

1 a witness produced on call of the State, having first been
2 duly sworn, was examined and testified as follows:

3 THE DEPUTY CLERK: Please state and spell your
4 first and last name for the record.

5 THE WITNESS: Robert White, R-o-b-e-r-t, W-h-i-t-e.

6 **DIRECT EXAMINATION**

7 BY MR. MOOMAU:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. Mr. White, did you used to work as a furniture
11 delivery person working for or delivering furniture for Marlo
12 Furniture?

13 A. Yes, sir.

14 Q. And did you have that job on January 24, 2007?

15 A. Yes, sir.

16 Q. Did you work with anyone at that job?

17 A. Brandon Clark.

18 Q. Were you related to Brandon in any way?

19 A. He's my cousin.

20 Q. Just tell the jury a little bit about the job, how
21 you and Brandon worked together.

22 A. Well, what we do is me and Brandon, he comes and
23 picks me up in the morning. We go out. He usually talks to
24 all of the customers. I usually sit in the truck until he
25 comes back and let me know what to do. And, basically, he

1 hook up everything and I'm just like his helper. So if he
2 hooking up something, I'm going out taking trash out or
3 moving the next stuff up for the next stop.

4 Q. What about some of the items that you and Brandon
5 would move in and out of homes?

6 A. Well, the beds, dressers, numerous stuff, cabinets.

7 Q. Would you ever have to take things downstairs?

8 A. Yes, sir.

9 Q. What about upstairs?

10 A. Upstairs, yes, sir.

11 Q. Who was the person that, I guess, actually employed
12 you?

13 A. Mike Robinson.

14 Q. Did he have like a truck, a Marlo truck contract?

15 A. Yes, he had a contract with Marlo. I think he had
16 two trucks.

17 Q. Who would load the truck in the morning?

18 A. Brandon and Mike would load the truck in the
19 morning. Then Brandon would come by and pick me up. I would
20 meet him on Martin Luther King Avenue, by the Popeye's, every
21 morning at seven o'clock.

22 Q. Do you know what time -- did you ever go to the
23 warehouse with Brandon?

24 A. The only time I go to the warehouse is when we
25 coming back in. Because we got trash on the truck, we got

1 furniture that we bring back to the company that's being
2 exchanged, and then either Mike will take me home or
3 Brandon's mother will take me home.

4 Q. What hours would you normally work and what days?

5 A. I go to work at seven in the morning, when he pick
6 me up, and sometimes it be eleven o'clock when we get back.
7 Not every night, but some nights.

8 Q. How many deliveries would you make?

9 A. Fourteen to 15 a day.

10 Q. I want to get something out now, okay, as to what
11 happened on January 24th. Did you end up going to the
12 hospital that night?

13 A. Yes, sir, I did.

14 Q. What did you go to the hospital for?

15 A. Because I was shot four times.

16 Q. You know they tested your urine at the hospital?

17 A. Yes, sir.

18 Q. And you know it tested positive for cocaine.

19 A. Yes, sir.

20 Q. Did you use cocaine?

21 A. No, sir.

22 Q. Can you explain how it got in there?

23 A. I don't know.

24 Q. Now, I want to talk about January 24th. Do you
25 remember everything about that day?

1 A. Not exactly everything, but I remember a lot.

2 Q. Is there a reason that you might not remember
3 everything?

4 A. The time pass. It's been a year.

5 Q. Were you in a coma for a period of time, or was
6 there a period after the 24th that you don't --

7 MR. STARR: Objection. Leading.

8 THE COURT: Sustained.

9 BY MR. MOOMAU:

10 Q. On the 24th, after that, do you remember
11 everything?

12 A. No. No, I didn't.

13 Q. Was there a point in time that you started
14 remembering things?

15 A. As the time go by, some things come to me and some
16 things I just couldn't remember.

17 Q. January 24th, do you remember how many deliveries
18 you made before the last one of the day?

19 A. Not exactly.

20 Q. How did you keep track of the deliveries or how was
21 that kept track of?

22 A. They had a printout sheet, and we went by the
23 printout sheet. That way we know which house to go to, the
24 address, phone numbers, and we go down the list.

