

Thomas Wicker - Direct
(Thomas Henry Wicker)

1 Your Honor.

2 THE COURT: Further questions?

3 MR. DUGGAN: No, Your Honor.

4 THE COURT: Any questions from the jury? If
5 there are none, you may be excused.

6 (At 2:48 p.m., witness excused)

7 MR. GUST: We call Thomas Wicker, Your Honor.

8 THOMAS WICKER,

9 Being first duly sworn at 2:49 p.m., testified on
10 his oath as follows:

11 DIRECT EXAMINATION

12 BY MR. GUST:

13 Q Would you state your name, please.

14 A My name is Thomas Henry Wicker.

15 Q So your name is not Thomas Peter Wicker?

16 A Peter is a nickname my grandfather gave me when I was
17 a young guy, a young kid.

18 Q Your grandfather gave you the name Peter Rabbit?

19 A Right, because I moved around a lot when I was
20 younger.

21 Q Mr. Wicker, you were here when Anthony Thomas
22 testified, were you not?

23 A Yes, I was.

24 Q Do you know Anthony Thomas?

25 A No, I don't. Not personally, by name.

1 Q Have you seen him before?

2 A Yes, I have seen him before.

3 Q Now, he testified about an incident that would have
4 occurred in March of 1998 outside a recording studio
5 or something.

6 Do you recall that?

7 A Yes, I do.

8 Q Describe as best as you can recall what happened
9 regarding that incident that he told us about.

10 A I think it was March the 25th. I am not for sure.
11 Me, Duane and a guy name Dex was --

12 Q You and Duane who?

13 A Me and a guy named Duane and Dex was going to a studio
14 that's on Genesee.

15 Q What's the name of the studio?

16 A I wouldn't even know the name of the studio. I know a
17 relative of mine managed it named Jimmy Billy.

18 Q What kind of studio is it?

19 A What you do is you pay for a slot and the slot means
20 you pay the money in advance, and then you get a
21 chance to go in and make a demo tape. They put the
22 music with it and you make the rap.

23 Q You heard his description of the events that evening,
24 did you not?

25 A Yes, I did.

Walker's
version
of what
happened

1 Q What's your version of what happened?
2 A This is what occurred. We pulled up to the studio.
3 It was like six or seven more people outside the
4 studio. I was driving the car. Duane was on the
5 passenger's seat, and Dexter was in the back. When we
6 got out of the car, I was talking to some guys, and
7 they was talking to some guys, and then Anthony
8 Thomas, whatever his name, asked Duane can he talk to
9 him, and he said yes. So he went over there by his
10 car, one thing led to another, they was fighting. I
11 don't know what they was fighting about at the time.
12 So as they was fighting, people broke it up. They got
13 loose on each other again. They was fighting again.
14 The police arrived about -- well, before the
15 fight begun there was a police officer right in front
16 of us, had a car pulled over. It was no more than 15,
17 20 feet away from where the police had the car pulled
18 over. So when they got to fighting, we broke them up,
19 they fought again, the police came. Everybody backed
20 out. The police got about four people, took them to
21 the ground.
22 I walked into the building with the guy that was
23 managing the building. So the guy says shut the door.
24 Whatever is going on out there leave it out there. We
25 shut the door, and that's how I was.

1 The next day when we came out, my grandmother's
2 car was gone. A few more guys' cars was gone. Duane
3 Jilks and Anthony Thomas was going to jail. The
4 police released two or three other guys that was out
5 there.

6 Q Did you ever threaten Anthony Thomas that day?

7 A Why would I threaten him when I don't even know
8 Anthony Thomas. I have no knowledge of the guy. I
9 have seen him playing basketball, but personally I
10 have no reason in the world to have anything against
11 Anthony Thomas. He was a kid. I am 34. He's 25.

12 Q Now, do you know Robert James Mason?

13 A I never seen Robert James Mason at that studio. I
14 never seen Robert Mason in my life. May the 18th when
15 I went to court for a preliminary hearing was the
16 first time I ever seen Mr. Mason in my life. I am
17 willing to take a lie detector test to that. I never
18 ever seen Mr. Mason in my life until May the 18th.

