

1 IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
2 WESTERN DISTRICT

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

Plaintiffs,

VS. CIV 98-394 (B)

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

Defendants.

18 _____
19 **THE VIDEOTAPED DEPOSITION OF MITCHELL SCOTT JOHNSON**
20 Taken at the Craighead County Courthouse Annex Courtroom,
21 Jonesboro, AR on April 27, 2000
22 at 1:15 p.m
23 _____
24
25

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MITCHELL WRIGHT

TINA JOHNSON

DENNIS GOLDEN

PAT GOLDEN

GRETCHEN WOODARD

I N D E X**TESTIMONY BY MITCHELL SCOTT JOHNSON**

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Plaintiff's Exhibit 1	51
(Handwritten Journal Entry of Mitchell Johnson)	

1 MR. McDANIEL: May the record reflect that this is the
2 deposition of Mitchell Johnson, and may the record further
3 reflect that this same cause of action previously referred to in
4 the deposition of Andrew Golden, the same record relative to
5 objections and stipulations to be carried forward in this
6 deposition so we don't have to repeat them. Is that agreeable?

7 MR. CAHOON: I agree.

8 MR. HODGES: Agreed.

9 MR. McDANIEL: Will the court reporter please swear the
10 witness.

11 MITCHELL SCOTT JOHNSON,
12 having been first duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. McDANIEL:

16 Q. State your name for the record, please.

17 A. Mitchell Scott Johnson, sir.

18 Q. Mr. Johnson, I'm going to ask you to speak up a little bit
19 because I have trouble hearing you. How old are you?

20 A. I am 15 years old of age, sir.

21 Q. I'm going to ask you several questions in this deposition.
22 I want to make sure you understand my questions and you respond
23 to them. If you don't understand a question, you let me know and
24 I'll rephrase it. Is that agreeable?

25 A. Yes, sir.

1 Q. You were present during the deposition of Andrew Golden?

2 A. Yes, sir.

3 Q. I want to ask you a few questions about what you know and
4 understand about today. Do you know who you are?

5 A. Yes, sir.

6 Q. What is your full name?

7 A. Mitch Scott Johnson, sir.

8 Q. What is your date of birth?

9 A. 8/11/84, sir.

10 Q. How old are you?

11 A. 15 years of age.

12 Q. Who are your parents?

13 A. Scott Jonesboro and Mrs. Gretchen Woodard.

14 Q. Did you have a stepfather back in March of 1998?

15 A. Yes, sir, I did.

16 Q. What was his name?

17 A. Terry Woodard, sir.

18 Q. Is Terry Woodard and your mom still married?

19 A. Yes, sir.

20 Q. Has your father remarried?

21 A. Fixing to be, sir.

22 Q. Do you have any brothers or sisters?

23 A. Yes, sir.

24 Q. Who are your brothers and sisters?

25 A. I have Jessie Woodard, she's my sister, Monty Johnson, my

1 brother, and Angie Vreeman, my sister.

2 Q. How old are each of them? Tell me their names and how old
3 are they.

4 A. Jessie is four fixing to be five. Monty is 13 and Angie
5 just turned 24.

6 Q. Where does Angie live?

7 A. In Bono.

8 Q. What is her address, do you know?

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

10 Q. Is she married?

11 A. She's engaged.

12 Q. Her last name is what?

13 A. Vreeman, sir.

14 Q. Spell that.

15 A. V-R-E-E-M-A-N.

16 Q. Does she work?

17 A. Yes, sir.

18 Q. Where does she work?

19 A. St. Bernards Regional Hospital I do believe, sir.

20 Q. In March of 1998 you were involved in a shooting incident on
21 the Westside School grounds. Is that correct?

22 A. Yes, sir.

23 Q. You entered a plea of guilty to your participation in that
24 shooting incident, did you not?

25 MR. ROBERTS: Object to the form of the question,

1 vague. Are you referring to the federal or state?

2 MR. McDANIEL: I'll rephrase it.

3 Q. (By Mr. McDaniel) Did you enter a guilty plea to the
4 juvenile court proceedings in Craighead County relating to the
5 shooting incidents at Westside School?

6 A. Yes, sir.

7 Q. At the time you entered that plea of guilty, did you know
8 and understand what you were doing?

9 A. Yes, sir, I did.

10 Q. Did you plead guilty because in truth and in fact you were
11 guilty of being involved in that shooting incident?

12 A. Yes, sir.

13 Q. In that shooting incident there were five people killed. Is
14 that correct?

15 A. Correct.

16 Q. Four students and one teacher?

17 A. To my knowledge, yes, sir.

18 Q. And you knew all four of the students?

19 MR. ROBERTS: Object to the form of the question. Your
20 questions are public record, Mr. McDaniel. So, therefore,
21 they're repetitive.

22 MR. McDANIEL: I'm entitled to inquire as to his
23 knowledge, public record or not.

24 Q. (By Mr. McDaniel) You knew the names of the four people who
25 were killed, did you not?

1 A. Yes, sir, I did. I do now.

2 Q. Do you know the names of some of the people who were shot
3 but not killed?

4 A. Very few.

5 Q. Mr. Johnson, did Andrew Golden participate with you in that
6 shooting incident?

7 A. Yes, sir.

8 Q. Did both you and Andrew Golden shoot rifles at individuals
9 who were later obviously killed or wounded?

10 A. Yes, sir.

11 Q. Did you intentionally kill or injure some of the individuals
12 who were shot?

13 MR. ROBERTS: Object to the form of the question.

14 Instruct the witness not to answer.

15 Q. (By Mr. Roberts) At the time that you were shooting the
16 rifles, you knew that the rifles were loaded with live rounds of
17 ammunition?

18 A. Yes, sir.

19 Q. And you knew that if a person was shot with a rifle that it
20 could cause injury or death?

21 MR. ROBERTS: Object to the form of the question and
22 instruct the witness not to answer based on the Fifth Amendment.

23 Q. (By Mr. McDaniel) Mr. Johnson, when the shooting incident
24 took place, did you force Andrew Johnson to participate in the
25 shooting incident?

1 MR. ROBERTS: Objection. I think you've misstated --

2 MR. McDANIEL: I'll rephrase.

3 MR. ROBERTS: I don't mean to be picky, but I think
4 you've misstated a name.

5 MR. McDANIEL: I think you're correct.

6 Q. (By Mr. McDaniel) Mr. Johnson, at the time of the shooting
7 incident on March 24 of 1998, did you force Andrew Golden to
8 participate in that shooting event with you?

9 A. No, sir, I did not.

10 Q. Was the shooting incident an agreement between yourself and
11 Andrew Golden?

12 A. Yes, sir.

13 Q. Whose idea was it, yours or Andrew's to pull the firearm?

14 MR. ROBERTS: Objection. Object to the form of the
15 question and instruct the witness not to answer based on the
16 Fifth Amendment.

17 Q. (By Mr. McDaniel) When the shooting took place on the
18 grounds at Westside School, who fired rifles, you or Andrew
19 Golden or both?

20 A. Both, sir.

21 Q. Who fired rifles at the students and teacher, you or Andrew
22 Golden or both?

23 A. Both.

24 Q. Which rifle did you use in the shooting incident?

25 MR. ROBERTS: Just a moment, Mr. McDaniel. I'm not

1 sure --

2 A. .30-06, sir.

3 Q. (By Mr. McDaniel) The .30-06, the Remington .30-06?

4 A. Yes, sir.

5 MR. McDANIEL: I want to caution counsel that I do not
6 want to have an improper communication but that he is still wired
7 with a microphone even though I might not hear the tape, and I'm
8 going to --

9 THE VIDEOGRAPHER: I pulled the mic down.

10 MR. McDANIEL: With court's and everyone's permission,
11 may I ask that the videographer edit that private communication
12 out of tape?

13 MR. ROBERTS: I just asked --

14 MR. McDANIEL: Is that agreeable?

15 MR. ROBERTS: Yes. I asked the witness whether he knew
16 what the rifle was. You cited a .30-06. I didn't know if he
17 knew it.

18 MR. McDANIEL: Okay. That's fine.

19 MR. ROBERTS: But we will take his microphone off in
20 the future. Thank you.

21 THE VIDEOGRAPHER: Counselor, I could shut it off and I
22 can't hear nor can anybody else.

23 MR. McDANIEL: Okay.

24 MR. ROBERTS: I'll take his microphone off in the
25 future.

1 MR. McDANIEL: Okay, fine.

2 Q. (By Mr. McDaniel) Now, Mr. Johnson, why did you shoot some
3 of the people at the Westside School?

4 MR. ROBERTS: Object to the form of the question and
5 instruct the witness not to answer based on the Fifth Amendment.

6 Q. (By Mr. McDaniel) Mr. Johnson, did you know who you were
7 shooting at?

8 MR. ROBERTS: Object to the form of the question and
9 instruct the witness not to answer based on the Fifth Amendment.

10 Q. (By Mr. McDaniel) A question that I've been asked to
11 present to you is from Zane Wright, Shannon Wright's little boy,
12 who wants to know why you shot his mommy. Will you answer
13 this --

14 MR. ROBERTS: Just a moment, please.

15 A. Sir, could you repeat the question for me?

16 Q. (By Mr. McDaniel) Yes. Zane Wright, the minor child of
17 Mitchell Wright and Shannon Wright, wanted us to ask you why did
18 you shoot and kill his mommy?

19 A. Sir, it was not intentional. It was not for me to kill
20 anybody. That was not my plan, sir, and, sir, I did not pick her
21 out or anybody else that was killed that day.

22 Q. Were the shootings of the individuals just at random,
23 shooting one then another without specifically targeting one
24 person?

25 A. Could you please repeat the question?

1 Q. Yes, sir. When you were firing that rifle, were you
2 specifically targeting one individual?

3 MR. McDANIEL: Mr. McDaniel, I don't mean to quibble,
4 but that's two different questions, sir.

5 MR. McDANIEL: I'll rephrase it.

6 Q. (By Mr. McDaniel) Did you have a telescopic sight on the
7 .30-06 rifle?

8 A. Yes, sir, I did.

9 Q. When you looked through the telescopic sight, did it have
10 cross hairs to assist you in aiming?

11 A. Yes, sir.

12 Q. When you placed the cross hairs on a target, did you know
13 who you were placing the cross hairs on?

14 MR. ROBERTS: Mr. McDaniel, again are you asking did he
15 know the identity --

16 MR. McDANIEL: Yes.

17 MR. ROBERTS: -- of the person by name or could he
18 visualize a person through the scope?

19 MR. McDANIEL: Yes. I was going to do it both ways.

20 MR. ROBERTS: I apologize.

21 Q. (By Mr. McDaniel) Do you know the name of the -- when you
22 looked through your telescopic sight and you could see them
23 through the scope and the cross hairs was on an individual, did
24 you know who you were looking at through the scope?

25 A. Honestly, sir, I don't remember me shooting period.

1 Q. Sir?

2 A. Honestly, I don't remember me shooting period.

3 Q. How long did this shooting incident take place, over how
4 much time?

5 A. I'm not aware, sir.

6 Q. You knew Mrs. Wright by sight, did you not?

7 A. If I just saw her in a crowd?

8 Q. Yes.

9 A. Yes, sir, I did.

10 Q. And you knew Natalie Brooks by sight, did you not?

11 A. Yes, sir, I did.

12 Q. You knew Paige Herring by sight, did you not?

13 A. I didn't know her that well, sir.

14 Q. But you could recognize her in a group of three or four
15 kids, couldn't you?

16 MR. ROBERTS: Mr. McDaniel, by "know by sight", do you
17 mean to imply he knew their name?

18 MR. McDANIEL: Recognized them by name and identity.

19 MR. ROBERTS: Not simply by face?

20 Q. (By Mr. McDaniel) If you saw the face of Paige Herring, did
21 you know her name when you looked at her?

22 A. Not really, no, sir, I didn't.

23 Q. Did you know Stephanie Dawn Johnson by face when you saw
24 her?

25 A. Yes, sir.

1 Q. Did you know Brittney Ryen Varner by face when you saw her?

2 A. No, sir, I'm not sure.

3 Q. When you were looking through your telescopic sight and
4 shooting the .30-06 rifle, were some of the people facing you and
5 some have their backs to you?

6 A. I'm not aware, sir.

7 Q. You don't remember?

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

9 Q. How many times did you shoot the .30-06 rifle?

10 A. Five times, sir.

11 Q. Five times?

12 A. I'm aware of that because that's all I held and my gun was
13 empty.

14 Q. When you emptied that gun --

15 MR. ROBERTS: Just a moment, please, Mr. McDaniel.

16 MR. McDANIEL: Sir?

17 MR. ROBERTS: Just a moment, please.

18 MR. McDANIEL: Certainly.

19 THE VIDEOGRAPHER: Counselor, when he holds it when
20 y'all finish, could you hold down towards the middle of his
21 chest? When you breathe I'm getting a lot of noise.

22 THE WITNESS: I'm sorry.

23 MR. ROBERTS: Thank you.

24 Q. (By Mr. McDaniel) Go ahead with what you were saying, sir.

25 A. Could you repeat the question? I'm sorry.

1 Q. Yes. I think you indicated that you had shot your .30-06
2 rifle five times, correct?

3 A. Yes, sir.

4 Q. And you stopped shooting it because you ran out of
5 ammunition for that gun. Is that right?

6 MR. ROBERTS: I don't believe that's what the witness
7 said, Mr. McDaniel. I'm --

8 MR. McDANIEL: Let me rephrase it.

9 Q. (By Mr. McDaniel) Why did you stop shooting that
10 .30-06 rifle?

11 A. I'm not sure, sir, why I stopped.

12 Q. Did you have another weapon besides the .30-06 rifle that
13 you shot that day?

14 A. Yes, sir.

15 Q. What other weapon did you use that day?

16 A. I used a .38 pistol, sir.

17 Q. Did Andrew Golden fire either rifles or pistols or both that
18 day?

19 A. Yes, sir, he did.

20 Q. What weapons did Andrew Golden fire?

21 A. I'm not for sure.

22 Q. Where did you get the weapons that were used in the shooting
23 incident?

24 MR. ROBERTS: Object to the form of the question and
25 instruct the witness not to answer under the Fifth Amendment.

- 1 Q. (By Mr. McDaniel) Do you know what a trigger lock is?
- 2 A. Yes, sir.
- 3 Q. Before March 24 of 1998 had you ever seen a trigger lock
- 4 before?
- 5 A. Yes, sir.
- 6 Q. Where would you have seen a trigger lock?
- 7 A. Probably in a magazine.
- 8 Q. Had you ever physically touched or handled a trigger lock
- 9 before March 24 of 1998?
- 10 A. Yes, sir.
- 11 Q. Where would you have physically touched or handled a trigger
- 12 lock before March 24 of 1998?
- 13 A. At my cousin's house in Minnesota.
- 14 Q. Who is that?
- 15 A. I don't know his last name. I know his first name is Jeff,
- 16 sir.
- 17 Q. Who was with you when you were there?
- 18 A. My father and my little brother.
- 19 Q. Was the trigger lock in place on a gun?
- 20 A. Yes, sir.
- 21 Q. Was it locked in place?
- 22 A. Yes, sir.
- 23 Q. Did you have a key? Was it one you used a key to?
- 24 A. Yes, sir, it was a key.
- 25 Q. Did you have the key to it?

1 A. No, sir, I did not.

2 Q. Since you did not have the key to it, would you have known
3 how to have gotten into that trigger lock without the key?

4 A. No, sir.

5 Q. When you looked at the gun with the trigger lock on it, were
6 any adults around or near you?

7 A. Yes, sir, my father.

8 Q. What were you told about a trigger lock at that time?

9 A. He didn't explain it to me.

10 Q. Did you ask what is this on this gun?

11 A. No, sir.

12 Q. You just knew what it was from seeing magazines?

13 A. Yes, sir.

14 Q. Did you understand that a trigger lock was to keep someone
15 from using a gun that wasn't supposed to?

16 A. Yes, sir.

17 Q. And if a trigger lock was on that gun and you didn't have
18 the key, you couldn't have used that gun, could you?

19 A. Correct.

20 Q. Have you ever seen a trigger lock on a gun that's set by a
21 combination lock like a briefcase?

22 A. One time I do believe, sir.

23 Q. Sir?

24 A. Yes, sir, once.

25 Q. And it would --

1 MR. MARSHALL: I'm sorry, what did the witness say?

2 MR. McDANIEL: He said, "One time I believe, sir."

3 MR. ROBERTS: "One time I do --

4 MR. McDANIEL: Is the witness' microphone on?

5 THE VIDEOGRAPHER: Yes. I --

6 MR. ROBERTS: Mr. McDaniel, I think he said, "One time
7 I do believe."

8 Q. (By Mr. McDaniel) So then you recall that you think you
9 have seen one gun that had a combination lock on it --

10 MR. MARSHALL: Objection, leading.

11 Q. (By Mr. McDaniel) -- like a briefcase lock. Is that
12 correct?

13 A. I haven't seen it on a gun, sir. I've seen it in a
14 magazine.

15 Q. You saw one in a magazine?

16 A. Yes, sir.

17 Q. Did you understand that if such a trigger lock was on a gun,
18 if you did not know the combination you couldn't use the gun?

19 MR. MARSHALL: Objection, leading.

20 Q. (By Mr. McDaniel) Go ahead.

21 A. Yes, sir.

22 Q. Have you ever had any training as a gunsmith or someone who
23 repairs guns?

24 A. No, sir.

25 Q. Do you know how to take a gun apart and put it back together

1 so it will function properly?

2 A. No, sir.

3 MR. ROBERTS: Just a moment, Mr. McDaniel.

4 MR. McDANIEL: All right.

5 MR. ROBERTS: Thank you.

6 Q. (By Mr. McDaniel) Do you know what a padlock is?

7 A. Yes, sir.

8 Q. What is a padlock?

9 A. A padlock is a device that you can stick on a locker to make
10 sure no one can get in your locker without authority.

11 Q. If the padlock is properly placed on something to keep
12 someone out and you don't have the key around, they can't get in,
13 correct?

14 MR. ROBERTS: Objection, speculative.

15 Q. (By Mr. McDaniel) Go ahead and answer.

16 THE WITNESS: Mike, answer it?

17 A. Would you please repeat the question?

18 Q. (By Mr. McDaniel) The padlock is placed on something to
19 keep someone out if they don't have the key, correct?

20 A. Correct.

21 Q. At the home of Douglas Golden on March 24 of 1998, were the
22 guns on the wall secured in any fashion by means of a lock or a
23 cable in any way?

24 MR. ROBERTS: Object to the form of the question and
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) In reference to the shooting incident,
2 had you told anyone before the incident took place that you were
3 going to do that?

4 A. Not specifically, no.

5 Q. Had you talked about it in general with someone else?

6 A. Not mentioning details, no.

7 Q. Had you talked about it in general nonspecific form to
8 someone else?

9 A. Twice.

10 Q. To whom?

11 A. One to a friend. I asked him not to come to school because
12 I thought something bad might happen, and then the second time it
13 was the Monday before the incident, sir.

14 Q. The first one, when did that take place, when you told him
15 not to come to school, something bad might happen? When was
16 that? Is that the same day of the shooting?

17 A. No, sir.

18 Q. It was another time?

19 A. Yes, sir.

20 Q. Who was that person?

21 A. I'm not going to name names.

22 MR. ROBERTS: Let me consult with my client, please.
23 Let's talk to the judge.

24 MR. McDANIEL: Do we need to go off the record?

25 MR. ROBERTS: We need to go off the record. Let's talk

1 to the judge.

2 (Off-the-record discussion.)

3 MR. McDANIEL: Back on the record.

4 Q. (By Mr. McDaniel) Mr. Johnson, upon instruction from your
5 counsel, I'm going to ask you about those two conversations and
6 I'm not going to ask you the names of who you were talking to.
7 Is that understood?

8 A. Yes, sir.

9 Q. The first incident, when and where did that take place?

10 A. It took place on spring break. The Friday of spring break I
11 went to a friend's house, and I spent the night with him. I had
12 just -- we had brought the subject of school and how things were
13 going, and I had told him that I didn't want him coming to
14 school. I didn't give him a date because I wasn't for sure, but
15 I told him --

16 Q. All right.

17 A. Go ahead.

18 Q. Go ahead. I didn't mean to interrupt you.

19 A. I told him that I felt that something negative could happen,
20 and I didn't want him getting hurt.

21 Q. That was on the Friday before spring break?

22 A. The Friday -- the spring break Friday, sir.

23 Q. The shooting took place on what day of the week?

24 A. Tuesday.

25 Q. Was spring break over on the Monday proceeding the shooting?

1 A. I think so, sir.

2 Q. The second incident in which you spoke with someone, when
3 and where was that?

4 A. That was at school Monday.

5 Q. The day before the shooting?

6 A. Yes, sir.

7 Q. Again, I understand you don't want to disclose right now who
8 you spoke to, but tell me what was said in that conversation.

9 A. I --

10 MR. ROBERTS: Just a moment.

11 Q. (By Mr. McDaniel) Go ahead.

12 A. Could you repeat the question, please?

13 Q. Yes. What was said in that second conversation which
14 occurred on Monday before the shooting on Tuesday?

15 A. I had told a friend that I did not want her coming to school
16 in case something bad could happen.

17 Q. Did she ask any details about what are you talking about?

18 MR. ROBERTS: Object to the form of the question and
19 instruct the witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) Was there anything else said between you
21 and the girl that day?

22 A. Would you please repeat the question? I'm sorry.

23 Q. Yes. What else was said between you and this girl on the
24 Monday before the shooting on Tuesday?

25 A. Nothing, nothing concerning that.

1 MR. ROBERTS: That's not -- answer Mr. McDaniel's
2 question. I've allowed you to answer the question, so answer his
3 question.

4 Q. (By Mr. McDaniel) Go ahead and answer.

5 A. It wasn't nothing after that, sir.

6 Q. That was it?

7 A. Uh-huh.

8 Q. Do you know Amber Vannover?

9 A. Not that I'm aware of, sir.

10 Q. Did you tell Amber Vannover's brother about this shooting
11 incident? Does that name ring a bell?

12 A. No, sir, it does not.

13 Q. Okay. Did you and Andrew Golden discuss the shooting
14 incident the morning before it occurred?

15 THE WITNESS: Mike?

16 MR. ROBERTS: Mr. McDaniel, there was some confusion on
17 a prior question. I think it was two or three questions ago
18 involving a young woman that you asked him about. He now
19 understands the question and would like to further answer it.

20 MR. MCDANIEL: Thank you very much.

21 Q. (By Mr. McDaniel) And we'll hold that agreement so that at
22 any time during the deposition you realize you need to go back
23 and clarify something or change something, you let me know and
24 I'll let you, okay? Thank you for doing that. Tell me what you
25 need to tell me to set the record straight.

1 A. To set the record straight I had told her not to come to
2 school because I figured something -- I thought something bad
3 might happen, and then after that, I had told her that I loved
4 her, that I would see her. That was all that was said.

5 Q. You said you loved her and what?

6 A. I had loved her and that I would see her sometime.

7 Q. Now, to the question that I was asking: Did you discuss the
8 shooting incident on the morning before the shooting with Andrew
9 Golden?

10 A. I don't remember, sir.

11 Q. When and where did you and Andrew Golden get together on the
12 morning before the shooting when this criminal escapade started?

13 MR. ROBERTS: Mr. McDaniel, I'm not sure I understand
14 that. I don't mean to be picky.

15 MR. McDANIEL: Okay. I'll rephrase it.

16 Q. (By Mr. McDaniel) Did you spend the night at your own home
17 the night before the shooting?

18 A. Yes, sir, I did.

19 Q. Did Andrew Golden spend the night with you?

20 A. No, sir, he did not.

21 Q. When is the first time you saw Andrew Golden the next
22 morning, that is the morning of the shooting?

23 A. I'm not for sure of the time, sir.

24 Q. Where and how did you and Andrew get together on the morning
25 of the shooting the first time? How did that come about?

1 THE WITNESS: Mike?

2 MR. ROBERTS: Where did he meet Andrew?

3 MR. McDANIEL: Yes.

4 A. On Tuesday, sir?

5 Q. (By Mr. McDaniel) Yes.

6 A. I had met him at his house.

7 Q. Did you call him on the phone or did he call you or did he
8 know that you were coming? Had you discussed it?

9 A. Before, yes, sir.

10 Q. And how long before, when before?

11 MR. ROBERTS: Object to the form of the question and
12 instruct the witness not to answer based on the Fifth Amendment.

13 Q. (By Mr. McDaniel) So sometime prior to the morning of the
14 shooting, you and Andrew had had a discussion that you were going
15 to get together that morning for this shooting incident, correct?

16 MR. ROBERTS: Just a moment. I think that's been asked
17 and answered, Mr. McDaniel, but just in case, object to the form
18 of the question. I instruct the witness not to answer based on
19 the Fifth Amendment.

20 Q. (By Mr. McDaniel) Did you call Andrew Golden on the
21 telephone on the morning of March 24 of 1998 before you
22 physically observed or saw him?

23 MR. ROBERTS: Object to the form of the question and
24 instruct the witness not to answer based on the Fifth Amendment.

25 Q. (By Mr. McDaniel) You saw Andrew Golden at his house that

1 morning of the shooting. Is that correct?

2 A. Yes, sir.

3 Q. How did you get to his house?

4 A. By my mother's van, sir.

5 Q. What type van was that? Do you know what kind it was?

6 A. It was a Dodge, sir.

7 Q. Had you ever driven that van before?

8 A. Yes, sir.

9 Q. Had you ever driven it alone before?

10 A. Not very far. Not out of my yard, sir.

11 Q. But you had driven it before?

12 A. Yes, sir.

13 Q. Had your mother allowed you to drive it to teach you how to
14 drive?

15 A. Yes, sir.

16 Q. Had your mother ever ridden with you in the vehicle when you
17 drove it before?

18 A. I do believe so, yes.

19 Q. How long had you been driving an automobile either with your
20 mom or with another adult prior to March 24 of 1998?

21 MR. ROBERTS: Just a moment.

22 A. Could you please repeat the question?

23 Q. (By Mr. McDaniel) Yes. How long had you been driving an
24 automobile in the presence of adults before March 24 of 1998?

25 A. Quite a while, sir.

1 Q. A couple of years, a year?

2 A. Couple of years.

3 Q. Then your mother knew and approved of you driving an
4 automobile, correct?

5 A. Somewhat, yes, sir.

6 Q. Did you know where your mother kept the keys to the van?

7 A. Yes, sir, I did.

8 Q. On the night before the shooting, were you up and about
9 around your house around midnight or in the early morning hours?

10 A. No, sir.

11 Q. Did you have any property in the van like camping gear,
12 things like that in the van that morning?

13 A. Yes, sir.

14 Q. What all was in the van by way of camping gear or survival
15 gear as it may be called?

16 A. I just had my clothes and some shoes.

17 MR. ROBERTS: Mr. McDaniel, we would not agree that
18 camping gear equates with survival gear, sir.

19 MR. McDANIEL: Okay.

20 Q. (By Mr. McDaniel) Was there at the time of the shooting
21 some camping gear or camping equipment in the back of the van or
22 in the van?

23 A. Yes, sir.

24 Q. Where did you get that camping gear?

25 A. It was not mine.

1 Q. Well, how did it get into the van?

2 A. Repeat the question, sir.

3 Q. Yes. How did the camping gear get into the van?

4 A. It was placed in the van, sir.

5 Q. By whom?

6 A. Andrew.

7 Q. Do you know where Andrew got it?

8 A. I do believe that was his, sir.

9 Q. I'm sorry?

10 A. That was his, sir, I do believe.

11 Q. When was it loaded into the van, the morning of the shooting
12 or at some other time?

13 A. That morning.

14 Q. Where at his loaded into the van, at his house or some other
15 place?

16 A. At his house.

17 Q. Was anyone home at his house when you loaded -- when the
18 camping gear was loaded in your van?

19 A. No, sir.

20 Q. Were any guns obtained from Andrew Golden's house?

21 MR. ROBERTS: Object to the form of the question and
22 instruct the witness not to answer based on the Fifth Amendment.

23 Q. (By Mr. McDaniel) Did you and Andrew Golden have anyone
24 else in the van with you from the time you picked him up until
25 the time you were apprehended by the police on the morning of

1 March 24 of 1998?

2 A. No, sir.

3 Q. When you picked Andrew Golden up in the van that morning,
4 had you and he agreed that you were going to have this shooting
5 incident at the school?

6 MR. ROBERTS: Object to the form of the question and
7 instruct the witness not to answer based on the Fifth Amendment.

8 Q. (By Mr. McDaniel) When you and Andrew were together in the
9 van before you went to the school area, did you discuss what you
10 were going to do that day?

11 MR. ROBERTS: Object to the form of the question and
12 instruct the witness not to answer based on the Fifth Amendment.

13 Q. (By Mr. McDaniel) Did Andrew object to riding with you in
14 the van from his house to the area at Westside School?

15 A. No, sir.

16 Q. Did you go anywhere other than directly from his house to
17 Westside School that morning?

18 A. Yes, sir.

19 Q. Did you go to Doug Golden's house?

20 A. Not with the van, no.

21 Q. How did you get to Doug Golden's house?

22 A. Walked, sir.

23 Q. From where?

24 A. From the location I parked the van.

25 Q. Where did you park the van to get to Doug Golden's house?

1 A. I don't know the street name, sir.

2 Q. How far did you walk from where you parked the van to Doug
3 Golden's house?

4 A. I couldn't honestly answer that, I don't know.

5 Q. A block, a football field? You don't know?

6 A. More than a football field.

7 Q. Sir?

8 A. More than a football field.

9 Q. When you got to Doug Golden's house, did you know why you
10 were going there?

11 A. Yes, sir and no.

12 Q. Tell me what the yes part was and tell me what the no part
13 was.

14 MR. ROBERTS: Object to the form of the question and
15 instruct the witness not to answer further. He can yes or no
16 whether he knew why he was going there, but he cannot answer
17 further.

18 Q. (By Mr. McDaniel) Did you, when you went to Doug Golden's
19 house, intend to obtain firearms from the house?

20 MR. ROBERTS: Object to the form of the question and
21 instruct the witness not to answer based on the Fifth Amendment.

22 Q. (By Mr. McDaniel) Had you and Andrew discussed getting
23 firearms from Douglas Golden's home?

24 MR. McDANIEL: Object to the form of the question and
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Did you and Andrew enter Douglas Golden's
2 home that morning?

3 MR. ROBERTS: Mr. McDaniel, how do you mean "enter"?

4 MR. McDANIEL: Enter by getting from outside the home
5 to getting inside the home by any means.

6 MR. ROBERTS: By any means?

7 MR. McDANIEL: Yes.

8 MR. ROBERTS: Object to the form of the question and
9 instruct the witness not to answer based on the Fifth Amendment.

10 MR. McDANIEL: Okay.

11 Q. (By Mr. McDaniel) Were you ever inside the home of Douglas
12 Golden on the morning of March 24 of 1998?

13 A. Yes, sir.

14 Q. While inside the home of Douglas Golden on March 24 of 1998,
15 did you see firearms in that home?

16 A. Yes, sir.

17 Q. Had you ever been in that home before?

18 A. No, sir.

19 Q. Had you had that home described to you by Andrew before as
20 to the guns contained in it?

21 A. No, sir.

22 Q. Had Andrew told you that there were guns in the home?

23 A. Yes, sir.

24 Q. Did he tell you how many?

25 MR. ROBERTS: Objection, hearsay. Go ahead and

1 answer.

2 A. No, sir.

3 Q. (By Mr. McDaniel) Did Andrew tell you he knew how to get
4 the guns or he could get them?

5 A. He told me he could get them.

6 Q. When you got to the home and you saw the guns, were the guns
7 locked in any fashion?

8 MR. ROBERTS: Object to the form of the question and
9 instruct the witness not to answer based on the Fifth Amendment.

10 Q. (By Mr. McDaniel) Do you know what a cable locking system
11 with a padlock is?

12 MR. ROBERTS: Just a moment, please. Thank you.

13 A. Could you repeat, please.

14 Q. (By Mr. Golden) Yes. I may not repeat it exactly. Bear
15 with me. Did you see in the area of the guns a cable locking
16 system with a padlock?

17 A. Yes, sir.

18 Q. Was the lock closed or locked when you got there that
19 morning?

20 A. Yes, sir.

21 Q. Did Andrew get the key to unlock the lock?

22 A. I'm not for sure.

23 Q. Did you get the key to unlock --

24 MR. ROBERTS: Object to the form of the question and
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Was the key used regardless of who did
2 it --

3 MR. ROBERTS: Object --

4 Q. (By Mr. McDaniel) -- to unlock the padlock?

5 MR. ROBERTS: I'm sorry. Object to the form of the
6 question and instruct the witness not to answer based on the
7 Fifth Amendment.

8 Q. (By Mr. McDaniel) Do you know if the lock was actually
9 locked or not on the cable locking system holding the guns?

10 MR. MARSHALL: Objection. Asked and answered. He said
11 that it was.

12 A. Yes, sir, it was locked.

13 Q. (By Mr. McDaniel) Did you obtain guns from that gun rack
14 that morning?

15 MR. ROBERTS: Object to the form of the question and
16 instruct the witness not to answer based on the Fifth Amendment.

17 Q. (By Mr. McDaniel) Did Andrew Golden obtain any guns from
18 that gun rack that morning?

19 MR. ROBERTS: Object to the form of the question and
20 instruct the witness not to answer based on the Fifth Amendment.

21 Q. (By Mr. McDaniel) The .03-06 that you told us already that
22 you used in the shooting incident, did it come from the home of
23 Andrew Golden?

24 MR. ROBERTS: Object to the form of the question and
25 instruct the witness not to answer based on the Fifth Amendment.

1 Q. (By Mr. McDaniel) Did you when you were inside the home of
2 Douglas Golden, did you have any tools with you?

3 A. Not that I know of, no, sir.

4 Q. Do you know what tools are?

5 MR. ROBERTS: On his body or access available in the
6 home, Mr. McDaniel?

7 Q. (By Mr. McDaniel) Did you have any tools in your hands when
8 you were in the home of Douglas Golden?

9 A. No, sir.

10 Q. Did Andrew Golden have any tools in his hand while you were
11 inside the home of Douglas Golden?

12 A. No, sir.

13 Q. Was anyone else other than you and Andrew in the home when
14 you were there on the morning of March 24, 1998?

15 A. No, sir.

16 Q. Did you see Andrew Golden use any tools of any kind to gain
17 access to the rifles?

18 MR. ROBERTS: Object to the form of the question and
19 instruct the witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) You and Andrew -- and I'm not asking
21 whether someone else was or was not involved. But when you and
22 Andrew left the home of Douglas Golden, you left there to go to
23 Westside School. Is that correct?

24 MR. ROBERTS: Object to the form of the question. If
25 you would rephrase it, he could answer it.

1 MR. McDANIEL: All right. I'll try.

2 Q. (By Mr. McDaniel) After you left the home of Douglas
3 Golden, where did you go?

4 A. To Westside, sir.

5 Q. And when you went to Westside School, were you going there
6 for the purpose of shooting guns?

7 MR. ROBERTS: Object to the form of the question and
8 instruct the witness not to answer based on the Fifth Amendment.

9 Q. (By Mr. McDaniel) When you went to the Westside School area
10 after leaving the home of Douglas Golden, did you stop anywhere
11 in between the home and when you finally got out of the van at
12 the Westside School area?

13 MR. ROBERTS: Just a moment, please.

14 A. Could you please repeat?

15 Q. (By Mr. McDaniel) Did you stop anywhere from the time you
16 left the home of Douglas Golden until the time you got to the
17 location where you parked the van near the Westside School?

18 A. No, sir.

19 Q. When you went to the Westside School area, did you take any
20 guns with you from where you parked the van up to where --

21 MR. ROBERTS: Object to the form of the question. I'm
22 sorry, my apologies. Object to the form of the question and
23 instruct the witness not to answer based on the Fifth Amendment.

24 Q. (By Mr. McDaniel) You told us earlier about shooting the
25 .30-06 in the vicinity of the teacher and the students at

1 Westside School, correct?

2 A. Yes, sir.

3 Q. Where did you get the gun that was used in -- the .30-06
4 that was used in that shooting?

5 MR. ROBERTS: The witness believes he has to refuse to
6 answer that, Mr. McDaniel.

7 MR. McDANIEL: All right.

8 MR. ROBERTS: I've got to respect that belief.

9 MR. McDANIEL: I understand.

10 Q. (By Mr. McDaniel) When you and Andrew Golden were in the
11 vicinity where the shooting took place, did you have any
12 discussion about what was about to occur before the first shot
13 was fired?

14 MR. ROBERTS: Object to the form of the question and
15 instruct the witness not to answer based on the Fifth Amendment.

16 Q. (By Mr. McDaniel) Did you overhear Andrew Golden make any
17 statements when you were in the vicinity where the shooting took
18 place before the first shot was fired?

19 MR. ROBERTS: Objection, hearsay.

20 Q. (By Mr. McDaniel) Go ahead and answer.

21 A. No, sir.

22 Q. Did you observe Andrew Golden go into the school for the
23 purpose of pulling a firearm?

24 MR. ROBERTS: Objection. Assumes knowledge not on the
25 record. Mr. McDaniel, this is another situation where I have to

1 respect my client's opinion. I am not able to pursued him
2 otherwise.

3 MR. ROBERTS: All right. Let me ask it another way or
4 two. If you need to object, I certainly understand.

5 Q. (By Mr. McDaniel) Did Andrew Golden leave the area where
6 the shooting took place to go inside the school before the first
7 shot was fired?

8 A. I don't want to answer that question, sir.

9 MR. ROBERTS: I'm going to defer to his judgment on
10 that.

11 Q. (By Mr. McDaniel) On the morning of March 24 of 1998, had
12 you used or consumed any alcoholic beverages within 24 hours
13 prior to the shooting?

14 A. No, sir.

15 Q. On the morning of March 24 of 1998 or within 24 hours, had
16 you used or consumed any marijuana or any other illegal drug?

17 A. No, sir. I had not obtained any marijuana in the past 24
18 hours before the shooting.

19 Q. Did you have any other illegal substance?

20 A. No, sir.

21 MR. ROBERTS: Mr. McDaniel, you mean did he acquire and
22 consume?

23 MR. McDANIEL: Acquire or consume any controlled
24 substance, either illegal drug or controlled substance on the
25 morning of or within 24 hours of the shooting incident.

1 MR. ROBERTS: Excuse me, that's two questions slightly
2 different than the prior.

3 MR. McDANIEL: I'll rephrase it.

4 MR. ROBERTS: Would you break it down into the two,
5 please?

6 MR. McDANIEL: Yes.

7 Q. (By Mr. McDaniel) On the morning of March 24, 1998, did you
8 have any marijuana or illegal drug in your possession?

9 A. No, sir.

10 Q. Had you had in your possession within 24 hours before the
11 shooting any marijuana or illegal drug of any kind?

12 A. No, sir.

13 Q. I'm going to ask you again, and I know you've invoked the
14 Fifth Amendment, but I'm going to ask the court to rule on this.
15 Did you observe Andrew Golden go into the school shortly before
16 the firing of the guns took place?

17 MR. ROBERTS: That's a slight -- I don't mean to be
18 picking at you, but I think that's a slightly different
19 question. If we took time to read it back --

20 MR. McDANIEL: That's fine. If he'll answer that one,
21 we'll just find it.

22 MR. ROBERTS: See if this response --

23 Q. (By Mr. McDaniel) Okay. Go ahead and answer it.

24 A. Sir, he had left my whereabouts.

25 Q. Okay. Where was Andrew Golden before he left your

1 whereabouts and how long was he gone before he came back to your
2 whereabouts?

3 MR. ROBERTS: That's compound. Can we break them --

4 Q. (By Mr. McDaniel) Where was Andrew Golden when he left your
5 whereabouts when you stopped the van at the Westside School area?

6 A. I don't understand the question, sir.

7 Q. You said Andrew Golden left your whereabouts.

8 A. Yes, sir.

9 Q. Where were you last with him before he left your
10 whereabouts?

11 MR. ROBERTS: Let me try to explain that to him. I
12 think he understands the question.

13 A. I was on the school grounds, sir.

14 Q. (By Mr. McDaniel) Sir?

15 A. I was on the school grounds.

16 Q. Where on the school grounds were you?

17 A. I was --

18 THE VIDEOGRAPHER: Counselor, we're having trouble with
19 that microphone. I need to swap it out.

20 (A break was taken.)

21 MR. McDANIEL: Your Honor, before we commence back in
22 the deposition, counsel advised me that he would make a statement
23 for the record to Your Honor.

24 MR. MILLER: This is Randel Miller. I represent
25 Gretchen Woodard. Gretchen is the mother of Mitchell Johnson.

1 I've had a discussion with Brent Davis, who is the elected
2 prosecutor for this judicial district. This is not an
3 affirmative on Brent's part, but I have discussed this all with
4 him and he stated in no uncertain terms that at this time he has
5 no interest in pursuing any additional charges against Mitchell
6 Johnson.

7 He realizes under the law that even if he filed
8 additional charges, he couldn't give him any more time that he
9 has already received. So the filing of any additional charges
10 would have no purpose or no effect and that Brent hasn't even had
11 any inclining that there were additional charges that he intended
12 to file against this defendant. I think Judge Burnett was
13 present also when those statements were made.

14 Again, I'm not precluding that coming in here saying
15 that I'm authorized by Brent Davis to state that. Brent's word
16 has always been good, and he says he has no interest in pursuing
17 any charges against this defendant.

18 MR. McDANIEL: With that statement for the record, Mr.
19 Roberts, are there some expansions that you would allow your
20 witness to make of prior answers given?

21 MR. ROBERTS: I couldn't be happier than to hear that,
22 and I will withdraw my objections based on the Fifth Amendment
23 and let you proceed a pace, a reasonable pace, to reask these
24 questions.

25 MR. McDANIEL: Great.

1 MR. ROBERTS: I did not interpose those to make your
2 life difficult. This is the first moment I've heard about it and
3 I am delighted.

4 MR. McDANIEL: Thank you.

5 Q. (By Mr. McDaniel) Mr. Johnson, we're going to go back --

6 THE COURT: I think the record should reflect, because
7 I heard the conversation, that Mr. Davis while he indicated that
8 would be an inclination but he doesn't know enough about the
9 facts or circumstances. The question was sprung on him too early
10 and that he didn't want to give any official commitment to that
11 and did not, but his statement was generally, as Mr. Miller
12 indicated, that he wasn't making any firm official comments on
13 it. He indicated that that was his official --

14 MR. McDANIEL: I think that's what Mr. Miller
15 indicated.

16 MR. ROBERTS: Then out of an abundance of caution --

17 MR. McDANIEL: We're back to square one?

18 MR. ROBERTS: We're back to square one I think until
19 we --

20 THE COURT: He certainly said that he didn't know of
21 any reason why he would bring -- or didn't have any information
22 that would justify bringing any additional charges.

23 MR. McDANIEL: Well, let me ask him a couple of
24 questions and if you need to interpose, you can.

25 Q. (By Mr. McDaniel) On the morning that you entered the home

1 of Douglas Golden, did you see rifles on the wall that were
2 eventually taken and used in the shooting incident at Westside
3 School?

4 MR. ROBERTS: Mr. McDaniel, I was very hopeful that we
5 did have something definitive, but now I've got to say that I
6 cannot object to the first part of that question but object to
7 the second. It's a compound question.

8 Q. (By Mr. McDaniel) At the time you went into the home of
9 Douglas Golden, did you see rifles on the wall?

10 A. Yes, sir.

11 Q. Were those rifles secured with a cable and padlock that was
12 locked, or do you know whether any other lock was there?

13 MR. MARSHALL: Asked and answered twice.

14 A. It was locked, yes, sir.

15 Q. (By Mr. McDaniel) Did either you or Andrew Golden secure a
16 key to unlock the padlock?

17 MR. ROBERTS: Object to the form of the question.
18 Regrettably object to the form of the question and instruct the
19 witness not to answer based on the Fifth Amendment.

20 Q. (By Mr. McDaniel) Were weapons taken from the gun rack area
21 near the eating area in the Douglas Golden home, by you and/or
22 Andrew Golden on the morning of March 24, 1998?

23 MR. ROBERTS: I think I'm going to have to interpose
24 the same objection based on what the --

25 MR. McDANIEL: We're back to square one again. Those

1 have been asked and answered, and I won't repeat them anymore.

2 MR. ROBERTS: I would put this on the record that Mr.
3 Johnson in another court has made statements which are presently
4 subject to seal that would answer a number of your questions.

5 MR. McDANIEL: Since I don't have access to the sealed
6 documents --

7 MR. ROBERTS: And at the end of the proceeding, those
8 statements may well be available and I anticipate that proceeding
9 to end before the trial of this case.

10 MR. McDANIEL: Thank you.

11 Q. (By Mr. McDaniel) Mr. Johnson, did you shoot Stephanie
12 Johnson?

13 A. No, sir, not that I'm aware of.

14 Q. Did you Andrew Golden shoot Stephanie?

15 A. I do not know, sir.

16 Q. Do you know who you shot of the groups of people that were
17 shot? Do you know specifically which individuals you shot?

18 A. Sir, I have been told that I have shot Mrs. Shannon Wright.

19 Q. Do you know who shot whom? Do you know which bullets that
20 you fired struck whom, and do you know which bullets Andrew shot
21 and struck whom?

22 MR. ROBERTS: Of his own personal knowledge or based on
23 what he has been told?

24 MR. McDANIEL: Yes.

25 Q. (By Mr. McDaniel) On your own knowledge.

1 A. No, sir.

2 Q. When you were firing your rifle, did you see one or more
3 individuals fall after you shot?

4 A. No, sir.

5 Q. After Andrew Golden fired his rifle, did you see individuals
6 fall?

7 A. No, sir.

8 Q. When people were shot, they fell down out there, did they
9 not?

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

11 Q. Did anybody besides you and Andrew Golden fire any shots at
12 the teacher and students at the Westside School on the morning of
13 March 24, 1998?

14 MR. ROBERTS: To his knowledge?

15 MR. McDANIEL: Yes.

16 A. To my knowledge, no, sir.

17 Q. (By Mr. McDaniel) Was anyone else within your immediate
18 physical presence besides Andrew Golden on the morning of March
19 24 of 1998 when you were firing your rifle?

20 A. No, sir. No, I don't. I'm sorry. No, I don't understand
21 the question.

22 Q. (By Mr. McDaniel) All right. Was anybody real close to
23 you -- when you were firing the .30-06 rifle, was anybody besides
24 Andrew Golden very close to you that you could see them or touch
25 them?

1 A. No, sir.

2 Q. Did you see anyone else besides you and Andrew Golden with a
3 gun that day before the shooting stopped?

4 A. To my knowledge, no, sir.

5 Q. Do you know an individual by the name of Johnathon Woodard?

6 A. Yes, sir.

7 Q. Did you discuss the shooting incident at Westside School
8 prior to the shooting with Johnathon Woodard?

9 A. No, sir.

10 Q. Did Andrew Golden tell you that he had discussed the
11 shooting incident with Johnathon Woodard?

12 MR. ROBERTS: Objection, hearsay.

13 A. Not that I'm aware of.

14 Q. (By Mr. McDaniel) Did you discuss the shooting incident
15 with anyone other than the two people that you've mentioned to me
16 before it occurred?

17 A. I discussed it with Andrew but nobody else.

18 Q. I'm sorry?

19 A. I discussed it with Andrew Golden but nobody else.

20 Q. When did you first discuss it with Andrew Golden?

21 MR. ROBERTS: Just a moment. I don't want him to
22 misstate himself. You discussed with Andrew Golden and you
23 mentioned to two other young people not coming to school.

24 THE WITNESS: Correct.

25 MR. ROBERTS: But you didn't discuss the shooting with

1 them. You just told them not to come to school?

2 THE WITNESS: Correct.

3 A. I'm sorry.

4 Q. (By Mr. McDaniel) You discussed the shooting with Andrew
5 Golden?

6 A. Yes, sir.

7 Q. When did you discuss it with Andrew Golden?

8 MR. ROBERTS: I believe he's answered that, Mr.
9 McDaniel.

10 MR. McDANIEL: If he did, I am sorry. I forgot.

11 A. I discussed it many times with him.

12 Q. (By Mr. McDaniel) Was this something that you and Andrew
13 Golden planned over a period of time?

14 MR. ROBERTS: Object to the form of the question and
15 instruct the witness not to answer based on the Fifth Amendment.

16 Q. (By Mr. McDaniel) Is the shooting incident an event that
17 you and Andrew had discussed several times before it actually
18 took place?

19 MR. ROBERTS: Object to the form of the question and
20 instruct the witness not to answer based on the Fifth Amendment.

21 Q. (By Mr. McDaniel) Did you ever tell Andrew Golden that you
22 had used some of your father's marijuana?

23 A. Yes, sir, I have.

24 Q. How many times did you tell Andrew you've used some of your
25 father's marijuana?

1 MR. ROBERTS: Excuse me, how many he used the marijuana
2 or how many times he told him?

3 MR. McDANIEL: How many times did he tell Andrew that
4 he had used his father's marijuana.

5 A. Once.

6 Q. (By Mr. McDaniel) How many times had you used your father's
7 marijuana?

8 A. Three times.

9 Q. Did you use your father's marijuana in his presence?

10 MR. ROBERTS: Object to the form of the question and
11 instruct the witness not to answer based on the Fifth Amendment.

12 Q. (By Mr. McDaniel) To your knowledge did your father know
13 that you had used his marijuana?

14 MR. ROBERTS: Objection.

15 MR. McDANIEL: Let me rephrase the question and see if
16 that will help.

17 Q. (By Mr. McDaniel) Did your father ever tell you that he
18 knew that you had gotten into or used his marijuana?

19 MR. ROBERTS: Objection, hearsay.

20 Q. (By Mr. McDaniel) Go ahead and answer.

21 A. Sir, could --

22 MR. ROBERTS: Could you ask the question again?

23 Q. (By Mr. McDaniel) Did your father ever tell you that he
24 knew you had used or been into his marijuana?

25 A. Yes, sir.

1 Q. When and where did that take place?

2 A. In his home.

3 Q. When?

4 A. On Christmas, around Christmas of '97, sir.

5 Q. Christmas of '97?

6 A. (Witness nodding affirmatively.)

7 Q. The Christmas before the shooting took place?

8 A. Yes, sir.

9 Q. Where was your father's home at that time?

10 A. In Grand Meadow, Minnesota.

11 Q. Did your father also possess firearms at his home?

12 A. No, sir.

13 Q. Did the police ever come to your father's home when you were
14 there --

15 MR. ROBERTS: Objection.

16 Q. (By Mr. McDaniel) -- in Minnesota?

17 MR. ROBERTS: Objection, foundation.

18 A. Could you repeat the question, please?

19 Q. (By Mr. McDaniel) Yes. When you were at your father's home
20 in Minnesota, did the police ever come to that home?

21 A. Not that I'm aware of, no.

22 Q. Did you ever use any marijuana or drugs that would have
23 belonged to your stepfather?

24 MR. ROBERTS: Object -- excuse me. Mr. McDaniel, would
25 you ask that again, please?

1 MR. McDANIEL: Yes.

2 Q. (By Mr. McDaniel) Did you ever use any marijuana or other
3 drug that belonged to or was in the possession of your
4 stepfather?

5 MR. ROBERTS: Objection. Assumes possession of an
6 illegal drug by a former convicted federal felon.

7 Q. (By Mr. McDaniel) Can you answer the question?

8 A. Sir, when I was around -- when my stepfather was around me,
9 he didn't have any drugs, sir.

10 Q. What was your stepfather's name?

11 A. Terry.

12 Q. What's his last name?

13 A. Woodard, sir.

14 Q. Did you know Terry Woodard had been convicted of federal
15 criminal drug violations?

16 A. I knew he had been convicted. I didn't know what for, sir.

17 Q. Did you ever see him have in his possession any marijuana or
18 any drug, illegal drug?

19 A. Never, sir.

20 Q. Did you use alcohol prior to March 24, 1998 at any time?

21 MR. ROBERTS: Temporal, at any time in his life?

22 MR. McDANIEL: At any time in his life prior to March
23 24, 1998.

24 MR. ROBERTS: Go ahead and answer it.

25 A. Once, sir, yes.

1 Q. (By Mr. McDaniel) Where did you get the alcoholic beverage
2 you consumed?

3 A. A friend.

4 Q. When was that?

5 A. In the summer of '97.

6 Q. Do you know what a hangover is?

7 A. Yes, sir.

8 Q. What is a hangover?

9 A. It is the after effect of drinking too much, sir.

10 Q. Did you have a hangover in January of 1997 from drinking too
11 much?

12 A. No, sir.

13 Q. I'm going to show you a document, and I'm going to mark it
14 as Exhibit 1 to this deposition, and I'm going to ask you if it's
15 your signature in the upper right-hand corner of this document,
16 Exhibit 1. Is that your signature?

17 A. Yes, that's my signature.

18 Q. Is the document in your handwriting?

19 A. Yes, sir, I do believe so.

20 Q. All right. Would you read that document, Exhibit 1, into
21 the record, please.

22 MR. ROBERTS: Mr. McDaniel, let me read it first, would
23 you please?

24 MR. McDANIEL: Certainly.

25 MR. ROBERTS: Thank you.

1 MR. McDANIEL: It might be faster, Mike, if you had him
2 read it to us. You can't hardly read it.

3 MR. ROBERTS: I hate to take a lot of time here. Is
4 there another copy?

5 MR. McDANIEL: That's the best copy I have. Off the
6 record for a moment.

7 (Off-the-record discussion.)

8 MR. ROBERTS: Mr. McDaniel, I can't it and it raises
9 other issues. This appears to be a private journal?

10 MR. McDANIEL: It's a document provided to me that's in
11 his handwriting, I think.

12 MR. ROBERTS: Was it provided to you as a result of an
13 execution of a search warrant, or was it provided to you
14 voluntarily? This might be privileged information. I can't
15 tell.

16 MR. McDANIEL: I don't have any search warrant
17 authority.

18 MR. ROBERTS: I wasn't assuming you did counselor.

19 MR. McDANIEL: Maybe when need to get the judge in. I
20 think I'm entitled to ask him about it.

21 MR. ROBERTS: I think we need to get the judge in on
22 this one.

23 MR. McDANIEL: Your Honor, I have presented to the
24 defendant witness a photocopy of a journal entry that he's
25 identified as marked Exhibit 1. It is in his handwriting and

1 bears his signature at the top. And I asked him to read this
2 entry dated January 31, 1997 and Mr. Roberts objected, and I
3 think it's appropriate to have him read his own note.

4 MR. ROBERTS: Your Honor, I don't know how Mr. McDaniel
5 came by this. I'm not saying that it's not a credible document.
6 That's not my -- my client doesn't think he can read it, at least
7 that's his representation to me. I've never seen it before, so
8 I'm surprised.

9 THE COURT: He certainly can introduce it. Have you
10 asked him if it's his handwriting?

11 MR. McDANIEL: He identified his handwriting and his
12 signature. I'm just going to ask him --

13 THE COURT: I think the document speaks for itself.
14 You can read it into the record if you want to.

15 MR. McDANIEL: I'm going to ask him --

16 THE COURT: As long as he's acknowledged that it's his,
17 it's admissible.

18 MR. McDANIEL: I'm going to ask him to read it. And
19 those portions that he can and those portions he can't, I'm going
20 to try to help him read it just so the record will reflect it.
21 May I do so, Your Honor?

22 THE COURT: Yes.

23 MR. ROBERTS: So long as the document was obtained
24 appropriately then. I don't how --

25 THE COURT: I don't think you're waiving any objection

1 at trial to the appropriateness of the document. But I'm
2 assuming however Mr. McDaniel came by it and if he's acknowledged
3 that it's his, for the purpose of the deposition it's certainly
4 fair game.

5 MR. ROBERTS: To this point I limit my objection to the
6 document itself, the admissibility or use of the document.

7 MR. McDANIEL: Now back on the video record.

8 Q. (By Mr. McDaniel) Mr. Johnson, I've handed you a photocopy
9 of a document dated January 31, 1997 in the upper right-hand
10 corner bearing your signature and that you've acknowledged is in
11 your handwriting. Would you read that document or the parts of
12 it that you can for us, please?