25 Q. And, Robert, were you familiar with Brandon's

1 handwriting?

2 A. Yes, sir.

3 Q. Now, this list that you're talking about, who would
4 take care of that?

5 A. Brandon would write on the list.

6 Q. What type of things would he write on it?

7 A. Like if furniture damaged, he would write that
8 down. If the customer got a problem with it, he would write
9 whatever they got the problem with and then he'll call the
10 supervisor.

11 Q. I'd like to show you what's been marked as State's
12 Exhibit Number 6. Do you recognize that?

13 A. Yes, sir.

14 Q. Does that have a particular date on it?

15 A. January 24th.

16 Q. Now, is there some writing on there?

17 A. Yes, sir, it is.

18 Q. Whose writing do you recognize?

19 MR. STARR: Your Honor, can we approach?

20 THE WITNESS: It's Brandon's writing.

21 THE COURT: One moment, Mr. White.

22 (Counsel approached the bench and the following
23 ensued.)

24 MR. STARR: Your Honor, I have a hearsay objection
25 to the document and to the contents and what was supposedly

1 written by Mr. Clark.

2 THE COURT: Has he seen this document?

3 MR STARR: I have.

4 MR. MOOMAU: It's an item of physical evidence that
5 was recovered at the scene. We're offering it for -- this
6 was evidence that was recovered at the scene. It's the
7 delivery manifest. He recognizes Brandon's name on it. He
8 recognizes -- and he'll describe what it means.

9 THE COURT: What, specifically, are you saying why
10 that would not be admissible?

11 MR. STARR: Well, it's not admissible because it
12 was recovered from the scene. I think it's inadmissible
13 because of hearsay. I don't know, as of yet, what it's
14 relevant to.

15 THE COURT: Well, we'll find out, I'm assuming, by
16 the questions, and then you can pose an objection to it. I
17 don't know at this point what --

18 MR. STARR: You asked the question of whether we've
19 seen this. We have. We have not known, you know, who wrote
20 what or any of that, so.

21 THE COURT: May I see what is written there? Just
22 so I know, is it --

23 MR. COHEN: It's 1513.

24 MR. MOOMAU: Now you got me mixed up. I thought it
25 was 1315.

1 THE COURT: Is that on here? I just want to see
2 what's written there, just to make sure that it's on here.
3 It's 1513?

4 MR. COHEN: Yes.

5 MR. MOOMAU: Yes.

6 THE COURT: Well, I don't have any basis to make a
7 decision at this point in time because I don't know what
8 other questions are going to be asked. But your objections
9 to this, at least at this moment, are based on hearsay
10 grounds?

11 MR. STARR: Correct.

12 MR. MOOMAU: In response, Your Honor, he was one of
13 the workers in the truck. I mean, it's his business record,
14 to a degree.

15 THE COURT: Okay.

16 (Counsel returned to trial tables and the following
17 ensued.)

18 BY MR. MOOMAU:

19 Q. Robert, looking at State's Exhibit Number 6, do you
20 recognize any of the writing on there?

21 A. Yes.

22 Q. And what writing do you recognize?

23 A. Damage coming back, and they got a number, and
24 that's a number we have to call our supervisor to get.

25 Q. Now, I notice on State's Exhibit Number 6 there is

1 a number of signatures on it, correct?

2 A. Correct.

3 Q. And what do those signatures indicate?

4 A. These are the signatures of the customers who
5 signed the paper after we done hooking up the furniture and
6 they're satisfied.

7 Q. Who was it that would deal with the customer and
8 have them sign?

9 A. Brandon.

10 Q. Now, looking at the backside of State's Exhibit
11 Number 6, was there a customer on there that was to be the
12 last one for the day?

