

1 issue of voluntariness so I can make my ruling. Is there any-
2 thing else by the State?

3 MR. PETERSON: The only thing we could possible ask
4 was his appearance of sobriety and whether he was threatened
5 or coerced in any way. That's the only thing I can think of.

6 THE COURT: Well, you need to present whatever you've
7 got, so I can -- and Mr. Ward, do you have any evidence on that
8 issue?

9 MR. WARD: Not yet. I think we may when we come to
10 crossexamine him.

11 THE COURT: Well, I have to make it, so I can
12 determine whether or not it's admissible. Of course, it's
13 already in, so I -- that would only leave me with something to
14 admonish them with. But if you continue to talk about it in
15 the evidence, I'm not sure that it can be waived, and I'm not
16 sure that -- If I'm going to have to make a ruling, I think
17 this is my first opportunity, and I need to do it before we go
18 into it any further before the jury --

19 MR. WARD: Well, whatever -- whatever you want to do
20 on it, but I'm going to say -- I don't think there's any doubt
21 that they read him his Miranda rights, and I don't have any
22 idea what he could say different. They're down in the basement
23 of that police station, some 24 hours after he's been arrested,
24 two police officers, and whether that's coercion or not, I
25 don't know. But I think --

1 THE COURT: Well, let's take a recess until 20
2 minutes by that, and then we'll come back before the jury comes
3 back and settle that issue.

4 MR. WARD: Okay. Well, I need to --

5 MR. PETERSON: How long a break, Judge? I didn't --

6 THE COURT: Well, only about eight minutes for us.

7 (Following a short recess, proceedings continued as follows:)

8 THE COURT: This is still a hearing and the jury has
9 not come back in the courtroom, and this is an incamera hearing
10 as I advised the parties so that the Court can make the
11 decision it must make about voluntariness of a statement given
12 by the Defendant. Is there anything else to present on that
13 issue by the State?

14 MS. SHEW: Yes, Your Honor, I'd like to ask Mr. Rogers
15 just a few more questions.

16 Q (By Ms. Shew) Mr. Rogers, concerning your interview
17 with Mr. Williamson on May 9th, 1987, you read through the
18 Miranda warnings that you gave him earlier. Did he appear to
19 be under the influence of any sort of alcohol or drugs at the
20 time you talked to him?

21 A No, ma'am.

22 Q Did his speech seem to be impaired in any way?

23 A No, ma'am.

24 Q Did he appear to understand what you were telling him
25 -- what you were reading to him from the card?

1 A Yes, ma'am.

2 Q Did he -- was he threatened in any way or was the
3 situation threatening to him in any way?

4 A No, ma'am.

5 Q Was he coerced or promised anything that you can
6 recall if he would give a statement?

7 A No, ma'am.

8 Q To the best of your opinion as -- from what you could
9 tell having talked to him did he give his -- did he talk to
10 you voluntarily and freely?

11 A Yes, ma'am.

12 MS. SHEW: I have no other questions, Your Honor.

13 CROSS EXAMINATION

14 BY MR. WARD:

15 Q Gary, you went to the county jail and picked Ronnie
16 up on May the 9th, 1987, at about what time?

17 A If I might correct you, Mr. Ward, he was brought over
18 to us at my office at approximately, I believe, around 7:15
19 that evening.

20 Q Who brought him over?

21 A One of the uniformed officers for the Ada PD; I don't
22 recall who it was, sir.

23 Q Just one?

24 A That's all I saw come downstairs.

25 Q This was at your request?

1 A Yes, sir.

2 Q Okay. And this May the 9th was on a Saturday?

3 A That's correct.

4 Q Was it dark?

5 A I don't recall. My office is downstairs, and I don't
6 recall whether it was dark out or not, sir.

7 Q Okay. Now, can you describe your office for the
8 record, where it is and how big it is, and its contents and one
9 thing and another.