13 A. May I speak with my attorney for one second?

14 Q. Sure. Just pick it up and start reading if you would,
15 please.

16 A. Journal: "I am in ISS because this morning I walked in with
17 my hat on and I was" -- I can't read that, sir.

18 MR. ROBERTS: Let's set forth what ISS is.

19 Q. (By Mr. McDaniel) In school suspension?

20 A. In school suspension, sir.

21 Q. Okay. "Walked in with my hat on and I was" --

22 A. I can't that read that, sir.

23 Q. Read what you can.

24 A. "I was" something. Okay, "I was" something "to take it off
25 and the teacher tried to take my \$35 hat and I said, no, and

1 tucked it under my arm. And it took two teachers to take it away
2 from me. And that's my story and I'm sticking to it. I could
3 have just given up my hat and was right" -- okay, and "went",
4 excuse me, "right along with the day. I got mad and lost my
5 temper, and I just ruined a good Friday. I woke up with a bad
6 hangover this morning. That is my problem. The hangover is from
7 too much pop." And I put in parenthesis "soda" last night. "I
8 had a bad morning this morning, so I came to school with an
9 attitude. I" --

10 Q. "I hate two teachers in this school"?

11 A. Okay.

12 Q. Is that right?

13 A. I do believe that's what it says. "I hate two teachers in
14 this school. I" something. I cannot read that.

15 Q. "I would blank them but one other teacher will read about it
16 and tell them." Is that right?

17 A. I couldn't honestly say.

18 Q. Okay. Well, read what you can. You go ahead and read what
19 you can.

20 A. Then something.

21 Q. "Then I would get in trouble"?

22 A. "Then I would get in some trouble. If they put my"
23 something. That's all I can read on that sentence. "The two
24 people I hate are Miss somebody and Miss" -- I can't read the
25 other name also.

1 MR. ROBERTS: Let's correct the record. I think it's
2 "Mrs. Somebody and Mrs. Somebody."

3 THE WITNESS: Excuse me.

4 Q. (By Mr. McDaniel) "Mrs. Blank and Mrs. Blank and then Ha,
5 Ha. Fooled you"?

6 A. Right. I don't know if that says fooled you or not. I
7 think that's what it says. "I hate" -- that's what it says,
8 "fooled you." "I hate in-school suspension. I have only one
9 Nike hat left."

10 MR. ROBERTS: "One Nike hat left."

11 THE WITNESS: Right. "One Nike hat left."

12 A. "Come on bell, ring, please", I think. Yeah, "please, bell
13 ring. Have I told you that I hate ISS" question mark, "that I
14 would have had" -- "that I would" something.

15 Q. Does it say, "I hate that I have had ISS"?

16 A. Okay. Yes, sir.

17 Q. "One full day and one half day"?

18 A. "One half day." Yes, sir, correct.

19 Q. Okay. Go ahead.

20 A. "After this" -- "after this" -- could you help me with that,
21 sir? I don't know what that says.

22 Q. "After this" -- I can't read it.

23 A. Something.

24 Q. Sucky day it looks like to me. "After this sucky day" --

25 A. Okay. "Is over" -- I can't read that. I think it says "I"

1 something.

2 Q. And then it says and "killing squad"?

3 A. "Killing squirrels."

4 Q. "Killing squirrels." Okay.

5 A. Something.

6 Q. "Pretending"?

7 A. "Pretending" something. I don't know what that says.

8 MR. ROBERTS: Something "ISS".

9 A. Something "ISS". I think it's supposed to say "and
10 pretending I am out of ISS." "That was" --

11 Q. (By Mr. McDaniel) "Funny"?

12 A. "Funny" I guess. "I wish" -- "I wish that" -- I can't read
13 that. Okay. "I wish that would be the end of ISS. I think
14 everyone" -- I think everyone" something.

15 Q. "Does"?

16 A. "Does". "I think everyone does. If I do not" -- sir, can
17 you help me?

18 Q. "Tell my parents, I will be grounded"?

19 A. "Grounded for life. I have" -- I don't know.

20 Q. "A pellet gun"?

21 A. Okay.

22 Q. Is that right?

23 A. I'm sure that's what I said.

24 Q. "And I'm not afraid to use it"?

25 A. I couldn't honestly say if that's what I said or not, sir.

1 Q. Well, read it.

2 A. I cannot read the statement.

3 Q. See if it says "I have a pellet gun and I am not afraid to
4 use it"?

5 A. I know it said I have a pellet gun. I can read that. I'm
6 not sure what it says after that though, sir.

7 Q. All right. Did you maintain a journal, Mr. Johnson?

8 A. I wrote this note to myself, but no, sir.

9 Q. Did you keep a diary or a journal?

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

11 Q. The title of this says "Journal". Where did you learn what
12 a journal is, or why does that word "journal" appear up there?

13 MR. ROBERTS: Objection. It's two questions. He'll
14 answer those questions, but it was compound.

15 Q. (By Mr. McDaniel) Why does the word "journal" appear at the
16 top of the page?

17 A. Because I wrote it to myself.

18 Q. Do you know what a journal is?

19 A. It's a letter or a statement you write to yourself.

20 Q. Did you maintain a regular book or diary or folder of
21 journal entries?

22 A. No, sir.

23 Q. Who were the two teachers you were making reference to that
24 you hated?

25 A. I'm not for sure.

1 Q. Was Mrs. Wright one of the them?

2 A. No, sir, it was not.

3 Q. Do you have any idea who they were?

4 A. I'm sure Mrs. Fuller was one of them.

5 Q. Mrs. Fuller?

6 A. Yes, sir.

7 Q. What did she teach?

8 A. ISS.

9 Q. Who would the other have been if you know?

10 A. Sir, I couldn't honestly say.

11 Q. All right. Do you see there where it says you had a bad
12 hangover?

13 A. Yes, sir.

14 Q. You were telling yourself the truth, weren't you?

15 A. I don't know.

16 Q. Did you have --

17 MR. ROBERTS: Objection, McDaniel. What did you --

18 MR. McDANIEL: I'll rephrase it.

19 MR. ROBERTS: -- mean by that?

20 Q. (By Mr. McDaniel) When you wrote in there that you had a
21 hangover, were you writing something that wasn't true?

22 A. Possibly, yes.

23 Q. So then is it correct that you will say something that is
24 not true if it will benefit you at the time?

25 A. No, sir.

1 Q. You had had other in-school suspensions, had you not?

2 A. One before that I do believe.

3 Q. When was your other in-school suspension?

4 A. After this incident.

5 Q. After this incident?

6 A. After this journal was written in.

7 Q. Okay. What was that about?

8 A. I had cussed a teacher out.

9 Q. Who is the teacher you cussed out?

10 A. Mrs. Northern.

11 Q. Who?

12 A. Mrs. Northern, sir.

13 Q. Why did you cuss her out?

14 A. I had got upset because she had told me to come back in her
15 classroom. I was talking to a good friend of mine, and I had
16 asked her for permission to go out in the hallway and talk to him
17 and she didn't listen to me. So I snuck out of her class and
18 started talking to him. When I come back in, she had asked me
19 where I went and I said, you didn't listen to me, ma'am. So I
20 went to talk to my friend, and she had told me -- she had said,
21 all right. But the reason she had asked me was because a girl
22 had told on me for leaving the classroom. That's why she had
23 asked me where I had went.

24 Q. And you cussed her out?

25 A. After I found out who had told on me, yes, sir.

1 Q. Did you cuss out the student that snitched you off or the
2 teacher or both?

3 A. Both.

4 Q. Who was the student that told on you?

5 A. I'm not for sure. I don't remember.

6 Q. You don't remember? Are you sure?

7 A. I'm thinking it's Miss -- I'm thinking it was April Stevens,
8 but I could be wrong.

9 Q. You had been suspended the last day of fifth grade, had you
10 not?

11 A. Yes, sir.

12 Q. What did you get suspended the last day of fifth grade for?

13 A. Fighting, sir.

14 Q. Who were you fighting with?

15 A. Matthew Smith I do believe his name was.

16 Q. Where did that fight take place?

17 A. On the playground.

18 Q. Were your parents advised of that fight?

19 A. Yes, sir.

20 Q. You had previously been suspended for fighting with another
21 student, had you not?

22 A. No, sir, I had not.

23 Q. Were you not suspended on March 26th, 1997 for fighting with
24 Shawn Lokin and given a three-day suspension?

25 A. That was in sixth grade, sir. You had referred to it in

1 fifth grade.

2 Q. Okay. I'm just looking at a date that says March 26th of
3 1997. On March 26th you were in fifth -- of 1997 you were in
4 fifth grade, were you not?

5 A. No, sir, I was in sixth.

6 Q. What grade were you in when the Westside shooting incident
7 took place?

8 A. Seventh.

9 Q. Okay. I stand corrected. I'm sorry.

10 A. No problem.

11 Q. So you were in sixth grade when you got suspended for
12 fighting with Shawn Lokin, correct?

13 MR. ROBERTS: Are you referring to the last day of
14 class?

15 MR. McDANIEL: No, March 26th, 1997.

16 MR. ROBERTS: Is this the third incident you're
17 referring to or second incident?

18 MR. McDANIEL: Let's go back.

19 Q. (By Mr. McDaniel) You got suspended the last day of school
20 of fifth grade, correct?

21 A. Yes, sir.

22 Q. Then you were suspended with the in-school suspension that
23 we read the note about that's dated January 31, 1997, correct?

24 A. Yes, sir.

25 Q. And that time was for wearing the hat to school in violation

1 of rules, correct?

2 A. Correct.

3 Q. Then you were suspended another time after that for cussing
4 out the teacher, correct?

5 A. I was sent to ISS, yes, sir.

6 Q. Okay. And then you were suspended on March 26th, 1997 for
7 two days for fighting with Shawn Lokin?

8 MR. ROBERTS: Are you referring to in-school or
9 out-of-school suspensions?

10 MR. McDANIEL: Two days out-of-school suspension.

11 A. May I clear something up, sir?

12 Q. (By Mr. McDaniel) Yes.

13 A. I was sent to ISS in the seventh grade for cussing the
14 teacher out, not the sixth, sir.

15 Q. Okay. So the same year of the shooting is when you were
16 sent to the ISS for cussing out the teacher?

17 A. Yes, sir.

18 Q. About when did that occur before the shooting, how long
19 before the shooting?

20 A. I don't remember, sir, honestly.

21 Q. Was it after the hat incident?

22 A. Yes, sir, obviously.

23 Q. Now, when you were suspended on March 26th, 1997 for
24 fighting Shawn Lokin, you were held out of school for two days
25 for that, correct?

1 A. Yes, sir, correct.

2 Q. And that was something I'm sure your parents were notified
3 of?

4 A. Yes, sir.

5 Q. What other times were you suspended or given in-school
6 suspension or any in-school discipline?

7 MR. ROBERTS: Temporal?

8 MR. McDANIEL: Including any time.

9 MR. ROBERTS: From K through --

10 MR. McDANIEL: From kindergarten through --

11 MR. ROBERTS: Do you recall?

12 Q. (By Mr. McDaniel) Any other punishments you had received in
13 school, any paddlings, any suspensions, any disciplines of any
14 kind that you can remember?

15 A. I had got a paddling for cussing on the bus.

16 Q. When was that?

17 A. It was in seventh grade. I don't know what time, sir.

18 Q. Was it in the fall or the spring or the winter?

19 A. I'm not for sure.

20 Q. Can you tell me how long before the shooting incident, close
21 in time or a long time away?

22 A. Could you repeat the question, please?

23 Q. Yeah. Did that school bus cussing incident occur close in
24 time or near when the shooting occurred or a long time before it?

25 A. Probably a long time before it.

1 Q. Any other school discipline incidents?

2 A. Not that I'm aware of, sir.

3 Q. Each time you got school discipline problems, were your
4 parents notified?

5 A. Yes, sir.

6 Q. Did either of your parents ever give you any instructions
7 about safe use of firearms?

8 MR. ROBERTS: By "parents", do you mean natural father
9 and mother or stepfather and mother?

10 MR. McDANIEL: Yes, natural parents. Natural parents.

11 A. Yes and no.

12 Q. (By Mr. McDaniel) Did you ever own a firearm, a rifle or a
13 pistol or a shotgun before March 24 of 1998?

14 MR. ROBERTS: Object to the form of the question.
15 Assumes ownership of guns.

16 MR. McDANIEL: No. I asked him did he ever.

17 Q. (By Mr. McDaniel) Did you ever own a gun of any kind before
18 March 24, 1998?

19 A. As in my name, sir?

20 Q. Yes.

21 A. No, sir.

22 Q. Did you ever have a gun in your possession that family
23 members referred to as your gun or was generally considered as
24 your gun before March 24, 1998?

25 A. Yes, sir, I did.

- 1 Q. What kind of gun was that?
- 2 A. It was a Mossberg 20 gauge, sir.
- 3 Q. A what?
- 4 A. A Mossberg 20 gauge.
- 5 Q. Where was that gun kept?
- 6 A. It was kept in a neighbor's home.
- 7 Q. Where?
- 8 A. Down the street, sir, on the same road I lived on.
- 9 Q. Did your parents know you had that gun?
- 10 A. Yes, sir.
- 11 Q. Why wasn't it kept at your own home?
- 12 A. Because my stepfather is not allowed to be around guns.
- 13 Q. Did Shannon Wright put you in suspension, ISS?
- 14 MR. ROBERTS: Temporal? I don't mean to be picky about
- 15 that.
- 16 MR. McDANIEL: Any time.
- 17 A. Not that I'm aware of, no, sir.
- 18 Q. (By Mr. McDaniel) Did Shannon Wright make students keep
- 19 journals?
- 20 A. I do believe so.
- 21 Q. So you did know what a journal was and it was something that
- 22 you and other students kept, correct?
- 23 A. Correct.
- 24 Q. Did you get in trouble for writing this journal entry that's
- 25 been marked as Exhibit 1 and you read?

1 MR. ROBERTS: Define "trouble", please.

2 Q. (By Mr. McDaniel) Any kind of trouble, disciplinary
3 consequences at school?

4 A. Sir, not that I'm aware of.

5 Q. Did Mrs. Curtner ask your mother to come to the school
6 because of this journal entry?

7 A. Not that I'm aware of.

8 Q. Did Mrs. Curtner ever ask your mother to come to the school
9 because of some disciplinary problem?

10 A. She had -- Mrs. Curtner had called my mother to come get me
11 when I was suspended, sir.

12 Q. Okay.

13 MR. McDANIEL: May I have one second?

14 MR. ROBERTS: Certainly.

15 Q. (By Mr. McDaniel) Did you ever use marijuana other than
16 that what you got from your father?

17 MR. ROBERTS: Object to the form of the question. It's
18 temporal time?

19 MR. McDANIEL: Any time.

20 MR. ROBERTS: Well, he's testified to prior use of
21 marijuana. This is other alleged uses?

22 MR. McDANIEL: Yes.

23 Q. (By Mr. McDaniel) I want to know the full extent of your
24 marijuana usage before March 24 of 1998. Just tell me in
25 narrative form your marijuana uses before March 24, 1998.

1 A. I used it one other time besides my incident with my father.

2 Q. What incident was that and where was it; when was it; where
3 did you get it?

4 A. It was -- I couldn't tell you the day, sir, but I went on a
5 hunting trip and some people that I had went with had -- the
6 people that I stayed with really on my hunting trip, their boy
7 had some marijuana and he had asked me if I wanted to try it and
8 I told him I would.

9 Q. Okay. And where was this?

10 A. I don't know the town, sir.

11 Q. What state?

12 A. It was in Arkansas.

13 Q. What was the boy's name?

14 A. I don't recall.

15 Q. Did you ever go buy any marijuana?

16 A. No, sir.

17 Q. Did you ever claim to be a member of a gang?

18 A. Yes, sir, I did.

19 Q. What gang did you claim to be a member of?

20 A. Blood.

21 Q. Were you in fact a member of the Bloods' gang?

22 A. Not necessarily, no.

23 Q. Did you associate with those -- with some persons who
24 identified themselves as members of the Bloods' gang?

25 A. Some, yes.

1 Q. Where was that association?

2 A. In Minnesota.

3 Q. Did you undergo any initiation rights into the Bloods' gang?

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

5 Q. Were you aware of whether the Bloods' gang had any types of
6 initiation rights?

7 A. Yes, sir.

8 Q. What was the initiation rights into the Bloods?

9 A. To get jumped in.

10 Q. Get jumped in meaning everybody beats them up?

11 A. For a certain amount of time.

12 Q. Could someone be also initiated into the Bloods if it was
13 known that they had killed someone? Was that also a right of
14 passage?

15 MR. ROBERTS: Object to the form of the question. For
16 the moment I instruct the witness not to answer based on the
17 Fifth Amendment, and I need to talk with him. He can answer it.

18 Q. (By Mr. McDaniel) Go ahead and answer it.

19 MR. ROBERTS: Mr. McDaniel, I withdraw my objection.

20 A. Would you please repeat the question, sir?

21 Q. (By Mr. McDaniel) Yes. Did you have an understanding that
22 another means of being initiated into the Bloods gang was for it
23 to be known that an individual had killed someone?

24 MR. ROBERTS: Objection. No foundation.

25 A. Sir, I have been told -- I was told that you would have two

1 choices, one to get jumped or two, you would have to kill a Crip,
2 sir.

3 Q. (By Mr. McDaniel) Do you know what self-mutilation is?

4 A. Yes, sir, I do.

5 Q. Did you engage in self-mutilation in school?

6 MR. ROBERTS: Objection, vague. Request a definition.

7 Q. (By Mr. McDaniel) What is self-mutilation?

8 A. It is when you do bodily harm to yourself, sir.

9 Q. Did you do that while you were in school at Westside School?

10 A. Not in school, no.

11 Q. Did you engage in self-mutilation prior to March 24 of 1998
12 at any time or place?

13 A. Yes, sir.

14 Q. What type of self-mutilation did you engage in?

15 A. I had cut on my left arm, sir.

16 Q. What type of instrument or device did you use to cut upon
17 yourself?

18 A. A knife.

19 Q. Where was this done?

20 A. At my home.

21 Q. In the summer, winter, fall, spring?

22 A. It was in the very beginning of spring.

23 MR. ROBERTS: Mr. McDaniel, is there some relevancy to
24 this?

25 MR. McDANIEL: Yes. Since it's discoverable, I'm

1 entitled to get it and I'll demonstrate it.

2 MR. ROBERTS: I won't object.

3 Q. (By Mr. McDaniel) And your mother knew about this
4 self-mutilation, didn't she?

5 A. After she had saw it on my arm, yes, sir.

6 Q. You would agree self-mutilation is an indication of some
7 psychological problems for a child? You would agree with that,
8 wouldn't you?

9 MR. ROBERTS: Object to the form of the question.

10 Q. (By Mr. McDaniel) Go ahead and answer. You know that's not
11 normal, don't you?

12 MR. ROBERTS: Define psychological problems.

13 MR. McDANIEL: I'll just go by his definition.

14 MR. ROBERTS: No. We're not going to let the deponent
15 define the linguistics of the question.

16 Q. (By Mr. McDaniel) I'm going to ask you the question and you
17 can answer it or not answer it. You know that if you're engaging
18 in self-mutilation you have some psychological problems, you know
19 that, don't you?

20 MR. ROBERTS: I'm going to put on the record that the
21 witness will answer a properly asked question which defines
22 self-mutilation.

23 Q. (By Mr. McDaniel) Go ahead and answer the question as I
24 have phrased it if you will.

25 MR. ROBERTS: I'm going to object to the question as an

1 effort to embarrass the witness.

2 MR. McDANIEL: It's not intended for that at all.

3 A. Could you please repeat the question?

4 Q. (By Mr. McDaniel) Yes. Would you agree that a child who
5 engages in self-mutilation has psychological problems?

6 A. It depends, sir, if he knows what he's doing.

7 Q. Okay. Did you know what you were doing?

8 A. Yes, sir, I did.

9 Q. If a child knows what he's doing when he's engaging in
10 self-mutilation, does that represent an individual who has
11 psychological problems in your opinion?

12 A. Not necessarily, no.

13 MR. ROBERTS: Objection. Lack of competency to render
14 an opinion.

15 Q. (By Mr. McDaniel) Did you get confronted at the school
16 about your self-mutilation?

17 A. Yes, sir, I did.

18 Q. Who confronted you at the school about self-mutilation?

19 A. A coach.

20 Q. Did the coach warn you not to do self-mutilation any more or
21 you would be kicked off the team?

22 A. Yes, sir, he did.

23 Q. And after the coach warned you not to engage in any further
24 self-mutilation, did you do it again and he caught you and then
25 kicked you off the team?

1 A. Yes, sir.

2 Q. Did you then demonstrate to other students that the coach
3 only saw part of the self-mutilation and pulled up your shirt and
4 showed other instances of self-mutilation to other students?

5 A. Sir, there was only one time.

6 Q. Did you do that?

7 A. The coach had saw it all.

8 Q. Did you show to other students pulling up your shirt and
9 showing that you had mutilated yourself in places that the coach
10 had not seen?

11 MR. ROBERTS: Objection. No foundation that he ever
12 allegedly mutilated himself in another location on his body.

13 Q. (By Mr. McDaniel) Go ahead and answer.

14 A. Like I said, sir, I had only done it one time.

15 Q. All right. Let's talk about that. You said you had only
16 done it one time, and that was done at home, right?

17 A. Yes, sir.

18 Q. But then when the coach saw you had engaged in
19 self-mutilation, he warned you not to do it again or you would be
20 kicked off the team, right?

21 A. Correct, sir.

22 Q. You then did do it again and he kicked you off the team,
23 correct?

24 A. What I meant to say, sir, I'm sorry, I didn't make myself
25 clear. I had done it on the same spot. I had done it twice,

1 sir, but it was on the same spot on my arm.

2 Q. Did you tell your mother about your second episode of
3 self-mutilation?

4 A. After she had caught me, yes, sir.

5 Q. Did your mother at that time recommend that you get any
6 psychological or emotional counseling?

7 A. Not for that, no, sir.

8 Q. Had you ever been recommended to get psychological or
9 emotional counseling by anyone at any time prior to March 24,
10 1998?

11 MR. ROBERTS: To his knowledge. Since he's a minor,
12 that recommendation may have gone to his parents.

13 MR. McDANIEL: I was asking to him.

14 MR. ROBERTS: To his knowledge.

15 Q. (By Mr. McDaniel) To your knowledge have you ever been
16 recommended for psychological or psychiatric therapy or
17 counseling at any time prior to March 24, 1998?

18 A. Yes, sir, I have.

19 Q. When and by whom and tell me the circumstances of that.

20 MR. ROBERTS: I'm going to object to that for the
21 moment. Mr. McDaniel?

22 MR. McDANIEL: Yes?

23 MR. ROBERTS: We're going to need the judge.

24 MR. McDANIEL: The judge is no longer available. He's
25 gone.

1 MR. ROBERTS: We're going to need the telephone call
2 then.

3 MR. McDANIEL: I don't think he's going to be
4 available. By the way, we need to make another statement for the
5 record. Dustin McDaniel has spoken with the prosecutor and needs
6 to make a statement for the record.

7 MR. DUSTIN McDANIEL: In relation -- I'm Dustin
8 McDaniel for the plaintiff.

9 MR. McDANIEL: Off the video record at this time.

10 MR. DUSTIN McDANIEL: Mr. Miller had earlier presented
11 to you what the offer, or at least what the position of the
12 prosecutor's office is. I have since gone back to the
13 prosecutor's office. We've had to locate Brent Davis, who is the
14 elected prosecutor. He's in Little Rock, and I got a hold of him
15 down there along with his deputy, Mike Walden, who is here. They
16 have asked that I come in and explain to Mr. Johnson, and you as
17 his attorney, what their position is, and they will come in
18 personally if you need them to.

19 But on the record, it's their position that they
20 believe that any conspiracy charge related to the event
21 surrounding the Westside shootings would be merged with the
22 murder charges and that they would waive and have no intention of
23 prosecuting any conspiracy charge regardless of what answers are
24 provided by Mr. Johnson today.

25 Also, they have no intention of charging or pursuing

1 any criminal charges related to any burglary or theft or any
2 other answers regarding what happened at Mr. Golden's home that
3 day. With regard to the deaths and injuries, they have no
4 intention of pursuing any further charges. However, the one
5 caveat is that they do not intend to offer full blanket immunity
6 such that if on the witness stand he admits that, oh, yeah, the
7 body you found two months prior to this, I did that too. If
8 there is something that the prosecutor's office doesn't know
9 about --

10 MR. ROBERTS: Unknown.

11 MR. DUSTIN McDANIEL: -- they're reserving the right to
12 address a charging decision at that time. This incident, the
13 Westside shooting, planning, engaging, burglary, murder, battery,
14 etcetera, they present to you that there are going to be no
15 charges brought regardless of the answers here. And Mr. Walden
16 is available to come in and confirm that if you need him to of
17 what I have asserted on the record.

18 MR. ROBERTS: Why don't we get him --

19 MR. DUSTIN McDANIEL: Okay.

20 MR. ROBERTS: -- just for the formality of it.

21 MR. McDANIEL: Let's take our five-minute break while
22 he's getting him.

23 (A break was taken.)

24 MR. McDANIEL: May the record reflect that Mr. Mike
25 Walden, deputy prosecuting attorney, is in the room, and I think

1 he's prepared to make a statement for the record.

2 MR. WALDEN: Our office has been asked about our
3 intention and what use we might make of any statements that might
4 be made by Mitchell Johnson today in this deposition in a related
5 civil case. What I'm prepared to state is after discussions with
6 Mr. Davis is that one of the concerns that was expressed to us
7 was possible conspiracy charges as it might relate to the
8 original five brutalities, the ten battery charges. We certainly
9 don't have any intention of brining any additional charges
10 against Mr. Johnson based on anything he might say that might
11 result in potential conspiracy charges.

12 The other issues that I was advised about were burglary
13 of the grandfather, Golden's home. That was considered at the
14 time we filed the other charges. But at this time we have no
15 intention -- anything he says today is not going to change our
16 minds as to whether or not we're going to have to file any other
17 burglary or related theft charges or anything of that nature.
18 That's really all I was prepared to say. Was more needed than
19 that or does that answer questions?

20 MR. ROBERTS: I just want to make sure that what you're
21 saying is that you have no intention to file any other charges
22 against this young man based on known facts.

23 MR. WALDEN: I think I've said what I'm comfortable
24 saying. In terms of the five brutalities and battery victims, we
25 don't have any intention of filing additional charges against

1 Mitchell Johnson for what occurred to those individuals. We
2 don't have any intention of filing additional charges based on a
3 burglary. I have no idea what else he's liable to testify to. I
4 do not intend to give blanket immunity for anything else he might
5 say.

6 MR. ROBERTS: Well, charges like facilitation, aiding
7 and abetting, things like that that could have been --

8 MR. WALDEN: Facilitation, aiding and abetting,
9 compounding, conspiracy, I think those are all merged into the
10 substantive charges, and I don't intend to file anything of that
11 nature. Is that sufficient?

12 MR. ROBERTS: That's sufficient.

13 MR. McDANIEL: Thank you. Now back on video record.

14 MR. ROBERTS: Mr. McDaniel, based on Mr. Walden's
15 statement, I'll withdraw my client's Fifth Amendment objections.

16 MR. McDANIEL: All right. We'll pick back up and
17 proceed on some other areas.

18 Q. (By Mr. McDaniel) Mr. Johnson, your attorney has now waived
19 your Fifth Amendment objection and has agreed that I can go back
20 and ask some of the questions that we were stopped on earlier.
21 Did you understand that?

22 A. Yes, sir, I did.

23 Q. Let's just kind of start from the beginning and you just
24 tell me in story-like fashion how did this shooting on March 24
25 of 1998 come about. What happened? What brought it all about

1 and who had discussions about it? What happened?

2 A. Well, I couldn't -- honestly, I can't say why it happened.
3 Honestly, I cannot say that. I can say that I wasn't mad at
4 nobody, that I didn't mean to kill nobody. That was not my
5 intentions when I went to begin with, sir.

6 Q. My question is, and I'll give you the chance -- by the way,
7 I understand you want to make a statement at the end of this, and
8 I'll give you a chance to do that. The shooting incident took
9 place and there obviously was some planning, gathering of guns,
10 gathering of camping equipment, staking out the facility and so
11 on. Tell me about the discussions that you and Andrew Golden had
12 about pulling off this shooting incident, when it started, who
13 decided to do what, who suggested what, who did what. Just tell
14 me what happened from the time it was first discussed until you
15 might do something like this until it was all done.

16 A. We first started discussing it probably around Christmas
17 Time of '97, and there wasn't no given reason why. But we had
18 discussed how it would happen, where we would get the weapons
19 at. Mr. Golden had asked me if I could help him with it because
20 he needed somebody to drive for him, and apparently he knew I
21 knew how to drive. And at first I told him, yes, I would. I
22 would help him, and then I changed my mind because I thought -- I
23 knew that -- I figured something bad could happen.

24 And then we had continued talking about it for a while,
25 and it went on like that until I had finally decided that I'd

1 help him do the crimes. And we had discussed where we would get
2 the guns, how we would get them and how I would get the
3 transportation and everything. The week of spring break, right
4 before spring break we had decided that it was probably going to
5 happen.

6 And then Monday we confirmed that it was going to
7 happen. We talked to each other and said, well, it's going to
8 happen and I decided how I was going to get the transportation.
9 I had told a couple of people about it. I had told -- not about
10 it. I had warned them, please don't come to school because I
11 didn't -- in case there was a chance of somebody getting hurt, I
12 wouldn't want them to be one of them.

13 And then Monday I went home after school. I took all
14 my books out, took all my books out of my bag, threw them in my
15 bottom drawer. I packed all my clothes and everything, sir. I
16 had really a normal night really, stayed off to myself.

17 Tuesday morning come around. I woke up. I had -- I
18 had got dressed and everything. I had my mom -- I woke up kind
19 of late on purpose, and my mother asked me to hurry up so I
20 wouldn't miss the bus, and I pretended to go to the bathroom. I
21 went to the bathroom and stayed in there until I knew the bus
22 left.

23 And after the bus had left, I had walked out
24 to -- walked outside and put my bag in the van, and I had walked
25 back into my house and told my mother that I lied and said my

1 stepfather was going to take me to school. And my mom asked me
2 how he is going to take me to school when he's at work, and I
3 told her he was out in the shop. I had lied and said he was out
4 in the shop, and I had said he wanted me to come get the keys.
5 And she give me the keys, and I had walked out the van, started
6 it and drove. And I stopped because the bus stop had stopped at
7 my stop again to try and pick me back up, and I never walked out
8 to the -- I was in the car so I didn't walk out -- excuse me, the
9 van. So I didn't walk out to the bus stop.

10 After the bus left, I followed the bus out. I had went
11 to go -- I went to the church on Golden's road. I had stopped,
12 walked down the street, saw Golden. He had asked me where the
13 van was, and I told him it's -- I parked it by the church so if
14 my little brother saw it, because the bus route went past his
15 house. And I had said if my -- so my little brother wouldn't see
16 it and start questioning and ask what's happening. He had asked
17 me to go get the van for him. So I went back there and got the
18 van.

19 I parked it and we had went in. He told me that he
20 needed to throw his clothes and stuff in the van. So I opened
21 the door for him. He threw his clothes in the van. And we
22 decided that we were going to get the guns from Mr. and Mrs.
23 Golden's gun cabinet -- gun safe, and I tried getting in the gun
24 safe, sir, and it didn't happen. It didn't work.

25 So we had decided that -- Golden said his grandfather

1 had some guns that we could possibly use, and I said okay. And
2 so we got back in the van. We had drove -- I had drove to Texaco
3 first, sir, because I needed some gas. The van needed gas. I
4 walked out there and accidentally bumped a gas rail, and I was
5 scared somebody might say something. So I took off from there,
6 didn't even decide to get out and try to pump gas or nothing.
7 And I went down to another gas -- I had turned, went to another
8 gas station to get some more -- try to get gas. They wouldn't
9 let me pump there. I went to another gas station. They didn't
10 let me pump there neither. So I said never mind the gas then.

11 So we had drove, and I had parked on a road. Andrew
12 told me to turn. So I turned and he said park here and we'll go
13 to my grandfather's house from here. So that's what I had done.
14 I had parked the van. We had got out. We had left all our stuff
15 in there. I had -- we had parked and we started walking, and
16 finally we got his grandfather's house, sir. And we had jumped
17 over the fence and he said, we're going to go in the back way
18 that way nobody will see us.

19 The back door was locked, and Golden had went and
20 grabbed a crowbar and broke the window out. I reached in there
21 and unlocked the door and we had went through like that. We
22 walked upstairs, and Golden had asked me do something. I can't
23 recall what he asked me to do, go in the other room, and I went
24 in the other room. And by that time, Golden had, I guess,
25 unlocked the deal, however he unlocked it. He had unlocked the

1 gun cabinet and he had started pulling weapons out, and he had
2 told me go back in the other room and get some ammunition.

3 So I went back in the other room, found it. That's
4 what he had asked me to do to begin with. I had to come back and
5 ask him where it was. And I come back, got the ammunition. We
6 had loaded up the guns, and we had started walking to the
7 school. Then we had got to the school. We had set up and
8 everything. We had to set up all right behind the fence that way
9 nobody could see us. But there was constructions workers and
10 stuff there, and we just stood there. Really we knelt down.
11 Andrew went in and pulled the fire alarm and come back out.
12 That's when the shooting happened, sir.

13 Q. Okay. Let's go back over that and let me ask you some
14 questions. Did you drive the van from Doug Golden's house to the
15 vicinity of the school?

16 A. No, sir. I didn't drive the van after I parked it to walk
17 to his grandfather's house.

18 Q. So once you parked the van, you walked from the van to Doug
19 Golden's house, got the guns and then walked from there to the
20 area where the shooting took place?

21 A. Correct.

22 Q. And left the van in the same place?

23 A. Yes, sir.

24 Q. How many guns did you take from the Doug Golden home, do you
25 know?

1 A. Eight I do believe.

2 Q. When you first went in, was the gun cabinet on the wall?
3 Did it have a cable going through the triggers and was it locked,
4 or do you know one way or the other?

5 A. It had a cable going through all the trigger guards, yes,
6 sir, and the cable was connected to a padlock which was locked.

7 Q. Did you see Andrew unlock the lock?

8 A. No, sir, I did not.

9 Q. But Andrew told you to go to the other room. It was locked,
10 then Andrew told you to go to another room. You did and you came
11 back and when you got back, the lock was unlocked. Is that
12 right?

13 A. Correct.

14 Q. Did Andrew tell you he knew where the key was?

15 A. I had saw him replace the key.

16 Q. You saw him replace the key.

17 A. Yes, sir.

18 Q. Where did he replace the key, on a nail?

19 A. I do believe so.

20 Q. Andrew had told you back at Christmas of 1997 that he wanted
21 to do a shooting crime. Is that correct?

22 A. Correct.

23 Q. When he first approached you with this, what he say the
24 first time? What was the first discussion about that?

25 A. I don't remember how we got to talking about it. But all I

1 remember was we had got to talking about that and he had asked me
2 if I knew how to drive and I told him yes, I did, and he had
3 asked me if I could help him drive because he don't know how to
4 drive.

5 Q. Whose idea in the first place was it to do this shooting
6 incident, yours or his?

7 A. It wasn't mine, sir.

8 Q. Was it his?

9 MR. ROBERTS: Objection. Mr. McDaniel, the witness is
10 not going to answer that precise question, but the context is
11 self-evident.

12 MR. McDANIEL: Okay.

13 Q. (By Mr. McDaniel) So at any rate, Andrew Golden discussed
14 with you this idea of shooting people at Westside School. Is
15 that correct?

16 A. No, sir. He didn't say "shoot". He said scare them, sir.

17 Q. Okay. Did you know that Andrew Golden was an accomplished
18 or had skill as a shooter?

19 A. Sir, I was informed that he knew how to shoot, yes, sir.

20 Q. And had he told you that he was a good shot?

21 A. Not necessarily a good shot but he told me he knew how to
22 shoot, yes, sir.

23 Q. Did you know how to shoot a rifle?

24 A. Yes, sir.

25 Q. Had you shot rifles before?

1 A. No, sir, I hadn't.

2 Q. You had seen people do it? You had seen people shoot?

3 A. On TV and stuff. I had never been there when somebody shot
4 a rifle.

5 Q. So you knew how to shoot a rifle from watching TV and
6 movies?

7 A. Well, I knew how to shoot a shotgun or a gauge. So it's
8 really the same thing almost, sir.

9 Q. Had you ever shot a shotgun before?

10 A. Yes, sir.

11 Q. Now, you and Andrew Golden discussed this shooting incident
12 several times before it actually took place?

13 A. Correct.

14 Q. As the time got closer and closer, did you start making
15 plans as to how you were going to actually do this, in other
16 words who was going to do what and where you were going to set up
17 and where you were going to get guns and that sort of thing?

18 A. The only thing that I was asked to do, sir, was to help him
19 drive.

20 Q. And Andrew Golden then told you he would be in charge of
21 getting the guns?

22 A. Yes, sir.

23 Q. When you first went to Andrew Golden's home that morning,
24 you walked after having parked the van near a church?

25 A. Correct.

1 Q. Then he told you to go get the van and bring it to the house
2 and you left on foot, got the van and brought it to the house?

3 A. Yes, sir.

4 Q. In the van at the time of your arrest was camping gear. Is
5 that correct?

6 A. That I'm aware of, sir, yes, sir.

7 Q. When was that loaded into the van?

8 A. At Andrew's house, sir.

9 Q. Did he help you load it?

10 A. Yes, sir.

11 Q. When Andrew Golden asked you to bring the van around, when
12 you got back did you and he try to steal guns from his own home?

13 A. Yes, sir.

14 Q. Whose idea was that?

15 A. It was not mine, sir.

16 Q. Okay. Was anybody else in the home besides you and Andrew
17 Golden that morning?

18 A. Not that I'm aware of, sir.

19 Q. Was there a gun safe in the house or a gun vault in the
20 house?

21 A. Yes, sir, there was.

22 Q. Did you know where that was prior to that day?

23 A. No, sir, I did not.

24 Q. Had you ever been in the home prior to that day?

25 A. His home, sir?

1 Q. Yes.

2 A. No, sir.

3 Q. So when you and Andrew were in the area of the gun safe,
4 what efforts did you try to make to get into the gun safe?

5 A. At first I tried picking the lock, and I didn't really know
6 what I was doing and it wasn't successful.

7 Q. You don't know how to pick a lock?

8 A. No, sir.

9 Q. Did you have professional lock pick tools?

10 A. No, sir, I did not.

11 Q. Were you just sticking something in there hoping it would
12 open?

13 A. Something like that.

14 Q. So when you were unsuccessful getting guns out of the gun
15 vault, he came up with the idea that he knew where he could get
16 some guns. Is that right?

17 A. Correct.

18 Q. And you then went to his grandfather's home, that is the
19 home of Doug Golden?

20 A. Correct.

21 Q. When you got into the home of Doug Golden and you observed
22 these guns, they were locked with a cable lock on them when you
23 first got there and shortly thereafter, Golden had unlocked the
24 lock and you saw him putting the key back on the nail, correct?

25 A. To my understanding, yes, sir.

1 Q. Then you got guns and he got guns off the rack. Is that
2 correct?

3 A. I didn't touch the guns until they were handed to me, sir.

4 Q. All right. Who handed them to you?

5 A. Golden did.

6 Q. Then what did you all do with the guns?

7 A. We had loaded them, sir.

8 Q. Did you load them with ammunition that you had found in the
9 home?

10 A. Yes, sir, both of us had found.

11 Q. Where was the ammunition that you retrieved?

12 A. If I remember correctly, and I could be wrong, he had asked
13 me to go in his grandparent's room and to get, I think, it was
14 ammunition. I do believe that's what it was. If I found some, I
15 couldn't honestly say that I remember me finding anything or
16 not. I know there was some above, above the refrigerator in a
17 cabinet, sir.

18 Q. Okay. Did you get ammunition? Did you help gather
19 ammunition from whatever source that day?

20 A. Yes, sir.

21 Q. Was that ammunition used in the shootings?

22 A. Some of it was, yes, sir.

23 Q. Did Andrew help gather ammunition as well?

24 A. To my understanding, yes, sir.

25 Q. Was some of that ammunition used as well?

1 A. Yes, sir.

2 Q. Was the ammunition locked in any facility?

3 A. I couldn't honestly answer that question.

4 Q. When you went to the location in the woods outside the
5 school area, was that a predetermined place or did y'all just
6 pick the place as you were walking?

7 A. I don't know, sir. I wasn't the one who had planned all
8 that out. I don't know. I had just stopped where he had
9 stopped.

10 Q. So he was walking ahead of you and when he stopped, you
11 stopped?

12 A. Yes, sir.

13 Q. You did not plan the shooting location?

14 A. No, sir.

15 Q. When you went to the Golden home, was there a locked fence
16 or did you climb a fence, or was there a problem with any fence
17 getting to the back door?

18 A. Yes, sir. As I had mentioned before, me and him had climbed
19 over the fence, a chain length fence, sir.

20 Q. Was there any alarm on the home that you heard go off of any
21 kind?

22 A. Not that I'm aware of, sir.

23 Q. Do you know if the screen door was locked or not?

24 A. I don't remember there being a screen door.

25 Q. Then when you got to the area where the shooting was to take

1 place and when you left the house walking to that point, was
2 there any discussion between you and Andrew Golden about we're
3 really going to do this? Here's what we're going to do? Surely
4 there was discussion at that point. Who said what?

5 A. We hadn't said much after we got out of the van. And when
6 we had stopped at the house and the obstacle come about that the
7 door was locked, I had asked him how we're going to get the door
8 open. And he had -- I don't know how he had found it. He had
9 found a crowbar, and he had come back and he had broke the back
10 window out of the door. And I had reached and unlocked the door,
11 sir.

12 Q. Well, then after you got the guns and headed to the school,
13 what did you all talk about while you were walking up there?

14 A. I had mentioned to him that I didn't want nobody getting
15 hurt, and I had mentioned a few names of people I definitely
16 didn't want getting hurt if they had went to school that day.

17 Q. Who did you mention?

18 A. I'd prefer not to mention names, sir.

19 Q. All right. What did he say about hurting someone?

20 A. He didn't nothing about hurting anybody.

21 Q. Did the rifle that you used, I understand it had a
22 telescopic sight?

23 A. To my understanding, yes, sir, it did.

24 Q. And you had watched enough movies and TV, then you knew that
25 if you put the cross hairs of a telescopic sight on a person's

1 body and pulled the trigger, the bullet would hit them where
2 those cross hairs were, correct?

3 A. I have shot through a scope, yes, sir.

4 Q. So you knew that?

5 A. Yes, sir.

6 Q. So you knew if you put a person in the cross hairs and
7 pulled the trigger and the gun discharged, they were going to be
8 hurt or killed?

9 MR. ROBERTS: Objection. Asked and answered.

10 Q. (By Mr. McDaniel) Correct?

11 A. If the cross hairs was set right, yes, sir.

12 Q. And you knew that Mr. Golden was an avid hunter and game and
13 fish warden, didn't you?

14 A. Mr. Douglas Golden, sir?

15 Q. Yes.

16 A. Mr. Andrew had told me that his grandfather was a game
17 warden, yes, sir.

18 Q. Okay. So when you went there and you looked through that
19 telescopic sight and pulled the trigger when Shannon Wright was
20 in the cross hairs, you knew that bullet was going to strike her,
21 didn't you?

22 MR. ROBERTS: Objection. Assumes facts not in
23 evidence.

24 A. No, sir. I don't remember me shooting, honestly, sir.

25 Q. (By Mr. McDaniel) Did you just go into some sort of a blind

1 period when you were just --

2 A. Yes, sir, I did.

3 Q. -- shooting like in a rage?

4 A. Yes, sir. Basically, yes, sir.

5 MR. ROBERTS: Objection to the characterization.

6 Q. (By Mr. McDaniel) As the shooting was going on, what did
7 you and Andrew say to each other?

8 A. Nothing that I remember, sir.

9 Q. When you got stopped in the area where the shooting took
10 place, did Andrew leave to go into the school building?

11 A. After the shooting took place?

12 Q. No, before the shooting took place. Did he go into the
13 school building to pull the alarm?

14 A. Yes, sir.

15 Q. Did you make him do that?

16 A. No, sir.

17 Q. Did you force Andrew Golden to do anything that day?

18 A. No, sir.

19 Q. Did you aim a gun at him and threaten him that if he did not
20 shoot, you would shoot him?

21 A. Sir, I had forced him to do something after the shooting had
22 stopped.

23 Q. Okay. We'll get to that. Thank you. Before the shooting
24 stopped, did you threaten him in any way?

25 A. Before the shooting stopped?

1 Q. Yes.

2 A. No, sir, I did not. I remember, sir.

3 Q. Before the shooting stopped, did you force him to engage in
4 this shooting episode?

5 A. No, sir.

6 Q. When he went into the school, did you know whether he was
7 coming or not, or did you just assume that he would?

8 A. He told me he would be out, yes, sir.

9 Q. And then he did come out?

10 A. Yes, sir.

11 Q. Could you hear the alarm from where you were when Andrew set
12 it off?

13 A. No, sir.

14 Q. After he got back did he pick up a rifle?

15 A. I do believe so, yes.

16 Q. Then when the children and the teachers started coming out
17 of -- the teachers started out of the building what happened?

18 A. The first shot was fired, sir.

19 Q. Who fired the first shot?

20 A. It wasn't me.

21 Q. It was not you?

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

23 Q. After the first shot was fired, who fired the second shot?

24 A. I believe I did.

25 Q. Then who fired?

1 A. I don't know. I don't remember after that point, sir.

2 Q. Were there a lot of shots fired in rapid succession?

3 MR. ROBERTS: Objection. Asked and answered. The
4 witness said he didn't know. Go ahead.

5 Q. (By Mr. McDaniel) Were there a lot of shots fired very
6 quickly?

7 A. I don't remember, sir.

8 Q. After the shooting stopped, what did you and Andrew do at
9 that point?

10 A. I was sitting after the shooting stopped and Andrew had got
11 up and left, and he had come back and told me to come on. And I
12 had -- I guess I got out of my daze or whatever you call it,
13 sir --

14 Q. You got out of what?

15 A. To be respectable, I guess I got out of my daze because
16 that's -- I remember -- I didn't even remember the first shot
17 being fired. After the shooting had all stopped, Andrew had left
18 and he had come back, and he had yelled my name and that's when I
19 remember again. And I saw -- I looked and I saw a man on the
20 roof, a construction worker -- excuse me -- on the roof, and he
21 was pointing at me. And I guess I knew that my .30-06 was
22 empty. So I picked up my .38 off the ground, and I had fired
23 twice at him. And after that I had picked up all my weapons and
24 I stuck them in the pockets I had, and me and him took off
25 running.

1 Q. Was Andrew telling you to hurry up; come on, let's go or
2 anything like that?

3 A. No, sir.

4 Q. He just yelled your name and came back for you after he had
5 left?

6 A. Yes, sir.

7 Q. Then you went to the van area?

8 A. No, sir. We were running and we had got apprehended.

9 Q. After you were apprehended, when did you first learn how
10 many people were killed?

11 A. That I honestly remember? Probably around three or four
12 days afterwards, sir.

13 Q. I think you indicated that at some point you may have forced
14 Andrew to do something or threatened him in some way?

15 A. Yes, sir.

16 Q. Tell me what that was.

17 A. Mr. Andrew Golden had stopped and he said he wasn't going to
18 run anymore, and I had told him that he had got me into this mess
19 and he was going to get me out. And he said he couldn't run no
20 more, and I had put a .38 to his head and I had told him he was
21 going -- he was coming with me, that he had to go because he was
22 the one that got me into this.

23 Q. Is Andrew Golden the one that got you into this?

24 A. Yes, sir.

25 Q. And then when after all the shooting stopped and you were

1 running away, you told him he was going to run with you?

2 A. He said --

3 Q. He was going to get you out of it?

4 A. Say again, please.

5 Q. After the shooting all stopped and you were running away and
6 you stopped, you put a .38 to his head and told him that since
7 you got me into this, you were going to get me out?

8 A. Yes, sir.

9 Q. Shortly thereafter you were apprehended?

10 A. Very close to that, yes, sir.

11 Q. Mr. Golden, I want to -- correction, I'm sorry. Mr.
12 Johnson, I'm going to ask you some additional questions. I don't
13 mean these questions to embarrass you, but there is some legal
14 relevance to these questions.

15 THE VIDEOGRAPHER: Counselor, can I change the tape
16 out?

17 MR. McDANIEL: Absolutely.

18 (A break was taken.)

19 Q. (By Mr. McDaniel) After you got the guns, did Andrew Golden
20 relock the padlock on the cable or was it left unlocked, do you
21 remember?

22 A. I couldn't honestly recall, sir.

23 Q. I'm going to have to ask you some questions now, and I don't
24 mean to embarrass you but we have to ask some difficult
25 questions.

1 A. Go ahead, sir.

2 Q. You grew up in a home where your mother and your father were
3 divorced. Is that correct?

4 A. Correct, sir, yes.

5 Q. How old were you when they divorced?

6 A. I'd say I was around eight when they --

7 Q. Do you remember what grade you were in?

8 A. I was in -- I think I was in third when it was all
9 finalized.

10 Q. Where were you living? In what state were you living in at
11 the time?

12 A. When the divorce occurred?

13 Q. Yes.

14 A. In Minnesota, sir.

15 Q. How would you describe your mother and father's relationship
16 before the divorce? Was it a lot of screaming and yelling and
17 fighting, or was it calm and just an agreement to disagree or was
18 it rather tumultuous?

19 MR. ROBERTS: You might want to define tumultuous.

20 Q. (By Mr. McDaniel) Or was it a lot of anger and problems?

21 A. Sometimes it was calm. Sometimes they'd fight over --
22 sometimes my dad would yell and scream and stuff like that.

23 Q. Was there any ever physical violence between your dad and
24 your mom?

25 A. Not that I'm aware of.

1 Q. Did your father or your mother ever use any physical
2 violence toward you?

3 A. No, sir.

4 Q. When your mother learned of your self-mutilation, what did
5 she do?

6 A. She had asked -- she had sat down and asked me what I done
7 first, and I told her. She asked me why, and I told her I didn't
8 know why.

9 Q. What else happened after that in reference to that?

10 A. I'm not really sure after that, sir.

11 Q. Can you tell me about when that occurred in reference to the
12 shooting, how long before the shooting that it occurred?

13 MR. ROBERTS: Mr. McDaniel, do you mean his mother's
14 knowledge of the mutilation or the mutilation itself?

15 Q. (By Mr. McDaniel) How long before the shooting did the
16 self-mutilation events occur?

17 A. Probably two months.

18 Q. By that time you had been suspended or put in in-school
19 suspension several times, correct?

20 A. Throughout my life, yes, sir.

21 MR. ROBERTS: Define several please.

22 Q. (By Mr. McDaniel) You mentioned that throughout your life
23 you had had in-school suspensions or suspensions. Is that
24 correct?

25 A. Correct, sir.

1 Q. Tell me the disciplinary problems you had had that you
2 remember throughout your lifetime in school, from grade
3 school -- from kindergarten on.

4 A. I didn't have any problems one through four, sir. I was a
5 good kid. I made almost straight A's. Then my parents got
6 divorced, and I had moved to Kentucky. That was a rough
7 transition for me because it was in the middle of the school
8 year. It was Christmas break, sir, and I had started going to a
9 new school. I adjusted well, and my mama met my stepdaddy and my
10 mom had got pregnant. And then after -- a week after she had my
11 little sister, we had moved to Arkansas with my stepfather.

12 Q. Where in Kentucky did you live?

13 A. In London, sir.

14 Q. What?

15 A. London.

16 Q. What school did you go to?

17 A. I don't recall.

18 Q. Did you have any school discipline problems in Kentucky
19 whether it was suspensions or notes sent home or issues like
20 that?

21 A. No, sir.

22 Q. Then you came to Arkansas where your stepmother had
23 married -- your stepdad -- or your mother had married your
24 stepdad?

25 A. Correct.

1 Q. When did you first learn that your stepdad was on parole for
2 federal drug violations, before they were married or after?

3 A. I'm really not sure.

4 Q. But you knew that when you came to Arkansas?

5 A. I'm not for sure if I did or not, sir.

6 Q. You learned it before the shooting incident?

7 A. Yes, sir. Yes, sir, I did.

8 Q. Now, had your dad ever tied you to a tree?

9 MR. ROBERTS: You mean his natural father or his
10 stepfather?

11 MR. McDANIEL: Natural father.

12 Q. (By Mr. McDaniel) Had your natural father ever tied you to
13 a tree?

14 A. Not that I know of.

15 Q. Were you ever the subject of an investigation for sexual
16 abuse in Minnesota where you were accused or potentially accused
17 or an accusation was made that you may have sexually abused
18 someone else?

19 A. Yes, sir, I was.

20 Q. When was that?

21 A. I do believe in '97, sir.

22 Q. Did police or social workers come to talk to you or your
23 parents about that?

24 A. No, sir. I was brought to them by my father.

25 Q. So then your father knew that you had perhaps done so or

1 accused of doing some sexual abuse on another person. Is that
2 correct?

3 A. After a report was filed they had contacted my father and
4 told him that they would like to speak with me in Austin,
5 Minnesota. That's why I had to go up to Austin, to make a
6 report, sir.

7 Q. Okay. So some authorities contacted your father?

8 A. Yes, sir.

9 Q. And notified him that a complaint had been lodged against
10 you for committing some sort of sexual abuse act on another
11 person. Is that correct?

12 A. Yes, sir.

13 Q. So then in response to the request of the authorities, your
14 dad took you to Austin, Minnesota for questioning?

15 A. Yes, sir.

16 Q. Were you ever charged with that event?

17 A. Sir, my understanding, the charges have been dropped.

18 Q. Were they dropped because you didn't do it, or were they
19 dropped because the family of the victim did not want to pursue
20 it?

21 A. I'm not for sure.

22 Q. You don't know why they were dropped?

23 A. Correct. I don't know why they were dropped.

24 Q. But your dad knew that you had sexually abused someone in
25 Minnesota, correct?

1 A. So-called sexual --

2 MR. ROBERTS: Allegedly.

3 THE WITNESS: Allegedly, yes.

4 MR. ROBERTS: I'm going to object to the form of the
5 question.

6 Q. (By Mr. McDaniel) Did you have sexual contact with another
7 person in Minnesota that brought about an investigation by the
8 authorities in Austin, Minnesota? I'm not going to ask for
9 specifics of who did what.

10 MR. ROBERTS: I'm going to object to that question and
11 instruct the witness not to answer based on his Fifth Amendment
12 privilege.

13 Q. (By Mr. McDaniel) But any at any rate, to your knowledge
14 did your mother ever learn of that incident?

15 A. Yes, sir, she did.

16 Q. Did you acknowledge to either your mother or your father
17 that you had done something wrong?

18 A. I didn't talk about it, sir, no.

19 Q. Did they pressure you to get you to explain to them the
20 details of what had had happened so they could decide whether you
21 had done something wrong or not?

22 A. My dad told me he knew -- he knew that I done it.

23 Q. Your dad told you he knew that you had done it?

24 A. And I told him he was lying.

25 Q. Was that the end of it?

1 A. No, sir.

2 Q. What happened next?

3 A. That's when I was brought before the court in Austin, sir.

4 Q. Were you -- was it suggested that you get any psychological
5 counseling or treatment following that event?

6 A. Yes, sir, it was.

7 Q. Who told you to get psychological treatment or counseling?

8 A. The court had ordered that I be evaluated.

9 Q. What court?

10 A. Minnesota, sir. They had transferred the evaluation down to
11 Arkansas since I was residing in Arkansas at the time.

12 Q. So were you psychologically evaluated by someone in
13 Minnesota?

14 A. I don't remember, sir.

15 Q. Were you tested? Did you take some psychological tests?

16 A. I'm saying I don't remember if it was in Minnesota, sir.

17 Q. Minnesota or Arkansas?

18 A. In Arkansas, yes, sir, I was.

19 Q. Where was that done in Arkansas, do you know?

20 A. In Jonesboro.

21 Q. Was it done at a government office or a private
22 psychologist's or psychiatrist's office or do you know?

23 A. Sir, I think it was private, but I'm not for sure.

24 MR. ROBERTS: Just a minute. Do you remember the name
25 of the doctor?

1 THE WITNESS: Yes, sir, I do.

2 Q. (By Mr. McDaniel) Okay. Who was the doctor?

3 A. Dr. Prince was his name, sir.

4 Q. Dr. Michael Prince?

5 A. I don't know the first name.

6 Q. Okay. Had you ever had any other psychological counseling

7 or testing other than that episode with Dr. Prince?

8 A. I had had counseling when I was third grade because my

9 parents divorced, but that's it.

10 Q. Adjustment counseling because of the adjustment?

11 A. I don't know what it was called, sir.

12 Q. At any time did the school -- a school counselor or anyone

13 else recommend to you to get counseling?

14 A. A school official? Not that I know of, sir.

15 Q. Did anyone at school recommend to either of your parents

16 that you get counseling?

