

1 to facts.

2 MR. SMITH: This would go to the fact.

3 THE COURT: That she was in the hospital, that
4 much you could.

5 MR. NESS: I think you have to show it was the
6 same one. The same would apply to us if we tried to do it.

7 THE COURT: Do you want to check an address?

8 MR. SMITH: Yeah, I will just check it. It's 603
9 what?

10 THE COURT: Linden Avenue.

11 REPORTER'S NOTE: Attorney Smith checks his
12 records at this time and returns to Side Bar.

13 MR. SMITH: That address is 653 Lincoln.

14 THE COURT: We will sustain the objection.

15 REPORTER'S NOTE: End of Side Bar discussion.

16 HARRY MEEK CALLED AND SWORN

17 DIRECT EXAMINATION

18 BY MR. SMITH:

19 Q State your name please.

20 A Harry Meek.

21 Q And your address?

22 A 2246 Pine Road.

23 Q Is that the same trailer court where Jo Ellen
24 Bailey had her trailer?

25 A Yes, Sir.

1 Q How many trailers away was your trailer? You
2 live in a trailer, I assume?

3 A You say how many lives in the trailer court?

4 Q Do you live in a trailer?

5 A Yeah.

6 Q In the same trailer park?

7 A Yeah.

8 Q How many trailers away from Mrs. Bailey's trailer
9 was yours located?

10 A Four.

11 Q Did you move into the trailer court before Mrs.
12 Bailey lived there, or had she lived there first?

13 A She lived there first.

14 Q And had you seen her and her daughter, Aleta,
15 during the period of time that you lived there?

16 A Yeah, I spoke to them. I didn't know them per-
17 sonally, no.

18 Q How many times would you say you had seen them
19 over the period of a couple of years?

20 A Oh, a couple dozen times I spoke to them, I
21 imagine.

22 Q Did you ever see at any time Mrs. Bailey mistreat
23 her daughter in any way?

24 A No, Sir.

25 Q Was the child allowed to run up and down the

1 streets there, or was she pretty much kept --

2 A She was pretty much kept at home, although we
3 did talk to her. She did come down there a couple of
4 times.

5 Q Now, on the day of the child's death, February
6 18, 1982, did you see any activity outside of the trailer
7 of Mrs. Bailey?

8 A In the evening?

9 Q Yes, Sir.

10 A Yeah.

11 Q About what time was it?

12 A Oh, I imagine it was around 4:30.

13 Q And did you see Mrs. Bailey outside the trailer?

14 A Yes, Sir. She just came out, got in the ambu-
15 lance and left.

16 Q Did you have an opportunity to look at her?

17 A I just asked her what happened. She said her
18 boyfriend beat her little girl up.

19 Q You had seen Mrs. Bailey before, had you not?

20 A Yeah.

21 Q Can you tell me whether or not she was in any
22 kind of state of shock from what you observed?

23 A She seemed to be, yeah.

24 Q I have no further questions.

25 Oh, let me ask you this, Sir. You have indicated

1 that you know Mrs. Bailey. Do you know other people in and
2 around the trailer park who know her and knew her?

3 A Do you say do I know other people?

4 Q Yes.

5 A Well, a lot of people around there knowed her. I
6 just can't say anybody in particular.

7 Q Do you know what her reputation was for being a
8 law-abiding, peaceful citizen?

9 A Yes.

10 MR. NESS: Your Honor, I am going to object.
11 It's not the way to elicit reputation testimony. You have
12 to establish from what these other people said.

