. White doing during the time Mr. Winslow was  
doing this?

19 A I don't know.

20 Q Do you know what JoAnn Taylor was doing at that time?

21 A She was in the same position at the top of her head.

22 Q Did she still have the pillow?

23 A Yes.

24 Q Did you make any observations what she was doing with  
25 the pillow?

1 A. She put it down. It was off her, because she was on her  
2 stomache.

3 Q. Prior to the time that Mrs. Wilson was placed on her  
4 stomache, did you observe JoAnn Taylor with the pillow?

5 A. Before that, yes. She had the pillow over her face.

6 Q. Did you observe how she was holding the pillow?

7 A. She was holding it down with both hands.

8 Q. You've indicated a downward movement with both of your  
9 hands. She was holding it down; is that correct?

10 A. Yes. Over Mrs. Wilson's face.

11 Q. When Mrs. Wilson was being raped by Mr. White, what did  
12 you observe about her at that time that was happening about  
13 Mrs. Wilson? What was she doing?

14 A. She was trying to get up. She was struggling with her  
15 head back and forth, trying to get released out of Tom's  
16 hands.

17 Q. After Mrs. Wilson was rolled over by Mr. Winslow, did  
18 you see any movement come from her?

19 A. No.

20 Q. What happened next?

21 A. They got -- JoAnn Taylor, Joseph White, Tom Winslow was  
22 all looking for money.

23 Q. Did you look for money?

24 A. No.

25 Q. Did you get any money?

A. No.

Q. Did you see anybody find any money?

A. Yes.

1 Q Who?

2 A JoAnn Taylor.

3 Q Did you see where she found the money?

4 A She came out of the bedroom.

5 Q And how do you know she found money?

6 A She was stuffing it in her front pant's pocket.

7 Q What happened next?

8 A We left. I did, JoAnn Taylor, and James Dean.

9 Q And who did that leave in the apartment to the best  
of your knowledge?

10 A Tom Winslow and Joseph White.

11 Q I'm handing you Exhibit No. 11. Can you tell me what  
that is, if you know?

12 A It's the couch and Mrs. Wilson.

13 Q Is that the couch that was in the apartment on  
14 February 5, 1985?

15 A Yes.

16 Q Do you know what's on the couch in that picture?

17 A Four pillows and a pair of panties.

18 Q You previously testified that her -- Excuse me -- the  
19 body as it's found in Exhibit No. 11, the position of the  
20 body, the head and the feet, that's how you found it?

21 A Yes.

22 Q Is that the same as you observed it when you left the  
apartment?

23 A No.

24 Q What's the difference?

25 A She had her head in front of the couch and her feet were



1 the other way.

2 Q Handing you what is Exhibit No. 2. Can you tell me  
3 what that is, if you know?

4 A. That's Mrs. Wilson and two footstools and a chair.

5 Q. All right. Is she bound in that photograph?

6 A. Yes.

7 Q. Is that the way you observed her when you left the  
8 apartment?

9 A. No.

10 Q. You never seen anyone bound her as she is found in that  
11 exhibit?

12 A. Her hands was underneath her.

13 Q. Is that what you observed when you left the apartment?  
14 Her hands were underneath her?

15 A. Yeah, underneath her.

16 Q. Was she on her front or back when you left her in the  
17 apartment?

18 A. She was on her belly.

19 Q. And where were her hands?

20 A. Underneath her.

21 Q. Were they bound?

22 A. I don't remember.

23 Q. When Mr. White was raping her, where were her hands?

24 A. Up here.

25 Q. You've indicated you left. Who did you leave with?

A. James Dean and JoAnn Taylor.

Q. And how did you leave the apartment?

A. We went down the back door, went down the hall to the

1 back door.

2 Q Do you remember if there were lights on in that hallway  
3 or not?

4 A No.

5 Q There were not or there were?

6 A I don't know.

7 Q You don't remember?

8 A Right.

9 Q Where did the three of you go after you left?

10 A We was in the car.

11 Q You went back out to the same car you arrived in?

12 A Yes.

13 Q Who was left in the apartment then to your knowledge?

14 A Joseph White and Thomas Winslow.

15 Q Do you have any idea where Kathy Gonzalez was at that  
16 time?

17 A No.

18 Q What happened after you arrived at the car with the  
19 other two individuals?

20 A We just set (sic) there.

21 Q Okay. What happened after that?

22 A Joseph White and Tom Winslow came to the car and we left.

23 Q Who came first to the car?

24 A I don't know.

25 Q How long was it until they came from when you arrived at  
the car?

A I don't know how long it was.

Q Can you give me a estimate?

1 A. Probably 15 minutes. Maybe a half hour. I don't know.

2 Q. Then what happened?

3 A. We went down the alley and turned left and went on  
4 Seventh.

5 Q. What happend after that?

6 A. I yelled at him and asked him why he did it and every-  
7 thing. And he got mouthy and said to dump her.

8 MR. REDMAN: I'm going to object as to foundation.

9 THE COURT: We've got to know who's speaking.

10 Q. (By Mr. Smith) You indicated you -- somebody said  
11 something to you; is that right?

12 A. Yes.

13 Q. Who said that?

14 A. Joseph White.

15 Q. What did he say?

16 A. He said to dump me off.

17 Q. What happened next?

18 A. He dumped me out.

19 Q. What happened after that?

20 A. I ended up at the apartment on Fifth and Ella.

21 Q. What did you do next?

22 A. I washed my hair.

23 Q. Did you call the police?

24 A. No.

25 Q. Did you ever call the police regarding this incident?

26 A. No.

27 Q. Why not?

28 A. I was told if I ever told anybody or anything that they'd

1 do the same to me.

