

STANKING
ALLEN

SANDRA RODRIGUEZ (IMPAUSIBLE TALE) 6-26-03

MY TRIAL
TRANSCRIPT

THE 'ILLEGAL MESSIAH' TESTIFIED THAT THE VICTIM
GAVE HER ASSAILANT A GUN TO KILL HER - I MAGINE THAT?
HOW STUPID ARE HOW STUPID ARE WHITES?

LYING
STUPID
ILLEGAL

- 1 Q. Did she get -- did she continue to get yelled at?
- 2 A. Yes.
- 3 Q. Okay. And you just indicated that at some point in
- 4 time you saw a gun?
- 5 A. Yes, afterwards, when I would see and he would tell
- 6 her, "Give me the gun," saying, "Give me the gun." He would
- 7 say, "Give me the fucking gun," and he would curse.
- 8 Q. Did she have the gun?
- 9 A. No. The gun was in the car.
- 10 Q. Okay. Did you --
- 11 A. She gave him the gun.
- 12 ✓ Q. So you saw this woman give him the gun?
- 13 ✓ A. Yes.
- 14 Q. Did you ever tell anybody that?
- 15 A. That she gave him the gun?
- 16 Q. Correct.
- 17 ✓ A. I think I remember that I told Eduardo Ramirez.
- 18 Q. Okay. And that's an investigator?
- 19 A. Uh-huh. And then when the gun was there and I was very
- 20 afraid because of -- for my children.
- 21 Q. Okay.
- 22 A. And also for the woman, because I felt -- I also felt
- 23 for her because she was a woman. And then the girls, that's
- 24 ✓ when they woke up crying, scared, and screaming to my room.
- 25 Q. Okay. What did you see the man do with the gun?
- 26 ✓ A. He put it to her head here. (Indicating.)
- 27 Q. And you actually saw this?
- 28 ✓ A. Yes.

HOW RETARDED - THE VICTIM GAVE HER ASSAILANT A GUN TO KILL HER WITH
ARE ALL WHITES THIS STUPID? AND CORRUPT? OF COURSE AND BUT THE 132
VICTIM WASN'T KILLED

1 Q. And, now, you say he put it to her head. Did he have
2 the gun right up against, touching her head? (Indicating.)

3 ✓ A. Yes.

4 Q. Okay. And you had indicated that just now you put
5 basically your hand to the -- I guess your right temple?

6 A. I don't remember the side. It must have been the left
7 Yeah, it was the left.

8 Q. Okay. When they were --

9 A. I don't exactly remember the side.

10 Q. Okay. That's fine.

11 When -- when you saw this, were they standing -- now,
12 you said the car was pointed out towards Tilton, correct?

13 A. The thing is is that I don't remember exactly, but I
14 remember that, yes, it was pointing to --

15 Q. Towards the entrance of the parking lot?

16 A. Towards the inside, yes.

17 Q. Okay. Now, when you saw these two outside the car,
18 were they -- was the car between you and them or could you see
19 their whole bodies? Do you understand my question?

20 ✓ A. Yes. The bodies were in front. In other words, I
21 first could see them and then the car in back.

22 Q. Okay. So you could see all of them or --

23 A. Yes.

24 Q. Okay. Now, when this -- this person held this gun to
25 this woman's head, what did he tell her? What did he say to
26 her?

27 ✓ A. He would say, "I am going to kill you." The F word
28 and --

1 you not?

2 MR. KING: By the courtroom deputy or the deputy that
3 brings it in.

4 THE COURT: They normally -- there would be no clip in
5 it and they will put a -- a restraining device through the
6 pistol so that it can't be operated. Wouldn't that be
7 sufficient for your demonstration purposes?

8 MR. RODGERS: Okay. I will ask my mannequin, live
9 mannequin, do you have a problem holding a live pistol, a real
10 pistol to your head for demonstration? I think since he is --

11 INVESTIGATOR SMITH: To be candid, no, I am not
12 comfortable with that.

13 THE COURT: All right. You can bring in a toy pistol.

14 MR. RODGERS: And I received Mr. King's witness list
15 and on there there was a name of a Deputy Padilla. I have never
16 heard of this guy before. He has made no police reports. He
17 has made no reports. He did not testify at the prelim. He did
18 not testify at the suppression hearing. I don't know what he is
19 going to say, and at this time I object to him saying anything.

20 THE COURT: Is there something about an Officer Padilla
21 in the reports?

22 MR. KING: In Officer Bowen's report, Deputy Padilla
23 transported Mrs. Rodgers home at the night of the incident, Your
24 Honor. That's basically it.

