

1 IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

2

MITCHELL K. WRIGHT, ET AL., *

3

Plaintiff, *

4

VS. * No. CIV 98-394(B)

5

ANDREW GOLDEN, ET AL., *

6

Defendant. *

7

8 THE DEPOSITION OF ANDREW GOLDEN A/K/A DREW GRANT

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December 22, 2008

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1 The deposition of Andrew Golden a/k/a Drew Grant was
2 taken on behalf of the plaintiffs, pursuant to notice, on
3 December 22, 2008, beginning at approximately 1:35 p.m.,
4 in the Craighead County Courthouse, Jonesboro, Arkansas.

5 This deposition is taken pursuant to the
6 terms and provisions of the Arkansas Rules of Civil
7 Procedure.

8 All forms and formalities, including the
9 signature of the witness, are waived and objections alone
10 for matters of incompetency, irrelevancy and immateriality
11 of the testimony are reserved to be presented and disposed
12 of at or before the hearing. Objections as to the form of
13 the question must be made at the taking of the deposition.

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A P P E A R A N C E S

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ALSO PRESENT: Suzann Wilson
Mitchell Wright

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1 (Whereupon, the foregoing conference
2 call was held with Judge David Burnett)

3 THE COURT: Yes.

4 MR. McDANIEL: We've got you on the
5 speaker phone, Judge Burnett, so that prior to the
6 deposition of Andrew Golden, also known as Drew Grant, and
7 his mother, Pat Golden, we'd like for you to state your
8 ruling for the record, if you would about the --

9 THE COURT: All right. I'm directing
10 that the depositions be taken and that the witnesses
11 directed to answer any and all questions and that those
12 questions asked that might lead to prosecution not be used
13 for any criminal purpose, that the parties, participants
14 in the deposition are ordered and directed to keep
15 confidential the responses and that any violation of that
16 confidentiality would result in contempt.

17 Now, as far as my immunity ruling on the
18 criminal prosecution, I don't know what prosecutor would
19 be involved, but I think the Court has the power to direct
20 to that order, that questions that I'm ordering the
21 witnesses to answer would be subject to that privilege
22 that I've granted.

23 MR. McDANIEL: You're essentially
24 granting him use immunity for the answers that --

25 THE COURT: For the purposes of a civil

1 deposition, yes.

2 MR. McDANIEL: Of his addresses and that
3 sort of thing? Okay. Thank you.

4 THE COURT: All right. Does that cover
5 it? It wasn't very artfully stated, but that's what I'm
6 trying to do.

7 MR. GLOVER: Just for the record, Your
8 Honor, this is Danny Glover. On behalf of Mr. Golden we
9 would offer an objection asserting his Fifth Amendment
10 privilege on those questions that may pertain to his
11 addresses.

12 THE COURT: Well, I'm specifically
13 ordering that he answer those questions as to address.

14 MR. GLOVER: I just wanted to make the
15 record clear that we were objecting and asserting the
16 Fifth Amendment privilege and will obey Your Honor's
17 order.

18 THE COURT: Well, I'm directing that he
19 answer it and giving him use immunity for the purpose of
20 this civil deposition.

21 MR. PERRY: Judge, Joe Perry.

22 THE COURT: Hi, Joe.

23 MR. PERRY: One issue that we would
24 raise on behalf of Mrs. Pat Golden, recognizing that she's
25 going to obey the Court's ruling would be a parent/child

1 privilege in addition to Drew's Fifth Amendment privilege,
2 and that's if I can get, make sure Mr. McDaniel, there's
3 no need for us to make any objections during the course of
4 the deposition, all of our objections in those regards are
5 preserved.

6 MR. McDANIEL: Agreed and continued.

7 THE COURT: Well, I think that your
8 objections are being made now and I'm basically overruling
9 them and directing that they answer and, you know, we
10 proceed from there.

11 MR. McDANIEL: Thank you.

12 MR. PERRY: Thank you, Judge.

13 THE COURT: All right.

14 MR. GLOVER: Thank you.

15 THE COURT: I'll be at this number if
16 you all need me.

17 MR. PERRY: Yes, sir. Thank you, Judge.

18 MR. McDANIEL: Thank you.

19 THE COURT: All right. Bye.

20 (Whereupon the following proceedings
21 were held on the video record).

22 THE VIDEOGRAPHER: The time is 1:36
23 p.m., we are on the record. This is an additional
24 videotaped deposition in the matter of Mitchell K. Wright,
25 et al. Versus Andrew Golden also known as Drew Grant, et

1 al., and will be the deposition of Andrew Golden also
2 known as Drew Grant.

3 Counsel present for a previous deposition in
4 this matter on this date at this location are again
5 present for this deposition. Our court reporter's name is
6 Jenny Burks. Videotaping the deposition is Steve
7 Grilletta. Also in attendance, in addition to those at
8 the previous deposition on this date is Mitchell Wright.

9 And would our court reporter please swear in
10 the witness?

11 ANDREW GOLDEN a/k/a DREW GRANT,
12 after having been duly sworn, was examined and testified
13 as follows:

14 THE VIDEOGRAPHER: Counsel.

15 DIRECT EXAMINATION

16 BY MR. McDANIEL:

17 Q. State your name for the record, please?

18 A. Drew Douglas Grant.

19 Q. You're going to have to speak up. I can't hear
20 you and I want to make sure our court reporter can hear
21 you. Drew Douglas Grant?

22 A. Yes, sir.

23 Q. When and where did you come up with that name?

24 A. It was after my release.

25 Q. All right. What was your name prior to your

1 release from incarceration?

2 A. Andrew Golden.

3 Q. When did you get your name changed?

4 A. I don't remember the exact date.

5 Q. Can you give me an approximate date?

6 A. The summer of 2007.

7 Q. Where were you living when you got your name
8 changed?

9 A. In Missouri.

10 Q. Where?

11 A. In Cape Girardeau.

12 Q. Street address?

13 A. 111 Weeping Willow.

14 Q. Living with your sister?

15 A. Yes, sir.

16 Q. And that was your residence?

17 A. Yes, sir.

18 Q. Did you report to the Court that your residence,
19 that you were a resident of Missouri in the summer of '07
20 so that you could get your name changed?

21 A. Yes, sir.

22 Q. Is that the reason you moved to Missouri so you
23 could get your name changed and raise less likelihood of
24 any awareness?

25 A. Yes, sir.

1 Q. And did you also apply for a Missouri driver's
2 license?

3 A. Yes, sir.

4 Q. And did you report your address as a Missouri
5 address?

6 A. Yes, sir.

7 Q. Do you have your driver's license with you?

8 A. My current driver's license?

9 Q. Yes, sir.

10 A. Yes, sir.

11 Q. May I see it, please?

12 A. I think there was a copy of it somewhere.

13 Q. I want to see your original, and if this is a
14 copy, then that's fine, but I want to see your original.
15 It shows this is issued on September the 8th of 2008, is
16 that correct?

17 A. Yes, sir.

18 MR. McDANIEL: And we'll mark that as
19 Exhibit 19, a photocopy of it.

20 (Whereupon, Exhibit 19 was marked)

21 Q. Do you have any other driver's licenses in your
22 possession?

23 A. No, sir.

24 Q. What happened to the Missouri driver's license?

25 A. When you get an Arkansas driver's license they

1 keep the other.

2 Q. All right. And so you got, when did you get the
3 Missouri driver's license?

4 A. I don't remember the exact date.

5 Q. Approximately? I mean, we can play this game,
6 if you ask you a date an you don't know exact date, just
7 give me the best approximation you know.

8 A. It would have been the summer of 2007.

9 Q. All right. And when did you leave Cape
10 Girardeau?

11 A. About the fall.

12 Q. Of 2007?

13 A. Yes, sir.

14 Q. Where did you go to from there?

15 A. To my mother and father's house.

16 Q. Where is that?

17 A. In Ravenden.

18 Q. And you knew that I, on behalf of the families,
19 were trying to serve you with process and sent deputy
20 sheriffs to your parents home on at least two occasions,
21 you were aware of that, weren't you?

22 A. No, sir.

23 Q. Your mom never told you that deputy sheriffs
24 showed up looking for you?

25 A. Not that I can recall.

1 Q. That's something y'all wouldn't discuss?

2 A. I don't remember if she, she ever said anything
3 about it.

4 Q. How did you come up with the name Grant, where
5 did that name come from?

6 A. That was my grandmother's maiden name.

7 Q. Douglas?

8 A. That was my middle name.

9 Q. Okay. And you just shortened Andrew to Drew?

10 A. Yes, sir.

11 Q. All right. Your Arkansas driver's license
12 indicates a date of birth of 5/25/86, is that correct?

13 A. Yes, sir.

14 Q. You understand this deposition is taken under
15 oath and you've been sworn?

16 A. Yes, sir.

17 MR. McDANIEL: You did swear the
18 witness, did you not?

19 THE COURT REPORTER: Yes.

20 MR. McDANIEL: Okay.

21 Q. And you understand this deposition is subject to
22 penalty of perjury?

23 A. Yes, sir.

24 Q. And if you do false swearing you could be
25 criminally prosecuted for it?

1 A. Yes, sir.

2 Q. Okay. At any time I ask you a question you
3 don't understand it, I expect you to let me know so that I
4 can rephrase the question. Is that agreeable?

5 A. Yes, sir.

6 Q. And if you answer a question I'm going to assume
7 you understand it, is that agreeable?

8 A. Yes, sir.

9 Q. And you've had the benefit of sitting here all
10 morning listening to your mother testify, have you not?

11 A. Yes, sir.

12 Q. So when I ask you questions you already know
13 what your mother had to say, right?

14 A. Yes, sir.

15 Q. Okay. Have you ever used a name other than
16 Andrew Golden or Drew Grant whether legally, officially or
17 as an alias or a nickname or any other name?

18 A. No, sir.

19 Q. Why did you change your name?

20 A. To start over.

21 Q. Start over how, why?

22 A. To start a new life.

23 Q. Why?

24 A. That way it would cause less problems when I go
25 to school and things and ...

1 Q. Anything else?

2 A. No, sir.

3 Q. You didn't want anybody to know where you were,
4 did you? Is it important to you that you hide out from
5 your past?

6 A. No, sir.

7 Q. You don't mind if the public knows of your
8 whereabouts and who you are?

9 A. There would be some safety concerns.

10 Q. What safety concerns from whom?

11 A. There were some death threats.

12 Q. That was back in 1998 by people living in Texas
13 and New York or somewhere?

14 A. Yes, sir.

15 Q. And nobody was ever prosecuted or even arrested
16 for those, were they? They were just threats in a letter
17 form, right?

18 A. Yes, sir.

19 Q. And you never received any threats from any
20 member of the families of the victims of the shooting at
21 Westside, have you?

22 A. Other than Mr. Wright saying that on the stand
23 that day, nothing.

24 Q. Tell me what Mr. Wright said?

25 A. That he would be waiting on me when I was

1 released.

2 Q. And did he say what he'd be doing when he was
3 waiting on you?

4 A. No, sir.

5 Q. In fact, he's waiting on you here today, isn't
6 he?

7 A. Yes, sir.

8 Q. Because he wants to hear your side of what
9 happened?

10 A. Yes, sir.

11 Q. You killed his wife, you participated in the
12 killing of his wife, didn't you?

13 A. Yes, sir.

14 Q. And does that come as a surprise to you he'd
15 want to hear from you about what you had to say about
16 that?

17 A. No, sir.

18 Q. So that's not a threat, that's somebody that's
19 wanting to know what you did and why you did it, right?

20 A. Yes, sir.

21 Q. Why was his wife killed?

22 A. I don't know.

23 Q. Who shot Shannon Wright?

24 A. I don't know.

25 Q. Oh, come on. What gun were you using? Huh?

1 You recognize that when I ask you these questions there is
2 some forensic evidence of what guns were used and we
3 already have the deposition of Mr. Johnson, which you've
4 read, right?

5 A. Yes, sir.

6 Q. And do you remember Mitchell Johnson saying
7 which gun he used?

8 A. Yes, sir.

9 Q. What gun did he say he used?

10 A. He used the 30.06.

11 Q. And what other gun was used to kill people that
12 day?

13 A. There was an M1 Carbine.

14 Q. An M1 Carbine. Did you ever see Mitchell
15 Johnson shoot the M1 Carbine?

16 A. No, sir.

17 Q. Was there anybody else shooting besides you and
18 Mr. Mitchell?

19 A. No, sir.

20 Q. So the only person that would have shot the M1
21 Carbine would have been you, right?

22 A. Yes, sir.

23 Q. So how many times did you shot the M1 Carbine?

24 A. I don't know.

25 Q. How did you select your targets?

1 A. I didn't.

2 Q. You didn't select them? They just fell down,
3 you shot up in the air and bullets flew out of the sky and
4 landed on them, is that it?

5 A. No, sir, I never shot at anybody.

6 Q. You never shot at anybody?

7 A. Not directly trying to pick someone out of the
8 crowd or anything.

9 Q. Uh-huh (affirmative). Did you read Mitchell
10 Johnson's deposition about how him seeing a child's head
11 get shot?

12 A. Yes, sir.

13 Q. Who did he say he saw get shot in the head?

14 A. Natalie Brooks.

15 Q. And you shot Natalie Brooks in the head, didn't
16 you?

17 A. I don't know.

18 Q. What do you mean you don't know?

19 A. I don't remember it.

20 Q. You don't remember shooting somebody in the
21 head, is that what you're telling us under your oath?

22 A. Yes, sir.

23 Q. And you're willing to let a jury decide if
24 that's true or not under penalty of perjury?

25 A. I don't remember it.

1 Q. Well, have you had any head, trauma to your head
2 since the time of the shooting?

3 A. Yes, sir, I was in a motorcycle wreck.

4 Q. Uh-huh (affirmative). And what kind of, what
5 kind of trauma did you have?

6 A. I landed on my head and I broke my collar bone.

7 Q. And do you remember where you were living at
8 that time when you had the wreck?

9 A. Yes, sir.

10 Q. Where were you living?

11 A. I was staying between a couple of different
12 residences.

13 Q. You were what?

14 A. I was between a couple of different residences.

15 Q. What were those two residences?

16 A. I was, 832 Silver Springs Road, Evening Shade
17 and then 910 Heber Springs Road at Desha.

18 Q. Desha?

19 A. Yes, sir.

20 Q. What about Batesville?

21 A. That's Batesville, Desha, it's ...

22 Q. Spell Desha.

23 A. D-E-S-H-A.

24 Q. All right. Is that part of Batesville?

25 A. It's right there on the outskirts of it.

1 Q. Okay. Where were you employed when this
2 motorcycle wreck happened?

3 A. I wasn't employed.

4 Q. Were you in school?

5 A. Yes, sir.

6 Q. Where were you in school?

7 A. At University of Arkansas Community College.

8 Q. Where?

9 A. At Batesville.

10 Q. And were you in school, were classes in session
11 at the general time frame when the wreck happened?

12 A. Yes, sir.

13 Q. About when did the wreck happen?

14 A. It was May, May sometime, it was early May.

15 Q. What year?

16 A. Of 2008.

17 Q. And who's motorcycle were you riding?

18 A. It was, it's in my mother's name, but it's my
19 father's and mine.

20 Q. It's your father's and who?

21 A. Mine.

22 Q. Who bought it for you?

23 A. My mother.

24 Q. Did anybody ride it besides you?

25 A. Yes, sir, my father did.

1 Q. Okay. And was anybody else involved in that
2 accident?

3 A. No, sir.

4 Q. How did the accident happen?

5 A. I lost control of the vehicle.

6 Q. And who was your insurance company?

7 A. I don't know.

8 Q. Was it State Farm?

9 A. I'm not sure.

10 Q. Okay. And did you go get medical treatment?

11 A. Yes, sir.

12 Q. Where did you go?

13 A. White River Medical Center.

14 Q. And tell me what treatment you got?

15 A. There was, they ended up doing surgery on my
16 shoulder when the plate was put in it.

17 Q. Anything else?

18 A. No, sir.

19 Q. And how did you do in school that semester?

20 A. Pretty good.

21 Q. And how had your classes gone before the wreck?

22 A. Pretty good.

23 Q. And where did you live when you were going to
24 school?

25 A. At my mother and father's house, Evening Shade

1 and at Desha.

2 Q. How did you -- and when we say Desha it's the
3 same thing as Batesville for all practical purposes?

4 A. Yes, sir.

5 Q. How did you decide where you'd stay when?

6 A. It depended on the school schedule.

7 Q. Well, explain it to me?

8 A. Well, on the days before school sometimes I
9 would stay there and I wouldn't have to get up as early to
10 drive.

11 Q. And when school, what days did you have classes?

12 A. Tuesdays and Thursday.

13 Q. So would you go up and stay in Batesville on
14 Monday, Tuesday, Wednesday and Thursday so you wouldn't
15 have to drive?