2 Q. All right. Who told you that?

3 A. Tom Winslow.

4 Q. Where did he tell you that?

5 A. At the apartment at 212 North Sixth.

6 Q. When did he tell you that?

7 A. Before we left.

8 Q. Before you left when?

9 A. Before we went outside to sit in the car.

10 Q. So it was the night of the incident; is that correct?

11 A. Yes.

12 Q. You've indicated you married Clifford Shelden; is that correct?

13 A. Yes.

14 Q. Does Clifford Shelden know Tom Winslow?

15 A. Yes.

16 Q. Are they good friends?

17 MR. REDMAN: I'm going to object to this without any more foundation than we have.

18 THE COURT: I take it to be foundational at this point. Overruled.

19 Q. (By Mr. Smith) Are they good friends?

20 A. Yeah.

21 Q. Did you ever talk or were you ever questioned by Burdette Searcey in 1985 regarding the Helen Wilson homicide?

22 A. Yes.

23 Q. Do you remember when that approximately was?

24 A. Yes. It was in May.

25

1 Q Do you remember where you were living?

2 A Yes.

3 Q Where?

4 A On Union Street.

5 Q Is Union Street in Beatrice?

6 A Yes.

7 Q Were you living in a house or what were you living in?

8 A In a trailer.

9 Q With whom?

10 A Tom Winslow, Beth Johnson or Winslow at the time and  
Clifford Shelden and myself.

11 Q Were you married at that time?

12 A Yes.

13 Q Was Mr. Winslow married to this Beth Winslow?

14 A Yes.

15 Q Had you told your husband, Clifford Shelden, about this  
incident?

16 A No.

17 Q Prior to -- When were you arrested regarding this  
incident?

18 A April 13, 1989.

19 Q Had you talked to your husband, Clifford Shelden, about  
this incident prior to April 13, 1989?

20 A No.

21 Q Had you talked to anyone about what you've just told the  
jury prior to April 13, 1989?

22 A No.

23 Q On the date you were arrested, who arrested you?

- 1 A. Burdette Searcey and Gerald Lamkin.
- 2 Q. Do you know who they work for?
- 3 A. The Gage County Sheriff's Department.
- 4 Q. Are they law enforcement officers?
- 5 A. Yes.
- 6 Q. Did you know that at the time?
- 7 A. Yes.
- 8 Q. Did you give them a statement?
- 9 A. Yes.
- 10 Q. Was it tape recorded to your knowledge?
- 11 A. Not at the police station in Lincoln.
- 12 Q. You've indicated you were at the police station in  
Lincoln?
- 13 A. Yes. They questioned me there.
- 14 Q. Where were you living on April 13, 1989?
- 15 A. In Lincoln at 18th and West O.
- 16 Q. You've indicated in May of '85 you talked to Burdette  
Searcey regarding this incident; is that correct?
- 17 A. Yes.
- 18 Q. Did you tell him what you told the jury today?
- 19 A. Yes.
- 20 Q. In May of '85 you told them?
- 21 A. No, I'm sorry, no.
- 22 Q. Did you tell them that you were involved at all in the  
homicide?
- 23 A. No.
- 24 Q. Why didn't you tell them that?
- 25 A. I was scared.

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Q Of what?

A Winslow was still -- Tom Winslow was still around.

Q In fact you were living with him?

A Yes.

Q Did anyone else prior to April 13, 1989 question you regarding the Helen Wilson homicide?

A Burdette Searcey and Captain Stevens.

Q Could that be Sergeant Stevens?

A Sergeant Stevens, yes.

Q Where did that questioning take place?

A At my place that I lived at in Lincoln.

Q Did you tell them of your involvement in the Helen Wilson homicide at that time?

A No.

Q Did you deny that you were involved?

A I didn't say that I was involved at all.

Q Mrs. Sheldon, you've indicated you talked with two deputies on April 13, 1989; is that correct?

A Yes.

Q And that was where?

A At Lincoln at the jailhouse or police station.

Q Are there any differences between what you told them on April 13, 1989 and what you told this jury on November 3, 1989?

A I told them everything.

~~MR. REDMAN: I'm going to object at this point. I think there's some problem with foundation. I think there's a problem with speculation. Calls for a conclusion.~~

1 THE COURT: I don't think any of those objections  
2 are sound. Overruled.

3 Q. (By Mr. Smith) Were there any differences?

4 A. I said everything but I didn't tell them about  
5 Kathy Gonzalez and James Dean.

6 Q. Why was that?

7 A. I just didn't say at that time. It didn't come out.

8 Q. But the matters regarding this defendant, Joseph White,  
9 were the same?

10 A. Yes.

11 Q. Now, Mrs. Sheldon, do you remember --

12 THE COURT: Counsel approach the bench, please.

13 (At this point, counsel  
14 for the parties  
15 approached the bench  
16 and an off-the-record  
17 discussion was had, in  
18 low tones, between  
19 Court and counsel.)

20 THE COURT: Ladies and gentlemen, we are at the noon  
21 recess. We're going to take a recess to 1:30. Again, the  
22 admonition that you and each of you are admonished by the  
23 Court that it is your duty to not converse with or suffer  
24 yourselves to be addressed by any person on the subject of  
25 this trial nor to listen to any conversations on the subject.  
Nor read or listen to any news accounts thereon, and it is  
your duty not to form or express an opinion thereon until  
the case is finally submitted to you. We are in recess  
until 1:30.

(Whereupon, a recess was  
taken from 12 to 1:30  
p.m.)



1 (At 1:30 p.m. with counsel for the parties present  
2 and the defendant present and the jury IN the jury box, the  
3 following proceedings were had:)

4 THE COURT: Before we start, I'm having a fair  
5 amount of distractions by people coming in and out of the  
6 courtroom, so from this point forward, you're in her until  
7 the next recess. Gentlemen, are we ready to proceed?

8 -THE COURT: All right. Mr. Smith?

9 MR. SMITH: Thank you, Your Honor.

10 DEBRA SHELDEN RESUMED THE WITNESS STAND AND TESTIFIED  
11 FURTHER AS FOLLOWS:

12 DIRECT EXAMINATION ( Cont'd )

13 BY MR. SMITH:

14 Q. Mrs. Sheldon, do you remember that you gave a deposition  
15 in this case?

16 A. Yes.

17 Q. And do you remember who took the deposition from you?

18 A. Yes.

19 Q. Who was that?

20 A. My attorney was there and Toney Redman and you and  
21 Lyle Koenig.

22 Q. Do you remember you told Mr. --

23 MR. REDMAN: I'm going to object to the State  
24 leading the witness, Your Honor.

25 THE COURT: Well, you're going to have to get into  
it somehow. We'll see how it goes.

Q. (By Mr. Smith) In that deposition did you mention  
that you had dreams?

1 A. Yes.

2 Q. And when did you have the dreams?

3 A. After it happened and up to after I got picked up also.

4 Q. Mrs. Sheldon, are you testifying -- Excuse me. Do you  
5 remember those dreams?

6 A. Yes.

7 Q. What you told the jury this morning, was that from your  
8 memory or was that from your memory of your dreams?

9 A. It was from my memory.

10 Q. Mrs. Sheldon, are you sure Joseph White was in the  
11 apartment on February 5, 1985 that was occupied by  
12 Helen Wilson?