19 Q And obviously he's quite a distinctive individual,
20 he's a big man, is he not?

21 A If I have seen him, I am sure I would remember him.

22 Q Now, do you recall the date of April 29, 1998?

23 A Yes, I do.

24 Q And it was -- how long after that were you arrested?

25 A After April -- I was arrested May the 2nd.

1 Q So this was about three days after the incident, this
2 alleged incident you were arrested, correct?

3 A Yes, I was.

4 Q What did you do on May the -- on April the 29th?

5 A April the 29th, the morning, Tracy Young -- well, I
6 met Tracy Young at her job, about in 1996, July of
7 '96. She went from one job to another, and I was at
8 another job. So I got laid off from my job that I was
9 at, and she was working at another job. So I stayed
10 with her the majority of the time. I lived with her.
11 She was my girlfriend.

12 She got up and went to go to work. I got up to
13 go to my grandmother's house. My little nieces and
14 nephews, they all was asking me to take them fishing,
15 but I go fishing anyway, I got a fishing license that
16 I got in April I think it was, April the 11th, April
17 the 10th. I go fishing a lot. They was asking me all
18 the time would you take us fishing. So I told my
19 grandmother and my mother let's get together, take the
20 kids fishing today. My grandmother had just had open
21 heart surgery. She was like okay, I could go for
22 that, because she is very strict of her great
23 grandkids because she have custody of them. So I
24 called Tracy, asked her to meet us at my regular
25 fishing spot which is behind the Temple Theatre.

1 That's the regular spot that I go to.

2 Q What time did you go to the fishing spot this day, do
3 you remember?

4 A I know it was between 5:00 or 4:00. My mother, my
5 grandmother, my two nieces and my nephews took me
6 there. They stayed there for a while. Then my nieces
7 and nephews fished for a while. They didn't stay very
8 long.

9 Q And how long did you stay?

10 A I stayed from approximately from 4:00 to 5:00 to about
11 9:30, something in that time.

12 Q Where was Tracy during this time?

13 A Tracy was there, her and her daughter. And I am not
14 for sure, I think she had her nieces and nephew with
15 her, but I am not for sure.

16 Q What did you do after you finished fishing?

17 A After we finished fishing I left with Tracy. We went
18 from the Temple Theatre to 12th Street. I came
19 outside. Well, I never went in the house. I took the
20 fish, poured the water off of them, took them on the
21 front porch, cleaned them with the kids. They were so
22 excited. They were so happy. People from across the
23 street came over, let me see, what did you catch. I
24 think it was Duane Jilks might have stopped by and
25 people from across the street. The people across the

1 street was older people. Mr. Wilson, they are like
2 45, 48. They older people.

3 Q And so you cleaned the fish. Then what did you do?

4 A I cleaned the fish, I cooked the fish. Me and my
5 nieces and nephews, we ate them. I left there, went
6 to Tracy's house, took a bath, and we went to bed.

7 Q And that concluded your day?

8 A That concluded my day. I never shot at any of these
9 people. I don't even know where this man stayed. I
10 don't know nothing about this man.

11 Q Did you do any of these things they alleged you did
12 here?

13 A No, I didn't.

14 MR. GUST: Thanks.

15 C R O S S - E X A M I N A T I O N

16 BY MR. DUGGAN:

17 Q Do you know what an uzi is?

18 A I have heard of what they was. Personally I never
19 had, no.

20 Q Do you know a person named Lawrence Coats?

21 A Yes, I know Lawrence Coats.

22 Q Was he one of the people that came by the house to the
23 porch April 29th?

24 A No.

25 Q Was Dexter Orosco at your house that night?

1 A I don't think so. No, no. I am for sure Dexter
2 wasn't there that night.

3 Q Grandmother is mistaken?

4 A Yes. There was so many people coming from across the
5 street in the neighborhood. When you go fishing,
6 people want to know what you caught. Do you know what
7 I am saying?

8 Q Did your grandma tell you that they executed a search
9 warrant at 726 South 12th?

10 A Yes, she did.

11 Q Was she upset?

12 A Yes, she was.

13 Q Do you remember talking to Detective Sanchez about
14 that on the phone?

15 A Me and Mr. Sanchez never talked about the search
16 warrant. I called Mr. Sanchez after they raided my
17 grandmother's house asking them what was they looking
18 for. Mr. Sanchez told me they was looking for drugs.