13 A. Yes.

14 Q. And which one is that?

15 A. Keith Washington.

16 Q. And what were you delivering there?

17 A. A set of bed railings.

18 Q. This exhibit, State's Exhibit Number 6, is it an
19 accurate manifest and list of the deliveries you were to make
20 that day?

21 A. Correct.

22 MR. MOOMAU: Your Honor, the State would move for
23 the admission of State's Exhibit Number 6.

24 MR. STARR: No objection.

25 THE COURT: Six, admitted without objection, State.

1 (State's Exhibit No. 6, previously
2 marked for identification, was
3 received in evidence.)

4 BY MR. MOOMAU:

5 Q. Robert, on January 24th, do you remember,
6 approximately, the time it was that you arrived to do the
7 last delivery?

8 A. I'm not sure what time it was. It was late.

9 Q. Who was driving the truck?

10 A. Brandon was.

11 Q. What happened when you arrived at Shellford Lane?

12 A. Well, before we got to that lane, we actually
13 called the customer to see if he was home, because it was
14 getting dark or dark, and we asked him could he either come
15 outside or turn a light on; we wasn't far away from his
16 house. When we arrived, the customer was standing outside.
17 Brandon gets out of the truck, goes out to talk to the
18 customer, comes back and says --

19 MR STARR: Your Honor, I object to the narrative
20 here.

21 THE COURT: I believe the witness can explain it as
22 he wishes.

23 BY MR. MOOMAU:

24 Q. Continue as to when Brandon got out of the truck.

25 A. Brandon gets out of the truck, goes up to talk to

1 the customer, comes back and said, "The guy's looking for a
2 fight." I said, "Brandon, let's go. Well, let's just
3 leave." He said we couldn't do that; we have to call our
4 supervisor.

5 Q. Without going into anything else that Brandon
6 said --

7 A. Right.

8 Q. -- who was the supervisor?

9 A. Mike Robinson.

10 Q. Did anybody call him?

11 A. Yes, sir, he did.

12 Q. Who called him?

13 A. Brandon called him.

14 Q. Did he use a cell phone?

15 A. Yes, he did.

16 Q. Whose cell phone did he use?

17 A. It was mine.

18 Q. I'd like to show you what has been marked as
19 State's Exhibit Number 5. Was that cell phone in your name?

20 A. No, it wasn't.

21 Q. Whose name was it in?

22 A. It was in my fiance's name.

23 Q. What was her name?

24 A. Deborah Simmons.

25 Q. I would like to show you what's been admitted as

1 State's Exhibit Number 5. It's a three-page document. Look
2 through it and see if you recognize it.

3 A. Yes, I do.

4 Q. What is that?

5 A. This is my phone record.

6 Q. What date is that for?

7 A. 11-13-07. Okay. The whole sheet say January 24th,
8 2007.

9 MR. MOOMAU: Your Honor, I move to admit as State's
10 Exhibit Number 5.

11 MR. STARR: No objection.

12 THE COURT: State's 5 admitted without objection.

13 (State's Exhibit No. 5, previously
14 marked for identification, was
15 received in evidence.)

16 BY MR. MOOMAU:

17 Q. After you make the call to Michael Robinson, you
18 all eventually deliver the item into the house?

19 A. Yes, sir, we did.

20 Q. How big of a box was it?

21 A. It was a nice size box. It wasn't too big. It was
22 a nice size box.

23 Q. Who carried it into the house?

24 A. We both carried it. I grabbed one end; he grabbed
25 the other end.

1 Q. Did you meet with any person inside or outside the
2 house?

3 A. He was outside. Mr. Washington was outside.

4 Q. That person you're referring to as Mr. Washington,
5 is he in the courtroom?

6 A. Yes, sir.

7 Q. Can you just point to him and describe the clothing
8 that he has on?

9 A. He has on a suit with a burgundy tie.

10 MR. MOOMAU: Your Honor, can the record reflect the
11 witness has identified the defendant?

12 THE COURT: The record will so reflect.

13 BY MR. MOOMAU:

14 Q. What happened when you went inside?

15 A. When we went inside, he direct us to a bedroom
16 upstairs. I was walking first, in front of Brandon. Brandon
17 was walking behind me. He was behind Brandon, and he
18 directed us to a bedroom upstairs. We went in, we set the
19 rails down, and then Mr. Washington started arguing with
20 Brandon.

