

1 IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
2 MITCHELL K. WRIGHT, AS PERSONAL
3 REPRESENTATIVE OF THE ESTATE OF
4 SHANNON D. (WILLIAMS) WRIGHT,
5 DECEASED; AND RENEE BROOKS, AS
6 PERSONAL REPRESENTATIVE OF THE
7 ESTATE OF NATALIE BROOKS, A MINOR,
8 DECEASED; TONY R. HERRING AND
9 PAMELA D. HERRING, AS PERSONAL
10 REPRESENTATIVES OF THE ESTATE OF
11 PAIGE ANN HERRING, DECEASED; TINA
12 MCINTYRE JOHNSON, AS PERSONAL
13 REPRESENTATIVE OF THE ESTATE OF
14 STEPHANIE DAWN JOHNSON, DECEASED;
15 AND SUZANN MARIE WILSON, AS
16 PERSONAL REPRESENTATIVE OF THE
17 ESTATE OF BRITTNEY RYEN VARNER,
18 DECEASED,

Plaintiffs,

vs.

CIV 98-394(B)

12 ANDREW GOLDEN, A MINOR, MITCHELL
13 JOHNSON, A MINOR, SCOTT JOHNSON,
14 GRETCHEN WOODARD, DENNIS GOLDEN,
15 PAT GOLDEN, DOUGLAS GOLDEN,
16 SPORTING GOODS PROPERTIES, INC.,
17 F/K/A REMINGTON ARMS COMPANY, INC.,
18 JOHN DOE, AND JOHN DOE, INC., AS
19 THE SUCCESSORS IN INTEREST OF
20 UNIVERSAL FIREARMS,

Defendants.

21 VIDEOTAPED DEPOSITION OF MITCHELL
22 JOHNSON, taken on behalf of the Plaintiffs,
23 at the Washington County Courthouse,
24 280 North College Avenue, Room 115,
25 Fayetteville, Arkansas, on Monday, April 2,
26 2007, at 12:03 p.m.

27 CERTIFIED COPY

28 BETH A. KALTENBERGER, CERTIFIED COURT & REALTIME REPORTER
29 479.248.1017 Phone 866.384.7479 Fax

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

BOBBY McDANIEL, ESQ.
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400 South Main Street
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(870) 932-5950 Phone
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ALSO PRESENT:

STEVE GRILLETTA, VIDEOTAPE SPECIALIST
LESLIE BOUCHARD

1 I N D E X

2

3 TESTIMONY BY MITCHELL JOHNSON

4 PAGE

5 Examination by Mr. McDaniel 5

6 Deposition Concluded 131

7 Court Reporter's Certificate 132

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10 E X H I B I T S

(All retained by counsel and are not attached.)

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12 LETTER MARKED

13 A Photograph 61

14 B Photograph 63

15 C Group of photographs 63

16 D Diagram 108

17 E Diagram 110

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S T I P U L A T I O N S

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It is hereby stipulated and agreed that the Deposition of MITCHELL JOHNSON, to be used for discovery and all other use allowed by law in the trial of the case now pending in the Circuit Court of Craighead County, Arkansas, wherein Mitchell K. Wright, as Personal Representative of the Estate of Shannon D. (Williams) Wright, et al., are the Plaintiffs, and Andrew Golden, a minor, et al., are the Defendants, shall this day be taken before Beth A. Kaltenberger, Certified Court Reporter.

All formalities in the notifying, taking, transcribing, certifying, forwarding, filing and notice of filing of said deposition are hereby waived, including signature of the deponent. The right to object to the testimony of the witness on the grounds of competency, relevancy, and materiality is hereby expressly reserved, other than the form of the questions as propounded to the witness. These objections may be asserted at the time of trial without the necessity of noting the objection at the taking of this deposition.

1 MONDAY, APRIL 2, 2007; FAYETTEVILLE, ARKANSAS; 12:03 P.M.

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P R O C E E D I N G S

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THE VIDEOGRAPHER: This is a videotaped deposition of Mitchell Johnson, taken on behalf of the plaintiffs in the matter of Mitchell K. Wright, et al., versus Andrew Golden, et al., in the Circuit Court of Craighead County, Arkansas, Case Number CIV-98-394. This deposition is being held at 280 North College, Fayetteville, Arkansas. Today's date is April 2, 2007. The time is 12:03 p.m. The court reporter's name is Beth Kaltenberger, and the videotape specialist is Steve Grilletta. Present for the plaintiffs is attorney Bobby McDaniel.

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And Mr. Johnson is here without representation, but has another party here that, if you would, please, sir, introduce.

19

20

MR. JOHNSON: This is Leslie Bouchard, my fiancée.

21

22

23

THE VIDEOGRAPHER: Thank you, sir.

Would the court reporter please swear in the witness.

24

25

THE REPORTER: Please raise your right hand.

1 MITCHELL JOHNSON,
2 having been called upon to testify in the form of a
3 deposition, and having been duly sworn or affirmed,
4 testified as follows, to wit:

5

6 E X A M I N A T I O N

7 BY MR. MCDANIEL:

8 Q. Mr. Johnson, would you state your full name for the
9 record, please.

10 A. Mitchell Scott Johnson.

11 Q. And, Mr. Johnson, you're here, pursuant to a notice
12 and subpoena, for deposition. It's now 12:00. It was
13 scheduled to start at 10:30 --

14 A. Yes, sir.

15 Q. -- on today's date. And, apparently, you had some
16 car trouble or something?

17 A. Yes, sir, I did.

18 Q. And your subpoena was accepted by your attorney so
19 that we did not have to have you personally served.

20 Your attorney is Doug Norwood?

21 A. That is correct.

22 Q. And Mr. Norwood notified you of the subpoena when?

23 A. Friday.

24 Q. Okay. Did he tell you -- when did he tell you it was
25 changed from Jonesboro to here in Washington County?

1 A. Friday afternoon, I believe.

2 Q. Okay. Did you go down to your attorney's office
3 before Friday and have the subpoena served on you by a
4 process server?

5 A. No, sir, not that I know of.

6 Q. Okay. Were you ever in the attorney's office before
7 Friday when a subpoena was given to you, read to you, or
8 informed about a subpoena for a deposition in this case?

9 A. No, sir.

10 Q. Okay. You recognize that you're here today to answer
11 questions in relation to the civil case related to the
12 Westside shooting incident; is that correct?

13 A. Yes, sir.

14 Q. Okay. We'll get into some more details in a minute,
15 but first let me have your current street address and
16 mailing address.

17 A. I don't have one, really, in my name. I'm staying
18 with a friend of mine.

19 Q. Who are you staying with?

20 A. Just a friend of mine.

21 Q. What's his name?

22 A. Michael Lindsey.

23 Q. Lindsey?

24 A. Yes, sir.

25 Q. Where is your father now residing?

26 A. I don't know. I don't deal with my father. Scott

1 Johnson, I don't deal with him.

2 Q. When is the last time you had any dealings with him?

3 A. May of last year, May or June.

4 Q. And what caused the relationship to terminate?

5 A. Just I don't -- me and my father has never got along.

6 Q. Okay.

7 A. You know, ever since I've been free, I really just
8 haven't contacted him, really.

9 Q. And what is your age now?

10 A. I'm 22, sir.

11 Q. Okay. And are you now employed?

12 A. No, sir.

13 Q. Where is the last employment that you had?

14 A. Wal-Mart.

15 Q. Here in Fayetteville?

16 A. Yes, sir.

17 Q. And when did you last work at Wal-Mart?

18 A. I quit January 1st of this year.

19 Q. And what was your job there?

20 A. Photo lab specialist, or sales associate and photo
21 lab specialist.

22 Q. And how have you supported yourself, financially,
23 since you quit at Wal-Mart?

1 A. I really haven't. My buddy has been taking care of
2 me. My friend, Michael Lindsey, has been taking care of
3 me, really, and my fiancée.

4 Q. All right. And what about your mother, where does
5 she live now?

6 A. Somewhere in Jonesboro on Black Rock. I think Black
7 Rock now.

8 Q. What is her name now?

9 A. Gretchen.

10 Q. Is it still Gretchen Woodard?

11 A. Yes, sir.

12 Q. Is she still married to the same gentleman?

13 A. Yes.

14 Q. When was your last communication with her?

15 A. With my mother?

16 Q. Yes.

17 A. Probably couple days ago, two days ago or so.

18 Q. What is her phone number?

19 A. I don't know it off the top of my head.

20 Q. Is it listed in the book or is it a cell phone?

21 A. I don't know.

22 Q. Okay.

23 A. I mean, it's a home phone, so it would probably be
24 listed.

25 Q. We'll have the court reporter give you one of her

1 business cards, and you can check the phone number and you
2 can call her, and she can supplement this deposition with
3 that phone number. Okay?

4 A. Okay. (INFORMATION TO BE SUPPLIED: _____
5 _____.)

6 Q. When did you get out of federal custody?

7 A. My 21st birthday, August 11th, 2005.

8 Q. And in what state were you being held when you were
9 released?

10 A. Tennessee.

11 Q. And when you were released, were you released on any
12 conditions of any kind?

13 A. No, sir.

14 Q. And I heard, now whether it's true or not, I don't
15 know, but when you were released, you had intentions of
16 going into the ministry; is that correct?

17 A. That is true.

18 Q. Did you ever go into the ministry?

19 A. I have.

20 Q. And what ministry did you go into?

21 A. I was studying to be a preacher.

22 Q. Where?

23 A. In Memphis for a while, then I moved to South
24 Carolina, then I started going to church in South
25 Carolina.

1 Q. What denomination or affiliation was it?

2 A. Seventh Day Adventist.

3 Q. And have you been a preacher or are you doing any
4 active religious work at this time?

5 A. Not now, no.

6 Q. Why did you change that determination?

7 A. I left South Carolina. I haven't changed. I just
8 haven't found a decent Seventh Day Adventist church here.

9 Q. And I also heard that after your release, you have
10 expressed to some people that you were substantially
11 remorseful about what had happened; is that correct?

12 A. Yes, sir. I deal with this every day of my life,
13 yes, sir.

14 Q. When we say "this event," you know we're referring to
15 the Westside shooting incident?

16 A. I understand.

17 Q. Tell me who you may have talked with about the
18 remorse that you feel from the Westside shooting incident.

19 A. Specific people?

20 Q. Yes.

21 A. Natalie Brooks's sister or stepsister, Brandy
22 Foreman, dated my brother for about five months, and I met
23 her in July last year. And at first she didn't want to
24 meet me, obviously, for obvious reasons, and one day she
25 came home with my brother, and I happened to be there and

1 run into her, and we sat down and we talked all night.

2 Q. What did you tell her? What do you remember telling
3 her?

4 A. How regretful I was, how sorry I was that she had to
5 lose her sister, how, you know, I deal with this every day
6 of my life. Every day I wake up, you know, I think, you
7 know, this should have never happened, you know.

8 Q. Tell me how you deal with it.

9 A. Just try to pray, "Lord, forgive me. Bless those who
10 are lost. Bless those who remain."

11 Q. And have you had any contact with Andrew Goldman
12 since you were in court in Jonesboro some years ago?

13 A. No, sir.

14 Q. When you were in the Alexander unit together after
15 your court in Jonesboro, did you have any contact with
16 him?

17 A. A little. We went to school sometimes together.

18 Q. And did you and Andrew discuss the event?

19 A. No, sir.

20 Q. Did you ask him anything about it?

21 A. We kept to ourselves. We didn't talk about business
22 like that.

23 Q. All right. After you got out of the federal
24 detention, did you seek any therapy or counseling with any
25 organized counselor anywhere?

1 A. I've talked to ministers about it. Not professional
2 psychologists or psychiatrists, no. I can't afford that.

3 Q. Just ministers?

4 A. Yes, sir.

5 Q. Okay.

6 A. And my family, my loved ones.

7 Q. Who in your family or loved ones have you talked to
8 about it?

9 A. The woman present.

10 Q. Okay.

11 A. My mother, my father, my brother.

12 Q. And what is your brother's name?

13 A. Monte Johnson.

14 Q. I'm a little hard of hearing, so be patient.

15 A. Yes, sir. That's fine.

16 Q. And where does he live now?

17 A. I'm not sure. I think he still lives with my mom in
18 Black Rock.

19 Q. When the shooting took place there were some men up
20 on a roof who saw you and Andrew Golden. Have you ever
21 talked to either of those men or communicated with them in
22 any way?

23 A. No, sir. I haven't had any contact with anybody
24 involving this case whatsoever.

25 Q. Okay. When the police detained you, tell me where

1 were you when they detained you and what did you have in
2 your possession when they detained you?

3 A. I couldn't tell you exactly where we were. We was
4 behind the school.

5 Q. In the woods?

6 A. We was on the street, on a side street.

7 Q. Okay. And did you have weapons with you?

8 A. Yes, sir.

9 Q. And what weapons did you have with you?

10 A. I don't remember. I think we had five apiece.

11 Q. Five apiece?

12 A. Yes, sir.

13 Q. And you were wearing camouflage?

14 A. Yes, sir, I was.

15 Q. And you were wearing camouflage over your other
16 clothes?

17 A. Yes, sir.

18 Q. Where did you get that camouflage?

19 A. That was my hunting gear.

20 Q. Okay. "Yes"?

21 A. Yes, sir. Yes, sir. I'm sorry. Yes, sir.

22 Q. And where did Andrew get his camouflage?

23 A. I don't know.

24 Q. Was he wearing camouflage when you first saw him that
25 morning?

1 A. I don't remember. I'm not sure.

2 Q. Okay. When the police detained you, one of the
3 weapons you had was a pistol; is that correct?

4 A. Yes, sir.

5 Q. And did you put the pistol to Andrew Golden's head at
6 one time and tell him he had to continue on running with
7 you?

8 A. I don't know. I may have. It's been a long time,
9 Bobby, it really has. I don't know. I can't say yes or
10 no.

11 Q. Okay. When the police detained you, did they take
12 you to the van?

13 A. No, sir.

14 Q. Did you show them where the van was?

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

16 Q. There was a lot of camping gear in the van, correct?

17 A. I believe so.

18 Q. Who loaded the camping gear into the van?

19 A. We both did.

20 Q. And where was the camping gear obtained from?

21 A. I don't know. It wasn't mine. Most of it wasn't
22 mine. I had, like, a sleeping bag in there, maybe.

23 Q. A what?

24 A. A sleeping bag, maybe, if that.

25 Q. Okay. And did you help carry the rest of the gear to

1 the van?

2 A. No.

3 Q. Did Andrew carry it all to the van?

4 A. I don't know.

5 Q. Where was the van when the camping gear was loaded
6 into it?

7 A. I don't know. Either at his house -- I believe it
8 was at his house.

9 Q. Was it on the same morning of the shooting?

10 A. Yes, sir.

11 Q. And where did he live at that time?

12 A. I don't know. I don't know the street addresses.
13 Off Dan Avenue and some other street.

14 Q. And when you went into his house, did you attempt to
15 break into the gun safe that his parents had, and were
16 unsuccessful doing so?