13 A. Yes.

14 Q. And did he rape her on that date?

15 A. Yes.

16 Q. And did he demand money from her on that date?

17 A. Yes.

18 Q. And did she refuse?

19 A. Yes.

20 Q. Are sure about everything you've testified to here  
21 today?

22 A. Yes.

23 Q. All right. Thank you, Mrs. Sheldon.

24 MR. SMITH: I don't have any further questions.

25 THE COURT: Mr. Redman?

1 MR. REDMAN: Your Honor, may we approach the  
2 bench?

3 (At this point, counsel for the  
4 parties approached the bench and  
5 and an off-the-record discussion  
6 was had, in low tones, between  
7 Court and counsel.)

8 CROSS-EXAMINATION

9 BY MR. REDMAN:

10 Q Mrs. Sheldon, right?

11 A Yes.

12 Q There are a number of things I want to go back over with  
13 you and talk to you about. First of all, Mr. Smith just  
14 asked you about the deposition that we did back on August 17,  
15 that I took. Do you recall that?

16 A Yes.

17 Q Now, in that deposition we talked about a lot of things;  
18 is that right?

19 A Yes.

20 Q Do you remember a discussion about a person by the name  
21 that you knew as Lobo?

22 A Yes.

23 Q And before we get into that, let me ask you another  
24 question. This Joseph White that you've identified as  
25 Joe White, when was the first time you ever saw that  
individual?

A The 5th of February, 1985.

Q So you didn't know Lobo or a Joseph White prior to the  
5th of February, 1985; is that correct?

25

1 A. That's correct.

2 Q. And when on the 5th of February of 1985, did you  
3 first meet that individual?

4 A. At Kathy Bartak's and James Dean's apartment.

5 Q. All right. So that would have been just a few hours  
6 before you went to Helen Wilson's apartment. Would that be  
7 correct?

8 A. Yes.

9 Q. Would it also be correct that you never saw that  
10 individual after you left Helen Wilson's apartment?

11 A. That's correct.

12 Q. So your knowledge of that individual would have been  
13 over a period of maybe four or five, six, seven hours?  
14 Something like that?

15 A. Yes.

16 Q. And that was way back in 1985; is that correct?

17 A. Yes.

18 Q. Now, when we did the deposition, I asked you about  
19 Joe White. I asked you about Lobo. Did you ever know Lobo  
20 as Joe White back in '85?

21 A. No.

22 Q. Back in '85 the person you're talking about was named  
23 Lobo; is that correct, at least to you?

24 A. Yes.

25 Q. And had you ever heard that individual in that four,  
five, six, seven hours referred to anything besides Lobo  
back in '85?

A. No.

1 Q. When did you first know that individual as Joe White or  
2 when did someone tell you that Joe White and Lobo were the  
3 same person?

4 MR. SMITH: Objection, Your Honor. He's asking  
5 for things regarding matters that are not in evidence, facts  
6 not in evidence.

7 THE COURT: Overruled.

8 MR. REDMAN: May I have that question read back?

9 (At this point, the  
10 reporter read back the  
11 previous question.)

12 A. I wasn't told. I read it in the paper.

13 Q. Okay. Then do you know what paper that was?

14 A. It was the Lincoln Star and Beatrice Daily Sun.

15 Q. Okay. And do you remember when that was?

16 A. Just after I was picked up.

17 Q. Okay. Did any law enforcement personnel or anyone from  
18 the Gage County attorney's office ever talk to you after that  
19 time about Joe White and Lobo being the same person?

20 A. No.

21 Q. So your association with Lobo as being Joe White or  
22 Joe White being Lobo was a result of the photograph you saw  
23 in the newspaper article about this case. Would that be  
24 correct?

25 A. I knew of him as Lobo at the time and when I saw it in  
the paper. I seen his name was Joseph White.

Q. ~~And that was the only time you had seen this individual~~  
since 1985; is that correct?

A. That's correct.

1 Q When I talked to you in the deposition, did you even  
2 remember what Joe White or Lobo -- whichever one -- what  
3 they looked like?

4 A Yes.

5 Q What did you tell me regarding the description of  
6 Joe White or Lobo or whoever it is you are talking about?

7 A I told you he was tall -- was tall, had mustache and  
8 beard.

9 Q Do you remember at this point and time that you didn't  
10 know what Joe White or Lobo looked like?

11 A No.

12 Q Did you ever remember telling me in that deposition  
13 that you didn't recall whether or not Joe White or Lobo had  
14 a beard?

15 A No.

16 Q Do you remember me asking you -- and I'm on page 43  
17 for counsel's reference -- Do you remember me asking you  
18 during the course of that deposition the question:

19 "Q Can you describe for me what Joe White looks like?"  
20 Do you remember me asking you that question?

21 A Yes.

22 Q Do you remember your answer?

23 A No.

24 Q "I don't know what he looks like. Only that one day and  
25 I don't --" And then you didn't say anything further. Do  
you remember saying that?

A Yes.

Q So do you now recall telling me at first you didn't know

1 what Joe White looked like?

2 A. Yes.

3 Q. And had you forgotten that?

4 A. Yes.

5 Q. Continuing on page 44 in that deposition, do you  
6 remember telling me in response to one of my questions you  
7 said, "He's tall. I don't know."

8 "Q. Did he have a beard, a mustache, or anything?

9 A. He had -- I think he had a beard. I'm not sure. I  
10 don't --

11 Q. What color was his hair?

12 A. Dark.

13 Q. Heavy or slim?

14 A. He was slim but I can't tell you what color his eyes were  
15 or anything."

16 Q. Do you remember you telling me that?

17 A. Yes.

18 Q. Had you forgotten that just a moment ago when I asked  
19 you?

20 A. Yes.

21 Q. So I take it you had forgotten some of the things you  
22 told me in the deposition. Would that be a fair statement?

23 A. Yes.

24 Q. So would you agree with me now that at one point in  
25 time during the course of the deposition, you couldn't  
describe him. You told me you didn't know what Joe White  
looked like for sure.

A. Yes.

1 Q. But you had seen a photograph of him in the newspaper,  
2 hadn't you?

3 A. Yeah, his face.

4 Q. And the photograph in the newspaper was a photo of the  
5 gentleman sitting two seats down from me, was it not?

6 A. Yes.

7 Q. And that individual you knew as Lobo; is that right?

8 A. That's right.

9 Q. Not as Joe White?

10 A. That's right.

11 Q. Do you still have a copy of the plea agreement in front  
12 of you?

13 MR. REDMAN: May I approach, Your Honor?

14 Q. Mrs. Sheldon, I want to ask you some questions about  
15 your plea agreement. We're going to have to share here,  
16 because I can't find my copy.

