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DARRELL COOLEY,

called as a witness by the State of Mississippi,  
after having been first duly sworn, testified as  
follows:

DIRECT EXAMINATION

BY MR. MILLER:

Q. Would you state your name for us.

A. Darrell Cooley.

Q. Darrell, where are you employed?

A. I work for Bassfield Police Department and  
Prentiss Police Department.

Q. Okay. And I want to call your attention to  
December 26, 2001. Do you remember that day?

A. Yes, sir.

Q. Did you get a call to go to Prentiss that  
day?

A. The chief got a call.

Q. Okay. And were you contacted?

A. Yes, sir.

Q. Who contacted you?

A. Earl Bullock.

Q. Okay. When you say "Earl Bullock," is that  
the chief?

A. He's the constable and the chief.

Q. Okay. Chief in Bassfield.

A. Yes, sir.

Q. Okay. When he called you, what did you do?

1 A. I got my gear together, and we went to  
2 Prentiss.

3 Q. Okay. When you got to Prentiss, where did  
4 you go?

5 A. I went to the police department in Prentiss.

6 Q. Okay. And what was the purpose of going  
7 there?

8 A. Officer Ron Jones had said that he needed  
9 some help serving some search warrants.

10 Q. Okay. And when you got to the police  
11 department, what did you do?

12 A. We all met inside. Officer Jones and Officer  
13 Graves went over where we were going and what we were  
14 going to do.

15 Q. Okay. And what were y'all going to do?

16 A. We were going to serve search warrants on  
17 Mary Street at a duplex.

18 Q. Okay. Search warrants. How many?

19 A. Two.

20 Q. Okay. Did you see the search warrants?

21 A. I saw one.

22 Q. Okay. And which one was that?

23 A. I saw the one for apartment 1, which is the  
24 right apartment looking at the duplex.

25 Q. Okay. Do you know who was in that apartment?

26 A. I didn't know the name of the person that was  
27 going to be in it, no.

28 Q. Did you find out later who was in that  
29 apartment?

1 A. Yes, sir.

2 Q. And who was that?

3 A. It was Cory Maye.

4 Q. Okay. And who went -- did y'all divide up in  
5 teams?

6 A. Yes, sir.

7 Q. And which team were you on?

8 A. I was on Ron Jones' team.

9 Q. Who else was on that team?

10 A. Stephen Jones -- it was myself, Stephen  
11 Jones, and Ron Jones.

12 Q. Okay. Who was on the other team?

13 A. Mike Brown, Darryl Graves and Allen Allday, I  
14 think.

15 Q. Who was in charge of the team you were with?

16 A. Ron Jones.

17 Q. How did you go to the apartment on Mary  
18 Street?

19 A. I rode with Stephen Jones and Ron Jones.

20 Q. Okay. Whose car was that in?

21 A. It was a Prentiss Police Department car.

22 Q. Was it a marked car?

23 A. Yes, sir.

24 Q. Where did you park your car at? Or where was  
25 the car parked at?

26 A. Parked right out front of the house.

27 Q. When the car stopped, what did you do?

28 A. We exited the vehicle and went to the front  
29 porch.

1 Q. Okay. When you say "we," who is that?

2 A. Me and Ron went up on the front porch. I  
3 believe Stephen stayed down on the ground right by  
4 the steps.

5 Q. Okay. I show you what's been marked as  
6 Exhibit 1. Can you see that, Officer Cooley?

7 A. Yes, sir.

8 Q. And can you describe that for us.

9 A. That's the duplex on Mary Street. Apartment  
10 1 is on the right, apartment 2 is on the left.

11 Q. The apartment you went to was which one?

12 A. The one on the right, apartment 1.

13 Q. This one right here.

14 A. Yes, sir.

15 Q. Okay. And where did you go on that  
16 apartment?

17 A. What do you mean, where did I go?

18 Q. Where did you go? Did you go -- what area of  
19 the apartment did you go to?

20 A. We went up on the front porch, right there to  
21 where the door is.

22 Q. I show you what's been marked as Exhibit 5.  
23 Can you identify that for me.

24 A. Yes, sir.

25 Q. What is that?

26 A. That's the front porch at Mary Street.

27 Q. Okay. That's the one you went to.

28 A. The one I went to.

29 Q. Where did you go?

1           A. We come up on the front porch. Myself and  
2 Ron Jones went to the door.

3           Q. Okay. This door right here.

4           A. Yes, sir.

5           Q. What did you do when you got there?

6           A. I tried to open the door, and the door was  
7 locked.

8           Q. Okay. The door was locked. Then what did  
9 you do?

10          A. Announced "police," and someone behind me  
11 said, "search warrant," and then I kicked the front  
12 door.

13          Q. Okay. What happened when you kicked the  
14 front door?

15          A. Nothing.

16          Q. Door didn't open?

17          A. Door didn't open.

18          Q. Okay. How did you announce "police"?

19          A. We were standing right about where the door  
20 handle is, kind of by the wall. And I hollered  
21 "police," and then I turned away and then just kicked  
22 straight into the door.

23          Q. You said you hollered. Did you do that  
24 loudly?

25          A. Yes, sir.

26          Q. After you hollered "police," someone hollered  
27 "search warrant," you kicked the door, it didn't  
28 open, what did you do then?

29          A. Stepped back again straight away from the

1 door, hollered "police" again straight at the door,  
2 and then tried kicking it again.

3 Q. Okay. Did anyone besides you holler that  
4 time?

5 A. Yeah, someone behind me. I can't tell you  
6 who it was.

7 Q. Okay. And what did they yell?

8 A. "Search warrant."

9 Q. Okay. And what happened when you kicked the  
10 door a second time?

11 A. Nothing.

12 Q. Okay. Did you notice anything after that?

13 A. Stephen Jones said, "There's a light," and I  
14 looked back in towards the window on the door, and I  
15 could see a light back to the left side of the door.

16 Q. Did you see a light before that time?

17 A. No, sir.

18 Q. Did anyone from the house call out and ask  
19 who's there?

20 A. No, sir.

21 Q. Did anyone open the door?

22 A. No, sir.

23 Q. What did you do after you saw the light?

24 A. After we saw the light, I backed up and I  
25 hollered "police," and then I shouldered the center  
26 of the door just below the window.

27 Q. Okay. What do you mean when you say  
28 shouldered the door?

29 A. I backed up and, instead of kicking it with

1 my foot, I backed up and hit it with my shoulder.

2 Q. Okay. Did anyone yell after you yelled  
3 "police"?

4 A. Yes, sir.

5 Q. What did they yell?

6 A. "Search warrant."

7 Q. Okay. When you shouldered the door, what  
8 happened to the door?

9 A. Nothing.

10 Q. What did you do after that?

11 A. Ron Jones and Stephen Jones left the front.  
12 Ron told me to stay in the front. So I backed down  
13 off the steps and got just to the left of the steps.

14 Q. Over in this area?

15 A. Right.

16 Q. Okay. And where did Ron and Stephen go?

17 A. They went to the back of the house.

18 Q. Okay. What's the next thing you heard?

19 A. I heard some -- the next thing I heard was, I  
20 heard some crash in the back. It sounded like  
21 someone kicking the door back there.