21 Q. And what was Mr. Washington arguing with Brandon
22 about?

23 A. Because, I guess, we got to his house late, and he
24 was upset because he was waiting to his house all day.

25 Q. Go ahead and tell us what happened.

1 A. So Brandon kneeled down -- I'm standing on the
2 other side, close to the railing, Brandon at the bed, and he
3 ask Mr. Washington why you disassemble your bed, and he
4 said -- this was his words -- "Motherfucker, are you telling
5 me what to do in my house?" I said, "Brandon, do you know
6 Mr. Washington?" Brandon said no.

7 So it was a few seconds later he pushed Brandon and
8 told Brandon to get the fuck out of his house. I said,
9 "Brandon, I think we should go." Brandon said, "No, just let
10 me do my job. It's only going to take ten minutes."

11 Brandon kneeling again -- he's still kneeling.
12 Mr. Washington pushed him again, "Get the fuck out of my
13 house," and the third time he pushed him, he pushed him until
14 he was actually laying on his side. Brandon jump up. I told
15 Brandon, "That's it; we out of here." I stepped between both
16 of them, Mr. Washington and Brandon, Brandon going back out
17 the door with his hands up. I got my back to Mr. Washington,
18 and all I heard was shots after we got out of the room. He
19 said, "I know how to get you the fuck out my house."

20 Q. After you heard the shots, what did you do; what
21 did you see?

22 A. Brandon was going back towards the stairs, and I
23 grabbed Brandon to keep him from falling down the stairs.
24 After I laid him down -- could I show the jury?

25 MR. MOOMAU: Can the witness get up from the stand,

1 Your Honor?

2 MR. STARR: No objection.

3 THE COURT: Please.

4 THE WITNESS: This is the room. Brandon is coming
5 back. The stairs is here.

6 MR. MOOMAU: May I have this marked?

7 THE DEPUTY CLERK: State's Exhibit 7 marked for
8 identification.

9 (State's Exhibit No. 7 was
10 marked for identification.)

11 MR STARR: Can we approach on that exhibit?

12 THE COURT: On the exhibit?

13 MR. STARR: Yes.

14 THE COURT: Certainly.

15 (Counsel approached the bench and the following
16 ensued.)

17 MR. STARR: The issue with the exhibit is this. It
18 contains crime scene officer's -- you know, the little yellow
19 numbers that they use to mark evidence, and it shows
20 bloodstains on the exhibit too.

21 Now, what those things do, particularly the
22 bloodstains, it leads the witness -- I mean, on this point
23 he's being asked to testify about the location of where
24 things happened inside of the house, and to show him the
25 crime scene sort of may process it -- with blood on the

1 carpet, shows him where these things happened.

2 I mean it's known in the case -- there's already
3 been testimony in the trial of where he was laying and where
4 Mr. Clark was laying, and to show him the bloodstained carpet
5 with the crime scene workers' tabs on there -- I don't know
6 how many of them there are, but there's at least five of them
7 visible where the scene has been marked up, and I think that
8 that leads the witness, especially when the reason the
9 diagram is being used is so that he can testify to orient the
10 jury to where things happened.

11 MR. MOOMAU: Your Honor, he's not going to be
12 testifying about any of the crime scene. He's just going to
13 be testifying as to the structure where he was at and so he
14 can explain his testimony, and that's all it's being used
15 for.

16 THE COURT: Overruled.

17 MR. COHEN: It's our understanding that Mr. White
18 is going to do a physical rendition of what he alleges
19 happened that evening. We would ask that, if he does that,
20 that we get a description given as he's moving, on the
21 record, so that we can -- I assume Mr. Moomau is going to do
22 that anyway.

