

1 PLAINTIFF: Mr. Matthews

2 WITNESS:

3 COURT:

4 DEFENDANT: Mr. Carter

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6 WARM UP

7 THE COURT: We are back in session. Both counsel, the  
8 defendant, and our jury are all here.

9 Ladies and gentlemen, I have excused our witness for  
10 the / time being. He has some issues to take care of  
11 before we can resume with his testimony.

12 Mr. Matthews, do you have a new witness / available  
13 this morning?

14 MR. MATTHEWS: I do, your Honor, yes. I am ready to  
15 go.

16 MR. CARTER: And I have no objection, your Honor, to  
17 proceeding in this way. /

18 THE COURT: I have asked Mr. Matthews to fill the time  
19 by calling a witness for the remaining time we have this  
20 morning. This witness is being / called out of order.

21 MR. MATTHEWS: Thank you, your Honor.

22 The People would like to call Ms. Emily Jackson to the  
23 stand.

24 THE COURT: You have been sworn. State / your name  
25 and spell it for the record.

26 THE WITNESS: Emily, E-M-I-L-Y, Jackson, J-A-C-K-S-O-N.

1 THE COURT: Have a seat. / Once you are comfortable,  
2 pull yourself up and speak into that microphone so  
3 everybody can hear you, please.

4 THE WITNESS: Thank you.

5 THE COURT: Proceed.

6 MR. MATTHEWS: Thank you, your Honor. /

7 DIRECT EXAMINATION

8 Q. BY MR. MATTHEWS: Good morning, Ms. Jackson.

9 A. Good morning.

10 Q. Are you comfortable?

11 A. Absolutely.

12 Q. Is that why you are wearing what you are wearing  
13 today?

14 A. I am just being \*/ myself.

15 Q. If you require any breaks like we discussed  
16 earlier or anything like that, just let us know.

17 A. Okay.

18 Q. Do you recognize the woman seated / at the end of  
19 the counsel table in the blue jacket?

20 A. I don't actually know her on a personal basis. I  
21 have seen her and / spoken to her in passing.

22 Q. Where have you encountered her?

23 A. I know her from the Civic Center, and I saw her  
24 at a birthday party / before.

25 Q. What's her name?

26 A. Angela is what I know her by.

1 Q. Ms. Jackson, where do you reside?

2 A. I live in the Civic Center. Different locations,  
3 / different areas.

4 Q. How long have you lived there, ma'am?

5 A. Probably since about the summer of 2012.

6 Q. Ma'am, were you living in a parking / lot in the  
7 area of the Civic Center in the downtown area in April of  
8 this year?

9 A. Yes.

10 Q. If you could direct your attention to / your  
11 right, there is a map right there that's been previously  
12 entered into evidence as an exhibit. Do you see the area  
13 you were staying / back in April of this year?

14 A. I do not understand.

15 Q. Do you see on this aerial map where you were  
16 living in the parking lot? \*/

17 A. No. I can't even understand what this is a  
18 picture of.

19 THE COURT: You can walk over there, ma'am, and take a  
20 closer look if that would / assist you.

21 THE WITNESS: Okay. The area where I stayed was near  
22 where you pull into the parking lot. It is on the other  
23 side of the / building by the plaza.

24 Q. BY MR. MATTHEWS: Let me ask you some questions.  
25 This is the Civic Center. Do you recognize that?

26 A. Okay.

1 Q. Does this photograph depict the / plaza over  
2 here?

3 A. Correct. The parking lot would be down here.

4 Q. Do you see this building I am pointing to here?

5 A. Definitely. Maybe I understand / this now. Right  
6 behind that building is the parking lot.

7 Q. Is this the location where you were staying in  
8 April of this year?

9 A. I believe / that's the business complex.  
10 However, I am always on the upper side over here.

11 Q. Okay.

12 A. It's the upper side as you face the parking lot.  
13 / The stairway goes to the back building. I was on the  
14 left side of the stairs.

