

MS. FISK: He is the father of these boys, he is the one who came to the house in the afternoon.

THE COURT: I didn't realize it was Keith, Sr.

MS. FISK: Yes, sir.

THE COURT: All right.

MS. FISK: There are no more juvenile witnesses.

THE COURT: Take a short recess.

(Recess)

KEITH SMALLWOOD, SR., having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. FISK:

Q Mr. Smallwood, you are the father of Keith,

Kevin and Kyle Smallwood?

A Yes.

Q Am I correct, sir, that prior to the death of their mother, the boys did not live with you?

A No.

Q And do you recall the exact address where they lived?

A 146 North Millick Street.

Q On Saturday, the 22nd of March of this year, did you have arrangements or had you made prior arrangements to pick up the boys that Saturday?

A Yes, Saturday morning.

Q And as a result of having made those arrangements, when is the first time that Saturday, the 22nd of March, that you made an attempt to get the boys?

A Ten o'clock that morning.

Q And how did you do that?

A I knocked on the door.

Q So, you went to 145 North Millick?

A Yes.

Q And when you say you knocked, a loud knock, a

low knock?

A Well, first I blew the horn for a few minutes, and nobody came to the door, so I got out the car and banged on the door.

Q Did you say anything in addition to banging on the door?

A No, I just banged.

Q And as a result of banging on the door, did anybody come to the door?

A No.

Q Did you hear from anything from inside the house?

A No.

Q What did you do?

A I got into the car and went home.

Q What was the next effort you made?

A I called Pam's father because sometimes they might leave and go over their grandmother's house, so I called to see if they went over there, but he said he hadn't seen --

MR. GILLISON: Objection.

THE COURT: Sustained.

BY MS. FISK:

Q : Don't tell us what other people told you, just tell us what you did.

In terms of contacting either, knocking on the door of that house or calling that house, what was the next effort you made after 10 o'clock in the morning?

A Okay.

Well, I called down Millick Street and then I didn't get any answer, so I called Pam's father.

Q When you say you called Millick Street, you called 146 North Millick Street?

A The phone rang, yes.

Q No one answered it?

A No one answered it.

Q What was the next attempt you made to contact inside 146 North Millick Street?

A Well, I called again, and my next attempt was --

Q When you called, the phone rang?

A Yes.

Q No answer?

A No answer.

Q Okay.

Did you go back to the house at any time?

A Yes.

Q When was that?

A Five o'clock.

Q And when you went back to this location, did you again knock on the door?

A Yes, I did.

Q And was the door locked, incidentally?

A Yes, it was locked.

Q The house appeared secure?

A Yes.

Q When you knocked on the door this time, did you call out or did you just knock?

A I knocked on the door and I had a police officer with me.

I called the police when I left the house.

I told them to meet me down there,
so the cop was there when I got there.

Q Why had you done that?

A Well, Delicia --

Q Was it because --

A Someone else came to my house, they had been trying to get in the house, also, and she was worried, I was worried, so we went, both went down there.

Q Delicia is the mother of Justin and Simone?

A Yes.

Q When you went back to the house at 5 o'clock, that was the second time that you were at the house that day?

A Yes.

Q And you had not been there any time in between?

A No.

Q And when you went back at 5 o'clock, you went back with the police?

A Yes.

Q And what happened on this occasion?

A We knocked on the door. We didn't get an

answer, so the officer suggested that, you know, the window was plexiglass because I told him, I said, well, I'm breaking in. He said: Well, the window is plexiglass.

I broke into the porch window.

Q And that takes you into the living room?

A Yes.

Q When you entered into the house, did you discover whether or not there were any persons in the house?

A Yes.

Q Who was in the house?

A Mr. Evans was in there.

Q You are pointing to a man?

A The guy in the white shirt.

MS. FISK: The defendant in this case, Arnim Evans.

BY MS. FISK:

Q Had you ever seen him before?

A No, never seen him before.

Q When you entered into the house, after breaking the living room window, where was Mr. Evans the first

time you saw him?

A On the stairs.

Q What stairs?

A The stairs in the living room, the stairs --

Q Between the first floor?

A Between the first floor and second floor.

Q Were your sons in the house?

A Yes.

Q And where in the house were they when you first saw them?

A They were at the top of the steps.

Q On the second floor?

A On the second floor.

Q And Delicia's two children and Roseann's baby, where were those kids?

A They were, one of Delicia's children was in the front room and the little girl was in the back room on the floor.

Q All on the second floor?

A Yes.

Q And how about Roseann's baby, Sequoia?

A Sequoia was with the boys.

Q After -- were there any other persons in the house?

A No.

Q After you went to the house, saw Mr. Evans, saw the boys at the top of the stairs, did you make any discovery within the house?

A Yes.

I found my aunt in the dining room on the floor under coats.

Q Who is your aunt?

A My aunt, Roseann Young.

Q And where was she?

A On the dining room floor under, you know, the kids' coats.

Q Was she?

Could you see her the moment you walked in, or did you have to move the coats?

A Well, I tripped over her on my way to the basement.

Q And what if anything did you see in the basement?

Did you look down the basement?

A I glanced.

I didn't really look. I couldn't look in the basement, I mean, after I found my aunt, you know, the kids, you know, the reason I was going to the basement was the kids told me that he was in the basement, so I was going to see what he was in it, why he was in the basement.

Q They told you that he had been in the basement?

A Yes.

Q At this point, did the police go, enter the house and start taking things under control?

A Well, there was only one officer there, and he was detaining him, so a couple of minutes -- I don't know how long it was -- but more police came.

MS. FISK: Those are all of the questions that I have.

THE COURT: Cross-examine.

—
CROSS-EXAMINATION
—

BY MR. GILLISON:

Q Sir, you indicated that you had come by at 10 and then you left, went home and then you called again.

Do you know around what time it was that you made that second attempt to call?

A No, I don't know what time it was.

Q Do you know how long it was in time frame, like an hour later, you tried to call, or half an hour later you tried to call?

A No.

Q When you went back, you said that you had actually received information from another person, so at 5 o'clock you went back.

Did you go back with that other person?

A Yes.

Q And so it was just the two of you; then the police actually met you there at the scene?

A No.

The police was there at the scene. We met him there.

Q Now, after you got into the house, did you have

any conversation with the person you have identified as Mr. Evans while you were inside that house?"

A Yes.

Q What was the conversation?

A As I came in through the window, he said: Who the fuck is that?

I asked him who the fuck was he.

And he said: I'm Annin, I'm

Kia's friend.

THE DEFENDANT: I said --

BY MR. GILLISON:

Q Go ahead, anything else?

A So, I asked him why didn't he answer the door or, you know, the phones all day.

I said: Where is Pam Roseann?

He said: Pam went to work and he said Roseann went to the store. (We had an argument last night and she got mad and went to the store.)

I did not say that

So, then the police officer asked me, well, what do you want us to do with him?

I said: I don't know him, find out who he is.

So, while the police officer was questioning him, I asked my kids, you know, did they know him, and they said they didn't know him. And I asked them where he had been and what was he doing, and they told me he was in the basement, in mommy's room and in Roseann's room.

So, then I went down to see what he was doing in the basement. *Why the hell is he in there?*
 Q That is when you turned and tripped over what ended being the remains of your aunt? *And not other...*

A? Yes. *Why didn't he say it?*

Q Did you hear or did you have any further conversations other than what you have already testified to?

A No.

MR. GILLISON: Thank you.

I have nothing further.

THE COURT: You can step down.

Thank you.