17 A. I didn't, no.

18 Q. You did not?

19 A. No, sir.

20 Q. Did Andrew?

21 A. I don't know. The guns were already there when I got
22 there.

23 Q. The guns were already where?

24 A. At that house.

25 Q. The guns that were used in the shooting?

1 A. As far as I know.

2 Q. Were already at the --

3 A. The pistols were, yeah.

4 Q. Mr. Johnson, did you go to Doug Golden's house and go
5 in that house and get some guns?

6 A. Andrew did. I was with him. I drove him over there.

7 Q. And you went in as well, did you not?

8 A. I believe so.

9 Q. And you and he both loaded guns out of that house
10 into the van, did you not?

11 A. No.

12 Q. He loaded them all?

13 A. No. We never took the guns back to the van.

14 Q. All right. You took all the guns from the house to
15 the place of the shooting, right?

16 A. Right.

17 Q. You helped gather ammunition at the house, did you
18 not?

19 A. Yes, sir.

20 Q. And how did you know where the ammunition was?

21 A. I didn't. Andrew knew where it was. I didn't know.

22 Q. Did he tell you to go get it?

23 A. No, sir.

24 Q. Well, how did you know where to find it?

25 A. He sat it on the table.

1 Q. It was laying on the table?

2 A. He sat it on -- he went and retrieved it from
3 somewhere and sat it on the table. I don't know where it
4 was.

5 Q. He went and retrieved it?

6 A. Yes, sir.

7 Q. Where were you when he went to retrieve the
8 ammunition?

9 A. I was downstairs at the back door, making sure no one
10 came that way.

11 Q. Did you ever go upstairs?

12 A. In the kitchen, yes, sir.

13 Q. And is the kitchen where the gun rack was?

14 A. I believe so.

15 Q. And did you see the gun rack with all the guns on the
16 wall?

17 A. Yes, sir.

18 Q. And did you help take any of the guns out of the gun
19 rack?

20 A. No, sir.

21 Q. You did not?

22 A. No, sir, not that I recall.

23 Q. And the gun that you used in the shooting was a
24 thirty-aught six with a telescopic sight, right?

25 A. I believe so.

1 Q. And had you ever shot a telescopic sight before?

2 A. I don't know. I don't remember. I think I have, but
3 I didn't -- I've never owned one.

4 Q. I understand. I'm just asking if you had ever shot a
5 gun with a telescopic sight before that day.

6 A. Yeah, yes, sir.

7 Q. Okay. And whose gun would it have been that you had
8 shot with a telescopic sight before?

9 A. I don't know. I've had several friends I went
10 hunting with that had guns.

11 Q. And the distance from where you were stationed when
12 the shooting took place, the distance to the nearest
13 victim would have been how far, about?

14 A. I don't know.

15 Q. Can you give me an estimate? The length of this
16 room?

17 A. It was farther than that.

18 Q. Huh?

19 A. It was farther than that.

20 Q. Farther than that?

21 A. Yes, sir.

22 Q. You know about a football field. Was it half a
23 football field, a third of a football field?

24 A. I don't know. Like I said, Bobby, it's been a long
25 time since, you know, this happened. I would say

1 three-fourths of a football field, maybe, maybe a football
2 field.

3 Q. And with the telescopic sight, you were able to
4 clearly see the targets you were shooting, were you not?
5 That's what a telescopic sight does?

6 A. Right. But I wasn't intentionally aiming for
7 anybody.

8 Q. You were aiming through a telescopic sight?

9 A. Yes, sir. I had one on the gun, yes.

10 Q. And you were looking through it before you pulled the
11 trigger?

12 A. Yes, sir.

13 Q. So you could see who or what you were shooting?

14 A. Yes, sir.

15 Q. Could you see their faces? You could, couldn't you?

16 A. If I aimed at them, yes, I could.

17 Q. Okay. And why did you aim at Ms. Wright?

18 A. I didn't.

19 Q. Who did?

20 A. I mean, it wasn't intentional that Ms. Wright got
21 hit. On my behalf, it was never planned on my behalf to
22 intentionally harm anyone.

23 Q. Are you telling me that you were shooting a
24 thirty-aught six --

25 A. Uh-huh.

1 Q. -- that you knew killed animals, and you had gone
2 hunting before, and you knew what a rifle would do --

3 A. Yes, sir.

4 Q. -- to an animal, and certainly you knew what they
5 would do to a person, right?

6 A. At that time I didn't understand the full
7 devastation, but, yes, I understand.

8 Q. You had watched news stories, you had watched TV, war
9 and various things. You knew that if somebody was shot
10 with a rifle, it would kill them, didn't you?

11 A. Back then I didn't understand that though.

12 Q. What do you mean you didn't understand?

13 A. Back then I didn't understand that -- I didn't really
14 think all the way through, and I didn't understand that,
15 you know, what I was doing potentially put people in harm,
16 and if they did get killed, they don't come back. You
17 know, I never went to the school that day to kill anyone.

18 If you recall, my thirty-aught six, you know, it
19 hit -- Ms. Wright got killed, very unfortunately, and one
20 or two other people got hit with two bullets. Two of my
21 bullets hit three people. The other three went into the
22 air. And that's what I meant to do all along. Why the
23 other two hit somebody, I don't know.

24 Q. And with the thirty-aught six, if you were trying to
25 miss Ms. Wright, you could just aim at a wall and miss

1 her, could you not?

2 A. More than likely, yeah.

3 Q. And you didn't do that, did you? You aimed right at

4 her because you hit her?

5 A. Not necessarily. I don't remember. I don't remember

6 shooting anybody.

7 Q. Are you telling us that you shot and participated in

8 the killing of five people --

9 A. Uh-huh.

10 Q. -- and you don't remember ever pulling the trigger on

11 a gun?

12 A. I don't remember shooting anybody, no, sir, I don't.

13 Q. Do you remember pulling the trigger on the gun?

14 A. The first shot, yeah.

15 Q. And where were you aiming when you pulled the trigger

16 the first time?

17 A. The roof.

18 Q. The roof?

19 A. Uh-huh.

20 Q. And why were you aiming at the roof?

21 A. Because I wasn't intending to harm anybody.

22 Q. And why did you change from shooting at the roof to

23 shooting at people?

24 A. I don't know.

25 Q. And Andrew Golden went in to pull the fire alarm at

1 the school, correct?

2 A. I don't know. I don't know who pulled the fire
3 alarm.

4 Q. You knew that was his plan, to go in and pull the
5 fire alarm. Y'all had been talking about that for days,
6 had you not?

7 A. Right. Whether he physically did it or not, I don't
8 know. You know, I can't recall. I don't know.

9 Q. You couldn't see him inside the school building?

10 A. Exactly.

11 Q. But you and he had been talking about this plan for
12 days, had you not, and that he was going to go in and pull
13 the alarm, and people would come out, had you not?

14 A. Maybe two or three days before that, yes, sir.

15 Q. Okay. And it was planned that you and he would be in
16 the bushes with guns, and shoot at people when they came
17 out. That was the plan, wasn't it?

18 A. No, sir.

19 Q. Well, what was the plan on taking the guns to set up
20 the ambush outside the school, him go in and pull the fire
21 alarm, and you know the doors lock when people go out, and
22 you can't get back in, you knew that?

23 A. I didn't know that.

24 Q. Okay. But when the -- what was the plan then if
25 you're going to set up this ambush with stolen guns --

1 A. Okay.

2 Q. -- and he was going to pull the fire alarm, got
3 everybody running out, and you're set up out there with an
4 ambush, what was the purpose of that?

5 A. I was told that he was tired of people messing with
6 him, and he was going to scare people. He was going to
7 prove a point that he's not a pushover, and he asked me to
8 help him to obtain a vehicle to get to and from where he
9 needed to go. And that was supposed to be that only.

10 Q. That was what?

11 A. That was supposed to be my involvement in all of
12 this.

13 Q. Okay.

14 A. Okay. I obtained the vehicle and everything else,
15 and he changed plans. He said, "Well, you need to come
16 with me." And that's what I done. I said, "Okay."

17 He told me solely it was to scare people. He didn't
18 tell me that he went there to kill anybody. And I
19 specifically told him I have a brother and a sister that
20 went to middle school. They're friends of mine, but I
21 call them my brother and my sister, and I didn't want
22 anyone getting hurt.

23 Q. Were those the two people that you told not to go to
24 school that day because they might get hurt?

25 A. Yes, sir, it was.

1 Q. And you told them that the day before?

2 A. I don't recall. I don't know if it was the day
3 before, Friday or when it was.

4 Q. A day or two or three before --

5 A. Right.

6 Q. -- you told them, "Don't go to school on Tuesday,"
7 didn't you?

8 A. Right. Yes, sir.

9 Q. Because you didn't want them to get hurt?

10 A. Right. Correct.

11 Q. So you knew whatever --

12 A. If something were to happen, I told them -- this is
13 exactly what I told Jennifer. I said, "I've heard
14 something bad is supposed to happen at school tomorrow,
15 and I don't want you involved."

16 Q. And what had you heard bad was going to happen?

17 A. I knew Andrew was going to do the shooting.

18 Q. You knew what?

19 A. I knew Andrew had planned to do the shooting, you
20 know, and I didn't -- in case something did go wrong, I
21 didn't want them involved.

22 Q. Why didn't you go to either the police or the school
23 officials when you heard Andrew Golden was going to bring
24 guns to the area of the school and start shooting? Why
25 didn't you go to the authorities?

1 A. I don't know. I don't know. One, they already knew.
2 He had already been suspended once before for that, you
3 know, as far as I recall. Why, personally, I didn't go, I
4 don't know.

5 Q. Okay.

6 A. That's a good question. I should have.

7 Q. When the shooting incident took place and you were
8 going to the ambush site, as you were setting up your
9 ambush site, you had your guns and your ammo, right?

10 A. Yes, sir.

11 Q. And you had the thirty-aught six with telescopic
12 site, right?

13 A. Yes, sir, I did.

14 Q. When you were shooting the gun, were you resting it
15 on a tree limb or were you holding it with your elbow and
16 your knee, or were you laying on the ground? How were you
17 physically holding the gun when you shot it?

18 A. I believe on my knees. I believe I was on my knees.

19 Q. Where you were standing like on your knees or were
20 you --

21 A. I was crouched. I was sitting with my legs behind
22 me. I was sitting on my heels is what I was doing.

23 Q. You were sitting on your heels?

24 A. On my heels, on my knees, yeah.

25 Q. Okay. On your knees and your heels with your butt on

1 your heels?

2 A. Yes, sir.

3 Q. All right. Were you just holding the gun up loose --

4 A. Yes, sir.

5 Q. -- or you had it against a tree or a limb?

6 A. I was holding it loose.

7 Q. Okay. And how many years had you been a hunter
8 before then? Had you been hunting for quite a long time
9 before that shooting incident?

10 A. Not necessarily quite a long time. Maybe a couple
11 years, two years, maybe, a year or two.

12 Q. What kind of hunting had you done?

13 A. I've done deer hunting, dove hunting, squirrel
14 hunting, rabbit hunting.

15 Q. And you had -- had you ever killed any squirrels or
16 rabbits?

17 A. Yes, sir.

18 Q. Had you ever killed a deer?

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

20 Q. Had you ever killed a dove?

21 A. Yes, sir.

22 Q. Doves are hard to hit. I've never been dove hunting,
23 but I understand doves are hard to hit; is that right?
24 They fly fast?

25 A. If you catch them on the fly, yes, sir, they're fast.

1 I've shot them sitting still.

2 Q. Okay. Have you ever caught them flying?

3 A. No, sir.

4 Q. And you had a shotgun of your own, did you not?

5 A. Yes, sir, I did.

6 Q. And who got you that shotgun?

7 A. I believe my uncle.

8 Q. And you had shot that shotgun numerous times?

9 A. Yes, sir, I have.

10 Q. And you would take aim and target practice with it?

11 A. Sometimes.

12 Q. And sometimes you would use it for actual hunting,
13 right?

14 A. Yes, sir.

15 Q. So you knew how to aim a gun, didn't you?

16 A. Yes, sir, I did.

17 Q. And you knew how to pull the trigger to hit the
18 object that you were aiming at, didn't you?

19 A. Yes, sir, I do.

20 Q. So you knew how to aim with a telescopic sight as
21 well because you had done it before?

22 A. Right.

23 Q. You put the crosshairs on what you're aiming at,
24 right?

25 A. Pretty much, yes, sir, depending on what kind of

1 scope it is.

2 Q. And with the scope that was involved in this, it had
3 crosshairs, did it not?

4 A. I believe it did, yes.

5 Q. And you knew that if you put the crosshairs on your
6 target, whether the target is a chair or wall or person,
7 that's where the bullet is going to go, right?

8 A. More than likely unless it detours.

9 Q. And the bullet is not going to go except where the
10 crosshairs are pointing, right?

11 A. More than likely.

12 Q. So when the bullet from your gun struck people, it
13 struck people because the crosshairs of that telescopic
14 sight were on those people, wasn't it?

15 A. Yes, sir.

16 Q. Okay. How did you select which person you put the
17 crosshairs on and which person you didn't put the
18 crosshairs on?

19 A. I didn't. Again, I don't remember shooting after the
20 first -- I don't remember pulling the trigger after the
21 first shot. I remember Andrew shot twice first. I shot
22 once in the air, and I looked, and I seen Natalie get hit
23 in the head. And I don't remember anything else after
24 that besides Andrew coming back to get me, telling me
25 we're on the run.

1 Q. And did Andrew shoot Natalie?

2 A. Yes, sir, he did, as far as I know.

3 Q. Was she the first person hit?

4 A. I don't know. I just remember seeing her.

5 Q. Where was she hit?

6 A. In the head, I believe, or the neck.

7 Q. Okay. Was she facing Andrew and you, or did she have
8 her back to you, side to you, do you remember?

9 A. I don't know.

10 Q. Who else do you remember was shot that day?

11 A. That's it. At that very moment that's the only
12 person I seen get hit, and after that I don't remember
13 anything else.

14 Q. After the first shot was fired -- Andrew fired the
15 first shot, correct?

16 A. Yes, sir, he did.

17 Q. Did that first shot hit Natalie?

18 A. No, sir.

19 Q. Do you know who the first shot hit?

20 A. It didn't.

21 Q. It didn't hit anybody?

22 A. It went in the air as planned. The first two or
23 three shots went in the air. And my first shot went in
24 the air.

25 Q. And then when -- so you think Natalie was the first

1 person actually struck by a bullet?

2 A. I don't know. I mean, he shot several times, so I
3 don't know.

4 Q. Okay. And he was shooting a carbine?

5 A. I don't recall. I'm not sure what he was using.

6 Q. Semi-automatic rifle?

7 A. As far as I know.

8 Q. And yours was a semi-automatic rifle?

9 A. Yes, sir, it was.

10 Q. Okay. And what about the teachers or the students or
11 both, were they screaming and yelling after the first shot
12 was fired?

13 A. I don't know. I'm not sure.

14 Q. Did you see them running around? What did you see
15 them doing?

16 A. I just remember them lining up, coming outside, and
17 then Andrew got back. He fired the first two shots, I
18 shot once in the air, and I wasn't really looking at the
19 people. I was looking up when I was shooting. Of course,
20 I was looking through my scope to shoot. I shot in the
21 air once.

22 Q. Why did you bring it down and still shoot in the air?
23 Why did you bring it down?

24 A. I didn't bring it down. I looked. I took my gun
25 down. I put it all the way down and looked, and that's

1 when I seen Natalie get hit.

2 Q. Okay. And then when did you bring your gun back up
3 and aim through the crosshairs at people?

4 A. I don't know. I don't remember.

5 Q. Why did you do that?

6 A. I don't know.

7 Q. Can you give us any explanation why a young man --
8 And you were how old at the time?

9 A. 13.

10 Q. -- why a 13-year-old boy would participate in the
11 slaughter of five people and injuring numerous others?
12 What possible reason was there?

13 A. Why I participated. I don't really know. I mean, I
14 was going through a lot at the time, you know. I hit
15 puberty a year before that. A lot of confusion came with
16 that, you know. Been around gang members a lot of my
17 life, you know. I smoked weed back then sometimes, not
18 all the time, and that was only with Scott. That was with
19 my dad.

20 You know, at that time -- at the time of the
21 shooting, I remember feeling like I was trapped, like no
22 one understood me, you know what I mean? Like, I don't
23 know. It just was -- I felt cornered. I felt like I
24 didn't have anywhere to go, nothing to do. I thought my
25 life, you know, was at an end. And when Andrew came to me

1 with it, you know, at first I was, like, "Man, you gotta
2 be out of your mind. You have to be out of your mind to
3 come to me with crazy stuff like this." And, you know, I
4 was in the streets a lot.

5 Q. You were what?

6 A. I was in the streets a lot with a lot of my friends,
7 you know, and I seen how they lived life, and I tried
8 copying that, and it just -- I don't know. I just felt
9 like my life -- I thought my life was pretty much over
10 with because I had a lot of people who were against me
11 then.

12 Q. Now, you told me that you have hopes of going into
13 the ministry with the Seventh Day Adventist church, right?

14 A. Yes, sir, I did.

15 Q. Tell me what you think about the importance of an
16 oath. Because you swore an oath to God Almighty today,
17 right?

