FOR THE PEOPLE: MS. DAVIS
THE WITNESS: MR. PALMER
THE COURT:
FOR THE DEFENSE: MS. BAKER

WORD LIST

Ms. Davis	Sergeant Albert
Ms. Baker	Toyota
Mr. Palmer	Ford Mustang
Mr. Turner	

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Today's proceedings are in the case of the People of the State of California vs. Craig Turner. The defendant is charged in this case with several counts arising out of his driving under the influence on the day in question, and his actions leading to an automobile accident.
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WARM-UP

THE COURT: The record will show that all counsel are present. The defendant is present. Do you still have questions on direct?

MS. DAVIS: Yes, Your Honor. I just / have a couple more areas to cover.

THE COURT: All right. You may resume your direct then.

MS. DAVIS: Thank you.

THE COURT: Proceed.

BY MS. DAVIS: Q. Mr. Palmer, I just had a few / more.

A. All right.

Q. If you recall before the break I was asking you about what you saw right after the collision. Do you recall those / questions?

A. Yes, I do.

Q. When you left your car, what was the first thing that you did?

A. I just stepped up to the curb and / waited to see what was going to happen.

Q. Where did you park your car?

A. I just pulled it to the side of the street and / got out.

Q. Now, to be clear, you weren't involved in any collision at that scene; is that right?

A. Yes, that's right.

Q. Why then did you / pull over and stop?

A. I just wanted to make sure that people were okay and thought I might be of some help.

Q. Were you the / person that called 911?

A. I offered, but the people who were on the corner had already called.

Q. All right. How many people were / on the corner when you got there?

A. I would say there were six who were close to me, but about 20 all around.

Q. What conversation / did you have with those people?

A. Not really a conversation. I just asked if someone had called for help and they said they had. I / then just said that it was a bad crash.

Q. Did someone on that corner with you say that they had witnessed the accident?

A. No, not / that I heard.

Q. What did you do next?

A. I was just standing there when a man came up and started talking to me.

Q. Now, did / you see where this man came from?

A. No, I was looking at the cars in the street.

Q. How many cars did you see and where / were they?

MS. BAKER: Objection. That's a compound question.

THE COURT: Sustained. Rephrase your question.

BY MS. DAVIS: Q. We will take the questions one at a time.

A. I saw four different cars / that looked like they were involved in the crash.

Q. Where were these cars located?

A. It was right in front of us on the corner.

Q. Do / you know how or where the collision happened?

MS. BAKER: Well, that's irrelevant if this witness knows how it happened.

MS. DAVIS: I can rephrase it, if I may. /

BEGIN EXAM

THE COURT: All right. Are you withdrawing the question?

MS. DAVIS: Yes, please.

THE COURT: Proceed.

BY MS. DAVIS: Q. Could you tell where the collision occurred?

A. Yes, I saw the broken glass in the / road and also saw the automobiles there.

Q. Okay. How far from you on the corner was what you believed to be the point of impact? /

A. I would say from me to about that first row of chairs there.

MS. DAVIS: Does the court have a measurement for that?

THE COURT: 12 feet.

MS. DAVIS: Thank you, / Your Honor.

BY MS. DAVIS: Q. Now, back to the man that approached you on the corner. Did you know him before that day?

A. No, not at all.

Q. What / did he say to you?

A. He asked me if I was all right and was I hurt.

Q. Did you respond to him?

A. Yes, I told / him I was fine, that I was just watching.

Q. Did you recognize this man at all?

A. No, I didn't realize who he was until after / he was talking for a while and somebody asked him to sit down.

Q. What did this man next say to you?

A. He said that he / didn't know what happened. One minute he was driving, the next thing he knew he had crashed into something and stopped.

Q. What did you say / to him after hearing that?

A. I asked him what he was talking about.

Q. Did you then know that he had been involved in the crash? /

A. Well, right after that the lady that was next to me said that he should sit down since he was bleeding.

Q. Did this man sit / down at that time?

A. Yes, he just sat on the fence that was right there in front of the restaurant.

Q. Was there any further conversation / that you had with this person?

A. Yes, I asked him what car he was in.

Q. What was the response that you got from him at / that time?

A. He said that he was driving the truck when he left work.

Q. Did you notice anything about this man that you thought was / strange?

MS. BAKER: Objection, Your Honor. That's vague.