16 A. Just, usually it depends, it varied.

17 Q. Well, what was normal?

18 A. Monday night, Wednesday night and then Thursday
19 night or Friday night I'd go home or I'd go to the farm.

20 Q. All right. When you went to your mom and dad's
21 house, was that the one in Ravenden?

22 A. Yes, sir.

23 Q. We've already talked about it being close to the
24 river?

25 A. Yes, sir.

1 Q. And how did you describe that town in some of
2 your e-mail texting or e-mailing?

3 A. That it was small and there was nothing much.

4 Q. What kind of profane words did you use to
5 describe it? You know, don't you?

6 A. Yes, sir.

7 Q. What did you call the town?

8 A. A BFE.

9 Q. Huh?

10 A. BFE.

11 Q. We're grown-ups, tell us what words you used?

12 A. I said, bum fuck.

13 Q. And why did you select that name for that town?

14 A. The first thing that popped in my head.

15 Q. What about it made it such a bum town?

16 A. There's nothing there, there's a gas station and
17 a restaurant.

18 Q. Well, there was enough there to keep you going
19 there, wasn't there?

20 A. Yes, sir.

21 Q. And to the people that live there, that chose to
22 live there, they apparently like it?

23 A. Yes, sir.

24 Q. But since it doesn't meet your tastes, it's a
25 bum F town, right?

1 A. Yes, sir.

2 Q. Uh-huh (affirmative). And tell me about this
3 farm, who's farm was it?

4 A. It's our pastor's, or at the time it was, it's
5 his farm.

6 Q. What's his name?

7 A. Pat Hovis.

8 Q. Pat Hovis. What church does he pastor?

9 A. It's the Baptist church there in Ravenden.

10 Q. What's the name of it?

11 A. First Baptist, I think.

12 Q. You didn't go there very much, did you?

13 A. No, sir.

14 Q. How often did you go, if at all?

15 A. I've never attended his church.

16 Q. Okay. What church did you attend, if any?

17 A. The First Assembly.

18 Q. First Assembly of what?

19 A. Of God.

20 Q. Where?

21 A. At Imboden.

22 Q. And how often did you go there?

23 A. I've been there twice in the past couple of
24 weeks.

25 Q. Twice in the past couple of weeks?

1 A. Yes, sir.

2 Q. How about the last two years, how many times
3 have you been?

4 A. This is a recent thing. I haven't.

5 Q. So you just recently, right before this
6 deposition, went to church a couple of times?

7 A. Yes, sir.

8 Q. And let me just bounce around a little bit and
9 ask you some questions. Do you know the names of the
10 children who were killed at the Westside shooting?

11 A. Yes, sir.

12 Q. Who are they?

13 A. Paige Herring.

14 Q. All right.

15 A. Brittney Varner.

16 Q. All right.

17 A. Stephanie Johnson.

18 Q. You're letting your voice drop. You've got to
19 speak up. Stephanie Johnson. Who else?

20 A. And Natalie Brooks.

21 Q. Was a teacher killed?

22 A. Yes, sir.

23 Q. Who?

24 A. Shannon Wright.

25 Q. And did you know any of those five people before

1 they were killed?

2 A. Yes, sir.

3 Q. Which one of them did you know?

4 A. Paige Herring, Natalie Brooks, Brittney Varner.

5 Q. How did you know them?

6 A. I had classes with them.

7 Q. Had Paige Herring ever been rude or mean to you?

8 A. No, sir.

9 Q. Had Brittney Varner ever been rude or mean to
10 you?

11 A. No, sir.

12 Q. Natalie Brooks ever been rude or mean to you?

13 A. No, sir.

14 Q. How about Stephanie Johnson?

15 A. I didn't, I didn't know her.

16 Q. And what about Shannon Wright, had she ever been
17 mean or rude to you?

18 A. No, sir.

19 Q. Had Shannon Wright ever been involved in a
20 decision to place any disciplinary actions against you?

21 A. Not that I can remember.

22 Q. And did -- well, you had some disciplinary
23 actions against you in sixth grade, did you not?

24 A. Not that I remember.

25 Q. Did you ever go to in-school suspension?

- 1 A. No, sir.
- 2 Q. Did you ever get into any trouble while you were
3 in school in the sixth grade?
- 4 A. Not that I remember.
- 5 Q. You remember your mom talking about you talking
6 about guns at school?
- 7 A. Yes, sir.
- 8 Q. Do you remember that incident?
- 9 A. I don't remember the incident personally, no.
- 10 Q. Okay. When you were riding this motorcycle, do
11 you remember about how fast you were going when you lost
12 control?
- 13 A. Around 40 or so.
- 14 Q. Around 40 or so. Okay. What kind of helmet did
15 you have on, what brand?
- 16 A. I don't remember the brand.
- 17 Q. Okay. But you had on a helmet?
- 18 A. Yes, sir.
- 19 Q. What happened to the helmet?
- 20 A. I'm not sure.
- 21 Q. Do you still have it?
- 22 A. No, sir.
- 23 Q. Do you still have the motorcycle?
- 24 A. Yes, sir.
- 25 Q. Huh?

1 A. Yes, sir.

2 Q. How much damage was done to the motorcycle, ball
3 park? Totaled?

4 A. It was almost totaled.

5 Q. What's your cell phone number?

6 A. (870) 844-0036.

7 Q. You're dropping your voice again. Now, you have
8 these two attorneys that are representing you now, right?

9 A. Yes, sir.

10 Q. Are you paying either one of them, you yourself?

11 A. Not me, no, sir.

12 Q. Are your parents?

13 A. I think so.

14 Q. Okay. You've had other attorneys, have you not?

15 A. Yes, sir.

16 Q. And who was the attorney from California?

17 A. I don't remember his name.

18 Q. What about Val Price?

19 A. Yes, sir.

20 Q. And did you discharge Val Price or did his
21 services end when the state juvenile proceedings ended?

22 A. I can't remember.

23 Q. Okay. What about the Federal public defender?

24 A. Lee Ellen Fowler.

25 Q. Lee Ellen Fowler, yes. Tell me, when did her

1 services for you end, after you got out of Federal
2 custody?

3 A. I think so, I don't ...

4 Q. Did you go to trial in the Federal case?

5 A. Yes, sir.

6 Q. Did you testify?

7 A. No, sir.

8 Q. Did Mitchell Johnson testify?

9 A. I'm not sure. It was separate.

10 Q. Oh, they were separate. Okay. What about the
11 juvenile proceedings in Craighead County, did you go to
12 trial?

13 A. Yes, sir.

14 Q. Did you testify?

15 A. No, sir.

16 Q. Did Mitchell Johnson testify?

17 A. I can't remember.

18 Q. Okay. And when the shooting incident took place
19 you were involved in the shooting, were you not?

20 A. Yes, sir.

21 Q. Okay. And you've sat here and heard your mother
22 tell the story that you gave her about how you got
23 involved in that shooting, didn't you?

24 A. Yes, sir.

25 Q. All right. And that's what you had told her?

1 A. Yes, sir.

2 Q. You've read Mitchell Johnson's deposition, have
3 you not?

4 A. Yes, sir.

5 Q. One of you two are lying through your teeth, if
6 not both of you, right?

7 A. Yes, sir.

8 Q. We'll get to that in a little bit. Let's talk a
9 little bit about any other addresses you've had. We've
10 got the Cape Girardeau address, we've got the Batesville
11 address, we've got the farm in Evening Shade and we've got
12 the Ravenden address. Any other place you've lived or
13 stayed except while -- or after you've been released?

14 A. No, sir.

15 Q. Who lived with you at the Ravenden address?

16 A. My mother and father.

17 Q. Who lived with you on the farm?

18 A. I was generally by myself.

19 Q. And other than when you weren't by yourself, who
20 stayed overnight with you at the farm?

21 A. My mother and father.

22 Q. Anybody else?

23 A. Or my brother and sister did after I was
24 released for a short time.

25 Q. Okay. What about the Batesville address?

1 A. By myself.

2 Q. Since you've been released have you been dating
3 any girls?

4 A. I have dated some girls, but not currently.

5 Q. Since you were released have you been back to
6 Jonesboro?

7 A. Yes, sir.

8 Q. How many occasions?

9 A. I've went to see my grandmother a few times and
10 that's about it, I've been to the mall once or twice.

11 Q. About how many times have you been back to
12 Jonesboro?

13 A. I don't know.

14 Q. Give me your best estimate?

15 A. Maybe ten times.

16 Q. Okay. Did you ever go by the Westside school
17 and look at where this carnage took place?

18 A. No, sir.

19 Q. Did you ever make any effort to contact any of
20 the families and express your sorrow to them?

21 A. No, sir, I was told not to.

22 Q. By whom?

23 A. By my lawyers.

24 Q. Which lawyers, these today?

25 A. No, sir.

1 Q. Who?

2 A. Val Price and some of the others.

3 Q. Of course, that's after -- that's while you were
4 facing criminal charges, right?

5 A. Yes, sir.

6 Q. Once you got out of Federal custody there was
7 nobody telling you not to contact them, was there?

8 A. No, sir.

9 Q. Tell me why you didn't contact anybody and tell
10 them you're sorry about what happened, let me tell you the
11 truth about what happened?

12 A. I didn't want to stir anything else up.

13 Q. You think they didn't want to know what happened
14 to their daughters and their wife?

15 A. Yes, sir.

16 Q. You think they didn't want to know?

17 A. No, I think they wanted to know.

18 Q. Well, why didn't you have enough human
19 compassion just to call them and tell them, let me tell
20 you what happened and why if you're interested in knowing.
21 If you don't want to talk to me, fine. Why didn't you at
22 least make an effort?

23 A. I don't know.

24 Q. Huh?

25 A. I don't know.

1 Q. Do you claim that you suffer from remorse as a
2 result of this?

3 A. Yes, sir.

4 Q. Remorse and grief?

5 A. Yes, sir.

6 Q. Guilt?

7 A. Yes, sir.

8 Q. Guilt, but not to the point to try to relieve
9 the pain of those who were your victims?

10 A. I would have liked to have contacted them.

11 Q. Well, why didn't you? Who kept you from it?

12 A. I didn't want to stir anything else up.

13 Q. You didn't want to stir anything up. In other
14 words, you didn't want to give them any peace of mind by
15 giving them information that would help them understand
16 what happened to their loved ones, is that it?

17 A. No, sir.

18 Q. Or did you just not want them to know where you
19 were or anything about you so that you could have your
20 privacy and go on with your life, which one was it?

21 A. I just ...

22 Q. You were more concerned about your privacy and
23 going on with your life than their's, weren't you?

24 A. No, sir.

25 Q. Then why didn't you call them, or why didn't you

1 write them?

2 A. I don't know.

3 Q. Okay. Have you lived anywhere else you haven't
4 told me about since your release?

5 A. No, sir.

6 Q. How long were you in Memphis?

7 A. For the last year or so of my Federal stay.

8 Q. How long were you in South Dakota? What age
9 were you when you went up there about?

10 A. I think I was 14 or 15.

11 Q. And you were at Alexander from the time you left
12 Craighead County until you went to South Dakota, correct?

13 A. Yes, sir.

14 Q. Let's talk about Craighead County. When you
15 were in Craighead County did you at any time tell the
16 police what happened or anybody from law enforcement?

17 A. No, sir.

18 Q. Why not?

19 A. I was scared.

20 Q. Scared of what?

21 A. That I would -- I couldn't talk, I don't know.
22 I just, I don't know.

23 Q. Scared of whom or scared of what?

24 A. I was just scared.

25 Q. Wasn't anything that could happen to you worse

1 than what happened to the people you shot, was there?

2 A. No, sir.

3 Q. Again, you put yourself first? Even after the
4 horrendous shooting, you were thinking of yourself more
5 than the victims or their families, weren't you?

6 A. I was just scared.

7 Q. Scared of what?

8 A. Everything that had happened, I didn't know what
9 else was going to happen. I didn't, I just didn't know.

10 Q. I can't hear you.

11 A. I said I didn't know, I just ...

12 Q. And did your parents tell you to keep your mouth
13 shut and not talk about it?

14 A. No, sir, my lawyers did.

15 Q. But your parents didn't?

16 A. (Witness shakes head negatively).

17 Q. No?

18 A. No, sir.

19 Q. Okay. What about Mitchell Johnson, how long had
20 you known Mitchell Johnson before this shooting?

21 A. I don't remember.

22 Q. Well, had you just met him the day of the
23 shooting?

24 A. No, sir.

25 Q. Had you been in sixth grade with him and riding

1 the bus with him?

2 A. Yes, sir.

3 Q. Had you ridden, did you know him when you were
4 in fifth grade?

5 A. I think so.

6 Q. Did you ever spend any time with Mitchell
7 Johnson at school on the playground or during breaks from
8 classes in sixth grade?

9 A. No, sir.

10 Q. No?

11 A. No, sir, not that I remember.

12 Q. And when you rode on the bus did you and he ride
13 side by side on the bus?

14 A. Yes, sir.

15 Q. Were there normally two people for each side of
16 the bus?

17 A. Yes, sir.

18 Q. And were you assigned seating next to Mitchell
19 Johnson?

20 A. Yes, sir.

21 Q. Did you ever ask to have your seating assignment
22 changed?

23 A. Not that I remember.

24 Q. Who was your bus driver?

25 A. I can't remember.

- 1 Q. Who was your principal?
- 2 A. Ms. Kirkner, I think.
- 3 Q. Who was your sixth grade teacher?
- 4 A. They changed classes.
- 5 Q. All right. Who did you have in sixth grade, who
6 were some of the teachers you had?
- 7 A. Mrs. Wright, Ms. Thetford.
- 8 Q. Anybody else?
- 9 A. Those are the ones I can remember.
- 10 Q. All right. And when you were in sixth grade had
11 you ever gone hunting before then?
- 12 A. Yes, sir.
- 13 Q. What kind of hunting had you done before sixth
14 grade?
- 15 A. Squirrel hunting, rabbit hunting, duck hunting.
- 16 Q. Deer?
- 17 A. I can't remember ever going.
- 18 Q. What kinds of guns had you shot, live guns, live
19 ammunition before the shooting at Westside, pistols and
20 rifles?
- 21 A. Yes, sir.
- 22 Q. What kind of pistols, automatics, revolvers,
23 Derringers, all of them?
- 24 A. Yes, sir.
- 25 Q. Who taught you to shoot?

1 A. I think my grandfather did.

2 Q. Did your dad also help teach you to shoot or was
3 it mainly your grandfather?

4 A. It was probably both of them.

5 Q. When did you first start shooting a gun?

6 A. I don't remember.

7 Q. Four years old? When you were a little bitty,
8 wasn't it?

9 A. When I was young, yes.

10 Q. You've been shooting guns with live ammo as long
11 as you can remember back to your early childhood, isn't
12 that true?

13 A. I remember starting with a BB gun, and that was
14 when I was young.

15 Q. Okay. And you also shot rifles, did you not?

16 A. Yes, sir.

17 Q. And you shot rifles with scopes and with open
18 sights, didn't you?

19 A. Yes, sir.

20 Q. Who taught you how to take aim with an open
21 sight rifle, grandfather?

22 A. It may have been.

23 Q. Who taught you how to aim with a scope,
24 grandfather?

25 A. It may have been.

1 Q. Well, who else would it have been if it wasn't
2 your grandfather?

3 A. Either him or my father.

4 Q. Either your grandfather or your father. And you
5 first started out shooting target practice, did you not?

6 A. Yes, sir.

7 Q. Where would you go to target practice?

8 A. At my grandfather's house.

9 Q. And when you say at your grandfather's house,
10 that's the house close to Westside?

11 A. Yes, sir.

12 Q. Was there a wooded area or a gravel pit or
13 something like that you all would shoot in, where would
14 you shoot?

15 A. There was a berm or a washed out spot.

16 Q. Kind of like a gully or something?

17 A. Yes, sir.

18 Q. All right. And would you put up targets and
19 shoot at them?

20 A. Yes, sir.

21 Q. What kind of targets did you use?

22 A. Paper targets and cans and stuff like that.

23 Q. And paper targets, some of them were like
24 silhouettes of a human being like you see on gun shows and
25 like you see at gun stores and you see on TV?

1 A. Yes, sir.

2 Q. And you would shoot at those from different
3 distances with different weapons, wouldn't you?

4 A. Yes, sir.

5 Q. All right. And did you go with your father or
6 grandfather to any shooting competitions?

7 A. I went with my father once or twice.

8 Q. And do you remember about how old you were when
9 you went to those, what grade you were in?

10 A. I must have been nine or ten.

11 Q. Huh?

12 A. Nine or ten, I think.

13 Q. Okay. And did you ever shoot in any of those
14 competitions?

15 A. Yes, sir.

16 Q. How many competitions did you shoot in?

17 A. I don't remember.

18 Q. About? Best estimate?

19 A. Ten or so, I guess, I don't know.

20 Q. Okay. And you won some prizes in some of those
21 competitions, didn't you?

22 A. Not that I remember.

23 Q. Didn't you win one of them?

24 A. Not that I remember.

25 Q. Okay. You heard me ask your mother that your

1 grandfather made the statement, I think the same day or
2 the next day of the shooting, that you were an expert
3 marksman, do you remember seeing that?

4 A. No, sir, I don't remember seeing or hearing it.

5 Q. Okay. Your grandfather did consider you an
6 excellent shot, did he not?

7 A. Yes, sir.

8 Q. And you were an excellent shot, weren't you?

9 A. I didn't know.

10 Q. Well, you knew you were able to hit the target
11 you aimed at, weren't you?

12 A. Yes, sir.

13 Q. And you were good at it, weren't you?

14 A. Yes, sir.

15 Q. And you were good at it with both pistols and
16 long guns, weren't you?

17 A. Yes, sir.

18 Q. You were good at it with both open sights and
19 telescopic sights, weren't you?

20 A. Yes, sir.

21 Q. And you could hit tin cans from a considerable
22 distance with your telescopic sight, couldn't you?

23 A. Yes, sir.

24 Q. And you could hit tin cans from a considerable
25 distance with an open sight rifle, couldn't you?

1 A. Yes, sir.

2 Q. What's the term, have you ever heard the term,
3 draw a fine bead? Do you know what that terms means?

4 A. No, sir.

5 Q. Okay. Take dead aim, do you know what that term
6 means, where you take real good aim?

7 A. Yes, sir.

8 Q. And you knew how to do that, didn't you?

9 A. Yes, sir.

10 Q. And with a pistol did you, when you shot pistols
11 at target practice did you hold the pistol with one hand
12 or both hands usually, or both ways?

