

in the case. Your first witness, sir.

BY MR. KNOLL:

Your honor, the State calls its first witness, Keith Laborde.

BY THE COURT:

You'll waive polling the Jury, on both sides?

BY MR. KNOLL:

The state waives polling, your honor.

BY MR. BROUILLETTE:

We waive polling.

BY THE COURT:

Allright. Both sides waive polling. Mr. Keith Laborde is first witness. Be sworn, sir. Do you solemnly swear, sir, that the testimony 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, sir.

BY THE COURT:

Have a seat. Keith, I will ask you to speak loudly. It's important that all of these jurors hear you, and that the lawyers hear you. We have before you a microphone. It does not amplify your voice. This is just to record what you're saying. And, I'll ask you, even if it's a short answer, to make an answer. I can see you shake your head, but if we have to transcribe this testimony, and you have made no answer, we -- the stenographer will not know which way you shook your head. You understand?

BY WITNESS:

Yes, sir.

BY THE COURT:

So, answer something. The machine records sound. And, it's important we get an answer for the record. Proceed, sir.

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

BY MR. KNOLL:

Keith, would you state your name for the record, sir?

A. Keith Laborde.

Q. And, Keith, where do you live?

A. I live in Fifth Ward.

Q. Is that in Avoyelles Parish?

A. Yes, sir, it is.

Q. How old are you, Keith?

A. I'm 18.

Q. And, are you married?

A. Yes, sir, I am.

Q. And, with whom are you married?

A. I'm married to Gayle Lamartiniere Laborde.

Q. Alright, and do you have any children?

A. Yes, sir, I have a little girl a month old.

Q. Alright, now, Keith, do you have any cousins who are twins?

A. Yes, sir, I do. Sharon and Karon Sanders.

Q. Alright. Do you know how old they are?

A. I think they're 14.

Q. Okay. Has either Karon or Sharon ever been married?

A. No, sir, they haven't.

Q. Now, Keith, on the date of May 9, 1977, did you have an occasion

to contact your two cousins, Karon and Sharon?

A. Yes, sir, I did.

Q. And, what was it -- what was the occasion for you contacting them?

A. Allright. First of all, my wife was in the hospital; she's a diabetic. And, she was having a little problem. They wanted to keep her in the hospital. She stayed in, off and on. She'd go in, and she'd come out for a couple of weeks; and she'd go in for a couple of weeks, and she'd come back out. So, what I did, I asked my cousins to come over and help me clean the house, as she was suppose to come home with me, the next day. She was suppose to come home fromthe hospital the next day. And, we wanted to have the house cleaned up, and everything.

Q. Allright, was your wife pregnant at the time?

A. Yes, sir, she was pregnant.

Q. Okay, now, since the date of My 9, 1977, has she given birth to a child?

A. Yes, sir.

Q. And, when did she give birth to that child?

A. She gave birth, June 16th.

Q. And, was it a little boy or a little girl?

A. It's a little girl.

Q. Okay, now, did you, in fact, go and get two twins to go clean your house?

A. Yes, sir, I went. I drove down Brouillette, where my grand-father and grandmother lives.

Q. Okay, now, who's your grandfather and grandmother?

A. My grandfather is Eric Sherman, and my grandmother is Minnie Sherman.

Q. Allright, and they were at your grandparents' house? X

A. Yes, sir, they were staying there.

Q. Okay, and you say you went and got 'em?

A. Yes, sir, I did.

Q. Okay, what did you do after you picked 'em up?

A. Well, we drove straight to Fifth Ward, where I lived, and we started cleaning up the house. And, the girls helped me cut grass, and clean it, and wash the dishes and sweep, and, you know. Just clean the house, clean it all up, cause it was in a little mess. We haven't been staying there... ✕

