

1 a few moments.

2 THE COURT: Ladies and gentlemen of the
3 jury do you all need a brief recess?

4 MR. LOCKARD: I need a minute.

5 THE COURT: All right.

6 {Short recess taken.}

7 {Defendant, all counsel and jury present
8 in open court.}

9 THE COURT: Let the record reflect that
10 all of the jurors are present in court as well
11 as counsel and the defendant. Mr. Lockard you
12 may call your next witness.

13 MR. LOCKARD: Thank you, ma'am.
14 Investigator Ryan Nelson.

15 THE COURT: As you were previously sworn
16 I want to remind you that you remain under
17 oath.

18 RYAN NELSON

19 DIRECT EXAMINATION

20 BY MR. LOCKARD:

21 Q Officer, when did you officially become involved in
22 this case there on that day of July 28th, 1996.

23 A About 8:30 that morning.

24 Q And how were you notified to be there? Were you on
25 duty or what?

26 A No. I was at home. They called me out.

27 Q Called you to come on duty then?

28 A Yes, they did.

29 Q And where did you go first?

30 A I went to 501 South Spruce.

31 Q Ms. Twitchell's home, right?

32 A Yes, sir.

1 Q And there you learned some information I guess from
2 the chief and Louis Florence and what not, is that right?

3 A Yes, sir.

4 Q Okay. Now later that morning did you help in the
5 apprehension of the defendant Darrien Wayne Brown?

6 A Yes, sir.

7 Q Now immediately after that where did you go?

8 A It was about 9:50 after he was apprehended. At
9 about ten o'clock, well, Officer Florence transported
10 Brown and then he stated to me while he was putting him
11 in his --

12 Q Transported him where?

13 A To the Vivian Police Station.

14 Q Okay.

15 A Okay. And he stated to me then, he said I got to
16 transport him and he told me that when he had originally
17 went to the house that morning he observed a striped
18 shirt and a pair of blue jean shorts in Brown's room. He
19 asked me would I go back over there and see about getting
20 it.

21 Q Did he describe the shirt to you pretty good so you
22 know what you were looking for?

23 A Yes. He said a striped shirt and some blue jean
24 shorts.

25 Q Did he say the type of striping, either horizontal
26 or vertically?

27 A Yes. I asked him, he said it was going across like
28 this.

29 Q Horizontal across the bottom?

30 A Yes, sir.

31 Q And that's where you obtained this?

32 A Yes.

1 Q And that would have been around ten o'clock then or
2 so?

3 A Around ten o'clock.

4 Q And you went to 120 Lovett?

5 A Yes, I did.

6 Q And did you get out of your vehicle and go to the
7 front door?

8 A Yes, I did.

9 Q And who answered the door for you?

10 A It was his mother.

11 Q And do you know her name?

12 A Angie Brown.

13 Q Did you already know the lady?

14 A Yes, I did.

15 Q So you recognized her as his mother when she came
16 to the door, right?

17 A Yes, sir.

18 Q Had you already known Mr. Brown?

19 A Yes, sir.

20 Q Okay. Let me ask you this, did she come out or you
21 went in?

22 A Well, she was standing at the door, outside the
23 door anyway, talking to one of her sisters or something
24 when I arrived.

25 Q Who was outside when you arrived?

26 A Ms. Brown, his mother and one or two of his aunts,
27 I can't remember the names. She has several sisters.

28 Q They were female ladies?

29 A Yes, sir.

30 Q Okay. Any children out front there?

31 A I can't recall seeing any.

32 Q Are you aware of whether or not any of them lived

1 there?

2 A I'm unaware of that.

3 Q Are you aware of whether or not Mr. Brown has any
4 brothers or cousins or nephews or what all living there?

5 A No.

6 Q You don't know of anybody that lives there?

7 A Other than him and his mother, no.

8 Q Does he have a brother named Anthony?

9 A Yes, he do.

10 Q Does Anthony, does he go by Amp by any chance?

11 A Yes, he do.

12 Q Do you know him also?

13 A Yes, sir.

14 Q Did you see him there that morning?

15 A No, I didn't.

16 Q Did anybody tell you that he lived there?

17 A No.

18 Q Did you ever know him to live there prior to that
19 or do you know?

20 A Yes, he did. I lived there.

21 Q As a general rule he lived there?

22 A Yes, sir.

23 Q Okay. How do you know he wasn't there to the best
24 of your knowledge that morning?

25 A I'm not sure but I believe he was in jail at that
26 time.

27 Q Amp?

28 A Amp, the brother.

29 Q And that's the only other man that lives there
30 except Darrien, is that right?

31 A To my knowledge.

32 Q Okay. And you have been to 120 Lovett to see Amp

1 or his mother or somebody before, right?

