

1 MR. KLOCH: I CALL VALERIE TRAVERS, PLEASE.

2 THE CLERK: VALERIE TRAVERS.

3 WHEREUPON,

4 VALERIE TRAVERS,

5 WAS CALLED AS A WITNESS BY AND ON BEHALF OF THE COMMONWEALTH
6 AND, AFTER HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND
7 TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MR. KLOCH:

10 Q MS. TRAVERS, I AM GOING TO ASK YOU SOME QUESTIONS AND
11 ASK THAT YOU DIRECT YOUR ANSWERS TO THE LADIES AND GENTLEMEN OF
12 THE JURY.

13 WOULD YOU STATE YOUR NAME?

14 A VALERIE TRAVERS.

15 Q AND, WHAT IS THE ADDRESS WHERE YOU RESIDE?

16 A 2727 DUKE STREET.

17 Q OKAY.

18 AND, DO YOU KNOW AN INDIVIDUAL BY THE NAME OF
19 ALEXANDER CAMERON?

20 A I KNOW OF HIM. I DON'T KNOW HIM PERSONALLY.

21 Q AND, WOULD YOU KNOW HIM IF YOU SAW HIM AGAIN?

22 A YES, I WOULD.

1 Q DO YOU SEE HIM IN COURT TODAY?

2 A YES, I DO.

3 Q WOULD YOU POINT TO HIM AND STATE WHAT HE IS WEARING
4 TODAY?

5 A SITTING AT THE DEFENSE TABLE IN A BLUE SUIT.

6 MR. CLARK: CAN WE APPROACH THE BENCH?

7 THE COURT: YES, SIR.

8 (BENCH CONFERENCE.)

9 MR. KLOCH: MAY I CONSULT WITH COUNSEL JUST A MOMENT,
10 YOUR HONOR?

11 THE COURT: YES, SIR.

12 BY MR. KLOCH:

13 Q MS. TRAVERS, I WANT YOU TO LISTEN CAREFULLY TO MY
14 QUESTION AND ANSWER THE QUESTION. HAD YOU, PRIOR TO THE 28TH
15 OF NOVEMBER, 1986, SEEN THE DEFENDANT ON OR ABOUT THE PREMISES
16 OF 2727 DUKE?

17 A YES.

18 Q ON ONE OR MORE THAN ONE OCCASION?

19 A ON SEVERAL OCCASIONS.

20 Q SO, YOU KNEW WHO HE WAS, AND YOU RECOGNIZED HIM, I
21 THINK YOU HAVE ALREADY TESTIFIED YOU KNOW WHO HE IS?

22 A I HAD SEVERAL CONFRONTATIONS WITH HIM.

1 Q NOW, HOLD ON. I JUST WANT YOU TO MENTION THAT YOU
2 SAW HIM.

3 A YES.

4 Q ON THE 28TH OF NOVEMBER, DID YOU HAVE OCCASION TO SEE
5 HIM?

6 A YES, I DID.

7 Q WOULD YOU TELL THE JURY, WITHOUT VARYING FROM THE 28TH,
8 IF YOU WILL, THE CIRCUMSTANCES UNDER WHICH YOU SAW HIM ON THE
9 28TH. LET'S START WITH WHERE DID YOU SEE HIM?

10 A THE COMMERCIAL LEVEL OF CARYDALE EAST.

11 Q WHEN YOU SAY THE COMMERCIAL LEVEL, THAT IS WHERE THE
12 LITTLE STORE IS?

13 A RIGHT. THAT IS WHERE THE FIRST LEVEL IS.

14 THE COURT: JUST, JUST -- I AM SORRY. THE FIRST LEVEL?

15 THE WITNESS: YES, SIR.

16 THE COURT: ALL RIGHT.

17 THE WITNESS: THE FIRST LEVEL OF THE HIGHRISE. IT
18 GOES FROM THE COMMERCIAL LEVEL, MEANING "CL" ON THE ELEVATOR.

19 BY MR. KLOCH:

20 Q THAT IS FOR "CL"?

21 A "CL".

22 Q OKAY.

1 A COMMERCIAL LEVEL.

2 Q "CL"?

3 A PAY PHONE.

4 Q AND THEN THE LOBBY AND --

5 A (INTERPOSING) THERE IS A LITTLE STORE AND PAY PHONE.

6 Q OKAY.

7 ABOUT WHAT TIME WAS IT THAT YOU SAW HIM?

8 A APPROXIMATELY BETWEEN 7:00 AND 7:30. I CAN'T BE
9 EXACT, BECAUSE, I MEAN, I WAS NOT EXPECTING IT.

10 Q ALL RIGHT.

11 HOW DO YOU HAPPEN TO RECALL THAT IT WAS THE 28TH, THE
12 DAY AFTER THANKSGIVING?

13 A I WAS TRYING TO GET A BABYSITTER ON THE TELEPHONE TO
14 GO OUT TO MEET SOME FRIENDS THAT I WAS SUPPOSED TO MEET AT A
15 CLUB LATER THAT EVENING, AND I WAS ON A PAY PHONE WHEN HE
16 ENTERED THE BUILDING.