Q. What kind of a car do you have, Keith?

A. I have a '69 Malibu. It's a Chevrolet Malibu.

Q. '69 Chevrolet Malibu?

A. Yes sir. Four door.

Q. Four door. What's the color of your car?

A. It's blue with a white top.

Q. Alright. Were you in your car that night?

A. Yes, sir, I was.

Q. Okay, approximately what time was it when y'all finished cleaning the house and yard and so forth?

A. It was around nine o'clock. ✕

Q. Okay, what did y'all do after you finished cleaning?

A. Well, we got in the car and we started to drive back home. And, on the way...

Q. When, you're talking about driving back home, where is home?

A. To my grandfather's. Cause, I was going to spend the night there. Cause, it was a little too late to come backhome. ✕ And, that's where they were staying. And, I had to go to work the next morning.

Q. Allright, excuse me, now where did your grandparents live?  
Or where did they live at the time?

A. They lived down Brouillette. Community.

Q. It's in the Brouillette Community here in Avoyelles Parish?

A. Yes, sir.

Q. Approximately how far from Marksville is that?

A. It's about five miles. Somewhere around there.

✓ Q. Allright. Now, you say you were getting some gas so you could  
get ready to go to work the next day?

A. Okay, you see, my car was on empty. And, down the river, where  
they lived, I had to go to the Fair Grounds -- that's where we'd  
meet in the morning. And, my car was on empty. And, I thought  
-- I thought the only place that I could get gas at that time,  
was at 7-11. So, I decided to go down towards 7-11 and get  
some gas.

Q. Allright, now, that's the 7-11 located where?

A. It's on Tunica Drive, the new highway, the four lane.

✓ Q. Here in Marksville?

A. Here in Marksville.

Q. Is that in Avoyelles Parish?

✓ A. Yes, sir.

Q. Okay, now, Keith you said that you were working. Where were you  
working?

A. I was doing carpenter work for O.J. Scallan, here in Marksville.

Q. Here in Marksville. Okay, now, did you in fact go to the 7-11  
store that night to get some gas?

A. Yes, sir, I did.

Q. Allright, now, did you -- when you got to the 7-11 store, did

anything unusual happen?

[✓] A. Yes sir. Well, as I drove up, I stopped the car and I saw this black fellow just staring at me. He was at the corner. He was a good ways from the car. I'd say about 10 - 15 feet. He was at the corner, close to the 7-11 sign. So, I got out, and I asked my little cousin, Karon, to go in and ask the lady to on the gas pumps.]

Start Q. ~~Allright, let me ask you this.~~ Who was with you, when you went, to 7-11?

A. Sharon and Karon Sanders, my first cousins. They were both with me.

Q. What kind of gas pumps were they?

A. They are self-service with leaded and unleaded gas.

[✓] Q. Allright, so you say you saw a black person there?

A. Yes, sir I sure did.

Q. And, would you tell us what you observed about the black man that was there?

A. Well, when I saw him, he just stood there staring at me. So, I got down, and said, hey, what's going on, you know. That's how we say, how are you doing. I talked to him, and he said, you. Well, I said, well, what's the matter? He said, you almost ran over me. I said, no, I didn't. I said you were too far. I wasn't trying to run over you. I said, all I wanted to do was get some gas.

[✓] Q. Allright, let me ask you this, Keith. Do you see the person, the black man, in this courtroom, today?

A. Yes, sir, I do..

Q. Would you point him out to the court for us, please?

[✓] A. The black fellow sitting next to Mr. Brouillette.

Q. alright, now, once you started your conversation with him, would you tell us what happened, when he said, you?

A. So, I said, well, what's the matter. I said, do you want to fight? I said, I don't want to fight; I said, I don't really feel like fighting, I guess I'll do it. I don't have no choice. I'll have to. But, I really don't want to fight. So, he says, I don't fight, I shoot. So, I looked up in his eyes, and he smiled like. And, he put out his hand to shake. So, I shook his hand, you know. I rather not have any enemies and all. So, I just shook his hand, and tried to be friend with him. Then, we started a conversation. *about what*

Q. Okay, now, after your conversation, did he ask y'all to take him any place, or ask you to take him anyplace?

*conflict*  
A. Well, he asked us to take him to some -- he asked us if we wanted to go to some party. And, I told him no, I didn't feel like going. We had to go to my grandmother's. We had to be back home; they was probably getting worried; and we didn't want to go anyway.