22 Q. Okay.

23 A. And then I heard "police" a few seconds later  
24 and then the gunshots.

25 Q. Okay. You heard a crash like someone kicking  
26 a door, "police," and gunshots.

27 A. Right.

28 Q. How many gunshots did you hear?

29 A. I thought I heard five.

1 Q. Okay. And what happened after that?

2 A. I left the front porch, went around the side  
3 of the house and went down the side of the house and  
4 met Ron Jones coming back around the corner towards  
5 the front.

6 Q. Okay. And what condition was Ron in?

7 A. Ron was still upright. He said -- he started  
8 crouching down. He said, "Get me to the hospital, I  
9 been hit." I said, "Where?" He said in his stomach.  
10 He went to his knees, stated, "Good Lord, help," and  
11 then collapsed on the ground.

12 Q. Okay. And what did you do?

13 A. I grabbed Ron as he was going down, rolled  
14 him up towards the house because I didn't know what  
15 was going on inside. Got him up close to the house,  
16 pulled his vest off and pulled his jacket back and  
17 pulled his vest off.

18 Q. Okay. Did you notice where Ron's gun was?

19 A. It was still in his holster.

20 Q. And what did you do after that?

21 A. After that, Stephen Jones pulled the car up.  
22 I was calling for an ambulance on the radio. Stephen  
23 Jones pulled the car up, and I picked Ron up, his  
24 back towards me, drug him over to the back of the  
25 car. Darryl Graves grabbed me and pulled me on into  
26 the car. I pulled Ron in the car on top of me and  
27 Stephen got Ron's feet in, and we went to the  
28 hospital.

29 Q. When you got to the hospital, did you learn

1 the condition of Ron Jones?

2 A. It was a little bit later. I know they were  
3 in there working on him. Chief Jones showed up and  
4 then Dr. Lott come out to talk to Chief Jones. And  
5 then I found out.

6 Q. Okay. And what did you find out about Ron?

7 A. That Ron didn't make it, that he had died.

8 Q. This apartment here on Mary Street, what  
9 city, state is that in?

10 A. It's in the town of Prentiss, Mississippi,  
11 state of Mississippi.

12 Q. And county?

13 A. Jefferson Davis County.

14 MR. MILLER: We tender the witness, Your  
15 Honor.

16 THE COURT: Okay.

17 MS. COOPER: May I proceed, Your Honor?

18 THE COURT: You may.

19 \*\*\*\*\*

20 CROSS-EXAMINATION

21

22 BY MS. COOPER:

23 Q. Good morning, Officer Cooley.

24 A. Good morning.

25 Q. Do you recall our meeting about two years ago  
26 in Prentiss?

27 A. For the preliminary hearing?

28 Q. Yes, sir.

29 A. Yes, ma'am.

1 Q. Okay. And I recall your testimony at that  
2 time is that there were no lights on inside, that it  
3 was dark inside. Do you recall that?

4 A. When we went up on the porch, yes, ma'am.

5 Q. Okay. Now, you just told the ladies and  
6 gentlemen of this jury that was it Stephen Jones who  
7 told you there was a light on inside?

8 A. Stephen told me after -- after I had kicked  
9 the door, Stephen stated, "There's a light." And I  
10 turned and looked back towards the door and could see  
11 a light back to the left side of the door.

12 Q. Okay. So let's just kind of break it down  
13 this morning. Where were you standing when Stephen  
14 Jones told you that?

15 A. I was standing right by the doorknob, and I  
16 turned back over my shoulder and looked back into the  
17 windows on the door.

18 Q. Okay. You were able to see through the  
19 windows on the door?

20 A. I was able to see a light.

21 Q. Okay. I mean, how? By what means?

22 A. I looked back and I saw a light back to the  
23 left side of the door.

24 Q. Oh, okay. You saw a light over here? Now,  
25 this is the door, correct?

26 A. Right.

27 Q. And you're saying you saw a light over here.

28 A. No. Inside the house.

29 Q. Okay. I thought you said to the left of the

1 door.

2 A. Inside the house, back to the left side of  
3 the door.

4 Q. And you were able to see inside the house by  
5 what means?

6 A. I don't understand.

7 Q. How were you able to see inside the house?

8 A. I looked back through the window.

9 Q. Here?

10 A. Through the windows on the door, correct.

11 Q. And how was it that Stephen Jones was able to  
12 tell you that there was a light on inside?

13 A. I don't know. He stated, "There's a light  
14 on." I looked back over my shoulder because I was  
15 standing almost in front of the door. I looked back  
16 over my shoulder. I could see a light shining  
17 through the window. And then I stepped between the  
18 window and the door.

19 Q. To the right between the window and the door?

20 A. Right.

21 Q. And where was Stephen when he told you, "I  
22 see a light on inside"?

23 A. I can't tell you where he was standing at.

24 Q. Was he on the front porch?

25 A. I can't tell you. I don't remember.

26 Q. Well, are you able to tell the ladies and  
27 gentlemen of this jury how it was that he was able to  
28 tell you there was a light on inside?

29 A. No, ma'am, I can't tell you. I have no idea

1 how he knew there was a light come on inside.

2 Q. Okay. Well, let's just kind of start from  
3 the beginning. Were you at work that Wednesday night  
4 when Ron Jones called you?

5 A. I was working for the Town of Bassfield, yes,  
6 ma'am.

7 Q. Okay. So you came from Bassfield to  
8 Prentiss?

9 A. Yes, ma'am.

10 Q. And what, if any, was the discussion about  
11 this search warrant?

12 A. We talked. They drew a diagram of the duplex  
13 on a board at Prentiss Police Department, and we  
14 talked about who would go into what side, what was  
15 supposed to be in there and what wasn't supposed to  
16 be in there.

17 Q. Who drew the diagram?

18 A. Darryl Graves, I believe, is the one that  
19 drew the diagram on the board.

20 Q. And the diagram was -- what did it consist  
21 of?

22 A. What the inside -- what the house looked  
23 like. Just kind of a basic layout of the house.

24 Q. His diagram included the inside of the house?

25 A. It included a basic layout of the house.

26 This is the front door --

27 Q. Inside or outside?

28 A. I don't remember whether it showed all the  
29 inside rooms or not.

1 Q. Okay. But you do recall what?

2 A. It showed the front door and the backdoor.

3 Q. Of the entire property?

4 A. I don't remember.

5 Q. Okay. Well, when you saw the layout, were  
6 you aware that it was two front doors and two  
7 backdoors?

8 A. Correct.

9 Q. Okay. Now, you never went inside either of  
10 these apartments, did you?

11 A. No, ma'am.

12 Q. Had you ever executed search warrants with  
13 Ron Jones before?

14 A. Yes, ma'am.

15 Q. And in executing this search warrant, did he  
16 tell you that he'd done surveillance on this  
17 property?

18 A. He said that he had been working on this  
19 property for a while and that he had a C.I. that said  
20 that the drugs were supposed to be there and that  
21 there weren't supposed to be any weapons in the  
22 house.