2 A Yes, sir, Amp.

3 Q Now what does Amp look like? Is he much shorter
4 than Darrien, same size or what?

5 A He's shorter. He got his hair cut bald.

6 Q And you don't think he was there that day?

7 A No, I knew Amp. Usually he is real loud like and
8 he would have came out. I feel like if he had been there
9 he would have came out because he make himself noticed.

10 Q Now what did you tell Ms. Augie Brown when you went
11 up and met with her that morning?

12 A I told her that the officer that had been over
13 there earlier advised me that when he was there he
14 observed a striped shirt and a pair of blue jean shorts
15 in her son's room that fit the description that the
16 suspect in a case we was working was wearing. I asked
17 her could I get it or could I look or would she look and
18 she said we ain't got nothing to hide and that's when she
19 went in and got it.

20 Q Did you say in your son's room or did she say in
21 her son's room?

22 A I said in her son's room.

23 Q Did you say Darrien's room or did you say in your
24 son's room?

25 A I just said in her son's room.

26 Q And she went and got it for you and brought it to
27 you?

28 A Yes, she did.

29 Q Now if I might I'm going to show you this one
30 picture, State's Exhibit No. 4. Is this the shirt that
31 you went and got that morning from Ms. Augie Brown?

32 A Yes, it is.

1 Q Okay. Did you take that photograph?

2 A Yes, I did.

3 Q And did you have Mr. Brown put that on for you at

4 the Vivian Police?

5 A Yes, I did.

6 Q And then you took the photograph?

7 A Yes, I did.

8 Q And did you then show the shirt of this photograph

9 to Officer Florence?

10 A Yes.

11 Q To verify that was the shirt he saw?

12 A Right.

13 Q Then you told her that you needed the striped

14 horizontal shirt out of her son's room?

15 A Right.

16 Q And if Amp would have been to be seen or heard, you

17 would have seen him or heard him, right?

18 A I think I would have. To my -- by me knowing Amp

19 he usually comes out. He would have been trying to see

20 what was going on.

21 Q Now and you saw to getting and obtaining the

22 photographic line-up also?

23 A Yes.

24 Q And did you that same day show it to anyone?

25 A Yes, I did.

26 Q And who -- can you recollect who you showed it to

27 first?

28 A Andrea Gorsulowsky.

29 Q And you showed it to her before you showed it to

30 Ms. Twitchell?

31 A Yes, I did.

32 Q Now when you approached her, at her home I assume?

1 A Yes, it was.

2 Q What did you tell her about these photographs?

3 A I told her that this was a photographic line-up
4 that was put together. Let me rephrase that. First I
5 stated to her that I asked her to give me a brief
6 description of the suspect and she did.

7 Q I understood that. I'm mainly concerned about the
8 photographic line-up right now. Tell me what you talked
9 about the photographic line-up.

10 A Okay. When I presented it to her I said that the
11 suspect may or may not be in this photographic line-up,
12 could you take a look at it and tell me if you can
13 recognize the subject in this photographic line-up. At
14 that time she looked at it.

15 Q And that was the first thing you showed her was the
16 photographic line-up?

17 A Yes, it was.

18 Q Not the polaroids, that photographic line-up?

19 A No, the photographic line-up.

20 Q And she looked at it for you?

21 A Yes, sir.

22 Q And did you tell her who to pick or anything like
23 that?

24 A No, sir.

25 Q Did she pick somebody?

26 A Yes, she did.

27 Q And can you look at it and tell me who or what
28 number or anything?

29 A Well, I don't need to look at it.

30 Q Just for the record.

31 A The first time she pointed to the subject in number
32 three and she said that's definitely him.