17 A. I'm not for sure.

18 Q. Were you aware that Andrew Golden had allegedly told another

19 individual about your plot or plan to conduct the shooting

20 episode to Johnathon Woodard?

21 A. Sir, I had heard -- it wasn't from Andrew. But I had

22 heard -- overheard somebody talking about it. It wasn't by him

23 that I was told though.

24 Q. It wasn't by Andrew?

25 A. No, sir, it wasn't.

1 Q. Did you hear that Johnathon Woodard had talked about the
2 planned shooting episode?

3 A. Yes, sir, I had heard that.

4 Q. Who did you hear that from?

5 A. I don't recall.

6 Q. Did you confront or talk to Johnathon Woodard to ask him why
7 are you saying this or anything like that?

8 A. No, sir, I didn't. Not that I remember, sir.

9 Q. Who else knew about the planned shooting episode?

10 A. Nobody but me and Andrew.

11 Q. So then your plan, word got out and it got back to you
12 before the plan was ever carried out, correct?

13 A. Correct, yes, sir.

14 Q. Were you ever informed that that plan was revealed to any
15 school or police officials before the shooting actually took
16 place?

17 A. Say it again, please, sir?

18 Q. Did you learn that Johnathon Woodard had told somebody at
19 the school, a principal or a counselor or a teacher about your
20 plan?

21 A. I had told -- I was told that Mr. Johnathon Woodard had told
22 a counselor, yes, sir.

23 Q. Did the counselor ever approach you to say what's going on?

24 A. Not that I remember, sir.

25 Q. Did anybody from the school confront you to say what is this

1 we're hearing about this plan that Johnathon Woodard is talking
2 about or anything to that effect?

3 A. No, sir, because my name wasn't mentioned in it.

4 Q. How did someone know to tell you about it, about the plan
5 that Woodard was talking about if your name wasn't mentioned?
6 Who told you?

7 A. He didn't come to me and tell me. What had happened, I had
8 overheard him talking to somebody else about it, and I had asked
9 the person what you're talking about. And he had said that
10 somebody had mentioned that Johnathon Woodard had overheard
11 Andrew saying something about shooting the school. He didn't
12 come to me and say, hey, this is what I heard. I had asked him
13 what he was talking about.

14 Q. So you overheard him talking to someone else saying that
15 Andrew had planned on doing the shooting at the school and you
16 asked him what he was talking about?

17 A. I had heard a person say that, yes, sir.

18 Q. Why did you do this? Bottom-line question, why did you
19 shoot these people?

20 A. Honest to God, sir, I do not know. I haven't found that
21 answer out yet.

22 Q. Why did you shoot Shannon Wright twice with a .30-06 through
23 a scope?

24 A. Sir, like I said at the very beginning, I didn't mean to. I
25 didn't want to shoot nobody, sir.

1 Q. When you say you mean to -- "didn't mean to", when you're
2 looking through a telescopic sight -- and I think it was
3 seven-power sight -- and you've got a human being in the cross
4 hairs and you pull the trigger of a .30-06, you know that's going
5 to kill them or hurt them seriously, you know that, don't you?

6 A. Yes, sir, I do know that.

7 Q. Why did you do it?

8 A. I don't know, sir.

9 Q. Who were you angry at that would push you to this kind of
10 conduct?

11 A. There wasn't necessarily nobody I was angry at, sir.

12 Q. Were you just angry at the world in general?

13 A. In a sense, probably more angry at myself.

14 Q. Had Mrs. Wright done anything to you that you felt that she
15 deserved to die?

16 A. No, sir. Mrs. Wright was a very good woman.

17 Q. Had any of these children who were shot, even the ones that
18 were wounded, but especially the ones who were killed, to your
19 knowledge had any of those children done anything to you or
20 Andrew Golden that you felt or he felt or he told you that he
21 felt that justified killing?

22 A. No, sir.

23 Q. Were the kids good kids?

24 A. Yes, sir, they were.

25 Q. Has Andrew Golden ever told you after the fact why he did

1 what he did?

2 A. No, sir.

3 Q. Have you had a chance to talk to him after you were
4 apprehended until today about what happened and why you did it
5 and what you were going to do about it?

6 A. Me and him don't talk about that, sir.

7 Q. Do you and he see each other at the Alexander unit?

8 A. Yes, sir, we do.

9 Q. Do you get a chance to talk privately one to the other?

10 A. Not necessarily, sir.

11 Q. Do you get to spend time together?

12 A. Every now and then.

13 Q. When you were housed at the Craighead County Jail, did you
14 have a chance to talk to him?

15 A. No, sir.

16 Q. Do you agree that you should not sell or attempt to sell any
17 story, movie rights, book rights or profit from this tragedy in
18 any way? Do you agree with that?

19 A. Sir, the only way that I wouldn't agree with it, if I give
20 it to Mr. Write over there and the rest of the victims that I
21 hurt and give the money if I were to profit to them.

22 Q. When Andrew Golden discussed this plan of shooting people at
23 the school, what went through your mind as to how do you say
24 something like this?

25 A. Honestly, I thought he was crazy at first. But then like

1 when I was telling the story how it happened, like I said, I had
2 struggled with myself to say yes or no whatever way because when
3 I had first heard about it, I really thought -- I thought that he
4 was crazy, not necessarily him but the idea of it.

5 Q. You thought the idea was crazy?

6 A. Yes, sir, I did.

7 Q. Because you knew what death was at that point?

8 A. Yes, sir.

9 Q. It's not one of those incidents where you didn't have
10 appreciation of what somebody dead was because you knew what
11 being dead was, didn't you?

12 A. Yes, sir, I did.

13 Q. And you knew that if you shot an animal with a rifle it was
14 dead?

15 A. Yes, sir.

16 Q. And if you shot a person with a rifle they might be dead?

17 A. Yes, sir.

18 Q. And that would inflict serious pain, not just on the person
19 that was shot but their loved ones?

20 A. Very much so, yes, sir.

21 Q. Did you say on the school bus, "I've got a lot of killing to
22 do" before this thing happened?

23 A. No, sir, I did not.

24 Q. Are you sure?

25 A. I'm positive.

1 Q. Okay. What was the plan on where you were going to go if
2 you got away? Where were you going to go, and what were you
3 going to do?

4 A. Really the whole plan was just to get away to begin with.
5 It was just to get away from the world and all these struggles
6 and these problems that I had had with the world.

7 Q. Your struggles and problems with the world were very
8 obvious, weren't they?

9 A. Yes, sir.

10 Q. You were a troubled child, weren't you?

11 A. I wouldn't say "troubled". I just -- I was -- I had -- I
12 didn't -- I wouldn't say a troubled child, sir. I'd say I had
13 problems but not troubled.

14 Q. You had problems and your mom and your dad knew you had
15 problems?

16 MR. ROBERTS: I'm going to object to that and instruct
17 the witness not to answer based on his Fifth Amendment right.
18 Mr. McDaniel, I'm going to withdraw the objection if you'll allow
19 the witness to give a full answer. So I may ask you to let him
20 explicate.

21 A. Could you please repeat the question, sir?

22 Q. (By Mr. McDaniel) Your mother and your dad knew that you
23 had had problems in your childhood?

24 A. Yes, sir. They knew and they had told me that I needed
25 help. I just refused it, sir.

1 Q. Your parents had told you several times you needed to get
2 help, didn't they?

3 A. They had offered it to me, and I just wouldn't take it, sir.

4 Q. What type of help did they offer you?

5 A. They had tried to sit down and talk with me and I wouldn't
6 talk with them. They offered doctors, and I would cuss 'em out
7 and walk out of the office on them, stuff like that, sir.

8 Q. Would you cuss out your parents too?

9 A. Not very often, no, sir.

10 Q. But you did some?

11 A. Once in a blue moon.

12 Q. So your parents --

13 MR. ROBERTS: Mr. McDaniel, can we clarify that
14 answer? He said, "he'd cuss 'em and walk out of the office",
15 were you referring to the --

16 THE WITNESS: I was referring to the doctors, sir.

17 Q. (By Mr. McDaniel) So then your parents encouraged you to go
18 to a doctor to get some help for your problems, and that would be
19 psychological or adjustment problems, correct?

20 A. Yes, sir, correct.

21 Q. And then when they would take you to a doctor, you would
22 cuss the doctor out and leave without getting any help, right?

23 A. Most of the time, yes, sir.

24 Q. And then they would ask you to get help again and sometimes
25 you would cuss your parents out?

1 A. Sometimes, yes, sir.

2 Q. And the bottom line was even though they kept telling you
3 you needed to get help, they never actually got you help and you
4 didn't get help, correct?

5 MR. ROBERTS: Objection. Assumes facts not in
6 evidence.

7 A. Sir, they had offered to help. I just didn't receive it.

8 Q. (By Mr. McDaniel) And they didn't force you to get it, did
9 they?

10 A. At one time my mama told me, she said, Mitchell, I know you
11 need help, and I told her I didn't want it. I refused to
12 cooperate with her.

13 Q. What did she do when you refused, drop it?

14 A. No. She would ground me.

15 Q. She didn't get you the psychological help that she knew you
16 needed, right?

17 A. She tried, sir, I just wouldn't -- I wouldn't accept it.

18 Q. Did you have access to the internet at your home?

19 A. No, sir, I did not.

20 Q. Did you watch television, VCR movies?

21 A. Yes, I have.

22 Q. What type of VCR movies would you watch at home?

23 A. Every kind, sir.

24 Q. Action movies?

25 A. Yes, sir.

- 1 Q. The R rated Sylvester Stallone shoot up everybody --
- 2 A. Yes, sir, them too.
- 3 Q. Did you watch a lot of the action type movies where people
- 4 would be shot and killed?
- 5 A. Some, yes.
- 6 Q. Did you ever play any video games where individuals were
- 7 killed or shot in video games?
- 8 A. No shooting games but fighting games, yes.
- 9 Q. Did you subscribe to magazines at your home?
- 10 A. No, sir, I didn't.
- 11 Q. Did your family have magazines at home?
- 12 A. My mother had subscribed to Hot Rod magazines, car
- 13 magazines, sir.
- 14 Q. Did you write Colby Johnson letters while you've been in
- 15 custody?
- 16 A. Colby who, sir?
- 17 Q. Colby Johnson.
- 18 A. I don't know a Colby Johnson, sir.
- 19 Q. Do you know a kid named Colby?
- 20 A. I know Colby Thomp -- Yeah, I know a Colby Thompson.
- 21 Q. Colby Thompson?
- 22 A. Uh-huh.
- 23 Q. Did you write Colby Thompson letters while you were in
- 24 custody?
- 25 A. Once.

- 1 Q. Do you remember what the letter said?
- 2 A. I'm not for sure. I can tell you Colby is not from
3 Jonesboro.
- 4 Q. Where does Colby live?
- 5 A. He's from Paragould, sir.
- 6 Q. Do you still have his address? Do you still correspond with
7 him?
- 8 A. No, sir. I lost contact with him.
- 9 Q. You don't know how to reach him?
- 10 A. No, sir, I don't.
- 11 Q. Did you write Colby a letter -- do you know a Colby Brooks?
- 12 A. Yes, sir, I do.
- 13 Q. Who is Colby Brooks?
- 14 A. He was a friend of mine.
- 15 Q. Did you ever write Colby Brooks any letters while you were
16 in custody?
- 17 A. Yes, sir, I have, many.
- 18 Q. Who are his parents, do you know?
- 19 A. I'm not for sure of their names, sir.
- 20 Q. Do you know if he's related to any of the kids that were
21 shot at Westside?
- 22 A. I do believe that he was Natalie Brooks' cousin, but I'm not
23 for certain of that, sir.
- 24 Q. Did you write some child named Colby a letter admitting that
25 did you the shooting?

1 A. Yes, sir.

2 Q. Did you write some child named Colby a letter admitting that
3 you liked to listen to rap music and that because of the shooting
4 you would not get to go to a prom or have sex or kiss a girl for
5 the next seven or eight years?

6 A. Yes, sir, I did write that.

7 Q. And you concluded that by saying "And why"?

8 A. Yes, sir, I did.

9 Q. Almost a rhetorical question "why".

10 MR. ROBERTS: Objection. I'm not sure that the witness
11 understands the meaning of rhetorical.

12 Q. (By Mr. McDaniel) Tell me what you meant when you said, "I
13 won't get to go to a prom, never have sex or kiss a girl for
14 seven or almost eight years and why." What did you mean by that
15 "And why"?

16 A. "And why", I was referring to myself that I had knew I was
17 wrong for what I done. I had knew that I took people's --
18 innocent people's lives for no reason of my understanding. And I
19 was referring to myself, and that was a way of me saying I'm
20 sorry, sir.

21 Q. Okay. Did you say in a letter to Colby that I have the same
22 pain y'all have?

23 A. Yes, sir, I did.

24 Q. Did you say in a letter to Colby, I lost friends like y'all
25 did? The only difference is I was the one doing the killing?

1 A. Yes, sir, I did. May I be allowed to explain myself?

2 Q. Yes, sir.

3 A. The reason I had wrote that, I had said the only difference
4 is I was the one that lost their lives by my hands. That's what
5 I meant by that. It wasn't no disrespectful thing. I meant by
6 that, sir, just to clarify myself.

7 Q. In fact, the people lost their lives not just by your hand
8 but also by the hand of Andrew Golden, correct?

9 A. Yes, sir.

10 Q. What size shoe did you wear that year?

11 A. Nine and a half, ten, sir.

12 Q. Do you know what size shoe Andrew wore?

13 A. No, sir.

14 Q. Had you ever killed a cat before March 1998?

15 A. No, sir.

16 Q. Had you killed any animals just to be killing them?

17 MR. ROBERTS: Objection, vague. What is the phrase
18 "Just to be killing them"?

19 MR. McDANIEL: I'll rephrase it.

20 MR. ROBERTS: The witness has testified that he went
21 squirrel hunting, I believe.

22 Q. (By Mr. McDaniel) Other than a hunting exercise, had you
23 ever killed any animals?

24 A. No, sir.

25 Q. Have you ever shot target practice with a rifle, shotgun or

1 pistol?

2 A. Yes, sir, I have.

3 Q. Tell me about your experience in target practicing.

4 A. Really, sir, it ain't much to say. I've shot to see how my
5 accuracy was.

6 Q. When did you do that?

7 A. All through my life.

8 Q. Did you do that with the knowledge of your parents?

9 A. Yes, sir, I did.

10 Q. Did you ever do it in their presence?

11 A. Yes, sir, I did.

12 Q. What type guns did you use?

13 A. I used my pellet gun, as I was referring to in my statement
14 in the journal and I have used my 20 gauge also.

15 Q. A pellet gun is like a beebee rifle but more powerful?

16 A. In a sense, yes, sir.

17 Q. And you aim it like you do a regular rifle and pull the
18 trigger and a projectile goes out and hits the target, correct?

19 A. Yes, sir.

20 Q. Would it be fair that if you can shoot a pellet gun
21 accurately, you can shoot a real rifle accurately?

22 A. In some sense, yes.

23 Q. Did you tell a young girl named Vannover that you had a lot
24 of killing to do on the bus?

25 MR. ROBERTS: Objection. Asked and answered.

1 Q. (By Mr. McDaniel) Go ahead.

2 A. No, sir, I did not.

3 Q. Did you listen to music at school against the handbook
4 rules?

5 A. Yes, sir, I have.

6 Q. Did you get in trouble for that?

7 A. The teacher asked me to please take my headphones off.

8 Q. Did you repeatedly listen to music even after you had been
9 told time and again not to do it?

10 A. No, sir, I took it off.

11 Q. After you were in jail, did you destroy some of the property
12 at the Craighead County Jail?

13 A. Yes, sir, I did.

14 Q. What did you destroy?

15 A. They say I destroyed the sprinkler. I can't say I destroyed
16 it. I set it off.

17 Q. Did you kick the sprinkler?

18 A. No. I hit it with my shoe, sir.

19 Q. Have you ever been the victim of sexual abuse?

20 MR. ROBERTS: Objection. Withdraw my objection.

21 Q. (By Mr. McDaniel) Have you ever the been the victim of
22 sexual abuse?

23 A. Yes, sir, I have.

24 Q. Was that sexual abuse made known to your parents?

25 A. After the shooting incident, yes, it was.

1 Q. How old were you when you were the victim of sexual abuse?

2 A. I was probably around eight or nine, sir, seven or eight or
3 nine, one of those three years.

4 Q. Was the person who perpetrated the sexual abuse a family
5 member?

6 A. No, sir, he was not.

7 Q. Did you obtain any help or counseling for that?

8 A. No, sir. I didn't tell nobody until after the shooting
9 incident, sir.

10 Q. What did Andrew Golden tell you about his grandfather,
11 Douglas Golden?

12 A. Sir, all he had told me is that he was a game warden.

13 Q. Did he tell you anything about his hunting experiences with
14 his grandfather?

15 A. No, sir.

16 Q. Did he tell you about his shooting experiences with his
17 grandfather?

18 A. No, sir.

19 Q. He did tell you that he knew where he could get guns and
20 that was at his grandfather's house?

21 A. Yes, sir, he did say that.

22 Q. Then you went to the grandfather's house, and you did get
23 the guns?

24 A. Correct.

25 Q. There have been times that other children have been told not

1 to play with you, correct?

2 A. Sir, I couldn't honestly say that.

3 Q. Well, did other kids tell you that, hey, I'm not supposed to
4 play with you?

5 A. Not that I'm aware of, no.

6 Q. Had you ever talked about suicide before March 24 of 1998?

7 A. Yes, sir.

8 Q. How many times?

9 A. Once that somebody heard about it.

10 Q. When and where was that?

11 A. In Minnesota.

12 Q. Did they tell your parents?

13 A. Not until after the shooting.

14 Q. Who found out about it in Minnesota? Who heard about it in
15 Minnesota?

16 A. An old boy I used to hang around with, sir.

17 Q. Who was that?

18 A. His name was Andrew Aurorick.

19 Q. Andrew what?

20 A. Aurorick, sir.

21 Q. Aurorick?

22 A. Yes, sir.

23 Q. Did you get into fights when you were a youngster?

24 A. Yes, sir, I did.

25 Q. Did you frequently get into fights when you were in grade

1 school?

2 MR. ROBERTS: Objection. Define frequent.

3 MR. McDANIEL: I'll rephrase it.

4 Q. (By Mr. McDaniel) How often would you get into fights
5 before March of 1998?

6 A. Before the fifth grade, sir, the only time I fought was to
7 defend myself. When I was in London, Kentucky I used to get
8 jumped a lot by some ninth graders, sir.

9 Q. After you came to Arkansas, you got in a lot of fights,
10 didn't you?

11 A. Yes, sir, I did.

12 Q. Were you the aggressor in some of those fights? Did you
13 start some of those fights?

14 A. Some of those fights, yes, sir, I did.

15 Q. Uh?

16 A. Yes, sir, I did in some of them.

17 Q. Okay. And --

18 MR. ROBERTS: Just a moment, Mr. McDaniel.

19 Q. (By Mr. McDaniel) In the seventh grade how many fights do
20 you think you had while you were in the seventh grade before the
21 shooting?

22 A. A couple, sir.

23 Q. When you would have these fights, would they be on the
24 school grounds or somewhere else?

25 A. Both, sir.

1 Q. Were your parents notified that you were fighting at school?

2 A. No, sir.

3 Q. Did your parents learn about your fights, or your mom or
4 your dad?

5 A. If I'd tell my little brother about them and they'd overhear
6 me, yes.

7 Q. So they knew from whatever sources that you had several
8 fights?

9 A. Some, yes, sir.

10 Q. Did you ever brag about smoking heroine and marijuana?

11 A. Sir, I'm not aware you can smoke marijuana, sir -- or
12 heroine, sir.

13 Q. Did you ever brag that you had used heroine?

14 A. I had told some people I know about heroine.

15 Q. Did you ever tell anybody you had used heroine?

16 A. I don't think I have.

17 Q. Did you ever leave the -- try to say things so that you
18 would leave the impression upon others that you had used heroine
19 by trying to kind of be a big shot?

20 A. I could say so, yes. Yes, sir, I could say I did.

21 Q. Did you tell other children you had used marijuana
22 frequently?

23 A. I never used marijuana frequently, sir, and I can't recall
24 that I said that.

25 Q. To your knowledge were you ever described by law enforcement

1 officials as being a troubled child?

2 MR. ROBERTS: Objection. Assumes facts not evidence.
3 Lack of competency. Lack of foundation.

4 MR. McDANIEL: I'm asking him what he knew.

5 A. Sir, I've been -- I was in -- I don't know. I couldn't
6 honestly say that. I'm not for sure.

7 Q. (By Mr. McDaniel) Go ahead with what you were about to say
8 when you said "I was in".

9 A. I was in some trouble in Minnesota over a fight I had got
10 into.

11 Q. When was that and what was that trouble?

12 A. A boy had threatened me over some gang related stuff, and I
13 had told him that -- I had said -- I told him that quit being no
14 scaredy-cat and come out in the street because he was on his
15 property when he said that, sir. I had threatened him that I was
16 going to beat him up and he had called the cops on me. And I was
17 out playing with some friends of mine later on that night around
18 10:00 o'clock that night when it was well after dark, and a
19 police officer had rolled up on the lot we were playing football
20 on. And everybody ran but me, and he had called my name out so I
21 stopped. And, sir, he had asked me what's my problem with that
22 kid I had threatened, and I had told him he had threatened me.

23 Q. Was this contact with the police communicated to your mother
24 or your father?

25 A. Not that I'm aware of.

1 Q. Have you had other contact with the police that you've not
2 told me about?

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

4 Q. Do you know whether or not the police ever went to your
5 mother's home and a .357 magnum was on the table when they got
6 there?

7 MR. ROBERTS: Temporal?

8 MR. McDANIEL: Any time.

9 A. Sir --

10 MR. ROBERTS: State -- just a minute. What state?

11 Q. (By Mr. McDaniel) Any time or any place, are you aware that
12 the police ever came to your mother's home when there was a .357
13 magnum on the table?

14 MR. ROBERTS: This includes his residency in Minnesota,
15 Kentucky --

16 MR. McDANIEL: Any time or place, yes.

17 A. Sir, I was aware that my mother used to own a .357, but it
18 had went missing after we had moved to Kentucky. And I was told
19 that a police officer had walked in my house in Arkansas and saw
20 it on the table, which I know was not true because my
21 father -- my stepfather can't be around guns period, and my
22 mother ain't that type of person to break law, so...

23 Q. (By Mr. McDaniel) Were you aware that your father held a
24 press conference in June of 1998 and made statements to the press
25 about you after the shooting incident occurred? Were you aware

1 of that?

2 MR. ROBERTS: Objection. Stepfather, natural father?

3 MR. McDANIEL: That's a proper objection. Let me
4 rephrase it.

5 Q. (By Mr. McDaniel) Were you aware that your father, Scott
6 Johnson, had held a press conference on June 17, 1998 and made
7 statements about you to the press?

8 A. Sir, could you tell me what he had said or when -- what
9 station it was on, sir?

10 Q. Did your father to your knowledge ever make a statement to
11 the press that he had sought to get you help over the past couple
12 of years, that you were a troubled child and he was not able to
13 convince the authorities to get you help or something to that
14 effect?

15 A. I'm not for sure if he said that or not, sir.

16 Q. There is a fellow who's name has surfaced by the name of Tom
17 Firth. Does that name ring a bell to you?

18 A. Yes, sir, it does.

19 Q. Did Tom Firth ever actually represent you as a lawyer to
20 your knowledge?

21 A. To my knowledge I thought he did, sir, yes. But may I
22 clarify something?

23 Q. Yes, sir.

24 A. During this -- the judicial proceeding, sir, I was -- the
25 court appointed Mr. Bill Howard to be my attorney at law to

1 represent me, and my father had hired Tom Firth, and I can't say
2 that he was officially appointed to be my attorney also. So I
3 can't say, but I know that my father had hired him, yes.

4 Q. Do you know how it is your father got in touch with Tom
5 Firth or vice versa to get him involved in the case?

6 A. Sir, no, I don't.

7 Q. Have you given any interviews to anyone about what happened
8 at the Westside shooting?

9 A. No, sir, I have not.

10 Q. Who all have you told about what actually happened like
11 you've told us today what happened besides your attorney, Mr.
12 Roberts --

13 MR. ROBERTS: Objection.

14 Q. (By Mr. McDaniel) -- or some other attorney?

15 MR. ROBERTS: Excuse me. I've got to object to that
16 because if he answers that question fully and completely, he'll
17 violate a gag order executed in other court of another solvent.

18 MR. McDANIEL: I'll modify it.

19 Q. (By Mr. McDaniel) Other than to one of your attorneys or to
20 officials connected with a federal court or in a proceeding
21 related to a federal court, have you discussed the actual
22 shooting event at Westside with anyone?

23 A. Sir, I've discussed it with my counselors who counsel me,
24 sir, yes, I have.

25 Q. Who are your counselors and where are they?

1 A. I have -- since I've been incarcerated to Alexander Youth
2 Services, we are -- I was assigned to a doctor by the name of Dr.
3 T.J. Rainey, and he is my therapist while I stay there, while I'm
4 at Alexander, and I've told him about it, sir.

5 Q. Did the self-mutilation result in any scars?

6 A. Yes, sir, it has.

7 Q. How many scars do you have on your body from
8 self-mutilation?

9 A. Six I do believe.

10 Q. Where are they located?

11 A. On my left arm, sir.

12 Q. Do you know if your mother was notified on the morning of
13 March 24 or whether or not she became aware that the van was
14 missing before the shooting took place?

15 A. Sir, could you please repeat the question?

16 Q. Yes. To your knowledge did your mother learn that the van
17 was gone before the shooting took place?

18 A. I had told her that my father was going to take me to
19 school, yes, sir.

20 Q. And you asked her for the keys and she gave them to you?

21 A. Yes, sir.

22 Q. To your knowledge did she check or make any effort to check
23 to see what you were telling her was true?

24 MR. ROBERTS: Objection. Asked and answered. The
25 witness previously testified that he lied to his mother.

1 MR. McDANIEL: I object to speaking objections.

2 Q. (By Mr. McDaniel) To your knowledge did your mother ever
3 check to see if what you were telling her was true?

4 A. Not that I know of, sir.

5 Q. Had you ever driven the van without authority before?

6 MR. ROBERTS: Objection. Asked and answered.

7 A. My mother has -- my mother has asked me to drive the van
8 down to the end of our driveway to shut off the water a couple of
9 times, but she knew about it, sir.

10 Q. (By Mr. McDaniel) Did you ever drive the van by yourself
11 without permission before?

12 A. No, sir, I have not.

13 Q. Were you up on the night before the shooting somewhere
14 around midnight to 1:00 or 1:30 in the morning roaming about or
15 doing things?

16 A. No, sir. I was in the bed asleep.

17 MR. McDANIEL: May I have one moment? Pass the
18 witness.

19 (A break was taken.)

20 CROSS-EXAMINATION

21 BY MR. MILLER:

22 Q. Mitchell, my name is Randel Miller. I represent your
23 mother, Gretchen Woodard.

24 A. Yes, sir.

25 Q. I just have a few questions to ask you about -- pretty much

1 about your relationship with your mother and how things were at
2 home before this incident occurred.

3 A. Okay.

4 Q. Prior to the shooting, how long had you lived in the home
5 that you were in?

6 A. I'd say two years I do believe, sir.

7 Q. And during those two years, was your mother working outside
8 the home?

9 A. No, sir.

10 Q. So she was a stay-at-home mom?

11 A. Yes, sir.

12 Q. I think you had a brother and a sister that lived with you
13 also?

14 A. Yes, sir.

15 Q. What's their names?

16 A. Monte Johnson and Jesse Woodard, sir.

17 Q. And other than that your stepfather also lived with you?

18 A. Yes.

19 Q. Did your mother love you?

20 A. Yes, sir, very much.

21 Q. Did your mother try to provide a loving and caring home for
22 you?

23 A. Always.

24 MR. McDANIEL: Objection. Calling for conclusions,
25 speculation and assumption not in evidence.

1 A. Always, sir, yes.

2 Q. (By Mr. Miller) In the morning before you went to school,
3 did your mother always make sure you got up and went to school?

4 A. Yes, sir, she did.

5 Q. And on the day that this incident occurred, you made sure
6 that your mother didn't know that you weren't going to school?

7 A. Correct.

8 Q. You lied to her?

9 A. Yes, sir, I did.

10 Q. You covered up where you were and where you were going?

11 A. Yes, sir.

12 Q. Prior to that I understand that you had been in some fights?

13 A. Yes, sir, I was.

14 Q. Did you tell your mother about those?

15 A. No, sir.

16 Q. In fact, did you try to conceal those from her?

17 A. Yes, sir, I done my best to.

18 Q. As far as some of the discipline problems or other problems
19 that you had, did your mother try to help you deal with those?

20 A. Yes, sir, she did.

21 Q. How did she do that?

22 A. She had offered me advice herself. She had taken me to
23 recommended doctors, and I wouldn't listen to them. I would cuss
24 them out and walk out on them. When we'd get home, I wouldn't
25 talk to my mother.

1 Q. But your mother did try to sit down with you and talk to you
2 and counsel you to do better?

3 A. Her best efforts, yes.

4 MR. McDANIEL: Objection. Calling for the conclusion
5 and stating a conclusion.

6 Q. (By Mr. Miller) You were also asked some questions about
7 being a victim of sexual abuse.

8 A. Yes, sir, I was.

9 Q. When that incident occurred, were you residing with your
10 mother?

11 A. Yes, sir.

12 Q. Were you living with your mother or your grandmother?

13 A. I was -- we moved to my grandmother's house, and my mother
14 had moved in with my grandmother.

15 Q. You were living at your grandmother's house?

16 A. Yes, sir. It was my grandmother's house.

17 Q. And no one there knew what had occurred?

18 A. No, sir.

19 Q. In fact, again, you didn't reveal that to anyone until after
20 the shooting?

21 A. Correct.

22 Q. At your home again prior to the shooting, how many
23 televisions did you have?

24 A. One, sir.

25 Q. One for the whole household?

1 A. Yes, sir.

2 Q. Where was it?

3 A. In the living room, sir.

4 Q. And no computer?

5 A. No, sir.

6 Q. Prior to the shooting how were your grades at school?

7 A. A's and B's, sir, most of the time. I had a C in science my
8 first nine weeks of seventh grade, but I had pulled it up to an A
9 I do believe.

10 Q. What other activities were you involved in in school?

11 A. I played football sixth and seventh grade, and I made the
12 basketball team in seventh grade, sir. And I also -- I was also
13 in the choir at school.

14 Q. While you were at home and around your mother, did you ever
15 make any threats of harming someone?

16 A. No, sir.

17 Q. Not just shooting someone but making any threats of violence
18 toward other people?

19 A. No, sir, not around my mother, no.

20 Q. You tried to be on your best behavior around her?

21 A. Yes, sir, I did.

22 Q. Mitchell, is there anything that your mother could have done
23 to have prevented this from occurring?

24 MR. McDANIEL: Objection. Calling for speculation and
25 conclusion and assuming facts not in evidence.

1 A. No, sir. I didn't let my mother know that this was even
2 entering my mind. I wouldn't -- I didn't leave no evidence at my
3 house that anything like this were to occur.

4 Q. (By Mr. Miller) In fact, even in thinking about this and
5 the events leading up to it, did you really think something was
6 going to occur?

7 A. I figured in time, yes, sir.

8 Q. Did it seem real to you?

9 A. Yes, sir.

10 Q. But you still don't know why you wanted to do it?

11 A. Why, no, sir. I don't know why it happened.

12 Q. In the events leading up to this shooting, did you act any
13 different at home?

14 A. Not as I know of, no, sir.

15 Q. In other words, your routine pretty much went on same in the
16 months leading up to this as it had for the months -- for the
17 years before this?

18 A. Yes, sir, pretty much.

19 Q. No substantial change in your attitude?

20 A. Not much, no.

21 Q. Mitchell, are you sorry that this occurred?

22 A. Very much so. I regret it everyday of my life. I pray
23 everyday for the victims. I hope and I pray that God blesses
24 them to help heal because I've lost, but not -- by no means not
25 by what they lost by, and I am sorry. From the bottom of my

1 heart I'm sorry.

2 Q. Of course, you've also hurt your family.

3 A. Yes, sir, not as much as I hurt the victims though.

4 MR. MILLER: No other questions.

5 CROSS-EXAMINATION

6 BY MR. HODGES:

7 Q. Before the day of the shooting had you ever met Andrew's
8 grandfather, Doug Golden?

9 A. No, sir.

10 Q. Had you ever been to his home before you entered on this day
11 by taking the crowbar or somebody taking the crowbar and breaking
12 the window and breaking in?

13 A. No, sir. I had never been to his house, no, before then.

14 MR. HODGES: Pass.

15 MR. CAHOON: No questions.

16 MR. PRICE: No questions.

17 MR. MARSHALL: No questions.

18 MR. McDANIEL: A couple of follow-ups.

19 MR. ROBERTS: Just a moment.

20 MR. McDANIEL: Oh, I'm sorry.

21 CROSS-EXAMINATION

22 BY MR. ROBERTS:

23 Q. Mr. Johnson, I represent you in a certain federal criminal
24 proceeding. Is that correct?

25 A. Yes, sir.

1 Q. And you're aware that I also represent your father as well
2 as you in this civil proceeding. Is that correct?

3 A. Yes, sir.

4 Q. I have just two questions. Did Scott Johnson, your father,
5 do anything that caused you to do this shooting?

6 MR. McDANIEL: Object. Calling for a conclusion and
7 speculation and asking him to assume facts not in evidence.

8 Q. (By Mr. Roberts) You may answer.

9 A. No, sir.

10 Q. Do you have something you want to say to the people in this
11 room?

12 A. Like I said before, I pray for y'all everyday. I truly am
13 sorry for what I done. And if I ever do find out why, I will let
14 y'all know; however, that I am sorry, and I know I can't ever
15 take it back. A life is the most precious thing you can have and
16 I am sorry.

17 MR. ROBERTS: Thank you.

18 REDIRECT EXAMINATION

19 BY MR. McDANIEL:

20 Q. Mr. Johnson, you were asked some questions about your
21 relationship with your mother. Did your mother keep up with you
22 pretty closely?

23 A. Pretty closely, yes.

24 Q. So then your mother must have known you were in gang up in
25 Minnesota?

1 A. No.

2 Q. How can you be in a gang like the Crips and nobody know
3 about it?

4 MR. ROBERTS: Objection. I don't think there was any
5 testimony that he was in the gang, that he associated with gang
6 individuals.

7 MR. McDANIEL: Mike, I'm going to have to object now to
8 speaking objections.

9 MR. ROBERTS: Objection. Object to the form, assumes
10 facts not in evidence.

11 MR. McDANIEL: Okay. That's fine. Speaking objections
12 are inappropriate.

13 Q. (By Mr. McDaniel) Were you a member of the gang?

14 A. No, sir, I was not.

15 Q. Did you hang out with people who were members of the gang?

16 A. I talked to some, yes.

17 Q. You were playing football at night, as I understand, one
18 time when the police came up to talk to you?

19 A. Yes, sir, they did.

20 Q. Did your mother know about your gang related activities?

21 A. No, sir, she did not.

22 Q. So you were doing things that would be very questionable in
23 terms of good behavior, and your mother didn't know about it. Is
24 that what you're saying?

25 A. Correct, yes.

1 Q. Did you go to church when you moved to Jonesboro?

2 A. Yes, sir, I did.

3 Q. Where did you go?

4 A. I went to a Baptist church. I'm not for sure of the name of
5 it, sir.

6 Q. So then you knew this kind of conduct was totally
7 unacceptable and you did it anyway?

8 A. Yes, sir.

9 Q. When -- I have to sit down; my knee is hurting. When Mr.
10 Miller asked you about your mother not knowing about the fights,
11 you did in fact tell your mother about some of the fights, didn't
12 you?

13 A. No, sir, I did not. She overheard me speaking to my brother
14 about the fights, sir.

15 Q. And your mother learned of some of the fights from the
16 school, didn't she?

17 A. When I was suspended, yes, she did.

18 Q. And your mother would have known if you had a black eye or
19 bloody nose, she would have known about that, wouldn't she?

20 A. Normally I didn't, sir.

21 Q. Normally you didn't. Sometimes you did, didn't you?

22 A. When I got suspended I did.

23 MR. McDANIEL: Okay. That's all.

24 Q. (By Mr. McDaniel) Oh, do you have any problem -- do you
25 have any objection to us getting a copy of your school records?

1 A. No, sir.

2 Q. Do you have any problem with us getting a copy of your
3 counseling records? Since you're so sorry of what happened, I'm
4 sure you want to help these people any way you can help them.

5 A. It don't -- no, sir, it don't bother me none.

6 Q. What about your police records, do you have any objection to
7 us getting a copy of your complete police records?

8 A. No, sir.

9 MR. McDANIEL: Okay. That's all.

10 MR. ROBERTS: Are you talking about -- you're not
11 talking about access to his federal records?

12 MR. McDANIEL: No, not his federal records.

13 MR. ROBERTS: His federal records are not accessible.

14 MR. McDANIEL: That's all.

15 (The deposition concluded at 4:58 p.m.)

16 (Signature waived.)

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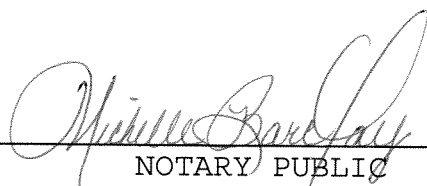
C E R T I F I C A T E

I, MICHELLE BARCLAY, a Notary Public in and for the
County of Craighead, State of Arkansas, do hereby certify:

That **MITCHELL JOHNSON**, the witness in the foregoing
deposition, was by me duly sworn to testify the truth, the whole
truth and nothing but the truth, in the within-entitled cause;
that said deposition was reported at the time and place therein
stated by me by the method of machine shorthand and thereafter
transcribed by me.

I further certify that I am not interested in the
outcome of said action, nor connected with nor related to, any of
the parties in said action or their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal of office this 29th day of April, 2000.



NOTARY PUBLIC
In and for the County of Craighead
State of Arkansas

My commission expires:

March 25, 2009

Mitchell
Johnson
6th period
1-21-97

Journal

I am en ddd because this morning I walked in with my hat on and I was told I went to take it off and the teacher tried to take my #35 hat and I said no and tucked it under my arm and it took two teachers to take it away from me and that's my story and I'm sticking to it. I could have just given up my hat and what right along with the day, I got mad and lost my temper and I just ruined a good Friday. I woke up with a bad hang over this morning that is my problem. The hangover is from too much pop(wine) last night I had a bad morning this morning so I came to school with an attitude. I hate ten teachers in this school I would never touch them but one who will react it and we tell them what I want then I would get in trouble. If they put my name down I would be in trouble if I hit you then. The two people I hate are Mrs. [unclear] and Mr. [unclear]. I have only one NIKE hat left. Come on bell ring please! Please bell ring. There I told you that - that ddd? There I told you I have had ddd. One full day and one half-a-day. After this Sunday class I will be home and keeping myself quiet pretending I'm ddd. That way feeling down both sides. The end of ddd I think everyone does. If I don't tell my parents I will be grounded for life. I have a petted dog. Is it ddd or not? I like it better now than ddd?

PL
E

**PLAINTIFF'S
EXHIBIT**

#

towns.

1 IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
2 WESTERN DISTRICT

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

Plaintiffs,

VS. CIV 98-394(B)

ANDREW GOLDEN, A MINOR; MITCHELL
JOHNSON, A MINOR; SCOTT JOHNSON;
GRETCHEN WOODARD; DENNIS GOLDEN;
PAT GOLDEN; DOUGLAS GOLDEN;
SPORTING GOODS PROPERTIES, INC.,
F/K/A REMINGTON ARMS COMPANY, INC.;
JOHN DOE, AND JOHN DOE, INC.,
AS THE SUCCESSORS IN INTEREST OF
UNIVERSAL FIREARMS

Defendants.

THE VIDEOTAPED DEPOSITION OF ANDREW GOLDEN

Taken at the Craighead County Courthouse Annex Courtroom,
Jonesboro, AR on April 27, 2000
at 10:20 a.m.

A P P E A R A N C E S

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DUSTIN McDANIEL

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ALSO PRESENT:

MARTIN LILLY

MITCHELL WRIGHT

TINA JOHNSON

DENNIS GOLDEN

PAT GOLDEN

GRETCHEN WOODARD

I N D E X**TESTIMONY BY ANDREW GOLDEN**

Page

Direct Examination by Mr. McDaniel

8

1 MR. McDANIEL: The Plaintiffs would like to stipulate
2 that the deposition is taken pursuant to the Arkansas Rules of
3 Civil Procedure upon the date, time and place as set by order of
4 this Court with objections as to the form of the questions to be
5 made at the time contemporaneous and objections as to competency,
6 relevancy and materiality and other substantive objections being
7 reserved. And it will be up to the witness as to whether or not
8 he chooses to read and sign. Any other stipulations?

9 MR. ROBERTS: I have a question, Mr. McDaniel. Are you
10 saying under your local rules that the phrase "object to the form
11 of the question" covers all possible objections under the
12 Arkansas Rules of Evidence or Procedure?

13 MR. McDANIEL: Mr. Roberts, with all due respect, I
14 don't think it's appropriate for me to give you legal advice as
15 to how to object or represent your client. If you have an
16 objection that you feel needs to be raised, I have no objection
17 to you stating it specifically. If you have an objection as to
18 the form of the question, if you'll tell me what your objection
19 is, I'll attempt to rephrase the question so as to make that
20 objection no longer important. But if there is some objection
21 you need to make, you're certainly free to do so. Objections as
22 to substantive matters are reserved.

23 MR. ROBERTS: I don't understand what you mean by the
24 word "reserved". I'm not a local lawyer. I want to be very
25 careful about what y'all mean by the local rules.

1 MR. McDANIEL: I think I've stated the rule as far as I
2 think I can go.

3 MR. HODGES: David Hodges. Let me state that my
4 willingness to vary the rule, which is what we would have to do
5 by agreement to reserve all objections except as to the form of
6 the question, that's what we would have to expressly agree to do
7 in order to have the standard rule not apply. And the standard
8 rule is that everybody makes an objection and no objections are
9 reserved.

10 MR. ROBERTS: I'll then articulate my objections fully
11 on the record to the protect my client's interest.

12 MR. McDANIEL: All right. May the stipulation then be
13 modified to any objection made or any objection to be made should
14 be made contemporaneously or otherwise deemed waived. Is that
15 the preference of counsel?

16 MR. ROBERTS: I'm not sure what the local practice is
17 by the meaning phrased "otherwise deemed -- I'm not trying to
18 quibble with y'all, but I don't take depositions here and I'm not
19 sure what the phrase "otherwise deemed waived" means in this
20 county.

21 MR. McDANIEL: Let me just rephrase it to say this:
22 I'm going to be asking questions. If any lawyer wants to object
23 regardless of what the stipulation is stated, if the other
24 lawyers have not agreed to the stipulation, so I intend to ask
25 questions and lawyers may object to when and as and under such

1 circumstances they deem appropriate.

2 MR. HODGES: I'd prefer that we have a stipulation so
3 that we don't all have to make an objection to it, and the
4 stipulation is that we would reserve all objections except as to
5 the form of the question. And the form would be limited to a
6 leading question or a compound question and the form being, not
7 the substance of it, but the manner in which it is asked. And
8 otherwise we're going to have a much longer day if we don't all
9 agree to reserve all objections except as to the form of the
10 question.

11 MR. ROBERTS: I'm very willing to adopt that procedure,
12 which is my home procedure, where if I say objection, that covers
13 every possible substantive objection and I'm still free to object
14 to compound, leading and those types of questions if I understand
15 Mr. Hodges.

16 MR. McDANIEL: That's exactly what the post-stipulation
17 was except that if you have an objection as to the form of the
18 question, the objection should be stated as to what that
19 objection is so it can be cured by a follow-up question.
20 Objection, for example, if he is asked to speculate on a matter
21 about which he is not competent, you do not have to object to
22 that because that would be reserved and could be raised should
23 that portion of the deposition attempt to be used.

24 MR. ROBERTS: Constitutional objections fall under
25 which --

1 MR. HODGES: Reserved.

2 MR. ROBERTS: -- form?

3 MR. HODGES: Reserved.

4 MR. ROBERTS: Thank you.

5 MR. HODGES: That's our stipulation understanding. And
6 as to the objection as to form, Bobby is saying you need to tell
7 him specifically what the objection is. You just can't say
8 object to the form. You've got to be specific, as I understand
9 it, and say I object to the form because it's a compound question
10 or something like that. .

11 MR. ROBERTS: And all other objections including
12 constitutional --

13 MR. McDANIEL: Are reserved.

14 MR. ROBERTS: -- are under the phrase "object to the
15 form"?

16 MR. HODGES: And that would include the proceedings
17 that just had in the court before Judge Burnett with all of the
18 motions and so forth. Those are all reserved, do not have to be
19 contemporaneously with the time of this deposition.

20 MR. ROBERTS: That's fine.

21 MR. McDANIEL: I would point out that if you are going
22 to instruct a witness not to answer the deposition (sic) on the
23 basis of privilege, then that under our rules as I interpret it
24 must be asserted and the basis of the privilege stated with
25 specificity as to privilege. Okay, may we proceed?

1 THE VIDEOGRAPHER: As the stipulations as discussed and
2 agreed to among all parties are so noted and would the court
3 reporter please swear in the witness?

4 MR. MARSHALL: Before we do, can I ask for one other
5 agreement and that is if defendant objects, that all are
6 considered to join in that objection unless they don't want to in
7 which then they can state that, and that will help move time and
8 not have everybody me tooing throughout the depositions.

9 MR. McDANIEL: That's agreeable.

10 MR. ROBERTS: Agreeable.

11 MR. HODGES: Agreeable.

12 MR. CAHOON: Agreeable.

13 MR. PRICE: Agreeable.

14 THE VIDEOGRAPHER: Again, that stipulation is noted and
15 would you please swear the witness.

16 ANDREW GOLDEN,
17 having been first duly sworn, was examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. McDANIEL:

21 Q. Would you state your name, please.

22 A. Andrew Golden.

23 Q. Mr. Golden, you're going to have to speak up loudly please
24 so that everyone here can hear you. My name is Bobby McDaniel.
25 I'm going to ask you questions. This is a deposition. A

1 deposition is your testimony under oath where you're sworn to
2 tell the truth. Do you understand what swearing to tell the
3 truth is?

4 A. Yes, sir.

5 Q. Do you understand there are consequences, adverse
6 consequences, even potential criminal penalties if you swear to
7 false statements including perjury?

8 A. Yes, sir.

9 Q. Are you under any medication today that would affect your
10 ability to understand questions or to respond to them?

11 A. No, sir.

12 Q. Have you been subject to any physical abuse or difficulties
13 so that you cannot understand or comprehend questions?

14 A. No, sir.

15 Q. Do you consider yourself at this point able to understand
16 the questions I've asked you so far and to answer them?

17 A. Yes, sir.

18 Q. If at any time during my questioning if I ask you a question
19 and you do not understand it, will you let me know so that we can
20 try to communicate effectively?

21 A. Yes, sir.

22 Q. If during the course of the deposition you give an answer
23 and you later realize that answer is not correct or is incomplete
24 or needs to be changed in any format, I will tell you that if you
25 will let me know I will let you go back and add to an answer

1 you've previously given. Is that understandable?

2 A. Yes, sir.

3 Q. Is that agreeable?

4 MR. ROBERTS: Can I just interrupt one more time?

5 MR. McDANIEL: Sure.

6 MR. ROBERTS: Do I understand that the local rules do
7 not waive signature on a deposition?

8 MR. McDANIEL: The witness can waive signature if he
9 chooses.

10 MR. ROBERTS: But the local rules do not normally waive
11 signatures? I apologize for bringing it up late, but it's just
12 something I thought of.

13 MR. McDANIEL: The witness has the choice at the end of
14 the deposition.

15 MR. ROBERTS: My apologies.

16 MR. McDANIEL: Okay.

17 Q. (By Mr. McDaniel) So, Mr. Golden, then we're understanding
18 each other that I'm going to ask you questions and expect you to
19 give sworn truthful answers to the question asked and you will do
20 so. Is that agreeable?

21 A. Yes, sir.

22 Q. Tell me your full name.

23 A. Andrew Douglas Golden.

24 Q. What is your date of birth?

25 A. 5/25/86.

- 1 Q. Where were you born and raised?
- 2 A. In Jonesboro.
- 3 Q. How old are you now?
- 4 A. 13.
- 5 Q. 13?
- 6 A. Yes, sir.
- 7 Q. Where do you currently reside or stay?
- 8 A. In Alexander Youth Services.
- 9 Q. When did you first go to Alexander Youth Services?
- 10 A. I can't remember the date.
- 11 Q. Who are your parents?
- 12 A. Dennis and Pat Golden.
- 13 Q. Dennis and Pat Golden?
- 14 A. (Witness nodding affirmatively.)
- 15 Q. You can't nod your head. You have to answer out loud.
- 16 A. Yes, sir.
- 17 Q. Are they present today?
- 18 A. Yes, sir.
- 19 Q. Have you had an opportunity to talk with them today?
- 20 A. No, sir.
- 21 Q. Who are your grandparents?
- 22 A. Dennis and Jackie Golden.
- 23 Q. I'm sorry?
- 24 A. Dennis and Jackie Golden.
- 25 Q. Dennis and Jackie Golden?

1 A. Yes, sir.

2 Q. Who is Douglas Golden?

3 A. My grandfather.

4 Q. Is he one in the same as Dennis? I asked you who were your
5 grandparents. Who are your grandparents?

6 A. Doug Golden and Jackie Golden.

7 Q. Where did you live prior to March 1998?

8 A. (No Response.)

9 Q. Where did you live before the shooting incident at Westside?

10 A. In Jonesboro.

11 Q. What was your street address?

12 A. I can't remember.

13 Q. Where was it?

14 A. (No Response.)

15 Q. You don't know where you lived?

16 A. I know, but I just don't know the street number, address.

17 Q. Do you know what street name it was?

18 A. No, sir.

19 Q. No?

20 A. No, sir.

21 Q. What was your -- where did you live close to? Did you live
22 close to Westside School?

23 A. Kind of.

24 Q. Was there some building, store, service station, road that
25 you can tell me that where your home was close to?

- 1 A. It is close to a church, I remember that.
- 2 Q. Close to what church?
- 3 A. I'm not sure the name.
- 4 Q. How did you get to school in the mornings?
- 5 A. On the bus.
- 6 Q. On the school bus?
- 7 A. (Witness nodding affirmatively.)
- 8 Q. You have to say yes or no.
- 9 A. Yes, sir.
- 10 Q. What school bus did you ride?
- 11 A. I can't remember.
- 12 Q. Do you know who the school bus driver was on your regular
- 13 route in March of 1998?
- 14 A. I can't remember.
- 15 Q. Was it a man or a woman as your usual bus driver?
- 16 A. A woman.
- 17 Q. What grade were you in in March of 1998?
- 18 A. Sixth grade.
- 19 Q. Where did you go to school for prior years? Had you always
- 20 gone to Westside?
- 21 A. Yes, sir.
- 22 Q. Did you go to kindergarten?
- 23 A. Yes, sir.
- 24 Q. Did you go to kindergarten at Westside?
- 25 A. Yes, sir.

1 Q. Prior to kindergarten did you attend any nursery school or
2 any sort of a pre-kindergarten school?

3 A. I can't remember.

4 Q. I want to ask you some questions concerning your prior
5 experiences in life and your background. Have you ever driven an
6 automobile before, a car or a pickup truck either with or without
7 an adult present?

8 A. (No Response.)

9 Q. That's a yes or no question.

10 A. (No Response.)

11 MR. PRICE: My client refuses to answer that question.

12 MR. McDANIEL: Wait a minute, Mr. Price.

13 MR. PRICE: He is invoking his Fifth Amendment right
14 against self-incrimination.

15 MR. McDANIEL: Mr. Price, your client did not refuse to
16 answer any question. He didn't answer.

17 MR. PRICE: I would like to confer with my client.
18 Refuse to answer the question.

19 A. I refuse to answer that question.

20 Q. (By Mr. McDaniel) On what grounds?

21 A. The Fifth Amendment.

22 Q. Prior to January 1 of 1998, had you ever driven an
23 automobile either with or without an adult present?

24 A. (No Response.)

25 Q. Yes or no.

1 MR. PRICE: I'd like to confer with my client. Refuse
2 to answer it.

3 A. I refuse to answer that question.

4 MR. McDANIEL: I think we need to adjourn the
5 deposition and bring the judge in. Your Honor, the question was
6 asked: Have you ever driven an automobile either with or without
7 an adult present prior to January 1, 1998. Mr. Price instructed
8 him to invoke the Fifth Amendment, and we think that's an
9 appropriate question to be asked.

10 MR. PRICE: Any questions concerning driving may impact
11 upon the event that took place on the day in question, and
12 therefore it is relevant and subject to the Fifth Amendment. My
13 client invokes that right.

14 THE COURT: Are you saying that he might subject
15 himself to some penalties for a driving violation by not being a
16 licensed driver? Is that what you're saying?

17 MR. PRICE: No, sir. I'm saying the fact of whether or
18 not he was driving on the date in question may impact upon
19 whether or not he's driven a car previously and that --

20 THE COURT: I thought the question was whether or not
21 he had ever driven a vehicle prior to that time alone or with
22 supervision.

23 MR. PRICE: Yes, sir.

24 THE COURT: I think that's an appropriate question. I
25 don't see how it could touch any possible thing that would

1 incriminate him except on a traffic violation perhaps.

2 MR. PRICE: One of the issues of whether or not he was
3 driving on the day in question and therefore it will relate to --

4 THE COURT: That's not what he asked. He asked whether
5 he had driven a car alone or with an adult supervision prior to
6 that.

7 MR. McDANIEL: Prior to January 1, 1998.

8 THE COURT: I think that's an appropriate question in a
9 civil case. I don't see where it affects his --

10 Q. (By Mr. McDaniel) Please answer the question.

11 A. No, sir.

12 Q. Prior to March 24, the date of the shooting at Westside
13 Schools, before March 24, 1998, between January 1 and March 24,
14 had you ever driven an automobile either in the presence of an
15 adult, alone or in the presence of anyone else?

16 A. No, sir.

17 Q. On March 24, 1998 did you drive an automobile?

18 MR. PRICE: I need to confer with my client now. Now
19 refuse to answer.

20 A. I refuse to answer that question.

21 MR. McDANIEL: When you instruct him so we can save
22 time to refuse to answer, you're assuming that's on the Fifth
23 Amendment?

24 MR. PRICE: Yeah, on the Fifth Amendment. And he's
25 refusing to answer any questions concerning any of the events

1 that took place on March 24.

2 MR. McDANIEL: Your Honor, I will reserve questioning
3 on the date of March 24 until I get to a whole series of
4 questions. I'll come back to that in a minute.

5 THE COURT: All right.

6 Q. (By Mr. McDaniel) I want to ask you questions now
7 concerning your experiences in watching others drive an
8 automobile. Had you ridden in automobiles on numerous occasions
9 prior to March 24, 1998?

10 A. Yes, sir.

11 Q. Had you ridden in the front seat of automobiles before March
12 24, 1998?

13 A. Yes, sir.

14 Q. Did your parents own an automobile?

15 A. Yes, sir.

16 Q. Did they have an automobile that had an automatic
17 transmission or a shift transmission, or do you know?

18 A. Automatic.

19 Q. I want to talk now about your experience with guns. Prior
20 to March 24, 1998 did you own a gun of any type?

21 MR. PRICE: I'd like to confer with my client. Refuse
22 to answer it.

23 A. I refuse to answer that question.

24 MR. PRICE: Specifically my client refuses to answer
25 that question or any questions concerning guns or firearms. He

1 is invoking his Fifth Amendment right against
2 self-incrimination.

3 MR. McDANIEL: Mr. Price, while we're going to get the
4 judge, I want to ask some other questions and see if you invoke
5 the Fifth likewise.

6 MR. PRICE: All right.

7 Q. (By Mr. McDaniel) Mr. Golden, at any time in your life
8 before March 24, 1998, had you ever been given any instructions
9 on how to fire a weapon, a firearm?

10 MR. PRICE: He invokes the Fifth. He invokes the Fifth
11 Amendment for the same reasons.

12 MR. McDANIEL: All right. At this point I'll agree
13 that --

14 MR. PRICE: Continuing objections for the same.

15 MR. McDANIEL: All right.

16 Q. (By Mr. McDaniel) Prior to March 24 of 1998 had you ever
17 been hunting with a firearm?

18 MR. PRICE: He invokes the Fifth.

19 Q. (By Mr. McDaniel) Prior to March 24, 1998 have you ever
20 been present whether you had a gun or not when someone else was
21 hunting with a firearm?