17 Q ALL RIGHT.

18 AND, WHEN HE ENTERED THE BUILDING, WHERE WAS HE WITH
19 RESPECT TO YOU, WHAT DIRECTION AND HOW FAR AWAY?

20 A WHEN YOU COME -- DO YOU WANT ME TO EXPLAIN?

21 Q YES, PLEASE.

22 A WHEN YOU COME IN THE BUILDING FROM THE SIDE, YOU COME

1 IN AND THERE IS A WALL LIKE A CORNER THAT YOU HAVE TO GO AROUND.
2 AND COME AROUND THE CORNER AND YOU ARE RIGHT IN FRONT OF ME ON
3 THE PAY PHONE. I MEAN, YOU ARE WITHIN WALKING DISTANCE --

4 Q (INTERPOSING) OKAY.

5 A (CONTINUING) -- TO THE ELEVATOR. HE CAME AROUND THE
6 CORNER TO THE ELEVATOR. I WAS DIRECTLY ACROSS IN FRONT OF THE
7 ELEVATOR, RIGHT SMACK DAB IN FRONT OF IT ON THE PAY PHONE AND
8 HE WAS RIGHT THERE. I MEAN, I COULD HAVE REACHED OUT AND
9 TOUCHED HIM.

10 Q FOR HOW LONG A TIME ON THE 28TH WAS HE IN YOUR VIEW?

11 A NOT EVEN FIVE MINUTES. MAYBE TWO, THREE, FOUR MINUTES.

12 Q WHAT HAPPENED THEN?

13 A HE APPROACHED THE ELEVATOR. HE PUSHED THE BUTTON AS
14 IF HE WAS GOING UP. I KEPT TALKING ON THE PHONE. I RECOGNIZED
15 WHO HE WAS. I WAS A LITTLE FRIGHTENED BECAUSE OF A --

16 Q (INTERPOSING) NOW, DON'T GET INTO ANYTHING THAT
17 HAPPENED.

18 A OKAY. BUT, I KEPT TALKING ON THE PHONE AND I HEARD
19 THE ELEVATOR DOOR OPEN. I DID NOT HEAR HIM LEAVE. SO, I TURNED
20 AROUND AND LOOKED AND HE WAS STANDING THERE HOLDING THE
21 ELEVATOR DOOR OPEN JUST STARING AT ME. HE STOOD THERE --

22 THE COURT: (INTERPOSING) THERE IS NO QUESTION

1 PENDING. MR. KLOCH, BE MORE SPECIFIC IN YOUR QUESTIONS.

2 MR. KLOCH: ALL RIGHT. MAY WE APPROACH THE BENCH
3 AGAIN, YOUR HONOR?

4 THE COURT: YES, SIR.

5 (BENCH CONFERENCE.)

6 BY MR. KLOCH:

7 Q HOW LONG WERE -- WOULD YOU TELL ME IN MINUTES ABOUT
8 HOW LONG YOU WERE AT THE TELEPHONE?

9 A TEN MINUTES, BECAUSE I WAS ON THE PHONE A FEW MINUTES
10 BEFORE HE CAME IN.

11 Q WHERE DID YOU GO AFTER THAT?

12 A BACK UP TO MY APARTMENT.

13 Q AND, DID THERE COME A TIME WHEN YOU WENT BACK
14 DOWNSTAIRS AFTER? DID YOU LEAVE YOUR APARTMENT THEREAFTER AND
15 INDEED GO OUT?

16 A YES, I DID.

17 Q ABOUT WHAT TIME?

18 A I LEFT MY HOUSE ABOUT 7:30, BECAUSE I DROPPED MY
19 DAUGHTER OFF IN THE BASEMENT IN THE BUILDING, AND, THEN, I LEFT
20 THE BUILDING.

21 Q ALL RIGHT.

22 A MY BABYSITTER IS IN THE BUILDING.

1 Q I UNDERSTAND THAT.

2 AND, SOMETIME AFTER 7:30, 7:30 OR THEREAFTER, THEN
3 YOU LEFT OUT OF THE BUILDING?

4 A YES.

5 Q DID YOU SEE ANYTHING UNUSUAL THEN, NOT WITH RESPECT TO
6 WHAT WAS GOING ON.

7 A I DON'T UNDERSTAND. WHAT DO YOU MEAN?

8 Q WHAT DID YOU OBSERVE WHEN YOU WENT BACK OUTSIDE OF THE
9 BUILDING?

10 A THE BUILDING WAS SURROUNDED BY POLICE.

11 Q ALL RIGHT.

12 AND, DID YOU HAVE OCCASION TO INQUIRE WHAT WAS GOING
13 ON?

14 A DID I --

15 Q (INTERPOSING) JUST ANSWER ME IF YOU HAD OCCASION TO
16 INQUIRE?

17 A YES, I DID.

18 Q WHY DID YOU INQUIRE?

19 MR. CLARK: YOUR HONOR, I AM GOING TO OBJECT. I DON'T
20 THINK THAT IS RELEVANT.

21 THE COURT: WHAT IS THE RELEVANCE OF THAT, MR. KLOCH?

22 MR. KLOCH: YOUR HONOR, WE ARE TRYING TO PIN DOWN THE

1 DAY FROM EVERY DAY POSSIBLE. ONE OF THE REASONS IS THAT THE
2 FACT THAT THE POLICE WERE THERE FOR A PARTICULAR REASON.

3 MR. CLARK: I DON'T THINK HER STATE OF MIND IS
4 APPROPRIATE IF THEY ARE TRYING TO GET OUT THAT IT WAS THE DAY
5 AFTER THANKSGIVING THAT THIS HAPPENED. I THINK SHE HAS
6 TESTIFIED TO THAT.