THE COURT: Overruled.

MS. BAKER: It is irrelevant what this witness thought might be strange, and it's not clear what strange means.

THE COURT: Yes, / you are right. I will strike my previous ruling and sustain the objection as vague.

BY MS. DAVIS: Q. Well, let me just ask you straight out. Did you / notice behavior by this man that led you to think that he had been drinking?

A. I did not smell it at first, but after I / spoke to him for a few minutes, then I could tell that he had been drinking.

Q. How could you tell?

A. I smelled alcohol on his / breath.

Q. All right.

A. And then he told me that he had been drinking.

MS. BAKER: Objection. No question pending.

THE COURT: Overruled.

BY MS. DAVIS: Q. What did this man say to you / about drinking?

A. He said that he should have gotten a ride home instead of driving.

MS. BAKER: Nonresponsive. Move to strike.

THE COURT: Sustained. It will be stricken.

BY MS. DAVIS: Q. What / did this man say to you about drinking before the crash happened?

A. He said that he had been drinking all day at a party and / that he should have driven home with his friend.

Q. Now, do you recall what time this was when you were speaking with this man?

A. Well, / it had to be about 5:30, I guess. I was on my way home from work and I get off a 5:00, so that / would be about right.

Q. Did you go straight home after work that day?

A. I was on my way home when I stopped at the accident. /

Q. Had the accident just happened when you got there, or could you tell?

A. Yes, traffic was moving just fine. Then I heard some crashing noise. /

BEGIN TYPING

BY MS. DAVIS: Q. We have been referring to the man on the corner you spoke to. Please look in this room and tell us, do you see him / in court today?

A. Yes, I do.

Q. Would you please point him out for us and then describe what he is wearing.

A. He is seated at / the table next to his lawyer and he is wearing the blue shirt and black tie.

MS. DAVIS: May the record show he has identified Mr. Turner / at this time?

THE COURT: The record may so reflect.

MS. DAVIS: Thank you.

BY MS. DAVIS: Q. Did you ask the defendant some questions regarding what he had just told you about / drinking at a party?

A. I did not. It was the woman who told him to sit down, she started to talk to him.

Q. What did / she ask him?

MS. BAKER: That would be hearsay. Objection.

THE COURT: Sustained.

BY MS. DAVIS: Q. Did you speak with this man some more that night?

A. Not really, no. I just told / him not to go away, that the police would need to talk to him.

MS. DAVIS: I have nothing further at this time from this witness.

THE COURT: All / right. You may examine.

MS. BAKER: Thank you. I do have just a few questions.

THE COURT: Proceed.

BY MS. BAKER: Q. Mr. Palmer, you testified that you parked your car by the / curb and then got out, right?

A. Yes, I did.

Q. Why didn't you park your car in the parking lot of the restaurant?

A. I don't know. /

Q. Was there anything obstructing your path of travel to the parking lot?

A. No, I just pulled to the side.

Q. Did you then block the lane / for traffic by doing that?

A. No, I don't think so. There was still room for cars to go by, because several did as we were / standing there.

Q. Did a police officer ask you to move your car at one point?

A. Yes, once the tow trucks were there, they asked everyone / to please step back and clear the way. I moved my car at that time.

Q. And what kind of car do you have?

A. I have / a Toyota. No, wait. I am sorry. I just got a new car. At the time of this accident I had a Ford Mustang.

Q. You / didn't own a small truck at that time?

A. No, I have never owned a truck.

Q. Now, you testified that my client approached you on the / corner of the intersection.

A. Yes, that's correct.

Q. What was he wearing when you first saw him?

A. I don't really remember what he was wearing.

Q. Do / you remember if you saw any blood when he approached you?

A. I did not. I was just looking at the cars and the people getting / out of the cars.

Q. Did you see my client get out of a car?

A. No, I don't think so. I saw him when he was / by me.

Q. Now, you testified at a preliminary hearing in this case; is that right?

A. Yes, I think so.

Q. It was a prior hearing in / this same case, right?

A. Yes, it was.

Q. Do you have a copy of your transcript from that hearing?

A. No, I don't.

MS. BAKER: Counsel, do you have / a copy for the witness to look at?