22 MR. PRICE: He invokes the Fifth.

23 Q. (By Mr. McDaniel) Had you ever played with guns prior to
24 March 24 of 1998?

25 MR. PRICE: He invokes the Fifth.

1 Q. (By Mr. McDaniel) Prior to 1998, had you seen others use
2 firearms for either target practicing or hunting when you
3 yourself were not shooting the gun?

4 MR. PRICE: He invokes the Fifth.

5 MR. McDANIEL: I think we can stop here and get the
6 judge. Let's go off the record.

7 (Off-the-record discussion.)

8 MR. McDANIEL: Mike, who is the gentleman?

9 MR. ROBERTS: This is Mitchell's parents. I got
10 permission for them to talk to him.

11 MR. McDANIEL: Is that his natural father or
12 stepfather?

13 MR. ROBERTS: It's his stepfather.

14 MR. McDANIEL: The stepfather doesn't have any right to
15 be in here. Your Honor, I don't want to violate the Court's
16 order. I notice that the gentleman speaking with Mitchell
17 Johnson now is a stepparent. He is not a party to the
18 litigation. I can't consent to a violation of the Court's order
19 for him to remain in this courtroom. He is not a party.

20 THE COURT: He's the stepfather?

21 MR. McDANIEL: Yes, who is not a party to the
22 litigation.

23 THE COURT: Anybody else got anything to say on it?

24 MR. ROBERTS: I had mentioned the word "humanitarian"
25 to Mr. McDaniel. I arranged for his mother and his stepfather to

1 just talk with him for a second while we were in recess, Your
2 Honor.

3 THE COURT: I don't have any problem with him visiting
4 with him. The sheriff's office might.

5 MR. McDANIEL: I don't have any problem with that, but
6 not in here during the course of the depositions.

7 THE COURT: All right. During the course of the
8 deposition, then I think that he'll need to wait outside. The
9 mother, of course, can stay. Is that all y'all need me for?

10 MR. McDANIEL: No, sir. We have a line of questions.
11 Your Honor, we're getting into a line of questioning relating to
12 his experience with guns and firearms and one question, for
13 example, was: Prior to March 24, 1998 had you ever owned a
14 firearm? That was objected to. Prior to March 24, the effective
15 date of this incident, had you ever gone hunting? Prior to March
16 24 had you ever been in the presence of others when they were
17 hunting? Had you ever been in the presence of others when they
18 were target shooting whether you had a gun or not? And we submit
19 that those are questions that a good faith basis cannot be made
20 that those would subject him to criminal jeopardy.

21 THE COURT: I agree with you. I'm going to direct him
22 to answer it.

23 MR. McDANIEL: Judge, you might just have to be around
24 for a while if you don't mind.

25 MR. PRICE: I need to confer with my client. Don't

1 answer that. For the record, I'm advising my client in spite of
2 the Court's ruling to not answer that question.

3 MR. McDANIEL: You're telling him to defy the judge's
4 ruling?

5 MR. PRICE: That's correct. We argued competency and
6 insanity on appeal. Those issues are viable issues. Anything
7 dealing with intent could impact upon his knowledge of firearms.
8 I have a good faith basis for that, and I'm advising my client at
9 this hearing --

10 THE JUDGE: I don't understand your basis for objecting
11 to those questions. Those are questions that could be asked of
12 anyone. That don't generally subject one to any criminal
13 sanctions. Whether or not they've gone target shooting, whether
14 or not they've owned a firearm, those are all lawful legitimate
15 purposes.

16 MR. PRICE: If the basis of this civil lawsuit is my
17 client reportedly using a firearm in a commission of a tort, then
18 I think it --

19 THE COURT: I think those are legitimate questions of
20 inquiry in the civil case. They do not subject one to criminal
21 sanctions.

22 MR. PRICE: I'm still advising my client not to answer
23 that in spite of the Court's ruling.

24 Q. (By Mr. McDaniel) Mr. Golden, before March 24 of 1998 did
25 you own a firearm, yes or no?

1 MR. PRICE: Don't answer that question.

2 A. I refuse to answer that question.

3 MR. McDANIEL: Your Honor, you're instructing him to
4 answer in spite of the refusal?

5 THE COURT: Yes, I've instructed him to answer. The
6 only remedy I've got is to hold him in contempt, which I get
7 somebody in his position to tell me what are you going to do, put
8 me in jail?

9 MR. McDANIEL: Your Honor, we'll reserve a request for
10 sanctions if we may so the Court may consider that.

11 THE COURT: Yes, I'm directing him to answer that
12 question. It's not one that would normally incriminate one or
13 subject one to criminal sanctions.

14 Q. (By Mr. McDaniel) Prior to March 24 of 1998 had you ever
15 fired a firearm, a rifle or a pistol in your life?

16 MR. PRICE: Don't answer that question.

17 A. I refuse to that answer question.

18 MR. McDANIEL: Can we just have this as a continuing
19 sanction?

20 MR. PRICE: Yes.

21 MR. McDANIEL: All right.

22 Q. (By Mr. McDaniel) Mr. Golden, prior to March 24 of 1998,
23 had you ever observed someone else shoot a firearm, be it rifle
24 or a pistol?

25 MR. PRICE: Don't answer that.

1 Q. (By Mr. McDaniel) Prior to March 24, 1998, had you ever
2 observed your grandfather, Douglas Golden, shoot a rifle?

3 MR. PRICE: He refuses to answer that question.

4 Q. (By Mr. McDaniel) Have you ever observed your grandfather
5 prior to March 24 of 1998 retrieve a gun or a rifle from a gun
6 rack inside his home?

7 MR. PRICES: Refuses to answer that question.

8 THE COURT: What is the basis for the refusal of that?

9 MR. PRICE: Judge, the facts involved in this case were
10 allegations that my client seized guns from the grandfather's
11 house. I think it's definitely pertinent. I think that it could
12 be subject to incrimination.

13 THE COURT: In what way? How would that incriminate
14 him?

15 MR. PRICE: It could be a basis of future criminal
16 charges, Your Honor.

17 MR. McDANIEL: What future criminal charges?

18 MR. PRICE: The State could charge my client with
19 burglary for breaking into grandfather's house for example.

20 THE COURT: That wasn't the question. The question was
21 whether or not he ever observed a firearm being taken down or
22 replaced, I believe -- that's generally what the question
23 was -- from a gun rack. Are you saying that that might subject
24 him to some criminal sanctions because he had knowledge of the
25 location of the gun rack? Is that what you're saying?

1 MR. PRICE: Yes, sir, perhaps that could be it. There
2 may be others.

3 THE COURT: All right. I'm ordering him to answer the
4 last series of questions. We'll deal that later.

5 Q. (By Mr. McDaniel) Mr. Golden, prior to March 24 of 1998,
6 had you ever held in your hands any gun owned by your
7 grandfather, Douglas Golden.

8 MR. PRICE: Refuses to answer that question.

9 Q. (By Mr. McDaniel) Prior to January 1, 1998, had you ever
10 held in your hands any gun owned by your grandfather, Douglas
11 Golden?

12 MR. PRICE: Refuse to answer that question.

13 Q. (By Mr. McDaniel) Prior to January 1, 1998, had you ever
14 seen Douglas Golden retrieve a gun from his gun rack in his
15 eating area of his home?

16 MR. PRICE: Refuse to answer that question.

17 Q. (By Mr. McDaniel) Prior to January 1, 1998, had you ever
18 observed any means used by your grandfather, Douglas Golden, to
19 attempt to secure guns in a gun rack by use of a cable and a
20 lock?

21 MR. PRICE: Refuse to answer that question.

22 Q. (By Mr. McDaniel) Prior to January 1, 1998, had you ever
23 seen Douglas Golden unlock or gain access to rifles in the gun
24 lock with a cable lock system on it?

25 MR. PRICE: Refuse to answer that question.

1 Q. (By Mr. McDaniel) The same question applicable to prior to
2 March 24 of 1998, at any time had you seen your grandfather get a
3 gun out of the gun rack by disengaging a padlock or removing a
4 cable lock system?

5 MR. PRICE: Refuse to answer that question.

6 Q. (By Mr. McDaniel) Have you ever had explained to you by
7 your grandfather how to gain access to guns in the cabinet?

8 MR. PRICE: Refuse to answer that question.

9 Q. (By Mr. McDaniel) Did you know where the key to the padlock
10 on the cable lock system was stored?

11 MR. PRICE: Refuse to answer that question.

12 Q. (By Mr. McDaniel) Had you ever seen your grandfather get
13 the key and unlock the padlock to the cable lock system securing
14 rifles in his eating area?

15 MR. PRICE: Refuse to answer that question.

16 Q. (By Mr. McDaniel) Had you ever observed your grandfather
17 fire a rifle or a shotgun at any time prior to March 24 of 1998?

18 MR. PRICE: Refuse to answer that question.

19 Q. (By Mr. McDaniel) Did you ever fire a rifle or a shotgun on
20 the residential property or surrounding property of the home of
21 Douglas Golden?

22 MR. PRICE: Refuse to answer that question.

23 Q. (By Mr. McDaniel) Did you ever fire a rifle from the patio
24 area of the home of Douglas Golden prior to March 24, 1998?

25 MR. PRICE: Refuse to answer that question.

1 Q. (By Mr. McDaniel) Did you ever go target shooting with your
2 grandfather, Douglas Golden?

3 MR. PRICE: Refuse to answer that question.

4 Q. (By Mr. McDaniel) Did you ever go target shooting with your
5 parents or either of them?

6 MR. PRICE: Refuse to answer that question.

7 Q. (By Mr. McDaniel) Did you ever receive any instruction on
8 safe firearm usage from either your grandfather, Douglas Golden,
9 or either of your parents?

10 MR. PRICE: Refuse to answer that question.

11 MR. McDANIEL: Judge, I'm assuming your ruling is
12 continuing, that he should answer all of these questions up to
13 now?

14 THE COURT: Most of them, yes. There would be some
15 that I probably wouldn't require him to answer of that last
16 series.

17 MR. McDANIEL: Well, if you can think of which one,
18 tell me so we've got a clear record so we don't have to go back
19 and play them back and get a ruling as to each one because I was
20 assuming that it was continuing unless you said otherwise.

21 THE COURT: Mr. Price, are you suggesting that that
22 last series of questions would subject him to a potential charge
23 of burglary for which he was not charged? Is that what you're
24 saying?

25 MR. PRICE: Yes, sir. That's a potential charge.

1 MR. McDANIEL: Those questions related to noncriminal
2 conduct. That was consensual voluntary conduct was the context
3 and the framework of those questions.

4 THE COURT: Most of them were relating to what he
5 observed his father do, and to those questions I certainly would
6 order him to answer those. I don't think they subject him to any
7 criminal responsibility.

8 MR. McDANIEL: As to the questions relating to
9 instructions or guidance that he would have received --

10 THE COURT: Those would be appropriate questions for
11 him to answer. As far as questions about his knowledge as to how
12 to open the locking system or where the key might be found, there
13 might be some vague suggestion that by knowing that that he
14 could -- in answering that he could subject himself to possible
15 charges of burglary. I'm not sure the State would even bring
16 those charges at this point, though, Mr. Price. I think it might
17 be barred.

18 MR. McDANIEL: Mr. Price, are you stating there is a
19 good faith basis for believing that if he answers the question
20 that he had seen Douglas Golden gain access to the guns that
21 there is a good faith basis for believing that that would subject
22 him to a potential criminal charge and if so, what charge and
23 brought by whom? I think we're entitled to know that.

24 MR. PRICE: Yeah. I'm obviously not a State or federal
25 prosecutor. My client may be subject to federal gun charges as

1 well and which also is another basis to object to any of these
2 questions concerning any firearms.

3 THE COURT: What did he plead to in federal court if it
4 wasn't gun charges? They had no jurisdiction on anything else
5 that I'm aware of.

6 MR. PRICE: Judge, I have no direct knowledge of what
7 may have taken place in federal court. I was not his attorney in
8 federal court, and I have seen nothing in writing concerning --

9 THE COURT: Who was?

10 MR. PRICE: Leon Fowler. I think there may be some
11 federal gag order concerning that. I'm not sure.

12 THE COURT: You're talking about gag orders. The
13 newspaper is outside wanting a copy of my written gag order, and
14 I didn't call it a gag order. Do you have a copy of that order?

15 MR. DUSTIN McDANIEL: I have a copy of Your Honor's
16 amended order that you signed this morning. It's the only copy
17 as I haven't had the opportunity --

18 THE COURT: Let me have and I'll put --

19 MR. PRICE: Have we got it filed under seal?

20 MR. DUSTIN McDANIEL: This order itself is filed under
21 seal. It contains all the information surrounding this morning's
22 hearing, including those things that we all agreed should not be
23 released.

24 MR. ROBERTS: If Your Honor pleases, I have an
25 objection to Mr. McDaniel's last question. We'll ask the court

1 reporter to read it back, please. I'm not trying to be
2 bothersome, but I think --

3 THE COURT: I think the last question was --

4 MR. ROBERT: That's what I assume we're all struggling
5 with. Mr. McDaniel's last question.

6 (The requested material was read.)

7 MR. McDANIEL: Mr. Price, you've interposed an
8 objection of the Fifth Amendment instructing him not to answer
9 the questions. My question is: Can you state for the record a
10 good faith basis for the objection and what criminal charge is he
11 facing and what jeopardy does he face by answering the question?

12 MR. PRICE: Judge, I'm not sure. As I've stated
13 earlier, I'm not a prosecutor. I'm not sure exactly what charge
14 he could be facing. The fact that we have an appeal pending, if
15 the Supreme Court reverses his juvenile delinquency conviction,
16 he's back in juvenile court again and the State could file
17 additional charges if they want to, and that's an even more
18 paramount reason that he's exercising the Fifth Amendment on this
19 question.

20 MR. ROBERTS: If Your Honor please, I object to Mr.
21 McDaniel's question because I don't think Mr. McDaniel as
22 Plaintiff's counsel has standing to compel a defense lawyer to
23 disclose the theory of his case and any communications between
24 himself and his client. I think the Court might have the power
25 to compel the disclosure of that, but I don't want to set a

1 precedent here. I certainly do not agree that Mr. McDaniel has
2 any right to compel me to articulate a reason otherwise than to
3 this Court for my constitutional objection on behalf of my
4 client. So I object that --

5 THE COURT: I think there probably was a question that
6 the Court asked in some fashion that Mr. McDaniel is repeating.
7 I don't mind the Fifth Amendment being employed to defend him
8 against some real substantive potential claim that could be made
9 by the State and the federal government. But all this smoke and
10 this innuendo, that to me is not a justification or a basis for
11 the Fifth Amendment. It needs to be something specific that we
12 can see and we can articulate that people know exists, not just
13 some guess or maybe. This is a civil case.

14 MR. PRICE: Yes, sir, but my client was charged with
15 capital murder. We have five counts of capital murder of which
16 two key elements are the act and intent. The questions Mr.
17 McDaniel is asking could go to the intent. And by my client
18 being forced to answer the questions in this civil matter today,
19 if the Supreme Court reverses his conviction, then that may
20 impact upon his --

21 THE COURT: The prosecuting attorney is just two doors
22 down. I'm going to go down there and confer with him about his
23 position on these matters and maybe we can resolve that.

24 MR. McDANIEL: Should we go off the record or --

25 THE COURT: Y'all can go right ahead.

1 MR. McDANIEL: We'll get into some other background
2 areas maybe that are not objectionable and come back to them.

3 Q. (By Mr. McDaniel) Mr. Golden, we'll come back to questions
4 about guns. Let me ask you about your home. Who all lived in
5 your home prior to March 24 of 1998?

6 MR. PRICE: Go ahead and answer it.

7 A. My dad and mom.

8 Q. (By Mr. McDaniel) Did you have any brothers and sisters?

9 A. Yes, sir.

10 Q. Who were they?

11 A. Wesley McDermit.

12 Q. What?

13 A. Wesley McDermit and Amy Bates.

14 Q. Wesley McDermit and Amy Bates?

15 A. Yes, sir.

16 Q. I'm going to have to ask you to speak up a little louder if
17 you will. Did they live with you there in the home with your
18 parents?

19 A. No, sir.

20 Q. Where did they live?

21 A. My sister had her own house, and my brother lived with my
22 grandmother.

23 Q. Did you have your own room or did you share a room with
24 someone else?

25 A. I had my own room.

1 Q. Tell me about your room. How was it decorated? Did you
2 have posters on the wall for example?

3 A. No, sir.

4 Q. Did you have any pictures on the wall?

5 A. I can't remember.

6 Q. Did you have a stereo or any music playing device in your
7 room?

8 A. Yes, sir.

9 Q. Did you have -- and I'm going to say records or recordings
10 meaning either a record, a CD, a tape, a cassette tape or any
11 means by which sound is recorded and then played, did you have
12 any recorded sound in your room?

13 A. Yes, sir.

14 Q. What type of music did you listen to prior to March of 1998?

15 MR. PRICE: Go ahead and answer.

16 A. Classic rock, sir.

17 Q. (By Mr. McDaniel) Classic rock?

18 A. Yes, sir.

19 Q. Can you give me the name of some of the artists whom you
20 particularly favored? What groups or names of groups did you
21 listen to?

22 A. All different kinds.

23 Q. Do you remember any of them?

24 A. No, sir, not right now.

25 Q. I'm sorry?

1 A. Not right now, sir.

2 Q. Did you have a videotape and television in your room?

3 A. Yes, sir.

4 Q. Did you watch videotape movies in your room?

5 A. Yes, sir.

6 Q. What type videotapes did you watch?

7 A. Action.

8 Q. Action films?

9 A. Yes, sir.

10 Q. Like what?

11 A. (No Response.)

12 Q. Tell me some of the films you used to watch.

13 A. I can't really think of any.

14 Q. Are you telling me under your oath you can't remember one

15 single movie that you watched in your room as an action film?

16 A. (No Response.)

17 Q. I need an answer.

18 A. Yes, sir.

19 Q. What is an action film? What do you call an action film?

20 A. Kind of like venture, sir.

21 Q. What is an adventure film, action film? What type films are

22 we talking about?

23 A. (No Response.)

24 Q. Are you talking about films where war movies or Sylvester

25 Stallone type movies, the guys that do the karate things? What

1 kind of movies are you talking about?

2 MR. HODGES: Object to leading.

3 Q. (By Mr. McDaniel) Go ahead and answer.

4 A. (No Response.)

5 Q. Sir, can you answer me?

6 A. No, sir.

7 Q. Did you own some films, videotapes or did you rent them?

8 A. Both, sir.

9 Q. Uh?

10 A. Both.

11 Q. Where did you rent videotapes from?

12 A. Blockbuster.

13 Q. From Blockbuster. Anywhere else?

14 A. Hastings.

15 Q. Hastings. Anywhere else?

16 A. Not that I can think of.

17 Q. Did you have your own card to get videos at Blockbuster and
18 Hastings, or would your parents or either one of them have to get
19 them for you?

20 A. I didn't have a card or anything.

21 Q. How did you get the films at Blockbuster and Hastings if you
22 did not have a card?

23 A. Parents would rent them.

24 Q. Your parents?

25 A. Yes, sir.

- 1 Q. Did you listen to the radio?
- 2 A. Sometimes, sir.
- 3 Q. What radio stations did you listen to?
- 4 A. I can't remember.
- 5 Q. You can't remember. Did you have HBO or Cinemax in your
- 6 room?
- 7 A. No, sir.
- 8 Q. Did you have access to watch HBO or Cinemax in your home?
- 9 A. No, sir.
- 10 Q. Did your home have a computer?
- 11 A. Yes, sir.
- 12 Q. Was the computer attached to the -- or connected to the
- 13 internet?
- 14 A. Yes, sir.
- 15 Q. Did you use the computer and the internet?
- 16 A. Sometimes.
- 17 Q. When you used the internet, did you know how to get into the
- 18 internet yourself?
- 19 A. No, sir.
- 20 Q. So then any time you watched the internet, was an adult
- 21 present or worked on the internet?
- 22 A. Yes, sir.
- 23 Q. Who would those adults have been?
- 24 A. My mother and father.
- 25 Q. Did you ever rent any R rated movies, action films where

1 there was say, people being shot like war movies and things like
2 that?

3 A. Yes, sir.

4 Q. Did you watch a lot of action movies or war type movies or
5 Commando, Green Beret, Navy Seal, any of those elite fighting
6 group movies? Did you watch some of those?

7 A. Yes, sir.

8 Q. Did you watch in those movies people being shot and killed?

9 A. Yes, sir.

10 Q. Did you watch in movies how for increased accuracy sometimes
11 they would use telescopic sights?

12 MR. PRICE: Refuse to answer that question.

13 Q. (By Mr. McDaniel) You refuse to answer?

14 A. Yes, sir.

15 Q. Do you know what a telescopic sight is?

16 MR. PRICE: Refuse to answer that question.

17 Q. (By Mr. McDaniel) In the movies that you watched, did you
18 watch them alone or did your parents watch these movies with you,
19 these action films?

20 A. My parents watched them with me.

21 Q. Did you ever watch them alone?

22 A. Not that I can remember.

23 Q. Let's go to books. Did you have books in your room?

24 A. No, sir.

25 Q. Did you ever get books from a library?

- 1 A. No, sir.
- 2 Q. Were you ever bought books by your parents as gifts?
- 3 A. No, sir, not that I can remember.
- 4 Q. Did you watch videos at anyone else's home other your own?
- 5 A. My grandparents.
- 6 Q. When you were at your grandparent's, what type movies would
7 you watch over there?
- 8 A. Same thing.
- 9 Q. Adventure films?
- 10 A. Uh-huh.
- 11 Q. War movies, that sort of thing?
- 12 A. Yes, sir.
- 13 Q. Do you remember the names of any of them?
- 14 A. No, sir.
- 15 Q. Did you watch them alone or with them?
- 16 A. With them.
- 17 Q. Were they R rated movies as well because of the violence?
- 18 A. I think so, sir.
- 19 Q. Did your grandparents live close to your parents?
- 20 A. Pretty close.
- 21 Q. Did you ever walk from your home to your grandparent's home?
- 22 A. No, sir.
- 23 Q. Were you always driven there one way or the other?
- 24 A. Yes, sir.
- 25 Q. In the sixth grade -- you started the sixth grade in August

1 of '97, is that right, and then went to school until this
2 incident occurred at Westside?

3 A. Yes.

4 Q. During the school year of your sixth grade year, did you
5 spend any time at your grandparent's home?

6 A. Yes, sir.

7 Q. When you got out of school, where would you usually go after
8 you got of sixth grade in the afternoon?

9 A. To home.

10 Q. When you would get home after school, were you alone or with
11 someone else at the home?

12 A. Alone, sir.

13 Q. Alone?

14 A. Yes, sir.

15 Q. After school did you ever go to your grandparent's?

16 A. If she was there, then she would come pick me up from
17 school.

18 Q. Sometimes your grandmother would pick you up at school and
19 take you to her home?

20 A. Yes, sir.

21 Q. Out of the average five-day school week, how many days on
22 average would you go to your grandparent's home?

23 A. It wasn't every week.

24 Q. Would you go at least one day every week or some weeks you
25 wouldn't go?

1 A. Some weeks I wouldn't go.

2 Q. Would some weeks when you did go, would you go more than one
3 day like two or three days in a week?

4 A. Sometimes.

5 Q. In the summertime between school terms, did your mother and
6 dad work?

7 A. Yes, sir.

8 Q. What did your dad do in the summer before you started sixth
9 grade? What was his job?

10 A. Postmaster.

11 Q. Do you know what time he went to work and what time he got
12 home, about?

13 A. Probably about 6:00, left about 6:00, 7:00 and then got home
14 about 5:00, 4:00 or 5:00.

15 Q. What did your mother do?

16 A. Postmaster.

17 Q. What were her hours of work?

18 A. She would leave about 7:00, around 7:00.

19 Q. What time would she normally get home?

20 A. About 5:00, 4:00 or 5:00.

21 Q. Did that continue during the school year as well?

22 A. Yes, sir.

23 Q. Did you catch a bus to school or were you taken to school in
24 sixth grade?

25 A. I caught a bus.

1 Q. Where did you get on the bus? Where was the bus stop?

2 A. In front of my house.

3 Q. How long was your bus ride to school? Were you on the bus
4 for ten minutes, a half an hour?

5 A. It wasn't very long.

6 Q. Was your house one of the last stops before the school? Was
7 the bus pretty well full by the time you got on?

8 A. Yes, sir.

9 Q. In sixth grade you came home and stayed alone in the
10 afternoon if your grandmother didn't get you until your parents
11 came home, correct?

12 A. Yes, sir.

13 Q. Did sometimes friends come over to your house?

14 A. No, sir.

15 Q. You were always alone?

16 A. Yes, sir.

17 Q. In the fifth grade, the prior year, what did you do when you
18 got out of school?

19 A. I went to a baby-sitter.

20 Q. Who was the baby-sitter?

21 A. It was -- I forgot the name of the place. It was a day
22 care.

23 Q. It was a day care?

24 A. Uh-huh.

25 Q. Do you know the name at all?

1 A. No, sir.

2 Q. Where was it?

3 A. It was just outside of Bono or right in Bono.

4 Q. Did your parents have a rule that you could not have any
5 friends come over to your house?

6 A. Yes, sir.

7 Q. Did you ever break that rule?

8 A. No, sir.

9 Q. Did you ever get in trouble for not being where you were
10 supposed to be?

11 A. No, sir.

12 Q. Did you ever get kicked out of or removed from day care in
13 the fifth grade?

14 A. No, sir.

15 Q. Did you stay in day care throughout the entire school term
16 of the fifth grade?

17 A. Yes, I'm pretty sure.

18 Q. Did you start sixth grade staying at home or going to day
19 care?

20 A. Staying at home.

21 Q. In fourth grade were you in day care after school?

22 A. Yes, sir.

23 Q. The same one or a different one?

24 A. I can't remember. I think it was the same one though.

25 Q. In third grade did you go to day care?

1 A. Yes, sir.

2 Q. The same one or a different one?

3 A. I'm not real sure.

4 Q. In second grade after school did you go to day care or stay
5 at home?

6 A. Day care.

7 Q. At the end of first grade when you got out of school did you
8 go to day care or stay at home?

9 A. Day care.

10 Q. Can you give me the name of any day care you've ever stayed
11 at?

12 MR. PRICE: Object to relevancy.

13 Q. (By Mr. McDaniel) Go ahead.

14 A. No, sir.

15 Q. Can you give me the names of any day school or day care
16 teachers or supervisors that you had?

17 A. No, sir.

18 Q. Did you subscribe to any magazines or did your family have
19 magazines delivered to the home?

20 A. Yes.

21 Q. What magazines were delivered to your home?

22 A. JCPenney.

23 Q. What?

24 A. JCPenney.

25 Q. All right. Any others?

1 A. None that I can think of.

2 Q. Were there any hunting magazines in your home?

3 A. Yes, sir.

4 Q. Were there any gun and ammo or magazines that feature guns
5 or ammunition in your home?

6 A. Yes, sir.

7 Q. Do you remember the names of any of those?

8 A. No, sir.

9 Q. Did you ever look at those magazines?

10 A. Sometimes.

11 Q. Did you read the magazines or look at the pictures of the
12 guns and how they worked or stories about guns?

13 MR. PRICE: Refuse to answer that question.

14 Q. (By Mr. McDaniel) Did you ever print any material from the
15 internet about guns?

16 A. No, sir.

17 Q. Did you ever look at the internet and gain information about
18 guns from the internet?

19 A. No, sir.

20 Q. What kinds of sites on the internet would you visit you were
21 visiting internet sites?

22 A. I didn't get on the internet that much. I usually got on
23 there for school stuff, for school reports.

24 Q. When you got out of school and you came home alone, what did
25 you do with your time from the time you got home until your

1 parents came home from work later in the day?

2 A. Homework.

3 Q. Homework?

4 A. And I watched TV.

5 Q. What were your academic achievements or what were your
6 grades in sixth grade? How had they been?

7 A. I think I had As and Bs. I'm not real sure. I can't
8 remember.

9 Q. What were your grades in fifth grade?

10 A. I can't remember.

11 Q. Had you ever been expelled or suspended from school for any
12 reason?

13 A. No, sir.

14 Q. Had you ever been sent to the office for any reason?

15 A. Yes, sir.

16 Q. In the sixth grade were you ever sent to the office?

17 A. I can't remember.

18 Q. Just tell me all the times you can remember you were sent to
19 the office and why.

20 A. Once in the fourth grade for throwing paper on the bus.

21 Q. For what?

22 A. In fourth grade for throwing paper on the bus.

23 Q. Okay. After you were sent to the office, were your parents
24 notified of that? Did they discuss that with you?

25 A. Yes, sir.

1 Q. Any other time you were sent to the office?

2 A. Not that I can remember.

3 Q. In first grade, did you have any problems in school in first
4 grade?

5 A. Not that I can remember.

6 Q. Did you ever shoot another child with a pop gun that had
7 sand or dirt in the barrel?

8 MR. McDANIEL: Refuse to answer it.

9 Q. (By Mr. McDaniel) Prior to January 1 of 1998, did you ever
10 point at or shoot a pop gun or a toy gun with sand or dirt in the
11 barrel at a girl's face?

12 MR. PRICE: Refuse to answer it.

13 Q. (By Mr. McDaniel) Did you know that if someone prior to
14 March 24, 1998, did you know at that time if someone was shot
15 with a high-powered rifle that it might kill them? Did you know
16 that?

17 MR. McDANIEL: Refuse to answer that question.

18 Q. (By Mr. McDaniel) Did you know if you shot someone with a
19 high-powered rifle prior to March 24 of 1998 that it could
20 inflict serious injury or death upon them?

21 MR. PRICE: Refuse to answer that question.

22 Q. (By Mr. McDaniel) Whether you shot -- let me rephrase the
23 question this way. From your observations of television,
24 magazines, books, videos or personal observations, did you know
25 that if someone were shot with a high-powered rifle it might kill

1 them?

2 MR. PRICE: Refuse to answer.

3 Q. (By Mr. McDaniel) When you were in school, were any notes
4 ever sent home to your parents concerning discipline?

5 A. Not that I can remember.

6 Q. I want to go now to very briefly to the day of the event at
7 the Westside School on March 24 of 1998.

8 MR. PRICE: My client will refuse to answer any
9 questions concerning that day.

10 MR. McDANIEL: Your Honor, I take it there is going to
11 be a blanket one, so any question I would ask concerning where
12 you went, what you did, who said what, who did what, what you
13 observed, what, if any, events took place, he would be instructed
14 not to answer?

15 MR. PRICE: Yes, sir; that's correct.

16 THE COURT: Mr. Price, I need for you to clarify the
17 reason you're directing him to invoke the Fifth. One area I can
18 understand. But as far as new charges being brought, they would
19 have to be by law juvenile charges. I just visited with the
20 prosecutor, and I'm going to probably have him make some kind of
21 statement on it in a minute. Mr. Davis is on the way back from
22 Little Rock, and Alan is not prepared to answer for them to do
23 anything at all.

24 MR. PRICE: For the record, Alan Copelin, the deputy
25 prosecutor?

1 THE COURT: Alan Copelin, the deputy prosecutor, I
2 addressed the issue to him and they're trying to resolve that
3 from their office. If they can, they'll tell us so. If they
4 can't, they'll indicate that. So that's -- but the thing that
5 gets me is that they can't bring any new charges in a juvenile
6 forum that would produce any more punishment than what was meted
7 out if they filed ten thousand charges. He got all he could
8 possibly get.

9 MR. PRICE: I agree with the court that he received the
10 maximum punishment under the juvenile delinquency laws.

11 THE COURT: And the juvenile court can't do anymore
12 than what it did regardless of the number of additional charges.
13 So I think it's kind of superfluous to say that the Fifth
14 Amendment should be invoked to protect him against new charges.
15 Now on the other hand, if all of your objections are directed
16 toward if he answers these questions it goes to the issue of his
17 competency and his ability to understand and articulate
18 circumstances and events and his knowledge of them, then maybe
19 they're well-taken.

20 MR. PRICE: This last batch of questions dealt with the
21 day in question.

22 MR. McDANIEL: Yes.

23 THE COURT: As far as the central issue of the appeal
24 and the only issue that it would even have any bearing, I think,
25 would be whether or not his competency.

1 MR. PRICE: And also it would be the insanity defense
2 which we've also raised.

3 THE COURT: I'm not sure an insanity defense is
4 applicable in a civil case. I think you could probably call a
5 person who was incompetent and question them. I don't know
6 whether you would want to or not. As far as your potential claim
7 for his competency, some of these questions might tend to show
8 that because of his actions and his conduct that he knew and
9 comprehended and understood what he was doing. So they might be
10 well-taken. Has a competency hearing been done?

11 MR. PRICE: No, sir. Judge --

12 THE COURT: Has an examination been performed? Is that
13 available?

14 MR. PRICE: The judge refused to allow me to argue that
15 at the juvenile court proceeding.

16 THE COURT: I think at the juvenile proceeding it
17 certainly would be relevant as to any potential punishment that
18 might be meted out. But as far as guilt or innocence in a
19 juvenile proceeding, I don't think it would be relevant.

20 MR. PRICE: My arguments to the trial court at the time
21 were that we could raise competency and also insanity with the
22 criminal code and those were defenses that would apply to a
23 juvenile as well as an adult defendant.

24 THE COURT: He's not going to be subjected to the adult
25 criminal code ever.

1 MR. PRICE: But he's charged with the adult criminal
2 code as a juvenile. He's charged with five counts of capital
3 murder, ten counts of battery, and my argument was the same
4 criminal code that filed charges against him also contains
5 defenses that he should be allowed to -- or the state should not
6 be allowed to charge him under the charges but deny him the right
7 to argue defenses under the same code.

8 THE COURT: And I think Judge Wilson ruled because he
9 was status offender that that didn't apply.

10 MR. PRICE: That's essentially his ruling.

11 MR. ROBERTS: If Your Honor please, Mike Roberts on
12 behalf of Mitchell Johnson. Did I understand the court to say
13 that you have spoken to the prosecutor about Mr. Golden and about
14 the potentiality of Mr. Golden being indicted?

15 THE COURT: That's not the way I put it. I went down
16 and told him that a deposition was being taken and the Fifth
17 Amendment was being invoked and that I wanted to know what the
18 prosecutor's position would be on any statement that might be
19 made relative to new charges or any statement that might be made
20 that would potentially be used to demonstrate competency or
21 knowledge or intent.

22 MR. ROBERTS: I certainly would want the court to
23 inquire about my client and the potentiality of further charges
24 being brought against Mitchell Johnson. I will be up next in
25 this deposition and anticipating invoking the Fifth Amendment

1 selectively as is counsel presently. And if the prosecutor is
2 presently willing to put on the record, Your Honor, that there
3 will be no more criminal charges against Mitchell Johnson, then
4 that would speed up his deposition substantially.

5 THE COURT: Well, I'm not sure he's ready to do that.
6 We haven't gotten a hold of Mr. Davis, who is an elected
7 prosecutor. I'm sure he'll want to make that decision. I did
8 limit it to either of the young men. I said that that was an
9 issue that was occurring in the civil case; what was their
10 position? Of course, he wants to find out from his boss. Your
11 client is in a little bit different situation. He's plead guilty
12 to the juvenile proceedings and there is no pending appeal.

13 MR. ROBERTS: I agree, Your Honor, it is different.
14 But just for the sake of the record here, if the prosecutor is
15 going to make a statement on the record, then I would like him to
16 consider --

17 THE COURT: I don't know that he's going to do that. I
18 just approached him with the problem that was developing, and I'm
19 not even sure that that would solve it.

20 MR. McDANIEL: Judge, I hate to interrupt but can we
21 get back to the deposition?

22 THE COURT: Yeah.

23 MR. CAHOON: I would just like to make this statement
24 at this time with all due respect to the court. If there are
25 going to be any further ex parte communications with the office

1 of the prosecuting attorney as it might affect the deposition in
2 this case, I would like these parties to be a party to those
3 communications.

4 THE COURT: I'm reporting to you. Before I left here,
5 I told I was going to walk down the hall and see what their
6 position was. I thought that was -- I sure wasn't trying to do
7 it behind anybody's back.

8 *Mr. McD* THE COURT: Judge, I'm being charged probably three
9 dollars and a half a page for these ramblings of lawyers talking
10 about things that aren't relevant to this deposition. I'd like
11 to get on with my deposition.

12 MR. CAHOON: How can it not be relevant to the
13 deposition when the court is making rulings of questions that are
14 being asked? These rulings are being made based in some part
15 upon communications that are taking place outside this room.

16 MR. McDANIEL: Your Honor, may I proceed with my
17 deposition?

18 THE COURT: Yes, you can proceed.

19 MR. ROBERTS: For the record, Your Honor, Mike Roberts
20 on behalf of Mitchell Johnson. I have absolutely no objection to
21 the court talking to the prosecutor whatsoever.

22 Q. (By Mr. McDaniel) Mr. Golden, in terms of events of March
23 24th, 1998, are you going to refuse to answer each and every
24 question I ask of you about what occurred that day?

25 MR. McDANIEL: And, Mr. Price, are you going to

1 instruct him not answer?

2 MR. PRICE: Yes, sir, that's correct. He will refuse
3 to answer.

4 Q. (By Mr. McDaniel) Before March 24 of 1998, I want to ask
5 you all contact you had with Mitchell Johnson before that date,
6 not related to the events of the shooting itself, do you
7 understand? In other words, I'm going to ask you, for example,
8 did you know Mitchell Johnson, yes or no. Did you know Mitchell
9 Johnson?

10 A. Yes, sir.

11 Q. How long had you known Mitchell Johnson?

12 A. I'm not sure, sir.

13 Q. Did you know him in fifth grade?

14 A. Yes.

15 Q. Did you know him in fourth grade?

16 A. No, sir.

17 Q. Did you ever go to his house or did he ever come to your
18 house?

19 A. No, sir.

20 Q. Did you all talk after school?

21 A. On the bus.

22 Q. On the bus?

23 A. Yes.

24 Q. Did you ride the same bus?

25 A. Yes, sir.

1 Q. I'm going to ask you a question now that your lawyer may
2 instruct you not to answer, this series of questions. Why did
3 you shoot some of the people at the Westside School?

4 MR. PRICE: Refuse to answer this question.

5 Q. (By Mr. McDaniel) Did you intend to hurt or kill any one
6 individual specifically?

7 MR. PRICE: Refuse to answer the question.

8 Q. (By Mr. McDaniel) Was anyone targeted by you specifically
9 to kill or to injure?

10 MR. PRICE: Refuse to answer.

11 Q. (By Mr. McDaniel) Did you and Mitchell Johnson at any time
12 talk about who you were going to kill and why?

13 MR. PRICE: Refuse to answer.

14 Q. (By Mr. McDaniel) Did you and Mitchell Johnson at any time
15 talk about the circumstances by which this shooting incident
16 would develop and take place?

17 MR. PRICE: Refuse to answer.

18 Q. (By Mr. McDaniel) Were you in Kelly Taylor's Day Care at
19 any time?

20 A. Yes.

21 Q. Why were you pulled out of Kelly Taylor's Day Care, do you
22 know?

23 A. No, sir.

24 Q. Do you know Becky Shannon, a school bus driver, Ms. Shannon?

25 A. Yes, sir.

1 Q. Was she your school bus driver for sixth grade?

2 A. Yes, sir.

3 Q. Did you ever have any problems or difficulties with Ms.
4 Shannon?

5 A. No, sir.

6 Q. Did Ms. Shannon ever have to discipline you in any way while
7 on the bus?

8 A. No, sir.

9 Q. Do you know an individual by the name of Johnathon Woodard?

10 A. Yes, sir.

11 Q. Was he a friend of yours?

12 A. Yes, sir.

13 Q. How long had you known Johnathon Woodard?

14 A. I'm not real sure.

15 Q. Was Johnathon Woodard an African-American or a black boy or
16 Caucasian?

17 A. He was black, sir.

18 Q. Did he go to Westside School?

19 A. Yes, sir.

20 Q. I'm not talking about March 24 of 1998. I'm talking about
21 on other occasions had you talked with him?

22 A. Yes, sir.

23 Q. Did you consider him your friend?

24 A. Yes, sir.

25 Q. Did you ever go to his house or he come to yours?

1 A. No, sir.

2 Q. Did you ride the same bus?

3 A. No, sir.

4 Q. Did you visit during recess or out in the halls or at lunch?

5 A. Yes, sir.

6 Q. Did you tell Johnathon Woodard that you were going to shoot
7 people at Westside School about three or four months before the
8 shooting actually took place?

9 MR. PRICE: Refuse to answer the question.

10 Q. (By Mr. McDaniel) Were you ever brought into the school in
11 the presence of either Ms. Render or anyone else to discuss a
12 claim that you had told Mr. Woodard, Johnathon Woodard, that you
13 were going to shoot someone?

14 MR. PRICE: Refuse to answer the question.

15 Q. (By Mr. McDaniel) Who was your principal at Westside
16 School?

17 A. Mrs. Curtner.

18 Q. Did you ever have a discussion with Mrs. Curtner about a
19 statement that you allegedly made to Johnathon Woodard about
20 shooting someone?

21 MR. PRICE: Refuse to answer.

22 Q. (By Mr. McDaniel) Did at any time Mrs. Curtner order you to
23 get counseling while you were a student at Westside School?

24 MR. PRICE: Refuse to answer.

25 MR. McDANIEL: Val, I don't see how that could be

1 incriminating if he was ordered to get counseling. Are you
2 seriously telling him not to answer that?

3 MR. PRICE: At this point.

4 Q. (By Mr. McDaniel) Did you ever get any counseling from the
5 time you were born up until the time of March 24 of 1998?

6 A. No, sir.

7 Q. Did you ever go to a psychologist or a psychiatrist or a
8 counselor of any type for therapy of any -- mental therapy of any
9 sort?

10 A. No, sir.

11 Q. To your knowledge were your parents ever told to put you in
12 counseling or take you to a therapist or get you some
13 consultation concerning mental health at any time?

14 A. No, sir.

15 Q. Were you ever placed on any medication relative to mental
16 health?

17 A. No, sir.

18 Q. Did you ever take a drug for example called Ritalin?

19 A. No, sir.

20 Q. Did you ever take a drug called Prozac?

21 A. No, sir.

22 Q. Did you ever take any prescription medication other than
23 antibiotics when you had the flu or something like that?

24 A. No, sir.

25 Q. Are you on any medications of any kind now?

1 A. No, sir.

2 Q. When is the last time that you can remember that you took
3 any prescription medications?

4 A. I can't remember.

5 Q. At your grandparent's home, were you ever there when they
6 got locked out of the home?

7 A. No, sir.

8 Q. Where did they keep the hidden key to the house?

9 A. I don't know.

10 Q. I'm sorry?

11 A. I don't know, sir.

12 Q. What door would you usually enter when you went to visit
13 your grandparents?

14 A. The back door.

15 Q. The back door?

16 A. The back door.

17 Q. Is that the door that comes in almost underground?

18 A. No, sir.

19 Q. The back door back by the garage, is that the one you're
20 talking about, by the carport?

21 A. Yes, sir.

22 Q. Where you come in by the kitchen?

23 A. Yes, sir.

24 Q. Were you familiar with the other doors to the house? Did
25 you know where they were?

1 A. Yes, sir.

2 Q. Had you seen guns at your grandparent's house other than in
3 the gun rack, like on top of the refrigerator or in bedrooms?

4 MR. PRICE: Refuse to answer the question.

5 Q. (By Mr. McDaniel) Were you familiar with a fence around
6 your grandparent's home?

7 A. Yes, sir.

8 Q. Had you played out there around the home since you were a
9 small child?

10 A. Yes, sir.

11 Q. Had you climbed over that fence to go play in the fields and
12 stuff?

13 A. Yes, sir.

14 Q. Had you played out in that field with your grandparents
15 present?

16 A. Yes, sir.

17 Q. Climbed the fence with your grandparents present?

18 A. Yes, sir.

19 Q. Had you known that they had a shop building out by the
20 house?

21 A. Yes, sir.

22 Q. And they kept tools and equipment in the shop building?

23 A. Yes, sir.

24 Q. Did you go to church prior to March 1998? Did you attend a
25 church?

1 A. No, sir.

2 Q. Have you ever attended church?

3 A. Yes, sir.

4 Q. When is the last time before March of 1998 you remember
5 attending any church?

6 A. I can't remember, sir.

7 Q. Had you attended a church any time while you were in the
8 sixth grade?

9 A. Not that I can remember.

10 Q. Do you remember attending a church while you were in the
11 fifth grade?

12 A. I can't remember, sir.

13 Q. Do you remember the denomination or the type of church it
14 was that you attended if you ever remember going --

15 MR. ROBERTS: Objection relevancy.

16 Q. (By Mr. McDaniel) Go ahead and answer.

17 A. Baptist.

18 Q. Were you a member of any groups or clubs or organizations
19 while you were in the sixth grade?

20 A. Like what?

21 Q. Like anything. Anywhere from a school club to boy scouts to
22 you name it, any clubs or organizations of any kind.

23 A. No.

24 Q. No?

25 A. No, sir.

1 Q. Had you ever told anyone prior to March 24 of 1998 that you
2 were either in or affiliated with a gang?

3 A. No, sir.

4 Q. Prior to March 24 of 1998 had you ever used any illegal
5 drugs?

6 A. No, sir.

7 Q. Prior to March 24 of 1998 had you ever consumed alcoholic
8 beverages?

9 A. No, sir.

10 Q. Had you ever observed Mitchell Johnson use any illegal drugs
11 of any kind, marijuana or any other drug?

12 A. No, sir.

13 Q. Had you ever heard Mitchell Johnson say that he had used
14 drugs such as marijuana or anything else?

15 MR. ROBERTS: Objection hearsay. Objection competency.

16 Q. (By Mr. McDaniel) Go ahead and answer.

17 A. Yes, sir.

18 Q. Yes?

19 A. Yes, sir.

20 Q. What did Mitchell tell you that his drug use or what he had
21 done with drugs --

22 MR. ROBERTS: Objection hearsay. I'm sorry, Mr.
23 McDaniel. I apologize.

24 MR. McDANIEL: No, go ahead.

25 MR. ROBERTS: No, go ahead and finish your sentence.

1 Objection hearsay. Objection competency.

2 Q. (By Mr. McDaniel) Go ahead and answer it.

3 A. What was the question?

4 Q. I can't hear you.

5 MR. PRICE: Repeat the question.

6 Q. (By Mr. McDaniel) What had Mitchell Johnson told you in the
7 past about him using drugs, whether it's marijuana or anything
8 else or alcohol.

9 MR. ROBERTS: Objection --

10 Q. (By Mr. McDaniel) Tell me what he told you.

11 MR. ROBERTS: Objection hearsay, competency,
12 foundation, leading.

13 Q. (By Mr. McDaniel) Go ahead.

14 A. He said he had found some of his dad's marijuana and smoked
15 it.

16 Q. When did this conversation take place?

17 MR. ROBERTS: Objection hearsay, competency,
18 foundation, leading.

19 A. I can't remember.

20 Q. (By Mr. McDaniel) Was it in sixth grade?

21 MR. ROBERTS: Objection hearsay, competency,
22 foundation, leading.

23 A. I think it was.

24 MR. MCDANIEL: For these questions about this, I will
25 agree that's a continuing objection.

1 MR. ROBERTS: Continuing objection.

2 Q. (By Mr. McDaniel) Where were you when this conversation
3 took place?

4 A. I can't remember.

5 MR. ROBERTS: Objection.

6 Q. (By Mr. McDaniel) When he told you that he had found some
7 of his dad's marijuana, what did he tell you he did with it?

8 MR. ROBERTS: Objection.

9 A. He said he had smoked it.

10 Q. (By Mr. McDaniel) Did he tell you anything about the effect
11 of the smoking of the marijuana, how it affected it?

12 MR. ROBERTS: Objection.

13 A. No, sir.

14 Q. (By Mr. McDaniel) Did you ever smoke any marijuana?

15 A. No, sir.

16 Q. Did you ever tell anyone that you had?

17 A. No, sir.

18 Q. Did Mitchell Johnson brag to either you or anyone else that
19 he had smoked marijuana other than the incident you've told me
20 about?

21 MR. ROBERTS: Objection. Continuing objection.

22 A. Yes, sir.

23 Q. (By Mr. McDaniel) Tell me about the other things Mitchell
24 Johnson had said about the use of marijuana.

25 MR. ROBERTS: Objection. Continuing objection.

1 A. It was the same thing but just other people told me about
2 it.

3 Q. (By Mr. McDaniel) Who were some of the other people he told
4 about that?

5 MR. ROBERTS: Objection. Continuing objection.

6 MR. McDANIEL: I'll agree with you it's continuing as
7 to all questions related to the marijuana.

8 *Asks* MR. McDANIEL: Mr. McDaniel, I just want to make sure
9 I'm making a good record.

10 MR. McDANIEL: Certainly. No problem.

11 A. Other of his friends.

12 Q. (By Mr. McDaniel) Who?

13 A. Josh Brand.

14 Q. Josh who?

15 A. Brand.

16 Q. B-R-A-N-D?

17 A. Uh-huh.

18 Q. Okay. Who else?

19 A. That's all I can think of.

20 Q. I can't hear you.

21 A. That's all I can think of.

22 Q. Who were your friends in sixth grade? Who did you consider
23 your friends?

24 A. Johnathon Woodard.

25 Q. Johnathon Woodard?

- 1 A. Johnathon Newman.
- 2 Q. I can't hear you.
- 3 A. Johnathon Newman.
- 4 Q. Johnathon Newman?
- 5 A. (Witness nodding affirmatively.)
- 6 Q. How do you spell his last name?
- 7 A. I'm not real sure.
- 8 Q. Okay. Who else?
- 9 A. Triston Brewer.
- 10 Q. Who?
- 11 A. Triston Brewer.
- 12 Q. Triston Brewer?
- 13 A. Yes, sir.
- 14 Q. Okay. You're going to have to speak up louder for us now.
- 15 Go ahead. Who else were your friends?
- 16 A. That's really it.
- 17 Q. So you only had three friends in sixth grade?
- 18 A. About.
- 19 Q. Was Mitchell Johnson a friend?
- 20 A. Yes, sir.
- 21 Q. Did you ever spend the night at any of your friend's homes
- 22 in the sixth grade?
- 23 A. No, sir.
- 24 Q. Did any of your friends ever spend the night at your home in
- 25 sixth grade?

1 A. No, sir.

2 Q. Who were Mitchell Johnson's friends?

3 MR. ROBERTS: Objection. Continuing.

4 A. I'm not real sure.

5 Q. (By Mr. McDaniel) When Mitchell Johnson told you about
6 smoking the marijuana -- and I realize it's a continuing
7 objection -- did he tell you how he smoked it, with a pipe or
8 cigarette papers or how he smoked it?

9 MR. ROBERTS: Objection. Continuing.

10 A. He said he had cigarette papers.

11 Q. (By Mr. McDaniel) That he had cigarette papers. Did he
12 tell you who taught him how to roll a cigarette?

13 MR. ROBERTS: Objection. Continuing.

14 A. Huh-uh.

15 Q. (By Mr. McDaniel) Did he tell you how he knew how to roll a
16 cigarette?

17 MR. ROBERTS: Objection. Continuing.

18 A. No, sir.

19 Q. (By Mr. McDaniel) Did he tell you how often he had smoked
20 marijuana?

21 MR. ROBERTS: Objection. Continuing.

22 A. No, sir.

23 MR. McDANIEL: Mr. Price, do I understand if I ask
24 questions concerning his prior experience with gun training and
25 from whom he had had gun training, you're going to object to

1 those?

2 MR. PRICE: Yes, sir.

3 MR. McDANIEL: You all, would this be an appropriate
4 time to take a five-minute break for the court reporter and for
5 counsel if we may?

6 (A lunch break was taken.)

7 Q. (By Mr. McDaniel) Mr. Golden, I want to pick up where we
8 left off, and I'll vary some questions and come back to some
9 things. Again, the same rule as you realize you're oath, right?

10 A. Yes, sir.

11 Q. Prior to March 24 of 1998, had you ever killed any animals?

12 A. (No Response.)

13 Q. It's a yes or no.

14 A. Yes. Yes, sir.

15 Q. What animals or types of animals had you killed in your
16 life?

17 A. Squirrels.

18 Q. Squirrels? Had you ever killed any cats?

19 A. No, sir.

20 Q. Had you ever killed any animals other than squirrels?

21 A. Ducks.

22 Q. Ducks?

23 A. Yes, sir.

24 Q. Any other animals?

25 A. No, sir.

1 Q. Did you kill the ducks while they were sitting or flying?

2 A. Flying.

3 Q. So then you would have shot them with a shotgun?

4 A. Yes, sir.

5 MR. PRICE: Refuse to answer that question.

6 Q. (By Mr. McDaniel) As far as the squirrels were concerned,
7 did you kill them with a stick or a rock?

8 A. No, sir.

9 Q. Did you kill them with a gun?

10 MR. PRICE: Refuse to answer that question.

11 Q. (By Mr. McDaniel) I want to go back to a question, and I
12 want to make sure that you understand it. I asked you if in
13 school you had gotten in trouble for pointing a little pop gun or
14 a toy gun at a girl and shooting her and whether it was filled
15 with sand or rocks or dirt, and you said you don't remember doing
16 that. Is that right?

17 MR. PRICE: Refuse to answer it.

18 MR. McDANIEL: I think he already answered that and
19 discussed that, Val.

20 MR. PRICE: I'm not sure.

21 Q. (By Mr. McDaniel) Do you remember that?

22 A. No, sir.

23 Q. Do you remember going to the office and getting a paddling
24 for doing that when you were in first grade, I believe it was?

25 A. I think.

1 Q. You think you do remember that?

2 A. Yes.

3 Q. You have to speak up.

4 A. Yes, sir.

5 Q. When you got the paddling, were your parents notified that
6 you got the paddling?

7 A. Yes, sir.

8 Q. Were your grandparents notified?

9 A. I'm not sure.

10 Q. Did either your parents or grandparents come to the school
11 and tell the school that you were not to be paddled again?

12 A. I don't remember.

13 Q. You remember now what you got the paddling for, don't you?

14 A. Yes, sir.

15 Q. Tell me why you got paddled at school.

16 A. For pointing a gun, a pop gun at a girl.

17 Q. For pointing a pop gun at a girl?

18 A. Yes, sir.

19 Q. Who was the girl?

20 A. I don't remember her name.

21 Q. You did more than point the pop gun at her, didn't you? You
22 pulled the trigger and the air discharged some grass or sand or
23 dirt or rocks at her face, didn't it?

24 A. Yes, sir.

25 Q. Yes?

1 A. Yes, sir.

2 Q. Had you ever pointed a gun at anyone else?

3 MR. PRICE: Refuse to answer.

4 Q. (By Mr. McDaniel) Do you refuse to answer that?

5 A. Yes, sir.

6 Q. Do you remember an incident in which a man had shot a deer
7 and your dog went over by the deer? Do you remember that
8 incident and there was a confrontation of sorts? Do you remember
9 that?

10 A. No, sir.

11 Q. Do you remember an incident where your dog tried to get on a
12 deer that a man had shot and he tried to take your dog away from
13 the deer? Do you remember that?

14 A. No, sir.

15 Q. Do you remember any incident in which you had a
16 confrontation with a man about your dog?

17 A. No, sir.

18 Q. Did you ever point gun at a man relating to an incident
19 involving your dog?

20 MR. PRICE: Refuse to answer.

21 Q. (By Mr. McDaniel) Do you refuse to answer?

22 A. Yes, sir.

23 Q. Did you ever go down to Weiner or in the Weiner area for
24 recreational purposes?

25 A. Yes, sir.

1 Q. How frequently would you go to the Weiner area for
2 recreational purposes?

3 A. Every now and then.

4 Q. Every now and then?

5 A. (Witness nodding affirmatively.)

6 Q. Was it more in the summer than in the winter?

7 A. No, it was winter.

8 Q. It was what?

9 A. Winter.

10 Q. You went more in the winter than the summer?

11 A. Yes, sir.

12 Q. Did you engage in conduct at Weiner involving things such as
13 throwing food at your mother, kicking at your mother or yelling
14 at your mother?