7 THE COURT: I WILL SUSTAIN THE OBJECTION.

8 MR. KLOCH: ALL RIGHT.

9 I HAVE NO FURTHER QUESTIONS.

10 THE COURT: CROSS-EXAMINE.

11 MR. CLARK: THANK YOU, YOUR HONOR.

12 CROSS EXAMINATION

13 BY MR. CLARK:

14 Q MS. HUGHES, YOU TESTIFIED THAT THE PERSON THAT YOU SAW
15 PUSHED THE BUTTON TO THE ELEVATOR, IS THAT RIGHT?

16 A PARDON ME?

17 Q YOU SAID YOU SAW -- YOU TESTIFIED, I BELIEVE, THAT THE
18 PERSON YOU SAW PUSH THE BUTTON TO THE ELEVATOR. YOU TESTIFIED
19 TO THAT?

20 A I TESTIFIED THAT I SAW HIM COME INTO THE BUILDING AND
21 PUSH THE BUTTON FOR THE ELEVATOR.

22 Q WHICH BUTTON?

1 A THE BUTTON GOING UP. THE ELEVATOR GOES ONLY ONE WAY
2 FROM "CL" UNLESS YOU ARE A MAINTENANCE MAN AND HAD A KEY TO THE
3 ELEVATOR TO GO DOWN INTO THE BASEMENT.

4 Q IS THE BUTTON A SMOOTH PLASTIC BUTTON?

5 A IT IS A METAL BUTTON THAT YOU PUSH IN AND IT LIGHTS UP.

6 Q IS IT SMOOTH?

7 A IT IS A BUTTON AND IT IS KIND OF CURVED.

8 Q YOU SAY YOU SAW THIS MAN PUSH THE BUTTON. DID HE HAVE
9 ANY SOCKS ON HIS HANDS OR GLOVES, OR ANYTHING WHEN HE DID THAT?

10 A NO, HE DIDN'T.

11 Q AND, YOU SAW THE POLICE RIGHT AFTER THAT HAPPENED?

12 A NO, I DIDN'T.

13 Q WELL, YOU SAID YOU WENT OUTSIDE WHEN YOU WERE LEAVING
14 THE APARTMENT AT 7:30?

15 A I WENT BACK TO MY HOUSE.

16 Q WELL, YOU LEFT THE BUILDING AT --

17 A (INTERPOSING) I DELIVERED MY DAUGHTER TO THE BABYSITTER.

18 Q ALL RIGHT.

19 LET ME TRY AND ASK A QUESTION. WHEN YOU SAW THE
20 POLICE -- STRIKE THAT.

21 MR. CLARK: THAT IS ALL THE QUESTIONS I HAVE. THANK
22 YOU.

1 MR. KLOCH: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

2 THE COURT: MAY MS. TRAVERS BE EXCUSED?

3 MR. KLOCH: YES, YOUR HONOR, SHE MAY.

4 THE COURT: THANK YOU, MS. TRAVERS. YOU ARE EXCUSED
5 AND FREE TO GO.

6 (THE WITNESS WAS EXCUSED.)

7 MR. KLOCH: MAY I REVIEW MY NOTES?

8 THE COURT: YES, SIR.

9 MR. KLOCH: THANK YOU.

10 YOUR HONOR, MAY I REVIEW WITH THE CLERK JUST A MOMENT
11 TO BE SURE THAT HER NOTES AGREE WITH MINE?

12 THE COURT: YES, SIR. CAN WE SEND THE JURY HOME? I
13 ASSUME WHAT YOU WANT TO DO IS TO CHECK ON YOUR --

14 MR. KLOCH: (INTERPOSING) BEFORE I REST, YES, I DO,
15 YOUR HONOR. I ANTICIPATE RESTING UPON --

16 THE COURT: (INTERPOSING) I WILL GO AHEAD AND SEND THE
17 JURY HOME.

18 MR. KLOCH: FINE, YOUR HONOR.

19 THE COURT: MEMBERS OF THE JURY, THE COMMONWEALTH HAS
20 NOT YET RESTED, BUT HE IS OBVIOUSLY NEAR THE COMPLETION OF THE
21 EVIDENCE AND IT IS PROBABLY THE APPROPRIATE TIME TO BREAK FOR THE
22 EVENING. THE USUAL CAUTIONS THAT I GAVE YOU ABOUT DISCUSSING