15 Q. Approximately how far in feet were you staying  
16 from / this red circle?

17 A. I would say about 200 feet.

18 Q. Okay. You can resume your seat, Ms. Jackson.

19 A. Okay. It was about 200 feet. /\*

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21 \*\*END OF WARM UP\*\*

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1 EXAM

2 Q. BY MR. MATTHEWS: Let me ask a simple question.  
3 Do you like Angela?

4 A. No comment.

5 Q. You have to be truthful today.

6 A. Okay. No, I don't. I don't know / her, and I  
7 don't like her.

8 Q. Is that going to influence your testimony today?

9 A. No, it is not.

10 Q. You are still going to tell the / truth?

11 A. Absolutely. I am okay with myself.

12 Q. Do you know why you are testifying today?

13 A. Not really.

14 Q. Do you remember something happening back in April  
15 / of this year where a guy named Joseph got beat up?

16 A. Yes.

17 Q. Do you know Joseph?

18 A. I do.

19 Q. Did you see him in the hallway / this morning?

20 A. Yes. That's correct.

21 Q. In April earlier this year, were you living next  
22 to Joseph?

23 A. His tent was much closer to the corner. It /  
24 went way back into the corner of the parking lot where all  
25 the older people would stay. I would probably stop and  
26 talk to Joseph / two or three different times a day.

1 Q. And this question is going to seem silly, but it  
2 is something I have to ask. Is this / parking lot where  
3 Joseph was staying, here where everything happened back in  
4 April, is this located in Orange County?

5 A. Yes.

6 Q. Around April 6th of this \*/ year, do you remember  
7 hearing any screaming?

8 A. Definitely.

9 Q. How would you describe that screaming? How did  
10 you describe that previously?

11 A. It's like a baby was / being hurt. It was  
12 similar to a howling. The screaming was where I actually  
13 just wanted to put my fingers over my ears because I /  
14 wanted it to stop. I mean, I heard it for a long time.  
15 It was just awful.

16 Q. What did you do?

17 A. I covered my ears. /

18 Q. Did you want to get involved?

19 A. Never.

20 Q. Why?

21 A. Because I am a convict. Most of my life has been  
22 prison time and jail time. Probably / over half my life  
23 now that I think about it. This is obviously just a part  
24 of the street code or whatever.

25 Q. When you were / listening to this attack, were  
26 you already sleeping? Were you actually inside an

1 enclosed structure?

2 A. I was inside of a makeshift tent. I built it /  
3 myself using plastic crates and tent poles. I had a  
4 gigantic tarp, and I threw it over. So it was basically  
5 like I made it / myself.

6 Q. You were improvising?

7 A. Yeah.

8 Q. Were you staying alone in that dwelling?

9 A. Yeah, I stayed alone in there.

10 Q. When this happened, were you alone?

11 A. No. \*/

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1 START TYPING

2 Q. MR. MATTHEWS: Who was there with you?

3 A. My friend was there. I was happy I wasn't alone  
4 when this happened. I recognized the voice.

5 MR. CARTER: Objection. No question / pending.

6 THE COURT: Sustained. Next question, please.

7 Q. BY MR. MATTHEWS: I have a question for you.

8 If you could estimate, approximately how long did you  
9 hear that screaming going on / for?

10 A. I am really bad at judging time and stuff, but I  
11 would say it seemed like it was 45 minutes to an hour.  
12 Maybe / only 20 minutes, but it seemed like forever.

13 Q. You said you recognized the voice?

14 A. It took me about 15, 20 minutes to recognize the  
15 voice. /

16 Q. What did you do then?

17 A. I told my friend it was Joseph. She said that --

18 MR. CARTER: Objection. Calling for hearsay.

19 THE COURT: The question didn't call for it, / but it  
20 certainly sounds like it will be hearsay.

21 Sustained.

22 Q. BY MR. MATTHEWS: You believed that the screaming  
23 was close and that the person was screaming for about / 20  
24 minutes?

25 A. Yeah.

26 Q. From what you could tell, was anybody doing



1 anything to go help him or see what was happening?

2 A. There was no movement / in the parking lot. I  
3 didn't see anybody running towards there or trying to help  
4 him. I wasn't going to do anything either, though. That  
5 \*/ was because my best friend asked me not to go outside.

