

1 from a brief break but if at some point you
2 feel that you need a break, I need you to let
3 me know. If you cannot hear or see, let me
4 know. Do not hesitate to interrupt the Court
5 if you cannot hear what's going on or if you
6 are unable to see what's going on. During the
7 trial you will not be able to ask questions.
8 However, I do not want you to be shy about
9 letting the Court know of your needs, problems
10 or concerns. Is the State ready to proceed?

11 MR. LOCKARD: Yes, ma'am.

12 THE COURT: You may do so.

13 MR. LOCKARD: Thank you, ma'am. Our
14 first witness for just a short period will be
15 Investigator Ryan Nelson. Your Honor, we have
16 talked with Ms. Smart we are just going to use
17 Officer Nelson for just a few short
18 identification questions, then we will recall
19 him probably this afternoon.

20 THE COURT: You may begin when ready.

21 RYAN NELSON

22 being first duly sworn to tell the truth, the
23 whole truth and nothing but the truth
24 testified as follows:

25 DIRECT EXAMINATION

26 BY MR. LOCKARD:

27 Q Please give us your full name and your occupation
28 for the record, sir.

29 A Ryan Nelson. I'm an investigator with the Vivian
30 Police Department.

31 Q And how long have you been so employed with the
32 Vivian Police?

1 A For about three years.

2 Q All right. And how long have you been an
3 investigator?

4 A Since March '96.

5 Q Okay. So last year, so you were an investigator
6 last July then, July 28th, 1996 is that correct?

7 A Yes, sir.

8 Q All right. And you were with the Vivian Police, is
9 that right?

10 A Yes, sir.

11 Q And how long have you lived in the Vivian area?

12 A Most all my life.

13 Q All right. And you know the city quite well and
14 the area quit well?

15 A Yes, sir.

16 Q If I could, I would like you, you may -- Your
17 Honor, if he could come up here for just a moment, would
18 that be all right? So the jury can see, this is what has
19 previously been marked as State's Exhibit No. 1. Have
20 you or are you familiar with this State's Exhibit No. 1?

21 A Yes, sir.

22 Q And what is that if you would?

23 A It's a map of the town of Vivian.

24 THE COURT: Mr. Lockard we need to be
25 able to hear the witness. Move the mic.

26 BY MR. LOCKARD:

27 Q Now if you would just describe the map is this
28 north an south this way?

29 A Yes. This is the north end of Vivian and this is
30 the south end at the lower part of the map.

31 Q And do you have any idea approximately north to
32 south how far the area is, the length?

1 A Approximately about two and a half miles.

2 Q Okay. And could you show us do you know where
3 North Spruce and South Spruce Street is?

4 A Yes. It's Spruce Street where I'm point to right
5 here.

6 Q Okay. And it runs north and south, is that
7 correct?

8 A Yes, it do.

9 Q From, is it correct that from Davis Avenue and then
10 north to Airport Drive on the south?

11 A Yes.

12 Q Now if you would explain where McGuire Funeral Home
13 is for us?

14 A McGuire Funeral Home is at the corner of Spruce and
15 Mary, which would be about right here.

16 Q Do you know where 501 South Spruce is in Vivian?

17 A Yes, it is. It's going to be between James Street,
18 which runs from Spruce to LA 1 and Florida Street, which
19 runs from South Spruce to LA 1.

20 Q Okay. So it's from Mary Street there it's
21 approximately 501 is approximately a block or half block,
22 a block and a half?

23 A It's about one block.

24 Q Okay. And if you would where is Redbud Courts?

25 A It's going to be on the east side of Highway 1 and
26 the railroad track which runs north and south through
27 Vivian. It would be located right there.

28 Q And tell me what Redbud Courts, the location what
29 is it?

30 A It's going to be off of, it's an apartment complex
31 off of South Pardue which is LA 170 which runs north and
32 south through the east side of Vivian also.

1 Q Okay, sir. And if you would K&K Washateria tell us
2 where exactly that is?

3 A It's going to be located at the corner of LA 170,
4 which is South Pardue and Oklahoma Avenue, which is
5 located right there.

6 Q And East Oklahoma, right?

7 A East Oklahoma.

8 Q Okay. So take a left off of what did you say that
9 was Highway 170?

10 A 170, South Pardue.

11 Q If you take a left off of that if you are going
12 north on East Oklahoma you were heading west?

13 A Heading west, correct.

14 Q Now if you would I think right now that's all on
15 this. You can re-take your seat if you would. Let me
16 have the pointer please. Thank you. Now if I might and
17 this is an accurate representation of the City of Vivian
18 on this map, right?

19 A Yes, it is.

20 Q You have seen it before and you have checked it?

21 A Yes, sir.

22 Q Now in this case dealing with Ms. Sybil Twitchell
23 do you know whether or not there was a video performed of
24 the location of the incident?

25 A Yes, it was.

26 Q Okay. And do you know who did that?

27 A The Vivian Police Department.

28 Q And you saw it and had control of it?

29 A Yes, sir.

30 Q Okay.

31 MR. LOCKARD: What I'm going to do is if
32 I might Your Honor, does counsel have any

3
1 questions about that first? I was going to
2 ask that I show it.

3 Q (By Mr. Lockard) And you have seen the video that
4 was taken in this case concerning the location 501 South
5 Spruce the home of Mrs. Twitchell is that correct?

6 A Yes, sir.

7 MR. LOCKARD: All right. Do you have any
8 questions to ask him about that?

9 MS. SMART: No, I don't.

10 MR. LOCKARD: Your Honor, if we could
11 show that video now to familiarize them with
12 the scene at 501 and there is no audio, just
13 the video portion and then we will have the
14 officer verify that is in fact that location.

15 (Video shown at this time.)

16 BY MR. LOCKARD:

17 Q Officer what location are we looking at here?

18 A That's 501 South Spruce, Vivian, Louisiana.

19 Q And that's the home of Mrs. Sybil Twitchell to your
20 knowledge?

21 A Yes, it is.

22 Q All right. Officer did you view that video?

23 A Yes, I did.

24 Q And that's the one you have seen before that was
25 taken on I think it was September 10th of last year 1996,
26 is that correct?

27 A Yes, sir.

28 Q That was approximately a little better than a month
29 after the actual incident?

30 A Yes, sir.

31 Q Who was the officer, can you identify the officer
32 for us who was pointing things out?

1 A Officer Louis Florence.

2 Q Okay. And that's an accurate representation of her
3 home and her garage area and walking in the back yard and
4 the alpine house into the home into her bedroom at the
5 end of the hall, is that accurate?

6 A Yes, sir.

7 Q Fair representation?

8 A Yes, sir.

9 Q Okay. Good. Now what I would like also to do if I
10 might -- and that video is number two. The video has
11 been previously marked as number two and I have
12 previously marked this photograph 1A and I'm going to
13 show this to the officer and ask him what this is and
14 what it represents please?

15 A That's the corner of LA 170 which is South Pardue
16 and East Oklahoma and that's the sign to the K&K
17 Washateria.

18 Q And that's represented here on this map right there
19 showing where the corner there where K&K Washateria is?

20 A Yes, it is.

21 Q Is that an accurate representation of the K&K the
22 location we are talking about?

23 A Yes, it is.

24 Q Okay thank you, sir. Now the State is going to
25 approach you with what has previously been marked as
26 State's Exhibit No. 3, counsel has seen this.

27 MS. SMART: I have.

28 Q And just ask you to tell me briefly very briefly
29 what that is?

30 A This is a photo line-up which was obtained with six
31 photos that resembles the suspect, six photos that most
32 resemble the suspect.