13 A. Both, I guess.

14 Q. Okay. Did you ever shoot a shotgun?

15 A. Yes, sir.

16 Q. And did you ever shoot at things thrown up in
17 the air with a shotgun?

18 A. I never shot skeet or anything like that.

19 Q. You never shot skeet, okay. Did you ever shoot
20 any birds that were flying?

21 A. I duck hunted, yes.

22 Q. Okay. And did you ever kill any ducks while
23 duck hunting?

24 A. I may have killed one, I don't have.

25 Q. What about quail hunting, did you ever go quail

1 hunting?

2 A. No, sir.

3 Q. When you went squirrel hunting, did you use a
4 shotgun or a rifle?

5 A. A shotgun.

6 Q. Okay. And were you able to kill squirrels?

7 A. Yes, sir.

8 Q. And did you ever go hunting with a rifle?

9 A. Yes, sir.

10 Q. What did you go hunting with a rifle?

11 A. Squirrels too.

12 Q. Okay. And open sight or telescope or both?

13 A. Both.

14 Q. And were you able to kill squirrels okay?

15 A. Yes, sir.

16 Q. And rabbit hunting, didn't you go rabbit hunting
17 too?

18 A. Yes, sir.

19 Q. And what did you kill the rabbits with?

20 A. Probably a shotgun.

21 Q. Did you ever shoot them with a rifle?

22 A. No, sir, not that I can remember.

23 Q. Just mainly a shotgun?

24 A. Yes, sir.

25 Q. Okay. And you shot a pistol at fairly close

1 range to targets and also at longer ranges?

2 A. Yes, sir.

3 Q. And the same thing with rifles, closer ranges
4 and longer ranges?

5 A. Yes, sir.

6 Q. What's the longest range you can remember
7 approximately that you shot rifles for target practice, 50
8 yards, 100 yards?

9 A. I remember we sighted them in at 25 yards, so
10 that's ...

11 Q. Tell me what you mean when you say you sighted
12 them in, what do you do when you're sighting in a rifle?

13 A. You put a scope on a gun you usually sight it in
14 for a short distance and then it's usually on at longer.

15 Q. That is to make sure it's accurate if the bullet
16 hits where the cross hair is?

17 A. Yes, sir.

18 Q. How do you site it in, tell me how you do that?

19 A. You shoot a target and then adjust the cross
20 hairs.

21 Q. Okay. Tell me how you adjust it, what do you
22 do, turn knobs or something?

23 A. Yes, sir, there's knobs on the scope.

24 Q. Okay. And did you do that?

25 A. No, sir, not at that time, no, sir.

- 1 Q. Huh?
- 2 A. Uh-huh (affirmative).
- 3 Q. You've done that before though, haven't you,
4 help sight them in?
- 5 A. I've watched them, I haven't.
- 6 Q. Okay. Did you have any brothers or sisters when
7 you were in the sixth grade, brothers or sisters?
- 8 A. Yes, sir.
- 9 Q. Who?
- 10 A. I have a brother and a sister.
- 11 Q. What's your brother's name?
- 12 A. Wesley.
- 13 Q. And how much older than you is Wesley?
- 14 A. He's quite a bit older.
- 15 Q. Huh?
- 16 A. He's quite a bit older.
- 17 Q. Well, how many years older is he?
- 18 A. He's in his thirties, so.
- 19 Q. Okay. What about your sister?
- 20 A. She's older too.
- 21 Q. How old is she?
- 22 A. She's in her mid-thirties.
- 23 Q. So both your brother and your sister are in
24 their thirties, and you're now?
- 25 A. 22.

1 Q. 22. Since your release have you had an
2 automobile?

3 A. Yes, sir.

4 Q. What kind of automobile?

5 A. My grandfather left me his truck.

6 Q. And what was it, what year make and model?

7 A. It was a '97 Chevy truck.

8 Q. A 1997 Chevy?

9 A. Yes, sir.

10 Q. What kind of Chevy, an S-10 or what?

11 A. It was a full size extended cab.

12 Q. I can't hear you.

13 A. It was full size extended cab.

14 Q. What color?

15 A. It was white.

16 Q. Did it have stick shift or automatic?

17 A. It was an automatic.

18 Q. And did you get rid of that vehicle sometime?

19 A. Yes, sir.

20 Q. When, about?

21 A. Probably the end of 2007.

22 Q. What did you get?

23 A. A 2004 Chevy truck.

24 Q. What color?

25 A. It's white.

- 1 Q. Stick shift, automatic?
- 2 A. It's automatic.
- 3 Q. Extended cab, normal cab?
- 4 A. It's a regular cab.
- 5 Q. Huh?
- 6 A. It's a regular cab.
- 7 Q. Okay. Do you still have the motorcycle?
- 8 A. Yes, sir.
- 9 Q. Do you still ride it?
- 10 A. Yes, sir.
- 11 Q. And what year make and model is it?
- 12 A. It's a 2007 Suzuki.
- 13 Q. What?
- 14 A. A Suzuki.
- 15 Q. Suzuki?
- 16 A. Yes, sir.
- 17 Q. What model or type?
- 18 A. It's a 600.
- 19 Q. 600, what does that mean?
- 20 A. That's the engine size.
- 21 Q. Is it an off-road motorcycle or a street bike?
- 22 A. A street bike.
- 23 Q. Any other vehicles?
- 24 A. No, sir.
- 25 Q. Do you have your insurance card in your pocket?

1 A. No, sir.

2 Q. Aren't you normally supposed to carry a card
3 that shows you've got insurance with you?

4 A. Yes, sir, it's in my vehicle.

5 Q. It's in your vehicle. Is the 2007 Suzuki
6 motorcycle in your name now?

7 A. No, sir.

8 Q. Who's name is it?

9 A. My mother's.

10 Q. Does she ever ride it?

11 A. She bought it for my dad and me, so she doesn't
12 ride it.

13 Q. Okay. The 2004 Chevy truck, who's name is it
14 titled in?

15 A. It may be in my name, I'm not sure.

16 Q. Who bought it for you?

17 A. My mother.

18 Q. Okay. And the 1997 Chevy, after your
19 grandfather died and it was left to you, did you change
20 the title over to your name?

21 A. I don't remember.

22 Q. Let's talk about jobs since your release from
23 incarceration. Have you held a job of any kind since you
24 were released?

25 A. No, sir. I've volunteered to help out some

1 people, but I've not held a job.

2 Q. Volunteered where?

3 A. One of my mother and father's friends, I helped
4 him out. He was a carpenter and --

5 Q. Who is he?

6 A. Sir?

7 Q. What's his name?

8 A. Clarence Henson.

9 Q. Young man, you're going to have to speak up.

10 A. His name is Clarence Henson.

11 Q. Spell the last name.

12 A. H-E-N-S-O-N.

13 Q. Where does Clarence Henson live?

14 A. In Ravenden.

15 Q. Any other job -- you were helping him to do
16 carpentry work?

17 A. Yes, sir.

18 Q. Was he paying you?

19 A. No, sir.

20 Q. How long did you work for him?

21 A. It was off and on, mainly when he needed help
22 with a bigger job.

23 Q. Well, how many times did you help him, how many
24 days total? One day a month, five days a week?

25 A. Two or three days a month, it depends.

- 1 Q. Did you get anything out of it?
- 2 A. He'd buy me lunch every now and again, he was
3 teaching me how to do some of the stuff.
- 4 Q. Okay. Any other jobs?
- 5 A. A friend of mine from school, he had some
6 batting cages and I would run those for him every now and
7 again when he couldn't be there.
- 8 Q. Who is that?
- 9 A. Danny Brustrum.
- 10 Q. Spell the last name?
- 11 A. I'm not sure.
- 12 Q. Say it again, loud and slow?
- 13 A. Brustrum.
- 14 Q. Brustrum?
- 15 A. Yes, sir.
- 16 Q. Spell it the best you can.
- 17 A. B-R-U-S-T-R-U-M.
- 18 Q. Where does Danny Brustrum live?
- 19 A. In Batesville.
- 20 Q. Do you know where, do you know his phone number?
- 21 A. His phone number, but I don't know his ...
- 22 Q. What's his phone number?
- 23 A. It's written on one of the sheets of paper.
- 24 Q. All right. Well, pull it out.
- 25 A. 612.

1 Q. 612?

2 A. 9893.

3 Q. 612-9893?

4 A. Yes, sir.

5 Q. What are you looking at now?

6 A. It's a list of the jobs for the attorneys that I
7 was told to bring.

8 Q. Okay. Let me see it, please. You've got jobs
9 all volunteer, Clarence Henson, Danny Brustrum and then
10 your attorneys Joe Perry and Danny Glover, right?

11 A. Yes, sir.

12 MR. McDANIEL: We'll mark this as
13 Exhibit 20.

14 (Whereupon, Exhibit 20 was marked)

15 Q. And that was bought in response to the notice of
16 deposition duces tecum, was it not?

17 A. No, sir.

18 Q. We'll go through that notice here in a few
19 minutes. But -- well, we might as well do it right now.
20 Exhibit 21 will be the notice.

21 (Whereupon, Exhibit 21 was marked)

22 Q. Did you bring everything you have that relates
23 to that notice?

24 A. Yes, sir.

25 Q. Let's look at Item A about social networking,

1 websites, Facebook, MySpace or any others, did you bring
2 anything in relation to that?

3 A. Yes, sir.

4 Q. Show me what you brought.

5 A. This is a copy of the, all the stuff off the
6 Facebook.

7 Q. All right. And what you've handed me I'll mark
8 as Exhibit 22.

9 (Whereupon, Exhibit 22 was marked)

10 Q. Is Facebook, did you have other things on
11 Facebook that you've erased since you were served with the
12 subpoena?

13 A. No, sir.

14 Q. Have you ever had anything on your Facebook page
15 that you've erased?

16 A. Not that I can remember.

17 Q. Okay.

18 A. I hardly ever use that one.

19 Q. All right. What other internet places do you or
20 have you used?

21 A. I had a MySpace and it was deleted.

22 Q. Why?

23 A. It was before I was served with this, I tried to
24 pull it back up to bring it to you, but I couldn't get it.

25 Q. Who deleted it?

1 A. I did.

2 Q. Why?

3 A. I didn't, I didn't have any use for it any more.

4 Q. Why did you delete it in the first place?

5 A. I was done using it. I didn't --

6 Q. Did you delete it because you got found out who

7 you are and where you were when you got served with the

8 subpoena --

9 A. No.

10 Q. -- and that's why you deleted it?

11 A. No, sir.

12 Q. Okay. I may have a little bit of information

13 related to that. Let's talk about it a minute. Have you

14 ever had an e-mail address?

15 A. Yes, sir.

16 Q. What e-mail addresses have you used?

17 A. BHSU.

18 Q. Say it again?

19 A. BHSU1986@hotmail.

20 Q. Any other?

21 A. And Yahoo, it's the same, but just Yahoo.

22 Q. What does BHSU mean?

23 A. Black Hills State University.

24 Q. Have you ever had any others?

25 A. Not that I can think of. Well, at school,

1 school accounts, but I never use those.

2 Q. All right. We've introduced pictures before to
3 this deposition if I can find them. Here we go. Exhibit
4 13 to your mother's deposition, do you recognize those
5 pictures?

6 A. Yes, sir.

7 Q. Who are you giving the finger to there?

8 A. My sister.

9 Q. Why?

10 A. She had said something and ...

11 Q. And you're going to tell us that's not your beer
12 there in the picture?

13 A. Yes, sir's, that's not my beer.

14 Q. Where was your beer?

15 A. I don't have one that night. I was the
16 designated driver.

17 Q. Okay. You do drink though, don't you?

18 A. I have, yes.

19 Q. And you still drink, don't you?

20 A. No, sir.

21 Q. When did you quit, last week?

22 A. No, sir.

23 Q. When did you quit?

24 A. I just, I don't know, it's been a while.

25 Q. When's the last time you had any alcohol to

1 drink?

2 A. It's been months.

3 Q. Okay. And what bar is this and where is it?

4 A. It's Buffalo Wild Wings.

5 Q. Where?

6 A. In Cape Girardeau.

7 Q. What other bars have you hung out in Arkansas?

8 A. I've been to The Moose at Batesville.

9 Q. Are you a member there?

10 A. No, sir.

11 Q. Did you have to sign in?

12 A. Yes, sir.

13 Q. As a guest?

14 A. Yes, sir.

15 Q. Who did you go as guest of?

16 A. You just sign your name under the guest thing.

17 Q. They just let you in? Whose dog is that in

18 Exhibit 13?

19 A. My sister's.

20 Q. What kind of dog is it?

21 A. It's a mix of some sort.

22 Q. Okay. Well, where were those photographs

23 posted? What website were they posted on?

24 A. I think they were on my sister's MySpace.

25 Q. Let's see what's marked as Exhibit 23.

1 (Whereupon, Exhibit 23 was marked)

2 Q. It's got text under it. It says -- isn't a
3 picture of you, it says Drew's little girlfriend is cute,
4 but I think she's cheating on him with some handsome
5 fellow named Martin. I didn't know who the pictures are
6 there. Do you recognize that?

7 A. Yes, sir.

8 Q. Who is that?

9 A. That my sister's friends.

10 Q. Okay. Do you have any tattoos?

11 A. Yes, sir.

12 Q. What do you have a tattoo of?

13 A. A cross.

14 Q. And what's on it?

15 A. Romans 3:23.

16 Q. What does Romans 3:23 mean?

17 A. For all have sinned.

18 Q. What?

19 A. For all have sinned and fallen short of the
20 glory of God.

21 Q. Exhibit 24, is that a copy of your tattoo you
22 posted on a web page?

23 (Whereupon, Exhibit 24 was marked)

24 A. Yes, sir.

25 Q. What web page did you put that?

- 1 A. I don't know.
- 2 Q. What site was used for that, MySpace?
- 3 A. It might have been.
- 4 Q. Why did you post your tattoo on there?
- 5 A. I don't know.
- 6 Q. When did you get your tattoo?
- 7 A. It's been a while.
- 8 Q. When did you get your tattoo?
- 9 A. About a year ago, maybe.
- 10 Q. About a year ago?
- 11 A. Yes, sir.
- 12 Q. Where did you get it?
- 13 A. Here in Jonesboro.
- 14 Q. Where, down on Main Street?
- 15 A. Yes, sir.
- 16 Q. All right. We'll look at some other things in a
17 few minutes. Did you ever engage in dialogue sessions
18 with young ladies on your Facebook or MySpace or any other
19 computer page?
- 20 A. Yes, sir, I talk to different people.
- 21 Q. Is that where you referred to Imboden as a bum
22 city, so to speak?
- 23 A. Yes, sir.
- 24 Q. And were you able to pull up any of those?
- 25 A. No, sir.

1 Q. Why not?

2 A. I couldn't get them.

3 Q. What computer were you using?

4 A. It may have been my mother's.

5 Q. Well, it may have been mine, but who's was it?

6 A. My mother's, I think.

7 Q. Okay. Did mom know you were using that kind of
8 language on her computer?

9 A. I don't think so.

10 Q. You have received no threats from anyone since a
11 year after this shooting incident, have you?

12 A. No, sir.

13 Q. You have never had a threat directly from any of
14 the, even a family member of any of the victims of the
15 shooting, have you?

16 A. No, sir.

17 Q. Okay. Did you post in one of your G-mails that
18 you got stopped at Black Rock, but were lucky that the
19 girlfriend was driving?

20 A. No, sir, that was not my girlfriend.

21 Q. Okay. Well, did you remark that you got stopped
22 in Black Rock and is was lucky that somebody else was
23 driving?

24 A. Yes, sir.

25 Q. Why, why were you lucky that somebody else was

1 driving?

2 A. Because I had been drinking.

3 Q. Huh?

4 A. Because I had been drinking.

5 Q. Okay. When, when did you first start posting on
6 MySpace and so on, how long after you had gotten out of
7 jail? Fairly soon?

8 A. Five or six months, I think, I don't, I'm not
9 sure.

10 Q. Okay. When you were in Memphis were you in a
11 juvenile facility or a halfway house?

12 A. I was a juvenile facility.

13 Q. Did you, was it a lock-up, is that what it was?

14 A. Yes, sir.

15 Q. How did you spend your day there?

16 A. We'd go to school, and then we'd go back to our
17 rooms.

18 Q. Watch a lot of TV?

19 A. No, sir, not really.

20 Q. Huh?

21 A. Not really.

22 Q. Okay. The application for your gun license, do
23 you remember filling out an application for a gun license?

24 A. Yes, sir.

25 Q. The application was not true, was it?

1 A. It wasn't complete.

2 Q. Well, when it says list all addresses you had
3 had, you didn't do that, did you?

4 A. No, sir.

5 Q. So when you put down as a listing of addresses
6 representing them as the complete list, that was not true,
7 was it?

8 MR. McDANIEL: Have you all got that?
9 Here it is.

10 Q. It wasn't true, was it?

11 A. No, sir.

12 Q. Do you know Mindy, whoever that is, the notary
13 public?

14 A. No, sir.

15 Q. Okay. You listed on Exhibit 11 on June 28, or
16 June 21st of 2008 that your address was 822 Siloam (sic.)
17 Springs Road, Evening Shade, Arkansas. That was really
18 true, was it?