15 A. No, sir.

16 Q. Do you know a Mrs. Criter?

17 A. Yes, sir.

18 Q. Who is Jan Criter?

19 A. Terry Criter's wife.

20 Q. Where do you know them from and what's your relationship
21 with them?

22 A. They were my parent's friends.

23 Q. Did they spend time around you and your parents?

24 A. Yes, sir.

25 Q. Did you spend time with them down at Weiner?

1 A. Yes, sir.

2 Q. Did you engage in shooting activities down at Weiner with
3 them present?

4 MR. PRICE: Refuse to answer.

5 Q. (By Mr. McDaniel) Do you know a Mrs. Mackelvoy?

6 A. No, sir.

7 Q. Betty Mackelvoy?

8 A. No, sir.

9 Q. Had you ever gone to any organized training on how to safely
10 handle a firearm?

11 MR. PRICE: Refuse to answer.

12 Q. (By Mr. McDaniel) Have you ever had any training in gun
13 repair?

14 MR. PRICE: Refuse to answer.

15 MR. McDANIEL: Val, do you suggest that that could
16 incriminate him?

17 MR. PRICE: Yes, sir.

18 MR. McDANIEL: Okay.

19 Q. (By Mr. McDaniel) Have you ever taken a gun apart?

20 MR. PRICE: Refuse to answer.

21 Q. (By Mr. McDaniel) Do you know what a trigger lock is?

22 MR. PRICE: Refuse to answer.

23 MR. McDANIEL: His knowledge of knowing what a trigger
24 lock is, you're instructing him to answer?

25 MR. PRICE: Yes, sir.

1 MR. McDANIEL: We'll get back to that.

2 Q. (By Mr. McDaniel) Have you ever seen a trigger lock before?

3 MR. PRICE: Refuse to answer.

4 MR. McDANIEL: Is the judge around?

5 MR. ROBERTS: He's still -- for your information, he's
6 still at the --

7 MR. PRICE: He was still at lunch when I came back.

8 MR. ROBERTS: He was down to his cold drink though.

9 Q. (By Mr. McDaniel) Had you ever received any other in-school
10 suspensions or disciplines other than the padding in the first
11 grade or anything else we've talked about?

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

13 Q. I want to ask you some questions and see if you remember any
14 of these circumstances. Did you ever tell anyone you could get
15 to or gain access to your family's weapons?

16 MR. PRICE: Refuse to answer.

17 Q. (By Mr. McDaniel) Did you ever have difficulty getting
18 other children to play with you?

19 A. No, sir.

20 Q. To your knowledge had any other children ever been told by
21 their parents not to play with you?

22 MR. PRICE: Object to hearsay.

23 Q. (By Mr. McDaniel) Go ahead and answer.

24 A. No, sir.

25 Q. Did you own a knife back in 1998?

1 MR. PRICE: Refuse to answer.

2 Q. (By Mr. McDaniel) Did you own a hunting knife in 1998?

3 MR. PRICE: Refuse to answer.

4 Q. (By Mr. McDaniel) Did you have access to a hunting knife
5 before March 24 of 1998?

6 MR. PRICE: Refuse to answer.

7 Q. (By Mr. McDaniel) Did you ever wear a knife strapped to
8 your leg?

9 MR. PRICE: Refuse to answer.

10 Q. (By Mr. McDaniel) Did you ever wear a knife in public on
11 your person?

12 MR. PRICE: Refuse to answer.

13 Q. (By Mr. McDaniel) Did you wear camouflage as clothing to
14 school on occasion?

15 A. Sometimes.

16 Q. Did you wear camouflage when you were not in school?

17 A. Sometimes.

18 Q. Your attorney has indicated that you are intending to or
19 have attempted to interpose a defense of insanity to the Westside
20 shootings. Did you hear him say that?

21 A. Yes, sir.

22 Q. Do you claim that you were insane on March 24 of 1998?

23 MR. PRICE: Refuse to answer.

24 Q. (By Mr. McDaniel) In March of 1998 did you know who you
25 were and where you were and what you were doing?

1 MR. PRICE: Refuse to answer.

2 Q. (By Mr. McDaniel) On March 24 of 1998 did you know your
3 name?

4 A. Yes, sir.

5 Q. On March 24 of 1998 did you know where you lived? Could you
6 see your home and recognize it as yours from the street?

7 A. Yes, sir.

8 Q. On March 24, 1998 did you know who your parents were?

9 A. Yes, sir.

10 Q. On March 24, 1998 did you know who your teachers were?

11 A. Yes, sir.

12 Q. March 24, 1998 did you know where you went to school?

13 A. Yes, sir.

14 Q. March 24, 1998 did you know Mitchell Johnson?

15 A. Yes, sir.

16 Q. March 24, 1998 did you know individuals involved in this
17 lawsuit?

18 MR. PRICE: Refuse to answer.

19 Q. (By Mr. McDaniel) On March 24 of 1998 did you know that it
20 was wrong to kill somebody?

21 MR. PRICE: Refuse to answer.

22 Q. (By Mr. McDaniel) March 24 of 1998 did you know that some
23 things were okay to do and some things were not okay to do? Did
24 you know that?

25 MR. PRICE: Refuse to answer.

1 Q. (By Mr. McDaniel) March 24 of 1998 were you aware of your
2 surroundings, where you were, what day of the week it was, what
3 time of day it was and the circumstances that you were in?

4 MR. PRICE: Refuse to answer.

5 Q. (By Mr. McDaniel) Have you ever had any psychiatric
6 counseling up until today?

7 MR. PRICE: Refuse to answer.

8 MR. McDANIEL: I'm not asking what they said; I'm
9 asking whether it's ever occurred, and I think I'm entitled to
10 know that.

11 MR. PRICE: Refuse to answer.

12 Q. (By Mr. McDaniel) While you've been in custody, who have
13 you talked to about the Westside incident?

14 MR. ROBERTS: Objection.

15 MR. PRICE: And refuse to answer.

16 Q. (By Mr. McDaniel) Have you talked to any lawyers besides
17 Mr. Price?

18 MR. PRICE: Refuse to answer.

19 Q. (By Mr. McDaniel) Has any lawyer represented you other than
20 Mr. Price?

21 MR. PRICE: Refuse to answer.

22 Q. (By Mr. McDaniel) Have you been charged in any federal
23 criminal proceeding?

24 MR. PRICE: Refuse to answer.

25 MR. ROBERTS: Objection.

1 Q. (By Mr. McDaniel) Have you been sentenced to any sentence
2 other than what has been imposed upon you from the Craighead
3 County Juvenile Court?

4 MR. ROBERTS: Objection.

5 MR. PRICE: Refuse to answer.

6 Q. (By Mr. McDaniel) To your knowledge are any charges pending
7 or about to be brought or you think might be brought against you?

8 MR. PRICE: Refuse to answer.

9 MR. ROBERTS: Objection.

10 Q. (By Mr. McDaniel) Have you ever been disciplined by your
11 family?

12 A. Yes, sir.

13 Q. What type discipline has your family used upon you?

14 A. Like what? Like what?

15 Q. Well, like spankings.

16 A. Yeah.

17 Q. Being told to stay in your room?

18 A. Yes, sir.

19 Q. Denial of privileges?

20 A. Yes, sir.

21 Q. Being yelled at?

22 A. Not really.

23 Q. Any other type punishments that your parents had imposed
24 upon you?

25 A. No, sir.

1 Q. What about your grandparents, did they ever impose any
2 punishments on you?

3 A. No, sir.

4 Q. What type activities would you do that would get you
5 spanked?

6 A. Cussing, stuff like that.

7 Q. Cussing and what else?

8 A. That's about it.

9 Q. How often would you get a spanking?

10 A. Not very often.

11 Q. How often is that, once a week, once a month, once a year?
12 How often would you get a spanking?

13 A. Probably once or twice a year.

14 Q. Who would spank you?

15 A. Dad, mom.

16 Q. What type action would you engage in that would result in
17 you being ordered to stay in your room as discipline?

18 A. Staying out too late or something like that.

19 Q. Staying out too late?

20 A. Or staying on the phone too long.

21 Q. Staying on the phone too long. What else?

22 A. (No Response.)

23 Q. When you would stay out too late, what time would you come
24 in that you would get in trouble so you would have to stay in
25 your room?

1 A. Usually my parents gave me like a time to be back, over 30
2 minutes or something like that.

3 Q. What about denial of privileges, what activities would you
4 engage in for denial of privileges?

5 A. About the same thing.

6 Q. When you got the spanking at school and you got home, did
7 you get another spanking when you got home?

8 A. Yes, sir.

9 Q. So your parents definitely knew about the pop gun incident
10 and shooting the child in the face because they spanked you for
11 it too?

12 A. Yes, sir.

13 Q. Have you ever been the subject of any physical abuse?

14 A. No, sir.

15 Q. Have you ever been the victim of any sexual abuse by anyone?

16 A. No, sir.

17 Q. Inappropriate touching?

18 A. No, sir.

19 Q. Have you ever abused anyone else sexually or physically?

20 A. No, sir.

21 Q. Have you ever shot at anyone else other than on March 24 of
22 1998?

23 MR. PRICE: Refuse to answer.

24 Q. (By Mr. McDaniel) Have you ever had any fights in your
25 life?

1 A. Not that many.

2 Q. You don't remember ever having any fights?

3 A. No. I said not that many.

4 Q. Not that many?

5 A. Huh-uh.

6 Q. How many have you had?

7 MR. PRICE: Refuse to answer.

8 Q. (By Mr. McDaniel) Have you ever had any prior contact with
9 the police?

10 A. No, sir.

11 Q. Have you ever set any fires?

12 A. No, sir.

13 Q. Have you given any interviews to anyone about what happened
14 or lead up to what happened at the Westside School?

15 ? MR. McDANIEL: Refuse to answer.

16 Q. (By Mr. McDaniel) To your knowledge have any of your family
17 members given any interviews as to what happened about the
18 Westside School incident?

19 MR. PRICE: Refuse to answer and also hearsay, both.

20 MR. McDANIEL: Val, help me out. How is it potentially
21 incriminating to him if he knows his parents gave an interview?
22 Help me out here.

23 MR. PRICE: Well, first of all, I think it would be
24 hearsay. He would have no direct knowledge of his parents --

25 MR. McDANIEL: This is discovery. You're not going to

1 report him not to answer that, are you?

2 MR. PRICE: You can go ahead and answer that question.

3 Q. (By Mr. McDaniel) Do you know about your parents giving any
4 interviews?

5 A. No, sir.

6 Q. Or your grandparents?

7 A. No, sir.

8 Q. Do you agree that it would be wrong if you got paid any
9 money for a story, a movie or a book or an interview or anything
10 related to this Westside incident? Do you agree that would be
11 wrong?

12 MR. ROBERTS: Objection. Leading, speculative.

13 Q. (By Mr. McDaniel) Go ahead and answer.

14 A. Yes, sir.

15 Q. Do you agree that you will not ever take any benefits, any
16 money or any profit from this incident?

17 A. Yes, sir.

18 Q. Do you know of anyone who has been paid anything relating to
19 this Westside incident?

20 A. No, sir.

21 Q. Have you had a chance to talk to Mitchell Johnson from the
22 time that you were placed in police custody up until today?

23 MR. PRICE: Refuse to answer.

24 Q. (By Mr. McDaniel) How many times have you talked to
25 Mitchell Johnson from the time you were placed in custody up

1 until now?

2 MR. PRICE: Refuse to answer.

3 Q. (By Mr. McDaniel) When you were a child, did you put on a
4 puppet show that was video taped for your school?

5 A. Yes, sir.

6 Q. And your puppet show was done as part of a school project.
7 Is that correct?

8 A. Yes, sir.

9 Q. Who helped you organize that or plan it or put it together,
10 your mom, your dad or both?

11 A. Both.

12 Q. Both of them did?

13 A. (Witness nodding affirmatively.)

14 Q. And your puppet show, what did it involve? Tell me about
15 it.

16 A. It had a puppet.

17 Q. Well, what was the subject of the matter? What was the
18 theme of the puppet show?

19 A. I can't really remember now.

20 Q. What was the title of it, do you remember?

21 A. No, sir.

22 Q. It involved the puppet using a gun and shooting, didn't it?

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

24 Q. You don't remember the puppet holding a gun?

25 A. No.

1 Q. What do you remember about the puppet show?

2 A. Nothing really. I don't even remember having it.

3 Q. You what?

4 A. I don't remember it.

5 Q. Have you ever talked to Tom Firth, an attorney?

6 MR. ROBERTS: Objection.

7 A. No, sir.

8 Q. (By Mr. McDaniel) When you were served with lawsuit papers
9 when this case first started, what did you do with those papers?
10 Did you give them to your mom and dad? What did you do with
11 them?

12 A. I gave them to my mom and dad.

13 Q. What did they tell you they would do with them, or what did
14 they tell you they would do?

15 A. They said they would put them up for me.

16 Q. Whose class was the puppet show for?

17 A. I think it was Mrs. Writes' class.

18 Q. Did you get a grade for that puppet show?

19 A. Yes.

20 Q. Do you know what grade you got?

21 A. No.

22 Q. Was the puppet show a quick draw scene? Did it have a quick
23 draw scene with a puppet?

24 A. I don't remember.

25 MR. McDANIEL: I think we need to get the judge in on

1 those questions that we spoke about earlier. Can you see if you
2 can get the judge and we'll go off the record for a moment?

3 (A break was taken.)

4 MR. McDANIEL: I think until the judge returns, I'd
5 like to adjourn the deposition or pass questioning over to other
6 lawyers rather than wait and waist time and let other lawyers
7 take questioning and then wait until the judge gets back. Is
8 that agreeable? I pass until the judgment --

9 MR. HODGES: No questions.

10 MR. CAHOON: No questions.

11 MR. ROBERTS: No questions.

12 MR. MARSHALL: No questions.

13 MR. PRICE: No questions.

14 MR. McDANIEL: Then may we consider the deposition
15 temporarily adjourned until the judge returns or start with Mr.
16 Johnson? Is that agreeable?

17 MR. HODGES: Agreeable.

18 (A break was taken.)

19 MR. McDANIEL: Your Honor, at this point I had asked
20 some questions earlier that you were not available and I'd like
21 to revisit those and get a ruling on them if I may.

22 THE COURT: For the record, I just went to lunch.

23 MR. McDANIEL: I know. I wasn't being critical.

24 Q. (By Mr. McDaniel) Mr. Golden, do you know what a trigger
25 lock is?

1 MR. PRICE: Refuse to answer.

2 MR. McDANIEL: I think we're entitled to have that
3 answer, Your Honor.

4 MR. PRICE: Like I said, there may be some type of
5 federal gun charge that may be filed against my client.

6 THE COURT: Has anybody in this case gone to the
7 federal prosecutors? I know you hadn't gone to the state
8 prosecutors because one of you objected when I said I was going
9 to. I can't believe that nobody has contacted them on that
10 issue. Has that been done?

11 MR. CAHOON: I have tried to make inquiry, Your Honor,
12 and --

13 THE COURT: Of the federal prosecutor or --

14 MR. CAHOON: Yes.

15 THE COURT: The local prosecutors said nobody has even
16 mentioned it to them. They were shocked that the matter was even
17 being -- that a hearing was being presently held.

18 MR. CAHOON: That and the federal judge involved,
19 neither will even acknowledge that these two young men even exist
20 in this world. They will not talk with you on any
21 circumstances. There is other civil litigation involved in which
22 the transcript of the proceedings is being -- attempted to be
23 obtained to no avail. So they just don't acknowledge that it
24 exists.

25 MR. McDANIEL: Judge, irrespective of that, I think

1 these questions that I'm asking are questions we're entitled to
2 have an answer on.

3 THE COURT: I think that question can easily be
4 answered without risk of criminal sanctions being brought. So
5 yes, I'd say that's a question he should answer. I direct him to
6 answer it.

7 Q. (By Mr. McDaniel) Go ahead and answer it. Do you know what
8 a trigger lock is?

9 A. Yes, sir.

10 Q. You do know what a trigger lock is?

11 A. Yes, sir.

12 Q. What is a trigger lock?

13 A. It's the lock to keep the trigger from being used.

14 Q. Have you ever seen a trigger lock before?

15 A. Yes, sir.

16 Q. When is the first time you remember ever seeing a trigger
17 lock?

18 A. In a magazine, sir.

19 Q. In a magazine?

20 A. (Witness nodding affirmatively.)

21 Q. Would that have been when you were in fifth grade or sixth
22 grade, or what grade would you have been in when you saw that?

23 A. I'm not sure, sir.

24 Q. Obviously it was certainly before March of 1998, wasn't it?

25 A. Yes, sir.

1 Q. Do you know how to open a trigger lock if you don't have the
2 key or the combination to it?

3 MR. PRICE: Refuse to answer.

4 MR. McDANIEL: I think we're entitled to that answer,
5 Judge. There is not a contention that that was done in this
6 case.

7 MR. PRICE: How to do something could go towards
8 intent.

9 MR. McDANIEL: No. It's only asked as to what his
10 knowledge of.

11 Q. (By Mr. McDaniel) Did you know how to get into a trigger
12 lock if you didn't have the key --

13 THE COURT: I think he can answer that.

14 Q. (By Mr. McDaniel) -- or know the combination of a lock?

15 A. No, sir.

16 Q. So if a trigger lock was on a gun, if you didn't have the
17 key to the trigger lock or know the combination, you couldn't
18 have used that gun if you wanted to, could you?

19 MR. MARSHALL: Objection. Calls for speculation.

20 Q. (By Mr. McDaniel) Go ahead.

21 A. No, sir.

22 Q. No, sir is the answer, correct?

23 A. Yes, sir.

24 Q. Had anyone ever shown you how to dismantle or get around or
25 break into a trigger lock?

1 MR. PRICE: Refuse to answer.

2 Q. (By Mr. McDaniel) Go ahead and answer it.

3 MR. PRICE: My client refuses to answer that question.

4 MR. McDANIEL: Judge, I think we're entitled to an
5 answer.

6 THE COURT: I think that's one I direct him to answer
7 too. I don't see how it would subject him to any additional
8 criminal charges or how it could be used in any retrial of the
9 juvenile hearing.

10 Q. (By Mr. McDaniel) I'll phrase the question so it will be
11 easy for you, and somebody might object to leading, so go ahead.
12 Isn't it true that no one ever showed you how to break into or
13 dismantle a trigger lock? Isn't that true?

14 MR. MARSHALL: Objection. Leading.

15 MR. PRICE: Objection. Leading and refuse to answer.

16 Q. (By Mr. McDaniel) Is that true?

17 A. (No Response.)

18 Q. Let me ask it the other way. Had anyone ever told you how
19 to break into a trigger lock or to take one off if you didn't
20 have the key or know the combination, anyone ever shown you how
21 to do that?

22 MR. PRICE: Object to hearsay and also refuse to
23 answer.

24 Q. (By Mr. McDaniel) Go ahead and answer.

25 A. (No Response.)

1 Q. Do you understand my question?

2 A. Yes, sir.

3 Q. Had anyone ever shown you how to break into a trigger lock
4 if it was properly applied to a gun and you didn't know the
5 combination or you didn't have a key, anyone ever shown you how
6 to get that trigger lock off and go ahead and use the gun?

7 MR. PRICE: Object to hearsay. Refuse to answer.

8 MR. MARSHALL: Objection. Leading.

9 MR. PRICE: Don't answer that question.

10 Q. (By Mr. McDaniel) I think the court has already ordered you
11 to answer it.

12 MR. PRICE: My advice is still, in spite of the court's
13 ruling, don't answer the question.

14 Q. (By Mr. McDaniel) What's your answer?

15 MR. PRICE: Don't answer it.

16 Q. (By Mr. McDaniel) You do not know how to get into a trigger
17 lock if it was on a gun unless you had the key or know the
18 combination. Isn't that true?

19 MR. PRICE: Refuse to answer.

20 MR. MARSHALL: Object to leading.

21 MR. PRICE: And leading.

22 Q. (By Mr. McDaniel) Go ahead.

23 MR. PRICE: Don't answer it.

24 MR. ROBERTS: Objection. Leading.

25 MR. McDANIEL: Judge, I think I'm entitled to an answer

1 on that one.

2 THE COURT: I think you are, too. I don't see where he
3 needs protection against that kind of question.

4 Q. (By Mr. McDaniel) The judge has ordered you to answer.
5 Will you answer the question?

6 MR. PRICE: Don't answer the question.

7 MR. McDANIEL: Your Honor, we will reserve a motion for
8 sanctions after we get the transcript and adjourn the deposition
9 rather than conclude it, adjourn it for further proceedings after
10 sanctions motion is presented.

11 MR. HODGES: Your Honor, we object -- for the record, I
12 object to an adjournment of the deposition. He can certainly
13 have a right to have a motion, but I'd ask that the termination
14 be concluded -- I mean, the deposition be concluded rather than
15 adjourned.

16 THE COURT: I guess his position would be the only way
17 it could be concluded is if he gets answers to his questions.
18 I've also had a quandary of what kind of sanctions this court has
19 available to it under these circumstances. As a defendant, I
20 think I've mentioned it before, why don't you tell me what he's
21 going to do, put me in jail? He's in there for life. So what do
22 you do? Can I sanction Mr. Price? I don't think I can do that
23 either. He's being in good faith instructing his client not to
24 answer the question.

25 MR. HODGES: I'm not really addressing the issue of

1 sanctions, Judge. I'm just saying that this deposition ought to
2 be terminated as opposed to being adjourned.

3 MR. McDANIEL: Pass the witness subject to the previous
4 statement.

5 MR. MARSHALL: Could we have just a minute, take just a
6 second?

7 MR. McDANIEL: Sure. Off the record.

8 (Off-the-record discussion.)

9 MR. MARSHALL: Pass the witness.

10 (The deposition concluded at 1:10 p.m.)

11 (Signatures waived.)
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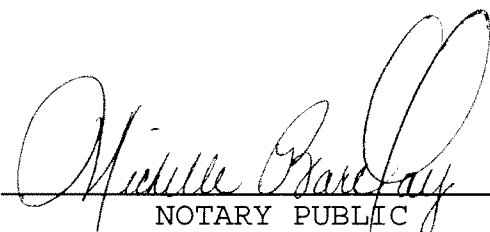
C E R T I F I C A T E

I, MICHELLE BARCLAY, a Notary Public in and for the
County of Craighead, State of Arkansas, do hereby certify:

That **ANDREW GOLDEN**, the witness in the foregoing
deposition, was by me duly sworn to testify the truth, the whole
truth and nothing but the truth, in the within-entitled cause;
that said deposition was reported at the time and place therein
stated by me by the method of machine shorthand and thereafter
transcribed by me.

I further certify that I am not interested in the
outcome of said action, nor connected with nor related to, any of
the parties in said action or their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal of office this 28th day of April, 2000.



NOTARY PUBLIC
In and for the County of Craighead
State of Arkansas

My commission expires:

March 25, 2009

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

MITCHELL K. WRIGHT, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
SHANNON D. (WILLIAMS) WRIGHT,
DECEASED; AND RENEE BROOKS, AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF NATALIE BROOKS, A MINOR,
DECEASED; TONY R. HERRING AND
PAMELA D. HERRING, AS PERSONAL
REPRESENTATIVES OF THE ESTATE OF
PAIGE ANN HERRING, DECEASED; TINA
MCINTYRE JOHNSON, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
STEPHANIE DAWN JOHNSON, DECEASED;
AND SUZANN MARIE WILSON, AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF BRITTNEY RYEN VARNER,
DECEASED,

Plaintiffs,

vs.

CIV 98-394 (B)

ANDREW GOLDEN, A MINOR, MITCHELL
JOHNSON, A MINOR, SCOTT JOHNSON,
GRETCHEN WOODARD, DENNIS GOLDEN,
PAT GOLDEN, DOUGLAS GOLDEN,
SPORTING GOODS PROPERTIES, INC.,
F/K/A REMINGTON ARMS COMPANY, INC.,
JOHN DOE, AND JOHN DOE, INC., AS
THE SUCCESSORS IN INTEREST OF
UNIVERSAL FIREARMS,

Defendants.

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

CERTIFIED COPY

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

A P P E A R A N C E S

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ALSO PRESENT:

STEVE GRILLETTA, VIDEOTAPE SPECIALIST
LESLIE BOUCHARD

I N D E X

TESTIMONY BY MITCHELL JOHNSON

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E X H I B I T S

(All retained by counsel and are not attached.)

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

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

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

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

2
3 P R O C E E D I N G S

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

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

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

21 THE VIDEOGRAPHER: Thank you, sir.

22 Would the court reporter please swear in the
23 witness.

24 THE REPORTER: Please raise your right
25 hand.

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

5
6 E X A M I N A T I O N

7 BY MR. McDANIEL:

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

10 A. Mitchell Scott Johnson.

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

14 A. Yes, sir.

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

17 A. Yes, sir, I did.

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

20 Your attorney is Doug Norwood?

21 A. That is correct.

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

23 A. Friday.

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

1 A. Friday afternoon, I believe.

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

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

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

9 A. No, sir.

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

13 A. Yes, sir.

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

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

19 Q. Who are you staying with?

20 A. Just a friend of mine.

21 Q. What's his name?

22 A. Michael Lindsey.

23 Q. Lindsey?

24 A. Yes, sir.

25 Q. What is the street address?

- 1 A. 1375 North Leverett.
- 2 Q. 1375 North Leverett here in Fayetteville?
- 3 A. Yes, sir.
- 4 Q. Is there a home phone number there?
- 5 A. No, sir.
- 6 Q. Do you have a cell phone?
- 7 A. I don't, no.
- 8 Q. And is there a cell phone where a message can be left
- 9 for you?
- 10 A. On my fiancée's phone.
- 11 Q. What is her name again?
- 12 A. Leslie Bouchard.
- 13 Q. And what is her cell phone number?
- 14 A. (479) 244-5432.
- 15 Q. Where does she live?
- 16 A. On Leverett as well.
- 17 Q. Does she live with you?
- 18 A. No, sir.
- 19 Q. What is her street address on Leverett?
- 20 A. I don't know her street address.
- 21 Q. Okay. Does she live by herself or with her parents?
- 22 A. Lives with roommates.
- 23 Q. With roommates. Okay.
- 24 Are your parents both still alive?
- 25 A. As far as I know, yes, sir.

1 Q. Where is your father now residing?

2 A. I don't know. I don't deal with my father. Scott
3 Johnson, I don't deal with him.

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

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

6 Q. And what caused the relationship to terminate?

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

8 Q. Okay.

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

11 Q. And what is your age now?

12 A. I'm 22, sir.

13 Q. Okay. And are you now employed?

14 A. No, sir.

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

16 A. Wal-Mart.

17 Q. Here in Fayetteville?

18 A. Yes, sir.

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

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

21 Q. And what was your job there?

22 A. Photo lab specialist, or sales associate and photo
23 lab specialist.

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

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

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

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

8 Q. What is her name now?

9 A. Gretchen.

10 Q. Is it still Gretchen Woodard?

11 A. Yes, sir.

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

13 A. Yes.

14 Q. When was your last communication with her?

15 A. With my mother?

16 Q. Yes.

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

18 Q. What is her phone number?

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

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

21 A. I don't know.

22 Q. Okay.

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

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

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

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

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

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

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

10 A. Tennessee.

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

13 A. No, sir.

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

17 A. That is true.

18 Q. Did you ever go into the ministry?

19 A. I have.

20 Q. And what ministry did you go into?

21 A. I was studying to be a preacher.

22 Q. Where?

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

1 Q. What denomination or affiliation was it?

2 A. Seventh Day Adventist.

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

5 A. Not now, no.

6 Q. Why did you change that determination?

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

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

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

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

16 A. I understand.

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

19 A. Specific people?

20 Q. Yes.

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

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

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

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

8 Q. Tell me how you deal with it.

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

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

13 A. No, sir.

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

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

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

19 A. No, sir.

20 Q. Did you ask him anything about it?

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

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

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

3 Q. Just ministers?

4 A. Yes, sir.

5 Q. Okay.

6 A. And my family, my loved ones.

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

9 A. The woman present.

10 Q. Okay.

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

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

13 A. Monte Johnson.

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

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

16 Q. And where does he live now?

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

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

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

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

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

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

5 Q. In the woods?

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

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

8 A. Yes, sir.

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

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

11 Q. Five apiece?

12 A. Yes, sir.

13 Q. And you were wearing camouflage?

14 A. Yes, sir, I was.

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

17 A. Yes, sir.

18 Q. Where did you get that camouflage?

19 A. That was my hunting gear.

20 Q. Okay. "Yes"?

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

22 Q. And where did Andrew get his camouflage?

23 A. I don't know.

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

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

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

4 A. Yes, sir.

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

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

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

13 A. No, sir.

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

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

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

17 A. I believe so.

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

19 A. We both did.

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

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

23 Q. A what?

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

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

1 the van?

2 A. No.

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

4 A. I don't know.

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

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

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

10 A. Yes, sir.

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

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

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

17 A. I didn't, no.

18 Q. You did not?

19 A. No, sir.

20 Q. Did Andrew?

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

23 Q. The guns were already where?

24 A. At that house.

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

1 A. As far as I know.

2 Q. Were already at the --

3 A. The pistols were, yeah.

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

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

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

8 A. I believe so.

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

11 A. No.

12 Q. He loaded them all?

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

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

16 A. Right.

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

19 A. Yes, sir.

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

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

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

23 A. No, sir.

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

25 A. He sat it on the table.

1 Q. It was laying on the table?

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

5 Q. He went and retrieved it?

6 A. Yes, sir.

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

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

11 Q. Did you ever go upstairs?

12 A. In the kitchen, yes, sir.

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

14 A. I believe so.

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

17 A. Yes, sir.

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

20 A. No, sir.

21 Q. You did not?

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

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

25 A. I believe so.

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

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

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

6 A. Yeah, yes, sir.

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

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

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

14 A. I don't know.

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

17 A. It was farther than that.

18 Q. Huh?

19 A. It was farther than that.

20 Q. Farther than that?

21 A. Yes, sir.

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

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

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

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

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

8 Q. You were aiming through a telescopic sight?

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

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

12 A. Yes, sir.

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

14 A. Yes, sir.

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

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

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

18 A. I didn't.

19 Q. Who did?

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

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

25 A. Uh-huh.

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

3 A. Yes, sir.

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

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

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

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

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

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

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

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

1 her, could you not?

2 A. More than likely, yeah.

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

5 A. Not necessarily. I don't remember. I don't remember
6 shooting anybody.

7 Q. Are you telling us that you shot and participated in
8 the killing of five people --

9 A. Uh-huh.

10 Q. -- and you don't remember ever pulling the trigger on
11 a gun?

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

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

14 A. The first shot, yeah.

15 Q. And where were you aiming when you pulled the trigger
16 the first time?

17 A. The roof.

18 Q. The roof?

19 A. Uh-huh.

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

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

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

24 A. I don't know.

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

1 the school, correct?

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

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

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

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

10 A. Exactly.

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

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

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

18 A. No, sir.

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

23 A. I didn't know that.

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

1 A. Okay.

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

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

10 Q. That was what?

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

13 Q. Okay.

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

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

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

25 A. Yes, sir, it was.

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

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

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

5 A. Right.

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

8 A. Right. Yes, sir.

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

10 A. Right. Correct.

11 Q. So you knew whatever --

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

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

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

18 Q. You knew what?

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

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

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

5 Q. Okay.

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

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

10 A. Yes, sir.

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

13 A. Yes, sir, I did.

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

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

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

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

23 Q. You were sitting on your heels?

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

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

1 your heels?

2 A. Yes, sir.

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

4 A. Yes, sir.

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

6 A. I was holding it loose.

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

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

12 Q. What kind of hunting had you done?

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

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

17 A. Yes, sir.

18 Q. Had you ever killed a deer?

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

20 Q. Had you ever killed a dove?

21 A. Yes, sir.

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

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

1 I've shot them sitting still.

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

3 A. No, sir.

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

5 A. Yes, sir, I did.

6 Q. And who got you that shotgun?

7 A. I believe my uncle.

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

9 A. Yes, sir, I have.

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

11 A. Sometimes.

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

14 A. Yes, sir.

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

16 A. Yes, sir, I did.

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

19 A. Yes, sir, I do.

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

22 A. Right.

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

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

1 scope it is.

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

4 A. I believe it did, yes.

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

8 A. More than likely unless it detours.

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

11 A. More than likely.

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

15 A. Yes, sir.

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

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

1 Q. And did Andrew shoot Natalie?

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

3 Q. Was she the first person hit?

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

5 Q. Where was she hit?

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

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

9 A. I don't know.

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

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

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

16 A. Yes, sir, he did.

17 Q. Did that first shot hit Natalie?

18 A. No, sir.

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

20 A. It didn't.

21 Q. It didn't hit anybody?

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

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

1 person actually struck by a bullet?

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

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

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

6 Q. Semi-automatic rifle?

7 A. As far as I know.

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

9 A. Yes, sir, it was.

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

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

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

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

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

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

1 when I seen Natalie get hit.

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

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

5 Q. Why did you do that?

6 A. I don't know.

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

9 A. 13.

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

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

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

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

5 Q. You were what?

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

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

14 A. Yes, sir, I did.

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

18 A. Yes, sir.

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

21 A. Yes, sir.

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

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

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

1 A. Of course.

2 Q. Okay.

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

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

7 A. Right.

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

9 A. A sin is a sin.

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

13 A. Yeah, yes, sir, once.

14 Q. Once or twice in the same place?

15 A. Once.

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

18 A. No.

19 Q. Why did you do that?

20 A. It was gang-related.

21 Q. Gang-related. What gang?

22 A. Treetop Piru as part of the Bloods.

23 Q. And where is that gang located?

24 A. Worldwide.

25 Q. Was it located in Jonesboro?

1 A. No.

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

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

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

8 A. Day before that.

9 Q. Where?

10 A. In Jonesboro.

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

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

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

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

20 Q. The day before the shooting --

21 A. Uh-huh.

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

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

1 Q. What did you tell her?

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

4 Q. Did she ask you why?

5 A. Yeah.

6 Q. What did you tell her?

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

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

12 A. No, sir.

13 Q. She was not?

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

15 Q. Did she skip school?

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

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

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

21 Q. Who did you talk to?

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

24 Q. You know who you talked to.

25 A. I don't know names.

1 Q. You don't know any names?

2 A. No.

3 Q. How did you call them?

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

8 Q. We're talking about back then.

9 A. Right. Okay.

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

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

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

22 A. Yes.

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

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

1 different names.

2 Q. What did you call some of them?

3 A. Let me see. There are several people, but Creek,
4 B lo, Bloodhound, TJ. There's a bunch of people.

5 Q. Do they go to Westside?

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

8 Q. Were they in Minnesota?

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

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

12 A. No.

13 Q. They were all long distance calls?

14 A. Yes.

15 Q. Whose phone were you using?

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

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

19 A. She didn't mind.

20 Q. She did not mind?

21 A. No.

22 Q. Who paid the bill?

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

24 Q. Your dad or your stepdad?

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

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

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

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

6 A. The neighbors'.

7 Q. What's their name?

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

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

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

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

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

16 Q. County Road 111?

17 A. I believe, yeah.

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

20 A. That was it.

21 Q. What about Amber?

22 A. Amber.

23 Q. Vannover.

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

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

1 Amber?

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

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

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

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

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

15 BY MR. McDANIEL (Continuing):

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

19 A. Yeah, yes, sir.

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

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

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

1 A. No, sir, I do not.

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

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

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

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

9 Q. Including yourself?

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

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

13 A. I think, yes, sir.

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

16 A. Right.

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

19 A. Right.

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

21 A. No, sir, it was not.

22 Q. Okay. Who was Jonathan Woodard?

23 A. I don't know.

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

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

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

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

4 A. Mrs. Wright?

5 Q. Yes.

6 A. I don't believe so.

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

9 A. Put me in suspension?

10 Q. Yep.

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

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

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

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

19 A. I don't believe she has.

20 Q. Okay.

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

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

24 A. Okay.

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

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

6 A. '94?

7 Q. Yeah.

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

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

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

12 Q. Okay.

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

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

15 A. '96, possibly.

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

21 A. Uh-huh.

22 Q. "Yes"?

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

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

1 Ms. Wright, do you disagree with that?

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

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

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

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

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

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

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

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

16 Do you remember reading that?

17 A. That's what it says.

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

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

21 Q. You did. Did you kill anything?

22 A. I don't think I did.

23 Q. What gun did you use?

24 A. My shotgun.

25 Q. Where did you go hunting?

1 A. Behind my house.

2 Q. Was there woods back there?

3 A. Not anymore.

4 Q. Was there at that time?

5 A. Yes, sir.

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

10 A. All right.

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

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

14 A. Yes, sir, I do.

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

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

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

18 A. That Russell backpack, that jacket.

19 Q. Just point to them.

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

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

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

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

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

2 A. I believe so.

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

5 Is that the pistol that you carried that day?

6 A. That's two different pistols.

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

9 A. I believe that one is.

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

13 A. Yes, sir.

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

16 A. Not on this side, no.

17 Q. I'm sorry?

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

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

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

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

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

2 A. Yes, sir, I did.

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

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

7 Q. Were they rifles?

8 A. No, sir.

9 Q. Pistols?

10 A. They were pistols.

11 Q. Okay. And you also had ammunition?

12 A. Yes, sir, I did.

13 Q. For the pistols and the rifle?

14 A. I believe so.

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

17 A. No, sir.

18 Q. -- or was the ammunition loose?

19 A. It was loose.

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

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

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

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

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

1 into the clip easily, right?

2 A. Yes, sir.

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

4 A. No. It held four rounds.

5 Q. Five?

6 A. Four.

7 Q. Four.

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

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

11 A. That I recall, I think.

12 Q. Did you reload it at any time?

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

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

17 A. Exhibit 4, yes, sir.

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

20 A. Right.

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

23 A. Yes, sir, I do.

24 Q. Whose blades were those?

25 A. They're not mine.

1 Q. Where did they come from?

2 A. I don't know.

3 Q. Did you help load them?

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

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

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

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

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

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

17 A. In Exhibit 4?

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

19 A. This bag.

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

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

22 Q. All right. What else?

23 A. And my jacket.

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

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

1 I owned.

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

4 A. No, those aren't mine.

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

6 A. No, sir.

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

9 A. I didn't own a pistol.

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

12 A. Yes, sir.

13 Q. Whose was that?

14 A. It's not mine.

15 Q. Did Mr. Golden produce that?

16 A. More than likely.

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

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

19 Q. What was the blowtorch for?

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

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

23 A. Run away, pretty much.

24 Q. Run away. Run away where?

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

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

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

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

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

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

18 He's like, "Yeah."

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

21 Q. All right.

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

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

1 A. Pretty much.

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

4 A. Not really, no.

5 Q. Did you have any money?

6 A. A little.

7 Q. How much did you have?

8 A. I don't know.

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

11 A. Yeah. Andrew had money.

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

13 A. I don't know.

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

16 Do you see that beside your gym bag?

17 A. Yes, sir.

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

20 A. As far as I know.

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

23 A. Not offhand, no.

24 Q. Can't tell from that picture.

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

1 those other knives?

2 A. They're not mine.

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

5 A. No, sir.

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

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

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

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

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

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

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

15 A. Normally, a pocket knife.

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

19 A. They were given to me, yes.

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

21 A. I believe they were in my pockets.

22 Q. In your pockets?

23 A. Yes, sir.

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

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

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

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

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

6 A. You could. It's possible.

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

9 A. Yep.

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

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

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

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

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

21 A. What does that mean?

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

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

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

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

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

11 Q. Who determined the ambush site location?

12 A. He did.

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

15 A. No.

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

18 A. No, sir.

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

20 A. Yes, sir.

21 Q. What school buildings were you close to?

22 A. The middle school.

23 Q. And was there a gymnasium also close?

24 A. I believe so.

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

1 that the school you were attending at the time?

2 A. Yes, sir, it was.

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

4 A. Yes, sir.

5 Q. Which teachers was Andrew mad at?

6 A. I don't know.

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

9 A. No, sir.

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

12 A. Not really.

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

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

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

19 A. I don't know.

20 Q. You don't know?

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

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

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

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

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

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

3 A. Pretty much.

4 Q. How did you and Andrew become friends?

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

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

7 A. He was a year younger than me.

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

10 A. No, sir.

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

14 A. I don't know.

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

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

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

20 A. I sported my colors.

21 Q. And what were your colors?

22 A. Red and green, black.

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

24 A. I have in the past, yes.

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

1 they mean.

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

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

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

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

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

17 Q. That's what?

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

19 Q. Sign of a B?

20 A. Of a B, the letter B.

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

22 A. Blood.

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

25 A. Yes, sir, I have.

1 Q. And you smoked it with your dad?

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

4 Q. But it was his marijuana?

5 A. Yes, sir.

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

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

10 (A brief recess was taken.)

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

13 Counsel.

14 BY MR. McDANIEL (Continuing):

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

18 A. Yes, sir.

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

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

22 Q. Where?

23 A. In Bentonville.

24 Q. With whom?

25 A. A lawn care service.

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

3 A. That is correct, sir.

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

6 A. I believe so.

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

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

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

13 A. No, sir.

14 Q. No disrespect intended?

15 A. None intended, sir. I apologize.

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

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

19 MR. McDANIEL: We have what I'm going to
20 mark as Exhibit A to this deposition, a
21 photograph of the gun rack in Doug Golden's home.
22 (Exhibit A was marked for identification
23 and was retained by counsel.)

24 BY MR. McDANIEL (Continuing):

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

1 A. Yes, sir.

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

4 A. I believe they were.

5 Q. And how were they secured?

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

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

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

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

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

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

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

17 A. No, sir.

18 Q. Did you see Andrew get the keys?

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

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

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

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

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

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

3 A. It was the basement.

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

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

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

10 BY MR. McDANIEL (Continuing):

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

13 A. I believe that looks like it.

14 Q. Were any guns taken off these racks?

15 A. No, not that I know of.

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

18 BY MR. McDANIEL:

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

22 A. As far as I can tell.

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

25 A. It's not mine.

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

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

4 Q. Okay.

5 A. It might be.

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

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

9 Q. Was your mother employed at the time?

10 A. My mother, no.

11 Q. Was your stepfather employed?

12 A. Yes, sir.

13 Q. What was his job?

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

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

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

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

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

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

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

1 living room.

2 Q. You stayed in the living room?

3 A. Pretty much.

4 Q. While he loaded the van?

5 A. Yes, sir.

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

7 A. His.

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

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

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

13 A. Nobody that I know of.

14 Q. Did you have a girlfriend then?

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

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

18 A. No, sir.

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

21 A. Yes, sir.

22 Q. And that was a male?

23 A. Yes, sir.

24 Q. Was that a family member?

25 A. No, sir.

1 Q. Was that person ever arrested?

2 A. No, sir.

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

4 A. After the shooting.

5 Q. Was anything ever done to them?

6 A. No, sir.

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

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

10 Q. Was this person a family member?

11 A. No, sir, it was not.

12 Q. Did you ever sexually abuse anyone?

13 A. No, sir.

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

16 A. No, sir.

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

18 A. Yes, sir, I do.

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

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

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

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

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

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

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

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

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

11 A. Have I?

12 Q. Yeah.

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

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

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

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

1 you would not be allowed to profit from it?

2 A. Yes, sir, I understand that.

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

4 A. No, sir, I do not.

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

7 A. Yes, sir.

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

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

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

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

16 A. Now, I do.

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

19 A. Yes, sir.

20 Q. And do you think Mitchell Wright valued his wife's
21 life very highly?

22 A. I don't know, honestly. From what I've heard, I
23 don't know.

24 Q. Well, from what you've heard, do you think her son
25 would have valued his mama's life?

1 A. I believe her son would, yes.

2 Q. Okay. What is it you've heard that Mr. Wright would
3 not have valued his wife's life, and who did you hear it
4 from?

5 A. I heard several instances he was cheating on his
6 wife, even the day of the shooting, and I've heard that he
7 married Diana Ross right after this happened. And my
8 question is, you know, for his son's sake, I understand
9 that why he would be upset, but if he didn't love his wife
10 and he was cheating on his wife, why would he want me
11 dead? Yes, it was wrong for me to harm Ms. Wright. Yes,
12 I am sorry for that. But at the same time, how are you
13 wanting to kill me, make terrorist threats against me?
14 You know, yes, your wife died, yes, sir, but you were
15 cheating on her. Does that make that right? No, sir, it
16 doesn't. Okay. And I agree with that. It's not right,
17 by any means, you know, but how are you going to get mad
18 at me? If you were cheating on your wife, then how do you
19 say that I deserve to die?

20 Q. And can you tell me what evidence you have that he
21 was cheating on his wife?

22 A. I don't know. I know he married Diana, you know,
23 whatever her last name is, right after this happened, you
24 know, and what does that say? You know, in my opinion --

25 Q. Do you know how much time passed from the time that

1 Ms. Wright died before Mitchell Wright and Diana Davis got
2 married?

3 A. It's really not my business. I don't know.

4 Q. Do you know if they even knew each other before the
5 shooting incident took place?

6 A. From what I've heard, yes, they knew each other quite
7 well.

8 Q. What did you hear and from whom?

9 A. Several people.

10 Q. Who?

11 A. I don't know the names, just a lot of people in
12 Jonesboro say that.

13 Q. Give me a name.

14 A. I don't know names.

15 Q. Your mother?

16 A. No. Probably not my mom. My mom's heard that, I'm
17 sure.

18 Q. Who told you, is what I'm asking.

19 A. A lot of people. People from Jonesboro. I don't
20 know, you know, who exactly who. I don't know.

21 Q. When would they have told you that? You were in jail
22 from the day of the shooting until you turned 21, were you
23 not?

24 A. Yes, sir, I was, every single day.

25 Q. And did you have contact with people in Jonesboro

1 when you were in jail?

2 A. Yes.

3 Q. And how would you contact them?

4 A. Mail, phone, either/or.

5 Q. And did you write letters to anyone, and people write
6 letters to you?

7 A. Yes, sir, several times.

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

10 A. Yes, sir, I have.

11 Q. Who are some of the people you wrote letters to
12 expressing remorse?

13 A. Kolby Brooks, Josh Brand, Monte, my brother, my
14 mother. Several, several people.

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

16 A. I was informed not to contact him; that I wasn't
17 allowed to.

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

20 A. Not that I recall.

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

22 A. As far as?

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

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

1 Q. Do you somewhat portray yourself out to be an
2 innocent victim?

3 A. I don't look at myself as a victim. I look at myself
4 as, you know, having done a crime, I paid the price. At
5 that price, I've lost my childhood. At that price, I'm
6 now struggling every single day to support myself because
7 I can't find a job. No one will hire me.

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

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

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

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

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

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

10 Q. Who were you living with in Memphis?

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

15 Q. Who was that?

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

17 Q. Who is that?

18 A. Carlos Suarez is his name.

19 Q. And where in South Carolina?

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

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

24 A. I didn't.

25 Q. Who supported you?

1 A. Carlos and his wife.

2 Q. And how long did you stay there?

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

5 Q. Your birthday is when now?

6 A. August 11th.

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

8 A. 2005.

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

11 A. Uh-huh.

12 Q. "Yes"?

13 A. Yes, sir. Excuse me.

14 Q. Stayed there about eight months?

15 A. Yes, sir.

16 Q. Never found a job?

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

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

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

22 Q. Your natural father, Scott?

23 A. Yeah.

24 Q. Was he in Minnesota?

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

- 1 Q. Wisconsin?
- 2 A. Yes, sir.
- 3 Q. How long did you stay with him there?
- 4 A. Two months, three months, maybe. March to June.
- 5 Q. Of 2006?
- 6 A. Yes, sir. Yes, sir.
- 7 Q. And did you work while you were there?
- 8 A. Yes, sir, I did.
- 9 Q. Where did you work?
- 10 A. McKay Nursery.
- 11 Q. In what city and state?
- 12 A. Waterloo, Wisconsin.
- 13 Q. Why did you leave that job?
- 14 A. I came home. Come home to see my mom.
- 15 Q. And was your mom living in Jonesboro at the time?
- 16 A. Yes, sir.
- 17 Q. And when you came to Jonesboro, did you stay with
- 18 your mother?
- 19 A. For a while.
- 20 Q. How long did you stay with her?
- 21 A. Couple weeks.
- 22 Q. And did you get a job?
- 23 A. I didn't leave the house, for natural reasons.
- 24 Q. And when you left your mom, where did you go next?
- 25 A. Here, Fayetteville.

- 1 Q. Why Fayetteville?
- 2 A. My buddy lives up here.
- 3 Q. Who is your buddy?
- 4 A. Justin Trammell.
- 5 Q. And that's the fellow that you got arrested with a
- 6 month or two ago?
- 7 A. I got arrested. He didn't.
- 8 Q. He did not?
- 9 A. Yes, sir, he did not.
- 10 Q. And he was the fellow that was in Alexander for the
- 11 crossbow -- killed somebody with a crossbow?
- 12 A. That's what they blame him for, yes, sir.
- 13 Q. Okay. He admitted to it, didn't he?
- 14 A. I don't know. That's not my business.
- 15 Q. Okay. How is it that you two became friends?
- 16 A. In Alexander.
- 17 Q. And he, obviously, got out before you did --
- 18 A. Yes, sir.
- 19 Q. -- and came to the Fayetteville area.
- 20 Is this where he's from originally?
- 21 A. He's from Bentonville originally. So, yes, he's
- 22 familiar with this area.
- 23 Q. Where does he work, do you know?
- 24 A. I don't know.
- 25 Q. Do you know where he lives?

- 1 A. No, sir.
- 2 Q. Are you still in contact with him?
- 3 A. After I got arrested, no.
- 4 Q. What's his phone number?
- 5 A. I don't know. I don't have a phone. I don't think
- 6 he has one either.
- 7 Q. And I'm not going to get into the details of your
- 8 crime. I'm only asking you what you're charged with.
- 9 What are you charged with?
- 10 A. Possession of a concealed weapon and possession of a
- 11 controlled substance.
- 12 Q. And when are you scheduled to go to court?
- 13 A. I don't know.
- 14 Q. And Doug Norwood is your attorney?
- 15 A. Yes, sir, he is.
- 16 Q. Is he public defender?
- 17 A. No, sir.
- 18 Q. Who is paying him?
- 19 A. I did. I paid him.
- 20 Q. Where did you get the money to pay him?
- 21 A. When I worked. I worked at Wal-Mart.
- 22 Q. Now, do you still owe him some money or are you paid
- 23 in full?
- 24 A. I owe him about \$200, I think.
- 25 Q. And you don't know when your court date is?

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

3 Q. And the other fellow, Justin --
4 Is that his name?

5 A. Yes, sir.

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

7 A. No, sir.

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

9 A. He was.

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

12 A. Then?

13 Q. Yes.

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

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

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

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

23 A. Not necessarily.

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

1 A. Probably not, no.

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

4 A. I didn't.

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

7 A. I don't know.

8 Q. You don't know?

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

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

13 A. Pick the lock myself.

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

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

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

20 A. As far as I know.

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

23 A. No, sir.

24 Q. Is that not right?

25 A. That's not true.

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

2 A. I don't know.

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

4 A. I didn't.

5 Q. Did he, did Andrew?

6 A. I believe he did.

7 Q. What did he tell you?

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

9 Q. Rifle?

10 A. It wasn't the rifle.

11 Q. Pistol?

12 A. I think so.

13 Q. Did you see it?

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

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

18 A. No.

19 Q. What made you think he had one?

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

22 Q. Do you know one way or another?

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

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

5 A. Pretty much.

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

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

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

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

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

2 Q. Were you a gang member?

3 A. Yes, I was.

4 Q. How did you get initiated?

5 A. I got jumped in.

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

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

9 Q. Why 3 minutes, 11 seconds?

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

11 Q. And when did that happen and where?

12 A. Minnesota.

13 Q. How old were you?

14 A. Nine.

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

17 A. Several times, probably.

18 Q. Did that make you angry too?

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

24 Q. How do you look at it now?

25 A. I have a fiancée.

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

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

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

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

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

12 A. No, sir.

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

15 A. No, sir.

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

19 A. Okay.

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

25 Does that refresh your recollection?

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

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

4 A. Yep.

5 Q. Where does your sister live now?

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

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

9 A. Stacie.

10 Q. And how old is Jennifer?

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

12 Q. Who is her dad?

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

15 Q. Who is her mother?

16 A. Stacie Nightingale.

17 Q. Why do you call her your sister?

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

19 Q. She's not really your sister?

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

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

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

23 Q. Where was she living in 2005?

24 A. In Jonesboro.

25 Q. What name was she going by?

1 A. Jennifer.

2 Q. Jennifer what?

3 A. Nightingale.

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

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

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

9 A. Yes, sir.

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

12 A. Yes, sir.

13 Q. You were angry at her?

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

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

16 A. It wasn't a fun time.

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

19 A. No, not necessarily.

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

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

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

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

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

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

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

13 A. No, I didn't.

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

17 A. No.

18 Q. Not true?

19 A. No.

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

21 A. Not really, no.

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

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

1 was not going through my head, no.

2 Q. What was going through your head?

3 A. Just getting away.

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

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

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

13 A. Yeah.

14 Q. Why did you stop shooting?

15 A. I don't know.

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

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

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

24 A. I believe so, yeah.

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

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

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

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

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

8 A. I shot towards him, yes.

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

10 A. Not necessarily.

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

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

16 Q. Like you did on the others?

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

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

22 A. According to ballistics.

23 Q. You've seen the ballistics reports?

24 A. Yes, sir, I have.

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

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

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

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

7 A. Okay.

8 Q. Right?

9 A. Right.

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

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

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

18 A. No, sir.

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

20 A. Yes, sir.

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

23 A. No.

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

1 A. I don't know.

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

3 A. No.

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

5 A. Probably.

6 Q. Were you further or about this distance?

7 A. Maybe further.

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

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

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

12 A. You could say that.

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

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

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

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

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

22 A. Right.

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

24 A. I don't know.

25 Q. How many do you think he shot?

1 A. I don't know.

2 Q. Can you give me an estimate?

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

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

5 A. Three. I remember three rounds.

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

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

11 Q. And what did you say or do?

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

14 Q. And where did you all go?

15 A. Heading towards the van.

16 Q. And where was the van parked?

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

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

21 A. We were detained.

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

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

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

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

4 A. Yeah, yes, I did.

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

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

8 Q. Were you intending to shoot him?

9 A. No.

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

11 A. To intimidate him.

12 Q. Had you intimidated Andrew on other occasions?

13 A. No.

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

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

18 Q. Go ahead.

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

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

23 A. In March.

24 Q. March what?

25 A. 24th, I believe.

1 Q. What year?

2 A. Of '98, 1998.

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

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

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

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

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

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

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

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

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

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

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

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

8 A. Okay.

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

10 A. Okay.

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

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

20 A. Okay.

21 Q. Is that true?

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

23 Q. Well, is it true or not?

24 A. Yeah, it's true.

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

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

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

3 Q. Were you actually on school property?

4 A. When?

5 Q. At any time with a gun.

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

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

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

9 A. That was it.

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

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

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

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

21 Q. Just don't remember?

22 A. I don't remember, no.

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

25 A. When did I first learn?

1 Q. Yes.

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

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

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

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

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

12 Q. Did you or didn't you?

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

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

17 A. Over spring break, I believe.

18 Q. What did he tell you?

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

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

25 A. No.

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

3 A. No.

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

7 A. No.

8 Q. What was the discussion about it?

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

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

14 A. No.

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

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

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

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

5 Q. What did he say?

6 A. He said people will come out. That's when he would
7 prove a point. That's when he would scare people.

8 Q. That's when what?

9 A. He would prove a point and scare people.

10 Q. Did he say how he was going to prove a point and
11 scare people?

12 A. He was going to shoot over their heads.

13 Q. And when he said he was going to shoot over their
14 heads, how did he think that was going to prove his point?

15 A. That would scare people into stop messing with them.

16 Q. And did he tell you, "I expect you to shoot too"?

17 A. Initially, no.

18 Q. When did he first tell you he wanted you to do some
19 of the shooting?

20 A. That day, day of the shooting.

21 Q. What did he tell you?

22 A. I told him when I called him, I said, you know, "Do
23 you still need that transportation?" He was, like, "Yeah.
24 You're coming with me." I said, "Okay. I'll be over
25 there after a while." Skipped school and went to his

1 house.

2 Q. When was the first discussion about you doing some of
3 the shooting?

4 A. At his house.

5 Q. Who said what?

6 A. He just said, "Are you going to help me -- when I get
7 the guns, are you going to help me do the shooting?"

8 Q. And you said?

9 A. "Yes."

10 Q. Was there any further discussion about it?

11 A. Yeah.

12 Q. Who said what?

13 A. I asked him, I said, "If I do help you do this, no
14 one is going to get hurt, right?" He said that was his
15 plan, not to hurt anybody. He just meant to scare some
16 people and prove a point, you know. He's tired of being
17 messed with at school.

18 Q. And when you had this discussion, was there a
19 discussion about why you needed as much ammo as we saw in
20 these pictures? If you're just going to shoot a few shots
21 to scare some people, why did you need hundreds of rounds
22 of ammunition?