17 THE COURT: Would you give an exhibit reference.

18 MR. REDMAN: This is Exhibit No. 34.

19 Q. (By Mr. Redman) Now, Mrs. Sheldon, you entered into  
20 a plea agreement with the State on -- Well, at least it's  
21 dated April 24, 1989. Would that be correct to the best of  
22 your recollection?

23 A. That's correct.

24 Q. Why, Mrs. Sheldon, did you enter into that plea  
25 agreement?

26 A. I pleaded to that agreement because I was guilty for  
27 being there, and I was supposed -- I wanted to tell the truth  
28 of what happened.



1 Q. And tell me what your understanding of this plea  
2 agreement -- In other words, what you expect to get in return  
3 from the State.

4 MR. SMITH: Objection, Your Honor. It is a compound  
5 question. First --

6 THE COURT: All right. Just state your objection.

7 MR. SMITH: It is a compound question.

8 Q. (By Mr. Redman) What is your understanding of the  
9 plea agreement?

10 A. I am supposed to tell the truth and corroborate with  
11 the State.

12 Q. What do you mean by corroborate?

13 A. I'm suppose to tell the truth and go to trial and --

14 Q. What do you mean by corroborate with the State. You're  
15 suppose to tell the truth and have your story be the same  
16 as the State's theory?

17 A. No. Tell the truth.

18 Q. What is the State going to give to you in return?

19 A. They're just going to give me ten years, request for  
20 ten years.

21 Q. All right. And do you understand that ten years is  
22 not a guarantee?

23 A. Yes, I understand.

24 Q. Do you understand, of course, you have to tell the  
25 truth for the plea agreement to be valid?

A. Yes, I understand that.

Q. Now, you haven't been sentenced yet; is that correct?

A. That's correct.

1 Q And is it your understanding that you would not be  
2 sentenced until after you cooperate with the State?

3 A I won't be sentenced until everything is finished.

4 Q Okay. I want to know about your understanding of your  
5 testimony here. Do you know whether or not what you testify  
6 to here will help you on your sentencing?

7 A No. I just tell exactly what I saw and tell the truth.

8 Q Okay. Do you think it will help you in your case if the  
9 defendant is convicted, Mr. White?

10 A I don't know.

11 Q Now, prior to your coming here today to testify,  
12 Mrs. Shelden, whether it was yesterday or last week or  
13 whatever it might have been, I take it law enforcement and  
14 the county attorney's office has talked to you several times?

15 A Yes.

16 Q And they've talked to you about your testimony. Would  
17 that be a fair statement?

18 A Yes.

19 Q How much time do you think you've spent with law  
20 enforcement or the county attorney's office regarding your  
21 testimony here today?

22 A Not very much.

23 Q If you can, estimate for me whether it would be an  
24 hour, ten minutes, whatever it might be.

25 A Probably an hour.

Q And on how many occasions did they talk with you?

A Twice.

Q Okay. Can you tell me when that was, if you remember?

1 A. Wednesday and today.

2 Q. Prior to your testimony today?

3 A. Yes.

4 Q. And do you remember who talked with you?

5 A. My attorney and Dick Smith.

6 Q. Okay. Now, prior to your testimony today and maybe  
7 you can tell me when this occurred, were documents made  
8 available to you in the way of statements or police reports  
9 of statements at any time?

10 A. No.

11 Q. Have you ever talked to your attorney in preparation  
12 for your case maybe even before you plead? I don't know.  
13 Have you had any discussions about the State's theory of the  
14 facts of the case?

15 A. No.

16 Q. What I'm trying to find out, Mrs. Sheldon, is why  
17 you've changed your testimony so many times.

18 MR. SMITH: Objection. Those are not facts in  
19 issue.

20 MR. REDMAN: Let me withdraw that.

21 THE COURT: Restate your question.

22 Q. (By Mr. Redman) Would you agree with me that you've  
23 changed your testimony a number of times?

24 A. Yes.

25 Q. What's prompted you to change your testimony? Was it  
a person? Was it dreams? What was it?

A. Nothing. Nobody told me anything. I just did it.

Q. You just decided to change your testimony?

1 A. Well, I don't remember everything I said.

2 Q. But you agree that your testimony had not been  
3 consistent throughout all your statements?

4 A. It's been the truth. It's just been different.

5 Q. Well, but my question is would you agree with me that  
6 your testimony has not been consistent throughout your  
7 numerous statements?

8 A. I don't understand the words.

9 Q. Well, let me do it this way. Have you made -- You made  
10 a statement originally in '85 in which you denied any  
11 involvement to Searcey or Stevens or one of the two; is that  
12 correct?

13 A. Yes.

14 Q. Then you made a statement on April 13 of '89; is that  
15 correct?

16 A. Yes.

17 Q. Made another statement April 14 of '89; is that correct?

18 A. Yes.

19 Q. Made another statement May 24 of '89; is that correct?

20 A. Yes.

21 Q. Made another statement August 10 of '89; is that correct?

22 A. Yes.

23 Q. Gave me a deposition on August 17 of '89; is that correct?

24 A. Yes.

25 Q. All right. Would you agree with me that everything  
contained in those statements and depositions is not  
consistent?

A. I don't understand.

1 MR. REDMAN: May I approach just to return this,  
2 Judge?

3 Q (By Mr. Redman) What is it that you don't understand,  
4 Mrs. Sheldon?

5 A I don't understand the question.

6 Q Okay. Do you understand what I mean by consistent?

7 A That I've said a statement all the time.

8 Q Let me rephrase it. Would you agree with me that your  
9 statements were not the same all those times?

10 A Yes.

11 Q What I want to do, Mrs. Sheldon, is go through the  
12 statements with you and ask you -- I want to give you a chance  
13 to explain to me some of these inconsistencies. Now, today  
14 you told the ladies and gentlemen that you parked on the west  
15 side of Helen Wilson's apartment building. Would that be  
16 correct?

17 A Yes.

18 MR. REDMAN: May I approach, Your Honor?

19 THE COURT: Yes.

20 Q (By Mr. Redman) I'm handing you what's been marked  
21 as Exhibit 3. Would you point to me there where you parked  
22 when you went to Helen Wilson's apartment?

23 THE COURT: Now, just a moment. Let me see that  
24 exhibit. Counsel approach the bench, please.

25 (At this point, counsel for the parties approached the bench and an off-the-record discussion was had, in low tones, between Court and counsel.)