Q. Alright, let me back up a little bit. Did you introduce yourself to him, and tell him who you were?

A. ~~Something about the party and he told him my name. And, I asked him who he was, and he said Simmons. His name was Simmons. I don't recall him saying his first name, or anything. And, he started telling me he had a bunch of brothers, about four or five brothers, and four or five sisters, and stuff like this.~~

Q. Okay, now, he asked y'all, did y'all want to go to a party, is that correct?

A. Yes, sir, he did.

Q. Okay, did he ask you anything about the two girls, at that point?

A. Well, he asked 'em if they were twins. I told him yes, sure they were twins. And, that's all he asked about the girls then, if they were twins.

Q. Okay, and after he had invited you to a party, and you told him no, that you wouldn't go to the party, did he ask you anything else?

*Conflict*  
A. Well, he asked me if I could drop him off at his house. Well, I said, I don't see any harm in doing that, you know. I gave rides to people before. And, I know, if I was walking, and "somebody asked me" if they could drop me off somewhere, I'd be more than happy. So, I didn't see any harm in just giving him a ride to his home. So, I said, I guess so, come on.

Q. Alright, okay, now, did you actually leave the 7-11 with the Defendant?

A. Yes, sir, we did.

Q. Alright, would you tell me where the location of everybody was in the car?

A. Okay, I got in and Karen -- she got in and she sat right next to me. And, Sharon was just getting in the car, and defendant asked if she wanted to sit in back with him. And, she told him no. So, she got in the car, and he got on the back seat. He was on the right hand side, by the door in the back. And, we all sat in the front. I was driving, Karen was sitting next to me and Sharon was sitting next to the door.

Q. And, the defendant was sitting in the back seat?

A. Yes, sir, he was.

Q. Okay, now, did he tell you where to turn, or in which direction to go?

A. Yes, sir. He -- okay, we turned on Tunica; we were going towards



Roger's Used Car Lot. And, from there...

✓ Q. Okay, so that would be like you're going toward Simmesport, then, is that correct?

A. Yes, sir.

✓ Q. On Tunica Drive?

A. Right.

Q. Okay.

A. So, he told me to turn right on that little road, on the side of Roger's used car lot, that meets up with the Hessmer Highway.

✓ So, I took a right, like he said. I didn't know where he lived.

I just followed his directions. So, when I got to the Hessmer Highway, I turned left. He told me to turn left, so I turned left.

I was going...

✓ Q. Okay, so you turned left on the -- that would have been on the Hessmer...

A. Hessmer Highway...

✓ Q. ...Marksville Highway...is that correct?

A. Going towards Bunkie.

✓ Q. Okay, let me ask you this, did you know the defendant before that night?

A. No, sir, I never saw him before. I didn't even know him.

Q. Okay. So, you turned left on the Hessmer Highway going towards Hessmer, is that correct?

A. Yes, sir, it is.

Q. Allright, now, did he tell you to turn any place else?

A. Well, we were going down the Hessmer Highway, and he told me to turn right; it's the Little California Road. It's a little, gravel road. So, when I turned, it hit me all of a sudden. I s

no, he can't live down here. I started to be afraid. You know, it scared me. I thought -- I knew something was going to go wrong. Everything started hitting in my mind; I just was afraid something would go wrong. I just kind of hesitated. I don't know. I kept

on going. I wanted to try to get out of there. So, I was going, ~~there was this little driveway, or something -- there was this, old camp, or something that was in the back of -- there was an old wooden gate.~~ I tuned in on my own, and he said, kill the car; and ~~to~~ turn off the ignition. So, I didn't turn it off.