23 A. That's what we was going to use to survive. We was
24 going to hunt with that in the woods.

25 Q. Y'all were going to go live in the woods? "Yes"?

1 A. Yes, sir.

2 Q. When was the decision made to go live in the woods?

3 A. I think the day the shooting happened.

4 Q. The day of the shooting?

5 A. That's when he informed me that's what he wanted to
6 do.

7 Q. Tell me about that, when and where the conversation
8 took place and who said what.

9 A. Over the phone, I believe, when I was at my mom's
10 still. That's when he told me to pack my stuff.

11 Q. What did he say?

12 A. What did I say or what did he say?

13 Q. What did he say?

14 A. What did he say. He says we was going to leave after
15 the shooting happened. He's got a place we're going to
16 go. I said, "Okay. What do I need?" He said, "Just pack
17 your stuff. You probably won't be coming back home." I
18 said, "Okay."

19 Q. And did he say where this place was?

20 A. No, sir, he didn't. I didn't ask.

21 Q. You just told me there was this discussion about you
22 living in the woods, right?

23 A. Yes, sir.

24 Q. What did he say about living in the woods?

25 A. He just said we was going to run away. He had a spot

1 in the woods somewhere. We didn't get into full
2 discussion of where and when and all that. I was
3 following him, really.

4 Q. So was he the ringleader of this operation?

5 A. Yes, sir, he was.

6 Q. And had you heard that Andrew had told some other
7 kid, happened to be Jonathan Woodard, about the plans for
8 the shooting in advance?

9 A. I know he got suspended for that. I didn't know who
10 said what. I didn't know who told on him.

11 Q. And Shannon Wright's son, young boy --

12 A. Yes, sir.

13 Q. -- has grown up without his mama.

14 A. Unfortunately.

15 Q. And he wanted me to ask you a question.

16 A. Okay.

17 Q. So I'm going to quote to you, verbatim, the question
18 he wanted, the child, wanted me to ask you. Okay?

19 A. Okay.

20 Q. The child wanted me to ask you, "Why did you shoot my
21 mama?" Answer that question for that little boy because
22 he's going to have to listen to this answer and live with
23 it. Tell him why you shot his mama.

24 A. It wasn't intentional. I didn't intend to harm
25 anybody that day.

1 Q. With a thirty-aught six and a telescopic sight and
2 your bullets striking three people, you didn't intend to
3 hurt anybody?

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

5 Q. Did that telescopic sight -- was it just a
6 coincidence that it went off and hit these people?

7 A. Not necessarily. I don't remember physically looking
8 down my scope, aiming at a certain person, and pulling the
9 trigger.

10 I didn't have animosity towards Ms. Wright.
11 Ms. Wright was always good to me. Ms. Wright's a very
12 good woman.

13 And, for the record and for her son, I would
14 definitely apologize. I am apologizing. I am sorry,
15 young man, that you had to grow up without your mother,
16 and I am sorry that you didn't get a chance to know who
17 your mother was. And from what I knew of her, she was a
18 very good woman, one of the best teachers I ever had. I
19 didn't know her after that, and I'm really sorry she's
20 gone.

21 Q. Anything you want to say to the -- so if the family
22 members of any of the other victims see this tape, what do
23 you want to say to the family members of the four children
24 who were killed?

25 A. Again, that I'm sorry; that this is something that I

1 have to live with the rest of my life as well, the guilt
2 that I have, the struggles I go through every day, still,
3 of trying to find a job because of who I am.

4 I'm not mad at anybody. If they're mad at me, I
5 don't blame them at all. I try to put myself in their
6 shoes and ask myself if somebody killed my mother or my
7 daughter, how would I feel. And I understand why they
8 would be upset. They have that right to be, you know;
9 that if I could take it back, even if it meant me dying
10 and going to hell, I would, and I wouldn't second-guess
11 it.

12 I ask myself a lot, do I deserve to be free. I don't
13 think I do, in all honesty, you know. This recent arrest
14 that I had, I'm sorry for. The marijuana was not mine.
15 The gun was. Got it as a Christmas gift from a friend.

16 Again, I'm sorry that all this had to be threw back
17 up. I'm really sorry for the losses. I am sorry that
18 they had to go through knowing that their little girl will
19 never come home again, that they'll never experience
20 marriage, and they'll never experience childhood for
21 themselves. And I was wrong.

22 Q. Do the events of that day flash back in your mind?

23 A. A lot.

24 Q. When you're flashing back in your mind and the
25 shooting is actually taking place, what thoughts were

1 going through your mind when the shooting was taking
2 place?

3 A. All I remember is seeing Natalie getting hit. And
4 that keeps replaying, keeps replaying, keeps replaying.
5 In my dreams, sometimes during the day. I don't remember
6 hitting anybody else. I don't remember aiming at anybody
7 else.

8 Q. When the guns were loaded -- and you helped load the
9 guns, did you not?

10 A. I'm not sure if I did or not.

11 Q. Well, you had in your possession loaded guns?

12 A. Yes, sir, I did.

13 Q. At the time that you had those loaded guns going into
14 that ambush site, you knew that there was a substantial
15 risk that innocent people could be hurt or killed, didn't
16 you?

17 A. Possibly, yes.

18 Q. Because when guns are fired in the general direction
19 of somebody, even a ricochet can hurt or kill them?

20 A. Yes, sir.

21 Q. And you knew that?

22 A. Yes, sir.

23 Q. And still, with that knowledge, you went ahead and
24 fired that gun repeatedly, the rifle, right?

25 A. Yes, sir.

1 Q. And when the man was on the roof, saw you, you took
2 out the pistol, and you fired at him twice?

3 A. Yes, sir.

4 Q. And you didn't know if that pistol would reach him or
5 not, did you?

6 A. I knew it wouldn't.

7 Q. How far away was he?

8 A. A ways.

9 Q. How far away?

10 A. I don't know. 75 yards, maybe.

11 Q. How far will a pistol shoot?

12 A. Accurately?

13 Q. How far will a pistol shoot?

14 A. Accurately -- it was a .38, I believe, that I shot at
15 him with. A .38, accurately, maybe 50 yards.

16 Q. And if it's not accurate, how far will the bullet
17 travel to where it can harm somebody?

18 A. I'm not sure. A mile, maybe.

19 Q. And so you know, shooting in the direction of those
20 people, that you were putting them at substantial risk
21 too, did you not?

22 A. Yes, sir.

23 Q. Just shooting in their direction?

24 A. Yes, sir.

25 Q. You have been -- you've had some therapy or

1 counseling on more than one occasion, haven't you?

2 A. Oh, yes. Many, many, times.

3 Q. Before your arrest, who all had you had counseling
4 with?

5 A. Before my arrest?

6 Q. Yes. Dr. Michael Prince and who else?

7 A. Before my arrest. I seen a doctor one time, I
8 believe, in Jonesboro. Don't know his name. But that was
9 it.

10 Q. In counseling, did you ever tell your counselors or
11 therapists why you did this?

12 A. I still don't know why, really. I don't know why I
13 decided to help Andrew. I don't technically know why.

14 Q. Okay. In the juvenile detention in both state and
15 federal, were you ever the victim of a sexual assault
16 while were you incarcerated?

17 A. No, sir. Thank God, no.

18 Q. Did you have any sexual contact with any of the other
19 inmates?

20 A. No, sir.

21 Q. Were you involved in any altercations or fights while
22 you were in detention?

23 A. Yes, sir.

24 Q. How many?

25 A. How many? Two or three.

1 Q. Were you ever the person who provoked any of those
2 incidents?

3 A. No.

4 Q. Mr. Johnson, you had had trouble with school in terms
5 of cussing on the bus, cussing teachers and fighting,
6 throughout your time at Westside, had you not?

7 A. Yes, sir.

8 Q. What brought about that kind of behavior?

9 A. Initially, how I seen my dad treat me, how I seen
10 Scott treat me, how I seen Scott live.

11 Q. Tell me what you mean by that.

12 A. He cussed me all the time. Used to hit me, fight
13 with me.

14 Q. Was he physically abusive to you?

15 A. Yes, sir, he was.

16 Q. What would he do physically abusively?

17 A. Punch me in the face, slap me around, throw me
18 against the walls.

19 Q. Was he an alcoholic?

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

21 Q. Just used drugs?

22 A. Probably, yeah.

23 Q. What about abuse of animals, did you ever abuse
24 animals?

25 A. No.

1 Q. Did he?

2 A. Scott? I don't know.

3 Q. Do you know if Andrew did?

4 A. No, sir.

5 Q. By "abuse of animals," like taking a ball bat and
6 hitting a cat just to see what would happen to it,
7 something like that.

8 A. No, sir. I have pets, or I had pets then.

9 MR. McDANIEL: Let's change our tape, and
10 we'll be through shortly. Let's just stay where
11 we are.

12 THE VIDEOGRAPHER: The time is 2:07 p.m.
13 We're off the record.

14 (Pause in the proceeding.)

15 THE VIDEOGRAPHER: Back on the record. The
16 time is 2:07 p.m. We are back on the record.
17 Counsel.

18 MR. McDANIEL: Mr. Johnson, I want to show you a
19 little diagram, and I'll mark this as -- what are we up
20 to, D?

21 THE REPORTER: Yes, sir.

22 MR. McDANIEL: And the next one will be E.
23 (Exhibit D was marked for identification
24 and was retained by counsel.)

25 BY MR. McDANIEL (Continuing):

1 Q. And this is a diagram made by the police. Look at it
2 for a minute. It shows the ambush position and the other
3 ambush position, and it shows a building under
4 construction, and the basketball court.

5 Do you see that?

6 A. Yes, sir, I do.

7 Q. Does that look like the area where the shooting took
8 place?

9 A. That's a rough sketch.

10 Q. Okay. Where were the children in this diagram and
11 the teachers when the shooting took place, can you point
12 to it?

13 A. No. It's not there.

14 Q. It's not there?

15 A. No, sir. Not that I see.

16 Q. About where were the children? If you were here,
17 where were the children in reference to where you shot?
18 Just point that they were here, here, here, here, here.
19 About where were they? Here's the basketball.

20 A. I'm looking for the sidewalk that connected between
21 the gym and the school. Where is the gym, is it on there
22 at all?

23 Q. Basketball court.

24 A. No, the gym with the gymnasium inside.

25 Q. You just tell me. I wasn't there.

1 A. I mean, I don't know.

2 Q. If you can't tell me, you can't tell me.

3 A. I can't tell you, not from that diagram.

4 Q. Okay. All right. Now, let's look at another diagram
5 then and see if this will help you any.

6 A. Okay.

7 MR. McDANIEL: This is a diagram that I'll
8 mark as Exhibit E.

9 (Exhibit E was marked for identification
10 and was retained by counsel.)

11 BY MR. McDANIEL (Continuing):

12 Q. This is a diagram that shows where the various
13 students and teachers were when the shooting took place.
14 See the sidewalks?

15 A. Okay.

16 Q. And the ones in red is where the people were that
17 were killed.

18 Do you see that?

19 A. Yes, sir, I do.

20 Q. And the ones in blue are where the ones that were not
21 killed, but were injured.

22 Do you see that?

23 A. Okay.

24 Q. And here's where the fire alarm was.

25 Do you see that?

1 A. Where?

2 Q. Here.

3 A. Okay.

4 Q. Now, where were you and Andrew in relation to this
5 drawing?

6 A. We was on this side of the page.

7 Q. So you would have been over in this direction?

8 A. Yes, sir.

9 Q. All right. Now, when the shooting took place, Andrew
10 would have been to your right; is that correct?

11 A. I don't recall.

12 Q. You don't remember?

13 A. I don't remember which side he was on.

14 Q. You don't remember if he was on your right or your
15 left?

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

17 Q. Okay. And so you were shooting from the left of this
18 page to the right of this page; is that correct?

19 A. I believe so, yes.

20 Q. And there were some 70 or so teachers and students in
21 that area, right?

22 A. I don't know.

23 Q. There was a large crowd?

24 A. They filed out -- it wasn't a large crowd that I
25 remember. It wasn't like a huge group of people, no.

1 Q. Do you have any reason to dispute that the police
2 diagram with all those numbers on it is represented by the
3 names of the people as part of the police diagram as to
4 where who was standing, where they were standing?

5 A. No, sir. I don't recall -- there was only -- after
6 the fire alarm was pulled and the first two shots were
7 fired, there were not that many people out there. After
8 the fact, because there were several shots fired after --
9 after I shot my first round, and don't recall shooting
10 after that, there was four more rounds shot from my gun.
11 And I don't know how many Andrew shot.

12 Q. Four more from your rifle?

13 A. From my rifle, yes, sir.

14 Q. And two more from your pistol?

15 A. Yes, sir.

16 Q. Okay. And you don't remember shooting any of those?

17 A. I remember shooting the pistol after the fact.

18 Q. And you don't remember shooting the rifle, the other
19 four rounds?

20 A. No, sir, I do not.

21 Q. So you don't remember whether you were taking dead
22 aim with that rifle or not if you don't even remember
23 pulling the trigger?

24 A. From where I stand right now, I was not intending to
25 hurt anybody.

1 Q. That wasn't my question.

2 A. Okay. What's your question?

3 Q. If you don't remember even shooting the gun, you
4 can't remember whether you were aiming it or not, correct?

5 A. Correct.

6 Q. So then if the people were shot, it's a reasonable
7 conclusion they were aimed at and shot as a result of
8 where you were aiming the gun, reasonable?

9 A. Rephrase it, please.

10 Q. Yes.

11 A. Rephrase the question.

12 Q. Since you don't remember even pulling the trigger,
13 you can't remember where you were aiming; is that right?

14 A. True.

15 Q. So then if the gun was shot, and the bullet struck
16 people, that meant the gun was aimed at those people, or
17 the bullets wouldn't have hit them, right?

18 A. Technically, yes.

19 Q. And nobody had control of that gun but you, right?

20 A. I don't know that.

21 Q. Did Andrew ever take your gun away from you?

22 A. I don't know that. I can't say.

23 Q. And after the shooting was over, did you still have
24 the gun in your possession?

25 A. It was on the ground.

1 Q. Right beside you?

2 A. It was in front of me a couple feet.

3 Q. Did you throw it down to pick up your pistol to shoot
4 the men on the roof?

5 A. I don't know.

6 Q. Where was Andrew when you had your pistol, shooting
7 at the people on the roof?

8 A. Behind me, I believe.

9 Q. Already trying to leave?

10 A. Yes, sir. That's after he come and got me again
11 because he had left. Apparently, he had got up and left,
12 and came back. That's what he told me. He said, "I had
13 to come get you." Because I was sitting there.

14 Q. Did he tell you that you had shot after he stopped
15 shooting, you kept shooting?

16 A. After he stopped shooting?

17 Q. Yes. And he then left, and he had to come back and
18 get you. Had you still been shooting?

19 A. I don't know.

20 Q. Who fired the last shot?

21 A. I don't know.

22 Q. When did Andrew tell you that he left and had to come
23 back and get you, when did he tell you that?

24 A. I don't even know if he told me that. I might be
25 assuming that. But I know I was sitting there, and no

1 shots -- I didn't hear any shots. We were sitting there,
2 and him grabbing me, and I turned around and looked at
3 him, and he said, "Come on. Let's go." That's when I
4 remember, from that point on, what had happened.

5 Q. All right. When the police stopped you and detained
6 you, who said or did what?

7 A. We was on the road, and police pulled up, and the
8 officer jumped out of the vehicle, told us to stop, so I
9 stopped.

10 Q. Did they have their weapons drawn?

11 A. Yes, sir, they did. He did. It was only one officer
12 at the time, I believe.

13 Q. And you had your weapons with you, did you not?

14 A. Yes, sir, I did.

15 Q. And the officer told you to do what?

16 A. Drop the weapons.

17 Q. Did you?

18 A. At first, no.

19 Q. Why not?

20 A. I didn't know what to do, really. I just looked at
21 him.

22 Q. Then what happened?

23 A. He repeated it, and another police officer showed up,
24 drew his weapon, and that's when I put my gun down.

25 Q. Did you ever make any movement toward the officers

1 like you might shoot them or at them?

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

3 Q. Did you think the officers were about to shoot you?

4 A. I didn't know.

5 Q. Did you say -- did they ask you what happened?

6 A. Not really that I recall.

7 Q. Did you know Paige Herring who was killed, did you
8 know her?

9 A. I know of her. I don't know her personally. I
10 didn't know her personally.

11 Q. You did not know her personally?

12 A. I don't believe so.

13 Q. Did you know Stephanie Johnson?

14 A. We all went to school together. I never hung out
15 with any of them, besides Natalie.

16 Q. Did you ever have any social interaction with Paige
17 Herring, Stephanie Johnson or Brittney Varner?

18 A. In passing.

19 Q. Had you ever asked any of them to go out on a date?

20 A. No, sir.

21 Q. Had you ever said something to them, and they were
22 rude to you or dismissed you or rejected you in any way?

23 A. No, sir.

24 Q. Did you have any animosity toward any one of them?

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

1 Q. All right. Let's talk about Natalie Brooks.

2 A. Okay.

3 Q. What, if any, was your contact with Natalie Brooks?

4 A. Me and Natalie were friends.

5 Q. You and Natalie were friends. What was the nature of
6 that friendship?

7 A. We hung out at school, been to a couple of basketball
8 games she was at. We hung out there.

9 Q. Sat together, that sort of thing?

10 A. Yeah, talked.

11 Q. Okay. Were you in the same classrooms?

12 A. No, sir. She was a year younger than me.

13 Q. Were you in the classrooms with Paige Herring?

14 A. No, sir, I don't believe.

15 Q. Were you in the classroom with Stephanie Johnson?

16 A. We was in the same grade. I don't know if we had
17 class together or not. We was in the same grade, I think.

18 Q. What about Brittney Varner?

19 A. I believe she was a year younger than me too.

20 Q. And had you ever had any -- other than Ms. Wright,
21 according to the record, sending you to in-school
22 detention twice, had you had any conflicts with
23 Ms. Wright?

24 A. Me and Ms. Wright -- I always got along with
25 Ms. Wright.

1 Q. One of the police officers indicates that he was
2 standing, holding onto your handcuffs, when an officer,
3 talking to himself as much as anything else, said "Why?"
4 according to the police report of Officer Investigator
5 Rick Dickinson, said "Why?" And Johnson heard this other
6 officer and said, "Anger, I guess." And then he nodded
7 toward the other suspect, Golden, and said, quote, "He
8 asked me if I would help him do it, and I said, 'Yes.'"

9 Did that happen?

10 A. I don't recall if it did or not. I don't recall
11 saying that. I may have.

12 Q. Andrew Golden was 11 years old when this incident
13 happened, right, you were 13?

14 A. I was 13. I don't know how old Andrew was.

15 Q. A lot of people have been asking questions for years
16 relating to the shooting at Westside, Columbine School,
17 and other school shooting incidents, some of which were
18 successful and some of which were broken up, right?

19 A. I guess.

20 Q. Well, you read the paper and see the TV?

21 A. I wasn't allowed to watch the news or associate with
22 the press at all.

23 Q. Since you've been out, you've heard about the
24 Columbine shooting, haven't you?

25 A. Since I've been out, yes.

1 Q. And other school shootings or episodes, right?

2 A. I guess.

3 Q. One of our purposes here is to try to find out what
4 would make two 11- and 13-year-old kids commit mass
5 murder. That's one of the things that the parents are
6 very interested in so, hopefully, we can have some input
7 into trying to keep this from happening anywhere else.

8 A. Yes, sir.

9 Q. Do you agree that's a good thing?

10 A. I believe that's a very good thing, yes, I do.

11 Q. Can you give us any insight that maybe we can share
12 with other people is to say here's things to be on the
13 lookout for, here's things to be aware of, here's things
14 to do that might help prevent this sort of thing in the
15 future? Can you give us any insight at all?

16 A. All I know is what I was going through, I mean, what
17 I was going through, I'm sure similar people go through
18 it. People just handle it differently, you know.

19 What to look for. There wasn't very many signs I
20 gave off, I don't believe. My parents didn't know I was
21 going through all this. My parents, you know -- I didn't
22 do stuff around my parents because I knew they didn't
23 tolerate that. You know, anything I've ever done was
24 always behind my parents' back.

25 Okay. I mean, if a person is normally active, a

1 person is normally doing well in school and not having
2 problems, and he just all of a sudden clamps up, don't
3 want to talk, getting in trouble, obviously, that's a
4 warning sign, you know. Deviant behavior, running with
5 the wrong crowd, being a gang member. I was for a long
6 time. I guess, technically, you know, that's a bad thing.
7 It is. People who are physically violent, and don't get
8 counseling for it and don't talk about it, don't talk
9 about their problems, period, stuff boils over, you know.
10 And I think that was the main reason why. If there was
11 any reason, that was the main reason why I decided to help
12 Andrew do what he done, do what we done. I feel like I
13 didn't have anyone to talk to. I didn't have anyone to
14 open up to. I didn't know who I could trust.

15 Q. And you had a history of being physically violent?

16 A. Right.

17 Q. You fought a lot?

18 A. Yes, sir, I did.

19 Q. You were a member of a gang?

20 A. Yes, sir.

21 Q. You used drugs?

22 A. Yes, sir.

23 Q. And you also, in your diary, said you had a hangover
24 that day?

25 A. No, that's not true. I didn't have one. If I did, I

1 didn't drink alcohol at the time.

2 Q. It's in your diary.

3 A. I was probably talking, just talking crazy.

4 Q. You had changed in your personality from someone who
5 was a good student and not a disciplinary problem to one
6 who was in trouble all the time, or in trouble a lot?

7 A. I mean, the fights I got into, the stuff I normally
8 done, technically, I don't see myself as provoking that.

9 Q. Okay. But you wound up in a lot of fights?

10 A. Yes, sir, I did.

11 Q. And you had a lot of disciplinary problems at school?

12 A. Right.

13 Q. And your parents knew about the disciplinary problems
14 at school, didn't they? Surely the school let your
15 parents know.

16 A. Yes. When I got suspended and things, yes, they sent
17 home notes and contacted my parents.

18 Q. And do you remember Jenna Renee Brooks? She was a
19 seventh-grade student when the shooting took place.

20 A. I believe so.

21 Q. She said that both Golden and Johnson rode her same
22 bus, and that Mitchell, quote, thinks he's a real big shot
23 and says that he's always saying that he does drugs, he's
24 going to whip somebody or bring his gun to school and
25 shoot somebody.

1 Did you tell her that?

2 A. I didn't associate with Jenna. She was one of those
3 stuck-up people I was talking about that didn't -- you
4 know, she didn't associate with me.

5 Q. Well, she says that she told the police that you said
6 you were going to bring a gun to school and shoot
7 somebody; that she overheard you say that.

8 A. I never told that to anybody.

9 Q. Okay. And then she said that you brought a chain to
10 school at one time, and kept wrapping it around your hand,
11 making gang signs.

12 Did that happen?

13 A. What kind of chain?

14 Q. I'm just telling you what she said.

15 A. No.

16 Q. Didn't happen?

17 A. No, sir.

18 Q. I have a few more things to go over. We're about
19 finished.

20 A. Okay.

21 Q. On Monday, March the 23rd, did you tell anybody,
22 quote, I've got a lot of killing to do?

23 A. No, sir.

24 Q. Are you sure about that?

25 A. Yes, sir. I didn't talk -- I didn't talk to anybody

1 that day besides Jennifer. Jennifer is the only person
2 that I talked to that day throughout the whole day.

3 Q. And you had previously talked about suicide yourself,
4 had you not?

5 A. Suicide?

6 Q. Uh-huh.

7 A. I never really wanted to kill myself, no.

8 Q. But you talked about that you might, didn't you?

9 A. Not that I recall.

10 Q. You never told anybody you were thinking about
11 committing suicide?

12 A. I never really wanted to kill myself.

13 Q. Not what I asked.

14 A. I don't think I have, no.

15 Q. A lot of people say that, and they don't really want
16 to do it.

17 A. Right.

18 Q. But had you ever said to anybody, "I might commit
19 suicide" or "I might kill myself"?

20 A. Not that I recall, no.

21 Q. Okay. And I'm confused about something, so I'm going
22 to say this to you.

23 A. Okay.

24 Q. You've told me time and again you were a member of a
25 gang for a long time. When I took your deposition the

1 first time, you said you were not a member of the gang.

2 A. Okay.

3 Q. Which is it?

4 A. That I am. Then I was facing criminal charges too,
5 you know. I'm not anymore.

6 Q. Were the gangs that you were in affiliated with the
7 Bloods?

8 A. That's who they are.

9 Q. Did the police ever come to your home and find a .357
10 pistol on the table at your home, and tell your mama, your
11 mother, Gretchen, that that gun should be secured? Do you
12 remember that?

13 A. No, sir.

14 Q. Don't remember? Okay.

15 A. When did this happen, or supposedly happen?

16 Q. Before the shooting took place.

17 A. No, sir.

18 Q. Did you ever brag about using drugs other than
19 marijuana?

20 A. I've only smoked marijuana. Never done any other
21 drugs.

22 Q. I'm not asking if you've ever done them. I asked did
23 you brag about doing them. Because, again, sometimes
24 people say --

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

1 Q. Mr. Johnson, there's a lot of ground that we've
2 covered, and I've asked you questions, and when you didn't
3 understand them, I think you asked me to clarify them,
4 right?

5 A. For the most part, yes.

6 Q. Are there any questions that I've asked you that you
7 want to go back now and change or modify in any way? Any
8 answers you've given, do you want to go back and change or
9 modify?

10 A. I don't think so.

11 Q. You realize the answers you give here are under oath
12 and subject to penalty of perjury, which could include
13 penitentiary if either a judge or a jury thought you
14 committed perjury. Do you realize that?

15 A. Yes, sir, I do.

16 Q. And you know that when Andrew gets out, we'll be
17 taking his deposition?

18 A. That's not my business.

19 Q. Okay. Do you know when Andrew gets out?

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

21 Q. Do you know where Andrew is?

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

23 Q. If you have -- when Andrew gets out, if he has
24 contact with you, will you let this court reporter know
25 when she leaves you a card so we can supplement the

1 deposition to say that he contacted you?

2 A. Why is that important?

3 Q. Well, it's important if you guys are still having
4 contact.

5 A. Why is that important though?

6 Q. Why is that important?

7 A. Right.

8 Q. Because the two of you got together and did something
9 like this once. It's possible it could happen again.

10 A. Not on my behalf. It will never happen again.

11 Q. Then you would have no reluctance in letting us know
12 the two of you got in contact, right?

13 A. That's fine.

14 Q. Or as far as that goes, you can call my office
15 instead of the court reporter, and just leave word that
16 Andrew Golden got in touch with you. Can you do that?

17 A. Sure.

18 Q. If your address changes, will you let us know?

19 A. I don't plan on staying in Fayetteville, I mean, it's
20 just temporary with Michael. I'm trying to find a job,
21 trying to get on my feet.

22 Q. That's what I understand. So when your address
23 changes, I have to send you papers and so on and notify
24 you of things.

25 A. Okay.

1 Q. And I can't do that if I don't know where and how to
2 reach you.

3 A. This is true.

4 Q. So will you keep my office informed as to your
5 whereabouts?

6 A. I will try. I'm not going to make promises, but I'll
7 try.

8 Q. Well, I'll give you one of my cards, which I'm doing
9 now. It has an 800 telephone number on it so it won't
10 cost you anything.

11 A. That's fine.

12 Q. And you can contact my office. Don't even have to
13 talk to me. Just leave word with the secretary what your
14 current address, phone number and employment is.

15 Will you do that?

16 A. Yes, sir.

17 Q. Do you think that it's the least you could do for
18 these parents and the Wright family to let them know of
19 your whereabouts?

20 A. I don't think that's important.

21 Q. You don't?

22 A. And I'll tell you why.

23 Q. Why?

24 A. I've had several threats on my life.

25 Q. By whom?

1 A. Mitchell Wright, for one, has threatened me.

2 Q. When did he threaten you?

3 A. Several times.

4 Q. Where?

5 A. Huh? We haven't had contact, but he's threatened my
6 mother to threaten me, to harm me, you know. And, again,
7 I'm sorry for what I've done. I'm really sorry this had
8 to happen. I done what the judge gave me to do. I done
9 my sentence. Was it a fair sentence? In my opinion, no,
10 it wasn't, and I'll agree to that, but I am free. My
11 whereabouts is nobody's business but my own. What I do is
12 my own business.

13 Q. Except when you're a party to a civil litigation
14 you're required to keep the other side advised as to your
15 whereabouts. That's part of it. That's one of the
16 requirements. So we have to know where -- and I can
17 assure you Mitchell Wright doesn't want to have any
18 contact with you.

19 A. And likewise, sir.

20 Q. Okay. So keep my office informed of your
21 whereabouts.

22 Now, I'm going to ask you one other thing. If you
23 think back on this and you think of something else, you're
24 obligated to let me know that you remembered something
25 else, like who shot, who did, or who said what during the

1 actual shooting.

2 A. Right.

3 Q. And let me know, and we'll supplement this
4 deposition.

5 A. Okay.

6 Q. Because this is your sworn testimony.

7 A. Yes, sir.

8 Q. And after Andrew Golden's testimony is taken, the two
9 will be compared.

10 A. Okay.

11 Q. And either a judge or a jury or somebody might try to
12 decide one of you is not telling the truth, and a judge or
13 a jury or a prosecutor may decide one or the other of you
14 or both have committed perjury. I'm not suggesting that
15 will happen.

16 A. Right.

17 Q. I'm just telling you that's what we're going to do is
18 get his deposition, and compare the two stories.

19 A. Okay.

20 Q. Okay. So that's why it's important that if you
21 realize something you said is not true, you need to let us
22 know so we can get the true version.

23 A. All right.

24 Q. Is that understandable?

25 A. Yes, sir, I understand that.

1 Q. And, again, you have no reluctance whatsoever in
2 consenting to a judgment against you that would keep you
3 from profiting from this in any way?

4 A. I don't ever plan to profit from this, ever,
5 whatsoever.

6 Q. So you certainly don't have any objection?

7 A. I have no objection, no, sir, I do not.

8 Q. All right. I've tried to be courteous to you. Have
9 I been?

10 A. Yes, sir, you have been, for the most part.

11 Q. And you have been to me.

12 A. Thank you.

13 Q. Is there anything else you want to say on this record
14 while we're on the record, either to me or to the family
15 members, that you haven't said that you want to get on the
16 record, anything at all?

17 A. On the record that I'm trying to live my life the
18 best that I can with what I have. Right now, it's not a
19 lot. And, again, I'm very sorry that this has happened.
20 I live with this every day of my life. It's never going
21 to go away. That's my actual punishment, knowing that I
22 took an innocent life, knowing that I've caused suffering
23 and pain for somebody else and that I truly, from the
24 bottom of my heart, am sorry; that I pray that if they
25 believe in God, they believe in the same God that I do,

1 that they understand that, you know, from the heart, I'm
2 sorry. I've asked for my forgiveness, both of them and
3 God. According to my Bible, the Holy Bible, you know, the
4 Lord has forgiven me.

5 Again, I don't hold any grudges towards anybody, you
6 know. Never, ever, will I intend to hurt anybody again,
7 ever. I didn't intend this time. It happened, and I'm
8 really sorry it happened. And just -- you know, I'm
9 trying, again, the best of my ability to get established
10 in life. Society is cruel, you know, especially towards a
11 murderer, you know. It's just something that I live with
12 every day.

13 Q. Anything else?

14 A. No, sir.

15 MR. McDANIEL: All right. That will
16 conclude the deposition. Thank you very much.

17 THE VIDEOGRAPHER: The time is 2:35 p.m.,
18 and we're clear.

19 (Deposition concluded at 2:35 p.m.)

20 -oOo-

COURT REPORTER'S CERTIFICATE

STATE OF ARKANSAS)
) ss
COUNTY OF BENTON)


I, BETH A. KALTENBERGER, Certified Court Reporter in and for the State of Arkansas, do hereby certify that the witness, MITCHELL JOHNSON, was duly sworn or affirmed by me prior to the taking of testimony as to the truth of the matters attested to and contained herein; that the testimony of said witness was taken by me stenographically and was thereafter reduced to typewritten form by me or under my direction and supervision; that the foregoing transcript is a true and accurate record of the testimony given to the best of my understanding and ability.

In accordance with Rule 30(e) of the Rules of Civil Procedure, review of the transcript was not requested by the deponent or any party thereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially

1 interested or otherwise in the outcome of this action; and
2 that I have no contract with the parties, attorneys, or
3 persons with an interest in the action that affects or has
4 a substantial tendency to affect impartiality, that
5 requires me to relinquish control of an original
6 deposition transcript or copies of the transcript before
7 it is certified and delivered to the custodial attorney,
8 or that requires me to provide any service not made
9 available to all parties to the action.

10
11 IN WITNESS WHEREOF, I have set my hand and
12 affixed my seal on this 12th day of April, 2007.

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20 
BETH A. KALTENBERGER, CCR, RPR, CRR
Certificate No. 679

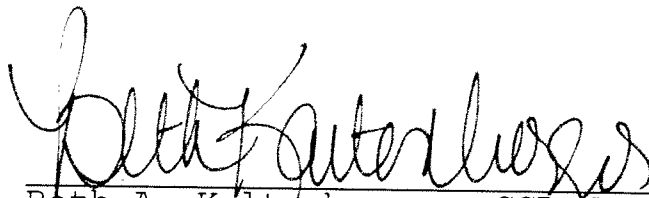
21
22 **Arkansas Supreme Court**
23 **Certified Court Reporter**
24 **Beth A. Kaltenberger**
25 **Certificate No. 679**

1 COURT REPORTER'S CERTIFICATION OF CERTIFIED COPY
2

3 I, BETH A. KALTENBERGER, LS No. 679, Certified Court
4 Reporter in the State of Arkansas, certify that the
5 foregoing pages 1-133 constitute a true and correct copy
6 of the original deposition of MITCHELL JOHNSON taken on
7 April 2, 2007.
8

9 I declare under penalty of perjury under the laws of
10 the State of Arkansas that the foregoing is true and
11 correct.
12

13 Dated this 12th day of April, 2007.
14

15
16 
17

18 Beth A. Kaltenberger, CCR No. 679
19
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22
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25

1 IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

2 MITCHELL K. WRIGHT, ET AL., *

3 Plaintiff, *

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

5 ANDREW GOLDEN, ET AL., *

6 Defendant. *

7
8 THE DEPOSITION OF ANDREW GOLDEN A/K/A DREW GRANT

9
10
11
12 December 22, 2008

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19
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21
22
23 JENNY L. BURKS, CSR
24 1203 Colonial Drive
25 West Memphis, Arkansas 72301
(870) 735-2449

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

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

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

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A P P E A R A N C E S

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Wynne, AR 72390

ALSO PRESENT: Suzann Wilson
Mitchell Wright

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

3 THE COURT: Yes.

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

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

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

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

25 THE COURT: For the purposes of a civil

1 deposition, yes.

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

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

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

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

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

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

21 MR. PERRY: Judge, Joe Perry.

22 THE COURT: Hi, Joe.

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

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

6 MR. McDANIEL: Agreed and continued.

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

11 MR. McDANIEL: Thank you.

12 MR. PERRY: Thank you, Judge.

13 THE COURT: All right.

14 MR. GLOVER: Thank you.

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

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

18 MR. McDANIEL: Thank you.

19 THE COURT: All right. Bye.

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

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

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

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

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

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

14 THE VIDEOGRAPHER: Counsel.

15 DIRECT EXAMINATION

16 BY MR. McDANIEL:

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

18 A. Drew Douglas Grant.

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

22 A. Yes, sir.

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

24 A. It was after my release.

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

1 release from incarceration?

2 A. Andrew Golden.

3 Q. When did you get your name changed?

4 A. I don't remember the exact date.

5 Q. Can you give me an approximate date?

6 A. The summer of 2007.

7 Q. Where were you living when you got your name
8 changed?

9 A. In Missouri.

10 Q. Where?

11 A. In Cape Girardeau.

12 Q. Street address?

13 A. 111 Weeping Willow.

14 Q. Living with your sister?

15 A. Yes, sir.

16 Q. And that was your residence?

17 A. Yes, sir.

18 Q. Did you report to the Court that your residence,
19 that you were a resident of Missouri in the summer of '07
20 so that you could get your name changed?

21 A. Yes, sir.

22 Q. Is that the reason you moved to Missouri so you
23 could get your name changed and raise less likelihood of
24 any awareness?

25 A. Yes, sir.

1 Q. And did you also apply for a Missouri driver's
2 license?

3 A. Yes, sir.

4 Q. And did you report your address as a Missouri
5 address?

6 A. Yes, sir.

7 Q. Do you have your driver's license with you?

8 A. My current driver's license?

9 Q. Yes, sir.

10 A. Yes, sir.

11 Q. May I see it, please?

12 A. I think there was a copy of it somewhere.

13 Q. I want to see your original, and if this is a
14 copy, then that's fine, but I want to see your original.
15 It shows this is issued on September the 8th of 2008, is
16 that correct?

17 A. Yes, sir.

18 MR. McDANIEL: And we'll mark that as
19 Exhibit 19, a photocopy of it.

20 (Whereupon, Exhibit 19 was marked)

21 Q. Do you have any other driver's licenses in your
22 possession?

23 A. No, sir.

24 Q. What happened to the Missouri driver's license?

25 A. When you get an Arkansas driver's license they

1 keep the other.

2 Q. All right. And so you got, when did you get the
3 Missouri driver's license?

4 A. I don't remember the exact date.

5 Q. Approximately? I mean, we can play this game,
6 if you ask you a date an you don't know exact date, just
7 give me the best approximation you know.

8 A. It would have been the summer of 2007.

9 Q. All right. And when did you leave Cape
10 Girardeau?

11 A. About the fall.

12 Q. Of 2007?

13 A. Yes, sir.

14 Q. Where did you go to from there?

15 A. To my mother and father's house.

16 Q. Where is that?

17 A. In Ravenden.

18 Q. And you knew that I, on behalf of the families,
19 were trying to serve you with process and sent deputy
20 sheriffs to your parents home on at least two occasions,
21 you were aware of that, weren't you?

22 A. No, sir.

23 Q. Your mom never told you that deputy sheriffs
24 showed up looking for you?

25 A. Not that I can recall.

1 Q. That's something y'all wouldn't discuss?

2 A. I don't remember if she, she ever said anything
3 about it.

4 Q. How did you come up with the name Grant, where
5 did that name come from?

6 A. That was my grandmother's maiden name.

7 Q. Douglas?

8 A. That was my middle name.

9 Q. Okay. And you just shortened Andrew to Drew?

10 A. Yes, sir.

11 Q. All right. Your Arkansas driver's license
12 indicates a date of birth of 5/25/86, is that correct?

13 A. Yes, sir.

14 Q. You understand this deposition is taken under
15 oath and you've been sworn?

16 A. Yes, sir.

17 MR. McDANIEL: You did swear the
18 witness, did you not?

19 THE COURT REPORTER: Yes.

20 MR. McDANIEL: Okay.

21 Q. And you understand this deposition is subject to
22 penalty of perjury?

23 A. Yes, sir.

24 Q. And if you do false swearing you could be
25 criminally prosecuted for it?

1 A. Yes, sir.

2 Q. Okay. At any time I ask you a question you
3 don't understand it, I expect you to let me know so that I
4 can rephrase the question. Is that agreeable?

5 A. Yes, sir.

6 Q. And if you answer a question I'm going to assume
7 you understand it, is that agreeable?

8 A. Yes, sir.

9 Q. And you've had the benefit of sitting here all
10 morning listening to your mother testify, have you not?

11 A. Yes, sir.

12 Q. So when I ask you questions you already know
13 what your mother had to say, right?

14 A. Yes, sir.

15 Q. Okay. Have you ever used a name other than
16 Andrew Golden or Drew Grant whether legally, officially or
17 as an alias or a nickname or any other name?

18 A. No, sir.

19 Q. Why did you change your name?

20 A. To start over.

21 Q. Start over how, why?

22 A. To start a new life.

23 Q. Why?

24 A. That way it would cause less problems when I go
25 to school and things and ...

1 Q. Anything else?

2 A. No, sir.

3 Q. You didn't want anybody to know where you were,
4 did you? Is it important to you that you hide out from
5 your past?

6 A. No, sir.

7 Q. You don't mind if the public knows of your
8 whereabouts and who you are?

9 A. There would be some safety concerns.

10 Q. What safety concerns from whom?

11 A. There were some death threats.

12 Q. That was back in 1998 by people living in Texas
13 and New York or somewhere?

14 A. Yes, sir.

15 Q. And nobody was ever prosecuted or even arrested
16 for those, were they? They were just threats in a letter
17 form, right?

18 A. Yes, sir.

19 Q. And you never received any threats from any
20 member of the families of the victims of the shooting at
21 Westside, have you?

22 A. Other than Mr. Wright saying that on the stand
23 that day, nothing.

24 Q. Tell me what Mr. Wright said?

25 A. That he would be waiting on me when I was

1 released.

2 Q. And did he say what he'd be doing when he was
3 waiting on you?

4 A. No, sir.

5 Q. In fact, he's waiting on you here today, isn't
6 he?

7 A. Yes, sir.

8 Q. Because he wants to hear your side of what
9 happened?

10 A. Yes, sir.

11 Q. You killed his wife, you participated in the
12 killing of his wife, didn't you?

13 A. Yes, sir.

14 Q. And does that come as a surprise to you he'd
15 want to hear from you about what you had to say about
16 that?

17 A. No, sir.

18 Q. So that's not a threat, that's somebody that's
19 wanting to know what you did and why you did it, right?

20 A. Yes, sir.

21 Q. Why was his wife killed?

22 A. I don't know.

23 Q. Who shot Shannon Wright?

24 A. I don't know.

25 Q. Oh, come on. What gun were you using? Huh?

1 You recognize that when I ask you these questions there is
2 some forensic evidence of what guns were used and we
3 already have the deposition of Mr. Johnson, which you've
4 read, right?

5 A. Yes, sir.

6 Q. And do you remember Mitchell Johnson saying
7 which gun he used?

8 A. Yes, sir.

9 Q. What gun did he say he used?

10 A. He used the 30.06.

11 Q. And what other gun was used to kill people that
12 day?

13 A. There was an M1 Carbine.

14 Q. An M1 Carbine. Did you ever see Mitchell
15 Johnson shoot the M1 Carbine?

16 A. No, sir.

17 Q. Was there anybody else shooting besides you and
18 Mr. Mitchell?

19 A. No, sir.

20 Q. So the only person that would have shot the M1
21 Carbine would have been you, right?

22 A. Yes, sir.

23 Q. So how many times did you shot the M1 Carbine?

24 A. I don't know.

25 Q. How did you select your targets?

1 A. I didn't.

2 Q. You didn't select them? They just fell down,
3 you shot up in the air and bullets flew out of the sky and
4 landed on them, is that it?

5 A. No, sir, I never shot at anybody.

6 Q. You never shot at anybody?

7 A. Not directly trying to pick someone out of the
8 crowd or anything.

9 Q. Uh-huh (affirmative). Did you read Mitchell
10 Johnson's deposition about how him seeing a child's head
11 get shot?

12 A. Yes, sir.

13 Q. Who did he say he saw get shot in the head?

14 A. Natalie Brooks.

15 Q. And you shot Natalie Brooks in the head, didn't
16 you?

17 A. I don't know.

18 Q. What do you mean you don't know?

19 A. I don't remember it.

20 Q. You don't remember shooting somebody in the
21 head, is that what you're telling us under your oath?

22 A. Yes, sir.

23 Q. And you're willing to let a jury decide if
24 that's true or not under penalty of perjury?

25 A. I don't remember it.

1 Q. Well, have you had any head, trauma to your head
2 since the time of the shooting?

3 A. Yes, sir, I was in a motorcycle wreck.

4 Q. Uh-huh (affirmative). And what kind of, what
5 kind of trauma did you have?

6 A. I landed on my head and I broke my collar bone.

7 Q. And do you remember where you were living at
8 that time when you had the wreck?

9 A. Yes, sir.

10 Q. Where were you living?

11 A. I was staying between a couple of different
12 residences.

13 Q. You were what?

14 A. I was between a couple of different residences.

15 Q. What were those two residences?

16 A. I was, 832 Silver Springs Road, Evening Shade
17 and then 910 Heber Springs Road at Desha.

18 Q. Desha?

19 A. Yes, sir.

20 Q. What about Batesville?

21 A. That's Batesville, Desha, it's ...

22 Q. Spell Desha.

23 A. D-E-S-H-A.

24 Q. All right. Is that part of Batesville?

25 A. It's right there on the outskirts of it.

1 Q. Okay. Where were you employed when this
2 motorcycle wreck happened?

3 A. I wasn't employed.

4 Q. Were you in school?

5 A. Yes, sir.

6 Q. Where were you in school?

7 A. At University of Arkansas Community College.

8 Q. Where?

9 A. At Batesville.

10 Q. And were you in school, were classes in session
11 at the general time frame when the wreck happened?

12 A. Yes, sir.

13 Q. About when did the wreck happen?

14 A. It was May, May sometime, it was early May.

15 Q. What year?

16 A. Of 2008.

17 Q. And who's motorcycle were you riding?

18 A. It was, it's in my mother's name, but it's my
19 father's and mine.

20 Q. It's your father's and who?

21 A. Mine.

22 Q. Who bought it for you?

23 A. My mother.

24 Q. Did anybody ride it besides you?

25 A. Yes, sir, my father did.

1 Q. Okay. And was anybody else involved in that
2 accident?

3 A. No, sir.

4 Q. How did the accident happen?

5 A. I lost control of the vehicle.

6 Q. And who was your insurance company?

7 A. I don't know.

8 Q. Was it State Farm?

9 A. I'm not sure.

10 Q. Okay. And did you go get medical treatment?

11 A. Yes, sir.

12 Q. Where did you go?

13 A. White River Medical Center.

14 Q. And tell me what treatment you got?

15 A. There was, they ended up doing surgery on my
16 shoulder when the plate was put in it.

17 Q. Anything else?

18 A. No, sir.

19 Q. And how did you do in school that semester?

20 A. Pretty good.

21 Q. And how had your classes gone before the wreck?

22 A. Pretty good.

23 Q. And where did you live when you were going to
24 school?

25 A. At my mother and father's house, Evening Shade

1 and at Desha.

2 Q. How did you -- and when we say Desha it's the
3 same thing as Batesville for all practical purposes?

4 A. Yes, sir.

5 Q. How did you decide where you'd stay when?

6 A. It depended on the school schedule.

7 Q. Well, explain it to me?

8 A. Well, on the days before school sometimes I
9 would stay there and I wouldn't have to get up as early to
10 drive.

11 Q. And when school, what days did you have classes?

12 A. Tuesdays and Thursday.

13 Q. So would you go up and stay in Batesville on
14 Monday, Tuesday, Wednesday and Thursday so you wouldn't
15 have to drive?

16 A. Just, usually it depends, it varied.

17 Q. Well, what was normal?

18 A. Monday night, Wednesday night and then Thursday
19 night or Friday night I'd go home or I'd go to the farm.

20 Q. All right. When you went to your mom and dad's
21 house, was that the one in Ravenden?

22 A. Yes, sir.

23 Q. We've already talked about it being close to the
24 river?

25 A. Yes, sir.

1 Q. And how did you describe that town in some of
2 your e-mail texting or e-mailing?

3 A. That it was small and there was nothing much.

4 Q. What kind of profane words did you use to
5 describe it? You know, don't you?

6 A. Yes, sir.

7 Q. What did you call the town?

8 A. A BFE.

9 Q. Huh?

10 A. BFE.

11 Q. We're grown-ups, tell us what words you used?

12 A. I said, bum fuck.

13 Q. And why did you select that name for that town?

14 A. The first thing that popped in my head.

15 Q. What about it made it such a bum town?

16 A. There's nothing there, there's a gas station and
17 a restaurant.

18 Q. Well, there was enough there to keep you going
19 there, wasn't there?

20 A. Yes, sir.

21 Q. And to the people that live there, that chose to
22 live there, they apparently like it?

23 A. Yes, sir.

24 Q. But since it doesn't meet your tastes, it's a
25 bum F town, right?

1 A. Yes, sir.

2 Q. Uh-huh (affirmative). And tell me about this
3 farm, who's farm was it?

4 A. It's our pastor's, or at the time it was, it's
5 his farm.

6 Q. What's his name?

7 A. Pat Hovis.

8 Q. Pat Hovis. What church does he pastor?

9 A. It's the Baptist church there in Ravenden.

10 Q. What's the name of it?

11 A. First Baptist, I think.

12 Q. You didn't go there very much, did you?

13 A. No, sir.

14 Q. How often did you go, if at all?

15 A. I've never attended his church.

16 Q. Okay. What church did you attend, if any?

17 A. The First Assembly.

18 Q. First Assembly of what?

19 A. Of God.

20 Q. Where?

21 A. At Imboden.

22 Q. And how often did you go there?

23 A. I've been there twice in the past couple of
24 weeks.

25 Q. Twice in the past couple of weeks?

1 A. Yes, sir.

2 Q. How about the last two years, how many times
3 have you been?

4 A. This is a recent thing. I haven't.

5 Q. So you just recently, right before this
6 deposition, went to church a couple of times?

7 A. Yes, sir.

8 Q. And let me just bounce around a little bit and
9 ask you some questions. Do you know the names of the
10 children who were killed at the Westside shooting?

11 A. Yes, sir.

12 Q. Who are they?

13 A. Paige Herring.

14 Q. All right.

15 A. Brittney Varner.

16 Q. All right.

17 A. Stephanie Johnson.

18 Q. You're letting your voice drop. You've got to
19 speak up. Stephanie Johnson. Who else?

20 A. And Natalie Brooks.

21 Q. Was a teacher killed?

22 A. Yes, sir.

23 Q. Who?

24 A. Shannon Wright.

25 Q. And did you know any of those five people before

1 they were killed?

2 A. Yes, sir.

3 Q. Which one of them did you know?

4 A. Paige Herring, Natalie Brooks, Brittney Varner.

5 Q. How did you know them?

6 A. I had classes with them.

7 Q. Had Paige Herring ever been rude or mean to you?

8 A. No, sir.

9 Q. Had Brittney Varner ever been rude or mean to
10 you?

11 A. No, sir.

12 Q. Natalie Brooks ever been rude or mean to you?

13 A. No, sir.

14 Q. How about Stephanie Johnson?

15 A. I didn't, I didn't know her.

16 Q. And what about Shannon Wright, had she ever been
17 mean or rude to you?

18 A. No, sir.

19 Q. Had Shannon Wright ever been involved in a
20 decision to place any disciplinary actions against you?

21 A. Not that I can remember.

22 Q. And did -- well, you had some disciplinary
23 actions against you in sixth grade, did you not?

24 A. Not that I remember.

25 Q. Did you ever go to in-school suspension?

- 1 A. No, sir.
- 2 Q. Did you ever get into any trouble while you were
3 in school in the sixth grade?
- 4 A. Not that I remember.
- 5 Q. You remember your mom talking about you talking
6 about guns at school?
- 7 A. Yes, sir.
- 8 Q. Do you remember that incident?
- 9 A. I don't remember the incident personally, no.
- 10 Q. Okay. When you were riding this motorcycle, do
11 you remember about how fast you were going when you lost
12 control?
- 13 A. Around 40 or so.
- 14 Q. Around 40 or so. Okay. What kind of helmet did
15 you have on, what brand?
- 16 A. I don't remember the brand.
- 17 Q. Okay. But you had on a helmet?
- 18 A. Yes, sir.
- 19 Q. What happened to the helmet?
- 20 A. I'm not sure.
- 21 Q. Do you still have it?
- 22 A. No, sir.
- 23 Q. Do you still have the motorcycle?
- 24 A. Yes, sir.
- 25 Q. Huh?

1 A. Yes, sir.

2 Q. How much damage was done to the motorcycle, ball
3 park? Totaled?

4 A. It was almost totaled.

5 Q. What's your cell phone number?

6 A. (870) 844-0036.

7 Q. You're dropping your voice again. Now, you have
8 these two attorneys that are representing you now, right?

9 A. Yes, sir.

10 Q. Are you paying either one of them, you yourself?

11 A. Not me, no, sir.

12 Q. Are your parents?

13 A. I think so.

14 Q. Okay. You've had other attorneys, have you not?

15 A. Yes, sir.

16 Q. And who was the attorney from California?

17 A. I don't remember his name.

18 Q. What about Val Price?

19 A. Yes, sir.

20 Q. And did you discharge Val Price or did his
21 services end when the state juvenile proceedings ended?

22 A. I can't remember.

23 Q. Okay. What about the Federal public defender?

24 A. Lee Ellen Fowler.

25 Q. Lee Ellen Fowler, yes. Tell me, when did her

1 services for you end, after you got out of Federal
2 custody?

3 A. I think so, I don't ...

4 Q. Did you go to trial in the Federal case?

5 A. Yes, sir.

6 Q. Did you testify?

7 A. No, sir.

8 Q. Did Mitchell Johnson testify?

9 A. I'm not sure. It was separate.

10 Q. Oh, they were separate. Okay. What about the
11 juvenile proceedings in Craighead County, did you go to
12 trial?

13 A. Yes, sir.

14 Q. Did you testify?

15 A. No, sir.

16 Q. Did Mitchell Johnson testify?

17 A. I can't remember.

18 Q. Okay. And when the shooting incident took place
19 you were involved in the shooting, were you not?

20 A. Yes, sir.

21 Q. Okay. And you've sat here and heard your mother
22 tell the story that you gave her about how you got
23 involved in that shooting, didn't you?

24 A. Yes, sir.

25 Q. All right. And that's what you had told her?

1 A. Yes, sir.

2 Q. You've read Mitchell Johnson's deposition, have
3 you not?

4 A. Yes, sir.

5 Q. One of you two are lying through your teeth, if
6 not both of you, right?

7 A. Yes, sir.

8 Q. We'll get to that in a little bit. Let's talk a
9 little bit about any other addresses you've had. We've
10 got the Cape Girardeau address, we've got the Batesville
11 address, we've got the farm in Evening Shade and we've got
12 the Ravenden address. Any other place you've lived or
13 stayed except while -- or after you've been released?

14 A. No, sir.

15 Q. Who lived with you at the Ravenden address?

16 A. My mother and father.

17 Q. Who lived with you on the farm?

18 A. I was generally by myself.

19 Q. And other than when you weren't by yourself, who
20 stayed overnight with you at the farm?

21 A. My mother and father.

22 Q. Anybody else?

23 A. Or my brother and sister did after I was
24 released for a short time.

25 Q. Okay. What about the Batesville address?

1 A. By myself.

2 Q. Since you've been released have you been dating
3 any girls?

4 A. I have dated some girls, but not currently.

5 Q. Since you were released have you been back to
6 Jonesboro?

7 A. Yes, sir.

8 Q. How many occasions?

9 A. I've went to see my grandmother a few times and
10 that's about it, I've been to the mall once or twice.

11 Q. About how many times have you been back to
12 Jonesboro?

13 A. I don't know.

14 Q. Give me your best estimate?

15 A. Maybe ten times.

16 Q. Okay. Did you ever go by the Westside school
17 and look at where this carnage took place?

18 A. No, sir.

19 Q. Did you ever make any effort to contact any of
20 the families and express your sorrow to them?

21 A. No, sir, I was told not to.

22 Q. By whom?

23 A. By my lawyers.

24 Q. Which lawyers, these today?

25 A. No, sir.

1 Q. Who?

2 A. Val Price and some of the others.

3 Q. Of course, that's after -- that's while you were
4 facing criminal charges, right?

5 A. Yes, sir.

6 Q. Once you got out of Federal custody there was
7 nobody telling you not to contact them, was there?

8 A. No, sir.

9 Q. Tell me why you didn't contact anybody and tell
10 them you're sorry about what happened, let me tell you the
11 truth about what happened?

12 A. I didn't want to stir anything else up.

13 Q. You think they didn't want to know what happened
14 to their daughters and their wife?

15 A. Yes, sir.

16 Q. You think they didn't want to know?

17 A. No, I think they wanted to know.

18 Q. Well, why didn't you have enough human
19 compassion just to call them and tell them, let me tell
20 you what happened and why if you're interested in knowing.
21 If you don't want to talk to me, fine. Why didn't you at
22 least make an effort?

23 A. I don't know.

24 Q. Huh?

25 A. I don't know.

1 Q. Do you claim that you suffer from remorse as a
2 result of this?

3 A. Yes, sir.

4 Q. Remorse and grief?

5 A. Yes, sir.

6 Q. Guilt?

7 A. Yes, sir.

8 Q. Guilt, but not to the point to try to relieve
9 the pain of those who were your victims?

10 A. I would have liked to have contacted them.

11 Q. Well, why didn't you? Who kept you from it?

12 A. I didn't want to stir anything else up.

13 Q. You didn't want to stir anything up. In other
14 words, you didn't want to give them any peace of mind by
15 giving them information that would help them understand
16 what happened to their loved ones, is that it?