19 Q After the younger kids stopped fishing, where did they
20 go and what did they do?

21 A I don't understand what you're saying.

22 Q You said that there were nieces or nephews or
23 grandchildren that were involved in fishing for a
24 while.

25 A They left when my grandmother and my mother left.

1 Q The only ones who remained at the spot were you and
2 Tracy?
3 A Yes.
4 Q And Tracy had a car?
5 A A white Sunfire.
6 Q And that's how you two left later around 9:30?
7 A Yes.
8 Q And the cleaning and cooking, eating of fish and
9 visiting lasted for a couple of hours at 726 South
10 12th?
11 A Yeah, I caught over 20 fish. I caught some sheep
12 heads, I caught some sunfish, I caught some silver
13 bass minnows. Mostly fish I caught were worms.
14 Q Did you then go to Tracy's house directly from 726
15 South 12th?
16 A Yes, I did.
17 Q Of your own knowledge and memory, rather than what
18 anyone else has said, what do you know the time to be
19 that you went to Tracy's? And if you don't know, you
20 can estimate.
21 A Inbetween 11:30 and 12:00. Because I had to clean up
22 my mess that I made.
23 Q So between 11:30 p.m. and midnight of April 29th?
24 A Yes.
25 Q How close is Tracy's Vista Villa apartment to 3250

1 Bundy?

2 A I never been on Bundy Street before so I couldn't tell
3 you. I wouldn't even know where Bundy Street was
4 located in the City of Saginaw.

5 Q When you got to Tracy's is all you did is take a bath
6 and go to bed?

7 A Took a bath and went to bed.

8 Q And were there any other people in that house or
9 apartment when you got there?

10 A Like I say, it was me, Tracy, her daughter I know for
11 sure, and maybe a niece and nephew, Georgie and Janie.
12 I am not for sure really about the kids.

13 Q Did, if you know, and have memory of it now, did Tracy
14 go off to sleep pretty much as soon as she went to
15 bed?

16 A I went to sleep before Tracy.

17 Q Quickly?

18 A Took a bath. Both of us took a bath together, a
19 shower.

20 Q You went to sleep quickly?

21 A Went to sleep.

22 Q You personally?

23 A Personally.

24 Q Would that be perhaps minutes?

25 A Took a bath. I would say in the next 10, 15, 20

1 minutes I was sleeping.

2 Q Back on March 25, 1998, when Duane Jilks and Dex and
3 you were going to the studio, did you have any other
4 friends with you?

5 A No.

6 Q No other acquaintances?

7 A No.

8 Q And when you came up you saw police?

9 A No.

10 Q That was later?

11 A When I came up it was people standing out there. It
12 was like six or seven people. It was one police, no
13 more than from here to that -- where the chair is at
14 back there, had a car pulled over.

15 Q Marked car?

16 A Yes, blue car with lights.

17 Q And you didn't know the people they had pulled over?

18 A No, I didn't. It was a car they had pulled over.

19 Q And for some reason Duane wanted to have conversation
20 or Anthony Thomas wanted to have conversation with
21 Duane?

22 A Yes.

23 Q And did you hear how they called to each other?

24 A I think Mr. Thomas called Duane, said can I have a
25 word with you or something like that.

1 Q Did Duane act like he knew him before he went over
2 there?
3 A Yes.
4 Q Did he say that's Chan?
5 A I don't remember him saying that's Chan. All I
6 remember is him just walking over.
7 Q Did you ever hear the nickname Chan, other than this
8 case?
9 A Yes. Since I have been arrested I have heard Chan a
10 thousand times.
11 Q And are you testifying that you are not the man who
12 got in the window in the face of Anthony Thomas in
13 that car?
14 A I am 110 percent sure that I did not put myself in
15 Anthony's car at no time. I was not the guy who
16 assaulted him. I was not the guy who shot at him,
17 none of that.
18 Q And back on March 25th then when Duane got in the face
19 of that Anthony Thomas, where were you?
20 A I was standing over there by my car talking to a guy.
21 Q And when the police appeared to be involved in
22 intervening, gang task force people, going to break
23 this up, where did you go?
24 A I walked into the studio. What happened was they
25 jumped out of a truck, an Astro van, and it was like

1 -- it had to be 12 or 13 people out there. So they
2 grabbed who they wanted to grab. I did not run. I
3 did not flee.

4 Q Is Duane Jilks known as Little Rab?
5 A Yeah, they call him Rab.
6 Q Is Rab your nickname too?
7 A No. They call me Peter Rabbit.
8 Q Does Little Rab refer to he's the little version of
9 you?
10 A No.
11 Q Do you know where that came from?
12 A No, I don't.
13 Q During that time period of April -- actually March and
14 April of 1998, did you sustain any physical injuries
15 to your body?
16 A No, no. Any injury I got to my body have been there.
17 Q Do you know a person named Pratt?
18 A I don't know him personally, but I heard of him, yeah.
19 Q Does he hang out at a barber shop?
20 A I wouldn't know. I don't know him personally.
21 Q What did you consider your legal address on March 26,
22 1998?
23 A 726 South 12th.
24 Q What about on April 29th?
25 A 726 South 12th.