10 A It's located, as I stated earlier, at the City Hall.
11 It's downstairs in the Detective Bureau of the City Hall -- of
12 the Police Department. My office is down there along with the
13 office of the Civil Defense Director, and the Ada Police
14 Department detectives' offices are downstairs. My office is
15 probably 12 by 15, 12 by 20. It contains one desk, bookcase,
16 filing cabinet. And over in one corner I have a television and
17 a polygraph instrument.

18 Q And a what?

19 A Polygraph instrument.

20 Q Okay. Do you keep your -- you refer to downstairs,
21 is this a basement room, or is it like -- well, is it a basement
22 -- in the basement?

23 A Yes, sir.

24 Q Are there any windows in that office?

25 A It has interior walls that have windows in them, yes,

1 sir, there's a window in my office.

2 Q What does it look out on?

3 A Into the -- it's got a large open meeting room. The
4 Civil Defense Director's office is on one side where he has his
5 office with a glass door and all his communications and
6 weather gear, and then, my office has a door going into it, and
7 it has a -- probably a two -- two or three feet by two feet
8 sliding glass window in my interior wall. And then, on the
9 other three walls is either painted block or drywall.

10 Q But there are no outside windows?

11 A No, sir.

12 Q All right. And this was not a regular business day;
13 was it? Wasn't it Saturday?

14 A Yes, sir, that's correct.

15 Q And nobody else down there, no business being
16 conducted, people coming and going, that type of thing; was
17 there?

18 A Well, sir, if I may say, police business is seven
19 days a week, so I mean, there were, you know, I don't recall.
20 I know that there was some other --

21 Q Was there anybody down there besides you and Agent
22 Featherstone to your knowledge?

23 A At one time I recall seeing Detective Smith or
24 Captain Smith at that time. And then, I believe there were
25 maybe -- might have been Detective Mike Baskin was down there

1 possibly, and there might have been some other people come in
2 and out. Like I say, I don't recall, Mr. Ward. I just recall
3 seeing them at some time when I was downstairs, and then, I
4 could hear people talking and walking in and out of the area.

5 Q Do you know if anybody was there other than police
6 officers?

7 A No, sir.

8 Q Nobody was coming and going to your office; were they?

9 A No, sir, there were not.

10 Q Your door was closed; was it not?

11 A That's correct.

12 Q Now, this man had been under arrest for -- at that
13 time First Degree Murder, First Degree Rape, Rape by
14 Instrumentation, three capital offenses, I think capital
15 offenses, for about 24 hours for that offense; had he not?

16 A He was under arrest for those charges. The exact
17 time of his arrest, Mr. Ward, I'm not sure, so the length of
18 time from the time he was arrested until the time I talked to
19 him --

20 Q Well, some time the day before; wasn't it, some time
21 May the 8th?

22 A Some time possibly around midnight. Like I say, I
23 don't know if it was late that night or early that morning of
24 the 9th when he was arrested.

25 Q To your knowledge, had he -- he had not seen anybody

1 on his behalf -- relatives, lawyers, nobody; had he?

2 A I have no idea, Mr. Ward.

3 Q Now, Judge, you know when the Miranda Decision was
4 handed down?

5 A I believe 1965 or 1966.

6 Q Little over 20 years ago?

7 A Yes, sir.

8 Q You carry a card with the Miranda warnings written
9 out -- printed; don't you -- in your billfold?

10 A That's correct, sir.

11 Q And that's what you read to this man that night of
12 May the 9th; is that correct?

13 A That's correct, sir.

14 Q You told Ms. Shew in response to her question, you
15 said, yes, he understood them; is that right?

16 A That's correct.

17 Q Now, you've been a police officer for how long?

18 A Almost 18 years.

19 Q And you still have to carry this card to read it to
20 each individual defendant; don't you?

21 A There's a purpose behind that, yes, sir.

22 Q Okay. You just read this to him once?

23 A That's correct, sir.

24 Q About the same manner that you read it to the Court
25 here earlier?

1 A That's correct.

2 Q Okay. And you said you knew he understood it, his
3 speech was coherent, and his manner was calm. Is that what
4 you're telling this Court?