17 A. No, sir.

18 Q. Or did you just not want them to know where you
19 were or anything about you so that you could have your
20 privacy and go on with your life, which one was it?

21 A. I just ...

22 Q. You were more concerned about your privacy and
23 going on with your life than their's, weren't you?

24 A. No, sir.

25 Q. Then why didn't you call them, or why didn't you

1 write them?

2 A. I don't know.

3 Q. Okay. Have you lived anywhere else you haven't
4 told me about since your release?

5 A. No, sir.

6 Q. How long were you in Memphis?

7 A. For the last year or so of my Federal stay.

8 Q. How long were you in South Dakota? What age
9 were you when you went up there about?

10 A. I think I was 14 or 15.

11 Q. And you were at Alexander from the time you left
12 Craighead County until you went to South Dakota, correct?

13 A. Yes, sir.

14 Q. Let's talk about Craighead County. When you
15 were in Craighead County did you at any time tell the
16 police what happened or anybody from law enforcement?

17 A. No, sir.

18 Q. Why not?

19 A. I was scared.

20 Q. Scared of what?

21 A. That I would -- I couldn't talk, I don't know.
22 I just, I don't know.

23 Q. Scared of whom or scared of what?

24 A. I was just scared.

25 Q. Wasn't anything that could happen to you worse

1 than what happened to the people you shot, was there?

2 A. No, sir.

3 Q. Again, you put yourself first? Even after the
4 horrendous shooting, you were thinking of yourself more
5 than the victims or their families, weren't you?

6 A. I was just scared.

7 Q. Scared of what?

8 A. Everything that had happened, I didn't know what
9 else was going to happen. I didn't, I just didn't know.

10 Q. I can't hear you.

11 A. I said I didn't know, I just ...

12 Q. And did your parents tell you to keep your mouth
13 shut and not talk about it?

14 A. No, sir, my lawyers did.

15 Q. But your parents didn't?

16 A. (Witness shakes head negatively).

17 Q. No?

18 A. No, sir.

19 Q. Okay. What about Mitchell Johnson, how long had
20 you known Mitchell Johnson before this shooting?

21 A. I don't remember.

22 Q. Well, had you just met him the day of the
23 shooting?

24 A. No, sir.

25 Q. Had you been in sixth grade with him and riding

1 the bus with him?

2 A. Yes, sir.

3 Q. Had you ridden, did you know him when you were
4 in fifth grade?

5 A. I think so.

6 Q. Did you ever spend any time with Mitchell
7 Johnson at school on the playground or during breaks from
8 classes in sixth grade?

9 A. No, sir.

10 Q. No?

11 A. No, sir, not that I remember.

12 Q. And when you rode on the bus did you and he ride
13 side by side on the bus?

14 A. Yes, sir.

15 Q. Were there normally two people for each side of
16 the bus?

17 A. Yes, sir.

18 Q. And were you assigned seating next to Mitchell
19 Johnson?

20 A. Yes, sir.

21 Q. Did you ever ask to have your seating assignment
22 changed?

23 A. Not that I remember.

24 Q. Who was your bus driver?

25 A. I can't remember.

- 1 Q. Who was your principal?
- 2 A. Ms. Kirkner, I think.
- 3 Q. Who was your sixth grade teacher?
- 4 A. They changed classes.
- 5 Q. All right. Who did you have in sixth grade, who
- 6 were some of the teachers you had?
- 7 A. Mrs. Wright, Ms. Thetford.
- 8 Q. Anybody else?
- 9 A. Those are the ones I can remember.
- 10 Q. All right. And when you were in sixth grade had
- 11 you ever gone hunting before then?
- 12 A. Yes, sir.
- 13 Q. What kind of hunting had you done before sixth
- 14 grade?
- 15 A. Squirrel hunting, rabbit hunting, duck hunting.
- 16 Q. Deer?
- 17 A. I can't remember ever going.
- 18 Q. What kinds of guns had you shot, live guns, live
- 19 ammunition before the shooting at Westside, pistols and
- 20 rifles?
- 21 A. Yes, sir.
- 22 Q. What kind of pistols, automatics, revolvers,
- 23 Derringers, all of them?
- 24 A. Yes, sir.
- 25 Q. Who taught you to shoot?

1 A. I think my grandfather did.

2 Q. Did your dad also help teach you to shoot or was
3 it mainly your grandfather?

4 A. It was probably both of them.

5 Q. When did you first start shooting a gun?

6 A. I don't remember.

7 Q. Four years old? When you were a little bitty,
8 wasn't it?

9 A. When I was young, yes.

10 Q. You've been shooting guns with live ammo as long
11 as you can remember back to your early childhood, isn't
12 that true?

13 A. I remember starting with a BB gun, and that was
14 when I was young.

15 Q. Okay. And you also shot rifles, did you not?

16 A. Yes, sir.

17 Q. And you shot rifles with scopes and with open
18 sights, didn't you?

19 A. Yes, sir.

20 Q. Who taught you how to take aim with an open
21 sight rifle, grandfather?

22 A. It may have been.

23 Q. Who taught you how to aim with a scope,
24 grandfather?

25 A. It may have been.

1 Q. Well, who else would it have been if it wasn't
2 your grandfather?

3 A. Either him or my father.

4 Q. Either your grandfather or your father. And you
5 first started out shooting target practice, did you not?

6 A. Yes, sir.

7 Q. Where would you go to target practice?

8 A. At my grandfather's house.

9 Q. And when you say at your grandfather's house,
10 that's the house close to Westside?

11 A. Yes, sir.

12 Q. Was there a wooded area or a gravel pit or
13 something like that you all would shoot in, where would
14 you shoot?

15 A. There was a berm or a washed out spot.

16 Q. Kind of like a gully or something?

17 A. Yes, sir.

18 Q. All right. And would you put up targets and
19 shoot at them?

20 A. Yes, sir.

21 Q. What kind of targets did you use?

22 A. Paper targets and cans and stuff like that.

23 Q. And paper targets, some of them were like
24 silhouettes of a human being like you see on gun shows and
25 like you see at gun stores and you see on TV?

1 A. Yes, sir.

2 Q. And you would shoot at those from different
3 distances with different weapons, wouldn't you?

4 A. Yes, sir.

5 Q. All right. And did you go with your father or
6 grandfather to any shooting competitions?

7 A. I went with my father once or twice.

8 Q. And do you remember about how old you were when
9 you went to those, what grade you were in?

10 A. I must have been nine or ten.

11 Q. Huh?

12 A. Nine or ten, I think.

13 Q. Okay. And did you ever shoot in any of those
14 competitions?

15 A. Yes, sir.

16 Q. How many competitions did you shoot in?

17 A. I don't remember.

18 Q. About? Best estimate?

19 A. Ten or so, I guess, I don't know.

20 Q. Okay. And you won some prizes in some of those
21 competitions, didn't you?

22 A. Not that I remember.

23 Q. Didn't you win one of them?

24 A. Not that I remember.

25 Q. Okay. You heard me ask your mother that your

1 grandfather made the statement, I think the same day or
2 the next day of the shooting, that you were an expert
3 marksman, do you remember seeing that?

4 A. No, sir, I don't remember seeing or hearing it.

5 Q. Okay. Your grandfather did consider you an
6 excellent shot, did he not?

7 A. Yes, sir.

8 Q. And you were an excellent shot, weren't you?

9 A. I didn't know.

10 Q. Well, you knew you were able to hit the target
11 you aimed at, weren't you?

12 A. Yes, sir.

13 Q. And you were good at it, weren't you?

14 A. Yes, sir.

15 Q. And you were good at it with both pistols and
16 long guns, weren't you?

17 A. Yes, sir.

18 Q. You were good at it with both open sights and
19 telescopic sights, weren't you?

20 A. Yes, sir.

21 Q. And you could hit tin cans from a considerable
22 distance with your telescopic sight, couldn't you?

23 A. Yes, sir.

24 Q. And you could hit tin cans from a considerable
25 distance with an open sight rifle, couldn't you?

1 A. Yes, sir.

2 Q. What's the term, have you ever heard the term,
3 draw a fine bead? Do you know what that terms means?

4 A. No, sir.

5 Q. Okay. Take dead aim, do you know what that term
6 means, where you take real good aim?

7 A. Yes, sir.

8 Q. And you knew how to do that, didn't you?

9 A. Yes, sir.

10 Q. And with a pistol did you, when you shot pistols
11 at target practice did you hold the pistol with one hand
12 or both hands usually, or both ways?

13 A. Both, I guess.

14 Q. Okay. Did you ever shoot a shotgun?

15 A. Yes, sir.

16 Q. And did you ever shoot at things thrown up in
17 the air with a shotgun?

18 A. I never shot skeet or anything like that.

19 Q. You never shot skeet, okay. Did you ever shoot
20 any birds that were flying?

21 A. I duck hunted, yes.

22 Q. Okay. And did you ever kill any ducks while
23 duck hunting?

24 A. I may have killed one, I don't have.

25 Q. What about quail hunting, did you ever go quail

1 hunting?

2 A. No, sir.

3 Q. When you went squirrel hunting, did you use a
4 shotgun or a rifle?

5 A. A shotgun.

6 Q. Okay. And were you able to kill squirrels?

7 A. Yes, sir.

8 Q. And did you ever go hunting with a rifle?

9 A. Yes, sir.

10 Q. What did you go hunting with a rifle?

11 A. Squirrels too.

12 Q. Okay. And open sight or telescope or both?

13 A. Both.

14 Q. And were you able to kill squirrels okay?

15 A. Yes, sir.

16 Q. And rabbit hunting, didn't you go rabbit hunting
17 too?

18 A. Yes, sir.

19 Q. And what did you kill the rabbits with?

20 A. Probably a shotgun.

21 Q. Did you ever shoot them with a rifle?

22 A. No, sir, not that I can remember.

23 Q. Just mainly a shotgun?

24 A. Yes, sir.

25 Q. Okay. And you shot a pistol at fairly close

1 range to targets and also at longer ranges?

2 A. Yes, sir.

3 Q. And the same thing with rifles, closer ranges
4 and longer ranges?

5 A. Yes, sir.

6 Q. What's the longest range you can remember
7 approximately that you shot rifles for target practice, 50
8 yards, 100 yards?

9 A. I remember we sighted them in at 25 yards, so
10 that's ...

11 Q. Tell me what you mean when you say you sighted
12 them in, what do you do when you're sighting in a rifle?

13 A. You put a scope on a gun you usually sight it in
14 for a short distance and then it's usually on at longer.

15 Q. That is to make sure it's accurate if the bullet
16 hits where the cross hair is?

17 A. Yes, sir.

18 Q. How do you site it in, tell me how you do that?

19 A. You shoot a target and then adjust the cross
20 hairs.

21 Q. Okay. Tell me how you adjust it, what do you
22 do, turn knobs or something?

23 A. Yes, sir, there's knobs on the scope.

24 Q. Okay. And did you do that?

25 A. No, sir, not at that time, no, sir.

- 1 Q. Huh?
- 2 A. Uh-huh (affirmative).
- 3 Q. You've done that before though, haven't you,
- 4 help sight them in?
- 5 A. I've watched them, I haven't.
- 6 Q. Okay. Did you have any brothers or sisters when
- 7 you were in the sixth grade, brothers or sisters?
- 8 A. Yes, sir.
- 9 Q. Who?
- 10 A. I have a brother and a sister.
- 11 Q. What's your brother's name?
- 12 A. Wesley.
- 13 Q. And how much older than you is Wesley?
- 14 A. He's quite a bit older.
- 15 Q. Huh?
- 16 A. He's quite a bit older.
- 17 Q. Well, how many years older is he?
- 18 A. He's in his thirties, so.
- 19 Q. Okay. What about your sister?
- 20 A. She's older too.
- 21 Q. How old is she?
- 22 A. She's in her mid-thirties.
- 23 Q. So both your brother and your sister are in
- 24 their thirties, and you're now?
- 25 A. 22.

1 Q. 22. Since your release have you had an
2 automobile?

3 A. Yes, sir.

4 Q. What kind of automobile?

5 A. My grandfather left me his truck.

6 Q. And what was it, what year make and model?

7 A. It was a '97 Chevy truck.

8 Q. A 1997 Chevy?

9 A. Yes, sir.

10 Q. What kind of Chevy, an S-10 or what?

11 A. It was a full size extended cab.

12 Q. I can't hear you.

13 A. It was full size extended cab.

14 Q. What color?

15 A. It was white.

16 Q. Did it have stick shift or automatic?

17 A. It was an automatic.

18 Q. And did you get rid of that vehicle sometime?

19 A. Yes, sir.

20 Q. When, about?

21 A. Probably the end of 2007.

22 Q. What did you get?

23 A. A 2004 Chevy truck.

24 Q. What color?

25 A. It's white.

- 1 Q. Stick shift, automatic?
- 2 A. It's automatic.
- 3 Q. Extended cab, normal cab?
- 4 A. It's a regular cab.
- 5 Q. Huh?
- 6 A. It's a regular cab.
- 7 Q. Okay. Do you still have the motorcycle?
- 8 A. Yes, sir.
- 9 Q. Do you still ride it?
- 10 A. Yes, sir.
- 11 Q. And what year make and model is it?
- 12 A. It's a 2007 Suzuki.
- 13 Q. What?
- 14 A. A Suzuki.
- 15 Q. Suzuki?
- 16 A. Yes, sir.
- 17 Q. What model or type?
- 18 A. It's a 600.
- 19 Q. 600, what does that mean?
- 20 A. That's the engine size.
- 21 Q. Is it an off-road motorcycle or a street bike?
- 22 A. A street bike.
- 23 Q. Any other vehicles?
- 24 A. No, sir.
- 25 Q. Do you have your insurance card in your pocket?

1 A. No, sir.

2 Q. Aren't you normally supposed to carry a card
3 that shows you've got insurance with you?

4 A. Yes, sir, it's in my vehicle.

5 Q. It's in your vehicle. Is the 2007 Suzuki
6 motorcycle in your name now?

7 A. No, sir.

8 Q. Who's name is it?

9 A. My mother's.

10 Q. Does she ever ride it?

11 A. She bought it for my dad and me, so she doesn't
12 ride it.

13 Q. Okay. The 2004 Chevy truck, who's name is it
14 titled in?

15 A. It may be in my name, I'm not sure.

16 Q. Who bought it for you?

17 A. My mother.

18 Q. Okay. And the 1997 Chevy, after your
19 grandfather died and it was left to you, did you change
20 the title over to your name?

21 A. I don't remember.

22 Q. Let's talk about jobs since your release from
23 incarceration. Have you held a job of any kind since you
24 were released?

25 A. No, sir. I've volunteered to help out some

1 people, but I've not held a job.

2 Q. Volunteered where?

3 A. One of my mother and father's friends, I helped
4 him out. He was a carpenter and --

5 Q. Who is he?

6 A. Sir?

7 Q. What's his name?

8 A. Clarence Henson.

9 Q. Young man, you're going to have to speak up.

10 A. His name is Clarence Henson.

11 Q. Spell the last name.

12 A. H-E-N-S-O-N.

13 Q. Where does Clarence Henson live?

14 A. In Ravenden.

15 Q. Any other job -- you were helping him to do
16 carpentry work?

17 A. Yes, sir.

18 Q. Was he paying you?

19 A. No, sir.

20 Q. How long did you work for him?

21 A. It was off and on, mainly when he needed help
22 with a bigger job.

23 Q. Well, how many times did you help him, how many
24 days total? One day a month, five days a week?

25 A. Two or three days a month, it depends.

- 1 Q. Did you get anything out of it?
- 2 A. He'd buy me lunch every now and again, he was
3 teaching me how to do some of the stuff.
- 4 Q. Okay. Any other jobs?
- 5 A. A friend of mine from school, he had some
6 batting cages and I would run those for him every now and
7 again when he couldn't be there.
- 8 Q. Who is that?
- 9 A. Danny Brustrum.
- 10 Q. Spell the last name?
- 11 A. I'm not sure.
- 12 Q. Say it again, loud and slow?
- 13 A. Brustrum.
- 14 Q. Brustrum?
- 15 A. Yes, sir.
- 16 Q. Spell it the best you can.
- 17 A. B-R-U-S-T-R-U-M.
- 18 Q. Where does Danny Brustrum live?
- 19 A. In Batesville.
- 20 Q. Do you know where, do you know his phone number?
- 21 A. His phone number, but I don't know his ...
- 22 Q. What's his phone number?
- 23 A. It's written on one of the sheets of paper.
- 24 Q. All right. Well, pull it out.
- 25 A. 612.

1 Q. 612?

2 A. 9893.

3 Q. 612-9893?

4 A. Yes, sir.

5 Q. What are you looking at now?

6 A. It's a list of the jobs for the attorneys that I
7 was told to bring.

8 Q. Okay. Let me see it, please. You've got jobs
9 all volunteer, Clarence Henson, Danny Brustrum and then
10 your attorneys Joe Perry and Danny Glover, right?

11 A. Yes, sir.

12 MR. McDANIEL: We'll mark this as
13 Exhibit 20.

14 (Whereupon, Exhibit 20 was marked)

15 Q. And that was bought in response to the notice of
16 deposition duces tecum, was it not?

17 A. No, sir.

18 Q. We'll go through that notice here in a few
19 minutes. But -- well, we might as well do it right now.
20 Exhibit 21 will be the notice.

21 (Whereupon, Exhibit 21 was marked)

22 Q. Did you bring everything you have that relates
23 to that notice?

24 A. Yes, sir.

25 Q. Let's look at Item A about social networking,

1 websites, Facebook, MySpace or any others, did you bring
2 anything in relation to that?

3 A. Yes, sir.

4 Q. Show me what you brought.

5 A. This is a copy of the, all the stuff off the
6 Facebook.

7 Q. All right. And what you've handed me I'll mark
8 as Exhibit 22.

9 (Whereupon, Exhibit 22 was marked)

10 Q. Is Facebook, did you have other things on
11 Facebook that you've erased since you were served with the
12 subpoena?

13 A. No, sir.

14 Q. Have you ever had anything on your Facebook page
15 that you've erased?

16 A. Not that I can remember.

17 Q. Okay.

18 A. I hardly ever use that one.

19 Q. All right. What other internet places do you or
20 have you used?

21 A. I had a MySpace and it was deleted.

22 Q. Why?

23 A. It was before I was served with this, I tried to
24 pull it back up to bring it to you, but I couldn't get it.

25 Q. Who deleted it?

1 A. I did.

2 Q. Why?

3 A. I didn't, I didn't have any use for it any more.

4 Q. Why did you delete it in the first place?

5 A. I was done using it. I didn't --

6 Q. Did you delete it because you got found out who

7 you are and where you were when you got served with the

8 subpoena --

9 A. No.

10 Q. -- and that's why you deleted it?

11 A. No, sir.

12 Q. Okay. I may have a little bit of information

13 related to that. Let's talk about it a minute. Have you

14 ever had an e-mail address?

15 A. Yes, sir.

16 Q. What e-mail addresses have you used?

17 A. BHSU.

18 Q. Say it again?

19 A. BHSU1986@hotmail.

20 Q. Any other?

21 A. And Yahoo, it's the same, but just Yahoo.

22 Q. What does BHSU mean?

23 A. Black Hills State University.

24 Q. Have you ever had any others?

25 A. Not that I can think of. Well, at school,

1 school accounts, but I never use those.

2 Q. All right. We've introduced pictures before to
3 this deposition if I can find them. Here we go. Exhibit
4 13 to your mother's deposition, do you recognize those
5 pictures?

6 A. Yes, sir.

7 Q. Who are you giving the finger to there?

8 A. My sister.

9 Q. Why?

10 A. She had said something and ...

11 Q. And you're going to tell us that's not your beer
12 there in the picture?

13 A. Yes, sir's, that's not my beer.

14 Q. Where was your beer?

15 A. I don't have one that night. I was the
16 designated driver.

17 Q. Okay. You do drink though, don't you?

18 A. I have, yes.

19 Q. And you still drink, don't you?

20 A. No, sir.

21 Q. When did you quit, last week?

22 A. No, sir.

23 Q. When did you quit?

24 A. I just, I don't know, it's been a while.

25 Q. When's the last time you had any alcohol to

1 drink?

2 A. It's been months.

3 Q. Okay. And what bar is this and where is it?

4 A. It's Buffalo Wild Wings.

5 Q. Where?

6 A. In Cape Girardeau.

7 Q. What other bars have you hung out in Arkansas?

8 A. I've been to The Moose at Batesville.

9 Q. Are you a member there?

10 A. No, sir.

11 Q. Did you have to sign in?

12 A. Yes, sir.

13 Q. As a guest?

14 A. Yes, sir.

15 Q. Who did you go as guest of?

16 A. You just sign your name under the guest thing.

17 Q. They just let you in? Whose dog is that in

18 Exhibit 13?

19 A. My sister's.

20 Q. What kind of dog is it?

21 A. It's a mix of some sort.

22 Q. Okay. Well, where were those photographs

23 posted? What website were they posted on?

24 A. I think they were on my sister's MySpace.

25 Q. Let's see what's marked as Exhibit 23.

1 (Whereupon, Exhibit 23 was marked)

2 Q. It's got text under it. It says -- isn't a
3 picture of you, it says Drew's little girlfriend is cute,
4 but I think she's cheating on him with some handsome
5 fellow named Martin. I didn't know who the pictures are
6 there. Do you recognize that?

7 A. Yes, sir.

8 Q. Who is that?

9 A. That my sister's friends.

10 Q. Okay. Do you have any tattoos?

11 A. Yes, sir.

12 Q. What do you have a tattoo of?

13 A. A cross.

14 Q. And what's on it?

15 A. Romans 3:23.

16 Q. What does Romans 3:23 mean?

17 A. For all have sinned.

18 Q. What?

19 A. For all have sinned and fallen short of the
20 glory of God.

21 Q. Exhibit 24, is that a copy of your tattoo you
22 posted on a web page?

23 (Whereupon, Exhibit 24 was marked)

24 A. Yes, sir.

25 Q. What web page did you put that?

- 1 A. I don't know.
- 2 Q. What site was used for that, MySpace?
- 3 A. It might have been.
- 4 Q. Why did you post your tattoo on there?
- 5 A. I don't know.
- 6 Q. When did you get your tattoo?
- 7 A. It's been a while.
- 8 Q. When did you get your tattoo?
- 9 A. About a year ago, maybe.
- 10 Q. About a year ago?
- 11 A. Yes, sir.
- 12 Q. Where did you get it?
- 13 A. Here in Jonesboro.
- 14 Q. Where, down on Main Street?
- 15 A. Yes, sir.
- 16 Q. All right. We'll look at some other things in a
- 17 few minutes. Did you ever engage in dialogue sessions
- 18 with young ladies on your Facebook or MySpace or any other
- 19 computer page?
- 20 A. Yes, sir, I talk to different people.
- 21 Q. Is that where you referred to Imboden as a bum
- 22 city, so to speak?
- 23 A. Yes, sir.
- 24 Q. And were you able to pull up any of those?
- 25 A. No, sir.

1 Q. Why not?

2 A. I couldn't get them.

3 Q. What computer were you using?

4 A. It may have been my mother's.

5 Q. Well, it may have been mine, but who's was it?

6 A. My mother's, I think.

7 Q. Okay. Did mom know you were using that kind of
8 language on her computer?

9 A. I don't think so.

10 Q. You have received no threats from anyone since a
11 year after this shooting incident, have you?

12 A. No, sir.

13 Q. You have never had a threat directly from any of
14 the, even a family member of any of the victims of the
15 shooting, have you?

16 A. No, sir.

17 Q. Okay. Did you post in one of your G-mails that
18 you got stopped at Black Rock, but were lucky that the
19 girlfriend was driving?

20 A. No, sir, that was not my girlfriend.

21 Q. Okay. Well, did you remark that you got stopped
22 in Black Rock and is was lucky that somebody else was
23 driving?

24 A. Yes, sir.

25 Q. Why, why were you lucky that somebody else was

1 driving?

2 A. Because I had been drinking.

3 Q. Huh?

4 A. Because I had been drinking.

5 Q. Okay. When, when did you first start posting on
6 MySpace and so on, how long after you had gotten out of
7 jail? Fairly soon?

8 A. Five or six months, I think, I don't, I'm not
9 sure.

10 Q. Okay. When you were in Memphis were you in a
11 juvenile facility or a halfway house?

12 A. I was a juvenile facility.

13 Q. Did you, was it a lock-up, is that what it was?

14 A. Yes, sir.

15 Q. How did you spend your day there?

16 A. We'd go to school, and then we'd go back to our
17 rooms.

18 Q. Watch a lot of TV?

19 A. No, sir, not really.

20 Q. Huh?

21 A. Not really.

22 Q. Okay. The application for your gun license, do
23 you remember filling out an application for a gun license?

24 A. Yes, sir.

25 Q. The application was not true, was it?

1 A. It wasn't complete.

2 Q. Well, when it says list all addresses you had
3 had, you didn't do that, did you?

4 A. No, sir.

5 Q. So when you put down as a listing of addresses
6 representing them as the complete list, that was not true,
7 was it?

8 MR. McDANIEL: Have you all got that?
9 Here it is.

10 Q. It wasn't true, was it?

11 A. No, sir.

12 Q. Do you know Mindy, whoever that is, the notary
13 public?

14 A. No, sir.

15 Q. Okay. You listed on Exhibit 11 on June 28, or
16 June 21st of 2008 that your address was 822 Siloam (sic.)
17 Springs Road, Evening Shade, Arkansas. That was really
18 true, was it?

19 A. That's one of the places I stayed, yes, sir.

20 Q. That's one of the places, but that wasn't your
21 residence, was it?

22 A. That was what was on my driver's license and I
23 was instructed to put what was on my driver's license.

24 Q. And who told you to do that?

25 A. The firearms instructor.

1 Q. Who was the firearm instructor?

2 A. I don't remember his name.

3 Q. And did you tell him you had other addresses?

4 A. No, sir. He just, he said that that was what
5 they normally do is they put what's on the driver's
6 license.

7 Q. Well, did you ask him? Did you ask to have
8 instructions on how to fill out your current physical
9 address? Could you, could you not figure that out on your
10 own?

11 A. No, sir, I didn't ask.

12 Q. Okay. Now, when it says over here on the other
13 page --

14 MR. VIDEOGRAPHER: Counsel, prior to
15 your next question, the witness's microphone has slipped a
16 little bit. And I'll fix that during our next break.
17 Thank you.

18 Q. On this page of your application, Concealed
19 Handgun License Application, it says list all residences
20 during the last the two years, and that was in 2008,
21 wasn't it?

22 A. Yes, sir.

23 Q. And you listed the Silver Springs Road in
24 Evening Shade, right?

25 A. Yes, sir.

1 Q. And you listed Ravenden, right?

2 A. Yes, sir.

3 Q. When it says to list them all, you represented
4 that the complete list was Ravenden and Evening Shade,
5 didn't you?

6 A. Yes, sir.

7 Q. And that was false, wasn't it?

8 A. I didn't think you had to put down --

9 Q. Answer my question, this was false, wasn't it?

10 A. Yes, sir.

11 Q. When it says, list all residences, you know what
12 the word all means, don't you?

13 A. Yes, sir.

14 Q. What does the word all mean?

15 A. Everything.

16 Q. You didn't list everything, did you?

17 A. No, sir.

18 Q. All right. When it says you were in Ravenden
19 from April, 2002 to May, 2006, that wasn't true, was it?

20 A. That's always been our mailing address.

21 Q. Answer my question. When you said you resided
22 at Ravenden from May -- from April, 2002 to May, 2006,
23 that was not true, was it?

24 A. No, sir.

25 Q. Because you didn't reside in Ravenden, you

1 resided in North Dakota or Memphis or both during that
2 time, didn't you?

3 A. Yes, sir.

4 Q. And you didn't list either of those residences,
5 did you?

6 A. No, sir.

7 Q. And when it says residence in Evening Shade from
8 May of '06 to June of '08, you didn't reside there the
9 whole time during that period of time, did you?

10 A. No, sir.

11 Q. When did you first reside in Evening Shade?

12 A. Upon my release.

13 Q. And when was that?

14 A. May 25th of 2007.

15 Q. Okay. So you listed that you were living there
16 a year before you ever set foot on the place, isn't that
17 true.

18 A. Yes, sir.

19 Q. So that was a false statement that you knew to
20 be false when you made it, didn't you?

21 A. That was just a mistake, sir.

22 Q. It was false and you knew it was false, true?

23 A. At the time I was trying to hurry up and get
24 done with it.

25 Q. Answer my question. When you wrote down that

1 you were living in Evening Shade in May of 2006 you knew
2 that was not true, didn't you?

3 A. I wasn't paying attention to that. I wasn't --

4 Q. Are you trying to tell us under your oath that
5 you thought for one minute that you actually lived in
6 Evening Shade, Arkansas in May of 2006?

7 A. No, sir.

8 Q. Are you trying to claim that that's true?

9 A. No, sir, that's not what I'm trying to claim.

10 Q. It's not true, is it?

11 A. No, sir.

12 Q. Never has been true, has it?

13 A. No, sir.

14 Q. And you knew it wasn't true when you wrote it
15 down, didn't you?

16 A. No, I wasn't paying attention to it. I was
17 just --

18 Q. And when you report that you lived there from
19 June, 2006 or May of 2006 to June of 2008, you knew you
20 lived other places, didn't you?

21 A. Yes, sir.

22 Q. So when you said you lived there for that period
23 of time you know that wasn't true, didn't you?

24 A. Yes, sir.

25 Q. And you didn't tell them that you lived in Cape

1 Girardeau, did you?

2 A. I didn't know you had to put out of state.

3 Q. Answer my question. You didn't tell them you'd
4 lived in Cape Girardeau, did you?

5 A. No, sir.

6 Q. And it says, list all residences, and you knew
7 you lived in Cape Girardeau when you filled this out,
8 didn't you?

9 A. Yes, sir.

10 Q. And you didn't put Cape Girardeau down, did you?

11 A. No, sir.

12 Q. And you knew you lived in Batesville, didn't
13 you?

14 A. I was staying between Batesville and Evening
15 Shade and Ravenden.

16 Q. You knew you stayed in Batesville in a
17 residence, didn't you? You had an apartment rented that
18 you stayed in?

19 A. Yes.

20 Q. And had furniture in?

21 A. Yes, sir.

22 Q. And you didn't list that, did you?

23 A. No, sir.

24 MR. McDANIEL: We're at a break time.

25 THE VIDEOGRAPHER: Thank you, Counsel.

1 The time is 2:35 p.m. and we are off the record.

2 (Brief Recess)

3 THE VIDEOGRAPHER: The time is 2:42

4 p.m., we are back on the record. Counsel.

5 Q. I want to jump back to your motorcycle wreck.

6 You got a couple of tickets for that incident, didn't you?

7 A. Yes, sir.

8 Q. Do you remember what they were?

9 A. No motorcycle endorsement and failure to
10 maintain I think was the other one.

11 Q. Failure to maintain control?

12 A. Yes, sir.

13 Q. Did you pay both of those?

14 A. Yes, sir.

15 Q. Okay. When did you leave Cape Girardeau, was it
16 like August or September of '07?

17 A. It was around August, I was enrolled in the
18 community college, so it was around then.

19 Q. You applied for your license June 21st of '08,
20 is that correct?

21 MR. GLOVER: Are you talking about
22 driver's license?

23 Q. No, the concealed handgun permit.

24 A. Yes, sir.

25 Q. And so a year before that, within the year

1 before that you were living in Cape Girardeau for a while,
2 weren't you?

3 A. Yes, sir.

4 Q. Well, here where it says, have you been a
5 resident of the State of Arkansas continuously for a
6 period of at least 12 months immediately prior to
7 submitting this application you checked yes, didn't you?

8 A. Yes, sir.

9 Q. That's false, wasn't it?

10 A. Yes, sir.

11 Q. And you were notified and you signed a statement
12 under oath that the applicant states under oath the
13 representation made pages one through five are true and
14 correct you signed this as being true under oath, didn't
15 you?

16 A. Yes, sir.

17 Q. That all of these pages were true and they
18 weren't, were they?

19 A. At the time I thought they were.

20 Q. You didn't think you lived in Arkansas for a
21 continuous period of 12 months because you knew you moved
22 from Missouri in August or September of 2007, you know
23 what a year is, don't you?

24 A. Yes, sir.

25 Q. You knew that was false when you said you lived

1 in Arkansas for 12 continuous months, didn't you?

2 A. I wasn't thinking at the time, sir.

3 Q. Answer my question. You knew you hadn't lived
4 in Arkansas for 12 straight months, didn't you?

5 A. Yes, sir.

6 Q. And that statement you made was false and you
7 knew it was false, didn't you? True?

8 A. Yes, sir.

9 Q. Okay. And you knew this application was seeking
10 complete information, didn't you, because they were going
11 to do background checks, right?

12 A. Yes, sir.

13 Q. And to do a background check you know they've
14 got to have complete information, right?

15 A. Yes, sir.

16 Q. And you didn't want them to know about you being
17 up in Missouri and changing your name from Golden to
18 Grant, did you?

19 A. That wasn't my intention.

20 Q. You didn't want them to know your name had been
21 Golden, did you?

22 A. I didn't want, I had no intention of defrauding
23 them.

24 Q. Well, we'll let something else decide that. You
25 did not give the State Police any information that your

1 name had been Andrew Golden, one of the Westside murderers
2 and you didn't give them any information that might help
3 them find that out, did you?

4 A. No, sir.

5 Q. And because if you had given them the Cape
6 Girardeau name and they had done a name check in Cape
7 Girardeau, they could have probably found out that you
8 changed your name from Andrew Golden to Drew Grant, they
9 could have found that out pretty easy, couldn't they?

10 A. They might have been able to, yes, sir.

11 Q. It's in the Court records up there, filed in
12 records?

13 A. Yes, sir.

14 Q. So you just left that out so they couldn't find
15 that out, didn't you? That's true, isn't it? Remember
16 now, you're under oath. That's true, isn't it?

17 A. Yes, sir.

18 Q. That's true, isn't it? You didn't want them to
19 find out, did you?

20 A. Yes, sir.

21 Q. Correct?

22 A. Yes, sir.

23 Q. Okay. And your status as a juvenile offender
24 under Federal law, had you been told anything about any
25 restrictions on your ability to have, possess or use a

1 firearm?

2 A. No, sir.

3 Q. When you were released from Federal custody did
4 anybody mention to you about firearms?

5 A. No, sir.

6 Q. Same thing with state custody?

7 A. No, sir.

8 Q. Okay. For you to apply for the firearms you had
9 to certify that you had gone through a course, hadn't you?

10 A. Yes, sir.

11 Q. And the course you had to demonstrate
12 proficiency with a firearm, didn't you?

13 A. Yes, sir.

14 Q. You had to go to a range and shoot?

15 A. Yes, sir.

16 Q. So you had a gun in your possession, didn't you?

17 A. Yes, sir.

18 Q. And were shooting it?

19 A. Yes, sir.

20 Q. Whose gun was it?

21 A. It was my father's.

22 Q. Where did you get it?

23 A. From him.

24 Q. When?

25 A. For the, for that class.

1 Q. And how long had you had the gun to work on this
2 class?

3 A. Just for the day.

4 Q. One day? You went, did you go -- tell me when
5 and where you went to get the gun?

6 A. I went to his house.

7 Q. Same day of the test?

8 A. Earlier that morning probably, I don't really
9 remember.

10 Q. And did you go up and shoot that day and then
11 take it back to him that night?

12 A. I may have, yes, sir.

13 Q. No, I'm not asking what you may have done, I'm
14 asking what you did do.

15 A. I don't remember.

16 Q. All right. Did you have to demonstrate
17 proficiency with understanding the firearm and the
18 fundamentals of the firearms?

19 A. Yes, sir.

20 Q. And ammunition?

21 A. Yes, sir.

22 Q. And practice, did you do that for an hour and a
23 half?

24 A. Yes, sir.

25 Q. Had you shot a gun at any other time from the

1 time you were released until the time you applied for the
2 permit?

3 A. Yes, sir.

4 Q. Where else had you shot guns?

5 A. We had squirrel hunted some and ...

6 Q. We being who?

7 A. Me and my father.

8 Q. How many times had you gone squirrel hunting?

9 A. I don't remember, a few times, once for sure.

10 Q. Where did you go squirrel hunting?

11 A. At Hardy, a place up there.

12 Q. One day or two or three days?

13 A. Just once.

14 Q. Did you do any target practice before you went
15 hunting?

16 A. Yes, sir, in the back yard.

17 Q. Because you hadn't shot a gun in a while and you
18 needed to kind of make sure you were back polished up?

19 A. Yes, sir.

20 Q. And how many rounds did you shoot practicing up?

21 A. I don't remember.

22 Q. What kind of gun were you using?

23 A. A .22.

24 Q. Okay. And did you go hunting for anything else
25 besides squirrels since you've been released?

1 A. Yes, sir, deer hunting, it was all archery
2 though.

3 Q. Okay. When did you go archery deer hunting?

4 A. Last fall some and then once or twice this fall.

5 Q. All right. You haven't gone deer hunting with a
6 rifle?

7 A. Not since I've been --

8 Q. Shotgun? Not since you've been released?

9 A. No, sir.

10 Q. How about before your release?

11 A. No, sir, not that I remember. I don't really
12 remember going deer hunting before.

13 Q. Okay. The bow and arrows that were confiscated
14 from you at the scene, were those yours or your dad's?

15 A. My dad's.

16 Q. Where did you all get those from?

17 A. Who?

18 Q. Where did you and Mitchell Johnson get bow and
19 arrows that were confiscated from you, at your dad's
20 house?

21 A. They were in the gun room.

22 Q. What?

23 A. In the gun room, yes, sir.

24 Q. Okay. Have you been to any other schools
25 besides what's shown on the GED transcripts and the other

1 transcript that we have?

2 A. Just the GED and then the two colleges.

3 Q. Okay. Are you --

4 A. And the Black Hills State I didn't, that was all
5 correspondence.

6 Q. Okay. Are you enrolled in college now?

7 A. I finished up this semester and I, I haven't
8 signed up for other classes or anything.

9 Q. Okay. I take it you've not had any paying job
10 of any kind since you got out of custody?

11 A. No, sir.

12 Q. Who pays your bills?

13 A. My mother and father.

14 Q. School, everything?

15 A. Yes, sir.

16 Q. Do you get an allowance?

17 A. Just to get through the week, you know, gas
18 money and for food.

19 Q. Are you on any student loans or are they paying
20 for your school?

21 A. They're paying for the school.

22 Q. Since you've been out and you've been back to
23 Jonesboro ten times or so have you driven by Mitchell
24 Wright's house?

25 A. No, sir.

1 Q. Have you driven by the homes of any of the
2 victims?

3 A. No, sir.

4 Q. Have you driven by Westside and just checked the
5 place out?

6 A. No, not that I remember.

7 Q. Been by your grandfather's home?

8 A. Yes, sir.

9 Q. Did you ever go out in the woods where this
10 shooting took place?

11 A. No, sir, not that I remember.

12 Q. Did you ever go by the cemetery, since you
13 didn't want to stir anything up, but did you ever go to
14 the cemeteries and pay your respects in private to the
15 victims of your escapade?

16 A. No, sir.

17 Q. Are you a member of any clubs of any kind up in
18 school, fraternities, clubs?

19 A. No, sir.

20 Q. What bars do you go to up in that area?

21 A. I've just been to The Moose once or twice.

22 Q. Tell me again why you needed a handgun permit?

23 A. I was concerned about those threats and I was by
24 myself quite a bit.

25 Q. Those threats of ten years ago?

- 1 A. Yes, sir.
- 2 Q. That hadn't been renewed by anybody?
- 3 A. Yes, sir.
- 4 Q. Do you own a gun now?
- 5 A. I purchased one firearm for my father. It was a
6 gift.
- 7 Q. What gun was it?
- 8 A. It was a small caliber single shot rifle.
- 9 Q. Was it a gift or did you purchase it?
- 10 A. I purchased it for him as a gift.
- 11 Q. Where did you go buy it?
- 12 A. At a pawn shop on Gee Street.
- 13 Q. A pawn shop on Gee Street?
- 14 A. Yes, sir.
- 15 Q. When did you buy it?
- 16 A. I don't remember, it's been over a year ago.
- 17 Q. Were you going by the name of Drew Grant when
18 you bought it?
- 19 A. Yes, sir.
- 20 Q. Okay. Did you fill out the firearms paperwork?
- 21 A. Yes, sir.
- 22 Q. And have you, did your dad let you keep any of
23 his guns?
- 24 A. Other than just the, for the class that day.
- 25 Q. Okay. Did your grandfather when he died, he

1 left you his truck.

2 A. Yes, sir.

3 Q. Did he leave you anything else?

4 A. Just his truck and his computers.

5 Q. Okay. What about his guns, what happened to his
6 guns?

7 A. The, my uncles and dad got them.

8 Q. Okay. When you were in South Dakota was
9 Mitchell Johnson in South Dakota with you?

10 A. No, sir.

11 Q. Was there anything when you were in South Dakota
12 that Mitchell Johnson constituted any threat to you while
13 you were there?

14 A. No, sir.

15 Q. Was there anything that would have prevented you
16 from telling the authorities about this alleged coercion
17 of being forced into committing this crime.

18 A. No, sir, other than the appeals going on at the
19 time may.

20 Q. What?

21 A. Other than the appeals and things going on.

22 Q. When were the appeals going on? When were they
23 ended?

24 A. Upon my release, but I mean, I think there was
25 still even one that was in process that they never heard

1 back from or ...

2 Q. Did your lawyers ever tell you that committing a
3 crime under duress is a defense?

4 A. No, sir.

5 Q. That, you know, you can say, I did not
6 voluntarily commit that crime, that I was forced to do it
7 and that that's a defense to a criminal case, did anybody
8 ever tell you that?

9 A. No, sir.

10 Q. When you were in Alexander -- first of all, when
11 you were in Craighead County you never told your parents
12 or anybody else that you were forced into this criminal
13 action, is that correct?

14 A. Yes, sir, not that I remember.

15 Q. And were you and Mitchell Johnson in the same
16 cell pod?

17 A. Yes, sir.

18 Q. And was he moved from the cell pod in Craighead
19 County at any time away from you?

20 A. No, sir, he was there the whole time.

21 Q. Did you ever ask to speak to your lawyer
22 privately?

23 A. No, sir.

24 Q. Did you ever speak to your lawyer in private
25 while you were in Craighead County?

1 A. I can't remember.

2 Q. Did you ever speak to your lawyer in Craighead
3 County with you and your mom or your dad or any other
4 adult there?

5 A. I don't really remember if we did or not, I
6 don't.

7 Q. When, was Mitchell Johnson, when you were
8 transferred to Alexander, was Mitchell Johnson also
9 transferred to Alexander?

10 A. Yes, sir.

11 Q. Were you in the same pod or unit there?

12 A. Yes, sir.

13 Q. Were you eventually separated?

14 A. Yes.

15 Q. Why?

16 A. I'm not sure. I think he had gotten in trouble.

17 Q. And he was put in a different unit?

18 A. Yes, sir.

19 Q. Did you ever notify the officials at Alexander
20 that you were afraid of Mitchell Johnson and wanted to be
21 segregated from him?

22 A. No, sir.

23 Q. You were aware that segregation was available if
24 there was a legitimate fear or threat, weren't you?

25 A. Yes, sir, they, they did --

1 Q. I'm sorry?

2 A. Yes, they did have that option.

3 Q. Okay. And you never asked for that, did you?

4 A. No, sir.

5 Q. And when Mitchell Johnson was segregated from
6 you at that time he certainly could pose no threat to you
7 because he could not have any access to you, could he?

8 A. Yes, sir, there was still school. And while I
9 was there two kids killed themselves and it was over eight
10 hours before they were found. It was possible.

11 Q. Did, you did tell your mom and dad or some other
12 people about Mitchell Johnson forcing you into this while
13 you were at Alexander?

14 A. Just my parents.

15 Q. All right. If you could tell your parents there
16 was no reason you couldn't tell the authorities, was
17 there?

18 A. No, sir.

19 Q. Okay. When you went to North Dakota or South
20 Dakota, Mitchell Johnson wasn't even at that facility, was
21 he?

22 A. No, sir, he wasn't.

23 Q. No reason you couldn't tell authorities about
24 this claim that you were forced into this, was there?

25 A. Other than the appeals, no, sir.

1 Q. Okay. When you were in custody in South Dakota
2 did you get to make phone calls?

3 A. Yes, sir.

4 Q. Did you call your mom?

5 A. Yes, sir.

6 Q. Did you remember her phone number?

7 A. Yes, sir.

8 Q. Do you remember it now?

9 A. Yes, sir.

10 Q. Who is it?

11 A. (870) 869-1607.

12 Q. You're going to have to speak up, young man.

13 A. It's (870) 869-1607.

14 Q. Do you have a cell phone number?

15 A. Yes, sir.

16 Q. What's your cell phone number?

17 A. (870) 844-0036.

18 Q. And how long have you had that number?

19 A. For a little over a year.

20 Q. Okay. Does your dad have a cell phone?

21 A. Yes, sir.

22 Q. What's his number?

23 A. (870) 844-0074.

24 Q. What about your grandmother, does she have a
25 cell phone?

1 A. Yes, sir.

2 Q. What is that number?

3 A. (870) 268-1760, I think. I'm not sure.

4 Q. Okay. Does your sister have a phone?

5 A. Yes, sir.

6 Q. Do you remember her number?

7 A. No, sir.

8 Q. Okay. And how often would you call your mom

9 from South Dakota?

10 A. For sure once a month, I was given a call once a

11 month.

12 Q. I can't hear you.

13 A. I was given a call once a month.

14 Q. That's what you were allowed?

15 A. That was the free one. They had a collect phone

16 that you could call.

17 Q. Okay. So you got a free call once a month?

18 A. Yes, sir.

19 Q. And then you could call collect whenever you

20 wanted to if they would accept it?

21 A. Yes, sir.

22 Q. How often would you call her collect?

23 A. Maybe once a week, I think.

24 Q. Okay. You also could write her letters?

25 A. Yes, sir.

1 Q. And you, in fact, wrote her letters and sent her
2 cards?

3 A. A few, yes.

4 Q. Okay. And did you get correspondence back from
5 her?

6 A. Yes, sir.

7 Q. What did you do with it?

8 A. Usually I threw it away after I'd get done
9 reading it. It was just, I never really kept any of it.

10 Q. Okay. Have you talked to Mitchell Johnson in
11 any way, corresponded with him, communicated with him in
12 any way from the time you were in South Dakota until
13 today?

14 A. No, sir.

15 Q. You've read his deposition, or did you see the
16 videotape as well?

17 A. No, sir.

18 Q. You just read it?

19 A. I just read it.

20 Q. On-line?

21 A. Yes, just read it.

22 Q. You saw in his deposition where Mitchell Johnson
23 said you were the ring leader and blaming you for this
24 shooting incident?

25 A. Yes, sir.

1 Q. Is that true or not true?

2 A. That's not true.

3 Q. Okay. Well, when did the conversation about

4 doing something first begin about the Westside shooting?

5 A. I don't remember.

6 Q. Was it two days before?

7 A. Longer.

8 Q. Or the Monday before?

9 A. It's was longer than that.

10 Q. Huh?

11 A. It was longer than that.

12 Q. Longer than that?

13 A. (Witness nods head affirmatively).

14 Q. How much longer? Two weeks?

15 A. A couple of weeks possibly.

16 Q. Tell me how it first came up?

17 A. Mitchell said that he was angry at some people

18 and, related to the gang stuff he, him and somebody else

19 had been into it. And he said he was going to get some

20 people back over the gang stuff.

21 Q. And where did you come into play in that?

22 A. I think he knew that I had the guns and that was

23 ...

24 Q. Tell me about the conversation. Tell me who

25 said what to who?

1 A. I can't really remember it's been so long ago.

2 Q. Tell me the general nature of it. How did he
3 know you had guns?

4 A. It was known that I hunted and fished and stuff
5 like that.

6 Q. It was common knowledge that you were a good
7 shooter and had guns?

8 A. Yes, sir, and I hunted, yes.

9 Q. In fact, you had your own gun, didn't you, when
10 you were that age for hunting?

11 A. Yes, sir, a .22.

12 Q. You had a .22 that was your own, didn't you?

13 A. Yes, sir.

14 Q. Did you also have a pistol?

15 A. Not that I remember.

16 Q. Okay. Now, when Mitchell Johnson told you that
17 something was going to happen, that he was angry with some
18 people, what did he say has going to happen?

19 A. He never did say, not, not in the beginning
20 anyway, he just --

21 Q. What?

22 A. Well, he really never said. He just said that
23 he was going to get some people back. He said he was
24 angry about the gang stuff and that they were testing him
25 and ...

1 Q. All right. What did you say to him?

2 A. I just kind of blew him off. He was always
3 talking about gang stuff and this and that and I never
4 really paid much attention to it.

5 Q. Did you ever see any evidence of any gang
6 activity at Westside school?

7 A. Other than him, no.

8 Q. And did you ever see any indication from him
9 that he engaged in any gang activity?

10 A. He would flash gang signs and wear colors and
11 just different stuff like that.

12 Q. All right. What about smoking pot, did you ever
13 smoke pot?

14 A. No, sir.

15 Q. Did you ever hear about Mitchell Johnson smoking
16 pot?

17 A. Yes, sir.

18 Q. What did you hear about that?

19 A. He told me that he had smoked pot with his dad.

20 Q. Okay. What about violent films, did you and he
21 ever watch violent films? I'm taking about not
22 necessarily together but, you know, like the Rambo films
23 with a lot of shoot-em up stuff, things like that?

24 A. I watched action films as a kid, but we never
25 did watch anything together. We didn't have anything to

1 do with each other really outside of the school bus.

2 Q. Okay. So you watched action films, may not be
3 Rambo, but things like that, correct?

4 A. Yes, sir.

5 Q. And you'd see people get shot and die and blood
6 and guts everywhere, you saw that on the action films,
7 didn't you?

8 A. Yes, sir.

9 Q. And, of course, that was before the Westside
10 shooting?

11 A. Yes, sir.

12 Q. Did you have any video games that you played
13 that involved action games or violent videos?

14 A. Not that I remember.

15 Q. Okay. When, a couple of weeks before Mitchell
16 said he was going to get even with some people, did you
17 report that to anybody at school?

18 A. No, sir.

19 Q. Why not?

20 A. I didn't believe him. He's not, I just didn't
21 take him serious.

22 Q. All right. When was the next conversation about
23 doing something come up?

24 A. There was a couple in between there. I don't

25 ...

1 Q. Where did these conversations take place?

2 A. On the bus.

3 Q. On the way to school or on the way back from
4 school?

5 A. Both.

6 Q. And so after he said it more than once and
7 persisted did it start to dawn on you he may be serious
8 about this?

9 A. No, sir. Like I said, I didn't pay attention to
10 him, I didn't ...

11 Q. The day before the shooting -- do you remember
12 what day of the week the shooting was on?

13 A. Yes, sir, it was on a Tuesday.

14 Q. And on Monday there were some people warned not
15 to go to school, weren't there?

16 A. I think he, reading his deposition I seen where
17 he said that he did. I don't --

18 Q. Did you warn anybody not to go to school?

19 A. No, sir, I didn't.

20 Q. Did you know he had warned anybody not to go to
21 school?

22 A. No, sir, at the time I didn't.

23 Q. Okay. When is the first time that you knew
24 something was actually going to be done about the Westside
25 shooting or any retaliatory action against anybody?

- 1 A. When he showed up at my house.
- 2 Q. All right. Tell me about that. When did he
- 3 show up at your house that Tuesday morning?
- 4 A. While I was waiting on the school bus.
- 5 Q. Were you waiting inside or outside?
- 6 A. I was outside. I was out waiting on the curb.
- 7 Q. Huh?
- 8 A. I was waiting on the curb.
- 9 Q. And what did Johnson do?
- 10 A. He approached me with a knife.
- 11 Q. Well, did he come walking up or did he drive up?
- 12 A. He walked up.
- 13 Q. He walked up. Where was his vehicle?
- 14 A. He had had it down at the church. He had parked
- 15 it at the church.
- 16 Q. How far was the church from your house?
- 17 A. I'm not sure, it was ...
- 18 Q. A block, two blocks, a mile?
- 19 A. A couple of houses down, it was.
- 20 Q. Okay. And so when he came walking up to you
- 21 show me how he was holding the knife when he came walking
- 22 up to you?
- 23 A. At first I didn't see it. He had it down by his
- 24 side.
- 25 Q. What kind of knife was it?

1 A. It was a pocket knife.

2 Q. And tell me what happened then?

3 A. He said, you're going to help me do this or I'm
4 going to kill you and your family. And I said, no.

5 Q. When he said, help you do this, do you know what
6 he was talking about?

7 A. No, sir.

8 Q. What he say?

9 A. I told him, no, I was like --

10 Q. Well, when he said do "this" did you ask him,
11 what is this?

12 A. No, sir.

13 Q. Or did you already know what this was?

14 A. I didn't know, I just said no, I'm not.

15 Q. So what happened then?

16 A. He said, you're going to let me in your house.

17 Q. I want you to speak up where I can hear you.

18 A. I said --

19 Q. I'm having trouble hearing you.

20 A. He said, you're going to let me in your house
21 and I said, no. And he said, yeah, you're going to or I'm
22 going to kill you and your family.

23 Q. With a pocket knife?

24 A. Yes, sir.

25 Q. And you believed him?

1 A. Yes, sir.

2 Q. You believed he could kill you and then kill
3 your dad with a pocket knife?

4 A. Yes, sir.

5 Q. And your dad was how big?

6 A. He's, I don't know.

7 Q. And Mitchell Johnson was 13 years old at the
8 time?

9 A. Yes, sir.

10 Q. And he had a little old pocket knife?

11 A. Yes, sir.

12 Q. And your dad was, what, six feet tall?

13 A. I think so.

14 Q. Weighed 180, 200 pounds?

15 A. (Witness nods head affirmatively).

16 Q. Strong guy, wasn't he, in good shape?

17 A. Yes, sir.

18 Q. And you're going to tell us you really believed
19 that Mitchell Johnson, a 13 year old kid, was going to
20 kill your daddy with a little old pocket knife?

21 A. Yes, sir.

22 Q. Okay. All right. When he told you he was going
23 to kill your family with a pocket knife, what did you do
24 then?

25 A. I let him in the house. I knew my mom had that

1 gun setting on the counter and I thought that I could get
2 to it and maybe stop him. But when I opened the door up
3 he pushed me and I hit the dining room table there and
4 fell. And he came in and he looked around and he seen
5 that gun there. And I started for it and he pushed me
6 down and he grabbed the gun.

7 Q. You said you saw it on the counter? You knew it
8 had been there on the counter?

9 A. Yes, sir, it was there on the bureau or the
10 night -- or the counter there.

11 Q. I couldn't hear you. It was on the counter?

12 A. Yes, sir.

13 Q. And so you had seen the gun on the counter
14 before you left for school?

15 A. Yes, sir.

16 Q. And so then when he pushed you down that was in
17 the kitchen, I take it?

18 A. Yes, sir.

19 Q. How did you get to the -- tell me about the
20 layout of the house from the front door to the kitchen.

21 A. When you walked into the garage door or the
22 carport door there you're in the kitchen area.

23 Q. All right. So when he had you come to the door
24 or open the door was that at the garage door?

25 A. Yes, sir, it was at the carport door.

1 Q. So you went from the outside to the inside with
2 him shoving you inside, is that correct?

3 A. Yes, sir.

4 Q. When he shoved you did he shove you down?

5 A. Yes, sir, I hit the table, I fell.

6 Q. Okay. What part of your body hit the table?

7 A. My chest.

8 Q. Okay. Did he hit you in the back?

9 A. Yes, sir, he pushed me.

10 Q. Okay. And then when you fell down and you got
11 up who did what?

12 A. I tried to run for that and he pushed me down
13 again.

14 Q. And what happened then?

15 A. He grabbed the gun.

16 Q. Okay. Did he hit you in the back with anything?

17 A. Not at that time, no.

18 Q. Did he ever hit you in the back with something?

19 A. Yes, sir.

20 Q. When did he hit you in the back?

21 A. When I tried to get into my dad's night stand
22 drawer.

23 Q. And what did he hit you in the back with?

24 A. It was either his hand or the butt of the
25 pistol.

1 Q. Okay. Hard?

2 A. Yes, sir.

3 Q. Knocked you down?

4 A. Yes, sir.

5 Q. Hard enough to knock you down?

6 A. Yes, sir.

7 Q. Where in the back did he hit you?

8 A. On the top of the shoulder.

9 Q. Which side, left, right, middle?

10 A. On the right.

11 Q. Okay. And what kind of gun was it that you were

12 going for? What kind of gun was your mother's gun?