18 A. Yes, sir.

19 Q. Is it your religious belief that after you die,
20 you'll face a supreme being --

21 A. Yes, sir.

22 Q. -- to answer for what you do and don't do?

23 A. Yes, sir, I do believe that.

24 Q. And do you believe when you swear to God that you're
25 going to be held accountable if you lie about it?

1 A. Of course.

2 Q. Okay.

3 A. If you lie, you're sinning. You're accountable
4 anyway.

5 Q. And when you swear a lie to God -- because when you
6 swore to God in this deposition --

7 A. Right.

8 Q. -- that carries heavier consequences, doesn't it?

9 A. A sin is a sin.

10 Q. Okay. Now, at the time of this shooting incident,
11 before that you had self-mutilated yourself a couple of
12 times, had you not, cut your arm with a knife?

13 A. Yeah, yes, sir, once.

14 Q. Once or twice in the same place?

15 A. Once.

16 Q. Okay. And you did that because you didn't like
17 yourself?

18 A. No.

19 Q. Why did you do that?

20 A. It was gang-related.

21 Q. Gang-related. What gang?

22 A. Treetop Piru as part of the Bloods.

23 Q. And where is that gang located?

24 A. Worldwide.

25 Q. Was it located in Jonesboro?

1 A. No.

2 Q. And where was it located, in Minnesota?

3 A. Yeah. Little Rock. They've had a branch in Little
4 Rock. They have a branch in a lot of places.

5 Q. Okay. When is the last contact before this shooting
6 you had had physically being present with some gang
7 members?

8 A. Day before that.

9 Q. Where?

10 A. In Jonesboro.

11 Q. Did the gang have a club in Jonesboro or group in
12 Jonesboro?

13 A. Yes, sir. It's a different part. It's not what I
14 was in. It's a different part, but it's the same -- you
15 know, it's the same people, just a different party of
16 people.

17 Q. All right. I want you to -- the shooting happened on
18 a Tuesday?

19 A. I don't recall. I don't know what day it was.

20 Q. The day before the shooting --

21 A. Uh-huh.

22 Q. -- tell me what you did the day before the shooting.

23 A. Got up, went to school, didn't say a word to anybody
24 except my sister, Jennifer. The last part of school I
25 stopped and talked to her.

1 Q. What did you tell her?

2 A. I believe that's when I told her, "Don't come to
3 school," I think.

4 Q. Did she ask you why?

5 A. Yeah.

6 Q. What did you tell her?

7 A. "I just heard something bad might happen tomorrow.
8 Don't come to school." She said, "Okay. Whatever," you
9 know.

10 Q. But when you took the van, I understood your sister
11 was on the school bus, wasn't she?

12 A. No, sir.

13 Q. She was not?

14 A. No, sir, not that I know of.

15 Q. Did she skip school?

16 A. I don't know. I'm not sure.

17 Q. What else did you do the day before the shooting?
18 You said you saw some gang members the day before?

19 A. I talked to them over the phone. I didn't see them,
20 physically. I stayed at my house, stayed at my mom's.

21 Q. Who did you talk to?

22 A. I don't recall names. I haven't had any contact with
23 them since I got locked up. All that I let go.

24 Q. You know who you talked to.

25 A. I don't know names.

1 Q. You don't know any names?

2 A. No.

3 Q. How did you call them?

4 A. Over the phone. I mean, back then -- I haven't had
5 contact with these people in a long time, and I don't
6 intend to. That's not the type of life I want to live
7 anymore.

8 Q. We're talking about back then.

9 A. Right. Okay.

10 Q. What did you talk to this gang member about?

11 A. Small stuff. We never conversed about the shooting.
12 They never knew about it. They got upset when they found
13 out it was me who done it because they're supposed -- in
14 their group of rules or whatever, anything I do, something
15 like that, they're supposed to know beforehand. And I
16 told them it didn't have anything to do with what they do.
17 I didn't -- you know, nobody was even supposed to get hurt
18 that day so, you know, when I called them, I just talked
19 to them to see what's up, how they're doing, whatever.
20 Told them I might leave town for a while.

21 Q. Remember now, you're under oath.

22 A. Yes.

23 Q. And you're telling me you can't remember the name of
24 a single one of these gang members?

25 A. We weren't on first-name bases. We called each other

1 different names.

2 Q. What did you call some of them?

3 A. Let me see. There are several people, but Creek,

4 B lo, Bloodhound, TJ. There's a bunch of people.

5 Q. Do they go to Westside?

6 A. No. They're all older people. They're out of
7 school. And most of these people are not in Jonesboro.

8 Q. Were they in Minnesota?

9 A. Some were. Some were in Little Rock, some were in
10 Memphis.

11 Q. So you didn't talk to anybody in Jonesboro?

12 A. No.

13 Q. They were all long distance calls?

14 A. Yes.

15 Q. Whose phone were you using?

16 A. I don't know. I guess my mom's, probably.

17 Q. What did your mom say about making long distance
18 calls on her phone?

19 A. She didn't mind.

20 Q. She did not mind?

21 A. No.

22 Q. Who paid the bill?

23 A. She did. Or my dad did. My mother doesn't work.

24 Q. Your dad or your stepdad?

25 A. I call him my dad, but he's my stepfather.

1 Q. Okay. And your stepdad couldn't have any guns in the
2 house because he had been convicted of a federal drug
3 crime, correct?

4 A. As far as I know. We never really talked about that.

5 Q. In whose house did you keep your shotgun?

6 A. The neighbors'.

7 Q. What's their name?

8 A. I don't know now. I think the Owens family.

9 Q. Did they live next door to where you lived at the
10 time?

11 A. It was a little bit down the road.

12 Q. And what was your address at the time of the
13 shooting?

14 A. I don't know my address. Six -- it was on County
15 Road 111.

16 Q. County Road 111?

17 A. I believe, yeah.

18 Q. Who else did you tell that something bad could
19 happen?

20 A. That was it.

21 Q. What about Amber?

22 A. Amber.

23 Q. Vannover.

24 A. I don't know who that is.

25 Q. You don't know an Amber. Did you know anybody named

1 Amber?

2 A. Amber. I don't even recall going to school with
3 anybody named Amber.

4 Q. Okay. When you told your sister something bad might
5 happen or somebody might get hurt, how did you think
6 somebody might get hurt? What event would cause somebody
7 to get hurt, the shooting?

8 A. I didn't necessarily say somebody was going to get
9 hurt. I just said I heard something bad was supposed to
10 happen. And, yes, I was referring to the shooting.

11 Q. And you were referring to the shooting, and you
12 didn't want her to go because somebody might get hurt?

13 THE VIDEOGRAPHER: Counsel, could you
14 restate that question, please.

15 BY MR. McDANIEL (Continuing):

16 Q. You didn't want her to go because you knew there was
17 going to be a shooting, and you didn't want to run the
18 risk of her getting hurt, isn't that true?

19 A. Yeah, yes, sir.

20 Q. So you knew the day before there was going to be a
21 shooting, and people could get hurt in that shooting?

22 A. It was possible. Even though it wasn't supposed to
23 happen, it was possible.

24 Q. And you don't know an Amber Vannover,
25 V-A-N-N-O-V-E-R?

1 A. No, sir, I do not.

2 Q. Did you tell her not to come to school and that you
3 loved her and that you would see her sometime? That's the
4 girl you thought you loved, isn't it?

5 A. I don't know an Amber Vannover, sir, so, obviously, I
6 couldn't tell her that if I don't know her.

7 Q. Who is the girl you thought you loved at that time?

8 A. I didn't really love anybody then.

9 Q. Including yourself?

10 A. No, I didn't love myself then.

11 Q. And were you -- have you ever heard of suicide by
12 cop, do you know what that phrase means?

13 A. I think, yes, sir.

14 Q. That a person puts themselves in a situation so the
15 police have to shoot them?

16 A. Right.

17 Q. Rather than committing suicide themselves, they let
18 the cops kill them.

19 A. Right.

20 Q. Was that part of your plan that day?

21 A. No, sir, it was not.

22 Q. Okay. Who was Jonathan Woodard?

23 A. I don't know.

24 Q. You don't know a Jonathan Woodard?

25 A. Name sounds familiar, but I don't know who that is.

1 He's no relation of mine, I don't think.

2 Q. And Mrs. Wright had put you in suspension twice, had
3 she not?

4 A. Mrs. Wright?

5 Q. Yes.

6 A. I don't believe so.

7 Q. Who are all the teachers who had put you in
8 suspension?

9 A. Put me in suspension?

10 Q. Yep.

11 A. I don't know. I was on suspension a couple times,
12 sir, you know. I'm not bragging about that. That's
13 nothing to be --

14 Q. You were on suspension more than a couple times,
15 weren't you?

16 A. Yes, sir. Yes, sir, I was.

17 Q. And Ms. Wright had put you on suspension, had she
18 not?

19 A. I don't believe she has.

20 Q. Okay.

21 A. I know Coach Shipman has, I think, Coach Shipman,
22 once, Ms. Barnes, maybe.

23 Q. Well, I've got a report of some discipline incidents.

24 A. Okay.

25 Q. And it's got an incident, a nondiligent effort, by

1 Ms. Wright. Do you remember that? Excessive talking
2 after being warned several times not to, returning to the
3 locker during class. Do you remember that? And she
4 placed you on detention on October 15th, 1994. Do you
5 remember that?

6 A. '94?

7 Q. Yeah.

8 A. I wasn't even in Arkansas in '94.

9 Q. Maybe the date is wrong on '94, but she was -- did
10 she place you on suspension?

11 A. Not that I recall, no, sir.

12 Q. Okay.

13 A. Ms. Wright was always good to me.

14 Q. Maybe it's '96. I can't read this.

15 A. '96, possibly.

16 Q. And then another incident date, November 12, 1996,
17 disorderly conduct by Ms. Wright, in-school suspension
18 again. Was in the hallway in class and hit the cover on
19 the heater hard enough that the cover came off. Do you
20 remember that?

21 A. Uh-huh.

22 Q. "Yes"?

23 A. Yes, sir. I don't believe that's Ms. Wright who put
24 me in suspension though.

25 Q. It says -- if the incident report reports it's

1 Ms. Wright, do you disagree with that?

2 A. I think it was Ms. Barnes who put me in suspension.

3 Q. Look at that report, the top two items.

4 A. Okay. That's what it says. Paperwork can be wrong.

5 Q. Okay. So it's your understanding Ms. Wright did not
6 put you in suspension at any time?

7 A. I don't believe she ever has. If she did, then I
8 could be wrong, but I don't recall her putting me in
9 detention or suspending me.

10 Q. And in the journal page that you wrote which was
11 January 31st, 1997, you've read that before?

12 A. It's been a long time if I have.

13 Q. Okay. You mention in there that you -- after this
14 sucky day is over, I am going home and killing squirrels,
15 pretending it is ISS.

16 Do you remember reading that?

17 A. That's what it says.

18 Q. And killing squirrels was kind of a code name for
19 something other than real squirrels, wasn't it?

20 A. No, sir. I went hunting after I got home that day.

21 Q. You did. Did you kill anything?

22 A. I don't think I did.

23 Q. What gun did you use?

24 A. My shotgun.

25 Q. Where did you go hunting?

1 A. Behind my house.

2 Q. Was there woods back there?

3 A. Not anymore.

4 Q. Was there at that time?

5 A. Yes, sir.

6 Q. I want you to look at what I'm going to show you
7 as -- what has been marked to another deposition as
8 Exhibit Number -- and I'm going to have to come over close
9 to you if we're going to be able to see them.

10 A. All right.

11 Q. Let the videographer come in on this. This is
12 Exhibit 3 to another deposition.

13 You see all this equipment laid out beside the van?

14 A. Yes, sir, I do.

15 Q. And did you help load that equipment into the van?

16 A. Some of it. Some of it is mine.

17 Q. Tell us what part of it is yours.

18 A. That Russell backpack, that jacket.

19 Q. Just point to them.

20 A. This, this. I believe that's it.

21 Q. What about the blowtorch and the camouflage bag,
22 whatever that is?

23 A. That ain't mine. That's not mine, I don't believe.

24 Q. All right. Now, turning that exhibit sideways, we
25 see a thirty-aught six rifle with a scope.

1 That's the gun you used that day, is it not?

2 A. I believe so.

3 Q. And then you see some -- a pistol here that you also
4 see down here.

5 Is that the pistol that you carried that day?

6 A. That's two different pistols.

7 Q. Is one of those the pistol you carried that day, or
8 did you carry both of them that day?

9 A. I believe that one is.

10 Q. Okay. And then you see another pistol down here and
11 another one here. There's at least three pistols in these
12 two photographs, correct?

13 A. Yes, sir.

14 Q. Did you have all three of those pistols with you when
15 you set up the ambush?

16 A. Not on this side, no.

17 Q. I'm sorry?

18 A. Not on this side. These are not -- this is not what
19 I was carrying.

20 Q. Okay. What all did you have in the way of guns that
21 you were using or controlling that day, whether you
22 actually fired them or not, when you set up your ambush?

23 A. Rephrase the question. I don't understand what you
24 mean.

25 Q. All right. You said you carried weapons from the

1 house to the place where you set up the ambush, right?

2 A. Yes, sir, I did.

3 Q. What guns, weapons, did you carry from the house up
4 to where you set up the ambush?

5 A. The thirty-aught six, that pistol you seen, and there
6 were three other guns. I don't know what size.

7 Q. Were they rifles?

8 A. No, sir.

9 Q. Pistols?

10 A. They were pistols.

11 Q. Okay. And you also had ammunition?

12 A. Yes, sir, I did.

13 Q. For the pistols and the rifle?

14 A. I believe so.

15 Q. And did you have any extra clips or magazines for the
16 rifle --

17 A. No, sir.

18 Q. -- or was the ammunition loose?

19 A. It was loose.

20 Q. You knew how to load the clip because you had done
21 that at the house, hadn't you?

22 A. I didn't load it. Andrew did.

23 Q. Andrew did. You watched him do it?

24 A. Right. I know how to load a clip.

25 Q. Okay. So you had extra ammo you could have loaded

1 into the clip easily, right?

2 A. Yes, sir.

3 Q. And did you load any extra ammo into the clip?

4 A. No. It held four rounds.

5 Q. Five?

6 A. Four.

7 Q. Four.

8 A. Held four in the magazine, and one in the chamber.

9 Q. Okay. And so you had five bullets that you fired
10 that day?

11 A. That I recall, I think.

12 Q. Did you reload it at any time?

13 A. I don't recall. I didn't at the school, no, sir. I
14 didn't at the school.

15 Q. Okay. Now, another part -- another exhibit is
16 Exhibit 4. See that?

17 A. Exhibit 4, yes, sir.

18 Q. It's a picture of some of the material that was
19 outside the van we looked at earlier.

20 A. Right.

21 Q. And you see in the top right photograph a machete and
22 some large knives. Do you see those?

23 A. Yes, sir, I do.

24 Q. Whose blades were those?

25 A. They're not mine.

1 Q. Where did they come from?

2 A. I don't know.

3 Q. Did you help load them?

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

5 Q. How many -- where was the van -- the equipment that
6 we see here in Exhibit 4, where was the van parked when
7 all that was loaded onto it?

8 A. I don't recall if it was -- I believe at Andrew's
9 house, I think.

10 Q. Did Andrew go in and make trip after trip, carrying
11 this stuff out, and you just sit there and watch him, or
12 did you help him load it?