23 Q. Did he tell you whether or not he had done  
24 any surveillance on the property at 1728 Mary Street?

25 A. No, ma'am.

26 Q. Did he tell you whether or not there had been  
27 a -- the C.I. that you just referred to, did he tell  
28 you that there had been a controlled buy involving  
29 the C.I.

1 A. No, ma'am.

2 Q. And will you tell the ladies and gentlemen of  
3 this jury what a controlled buy is?

4 A. You send in a C.I. or an officer and you buy  
5 narcotics out of the house or out of a place.

6 Q. And that did not happen here. Isn't that  
7 correct?

8 A. I don't know.

9 Q. Did he tell you that?

10 A. No, ma'am.

11 Q. And basically, you all participated in the  
12 execution of this search warrant based on what Ron  
13 Jones said someone else had told him. Isn't that  
14 correct?

15 A. We participated in the search warrant.

16 Q. Based on what Ron Jones said someone had told  
17 him. Isn't that correct?

18 A. He told me that he had been investigating.

19 Q. Did he tell you what that investigation  
20 included?

21 A. No, ma'am.

22 Q. Now, when you all approached this apartment,  
23 you said on the right side, you didn't know if there  
24 was anybody inside that apartment or not, did you?

25 A. No, ma'am.

26 Q. Now, you stayed at the front while Ron Jones  
27 and Stephen Jones went to the back?

28 A. Yes, ma'am.

29 Q. What were you doing while you were posted at

1 the front?

2 A. I was just standing there in case anyone come  
3 out the front door.

4 Q. Did you hear anything going on inside?

5 A. I heard what was going on towards the back of  
6 the house.

7 Q. On the outside.

8 A. And then the gunshots.

9 Q. No, before that, as you stood on the front,  
10 as Ron Jones and Stephen Jones went to the back, did  
11 you hear anything going on within the house?

12 A. No, ma'am.

13 Q. Did you hear anything that was going on to  
14 the left of you?

15 A. Well, they had already entered the house to  
16 the left of us. The apartment to the left.

17 Q. Were you able to hear what was going on over  
18 there?

19 A. No, ma'am.

20 Q. You couldn't hear anything.

21 A. No, ma'am.

22 Q. What, if anything, did you hear?

23 A. Where?

24 Q. Around 1728 Mary Street. It was quiet.

25 A. It was quiet. You had traffic going up and  
26 down the street.

27 Q. Okay. Did you announce "police"?

28 A. Yes, ma'am.

29 Q. When?

1           A. Before I hit the front door the first time,  
2 the second time, and the third time.

3           Q. Okay. Before you hit the front door the  
4 first time, where were you?

5           A. I was standing just about where the door  
6 handle is. I checked the door handle. I checked the  
7 door handle and then, whenever I hollered "police,"  
8 then I stepped back straight away from the door, and  
9 I kicked the front door.

10          Q. Why did you kick it?

11          A. To open it.

12          Q. Well, how much time passed between your  
13 pulling on it and kicking it?

14          A. I couldn't tell you. I don't know.

15          Q. Seconds?

16          A. I don't know.

17          Q. Enough time for somebody to respond in any  
18 fashion? Or was it simultaneous, snatching on the  
19 door and kicking at the door?

20          A. No, ma'am.

21          Q. How much time passed.

22          A. We usually wait a few minutes -- a few  
23 seconds, not minutes -- wait a few seconds and then  
24 kick the door.

25          Q. Okay. Now, usually. Why are you usually  
26 kicking the door?

27          A. Well, I've made many entries on search  
28 warrants.

29          Q. By kicking the door in?

1 A. Yes, ma'am.

2 Q. And in doing that, did you have your gun  
3 drawn?

4 A. I don't recollect whether I had it drawn at  
5 that time or not.

6 Q. No, no, no, no, no. I'm not -- just stay  
7 with me here. On those occasions where you said you  
8 usually kicked the door in so that you can gain  
9 entry, have you had your gun drawn?

10 A. Yes, ma'am.

11 Q. Okay. Did you -- now, let's come to  
12 Wednesday, December 26. Did you have your gun drawn  
13 as you stood at this front door?

14 A. I don't remember whether I had it drawn or  
15 not.

16 Q. Come on, now. Come on. You lost your  
17 friend, didn't you? You've been able to come in here  
18 and tell the jury particulars about that. You tell  
19 this jury whether or not you had your gun drawn.

20 A. I don't remember whether I had it drawn or  
21 not.

22 Q. Did Stephen Jones have his gun drawn?

23 A. I don't know.

24 Q. Did Ron Jones have his gun drawn?

25 A. I don't know.

26 Q. Why would you have not had your gun drawn and  
27 you're executing a search warrant?

28 A. Don't know.

29 Q. What does your protocol tell you to do? What

1 does your training tell you to do when you're  
2 executing a search warrant?

3 A. Enter the house with your gun drawn.

4 Q. Okay. And you do that why?

5 A. For safety reasons. If they fire at you, you  
6 fire back.

7 Q. Let's talk about officer safety since you  
8 brought that up. What's more important in executing  
9 a search warrant, officer safety or going to get  
10 whatever it is you've stated in your search warrant  
11 that you're going to get?

12 A. Everybody's safety.

13 Q. So officer safety is more important than  
14 obtaining whatever is stated in that search warrant.  
15 Am I correct?

16 A. Everybody's safety is more important than  
17 that search warrant.

18 Q. Who's the everybody that you're referring to?

19 A. Everybody. Where you're serving the search  
20 warrant, the officers' safety, and everybody around  
21 the area where you're serving the search warrant.

22 Q. So that's more important than effecting the  
23 object of the search warrant, correct?

24 A. Yes, ma'am.

25 Q. Now, I thought you said there was somebody  
26 standing behind you yelling "search warrant."

27 A. Right.

28 Q. But there were only two officers there,  
29 right?

1 A. Right.

2 Q. So who of the two yelled "search warrant"?

3 A. I couldn't tell you which one.

4 Q. Who had the search warrant?

5 A. Ron Jones had the search warrant.

6 Q. You know the difference in Ron's voice and  
7 Stephen's voice?

8 A. No, not really.

9 Q. Okay. You've executed search warrants with  
10 these two gentlemen before?

11 A. I have with Ron.

12 Q. But not with Stephen?

13 A. Not with Stephen.

14 Q. Okay. So when you've executed --

15 A. I'm sorry, I did serve one, I did execute one  
16 with Stephen at one time.

17 Q. Was Ron there?

18 A. Yes, ma'am.

19 Q. Okay. Who was yelling "search warrant" on  
20 that occasion?

21 A. I couldn't tell you.

22 Q. Now, you said you heard -- did you ever go to  
23 the back?

24 A. I went to the side of the house; never went  
25 to the back.

26 Q. Okay. What happened at the side of the house  
27 that kept you from going on to the back of the house?

28 A. Officer Jones was shot.

29 Q. As you were going to the back of the house.

1           A. I started around the back of the house, and  
2 he came around the side of the house where I was at.

3           Q. So you were not present when Ron Jones made  
4 the decision to forgo, to forget about trying to get  
5 into that apartment from the back. You weren't  
6 present when that conversation took place.

