

...do you solemnly swear, sir, that the testimony that you're about to give in this case, will be the truth, and nothing but the truth, so help you GOD?

BY WITNESS:

I do.

BY THE COURT:

Have a seat, sir.

PAUL DOMINICK, who, after first being duly sworn, testified under oath, under direct examination, at the instance of and by counsel, Mr. Harold Brouillette, which testimony is as follows:

BY MR. BROUILLETTE:

Is your name Paul Dominick?

A. Yes, sir.

Q. How old are you, Mr. Dominick?

A. Twenty-seven.

Q. Where do you live?

A. 320 Overton, Marksville.

Q. What is your occupation?

A. I'm a janitor at Sonic Drive-Inn.

Q. Mr. Dominick, do you know Vincent Simmons?

A. I do.

Q. Is that the man sitting next to me, here?

A. It is.

Q. How long have you known him?

A. Well, about a year.

Q. About a year? I'm going to direct your attention to May 9, 1977, and ask you if you saw Vincent Simmons on that day?

A. I saw him May 9th at night.

Q. That night? About what time?

A. About nine, fifteen.

Q. Where did you see him?

A. At the 7-11 in Marksville on Preston Street.

Q. Which 7-11 did you say?

A. 7-11 on Preston Street.

Q. How many 7-11's are there in Marksville?

A. Two.

Q. Where is the other 7-11?

A. Tunica Drive.

Q. What day of the week was this, that you saw him?

A. A Monday night.

Q. What where-- what were you doing at the 7-11?

A. Well, Monday nights, I go to work at 10:30, and I usually stop by there and drink coffee.

Q. Where is it that you go to work?

A. Sonic Drive-Inn.

Q. And, what time do you go to work at night?

A. At 10:30 during the week.

Q. You said, you're the janitor, there?

A. Right.

Q. Did you see Vincent Simmons at the 7-11?

A. Sure did.

Q. Did you talk to him?

A. Yes, a while after.

Q. Did anything unusual happen at the 7-11 on Preston Street?

A. Sure did.

Q. What happened?

A. Well, I was standing up there, talking with a girl, and drinking my coke, and two dudes got out of a car, and was asking about some dope..

Q. Asking who?

A. Vincent.

Q. Did you hear this?

A. Yes, sir.

Q. And, he told the man, he didn't have no dope..and to get out of his face. And, they argued...

BY THE COURT:

Did you say,goats?

A. Dope.

BY THE COURT:

Dope. Okay.

A. And, they started arguing, and got into a fighting.

Q. Who got into a fight?

A. Vincent and the dudes. And, after the fight was over with, they asked me.....for a ride. Him and Willie Gaines. And, I took 'em off of 7-11 off of Preston and dropped 'em at Mose's Place on Overton.

Q. Whose place?

A. John Mose.

Q. And, where is that?

A. On Overton.

Q. Is that in Marksville?

A. Right.

Q. Did you go in there for a while yourself?

A. Well, I dropped 'em, and I returned and went to work.

Q. About what time was that?

A. That was about ten, ten-fifteen.

Q. Did you see him go into John Mose's place?

A. Yes, sir.

Q. Are you sure this was on May 9th?

A. Yes, sir, I am?

Q. How do you know that?

A. Because May 8th was Mother's Day, and we played baseball in the Park. Marksville played Bunkie.

Q. And, what, you remember this was the next day?

A. The next day, work day.

Q. That's all the questions I have.

MR. PAUL DOMINICK, who, after first being duly sworn, testified under oath, under cross examination, at the instance of and by counsel, Mr. J. Eddie Knoll, which testimony is as follows:

BY MR. KNOLL:

Do you know who those two dudes were, that got out of the car, at Preston Street, and fought with Vincent Simmons?

A. Like I say, know them by name, I didn't. But, if I would see 'em I could recognize 'em.

Q. Can you describe 'em for me?

A. One was a tall slender fellow, about 135 pounds and longhair. The other dude was short and chubby, about 145, long hair. They had a slag, on the left hand side.

Q. A what?

A. A slag.

Q. A slag?

A. Um-hum. A tooth missing.

- Q. A tooth missing. Okay, so, one fellow had a tooth missing?
- A. Right.
- Q. And, the other one was about how tall -- you say, he weighed about 135 pounds?
- A. Right.
- Q. About how tall was he?
- A. I would say about 5' 10".
- Q. About 5' 10", and weighed about 135 pounds. Okay. Can, you give me any other physical descriptions of the one that had the tooth missing? Can you describe him for me?
- A. He ranged about 145 pounds, long hair. No marks that I could tell of, but that tooth was missing.
- Q. Tooth was missing?
- A. Right.
- Q. Okay, now, what color clothes did they have on?
- A. What color clothes did they have on?
- Q. Um-hum.
- A. I couldn't tell you.
- Q. Can't tell us?
- A. No, cause I can't tell what color I have on, sometimes.
- Q. You don't know what color you have on sometimes. Do you know what color you have on right now?
- A. Well, yes, it might be white and a little blue.
- Q. Were these dudes white dudes or black dudes?
- A. Two white dudes.
- Q. Whitedudes. And, they went up to Vincent Simmons and asked him, did he have any dope, is that what you're saying?
- A. Right, that's what I'm saying.