1 Q (By Mr. Redman) Let me rephrase the question. You  
2 told us you parked on the east side of the building?

3 A Yes.

4 Q Let me show you Exhibit No. 3. If you will, show  
5 me where you parked.

6 A We parked back here.

7 Q You're referring to the far right-hand lower corner  
8 of that photograph; is that correct?

9 A Yes.

10 Q There appears to be the building that Mrs. Wilson lived  
11 in a short distance from that a rectangle wall of some kind  
12 and then a parking lot. Would that be correct?

13 A Yes. We were in front of a big white building. The car  
14 is facing in front of the building where it's not photographed.

15 Q Can you see in that photograph a wall just to the east  
16 of the building that's maybe four or five feet high?

17 A Yes.

18 Q How close were you parked to that wall?

19 A Right beside it. Enough to get out of the car.

20 Q So maybe a couple of feet?

21 A Yes.

22 Q Were you parked all the way into the stall as far as you  
23 could go?

24 A No.

25 Q How far in?

A The back end was stuck out in the alley a little ways.

Q Okay. Give me an estimate, if you could.

A From the back door -- the door in the back of the car

1 was stuck out in the alley.

2 Q Okay. Now, was it that point that you all got out of  
3 the vehicle and went to Helen Wilson's apartment; is that  
4 correct?

5 A Yes.

6 Q Do you remember in your statement of April 13, 1989, on  
7 page 6, explaining that you parked in the lot where the old  
8 filling station used to be?

9 A Yes.

10 Q And where would that be from where you're indicating  
11 today?

12 A In front of the building of the apartment building.

13 Q It would be on the west side and toward the north,  
14 would it not?

15 A Yes.

16 Q Completely different spot?

17 A Yes.

18 Q So now you're changing your testimony and saying you  
19 parked in a different area; is that correct.

20 MR. SMITH: Objection, Your Honor. She's not  
21 changing her testimony.

22 Q (By Mr. Redman) Well, you're changing your mind and  
23 saying --

24 THE COURT: Counsel approach the bench.

25 (At this point, counsel for  
the parties approached the  
bench and an off-the-record  
discussion was had in low  
tones, between Court and  
counsel.)

1 Q (By Mr. Redman) Did you in that statement ever  
2 mention that you parked anywhere else besides that old filling  
3 station?

4 A No.

5 Q And you explained even which direction he parked the car  
6 at that time, did you not?

7 A Yes.

8 Q And at no time in that statement did you say that he  
9 moved that car and went to another location, did you?

10 A No.

11 Q When did you change your mind and decide that the car  
12 was moved and he went to another location?

13 A I went for a ride with the sheriff and Dick Smith and  
14 them and pointed out exactly where we was at all times.

15 Q When did you go for that ride?

16 A Two weeks ago.

17 Q Okay. Because -- Do you remember in the second statement  
18 that you gave, page 11, you indicated -- Well, let me tell  
19 you what was asked and what you answered. This was Officer  
20 Searcey.

21 "Q And where did you park at? Can you describe as to what  
22 location to the building you parked?

23 A It was in the old filling station right beside the  
24 apartment building.

25 Q And where is that filling station located according to  
the parking lot, the apartment building?

A Right next to it.

Q Would that be on the north, east or west side?



1 Do you recall how you parked at that location?

2 A. Yes. The car was sideways. The front was going  
3 north and the back was catty-cornered."

4 Q. Do you remember telling Searcey that?

5 A. Yes.

6 Q. But I take it after your tour with the police two  
7 weeks ago that made you change your mind; is that correct?

8 A. Yes.

9 Q. So would it be correct that would be another occasion  
10 that you've talked to the county attorney or law enforcement  
11 about your testimony?

12 A. Yes.

13 Q. So there's at least three times they have worked on  
14 their testimony with you. Would that be fair?

15 A. Yes.

16 Q. I want you to stop and think. Would there be any more  
17 that they might have worked with you whether it was a week  
18 ago, two weeks ago, or a day ago?

19 A. No.

20 Q. Now, today you told us that after the murder you got  
21 into the vehicle and you were dropped out on the street  
22 somewhere; is that correct;?

23 A. Yes.

24 Q. They said get her out or something to that effect?

25 A. Yes.

Q. Do you remember testifying -- Well, not testifying. Do  
you remember making a statement different than that in the  
past?

1 A. No.

2 Q All right. I'm going to read and I know you don't have  
3 the advantage of having these statements with you. That's  
4 why I'm trying to point them out to you. Do you remember in  
5 your first statement -- Well, in one of your statements on  
6 April 13 on page 22 -- Do you remember -- Let me ask you, tell  
7 you what Searcey said. Searcey was interviewing and you said:

8 "Q Where did you go when you exited the building" meaning  
9 the apartment complex?

10 "A. We went to the car and we went to Charlotte Bishop's  
11 apartment."

12 Q Do you remember saying that?

13 A. Yes.

14 Q So you're changing your mind now; is that correct?

15 A. No.

16 Q I'm sorry?

17 A. No.

18 Q Okay. Tell me what I'm misunderstanding here.

19 A. At that time I was asked I thought I went to the  
20 apartment. That's what I remember as going to the apartment.

21 Q That's what I'm saying. Now you're saying something  
22 different.

23 A. Yes.

24 Q So that's what I'm saying. You're changing what you're  
25 remembering. Are you with me?

A. Yes.

Q And, again, when you were interviewed on April 14, page  
47, Searcey had the comment:

1 "Q And this was after the incident occurred. So now  
2 Jim was with you when you left; is that right?

3 A Yes.

4 Q He was in the car?

5 A Yes, but they didn't stay at the apartment. When they  
6 dropped me off they didn't stay that long. They went back  
7 to Kathy's.

8 Q What did you do?

9 A I stayed there and washed my hair."

10 Q Do you remember making these statements?

11 A Yes.

12 Q So you don't remember being left off in the middle of the  
13 street. Is that what you are telling me?

14 A Right, yes.

15 Q Today you told us that you, JoAnn Taylor and James Dean  
16 left the apartment, left Mrs. Wilson's apartment at the same  
17 time and that Winslow and White stayed. Do you remember that?

18 A Yes.

19 Q And you said they stayed fifteen minutes to an hour; is  
20 that correct?

21 A Yes.

22 Q This is a very cold night, was it not?

23 A Yes.

24 Q Are you telling me the three of you sat in the car  
25 waiting?

26 A Yes.

27 Q Have you made any statement contrary to that that you're  
28 aware of?

1 A. I don't understand.

2 Q. Have you made a statement different from that at any  
3 time that you're aware of?

4 A. No.

5 Q. Okay. On April 14th in your statements to Searcey, page  
6 22, do you remember -- I'm sorry. I said Searcey and it is  
Officer Lamkin there.