7           A. No, ma'am.

8           Q. And you said Ron Jones had the search  
9 warrant?

10          A. Yes, ma'am.

11          Q. Where was it?

12          A. When we were on the front porch, he had it in  
13 his hand.

14          Q. Okay. And then, when you saw him on the side  
15 of the house?

16          A. I couldn't tell you where it was at.

17          Q. Was it still in his hand?

18          A. I couldn't tell you whether it was in his  
19 hand or not.

20          Q. You told the ladies and gentlemen this  
21 morning that you assisted him in removing his vest?

22          A. No, I didn't assist him, he was already out.

23          Q. He was already out of his vest?

24          A. No, he was already unconscious.

25          Q. Okay. You didn't take any of his things off  
26 of him?

27          A. I pulled his vest and his jacket off.

28          Q. That's what I thought you said. So, in doing  
29 that, did you see the search warrant?

1 A. No, ma'am.

2 Q. Did you think this apartment was empty?

3 A. I couldn't say whether it was empty or not.

4 Q. What did you think? As you stood there  
5 trying to get in it without your gun drawn, what did  
6 you think?

7 A. I don't know.

8 Q. Were you thinking?

9 A. Yes, ma'am.

10 Q. What were you thinking?

11 A. The whole time, who was in it and how to get  
12 in there.

13 Q. But was there any indication that there was  
14 anybody inside?

15 A. When the light come on.

16 Q. The light came on. When the light came on,  
17 that let you know that somebody was in there?

18 A. [No response.]

19 Q. Did you draw your gun when the light came on?  
20 Because then you are telling these people that that  
21 indicated to you someone was in there.

22 A. I don't remember whether I drew my gun then  
23 or I already had it drawn.

24 Q. Okay. There were no cars inside of this  
25 apartment, were there?

26 A. No what?

27 Q. Cars. In front of this apartment.

28 A. Cars?

29 Q. Cars.

1 A. Other than ours, not that I seen, no.

2 Q. Well, why did Officer Jones go in? Why did  
3 Ron Jones go into the apartment?

4 A. I don't understand your question.

5 Q. Why did he go into that apartment?

6 A. Serve the search warrant.

7 Q. Do you know if his gun was drawn? And I may  
8 have asked this already, and I don't mean to be  
9 repeating myself, but do you know if he had his gun  
10 drawn when he left you on the front?

11 A. No, ma'am, I don't know.

12 Q. You don't know?

13 A. No, ma'am.

14 Q. Have you since found out?

15 A. No, ma'am.

16 Q. When you were assisting him as he lay on the  
17 ground, you don't know if his gun was drawn?

18 A. His gun was holstered when he come around the  
19 side of the house.

20 Q. Did he have time to put it back in the  
21 holster? Come on, now. Stop with all of this "I  
22 don't know."

23 A. I don't know. I mean, he come around the  
24 house. His gun was in his holster.

25 Q. Okay. So let's just go back 60 seconds. A  
26 minute. Did he have time to replace his gun in his  
27 holster?

28 A. I don't know.

29 Q. Okay. Because you were what, just standing

1 on the front with the light on inside, supposedly,  
2 with your gun what?

3 A. [No response.]

4 MS. COOPER: Court's indulgence, Your  
5 Honor?

6 THE COURT: All right.

7 [PAUSE IN THE PROCEEDINGS]

8 BY MS. COOPER:

9 Q. Officer Cooley, do you still work for the  
10 Bassfield police and the Prentiss police?

11 A. Yes, ma'am.

12 Q. And how long have you been doing that?

13 A. I been with Bassfield three and a half years  
14 and been with Prentiss I think about two and a half  
15 years. I'm not sure exactly how long.

16 Q. Now, were you working for the Prentiss police  
17 in December 2001?

18 A. Yes, ma'am. Well, I was working for  
19 Bassfield assisting Prentiss.

20 Q. Okay. But sometime after that you came  
21 full-time on to Prentiss.

22 A. No, I'm not full-time. I'm part-time with  
23 Prentiss, full-time with Bassfield.

24 Q. Okay. Is that normal for police officers to  
25 work for two different cities or towns?

26 A. Yes, ma'am.

27 Q. Do you get paid by each town?

28 A. Yes, ma'am.

29 Q. And I understood you to say that you only saw

1 one warrant?

2 A. I only looked at one warrant.

3 Q. Okay. You just looked at it. You didn't  
4 know any of the particulars about it?

5 A. No, ma'am.

6 Q. Okay. And when you looked at it at that  
7 time, who had it?

8 A. Ron Jones.

9 Q. Now, you didn't see anybody inside this  
10 apartment, did you?

11 A. No, ma'am.

12 Q. And that door that you were snatching on and  
13 kicking, it was secured, wasn't it?

14 A. Yes, ma'am.

15 Q. It was locked. Officer Cooley, were you able  
16 to get that screen door opened? Were you able to get  
17 it open?

18 A. I didn't mess with the screen door.

19 Q. Okay. What door did you mess with?

20 A. The main door.

21 Q. Okay. This door that's shown here?

22 A. The main door.

23 Q. Is that the door that's shown here?

24 A. The door that's shown there.

25 Q. Were you able to get it open?

26 A. No, ma'am.

27 Q. And did you do anything to the windows?

28 A. No, ma'am.

29 Q. Did you tap on the windows?

1 A. No, ma'am.

2 Q. And you were kicking at the front door.

3 A. Right.

4 Q. Okay. What did you have on your feet?

5 Shoes?

6 A. Work boots.

7 Q. Tennis shoes? Boots?

8 A. Work boots.

9 Q. Did you know that there were two separate  
10 apartments?

11 A. Yes, ma'am.

12 Q. When did you first know that?

13 A. When we were talking about it at the police  
14 department.

15 Q. And the information that you got on these  
16 apartments you got from Ron Jones.

17 A. Ron Jones and Darryl Graves.

18 Q. Did Darryl Graves leave with you all to go to  
19 the hospital with Ron Jones?

20 A. No, ma'am, I don't think so.

21 Q. Now, do you know if, on the other side,  
22 apartment 2, if that team, if they had to force entry  
23 into the apartment?

24 A. I don't know.

25 Q. But, now, you got to stay with me on this.  
26 You were just standing outside out front, right? You  
27 never went to the back.

28 A. I never went to the back of the house.

29 Q. So where were you standing? Were you just

1 standing in front of the door and -- look, look,  
2 look. This is the door.

3 A. Okay.

4 Q. Did you have your back to the door? Did you  
5 move to the side of the door? I mean, what were you  
6 doing?

7 A. At what point?

8 Q. When Ron Jones and Stephen Jones told you to  
9 stay there, when they left you up front.

10 A. I come off the front porch and went just to  
11 the left of the front steps.

12 Q. Okay. So you just stood here.

13 A. No, the other side of the steps.

14 Q. To the left of the steps.

15 A. Right.

16 Q. Was your back to the steps or your face to  
17 the steps?

18 A. No, I was facing the door.

19 Q. You were facing the door.

20 A. Yes, ma'am.

21 Q. Did you ever look to the left to see what, if  
22 anything, was going on over there?

23 A. No ma'am.

24 Q. You just stood facing the front.

25 A. Right.

26 Q. Never moved.

27 A. I can't say whether I moved or not.

28 Q. Didn't yell "police" anymore.

29 A. No.

1 Q. Didn't say "search warrant."

2 A. No, ma'am.

3 Q. Just stood there.

4 A. Right.

5 Q. Why didn't you continue to knock and kick?

6 A. Because I couldn't get the door open.

7 Q. But you were still trying to get entry,

8 right?