MS. DAVIS: No, but I can try to find one for you. If I could just have a moment, / please.

THE COURT: Well, just ask your next question, please. Is there some reason why the witness needs the transcript?

MS. BAKER: I thought that he could then refresh / his memory with his prior transcript.

MS. DAVIS: I don't think there is a question pending where he would need to have his memory refreshed.

THE COURT: That's right. / Let's just have the question and if he needs to review something, we will go from there.

MS. BAKER: Could we approach the bench?

THE COURT: Just ask your / question.

BY MS. BAKER: Q. Now, sir, did you testify before that my client approached you at the scene of the accident and that he did not seem drunk / to you?

A. I don't recall that, no.

Q. Let me ask you a question first. As you think back to that night, did my client appear / as though he had been drinking to you?

A. When I was talking to him, I could smell the alcohol on his breath.

Q. You said that, / but did he appear drunk to you?

A. I'm not sure what you mean by that.

MS. DAVIS: Then I will object as vague and speculation.

THE COURT: Overruled on / those grounds.

BY MS. BAKER: Q. Did my client slur his speech as he was speaking with you?

1 A. I seem to think that he did slur his speech.
2 Q. Well, / did you have a hard time understanding what he was saying to you?
3 A. No.
4 Q. Was he speaking in complete sentences when you heard him?
5 A. Yes, / he was.
6 Q. Was there something he did that led you to think he was drunk?
7 A. I could smell the alcohol.
8 Q. Right now I am just / asking you about his physical appearance and not what
9 you think you smelled.
10 Did you see if he was walking in a straight line?
11 A. No, / I didn't.
12 Q. Is that because you saw him walk and he was fine, or you didn't see him
13 walking?
14 A. I don't recall seeing him until / he was there right beside me. After that, he
15 sat down on the fence near us, but that was just a few steps away.
16 Q. You / did not really observe him to stumble in any way?
17 A. No, I didn't. He seemed to be unsteady on the fence, though.
18 Q. Why do you / now say that?
19 A. It is the truth.
20 Q. Did you testify to that at the prior hearing?
21 A. I don't know.
22 Q. Is this the first time you / have told us about that?
23 A. I don't think so, no.
24 Q. Well, can you show me where in this transcript you testified that way before
25 now? /
26 MS. DAVIS: Objection. That is argumentative at this time.
27 THE COURT: Yes. Sustained.
28 BY MS. BAKER: Q. Now, before the break this morning, sir, you did testify

that you saw my client speaking / to the police at the scene that night, sir. Do you remember that line of questions?

A. Yes, I do.

Q. Were you able to hear what / the discussion was, or did you just observe it?

A. No, I couldn't hear it. I just saw them talking.

Q. How long in time was the / discussion between the police and my client?

A. I left before they were through talking.

Q. What time did you leave the scene?

A. I would say it / was about 7:00 p.m. or somewhere around there.

Q. Now, I know you said earlier today that you were interviewed by two policemen; is that / right?

A. Yes, that's right.

Q. Do you know their names?

A. No, I don't think I knew their names at all.

Q. They did not give their names / to you; is that right?

A. I don't know if they did or not. I am just saying that I don't remember the names of policemen / from that night.

MS. BAKER: Your Honor, I wonder if we might have a brief recess in order for me to find some exhibits.

THE COURT: Which ones are / you looking for?

MS. BAKER: I want to use the drawing from one of the previous witnesses and I can't find it.

MS. DAVIS: Can I help you with / something?

MS. BAKER: I need the one from Sergeant Albert. It is the one that has the measurements on it.

MS. DAVIS: That is the board with the green / tag on it.

MS. BAKER: Oh, thank you. I did not see that before.

THE COURT: Are you ready to proceed with your questions?

MS. BAKER: Yes, just a few.

THE COURT: All / right.

BY MS. BAKER: Q. Now, sir, you said you were how far from the crash?