13 A. All my stuff that you see that is mine, I loaded
14 that. I didn't load anything else, that I recall.

15 Q. On this photograph in the upper right-hand corner of
16 Exhibit 4, point to what was yours.

17 A. In Exhibit 4?

18 Q. In this right-hand corner, show me what was yours.

19 A. This bag.

20 Q. What is that bag? What do you call it?

21 A. It's a backpack, like a gym bag.

22 Q. All right. What else?

23 A. And my jacket.

24 Q. Okay. What about the camouflage, was that yours?

25 A. No, sir. What I had on was the only camouflage that

1 I owned.

2 Q. Okay. What about the boots that you can see in the
3 lower photograph as well?

4 A. No, those aren't mine.

5 Q. What about the ropes with the duct tape around them?

6 A. No, sir.

7 Q. What about the pistol with the -- speed load for
8 pistols?

9 A. I didn't own a pistol.

10 Q. And back here, turning sideways, you see hunting
11 arrows and a bow?

12 A. Yes, sir.

13 Q. Whose was that?

14 A. It's not mine.

15 Q. Did Mr. Golden produce that?

16 A. More than likely.

17 Q. What about that, is that a bedroll?

18 A. I don't know. Some kind of camouflage.

19 Q. What was the blowtorch for?

20 A. I don't know. It's not mine.

21 Q. Did you and he have a plan for what you were going to
22 do after the shooting took place?

23 A. Run away, pretty much.

24 Q. Run away. Run away where?

25 A. We didn't get that far ahead, really.

1 Q. Well, when you were talking about this incident, you
2 were planning it and discussed it at least several times
3 two or three days before the shooting, did you not?

4 A. We didn't go in full detail. He asked me to help
5 him. I did that. I didn't go in -- we didn't sit down
6 and map it out this is A, B, C, D, this is going to
7 happen, then this, then this.

8 He told me -- he told me -- first he told me he
9 wanted me to help him just provide a vehicle for him, get
10 him to and from where he needed to go, and that was that.
11 The plan changed when I got there that day.

12 Q. And when you loaded your stuff, if you were just
13 going to drive him someplace, why did you need to load up
14 gear into the van yourself before you went to go get him?

15 A. Just because. I mean, he told me that morning -- I
16 called him. I said, "Are you leaving? Are you doing
17 this?"

18 He's like, "Yeah."

19 I said, "Well, I'm leaving my house." And that's
20 when I loaded my stuff.

21 Q. All right.

22 A. I went back in, packed my stuff and loaded it.

23 Q. So you packed your stuff and loaded it, knowing that
24 after the shooting was over with, y'all were going to make
25 a run for it, right?

1 A. Pretty much.

2 Q. And did you know where you were going to go? Did you
3 have any plan?

4 A. Not really, no.

5 Q. Did you have any money?

6 A. A little.

7 Q. How much did you have?

8 A. I don't know.

9 Q. How were you going to buy gas? Because you tried to
10 stop two or three times to buy gas, didn't you?

11 A. Yeah. Andrew had money.

12 Q. Do you know how much money Andrew had?

13 A. I don't know.

14 Q. Okay. This next photograph, which is Exhibit 5,
15 you'll see a lot of ammunition.

16 Do you see that beside your gym bag?

17 A. Yes, sir.

18 Q. Was that ammunition which you helped take from the
19 house?

20 A. As far as I know.

21 Q. Okay. Do you know which is the ammunition for the
22 thirty-aught six?

23 A. Not offhand, no.

24 Q. Can't tell from that picture.

25 And again, these other knives, what do you know about

1 those other knives?

2 A. They're not mine.

3 Q. Well, did you help load them or have anything to do
4 with them?

5 A. No, sir.

6 Q. When you were arrested, did you have any knives?

7 A. Yeah, yes, sir, I did.

8 Q. How many knives did you have on you when you were
9 arrested?

10 A. I don't know. I'm not sure.

11 Q. What were you going to do with the knives? Why did
12 you have the knives with you?

13 A. I carried a knife with me all the time.

14 Q. What kind of knife did you carry all the time?

15 A. Normally, a pocket knife.

16 Q. All right. But that's not the knives you had on you
17 when you were arrested. You had some of these hunting
18 knives, didn't you?

19 A. They were given to me, yes.

20 Q. Okay. And you had them strapped on?

21 A. I believe they were in my pockets.

22 Q. In your pockets?

23 A. Yes, sir.

24 Q. What were you going to do with them?

25 A. I don't know. You can do several things with knives.

1 Q. What was your plan that day to use the knives for?

2 A. I don't know. I didn't really have one. Just, you
3 know, stuff comes up. You cut rope and use a knife. You
4 cut limbs and use a knife, you know.

5 Q. Or you could hurt people with a knife?

6 A. You could. It's possible.

7 Q. And Exhibit 7, is that a photograph of you made about
8 the time of this shooting incident?

9 A. Yep.

10 Q. And the bottom picture, is that a picture of Andrew
11 at the time he was apprehended?

12 A. I'm guessing so. Looks like him.

13 Q. And that's the way he was dressed after the
14 camouflage was taken off, wasn't it?

15 A. I didn't see him after the camouflage was off. I was
16 already in the police car.

17 Q. When you were sitting there in the ambush site,
18 before this shooting actually started, tell me everything
19 you can remember. Because at that time you were fully at
20 yourself, weren't you, before the shooting started?

21 A. What does that mean?

22 Q. You were fully conscious and aware of what was going
23 on before the shooting started. I mean, you knew -- you
24 weren't upset or anything else. You knew what was going
25 on at that time, right?

1 A. For the most part, yes, sir.

2 Q. Tell me what you said to Andrew and what Andrew said
3 to you before the shooting started.

4 A. We really didn't talk much. I do remember telling
5 him that -- again, I reminded him, "You know, you told me,
6 you know, no one is supposed to get hurt. Just remember
7 that."

8 And he didn't really say anything. We didn't really
9 talk. There wasn't really much to talk about, you know.
10 I was following his lead where he went.

11 Q. Who determined the ambush site location?

12 A. He did.

13 Q. Did you ask him, "Why are we setting up this ambush
14 site"?

15 A. No.

16 Q. Did you ask him why this place instead of some other
17 place?

18 A. No, sir.

19 Q. Did you know what school buildings you were close to?

20 A. Yes, sir.

21 Q. What school buildings were you close to?

22 A. The middle school.

23 Q. And was there a gymnasium also close?

24 A. I believe so.

25 Q. And the middle school that you were close to, was

1 that the school you were attending at the time?

2 A. Yes, sir, it was.

3 Q. Was that the school Andrew was attending at the time?

4 A. Yes, sir.

5 Q. Which teachers was Andrew mad at?

6 A. I don't know.

7 Q. Had he ever discussed with you any teachers he had
8 problems with?

9 A. No, sir.

10 Q. Had he ever discussed with you any students he had
11 problems with?

12 A. Not really.

13 Q. Well, that's like being maybe. Did he kind of
14 discuss it with you?

15 A. I don't remember specific names if he did.

16 Q. And Andrew often walked around carrying a hunting
17 knife with him, didn't he, before this incident took
18 place?

19 A. I don't know.

20 Q. You don't know?

21 A. I mean, I never checked his pockets.

22 Q. No. I'm talking about on the scabbard on his belt,
23 big hunting knife. Did you ever see him do that?

24 A. No. Knives weren't allowed at school.

25 Q. No. I'm talking about after school.

1 A. I didn't associate with him, really, after school.

2 Q. The only time you associated with him was at school?

3 A. Pretty much.

4 Q. How did you and Andrew become friends?

5 A. On the bus. We rode the same bus together.

6 Q. And he was how much younger than you?

7 A. He was a year younger than me.

8 Q. When did you all -- did you all ever go places
9 together, do things together, other than at school?

10 A. No, sir.

11 Q. What made Andrew think he could approach you about
12 participating in a shooting at a school, and you not
13 snitch him off?

14 A. I don't know.

15 Q. Well, you had bragged to a lot of people that you
16 were a gang member, had you not?

17 A. People knew that I was involved, I mean, it's not
18 really hard to tell, you know.

19 Q. Well, you bragged that you were, didn't you?

20 A. I sported my colors.

21 Q. And what were your colors?

22 A. Red and green, black.

23 Q. And did you try to flash gang signs?

24 A. I have in the past, yes.

25 Q. Show me some of the gang signs you flashed and what

1 they mean.

2 A. I don't participate in that anymore.

3 Q. I understand. But show me what you did. I'm trying
4 to find out what you did back then, what gang signs you
5 flashed and what they meant.

6 A. I'm not going to do that. You know, I said I don't
7 participate in that anymore, and that's not something I
8 do.

9 Q. Sir, you don't have a right to refuse to answer
10 reasonable questions, and that's a reasonable question,
11 and that's something you might have to let the judge take
12 up. And I don't think you want to incur the wrath of the
13 judge, but if you do, that's your choice.

14 A. I mean, there's one symbol that, you know, I mean,
15 symbol that everybody's seen me throw up was this
16 universal, and that's the sign of a B.

17 Q. That's what?

18 A. That's the sign of a B.

19 Q. Sign of a B?

20 A. Of a B, the letter B.

21 Q. Oh, the letter B. And what does that mean?

22 A. Blood.

23 Q. Okay. And you had smoked marijuana on occasions
24 before this shooting incident took place, right?

25 A. Yes, sir, I have.

1 Q. And you smoked it with your dad?

2 A. At Scott's house, not physically with my dad. He
3 didn't know that I had found it.

4 Q. But it was his marijuana?

5 A. Yes, sir.

6 MR. McDANIEL: Okay. We're at the end of
7 our tape, so let's go off the record.

8 THE VIDEOGRAPHER: The time is 1:00 p.m.,
9 and we are off the record.

10 (A brief recess was taken.)

11 THE VIDEOGRAPHER: The time is 1:08 p.m. We
12 are back on the record.

13 Counsel.

14 BY MR. McDANIEL (Continuing):

15 Q. Mr. Johnson, before we broke you asked me how much
16 longer this deposition was going to go because you had to
17 go to work. Do you remember telling me that?

18 A. Yes, sir.

19 Q. But you had earlier told me you didn't work.

20 A. I don't work. I meant to say inquire about work. I
21 had an interview, excuse me, today.

22 Q. Where?

23 A. In Bentonville.

24 Q. With whom?

25 A. A lawn care service.

1 Q. And throughout the course of this deposition, as I
2 recall, I've referred to you as Mr. Johnson, have I not?

3 A. That is correct, sir.

4 Q. At various times in the deposition you referred to me
5 as Bobby, right?

6 A. I believe so.

7 Q. And why would that -- if I would call you
8 Mr. Johnson, why would you call me first name? Just out
9 of curiosity.

10 A. I don't know. Just -- I don't know.

11 Q. Do you have a problem with respect for people in
12 certain positions or authority?

13 A. No, sir.

14 Q. No disrespect intended?

15 A. None intended, sir. I apologize.

16 Q. I'm not asking for that. I'm just asking what makes
17 you tick.

18 A. That's fine. No, sir.

19 MR. McDANIEL: We have what I'm going to
20 mark as Exhibit A to this deposition, a
21 photograph of the gun rack in Doug Golden's home.

22 (Exhibit A was marked for identification
23 and was retained by counsel.)

24 BY MR. McDANIEL (Continuing):

25 Q. You remember this gun rack, do you not?

1 A. Yes, sir.

2 Q. And in this gun rack, do you remember whether the
3 guns were secured in any fashion or not?

4 A. I believe they were.

5 Q. And how were they secured?

6 A. I'm not sure. I think with a lock.

7 Q. Was there a cable running through the trigger guards
8 and then there was a padlock at the end? Is that your
9 recollection?

10 A. I believe so. I think so. I'm not sure.

11 Q. And the key was either right in or on the trigger
12 guard, I mean, right by the lock, wasn't it, hanging on
13 the nail, wasn't it?

14 A. I don't know. I didn't unlock it.

15 Q. That's Exhibit 1 to an earlier deposition.

16 Well, did you see the keys hanging on the nail?

17 A. No, sir.

18 Q. Did you see Andrew get the keys?

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

20 Q. The gun rack is about 12 feet long, wasn't it?

21 A. Approximately. I don't really recall.

22 Q. Okay. And you and Andrew broke into the basement
23 with a crowbar?

24 A. Yes, sir, we broke in. I don't know exactly with
25 what. I can't remember.

1 Q. And in that -- did you break into the basement or the
2 first-floor level?

3 A. It was the basement.

4 Q. And when you broke in the basement, did you stay in
5 the basement or did you go upstairs?

6 A. For a while, I stayed in the basement, watching the
7 back door.

8 (Exhibit B was marked for identification
9 and was retained by counsel.)

10 BY MR. McDANIEL (Continuing):

11 Q. And Exhibit B is a photograph of the basement and the
12 back door, correct?

13 A. I believe that looks like it.

14 Q. Were any guns taken off these racks?

15 A. No, not that I know of.

16 (Exhibit C was marked for identification
17 and was retained by counsel.)

18 BY MR. McDANIEL:

19 Q. Okay. Then Exhibit C is a group of photographs
20 taken, apparently, inside your van. Do you see that?

21 Those are photographs inside the van, correct?

22 A. As far as I can tell.

23 Q. Whose camouflage equipment is that in the backseat of
24 the van in the top left photo?

25 A. It's not mine.

1 Q. Okay. This plastic case, is that where bullets were
2 taken out of a shell casing or a casing to load the guns?

3 A. I don't know what that is.

4 Q. Okay.

5 A. It might be.

6 Q. What are these boxes of things and Rolodex or
7 whatever it is, do you know what that information is?

8 A. No, sir, I don't.

9 Q. Was your mother employed at the time?

10 A. My mother, no.

11 Q. Was your stepfather employed?

12 A. Yes, sir.

13 Q. What was his job?

14 A. He's a construction worker, or he was, still is.

15 Q. Okay. When Andrew brought all this equipment out to
16 the truck, the machetes, the hunting bows and arrows, the
17 rope with the duct tape, canteens and various things shown
18 in these pictures, what did you say to him or ask him
19 about what all that stuff was for?

20 A. Didn't really talk much, you know. He just said he's
21 putting stuff in the van, and I told him go ahead.

22 Q. Did you ask him what it was for?

23 A. No, not really. I said we didn't really talk a lot.

24 Q. You really knew what it was for, didn't you?

25 A. I didn't really pay attention. I stayed in his

1 living room.

2 Q. You stayed in the living room?

3 A. Pretty much.

4 Q. While he loaded the van?

5 A. Yes, sir.

6 Q. And that's the living room of whose house, his?

7 A. His.

8 Q. Had you ever told anybody, before this incident, that
9 there was going to actually be a shooting?

10 A. Not actually a shooting, no. No, I haven't.

11 Q. Who else, besides your sister, did you tell that
12 there was going to be some trouble?

13 A. Nobody that I know of.

14 Q. Did you have a girlfriend then?

15 A. At that very moment, no, I don't believe so.

16 Q. Had you ever had sexual relations with a girl as of
17 the time of this shooting?

18 A. No, sir.

19 Q. You had been the victim of sexual abuse yourself at
20 that time, had you not?

21 A. Yes, sir.

22 Q. And that was a male?

23 A. Yes, sir.

24 Q. Was that a family member?

25 A. No, sir.

1 Q. Was that person ever arrested?

2 A. No, sir.

3 Q. Did you turn him in to the police?

4 A. After the shooting.

5 Q. Was anything ever done to them?

6 A. No, sir.

7 Q. Why didn't you turn him in sooner?

8 A. I pretty much put it at the back of my mind, you
9 know. I blocked it out.

10 Q. Was this person a family member?

11 A. No, sir, it was not.

12 Q. Did you ever sexually abuse anyone?

13 A. No, sir.

14 Q. Did you -- did you and Andrew Golden have any sexual
15 relations of any kind?

16 A. No, sir.

17 Q. Now, do you remember attorney Randel Miller?

18 A. Yes, sir, I do.

19 Q. Randel Miller had conferred with you, had he not, on
20 several occasions?

21 A. No, sir. He was my mother's attorney.

22 Q. Okay. He was also representing you, though, wasn't
23 he, because of your mother?

24 A. No, sir. I had a court-appointed attorney. Mike
25 Roberts was stepping in.

1 Q. Well, he was court-appointed. He was working with
2 you on the criminal matters, wasn't he, for the federal
3 matter?

4 A. And my civil case both, I believe.

5 Q. Which is the -- and why did Mr. Roberts stop
6 representing you?

7 A. Really didn't. I mean, I got found guilty. Nothing
8 else -- y'all got a settlement, and, you know, I don't
9 need an attorney after that.