9 A. Officers Stephen and Ron Jones were trying to  
10 get in.

11 Q. You were just to stand out front.

12 A. I became a security-type thing, yes.

13 Q. Okay. Were you aware of the screen door or  
14 anything about the screen door?

15 A. Not the screen door, no, ma'am.

16 Q. Do you know how the screen door got opened?

17 A. No, ma'am.

18 Q. Now, you said that you heard what you thought  
19 were five shots?

20 A. That's what I thought I heard.

21 Q. But you know now that the evidence says there  
22 were only three shots. Correct?

23 A. Yes, ma'am.

24 Q. Did any officers fire two shots?

25 A. Not to my knowledge.

26 Q. Is there anything that would help refresh  
27 your knowledge?

28 A. [Shakes head negatively.]

29 Q. So is it your testimony this morning, Officer

1 Cooley, that you never saw Cory Maye?

2 A. No, ma'am, until the preliminary hearing,  
3 except for on TV.

4 MS. COOPER: Just one moment, Your  
5 Honor, please.

6 THE COURT: All right.

7 [PAUSE IN THE PROCEEDINGS]

8 BY MS. COOPER:

9 Q. Do you know if the officers on the other  
10 side, on the left side, apartment 2, Jamie Smith's  
11 apartment, do you know if they had their guns  
12 drawn --

13 A. No, ma'am.

14 Q. -- when they tried to effect the search  
15 warrant?

16 A. I don't know.

17 Q. Did you hear that door being kicked in in the  
18 back? Did you hear that?

19 A. I heard a loud noise back there; sounded like  
20 the door being kicked in.

21 Q. And it was at that time, after that door was  
22 kicked in, after you heard that loud noise, that you  
23 heard the shots. Isn't that correct?

24 A. It was a few seconds later.

25 Q. Okay.

26 A. Not immediately. I heard "police" between  
27 then and that. I heard the door, then I heard  
28 "police" a few seconds later, and then the gunshots.

29 Q. Did you hear "search warrant"?

1 A. No, ma'am.

2 Q. You didn't hear that?

3 A. No, ma'am.

4 MS. COOPER: Thank you, Officer Cooley.

5 THE COURT: Redirect?

6 \*\*\*\*\*

7 REDIRECT EXAMINATION

8

9 BY MR. MILLER:

10 Q. When you arrived at the Prentiss Police  
11 Department, were you briefed on what y'all were going  
12 to do?

13 A. Yes, ma'am. Yes, sir.

14 Q. And who did that?

15 A. Ron Jones and Darryl Graves went over what we  
16 were going to do.

17 Q. Did anyone mention anything about weapons?

18 A. Ron Jones stated that there was not supposed  
19 to be any weapons in the residence.

20 Q. What was supposed to be in the residence?

21 A. It was supposed to be crack cocaine and  
22 marijuana.

23 MR. MILLER: No further questions, Your  
24 Honor.

25 THE COURT: All right. You may step  
26 down.

27 [WITNESS EXCUSED]

28 \*\*\*\*\*

29 THE COURT: All right. Who will you

1 call next?

2 MR. McDONALD: Dr. Steven Hayne.

3

4 DR. STEVEN TIMOTHY HAYNE,  
5 called as a witness by the State of Mississippi,  
6 after having been first duly sworn, testified as  
7 follows:

8

9 DIRECT EXAMINATION

10

11 BY MR. McDONALD:

12 Q. Would you state your name for the jury,  
13 please.

14 A. Steven Timothy Hayne.

15 Q. And, Dr. Hayne, what is your occupation or  
16 profession?

17 A. I'm a physician working in the fields of  
18 anatomic, clinical, forensic pathology.

19 Q. Are you board certified as a forensic  
20 pathologist?

21 A. Yes, sir, in forensic pathology as well as  
22 clinical pathology, anatomic pathology, and forensic  
23 medicine.

24 Q. Do you hold a position with respect to the  
25 State of Mississippi?

26 A. I do, sir.

27 Q. And what is that position?

28 A. State pathologist with the Department of  
29 Public Safety, medical examiner's office, for the

1 State of Mississippi.

2 Q. All right, sir. And how long have you held  
3 that position?

4 A. Almost 18 years, sir.

5 Q. All right, sir. And what is your education  
6 that qualifies you for this position and training?

7 A. I graduated from medical school at Brown  
8 University, and I trained as a pathologist at  
9 Letterman Army Medical Center at the Presidio of San  
10 Francisco in California with rotations at different  
11 institutions in the San Francisco Bay area, including  
12 the medical examiner's office, the City and County of  
13 San Francisco, and other institutions. University of  
14 California Moffitt Hospital, Children's Hospital, and  
15 also Stanford School of Medicine.

16 Q. And how long have you been a forensic  
17 pathologist?

18 A. Almost 30 years, sir.

19 Q. All right, sir. And have you had occasion to  
20 testify as a forensic pathologist in the courts of  
21 the state of Mississippi and/or in federal court and  
22 other states?

23 A. Yes, sir, I have.

24 Q. And have you been accepted as an expert in  
25 those courts?

26 A. I have, sir.

27 **MR. McDONALD:** Judge, we'd tender Dr.  
28 Hayne as an expert in the field of forensic  
29 pathology.

1 MS. COOPER: No objections, Your Honor.

2 THE COURT: All right. He can be so  
3 accepted.

4 BY MR. McDONALD:

5 Q. Dr. Hayne, in your capacity of physician, as  
6 state medical examiner, did you have occasion to have  
7 delivered to you or brought in to the place where you  
8 do your autopsies the body of an individual by the  
9 name of Ron Jones?

10 A. Yes, I did, sir. It was delivered to the  
11 Rankin County morgue under the direction of Greg  
12 Blackwell, who is the county coroner, medical  
13 examiner, and investigator of Jefferson Davis County,  
14 the county of jurisdiction, sir.

15 Q. And I believe there were officers,  
16 investigators from the Highway Patrol present at the  
17 autopsy. Is that correct?

18 A. Yes, sir, there were two representatives of  
19 the coroner's office and two representatives of the  
20 Mississippi Highway Patrol.

21 Q. And those individuals identified the body to  
22 you?

23 A. The county coroner, medical examiner, and  
24 investigator identified the body, sir.

25 Q. Now, would you tell the jury what actions you  
26 performed in the conduct of your examination of the  
27 body and what your findings were.