A. It would just be a guess. I'm not good at distance.

Q. Just your / best guess.

A. Well, I would say about ten feet.

Q. If I showed you this map, would you agree the distance from the curb to the / point of impact is measured as 30 feet?

A. That's what it says on there, yes.

MS. BAKER: Thank you. Nothing further.

THE COURT: Do you have more?

MS. DAVIS: Just briefly, / if I may.

THE COURT: All right.

BY MS. DAVIS: Q. Mr. Palmer, were you subpoenaed to be here today?

A. Yes, I was.

Q. Do you want to be a witness in / this case?

MS. BAKER: Not relevant.

THE COURT: Sustained.

BY MS. DAVIS: Q. Now, you were asked some questions about whether you felt the defendant had been drinking or was drunk. Do you / recall that?

A. Yes, I do.

Q. Other than the smell of alcohol on his breath, was there something else that led you to that opinion?

A. Just / the way that he handled the whole thing. He asked if I was all right, like I had been hit by his truck.

Q. Did the / defendant apologize to you for hitting your car?

A. Yes, he did.

Q. After he said that, what was your response to him?

A. I told him nobody / hit my car, that I was just there to see what had happened.

Q. When the defendant apologized for hitting your car, and when you told / him you weren't hit, what did he next say to you?

A. He said that he should not have driven from the party.

Q. Did you ask / him what he meant by that?

A. That's when the lady next to me was asking him things.

Q. Did you hear that conversation?

MS. BAKER: That's hearsay.

THE COURT: No, / not yet. You may answer the question.

THE WITNESS: Do you mean if I heard what he said?

BY MS. DAVIS: Q. Did you hear the talking with the lady and / the man about what he had been doing prior to the crash?

A. Yes, I did.

Q. Without telling us what you heard, after hearing those words, / did you call an officer over to where you were?

A. Yes, I did.

Q. Why did you do that?

A. I felt the police might not know / that he was involved in the crime.

Q. Were you doing that so that he could seek medical attention for some injuries that he had?

A. Yes, / you could say that.

Q. Did you see any injuries on the defendant as he was speaking to you?

A. I saw some blood on his shirt / first.

Q. Could you see if he was bleeding from anywhere that would have caused the blood on his shirt?

A. No, Ma'am. I didn't notice until / when the lady was asking him about it.

Q. At that time, what did you see?

A. I saw that his arm was bleeding, and then I / think his left hand had a cut on

it.

Q. Did you see some blood elsewhere on the man there?

A. No, I don't think so.

Q. You / were asked some questions about your prior answers. Were you telling the truth when you testified before?

A. Yes, of course.

Q. Are you being truthful as / you sit here today?

A. Yes, to the best of my memory.

Q. Would you say that your memory was fresher back then when you were asked / those questions?

A. My memory was better closer to the event. I mean, I am trying to say as best I can, but I am sure / that I have forgotten some stuff.

Q. So maybe some of the details are not as clear, is that what you are saying?

A. Yes, that's it. /

Q. But, do you remember witnessing the aftermath of this crash?

A. The aftermath?

Q. Well, you did not observe the impact happen; is that right?

A. Yes, that's / right.

Q. Did you hear the cars collide?

A. I think I did.

Q. And within a short time you were watching the cars and the people in / the accident?

MS. BAKER: Objection. It is leading.

THE COURT: Overruled. It is foundational.

BY MS. DAVIS: Q. You saw what happened after the crash, right?

A. Yes, most of it.

Q. And I was / asking you that some of the details may not be clear, but you do remember the event; is that right?

A. Yes, I do.

Q. And you / have tried to be as honest as you can; is that right?

A. Yes, I have.

Q. Is there anything you would like to change?

A. No, I / don't think so.

MS. DAVIS: No further questions at this time, Your Honor.

THE COURT: Is there anything further on behalf of the defendant with this witness?

MS. BAKER: Not at / this time, but I would ask the witness to remain on call.

THE COURT: You are excused at this time, sir, but asked to remain on call. / Do you understand that?

THE WITNESS: Yes, I do. I can go, but I have to come back later.

THE COURT: If the attorneys want to call you back, / they will let you know.

THE WITNESS: Yes, that's fine.

THE COURT: All right. Let's take our recess, ladies and gentlemen. Ten minutes, please. We will be in recess. /