1 Q Did you know the police were looking for you after
2 April 29, 1998?

3 A No. The police wasn't looking for me, because when
4 they raided my grandmother's house I called Officer
5 Sanchez, and he said they didn't have a warrant for
6 me. So how was they looking for me?

7 Q You are talking though when they raided your
8 grandmother's house back in March. I am talking about
9 after the shooting.

10 A After the shooting? No, I didn't know they had a
11 warrant for me.

12 Q Do you know they were looking for you?

13 A No, I didn't know they was looking for me.

14 Q Did you see them staking out the house at 726 South
15 12th?

16 A No. They didn't get me at 726 South 12th. They got
17 me over at friends of my mother's. I was taking my
18 niece to get her hair braided.

19 Q Did you talk to the police and comment to them that
20 you knew that they were looking for you and you were
21 surprised they didn't take you off the night before?

22 A No, I didn't, sir.

23 Q From approximately midnight April 29th, which would be
24 going into April 30th the next day, until daylight,
25 were you simply in bed at Vista Villa Apartments?

1 A Possibility.

2 MR. DUGGAN: No further questions.

3 R E D I R E C T E X A M I N A T I O N

4 BY MR. GUST:

5 Q Did you ever leave Vista Villa once you got there?

6 A When, on the 29th?

7 Q Right.

8 A That night?

9 Q Correct.

10 A No, I never left that night.

11 Q All right.

12 A He said on the 30th. The 30th mean another day,
13 another morning.

14 MR. DUGGAN: Are you done?

15 MR. GUST: Yes.

16 R E C R O S S - E X A M I N A T I O N

17 BY MR. DUGGAN:

18 Q Well, let's get clear on this, when I said April 29th
19 which is up to midnight of the 29th.

20 A I had you mistaken. The 29th I was at home with Tracy
21 sleeping. The next morning, yes, I left there.

22 Q When you say that, you mean daylight?

23 A Daylight.

24 Q So what was the reference to possibility?

25 A You lost me. I don't understand.

1 Q You just said a possibility when I asked you were you
2 anywhere else but in bed from midnight --

3 A Because you had me confused, sir.

4 MR. DUGGAN: No further questions.

5 MR. GUST: Nothing further, Your Honor.

6 THE COURT: Any further questions from the jury?
7 Okay. Mr. Ahnger.

8 (bench conference)

9 THE COURT: Mr. Wicker, do you own a lime green
10 Cadillac?

11 A My grandmother does.

12 THE COURT: Have you ever ridden in the lime
13 green Cadillac?

14 A Yes, I have.

15 THE COURT: Okay. I have two other questions
16 which I won't ask since they are items that should not
17 be properly considered in terms of the instructions
18 that I will be giving you.

19 Any follow-up questions?

20 MR. GUST: None, Your Honor.

21 MR. DUGGAN: Yes, Your Honor.

22 BY MR. DUGGAN:

23 Q Was it, this lime green Cadillac, at the location by
24 the Play Style Studios back on March 25th?

25 A Yes, the lime green Cadillac was there, and Anthony

1 Thomas' car was there. They took both cars, and
2 Anthony Thomas and Duane Jilks went to jail that
3 night.

4 Q How do you know all that?

5 A Because you got it in your paperwork, and I get a copy
6 of it too.

7 Q You are saying Anthony Thomas went to jail?

8 A Anthony Thomas and Duane Jilks went to jail for
9 fighting each other. Correct, Mr. Sanchez?

10 MR. DUGGAN: I have no further questions.

11 MR. GUST: Nothing further, Your Honor.

12 MR. DUGGAN: I would -- subject to recall, I
13 assume we're going to have a brief recess here, unless
14 Counsel has another witness ready.

15 MR. GUST: No. We rested, Your Honor.

16 MR. DUGGAN: I would like a brief recess before I
17 give up the witness.

18 THE COURT: We will excuse Mr. Wicker from
19 further testimony then.

20 (At 3:16 p.m., witness excused)

21 MR. GUST: Defense rests, Your Honor.

22 THE COURT: Okay. Now, Mr. Duggan, you would
23 like --

24 MR. DUGGAN: I just need about five or ten
25 minutes if you wouldn't mind taking that kind of