28 A. The first step was discussing the case with  
29 the officers, especially the Highway Patrol

1 investigators as well as the representatives from the  
2 coroner's office, familiarize myself with the  
3 circumstances of the death itself. That was followed  
4 by an external examination, looking for evidence of  
5 disease or injury, collecting evidence appropriate to  
6 that step of the investigation, and followed by an  
7 internal examination, opening the body cavities,  
8 collecting evidence appropriate to that step, and  
9 collecting evidence as necessary.

10 And then it was followed by review of the  
11 findings with the officers and the representatives of  
12 the coroner's office as to the findings of the  
13 autopsy and also the findings at the scene  
14 investigation. Ultimately, a report was generated  
15 after microscopic review of the tissues and other  
16 studies being completed.

17 And this autopsy protocol was in compliance  
18 with the attorney general's ruling of this state as  
19 well as the national standards for the performance of  
20 an autopsy. It addressed the cause of death, the  
21 manner of death, and it also lists the pertinent  
22 steps and findings during the course of the  
23 examination.

24 Q. All right, sir. I believe we have a copy of  
25 that autopsy report which we furnished a copy also to  
26 the defense. Based on your examination and your  
27 autopsy, what findings did you make with respect to  
28 any wounds that may have appeared on the body of  
29 Officer Jones?

1           A. There were three traumatic injuries  
2 identified on the external surface of the body.  
3 There are two small scrapes of the skin, scratches,  
4 called abrasions medically, small in size, measuring  
5 approximately one-quarter inch. They were found on  
6 the back of the second and third digits of the left  
7 hand. If I may point to myself?

8           Q. Yes.

9           A. Located approximately here and approximately  
10 here. In addition to that, there was an entrance  
11 gunshot wound located over the lower left abdominal  
12 wall at a point 30 inches below the top of the head,  
13 four inches to the left of the abdomen on the  
14 centerline. The entrance gunshot wound was slightly  
15 ovoid, measuring approximately three-eighths of an  
16 inch in diameter.

17          Q. Were you able to determine the tract of that  
18 wound?

19          A. I was, sir. On the internal examination,  
20 when the body was opened, the tract was found to be  
21 traveling, that is the bullet trajectory was found to  
22 be traveling from left to right. It was going  
23 downward at approximately 20 degrees, and it was  
24 going towards the back at approximately 30 to 35  
25 degrees.

26          Q. Dr. Hayne, I'm going to show you what appears  
27 to be a frontal and rear diagram of a male body. Can  
28 you identify that diagram?

29          A. I can. This is a illustration diagram taken

1 at the time of the autopsy, and written on this  
2 diagram are the two small abrasions, scratches,  
3 located on the fingers of the left hand. And it  
4 indicates that it was on the decedent, Ron Jones.

5 MR. McDONALD: We'd like to offer --

6 well, before I do that --

7 BY MR. McDONALD:

8 Q. On the frontal view, could you indicate on  
9 there with a pen approximately where the entrance  
10 wound was?

11 A. These were the two abrasions. Did you also  
12 want the entrance wound?

13 Q. Right. On the frontal part.

14 A. [Witness indicated]. Label it, sir?

15 Q. Yes, if you would.

16 A. [Witness indicated].

17 MR. McDONALD: We'd offer that into  
18 evidence, Your Honor.

19 THE COURT: All right. No objection,  
20 let it be entered and marked.

21 [BODY DIAGRAM, FRONT AND BACK VIEW, WAS  
22 MARKED EXHIBIT NUMBER 43 AND RECEIVED IN  
23 EVIDENCE.]

24 MR. McDONALD: And if I could show it to  
25 the jury by means of the projector.

26 BY MR. McDONALD:

27 Q. Now, is that what you refer to as an entrance  
28 wound?

29 A. Yes, sir. It was almost circular, located on

1 the left lower abdominal wall 30 inches below the top  
2 of the head, slightly lower than the level of the  
3 umbilicus or the belly button.

4 Q. All right, sir. I show you this diagram and  
5 ask what that diagram represents.

6 A. This is a lateral view illustration sheet.  
7 And this was used during the course of the autopsy to  
8 demonstrate the downward trajectory of the bullet,  
9 entering the abdominal wall, traveling downward at  
10 approximately 20 degrees. And also indicating that a  
11 large caliber copper-jacketed bullet I felt was  
12 consistent with a .380 caliber projectile was located  
13 towards the back of the abdominal wall as well as  
14 lower than the entrance gunshot wound.

15 Q. With your red pen, would you draw the  
16 trajectory of the projectile entry and through the  
17 body?

18 A. And label it, sir?

19 Q. Yes.

20 A. (Witness complied.)

21 Q. And that wound tract, did it go left to right  
22 or right to left?

23 A. It was going from left to right.

24 MR. McDONALD: Thank you. We'd offer  
25 this into evidence.

26 THE COURT: All right. Let it be  
27 entered and marked

28 [BODY DIAGRAM, LATERAL VIEW, WAS MARKED  
29 EXHIBIT NUMBER 44 AND RECEIVED IN EVIDENCE.]

1 BY MR. McDONALD:

2 Q. And the red would represent the trajectory of  
3 the bullet into the body. Is that correct?

4 A. It would, sir. That is the wound path of the  
5 bullet.

6 Q. All right. Did you note any abrasions or  
7 bruising to the deceased's knees?

8 A. I did not, sir. The only acute nongunshot  
9 wound injuries were the two small abrasions to the  
10 back of the second and third digits of the left hand,  
11 sir.

12 Q. Okay. Now, with respect to the internal  
13 injuries suffered as a result of the projectile, what  
14 did you find?

15 A. There were a total of four gunshot wounds to  
16 the small bowel, but of much greater significance was  
17 a go-through gunshot wound of the abdominal aorta,  
18 allowing for massive internal bleeding to a volume of  
19 approximately three and one-half quarts of blood,  
20 which would produce death from exsanguination or  
21 blood loss, sir.

22 Q. All right. Based on the autopsy, your  
23 education, training, and experience, and within the  
24 bounds of reasonable medical certainty, have you  
25 formed an opinion, expert opinion, concerning the  
26 cause of death of Ronald Jones, or Ron Jones?

27 A. I did, sir.

28 Q. And what was that opinion?

29 A. I described the cause of death as a gunshot

1 wound of the abdomen consistent with distance and  
2 consistent with reentry and penetrating, sir.

3 Q. And do you have an opinion as to the manner  
4 of death?

5 A. I do, sir.

6 Q. And what is that?

7 A. Homicide, sir.

8 Q. Were you able to determine the height of Ron  
9 Jones from the autopsy?

10 A. Yes, sir, from direct measurement.

11 Q. And what was that?

12 A. He measured six foot two inches in height,  
13 sir.

14 Q. And the wound was how far -- I think you  
15 measured where the entrance wound was based on at the  
16 top of his head? Is that correct?

17 A. Yes, sir. It was 30 inches below the top of  
18 his head.

19 Q. Thirty inches below the top of his head.

20 A. Yes, sir. It was four inches to the left of  
21 the mid-abdominal wall.

22 MR. McDONALD: Judge, I believe that's  
23 all the questions we have for Dr. Hayne.

24 THE COURT: All right. Any cross?

25 MS. COOPER: Yes, sir.

26 \*\*\*\*\*

27 CROSS-EXAMINATION

28

29 BY MS. COOPER:

1 Q. Good morning, Dr. Hayne.

2 A. Good morning, counselor.

3 Q. How are you?

4 A. Tired.

5 Q. I'm Rhonda Cooper, as you know, and, Dr.

6 Hayne, I just want to clear up some things for the  
7 jury, please.

8 Now, you started off and you indicated that  
9 there were some small scratches on the back of Ron  
10 Jones' left hand.