10 Q. Well, have you ever made a settlement?

11 A. Have I?

12 Q. Yeah.

13 A. No. They say y'all have already got a judgment on
14 me, you know.

15 Q. You understood there was going to be an agreed
16 judgment entered against you, didn't you?

17 A. I haven't talked to anybody about this. As far as I
18 knew, you know, y'all have reached a settlement that -- my
19 understanding was as long as I don't go out, profit from
20 this, interviews, movies, books, et cetera, you know, that
21 was the agreement.

22 Q. And are you in agreement to a judgment being entered
23 against you that any proceeds from any sales of any
24 magazines, TVs, books, interviews, contact of any kind to
25 where you would attempt to profit from this shooting, that

1 you would not be allowed to profit from it?

2 A. Yes, sir, I understand that.

3 Q. And you have no problem with that, do you?

4 A. No, sir, I do not.

5 Q. And you know it would be wrong for you to attempt to
6 profit from this, don't you?

7 A. Yes, sir.

8 Q. It would be bad, dirty money, wouldn't it?

9 A. Yes, sir. That, and it would hurt the victims.

10 That's why I don't talk to the media. That's why I don't
11 have any dealings with -- you know, that's not my place to
12 open wounds, you know. I don't deal with the media. I
13 don't like the media. I never planned to do anything like
14 that.

15 Q. All right. And do you appreciate the value of life?

16 A. Now, I do.

17 Q. And do you think that these parents of these children
18 would value their child's life very highly?

19 A. Yes, sir.

20

21 Q. And did you have contact with people in Jonesboro
22 when you were in jail?

23 A. Yes.

24 Q. And how would you contact them?

25 A. Mail, phone, either/or.

26 Q. And did you write letters to anyone, and people write

1 letters to you?

2 A. Yes, sir, several times.

3 Q. And did you write letters to anyone expressing
4 remorse or sorrow for what had happened?

5 A. Yes, sir, I have.

6 Q. Who are some of the people you wrote letters to
7 expressing remorse?

8 A. Kolby Brooks, Josh Brand, Monte, my brother, my
9 mother. Several, several people.

10 Q. Did you ever write one to Mr. Wright?

11 A. I was informed not to contact him; that I wasn't
12 allowed to.

13 Q. Okay. Did you ask your mother to contact any of the
14 victims or their families?

15 A. Not that I recall.

16 Q. You do not portray yourself as a victim here, do you?

17 A. As far as?

18 Q. Well, you don't portray yourself as an innocent
19 victim in this shooting, do you?

20 A. No, sir, not necessarily, no.

21 Q. Do you somewhat portray yourself out to be an
22 innocent victim?

23 A. I don't look at myself as a victim. I look at myself
24 as, you know, having done a crime, I paid the price. At
25 that price, I've lost my childhood. At that price, I'm
26 now struggling every single day to support myself because

1 I can't find a job. No one will hire me.

2 You know, I struggle every day that I get people
3 staring me in the face, calling me a murderer to my face.
4 And, you know, I struggle with the fact that, you know,
5 like you said, my deity, my God, you know, yeah, he has a
6 problem with that, you know. Murder is a sin, you know.
7 And, yes, it says Christ will forgive you, and I believe
8 that, you know, but at the same time, I did lose my
9 childhood. It was a choice I made, okay, and I'm not
10 saying I'm a victim, but I did lose my childhood, and I've
11 lost a lot of valuable time.

12 And as far as getting back on my feet, I'm still not
13 on my feet. I don't have a job, you know. I worked at
14 Wal-Mart for a couple months. They found out who I was.
15 Fired on the spot. I worked at Glad for one day, the Glad
16 plant in Rogers, for one day. A guy in Jonesboro run into
17 me, found out who I was, went and told them who I was.
18 Fired on the spot. "Come see me. You're done." And I
19 asked him, "What did I do?" "Who you are." "Who am I?"

1 "You're a murderer. You're gone." "Yes, sir. I
2 appreciate your time. Thank you." And I left, you know.
3 So this follows me every day.

4 Am I a victim? No. I made a mistake I chose to do
5 wrong, and now it follows me.

6 Q. Now, when you got out of federal custody, where is
7 the first place you moved to live?

8 A. I was in Memphis for a while, and then I moved to
9 South Carolina.

10 Q. Who were you living with in Memphis?

11 A. Myself. Me and my mom stayed together for a couple
12 days. It was only a couple days, like, a day and a half,
13 two days, maybe, and some friends of mine from South
14 Carolina came and got me.

15 Q. Who was that?

16 A. Friends of mine I met while I was in jail.

17 Q. Who is that?

18 A. Carlos Suarez is his name.

19 Q. And where in South Carolina?

20 A. Columbia. Lexington, officially, but it's Columbia
21 District.

22 Q. And where did you work when you were in South
23 Carolina?

24 A. I didn't.

25 Q. Who supported you?

1 A. Carlos and his wife.

2 Q. And how long did you stay there?

3 A. About eight months. From August until -- when did I
4 leave -- March.

5 Q. Your birthday is when now?

6 A. August 11th.

7 Q. And so you turned 21 August 11th of what year?

8 A. 2005.

9 Q. And you went to, originally, to Memphis, and then
10 after a few days, went to South Carolina?

11 A. Uh-huh.

12 Q. "Yes"?

13 A. Yes, sir. Excuse me.

14 Q. Stayed there about eight months?

15 A. Yes, sir.

16 Q. Never found a job?

17 A. I worked part time under the table for a lawn care
18 service.

19 Q. All right. And then you left South Carolina and went
20 where?

21 A. I stayed, and I went to see Scott, actually.

22 Q. Your natural father, Scott?

23 A. Yeah.

24 Q. Was he in Minnesota?

25 A. No. He was in Wisconsin at the time.

1 Q. Wisconsin?

2 A. Yes, sir.

3 Q. How long did you stay with him there?

4 A. Two months, three months, maybe. March to June.

5 Q. Of 2006?

6 A. Yes, sir. Yes, sir.

7 Q. And did you work while you were there?

8 A. Yes, sir, I did.

9 Q. Where did you work?

10 A. McKay Nursery.

11 Q. In what city and state?

12 A. Waterloo, Wisconsin.

13 Q. Why did you leave that job?

14 A. I came home. Come home to see my mom.

15 Q. And was your mom living in Jonesboro at the time?

16 A. Yes, sir.

17 Q. And when you came to Jonesboro, did you stay with
18 your mother?

19 A. For a while.

20 Q. How long did you stay with her?

21 A. Couple weeks.

22 Q. And did you get a job?

23 A. I didn't leave the house, for natural reasons.

24 Q. And when you left your mom, where did you go next?

25 A. Here, Fayetteville.

1 Q. Why Fayetteville?

2 A. My buddy lives up here.

3 Q. Who is your buddy?

4 A. Justin Trammell.

5 Q. And that's the fellow that you got arrested with a
6 month or two ago?

7 A. I got arrested. He didn't.

8 Q. He did not?

9 A. Yes, sir, he did not.

10 Q. And he was the fellow that was in Alexander for the
11 crossbow -- killed somebody with a crossbow?

12 A. That's what they blame him for, yes, sir.

13 Q. Okay. He admitted to it, didn't he?

14 A. I don't know. That's not my business.

15 Q. Okay. How is it that you two became friends?

16 A. In Alexander.

17 Q. And he, obviously, got out before you did --

18 A. Yes, sir.

19 Q. -- and came to the Fayetteville area.

20 Is this where he's from originally?

21 A. He's from Bentonville originally. So, yes, he's
22 familiar with this area.

23 Q. Where does he work, do you know?

24 A. I don't know.

25 Q. Do you know where he lives?

1 A. No, sir.

2 Q. Are you still in contact with him?

3 A. After I got arrested, no.

4 Q. What's his phone number?

5 A. I don't know. I don't have a phone. I don't think
6 he has one either.

7 Q. And I'm not going to get into the details of your
8 crime. I'm only asking you what you're charged with.
9 What are you charged with?

10 A. Possession of a concealed weapon and possession of a
11 controlled substance.

12 Q. And when are you scheduled to go to court?

13 A. I don't know.

14 Q. And Doug Norwood is your attorney?

15 A. Yes, sir, he is.

16 Q. Is he public defender?

17 A. No, sir.

18 Q. Who is paying him?

19 A. I did. I paid him.

20 Q. Where did you get the money to pay him?

21 A. When I worked. I worked at Wal-Mart.

22 Q. Now, do you still owe him some money or are you paid
23 in full?

24 A. I owe him about \$200, I think.

25 Q. And you don't know when your court date is?

1 A. No, sir. I haven't talked to him about it. It got
2 continued, as far as I know.

3 Q. And the other fellow, Justin --

4 Is that his name?

5 A. Yes, sir.

6 Q. -- was not charged with any crime?

7 A. No, sir.

8 Q. Who was driving the vehicle, you or him?

9 A. He was.

10 Q. As I recall, you had seen and knew what trigger locks
11 were before this shooting incident took place, correct?

12 A. Then?

13 Q. Yes.

14 A. I don't know if I did or not. I've never used one.

15 Q. I understand. But you had seen them before. I think
16 you told me earlier you had seen them before, haven't you?

17 A. I don't know. I'm not sure.

18 Q. Okay. Well, if these guns had been secured with a
19 trigger lock so that you couldn't pull the trigger without
20 a key or a combination or some way to get into it, you
21 wouldn't have been able to use these guns for anything but
22 a billy club, right?

23 A. Not necessarily.

24 Q. As a 13-year-old kid, you would not have known how to
25 disarm a trigger lock, would you?

1 A. Probably not, no.

2 Q. And you tried to get in -- you and/or Andrew tried to
3 get into the gun safe at his parents' house, right?

4 A. I didn't.

5 Q. I said you and/or Andrew tried to get into the gun
6 safe at his parents' house?

7 A. I don't know.

8 Q. You don't know?

9 A. No. If he did, then he did. I wasn't there. I was
10 in the living room.

11 Q. You didn't try to pick the lock yourself? Think
12 about it.

13 A. Pick the lock myself.

14 Q. You tried to pick the lock, didn't you?

15 A. I don't know. I don't think I did, I mean -- let me
16 see. I don't know. I can't say yes or no, really.

17 Q. At any rate, you all, between the two of you, were
18 not successful getting guns out of the locked gun cabinet,
19 correct?

20 A. As far as I know.

21 Q. So when you left Golden's parents' house, you left
22 there with no guns, right?

23 A. No, sir.

24 Q. Is that not right?

25 A. That's not true.

1 Q. What guns did you take from Golden's parents' house?

2 A. I don't know.

3 Q. Did you take any guns from Golden's parents' house?

4 A. I didn't.

5 Q. Did he, did Andrew?

6 A. I believe he did.

7 Q. What did he tell you?

8 A. I don't know. I'm not sure which ones he had.

9 Q. Rifle?

10 A. It wasn't the rifle.

11 Q. Pistol?

12 A. I think so.

13 Q. Did you see it?

14 A. I don't know -- I don't think I seen it. I think it
15 was in a bag, if it was, and I could be wrong. I don't
16 know.

17 Q. Did he tell you he had a pistol?

18 A. No.

19 Q. What made you think he had one?

20 A. I know he had ten from -- altogether, there was ten
21 guns, and he might have got them from his grandfather.

22 Q. Do you know one way or another?

23 A. I'm not sure, no, so I can't say positively he got
24 them from his parents' house or from his grandfather's
25 house.

1 Q. You told me when this shooting happened that you were
2 going through a lot of hard times and, frankly, you didn't
3 like yourself, and didn't see life really worth living,
4 right?

5 A. Pretty much.

6 Q. What all were the things going on with you then that
7 made life such a desolate scenario?

8 A. After I hit puberty I recalled being molested. That
9 had a lot to do with my anger, had a lot to do with why I
10 was so mad all the time. My gang life, I got tired of it.
11 And there's pretty much -- you know, I just got tired of
12 the gang life. I got tired of having to watch my back. I
13 got tired of getting jumped on. I got tired of having to
14 jump people, you know, I got tired of all that, you know.
15 And I knew the only way to get away from that was to
16 leave. And I got -- you know, my parents were divorced.
17 Me and my dad never got along, me and my real dad, Scott.
18 I would go up there, and I hated it. I wanted to stay
19 home with my mom, you know. There was just a lot of
20 stuff.

21 Q. What else was going on negative for you?

22 A. I was -- I mean, I did well in school grade-wise,
23 just my behavior. I had to fight a lot in school, you
24 know. Had a lot of people who didn't like me. They
25 wanted to be gang members themselves, all this stuff, and,

1 you know, there's just a lot of drama at school.

2 Q. Were you a gang member?

3 A. Yes, I was.

4 Q. How did you get initiated?

5 A. I got jumped in.

6 Q. And by getting jumped in, what happened?

7 A. I had to fight for 3 minutes and 11 seconds with five
8 other people.

9 Q. Why 3 minutes, 11 seconds?

10 A. That's just how long it was.

11 Q. And when did that happen and where?

12 A. Minnesota.

13 Q. How old were you?

14 A. Nine.

15 Q. Had you been rejected by any girls that you had
16 approached at Westside?

17 A. Several times, probably.

18 Q. Did that make you angry too?

19 A. Make me angry? I thought they were stuck up, you
20 know. Made me angry, no. I laughed at them. I didn't
21 really care, you know. They didn't want to talk to me,
22 that's their loss, not mine, really. That's how I looked
23 at it then.

24 Q. How do you look at it now?

25 A. I have a fiancée.

1 Q. I'm talking about looking back on the situation at
2 Westside is what I'm asking about. Looking back now, how
3 do you perceive it?

4 A. All well, you know. They rejected me. I've got my
5 fiancée now. I'm happy, you know. I'm very happy. I'm
6 glad it wasn't nothing serious because I wouldn't have her
7 now.

8 Q. Were there ever any written plans, maps or notes
9 made?

10 A. No, sir, not that I know of.

11 Q. Did Andrew ever tell you he had made a list?

12 A. No, sir.

13 Q. Did he ever discuss with you he had some certain
14 people he was going to get?

15 A. No, sir.

16 Q. In your earlier deposition when I asked you about
17 Amber Vannover, I want you to tell me if you remember this
18 and see if it refreshes your recollection.

19 A. Okay.

20 Q. To set the record straight, I had told her not to
21 come to school because I figured something -- I thought
22 something bad might happen, and then after that I told her
23 that I loved her and I would see her. That was all that
24 was said, I loved her and I would see her sometime.

25 Does that refresh your recollection?

1 A. I told that to Jennifer. I don't know an Amber
2 Vannover.

3 Q. You told that to Jennifer, meaning your sister?

4 A. Yep.

5 Q. Where does your sister live now?

6 A. I don't know. I haven't talked to her since her
7 mother got killed.

8 Q. And what's her mother's name?

9 A. Stacie.

10 Q. And how old is Jennifer?

11 A. I'm 22. I believe she'll be 22 in November, I think.

12 Q. Who is her dad?

13 A. I'm thinking. I don't know his name off the top of
14 my head. I'm not sure. I don't know. I forgot his name.

15 Q. Who is her mother?

16 A. Stacie Nightingale.

17 Q. Why do you call her your sister?

18 A. She's close to me like my sister.

19 Q. She's not really your sister?

20 A. My blood-related sister, no, she's not.

21 Q. Do you know if she lives in Jonesboro?

22 A. I haven't talked to her since 2005.

23 Q. Where was she living in 2005?

24 A. In Jonesboro.

25 Q. What name was she going by?

1 A. Jennifer.

2 Q. Jennifer what?

3 A. Nightingale.

4 Q. Do you know if she's ever been married?

5 A. I don't know. She was talking about it, but I didn't
6 know her fiancé's name or anything like that.

7 Q. You had problems with a teacher who took your Nike
8 hat from you. Do you remember that?

9 A. Yes, sir.

10 Q. And Ms. Fuller was one of the people involved in
11 that, or was she?

12 A. Yes, sir.

13 Q. You were angry at her?

14 A. Yeah, I didn't appreciate that.

15 Q. And hated in-school suspension, did you not?

16 A. It wasn't a fun time.

17 Q. And that was part of what your anger was that
18 motivated you for this shooting, wasn't it?

19 A. No, not necessarily.

20 Q. It's part of it, wasn't it?

21 A. I didn't really take that into consideration. I was
22 more in the lines of my life and how much, really, I hated
23 myself, and just I didn't -- you know, school was school
24 to me. I went there, learned, and I came home, you know,
25 did what I -- you know.

