

1 on in the back of the car.

2 Q Okay. What was Joey doing back there?  
3 You said that Ethan was on his knees doing something,  
4 what was Joey doing?

5 A Well, I do remember -- I think Joey  
6 had switched. They were both climbing around back  
7 there. I don't know what they were doing.

8 Q Okay. So he was sticking his arm out  
9 of the window and waving it, how did it happen?

10 A Just rolled down the window a little  
11 bit. And it was, like, you know, waving at the two  
12 cars that were at the stop sign, follow us.

13 Q Okay. All right.

14 MR. BEASLEY: Let the record reflect  
15 that she kind of bent her arm in a waving motion  
16 to a come-follow-me type waving motion.

17 BY MR. BEASLEY (Continuing)

18 Q Now, what did you do next?

19 A I turned down Dorset Road as I was  
20 told, which is a right.

21 Q Okay. Now, at this point in time, --  
22 let's see, you started going down Dorset Road; is  
23 that right?

24 A (The witness nodded in the  
25 affirmative.)

1 Q Were Joey or Ethan, either one saying  
2 anything at this point about what they were planning  
3 to do?

4 A They both were ready to settle this  
5 fight that's been going on for a long period of time.

6 Q Okay. What did they say specifically?

7 A You know, a lot of things were said  
8 twice at each point.

9 Q Okay. Well, just tell me what they  
10 said.

11 A Like, I want to smoke these.

12 Q Just say what they said, if you can,  
13 using what they --

14 MR. COOLEY: She said they.

15 THE COURT: Yes. It might be helpful  
16 to know who said what.

17 MR. BEASLEY: I'm going to try and  
18 clear that up.

19 THE COURT: Okay.

20 BY MR. BEASLEY (Continuing)

21 Q Do you know specifically which one of  
22 the two was saying these things?

23 A Well, I know Ethan said he wanted to  
24 smoke these and take care of this and finish this.

25 Q Okay. He wanted to smoke these, what?

1 A He said a cuss word. Mother --

2 Q Okay. All right. So you know  
3 specifically that Ethan said that? .

4 A Yeah.

5 Q All right. So did you hear Joey say  
6 anything along those lines? ↗

7 A Joey was kind of calm. Like, he  
8 wasn't as riled up. Sometimes though he will get  
9 riled up, but he wasn't really that riled up. He was  
10 kind of sitting back there with Ethan.

11 Q Okay.

12 A And, you know, they were trying to  
13 figure out if they were still following us, because  
14 they were telling me to drive slow.

15 Q Let me stop you right there. Go back  
16 to where they said smoke these MF's, or we're going to  
17 finish all of this stuff. You said there were a lot  
18 of things said both times. What do you mean by both  
19 times?

20 A Like, all through the ride from Sheetz  
21 to Dorset Road.

22 Q Okay. So it wasn't just one time that  
23 Ethan said I'm going to smoke these guys or words  
24 close to that?

25 A Right, in the same meaning.

1 Q I'm sorry?

2 A They were, like -- he was saying the  
3 same things. But, like, different, but they meant  
4 the same thing, do you know what I mean?

5 Q Yes. I'm trying to ask you to be as  
6 specific as you possibly can.

7 A He was just ready to end the battle;  
8 that's pretty much -- I mean, he was ready to scare  
9 these boys --

10 Q Okay.

11 A -- that were following us.

12 Q All right. Did he say scare?

13 A Yes, he wanted to scare them.

14 Q So he said scare, and then he also  
15 said smoke?

16 A Yeah. And he wanted to shoot out  
17 their tires.

18 Q Okay. And he was saying this several  
19 times during the course of all of this?

20 A Right.

21 Q Okay. And this was all Ethan as far  
22 as you can remember?

23 A Yeah. Because, I mean, I was asking  
24 him questions, like, why. I said we need to go  
25 somewhere else. And he was, like, no, we just need

1 to finish this. I'm just going to scare 'em. I'm  
2 just going to shoot their tires.

3 Q All right. Now, what were you doing  
4 during that point?

5 A Well, driving, trying to concentrate  
6 and not freak out.

7 Q Okay. All right. So at some point  
8 Ethan told you to turn on Dorset?

9 A (The witness nodded in the  
10 affirmative.)

11 Q Okay. And did you turn on Dorset?

12 A Yes, sir.

13 Q Okay. And as you were going down  
14 Dorset, what happened?

15 A He told me to drive slow. But, you  
16 know, I'm familiar with Dorset Road, and I know that  
17 it's not a slow -- the speed limit is 55 miles an  
18 hour. And that's what I want to go. But I did drive  
19 about 45 miles an hour.

20 Q Okay. Why did he tell you to drive  
21 slow, do you know?

22 A So the boys -- the other boys in the  
23 two vehicles could catch up to us.

24 Q Okay. What made him think that they  
25 were following?

1           A     Well, I mean they -- I mean, they were  
2 coming out of Sheetz. I mean, I knew that they  
3 wanted to finish this fight, too.

