

representing the State. Would you waive polling the jury?

BY MR. KNOLL:

State waives polling, your honor.

BY MR. BROUILLETTE:

The defense waives polling.

BY THE COURT:

Allright, both sides waive polling the jury. We had taken the recess, in order to locate the witness, John Mose. He explains that he was downstairs, and gone to use the rest room, and I'll swear him at this time. Raise your hand. Do you solemnly swear, sir, that the testimony, which 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.

MR. JOHN MOSE, 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:

Are you John Mose?

A. Yes, I am.

Q. Where do you live, Mr. Mose?

A. At 520 Allen Street.

Q. In what town?

A. Marksville.

Q. How old are you?

A. Thirty-eight.

Q. What is your occupation?

A. I'm self employed.

Q. What do you do?

A. I run a night club.

Q. Do you know Vincent Simmons?

A. Yes, I do.

Q. Is this the man sitting next to me?

A. Yes, it is.

Q. How long have you known him?

A. About a year, year and a half, maybe more.

Q. Is he a friend of yours?

A. No, he's not.

Q. How long have you been operating a club?

A. Since 1969.

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

A. May 9th?

Q. May 9th, 1977.

A. Not during the day, no.

Q. Did you see him on the evening of May 9, 1977?

A. Yes, I did.

Q. What day of the week was that?

A. It was on a Monday.

Q. About what time did he arrive? First of all, where did you see him?

A. He was at the place.

Q. Your place of business?

A. Yes, sir.

Q. Were you working there at that time?

A. Yes.

Q. Do you know about what time he got there?

A. I'll say anywhere from 9:30, 10:00 o'clock; somewhere in that area. Right before 10:00.

Q. Do you know who he was with, when he got there?

A. He got there with Paul Dominick.

Q. Is there any particular reason why you remember he was at your place that night?

A. Yes.

Q. What reason is that?

A. They had a fight that lasted over thirty somewhat minutes, scuffling and arguing.

Q. Did you break it up?

A. Yes, sir.

Q. Did you call -- was he involved in it?

A. Yes, he was involved in it.

Q. Did you call for the law enforcement officers?

A. I did.

Q. Did they arrive right away?

A. Oh, it was about twenty minutes. I sent a guy to get 'em in a truck. It was anywhere from twenty minutes to thirty minutes.

Q. How long did Vincent Simmons stay at your place?

A. He didn't leave until after one o'clock.

Q. You're sure of that?

A. I'm positive; I had his knife.

Q. And, did you give it back to him when he left?

A. I gave it to the law to give to him.

Q. Was he at your place, the entire time, from when he arrived to

when he left?

A. Well, he stood up there by the juke box there, thinking away, and watching these other fellows, here. And, that's when Percy Pierrette went by, that's when he hit him with that knife.

Q. How do you know that this was May 9th?

A. ~~How do I~~ I know it was May 9th? Well, I'll tell you, early that evening, my wife and I got into an argument because I hadn't bought her nothing for Mother's Day.

Q. When was Mother's Day?

A. That Sunday. And, I told her, the reason why I hadn't bought her nothing, my birthday was May 6th, and she hadn't bought me nothing, so I didn't buy her nothing.

Q. That's all the questions I have.

MR. JOHN MOSE, 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:

Mr. Mose, what is the name of your night club?