1 Q. But you were in in-school suspension. That really
2 angered you, didn't it? You hated in-school suspension,
3 as you said in your journal?

4 A. Yeah, I guess so, yeah. I didn't like in-school
5 suspension.

6 Q. And you really disliked the teachers who put you in
7 there because you didn't think you deserved it?

8 A. I disliked Ms. Fuller because she was the in-school
9 suspension teacher. She was the one who took my hat. She
10 was the one -- you know, she messed with me all the time.

11 Q. And you didn't think you needed to be in in-school
12 suspension, did you?

13 A. No, I didn't.

14 Q. So part of the anger that brought about this shooting
15 incident was your anger at the school and in-school
16 suspension, true?

17 A. No.

18 Q. Not true?

19 A. No.

20 Q. Didn't have anything to do with it?

21 A. Not really, no.

22 Q. Well, when you say "not really," did it partly?

23 A. Maybe partly, but that wasn't the first thing on my
24 mind. I didn't go there saying, "Okay. These people put
25 me in suspension. I'm going to shoot these people." That

1 was not going through my head, no.

2 Q. What was going through your head?

3 A. Just getting away.

4 Q. Before the shooting took place, what were you
5 thinking right before the shooting started?

6 A. Right before the shooting started. How I didn't want
7 anybody to get hurt, really; that I just wanted to get
8 away from the gang members, and I wanted to get away from
9 my life, just get away. That's all I kept saying.

10 Q. And after the shooting stopped, what caused the
11 shooting to stop? Why did y'all stop shooting? You had
12 more ammo, right?

13 A. Yeah.

14 Q. Why did you stop shooting?

15 A. I don't know.

16 Q. Was it because the men up on the roof spotted you and
17 yelled?

18 A. I don't know. I don't recall. I pulled the trigger
19 that one time. I remember seeing Natalie getting hit, and
20 I don't remember anything after that until Andrew came
21 back and grabbed me and told me, "Let's go."

22 Q. You remember shooting at the man on the roof twice
23 with a pistol, don't you?

24 A. I believe so, yeah.

25 Q. Why were you shooting at him, because he spotted you?

1 A. I don't know, really. Yeah, I guess because he
2 spotted me.

3 Q. And you were trying to hit him when you were shooting
4 at him with the pistol, weren't you?

5 A. I shot in his direction. I didn't aim for him,
6 really.

7 Q. You were shooting at him, weren't you?

8 A. I shot towards him, yes.

9 Q. And you were trying to hit him, weren't you?

10 A. Not necessarily.

11 Q. Of course, as far away as you were with the pistol,
12 it was pretty unlikely, wasn't it?

13 A. I knew I wasn't going to hit him. I knew that much.
14 If I wanted to hit him, I would have used a rifle,
15 probably.

16 Q. Like you did on the others?

17 A. No. If I intentionally wanted to hit that man, I
18 would have used a rifle. I knew the pistol wasn't going
19 to reach.

20 Q. And you did use the rifle in the shooting, and you
21 did shoot several people, right?

22 A. According to ballistics.

23 Q. You've seen the ballistics reports?

24 A. Yes, sir, I have.

25 Q. And you know that the ballistics reports show your

1 gun was involved in at least three of the shootings,
2 wasn't it?

3 A. It was only three, as far as I know.

4 Q. Okay. And you know that those rifle fragments from
5 your gun came about because you were shooting at those
6 people, right?

7 A. Okay.

8 Q. Right?

9 A. Right.

10 Q. And you can't give me any reason why you shot at one
11 person instead of another? I mean, was there any
12 selection process as to aiming at one person versus aiming
13 at another?

14 A. No, sir, there wasn't, not on my behalf.

15 Q. Did Andrew ever tell you, either while you were in
16 jail or before or anything else, how he decided who he was
17 going to shoot?

18 A. No, sir.

19 Q. And you know that he shot Natalie in the head, right?

20 A. Yes, sir.

21 Q. Did you ask him, "Why did you shoot Natalie in the
22 head?"

23 A. No.

24 Q. How close to him were you when you fired your shots
25 and when he was firing his shots, how far apart were you?

1 A. I don't know.

2 Q. Were you close enough to touch him when he shot?

3 A. No.

4 Q. Were you as far away as you and I are now?

5 A. Probably.

6 Q. Were you further or about this distance?

7 A. Maybe further.

8 Q. Were you as close as the cameraman is to you?

9 A. I don't know. Somewhere around this range. I wasn't
10 close enough to touch him.

11 Q. Within a few feet of him, would that be fair?

12 A. You could say that.

13 Q. And you wouldn't had to have yelled to have talked to
14 him, you could have talked to him like we're talking now,
15 and he would have heard you, right?

16 A. It would have had to have been pretty loud.

17 Q. At what point did Andrew come to get you to say
18 "We're leaving" or "We're going"?

19 A. The shooting had already stopped, as far as I know.

20 Q. And that's after you had run out of ammo in your
21 rifle, and you fired two shots at the man on the roof?

22 A. Right.

23 Q. And Andrew had shot how many times, do you know?

24 A. I don't know.

25 Q. How many do you think he shot?

1 A. I don't know.

2 Q. Can you give me an estimate?

3 A. No, sir, I can't.

4 Q. How many do you remember that he shot?

5 A. Three. I remember three rounds.

6 Q. And after the shooting stopped, who was the first
7 person who said something, did you say something to Andrew
8 or him say something to you?

9 A. He told me, "Let's go." I was sitting there, just
10 staring.

11 Q. And what did you say or do?

12 A. I just grabbed my guns that was on the ground, and
13 left.

14 Q. And where did you all go?

15 A. Heading towards the van.

16 Q. And where was the van parked?

17 A. Exactly, I don't remember. Maybe two streets from
18 Doug Golden's house.

19 Q. And what happened while you were leaving the ambush
20 area, headed toward the van?

21 A. We were detained.

22 Q. Well, before you were detained, did anything happen?
23 Did you say anything to Andrew, him say anything to you?

24 A. I don't know. I don't recall, really.

25 Q. You don't recall putting a gun to his head? He was

1 wanting to stop, and you put a gun to him saying, "You got
2 me into this, and we're getting out"? You remember that,
3 don't you?

4 A. Yeah, yes, I did.

5 Q. And the gun you put to his head, was that the same
6 pistol you fired twice at the man on the roof?

7 A. I don't know. I'm not sure.

8 Q. Were you intending to shoot him?

9 A. No.

10 Q. Why did you have the gun at his head?

11 A. To intimidate him.

12 Q. Had you intimidated Andrew on other occasions?

13 A. No.

14 Q. You and he actually started talking about this
15 shooting back as early as Christmastime in the prior year,
16 hadn't you?

17 A. He came to me about it sometime around then.

18 Q. Go ahead.

19 A. And I told him -- that's when I first told him, "You
20 have to be out of your mind to come to me with some stuff
21 like this."

22 Q. And when did the shooting actually take place?

23 A. In March.

24 Q. March what?

25 A. 24th, I believe.

1 Q. What year?

2 A. Of '98, 1998.

3 Q. And so at Christmas of '97, tell me what you told him
4 and what he told you.

5 A. Again, he came to me about it, and he was, like,
6 "Hey" -- what did he say. He just come to me, and he was,
7 like, "I've been thinking about doing some scaring of some
8 people because I'm really tired of them playing with me."
9 And he wanted to prove a point.

10 Q. And he asked you to help, and you told him you would,
11 and you knew something bad was going to happen even as far
12 back as Christmas, didn't you?

13 A. No. Again, when he first came to me and told me
14 about it, I told him, "No. You have to be out of your
15 mind to come to me about some stuff like this."

16 Q. And you continued talking about it for a while until
17 you finally decided you would help him do the crimes;
18 isn't that true?

19 A. We talked over spring break was the next time we
20 talked about it, and that was, like, a week before the
21 shooting actually happened.

22 Q. And you discussed with him where you would get the
23 guns, how you would get them, and how you would provide
24 the transportation?

25 A. I told him I would provide transportation for him.

1 That's what he asked me to do for him.

2 Q. And he told you where and how you would get the guns,
3 didn't he?

4 A. No, he didn't. I didn't care. I didn't plan on
5 using the guns.

6 Q. Did you not tell me in your earlier deposition --
7 I'll read it to you.

8 A. Okay.

9 Q. Because you're still under that oath.

10 A. Okay.

11 Q. Quote, and then we had continued talking -- this is
12 after the Christmastime. Then we continued talking about
13 it for awhile, and it went on like that until I had
14 finally decided that I would help him do the crimes. And
15 we had discussed where we would get the guns, how we would
16 get them, and how I would get the transportation to
17 everything. The week of spring break, right before spring
18 break, we decided that it was probably going to happen.

19 That's what you told me in your deposition earlier.

20 A. Okay.

21 Q. Is that true?

22 A. Yeah, I guess. I said it.

23 Q. Well, is it true or not?

24 A. Yeah, it's true.

25 Q. So then when you told him you would help him do the

1 crimes, you knew what the crimes were, didn't you?

2 A. I knew carrying guns on school property is a crime.

3 Q. Were you actually on school property?

4 A. When?

5 Q. At any time with a gun.

6 A. The day of the shooting, if that's school property.

7 I don't know if it was or not.

8 Q. What other crimes were you going to help him do?

9 A. That was it.

10 Q. So when you told me in your earlier deposition you
11 were going to help him do the crimes, the only crime you
12 had in your mind was you would have a gun on school
13 property? Is that what you're telling us here under oath?

14 A. Yeah, it is. I discussed with him what he wanted to
15 do. He told me he had some problems at school, and he
16 asked me could I get transportation, and I said yes, I
17 could.

18 Q. When you got the guns, you saw Andrew put the key
19 back on the nail, didn't you?

20 A. I don't know. I don't know if I did or not.

21 Q. Just don't remember?

22 A. I don't remember, no.

23 Q. When did you first learn that Andrew knew how to
24 shoot a gun?

25 A. When did I first learn?

1 Q. Yes.

2 A. I don't know. I mean, he told me he shoots, so I
3 just assumed he knew, you know. If you shoot a gun, you
4 know how to use it.

5 Q. Did you know that he had won some little shooting
6 tournaments or events?

7 A. No. I never went to them with him.

8 Q. So I understand you did not help him load the van at
9 all with the camping gear, right?

10 A. I don't think I did. I might have, but I don't
11 remember if I did or not, really. I don't think I did.

12 Q. Did you or didn't you?

13 A. I don't know. I don't recall.

14 Q. When did he first discuss with you his plan to set
15 off the fire alarm to get people to leave the building,
16 when was that first discussed?

17 A. Over spring break, I believe.

18 Q. What did he tell you?

19 A. What did he tell me. Just that was how he was going
20 to get the people to come out of the building. He was
21 going to use the fire alarm, he was going to set the fire
22 alarm off.

23 Q. Did he tell you why he wanted people to come out of
24 the building?

25 A. No.

1 Q. Did you ask him, "Why do you want the people to come
2 out of the building?"

3 A. No.

4 Q. Did he tell you, "I'm going to get the people to come
5 out of the building just so they can work on their
6 suntans"?

7 A. No.

8 Q. What was the discussion about it?

9 A. That's just what he told me. He just told me that he
10 was going to use the fire alarm, he was going to set the
11 fire alarm off, and the people will come out.

12 Q. And then did you say, "Well, what's going to happen
13 then?"

14 A. No.

15 Q. Are you sure? You mean the guy is going to tell you,
16 "I'm going to set the fire alarm off for the people to
17 come out of the building," and you're not going to say,
18 "Why?" or "What are we going to do then?" You don't
19 expect us to believe that, do you, Mr. Johnson?

20 A. Let me see. Give me the question again. What's the
21 question? What are you asking me?

22 Q. When Mr. -- when Andrew told you that he was going to
23 set off the fire alarm to get the people to come out of
24 the building, there had to be some discussion about why or
25 what was the purpose of that. Who said what?

1 A. He set the fire alarm off. People would come out.
2 We talked -- I asked him why then. I said okay. I'll
3 give you that. You can say that. Okay. "Why, why would
4 you do that?"

5 Q. What did he say?

6 A. He said people will come out. That's when he would
7 prove a point. That's when he would scare people.

8 Q. That's when what?

9 A. He would prove a point and scare people.

10 Q. Did he say how he was going to prove a point and
11 scare people?

12 A. He was going to shoot over their heads.

13 Q. And when he said he was going to shoot over their
14 heads, how did he think that was going to prove his point?

15 A. That would scare people into stop messing with them.

16 Q. And did he tell you, "I expect you to shoot too"?

17 A. Initially, no.

18 Q. When did he first tell you he wanted you to do some
19 of the shooting?

20 A. That day, day of the shooting.

21 Q. What did he tell you?

22 A. I told him when I called him, I said, you know, "Do
23 you still need that transportation?" He was, like, "Yeah.
24 You're coming with me." I said, "Okay. I'll be over
25 there after a while." Skipped school and went to his

1 house.

2 Q. When was the first discussion about you doing some of
3 the shooting?

4 A. At his house.

5 Q. Who said what?

6 A. He just said, "Are you going to help me -- when I get
7 the guns, are you going to help me do the shooting?"

8 Q. And you said?

9 A. "Yes."

10 Q. Was there any further discussion about it?

11 A. Yeah.

12 Q. Who said what?

13 A. I asked him, I said, "If I do help you do this, no
14 one is going to get hurt, right?" He said that was his
15 plan, not to hurt anybody. He just meant to scare some
16 people and prove a point, you know. He's tired of being
17 messed with at school.

18 Q. And when you had this discussion, was there a
19 discussion about why you needed as much ammo as we saw in
20 these pictures? If you're just going to shoot a few shots
21 to scare some people, why did you need hundreds of rounds
22 of ammunition?

23 A. That's what we was going to use to survive. We was
24 going to hunt with that in the woods.

25 Q. Y'all were going to go live in the woods? "Yes"?

1 A. Yes, sir.

2 Q. When was the decision made to go live in the woods?

3 A. I think the day the shooting happened.

4 Q. The day of the shooting?

5 A. That's when he informed me that's what he wanted to
6 do.

7 Q. Tell me about that, when and where the conversation
8 took place and who said what.

9 A. Over the phone, I believe, when I was at my mom's
10 still. That's when he told me to pack my stuff.

11 Q. What did he say?

12 A. What did I say or what did he say?

13 Q. What did he say?

14 A. What did he say. He says we was going to leave after
15 the shooting happened. He's got a place we're going to
16 go. I said, "Okay. What do I need?" He said, "Just pack
17 your stuff. You probably won't be coming back home." I
18 said, "Okay."

19 Q. And did he say where this place was?

20 A. No, sir, he didn't. I didn't ask.

21 Q. You just told me there was this discussion about you
22 living in the woods, right?

23 A. Yes, sir.

24 Q. What did he say about living in the woods?

25 A. He just said we was going to run away. He had a spot

1 in the woods somewhere. We didn't get into full
2 discussion of where and when and all that. I was
3 following him, really.

4 Q. So was he the ringleader of this operation?

5 A. Yes, sir, he was.

6 Q. And had you heard that Andrew had told some other
7 kid, happened to be Jonathan Woodard, about the plans for
8 the shooting in advance?

9 A. I know he got suspended for that. I didn't know who
10 said what. I didn't know who told on him.

11 Q. And Shannon Wright's son, young boy --

12 A. Yes, sir.

13 Q. -- has grown up without his mama.

14 A. Unfortunately.

15 Q. And he wanted me to ask you a question.

16 A. Okay.

17 Q. So I'm going to quote to you, verbatim, the question
18 he wanted, the child, wanted me to ask you. Okay?

19 A. Okay.

20 Q. The child wanted me to ask you, "Why did you shoot my
21 mama?" Answer that question for that little boy because
22 he's going to have to listen to this answer and live with
23 it. Tell him why you shot his mama.