7 "Q. And you stayed there in the apartment for what reason?

8 A. They said I couldn't go.

9 Q. When you left the apartment, did you all leave together?

10 A. Yes."

11 Q. Do you remember saying that?

12 A. Yes.

13 Q. Do you remember that now?

14 A. Yes.

15 Q. When did you decide that two people stayed behind? When  
16 did you change your mind?

17 A. When I had the tour of the apartment building. When  
18 I went on the ride with the cops.

19 Q. Okay. But you didn't remember making that prior  
20 statement; is that correct?

21 A. That's correct.

22 Q. To Mr. Searcey?

23 A. That's correct.

24 Q. Do you remember making other prior statements to that  
25 effect to Searcey?

26 A. Yes.

27 Q. Okay. What did you say?

1 A. But I didn't tell him who we left in the apartment  
2 or anything like that.

3 Q. Well, you did tell him who left. You told them you all  
4 left together?

5 A. I didn't tell him that at the time. I talked to Lamkin,  
6 no.

7 Q. You told Lamkin that four of you left together?

8 A. Yes.

9 Q. Do you remember in your statement of April 14, Searcey  
10 asked you and you said:

11 "Q. And did you leave at the same time?

12 A. Yes.

13 Q. And who all was that that left at the same --" Pardon  
14 me. "Who all left?

15 A. JoAnn Taylor, Thomas Winslow, Joseph White, James Dean,  
16 and myself."

17 Q. You didn't say that anybody stayed behind; is that right?

18 A. That's right.

19 Q. Do you remember my deposition of you when I asked you  
20 that very same question? Do you remember what you said?

21 A. No.

22 Q. I asked you: "Were you the first or the last or some-  
23 where in the middle to leave", meaning Helen Wilson's  
24 apartment? Your answer was, "I was the first out." My  
25 question, "Did anybody follow you immediately or did anyone  
stay behind? Your answer, "No we all left at the same time.

So that would have been incorrect?

A. Yes.

1 Q Did the police or county attorney's office ever explain  
2 to you that they were having trouble figuring out who tied the  
3 afghan around Mrs. Wilson's head if you all left at the  
4 same time?

5 A No.

6 Q Now, you also had some problems in remembering  
7 James Dean and Kathy Gonzalez, did you not?

8 A Yes.

9 Q Do you remember in the statement that you gave  
10 Officer Searcey on April 13, that you weren't even aware that  
11 Dean or Gonzalez were there?

12 A Yes.

13 Q Do you remember what you said regarding that in the  
14 April 13 statement?

15 MR. SMITH: Your Honor, I'm going to object. I  
16 think she was asked and answered that.

17 THE COURT: Overruled. Maybe you better go back.

18 Q (By Mr. Redman) We're talking about your April 13  
19 statement to Officer Searcey and who was with you that night.

20 A Yes.

21 Q Do you remember what you said regarding who was with  
22 you?

23 A Yes.

24 Q Who did you say?

25 THE COURT: Now, just a moment. We got to get a  
time frame as to what point.

MR. REDMAN: Okay. I'm sorry.

Q (By Mr. Redman) Do you remember what you said

1 regarding who was with you when you got out of the car and  
2 went into Helen Wilson's apartment?

3 A. Yes.

4 Q. Do you remember mentioning James Dean's name?

5 A. At the time?

6 Q. I'm sorry?

7 A. At the time I told them everybody that was in the car,  
8 yes.

9 Q. Well, do you remember Searcey saying, this is on page 60.  
10 "Debby to the best of your memory, can you tell me who got out  
11 each side or how you all got out of Mr. Winslow's vehicle?

12 A. Winslow got out of the driver's side. Joseph got out  
13 of the passenger side. I think I got out on Tom's side."

14 Q. Do you remember saying that?

15 A. Yes.

16 Q. Omitting Mr. Dean's name?

17 A. No. I didn't say it then.

18 Q. Did you even know James Dean was there then?

19 A. Yes.

20 Q. Why didn't you tell them.

21 A. I don't know. I just didn't spit it all out.

22 Q. You didn't remember it, did you?

23 A. No.

24 Q. You didn't remember even about Kathy Gonzalez at that  
25 time, did you?

A. No.

24 Q. You didn't remember anything about Kathy Gonzalez until  
25 much later, did you?

1 A. Right.

2 Q. All right. I want to talk to you a little bit about  
3 your memory. Do you have trouble remembering this?

4 A. Yes.

5 Q. You've had a great deal of trouble remembering this,  
6 have you not?

7 A. Yes.

8 Q. In fact, do you remember telling me in your deposition  
9 that you've had a lot of difficulty with your memory about  
10 this incident and who was there and what happened?

11 A. Yes.

12 Q. In fact, law enforcement has been very helpful in  
13 helping you to recall, have they not?

14 A. No.

15 Q. Well, they've driven you around to the location, haven't  
16 they?

17 A. Well, yeah, but they ain't told me nothing.

18 Q. And Dr. Price has been working with you?

19 A. Yes.

20 Q. Working with you on your memory?

21 A. Yes.

22 Q. Because you couldn't remember anything?

23 A. Yes.

24 Q. Who is Dr. Price, could you tell us?

25 A. He's a psychiatrist.

Q. And he's a psychiatrist working with the police  
department in Beatrice, doesn't he?

A. Yes.



1 Q. In addition to being a psychiatrist, he is a police  
2 psychiatrist, isn't he?

3 A. Yes.

4 Q. Now, Mr. Smith asked you a lot about your dreams or a  
5 little bit about your dreams. I want to ask you a lot more.  
6 You had a number of dreams that you relied on to help you  
7 remember, do you not?

8 A. Yes.

9 Q. And you remember talking to me about the dreams that  
10 you'd had in your depositions and how they were helpful to  
11 you?

12 A. Yes.

13 Q. And in your dreams you remembered a lot of the events  
14 that occurred that night, did you not?

15 A. Yes.

16 Q. In fact, your dreams helped you remember James Dean and  
17 Kathy Gonzalez, did they not?

18 A. Yes.

19 Q. And Dr. Price helped you with your memory regarding  
20 those dreams, did he not?

21 A. Yes.

22 Q. Now, do you remember telling me in the deposition that  
23 everything you recalled about this murder you remembered in  
24 your dreams?