11 A. On the back of two fingers, small, measuring  
12 approximately a quarter of an inch.

13 Q. Okay. Did you attribute that in any way to  
14 the gunshot wound?

15 A. I did not, not directly to the gunshot wound.  
16 It could have been inflicted as a fall. It was  
17 suffered at or about the time of death.

18 Q. Okay. Now, I just want to establish some  
19 things that went into your opinion, Dr. Hayne. Now,  
20 do you know the distance between Ron Jones as he  
21 entered the apartment and Cory Maye as he lay on the  
22 floor of his apartment?

23 A. I do not know that distance.

24 Q. Okay. Do you know how far Ron Jones was from  
25 Cory Maye at the time he was shot?

26 A. I do not know that.

27 Q. And do you know whether or not Ron Jones  
28 stood erect or was any way crouched or bent down at  
29 the time he was shot?

1 A. I do not know that, counselor.

2 Q. Do you know how high the gun was above Cory  
3 Maye's head as he lay on the ground?

4 A. How high the gun --

5 Q. How high the gun was raised.

6 A. I do not know that, counselor.

7 Q. And do you know whether or not the gun was at  
8 an angle?

9 A. It was only at an angle in relationship to  
10 the decedent. If the decedent were in a standing  
11 position, the weapon would have been held above at  
12 approximately 20 degrees and also forward at  
13 approximately 30 to 35 degrees facing from the left  
14 side.

15 Q. Okay.

16 A. I can only give the relative positions; I  
17 don't know the absolute positions.

18 Q. The relative position of the entry of the  
19 gun.

20 A. Of the bullet --

21 Q. Bullet, I'm sorry.

22 A. -- striking the decedent and placing the  
23 decedent in a standing position. All the  
24 trajectories are measured from that anatomically  
25 correct position.

26 Q. Okay. So the trajectories don't take into  
27 account that the decedent may have scaled a flight of  
28 -- well, scaled three stairs and then entered in a  
29 crouched position. Are you saying your trajectory

1 does not take that into consideration?

2 A. The hypothesis that one might ask about that,  
3 one could address. The issues of how many stairs a  
4 person climbed would be indecipherable.

5 Q. Okay. Well, we can strike the stairs. I  
6 guess I was just trying to recreate Mr. Jones  
7 entering that unit. But, again, my question is, does  
8 your opinion take into consideration that Ron Jones  
9 may have been crouched at the time he was shot?

10 A. I do not know the position that Mr. Jones was  
11 in when the shot was delivered.

12 Q. Okay.

13 A. Only the trajectory of the bullet in the body  
14 as the body is placed in an anatomically correct  
15 position.

16 Q. Which is standing.

17 A. Standing position, arms to the side, palms  
18 forward, feet together.

19 Q. Okay. The perfect position, or the military  
20 position, so to speak.

21 A. That is correct. And those are the  
22 trajectories that are measured from that. Doesn't  
23 indicate the exact position he was in when the shot  
24 was fired. All I'm saying is that those are the  
25 trajectories of the projectile as it courses into the  
26 body in the anatomically correct position.

27 Q. Okay. So we cannot exclude or rule out for  
28 the ladies and gentlemen of the jury that Ron Jones  
29 was not standing erect, but could have been crouched.

1           A. I don't know that. It could be either. And  
2 that, of course, would go to relationship of the  
3 shooter in relationship to the decedent.

4           Q. Sure. So there are many factors that could  
5 alter this trajectory, or that you have to consider?

6           A. It would not alter the trajectory.

7           Q. Okay.

8           A. I'm only placing him in the anatomically  
9 correct position. It is a relative trajectory.

10          Q. Okay.

11          A. It is the trajectory in the body with him in  
12 that position.

13          Q. Standing.

14          A. I don't know the position of the decedent in  
15 relationship to the ground.

16          Q. You don't know the position of the decedent  
17 in relationship to the ground.

18          A. That's correct.

19          Q. On which Cory Maye lay. You said something,  
20 and I just want to clear this up. You said -- I  
21 thought you said initially there were three -- and  
22 you have to help me with the terminology -- the three  
23 bullet entries or the three wounds caused by the  
24 bullet entry. Is that what you said? Because then I  
25 understood you to go on and say there were four  
26 gunshot wounds. I just want to clear that up for the  
27 ladies and gentlemen of the jury.

28          A. I think I said that there were three  
29 traumatic injuries.

1 Q. Okay.

2 A. Two injuries to the finger, one gunshot  
3 wound.

4 Q. Okay.

5 A. The four injuries, I think I was describing  
6 the four bullet hole injuries to the small bowel.  
7 The small bowel was struck four times, and the aorta  
8 was struck one time.

9 Q. Caused by the traveling of the bullet.

10 A. The bullet coursing through those organs.

11 Q. Okay. You've not had an occasion to meet  
12 Cory Maye, have you, Dr. Hayne?

13 A. I have not.

14 Q. So you do not know Cory Maye's height as he  
15 stands or length as he lays.

16 A. I have not conducted any aspect of that  
17 investigation.

18 Q. Okay. Dr. Hayne, in your experiences, can  
19 you tell the jury whether or not the flow of the  
20 bleeding you testified to, Mr. Jones' blood loss, had  
21 the flow of the bleeding been stopped at the scene  
22 initially, would that have prolonged or even saved  
23 his life?

24 A. If that could have been performed. Of  
25 course, this is a deep abdominal wound, and getting  
26 access to that would require surgical intervention.  
27 A gunshot wound to the aorta is going to cause  
28 massive acute blood loss. It's going to be pumped --  
29 the blood's going to be pumped out under high

1 pressure from a vessel approximately the diameter of  
2 one's thumb.

3 So death would intervene in a very, very  
4 short period of time. Irreversible shock would occur  
5 slightly before that. I would not expect a person to  
6 survive that type of an injury more than a few  
7 minutes.

8 Q. Thank you, Dr. Hayne. Now, Dr. Hayne, you  
9 shared with the jury your opinion. Now, does your  
10 opinion in any way take into consideration any of the  
11 conversations or statements that you obtained during  
12 your investigation? You shared with the jury all the  
13 people that were present at the time of your autopsy.

14 A. Yes, ma'am.

15 Q. Conversations that you had with them or  
16 statements made to you, does your opinion take into  
17 consideration those things?

18 A. Only in general terms.

19 Q. Okay. And what would be those general terms,  
20 other than the fact that you knew he had been shot?

21 A. That he was a police officer entering a  
22 building. That there was an occupant in the building  
23 and that there was a shot discharged. Shot struck  
24 the police officer, and the gunshot wound was  
25 ultimately lethal.