24 A. It wasn't intentional. I didn't intend to harm
25 anybody that day.

1 Q. With a thirty-aught six and a telescopic sight and
2 your bullets striking three people, you didn't intend to
3 hurt anybody?

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

5 Q. Did that telescopic sight -- was it just a
6 coincidence that it went off and hit these people?

7 A. Not necessarily. I don't remember physically looking
8 down my scope, aiming at a certain person, and pulling the
9 trigger.

10 I didn't have animosity towards Ms. Wright.
11 Ms. Wright was always good to me. Ms. Wright's a very
12 good woman.

13 And, for the record and for her son, I would
14 definitely apologize. I am apologizing. I am sorry,
15 young man, that you had to grow up without your mother,
16 and I am sorry that you didn't get a chance to know who
17 your mother was. And from what I knew of her, she was a
18 very good woman, one of the best teachers I ever had. I
19 didn't know her after that, and I'm really sorry she's
20 gone.

21 Q. Anything you want to say to the -- so if the family
22 members of any of the other victims see this tape, what do
23 you want to say to the family members of the four children
24 who were killed?

25 A. Again, that I'm sorry; that this is something that I

1 have to live with the rest of my life as well, the guilt
2 that I have, the struggles I go through every day, still,
3 of trying to find a job because of who I am.

4 I'm not mad at anybody. If they're mad at me, I
5 don't blame them at all. I try to put myself in their
6 shoes and ask myself if somebody killed my mother or my
7 daughter, how would I feel. And I understand why they
8 would be upset. They have that right to be, you know;
9 that if I could take it back, even if it meant me dying
10 and going to hell, I would, and I wouldn't second-guess
11 it.

12 I ask myself a lot, do I deserve to be free. I don't
13 think I do, in all honesty, you know. This recent arrest
14 that I had, I'm sorry for. The marijuana was not mine.
15 The gun was. Got it as a Christmas gift from a friend.

16 Again, I'm sorry that all this had to be threw back
17 up. I'm really sorry for the losses. I am sorry that
18 they had to go through knowing that their little girl will
19 never come home again, that they'll never experience
20 marriage, and they'll never experience childhood for
21 themselves. And I was wrong.

22 Q. Do the events of that day flash back in your mind?

23 A. A lot.

24 Q. When you're flashing back in your mind and the
25 shooting is actually taking place, what thoughts were

1 going through your mind when the shooting was taking
2 place?

3 A. All I remember is seeing Natalie getting hit. And
4 that keeps replaying, keeps replaying, keeps replaying.
5 In my dreams, sometimes during the day. I don't remember
6 hitting anybody else. I don't remember aiming at anybody
7 else.

8 Q. When the guns were loaded -- and you helped load the
9 guns, did you not?

10 A. I'm not sure if I did or not.

11 Q. Well, you had in your possession loaded guns?

12 A. Yes, sir, I did.

13 Q. At the time that you had those loaded guns going into
14 that ambush site, you knew that there was a substantial
15 risk that innocent people could be hurt or killed, didn't
16 you?

17 A. Possibly, yes.

18 Q. Because when guns are fired in the general direction
19 of somebody, even a ricochet can hurt or kill them?

20 A. Yes, sir.

21 Q. And you knew that?

22 A. Yes, sir.

23 Q. And still, with that knowledge, you went ahead and
24 fired that gun repeatedly, the rifle, right?

25 A. Yes, sir.

1 Q. And when the man was on the roof, saw you, you took
2 out the pistol, and you fired at him twice?

3 A. Yes, sir.

4 Q. And you didn't know if that pistol would reach him or
5 not, did you?

6 A. I knew it wouldn't.

7 Q. How far away was he?

8 A. A ways.

9 Q. How far away?

10 A. I don't know. 75 yards, maybe.

11 Q. How far will a pistol shoot?

12 A. Accurately?

13 Q. How far will a pistol shoot?

14 A. Accurately -- it was a .38, I believe, that I shot at
15 him with. A .38, accurately, maybe 50 yards.

16 Q. And if it's not accurate, how far will the bullet
17 travel to where it can harm somebody?

18 A. I'm not sure. A mile, maybe.

19 Q. And so you know, shooting in the direction of those
20 people, that you were putting them at substantial risk
21 too, did you not?

22 A. Yes, sir.

23 Q. Just shooting in their direction?

24 A. Yes, sir.

25 Q. You have been -- you've had some therapy or

1 counseling on more than one occasion, haven't you?

2 A. Oh, yes. Many, many, times.

3 Q. Before your arrest, who all had you had counseling
4 with?

5 A. Before my arrest?

6 Q. Yes. Dr. Michael Prince and who else?

7 A. Before my arrest. I seen a doctor one time, I
8 believe, in Jonesboro. Don't know his name. But that was
9 it.

10 Q. In counseling, did you ever tell your counselors or
11 therapists why you did this?

12 A. I still don't know why, really. I don't know why I
13 decided to help Andrew. I don't technically know why.

14 Q. Okay. In the juvenile detention in both state and
15 federal, were you ever the victim of a sexual assault
16 while were you incarcerated?

17 A. No, sir. Thank God, no.

18 Q. Did you have any sexual contact with any of the other
19 inmates?

20 A. No, sir.

21 Q. Were you involved in any altercations or fights while
22 you were in detention?

23 A. Yes, sir.

24 Q. How many?

25 A. How many? Two or three.

1 Q. Were you ever the person who provoked any of those
2 incidents?

3 A. No.

4 Q. Mr. Johnson, you had had trouble with school in terms
5 of cussing on the bus, cussing teachers and fighting,
6 throughout your time at Westside, had you not?

7 A. Yes, sir.

8 Q. What brought about that kind of behavior?

9 A. Initially, how I seen my dad treat me, how I seen
10 Scott treat me, how I seen Scott live.

11 Q. Tell me what you mean by that.

12 A. He cussed me all the time. Used to hit me, fight
13 with me.

14 Q. Was he physically abusive to you?

15 A. Yes, sir, he was.

16 Q. What would he do physically abusively?

17 A. Punch me in the face, slap me around, throw me
18 against the walls.

19 Q. Was he an alcoholic?

20 A. No, sir, not that I know of.

21 Q. Just used drugs?

22 A. Probably, yeah.

23 Q. What about abuse of animals, did you ever abuse
24 animals?

25 A. No.

1 Q. Did he?

2 A. Scott? I don't know.

3 Q. Do you know if Andrew did?

4 A. No, sir.

5 Q. By "abuse of animals," like taking a ball bat and
6 hitting a cat just to see what would happen to it,
7 something like that.

8 A. No, sir. I have pets, or I had pets then.

9 MR. McDANIEL: Let's change our tape, and
10 we'll be through shortly. Let's just stay where
11 we are.

12 THE VIDEOGRAPHER: The time is 2:07 p.m.
13 We're off the record.

14 (Pause in the proceeding.)

15 THE VIDEOGRAPHER: Back on the record. The
16 time is 2:07 p.m. We are back on the record.

17 Counsel.

18 MR. McDANIEL: Mr. Johnson, I want to show you a
19 little diagram, and I'll mark this as -- what are we up
20 to, D?

21 THE REPORTER: Yes, sir.

22 MR. McDANIEL: And the next one will be E.

23 (Exhibit D was marked for identification
24 and was retained by counsel.)

25 BY MR. McDANIEL (Continuing):

1 Q. And this is a diagram made by the police. Look at it
2 for a minute. It shows the ambush position and the other
3 ambush position, and it shows a building under
4 construction, and the basketball court.

5 Do you see that?

6 A. Yes, sir, I do.

7 Q. Does that look like the area where the shooting took
8 place?

9 A. That's a rough sketch.

10 Q. Okay. Where were the children in this diagram and
11 the teachers when the shooting took place, can you point
12 to it?

13 A. No. It's not there.

14 Q. It's not there?

15 A. No, sir. Not that I see.

16 Q. About where were the children? If you were here,
17 where were the children in reference to where you shot?
18 Just point that they were here, here, here, here, here.
19 About where were they? Here's the basketball.

20 A. I'm looking for the sidewalk that connected between
21 the gym and the school. Where is the gym, is it on there
22 at all?

23 Q. Basketball court.

24 A. No, the gym with the gymnasium inside.

25 Q. You just tell me. I wasn't there.

1 A. I mean, I don't know.

2 Q. If you can't tell me, you can't tell me.

3 A. I can't tell you, not from that diagram.

4 Q. Okay. All right. Now, let's look at another diagram
5 then and see if this will help you any.

6 A. Okay.

7 MR. McDANIEL: This is a diagram that I'll
8 mark as Exhibit E.

9 (Exhibit E was marked for identification
10 and was retained by counsel.)

11 BY MR. McDANIEL (Continuing):

12 Q. This is a diagram that shows where the various
13 students and teachers were when the shooting took place.
14 See the sidewalks?

15 A. Okay.

16 Q. And the ones in red is where the people were that
17 were killed.

18 Do you see that?

19 A. Yes, sir, I do.

20 Q. And the ones in blue are where the ones that were not
21 killed, but were injured.

22 Do you see that?

23 A. Okay.

24 Q. And here's where the fire alarm was.

25 Do you see that?

1 A. Where?

2 Q. Here.

3 A. Okay.

4 Q. Now, where were you and Andrew in relation to this
5 drawing?

6 A. We was on this side of the page.

7 Q. So you would have been over in this direction?

8 A. Yes, sir.

9 Q. All right. Now, when the shooting took place, Andrew
10 would have been to your right; is that correct?

11 A. I don't recall.

12 Q. You don't remember?

13 A. I don't remember which side he was on.

14 Q. You don't remember if he was on your right or your
15 left?

16 A. No, sir, I don't.

17 Q. Okay. And so you were shooting from the left of this
18 page to the right of this page; is that correct?

19 A. I believe so, yes.

20 Q. And there were some 70 or so teachers and students in
21 that area, right?

22 A. I don't know.

23 Q. There was a large crowd?

24 A. They filed out -- it wasn't a large crowd that I
25 remember. It wasn't like a huge group of people, no.

1 Q. Do you have any reason to dispute that the police
2 diagram with all those numbers on it is represented by the
3 names of the people as part of the police diagram as to
4 where who was standing, where they were standing?

5 A. No, sir. I don't recall -- there was only -- after
6 the fire alarm was pulled and the first two shots were
7 fired, there were not that many people out there. After
8 the fact, because there were several shots fired after --
9 after I shot my first round, and don't recall shooting
10 after that, there was four more rounds shot from my gun.
11 And I don't know how many Andrew shot.

12 Q. Four more from your rifle?

13 A. From my rifle, yes, sir.

14 Q. And two more from your pistol?

15 A. Yes, sir.

16 Q. Okay. And you don't remember shooting any of those?

17 A. I remember shooting the pistol after the fact.

18 Q. And you don't remember shooting the rifle, the other
19 four rounds?

20 A. No, sir, I do not.

21 Q. So you don't remember whether you were taking dead
22 aim with that rifle or not if you don't even remember
23 pulling the trigger?

24 A. From where I stand right now, I was not intending to
25 hurt anybody.

1 Q. That wasn't my question.

2 A. Okay. What's your question?

3 Q. If you don't remember even shooting the gun, you
4 can't remember whether you were aiming it or not, correct?

5 A. Correct.

6 Q. So then if the people were shot, it's a reasonable
7 conclusion they were aimed at and shot as a result of
8 where you were aiming the gun, reasonable?

9 A. Rephrase it, please.

10 Q. Yes.

11 A. Rephrase the question.

12 Q. Since you don't remember even pulling the trigger,
13 you can't remember where you were aiming; is that right?

14 A. True.

15 Q. So then if the gun was shot, and the bullet struck
16 people, that meant the gun was aimed at those people, or
17 the bullets wouldn't have hit them, right?

18 A. Technically, yes.

19 Q. And nobody had control of that gun but you, right?

20 A. I don't know that.

21 Q. Did Andrew ever take your gun away from you?

22 A. I don't know that. I can't say.

23 Q. And after the shooting was over, did you still have
24 the gun in your possession?

25 A. It was on the ground.

1 Q. Right beside you?

2 A. It was in front of me a couple feet.

3 Q. Did you throw it down to pick up your pistol to shoot
4 the men on the roof?

5 A. I don't know.

6 Q. Where was Andrew when you had your pistol, shooting
7 at the people on the roof?

8 A. Behind me, I believe.

9 Q. Already trying to leave?

10 A. Yes, sir. That's after he come and got me again
11 because he had left. Apparently, he had got up and left,
12 and came back. That's what he told me. He said, "I had
13 to come get you." Because I was sitting there.

14 Q. Did he tell you that you had shot after he stopped
15 shooting, you kept shooting?

16 A. After he stopped shooting?

17 Q. Yes. And he then left, and he had to come back and
18 get you. Had you still been shooting?

19 A. I don't know.

20 Q. Who fired the last shot?

21 A. I don't know.

22 Q. When did Andrew tell you that he left and had to come
23 back and get you, when did he tell you that?

24 A. I don't even know if he told me that. I might be
25 assuming that. But I know I was sitting there, and no

1 shots -- I didn't hear any shots. We were sitting there,
2 and him grabbing me, and I turned around and looked at
3 him, and he said, "Come on. Let's go." That's when I
4 remember, from that point on, what had happened.

5 Q. All right. When the police stopped you and detained
6 you, who said or did what?

7 A. We was on the road, and police pulled up, and the
8 officer jumped out of the vehicle, told us to stop, so I
9 stopped.

10 Q. Did they have their weapons drawn?

11 A. Yes, sir, they did. He did. It was only one officer
12 at the time, I believe.

13 Q. And you had your weapons with you, did you not?

14 A. Yes, sir, I did.

15 Q. And the officer told you to do what?

16 A. Drop the weapons.

17 Q. Did you?

18 A. At first, no.

19 Q. Why not?

20 A. I didn't know what to do, really. I just looked at
21 him.

22 Q. Then what happened?

23 A. He repeated it, and another police officer showed up,
24 drew his weapon, and that's when I put my gun down.

25 Q. Did you ever make any movement toward the officers

1 like you might shoot them or at them?

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

3 Q. Did you think the officers were about to shoot you?

4 A. I didn't know.

5 Q. Did you say -- did they ask you what happened?

6 A. Not really that I recall.

7 Q. Did you know Paige Herring who was killed, did you
8 know her?

9 A. I know of her. I don't know her personally. I
10 didn't know her personally.

11 Q. You did not know her personally?

12 A. I don't believe so.

13 Q. Did you know Stephanie Johnson?

14 A. We all went to school together. I never hung out
15 with any of them, besides Natalie.

16 Q. Did you ever have any social interaction with Paige
17 Herring, Stephanie Johnson or Brittney Varner?

18 A. In passing.

19 Q. Had you ever asked any of them to go out on a date?

20 A. No, sir.

21 Q. Had you ever said something to them, and they were
22 rude to you or dismissed you or rejected you in any way?

23 A. No, sir.

24 Q. Did you have any animosity toward any one of them?

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

1 Q. All right. Let's talk about Natalie Brooks.

2 A. Okay.

3 Q. What, if any, was your contact with Natalie Brooks?

4 A. Me and Natalie were friends.

5 Q. You and Natalie were friends. What was the nature of
6 that friendship?

7 A. We hung out at school, been to a couple of basketball
8 games she was at. We hung out there.

9 Q. Sat together, that sort of thing?

10 A. Yeah, talked.

11 Q. Okay. Were you in the same classrooms?

12 A. No, sir. She was a year younger than me.

13 Q. Were you in the classrooms with Paige Herring?

14 A. No, sir, I don't believe.

15 Q. Were you in the classroom with Stephanie Johnson?

16 A. We was in the same grade. I don't know if we had
17 class together or not. We was in the same grade, I think.

18 Q. What about Brittney Varner?

19 A. I believe she was a year younger than me too.

20 Q. And had you ever had any -- other than Ms. Wright,
21 according to the record, sending you to in-school
22 detention twice, had you had any conflicts with
23 Ms. Wright?