13 THE COURT: All right.

14 MR. SMITH: Pardon?

15 THE COURT: Yes, there is a question that was
16 missed.

17 BY MR. SMITH:

18 Q You say you know the Defendant and you know
19 other people who know her.

20 A Yeah.

21 Q What is the opinion of those other people with
22 regards to the reputation of Mrs. Bailey for being --

23 A I never heard anyone say anything about her or
24 against her, as far as that goes.

25 Q You never heard anything bad?

1 A No.

2 Q I have no further questions.

3 CROSS-EXAMINATION

4 BY MR. NESS:

5 Q What do the people say about her?

6 A Nobody ever said anything about her.

7 Q So, you don't know what her reputation was
8 amongst these people?

9 A No, not really.

10 Q Your trailer was four trailers away; is that
11 correct?

12 A Right.

13 Q Were you home much of the time?

14 A Just in the evenings; not too much then. I come
15 home and go away.

16 Q Is there somebody home during the day?

17 A My wife is home.

18 Q Had anyone sought any aid or assistance of you,
19 would you have hesitated to go to aid or assist anyone?

20 A No. We never heard anything.

21 Q Well, had someone called you and said, "We need
22 help", or, "I need help"?

23 A No.

24 Q Did the Defendant ever get in touch with you and
25 say, "I need help", or "I want to use your phone", or "Can

1 you summon the Police"?

2 A No, never.

3 Q Did you see Mr. Hake?

4 A I have seen him but I didn't know him. Never
5 talked to him.

6 Q The child came up to your mobile home?

7 A A couple times we talked to her, me and my wife.

8 Q She was a nice little girl?

9 A Yes.

10 Q Well behaved?

11 A Yeah.

12 Q Did you see her act in any fashion that would
13 cause her to be severely disciplined?

14 A No, she was never there that long. She would
15 talk a little bit and then would run back home.

16 Q Do you have any medical training?

17 A What is that?

18 Q Do you have any medical training, Sir?

19 A I don't know what you mean.

20 Q When you say she was in shock, that to me is a
21 medical term.

22 A Well, she seemed to be. I didn't know she was;
23 I ain't no doctor or anything. She seemed like she was.

24 Q What about her seemed to indicate that she was in
25 shock?

1 A Well, she just didn't seem like herself. That's
2 all.

3 Q She seemed scared?

4 A Yeah, in a way.

5 Q So, your understanding as you saw her is she
6 looked like she was scared?

7 A Yeah, something like that.

8 Q Wasn't crying or hysterical?

9 A Well, her eyes were red, like she had been cry-
10 ing. She wasn't at the time when I seen her.

11 Q The people in the trailer park, is this kind of
12 a close-knit community? The people get along there in that
13 area?

14 A Uh-huh.

15 Q From what you could see, would the people hesi-
16 tate to help out a neighbor if the neighbor needed help?

17 A No.

18 Q These mobile homes are pretty close together?

19 A Yeah.

20 Q Did Mrs. Bailey ever act like she was afraid to
21 talk, or afraid of the people around there?

22 A No, Sir, and I only spoke to her; never held a
23 conversation with her.

24 Q She didn't hold back and say "Hello" and talk?

25 A No.

1 Q That's all.

2 MR. SMITH: I have no questions.

3 THE COURT: You may step down.

4 MR. SMITH: May Mr. Meek be excused?

5 MR. NESS: Yes.

6 THE COURT: Yes, he may be excused.

7 MR. SMITH: May we approach Side Bar, Your Honor?

8 THE COURT: All right.

9 REPORTER'S NOTE: On-the-record Side Bar dis-
10 cussion held as follows:

11 MR. SMITH: It is now about 8:20 and I have run
12 out of witnesses. I didn't think we were going to go this
13 long, and I didn't know Mr. Ness' case was going to close
14 this fast. I have more for tomorrow morning.

15 THE COURT: How many do you have for tomorrow?

16 MR. SMITH: Oh, I suppose maybe eight or ten. We
17 should finish tomorrow.

18 THE COURT: You have no witnesses here at all
19 that you can call?

20 MR. SMITH: They are on their way. Four people
21 from Children's Services are on their way for tomorrow
22 morning.

23 THE COURT: The tipstaves aren't coming to pick
24 up the jury until 10:00 tonight.

25 MR. NESS: I will ask for an offer of proof on