19 A. That's one of the places I stayed, yes, sir.

20 Q. That's one of the places, but that wasn't your
21 residence, was it?

22 A. That was what was on my driver's license and I
23 was instructed to put what was on my driver's license.

24 Q. And who told you to do that?

25 A. The firearms instructor.

1 Q. Who was the firearm instructor?

2 A. I don't remember his name.

3 Q. And did you tell him you had other addresses?

4 A. No, sir. He just, he said that that was what
5 they normally do is they put what's on the driver's
6 license.

7 Q. Well, did you ask him? Did you ask to have
8 instructions on how to fill out your current physical
9 address? Could you, could you not figure that out on your
10 own?

11 A. No, sir, I didn't ask.

12 Q. Okay. Now, when it says over here on the other
13 page --

14 MR. VIDEOGRAPHER: Counsel, prior to
15 your next question, the witness's microphone has slipped a
16 little bit. And I'll fix that during our next break.
17 Thank you.

18 Q. On this page of your application, Concealed
19 Handgun License Application, it says list all residences
20 during the last the two years, and that was in 2008,
21 wasn't it?

22 A. Yes, sir.

23 Q. And you listed the Silver Springs Road in
24 Evening Shade, right?

25 A. Yes, sir.

1 Q. And you listed Ravenden, right?

2 A. Yes, sir.

3 Q. When it says to list them all, you represented
4 that the complete list was Ravenden and Evening Shade,
5 didn't you?

6 A. Yes, sir.

7 Q. And that was false, wasn't it?

8 A. I didn't think you had to put down --

9 Q. Answer my question, this was false, wasn't it?

10 A. Yes, sir.

11 Q. When it says, list all residences, you know what
12 the word all means, don't you?

13 A. Yes, sir.

14 Q. What does the word all mean?

15 A. Everything.

16 Q. You didn't list everything, did you?

17 A. No, sir.

18 Q. All right. When it says you were in Ravenden
19 from April, 2002 to May, 2006, that wasn't true, was it?

20 A. That's always been our mailing address.

21 Q. Answer my question. When you said you resided
22 at Ravenden from May -- from April, 2002 to May, 2006,
23 that was not true, was it?

24 A. No, sir.

25 Q. Because you didn't reside in Ravenden, you

1 resided in North Dakota or Memphis or both during that
2 time, didn't you?

3 A. Yes, sir.

4 Q. And you didn't list either of those residences,
5 did you?

6 A. No, sir.

7 Q. And when it says residence in Evening Shade from
8 May of '06 to June of '08, you didn't reside there the
9 whole time during that period of time, did you?

10 A. No, sir.

11 Q. When did you first reside in Evening Shade?

12 A. Upon my release.

13 Q. And when was that?

14 A. May 25th of 2007.

15 Q. Okay. So you listed that you were living there
16 a year before you ever set foot on the place, isn't that
17 true.

18 A. Yes, sir.

19 Q. So that was a false statement that you knew to
20 be false when you made it, didn't you?

21 A. That was just a mistake, sir.

22 Q. It was false and you knew it was false, true?

23 A. At the time I was trying to hurry up and get
24 done with it.

25 Q. Answer my question. When you wrote down that

1 you were living in Evening Shade in May of 2006 you knew
2 that was not true, didn't you?

3 A. I wasn't paying attention to that. I wasn't --

4 Q. Are you trying to tell us under your oath that
5 you thought for one minute that you actually lived in
6 Evening Shade, Arkansas in May of 2006?

7 A. No, sir.

8 Q. Are you trying to claim that that's true?

9 A. No, sir, that's not what I'm trying to claim.

10 Q. It's not true, is it?

11 A. No, sir.

12 Q. Never has been true, has it?

13 A. No, sir.

14 Q. And you knew it wasn't true when you wrote it
15 down, didn't you?

16 A. No, I wasn't paying attention to it. I was
17 just --

18 Q. And when you report that you lived there from
19 June, 2006 or May of 2006 to June of 2008, you knew you
20 lived other places, didn't you?

21 A. Yes, sir.

22 Q. So when you said you lived there for that period
23 of time you know that wasn't true, didn't you?

24 A. Yes, sir.

25 Q. And you didn't tell them that you lived in Cape

1 Girardeau, did you?

2 A. I didn't know you had to put out of state.

3 Q. Answer my question. You didn't tell them you'd
4 lived in Cape Girardeau, did you?

5 A. No, sir.

6 Q. And it says, list all residences, and you knew
7 you lived in Cape Girardeau when you filled this out,
8 didn't you?

9 A. Yes, sir.

10 Q. And you didn't put Cape Girardeau down, did you?

11 A. No, sir.

12 Q. And you knew you lived in Batesville, didn't
13 you?

14 A. I was staying between Batesville and Evening
15 Shade and Ravenden.

16 Q. You knew you stayed in Batesville in a
17 residence, didn't you? You had an apartment rented that
18 you stayed in?

19 A. Yes.

20 Q. And had furniture in?

21 A. Yes, sir.

22 Q. And you didn't list that, did you?

23 A. No, sir.

24 MR. McDANIEL: We're at a break time.

25 THE VIDEOGRAPHER: Thank you, Counsel.

1 The time is 2:35 p.m. and we are off the record.

2 (Brief Recess)

3 THE VIDEOGRAPHER: The time is 2:42

4 p.m., we are back on the record. Counsel.

5 Q. I want to jump back to your motorcycle wreck.

6 You got a couple of tickets for that incident, didn't you?

7 A. Yes, sir.

8 Q. Do you remember what they were?

9 A. No motorcycle endorsement and failure to
10 maintain I think was the other one.

11 Q. Failure to maintain control?

12 A. Yes, sir.

13 Q. Did you pay both of those?

14 A. Yes, sir.

15 Q. Okay. When did you leave Cape Girardeau, was it
16 like August or September of '07?

17 A. It was around August, I was enrolled in the
18 community college, so it was around then.

19 Q. You applied for your license June 21st of '08,
20 is that correct?

21 MR. GLOVER: Are you talking about
22 driver's license?

23 Q. No, the concealed handgun permit.

24 A. Yes, sir.

25 Q. And so a year before that, within the year

1 before that you were living in Cape Girardeau for a while,
2 weren't you?

3 A. Yes, sir.

4 Q. Well, here where it says, have you been a
5 resident of the State of Arkansas continuously for a
6 period of at least 12 months immediately prior to
7 submitting this application you checked yes, didn't you?

8 A. Yes, sir.

9 Q. That's false, wasn't it?

10 A. Yes, sir.

11 Q. And you were notified and you signed a statement
12 under oath that the applicant states under oath the
13 representation made pages one through five are true and
14 correct you signed this as being true under oath, didn't
15 you?

16 A. Yes, sir.

17 Q. That all of these pages were true and they
18 weren't, were they?

19 A. At the time I thought they were.

20 Q. You didn't think you lived in Arkansas for a
21 continuous period of 12 months because you knew you moved
22 from Missouri in August or September of 2007, you know
23 what a year is, don't you?

24 A. Yes, sir.

25 Q. You knew that was false when you said you lived

1 in Arkansas for 12 continuous months, didn't you?

2 A. I wasn't thinking at the time, sir.

3 Q. Answer my question. You knew you hadn't lived
4 in Arkansas for 12 straight months, didn't you?

5 A. Yes, sir.

6 Q. And that statement you made was false and you
7 knew it was false, didn't you? True?

8 A. Yes, sir.

9 Q. Okay. And you knew this application was seeking
10 complete information, didn't you, because they were going
11 to do background checks, right?

12 A. Yes, sir.

13 Q. And to do a background check you know they've
14 got to have complete information, right?

15 A. Yes, sir.

16 Q. And you didn't want them to know about you being
17 up in Missouri and changing your name from Golden to
18 Grant, did you?

19 A. That wasn't my intention.

20 Q. You didn't want them to know your name had been
21 Golden, did you?

22 A. I didn't want, I had no intention of defrauding
23 them.

24 Q. Well, we'll let something else decide that. You
25 did not give the State Police any information that your

1 name had been Andrew Golden, one of the Westside murderers
2 and you didn't give them any information that might help
3 them find that out, did you?

4 A. No, sir.

5 Q. And because if you had given them the Cape
6 Girardeau name and they had done a name check in Cape
7 Girardeau, they could have probably found out that you
8 changed your name from Andrew Golden to Drew Grant, they
9 could have found that out pretty easy, couldn't they?

10 A. They might have been able to, yes, sir.

11 Q. It's in the Court records up there, filed in
12 records?

13 A. Yes, sir.

14 Q. So you just left that out so they couldn't find
15 that out, didn't you? That's true, isn't it? Remember
16 now, you're under oath. That's true, isn't it?

17 A. Yes, sir.

18 Q. That's true, isn't it? You didn't want them to
19 find out, did you?

20 A. Yes, sir.

21 Q. Correct?

22 A. Yes, sir.

23 Q. Okay. And your status as a juvenile offender
24 under Federal law, had you been told anything about any
25 restrictions on your ability to have, possess or use a

1 firearm?

2 A. No, sir.

3 Q. When you were released from Federal custody did
4 anybody mention to you about firearms?

5 A. No, sir.

6 Q. Same thing with state custody?

7 A. No, sir.

8 Q. Okay. For you to apply for the firearms you had
9 to certify that you had gone through a course, hadn't you?

10 A. Yes, sir.

11 Q. And the course you had to demonstrate
12 proficiency with a firearm, didn't you?

13 A. Yes, sir.

14 Q. You had to go to a range and shoot?

15 A. Yes, sir.

16 Q. So you had a gun in your possession, didn't you?

17 A. Yes, sir.

18 Q. And were shooting it?

19 A. Yes, sir.

20 Q. Whose gun was it?

21 A. It was my father's.

22 Q. Where did you get it?

23 A. From him.

24 Q. When?

25 A. For the, for that class.

1 Q. And how long had you had the gun to work on this
2 class?

3 A. Just for the day.

4 Q. One day? You went, did you go -- tell me when
5 and where you went to get the gun?

6 A. I went to his house.

7 Q. Same day of the test?

8 A. Earlier that morning probably, I don't really
9 remember.

10 Q. And did you go up and shoot that day and then
11 take it back to him that night?

12 A. I may have, yes, sir.

13 Q. No, I'm not asking what you may have done, I'm
14 asking what you did do.

15 A. I don't remember.

16 Q. All right. Did you have to demonstrate
17 proficiency with understanding the firearm and the
18 fundamentals of the firearms?

19 A. Yes, sir.

20 Q. And ammunition?

21 A. Yes, sir.

22 Q. And practice, did you do that for an hour and a
23 half?

24 A. Yes, sir.

25 Q. Had you shot a gun at any other time from the

1 time you were released until the time you applied for the
2 permit?

3 A. Yes, sir.

4 Q. Where else had you shot guns?

5 A. We had squirrel hunted some and ...

6 Q. We being who?

7 A. Me and my father.

8 Q. How many times had you gone squirrel hunting?

9 A. I don't remember, a few times, once for sure.

10 Q. Where did you go squirrel hunting?

11 A. At Hardy, a place up there.

12 Q. One day or two or three days?

13 A. Just once.

14 Q. Did you do any target practice before you went
15 hunting?

16 A. Yes, sir, in the back yard.

17 Q. Because you hadn't shot a gun in a while and you
18 needed to kind of make sure you were back polished up?

19 A. Yes, sir.

20 Q. And how many rounds did you shoot practicing up?

21 A. I don't remember.

22 Q. What kind of gun were you using?

23 A. A .22.

24 Q. Okay. And did you go hunting for anything else
25 besides squirrels since you've been released?

1 A. Yes, sir, deer hunting, it was all archery
2 though.

3 Q. Okay. When did you go archery deer hunting?

4 A. Last fall some and then once or twice this fall.

5 Q. All right. You haven't gone deer hunting with a
6 rifle?

7 A. Not since I've been --

8 Q. Shotgun? Not since you've been released?

9 A. No, sir.

10 Q. How about before your release?

11 A. No, sir, not that I remember. I don't really
12 remember going deer hunting before.

13 Q. Okay. The bow and arrows that were confiscated
14 from you at the scene, were those yours or your dad's?

15 A. My dad's.

16 Q. Where did you all get those from?

17 A. Who?

18 Q. Where did you and Mitchell Johnson get bow and
19 arrows that were confiscated from you, at your dad's
20 house?

21 A. They were in the gun room.

22 Q. What?

23 A. In the gun room, yes, sir.

24 Q. Okay. Have you been to any other schools
25 besides what's shown on the GED transcripts and the other

1 transcript that we have?

2 A. Just the GED and then the two colleges.

3 Q. Okay. Are you --

4 A. And the Black Hills State I didn't, that was all
5 correspondence.

6 Q. Okay. Are you enrolled in college now?

7 A. I finished up this semester and I, I haven't
8 signed up for other classes or anything.

9 Q. Okay. I take it you've not had any paying job
10 of any kind since you got out of custody?

11 A. No, sir.

12 Q. Who pays your bills?

13 A. My mother and father.

14 Q. School, everything?

15 A. Yes, sir.

16 Q. Do you get an allowance?

17 A. Just to get through the week, you know, gas
18 money and for food.

19 Q. Are you on any student loans or are they paying
20 for your school?

21 A. They're paying for the school.

22 Q. Since you've been out and you've been back to
23 Jonesboro ten times or so have you driven by Mitchell
24 Wright's house?

25 A. No, sir.

1 Q. Have you driven by the homes of any of the
2 victims?

3 A. No, sir.

4 Q. Have you driven by Westside and just checked the
5 place out?

6 A. No, not that I remember.

7 Q. Been by your grandfather's home?

8 A. Yes, sir.

9 Q. Did you ever go out in the woods where this
10 shooting took place?

11 A. No, sir, not that I remember.

12 Q. Did you ever go by the cemetery, since you
13 didn't want to stir anything up, but did you ever go to
14 the cemeteries and pay your respects in private to the
15 victims of your escapade?

16 A. No, sir.

17 Q. Are you a member of any clubs of any kind up in
18 school, fraternities, clubs?

19 A. No, sir.

20 Q. What bars do you go to up in that area?

21 A. I've just been to The Moose once or twice.

22 Q. Tell me again why you needed a handgun permit?

23 A. I was concerned about those threats and I was by
24 myself quite a bit.

25 Q. Those threats of ten years ago?

- 1 A. Yes, sir.
- 2 Q. That hadn't been renewed by anybody?
- 3 A. Yes, sir.
- 4 Q. Do you own a gun now?
- 5 A. I purchased one firearm for my father. It was a
6 gift.
- 7 Q. What gun was it?
- 8 A. It was a small caliber single shot rifle.
- 9 Q. Was it a gift or did you purchase it?
- 10 A. I purchased it for him as a gift.
- 11 Q. Where did you go buy it?
- 12 A. At a pawn shop on Gee Street.
- 13 Q. A pawn shop on Gee Street?
- 14 A. Yes, sir.
- 15 Q. When did you buy it?
- 16 A. I don't remember, it's been over a year ago.
- 17 Q. Were you going by the name of Drew Grant when
18 you bought it?
- 19 A. Yes, sir.
- 20 Q. Okay. Did you fill out the firearms paperwork?
- 21 A. Yes, sir.
- 22 Q. And have you, did your dad let you keep any of
23 his guns?
- 24 A. Other than just the, for the class that day.
- 25 Q. Okay. Did your grandfather when he died, he

1 left you his truck.

2 A. Yes, sir.

3 Q. Did he leave you anything else?

4 A. Just his truck and his computers.

5 Q. Okay. What about his guns, what happened to his
6 guns?

7 A. The, my uncles and dad got them.

8 Q. Okay. When you were in South Dakota was
9 Mitchell Johnson in South Dakota with you?

10 A. No, sir.

11 Q. Was there anything when you were in South Dakota
12 that Mitchell Johnson constituted any threat to you while
13 you were there?

14 A. No, sir.

15 Q. Was there anything that would have prevented you
16 from telling the authorities about this alleged coercion
17 of being forced into committing this crime.

18 A. No, sir, other than the appeals going on at the
19 time may.

20 Q. What?

21 A. Other than the appeals and things going on.

22 Q. When were the appeals going on? When were they
23 ended?

24 A. Upon my release, but I mean, I think there was
25 still even one that was in process that they never heard

1 back from or ...

2 Q. Did your lawyers ever tell you that committing a
3 crime under duress is a defense?

4 A. No, sir.

5 Q. That, you know, you can say, I did not
6 voluntarily commit that crime, that I was forced to do it
7 and that that's a defense to a criminal case, did anybody
8 ever tell you that?

9 A. No, sir.

10 Q. When you were in Alexander -- first of all, when
11 you were in Craighead County you never told your parents
12 or anybody else that you were forced into this criminal
13 action, is that correct?

14 A. Yes, sir, not that I remember.

15 Q. And were you and Mitchell Johnson in the same
16 cell pod?

17 A. Yes, sir.

18 Q. And was he moved from the cell pod in Craighead
19 County at any time away from you?

20 A. No, sir, he was there the whole time.

21 Q. Did you ever ask to speak to your lawyer
22 privately?

23 A. No, sir.

24 Q. Did you ever speak to your lawyer in private
25 while you were in Craighead County?

1 A. I can't remember.

2 Q. Did you ever speak to your lawyer in Craighead
3 County with you and your mom or your dad or any other
4 adult there?

5 A. I don't really remember if we did or not, I
6 don't.

7 Q. When, was Mitchell Johnson, when you were
8 transferred to Alexander, was Mitchell Johnson also
9 transferred to Alexander?

10 A. Yes, sir.

11 Q. Were you in the same pod or unit there?

12 A. Yes, sir.

13 Q. Were you eventually separated?

14 A. Yes.

15 Q. Why?

16 A. I'm not sure. I think he had gotten in trouble.

17 Q. And he was put in a different unit?

18 A. Yes, sir.

19 Q. Did you ever notify the officials at Alexander
20 that you were afraid of Mitchell Johnson and wanted to be
21 segregated from him?