23 THE COURT: Who are you suggesting give that
24 description?

25 MR. STARR: Usually the person examining the

1 witness.

2 MR. COHEN: I thought he would do it on the record
3 anyway, Your Honor.

4 (Counsel returned to trial tables and the following
5 ensued.)

6 BY MR. MOOMAU:

7 Q. Mr. White, I want to show you an item that's been
8 marked as State's Exhibit Number 7. Without going into the
9 yellow markers or anything, does the picture and what is
10 shown in State's Exhibit Number 7 appear to be familiar to
11 you? Do you recognize it?

12 A. Some of it.

13 Q. What does this appear to be to you?

14 A. The area where we got shot.

15 Q. As far as the layout, the walls, the floor, the
16 stairs, the banister, is that an accurate depiction of your
17 memory of the location?

18 A. It looks about right.

19 MR. MOOMAU: Your Honor, the State would move for
20 the admission of State's Exhibit Number 7.

21 MR. STARR: Same objection.

22 THE COURT: Seven is admitted.

23 (State's Exhibit No. 7, previously
24 marked for identification, was
25 received in evidence.)

1 BY MR. MOOMAU:

2 Q. Mr. White, would this help you in explaining to the
3 jury the location where it happened?

4 A. Yes.

5 (The witness steps down from the witness stand.)

6 BY MR. MOOMAU:

7 Q. Mr. White, just standing in a position where
8 everyone on the jury can see you -- and if you need to move
9 to show the jury how you were located and situated, just go
10 ahead.

11 A. I think this is the room that we was in, right
12 here, if I'm not mistaken. And when Brandon was walking
13 backwards, I see him going towards the stairs, and then when
14 I heard the shots, I just seen him coming back, so I just
15 caught him and I came down to like here, to lay him down so
16 he won't fall down the stairs. I laid him down. I asked
17 him, I said, "Brandon, where is the cell phone," because he
18 had my cell phone in his pocket.

19 This is how I did this. I'm on the second or the
20 third step. I had to lay him down, and as I ask him where
21 the cell phone at, when I turned around, I heard more shots.
22 Then I realized I was hit.

23 Q. And where were you shot on your body?

24 A. In the chest, in the stomach.

25 Q. And what did you do -- go ahead.

1 A. I was hit here and here.

2 Q. Now, are any of those bullets still in your body?

3 A. Yes, sir.

4 Q. Which ones?

5 A. The one in my side right here and one in my cheek.

6 Q. The one in your side, which wound is it from?

7 A. The chest wound.

8 Q. And you said your cheek. You mean your rear check?

9 A. Right.

10 Q. What bullet wound is that from?

11 A. From the stomach.

12 Q. Now, what did you do after you had been shot?

13 A. I didn't want to go down the stairs --

14 Q. Try to use the pointer so everyone --

15 A. I didn't want to go down the stairs because he
16 already shot me. So I moved up, to move away from Brandon,
17 and I came down here and I laid down here, down on this side.
18 Mr. Washington went back in his room. I got back up because
19 I knew I needed help. When I got back up, he comes out of
20 his room and he said, "Motherfucker, didn't I told you to
21 stay down," and he start shooting again. That's when I
22 realized I was hit in the knee. I went down.

23 Q. You went down. Then what happened?

24 A. We laid there screaming, asking him to help us, to
25 call somebody, and he said he wasn't calling nobody.

1 Q. You can go back to the stand. What's the next
2 thing you remember after that?

3 A. It was a while after that. I don't know how much
4 time. It was a while, and then he finally got on the phone
5 and he called -- he made a call and the conversation went
6 like this: "These two guys just busted in my house and beat
7 me up and I shot both of them. They in here laying down,
8 bleeding all over my carpet."

9 Q. What happened after that?

10 A. A while after that a cop arrived. He came in.
11 Brandon was closest to the stairs, so when he came in, he
12 just rushed in, slammed Brandon to the floor, put handcuffs
13 on him. Mr. Washington, he was kicking him, and I said to
14 myself I don't believe this right here; I don't believe this
15 is about to go down like this right here. And I knew I was
16 next, so I just closed my eyes. For how long, I don't know.