25 A. I remember it by seeing it. I know exactly.

Q. We talked about that. Do you remember your telling me  
you remembered it in your dreams and from being there?

A. Yes.

1 Q In fact, we had a long discussion about that, didn't  
2 we?

3 A Yes.

4 Q And do you remember during the course of that  
5 discussion about your dreams that you told me that you  
6 really couldn't differentiate the fact that you remembered  
7 your dreams from what you remembered from the incident, that  
8 they were all the same?

8 A Yes.

9 Q Now, let's talk a little bit about your dreams and when  
10 they started. Isn't it correct you're the great-niece --  
11 Mrs. Wilson was your great-aunt; is that right?

12 A Yes.

13 Q And after she was murdered you moved shortly thereafter  
14 didn't you?

14 A Yes.

15 Q Do you remember where you moved?

16 A The same apartment that she lived in.

17 Q The same apartment that she was murdered in, Apartment  
18 No. 4, 212 North Sixth Street?

19 A Yes.

20 Q You had a lot of nightmares about it, didn't you?

21 A Yes.

22 Q That's when your nightmares had began, isn't it?

22 A Yes.

23 Q How long did you live in this apartment?

24 A I moved out the first of June and the last part of May.  
25 So we didn't live there very long.

1 Q I don't know when you moved in.

2 A The last part of May.

3 Q So you lived there three to four weeks, somewhere in  
4 that area?

5 A Yes.

6 Q And how often were you dreaming while you lived there?

7 A I had quite a few dreams.

8 Q Well, do you remember we discussed in my deposition  
9 how often you were dreaming?

10 A Yes. I had them every other day.

11 Q So you were maybe dreaming between three and four times  
12 a week about it, were you not?

13 A Yes.

14 Q And you were recalling the events in your dreams, were  
15 you not?

16 A Yes.

17 Q You weren't dreaming the entire episode but you were  
18 dreaming bits and pieces, were you not?

19 A Yes.

20 Q And you continued to have dreams but not as frequent  
21 after you moved out of the apartment, did you not?

22 A Yes.

23 Q And in those dreams or in some of those dreams you first  
24 recalled James Dean, did you not?

25 A Yes.

Q And some while later you recall dreaming about Kathy  
Gonzalez, didn't you?

A Yes.

1 Q Did you dream about Joe White in those dreams?

2 A He was in them also, yes.

3 Q A number of people were in those dreams, were they not?

4 A Yes.

5 Q And all the facts about this case that you have told  
6 us today you dreamed, did you not?

7 A Yes.

8 Q Can you separate for me, Mrs. Sheldon, the facts that  
9 you recall from your dreams from the facts that you remember  
10 from the case or are they identical?

11 A They are identical.

12 MR. SMITH: Objection, Your Honor. It's a compound  
13 question. He asked first if she could separate and then are  
14 they identical?

15 THE COURT: Let's break it into parts. Go ahead.

16 Q (By Mr. Redman) Are the facts that you recall from  
17 your dreams identical to the facts that you remember from  
18 this case?

19 A Yes.

20 Q So then everything you've told us today has come to you  
21 in a dream. Would that be correct?

22 A Yes.

23 Q Did you dream about parking at the old gas station?

24 A No.

25 Q Well, did you dream about being dropped off in the  
middle of the street?

A No.

Q Did you dream about being taken to Charlotte Bishop's

1 apartment?

2 A. No.

3 Q. Did you just forget about that or what. I'm --

4 A. No.

5 Q. I'm trying to understand.

6 A. No. I didn't forget. I remember exactly everything I  
7 done.

8 Q. And you remember through the aid of your dreams?

9 A. And also what I saw.

10 Q. But you can't differentiate your dreams from what you  
11 saw, is that correct?

12 A. That's correct.

13 Q. You testified earlier that JoAnn Taylor had a pillow  
14 in her hand while Mr. White was on the floor. Did she have  
15 a pillow over her face? Do you recall that?

16 A. While Mrs. Wilson was on the floor?

17 Q. I'm sorry. While Mrs. Wilson was on the floor. Do you  
18 recall that?

19 A. Yes.

20 Q. How was she holding that pillow over Mrs. Wilson's face?

21 A. Over the part --

22 Q. Was the pillow touching Mrs. Wilson's face?

23 A. Yes.

24 Q. Was she using both hands on the pillow?

25 A. Yes.

26 Q. Was she -- Did she appear to be putting any pressure  
27 on the pillow?

28 A. Yes.

1 Q Did she do that in your dreams too?

2 A No.

3 Q Well, I have to go back and ask you, Mrs. Sheldon, either  
4 you saw these things in your dreams or you either saw them in  
5 your dreams as you once said or you didn't see them in your  
6 dreams.

7 A I saw the night of the homicide. I saw what I saw. I  
8 also saw most of it in my dreams.

9 Q Can you tell me what you meant by "saw it in my dreams",  
10 besides what we've already talked about?

11 A No.

12 Q Do you remember what you didn't see in your dreams?

13 A No.

14 Q Is it pretty difficult to separate?

15 A Yes.

16 Q Were these dreams nightmares?

17 A Yes.

18 Q Do you dream very often about things besides this?

19 A Yes.

20 Q Do you have nightmares about other things besides this?

21 A Yes.

22 Q It's not unusual for you?

23 A No.

24 Q And in these nightmares that you have, how often did  
25 you have them besides this case?

A If I watch a scary movie, I have nightmares.

Q And the nightmares are they real or imagined?

A They're real. Just like the movie only I'm in it except

1 the other people.

2 Q. In that sense, it would be real.

3 A. Yes.

4 Q. So the nightmares that you would have would be imagined.  
5 Would that be correct?

6 A. Yes.

7 MR. REDMAN: That's all the questions I have.

8 MR. SMITH: May I have a second, Your Honor? Thank  
9 you.

10 REDIRECT EXAMINATION

11 BY MR. SMITH:

12 Q. Mrs. Sheldon, on cross-examination you were asked about  
13 the parking of the vehicle near the apartment of Helen  
14 Wilson's. On direct examination this morning, handing you  
15 Exhibit 6, you made a mark on that exhibit, didn't you?

16 A. Yes.

17 Q. And is that where you said you first parked?

18 A. Yes. We parked on the side of the apartment building.

19 Q. Now, you've indicated to counsel that your memory  
20 changed of that event because you went for a ride; is that  
21 correct?

22 A. Yes.

23 Q. Was your attorney present when you went for that ride?

24 A. Yes.

25 Q. Were any law enforcement people talking to you when you  
went for that ride?

A. No.

Q. Were you just allowed to talk and they listened?

1 MR REDMAN: Well, I'm going to object to the State  
2 leading the witness.

3 THE COURT: Overruled.

4 A. I told them every corner and everything we turned.

5 Q. And they didn't tell you anything did they?

6 MR. REDMAN: I'm going to again object to the State  
7 leading the witness.

8 THE COURT: Overruled.

9 Q. (By Mr. Smith) Now, counsel asked several times  
10 whether or not either the county attorney's office or law  
11 enforcement worked on your testimony. Did anyone in the  
12 county attorney's office or law enforcement tell you what  
13 to say?