4           Q     All right. So the only thing that  
5 made you know that they were following you was they  
6 were leaving shortly after y'all had left?

7           A     Right.

8           Q     Okay. And was there any other reason  
9 you thought they were following?

10          A     No.

11          Q     Okay. Fair enough. Now, was Ethan  
12 still facing the back of the vehicle?

13          A     No, he was climbing. He was doing  
14 something back there, but I wasn't looking behind me.  
15 I'm looking on the road.

16          Q     Okay.

17          A     And I think he had gotten what he had  
18 to do back there, was sitting in a normal seat, like,  
19 me. Just sitting.

20          Q     Okay. Could you hear anything?

21          A     I heard some metal clashing.

22          Q     You heard what?

23          A     Like metal objects, you know, being  
24 rubbed against each other. It sounded like the drum  
25 of the gun.

1 Q The drum of the gun, what?

2 A Being clicked. You know, when you put  
3 it in.

4 Q Okay. So it sounded like a drum being  
5 locked into the --

6 A Into the gun.

7 Q Okay. And after you heard that, you  
8 say Ethan kind of settled down?

9 A Well. Yeah, he was moving stuff out  
10 of the way, I guess. And he was now behind me, like,  
11 directly behind me.

12 Q Okay. And then what happened next?

13 A They said that they were following us;  
14 that they could see them. And he was telling me to  
15 pull over.

16 Q Okay. Stop. He ~~said they could see~~  
17 them?

18 A Yeah, yeah.

19 Q Okay. So Ethan at that point said he  
20 could see them following?

21 A (The witness nodded in the  
22 affirmative.)

23 Q All right. And so he started telling  
24 you to do what?

25 A Pull over.

1 Q Okay. And did you pull over?

2 A The first couple of times he asked me,  
3 I said no, we just needed to get out of here. I  
4 wouldn't pull over. He asked me to pull over  
5 specifically somewhere at Acres of Fun.

6 Q Uh-huh.

7 A But I told him no, because I was  
8 working there then.

9 Q Okay. So at some point in time, did  
10 you pull over?

11 A Yes. Right after Acres of Fun on the  
12 right, instead of the left.

13 Q Okay. Now, let me back up a little  
14 bit. You said earlier you were familiar with the  
15 Dorset Road area; is that right?

16 A Yes, sir.

17 Q Now, if someone was chasing and you  
18 were on Dorset Road, and you wanted to elude them, do  
19 you know of any routes that you could use to elude  
20 people such as that?

21 A Yeah, I know several. I know my way  
22 around Dorset Road. I could think of, like, three or  
23 four different ways I could have left the situation.

24 Q Okay. And, in fact, off Dorset Road,  
25 there are a number of kind of main roads that you can

1 get around?

2 A There's New Dorset, Schroeder.  
3 There's the neighborhood right after New Dorset. I  
4 could have pulled into where I worked, that would  
5 have been safe.

6 Q Okay.

7 A Or go straight.

8 Q Okay. And, in fact, if you had gone  
9 straight, where could you have gone?

10 A To a friend, Josh's house.

11 Q Okay. But Ethan was directing you to  
12 pull over; is that right?

13 A Yes, sir.

14 Q Okay. What happened next?

15 A I pulled over, and the boys, the other  
16 boys in the other two cars were coming up on us. And  
17 Ethan told Joey to get out of the car and cover up  
18 the license plate with a --

19 Q Did he give him anything?

20 A A plastic bag from, like, Food Lion or  
21 Wal-Mart. One of them white plastic bags.

22 Q Okay. And he told him to do what with  
23 it?

24 A Cover the license plate.

25 Q Okay. Did Joey exit the vehicle?

1 A Yes, sir.

2 Q And you say the boys were coming up on  
3 you, could you see them yourself, or were you going  
4 by what they were telling you?

5 A I wasn't looking. I was just going by  
6 them.

7 Q So this is all stuff they were telling  
8 you?

9 A (The witness nodded in the  
10 affirmative.) When Joey started to come back from  
11 being back there, they were -- I saw them.

12 Q You could see them then. Okay. So  
13 Joey got out this plastic bag, he exited the vehicle.  
14 Did he actually go behind the vehicle?

15 A Yes.

16 Q He went behind the Durango?

17 A Yes.

18 Q Okay. So when exactly is the first  
19 time you see the Saturn?

20 A The what?

21 Q When is the first time that you see  
22 Lawrence's car?

23 A Well, the first time I saw --

24 Q On Dorset?

25 A Oh. I looked to my left and he was

1 there.

2 Q Okay. So the first time you saw  
3 Lawrence's car on Dorset, was when it actually had  
4 gotten up on you?

5 A Yeah.

6 Q After you had pulled over?

7 A I had seen him come, but it was fast.  
8 I mean, they were coming up. But I turned my head,  
9 and then by the time, you know, I turned back around  
10 to my left, they were already there.