5 A That's correct, sir.

6 Q You were present in this courtroom when the
7 preliminary hearing was commenced in July the 20th, I believe,
8 of 1987; and was that man then the same man that you talked to
9 May the 9th, 1987?

10 A Are you referring to his actions, sir? I don't
11 understand.

12 Q Well, first of all, was it the same man you're
13 talking about -- we're talking about the same man?

14 A Oh, yes, sir, it was Ron Williamson, yes, sir.

15 Q Now then, you wouldn't say he was coherent and calm,
16 cool, and collected then; would you?

17 A Well, he was not calm, cool, and collected. I could
18 understand what he was saying.

19 Q All right. And how many times had you interviewed
20 him prior to this time -- or had he been interviewed in your
21 presence?

22 A Best I can recall, two other times.

23 Q Two other times.

24 A Yes, sir.

25 Q Both of those times he said he didn't do this; didn't he?

1 A I don't recall the first time that he said he didn't
2 do it. The first time, as I recall, he told me that either on
3 November the 7th or December the 7th, he was either at the Oaks
4 Alcoholic Treatment Center in McAlester or he was at his
5 mother's. I don't recall him ever saying that he didn't do this.
6 The second interview --

7 Q Well, Gary, if he was at the Oaks or at his mother's,
8 he couldn't have done it; could he?

9 A No, sir.

10 Q Okay. Then he was telling you that he didn't do it;
11 wasn't he?

12 A Yes, sir.

13 Q Okay. You've never had him make any kind of an
14 incriminating statement at all until May the 9th in this
15 alleged statement that you took; has he? He hadn't made one up
16 until then; had he?

17 A I've personally not heard him make one.

18 Q Okay. That's what I'm talking about. And you
19 arbitrarily decide you're going to believe the one on the 9th
20 of May?

21 A All I did is reported what he told me, sir.

22 Q You think that he on that day after having been under
23 arrest probably less than 24 hours for three capital offenses
24 was ready to be taken down in the basement of the police
25 station by you and a police officer, I assume, who was a stranger

1 to him and questioned about this thing? Is that what you're
2 telling this Court, that he was capable of doing that and
3 knowing that he didn't have to tell you anything, understanding
4 that?

5 A He talked to us, sir. I asked questions, and he
6 talked to us.

7 Q I know he talked to you. Do it all the time, don't
8 they, Gary?

9 A Some do; some don't, sir.

10 Q Pardon me?

11 A Some do; some don't.

12 Q All right. But the vast majority of them do whether
13 you've explained the right to them or haven't explained them;
14 don't they?

15 A That's not necessarily true.

16 Q Those that understand those rights don't tell you
17 anything; do they?

18 A That's not necessarily correct, sir.

19 Q Well, more often than not it is; isn't it?

20 A No, sir.

21 MR. WARD: I believe that's all.

22 THE COURT: Okay. Any other evidence by the State?

23 MS. SHEW: No, Your Honor.

24 THE COURT: Mr. Ward, do you want to present any
25 evidence on this point?

1 MR. WARD: No, sir. Wait a minute. No, sir.

2 THE COURT: Okay. All right. Based on the evidence
3 presented, I find that the burden of the State has been met,
4 and that the statement was voluntarily given for the purpose of
5 being received into evidence and considered by the jury.

6 All right. We're ready to resume where we left off.
7 Would you tell the jury we're ready for them to come back in,
8 one of you.

9 (Following the incamera hearing, proceedings continued as
10 follows:)

11 THE COURT: For the record, the jury is in the jury
12 box. Mr. Ward, you may proceed.

13 CROSS EXAMINATION, Con't.

14 BY MR. WARD:

15 Q Gary, I think I had asked you if you had collected any
16 hair samples between December of 1983, that's a year after the
17 death of [REDACTED], and May the 8th, 1987, the date this
18 preliminary hearing was filed.

19 A Yes, sir, you did.

20 Q Okay.

21 A And the answer is no, sir, we did not between those
22 dates you've given.

23 Q Okay. Now then, was there any other physical
24 evidence that you gained during that time period? I mean, I'm
25 talking about other than the -- whatever you might have found