22 A. No, sir.

23 Q. You were aware that segregation was available if
24 there was a legitimate fear or threat, weren't you?

25 A. Yes, sir, they, they did --

1 Q. I'm sorry?

2 A. Yes, they did have that option.

3 Q. Okay. And you never asked for that, did you?

4 A. No, sir.

5 Q. And when Mitchell Johnson was segregated from
6 you at that time he certainly could pose no threat to you
7 because he could not have any access to you, could he?

8 A. Yes, sir, there was still school. And while I
9 was there two kids killed themselves and it was over eight
10 hours before they were found. It was possible.

11 Q. Did, you did tell your mom and dad or some other
12 people about Mitchell Johnson forcing you into this while
13 you were at Alexander?

14 A. Just my parents.

15 Q. All right. If you could tell your parents there
16 was no reason you couldn't tell the authorities, was
17 there?

18 A. No, sir.

19 Q. Okay. When you went to North Dakota or South
20 Dakota, Mitchell Johnson wasn't even at that facility, was
21 he?

22 A. No, sir, he wasn't.

23 Q. No reason you couldn't tell authorities about
24 this claim that you were forced into this, was there?

25 A. Other than the appeals, no, sir.

1 Q. Okay. When you were in custody in South Dakota
2 did you get to make phone calls?

3 A. Yes, sir.

4 Q. Did you call your mom?

5 A. Yes, sir.

6 Q. Did you remember her phone number?

7 A. Yes, sir.

8 Q. Do you remember it now?

9 A. Yes, sir.

10 Q. Who is it?

11 A. (870) 869-1607.

12 Q. You're going to have to speak up, young man.

13 A. It's (870) 869-1607.

14 Q. Do you have a cell phone number?

15 A. Yes, sir.

16 Q. What's your cell phone number?

17 A. (870) 844-0036.

18 Q. And how long have you had that number?

19 A. For a little over a year.

20 Q. Okay. Does your dad have a cell phone?

21 A. Yes, sir.

22 Q. What's his number?

23 A. (870) 844-0074.

24 Q. What about your grandmother, does she have a
25 cell phone?

- 1 A. Yes, sir.
- 2 Q. What is that number?
- 3 A. (870) 268-1760, I think. I'm not sure.
- 4 Q. Okay. Does your sister have a phone?
- 5 A. Yes, sir.
- 6 Q. Do you remember her number?
- 7 A. No, sir.
- 8 Q. Okay. And how often would you call your mom
- 9 from South Dakota?
- 10 A. For sure once a month, I was given a call once a
- 11 month.
- 12 Q. I can't hear you.
- 13 A. I was given a call once a month.
- 14 Q. That's what you were allowed?
- 15 A. That was the free one. They had a collect phone
- 16 that you could call.
- 17 Q. Okay. So you got a free call once a month?
- 18 A. Yes, sir.
- 19 Q. And then you could call collect whenever you
- 20 wanted to if they would accept it?
- 21 A. Yes, sir.
- 22 Q. How often would you call her collect?
- 23 A. Maybe once a week, I think.
- 24 Q. Okay. You also could write her letters?
- 25 A. Yes, sir.

1 Q. And you, in fact, wrote her letters and sent her
2 cards?

3 A. A few, yes.

4 Q. Okay. And did you get correspondence back from
5 her?

6 A. Yes, sir.

7 Q. What did you do with it?

8 A. Usually I threw it away after I'd get done
9 reading it. It was just, I never really kept any of it.

10 Q. Okay. Have you talked to Mitchell Johnson in
11 any way, corresponded with him, communicated with him in
12 any way from the time you were in South Dakota until
13 today?

14 A. No, sir.

15 Q. You've read his deposition, or did you see the
16 videotape as well?

17 A. No, sir.

18 Q. You just read it?

19 A. I just read it.

20 Q. On-line?

21 A. Yes, just read it.

22 Q. You saw in his deposition where Mitchell Johnson
23 said you were the ring leader and blaming you for this
24 shooting incident?

25 A. Yes, sir.

1 Q. Is that true or not true?

2 A. That's not true.

3 Q. Okay. Well, when did the conversation about

4 doing something first begin about the Westside shooting?

5 A. I don't remember.

6 Q. Was it two days before?

7 A. Longer.

8 Q. Or the Monday before?

9 A. It's was longer than that.

10 Q. Huh?

11 A. It was longer than that.

12 Q. Longer than that?

13 A. (Witness nods head affirmatively).

14 Q. How much longer? Two weeks?

15 A. A couple of weeks possibly.

16 Q. Tell me how it first came up?

17 A. Mitchell said that he was angry at some people

18 and, related to the gang stuff he, him and somebody else

19 had been into it. And he said he was going to get some

20 people back over the gang stuff.

21 Q. And where did you come into play in that?

22 A. I think he knew that I had the guns and that was

23 ...

24 Q. Tell me about the conversation. Tell me who

25 said what to who?

1 A. I can't really remember it's been so long ago.

2 Q. Tell me the general nature of it. How did he
3 know you had guns?

4 A. It was known that I hunted and fished and stuff
5 like that.

6 Q. It was common knowledge that you were a good
7 shooter and had guns?

8 A. Yes, sir, and I hunted, yes.

9 Q. In fact, you had your own gun, didn't you, when
10 you were that age for hunting?

11 A. Yes, sir, a .22.

12 Q. You had a .22 that was your own, didn't you?

13 A. Yes, sir.

14 Q. Did you also have a pistol?

15 A. Not that I remember.

16 Q. Okay. Now, when Mitchell Johnson told you that
17 something was going to happen, that he was angry with some
18 people, what did he say has going to happen?

19 A. He never did say, not, not in the beginning
20 anyway, he just --

21 Q. What?

22 A. Well, he really never said. He just said that
23 he was going to get some people back. He said he was
24 angry about the gang stuff and that they were testing him
25 and ...

1 Q. All right. What did you say to him?

2 A. I just kind of blew him off. He was always
3 talking about gang stuff and this and that and I never
4 really paid much attention to it.

5 Q. Did you ever see any evidence of any gang
6 activity at Westside school?

7 A. Other than him, no.

8 Q. And did you ever see any indication from him
9 that he engaged in any gang activity?

10 A. He would flash gang signs and wear colors and
11 just different stuff like that.

12 Q. All right. What about smoking pot, did you ever
13 smoke pot?

14 A. No, sir.

15 Q. Did you ever hear about Mitchell Johnson smoking
16 pot?

17 A. Yes, sir.

18 Q. What did you hear about that?

19 A. He told me that he had smoked pot with his dad.

20 Q. Okay. What about violent films, did you and he
21 ever watch violent films? I'm taking about not
22 necessarily together but, you know, like the Rambo films
23 with a lot of shoot-em up stuff, things like that?

24 A. I watched action films as a kid, but we never
25 did watch anything together. We didn't have anything to

1 do with each other really outside of the school bus.

2 Q. Okay. So you watched action films, may not be
3 Rambo, but things like that, correct?

4 A. Yes, sir.

5 Q. And you'd see people get shot and die and blood
6 and guts everywhere, you saw that on the action films,
7 didn't you?

8 A. Yes, sir.

9 Q. And, of course, that was before the Westside
10 shooting?

11 A. Yes, sir.

12 Q. Did you have any video games that you played
13 that involved action games or violent videos?

14 A. Not that I remember.

15 Q. Okay. When, a couple of weeks before Mitchell
16 said he was going to get even with some people, did you
17 report that to anybody at school?

18 A. No, sir.

19 Q. Why not?

20 A. I didn't believe him. He's not, I just didn't
21 take him serious.

22 Q. All right. When was the next conversation about
23 doing something come up?

24 A. There was a couple in between there. I don't

25 ...

1 Q. Where did these conversations take place?

2 A. On the bus.

3 Q. On the way to school or on the way back from
4 school?

5 A. Both.

6 Q. And so after he said it more than once and
7 persisted did it start to dawn on you he may be serious
8 about this?

9 A. No, sir. Like I said, I didn't pay attention to
10 him, I didn't ...

11 Q. The day before the shooting -- do you remember
12 what day of the week the shooting was on?

13 A. Yes, sir, it was on a Tuesday.

14 Q. And on Monday there were some people warned not
15 to go to school, weren't there?

16 A. I think he, reading his deposition I seen where
17 he said that he did. I don't --

18 Q. Did you warn anybody not to go to school?

19 A. No, sir, I didn't.

20 Q. Did you know he had warned anybody not to go to
21 school?

22 A. No, sir, at the time I didn't.

23 Q. Okay. When is the first time that you knew
24 something was actually going to be done about the Westside
25 shooting or any retaliatory action against anybody?

- 1 A. When he showed up at my house.
- 2 Q. All right. Tell me about that. When did he
3 show up at your house that Tuesday morning?
- 4 A. While I was waiting on the school bus.
- 5 Q. Were you waiting inside or outside?
- 6 A. I was outside. I was out waiting on the curb.
- 7 Q. Huh?
- 8 A. I was waiting on the curb.
- 9 Q. And what did Johnson do?
- 10 A. He approached me with a knife.
- 11 Q. Well, did he come walking up or did he drive up?
- 12 A. He walked up.
- 13 Q. He walked up. Where was his vehicle?
- 14 A. He had had it down at the church. He had parked
15 it at the church.
- 16 Q. How far was the church from your house?
- 17 A. I'm not sure, it was ...
- 18 Q. A block, two blocks, a mile?
- 19 A. A couple of houses down, it was.
- 20 Q. Okay. And so when he came walking up to you
21 show me how he was holding the knife when he came walking
22 up to you?
- 23 A. At first I didn't see it. He had it down by his
24 side.
- 25 Q. What kind of knife was it?

1 A. It was a pocket knife.

2 Q. And tell me what happened then?

3 A. He said, you're going to help me do this or I'm
4 going to kill you and your family. And I said, no.

5 Q. When he said, help you do this, do you know what
6 he was talking about?

7 A. No, sir.

8 Q. What he say?

9 A. I told him, no, I was like --

10 Q. Well, when he said do "this" did you ask him,
11 what is this?

12 A. No, sir.

13 Q. Or did you already know what this was?

14 A. I didn't know, I just said no, I'm not.

15 Q. So what happened then?

16 A. He said, you're going to let me in your house.

17 Q. I want you to speak up where I can hear you.

18 A. I said --

19 Q. I'm having trouble hearing you.

20 A. He said, you're going to let me in your house
21 and I said, no. And he said, yeah, you're going to or I'm
22 going to kill you and your family.

23 Q. With a pocket knife?

24 A. Yes, sir.

25 Q. And you believed him?

1 A. Yes, sir.

2 Q. You believed he could kill you and then kill
3 your dad with a pocket knife?

4 A. Yes, sir.

5 Q. And your dad was how big?

6 A. He's, I don't know.

7 Q. And Mitchell Johnson was 13 years old at the
8 time?

9 A. Yes, sir.

10 Q. And he had a little old pocket knife?

11 A. Yes, sir.

12 Q. And your dad was, what, six feet tall?

13 A. I think so.

14 Q. Weighed 180, 200 pounds?

15 A. (Witness nods head affirmatively).

16 Q. Strong guy, wasn't he, in good shape?

17 A. Yes, sir.

18 Q. And you're going to tell us you really believed
19 that Mitchell Johnson, a 13 year old kid, was going to
20 kill your daddy with a little old pocket knife?

21 A. Yes, sir.

22 Q. Okay. All right. When he told you he was going
23 to kill your family with a pocket knife, what did you do
24 then?

25 A. I let him in the house. I knew my mom had that

1 gun setting on the counter and I thought that I could get
2 to it and maybe stop him. But when I opened the door up
3 he pushed me and I hit the dining room table there and
4 fell. And he came in and he looked around and he seen
5 that gun there. And I started for it and he pushed me
6 down and he grabbed the gun.

7 Q. You said you saw it on the counter? You knew it
8 had been there on the counter?

9 A. Yes, sir, it was there on the bureau or the
10 night -- or the counter there.

11 Q. I couldn't hear you. It was on the counter?

12 A. Yes, sir.

13 Q. And so you had seen the gun on the counter
14 before you left for school?

15 A. Yes, sir.

16 Q. And so then when he pushed you down that was in
17 the kitchen, I take it?

18 A. Yes, sir.

19 Q. How did you get to the -- tell me about the
20 layout of the house from the front door to the kitchen.

21 A. When you walked into the garage door or the
22 carport door there you're in the kitchen area.

23 Q. All right. So when he had you come to the door
24 or open the door was that at the garage door?

25 A. Yes, sir, it was at the carport door.

1 Q. So you went from the outside to the inside with
2 him shoving you inside, is that correct?

3 A. Yes, sir.

4 Q. When he shoved you did he shove you down?

5 A. Yes, sir, I hit the table, I fell.

6 Q. Okay. What part of your body hit the table?

7 A. My chest.

8 Q. Okay. Did he hit you in the back?

9 A. Yes, sir, he pushed me.

10 Q. Okay. And then when you fell down and you got
11 up who did what?

12 A. I tried to run for that and he pushed me down
13 again.

14 Q. And what happened then?

15 A. He grabbed the gun.

16 Q. Okay. Did he hit you in the back with anything?

17 A. Not at that time, no.

18 Q. Did he ever hit you in the back with something?

19 A. Yes, sir.

20 Q. When did he hit you in the back?

21 A. When I tried to get into my dad's night stand
22 drawer.

23 Q. And what did he hit you in the back with?

24 A. It was either his hand or the butt of the
25 pistol.

1 Q. Okay. Hard?

2 A. Yes, sir.

3 Q. Knocked you down?

4 A. Yes, sir.

5 Q. Hard enough to knock you down?

6 A. Yes, sir.

7 Q. Where in the back did he hit you?

8 A. On the top of the shoulder.

9 Q. Which side, left, right, middle?

10 A. On the right.

11 Q. Okay. And what kind of gun was it that you were
12 going for? What kind of gun was your mother's gun?

13 A. My mother had a little small revolver.

14 Q. So the gun that was on the counter, was that a
15 revolver?

16 A. Yes, sir, it was.

17 Q. Was it a silver revolver or blue steel?

18 A. It was a little black one.

19 Q. Okay. All right. Once he got the gun in his
20 hand, what did he say to you or what did you say to him?

21 A. He pointed it at me and he said, you're going to
22 do exactly what I tell you to do.

23 Q. And what did he tell you to do?

24 A. He told me that I was going to help him get the
25 guns.

- 1 Q. Told you you was going to help him what?
- 2 A. Get guns.
- 3 Q. From where?
- 4 A. From my family's house.
- 5 Q. And tell me what happened from there.
- 6 A. From there he walked me outside and we walked
- 7 down to his van and he made me get in the van. And then
- 8 we drove back to my house and we parked it there beside
- 9 the house and got out. And then he --
- 10 Q. When you're walking down the street and he's got
- 11 this gun, is he holding it out, where, what's he doing
- 12 with the gun?
- 13 A. It's in his pocket in his jacket.
- 14 Q. Okay. You didn't take off running?
- 15 A. No, sir.
- 16 Q. So you got in the van. What happened when you
- 17 got in the van?
- 18 A. Then we went back or he drove back to --
- 19 Q. Was this a stick shift or an automatic?
- 20 A. It was an automatic.
- 21 Q. Okay. So then you drove back to the house.
- 22 Then what happened?
- 23 A. From then he had an acetylene torch and --
- 24 Q. Well, now, wait. Did he pull in the garage?
- 25 A. No, sir, pulled next to the garage there on the

1 side of the house.

2 Q. Did he back in or pull straight in?

3 A. He pulled straight in?

4 Q. Okay. And he had an acetylene torch in the
5 back?

6 A. Yes, sir.

7 Q. What did he do with it?

8 A. We went back in the house and we went into the
9 gun room. He knew my father had a gun safe.

10 Q. Well, tell me about the acetylene torch. Did
11 you all get it inside?

12 A. It was just a small handheld torch.

13 Q. All right. Oh, one of those little small little
14 butane ones?

15 A. Yes, sir.

16 Q. Okay. So he knew your dad had a gun safe?

17 A. Yes, sir.

18 Q. How did he know that?

19 A. I had talked about my father having a gun safe.

20 Q. So you had told him about your dad having a gun
21 safe?

22 A. No, I had told a lot of people about it. It was
23 just a lot of people talked about what their dads had as
24 far as gun safes and stuff like that, it wasn't ...

25 Q. Okay. So then what happened?

- 1 A. He tried to break into the --
- 2 Q. Who's carrying the torch, you or him?
- 3 A. He is.
- 4 Q. And when he's carrying the torch, where are you,
5 in front of him or behind him?
- 6 A. In front of him.
- 7 Q. Okay. Then what happens?
- 8 A. He's trying to get into the gun safe and he
9 lights it and he sees that it's not going to cut it and he
10 gets mad.
- 11 Q. So he's trying to get into the gun safe with a
12 torch?
- 13 A. Yes, sir.
- 14 Q. Did he have a crow bar or a hammer or anything
15 just trying to burn through the weld or what?
- 16 A. Just trying to burn through it with that.
- 17 Q. Okay.
- 18 A. And then he hit the combination lock with a
19 hammer and it came off.
- 20 Q. He did?
- 21 A. Yes, sir.
- 22 Q. Where did he get the hammer?
- 23 A. It was laying there in the house. It was on
24 the, the desk that my dad had.
- 25 Q. Okay. And what about the revolver in the night

1 stand, was there a revolver in the bedroom or in the gun
2 room?