- Q. And, Vincent Simmons got mad, because they went and asked him did he have any dope?
- A. That's right.
- Q. And, so, he told 'em to get out of my face, and then they went to fighting, then, is that correct?
- A. Yes.
- Q. Now, you say, this was about 9:15?
- A. About 9:15.
- Q. And, you go to work at 10:30, at the Sonic?
- A. That's right.
- Q. As a matter of fact, the Sonic is right over here on Tunica Drive, isn't it?
- A. That's right.
- Q. From the 7-11 on Preston, to the Sonic, on Tunica Drive, is only a distance of what -- maybe a half mile?
- A. Or less.
- Q. Or less. A half mile or less, huh? And, you go to work at 10:30?
- A. That's right.
- Q. And, so you had to leave work sometimes -- leave for work, from your home, sometimes before 9:15, is that right?
- A. No. I leave right when I get ready to go to work.  
But I be at 7-11 at all times, sometimes.
- Q. Oh, you congregate at 7-11?
- A. Well, I stop there and talk there.
- Q. Who was the cashier on duty that night?
- A. Richard Craig.
- Q. Richard Craig was on duty?

A. Yes.

Q. And, who else was on duty?

A. Just one cashier was on duty.

Q. One cashier, huh?

A. Right.

Q. And, who else was there besides Craig?

A. That night, when the fight started, we had Leon Anderson, Alfred ... (unintelligible), Willie Gaines, myself, and a girl named Carol Alexander. She was sitting on my car.

Q. And, did the two dudes ask Willie Gaines if he had any dope to sell?

A. It wasn't the two dudes asking for dope, just one.

Q. Oh, one dude was asking for dope?

A. Yes.

Q. Okay, well, did the one dude ask Willie Gaines for dope?

A. Yes, he did. He asked several people.

Q. And, what did Willie Gaines tell him?

A. He didn't have none, and didn't know what it was.

Q. He didn't know what it was?

A. That's right.

Q. Is that what you're saying Willie Gaines...

A. He didn't have any, and didn't know where any was.

Q. He didn't know where any was. Do you know that Willie Gaines has been convicted for Distribution of Marijuana in this Court?

A. Sure, I do.

Q. Do you know that he has been convicted of Distribution of Marijuana in this court since May 9, 1977?

A. Sure do.

- Q. But, Willie Gaines said he didn't have any dope, huh?
- A. That's right.
- Q. Okay, let's get back to the time, again. You had to go less than a half a mile, to get to your work. And, you said that you stopped at the 7-11 on Preston Street, before you went to your work, and that was about 9:15?
- A. That's right.
- Q. Do you always go to work somewhere in the neighborhood of an hour to an hour and a half ahead of time?
- A. Oh yes.
- Q. Oh, you do?
- A. Oh yes. It gives me time to stop at the store and mess around with the boys.
- Q. Oh, you wanted to stop at the store and mess around with the boys, and one of whom was Vincent Simmons, is that correct?
- A. No.
- Q. Vincent Simmons is a close friend of yours, is he not?
- A. No, he's not.
- Q. No, he's not?
- A. No, he's not.
- Q. Is he your buddy?
- A. Not my buddy, even.
- Q. Not your buddy, and you don't know him very well, huh?
- A. That's right.
- Q. Allright, when they went to fighting, the two white dudes started fighting with him?
- A. No, just one of 'em.
- Q. One of 'em?



- A. Yes.
- Q. Which one started fighting with him?
- A. The little short one.
- Q. The little short one, the one that didn't have a tooth, huh?
- A. Yes.
- Q. Okay, now, did anybody go there to stop 'em? How did they stop?
- A. Huh?
- Q. How did they stop?
- A. The white dude started running, Man.
- Q. Oh, the white dude started running?
- A. Right.
- Q. And, what did the other white dude do?
- A. He was trembling; he was scared.
- Q. He was trembling and scared?
- A. Yes, very scared.
- Q. In other words, you know that Vincent Simmons is a good fighter, don't you?
- A. Yes, I know he's a fighter.
- Q. Okay, now, did I understand you to say that when y'all left there you took Willie Gaines in your car, along with Vincent Simmons, and dropped 'em off at John "B.B." Mose's place, is that correct?
- A. That's right. That's right.
- Q. And, you say you know that this was -- that this would happen to be on May 9th, because the day before y'all had played baseball?
- A. That's right.
- Q. Now, okay, tell me how you can make some kind of a connection between baseball on the previous day, and a fight on the next day? Now, you explain that to me.