13 A. My mother had a little small revolver.

14 Q. So the gun that was on the counter, was that a

15 revolver?

16 A. Yes, sir, it was.

17 Q. Was it a silver revolver or blue steel?

18 A. It was a little black one.

19 Q. Okay. All right. Once he got the gun in his

20 hand, what did he say to you or what did you say to him?

21 A. He pointed it at me and he said, you're going to

22 do exactly what I tell you to do.

23 Q. And what did he tell you to do?

24 A. He told me that I was going to help him get the

25 guns.

1 Q. Told you you was going to help him what?

2 A. Get guns.

3 Q. From where?

4 A. From my family's house.

5 Q. And tell me what happened from there.

6 A. From there he walked me outside and we walked

7 down to his van and he made me get in the van. And then

8 we drove back to my house and we parked it there beside

9 the house and got out. And then he --

10 Q. When you're walking down the street and he's got

11 this gun, is he holding it out, where, what's he doing

12 with the gun?

13 A. It's in his pocket in his jacket.

14 Q. Okay. You didn't take off running?

15 A. No, sir.

16 Q. So you got in the van. What happened when you

17 got in the van?

18 A. Then we went back or he drove back to --

19 Q. Was this a stick shift or an automatic?

20 A. It was an automatic.

21 Q. Okay. So then you drove back to the house.

22 Then what happened?

23 A. From then he had an acetylene torch and --

24 Q. Well, now, wait. Did he pull in the garage?

25 A. No, sir, pulled next to the garage there on the

1 side of the house.

2 Q. Did he back in or pull straight in?

3 A. He pulled straight in?

4 Q. Okay. And he had an acetylene torch in the
5 back?

6 A. Yes, sir.

7 Q. What did he do with it?

8 A. We went back in the house and we went into the
9 gun room. He knew my father had a gun safe.

10 Q. Well, tell me about the acetylene torch. Did
11 you all get it inside?

12 A. It was just a small handheld torch.

13 Q. All right. Oh, one of those little small little
14 butane ones?

15 A. Yes, sir.

16 Q. Okay. So he knew your dad had a gun safe?

17 A. Yes, sir.

18 Q. How did he know that?

19 A. I had talked about my father having a gun safe.

20 Q. So you had told him about your dad having a gun
21 safe?

22 A. No, I had told a lot of people about it. It was
23 just a lot of people talked about what their dads had as
24 far as gun safes and stuff like that, it wasn't ...

25 Q. Okay. So then what happened?

- 1 A. He tried to break into the --
- 2 Q. Who's carrying the torch, you or him?
- 3 A. He is.
- 4 Q. And when he's carrying the torch, where are you,
- 5 in front of him or behind him?
- 6 A. In front of him.
- 7 Q. Okay. Then what happens?
- 8 A. He's trying to get into the gun safe and he
- 9 lights it and he sees that it's not going to cut it and he
- 10 gets mad.
- 11 Q. So he's trying to get into the gun safe with a
- 12 torch?
- 13 A. Yes, sir.
- 14 Q. Did he have a crow bar or a hammer or anything
- 15 just trying to burn through the weld or what?
- 16 A. Just trying to burn through it with that.
- 17 Q. Okay.
- 18 A. And then he hit the combination lock with a
- 19 hammer and it came off.
- 20 Q. He did?
- 21 A. Yes, sir.
- 22 Q. Where did he get the hammer?
- 23 A. It was laying there in the house. It was on
- 24 the, the desk that my dad had.
- 25 Q. Okay. And what about the revolver in the night

1 stand, was there a revolver in the bedroom or in the gun
2 room?

3 A. In the bedroom.

4 Q. All right. Was the bedroom and the gun room the
5 same room?

6 A. No, sir, they were next to each other.

7 Q. All right. Did you go into the bedroom?

8 A. Yes, sir. I tried to go to the bathroom. I
9 said, I need to go to the bathroom and I walked into the
10 bedroom and I walked into the bathroom and he wouldn't
11 leave, so he stood there. And when I was coming back out
12 I tried to reach in the drawer and pull it out.

13 Q. So you knew where another gun was?

14 A. Yes, sir.

15 Q. That was loaded?

16 A. Yes, sir.

17 Q. Okay. And it was, of course, didn't have a
18 trigger lock on it?

19 A. No, sir.

20 Q. It was just accessible to you and you knew right
21 where it was?

22 A. Yes, sir.

23 Q. And it was a revolver?

24 A. Yes, sir.

25 Q. Or a Derringer?

1 A. There was a revolver and a Derringer in there.

2 Q. Oh, both the revolver and the Derringer?

3 A. Yes, sir.

4 Q. Which one did you reach for?

5 A. The revolver.

6 Q. Okay. And what kind of revolver was it?

7 A. It was just a medium sized revolver.

8 Q. Blue steel, just stainless steel?

9 A. Silver.

10 Q. Huh?

11 A. Silver.

12 Q. Silver. And what happened then?

13 A. That's when he hit me in the back and I fell and

14 he grabbed those two.

15 Q. He grabbed both of those?

16 A. Yes, sir.

17 Q. Okay. What happened then?

18 A. We went back into the gun room and he said,

19 you're going to start loading this stuff up. So he forced

20 me to load all of that stuff up.

21 Q. Load all of what stuff up?

22 A. The camping gear, and there was bullets and

23 different stuff there.

24 Q. Was all of this in the hunting room or the gun

25 room?

1 A. Yes, sir.

2 Q. Were there knives in there?

3 A. Yes, sir.

4 Q. How many knives did you load up?

5 A. I don't remember.

6 Q. Did you do all the loading?

7 A. Yes, sir.

8 Q. So you're carrying arm load after arm load of

9 stuff from inside of the gun room out to the van, right?

10 A. Yes, sir.

11 Q. What's he doing all this time?

12 A. Following me the whole way with a gun.

13 Q. All right. Then what happens?

14 A. Once we get all the stuff loaded, or I loaded

15 all the stuff there, he forced me in the van.

16 Q. How did he force you in the van?

17 A. He opened the door up and shoved me in.

18 Q. And then what?

19 A. Then he came around and got in. And then he

20 drove from there to the gas station --

21 Q. Let me interrupt you. You know when you're

22 telling things that happened, if they happened that way,

23 you're probably going to remember most of the things that

24 happened, aren't you?

25 A. Yes, sir.

1 Q. Well, you forget to tell us about the pantry
2 being broken into that your mama said.

3 A. Yes, sir.

4 Q. That's part of the story you left out, isn't it?

5 A. He, he got into the pantry and all of that, yes,
6 sir.

7 Q. Just left that out?

8 A. Yes, sir.

9 Q. Okay. So then, so you go to a gas station.
10 What gas station?

11 A. It was the one on the hill.

12 Q. What hill?

13 A. The one going towards the school.

14 Q. Close to your mom's house?

15 A. Yes, sir.

16 Q. Okay. What happened there?

17 A. He tried to pump gas and he couldn't pump gas.

18 Q. So was he out of the vehicle trying to pump gas?

19 A. Yes, sir.

20 Q. Where were you?

21 A. Sitting right there and he was watching me.

22 Q. Huh?

23 A. Sitting right there and he was watching me.

24 Q. Where was the gas tank on that van, driver's
25 side or passenger's side?

1 A. I don't remember. It was, I think it was on the
2 passenger's side.

3 Q. They're on the driver's side, aren't they?

4 A. I think so, I don't --

5 Q. So if he's filling up with gas, and that van had
6 solid wall on it, it didn't have glass sides, did it?

7 A. It had glass.

8 Q. Oh, it did have glass?

9 A. Yes, sir.

10 Q. Okay. And there were people there at that gas
11 station, weren't there?

12 A. I think so.

13 Q. Well, sure.

14 A. I don't remember.

15 Q. The gas station was open, wasn't it?

16 A. Yes, sir.

17 Q. Had clerks in there?

18 A. (Witness nods head affirmatively).

19 Q. Yes?

20 A. Yes, sir.

21 Q. And did you try to jump out and go run and tell
22 the clerks to call the cops or anything?

23 A. No, sir.

24 Q. Why not?

25 A. I was scared.

1 Q. All right. Then what happened?

2 A. From there he drove to the road next to my
3 grandparents house and he parked in the little cul-de-sac.

4 Q. This road next to your grandparents house, how
5 far was it from your grandparents house?

6 A. I'm not sure.

7 Q. Well, the length of this courtroom, a mile?

8 A. A half a mile, I guess.

9 Q. Okay. Had you ever been there with Mitchell
10 Johnson before?

11 A. No, sir.

12 Q. Was it on the bus route?

13 A. No, sir.

14 Q. Was it near the bus route?

15 A. He lived close to there.

16 Q. He lived close to there?

17 A. Yes, sir.

18 Q. Okay. So what happened once he parked out on
19 the cul-de-sac near your grandfathers house?

20 A. He forced me out of the van and from there we
21 walked through the woods to my grandparents house.

22 Q. How did he know how to get to your grandparents
23 house through the woods?

24 A. I don't know.

25 Q. And how far was it?

1 A. I don't know.

2 Q. Half a mile through the woods and he knew how to
3 get there?

4 A. Yes, sir.

5 Q. Of course, you were very familiar with that
6 area, you had been out there a lot, weren't you?

7 A. No, sir, not all the way through there.

8 Q. Okay. So he knew how to get there. You had
9 never seen him out in those woods near your grandparents
10 house before, had you?

11 A. No, sir, we didn't associate outside of class.

12 Q. Okay.

13 A. Except for school.

14 Q. So how did he find his way to your grandfather's
15 house?

16 A. I'm not sure.

17 Q. Did you lead or did he lead?

18 A. I was in front of him walking.

19 Q. Okay. Did he tell you where to go or did you
20 know where to go?

21 A. He told me where to go.

22 Q. He told you where to go. Okay. And so then you
23 followed, he follows you to the grandfather's house, but
24 you weren't leading the way, he was telling you where to
25 go?

1 A. Yes, sir.

2 Q. Okay. And then when you get to the
3 grandfather's house what happens?

4 A. He, we came up through the back way, there's,
5 where the fence and stuff was. And there was a crowbar
6 laying there on a work bench that my grandpa had and he
7 smashed the back glass out of it.

8 Q. Was the crowbar outside and the work bench
9 outside?

10 A. Yes, sir.

11 Q. And who smashed the back glass?

12 A. Mitchell did.

13 Q. Then what happened?

14 A. Then he forced me inside and we went upstairs.
15 And he seen the guns on the gun rack.

16 Q. Now, when you, when you go in that basement
17 weren't there some guns hanging on the wall over the door
18 leading from the basement going upstairs?

19 A. I don't remember if there were or not.

20 Q. How did he know about the gun rack upstairs?

21 A. I'm not sure. He, when we came in we went
22 upstairs in that --

23 Q. Wait a minute, I thought you came in the
24 basement area?

25 A. That's what I'm talking about, yes, sir.

1 Q. You came into the basement area?

2 A. Yes, sir.

3 Q. How did Mitchell Johnson know that there was a
4 big gun rack in the kitchen area of that house?

5 A. I'm not sure if he did or he didn't. We went up
6 the stairs.

7 Q. All right. And who was going up the stairs
8 first?

9 A. Me.

10 Q. And I guess he told you to do that too?

11 A. Yes, sir.

12 Q. Sure he did. And then, what happened then?

13 A. He seen the gun rack and the guns there and they
14 were locked. And there was a key on the side of the gun
15 rack and he seen that and unlocked it.

16 Q. I couldn't hear you.

17 A. He seen that and unlocked it.

18 Q. He unlocked it?

19 A. Yes, sir.

20 Q. Okay.

21 A. I wasn't tall enough to reach the --

22 Q. I'm sorry?

23 A. I wasn't tall enough to reach that.

24 Q. So Mitchell Johnson followed you up to the gun
25 rack and then he saw the key that would unlock the pad

1 lock to the gun rack, and what happened then?

2 A. He unlocked it.

3 Q. What happened then?

4 A. And he said, grab some guns.

5 Q. What guns did he grab?

6 A. There was a few guns up there and he grabbed the

7 one with the scope on it, and that was a 30.06, and then

8 the Carbine and another one. And there was, there was --

9 Q. You're going to have to speak up, your voice is
10 too low.

11 A. There was the Carbine and the, that 30.06 and
12 the, I think there was another rifle too.

13 Q. You had shot the Carbine before in target
14 practice, hadn't you?

15 A. I don't remember if I had or not.

16 Q. Okay. You had shot the 30.06 too, before too,
17 hadn't you?

18 A. No, sir, I don't remember if I had or not.

19 Q. Okay. All right. So how many guns did he get
20 out of the gun rack?

21 A. There was the three there on the gun rack.

22 Q. Okay. And what happened then?

23 A. He told me to get bullets for them.

24 Q. And do you know where the bullets were?

25 A. Yes, sir.

1 Q. Where were they?

2 A. They were above the refrigerator.

3 Q. They were above the refrigerator. So you've got
4 a whole rack of guns there and the ammunition on the
5 refrigerator in the same room?

6 A. Yes, sir.

7 Q. And the key to the lock was in the same, was
8 right next to the lock, wasn't it?

9 A. Yes, sir.

10 Q. That's not much of a deterrent, was it?

11 A. No, sir, not ...

12 Q. Okay. Anybody walking in there could have seen
13 the, could have seen the lock, right?

14 A. Yes, sir.

15 Q. Now, before I go on, I want to show you my next
16 numbered exhibit, which is going to be No. 25.

17 (Whereupon, Exhibit 25 was marked)

18 Q. This is a photograph of you I believe when you
19 were finally caught and served with the papers and he took
20 your picture when he served you with the papers?

21 A. Yes, sir.

22 Q. And that's you, isn't it, No. 25?

23 A. Yes, sir.

24 Q. You've grown your beard even more since then,
25 haven't you?

1 A. Yes, sir.

2 Q. Let your hair get longer?

3 A. Yes, sir.

4 Q. Trying to change your appearance again?

5 A. No, sir. It's hunting and stuff, bow hunting

6 it's cold.

7 Q. Okay. All right. So what happened next?

8 A. After I got the bullets down for him he made me

9 load those other guns up.

10 Q. Loads what other guns up?

11 A. The 30.06 and ...

12 Q. The Carbine and one other one?

13 A. Yes, sir.

14 Q. Okay. And then what?

15 A. From there he made me walk in front of him to

16 the school.

17 Q. Now, wait a minute. What are you carrying when

18 you're walking in front of him to the school?

19 A. The rifles across my arms.

20 Q. How many?

21 A. Those two and he's got the 30.06.

22 Q. All right. And so you're carrying them like

23 this?

24 A. Yes, sir.

25 Q. Well, you can carry a rifle in each hand easy

1 enough, couldn't you?

2 A. Yes, sir.

3 Q. But you carried them cross armed?

4 A. Yes, sir.

5 Q. Like they were laying across a forklift or

6 something?

7 A. Yes, sir.

8 Q. You had never carried guns like that, you were

9 taught better than that, weren't you?

10 A. Yes, sir.

11 Q. Weren't you always taught to carry a gun with

12 the barrel pointing away from everybody?

13 A. Yes, sir, that's the way he told me to hold

14 them.

15 Q. Oh, he told you even how to hold the guns to

16 carry them?

17 A. Yes, sir.

18 Q. Show me how you stuck your arms?

19 A. Like this (indicating).

20 Q. And did you have them in your hands?

21 A. No, they were laying across my arms.

22 Q. And he told you that's how to carry them?

23 A. Yes, sir.

24 Q. And you're walking through the woods carrying

25 them that way?

1 A. Yes, sir.

2 Q. Was there brush there, underbrush?

3 A. Yes, sir.

4 Q. Walking through the underbrush with guns
5 sticking out both ways, right?

6 A. Yes, sir. And I fell a couple of times too,
7 sir.

8 Q. So then what?

9 A. When we got to the school he made me sit
10 everything down. And then he told me that, he said, go
11 inside and pull the fire alarm and then come back out. He
12 said, if you don't, I'm going to come in there and find
13 you and kill you. And he watched me through the scope
14 while I walked around and walked into the building.

15 Q. All right. You're letting your voice drop
16 again. He said, go in there and pull the fire alarm and
17 what?

18 A. And then come back out to where he is. And he
19 said if I didn't, he'd kill me.

20 Q. And, of course, that building is made out of
21 concrete block, isn't it?

22 A. Yes, sir, but he said that he would come in
23 there and find me and kill me.

24 Q. Of course, I guess if you walked in that school
25 he wouldn't know where to hunt for you, that's a pretty

1 big school, you could go to the principal's office, go
2 hide in a closet, yell for teachers to call the police,
3 you could do a lot of things, couldn't you?

4 A. Yes, sir.

5 Q. You didn't do any of those, did you?

6 A. No, sir.

7 Q. And you knew he couldn't see you inside the
8 building through the scope because that scope wasn't an
9 x-ray scope, was it?

10 A. No, sir.

11 Q. So you knew once you got inside the building he
12 couldn't see you, you knew that, didn't you?

13 A. Yes, sir.

14 Q. So instead of going to the teacher for help or
15 going to the principal's office or anything you went ahead
16 and pulled the fire alarm and went back out to the ambush
17 site, right?

18 A. Yes, sir.

19 Q. Totally innocent and totally forced to do it,
20 right?

21 A. Yes, sir.

22 Q. All right. Then what happened? Did you go pull
23 the fire alarm?

24 A. Yes, sir.

25 Q. Then what did you do?

- 1 A. I ran back out to where he was.
- 2 Q. And did you get out before the, anybody started
3 coming to the fire alarm, responding to the fire alarm?
- 4 A. I think so.
- 5 Q. And how far from the back door was it to where
6 you went to the ambush site?
- 7 A. I'm not sure.
- 8 Q. Well, look from here to that back wall, was it
9 further than that back wall?
- 10 A. Yes, sir.
- 11 Q. How much further?
- 12 A. I'm not sure, 25 yards or so, I don't ...
- 13 Q. 25 yards?
- 14 A. Yes, sir, I think so.
- 15 Q. So you've seen guns sighted in at 25 yards,
16 haven't you?
- 17 A. Yes, sir.
- 18 Q. Was it about 25 yards?
- 19 A. I think so.
- 20 Q. Okay. And when the kids came out of the school
21 and the teachers came out of the school your advantage
22 point was where you had a clear view, did you not?
- 23 A. Yes, sir.
- 24 Q. Were you and Mitchell Johnson right together
25 when you did the shooting?

1 A. No, sir.

2 Q. Where were you?

3 A. I was in front of him and to the right.

4 Q. In front of him and to the right?

5 A. Yes, sir.

6 Q. How many feet apart were you all?

7 A. I don't know, ten feet maybe -- not, well, maybe

8 not even that, I'm not sure.

9 Q. Well, if the police report diagram shows where

10 the two were, one was near a wire fence and that was, was

11 Mitchell near the wire fence?

12 A. No, sir.

13 Q. Were you near the wire fence?

14 A. I think so.

15 Q. Huh?

16 A. I think so, I can't remember.

17 Q. All right. And when you went back out to the

18 wooded area, who told, did Mitchell tell you where to get?

19 A. Yes, sir.

20 Q. And what did he tell you to do?

21 A. He said, kneel down and pick up a gun. And then

22 he said, if you don't start shooting after I shoot, then

23 I'll shoot you.

24 Q. Start shooting at who? Did he tell who you to

25 shoot at?

1 A. No, sir.

2 Q. What did he tell you to shoot? What did he tell
3 you to do?

4 A. He just said start shooting after.

5 Q. Start shooting at what? Did he tell you to
6 shoot at people?

7 A. No, sir.

8 Q. And did you understand you were to shoot at
9 people?

10 A. No, sir.

11 Q. Did you think you were supposed to shoot up in
12 the air?

13 A. I --

14 Q. Did you think you were supposed to shoot
15 squirrels?

16 A. No, sir, I shot at the gym wall and the dirt and
17 the air.

18 Q. You shot at the gym wall, dirt and air?

19 A. Yes, sir.

20 Q. How in the world is it then that you shot
21 Natalie in the head?

22 A. I didn't know that I did.

23 Q. You didn't know you did?

24 A. No, sir.

25 Q. Expert marksman and you didn't know you had shot

1 a little girl in the head?

2 A. No, I didn't intentionally aim at anyone. I
3 never ...

4 Q. Well, you know where you point a gun and pull
5 the trigger that's where the bullet's going, you know
6 that, don't you?

7 A. Yes, sir.

8 Q. And you're telling us it just accidentally,
9 coincidentally hit her right in the head?

10 A. I never aimed at anything.

11 Q. You're telling us it's purely an accident that
12 that bullet hit her right in the head?

13 A. I never aimed at anything.

14 Q. Uh-huh (affirmative). What about others that
15 you killed? Do you know how many you killed?

16 A. No, sir.

17 Q. Do you know how many people were killed
18 altogether?

19 A. Yes, sir.

20 Q. How many?

21 A. Five.

22 Q. Do you know how many Mitchell Johnson killed?

23 A. No, sir.

24 Q. Do you know that the ballistic report shows how
25 many were killed by the 30.06 or who was killed by the

1 30.06?

2 A. No, sir.

3 Q. Do you know how many were killed by the Carbine?

4 A. No, sir.

5 Q. Do you know where the people were located that
6 were killed?

7 A. No, sir.

8 Q. They were scattered out all over that area,
9 weren't they?

10 A. I don't know. I don't, I don't remember.

11 Q. You're telling me you didn't take aim at
12 anybody?

13 A. Yes, sir, I never took aim at anybody.

14 Q. Just coincidentally managed to hit them right in
15 the head, not even taking aim when you're shooting at a
16 roof of a building and up in the air and at dirt?

17 A. I never aimed at anyone, sir.

18 Q. Did you aim at the dirt?

19 A. No, sir. I didn't aim at, I didn't aim at
20 anyone. I was shooting at the gym wall.

21 Q. Did you, did you hit the gym, the gym wall?

22 A. I don't know.

23 Q. Well, you know, you were a good enough shot that
24 if you aimed at a gym wall, if a person was standing over
25 where your mother is and the gym wall is by the door, from

1 25 yards you could hit the wall instead of your mother,
2 couldn't you?

3 A. Yes, sir.

4 Q. So if you hit your mother it's because you're
5 aiming at her, right?

6 A. Yes, sir.

7 Q. And if you hit those people that day it was
8 because you were aiming at them, wasn't it?

9 A. No, sir, I never aimed at any of them.

10 Q. All right. Do you know the names of all the
11 people who were injured?

12 A. No, sir.

13 Q. You don't know how many were injured?

14 A. Ten, I think.

15 Q. Do you know how badly any of them were injured
16 that weren't killed?

17 A. No, sir.

18 Q. Did you ever check?

19 A. No, sir.

20 Q. From some of the people you knew in school, did
21 you ever call them from the time you were a juvenile up
22 until today to say hey, how's everybody doing, the people
23 that were shot, how are they doing?

24 A. No, sir.

25 Q. Did you ever make any inquiry about how your

1 victims were recovering from your murderous rampage?

2 A. No, sir.

3 Q. Did you ever make any inquiry of how the
4 families were suffering from their grief and heartache?

5 A. No, sir.

6 Q. I want to show you a diagram marked in another
7 deposition as Exhibit E. Have you ever seen that before?

8 A. This diagram?

9 Q. Uh-huh (affirmative).

10 A. No, sir.

11 Q. Well, it's a diagram made by the police to show
12 where people who were killed and others who were injured
13 and where the two shooters were. And the two shooters
14 would be you and Mitchell Johnson, right?

15 A. Yes, sir.

16 Q. Okay. And they've got an index here. You see
17 this number here, 55, do you know who that is?

18 A. No, sir.

19 Q. That's the teacher, Shannon Wright. Did you see
20 Shannon Wright outside that building that day?

21 A. No, sir.

22 Q. Did you not see, did you see people coming out
23 of the, out in response to the fire alarm you pulled?

19 24 A. Yes, sir.

25 Q. Could you tell who any of them were?

1 A. No, sir.

2 Q. From 25 yards away you couldn't tell Mrs. Wright

3 from 25 yards away?

4 A. No, sir.

5 Q. From 25 yards away, you couldn't recognize any

6 of your kids in your class?

7 A. No, sir.

8 Q. You expect us to believe that?

9 A. I didn't, I wasn't looking at them, I didn't ...

10 Q. Where were you looking?

11 A. I was just looking out.

12 Q. Looking out where?

13 A. Over the playground, I wasn't.

14 Q. People are responding to the fire alarm that you

15 pulled 25 yards away and you can't recognize your own

16 sixth grade teacher and, two of them and as well as kids

17 that you knew personally, you couldn't recognize them from

18 25 yards away?

19 A. I don't remember.

20 Q. All right. Well, let's see, 66, do you see

21 that? Stephanie Johnson, that's where she was shot and

22 killed. Do you see that?

23 A. Yes, sir.

24 Q. Do you remember seeing Stephanie?

25 A. No, sir.

1 Q. 36, that's Brittney Varner, right in the middle
2 of the sidewalk. Do you remember seeing her?

3 A. No, sir.

4 Q. All right. Then you've got Natalie Brooks and
5 Paige Herring right here. See them?

6 A. Yes, sir.

7 Q. Did you see where they got marked as the gym
8 wall?

9 A. The Gym wall was over here.

10 Q. Or classroom, I mean?

11 A. Yes, sir.

12 Q. All right. Here's the gym over here?

13 A. Yes, sir.

14 Q. And you're telling us you were aiming at the gym
15 wall?

16 A. Yes, sir.

17 Q. And you're an expert marksman and you couldn't
18 tell whether you were hitting these people or some of them
19 or that gym wall, and the gym wall went up like 30 feet in
20 the air, didn't it?

21 A. Yes, sir.

22 Q. And these kids were four feet tall or so,
23 weren't they?

24 A. Yes, sir.

25 Q. And if you wanted to hit the gym wall and not

1 the kids, you're a better shot than to hit the kids,
2 aren't you?

3 A. Yes, sir.

4 Q. Uh-huh (affirmative). What about the men on the
5 roof, did you ever shoot at the men on the roof?

6 A. No, sir.

7 Q. Did Mitchell?

8 A. I think he did.

9 Q. Tell me about the men on the roof, where were
10 they?

11 A. They were on a building behind doing
12 construction work, I think. I'm not real sure.

13 Q. All right. Now, I'm going to show you what's
14 Exhibit D to another deposition, and we'll mark these as
15 our, or copies of these as our next two exhibit numbers.

16 MR. McDANIEL: Tell me what they are,
17 Steve.

18 THE VIDEOGRAPHER: 26 and --

19 MR. McDANIEL: Oh, here they are, 26 and
20 27. So we'll mark Exhibit E as 26 and D as 27.

21 (Whereupon, Exhibits 26 & 27 were marked)

22 Q. Now, you see the classroom, classroom, okay.
23 Now, see where it's got shooter locations, and there's two
24 shooter locations, you see that?

25 A. Yes, sir.

1 Q. And it shows them to be 22 feet, 10 inches
2 apart. Do you see that?

3 A. Yes, sir.

4 Q. Do you know how far 20 feet is? A pretty good
5 way, isn't it? Not quite the width of this room, right?

6 A. It may be, I don't know.

7 Q. All right. Do you know what a yard stick is?

8 A. Yes, sir.

9 Q. It takes 7 yard sticks to make 21 feet, right?

10 A. Yes, sir.

11 Q. Okay. So you've got a pretty good idea of what
12 20 feet is?

13 A. Yes, sir.

14 Q. And so when the commotion started, the shooting
15 started, how many times did Mitchell Johnson shoot?

16 A. Five that I remember.

17 Q. Okay. Who shot first?

18 A. I did. I wanted to warn everybody to go back
19 in.

20 Q. Okay. So you shot to warn people to go back in?

21 A. Yes, sir.

22 Q. And you had your gun up like you were aiming it?

23 A. No, sir.

24 Q. What did you do with it?

25 A. I just, I had it and I shot, I didn't ...

1 Q. Okay. Did you see Mitchell Johnson looking
2 through the scope?

3 A. No, sir.

4 Q. Well, you could tell, if he had the rifle with
5 the scope you knew he'd be looking through the scope,
6 didn't you?

7 A. Yes, sir.

8 Q. All right. If he's looking through the scope to
9 shoot people, why didn't you just turn your gun and shoot
10 him right between the eyes? You could have, couldn't you?

11 A. I don't know, I was scared.

12 Q. When he had his eye in that scope he couldn't
13 see because he was looking through the scope, right?

14 A. I guess.

15 Q. Isn't that true, you've shot through a scope?

16 A. Yes, sir.

17 Q. And you know when you're looking through the
18 scope the only thing you can see is what's in that scope,
19 right?

20 A. Yes, sir.

21 Q. And that rifle scope was pointed to those kids
22 and those teachers, right?

23 A. Yes, sir.

24 Q. And all you would have had to have done to
25 protect them and yourself would have turned your gun,

1 instead of looking in the scope, right at Mitchell Johnson
2 and dropped him, you could have done it, couldn't you
3 have?

4 A. I could if I wouldn't have been scared.

5 Q. How scared do you think these people were that
6 were being slaughtered?

7 A. Terrified.

8 Q. Who do you think was more scared, them or you?

9 A. They are probably.

10 Q. Yeah, they were being ambushed by a couple of
11 maniacs, weren't they?

12 A. Yes, sir.

13 Q. Weren't they?

14 A. Yes, sir.

15 Q. And you were one of those people doing the
16 ambushing, weren't you?

17 A. I didn't ever intentionally shoot anyone.

18 Q. That's a lie and you know it, isn't it?

19 A. No, sir. I never aimed at anyone.

20 Q. Oh, it's purely coincidental that five people
21 lay dead with bullets through their head and their hearts
22 by pure accident, right?

23 A. I never intended to, I never shot at anybody, I
24 didn't --

25 Q. Do you know what perjury is?

1 A. Yes, sir.

2 Q. There will be a time I'll be able to give this
3 deposition to a prosecutor.

4 A. Yes, sir.

5 Q. And when I do I'm going to ask him to charge you
6 with perjury because that's a lie.

7 MR. PERRY: I'm going to object to that,
8 Bobby, that's enough.

9 MR. GLOVER: That's very argumentative.

10 MR. McDANIEL: Okay.

11 Q. Now, these other people that were shot, they're
12 scattered out all over the place, aren't they?

13 A. Yes, sir.

14 Q. All at random or did you pick out any targets?

15 A. I never aimed at anyone.

16 Q. Okay. We've got three minutes left on our tape.
17 Exhibit A to another deposition, that's your grandfather's
18 gun room?

19 A. Yes, sir.

20 Q. And the key was where?

21 A. Right here.

22 Q. And the cable went through the locks?

23 A. Yes, sir.

24 Q. And that's, that's the guns, Exhibit B to
25 another deposition, coming up from the basement right?

1 A. Yes, sir.

2 Q. And there were those guns, did he tell you to
3 get any of those?

4 A. No, sir, all of these.

5 Q. Were those guns working guns?

6 A. No, sir, none of them were.

7 Q. None of them were?

8 A. Not that I --

9 Q. How did you know if they worked or not?

10 A. You could tell the parts were missing off of
11 them.

12 Q. Tell me what parts were missing off which gun?

13 A. That's just the stock and then the receiver.

14 Q. Tell me what parts are missing off these three
15 guns right hear.

16 A. It's written on this.

17 Q. Huh?

18 A. It's written on that piece of paper, he had
19 those to fix.

20 Q. All right. What's missing on those?

21 A. That one doesn't look like it has a bolt in it.

22 Q. Okay. Now, let's look at a couple of other
23 pictures here real quick. Exhibit 1 to another deposition
24 is a lock hanging on a nail with a key, and that's to --
25 see the deer head at the end of Photograph A up in the

1 upper right hand corner right up here?

2 A. This one?

3 Q. Yes.

4 A. Yes, sir.

5 Q. And you say the lock and the key was right
6 there, or the key was right there on the nail?

7 A. Yes, sir.

8 Q. And you see Exhibit No. 2, you see the key?

9 A. Yes, sir.

10 Q. That's where it was that day?

11 A. Yes, sir.

12 Q. And then the key goes in the lock that was
13 through the cables, right?

14 A. Yes, sir.

15 MR. McDANIEL: Okay. We're out of tape.

16 THE VIDEOGRAPHER: Thank you, Counsel.

17 The time is 3:41 p.m. and we are off the record.

18 MR. McDANIEL: Let's take a five minute
19 break.

20 (Brief Recess)

21 THE VIDEOGRAPHER: The time is 3:49 p.m.

22 We are back on the record. Counsel.

23 Q. While we were on the break, any answers you've
24 given you need to go back and change or modify in any way?

25 A. None that I can think of.

1 Q. Okay. We were talking about access to the guns.
2 If the key had not been right there where you could get to
3 it, you wouldn't have been able to get those guns, would
4 you?

5 A. No, sir.

6 Q. If you couldn't have gotten the guns nobody
7 would have been killed, would they?

8 A. I don't know, sir.

9 Q. Huh?

10 A. I don't know, but I don't think so.

11 Q. You don't know? How would they have been killed
12 if you didn't have the guns?

13 A. He had the three from the house.

14 Q. What three guns did he have from your house?

15 A. The Derringer and the two revolvers.

16 Q. Okay. And what did you have on you by the way
17 of guns when you were apprehended?

18 A. I don't remember.

19 Q. Did you have a pistol on you?

20 A. Yes, sir, there were some in the pockets of that
21 vest.

22 Q. Huh?

23 A. There were some in the pockets of those vests.

24 Q. And were they loaded?

25 A. Yes, sir, I think they were.

1 Q. And so you also had access to a loaded pistol
2 that you could have turned on Mitchell Johnson any time he
3 turned his head or looked away, didn't you?

4 A. No, sir.

5 Q. You didn't do that either, did you?

6 A. No, sir, was scared.

7 Q. Now, when you were looking down there and you
8 heard the shots ring out, and you shot the first shot,
9 right?

10 A. Yes, sir.

11 Q. Did you see people start falling?

12 A. No, sir, not --

13 Q. Are you telling us you didn't see anybody fall
14 down when they were shot?

15 A. No, sir, I don't remember any of that. There
16 was like, I don't know, I didn't, it was like I blanked
17 out, I didn't see anything. I don't remember. The
18 psychologist that I talked to said I blanked it out of my
19 mind.

20 Q. I'm not worried about your psychologist, I'm
21 asking you what you saw?

22 A. I don't remember.

23 Q. In fact, as far as that goes, has any
24 psychologist ever, or psychologist ever interpreted you as
25 having significant psychiatric difficulties?

1 A. No, sir, not that I know of.

2 Q. I take it then because a psychologist backed you
3 up you wouldn't have any objection to me getting your
4 psychological records, would you?

5 A. No, sir.

6 Q. Because they back you up?

7 A. Yes, sir.

8 Q. Okay. All right. In fact, I've got an
9 authorization, a medical authorization here, I'll ask you
10 to sign so I can do just that. If you'll, just a routine
11 medical authorization?

12 MR. GLOVER: We're going to object to
13 that until we --

14 MR. McDANIEL: On what basis?

15 MR. GLOVER: Until we have a chance to
16 discuss that with him.

17 Q. You just told us you didn't mind us getting
18 them, that's true, isn't it?

19 MR. GLOVER: He hasn't had a chance to
20 discuss that with us.

21 Q. Well, I'm not asking you about what your
22 lawyer's advice is, I'm just asking about you. You told
23 us you didn't mind us getting your psychological records
24 at all, didn't you?

25 A. I'd like to confer with them first.

1 Q. So now you do have some concern about it?

2 A. Yes, sir.

3 Q. Okay. All right. Let the record show that the
4 next numbered exhibit, does anybody know what the number
5 would be?

6 THE VIDEOGRAPHER: I believe it's 28.

7 Q. We'll take a shot and just stab it as 28. If
8 we've got duplicates we'll just --

9 MR. PERRY: It will be 28.

10 MR. McDANIEL: We'll call it 28, the
11 medical authorization I'm going to ask you to sign so we
12 can get your psychological records, that's all I'm
13 interested in, no medical records.

14 (Whereupon, Exhibit 28 was marked)

15 Q. You weren't on any medication that day, were
16 you?

17 A. No, sir.

18 Q. Had you taken any medication in the year or two
19 before this incident occurred?

20 A. No, sir, not that I remember.

21 Q. Okay. What's previously marked as Exhibit 7
22 we've identified it as an exhibit earlier. Can you
23 identify the people in those photographs?

24 A. Yes, sir.

25 Q. Which one is you?

1 A. The one in the bottom and the one on the right.

2 Q. Okay. The bow and arrows, Exhibit 4, identified
3 as another exhibit, where did those come from?

4 A. From the gun room.

5 Q. Okay. Were those bow and arrows that you had
6 shot before?

7 A. I had never shot that one, no.

8 Q. But you had shot bow and arrows, hunting bow and
9 arrows before, hadn't you?

10 A. Yes, sir.

11 Q. So you know how to use them?

12 A. Yes, sir.

13 Q. And the machete and the knives that are shown in
14 the other photographs, where do they come from?

15 A. From the gun room as well.

16 Q. And the survival gear with ropes and camping
17 gear and all that, where did that come from?

18 A. From the gun room as well.

19 Q. And this blow torch, is that what was used to
20 try to get in the gun safe?

21 A. Yes, sir, that was.

22 Q. Okay. Do you know what a trigger lock is?

23 A. Yes, sir.

24 Q. If these guns had had trigger locks on them
25 including the ones at your mother's house, none of this

1 would have occurred, would it, because you didn't know how
2 to get into a trigger lock, did you?

3 A. No, sir, I never, I don't know how to get into a
4 trigger lock.

5 Q. If your mother and your dad had guns at their
6 home and when they left the house if he had put trigger
7 locks on them all they would have been was billy clubs,
8 right?

9 A. Yes, sir.

10 Q. Couldn't, you couldn't have fired them and he
11 couldn't have either, could he?

12 A. No, sir.

13 Q. And if your grandfather's guns had been secured
14 without the lock being right next to them, none of this
15 would have occurred, would it?

16 A. No, sir.

17 Q. Did you ever see anybody fall down after they
18 had been shot or collapse?

19 A. Not that I remember.

20 Q. Did you see, look out there and see people
21 laying on the ground?

22 A. No, sir, not that I remember.

23 Q. Did you hear screaming and crying?

24 A. No, sir, I didn't, I don't remember.

25 Q. Did, you say Johnson shot five times?

1 A. Yes, sir.

2 Q. And how many times did you shoot?

3 A. I don't remember.

4 Q. Well, if there were ten people injured and five
5 people killed, that's about 15 bullets, isn't it?

6 A. Yes, sir.

7 Q. And if Johnson shot five who would have shot the
8 other ten?

9 A. It would have had to have been me.

10 Q. How many bullets did that Carbine hold?

11 A. I'm not sure, in the ...

12 Q. Did you reload?

13 A. No, sir.

14 Q. You had an extra clip, didn't you?

15 A. After he shot his five I jumped up and ran.

16 Q. Well, how many times did you shoot by the time
17 he shot five?

18 A. I don't know.

19 Q. You remember shooting more than once, don't you?

20 A. Yes, sir.

21 Q. How many times do you remember shooting?

22 A. Just that, the first one for sure, I don't
23 remember.

24 Q. You remember only shooting one and can't
25 remember the rest of them?

1 A. Yes, sir.

2 Q. You were taught when you aim a gun and pull the
3 trigger the bullet's going to go where you're aiming,
4 isn't it?

5 A. Yes, sir.

6 Q. And if someone is shot in the head with a bullet
7 it's because somebody aimed at that head, right?

8 A. Yes, sir.

9 Q. And you knew that if you shot someone with a
10 Carbine from 25 yards it might kill them?

11 A. Yes, sir, if they were hit, yes, sir.

12 Q. And you knew that a gun could kill?

13 A. Yes, sir.

14 Q. You had been trained that by your parents?

15 A. Yes, sir.

16 Q. And you had known that from watching animals get
17 killed, right?

18 A. Yes, sir.

19 Q. And you knew death was final, you knew that,
20 didn't you?

21 A. Yes, sir.

22 Q. And you had trained about the basics of firearm
23 safety that you've got to be careful where you point a gun
24 because you might actually shot and kill somebody?

25 A. Yes, sir.

1 Q. So you cannot claim by any pretense that if you
2 knowingly shot somebody, low and behold they might just be
3 dead and that would be a total shock to you, that would be
4 ridiculous, wouldn't it?

5 A. Yes, sir.

6 Q. Okay. Did you look up and see Mitchell Johnson
7 doing any shooting?

8 A. No, sir.

9 Q. Did you --

10 A. I just, I just remember him firing the fifth
11 round and then I jumped up and ran.

12 Q. Well, to remember that he fired the fifth round,
13 you'd have to know that he fired one through four,
14 wouldn't you?

15 A. Yes, sir, they, it was loud.

16 Q. Huh?

17 A. It was loud.

18 Q. So you could hear the boom, boom, boom, boom,
19 boom, right?

20 A. Yes, sir.

21 Q. And you could also hear, because your gun was
22 right by your ear, you could surely hear your gun going
23 off too, couldn't you?

24 A. I don't remember it.

25 Q. You could remember his from 22 feet away, but

1 you couldn't remember yours right by your ear?

2 A. Yes, sir.

3 Q. That's as true as everything else you've told
4 us?

5 A. Yes, sir.

6 Q. Had y'all talked about or had Mitchell Johnson
7 talked about doing something at the school as early as
8 October?

9 A. I don't remember.

10 Q. In kindergarten did you shoot a kid in the eye
11 with a pop gun?

12 A. I don't remember that, no, sir.

13 Q. Did you kill somebody's dog with a gun?

14 A. No, sir.

15 Q. Did you threaten to kill somebody's pet with a
16 gun?

17 A. No, sir.

18 Q. Did you ever threaten to shoot any animal not in
19 the area of hunting, like a domesticated animal?

20 A. No, sir.

21 Q. Why did you fire the first shot?

22 A. I wanted everybody to go back in. It was a
23 warning.

24 Q. If you wanted everybody to go back in, why did
25 you throw the fire alarm for them to come out?

1 A. It, it had just gotten to, I was scared and I
2 didn't, I just didn't ...

3 Q. Mitchell Johnson hadn't shot until you did, did
4 he?

5 A. No, sir.

6 Q. So until you fired the first shot there was no
7 shooting to be afraid of because nobody had fired yet,
8 right?

9 A. No, sir.

10 Q. So you're the one that started the shooting
11 rampage?

12 A. Yes, sir.

13 Q. Was there any reason one person was picked out
14 to die as opposed to somebody else?

15 A. No, sir.

16 Q. Had any of those kids done anything to you?

17 A. No, sir.

18 Q. Tell me about the escape plan, what was the
19 escape plan?

20 A. I don't know.

21 Q. Well, after the shooting, after you stopped
22 shooting what did you do then?

23 A. I took off running.

24 Q. Running where?

25 A. Towards the van, I was trying to get away from

1 him.

2 Q. Well, if you were going to get away from him,
3 you were going to run right to his van where he was going
4 to go?

5 A. I was thinking that I could get there or if I
6 could get to my grandparents house I would be okay.

7 Q. Well, if you were going to get to the van, it
8 was his van, wasn't it?

9 A. Yes, sir.

10 Q. So you were going to run right to where he was
11 going to go and that's a way of getting away from him?

12 A. No, sir.

13 Q. And when you took off running what did he do?

14 A. He jumped up and followed after me.

15 Q. Where were the guns?

16 A. I don't remember. I remember I had the Carbine
17 and I kept slipping and falling because it was muddy out
18 there and I kept falling and jamming it down in the mud.

19 Q. So you had the Carbine with you. What happened
20 to the other rifle you carried out there?

21 A. I don't remember.

22 Q. What about the pistols in your pocket, did you
23 still have them?

24 A. That was, that was in a vest that he had.

25 Q. Okay. You had a pistol, didn't you? You told

1 us earlier you had a pistol?

2 A. They were in the vest.

3 Q. Well, the vest that you had, did you have a
4 pistol?

5 A. When we got apprehended I did, but when I was
6 out in the field there I sat down and gave up and he stuck
7 a pistol in my head.

8 Q. He what?

9 A. He stuck a pistol in my head and he said, get up
10 and keep running with me. And I did and that's, he handed
11 me the vest and stuff.

12 Q. Wait a minute, he handed you the vest that had
13 pistols in it?

14 A. Yes, sir.

15 Q. Did you stop and put it on?

16 A. Yes, sir.

17 Q. And it had pistols in the pockets?

18 A. Yes, sir.

19 Q. And what did he do with his pistol?

20 A. He had it pointed at me.

21 Q. So what did you do with the pistols in the
22 pocket of your vest?

23 A. Nothing.

24 Q. Where did you go?

25 A. I just started walking and I kept tripping and

1 falling and got tangled up in the barbed wire fence.

2 Q. And then what happened?

3 A. And we got up on the road there and the police
4 got us.

5 Q. Huh?

6 A. The police apprehended us right there.

7 Q. Okay. And what weapons did you have on you when
8 you were apprehended?

9 A. I don't remember.

10 Q. And tell me about the men on the roof, when did
11 you first see them?

12 A. I don't remember really seeing them.

13 Q. Do you remember shooting at them yourself or was
14 Johnson shooting at them?

15 A. I think he shot at them, I'm not sure. I
16 remember seeing maybe it from his deposition that he did.
17 I don't, I don't really remember it from then.

18 Q. You saw in his deposition where he blamed you
19 for all this?

20 A. Yes, sir.

21 Q. And he said nothing about beating you up?

22 A. Yes, sir.

23 Q. Did you ask the police to give you any medical
24 attention when you were arrested?

25 A. No, sir, I was --

1 Q. Did you show them any bruises on your back or
2 your head or your chest where you were hit these places?

3 A. No, sir.

4 Q. They weren't any, were there?

5 A. Yes, they were.

6 Q. Oh, there were?

7 A. There were scratches and kinds of stuff.

8 Q. But were there any bruises on you?

9 A. I think there were. I don't know. That one
10 would have been on my shoulders, I wouldn't have been able
11 to see it.

12 Q. Was there any ammo gathered from any place other
13 than the refrigerator?

14 A. Not that I remember.

15 Q. Okay. Why did you all stop shooting?

16 A. Because I ran.

17 Q. Huh?

18 A. Because I ran.

19 Q. Why did you start running?

20 A. Because I knew that his gun was empty and I just
21 ...

22 Q. How did you know his gun was empty?

23 A. Because he fired those five shots.

24 Q. What about the pistol in his pocket, did you
25 know it was empty too?

1 A. I thought he was reloading so I just ran.

2 Q. Well, he had three, he had at least three loaded
3 pistols with him, didn't he?

4 A. I'm not sure, I think so, yes.

5 Q. Well, the Derringer and the two revolvers from
6 the house?

7 A. Yes, sir.

8 Q. And so you were willing to run after you had
9 shot at all of these people, but you weren't willing to
10 run before you shot at the people?

11 A. I was scared.

12 Q. You weren't, you weren't scared after you shot
13 all of those people, but you were scared --

14 A. I was scared then too.

15 Q. All right. So was Mitchell Johnson reloading is
16 the reason you took off running?

17 A. Yes, sir.

18 Q. Did you see him reloading?

19 A. I seen him moving besides me, I just remember
20 the fifth round going off and I jumped up and ran.

21 Q. How much time passed between his first shot and
22 his fifth shot?

23 A. I don't remember.

24 Q. Can you give me an estimate?

25 A. I'm not sure.

1 Q. Had y'all made any plans about where you were
2 going to go after the shooting?

3 A. No, sir.

4 Q. You gathered up food and camping gear, but there
5 was no discussion about where you might go hide out?

6 A. No, sir.

7 Q. Now, do I understand you to claim that you feel
8 remorse and regret?

9 A. Yes, sir.

10 Q. And that you are terribly regretful of what
11 happened?

12 A. Yes, sir.

13 Q. And I understand from your mother that you'd
14 never want to profit from this incident, is that correct?

15 A. No, sir.

16 Q. I'm sorry?

17 A. I never want to profit from it.

18 Q. You'd never want to sell a story or get money
19 paid for your side of the story or anything like that?

20 A. No, sir.

21 Q. That would be wrong, wouldn't it?

22 A. Yes, sir.

23 Q. Well, I brought an assignment just for
24 protection of these families. I'll let your lawyers look
25 at it, but basically what it says is you would be

1 assigning to all of the parties to this lawsuit any rights
2 or payments or interests you might have past, present or
3 future in any literary publication, you wouldn't have any
4 objection to signing that, would you?

5 A. Let me look at it.

6 Q. Okay.

7 MR. PERRY: Do they intend to dismiss
8 the suit today?

9 MR. McDANIEL: No, they do not.

10 Q. While they're looking at that. Who is Amber
11 Vanover?

12 A. I don't know.

13 Q. Okay. Jonathan Woodward, do you know who that
14 is?

15 A. I don't, the name doesn't sound familiar, I
16 don't know.

17 Q. Who's Coach Shipman?

18 A. I don't really remember.

19 Q. Do you know a Mrs. Barnes at the school?

20 A. The name doesn't sound familiar, I don't.

21 Q. Have you ever heard the name Tree Top Piru?

22 A. Yes, sir.

23 Q. What's that?

24 A. Some kind of gang that Mitchell is affiliated
25 with.

1 Q. He claimed to be affiliated with?

2 A. Yes, sir.

3 Q. Did you ever see him hanging out with any other
4 alleged gang members?

5 A. No, sir.

6 Q. I'll ask you about the phone records, and we'll
7 get to the phone records, did you ever call anybody as
8 reflected -- have you looked over these phone records?

9 A. No, sir, not really.

10 Q. Okay. Let's go back to the list then. We've
11 asked about A, a list of all schools attended with courses
12 taken.

13 A. Yes, sir.

14 Q. Have you got that?

15 A. I have it.

16 MR. McDANIEL: All right. We'll make
17 that 29.

18 (Whereupon, Exhibit 29 was marked)

19 Q. Then a list of all jobs, well, there aren't any,
20 right, except the one you told us about?

21 A. Just the two I volunteered for, yes, sir.

22 Q. Okay. A list of all places you've lived, you've
23 given us that?

24 A. Yes, sir.

25 Q. You've got that written down?

1 A. Yes, sir.

2 MR. McDANIEL: Okay. We'll make that as
3 30.

4 (Whereupon, Exhibit 30 was marked)

5 Q. Now, tell me when the paperwork was filled out
6 to change your name, who helped you fill out that
7 paperwork?

8 A. There, it was on the internet, it was Legal Zoom
9 or something.

10 Q. Okay. And did you pay a filing fee at the
11 courthouse?

12 A. I can't remember.

13 Q. Where was this done, in Cape Girardeau?

14 A. Yes, sir.

15 Q. Okay. All right. Then I think we've got all
16 attorneys. And court proceedings, there hasn't been
17 anything but the State and the Federal Court proceedings,
18 is that right?

19 A. Just the State and Federal, yes, sir.

20 Q. All right. And have you ever heard the name
21 Daniel Scott Karra, K-A-R-R-A?

22 A. No, sir.

23 Q. Okay. Have you ever gone by any other name, I
24 think I asked you that and you have not, have you?

25 A. Just Andrew Golden and Drew Grant.

1 Q. Okay. Have you applied for a hunting license
2 from the time you got out of Federal custody?

3 A. I have an Arkansas one.

4 Q. Okay. Is it a gun permit or a gun license?

5 A. Just a hunting license and fishing license.

6 Q. A hunting license allows you to shoot guns?

7 A. Yes, sir, and for archery.

8 Q. Okay. Have you applied for a hunting license in
9 any state besides Arkansas?

10 A. Just Arkansas.

11 Q. You've made, you've turned your Missouri
12 driver's license in, you don't have a copy of it?

13 A. No, sir.

14 Q. All right. Any video statements or recorded
15 statements you've given to any media or publication or
16 institution or anything like that except your
17 psychologist, right?

18 A. Just, yes, sir.

19 Q. And no, no literary contracts or contacts have
20 been made, right?

21 A. No, sir.

22 Q. And any correspondence from Mitchell Johnson
23 from the date of the event up to now?

24 A. No, sir.

25 MR. McDANIEL: Okay. And we've got the

1 telephone bills, we'll go through those if we need to.
2 Let me have two minutes and see if there's anything else
3 we need to cover, we're about finished. Let's go off the
4 record.

5 THE VIDEOGRAPHER: The time is 4:09 p.m.
6 and we are off the record.

7 (Brief Recess)

8 THE VIDEOGRAPHER: The time is 4:12 p.m.
9 We are back on the record. Counsel.

10 Q. Clean up question I forgot to ask you, what are
11 you majoring in in college? What are you planning on
12 doing in the future?

13 A. Business right now, that's my major, but I don't
14 know.

15 Q. And the pawn shop you bought the gun at was on
16 Gee Street, what's the name of it?

17 A. I can't remember.

18 Q. Where on Gee Street is it?

19 A. I can't remember.

20 Q. Can you tell me about where it is?

21 A. Just, I just know it's on Gee Street.

22 Q. Okay. You told us that you don't remember any
23 of the details of the shooting other than what you've told
24 us, right?

25 A. Yes, sir.

1 Q. And you want these two survivors to believe that
2 and you want the parents of the other children who were
3 killed to believe that, right?

4 A. Yes, sir.

5 Q. And if I pay for it out of my pocket, would you
6 take a polygraph to discuss the issue, a private
7 polygraph?

8 MR. GLOVER: We're going to object to
9 that.

10 MR. McDANIEL: I understand the
11 objection, but I'm just asking if he'd do it.

12 MR. PERRY: Well, we object to that
13 question.

14 MR. McDANIEL: That's all I need to
15 know. Thank you very much.

16 Q. And have you understood all of my questions?

17 A. Yes, sir.

18 Q. Any answers you've given you need to go back and
19 change now to modify, correct, supplement, add anything
20 to, take anything away from, any answer you've given I'm
21 giving you a chance to change it, otherwise this
22 deposition is going to stand as your sworn testimony,
23 anything at all you want to change?

24 A. Not that I can think of.

25 Q. Have I given you a fair opportunity to answer

1 every question I ask you?

2 A. Yes, sir.

3 MR. McDANIEL: No more questions.

4 We'll, that will conclude the deposition.

5 THE VIDEOGRAPHER: Gentlemen, is there
6 anything further.

7 MR. GLOVER: No questions.

8 MR. PERRY: No, sir.

9 THE VIDEOGRAPHER: Thank you. The time
10 is 4:15 p.m., and this will end the deposition.

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1 AMENDMENT SHEET

2 I, the undersigned, _____,
 3 do hereby certify that I have read the foregoing
 4 deposition and that, to the best of my knowledge, said
 deposition is true and accurate with the exception of the
 following corrections listed below:

5	PAGE	/	LINE	/
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20 DATE

SIGNATURE OF WITNESS

21 Sworn to and subscribed before me,
 22 this _____ day of _____, 2009.

23 _____
 NOTARY PUBLIC

24 MY COMMISSION EXPIRES: _____

25 C E R T I F I C A T E

1
2 STATE OF ARKANSAS)

3 COUNTY OF CRITTENDEN)

4
5 I, JENNY L. BURKS, CCR, and Notary Public in and
6 for the aforesaid county and state, do hereby certify that
7 the witness, Drew Grant, was duly sworn by me prior to the
8 taking of testimony as to the truth of the matters
9 attested to and contained therein; that the testimony of
said witness was taken by me in Stenotype and was
thereafter reduced to typewritten form by me or under my
direction and supervision; that the foregoing transcript
is a true and accurate record of the testimony given to
the best of my understanding and ability.

10 I FURTHER CERTIFY that I am neither counsel
11 for, related to, nor employed by any of the parties to the
12 action in which this proceeding was taken; and further
13 that I am not a relative or employee of any attorney or
14 counsel employed by the parties hereto, nor financially
15 interested, or otherwise, in the outcome of this action;
16 and that I have no contract with the parties, attorneys or
persons with an interest in the action that affects or has
a substantial tendency to affect impartiality, that
requires me to relinquish control of an original
deposition transcript or copies of the transcript before
it is certified and delivered to the custodial attorney,
or that requires me to provide any service not made
available to all parties to the action.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my notary seal this 12th day of January, 2009.

18
19 JENNY L. BURKS, CCR
20 NOTARY PUBLIC AT LARGE
21 ARKANSAS CERTIFICATE NO. 369

22
23 MY COMMISSION EXPIRES: DECEMBER 18, 2012
24
25