6 MR. CARTER: Objection. The answer is nonresponsive.

7 THE WITNESS: Pardon me?

8 THE COURT: Hold on. When one of the attorneys /  
9 objects, ma'am, they are talking to me.

10 THE WITNESS: Oh, okay. Sorry.

11 THE COURT: Everything after she wasn't going to do  
12 anything is stricken.

13 MR. MATTHEWS: Thank you.

14 THE COURT: Next question.

15 Q. BY MR. MATTHEWS: Why / did you finally get up  
16 and move from where you were sleeping?

17 A. Because I recognized the screaming voice.

18 Q. You believed it was somebody that you / knew?

19 A. I believed it was Joseph.

20 Q. What happened after that?

21 A. Well, I got out of my tent, and I ran over there.

22 Q. What did you / see when you got over there?

23 A. I saw Dorothy standing there with a cell phone in  
24 her hand and Joseph was laying down on the / asphalt.

25 I immediately started running in their direction. Joseph  
26 was pulling up his sweatshirt and saying they stabbed him.

1 Q. Were you able to actually see / what he was  
2 showing you?

3 A. He had a hole in his back the size of a quarter.  
4 It was perfectly round, and he was showing / everybody the  
5 hole.

6 Q. When you say Dorothy, are you talking about  
7 Dorothy Thompson?

8 A. Yes.

9 Q. Was she staying down in that same parking lot  
10 around this \*/ time, too?

11 A. No. She never stayed down in the parking lot.

12 Q. You testified she was on her cell phone?

13 A. She was standing with a phone / in her hand, yes.

14 Q. Did you see anybody in the area known to you as  
15 Brewster? Do you know somebody named Brewster?

16 A. Yes, I know / who he is. That's Angela's  
17 boyfriend.

18 MR. CARTER: Objection. No foundation.

19 THE COURT: Sustained.

20 Q. BY MR. MATTHEWS: Did you see Brewster in the  
21 area or leaving the area back on the night / we are  
22 talking about?

23 A. Yes. He ran right by me.

24 Q. Are you sure it was Brewster?

25 A. Absolutely. He was running right past me.

26 Q. Did you / see Angela running past you?

1 A. She was right after him. She was right behind  
2 Brewster.

3 Q. Did you overhear her say anything when she ran  
4 away? /

5 A. She was yelling Brewster's name. She also had  
6 her bicycle with her. She was running --

7 THE COURT: Next question, please, Mr. Matthews.

8 Q. BY MR. MATTHEWS: Did you want to testify /  
9 today?

10 A. Not really.

11 Q. Are you here because you were ordered to appear?

12 A. I was subpoenaed. They were going to arrest me  
13 if I didn't show / up the first time.

14 Q. Did you think about not coming in today?

15 A. I wasn't going to come in here.

16 Q. What changed your mind?

17 A. People that \*/ I hang around with out there, they  
18 told me I had to come. They said it wouldn't be smart for  
19 me to get arrested over / this and not to worry because it  
20 doesn't make me a snitch.

21 Q. Is that something that people in the Civic Center  
22 talk about, referring to / other people as snitches?

23 MR. CARTER: Objection. It is irrelevant.

24 THE COURT: I think under 352 I am going to sustain  
25 the objection at this point. I might / reconsider. We  
26 will see where we go.

1 MR. MATTHEWS: Yes, your Honor.

2 THE COURT: When I use numbers, folks, I am talking  
3 about code sections. You don't need to / worry about  
4 them, but I have to make a record of what I am doing.

5 Next question.

6 MR. MATTHEWS: At this time I have no further  
7 questions, / your Honor.

8 THE COURT: Cross-examination, Mr. Carter.

9 MR. CARTER: Thank you, your Honor.

10 Permission to approach.

11 THE COURT: Neither one of you has to ask.  
12 You can come up.

13 CROSS-EXAMINATION

14 Q. BY MR. CARTER: Good morning, / ma'am. I want to  
15 ask you to look at what's been marked as an exhibit, the  
16 aerial map of the Civic Center area. I couldn't / see  
17 exactly where you were pointing to that marked the  
18 location where you said you were living back in April.