3 A. In the bedroom.

4 Q. All right. Was the bedroom and the gun room the
5 same room?

6 A. No, sir, they were next to each other.

7 Q. All right. Did you go into the bedroom?

8 A. Yes, sir. I tried to go to the bathroom. I
9 said, I need to go to the bathroom and I walked into the
10 bedroom and I walked into the bathroom and he wouldn't
11 leave, so he stood there. And when I was coming back out
12 I tried to reach in the drawer and pull it out.

13 Q. So you knew where another gun was?

14 A. Yes, sir.

15 Q. That was loaded?

16 A. Yes, sir.

17 Q. Okay. And it was, of course, didn't have a
18 trigger lock on it?

19 A. No, sir.

20 Q. It was just accessible to you and you knew right
21 where it was?

22 A. Yes, sir.

23 Q. And it was a revolver?

24 A. Yes, sir.

25 Q. Or a Derringer?

1 A. There was a revolver and a Derringer in there.

2 Q. Oh, both the revolver and the Derringer?

3 A. Yes, sir.

4 Q. Which one did you reach for?

5 A. The revolver.

6 Q. Okay. And what kind of revolver was it?

7 A. It was just a medium sized revolver.

8 Q. Blue steel, just stainless steel?

9 A. Silver.

10 Q. Huh?

11 A. Silver.

12 Q. Silver. And what happened then?

13 A. That's when he hit me in the back and I fell and

14 he grabbed those two.

15 Q. He grabbed both of those?

16 A. Yes, sir.

17 Q. Okay. What happened then?

18 A. We went back into the gun room and he said,

19 you're going to start loading this stuff up. So he forced

20 me to load all of that stuff up.

21 Q. Load all of what stuff up?

22 A. The camping gear, and there was bullets and

23 different stuff there.

24 Q. Was all of this in the hunting room or the gun

25 room?

1 A. Yes, sir.

2 Q. Were there knives in there?

3 A. Yes, sir.

4 Q. How many knives did you load up?

5 A. I don't remember.

6 Q. Did you do all the loading?

7 A. Yes, sir.

8 Q. So you're carrying arm load after arm load of
9 stuff from inside of the gun room out to the van, right?

10 A. Yes, sir.

11 Q. What's he doing all this time?

12 A. Following me the whole way with a gun.

13 Q. All right. Then what happens?

14 A. Once we get all the stuff loaded, or I loaded
15 all the stuff there, he forced me in the van.

16 Q. How did he force you in the van?

17 A. He opened the door up and shoved me in.

18 Q. And then what?

19 A. Then he came around and got in. And then he
20 drove from there to the gas station --

21 Q. Let me interrupt you. You know when you're
22 telling things that happened, if they happened that way,
23 you're probably going to remember most of the things that
24 happened, aren't you?

25 A. Yes, sir.

1 Q. Well, you forget to tell us about the pantry
2 being broken into that your mama said.

3 A. Yes, sir.

4 Q. That's part of the story you left out, isn't it?

5 A. He, he got into the pantry and all of that, yes,
6 sir.

7 Q. Just left that out?

8 A. Yes, sir.

9 Q. Okay. So then, so you go to a gas station.
10 What gas station?

11 A. It was the one on the hill.

12 Q. What hill?

13 A. The one going towards the school.

14 Q. Close to your mom's house?

15 A. Yes, sir.

16 Q. Okay. What happened there?

17 A. He tried to pump gas and he couldn't pump gas.

18 Q. So was he out of the vehicle trying to pump gas?

19 A. Yes, sir.

20 Q. Where were you?

21 A. Sitting right there and he was watching me.

22 Q. Huh?

23 A. Sitting right there and he was watching me.

24 Q. Where was the gas tank on that van, driver's
25 side or passenger's side?

- 1 A. I don't remember. It was, I think it was on the
2 passenger's side.
- 3 Q. They're on the driver's side, aren't they?
- 4 A. I think so, I don't --
- 5 Q. So if he's filling up with gas, and that van had
6 solid wall on it, it didn't have glass sides, did it?
- 7 A. It had glass.
- 8 Q. Oh, it did have glass?
- 9 A. Yes, sir.
- 10 Q. Okay. And there were people there at that gas
11 station, weren't there?
- 12 A. I think so.
- 13 Q. Well, sure.
- 14 A. I don't remember.
- 15 Q. The gas station was open, wasn't it?
- 16 A. Yes, sir.
- 17 Q. Had clerks in there?
- 18 A. (Witness nods head affirmatively).
- 19 Q. Yes?
- 20 A. Yes, sir.
- 21 Q. And did you try to jump out and go run and tell
22 the clerks to call the cops or anything?
- 23 A. No, sir.
- 24 Q. Why not?
- 25 A. I was scared.

1 Q. All right. Then what happened?

2 A. From there he drove to the road next to my
3 grandparents house and he parked in the little cul-de-sac.

4 Q. This road next to your grandparents house, how
5 far was it from your grandparents house?

6 A. I'm not sure.

7 Q. Well, the length of this courtroom, a mile?

8 A. A half a mile, I guess.

9 Q. Okay. Had you ever been there with Mitchell
10 Johnson before?

11 A. No, sir.

12 Q. Was it on the bus route?

13 A. No, sir.

14 Q. Was it near the bus route?

15 A. He lived close to there.

16 Q. He lived close to there?

17 A. Yes, sir.

18 Q. Okay. So what happened once he parked out on
19 the cul-de-sac near your grandfathers house?

20 A. He forced me out of the van and from there we
21 walked through the woods to my grandparents house.

22 Q. How did he know how to get to your grandparents
23 house through the woods?

24 A. I don't know.

25 Q. And how far was it?

1 A. I don't know.

2 Q. Half a mile through the woods and he knew how to
3 get there?

4 A. Yes, sir.

5 Q. Of course, you were very familiar with that
6 area, you had been out there a lot, weren't you?

7 A. No, sir, not all the way through there.

8 Q. Okay. So he knew how to get there. You had
9 never seen him out in those woods near your grandparents
10 house before, had you?

11 A. No, sir, we didn't associate outside of class.

12 Q. Okay.

13 A. Except for school.

14 Q. So how did he find his way to your grandfather's
15 house?

16 A. I'm not sure.

17 Q. Did you lead or did he lead?

18 A. I was in front of him walking.

19 Q. Okay. Did he tell you where to go or did you
20 know where to go?

21 A. He told me where to go.

22 Q. He told you where to go. Okay. And so then you
23 followed, he follows you to the grandfather's house, but
24 you weren't leading the way, he was telling you where to
25 go?

1 A. Yes, sir.

2 Q. Okay. And then when you get to the
3 grandfather's house what happens?

4 A. He, we came up through the back way, there's,
5 where the fence and stuff was. And there was a crowbar
6 laying there on a work bench that my grandpa had and he
7 smashed the back glass out of it.

8 Q. Was the crowbar outside and the work bench
9 outside?

10 A. Yes, sir.

11 Q. And who smashed the back glass?

12 A. Mitchell did.

13 Q. Then what happened?

14 A. Then he forced me inside and we went upstairs.
15 And he seen the guns on the gun rack.

16 Q. Now, when you, when you go in that basement
17 weren't there some guns hanging on the wall over the door
18 leading from the basement going upstairs?

19 A. I don't remember if there were or not.

20 Q. How did he know about the gun rack upstairs?

21 A. I'm not sure. He, when we came in we went
22 upstairs in that --

23 Q. Wait a minute, I thought you came in the
24 basement area?

25 A. That's what I'm talking about, yes, sir.

1 Q. You came into the basement area?

2 A. Yes, sir.

3 Q. How did Mitchell Johnson know that there was a
4 big gun rack in the kitchen area of that house?

5 A. I'm not sure if he did or he didn't. We went up
6 the stairs.

7 Q. All right. And who was going up the stairs
8 first?

9 A. Me.

10 Q. And I guess he told you to do that too?

11 A. Yes, sir.

12 Q. Sure he did. And then, what happened then?

13 A. He seen the gun rack and the guns there and they
14 were locked. And there was a key on the side of the gun
15 rack and he seen that and unlocked it.

16 Q. I couldn't hear you.

17 A. He seen that and unlocked it.

18 Q. He unlocked it?

19 A. Yes, sir.

20 Q. Okay.

21 A. I wasn't tall enough to reach the --

22 Q. I'm sorry?

23 A. I wasn't tall enough to reach that.

24 Q. So Mitchell Johnson followed you up to the gun
25 rack and then he saw the key that would unlock the pad

1 lock to the gun rack, and what happened then?

2 A. He unlocked it.

3 Q. What happened then?

4 A. And he said, grab some guns.

5 Q. What guns did he grab?

6 A. There was a few guns up there and he grabbed the
7 one with the scope on it, and that was a 30.06, and then
8 the Carbine and another one. And there was, there was --

9 Q. You're going to have to speak up, your voice is
10 too low.

11 A. There was the Carbine and the, that 30.06 and
12 the, I think there was another rifle too.

13 Q. You had shot the Carbine before in target
14 practice, hadn't you?

15 A. I don't remember if I had or not.

16 Q. Okay. You had shot the 30.06 too, before too,
17 hadn't you?

18 A. No, sir, I don't remember if I had or not.

19 Q. Okay. All right. So how many guns did he get
20 out of the gun rack?

21 A. There was the three there on the gun rack.

22 Q. Okay. And what happened then?

23 A. He told me to get bullets for them.

24 Q. And do you know where the bullets were?

25 A. Yes, sir.

1 Q. Where were they?

2 A. They were above the refrigerator.

3 Q. They were above the refrigerator. So you've got
4 a whole rack of guns there and the ammunition on the
5 refrigerator in the same room?

6 A. Yes, sir.

7 Q. And the key to the lock was in the same, was
8 right next to the lock, wasn't it?

9 A. Yes, sir.

10 Q. That's not much of a deterrent, was it?

11 A. No, sir, not ...

12 Q. Okay. Anybody walking in there could have seen
13 the, could have seen the lock, right?

14 A. Yes, sir.

15 Q. Now, before I go on, I want to show you my next
16 numbered exhibit, which is going to be No. 25.

17 (Whereupon, Exhibit 25 was marked)

18 Q. This is a photograph of you I believe when you
19 were finally caught and served with the papers and he took
20 your picture when he served you with the papers?

21 A. Yes, sir.

22 Q. And that's you, isn't it, No. 25?

23 A. Yes, sir.

24 Q. You've grown your beard even more since then,
25 haven't you?

1 A. Yes, sir.

2 Q. Let your hair get longer?

3 A. Yes, sir.

4 Q. Trying to change your appearance again?

5 A. No, sir. It's hunting and stuff, bow hunting
6 it's cold.

7 Q. Okay. All right. So what happened next?

8 A. After I got the bullets down for him he made me
9 load those other guns up.

10 Q. Loads what other guns up?

11 A. The 30.06 and ...

12 Q. The Carbine and one other one?

13 A. Yes, sir.

14 Q. Okay. And then what?

15 A. From there he made me walk in front of him to
16 the school.

17 Q. Now, wait a minute. What are you carrying when
18 you're walking in front of him to the school?

19 A. The rifles across my arms.

20 Q. How many?

21 A. Those two and he's got the 30.06.

22 Q. All right. And so you're carrying them like
23 this?

24 A. Yes, sir.

25 Q. Well, you can carry a rifle in each hand easy

1 enough, couldn't you?

2 A. Yes, sir.

3 Q. But you carried them cross armed?

4 A. Yes, sir.

5 Q. Like they were laying across a forklift or

6 something?

7 A. Yes, sir.

8 Q. You had never carried guns like that, you were

9 taught better than that, weren't you?

10 A. Yes, sir.

11 Q. Weren't you always taught to carry a gun with

12 the barrel pointing away from everybody?

13 A. Yes, sir, that's the way he told me to hold

14 them.

15 Q. Oh, he told you even how to hold the guns to

16 carry them?

17 A. Yes, sir.

18 Q. Show me how you stuck your arms?

19 A. Like this (indicating).

20 Q. And did you have them in your hands?

21 A. No, they were laying across my arms.

22 Q. And he told you that's how to carry them?

23 A. Yes, sir.

24 Q. And you're walking through the woods carrying

25 them that way?

1 A. Yes, sir.

2 Q. Was there brush there, underbrush?

3 A. Yes, sir.

4 Q. Walking through the underbrush with guns
5 sticking out both ways, right?

6 A. Yes, sir. And I fell a couple of times too,
7 sir.

8 Q. So then what?

9 A. When we got to the school he made me sit
10 everything down. And then he told me that, he said, go
11 inside and pull the fire alarm and then come back out. He
12 said, if you don't, I'm going to come in there and find
13 you and kill you. And he watched me through the scope
14 while I walked around and walked into the building.

15 Q. All right. You're letting your voice drop
16 again. He said, go in there and pull the fire alarm and
17 what?

18 A. And then come back out to where he is. And he
19 said if I didn't, he'd kill me.

20 Q. And, of course, that building is made out of
21 concrete block, isn't it?

22 A. Yes, sir, but he said that he would come in
23 there and find me and kill me.

24 Q. Of course, I guess if you walked in that school
25 he wouldn't know where to hunt for you, that's a pretty

1 big school, you could go to the principal's office, go
2 hide in a closet, yell for teachers to call the police,
3 you could do a lot of things, couldn't you?

4 A. Yes, sir.

5 Q. You didn't do any of those, did you?

6 A. No, sir.

7 Q. And you knew he couldn't see you inside the
8 building through the scope because that scope wasn't an
9 x-ray scope, was it?

10 A. No, sir.

11 Q. So you knew once you got inside the building he
12 couldn't see you, you knew that, didn't you?

13 A. Yes, sir.

14 Q. So instead of going to the teacher for help or
15 going to the principal's office or anything you went ahead
16 and pulled the fire alarm and went back out to the ambush
17 site, right?

18 A. Yes, sir.

19 Q. Totally innocent and totally forced to do it,
20 right?

21 A. Yes, sir.

22 Q. All right. Then what happened? Did you go pull
23 the fire alarm?

24 A. Yes, sir.

25 Q. Then what did you do?

- 1 A. I ran back out to where he was.
- 2 Q. And did you get out before the, anybody started
3 coming to the fire alarm, responding to the fire alarm?
- 4 A. I think so.
- 5 Q. And how far from the back door was it to where
6 you went to the ambush site?
- 7 A. I'm not sure.
- 8 Q. Well, look from here to that back wall, was it
9 further than that back wall?
- 10 A. Yes, sir.
- 11 Q. How much further?
- 12 A. I'm not sure, 25 yards or so, I don't ...
- 13 Q. 25 yards?
- 14 A. Yes, sir, I think so.
- 15 Q. So you've seen guns sighted in at 25 yards,
16 haven't you?
- 17 A. Yes, sir.
- 18 Q. Was it about 25 yards?
- 19 A. I think so.
- 20 Q. Okay. And when the kids came out of the school
21 and the teachers came out of the school your advantage
22 point was where you had a clear view, did you not?
- 23 A. Yes, sir.
- 24 Q. Were you and Mitchell Johnson right together
25 when you did the shooting?

1 A. No, sir.

2 Q. Where were you?

3 A. I was in front of him and to the right.

4 Q. In front of him and to the right?

5 A. Yes, sir.

6 Q. How many feet apart were you all?

7 A. I don't know, ten feet maybe -- not, well, maybe

8 not even that, I'm not sure.

9 Q. Well, if the police report diagram shows where

10 the two were, one was near a wire fence and that was, was

11 Mitchell near the wire fence?

12 A. No, sir.

13 Q. Were you near the wire fence?

14 A. I think so.

15 Q. Huh?

16 A. I think so, I can't remember.

17 Q. All right. And when you went back out to the

18 wooded area, who told, did Mitchell tell you where to get?

19 A. Yes, sir.

20 Q. And what did he tell you to do?

21 A. He said, kneel down and pick up a gun. And then

22 he said, if you don't start shooting after I shoot, then

23 I'll shoot you.

24 Q. Start shooting at who? Did he tell who you to

25 shoot at?

1 A. No, sir.

2 Q. What did he tell you to shoot? What did he tell
3 you to do?

4 A. He just said start shooting after.

5 Q. Start shooting at what? Did he tell you to
6 shoot at people?

7 A. No, sir.

8 Q. And did you understand you were to shoot at
9 people?

10 A. No, sir.

11 Q. Did you think you were supposed to shoot up in
12 the air?

13 A. I --

14 Q. Did you think you were supposed to shoot
15 squirrels?

16 A. No, sir, I shot at the gym wall and the dirt and
17 the air.

18 Q. You shot at the gym wall, dirt and air?

19 A. Yes, sir.

20 Q. How in the world is it then that you shot
21 Natalie in the head?

22 A. I didn't know that I did.

23 Q. You didn't know you did?

24 A. No, sir.

25 Q. Expert marksman and you didn't know you had shot

1 a little girl in the head?

2 A. No, I didn't intentionally aim at anyone. I
3 never ...

4 Q. Well, you know where you point a gun and pull
5 the trigger that's where the bullet's going, you know
6 that, don't you?

7 A. Yes, sir.

8 Q. And you're telling us it just accidentally,
9 coincidentally hit her right in the head?

10 A. I never aimed at anything.

11 Q. You're telling us it's purely an accident that
12 that bullet hit her right in the head?

13 A. I never aimed at anything.

14 Q. Uh-huh (affirmative). What about others that
15 you killed? Do you know how many you killed?

16 A. No, sir.

17 Q. Do you know how many people were killed
18 altogether?

19 A. Yes, sir.

20 Q. How many?

21 A. Five.

22 Q. Do you know how many Mitchell Johnson killed?

23 A. No, sir.

24 Q. Do you know that the ballistic report shows how
25 many were killed by the 30.06 or who was killed by the

1 30.06?