25 MR. RODGERS: Your Honor, I will stipulate he took my
26 wife home. I don't have a problem he took her home.

27 THE COURT: Do you want to join in that stipulation?

28 He doesn't want to join.

1 MR. RODGERS: He wants Mr. Padilla to be able to
2 testify.

3 THE COURT: Apparently so.

4 MR. RODGERS: Your Honor, will you rule?

5 THE COURT: Well, he has a right to call the witnesses
6 that are relevant to the proceedings.

7 MR. RODGERS: Your Honor, he has violated the rules of
8 discovery. I don't have any report.

9 THE COURT: You don't have Bowen's report with Padilla
10 mentioned in it?

11 MR. RODGERS: But that's Bowen's hearsay that --

12 THE COURT: I can't compel an officer to make a report.
13 According to the DA, Mr. Padilla's conduct is reflected in
14 Bowen's report. This is not unusual, Mr. Rodgers. It is often
15 the case that the investigating officer will contain in his
16 report what other officers have done. This is a normal
17 environment.

18 MR. RODGERS: It's just a little cheesy.

19 To move on, Your Honor, I would like to introduce the
20 9-1-1 tape under the excited utterance.

21 THE COURT: 9-1-1 tape.

22 MR. RODGERS: And the transcript of -- Mr. King doesn't
23 have a problem with the transcript. The transcript is -- I have
24 listened to the tape and the transcript, the --

25 THE COURT: There is a 9-1-1 tape?

26 MR. KING: There is, Your Honor. I hadn't planned on
27 introducing them.

28 THE COURT: Have you already given those to him?

1 MR. RODGERS: Your Honor, I object to that.

2 THE COURT: Go ahead and object to it.

3 MR. RODGERS: I have been --

4 THE COURT: I am sorry you object to it.

5 MR. RODGERS: I have been incarcerated for two years.

6 THE COURT: I am sorry you object to it. That
7 objection is overruled. I appreciate your position. It doesn't
8 make any difference at this juncture.

9 MR. KING: I realize that, Your Honor. And I don't
10 have any problem with having her declared unavailable.
11 Obviously she is not under subpoena.

12 THE COURT: It does appear that she is unavailable.
13 But with regards to the hearsay that you propose to offer,
14 that's not going to come in. You can file that. ✓

15 Is there anything else?

16 MR. RODGERS: Yes, Your Honor, there is.

17 As to the issue of witness Deputy Padilla, Nathaniel
18 Padilla, over the course of last night I had an opportunity to
19 read Deputy Bowen's police report. And there is no statement as
20 to what Padilla says. Defense has no knowledge of what he is
21 going to say --

22 THE COURT: I think he is mispronouncing the name.

23 MR. KING: It's Padilla, Your Honor. And if I can
24 maybe interrupt for just one moment, because I did have an
25 opportunity to again talk to Deputy Padilla yesterday. And he
26 did provide me some more information about what happened that
27 night or his observations of that night, that are not in the
28 report. And I can relate them now.

1 THE COURT: Go ahead.

2 MR. KING: Basically, what Deputy Padilla will be
3 called to testify -- one, that he did give Miss Rodgers a ric
4 home and that is in the report. And he noted her physical
5 appearance essentially, her demeanor. She was upset, crying.
6 At the time he initially arrived at the scene where this
7 incident took place, he did notice some physical marks on her
8 body, asked her about those. She denied there was any kind o
9 violence done to her by Rodgers. Apparently she had been
10 drinking. He kind of left it at that. Took her home
11 essentially.

12 THE COURT: Is that the extent of his information?

13 MR. KING: I believe so.

14 MR. RODGERS: Your Honor, this is the first time I ha
15 heard that. This is clearly a Brady violation. The day of th
16 trial he is telling me that this witness is going to come in t
17 shore up his case that he saw bruises. There was a -- this ha
18 been going on for two years. He has all the opportunity in th
19 world to advise. There is nothing in the report. This is
20 simply a Brady violation. This will not stand -- I have no wa
21 of checking this out. I have no way of investigating it. I
22 have had no opportunity.

23 THE COURT: Well, before Officer Padilla testifies, I
24 will allow you to examine him on the stand.

25 MR. RODGERS: Well, Your Honor, then I would like to
26 bring -- I would like to bring in some witness who said he saw
27 Padilla -- what is bringing in people? Your Honor, this is
28 ridiculous for him to bring in this officer at the last hour.