

1 A That is correct.

2 Q She also made reference that after she went to Concordia,  
3 that she stayed overnight at Mike's house. Do you recall  
4 who this was, or do you know who she was referring to at  
5 that time?

6 A I believe that was Mike Manhart.

7 MR. ROBB: Your Honor, the state would offer into  
8 evidence State's Exhibits 36, 37 and 38.

9 MR. DUNCAN: No objection.

10 THE COURT: They are admitted without objection.

11 Q Detective Boyer, the individual that you took the statement  
12 from on December 10, 1980, that you just read to the jury,  
13 do you see that individual, Sandra Hemme, here in the court-  
14 room today?

15 A Yes, sir, I do.

16 Q Would you point her out for the Court and jury, please?

17 A She is seated right next to Mr. Duncan (Indicating).

18 MR. ROBB: Thank you. No further questions.

19

20 CROSS-EXAMINATION BY MR. DUNCAN:

21 Q Detective Boyer, just a couple of questions. I believe  
22 Exhibit 34 is the Miranda waiver, and I think that's timed  
23 at 9:39 a.m., and Exhibit No. 35 appears to be the court  
24 reporter's statement starting at 11:15 a.m., is that correct?

25 A Yes, sir; that is correct.

1 Q So you talked to Miss Hemme for about an hour and 40 minutes  
2 before the court reporter's statement?

3 A I don't think it was quite that long. It took quite a while  
4 to get the court reporter. It took an hour or better.

5 Q Now, in referring to Exhibit 35, she referred to the place  
6 where Pat lived as a little blue house, right?

7 A Yes, sir.

8 Q And she made reference to taking her backpack out of the  
9 automobile?

10 A Yes, sir.

11 Q She referred to the car as a small brown car?

12 A Yes, sir.

13 Q And she told you about the little old lady across the  
14 street that was peeking out of the bushes as she left. The  
15 police, of course, went out and canvassed the area to see  
16 if there was any witness to this strange person coming and  
17 going from the house, is that correct?

18 A Yes; I'm sure they did.

19 Q Do you know if they found any little old lady that was in  
20 the bushes?

21 A No, sir, they did not.

22 Q And I believe she said she threw the purse away in a ditch  
23 on 6th Street in Kansas City, Missouri?

24 A Yes.

25 Q Are you familiar with 6th Street in Kansas City?

1 A Yes; I know that area.

2 Q No ditch; it's sidewalks?

3 A Right.

4 Q And of course, the police did go down and they searched the  
5 6th Street area she described?

6 A Very thoroughly.

7 Q And no purse was found?

8 A No.

9 Q And she also said that she threw away the knife in Battle-  
10 field Park down in Lexington, Missouri?

11 A Yes, sir.

12 Q And the police went down there with the help of the local  
13 authorities and searched the area?

14 A That's correct.

15 Q And they found no knife either, did they?

16 A That's correct.

17 Q And in this entire statement, which I believe goes to some  
18 19 typed pages, there is no mention of any dog in the house?

19 A No, sir.

20 Q And I believe she said the knot she tied with the pantyhose  
21 was on the right to the back, is that correct?

22 A Yes.

23 Q There was some mention about she knew Pat from the library,  
24 then she said something about, "They think I knew her from  
25 Platt College"?

1 A Yes, sir.

2 Q Now, in one of her previous discussions, she said she had  
3 met Pat at Platt College, isn't that correct?

4 MR. ROBB: Objection. There's no evidence of  
5 that at all.

6 THE COURT: Why don't you rephrase your question  
7 then.

8 Q Well, had she told you in this previous discussion she met  
9 Pat at Platt College?

10 A No, sir; not in my conversation.

11 Q You don't know what she was referring to when she said,  
12 "They think I met Pat at Platt College"?

13 A No, sir.

14 Q Did she tell you that she had been sniffing lighter fluid  
15 that day prior to these events taking place?

16 A Yes.

17 Q Incidentally, did you have occasion to go out to the scene  
18 after the body was found?

19 A No, sir, I did not.

20 Q You didn't participate in the scene?

21 A No, sir.

22 Q Now, when you asked her what weapon she had, she told you  
23 she thought she had a knife, isn't that correct?

24 A Yes.

25 Q You asked her where she carried the knife, and she said she

1           wasn't sure where she carried it, whether it was in a sheath  
2           or in a back pocket?

3       A       That's correct.

4       Q       She did tell you that she got a steak knife to cut this  
5           wire to use to tie up Pat?

6       A       Yes, sir.

7       Q       And of course, if she already had a knife, there would be  
8           no reason to go to the kitchen to get a steak knife to do  
9           it, is that correct?

10      A       I don't know what her reasons were, sir.

11      Q       But she said she thought she had stabbed her two or three  
12           times and hit her with a flashlight?

13      A       Yes, sir.

14      Q       Do you know whether or not any flashlight was found there  
15           at the scene?

16      A       Not to my knowledge.

17      Q       And she told you about the broken window that had been re-  
18           paired with the paper put in it?

19      A       Yes, sir.

20      Q       Of course, December 10th was after the officer took her out  
21           there to the scene on December 3rd?

22      A       This is correct.

23      Q       And I believe she told you in a couple of different places  
24           when she was describing her actions in committing this  
25           homicide, that it was like she was standing outside looking

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

in?

A : Yes, sir; on at least one occasion.

Q It was like standing on the outside looking in. In other words, she didn't really think she was doing it, is that correct?

MR. ROBB: Objection; that's calling on this witness to speculate.

THE COURT: Sustained.

MR. DUNCAN: I have no other questions.

MR. ROBB: No redirect, your Honor.

(Witness excused.)

MR. ROBB: Your Honor, at this time I would reoffer, just to make sure, Exhibits 1 through 39.

MR. DUNCAN: My record shows they are all in.

MR. ROBB: The State of Missouri rests at this time.

(The jury was excused from the Courtroom, and the following proceedings were had:)

(Defendant files motion for judgment of acquittal at the close of the plaintiff's evidence, which was by the Court taken up, considered and denied.)

1 MR. DUNCAN: Your Honor, for the record, I would like  
2 to make an offer of proof regarding the Muehlenbach state-  
3 ment. There has been some discussion about it, but if  
4 allowed to testify, I believe that he would testify in  
5 accordance with a report which sets forth that on April 7,  
6 1981, Detective Muehlenbacher came in contact with the  
7 defendant, and it was in regard to another missing person,  
8 but that in explaining it, she went into the facts of this  
9 particular case and said that Mike Hollman, in the company  
10 of another young black man named Joe, about 12 years old,  
11 had committed the murder, and she was present and observed  
12 it. This was three days before she entered a plea of guilty.

13 THE COURT: All right; I have already looked that over  
14 during the noon hour, and have thought about it. I don't  
15 believe it's admissible. It's a self-serving declaration  
16 after she has been charged, so it will be refused.

17 MR. DUNCAN: The second offer of proof I would make  
18 would be in regard to the Bobby Cummings matter; that if  
19 Detective Fueston was allowed to testify on cross-exami-  
20 nation, he would testify that Dale Sullivan, the defendant's  
21 lawyer, told him that the defendant's story then, after  
22 receiving a letter from Mr. Cummings-- And basically, the  
23 letter from Mr. Cummings said, "Hi, Sandy. Remember me,  
24 I'm the guy that gave you a ride at Dearborn." That Sandy  
25 then told Mr. Sullivan, who told Detective Fueston, that