2 A. No, sir.

3 Q. Do you know how many were killed by the Carbine?

4 A. No, sir.

5 Q. Do you know where the people were located that
6 were killed?

7 A. No, sir.

8 Q. They were scattered out all over that area,
9 weren't they?

10 A. I don't know. I don't, I don't remember.

11 Q. You're telling me you didn't take aim at
12 anybody?

13 A. Yes, sir, I never took aim at anybody.

14 Q. Just coincidentally managed to hit them right in
15 the head, not even taking aim when you're shooting at a
16 roof of a building and up in the air and at dirt?

17 A. I never aimed at anyone, sir.

18 Q. Did you aim at the dirt?

19 A. No, sir. I didn't aim at, I didn't aim at
20 anyone. I was shooting at the gym wall.

21 Q. Did you, did you hit the gym, the gym wall?

22 A. I don't know.

23 Q. Well, you know, you were a good enough shot that
24 if you aimed at a gym wall, if a person was standing over
25 where your mother is and the gym wall is by the door, from

1 25 yards you could hit the wall instead of your mother,
2 couldn't you?

3 A. Yes, sir.

4 Q. So if you hit your mother it's because you're
5 aiming at her, right?

6 A. Yes, sir.

7 Q. And if you hit those people that day it was
8 because you were aiming at them, wasn't it?

9 A. No, sir, I never aimed at any of them.

10 Q. All right. Do you know the names of all the
11 people who were injured?

12 A. No, sir.

13 Q. You don't know how many were injured?

14 A. Ten, I think.

15 Q. Do you know how badly any of them were injured
16 that weren't killed?

17 A. No, sir.

18 Q. Did you ever check?

19 A. No, sir.

20 Q. From some of the people you knew in school, did
21 you ever call them from the time you were a juvenile up
22 until today to say hey, how's everybody doing, the people
23 that were shot, how are they doing?

24 A. No, sir.

25 Q. Did you ever make any inquiry about how your

1 victims were recovering from your murderous rampage?

2 A. No, sir.

3 Q. Did you ever make any inquiry of how the
4 families were suffering from their grief and heartache?

5 A. No, sir.

6 Q. I want to show you a diagram marked in another
7 deposition as Exhibit E. Have you ever seen that before?

8 A. This diagram?

9 Q. Uh-huh (affirmative).

10 A. No, sir.

11 Q. Well, it's a diagram made by the police to show
12 where people who were killed and others who were injured
13 and where the two shooters were. And the two shooters
14 would be you and Mitchell Johnson, right?

15 A. Yes, sir.

16 Q. Okay. And they've got an index here. You see
17 this number here, 55, do you know who that is?

18 A. No, sir.

19 Q. That's the teacher, Shannon Wright. Did you see
20 Shannon Wright outside that building that day?

21 A. No, sir.

22 Q. Did you not see, did you see people coming out
23 of the, out in response to the fire alarm you pulled?

19 24 A. Yes, sir.

25 Q. Could you tell who any of them were?

1 A. No, sir.

2 Q. From 25 yards away you couldn't tell Mrs. Wright
3 from 25 yards away?

4 A. No, sir.

5 Q. From 25 yards away, you couldn't recognize any
6 of your kids in your class?

7 A. No, sir.

8 Q. You expect us to believe that?

9 A. I didn't, I wasn't looking at them, I didn't ...

10 Q. Where were you looking?

11 A. I was just looking out.

12 Q. Looking out where?

13 A. Over the playground, I wasn't.

14 Q. People are responding to the fire alarm that you
15 pulled 25 yards away and you can't recognize your own
16 sixth grade teacher and, two of them and as well as kids
17 that you knew personally, you couldn't recognize them from
18 25 yards away?

19 A. I don't remember.

20 Q. All right. Well, let's see, 66, do you see
21 that? Stephanie Johnson, that's where she was shot and
22 killed. Do you see that?

23 A. Yes, sir.

24 Q. Do you remember seeing Stephanie?

25 A. No, sir.

1 Q. 36, that's Brittney Varner, right in the middle
2 of the sidewalk. Do you remember seeing her?

3 A. No, sir.

4 Q. All right. Then you've got Natalie Brooks and
5 Paige Herring right here. See them?

6 A. Yes, sir.

7 Q. Did you see where they got marked as the gym
8 wall?

9 A. The Gym wall was over here.

10 Q. Or classroom, I mean?

11 A. Yes, sir.

12 Q. All right. Here's the gym over here?

13 A. Yes, sir.

14 Q. And you're telling us you were aiming at the gym
15 wall?

16 A. Yes, sir.

17 Q. And you're an expert marksman and you couldn't
18 tell whether you were hitting these people or some of them
19 or that gym wall, and the gym wall went up like 30 feet in
20 the air, didn't it?

21 A. Yes, sir.

22 Q. And these kids were four feet tall or so,
23 weren't they?

24 A. Yes, sir.

25 Q. And if you wanted to hit the gym wall and not

1 the kids, you're a better shot than to hit the kids,
2 aren't you?

3 A. Yes, sir.

4 Q. Uh-huh (affirmative). What about the men on the
5 roof, did you ever shoot at the men on the roof?

6 A. No, sir.

7 Q. Did Mitchell?

8 A. I think he did.

9 Q. Tell me about the men on the roof, where were
10 they?

11 A. They were on a building behind doing
12 construction work, I think. I'm not real sure.

13 Q. All right. Now, I'm going to show you what's
14 Exhibit D to another deposition, and we'll mark these as
15 our, or copies of these as our next two exhibit numbers.

16 MR. McDANIEL: Tell me what they are,
17 Steve.

18 THE VIDEOGRAPHER: 26 and --

19 MR. McDANIEL: Oh, here they are, 26 and
20 27. So we'll mark Exhibit E as 26 and D as 27.

21 (Whereupon, Exhibits 26 & 27 were marked)

22 Q. Now, you see the classroom, classroom, okay.
23 Now, see where it's got shooter locations, and there's two
24 shooter locations, you see that?

25 A. Yes, sir.

1 Q. And it shows them to be 22 feet, 10 inches
2 apart. Do you see that?

3 A. Yes, sir.

4 Q. Do you know how far 20 feet is? A pretty good
5 way, isn't it? Not quite the width of this room, right?

6 A. It may be, I don't know.

7 Q. All right. Do you know what a yard stick is?

8 A. Yes, sir.

9 Q. It takes 7 yard sticks to make 21 feet, right?

10 A. Yes, sir.

11 Q. Okay. So you've got a pretty good idea of what
12 20 feet is?

13 A. Yes, sir.

14 Q. And so when the commotion started, the shooting
15 started, how many times did Mitchell Johnson shoot?

16 A. Five that I remember.

17 Q. Okay. Who shot first?

18 A. I did. I wanted to warn everybody to go back
19 in.

20 Q. Okay. So you shot to warn people to go back in?

21 A. Yes, sir.

22 Q. And you had your gun up like you were aiming it?

23 A. No, sir.

24 Q. What did you do with it?

25 A. I just, I had it and I shot, I didn't ...

1 Q. Okay. Did you see Mitchell Johnson looking
2 through the scope?

3 A. No, sir.

4 Q. Well, you could tell, if he had the rifle with
5 the scope you knew he'd be looking through the scope,
6 didn't you?

7 A. Yes, sir.

8 Q. All right. If he's looking through the scope to
9 shoot people, why didn't you just turn your gun and shoot
10 him right between the eyes? You could have, couldn't you?

11 A. I don't know, I was scared.

12 Q. When he had his eye in that scope he couldn't
13 see because he was looking through the scope, right?

14 A. I guess.

15 Q. Isn't that true, you've shot through a scope?

16 A. Yes, sir.

17 Q. And you know when you're looking through the
18 scope the only thing you can see is what's in that scope,
19 right?

20 A. Yes, sir.

21 Q. And that rifle scope was pointed to those kids
22 and those teachers, right?

23 A. Yes, sir.

24 Q. And all you would have had to have done to
25 protect them and yourself would have turned your gun,

1 instead of looking in the scope, right at Mitchell Johnson
2 and dropped him, you could have done it, couldn't you
3 have?

4 A. I could if I wouldn't have been scared.

5 Q. How scared do you think these people were that
6 were being slaughtered?

7 A. Terrified.

8 Q. Who do you think was more scared, them or you?

9 A. They are probably.

10 Q. Yeah, they were being ambushed by a couple of
11 maniacs, weren't they?

12 A. Yes, sir.

13 Q. Weren't they?

14 A. Yes, sir.

15 Q. And you were one of those people doing the
16 ambushing, weren't you?

17 A. I didn't ever intentionally shoot anyone.

18 Q. That's a lie and you know it, isn't it?

19 A. No, sir. I never aimed at anyone.

20 Q. Oh, it's purely coincidental that five people
21 lay dead with bullets through their head and their hearts
22 by pure accident, right?

23 A. I never intended to, I never shot at anybody, I
24 didn't --

25 Q. Do you know what perjury is?

1 A. Yes, sir.

2 Q. There will be a time I'll be able to give this
3 deposition to a prosecutor.

4 A. Yes, sir.

5 Q. And when I do I'm going to ask him to charge you
6 with perjury because that's a lie.

7 MR. PERRY: I'm going to object to that,
8 Bobby, that's enough.

9 MR. GLOVER: That's very argumentative.

10 MR. McDANIEL: Okay.

11 Q. Now, these other people that were shot, they're
12 scattered out all over the place, aren't they?

13 A. Yes, sir.

14 Q. All at random or did you pick out any targets?

15 A. I never aimed at anyone.

16 Q. Okay. We've got three minutes left on our tape.
17 Exhibit A to another deposition, that's your grandfather's
18 gun room?

19 A. Yes, sir.

20 Q. And the key was where?

21 A. Right here.

22 Q. And the cable went through the locks?

23 A. Yes, sir.

24 Q. And that's, that's the guns, Exhibit B to
25 another deposition, coming up from the basement right?

1 A. Yes, sir.

2 Q. And there were those guns, did he tell you to
3 get any of those?

4 A. No, sir, all of these.

5 Q. Were those guns working guns?

6 A. No, sir, none of them were.

7 Q. None of them were?

8 A. Not that I --

9 Q. How did you know if they worked or not?

10 A. You could tell the parts were missing off of
11 them.

12 Q. Tell me what parts were missing off which gun?

13 A. That's just the stock and then the receiver.

14 Q. Tell me what parts are missing off these three
15 guns right hear.

16 A. It's written on this.

17 Q. Huh?

18 A. It's written on that piece of paper, he had
19 those to fix.

20 Q. All right. What's missing on those?

21 A. That one doesn't look like it has a bolt in it.

22 Q. Okay. Now, let's look at a couple of other
23 pictures here real quick. Exhibit 1 to another deposition
24 is a lock hanging on a nail with a key, and that's to --
25 see the deer head at the end of Photograph A up in the

1 upper right hand corner right up here?

2 A. This one?

3 Q. Yes.

4 A. Yes, sir.

5 Q. And you say the lock and the key was right
6 there, or the key was right there on the nail?

7 A. Yes, sir.

8 Q. And you see Exhibit No. 2, you see the key?

9 A. Yes, sir.

10 Q. That's where it was that day?

11 A. Yes, sir.

12 Q. And then the key goes in the lock that was
13 through the cables, right?

14 A. Yes, sir.

15 MR. McDANIEL: Okay. We're out of tape.

16 THE VIDEOGRAPHER: Thank you, Counsel.

17 The time is 3:41 p.m. and we are off the record.

18 MR. McDANIEL: Let's take a five minute
19 break.

20 (Brief Recess)

21 THE VIDEOGRAPHER: The time is 3:49 p.m.

22 We are back on the record. Counsel.

23 Q. While we were on the break, any answers you've
24 given you need to go back and change or modify in any way?

25 A. None that I can think of.

1 Q. Okay. We were talking about access to the guns.
2 If the key had not been right there where you could get to
3 it, you wouldn't have been able to get those guns, would
4 you?

5 A. No, sir.

6 Q. If you couldn't have gotten the guns nobody
7 would have been killed, would they?

8 A. I don't know, sir.

9 Q. Huh?

10 A. I don't know, but I don't think so.

11 Q. You don't know? How would they have been killed
12 if you didn't have the guns?

13 A. He had the three from the house.

14 Q. What three guns did he have from your house?

15 A. The Derringer and the two revolvers.

16 Q. Okay. And what did you have on you by the way
17 of guns when you were apprehended?

18 A. I don't remember.

19 Q. Did you have a pistol on you?

20 A. Yes, sir, there were some in the pockets of that
21 vest.

22 Q. Huh?

23 A. There were some in the pockets of those vests.

24 Q. And were they loaded?

25 A. Yes, sir, I think they were.

1 Q. And so you also had access to a loaded pistol
2 that you could have turned on Mitchell Johnson any time he
3 turned his head or locked away, didn't you?

4 A. No, sir.

5 Q. You didn't do that either, did you?

6 A. No, sir, was scared.

7 Q. Now, when you were looking down there and you
8 heard the shots ring out, and you shot the first shot,
9 right?

10 A. Yes, sir.

11 Q. Did you see people start falling?

12 A. No, sir, not --

13 Q. Are you telling us you didn't see anybody fall
14 down when they were shot?

15 A. No, sir, I don't remember any of that. There
16 was like, I don't know, I didn't, it was like I blanked
17 out, I didn't see anything. I don't remember. The
18 psychologist that I talked to said I blanked it out of my
19 mind.

20 Q. I'm not worried about your psychologist, I'm
21 asking you what you saw?

22 A. I don't remember.

23 Q. In fact, as far as that goes, has any
24 psychologist ever, or psychologist ever interpreted you as
25 having significant psychiatric difficulties?

1 A. No, sir, not that I know of.

2 Q. I take it then because a psychologist backed you
3 up you wouldn't have any objection to me getting your
4 psychological records, would you?

5 A. No, sir.

6 Q. Because they back you up?

7 A. Yes, sir.

8 Q. Okay. All right. In fact, I've got an
9 authorization, a medical authorization here, I'll ask you
10 to sign so I can do just that. If you'll, just a routine
11 medical authorization?

12 MR. GLOVER: We're going to object to
13 that until we --

14 MR. McDANIEL: On what basis?

15 MR. GLOVER: Until we have a chance to
16 discuss that with him.

17 Q. You just told us you didn't mind us getting
18 them, that's true, isn't it?

19 MR. GLOVER: He hasn't had a chance to
20 discuss that with us.

21 Q. Well, I'm not asking you about what your
22 lawyer's advice is, I'm just asking about you. You told
23 us you didn't mind us getting your psychological records
24 at all, didn't you?

25 A. I'd like to confer with them first.

1 Q. So now you do have some concern about it?

2 A. Yes, sir.

3 Q. Okay. All right. Let the record show that the
4 next numbered exhibit, does anybody know what the number
5 would be?

6 THE VIDEOGRAPHER: I believe it's 28.

7 Q. We'll take a shot and just stab it as 28. If
8 we've got duplicates we'll just --

9 MR. PERRY: It will be 28.

10 MR. McDANIEL: We'll call it 28, the
11 medical authorization I'm going to ask you to sign so we
12 can get your psychological records, that's all I'm
13 interested in, no medical records.

14 (Whereupon, Exhibit 28 was marked)

15 Q. You weren't on any medication that day, were
16 you?

17 A. No, sir.

18 Q. Had you taken any medication in the year or two
19 before this incident occurred?

20 A. No, sir, not that I remember.

21 Q. Okay. What's previously marked as Exhibit 7
22 we've identified it as an exhibit earlier. Can you
23 identify the people in those photographs?

24 A. Yes, sir.

25 Q. Which one is you?

1 A. The one in the bottom and the one on the right.

2 Q. Okay. The bow and arrows, Exhibit 4, identified
3 as another exhibit, where did those come from?

4 A. From the gun room.

5 Q. Okay. Were those bow and arrows that you had
6 shot before?

7 A. I had never shot that one, no.

8 Q. But you had shot bow and arrows, hunting bow and
9 arrows before, hadn't you?

10 A. Yes, sir.

11 Q. So you know how to use them?

12 A. Yes, sir.

13 Q. And the machete and the knives that are shown in
14 the other photographs, where do they come from?

15 A. From the gun room as well.

16 Q. And the survival gear with ropes and camping
17 gear and all that, where did that come from?

18 A. From the gun room as well.

19 Q. And this blow torch, is that what was used to
20 try to get in the gun safe?

21 A. Yes, sir, that was.

22 Q. Okay. Do you know what a trigger lock is?

23 A. Yes, sir.

24 Q. If these guns had had trigger locks on them
25 including the ones at your mother's house, none of this

1 would have occurred, would it, because you didn't know how
2 to get into a trigger lock, did you?

3 A. No, sir, I never, I don't know how to get into a
4 trigger lock.

5 Q. If your mother and your dad had guns at their
6 home and when they left the house if he had put trigger
7 locks on them all they would have been was billy clubs,
8 right?

9 A. Yes, sir.

10 Q. Couldn't, you couldn't have fired them and he
11 couldn't have either, could he?

12 A. No, sir.

13 Q. And if your grandfather's guns had been secured
14 without the lock being right next to them, none of this
15 would have occurred, would it?