19 A. All I know is it \*/ is behind the stairs on the  
20 left.

21 Q. Is that the building where I am currently  
22 pointing?

23 A. I actually don't really know. It looks like it /  
24 from the sky, but that's not how I picture it in my  
25 memory. I am on the upper side behind the building.  
26 That's all I / remember. The second parking stall.

1 Q. There is a red circle here in the center of the  
2 photograph. Does that appear to be the area where /  
3 Joseph was living?

4 A. His tent was up against the building to the right  
5 in the very far corner.

6 Q. In the area where these vehicles are / on the  
7 photograph?

8 A. I don't remember. I can't really understand how  
9 this photograph works at all.

10 Q. Is this red circle the area where you believe /  
11 Joseph Miller was living back in April?

12 A. Basically, his tent was in the corner.

13 Q. How far away were you when you initially heard  
14 what you / described as loud screaming?

15 A. Well, as loud as the screaming was, it sounded  
16 like it was right next to me.

17 Q. But what was the distance? /

18 A. I wouldn't know.

19 Q. Is there any lighting in this area that lights up  
20 the parking lot at night?

21 A. There are lights all through the parking \*/ lot.

22 Q. And the area where the red circle is, are there  
23 lights there?

24 A. I don't understand which circle.

25 Q. The question is about the lighting in / the  
26 surrounding parking lot.

1 A. There is lighting all through the parking lot  
2 itself. Maybe some of them are brighter than others, but  
3 there are lights / all over the plaza.

4 Q. Based on the photograph, could you explain where  
5 you were originally standing when you observed this person  
6 you identified as Brewster / run past you?

7 A. We were closer than you are to me.

8 Q. Where were you standing?

9 A. I was approximately right there by the tent.  
10 Joseph was / laying on the asphalt. Dorothy was standing  
11 in front of me. I immediately turned and headed towards  
12 the stairway.

13 Q. Why were you going in that / direction?

14 A. I don't remember why I was walking.

15 Q. Where do those stairs lead to?

16 A. That stairway leads to the bathroom.

17 Q. Where are the stairs on / this photograph?

18 A. I don't know. I don't understand any of that  
19 photograph. What I am saying is that the stairs were  
20 maybe here. If you / get to the top of those stairs, the  
21 bathroom is across the street.

22 Q. You can't show us where the stairs are on this  
23 photograph?

24 MR. MATTHEWS: Objection. \*/ Asked and answered.

25 THE COURT: Overruled.

26 THE WITNESS: I don't understand that map. I am just

1 letting you know where I was at.

2 Q. BY MR. CARTER: Did you see anyone actually  
3 physically / touch Mr. Miller that night or that early  
4 morning?

5 A. No, sir. I walked up. Dorothy was standing, and  
6 Joseph was on the ground.

7 Q. Okay. You / saw no one strike him, correct?

8 A. No. I didn't see nothing.

9 Q. You didn't see my client strike him, correct?

10 A. No. I didn't see any of / that.

11 Q. Is it true that you have suffered at least three  
12 felony convictions in your past?

13 A. Yes. Probably more.

14 Q. Okay. You suffered a felony conviction / for  
15 auto theft in 1996?

16 A. Yes.

17 Q. Did you suffer a spousal abuse conviction in  
18 2003?

19 A. Yes.

20 Q. And in 2013, did / you suffer a felony conviction  
21 for possession for sale of drugs?

22 A. Yes.

23 Q. Do you still use drugs?

24 A. Yes.

25 MR. MATTHEWS: Objection, your Honor. Move to strike.

26 THE COURT: Overruled. / The answer remains.

1 Q. BY MR. CARTER: During this time period we are  
2 discussing, April of this year, were you using any type of  
3 drugs during that time?

4 A. I / was sober that night.

5 Q. Before that night, when did you last use drugs?

6 A. More than three days before that.

7 Q. What type of drugs were you \*/ using during that  
8 time?

9 A. Marijuana and meth.

10 Q. You have testified you last used narcotics two or  
11 three days before?

12 A. 72 hours or more before that / night.

13 Q. How did you ingest that drug?

14 MR. MATTHEWS: Objection. Relevance.

15 THE COURT: Overruled.

16 You can answer that question.

17 THE WITNESS: How did I do what?

18 THE COURT: How did you use it? /

19 THE WITNESS: I usually smoke it.

20 Q. BY MR. CARTER: How much did you smoke in the two  
21 or three days prior?

22 A. Oh, I wouldn't know. I never weighed it or /  
23 anything like that. I don't know exactly. Do you want me  
24 to guess or something?