11 Q Okay. So they were on the left side?

12 A Yes.

13 Q Okay. What happened next?

14 A Joey was coming back to the vehicle.

15 Q Okay. And did you see Joey doing  
16 something?

17 A Well, he had a gun in his hand, a  
18 black gun.

19 Q Okay.

20 A And he held up his finger to Kendall,  
21 and it was, like, you know, he just did this, which  
22 was like hold on<sup>f</sup> minute, you know.

23 MR. COOLEY: Objection to her  
24 interpretation.

25 MR. BEASLEY: I think she said that's

1 what it looked like.

2 THE COURT: All right. I agree. The  
3 objection is overruled. You can cross-examine  
4 all you want.

5 MR. COOLEY: Thank you.

6 BY MR. BEASLEY (Continuing)

7 Q All right. So after Joey held up his  
8 finger towards Kendall's vehicle, now at that point,  
9 Kendall's vehicle was where?

10 A I could see him. I could see his  
11 vehicle out of my right-side mirror.

12 Q Okay.

13 A And I could turn that way, too, but I  
14 was more facing the front. I could see the vehicle  
15 in the mirror.

16 Q Okay. So at that point in time, what  
17 happened next?

18 A Joey got back in the car.

19 Q Okay. And then what happened?

20 A Well, he got out of the car. He got  
21 in the front seat of the car.

22 Q Uh-huh.

23 A And I looked to my left, and I see  
24 Tahlick and I see Lawrence, but I don't see the other  
25 kids in the car.

1 Q Okay.

2 A I mean, they're there, but I can't see  
3 their faces.

4 Q Right.

5 A And then, you know, Ethan is hanging  
6 out of the back window that is directly behind me.

7 And --

8 Q Okay. Was he holding anything when he  
9 was --

10 A He has the gun in his hand, hanging  
11 out the window.

12 Q Okay. What happens next?

13 A Tahlick laughed at Ethan when the gun  
14 was pointed at him. Or, well, in that general  
15 direction.

16 Q Then what happened?

17 A Tahlick, while he was laughing was,  
18 like, whatever, you know. He was kind of saying that  
19 he wasn't scared, I guess. That's how I took it.  
20 And Ethan pulled the trigger.

21 Q Okay. How many shots did Ethan fire,  
22 do you remember?

23 A I say six or seven.

24 Q Okay.

25 A I saw the cartridges going into the

1 yard.

2 Q Okay. And what happened after that?

3 A I put it in reverse.

4 Q Did you see any bullets actually hit  
5 the vehicle?

6 A I know that it had hit a window. I  
7 saw glass shatter.

8 Q All right. Okay. So what happened  
9 after that?

10 A I put it in reverse and then --

11 Q Okay. Let me ask you this. So you  
12 put it in reverse, did you have any problem backing  
13 out?

14 A Kendall's car was right behind mine,  
15 but I don't know if it was his brake light or his  
16 reverse light, but he might have just been hitting  
17 the brake, so I could back out. But I backed out,  
18 and I was on both sides of the road. And, you know,  
19 Lawrence had already gone ahead of me, and I took off  
20 going straight.

21 Q Okay. Now, when you backed out, did  
22 you spin gravel, or do you remember?

23 A I may have. I mean, I was going fast.

24 Q Okay. So you were trying to get out  
25 of there as quick as you could?

1 A Yes.

2 Q Now, let me ask you this. Had you  
3 been blocked in, had Kendall been right behind you  
4 and not off at an angle where you could get out, if  
5 he had been right behind you, did you have another  
6 avenue of escape?

7 A I mean, I was driving a four wheel  
8 drive vehicle. And I was pretty sure it could handle  
9 anything.

10 Q Okay. So you feel like you could have  
11 gone forward or to one of the sides?

12 A I was prepared to drive it out of the  
13 ditch, if I had to.

14 Q Okay. So you didn't feel trapped at  
15 that point?

16 A No.

17 Q Okay. Now, you say that you backed up  
18 and you started back down Dorset; is that right?

19 A Yes, sir.

20 Q Okay. Did you see where Lawrence's  
21 vehicle went?

22 A Lawrence turned right onto Schroeder  
23 Road.

24 Q Okay. And where did you go?

25 A I went straight.

1 Q Okay. And that would be what road?  
2 You went straight, still on Dorset?

3 A Still on Dorset.

4 Q Okay. Did you happen to see where  
5 Kendall went?

6 A No.

7 Q Okay. Now, you went straight on  
8 Dorset, where did you go?

9 A To Josh's house.

10 Q Okay. Let me stop you right there, if  
11 I could. I want to show you --

12 MR. BEASLEY: May I approach the  
13 witness, Judge?

14 BY MR. BEASLEY (Continuing)

15 Q I would like to show you what's been  
16 marked as Commonwealth's Exhibit No. 50, and ask you  
17 to take a look at that. Do you recognize that?

18 A That's the drum of the gun that was  
19 used.

20 Q Okay. I want to show what has been  
21 marked as Commonwealth's Exhibit No. 47, do you  
22 recognize this?

23 A Yes, sir.

24 Q And what is this?

25 A That's the gun that Ethan used.