16 A. No, sir.

17 Q. Did you ever see anybody fall down after they
18 had been shot or collapse?

19 A. Not that I remember.

20 Q. Did you see, look out there and see people
21 laying on the ground?

22 A. No, sir, not that I remember.

23 Q. Did you hear screaming and crying?

24 A. No, sir, I didn't, I don't remember.

25 Q. Did, you say Johnson shot five times?

1 A. Yes, sir.

2 Q. And how many times did you shoot?

3 A. I don't remember.

4 Q. Well, if there were ten people injured and five
5 people killed, that's about 15 bullets, isn't it?

6 A. Yes, sir.

7 Q. And if Johnson shot five who would have shot the
8 other ten?

9 A. It would have had to have been me.

10 Q. How many bullets did that Carbine hold?

11 A. I'm not sure, in the ...

12 Q. Did you reload?

13 A. No, sir.

14 Q. You had an extra clip, didn't you?

15 A. After he shot his five I jumped up and ran.

16 Q. Well, how many times did you shoot by the time
17 he shot five?

18 A. I don't know.

19 Q. You remember shooting more than once, don't you?

20 A. Yes, sir.

21 Q. How many times do you remember shooting?

22 A. Just that, the first one for sure, I don't
23 remember.

24 Q. You remember only shooting one and can't
25 remember the rest of them?

1 A. Yes, sir.

2 Q. You were taught when you aim a gun and pull the
3 trigger the bullet's going to go where you're aiming,
4 isn't it?

5 A. Yes, sir.

6 Q. And if someone is shot in the head with a bullet
7 it's because somebody aimed at that head, right?

8 A. Yes, sir.

9 Q. And you knew that if you shot someone with a
10 Carbine from 25 yards it might kill them?

11 A. Yes, sir, if they were hit, yes, sir.

12 Q. And you knew that a gun could kill?

13 A. Yes, sir.

14 Q. You had been trained that by your parents?

15 A. Yes, sir.

16 Q. And you had known that from watching animals get
17 killed, right?

18 A. Yes, sir.

19 Q. And you knew death was final, you knew that,
20 didn't you?

21 A. Yes, sir.

22 Q. And you had trained about the basics of firearm
23 safety that you've got to be careful where you point a gun
24 because you might actually shot and kill somebody?

25 A. Yes, sir.

1 Q. So you cannot claim by any pretense that if you
2 knowingly shot somebody, low and behold they might just be
3 dead and that would be a total shock to you, that would be
4 ridiculous, wouldn't it?

5 A. Yes, sir.

6 Q. Okay. Did you look up and see Mitchell Johnson
7 doing any shooting?

8 A. No, sir.

9 Q. Did you --

10 A. I just, I just remember him firing the fifth
11 round and then I jumped up and ran.

12 Q. Well, to remember that he fired the fifth round,
13 you'd have to know that he fired one through four,
14 wouldn't you?

15 A. Yes, sir, they, it was loud.

16 Q. Huh?

17 A. It was loud.

18 Q. So you could hear the boom, boom, boom, boom,
19 boom, right?

20 A. Yes, sir.

21 Q. And you could also hear, because your gun was
22 right by your ear, you could surely hear your gun going
23 off too, couldn't you?

24 A. I don't remember it.

25 Q. You could remember his from 22 feet away, but

1 you couldn't remember yours right by your ear?

2 A. Yes, sir.

3 Q. That's as true as everything else you've told
4 us?

5 A. Yes, sir.

6 Q. Had y'all talked about or had Mitchell Johnson
7 talked about doing something at the school as early as
8 October?

9 A. I don't remember.

10 Q. In kindergarten did you shoot a kid in the eye
11 with a pop gun?

12 A. I don't remember that, no, sir.

13 Q. Did you kill somebody's dog with a gun?

14 A. No, sir.

15 Q. Did you threaten to kill somebody's pet with a
16 gun?

17 A. No, sir.

18 Q. Did you ever threaten to shoot any animal not in
19 the area of hunting, like a domesticated animal?

20 A. No, sir.

21 Q. Why did you fire the first shot?

22 A. I wanted everybody to go back in. It was a
23 warning.

24 Q. If you wanted everybody to go back in, why did
25 you throw the fire alarm for them to come out?

1 A. It, it had just gotten to, I was scared and I
2 didn't, I just didn't ...

3 Q. Mitchell Johnson hadn't shot until you did, did
4 he?

5 A. No, sir.

6 Q. So until you fired the first shot there was no
7 shooting to be afraid of because nobody had fired yet,
8 right?

9 A. No, sir.

10 Q. So you're the one that started the shooting
11 rampage?

12 A. Yes, sir.

13 Q. Was there any reason one person was picked out
14 to die as opposed to somebody else?

15 A. No, sir.

16 Q. Had any of those kids done anything to you?

17 A. No, sir.

18 Q. Tell me about the escape plan, what was the
19 escape plan?

20 A. I don't know.

21 Q. Well, after the shooting, after you stopped
22 shooting what did you do then?

23 A. I took off running.

24 Q. Running where?

25 A. Towards the van, I was trying to get away from

1 him.

2 Q. Well, if you were going to get away from him,
3 you were going to run right to his van where he was going
4 to go?

5 A. I was thinking that I could get there or if I
6 could get to my grandparents house I would be okay.

7 Q. Well, if you were going to get to the van, it
8 was his van, wasn't it?

9 A. Yes, sir.

10 Q. So you were going to run right to where he was
11 going to go and that's a way of getting away from him?

12 A. No, sir.

13 Q. And when you took off running what did he do?

14 A. He jumped up and followed after me.

15 Q. Where were the guns?

16 A. I don't remember. I remember I had the Carbine
17 and I kept slipping and falling because it was muddy out
18 there and I kept falling and jamming it down in the mud.

19 Q. So you had the Carbine with you. What happened
20 to the other rifle you carried out there?

21 A. I don't remember.

22 Q. What about the pistols in your pocket, did you
23 still have them?

24 A. That was, that was in a vest that he had.

25 Q. Okay. You had a pistol, didn't you? You told

1 us earlier you had a pistol?

2 A. They were in the vest.

3 Q. Well, the vest that you had, did you have a
4 pistol?

5 A. When we got apprehended I did, but when I was
6 out in the field there I sat down and gave up and he stuck
7 a pistol in my head.

8 Q. He what?

9 A. He stuck a pistol in my head and he said, get up
10 and keep running with me. And I did and that's, he handed
11 me the vest and stuff.

12 Q. Wait a minute, he handed you the vest that had
13 pistols in it?

14 A. Yes, sir.

15 Q. Did you stop and put it on?

16 A. Yes, sir.

17 Q. And it had pistols in the pockets?

18 A. Yes, sir.

19 Q. And what did he do with his pistol?

20 A. He had it pointed at me.

21 Q. So what did you do with the pistols in the
22 pocket of your vest?

23 A. Nothing.

24 Q. Where did you go?

25 A. I just started walking and I kept tripping and

1 falling and got tangled up in the barbed wire fence.

2 Q. And then what happened?

3 A. And we got up on the road there and the police
4 got us.

5 Q. Huh?

6 A. The police apprehended us right there.

7 Q. Okay. And what weapons did you have on you when
8 you were apprehended?

9 A. I don't remember.

10 Q. And tell me about the men on the roof, when did
11 you first see them?

12 A. I don't remember really seeing them.

13 Q. Do you remember shooting at them yourself or was
14 Johnson shooting at them?

15 A. I think he shot at them, I'm not sure. I
16 remember seeing maybe it from his deposition that he did.
17 I don't, I don't really remember it from then.

18 Q. You saw in his deposition where he blamed you
19 for all this?

20 A. Yes, sir.

21 Q. And he said nothing about beating you up?

22 A. Yes, sir.

23 Q. Did you ask the police to give you any medical
24 attention when you were arrested?

25 A. No, sir, I was --

1 Q. Did you show them any bruises on your back or
2 your head or your chest where you were hit these places?

3 A. No, sir.

4 Q. They weren't any, were there?

5 A. Yes, they were.

6 Q. Oh, there were?

7 A. There were scratches and kinds of stuff.

8 Q. But were there any bruises on you?

9 A. I think there were. I don't know. That one
10 would have been on my shoulders, I wouldn't have been able
11 to see it.

12 Q. Was there any ammo gathered from any place other
13 than the refrigerator?

14 A. Not that I remember.

15 Q. Okay. Why did you all stop shooting?

16 A. Because I ran.

17 Q. Huh?

18 A. Because I ran.

19 Q. Why did you start running?

20 A. Because I knew that his gun was empty and I just
21 ...

22 Q. How did you know his gun was empty?

23 A. Because he fired those five shots.

24 Q. What about the pistol in his pocket, did you
25 know it was empty too?

1 A. I thought he was reloading so I just ran.

2 Q. Well, he had three, he had at least three loaded
3 pistols with him, didn't he?

4 A. I'm not sure, I think so, yes.

5 Q. Well, the Derringer and the two revolvers from
6 the house?

7 A. Yes, sir.

8 Q. And so you were willing to run after you had
9 shot at all of these people, but you weren't willing to
10 run before you shot at the people?

11 A. I was scared.

12 Q. You weren't, you weren't scared after you shot
13 all of those people, but you were scared --

14 A. I was scared then too.

15 Q. All right. So was Mitchell Johnson reloading is
16 the reason you took off running?

17 A. Yes, sir.

18 Q. Did you see him reloading?

19 A. I seen him moving besides me, I just remember
20 the fifth round going off and I jumped up and ran.

21 Q. How much time passed between his first shot and
22 his fifth shot?

23 A. I don't remember.

24 Q. Can you give me an estimate?

25 A. I'm not sure.

1 Q. Had y'all made any plans about where you were
2 going to go after the shooting?

3 A. No, sir.

4 Q. You gathered up food and camping gear, but there
5 was no discussion about where you might go hide out?

6 A. No, sir.

7 Q. Now, do I understand you to claim that you feel
8 remorse and regret?

9 A. Yes, sir.

10 Q. And that you are terribly regretful of what
11 happened?

12 A. Yes, sir.

13 Q. And I understand from your mother that you'd
14 never want to profit from this incident, is that correct?

15 A. No, sir.

16 Q. I'm sorry?

17 A. I never want to profit from it.

18 Q. You'd never want to sell a story or get money
19 paid for your side of the story or anything like that?

20 A. No, sir.

21 Q. That would be wrong, wouldn't it?

22 A. Yes, sir.

23 Q. Well, I brought an assignment just for
24 protection of these families. I'll let your lawyers look
25 at it, but basically what it says is you would be

1 assigning to all of the parties to this lawsuit any rights
2 or payments or interests you might have past, present or
3 future in any literary publication, you wouldn't have any
4 objection to signing that, would you?

5 A. Let me look at it.

6 Q. Okay.

7 MR. PERRY: Do they intend to dismiss
8 the suit today?

9 MR. McDANIEL: No, they do not.

10 Q. While they're looking at that. Who is Amber
11 Vanover?

12 A. I don't know.

13 Q. Okay. Jonathan Woodward, do you know who that
14 is?

15 A. I don't, the name doesn't sound familiar, I
16 don't know.

17 Q. Who's Coach Shipman?

18 A. I don't really remember.

19 Q. Do you know a Mrs. Barnes at the school?

20 A. The name doesn't sound familiar, I don't.

21 Q. Have you ever heard the name Tree Top Piru?

22 A. Yes, sir.

23 Q. What's that?

24 A. Some kind of gang that Mitchell is affiliated
25 with.

1 Q. He claimed to be affiliated with?

2 A. Yes, sir.

3 Q. Did you ever see him hanging out with any other
4 alleged gang members?

5 A. No, sir.

6 Q. I'll ask you about the phone records, and we'll
7 get to the phone records, did you ever call anybody as
8 reflected -- have you looked over these phone records?

9 A. No, sir, not really.

10 Q. Okay. Let's go back to the list then. We've
11 asked about A, a list of all schools attended with courses
12 taken.

13 A. Yes, sir.

14 Q. Have you got that?

15 A. I have it.

16 MR. McDANIEL: All right. We'll make
17 that 29.

18 (Whereupon, Exhibit 29 was marked)

19 Q. Then a list of all jobs, well, there aren't any,
20 right, except the one you told us about?

21 A. Just the two I volunteered for, yes, sir.

22 Q. Okay. A list of all places you've lived, you've
23 given us that?

24 A. Yes, sir.

25 Q. You've got that written down?

1 A. Yes, sir.

2 MR. McDANIEL: Okay. We'll make that as
3 30.

4 (Whereupon, Exhibit 30 was marked)

5 Q. Now, tell me when the paperwork was filled out
6 to change your name, who helped you fill out that
7 paperwork?

8 A. There, it was on the internet, it was Legal Zoom
9 or something.

10 Q. Okay. And did you pay a filing fee at the
11 courthouse?

12 A. I can't remember.

13 Q. Where was this done, in Cape Girardeau?

14 A. Yes, sir.

15 Q. Okay. All right. Then I think we've got all
16 attorneys. And court proceedings, there hasn't been
17 anything but the State and the Federal Court proceedings,
18 is that right?

19 A. Just the State and Federal, yes, sir.

20 Q. All right. And have you ever heard the name
21 Daniel Scott Karra, K-A-R-R-A?

22 A. No, sir.

23 Q. Okay. Have you ever gone by any other name, I
24 think I asked you that and you have not, have you?

25 A. Just Andrew Golden and Drew Grant.

1 Q. Okay. Have you applied for a hunting license
2 from the time you got out of Federal custody?

3 A. I have an Arkansas one.

4 Q. Okay. Is it a gun permit or a gun license?

5 A. Just a hunting license and fishing license.

6 Q. A hunting license allows you to shoot guns?

7 A. Yes, sir, and for archery.

8 Q. Okay. Have you applied for a hunting license in
9 any state besides Arkansas?

10 A. Just Arkansas.

11 Q. You've made, you've turned your Missouri
12 driver's license in, you don't have a copy of it?

13 A. No, sir.

14 Q. All right. Any video statements or recorded
15 statements you've given to any media or publication or
16 institution or anything like that except your
17 psychologist, right?

18 A. Just, yes, sir.

19 Q. And no, no literary contracts or contacts have
20 been made, right?

21 A. No, sir.

22 Q. And any correspondence from Mitchell Johnson
23 from the date of the event up to now?

24 A. No, sir.

25 MR. McDANIEL: Okay. And we've got the

1 telephone bills, we'll go through those if we need to.
2 Let me have two minutes and see if there's anything else
3 we need to cover, we're about finished. Let's go off the
4 record.

5 THE VIDEOGRAPHER: The time is 4:09 p.m.
6 and we are off the record.

7 (Brief Recess)

8 THE VIDEOGRAPHER: The time is 4:12 p.m.
9 We are back on the record. Counsel.

10 Q. Clean up question I forgot to ask you, what are
11 you majoring in in college? What are you planning on
12 doing in the future?

13 A. Business right now, that's my major, but I don't
14 know.

15 Q. And the pawn shop you bought the gun at was on
16 Gee Street, what's the name of it?

17 A. I can't remember.

18 Q. Where on Gee Street is it?

19 A. I can't remember.

20 Q. Can you tell me about where it is?

21 A. Just, I just know it's on Gee Street.

22 Q. Okay. You told us that you don't remember any
23 of the details of the shooting other than what you've told
24 us, right?

25 A. Yes, sir.

1 Q. And you want these two survivors to believe that
2 and you want the parents of the other children who were
3 killed to believe that, right?

4 A. Yes, sir.

5 Q. And if I pay for it out of my pocket, would you
6 take a polygraph to discuss the issue, a private
7 polygraph?

8 MR. GLOVER: We're going to object to
9 that.

10 MR. McDANIEL: I understand the
11 objection, but I'm just asking if he'd do it.

12 MR. PERRY: Well, we object to that
13 question.

14 MR. McDANIEL: That's all I need to
15 know. Thank you very much.

16 Q. And have you understood all of my questions?

17 A. Yes, sir.

18 Q. Any answers you've given you need to go back and
19 change now to modify, correct, supplement, add anything
20 to, take anything away from, any answer you've given I'm
21 giving you a chance to change it, otherwise this
22 deposition is going to stand as your sworn testimony,
23 anything at all you want to change?

24 A. Not that I can think of.

25 Q. Have I given you a fair opportunity to answer

1 every question I ask you?

2 A. Yes, sir.

3 MR. McDANIEL: No more questions.

4 We'll, that will conclude the deposition.

5 THE VIDEOGRAPHER: Gentlemen, is there
6 anything further.

7 MR. GLOVER: No questions.

8 MR. PERRY: No, sir.

9 THE VIDEOGRAPHER: Thank you. The time
10 is 4:15 p.m., and this will end the deposition.

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1 AMENDMENT SHEET

2 I, the undersigned, _____,
3 do hereby certify that I have read the foregoing
4 deposition and that, to the best of my knowledge, said
5 deposition is true and accurate with the exception of the
6 following corrections listed below:

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20 DATE SIGNATURE OF WITNESS

21 Sworn to and subscribed before me,
22 this _____ day of _____, 2009.

23 _____
24 NOTARY PUBLIC
25 MY COMMISSION EXPIRES: _____

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STATE OF ARKANSAS)
COUNTY OF CRITTENDEN)

I, JENNY L. BURKS, CCR, and Notary Public in and for the aforesaid county and state, do hereby certify that the witness, Drew Grant, was duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained therein; that the testimony of said witness was taken by me in Stenotype and was thereafter reduced to typewritten form by me or under my direction and supervision; that the foregoing transcript is a true and accurate record of the testimony given to the best of my understanding and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal this 12th day of January, 2009.

JENNY L. BURKS, CCR
NOTARY PUBLIC AT LARGE
ARKANSAS CERTIFICATE NO. 369

MY COMMISSION EXPIRES: DECEMBER 18, 2012