24 A. Me and Ms. Wright -- I always got along with
25 Ms. Wright.

1 Q. One of the police officers indicates that he was
2 standing, holding onto your handcuffs, when an officer,
3 talking to himself as much as anything else, said "Why?"
4 according to the police report of Officer Investigator
5 Rick Dickinson, said "Why?" And Johnson heard this other
6 officer and said, "Anger, I guess." And then he nodded
7 toward the other suspect, Golden, and said, quote, "He
8 asked me if I would help him do it, and I said, 'Yes.'"

9 Did that happen?

10 A. I don't recall if it did or not. I don't recall
11 saying that. I may have.

12 Q. Andrew Golden was 11 years old when this incident
13 happened, right, you were 13?

14 A. I was 13. I don't know how old Andrew was.

15 Q. A lot of people have been asking questions for years
16 relating to the shooting at Westside, Columbine School,
17 and other school shooting incidents, some of which were
18 successful and some of which were broken up, right?

19 A. I guess.

20 Q. Well, you read the paper and see the TV?

21 A. I wasn't allowed to watch the news or associate with
22 the press at all.

23 Q. Since you've been out, you've heard about the
24 Columbine shooting, haven't you?

25 A. Since I've been out, yes.

1 Q. And other school shootings or episodes, right?

2 A. I guess.

3 Q. One of our purposes here is to try to find out what
4 would make two 11- and 13-year-old kids commit mass
5 murder. That's one of the things that the parents are
6 very interested in so, hopefully, we can have some input
7 into trying to keep this from happening anywhere else.

8 A. Yes, sir.

9 Q. Do you agree that's a good thing?

10 A. I believe that's a very good thing, yes, I do.

11 Q. Can you give us any insight that maybe we can share
12 with other people is to say here's things to be on the
13 lookout for, here's things to be aware of, here's things
14 to do that might help prevent this sort of thing in the
15 future? Can you give us any insight at all?

16 A. All I know is what I was going through, I mean, what
17 I was going through, I'm sure similar people go through
18 it. People just handle it differently, you know.

19 What to look for. There wasn't very many signs I
20 gave off, I don't believe. My parents didn't know I was
21 going through all this. My parents, you know -- I didn't
22 do stuff around my parents because I knew they didn't
23 tolerate that. You know, anything I've ever done was
24 always behind my parents' back.

25 Okay. I mean, if a person is normally active, a

1 person is normally doing well in school and not having
2 problems, and he just all of a sudden clamps up, don't
3 want to talk, getting in trouble, obviously, that's a
4 warning sign, you know. Deviant behavior, running with
5 the wrong crowd, being a gang member. I was for a long
6 time. I guess, technically, you know, that's a bad thing.
7 It is. People who are physically violent, and don't get
8 counseling for it and don't talk about it, don't talk
9 about their problems, period, stuff boils over, you know.
10 And I think that was the main reason why. If there was
11 any reason, that was the main reason why I decided to help
12 Andrew do what he done, do what we done. I feel like I
13 didn't have anyone to talk to. I didn't have anyone to
14 open up to. I didn't know who I could trust.

15 Q. And you had a history of being physically violent?

16 A. Right.

17 Q. You fought a lot?

18 A. Yes, sir, I did.

19 Q. You were a member of a gang?

20 A. Yes, sir.

21 Q. You used drugs?

22 A. Yes, sir.

23 Q. And you also, in your diary, said you had a hangover
24 that day?

25 A. No, that's not true. I didn't have one. If I did, I

1 didn't drink alcohol at the time.

2 Q. It's in your diary.

3 A. I was probably talking, just talking crazy.

4 Q. You had changed in your personality from someone who
5 was a good student and not a disciplinary problem to one
6 who was in trouble all the time, or in trouble a lot?

7 A. I mean, the fights I got into, the stuff I normally
8 done, technically, I don't see myself as provoking that.

9 Q. Okay. But you wound up in a lot of fights?

10 A. Yes, sir, I did.

11 Q. And you had a lot of disciplinary problems at school?

12 A. Right.

13 Q. And your parents knew about the disciplinary problems
14 at school, didn't they? Surely the school let your
15 parents know.

16 A. Yes. When I got suspended and things, yes, they sent
17 home notes and contacted my parents.

18 Q. And do you remember Jenna Renee Brooks? She was a
19 seventh-grade student when the shooting took place.

20 A. I believe so.

21 Q. She said that both Golden and Johnson rode her same
22 bus, and that Mitchell, quote, thinks he's a real big shot
23 and says that he's always saying that he does drugs, he's
24 going to whip somebody or bring his gun to school and
25 shoot somebody.

1 Did you tell her that?

2 A. I didn't associate with Jenna. She was one of those
3 stuck-up people I was talking about that didn't -- you
4 know, she didn't associate with me.

5 Q. Well, she says that she told the police that you said
6 you were going to bring a gun to school and shoot
7 somebody; that she overheard you say that.

8 A. I never told that to anybody.

9 Q. Okay. And then she said that you brought a chain to
10 school at one time, and kept wrapping it around your hand,
11 making gang signs.

12 Did that happen?

13 A. What kind of chain?

14 Q. I'm just telling you what she said.

15 A. No.

16 Q. Didn't happen?

17 A. No, sir.

18 Q. I have a few more things to go over. We're about
19 finished.

20 A. Okay.

21 Q. On Monday, March the 23rd, did you tell anybody,
22 quote, I've got a lot of killing to do?

23 A. No, sir.

24 Q. Are you sure about that?

25 A. Yes, sir. I didn't talk -- I didn't talk to anybody

1 that day besides Jennifer. Jennifer is the only person
2 that I talked to that day throughout the whole day.

3 Q. And you had previously talked about suicide yourself,
4 had you not?

5 A. Suicide?

6 Q. Uh-huh.

7 A. I never really wanted to kill myself, no.

8 Q. But you talked about that you might, didn't you?

9 A. Not that I recall.

10 Q. You never told anybody you were thinking about
11 committing suicide?

12 A. I never really wanted to kill myself.

13 Q. Not what I asked.

14 A. I don't think I have, no.

15 Q. A lot of people say that, and they don't really want
16 to do it.

17 A. Right.

18 Q. But had you ever said to anybody, "I might commit
19 suicide" or "I might kill myself"?

20 A. Not that I recall, no.

21 Q. Okay. And I'm confused about something, so I'm going
22 to say this to you.

23 A. Okay.

24 Q. You've told me time and again you were a member of a
25 gang for a long time. When I took your deposition the

1 first time, you said you were not a member of the gang.

2 A. Okay.

3 Q. Which is it?

4 A. That I am. Then I was facing criminal charges too,
5 you know. I'm not anymore.

6 Q. Were the gangs that you were in affiliated with the
7 Bloods?

8 A. That's who they are.

9 Q. Did the police ever come to your home and find a .357
10 pistol on the table at your home, and tell your mama, your
11 mother, Gretchen, that that gun should be secured? Do you
12 remember that?

13 A. No, sir.

14 Q. Don't remember? Okay.

15 A. When did this happen, or supposedly happen?

16 Q. Before the shooting took place.

17 A. No, sir.

18 Q. Did you ever brag about using drugs other than
19 marijuana?

20 A. I've only smoked marijuana. Never done any other
21 drugs.

22 Q. I'm not asking if you've ever done them. I asked did
23 you brag about doing them. Because, again, sometimes
24 people say --

25 A. No, sir, not that I know of.

1 Q. Mr. Johnson, there's a lot of ground that we've
2 covered, and I've asked you questions, and when you didn't
3 understand them, I think you asked me to clarify them,
4 right?

5 A. For the most part, yes.

6 Q. Are there any questions that I've asked you that you
7 want to go back now and change or modify in any way? Any
8 answers you've given, do you want to go back and change or
9 modify?

10 A. I don't think so.

11 Q. You realize the answers you give here are under oath
12 and subject to penalty of perjury, which could include
13 penitentiary if either a judge or a jury thought you
14 committed perjury. Do you realize that?

15 A. Yes, sir, I do.

16 Q. And you know that when Andrew gets out, we'll be
17 taking his deposition?

18 A. That's not my business.

19 Q. Okay. Do you know when Andrew gets out?

20 A. No, sir, I don't.

21 Q. Do you know where Andrew is?

22 A. No, sir, I don't.

23 Q. If you have -- when Andrew gets out, if he has
24 contact with you, will you let this court reporter know
25 when she leaves you a card so we can supplement the

1 deposition to say that he contacted you?

2 A. Why is that important?

3 Q. Well, it's important if you guys are still having
4 contact.

5 A. Why is that important though?

6 Q. Why is that important?

7 A. Right.

8 Q. Because the two of you got together and did something
9 like this once. It's possible it could happen again.

10 A. Not on my behalf. It will never happen again.

11 Q. Then you would have no reluctance in letting us know
12 the two of you got in contact, right?

13 A. That's fine.

14 Q. Or as far as that goes, you can call my office
15 instead of the court reporter, and just leave word that
16 Andrew Golden got in touch with you. Can you do that?

17 A. Sure.

18 Q. If your address changes, will you let us know?

19 A. I don't plan on staying in Fayetteville, I mean, it's
20 just temporary with Michael. I'm trying to find a job,
21 trying to get on my feet.

22 Q. That's what I understand. So when your address
23 changes, I have to send you papers and so on and notify
24 you of things.

25 A. Okay.

1 Q. And I can't do that if I don't know where and how to
2 reach you.

3 A. This is true.

4 Q. So will you keep my office informed as to your
5 whereabouts?

6 A. I will try. I'm not going to make promises, but I'll
7 try.

8 Q. Well, I'll give you one of my cards, which I'm doing
9 now. It has an 800 telephone number on it so it won't
10 cost you anything.

11 A. That's fine.

12 Q. And you can contact my office. Don't even have to
13 talk to me. Just leave word with the secretary what your
14 current address, phone number and employment is.

15 Will you do that?

16 A. Yes, sir.

17 Q. Do you think that it's the least you could do for
18 these parents and the Wright family to let them know of
19 your whereabouts?

20 A. I don't think that's important.

21 Q. You don't?

22 A. And I'll tell you why.

23 Q. Why?

24 A. I've had several threats on my life.

25 Q. By whom?

1 A. Mitchell Wright, for one, has threatened me.

2 Q. When did he threaten you?

3 A. Several times.

4 Q. Where?

5 A. Huh? We haven't had contact, but he's threatened my
6 mother to threaten me, to harm me, you know. And, again,
7 I'm sorry for what I've done. I'm really sorry this had
8 to happen. I done what the judge gave me to do. I done
9 my sentence. Was it a fair sentence? In my opinion, no,
10 it wasn't, and I'll agree to that, but I am free. My
11 whereabouts is nobody's business but my own. What I do is
12 my own business.

13 Q. Except when you're a party to a civil litigation
14 you're required to keep the other side advised as to your
15 whereabouts. That's part of it. That's one of the
16 requirements. So we have to know where -- and I can
17 assure you Mitchell Wright doesn't want to have any
18 contact with you.

19 A. And likewise, sir.

20 Q. Okay. So keep my office informed of your
21 whereabouts.

22 Now, I'm going to ask you one other thing. If you
23 think back on this and you think of something else, you're
24 obligated to let me know that you remembered something
25 else, like who shot, who did, or who said what during the

1 actual shooting.

2 A. Right.

3 Q. And let me know, and we'll supplement this

4 deposition.

5 A. Okay.

6 Q. Because this is your sworn testimony.

7 A. Yes, sir.

8 Q. And after Andrew Golden's testimony is taken, the two

9 will be compared.

10 A. Okay.

11 Q. And either a judge or a jury or somebody might try to

12 decide one of you is not telling the truth, and a judge or

13 a jury or a prosecutor may decide one or the other of you

14 or both have committed perjury. I'm not suggesting that

15 will happen.

16 A. Right.

17 Q. I'm just telling you that's what we're going to do is

18 get his deposition, and compare the two stories.

19 A. Okay.

20 Q. Okay. So that's why it's important that if you

21 realize something you said is not true, you need to let us

22 know so we can get the true version.

23 A. All right.

24 Q. Is that understandable?

25 A. Yes, sir, I understand that.

1 Q. And, again, you have no reluctance whatsoever in
2 consenting to a judgment against you that would keep you
3 from profiting from this in any way?

4 A. I don't ever plan to profit from this, ever,
5 whatsoever.

6 Q. So you certainly don't have any objection?

7 A. I have no objection, no, sir, I do not.

8 Q. All right. I've tried to be courteous to you. Have
9 I been?

10 A. Yes, sir, you have been, for the most part.

11 Q. And you have been to me.

12 A. Thank you.

13 Q. Is there anything else you want to say on this record
14 while we're on the record, either to me or to the family
15 members, that you haven't said that you want to get on the
16 record, anything at all?

17 A. On the record that I'm trying to live my life the
18 best that I can with what I have. Right now, it's not a
19 lot. And, again, I'm very sorry that this has happened.
20 I live with this every day of my life. It's never going
21 to go away. That's my actual punishment, knowing that I
22 took an innocent life, knowing that I've caused suffering
23 and pain for somebody else and that I truly, from the
24 bottom of my heart, am sorry; that I pray that if they
25 believe in God, they believe in the same God that I do,

1 that they understand that, you know, from the heart, I'm
2 sorry. I've asked for my forgiveness, both of them and
3 God. According to my Bible, the Holy Bible, you know, the
4 Lord has forgiven me.

5 Again, I don't hold any grudges towards anybody, you
6 know. Never, ever, will I intend to hurt anybody again,
7 ever. I didn't intend this time. It happened, and I'm
8 really sorry it happened. And just -- you know, I'm
9 trying, again, the best of my ability to get established
10 in life. Society is cruel, you know, especially towards a
11 murderer, you know. It's just something that I live with
12 every day.

13 Q. Anything else?

14 A. No, sir.

15 MR. McDANIEL: All right. That will
16 conclude the deposition. Thank you very much.

17 THE VIDEOGRAPHER: The time is 2:35 p.m.,
18 and we're clear.

19 (Deposition concluded at 2:35 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2

3 STATE OF ARKANSAS)

) ss

4 COUNTY OF BENTON)

5

6 I, BETH A. KALTENBERGER, Certified Court Reporter
7 in and for the State of Arkansas, do hereby certify that
8 the witness, MITCHELL JOHNSON, was duly sworn or affirmed
9 by me prior to the taking of testimony as to the truth of
10 the matters attested to and contained herein; that the
11 testimony of said witness was taken by me stenographically
12 and was thereafter reduced to typewritten form by me or
13 under my direction and supervision; that the foregoing
14 transcript is a true and accurate record of the testimony
15 given to the best of my understanding and ability.

16

17 In accordance with Rule 30(e) of the Rules of
18 Civil Procedure, review of the transcript was not
19 requested by the deponent or any party thereto.

20

21 I FURTHER CERTIFY that I am neither counsel for,
22 related to, nor employed by any of the parties to the
23 action in which this proceeding was taken; and further,
24 that I am not a relative or employee of any attorney or
25 counsel employed by the parties hereto, nor financially

1 interested or otherwise in the outcome of this action; and
2 that I have no contract with the parties, attorneys, or
3 persons with an interest in the action that affects or has
4 a substantial tendency to affect impartiality, that
5 requires me to relinquish control of an original
6 deposition transcript or copies of the transcript before
7 it is certified and delivered to the custodial attorney,
8 or that requires me to provide any service not made
9 available to all parties to the action.

10

11 IN WITNESS WHEREOF, I have set my hand and
12 affixed my seal on this 12th day of April, 2007.

13

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BETH A. KALTENBERGER, CCR, RPR, CRR

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Certificate No. 679

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1 COURT REPORTER'S CERTIFICATION OF CERTIFIED COPY

2

3 I, BETH A. KALTENBERGER, LS No. 679, Certified Court
4 Reporter in the State of Arkansas, certify that the
5 foregoing pages 1-133 constitute a true and correct copy
6 of the original deposition of MITCHELL JOHNSON taken on
7 April 2, 2007.

8

9 I declare under penalty of perjury under the laws of
10 the State of Arkansas that the foregoing is true and
11 correct.

12

13 Dated this 12th day of April, 2007.

14

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16

17

Beth A. Kaltenberger, CCR No. 679

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