25 Q. No. Just your best estimate is fine.

26 A. Well, I wouldn't / know unless I weighed it.



1 Q. When you smoke narcotics --

2 A. It would be like smoking a cigarette. It's the  
3 same as taking a hit off a / cigarette.

4 Q. So a hit would be defined as whenever you inhale,  
5 correct?

6 A. It's just like taking a drag off a cigarette,  
7 yeah.

8 Q. How about alcohol? / Did you use any alcohol  
9 that night?

10 A. No. I only drink once in a while. Maybe once or  
11 twice a year.

12 Q. How about marijuana?

13 A. Not / on a regular basis, no.

14 Q. Did you use it that morning before what happened  
15 to Joseph?

16 A. No. I really don't care for marijuana. I smoke  
17 \*/ it once in a while, but it is not really my favorite.

18 Q. Were you taking any other type of prescribed  
19 medication on that day?

20 A. I / have been prescribed psychiatric medications,  
21 but I wasn't taking them.

22 Q. When had you last taken those medications?

23 A. More than two weeks before that.

24 Q. What were / you taking?

25 A. I take Prozac. There is some new pill, but I  
26 can't remember what it is called. It begins with an H.

1 Q. You say / you didn't take any of those drugs at  
2 that time in April?

3 A. I stopped taking them in March.

4 Q. Why did you do that?

5 A. Because I / was feeling better and didn't need  
6 them anymore. I have been taking them for so long that I  
7 am okay now.

8 Q. Are you presently taking / them?

9 A. Correct.

10 Q. Okay. When did you last take your prescribed  
11 medications?

12 A. This morning. I am back on them again. I have  
13 to take them every / day. My therapist explained to me  
14 that I need to take medications.

15 Q. When was the last time you used narcotics?

16 A. Do I have to answer / that? I don't want to  
17 incriminate myself.

18 THE COURT: The witness has invoked, so she doesn't  
19 have to answer that question.

20 THE WITNESS: Thank you.

21 Q. BY MR. CARTER: But you are still \*/ using  
22 narcotics currently?

23 A. I am not going to incriminate myself.

24 MR. CARTER: I don't believe I have anything further  
25 of this witness, your Honor.

26 THE COURT: Mr. Matthews, anything / else? Any

1 redirect?

2 MR. MATTHEWS: Yes, your Honor.

3 REDIRECT EXAMINATION

4 Q. BY MR. MATTHEWS: Ms. Jackson, have you had an  
5 easy life?

6 A. Hardly.

7 Q. You testified that you were genuine and you are  
8 who / you are, correct?

9 A. Sure. This is me, and that's just the way it is.  
10 I mean, I am blunt.

11 Q. You are not going to lie / to us?

12 A. I have no reason to. I am not scared of you or  
13 anybody else. Well, that's not true. I am scared of my /  
14 mother.

15 Q. You are not afraid of the defense attorney who is  
16 asking you those questions, correct?

17 A. I am not scared of anybody but my mother. /

18 Q. Thank you very much, Ms. Jackson.

19 A. Thank you.

20 THE COURT: Any recross?

21 MR. CARTER: No, your Honor.

22 THE COURT: Do we need Ms. Jackson to be on call, or  
23 can she / be excused?

24 MR. MATTHEWS: She may be excused, your Honor.

25 THE COURT: Mr. Carter?

26 MR. CARTER: In an abundance of caution, I ask her to

1 remain on call.

2 THE COURT: Ms. Jackson, you / are physically excused.  
3 If you are told to come back to this courtroom to testify,  
4 you need to come back. Do you understand that?

5 THE WITNESS: Okay. /\*

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***\*\*\*EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE  
SLIGHTLY DIFFERENT\*\*\****

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