17 Q. And why did you close your eyes, Robert?

18 A. Because I was playing dead because I didn't want to
19 get beat up like Brandon was.

20 Q. What happened after that?

21 A. A little while after that, when I did open my eyes,
22 I remember a guy standing in front of me, and I opened my
23 eyes and I look up and I grabbed his leg, and the guy said,
24 "What are you doing in this house?" I said, "Don't you see
25 that big furniture truck sitting outside," and I said, "We

1 furniture delivery guys." And I asked him, I said, "Man,
2 could you get them handcuffs off of Brandon?"

3 And a while after that the paramedics came in.
4 They went to Brandon first. One guy came to me and he asked
5 me where was I hurt, and I tell him I don't know; all I know
6 is I got a hole in my shirt right here and I said I can feel
7 something in my stomach. And he cut my shirt off me and told
8 the rest of the paramedics come over here; this guy got a
9 chest wound. They took me out first and that was the last
10 thing I remember.

11 Q. When you were laying there, you said you had your
12 eyes closed. At anytime did anyone touch you?

13 A. I feel someone nudge me in my side, and I could
14 feel like a hand going over my face. But to actually touch
15 my face, I don't know. They didn't touch my face, but I feel
16 somebody nudge me in my side.

17 Q. Why didn't you open your eyes at that point?

18 A. I was scared.

19 Q. Do you remember anything about being transported to
20 the hospital?

21 A. I remember they -- the paramedics asked for two
22 choppers, and I remember being in a chopper and that's the
23 last thing I remember. When I woke up and actually had some
24 recollection, I was in a baby ward at a hospital.

25 Q. What hospital were you at?

1 A. Prince George's County.

2 Q. At some point did you learn that Brandon had died?

3 MR. STARR: Objection. Relevance.

4 THE COURT: Overruled.

5 BY MR. MOOMAU:

6 Q. You can answer that.

7 A. Well, I was watching TV. Because I was --

8 THE COURT: Sir, just yes or no, please.

9 THE WITNESS: Yes.

10 BY MR. MOOMAU:

11 Q. Where were you at when you learned that?

12 A. I was in my room watching TV, and it came across
13 the screen that one of the furniture delivery guys --

14 MR. STARR: Objection.

15 THE COURT: Sustained, please.

16 BY MR. MOOMAU:

17 Q. That's enough.

18 MR. MOOMAU: I need to mark these, Your Honor.

19 THE DEPUTY CLERK: State's Exhibits 8 and 9 marked
20 for identification.

21 (State's Exhibit Nos. 8 and 9 were
22 marked for identification.)

23 BY MR. MOOMAU:

24 Q. Robert, I'd like to show you two items marked for
25 identification as State's Exhibits 8 and 9. Do you recognize

1 these?

2 A. Yes, sir.

3 Q. What are they?

4 A. These are the clothes that I had on.

5 Q. Those are photographs of the clothes?

6 A. Right.

7 MR. MOOMAU: Move for admission of State's Exhibit
8 Numbers 8 and 9.

9 MR. STARR: No objection.

10 THE COURT: Eight and nine admitted without
11 objection.

12 (State's Exhibit Nos. 8 and 9,
13 previously marked for
14 identification, were received in
15 evidence.)

16 BY MR. MOOMAU:

17 Q. Robert, did you know that the defendant in this
18 case, Mr. Washington, when you went there, did you know he
19 was a police officer?