I opened the door to have some light, and I looked behind, and I said, Man, what you want. I said, come on, leave us alone. I said, we didn't do you nothing. Cause I knew he was going to do something. I did that, he he started reaching behind him,

with his left hand. He started to pull out a gun. I saw the handle of it, and I closed the door, and I turned my head,

And, I was afraid he was going to kill us. I was scared to death.

The girls, too. I did not tell Sharon. But, Karen kept on hitting me with her arm. She was scared. She kept on nudging me, and he started, you know; he told me to kill the car; so I killed it.

He took the keys from me. Then, he ...

Q. After he took the keys, did he tell you to do anything?

A. He told me to go farther down the road.

Q. Allright, now, did he tell you anything about the girls at this point?

A. Yes, sir, he said, I'm a man, you're a man, and these are two young ladies, or two women. And, he said, you know what I mean, huh? And, I just turned my head; I was afraid.

Q. Okay, and then he told you to go ahead, you said?

"Instant-stik" #7104

5-10-74

8. Okay, I was parked in the driveway. And, he told me to go farther down, towards the -- farther down the road, you know. So, I said, come on, leave us alone. We didn't do you nothing. Just leave us alone. I said, I've got a wife, and she's about to have a baby; I said, just don't hurt us; just leave us alone; just let us go back from where we came from. He said -- he started talking real mean, like...Keith, go down the road. <sup>keys??</sup> So, I started to back up. I was backing up to try to go back towards the main road to get out, and he saw the way I was turning, and he said, pull up and go back the other way; and he started talking real mean. So, I wasn't going to take any chances of us getting killed. I did what he said. So, I started going down the road, and he started telling me to -- he told me to once or twice, to turn down this -- some little driveway, or little lane, or something. I kept hesitating, cause I was trying to get closer to the houses at the end of the road, cause I was scared he was going to kill us. And, he told me, about two or three times to turn right, you know, turn in the little lane over there, and I kept hesitating. I was scared, he was going to do something. I knew something was going to happen. So, when -- he finally, started getting mad, and he told me to turn. So, I turned where he said. And, it was by this little canal. [When I turned, the front of the car was facing this little canal or lake or something. So, he told me to get out of the car, to kill the motor and then get out of the car. I got out of the car, <sup>keys</sup> he took the keys from me. And, he put me in the trunk. He had a gun in his hand, waiving it at me, to get in the trunk.]

Q. [He was waiving the gun at you, ordering you to get in the trunk?]

Handwritten "instant-stik" vertically on the left margin.

A. Yes, sir, he was. So, he got the keys -- he had the keys; he took the keys and he opened the trunk, and he put me in and closed it. And, I think that's the time he told the girls if they reached in the glove compartment -- ~~I heard him say this, that if they reached in the glove compartment and get a gun, he'd kill them before they could kill him.~~

Q. Alright, now, had you seen him with a gun when he said that?

A. Yes, sir. Well, I was in the trunk. But, before I was in the trunk, I saw him waiving a gun at me. *It was too dark*

Q. Okay. Did you have a gun in the glove compartment?

A. No, sir. I didn't. I don't have any gun. I don't keep a gun with me in the car.

Q. Okay, then, after he put you in the trunk, could you hear what was going on?

A. Well, I could hear a little bit. I was trying to keep quite and breathe easy, because it was real stuffy and hot in the car. I could hardly breathe, it was so tight in there, you know. It was just hard to breathe in the trunk. I was scared to death. I was scared he might kill the girls, and I was scared he might shoot me through the trunk, or something. So, I heard him tell Sharon to take their clothes off. He said, take 'em off; take 'em all off. Words like that. And, I heard him say, don't try it, you know. And, he says, this one's giving me a little bit of trouble. He was talking about Karen. I guess she was trying to -- she opened the door and was trying to run. I don't know if she did. But, he told her not to try it.

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Q. Did he say anything that if she tried it, what he might do? Did he say anything if she tried it, what he might do?