26 MS. COOPER: Court's indulgence, please,  
27 Your Honor?

28 THE COURT: All right.

29 [PAUSE IN THE PROCEEDINGS]

1 MS. COOPER: Dr. Hayne, thank you.

2 THE COURT: Any redirect?

3 MR. McDONALD: Couple of things, Your  
4 Honor.

5 \*\*\*\*\*

6 REDIRECT EXAMINATION

7

8 BY MR. McDONALD:

9 Q. Of course, you have not heard the rest of the  
10 testimony in the case, you don't know the testimony  
11 in the case, and I understand what you say about the  
12 relative positions of the body of the deceased at the  
13 time the wound was inflicted. But the trajectory of  
14 the bullet through the body is the trajectory of the  
15 bullet through the body. Is that correct?

16 A. That is correct. The trajectory does not  
17 change as the bullet went through the body in  
18 relationship to the hypothesis.'

19 Q. And you would know that certainly the  
20 deceased could not have been bent over so much that  
21 he would have crossed the plane of the trajectory of  
22 the bullet.

23 MS. COOPER: Objection, Your Honor. Dr.  
24 Hayne cannot speak to that. He's already  
25 testified he doesn't know the position of the  
26 decedent, he knows anatomically the  
27 measurements and the trajectory.

28 MR. McDONALD: Ms. Cooper, I think what  
29 I'm getting to --

1                   **THE COURT:** I'm going to overrule the  
2                   objection.

3                   **MS. COOPER:** Thank you, Your Honor.

4 **BY MR. McDONALD:**

5           Q. Do you understand my question, Doctor?

6           A. You're talking about the horizontal plane of  
7           the ground?

8           Q. Well, what I'm talking about is that if the  
9           trajectory is like this, and I'm bent over very far,  
10          I wouldn't have been hit where -- I wouldn't have  
11          been hit here, I would've been hit somewhere in the  
12          upper part of the body because my body would've  
13          crossed the plane of how the trajectory went.

14                  **MS. COOPER:** Same objection, Your Honor.

15                  **THE COURT:** Overruled, if he  
16                  understands.

17          A. I would expect it to strike higher given that  
18          scenario.

19          Q. That's my point. And at whatever position  
20          the shooter was in, you would have expected the  
21          barrel of the gun to have been higher than that  
22          entrance wound. Is that correct?

23                  **MS. COOPER:** Objection, Your Honor.

24                  **THE COURT:** Overruled.

25          A. With the decedent in an upright position or  
26          even leaning slightly forward, I would expect the  
27          weapon to be in a relatively higher position than the  
28          entrance gunshot wound.

29          Q. Thank you. And your testimony and findings

1 with respect to the actual cause of death and  
2 trajectory and all that were not based on what any  
3 officers told you, but based on the autopsy.

4 A. Based on the autopsy solely, sir.

5 MR. McDONALD: Thank you. I believe  
6 that's all we have.

7 MS. COOPER: May I approach, please?

8 THE COURT: Okay.

9 [BENCH CONFERENCE AS FOLLOWS]

10 MS. COOPER: Your Honor, I would just  
11 like just one question on recross based on  
12 the matters that Mr. McDonald brought out.

13 THE COURT: What's your question?

14 MS. COOPER: Whether the decedent  
15 would have to have been extremely bent over  
16 as he --

17 THE COURT: Okay. I'll let you ask  
18 that.

19 [BENCH CONFERENCE CONCLUDED]

20 \*\*\*\*\*

21 RECROSS-EXAMINATION

22  
23 BY MS. COOPER:

24 Q. Dr. Hayne, as the prosecution just  
25 illustrated with your stick, in order for that  
26 gunshot entry to have been higher, wouldn't the  
27 decedent have to have been extremely bent over? What  
28 I'm trying to get the jury to understand is -- you  
29 want to answer that first?

1 A. No, I understand the question.

2 Q. Because your opinion is based on the decedent  
3 standing erect. But in order for that entry to have  
4 been higher than as you've just testified, would not  
5 the decedent have to have been extremely crouched  
6 over?

7 A. He would have to be flexed markedly. Of  
8 course, I don't know the position of the shooter. I  
9 know the position relative in your hypothesis of the  
10 decedent. And if he were in a standing position and  
11 the shooter in some other position, I would expect  
12 either the shooter to be firing from above or, if the  
13 officer were in a marked flex position, which would  
14 be difficult since the flex point of the body would  
15 be slightly above the entrance gunshot wound. So he  
16 would have to be markedly flexed over, almost on  
17 one's knees, to achieve that trajectory.

18 MS. COOPER: Okay. Thank you, Dr.  
19 Hayne.

20 THE COURT: Does that conclude the  
21 testimony of this witness? He may be  
22 discharged?

23 MR. McDONALD: I may have one other  
24 question.

25 THE COURT: Okay. Along the lines of  
26 what she asked?

27 MR. McDONALD: Right.

28 \*\*\*\*\*

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FURTHER REDIRECT EXAMINATION

**BY MR. McDONALD:**

Q. Let's assume the shooter was laying down flat on the floor and the officer came in and the officer was standing upright. Would you expect the trajectory of the bullet to be like that?

A. No, it would be in an upward trajectory, not in a downward trajectory.

Q. If the officer was slightly bent over, would you expect the trajectory to be like that?

A. No, it would be an upward trajectory, not in a downward trajectory.

**MR. McDONALD:** That's all.

**THE COURT:** All right. This witness may be finally discharged? Dr. Hayne, you're finally discharged.

[WITNESS EXCUSED]

\*\*\*\*\*

**THE COURT:** All right. Who will you call next?

**MR. McDONALD:** Judge, if we could have about five minutes, I think we might be able to let you know something. We need to check on something else.

**THE COURT:** You want to take a break, then? We can take a break with the jury?

**MR. McDONALD:** Yes, sir.

**THE COURT:** All right. We'll let the

1 jury take a break.

2 [THE JURY WAS EXCUSED AND COURT WAS  
3 PLACED IN RECESS AT 10:15 A.M. COURT WAS  
4 RECONVENED IN THE OPEN COURTROOM AT 10:45  
5 A.M., AND THE PROCEEDINGS CONTINUED AS  
6 FOLLOWS OUTSIDE THE PRESENCE OF THE JURY.]

7 THE COURT: Are you going to call  
8 another witness?

9 MR. McDONALD: No, sir, the State rests.

10 THE COURT: You're going to rest? All  
11 right.

12 [STATE OF MISSISSIPPI RESTS OUTSIDE THE  
13 PRESENCE OF THE JURY]

14 THE COURT: I'll let you rest in front  
15 of the jury, but let's go ahead and do our  
16 motions, then. You have some motions?

17 MS. COOPER: Yes, sir.

18 THE COURT: You may do that.

19 MS. COOPER: Did you want to do them  
20 now?

21 THE COURT: Yeah, let's do that now.

22 MS. COOPER: Okay. Are we just kind of  
23 taking it out of turn, Judge? My motion for  
24 directed verdict?

25 THE COURT: No, not taking it out of  
26 turn. He's rested.

27 MS. COOPER: Okay.

28 THE COURT: But I'm just going to let  
29 him rest in front of the jury when they come