20 A. I never seen this man before.

21 Q. At any point did you learn he was a police officer
22 that night?

23 A. When that other cop came in and he said, he was
24 like they didn't know I was a police officer.

25 Q. Did you have any idea that he was carrying a gun?

1 A. No.

2 Q. Did you have any type of weapon on you?

3 A. No, I didn't.

4 Q. Now, on that day did you see -- did you ever see
5 Brandon with any type of weapon, a knife or a gun on him?

6 A. No.

7 Q. Robert, as far as the delivery, were you all on
8 time or late that day?

9 A. I couldn't really say because I don't know what
10 time we usually -- I mean we go down the list and, when we
11 leave one customer house, we call our supervisor and let them
12 know that we just left one house and we going to the next
13 house. Then we'll call the customer. I don't know exactly
14 what time we supposed to be in and out of somebody's house,
15 because you might have somebody getting 14 pieces of
16 furniture, like a whole bedroom set or four or five beds in
17 their house.

18 Q. That night when you were in the hallway or
19 upstairs, did you know how many times Brandon had been shot?

20 A. No.

21 Q. You had mentioned what Mr. Washington had said on
22 the phone. Have you ever heard the 911 call?

23 A. I don't remember.

24 Q. In this case did you give a sample of your saliva?

25 A. Yes, sir, I did.

1 Q. That was just something they did with a Q-tip
2 inside your mouth?

3 A. Well, they came in and they cut my fingernails and
4 they swabbed my mouth on one occasion. On another occasion
5 they took hair samples.

6 MR. MOOMAU: That's all the questions I have on
7 direct. Thank you.

8 MR. STARR: May we approach, Your Honor, on a very
9 brief matter?

10 THE COURT: Sure.

11 (Counsel approached the bench and the following
12 ensued.)

13 MR. STARR: I have a pressing -- you don't have to
14 write this down, I don't think. I have a pressing need to
15 use the bathroom.

16 THE COURT: No objection. How about we take a five
17 minute recess so the jury can do the same thing. You want me
18 to do that so they can stretch their legs too?

19 MR. MOOMAU: Yes, that will be great.

20 THE COURT: Ladies and gentlemen, we're going to
21 take a ten-minute break so you can stretch your legs, use the
22 restrooms, before we continue.

23 (At 2:45 p.m. a brief recess was taken.)

24 MR. MOOMAU: Your Honor, I forgot a couple of
25 questions. May I be permitted to ask the witness a couple

1 more questions?

2 THE COURT: Yes.

3 THE COURT: Let's bring the jury back in.

4 (The jury returned to the courtroom at 2:55 p.m.)

5 MR. MOOMAU: Thank you, Your Honor.

6 BY MR. MOOMAU:

7 Q. Just a couple more questions, Robert. I noticed
8 that when you were testifying, especially when you were
9 handling the delivery paper, you weren't opening your right
10 fist. Was that injury there before?

11 A. Yes.

12 Q. Just hold your hand up. Can you open your hand?
13 How did that happen?

14 A. A car accident in 1992.

15 Q. Robert, at anytime, to your knowledge, did you
16 touch the gun that Mr. Washington used to shoot you?

17 A. No.

18 MR. MOOMAU: That's all the questions I have.

19 **CROSS-EXAMINATION**

20 BY MR. STARR:

21 Q. Now, Mr. White, Brandon Clark was your cousin,
22 correct?

23 A. Yes.

24 Q. In fact, it was Mr. Clark that got you the job
25 working for Marlo, correct?

1 A. Yes.

2 Q. He had been working there for a long time before
3 you started working there, correct?

4 A. Correct.

5 Q. Now, on January 24th, when you were inside of
6 Mr. Washington's house, isn't it true that you went into his
7 daughter's bedroom?

8 A. No.

9 Q. Mr. White, did you ever, at any point while you
10 were inside Mr. Washington's house, touch him?

11 A. No.

12 Q. You never struck him?

13 A. No.

14 Q. At anytime while you were inside Mr. Washington's
15 house with your cousin Brandon, did you ever -- did Brandon
16 ever strike him?

17 A. No.

18 Q. And your testimony would also be that Brandon never
19 touched him, correct?

20 A. Correct.

21 Q. Let me ask you this. Mr. White, was there any
22 fight, physical, between you, Mr. Clark and Mr. Washington
23 before the two of you were shot?

24 A. No, there wasn't.

25 Q. No fight whatsoever?