A. Let's see, I was trying to listen as much as I could. It wasn't that easy to hear in the trunk; but I could hear what was going on. I think he said, if she took a couple of steps or something, he'd kill her. He could kill her or kill all of us, or something like this. I can't exactly remember what exactly the words were.

Q. Okay, then you heard him say that it looks like this one...

BY MR. BROUILLETTE:

I object, your honor, he's leading the witness.

Q. Your Honor, this is something that he has already testified to.

BY THE COURT:

Well, ask him...

BY MR. BROUILLETTE:

What he said...

BY THE COURT:

Yes.

Q. Okay, now, Keith, did you hear him say anything...

BY MR. BROUILLETTE:

I object.

Q. Go ahead and make your objection; I'd like to know it.

BY MR. BROUILLETTE:

Anything about...that's the way it's been going. Let him say what he heard without suggesting what the answer is, your honor.

BY THE COURT:

Rephrase your question.

Q. Okay. Would you tell us whether or not the defendant -- did you hear whether or not the defendant said that this ...

BY MR. BROUILLETTE:

I object to that question. That's not the way. Let him ask the

witness what was said. He's trying to tell the witness what to say, your honor.

Q. Okay, this is what I want you to do. Tell us what was said at this point.

A. Okay, he told Karen <sup>her</sup> that...not to try it. That if she'd run -- if she would try to run, that he could kill her and all of us. And, I think this one's giving me a little bit of trouble. So, that's when he took her and he put her in the trunk with me.

Q. Okay, so then, how many people was in the trunk at this time?

A. There was just me and Karen.

Q. Okay, was the trunk -- after he put Karen in the trunk, was -- did he close or open the trunk?

A. He closed the trunk. After he put me and Karen, he closed the trunk. I couldn't get out. I tried, but I couldn't get it...

Q. Alright, was the trunk locked?

A. Yes, sir, it was locked and he had the keys.

Q. Okay, after this, do you know what he did? Or could you hear what he did?

*no objection*  
A. <sup>He says no objection</sup> He raped Sharon. All I could hear was Sharon just begging him, please don't. And, she was crying, and she started to scream. And, she kept begging him. She said, please don't hurt us; just let us go, please. She kept begging him to. Now, Karen was hysterical. I kept telling her, you know, look, just pray to God. Let's pray that we make it alright. Try to keep calm. Try going along with what he says, cause if you don't, he could kill us. Just...

Q. Now, Karen was in the trunk with you, is that right?

A. Yes, sir. And, she was going hysterical; I tried to calm her down;

and told her to pray and just to pray, and everything would come out alright.

Q. Were you praying?

A. Yes, sir, I was.

✓ Q. Were you having any difficulty in breathing?

A. It was hot in the trunk; and it was hard to breathe, so I was trying to keep Karen calm down and to take as little breaths as we could, cause it was hard to breathe. I didn't want to use up too much oxygen.

Q. Okay, now, after you heard this going on in the front of the car, would you tell us what happened then?

A. Well, all I heard was Sharon was pleading with him not to kill us or just to leave us alone; and she said, it hurts, quit.

Q. Alright, now, after this?

A. ✓ After this, he took Sharon, and he put her in the trunk with us -- with me and Karen, and he closed it.

Q. Okay, now, at this time, all three of you were in the trunk of the car?

A. Yes, sir, all three of us.

Q. Okay, then, what happened after he put all three of you in the trunk?

A. That's when he took off; he left from where we were there, and he went somewhere else. I couldn't -- I don't know where it was, cause I was in the trunk; and I couldn't see anything. But it was on a gravel road; the dust was getting in the car; and it was getting real hard for us to breathe. So, I asked Sharon, or one of the girls to give me the lug wrench; I couldn't see anything. But, it was on a gravel road; the dust was getting in the car;

and it was getting a little hard forus to breathe. So, I asked Sharon or one of the girls to give me the lug wrench; if they could find it, cause it was underneath them. They gave it to me, and I tried prying ourselves out of the trunk. And, I tried, -- everything, and I bent it up a little bit; and I tried prying out, and I couldn't. And, so, I pried up a little bit, and I made a little crack in the trunk, when I could get some air. And, there was a piece of paper over this little hole where this light went; and I tried telling him to tear the paper off so we could get a little bit of air to breathe. And, I tried to keep 'em calm, so we could breathe, you know. It would get dusty and stuffy in there.