14 A. No.

15 Q. Did you really even know what other potential defendants  
16 in this case have said?

17 A. No.

18 Q. And you're segregated from those defendants, aren't you?

19 A. Yes.

20 MR. SMITH: May I approach, Your Honor?

21 Q. (By Mr. Smith) Handing you Exhibit No. 34. Is that  
22 the plea agreement we've talked about?

23 A. Yes.

24 Q. Are you required to specifically testify against anyone  
25 by that plea agreement?

A. No. Wait a minute, yes.

Q. Specifically --

MR. SMITH: At this time we ask it to be distributed



1 to the jury.

2 MR. REDMAN: No objection.

3 THE COURT: All right. Leave as granted. Exhibit  
4 No. 34 may be circulated.

5 MR. SMITH: Thank you.

6 THE COURT: I wonder ladies and gentlemen if two  
7 could read it at one time to speed it up a little bit.

8 MR. SMITH: Thank you, Your Honor.

9 Q. (By Mr. Smith) Mrs. Sheldon, you indicated on the  
10 cross-examination that you'd moved into Apartment No. 4?

11 A. Yes.

12 Q. And that was when again?

13 A. The last of May.

14 Q. Didn't that bother you?

15 A. Yes.

16 Q. Did you tell anyone about it?

17 A. No.

18 Q. Did you tell your husband about it?

19 A. No.

20 Q. Did you pick out the apartment to live?

21 A. No.

22 Q. Who did?

23 A. My husband.

24 Q. Why did you move? You've indicated you only lived there  
25 three weeks?

A. Yes.

Q. Why that long?

A. We had two dogs and we were convicted with the dogs.

1 Q Convicted or evicted?

2 A. Evicted.

3 Q In response to a question from Mr. Redman you indicated  
4 you will give total corroboration to the State. Do you  
5 mean cooperation or corroboration?

6 A. Cooperation.

7 Q Do you know what those words mean?

8 A. That I'm supposed to tell the truth and to help to do  
9 all that I can to prove the case.

10 Q And by the case, do you mean the case of the homicide of  
11 Helen Wilson?

12 A. Yes.

13 MR. SMITH: I have no further questions.

14 MR. REDMAN: Just a few questions, Judge.

15 RECROSS-EXAMINATION

16 BY MR. REDMAN:

17 Q You said that your husband picked out the apartment.  
18 Don't you remember talking to Kathy and her telling you that  
19 there was a vacant apartment there?

20 A. No. She did not tell me.

21 Q Who told you?

22 A. I called it up on the phone. I called the person that  
23 owned the building, and he told me that they had a place for  
24 rent.

25 Q And then you rented the apartment?

A. Yes.

Q So it was the person who was running the apartment  
complex that gave you the number and you agreed to move into

1 the apartment?

2 A. He just told me he had a place for rent. He didn't tell  
3 me what apartment.

4 Q. Certainly at one point in time you had to go to  
5 Apartment No. 4, didn't you?

6 A. Yes.

7 Q. So it wasn't your husband?

8 A. I called. My husband wanted it.

9 Q. Mr. Smith asked you about Exhibit 34 which is the plea  
10 agreement again. Do you understand why you haven't been  
11 sentenced yet regarding that plea bargain agreement?

12 A. Yes.

13 Q. Why?

14 A. Because I'm suppose to if anything comes up on the  
15 Helen Wilson case, I'm suppose to testify.

16 Q. You agree they are waiting to see how you're going to  
17 testify?

18 A. I don't understand.

19 Q. You agree they are waiting for your testimony before  
20 you're sentenced?

21 A. Yes.

22 Q. When Mr. Searcey talked with you the very first time, was  
23 that conversation recorded?

24 MR. SMITH: Objection, Your Honor. It's outside  
25 of recross.

THE COURT: Sustained.

MR. REDMAN: I don't have any further questions.

THE COURT: Any further redirect?

FURTHER REDIRECT EXAMINATION

1  
2 BY MR. SMITH:

3 Q. To your knowledge are there other cases that may come  
4 up that you have to testify in besides this one?

5 A. Yes.

6 MR. SMITH: No further questions.

7 MR. REDMAN: I have nothing further.

8 THE COURT: You may step down, ma'am. Mrs. Shelden  
9 you're subject to recall in this case, and you are not to  
10 discuss your testimony with anyone.

11 THE WITNESS Okay.

12 THE COURT: I think we'll take our afternoon  
13 recess at this time. Please retire to the jury room.

(Whereupon, a recess was taken  
from 2:45 to 3 p.m.)

14 (At 3 p.m. with counsel for the parties present  
15 and the defendant present and the jury IN the jury box,  
16 the following proceedings were had:)

17 THE COURT: Gentlemen, are we ready to proceed?

18 MR. REDMAN: Yes, Your Honor.

19 MR. SMITH: Yes, Your Honor.

20 THE COURT: All right. Mr. Smith?

21 MR. SMITH: Your Honor, at this time the State  
22 would call Sheriff DeWitt.

JERRY DEWITT

23 Called as a witness on behalf of the  
24 plaintiff, having been first duly sworn,  
25 testified as follows:

1 A. I don't remember.

2 Q. Do you recall whose idea it was to take this ride that  
3 you've described?

4 A. I believe it was County Attorney, Mr. Smith's idea and  
5 her attorney.

6 Q. And your job was basically to drive around; is that  
7 correct?

8 A. Yes.

9 Q. Was there any discussion taking place in the car other  
10 than directions given by Mrs. Sheldon?

11 A. No, there wasn't.

12 Q. But prior to that there was some discussion to your  
13 recollection?

14 A. There may have been in my office, yes.

15 Q. Thank you.

16 MR. STOLER: I have nothing further.

17 THE COURT: Any redirect?

18 MR. SMITH: No, Your Honor.

19 THE COURT: Okay. Sheriff, you're excused. You're  
20 subject to recall and you are not to discuss your testimony  
21 with anyone.

22 THE WITNESS: Yes, sir.

23 MR. SMITH: I'd call Kathy Gonzalez.

24 KATHY GONZALEZ

25 Called as a witness on behalf of the  
plaintiff, having been first duly sworn,  
testified as follows: