

DIRECT EXAMINATION

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BY MS. COOPER:

Q. Cory, will you please state your full name for the ladies and gentlemen of this jury.

A. Cory Jermaine Maye.

Q. And how old are you, Cory?

A. Twenty-three.

Q. When is your birthday?

A. September 9, 1980.

Q. Well, Cory, let's just talk a little bit about your life before this incident. Where did you grow up?

A. Monticello.

Q. And in Monticello where did you live?

A. I lived with my mom.

Q. Do you have brothers and sisters, Cory?

A. Yes, ma'am.

Q. How many brothers and sisters?

A. Three brothers and two sisters by my mom.

Q. And where do you fall in there?

A. I'm the last child, the baby.

Q. And tell the jury your parents' names.

A. Dorothy Maye and Robert Bryan.

Q. And you are your mother's youngest child?

A. Yes, ma'am.

Q. Have you lived all of your life in Monticello except for these last two years?

A. Yes, ma'am.

1 Q. And what school did you attend?

2 A. Lawrence County High School.

3 Q. And in what year did you stop going to
4 school?

5 A. '98.

6 Q. What grade were you in at that time?

7 A. Eleventh.

8 Q. And tell the ladies and gentlemen why you
9 chose to stop going to school.

10 A. Due to the knowledge and skills that I was
11 given by my father and being a young adult, I felt my
12 education wouldn't affect me in the long run.

13 Q. Now, skills that you got from your father,
14 what does your father do for a living?

15 A. Brickmason, carpentry, remodel houses,
16 painting, etc.

17 Q. Are you able to do those things?

18 A. Yes, ma'am.

19 Q. And did you do those things --

20 A. Yes, ma'am.

21 Q. -- when you stopped going to school?

22 A. Yes, ma'am.

23 Q. And that was in 1998?

24 A. Yes, ma'am.

25 Q. And, of course, the incident that we're here
26 about occurred the very end of 2001.

27 A. Right.

28 Q. Can you tell the ladies and gentlemen whether
29 or not you worked every day those three years.

1 A. Yes, ma'am.

2 Q. Now, of course, we know this incident
3 occurred -- well, before we go to this incident, what
4 were your hobbies?

5 A. Hunting, fishing, working --

6 Q. And did you do those things --

7 A. -- and cooking.

8 Q. Excuse me. Repeat that because I started to
9 talk.

10 A. Hunting, fishing, working, and cooking.

11 Q. So you enjoyed cooking?

12 A. Yes, ma'am.

13 Q. Did you cook for your family?

14 A. Yes, ma'am.

15 Q. Now, how did you come to be living in
16 Prentiss, Mississippi?

17 A. I wanted to be a father for my child, so I
18 moved in with my baby mom.

19 Q. Well, let's talk about your children. How
20 many children do you have, Cory?

21 A. Two.

22 Q. And please tell the ladies and gentlemen
23 their names and their ages.

24 A. Cory Jermaine Maye, Jr.; he's three right
25 now. And Ta'Corianna Jamyia Longino; she's three,
26 also.

27 Q. And you were living with Ta'Corianna and her
28 mother.

29 A. Yes, ma'am.

1 Q. In December of 2001.

2 A. [Nods head affirmatively.]

3 Q. How long had you all been living together as
4 a family?

5 A. One month.

6 Q. One month?

7 A. [Nods head affirmatively.]

8 Q. And had you lived at any other place in
9 Prentiss other than 1728 Mary Street?

10 A. No, ma'am.

11 Q. And had you celebrated Christmas in Prentiss
12 with your family?

13 A. Yes, ma'am.

14 Q. And what were your plans for your life in
15 Prentiss with your family?

16 A. Be a father of my child and do the right
17 thing.

18 Q. Were you doing any of the things, the
19 brickmason work, the carpentry work in Prentiss?

20 A. No, ma'am.

21 Q. What were you doing there?

22 A. I was tending to my child because upon
23 arriving at Prentiss, I did not have any
24 transportation.

25 Q. Okay. Did Ms. Longino, your daughter's
26 mother, did she work?

27 A. Yes, ma'am.

28 Q. And what were your plans regarding work?

29 A. Where she worked at?

1 Q. Well, yeah, you can tell the ladies and
2 gentlemen that.

3 A. She worked at Marshall Durbin in Hattiesburg.

4 Q. Okay. And you were to care for your daughter
5 while Ms. Longino worked?

6 A. Yes, ma'am.

7 Q. And Ms. Longino worked what hours?

8 A. Between ten to eight that morning.

9 Q. So ten at night to eight in the morning?

10 A. She left like eight o'clock every evening.

11 Q. Okay. Now, Cory, -- strike that.

12 Now, Cory, because of where we are, we cannot
13 get around having to talk about that Wednesday night.
14 Can you share with the ladies and gentlemen what you
15 were doing that evening after Ms. Longino left for
16 work.

17 A. Just sitting around, watching TV, watching my
18 child.

19 Q. And how old was your daughter at that time,
20 that night?

21 A. I think she was 14 month old.

22 Q. Okay. And what time did you all decide to go
23 to bed?

24 A. I put her to sleep about eight o'clock.

25 Q. And then you continued to watch television?

26 A. Yes, ma'am.

27 Q. And did you fall asleep that night?

28 A. Yes, ma'am.

29 Q. About what time, if you remember?

1 A. About 9:30, ten o'clock.

2 Q. And what caused you to wake up from your
3 sleep?

4 A. I heard a loud crash at the front door.

5 Q. And where were you sleeping?

6 A. In the chair right beside the front door.

7 Q. And where was your daughter sleeping?

8 A. In the bedroom, in the bed.

9 Q. Excuse me?

10 A. In the bedroom, in the bed.

11 Q. Okay. Now, continue telling the ladies and
12 gentlemen of this jury about your being awakened from
13 your sleep.

14 A. I was awakened by the loud crash at the door.
15 Upon the loud crash, I woke up frightened and ran to
16 the room where my daughter was.

17 Q. Is that the only bedroom in that apartment?

18 A. Yes, ma'am.

19 Q. And what did you do when you got into that
20 bedroom with your daughter?

21 A. Once I got in the bedroom, I retrieved the
22 pistol. I inserted the magazine, chambered a round,
23 and laid it on the floor.

24 Q. Okay. Now, we're going to pick right up
25 there in just a moment. But let's just go back so
26 that the ladies and gentlemen will know why you had a
27 gun in your home.

28 A. I used the gun when I went hunting, for my
29 protection, safety of snakes, etc., wild animals.

1 Q. Okay. And you kept that gun in your bedroom.

2 A. Yes, ma'am.

3 Q. And prior to this Wednesday night, when had
4 you last used that gun?

5 A. Two weeks.

6 Q. And you had been hunting at that time?

7 A. Yes, ma'am.

8 Q. Where did you hunt?

9 A. Around my mother house, different locations.

10 Q. And this was in Lawrence County.

11 A. Yes, ma'am.

12 Q. And I'm certain that they want to know how
13 long had you had that gun, Cory?

14 A. Five months at the most.

15 Q. And from where had you gotten it?

16 A. From a friend.

17 Q. Now, let's go back to your bedroom. You said
18 you inserted a magazine?

19 A. Yes, ma'am.

20 Q. And why did you have to do that?

21 A. Because I kept the gun unloaded so no kids or
22 nothing, in case they stumbled across it, they
23 wouldn't be able to shoot nobody or hurt theirselves.

24 Q. Okay. And did you say rounded a chamber?

25 A. I chambered a round.

26 Q. Oh, chambered a round, I'm sorry.

27 A. Which means loaded.

28 Q. Okay. And you were lying on the floor of
29 your bedroom?

1 A. Yes, ma'am.

2 Q. And what happened as you lay on the bedroom
3 -- on the floor, excuse me, of your bedroom?

4 A. As I lay on the floor, I began to hear kicks
5 at the backdoor.

6 Q. And what were your thoughts?

7 A. Thought someone was breaking in on me and my
8 child.

9 Q. And how were you feeling?

10 A. I was frightened. Very frightened.

11 MS. COOPER: Your Honor, if it pleases
12 the Court, we would like to demonstrate to
13 the jury the way in which Cory lay on his
14 bedroom floor.

15 THE COURT: You may do that.

16 MS. COOPER: Thank you.

17 [THE WITNESS LEFT THE WITNESS STAND]

18 BY MS. COOPER:

19 Q. Cory, if you will just extend your body out
20 -- well, what we're going to have to do so that the
21 jury can see it, we will make this your bed, your
22 daughter's bed. Okay. And just move --

23 A. On this side.

24 Q. Okay. This is the bed? And we'll make this
25 the door?

26 A. Yes, ma'am.

27 Q. Lie down, Cory.

28 A. (Witness complied.)

29 Q. And this is the very foot of the bed, Cory?

1 A. Yes, ma'am.

2 Q. And the jury knows that the door was to the
3 left of the bed. Please lie just as you laid that
4 night. And if you would for the jury, raise your
5 hand as it was raised.

6 A. (Witness complied.)

7 Q. And stay there. And what caused you to fire
8 your gun?

9 A. I heard the intruders make their way inside
10 the house.

11 Q. And what did you do once they made way into
12 your house?

13 A. I fired shots.

14 Q. And what happened after firing those shots?

15 A. After I fired the shots, they started
16 hollering "police, police, you just shot a officer."

17 MS. COOPER: Okay. And we'll continue,
18 Cory. You want to take your seat back?

19 [THE WITNESS RETURNED TO THE WITNESS
20 STAND]

21 BY MS. COOPER:

22 Q. Cory, when you heard those who entered your
23 home yell "police," what did you do?

24 A. I immediately put the weapon down. I slid it
25 away.

26 Q. Were you asked to slide it away?

27 A. No, ma'am.

28 Q. Why did you slide it away?

29 A. Because I had no reason to fire at a officer.

1 Q. And what happened after that?

2 A. After that, they came in and handcuffed me
3 and started kicking me repeatedly.

4 Q. And how many officers handcuffed you?

5 A. It took only one to handcuff me.

6 Q. You were completely handcuffed with one
7 officer?

8 A. Yes, ma'am.

9 Q. Well, Cory, you have heard testimony that you
10 resisted the officers' attempt to arrest you.

11 A. No, ma'am, I did not resist.

12 MS. COOPER: Your Honor, may I approach,
13 please?

14 THE COURT: Yes.

15 [PAUSE IN THE PROCEEDINGS]

16 BY MS. COOPER:

17 Q. Can you tell the ladies and gentlemen what's
18 represented in those photographs?

19 A. It's a picture of me upon arriving at Forrest
20 County December 27th, that morning.

21 Q. And what's represented in those pictures, do
22 they accurately reflect your appearance at that time?

23 A. Yes, ma'am.

24 MS. COOPER: Your Honor, we'd ask that
25 these be marked into evidence as defense
26 exhibits, please.

27 THE COURT: All right.

28 MR. McDONALD: We have no objection.

29 [PHOTOGRAPHS WERE MARKED EXHIBIT NUMBERS

1 47 AND 48 AND RECEIVED IN EVIDENCE.]

2 MS. COOPER: Your Honor, may I publish
3 these to the jury?

4 THE COURT: You may.

5 BY MS. COOPER:

6 Q. Cory, I'm handing to you what's been marked
7 as --

8 JUROR: Ms. Cooper, I can't hear what
9 you're saying.

10 BY MS. COOPER:

11 Q. Cory, I'm handing to you what has been marked
12 as Exhibit Number 2. Can you identify what's
13 represented in that photograph?

14 A. It's a picture of the back room, the bedroom.

15 Q. Okay. And are there any objects displayed on
16 the floor of this picture?

17 A. Yes, ma'am.

18 Q. And can you tell the ladies and gentlemen of
19 the jury what's represented there.

20 A. A house slipper.

21 Q. Is that your house slipper?

22 A. Yes, ma'am.

23 Q. Thank you. Cory, was your home secured that
24 night? Were the doors to your home locked?

25 A. Yes, ma'am.

26 Q. Now, the front door, how was it secured?

27 A. The screen door was secured with a coat
28 hanger because my daughter could open the door. And
29 the screen door would not lock by itself, so we kept

1 it secured with a coat hanger tied from the inside.

2 Q. And how was the backdoor secured?

3 A. It was locked and chained.

4 Q. And, Cory, were there any window dressings?
5 Were there anything on the front windows of your
6 apartments, like blinds or curtains?

7 A. Yes, ma'am.

8 Q. Now, the blinds -- the jury has seen pictures
9 of there being a cloth between the blind and the
10 windowpane.

11 A. Yes, ma'am.

12 Q. Why was that there?

13 A. It was a pulled-down blind. It was there to
14 keep my daughter from standing up in the window
15 because she had it bad about standing up in the
16 window.

17 Q. Cory, as you and your daughter were asleep,
18 were there any lights on inside your home?

19 A. No, ma'am.

20 Q. Was the television on?

21 A. No, ma'am.

22 Q. Cory, can you tell the ladies and gentlemen
23 of this jury whether or not there were any
24 announcements or any statements by any of the people
25 that were around your apartment that night?

26 A. There was no announcement.

27 Q. Cory, why did you not look out of your window
28 or open the door to find what was going on?

29 A. Because they did not knock and they did not

1 announce.

2 Q. So why didn't you go to see what was going
3 on?

4 A. I was afraid.

5 Q. Cory, as you lay on that floor and the gun
6 shot, did you see anyone?

7 A. No, ma'am.

8 Q. Did you ever stand to your feet before
9 shooting your gun?

10 A. No, ma'am.

11 Q. Can you tell the ladies and gentlemen of the
12 jury whether you stood to your feet to shoot your
13 gun.

14 A. No, ma'am.

15 Q. Cory, please tell these ladies and these
16 gentlemen whether it was your intent to draw the
17 people on the outside into your home for the purpose
18 of shooting them.

19 A. By no means.

20 Q. Cory, did you receive a search warrant at any
21 time that night?

22 A. No, ma'am.

23 Q. Two years has passed since this incident.
24 Have you received a search warrant?

25 A. Not with my name on it.

26 Q. And at what point did you receive the
27 supposed search warrant?

28 A. At the preliminary hearing.

29 Q. And that was when?

1 A. A month after the incident, a month and a
2 half after this incident.

3 Q. And since this incident until that time, were
4 you in custody?

5 A. Yes, ma'am.

6 Q. And have you been in custody since
7 December 26, December 27, 2001?

8 A. Yes, ma'am.

9 Q. Cory, had there been some announcement or
10 some statement that those individuals around your
11 apartment were police officers, what would you have
12 done?

13 A. I would not have fired, I would have opened
14 the door.

15 Q. What was in your home that you valued? What
16 inside your home did you value?

17 A. My child.

18 Q. Now, Cory, these ladies and these gentlemen
19 know that there was a small amount of marijuana in
20 your home. Had you smoked any marijuana on that day?

21 A. No, ma'am.

22 Q. Why not?

23 A. Because my child was present that day.

24 Q. And had you been with your daughter the
25 entire day?

26 A. Yes, ma'am.

27 Q. And how long had that marijuana been inside
28 your home?

29 A. Approximately a week, maybe.

1 Q. Cory, in the 21 years before this incident,
2 did you sell marijuana?

3 A. No, ma'am.

4 Q. Now, you know there's been discussion about
5 the people who lived next door. Did you know those
6 individuals?

7 A. I knew their names.

8 Q. And when did you first come to know them?

9 A. Upon arriving there.

10 Q. When you moved to Prentiss?

11 A. Yes, ma'am.

12 Q. And do you know whether or not your neighbors
13 engaged in any illegal activities?

14 A. No, ma'am.

15 MS. COOPER: Court's indulgence, please,
16 Your Honor?

17 THE COURT: Okay.

18 [PAUSE IN THE PROCEEDINGS]

19 BY MS. COOPER:

20 Q. Cory, will you tell the ladies and gentlemen
21 of this jury whether or not you've ever been
22 arrested.

23 A. No, ma'am.

24 Q. Have you been involved in any problems or any
25 altercations with any law enforcement officials?

26 A. No, ma'am.

27 Q. Of any city, of any county?

28 A. No, ma'am.

29 Q. Had you had any occasion while you lived in

1 Prentiss to meet any of the police officers from
2 Prentiss, Mississippi?

3 A. No, ma'am.

4 Q. And any police officers from Bassfield,
5 Mississippi?

6 A. No, ma'am.

7 Q. Did you know Ron Jones?

8 A. No, ma'am.

9 Q. When did you first hear his name?

10 A. The day after the incident.

11 MS. COOPER: I tender the witness, Your
12 Honor.

13 THE COURT: Okay.

14 *****

15 CROSS-EXAMINATION

16

17 BY MR. McDONALD:

18 Q. Mr. Maye, you didn't know Officer Jones at
19 all. Is that correct?

20 A. Correct.

21 Q. So you don't know anything about his life or
22 his family or his hopes or his plans or what he had
23 done or what he had accomplished or what his family
24 lost as a result of his death. Is that correct?

25 A. Correct.

26 Q. And it wouldn't be fair for the jury to base
27 their verdict on sympathy for Mr. Jones, would it?

28 MS. COOPER: Objection, Your Honor. I
29 don't think this is proper at this time in

1 this trial.

2 MR. McDONALD: Well, you're going to
3 give an instruction that says the verdict is
4 not to be based on sympathy.

5 THE COURT: That's correct.

6 MS. COOPER: This is cross-examination,
7 not closing.

8 THE COURT: Right, yeah.

9 MR. McDONALD: It is cross-examination.

10 MS. COOPER: This is not closing.

11 MR. McDONALD: I'm not closing. I'm
12 getting ready to ask him a question.

13 THE COURT: All right. You may.

14 MS. COOPER: May I have a ruling on my
15 objection, please?

16 THE COURT: I'm going to sustain the
17 objection. He can ask the next question.

18 BY MR. McDONALD:

19 Q. You don't think it would be right for the
20 jury to base it's verdict on sympathy for you,
21 either, do you?

22 MS. COOPER: Objection. The same
23 question, Your Honor.

24 THE COURT: Overruled.

25 A. I believe they should base their decision
26 upon the facts and circumstances.

27 Q. That's right. Not backgrounds or families or
28 anything of that sort.

29 A. Correct.

1 Q. Now, on the evening in question, you say your
2 daughter was there with you. Is that correct?

3 A. Correct.

4 Q. I was a little confused with respect to the
5 issue about you say you left school in the eleventh
6 grade to work full-time with your father. But am I
7 to understand that you weren't working full-time when
8 this happened? Is that right?

9 A. Correct.

10 Q. And your girlfriend worked full-time.

11 A. [Nods head affirmatively.]

12 Q. She went to work and you stayed home.

13 A. Correct.

14 Q. Okay. And how long had that been going on?

15 A. Prior moving to Prentiss.

16 Q. Sir?

17 A. Prior moving to Prentiss.

18 Q. How far prior to moving to Prentiss?

19 A. That month. November.

20 Q. That month?

21 A. Yes, sir.

22 Q. Now, with respect to -- I think you said you
23 had that curtain over the window because your
24 daughter would get up in the window. Is that
25 correct?

26 A. Correct.

27 Q. So your daughter could stand?

28 A. Yes, sir.

29 Q. Pull herself up?

1 A. Yes, sir.

2 Q. Sit up; is that correct?

3 A. She could walk.

4 Q. Okay. And that evening you were --

5 MR. McDONALD: Rickey, put the full
6 house diagram up there, will you?

7 BY MR. McDONALD:

8 Q. Now, as I understood your tape-recorded
9 statement that we heard earlier, you said on that
10 tape-recorded statement that you were asleep on the
11 couch in the living room.

12 A. The chair.

13 Q. Well --

14 A. The chair by the front door.

15 Q. I know you're saying chair now, but what I
16 heard on the tape was you say couch. And the jury
17 heard and can decide which one it was. However, you
18 say today that you were asleep on the chair. Is that
19 correct?

20 A. Correct.

21 Q. All right. And the door is right there. Is
22 that correct?

23 A. Correct.

24 Q. And that's the front door?

25 A. Correct.

26 Q. And that's the door that has Venetian blinds
27 on the back of it?

28 A. Correct.

29 Q. On the window. And there's not a cloth

1 between the Venetian blinds and the window, is there?

2 A. From the door?

3 Q. On the door.

4 A. Right.

5 Q. Okay. And as in all Venetian blinds, there
6 are gaps in the Venetian blinds, aren't there?

7 A. Sometimes.

8 Q. And as I understand it, you initially heard a
9 noise, a crashing of glass. Is that correct?

10 A. I heard a loud crash.

11 Q. Okay. I thought from the tape I'd heard that
12 you heard some glass crack. Is that correct?

13 A. I had actually said a loud crash, and Mr.
14 Stone presented the crash. He took the loud noise as
15 saying a crash. I mean, busting the glass.

16 Q. "J.S., Jim Stone -- and while you was asleep,
17 what was the first thing you heard? Why was you
18 asleep? What woke you up?

19 "C.M., Cory Maye -- crash, busting glass."

20 A. Mr. Stone added the busting glass. I said
21 crash.

22 Q. Well, it's on the tape, so we would certainly
23 want the jury to listen to that.

24 A. Right.

25 Q. See whether you're correct or Mr. Stone's
26 correct. So when you heard that, you heard that,
27 something had happened to your house. Is that right?
28 Your apartment.

29 A. Right.

1 Q. Well, was it your apartment or was it in your
2 girlfriend's name?

3 A. My girlfriend.

4 Q. It was in your girlfriend's name, not in your
5 name. Is that correct?

6 A. Correct.

7 Q. And she paid the rent on it?

8 A. Correct.

9 Q. And how long had she had it?

10 A. November. The first of November.

11 Q. First of November. So, when you heard that,
12 you woke up, you got off the chair, you walked over
13 and you looked out the blinds to see who was there.

14 A. No, I did not.

15 Q. You heard that, you jumped up, and you
16 yelled, "Who is that?"

17 A. No, I did not.

18 Q. Okay. Somebody knocks or whams on your door
19 and you don't ask who it is or look to see who it is?

20 A. They did not knock.

21 Q. You heard a noise at that door, didn't you?

22 A. A crash.

23 Q. And you were sitting right there by the door,
24 weren't you?

25 A. I heard a crash.

26 Q. And you didn't get up to check and see what
27 was going on?

28 A. I did not.

29 Q. You didn't call out and ask who was there?

1 A. I did not.

2 Q. Now, after that happened, my understanding is
3 that you went back into the bedroom. Is that
4 correct?

5 A. Correct.

6 Q. And how did you get to the bedroom?

7 A. I ran.

8 Q. In which direction did you go?

9 A. It's only one direction.

10 Q. This way? From the living room, in this
11 area, over into the bedroom. Is that correct?

12 A. Correct.

13 Q. Okay. And there's the bathroom there. And
14 is this a little hall area or something there?

15 A. Correct.

16 Q. All right. Now, you heard the officers
17 testify, and there was a crash according to you and
18 to them at the front door. You go in the back and
19 there's some time before one of them is traveling
20 around and there's some crashing on the back. Is
21 that right?

22 A. Correct.

23 Q. Before the crashing, you get your pistol,
24 right?

25 A. Before the crashing on the front door?

26 Q. On the backdoor.

27 A. Correct.

28 Q. Sir?

29 A. Correct.

1 Q. All right. You didn't yell out, "Who's
2 there?" You didn't try to look out the window. This
3 wall right over here, this wall right here, on the
4 other side of that wall is Mr. Smith's apartment,
5 isn't it?

6 A. Correct.

7 Q. And you say you were scared when you heard
8 the crash, right?

9 A. Correct.

10 Q. Well, did you run over here and beat on this
11 wall and holler for help from Mr. Smith?

12 A. No, sir.

13 Q. You didn't call out for help to them or beat
14 on the walls to attract their attention?

15 A. No, sir.

16 Q. But you thought somebody might be trying to
17 break in on you.

18 A. Correct.

19 Q. All right. Well, let me ask you this
20 question. When did you form the idea that somebody
21 was trying to break in on you, when you heard the
22 crash at the front door?

23 A. Correct.

24 Q. All right. Now, that wasn't broken glass,
25 that was just somebody hit the door.

26 A. The force of entries in the door.

27 Q. The what?

28 A. The force of entries.

29 Q. The force of entries into the door. Okay.

1 So were you really terrified at that point?

2 A. Yes, sir.

3 Q. Okay. So you run in here, and where did you
4 get the gun from?

5 A. From the headboard of the bed.

6 Q. So you didn't get it from the table, huh?

7 A. No, sir.

8 Q. You got it from the headboard of the bed?

9 A. Yes, sir.

10 Q. Shelf laying there?

11 A. It was -- it was a high headboard.

12 Q. Okay. And where was your daughter asleep?

13 A. In the bed.

14 Q. Okay. And was she at the bottom of the bed?

15 A. In the middle.

16 Q. In the middle of the bed.

17 A. [Nods head affirmatively.]

18 Q. Okay. Now, when you ran in there and got the
19 gun, then you grabbed your daughter up and you went
20 back out this way and locked yourself in the bathroom
21 to protect yourself?

22 A. No, sir.

23 Q. And your daughter?

24 A. No, sir.

25 Q. You went in here to protect yourself with
26 your daughter. You carried her out of harm's way.

27 A. No, sir, she was in the bed asleep.

28 Q. Uh-huh. But you thought people were breaking
29 in there, and you were going to defend your daughter.

1 Isn't that why you said you shot, to defend your
2 daughter's life? Is that what you said?

3 A. Correct.

4 Q. That's the real reason you shot.

5 A. Correct.

6 Q. Okay. So you got down here and you got the
7 gun. That took a little while, didn't it? Got the
8 gun, you got the gun loaded, you chambered a round in
9 the gun. Is that right?

10 A. Correct.

11 Q. And then you hid at the bottom of the bed?

12 A. Correct.

13 Q. I'm sorry, what?

14 A. Correct.

15 Q. All right. And that was to protect you,
16 right?

17 A. Correct.

18 Q. Okay. And you had armed yourself. Is that
19 correct?

20 A. Repeat the question.

21 Q. You had armed yourself, and you were hiding
22 yourself at the bottom of the bed, right?

23 A. Correct.

24 Q. So there would be a barrier there between you
25 and whatever -- I think you called them invaders or
26 intruders, or something. Is that right?

27 A. Correct.

28 Q. And before you got down there at the bottom
29 of the bed to protect yourself, you grab your child

1 in your arms and you laid down over your child on the
2 floor at the end of the bed to make sure your child
3 wasn't going to be injured. Is that right?

4 A. No, sir.

5 Q. Now, you took the position at the end of the
6 bed, correct?

7 A. Correct.

8 Q. So who were you really protecting? Were you
9 protecting your baby?

10 A. Yes, sir.

11 Q. You were protecting your baby by leaving her
12 exposed to people you felt might be criminals?

13 A. By no means.

14 Q. I didn't hear you.

15 A. By no means.

16 Q. Well, you were scared enough where you hid.
17 You were scared enough where you armed yourself.
18 You're scared enough where you protected yourself.
19 But she was left on the bed?

20 A. Yes, sir.

21 Q. Now, there was beating on that backdoor
22 before anybody got in the door or got the door open,
23 wasn't there?

24 A. Correct.

25 Q. Okay. And you've heard the officers -- and I
26 don't want to belabor this point, but there's direct,
27 there's direct conflict in the testimony between you
28 and all the officers. They say people yelled
29 "police" and "search warrant" at the front door and

1 the backdoor. And I assume your position is, nobody
2 ever yelled anything.

3 A. Correct.

4 Q. Okay. They were just going to bust in and
5 take a chance on them getting shot, huh?

6 A. Right.

7 Q. Okay. As you lay down at the end of that
8 bed, at some point after kicking on the door, they
9 gain entry to the bedroom, correct?

10 A. Correct.

11 Q. And you -- where is your head in relation to
12 this bed?

13 A. At the edge of the bed.

14 Q. Here?

15 A. Correct.

16 Q. And where is the rest of your body, here?

17 A. Correct.

18 Q. And your daughter's here. Did you fear that
19 those people had guns?

20 A. Yes, sir.

21 Q. And how did you base that fear?

22 A. Just out of fear.

23 Q. You didn't see who was out there, did you?

24 A. No, sir.

25 Q. You didn't hear anybody out there, did you?

26 A. I heard the rattling from the door, the noise
27 at the door.

28 Q. But you didn't hear -- you say you didn't
29 here anybody say "police" or "search warrant" or

1 anything like that.

2 A. Correct.

3 Q. So you had absolutely no idea who it was out
4 there.

5 A. Correct.

6 Q. You didn't know if it was your girlfriend who
7 forgot her key and was trying to get your attention
8 to open up. You didn't know if it was friends trying
9 to get in to see you, did you?

10 A. Friends knock.

11 Q. These people apparently knocked at the front
12 door.

13 A. They did not.

14 Q. Apparently, they tried to get your attention.
15 Well, I guess that depends on whether you believe
16 them or whether you believe you. But you didn't have
17 any idea who it was, did you?

18 A. I did not.

19 Q. Now, when you were laying on the end of the
20 bed with a gun, is that when you called out, "Who's
21 there?"

22 A. No, sir.

23 Q. You never did that, did you?

24 A. No, sir.

25 Q. Is that when you called out, "I've got a gun,
26 get away?"

27 A. No, sir.

28 Q. You never did that, either, did you?

29 A. [Shakes head negatively.]

1 Q. But you were afraid of them, wanted them --
2 you wanted them out of there, I guess. Away from
3 your place?

4 A. Correct.

5 Q. Now, the door gets kicked open or knocked
6 open or pushed open or whatever. And the next thing
7 that happens is what?

8 A. Repeat the question.

9 Q. After the door -- after the door is open on
10 the room, what's the next thing that happened?

11 A. The intruder made their way in, and I opened
12 fire.

13 Q. The intruder. You're talking about Prentiss
14 police officer Ron Jones. Is that who you're talking
15 about?

16 A. Correct.

17 Q. That intruder, that's who you're talking
18 about.

19 A. Correct.

20 Q. Guy that had the search warrant? And you
21 recognized it was a human being?

22 A. No, sir.

23 Q. You didn't recognize it was a human being?

24 A. I never saw the person.

25 Q. The person was at the door and in the room
26 and you never saw them?

27 A. No, sir.

28 Q. You never saw that person silhouetted,
29 standing in the doorway?

1 A. No, sir.

2 Q. You never saw any of the people behind him?

3 A. No, sir.

4 Q. You just started shooting?

5 A. Correct.

6 Q. You didn't see him with a gun.

7 A. No, sir.

8 Q. You didn't hear any threat from him. Did
9 you?

10 A. No, sir.

11 Q. You just started shooting.

12 A. Correct.

13 Q. You just started shooting regardless who was
14 there.

15 A. If they had said something, I wouldn't have
16 shot.

17 Q. Well, if you had said something or if you had
18 gone to the front door or if you had gone to the
19 backdoor or if you had called out at the front door
20 or if you had called out at the backdoor, even if
21 they don't believe what the police all say, if any of
22 those things had been done by you, the man would be
23 alive today, and you wouldn't be here. That's
24 correct, isn't it?

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

26 **THE COURT:** He may answer if he knows.

27 A. Repeat the question.

28 Q. If they don't believe anything any of the
29 police said, if they just believe, if you had gone to

1 the front door when you heard that noise and looked
2 out or called out and asked, "Who's there?", Ron
3 Jones would be alive today, and you wouldn't be on
4 trial. Isn't that true?

5 A. Correct.

6 MS. COOPER: Objection.

7 BY MR. McDONALD:

8 Q. And on the backdoor, when the noise was made
9 at the backdoor, if you had called out, "Who's
10 there?" or if you gone to the door to see who was
11 there, he'd be alive today, and you wouldn't be on
12 trial. Isn't that correct?

13 MS. COOPER: Same objection.

14 THE COURT: All right. Overruled.

15 BY MR. McDONALD:

16 Q. Isn't that correct?

17 A. Correct.

18 Q. Your daughter -- it's a daughter, correct?

19 A. [Nods head affirmatively.]

20 Q. Your daughter could sit up, walk?

21 A. Right.

22 Q. Didn't you think it might be a tad dangerous
23 for you to start opening fire at random up there
24 while she was laying on that bed and you were at the
25 end of the bed? Don't you think that was a little --
26 did you think that was helping in taking care of your
27 daughter?

28 A. The gun never was raised over the bed.

29 Q. Did you think it was good for you to open

1 fire in that bedroom?

2 A. To protect myself and my daughter.

3 Q. Well, but your daughter wasn't down there as
4 protected as you were, was she?

5 A. She was protected.

6 Q. Well, she wasn't as protected as you were
7 because you took care of yourself first. Didn't you
8 get yourself further away from the door than her?

9 A. Correct.

10 Q. And didn't you have a blocking thing there to
11 keep the person from coming through the door seeing
12 you right away? You were hid, weren't you?

13 A. Correct.

14 Q. She wasn't hid, was she?

15 A. No, sir.

16 Q. She wasn't blocked, was she?

17 A. No, sir.

18 Q. Nothing to protect her from any flying
19 bullets. Were you protecting your daughter?

20 A. I was.

21 Q. Now, as I understand your testimony, you
22 didn't see people even when they came through the
23 door and you didn't see any weapons. Is that
24 correct?

25 A. I seen no one.

26 Q. And you saw no weapons.

27 A. Correct.

28 Q. And you weren't afraid your daughter was
29 going to sit up or stand up or crawl to the edge of

1 the bed when you opened fire?

2 A. She wasn't -- she wasn't in the way of the
3 fire. She wasn't.

4 Q. You woke up with a start from that chair,
5 didn't you? Isn't that what you said?

6 A. I don't understand your question.

7 Q. You were asleep in that chair in the living
8 room. I believe your testimony was that what woke
9 you up, and "start" is my word, but what woke you up
10 was that crashing or clashing or hitting on the door.

11 A. Correct.

12 Q. Okay. And you, instead of asking who was
13 there or looking out to see who was there, you ran in
14 the back room and got a gun because you were scared,
15 right?

16 A. Correct.

17 Q. And you weren't concerned about your daughter
18 being on the bed and getting scared with all this
19 going on and sitting up and you opening fire and
20 maybe hitting her? Or, if somebody else was armed
21 and hitting her, her being exposed up there on the
22 bed like that? You weren't concerned about that?

23 A. I was concerned.

24 Q. Well, you weren't as concerned about her as
25 you were about you, were you?

26 A. I was.

27 Q. You weren't hiding her. You weren't
28 protecting her. You weren't shielding her. True?

29 A. Correct.

1 Q. You opened fire.

2 A. [Nods head affirmatively.]

3 Q. Now, no question about the marijuana being in
4 there, right?

5 A. Correct.

6 Q. No question -- you just didn't smoke the
7 marijuana that day because she was there, right?

8 A. Correct.

9 Q. We all know any amount of marijuana is
10 against the law, right?

11 A. Correct.

12 Q. So when we heard earlier there was absolutely
13 no reason for the police to be over at your
14 apartment, there was nothing going on there that was
15 illegal or improper, that's really not true, is it?

16 MS. COOPER: Objection, Your Honor. May
17 we approach?

18 THE COURT: Okay.

19 [BENCH CONFERENCE AS FOLLOWS]

20 MS. COOPER: Now, there's been no charge
21 of possession of marijuana. The amount was a
22 misdemeanor at best. The jury has the
23 benefit of what the amount of marijuana was.
24 We're not here about that.

25 MR. McDONALD: You brought up the
26 marijuana.

27 MS. COOPER: Of course I did. The jury
28 has it. Now, he can give testimony to it,
29 but I don't think it's proper that he goes

1 into the prosecution for possession of
2 marijuana at this time.

3 **THE COURT:** Don't go into that.

4 **MR. McDONALD:** I'm not doing that. I'm
5 just showing that the statements made earlier
6 that there wasn't any in there is not true
7 because it was there.

8 **THE COURT:** Okay. You may do that.

9 **[BENCH CONFERENCE CONCLUDED]**

10 **BY MR. McDONALD:**

11 Q. It was there, wasn't it?

12 A. Correct.

13 Q. And they had a search warrant for marijuana,
14 didn't they?

15 A. No, sir. I never seen the search warrant.

16 Q. Well, we heard testimony about how a copy of
17 the search warrant was left at the house. You say
18 you got a copy of the search warrant at your
19 preliminary hearing.

20 A. [Nods head affirmatively.]

21 Q. But they were a little busy at that time,
22 after you'd just shot Ron Jones. Now, I guess they
23 could've taken time out and said, well, since we're
24 going to have to carry Ron to the hospital, see if
25 he's going to die, while the others of us formally
26 read the search warrant to Mr. Maye. But that
27 wouldn't have been practical, would it?

28 A. I'm not sure.

29 Q. Really, the way they treated you -- I know

1 what you said and I know what they said about what
2 happened when they arrested you, when they took you
3 into custody. But as a practical matter, if they'd
4 really wanted to do something to you, they could've
5 killed you in that room and no one would've ever
6 known there was anything other than you shot an
7 officer and they returned fire. Isn't that correct?

8 A. Correct.

9 Q. And they got you out of there, they got you
10 over to Forrest County, and they protected you,
11 didn't they?

12 A. No, they did not.

13 Q. They took you to Jeff Davis County jail and
14 then to Forrest County, didn't they?

15 A. The investigator had me transferred due to
16 them beating me.

17 Q. They took you over there. You weren't
18 killed, were you?

19 A. No, I was not.

20 Q. Now, when you were on the floor over here,
21 I'm not quite certain exactly how I -- I'm not sure I
22 understood. I think it might be clearer if we get
23 over here with respect to this diagram, and maybe you
24 come over here and stand next to the screen, and with
25 your finger or with that dowel point how you were
26 laying by the bed.

27 [THE WITNESS LEFT THE WITNESS STAND]

28 A. I was right there.

29 Q. You're going to have to talk loud, Mr. Maye.

1 A. I was at the edge of the bed, foot of the
2 bed.

3 Q. Where was your head?

4 A. Right here.

5 Q. What hand did you have the gun in?

6 A. The right hand.

7 Q. Your right hand?

8 A. Yes, sir.

9 Q. And how did you have the gun? How were you
10 shooting?

11 A. Like this (indicating).

12 Q. You weren't facing the door?

13 A. No, sir.

14 Q. You were trying to totally shield yourself,
15 and you held your arm up over the bed to shoot?

16 A. Not over the bed. My arm was right here.

17 Q. I can't hear you, Mr. Maye.

18 A. The gun never went over the bed. I was right
19 here with my arm.

20 Q. You say your arm never got as high as the top
21 of the bed.

22 A. It never went over the bed.

23 Q. Okay. Did it get as high as the top of the
24 bed?

25 A. I'm not sure.

26 Q. Sir?

27 A. I'm not sure.

28 Q. Okay. But your testimony is, you weren't
29 standing up, you weren't kneeling down, the whole

1 time you were laying on the floor. Is that correct?

2 A. Correct.

3 Q. And it was just luck that you shot Mr. Jones
4 because you weren't looking at what you were shooting
5 at?

6 A. Correct.

7 MR. McDONALD: You can take your seat
8 again.

9 [THE WITNESS RETURNED TO THE WITNESS
10 STAND]

11 MR. McDONALD: Judge, can we approach
12 the bench?

13 THE COURT: Okay.

14 [BENCH CONFERENCE AS FOLLOWS]

15 MR. McDONALD: I had decided that I
16 wasn't going to go into the issue about the
17 gun. But on direct, she asked him how long
18 he'd had the gun. He said he'd had it a
19 month. The gun was stolen from Franklin
20 County, Mississippi, in October.

21 MS. COOPER: It was reported stolen at
22 that time. Now, from what I understood from
23 these documents and Mr. Stone, or whatever
24 his name is, reported it stolen from his
25 brother. Now, how long -- wait, Your Honor,
26 please. How long is a gun missing before
27 they even knew it was stolen, I don't know.
28 But it was reported stolen at that time. It
29 could have been stolen for some longer

1 period.

2 **THE COURT:** I understand all that. I'm
3 not going to let you go into that. You're
4 going to have to set it up first. You can go
5 into how he got the gun, where he got it, and
6 the circumstances of that.

7 **MS. COOPER:** Your Honor, you granted my
8 motion in limine.

9 **MR. McDONALD:** You asked him where he
10 got the gun.

11 **MS. COOPER:** No, I was just trying to be
12 consistent with the statement that he gave
13 Mr. Stone. And, Your Honor, you said -- you
14 granted my motion.

15 **THE COURT:** He may go into that, but he
16 can't go into the other part.

17 **MS. COOPER:** What are you going into?

18 **MR. McDONALD:** I'm going to ask him what
19 you asked him.

20 **MS. COOPER:** What?

21 **MR. McDONALD:** Where he got the gun.

22 **THE COURT:** Yeah, you can ask him that.

23 **MS. COOPER:** He's already answered. Is
24 that the only question he's asking him?

25 **THE COURT:** Yeah, he can get into that.
26 He can testify to that.

27 **[BENCH CONFERENCE CONCLUDED]**

28 **BY MR. McDONALD:**

29 Q. Mr. Maye, you told Ms. Cooper that a friend

1 gave you the gun?

2 A. Correct.

3 Q. That was a good friend, wasn't it?

4 A. Correct.

5 Q. That was a good gun. And you can't remember
6 the name of the friend?

7 A. Correct.

8 **MS. COOPER:** Are you asking -- excuse
9 me. Objection, Your Honor. Are you asking
10 him a question as to the name of the friend?

11 **MR. McDONALD:** I asked him a question if
12 he could remember the name of the person that
13 gave him the gun. He looked over there at
14 you, then he looked back at me, and then he
15 said, "Correct."

16 **BY MR. McDONALD:**

17 Q. Now, you remembered how much you paid for the
18 bullets when Mr. Stone asked you, didn't you?

19 A. Correct.

20 Q. And you remembered where you bought
21 ammunition when Mr. Stone asked you?

22 A. Correct.

23 Q. And you remembered where you bought the
24 ammunition when Mr. Stone asked you?

25 A. Correct.

26 Q. And you remembered how much ammunition you
27 had? Bought? Is that correct?

28 A. Correct.

29 Q. And you remembered the last time you fired

1 the gun before you fired at Officer Jones. Is that
2 correct?

3 A. Correct.

4 Q. But you can't remember the name of this
5 friend that gave you the valuable gun. Is that
6 correct?

7 A. Correct.

8 MR. McDONALD: Judge, could I have just
9 a second?

10 THE COURT: Okay.

11 [PAUSE IN THE PROCEEDINGS]

12 BY MR. McDONALD:

13 Q. Now, these two pictures, Exhibit Number 47
14 and Exhibit Number 48, this place under your eye, is
15 that what you're talking about?

16 A. That's correct.

17 Q. Exhibit Number 47 and 48, this place under
18 your right eye, that's what you're talking about,
19 correct?

20 A. One of them. I had knots in the top of my
21 head. They kicked me repeatedly.

22 Q. They put you on the ground to handcuff you,
23 didn't they? And one of them put his knee on your
24 shoulder. Is that correct? And you're saying none
25 of that happened when they were cuffing you, you're
26 saying they beat you up.

27 A. They beat me after they cuffed me.

28 [PAUSE IN THE PROCEEDINGS]

29 MR. McDONALD: Let's go up and talk to

1 the judge.

2 [BENCH CONFERENCE AS FOLLOWS]

3 MR. McDONALD: We have --

4 MS. COOPER: The prejudicial value far
5 outweighs the probative value. We know that
6 he's already contended that he'd been beaten.
7 These were obviously taken before --

8 MR. McDONALD: This picture shows his
9 body. I think I've got one of his back over
10 there, too. I want to show them pictures of
11 his whole body. I don't know why y'all are
12 so scared of the pictures. I'm not sure I
13 understand.

14 MS. COOPER: I'm going to object to
15 that, Your Honor. These are at different
16 angles. You can see that bruise.

17 MR. McDONALD: What is this?

18 MS. COOPER: What do you think it is?

19 MR. McDONALD: I don't know. What do
20 you think it is?

21 MS. COOPER: Your Honor, these were
22 taken at the Jefferson Davis County jail.
23 They show him being bruised. That is
24 consistent with those taken later at the
25 Forrest County jail. And I think the
26 prejudicial effect of this far outweighs any
27 probative value.

28 THE COURT: Where are the other
29 pictures, Mr. McDonald? I want to see what

1 they show.

2 **MR. McDONALD:** Let me ask this question.
3 Now, based on your direct, I understand he's
4 a crystal-clean young man.

5 **MS. COOPER:** No, you presented him like
6 that.

7 **MR. McDONALD:** Never did anything. Why
8 is this prejudicial?

9 **MS. COOPER:** I don't want the jury to
10 see that.

11 **MR. McDONALD:** What is it?

12 **MS. COOPER:** It's a tattoo, dammit.
13 What do you think it is?

14 **MR. McDONALD:** Is it a gang tattoo?

15 **THE COURT:** What's the other picture?
16 That's the back. What's that one right
17 there?

18 **MR. McDONALD:** That's the shirt and
19 pants he had on when they took him to the
20 jail down there.

21 **MS. COOPER:** Your Honor, we've got
22 photographs plenty, as the Court said. Now,
23 that just goes to inflame the jury that
24 here's a black man having a tattoo, and I'm
25 going to make a motion later.

26 **THE COURT:** All right. You want to do
27 this outside the hearing of the jury or what?

28 **MS. COOPER:** Are you going to let them
29 in?

1 **THE COURT:** I'm going to let these
2 three.

3 **MR. McDONALD:** You got your pictures in.

4 **THE COURT:** Which ones did you want?

5 **MR. McDONALD:** I want all five of them
6 in there.

7 **THE COURT:** Six of them.

8 **MR. McDONALD:** Six.

9 **THE COURT:** But I think it's cumulative,
10 isn't it? That's the reason I picked these
11 three out.

12 **MS. COOPER:** These three support what
13 we've seen based on the pictures that were
14 taken just hours later. What's the point to
15 these pictures? What's the point?

16 **THE COURT:** Well, I think it's rebuttal.
17 I mean, cross-examination. Did he have any
18 other -- he doesn't have any other injuries
19 to his body.

20 **MS. COOPER:** He says he had knots in the
21 top of his head. There's no photograph of
22 the top of his head.

23 **THE COURT:** We need to do this outside
24 the presence of the jury, then?

25 **MS. COOPER:** Yeah.

26 **THE COURT:** Okay.

27 **[BENCH CONFERENCE CONCLUDED]**

28 **THE COURT:** Let's do this outside the
29 presence the jury. The jury can be excused

1 to the jury room.

2 [THE JURY WAS EXCUSED AT 2:10 P.M., AND
3 THE PROCEEDINGS CONTINUED AS FOLLOWS OUTSIDE
4 THE PRESENCE OF THE JURY.]

5 THE COURT: The jury has been excused,
6 and we have six pictures, I believe, that the
7 State is intending to offer into evidence.
8 And what's the circumstance of these
9 pictures?

10 MR. McDONALD: He said he was beaten.

11 THE COURT: I understand. What's the
12 circumstance? When were the pictures taken?

13 MR. McDONALD: My understanding is that
14 these photographs were taken at the Jefferson
15 Davis County jail before he was transported
16 to Forrest County. And my understanding from
17 what Mr. Maye testified to about their two
18 pictures was that those two pictures were
19 taken later when he was at Forrest County.

20 So these actually are earlier-in-time
21 photographs than the ones she introduced.

22 THE COURT: Okay. All right. And you
23 want to object to them?

24 MS. COOPER: The defense objects to the
25 introduction of the photographs. The first
26 that we're objecting to is that where Cory
27 Maye is wearing a tee shirt, the back of
28 which states "The City of Monticello."

29 THE COURT: What's wrong with that

1 picture? Or I don't see much --

2 MS. COOPER: Well, assuming the State of
3 Mississippi is intending to offer these
4 photographs to refute or rebut Cory Maye's
5 contention that he was beaten while in
6 custody, that picture shows nothing about his
7 body.

8 THE COURT: All right. I'll grant that.

9 MR. McDONALD: I have something in
10 response to that.

11 THE COURT: Okay.

12 MS. COOPER: Well, I'm not finished.

13 MR. McDONALD: Well, I'm waiting on you.

14 MS. COOPER: The second --

15 THE COURT: Well, let's take them one at
16 a time, then. Let's do the shirt, tee shirt
17 one. Why do you need the tee shirt one? I
18 don't think it shows anything.

19 MR. McDONALD: Tee shirt's white, and if
20 he got beat to a pulp and he was bleeding and
21 he was in bad shape, I believe that would
22 be --

23 THE COURT: Well, you've got it here in
24 this one. You've got it here in this one.

25 MR. McDONALD: Well, he got beat in the
26 head, too, Judge. So there would either be
27 blood on the back of this tee shirt or there
28 would be blood on that tee shirt.

29 MS. COOPER: There's no evidence that he

1 was bleeding. And, Cory, is this the same
2 shirt you had on when you were arrested?

3 **THE DEFENDANT:** Yes, it is.

4 **MS. COOPER:** Did you tell these people
5 you were bleeding?

6 **THE DEFENDANT:** No, I did not.

7 **THE COURT:** All right. I'll let it in,
8 then, if the purpose of it is it show that he
9 received no --

10 **MS. COOPER:** But wouldn't he have to be
11 refuting testimony that was offered? I mean,
12 you know, he's testifying and arguing.

13 **THE COURT:** I understand, but he's on
14 cross-examination. And he did make a point
15 of it, or y'all did make a point of it. So
16 I'm going to let him rebut it. And he can
17 put these in about the tee shirts.

18 **MS. COOPER:** Okay. There's been no
19 testimony from Cory Maye that he was
20 bleeding. So my basis for the objection of
21 the first photograph is the tee shirt is the
22 same for the second photograph, which only
23 shows the back of his head. There's nothing
24 in this second photograph showing the back of
25 a gentleman's head, the top of the tee shirt.

26 **THE COURT:** Which one are you looking
27 at, now?

28 **MS. COOPER:** That is Cory Maye.

29 **THE COURT:** Okay. I didn't know about

1 that one. I didn't look at that one.

2 **MS. COOPER:** Okay. And I'm saving the
3 best for last, Your Honor.

4 **THE COURT:** Okay. You're right. On
5 this one? You don't need this one if you
6 have this one. Or do you?

7 **MR. McDONALD:** The only reason -- I
8 didn't know whether he was going to admit or
9 deny that he had that tee shirt on. But
10 since he's admitting he had the tee shirt on,
11 I don't need this one.

12 **THE COURT:** Okay.

13 **MS. COOPER:** And the last picture shows
14 -- it's the left view of Cory Maye without a
15 shirt. It shows a tattoo on his neck and a
16 tattoo -- the left side of his neck and a
17 tattoo on his left arm. We're objecting in
18 that there is no probative value to the
19 introduction of that photograph. It is truly
20 prejudicial.

21 It's only being used to evince
22 prejudice, mislead the jury, to create some
23 -- to create some image, some negative image,
24 some negative portrayal of Cory Maye in that
25 he's a young black man. As the evidence has
26 borne out, the police officer in this case
27 killed was white. I see absolutely no
28 probative value in the introduction of that
29 case.

1 I think its prejudicial value far
2 outweighs whatever it is the State of
3 Mississippi is trying to establish with this
4 young man having testified that he was beaten
5 by these police officers.

6 THE COURT: Okay.

7 MR. McDONALD: Well --

8 MS. COOPER: And, Your Honor -- well --

9 THE COURT: Are you through?

10 MR. McDONALD: The only question --

11 THE COURT: Wait, let her finish, then.

12 MS. COOPER: Well, I guess he needs to
13 finish and you've made some ruling on the
14 pictures, and then I'm going to argue my
15 motion.

16 THE COURT: Okay.

17 MR. McDONALD: First, I'd like to say
18 I'm sure that being tattooed is not
19 particularly relevant to just black people.
20 There are a lot of white people that are
21 tattooed, too. As a matter of fact, I would
22 venture to say there are probably more white
23 people with tattoos in the general
24 population. I don't know that that calls
25 anything into attention about him with
26 respect to that whatsoever.

27 It shows the side of his body. He
28 testified he was beat to a pulp. I assume
29 beat --

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MS. COOPER: He did not say that, Your Honor. Mr. McDonald has had lots of leeway to present his closing argument to this jury. He's testified way beyond any testimony from the testifying witnesses. He's not -- he should not be allowed to put words in the mouth of this defendant. He's just having his way in presenting statements that are unsupported by the testimony.

And Mr. McDonald, although he is not any statistician on how many people in this country have tattoos, he should know as the prosecutor for the State of Mississippi that it takes bruises, types of injuries, some time to manifest themselves. But if he wants to purport to be something other than he is, so be it. I'm ready to argue my motion.

THE COURT: All right.

MR. McDONALD: Well, I got one other -- I got two other photographs up here you probably need to look at.

THE COURT: Yeah, I want to address each particular photograph. That way, I can tell what the probative value versus prejudicial is.

MS. COOPER: What are the other two?

MR. McDONALD: This was his back. And I hadn't thought about it till you started talking about it, but --

1 **MS. COOPER:** Well, just stay with me,
2 you'll think about a lot. Your Honor, I'm
3 holding in my hand a picture where Cory Maye
4 again is wearing the same white tee shirt.
5 It's a photograph of the forearm of his left
6 arm. It says, "High life."

7 . Again, our contention is the same. The
8 prejudicial effect --

9 **THE COURT:** Yeah, what is that one?
10 Let's take them one at a time, now.

11 **MS. COOPER:** It outweighs the --

12 **THE COURT:** What's the reason you need
13 that?

14 **MR. McDONALD:** Well, on direct, my
15 understanding was that -- I got mixed
16 messages on direct. One message was he'd
17 never done anything wrong, never been in
18 trouble with the law, never got arrested for
19 anything, he was a squeaky-clean kind of guy.

20 Then she kind of went into was he
21 smoking the marijuana there in front of the
22 child. Then, on cross, he says, well, he
23 just wasn't smoking the marijuana there in
24 front of the child, but the marijuana was
25 there.

26 And now I see where he's got a tattoo
27 that says, "High life." I assume that's a
28 drug reference to being high.

29 **THE COURT:** Then I'll sustain the

1 objection on that one.

2 MS. COOPER: Thank you, Your Honor.

3 THE COURT: All right. I think the
4 prejudicial could outweigh the probative in
5 that picture. The other pictures, I don't
6 see how they -- what about this one? What's
7 the prejudicial about that?

8 MS. COOPER: Well, what are you offering
9 it for? I forgot from all the verbiage.

10 THE COURT: To show his injuries from
11 the beating.

12 MR. McDONALD: It's his back.

13 MS. COOPER: Okay. Do you know when it
14 was taken?

15 MR. McDONALD: It was taken at the same
16 time these pictures were taken. You know,
17 maybe I misunderstood. If he's not saying he
18 got beat up by the police, then maybe we
19 don't need all this. I thought that's the
20 point you were trying to make when you
21 introduced that other thing.

22 And when he started talking about, you
23 know, how they kicked him, and yada, yada,
24 yada, yada, I just figured, well, we'll
25 introduce a picture of his whole body.
26 Certainly, they'd show up.

27 THE COURT: You've introduced pictures
28 concerning the condition of his body on
29 direct. I'm going to let him introduce

1 pictures of his body on cross.

2 MS. COOPER: In the case presented by
3 the State of Mississippi, Officer Terrence
4 Cooley said, "We did not kick him or hit
5 him." There's evidence to the contrary. And
6 I simply -- I mean, I think that every
7 witness that testified, their credibility is
8 at issue. So --

9 THE COURT: If you get pictures in, they
10 get pictures in.

11 MS. COOPER: But my pictures only are in
12 support of what my client is saying.

13 THE COURT: That's correct.

14 MS. COOPER: And refute and to discredit
15 these testifying witnesses. His pictures are
16 going to --

17 THE COURT: I think I've heard enough to
18 make my ruling. I'm going to allow this set
19 that I have in front of me. There are six
20 pictures in front of me. They can be
21 introduced into evidence if you qualify them
22 properly.

23 MS. COOPER: Your Honor, just for the
24 record, may I move for the defense -- what do
25 you want me to do, Your Honor? Are you
26 finished?

27 THE COURT: Yes, I'm through.

28 MR. McDONALD: Chill out. I'm not going
29 to introduce these.

1 MS. COOPER: All right. Because you
2 know what I was going to do.

3 MR. McDONALD: Well, considering the way
4 things are going, I don't think it's worth
5 taking a chance on.

6 MS. COOPER: All right. Well, thank
7 you.

8 THE COURT: Well, which ones -- what
9 about the others? What are you introducing?

10 MS. COOPER: He doesn't need to
11 introduce any of them.

12 MR. McDONALD: We'd like to introduce
13 these, Your Honor.

14 THE COURT: Okay. I'm going to let you
15 introduce any of them that you want.

16 MR. McDONALD: I appreciate it.

17 THE COURT: But only just as --

18 MS. COOPER: Okay, thank you.

19 THE COURT: All right. Are we ready to
20 proceed?

21 MR. McDONALD: Yes, sir.

22 THE COURT: All right. Let's bring our
23 jury in.

24 [THE JURY WAS RETURNED TO THE OPEN
25 COURTROOM AT 2:20 P.M., AND THE PROCEEDINGS
26 CONTINUED AS FOLLOWS IN THE PRESENCE OF THE
27 JURY.]

28 THE COURT: You may proceed.

29 MR. McDONALD: Judge, maybe we ought to

1 have these marked first.

2 **THE COURT:** All right.

3 **[PHOTOGRAPHS WERE MARKED EXHIBIT NUMBERS**
4 **49, 50, 51, AND 52 AND RECEIVED IN EVIDENCE.]**

5 **BY MR. McDONALD:**

6 Q. Mr. Maye, I'm going to show you what's been
7 marked as Exhibit 52. Is that you?

8 A. Yes, sir.

9 Q. And was that photograph taken at the
10 Jefferson Davis County jail the night you were
11 arrested?

12 A. Correct.

13 Q. I show you what's been marked Exhibit 51. Is
14 that you the night you were arrested at the Jefferson
15 Davis County jail?

16 A. Correct.

17 Q. Show you what's been marked as Exhibit Number
18 50. Is that you the night you were arrested at the
19 Jefferson Davis County jail?

20 A. Correct.

21 Q. And I'm going to show you Exhibit 49. And is
22 that a photograph of you the night you were arrested
23 at the Jefferson Davis County jail?

24 A. Correct.

25 Q. And these photographs were taken prior to the
26 time the photographs were taken in Forrest County?

27 A. Correct.

28 Q. Okay. Just so I understand, your position is
29 that when you opened fire, you weren't aiming at

1 anything, you were just shooting up amongst them,
2 right?

3 A. Towards the noise, correct.

4 Q. Just shooting towards the noise.

5 A. Correct.

6 Q. Okay. Now, it's true that this happened in
7 Prentiss, Mississippi, isn't it?

8 A. Correct.

9 Q. And it's true it happened in Jefferson Davis
10 County, Mississippi.

11 A. Correct.

12 Q. And it's true that it happened on the date
13 that we've been talking about, December 26, 2001.

14 A. Correct.

15 Q. True that you're Cory Jermaine Maye.

16 A. Correct.

17 Q. It's true that you're the person that shot
18 Officer Ron Jones.

19 A. Correct.

20 Q. And it's true that it happened in your house
21 that evening.

22 A. Correct.

23 Q. And it's true that you didn't call out and
24 ask who it was, and you didn't go to the window and
25 look to see who it was. That's your position.

26 A. Correct.

27 Q. All right. And you didn't look out the
28 window and see it was the police?

29 A. No, sir.

1 Q. And you weren't afraid that they were going
2 to come there about that marijuana?

3 A. No, sir.

4 Q. And that's not why you armed yourself?

5 A. No, sir.

6 Q. And you didn't call out at the rear door?

7 A. No, sir.

8 Q. And you didn't have to call out because you
9 knew they were outside, didn't you?

10 A. No, sir.

11 Q. You actually heard them call out and announce
12 they had a search warrant.

13 A. I did not.

14 Q. And what did you do in the interim time
15 between the time that they knocked on the front door,
16 kicked and announced at the front door, and the time
17 they kicked and announced at the rear door?

18 A. That's when I ran to the bedroom.

19 Q. Well, it took a few minutes in there. You
20 had time.

21 A. Only seconds.

22 Q. Seconds.

23 A. [Nods head affirmatively]

24 MR. McDONALD: I don't believe we have
25 -- well, I'd offer the pictures into
26 evidence, if I haven't. But I thought they
27 were in evidence.

28 THE COURT: They will be in evidence.
29 Any redirect?

1 MS. COOPER: Yes, Your Honor.

2 *****

3 REDIRECT EXAMINATION

4
5 BY MS. COOPER:

6 Q. Cory, can you see this still?

7 A. Yes, ma'am.

8 Q. I'm just going to move my pen until you tell
9 me where your daughter was.

10 A. In the middle.

11 Q. About right here?

12 A. In the middle of the bed.

13 Q. And she was 14 months old?

14 A. Correct.

15 Q. And she was asleep when you entered the
16 bedroom?

17 A. Yes, ma'am.

18 Q. Well, why didn't you grab her up and go
19 somewhere else?

20 A. I'm not sure.

21 Q. How much time passed? The way the
22 prosecution presented this, there was just lots and
23 lots of time passing where you had time to think
24 about each and every thing you were doing. Was this
25 planned?

26 A. No, ma'am.

27 Q. Was this your intent and your design?

28 A. No, ma'am.

29 Q. How much time passed from that crashing sound

1 or that noise at your front door until the time you
2 actually went into your bedroom?

3 A. It was only seconds.

4 Q. Tell the ladies and gentlemen how many, if
5 you can.

6 A. No more than ten, 15 seconds.

7 Q. And then, from there until shooting in the
8 direction of the noise, how much time passed?

9 A. Repeat the question.

10 Q. From your lying on the floor of your bedroom
11 to your actually shooting in the direction of that
12 noise, how much time passed from there?

13 A. Maybe three, four seconds.

14 Q. So in, say, 15 seconds, your entire life has
15 been changed.

16 A. Yes, ma'am.

17 Q. Now, how was that backdoor opened? Was it
18 just gently opened?

19 A. It was forced open.

20 Q. How so?

21 A. I suppose kicking.

22 Q. Now, before these people around your
23 apartment said that they were police officers, who
24 were they to you?

25 A. Intruders.

26 Q. So, Cory, were you -- how long had you been
27 asleep?

28 A. I went to sleep maybe 9:30, ten o'clock. I'm
29 not sure what time they actually got there.

1 Q. Okay. So were you in a deep sleep? Would
2 you say that you were in a deep sleep?

3 A. No, ma'am.

4 Q. Okay. And being awakened, were you able to
5 gather all your thoughts and come up with how you
6 were going to accomplish the defense of you and your
7 daughter?

8 A. No, ma'am.

9 Q. Were your actions a reaction? Were you
10 reacting?

11 **MR. McDONALD:** Object to leading.

12 **THE COURT:** All right. Sustained.

13 **BY MS. COOPER:**

14 Q. Tell the ladies and gentlemen of the jury
15 whether you were reacting to the noise and all that
16 was going on.

17 A. Correct.

18 Q. Cory, the statement that you gave to Agent
19 Jones at about two o'clock on the morning of
20 December 27th, is that what happened?

21 A. Yes, ma'am.

22 Q. And that that you are sharing with the ladies
23 and gentlemen of this jury two years after this
24 incident, is that what happened?

25 A. Yes, ma'am.

26 **MS. COOPER:** Nothing further, Your
27 Honor.

28 **MR. McDONALD:** May I have -- I don't
29 want to belabor it, but I've got a couple of

1 things.

2 THE COURT: On what issue? Let's see
3 what you're going to ask first.

4 MR. McDONALD: Well, on that time issue
5 she brought out and on that issue that she
6 brought --

7 THE COURT: Let's approach the bench.

8 [BENCH CONFERENCE AS FOLLOWS]

9 THE COURT: What's your question?

10 MR. McDONALD: One, about that time
11 issue, where it took ten to 15 seconds from
12 the time they started at the front door till
13 the time they crashed into the backdoor. And
14 there are a couple of questions about that.

15 The other thing is him showing where she
16 was on that bed because he said just then
17 that the child wasn't on the bed.

18 MS. COOPER: He said what?

19 MR. McDONALD: I don't want to say it in
20 front of him.

21 THE COURT: Okay. Yeah, you can ask the
22 question on that subject.

23 MS. COOPER: Well, I want to hear it.
24 Can I not hear it?

25 MR. McDONALD: You're going to hear it.

26 THE COURT: Yeah. He can ask the
27 question on that subject.

28 MS. COOPER: Can I not hear, Judge,
29 before he asks it? I mean, we're at the

1 bench. Why is he hiding what he's saying to
2 me?

3 THE COURT: I don't know. No, he's not
4 hiding from you.

5 MS. COOPER: I didn't hear him. You
6 want to tell me what he said?

7 THE COURT: If y'all will stand over
8 there; she just wants to know what it is.

9 MS. COOPER: Yeah, you whispered it to
10 the judge.

11 THE COURT: I didn't hear it, either.

12 [BENCH CONFERENCE CONCLUDED]

13 [PAUSE IN THE PROCEEDINGS]

14 THE COURT: All right. You may go into
15 just those two issues.

16 *****

17 RECROSS-EXAMINATION

18

19 BY MR. McDONALD:

20 Q. Mr. Maye, I believe you said that you knew
21 where -- I believe you said you knew where your
22 daughter was in the bed because you saw her when you
23 came back in the bedroom?

24 A. She was in the middle of the bed.

25 Q. And you saw her when you came back in the
26 bedroom. I believe that's what you just told Ms.
27 Cooper, you saw her.

28 A. I didn't see her.

29 Q. You didn't see her?

1 A. Correct.

2 Q. Because based on your previous testimony, it
3 was dark, no lights. Is that what you said?

4 A. Correct.

5 Q. There wasn't a light shining through from the
6 left-hand side over here, huh? Right over here,
7 where you had to come through to get in the bedroom.

8 A. No lights.

9 Q. No lights from the left-hand side.

10 A. [Shakes head negatively.]

11 Q. No lights from the restroom. Now, the other
12 thing, the other issue that I want to talk about is
13 the issue about time.

14 I believe you told Ms. Cooper from the time
15 you heard the first noise, second hand on 12, and all
16 the rumbling up at the front of the house to the time
17 the entry was made in the back of the house was 15
18 seconds.

19 A. At the most.

20 Q. At the most. And that's 15 seconds just
21 then. They tried and tried and tried to get in the
22 front. They tried and tried to get in the back. You
23 heard Jones and them say they came part of the way
24 back around the building, then went back in when they
25 had kicked the door in. Then Jones went in. And you
26 say that only took at most 15 seconds?

27 A. Correct.

28 Q. Can you see the second hand on that watch?

29 A. Yes, sir.

1 Q. Can you count 15 seconds?

2 A. Repeat the question.

3 Q. My question is, you really want the jury to
4 believe it only took 15 seconds for all this to
5 happen from first to end?

6 A. Yes, sir.

7 MR. McDONALD: That's all the questions
8 we've got.

9 THE COURT: Okay. You may step down.

10 [WITNESS EXCUSED]

11 *****

12 THE COURT: Who will the defense call
13 next?

14 MS. COOPER: Your Honor, the defense
15 rests.

16 [THE DEFENDANT RESTS]

17 THE COURT: All right. State have any
18 rebuttal witnesses?

19 MR. McDONALD: Based on what's been
20 offered, we don't think we need to put on any
21 rebuttal witnesses.

22 [THE STATE OF MISSISSIPPI RESTS FINALLY]

23 THE COURT: Okay. For the jury, that
24 will conclude the evidence you'll have in the
25 trial. However, you do need the jury
26 instructions that go with this. So do not
27 talk about the case or form any opinion about
28 it till you get those jury instructions.

29 This break may take us about 30 minutes.