- A. Well, I could easily explain it to you. We had a baseball game in the park that Sunday, Mother's day.
- Q. We're talking about Monday, now.
- A. Okay, and that following Monday was Monday. I know I'm off on Sunday nights and Mondays I have to go to work. And, that Monday night, about nine o'clock, I left to go to work, I picked up a chick, and I stopped at 7-11, often every night I'm there. That's every night of the week.
- Q. That's right, every night you're there. Seven nights a week. You go to work on Tuesday nights, don't you?
- A. I go to work Monday, Tuesday, Wednesday and Friday and Saturday.
- Q. Monday, Tuesday — when? Monday, Tuesday...
- A. Wednesdays.
- Q. Wednesdays.
- A. Thursdays, Fridays, and Saturdays.
- Q. Thursdays, Fridays and Saturdays. So, you work six nights out of the week, don't you?
- A. Right.
- Q. So, in other words, all you can really tell, if you want to tell the truth, is that you did, in fact, stop one night, when there was a fight between Vincent Simmons and a white dude, and you don't know exactly what night it was?
- A. All I can say is that I stopped and I saw Vincent Simmons there, Monday night, to the "T". He was there on Monday night, and more than me saw him. About fifty people saw him that Monday night.
- Q. How long have you been working for John Mose?
- A. How long have I been working for John Mose?
- Q. Right.

A. I don't work for John Mose.

Q. You use to work for John Mose, didn't you?

A. Yes.

Q. How long did you work for John Mose?

A. Well, about three or four years.

Q. You were the bouncer over there at his place, were you not?

A. That's right.

Q. You don't work over there any more at all?

A. No.

Q. Now, have you ever been convicted of a crime?

A. A crime?

Q. Yes. A crime.

A. No.

Q. You never have, huh?

A. No.

Q. That's your sworn testimony, right?

A. A crime or a felony, Man? No.

Q. Okay. On January 4 of 1970...

BY MR. BROUILLETTE:

Your Honor, could we have a short recess, please?

{RESUMING AFTER SHORT RECESS}

Q. Okay, Mr. Dominick, in other words — allright, let me ask you this? Are you telling the truth, about never having been convicted just like you're telling the truth about what you're testifying here today?

A. I have never been convicted in this court upon felony charge.

Q. I'm asking you, have you ever been convicted of a crime?

A. What you mean by a crime? 196

Q. Allright, well, let me just ask you, since you don't know.  
On January 4, 1970, were you -- were you found guilty of  
speeding in the Marksville City Court?

BY MR. BROUILLETTE:

*objection*  
Your Honor, I'm going to enter the same objection that I entered  
yesterday.

BY THE COURT:

Would you repeat it?

BY MR. BROUILLETTE:

I object to evidence of traffic and misdemeanor offenses; they  
have no relationship whatever as to the credibility of the  
witness; and I wish to make the objection general.

BY THE COURT:

Allright, the court will overrule the objection, and permit the  
testimony. Go ahead.

Q. Your Honor, we'd like to refer Mr. Brouillette to the case of  
STATE versus ODOM. I'll ask the question again.

BY MR. BROUILLETTE:

All....Mr. District Attorney?

BY MRS. KNOLL:

All Misdemeanors, Mr. Brouillette.

Q. Okay, on January 4, 1970, were you found guilty of speeding  
in the Marksville City Court?

A. Maybe I was, might of.

Q. Okay. On July 31, 1971, were you found guilty of "shop lifting"  
in the Marksville City Court?

A. Sure was.

Q. You sure were, huh? On October 9, 1971, were you found guilty of

"improper parking" in Marksville City Court?

A. Sure was.

Q. Okay. On February 2, 1976, were you found guilty of "Simple Battery" in the Marksville City Court, Mr. Dominick?

A. Sure was.

Q. Okay. On August 16, 1976, were you found guilty of "Disturbing the Peace" in the Marksville City Court?

A. Oh yes.

Q. On January 11, 1977, were you found guilty of an "improper left turn" in the Marksville City Court, Mr. Dominick?

A. Oh yes.

Q. On May 2, 1977, were you found guilty of "Simple Battery"?

A. Oh yes.

Q. Okay, so in other words, now you have been convicted of some crimes, is that correct?

A. Oh yes. That's no felony, though pardner. Everything you've got there, I've been doing it. I did it.

Q. You did all those things?

A. That's right.

Q. Okay. We have no further questions for that witness, your honor.

BY MR. BROUILLETTE:

We have no further questions.

BY THE COURT:

Allright, that's all.

BY MR. BROUILLETTE:

We call Willie Gaines; he's up in the jail. Raise your hand and be sworn. Do you solemnly swear, that the testimony you're about to give in this case, will be the truth, and nothing but