A. J & J Snack Bar.

Q. J & J Snack Bar? And, it's also a night club, is that right?

A. That's right.

Q. You sell alcoholic beverages and so forth, in your club, do you not?

A. That's right.

Q. And, did I understand you to say that you're not a friend of Vincent Simmons?

A. I'm not a friend of him.

Q. You've been knowing him about a year, you say?

- A. About a year, a year and a half, at the most.
- Q. Does he frequent your place? Does he come to your place?
- A. Yes, quite often.
- Q. Quite often. About how often, would you say, he comes to your place?
- A. Well, it depends. If he don't cause no confusion in that night, he might be there four, five, six nights in a row.
- Q. If he doesn't cause any confusion, he would be there, five, six nights in a row? And, if he causes confusion, then you don't have him come back?
- A. Well, I usually put him out, and he just stays over until it cools off, and he'd come back.
- Q. Come back. Does he buy stuff at your place, when he's there?
- A. Well, he -- mostly he buys beer.
- Q. Beer. Does he buy any liquor?
- A. Maybe a little wine.
- Q. Any whiskey or vodka, or gin, scotch...
- A. No.
- Q. The only thing he drinks is beer and wine? Is that correct?
- A. Well, I wouldn't say that. That's all I ever sold him, that I know.
- Q. That's all you ever sold him. And, when he comes over to your place, like on the five or six nights in a row, he comes in and he partonizes you, and he buys liquor from you or beer and wine, is that right?
- A. Yes, he doesn't buy that much.
- Q. He doesn't buy that much?
- A. He never has that much money on him. Usually, he'll try to climb

you out of it, or wind up trying to get it on credit, or he'll get together with the boys, and they get it.

Q. Um-hum.

A. <sup>u</sup>ne way or the other.

Q. Okay, now, you said he came in with Paul Dominick?

A. (heard no answer)

Q. Did he come in with anybody else?

A. Well, Paul Dominick wasn't by himself.

Q. He wasn't. Who was Paul Dominick with?

A. He had a lady friend with him.

Q. A lady friend? Who was the lady?

A. I don't know her right then. All I know is "Tiny".

Q. Is what?

A. All I know is "Tiny".

Q. Tiny. This is the first time Paul Dominick came in your place with Tiny, or had Tiny been there with him before?

A. No, she's been there with him practically every night.

I sent Paul up there to get me some ice.

Q. You sent Paul where?

A. 7-11.

Q. Oh, you sent him to 7-11 to get you some ice?

A. That's right.

Q. And, so, he went back to your place to bring some ice to you, is that correct?

A. That's right.

Q. And, when he came back, did he bring the ice with him?

A. Yes.

Q. And, he brought Tiny with him?

A. And Vincent.

Q. And, Vincent. Brought Tiny and Vincent with him.

Is Paul married?

A. Not that I know of.

Q. You don't know whether or not Paul's married or not?

A. Well, I know he's not married.

Q. He's not married. Has he ever been married?

A. Well, I'll say no. He's never been married.

Q. Now, who all was involved in that fight?

A. The fight that was started in the place?

Q. Um-hum.

A. Well, actually, it was him and Percy Pieritte.

Q. Who, you're talking about Vincent Simmons? And Percy Pieritte?

A. Vincent Simmons — Dudley Patterson was in it.

BY MRS. KNOLL:

Who?

Q. Dudley Patterson.

A. Charles Booker actually kicked it all.

Q. Charles Booker?

A. Charles Brooks.

Q. Charles Brooks.

A. That's the name he goes under.

Q. Charles Books, that's the brother-in-law of T-Pou, right?

A. I think so, yes.

Q. Alright, was there anybody else?

A. Myself.

Q. Oh, you were in the fight, too?

A. No.

- Q. Now, I'm talking about the ones that was fighting now, okay?
- A. There was no fight, it was a scuffle.
- Q. Well, wait, now, you testified earlier that there was a fight and a scuffle for thirty minutes.
- A. There was. That's right. You see, this boy here, was stepping out; he was tearing up chairs, and going on, and this - and Vincent wanted to stop this.
- Q. Alright, now, so you're talking about Charles Brooks?
- A. Huh?
- Q. Charles Brooks?
- A. No. It's Dud.
- Q. Who?
- A. It was Dud.
- Q. Dud who? Dudly Patterson?
- A. Yes. Him and Percy must have had some misunderstanding before this. And, Percy went back there, to see what's going on, and to kick one off. That's what I call it.
- Q. Wait, now, you're going to have to come back. I don't understand all that talk. Now, you're going to come back where I can understand it. Okay? Alright, you say that Dudley Patterson was flipping out, is that right?
- A. That's right.
- Q. Okay, now, what do you mean, by he was flipping out?
- A. Well, he had grabbed a chair, and he was tearing it up, and he hit Vincent with the chair -- I'll say, by accident. But, he didn't want to understand that.
- Q. Who didn't want to understand that?
- A. Vincent.



- Q. Vincent didn't want to understand that Dudley hit him by mistake?
- A. No. I went back there and talk with him. He said, I already been in one brawl tonight. He says, I'll be in another one, he says, if he hit me again with that chair.
- Q. Um-hum. So, he -- did Vincent hit Patterson?
- A. No.
- Q. He didn't hit him?
- A. When he pulled out the knife, I pushed him.
- Q. Alright, so Vincent pulled out a knife?
- A. That's right.
- Q. And, then you pushed him? And, you took the knife away from him?
- A. At gun point.
- Q. You took out your gun?
- A. That's right. And, I would have shot him, too. If he would have made one more step, I'd have burned him. You'd better believe it.
- Q. Alright, so you got his knife away from him?
- A. That's right.
- Q. Okay. Now, what was Percy Pieriette doing?
- A. Percy Pieriette and Vincent had some kind of misunderstanding along with the other one that was going on..
- Q. Alright, do you know what happened between Vincent and Percy?
- A. I don't know.
- Q. You don't know. But, did they tussle; did they fight?
- A. Yes,, they tusselled around.
- Q. They hit one another?
- A. No.

- Q. They didn't. They just tussled, is that right?
- A. The man had a knife; nobody wasn't going on him.
- Q. Okay, now, what about Charles Brooks? What happened to Charles Brooks?
- A. Charles Brooks was interested in the liquor.
- Q. He was interested in the liquor?
- A. That's what he wanted; he wanted that vodka.
- Q. Okay, but what did Charles Brooks do?
- A. Just con around; he was nagging Dudley, and tell him all kinds of different things there. He was drunk.
- Q. He was drunk?
- A. And, Dud kept telling him he didn't want him in his face.
- Q. So, Dudley told Charles Brooks he didn't want him in his face; so Dudley pulled out a chair...
- A. No, he broke up my chair, first.
- Q. Broke up your chair first, and then he hit Vincent, is that right?
- A. No, when he wheeled around the chair and hit Vincent; you see Vincent was already leaning trying to think, standing practically over him.
- Q. Okay, now, you called the law enforcement people?
- A. I sure did.
- Q. Who did you call?
- A. Well, I called the law.
- Q. Yes, well who did you call?
- A. Well, you want to know who arrived on the scene.
- Q. Allright, tell me who arrived?
- A. Officer Guillot, accompanied with -- well, I don't know him by

his first name -- named Greenhouse.

Q. Newman Greenhouse, huh?

A. Well, I'd say yes.

Q. That's not Earl Greenhouse?

A. No.

Q. Okay.

Q. Alright, did you -- did you press any charges against him -- against any of these people?

A. No.

Q. You didn't press any charges?

A. You can ask Officer Guillot.

Q. Alright, did you tell them who all was involved in this?

A. Uh?

Q. Did you tell 'em who all was involved in it?

A. All I told 'em about was Vincent with his knife.

Q. You told 'em that Vincent had a knife?

A. Right.

Q. Do you know, whether or not they made any kind of an arrest or anything at that time?

A. No. I didn't pursue it no further.

I just told Officer Guillot what was going to happen the next time he pulled that knife, and made a couple of more steps on me.

Q. You didn't pursue it any further. Um-hum. And, this all happened on the same day that Newman Greenhouse and Guillot went to your place of business?

A. That's right.

Q. Did you tell them that the knife belonged to -- Mr. Mose, alright, did he cause any other trouble for you at -- talking about Vincent

Simmons, did he cause any other trouble for you at any time at your place?

A. Before then, if he had a round with some guy -- well, they're from Markville, they had a round out there, a guy pull a sawed off pump on him.

Q. A sawed off pump?

A. Um-hum.

Q. Did you call the police then?

A. Yeh.

Q. When was that?

A. Week before.

Q. That was the week before. Did anything happen after -- okay, you say, the week before they pulled a gun.

A. Um-hum.

Q. Okay, now, are you sure that was the week before?

A. I think so.

Q. Okay, now, after this particular incident, are you sure that nothing else happened? Involving Vincent Simmons at your place?

A. Well, we had some discrepancy inbetween us, but the law never had to come down there.

Q. Now, you know a Check Augustine?

A. Look, you're talking about Augustine. I don't know 'em by their name. They all goby the name of "Tee Kee Rize" or "Ray-Ray", or something like that. I don't know 'em by right names.

Q. Was there any guns that were shot up in the air, at any time, that you recall, over at your place, by an Augustine?

A. Yeh. With a shot gun -- Mother's Day, too. But, it wasn't at the place.

Q. It wasn't at the place?

A. No. They shot guns in front of Frank and Shauna, that's where their momma's house.

Q. Mr. Mose, have you ever/<sup>been</sup>convicted of a crime, sir?

A. Beg your pardon?

Q. Have you ever been convicted of a crime?

A. No.

Q. Never have.

A. I've been tried on crimes.

Q. But, you've never been convicted?

A. No.

Q. July 18, 1970, Mr. Mose, were you -- did you either plead guilty, or were you found guilty of "Disturbing the Peace" in Marksville City Court?

A. I'm in Marksville City Court, practically every other week.

Q. You're there practically every other week?

A. That's no big thing.

Q. Okay, now, I'm asking you a question now. Were you convicted, or did you plead guilty to "Disturbing the Peace" on July 18, 1970?

A. I probably did. I don't know if that's the right date, or not. That's been a while. That's going back to far.

Q. That's right, you don't recall. You recall a conviction for "Disturbing the Peace" though, don't you?

A. Oh, yes.

Q. Alright. On August 28, 1970, were you found guilty of "No Inspection Sticker in the Marksville City Court, or did you plead guilty to it?

A. I'm a poor man; I'm driving a piece of tire; anything could go wrong.

Q. Alright, so you...

BY MR. BROUILLETTE:

*objection*  
Your honor, I'd like to enter my same objection, about these ...

BY THE COURT:

Allright, let the objection be noted.

Q. You agree? You Admit that?

BY THE COURT:

Answer the question.

A. Oh yes. I don't know if it's the right date or not; you've got the paper.

Q. Yes, I got the paper. That's right I sure do have the paper.  
On May 21, 1971, did you plead guilty, or were you found guilty of disturbing the peace in the Marksville City Court?

A. Probably so. It was either found guilty, or it was throwed out.

Q. You mean you either pleaded guilty, or your -- or you were found guilty is what you mean?

A. I either came out, Mr. Knoll, or I didn't.

Q. And, I got to go back on the 25th.

Q. You've got to <sup>go</sup> back to City Court on the 25th?

A. That's right. That's Monday.

Q. You've got to go back again Monday, huh?

A. Me. and Officer Guillot got a thing going.

Q. You and Officer Guillot got a thing going?

A. That's right.

Q. Alright. On January 13, 1974, did you either plead guilty or were you found guilty of littering in the Marksville City Court,

Mr. Mose?

A. No, not the City Court. He said I threw a can on the 7-11 parking lot. And, as you know, the Back people do not drink Falstaff, Mr. Knoll.

Q. Okay, now, I'm going to ask you again, Mr. Mose. Did you either plead guilty, or were you found guilty of littering in the Marksville City Court on January 13, 1974?

A. I didn't plead guilty. I was found guilty.

Q. Alright, thank you, sir. On June 7, 1974, were you found guilty, or pleaded guilty to speeding in the Marksville City Court?

A. What?

Q. Speeding. Speeding.

A. I was found guilty.

Q. Found guilty. Alright. Mr. Mose, on July 18, 1974, did you either plead guilty, or were you found guilty of a charge of not closing your place of business within the hours prescribed by law?

A. Beg your pardon?

Q. You're having difficulty hearing me?

A. You said something about closing my place.

Q. That's right, yes. Can you hear me better here?

A. I'm in court like that all the time behind that.

Q. Okay, I'm going to go over it with you again, on July 18, 1974, Mr. Mose...

A. Probably so, Mr. Knoll.

Q. I'm going to ask you the question. I want you to answer it after I ask you the question. On July 18, 1974, did you either plead guilty or were you found guilty of violating the closing laws of the Town of Marksville, by staying open too late at night with

- your club? Yes, or no?
- A. Well, look. I don't know if it's the right date, but I've been in court quite a few times for that.
- Q. Alright. On November 4, 1974, did you either plead guilty, or were you found guilty of simple battery and aggravated assault in the Marksville City Court?
- A. Simple Battery?
- Q. Simple Battery and Aggravated Assault.
- A. What you mean by Aggravated Assault?
- Q. A weapon. Either shooting a weapon or...
- A. You mean, that shooting...
- Q. Yes, that's right. That incident. Did you either plead guilty to it, or were you found guilty?
- A. I was found not guilty.
- Q. You were found not guilty?
- A. On one of them charges.
- Q. On one of them charges.
- A. If it's the '64 if they were talking about...
- Q. I'm talking about
- A. I was found not guilty.
- Q. I'm talking about November 4, 1974.
- A. November 4th?
- Q. Um-hum.
- A. I don't know if it was November 4th.
- Q. Of Simple Battery and Aggravated Assault, were you found guilty or did you plead guilty...
- A. I figure it was later on the month than that.
- Q. Alright, but you recall ....



- A. Is that the same incident that happened with me and Moses Thomas?
- Q. Alright, but you admit that you were found guilty of Simple Battery and Aggravated Assault in the Marksville City Court, though? You just don't recall the exact date, is that correct?
- A. What you mean, in Marksville City Court?
- Q. Where Judge Bennett sits. You know where Judge Bennett sits?
- A. Well, you mean, when I slapped that boy about molesting my daughter?
- Q. Whatever the situation is. I'm just going to ask you again. Did you either plead guilty or were you found guilty in Judge Bennett's court...
- A. Probably so.
- Q. Probably so. Okay, thank you. On July 19, 1976, Mr. Mose, were you — did you either plead guilty, or were you found guilty of violating the Marksville Statute by staying open too late at night?
- A. Probably so, Mr. Knoll.
- Q. On August 2, 1976, did you either plead guilty, or were you found guilty of the same offense, Mr. Mose?
- A. Look, they call it like that, but I'm <sup>trying to</sup> call it/make money to support myself; I don't see it like that.
- Q. Okay, I'm going to ask you the question again, I want to know, did you either plead guilty or were you found guilty of violating the closing statute?
- A. Probably found guilty, Mr. Knoll.
- Q. Thank you, sir. I have no further question for that witness, your honor.

BY MRS. KNOLL:

I have one question.

(CONTINUED CROSS EXAMINATION - by Mrs. Jeanette Knoll)

BY MRS. KNOLL:

Mr. Mose, Paul Dominick is working for you, sir?

A. No, Ma'm.

Q. How long has it been since he's not working for you?

A. Well, I have never known him to work for me, really.

Q. You don't know him to work for you?

A. Not in the last two or three years.

Q. Mr. Mose, he hasn't been your bouncer, sir, in your place of business?

A. I'm my own bouncer Mrs. Knoll.

Q. I have no further questions, your honor.

(CONTINUED CROSS EXAMINATION - by Mr. J. Eddie Knoll)

BY MR. KNOLL:

Mr. Mose, are you going to tell me that you have never employed Paul Dominick to work for you as a bouncer in your place?

A. No.

Q. Are you telling me that he has never worked for you at any time?

A. He worked for me, but not as a bouncer.

Q. Okay, what did he work for you as, then? This is the question she asked you? Has he ever worked for you?

A. No, she says, did I have a bouncer. That's the difference between a boxer and a bouncer.

Q. She asked you first had he ever worked for you?

A. A few weeks.

Q. A few weeks. I don't have any further questions for you.

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

BY MR. BROUILLETTE:

Mr. Mose, was there some trouble at your place, involving a shot gun on the Saturday night before this Monday?

A. Yes. I was on the outside.

Q. That's all I have.

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

BY MR. KNOLL:

Excuse me, let me ask you this. You're sure this was on the Saturday night, is that correct?

A. Yeh, I'm sure.

Q. Thank you.

BY THE COURT:

That's all.

BY MR. BROUILLETTE:

Take him to the bathroom for just a minute.

BY THE COURT:

You want a recess?

BY MR. BROUILLETTE:

Well, I don't need a recess. It'll just take a minute.

BY THE COURT:

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