Q. You say that you bent part of the car? Would you tell us a little bit about that, please?

A. Okay, I took the lug wrench and the bottom part -- the car part, not the -- Okay, let's see, I tried prying open the trunk; that's on the right side. And, I bent down a little bit on it. I fixed it up since then, but I bent it down, trying to open the trunk; I thought maybe, I'd keep prying open and it would pop open or something; I pried, I pried, I pried; did everything.

Q. Was the trunk locked?

A. Yes, sir. It was locked; closed all the way.

Q. Okay, now you say you've since tried to straighten it out?

A. Well, after it had a crack in it; and when it rained, it kind of get in it. And, I just pulled it up a little bit, so nobody would notice it.

Q. Okay, now, after all three of you were in the car, in the trunk of the car, what happened then?



A. Okay, he went down some gravel road. He kept going all kind of different ways, like fish-tailing in the road, all this, I guess to just try to throw us off. You see, I was trying to think of a way -- I was trying to think, of maybe -- the way I was, which way he turned, and all of this, so I could maybe figure out. I was trying -- I told the girls to pull out the -- the tail lights -- I was trying to tell them to unplug the light bulb in it, to pull it out, so maybe the brake lights were out, <sup>same mind?</sup> maybe a cop or something could stop him because he would not have any back lights. I was trying to do that, hoping that it would -- we couldn't get the brake lights out. We just pulled the reverse -- the back up lights. That's what I use for a light to see inside.

Q. Okay, now, did the -- didy'all come to a stop again?

A. Yes, sir, we stopped; and he took Karen out, and he raped her. That was the first time he raped her. She was crying, and she was going hysterical.

Q. Could you hear this?

A. Yes, sir.

Q. Could you hear some of the conversation?

A. Yes, sir. She was begging him not to kill us. She just about know he would. I think that's the point where/gave him some money. I don't know; I can't remember exactly...

BY MR. BROUILLETTE:

Your Honor, I'd like to instruct the witness, the only testimony -- to only testify to what he saw; not to anything that might have been told to him. Locked up in a trunk...

BY THE COURT:

Well, he can testify to what he heard...yes.

BY MR. BROUILLETTE:

What he heard, yes, your honor...

BY THE COURT:

Okay, go ahead.

Q. Did you hear any kind of conversation about some money?

A. She said, take this money here. I heard him ask if I had any. She said, no, he don't have any at all. She was begging for him to let us out of the trunk. He come open the trunk, and he started asking me for a siphon hose. I said, I don't have one.

Q. Okay, who was in the trunk at that time?

A. There was me and Sharon.

Q. Allright. He opened the trunk?

A. Yes, sir.

Q. And, what was he looking for?

A. A Siphon hose, to siphon gas out of the gas tank.

Q. Okay, and what -- did he -- was there a hose in the car?

A. No, sir, there wasn't.

Q. Did he take anything out of the car?

A. Yes, sir, I have this five gallon gasoline tank. He took that out. It didn't have -- the gas it had in it didn't amount to nothing, because there was just a little bit left over. There was really nothing. He took that out, and I had the lug wrench around me. He took the lug wrench out, and he closed the trunk back. Before he closed it, that's when he started saying, that he could blow us up, or he could have dumped us in the river, or he could have shot us. For us to think about it; if we'd tell, he could get his buddies and all, to come kill us. So, we were scared to death. So me and Sharon -- Sharon, she was

✓ crying; so I tried to calm her down and..

Q. What were you telling her -- were you telling Sharon anything?  
At this time?

A. Yes, sir, I kept on telling her to pray -- to please just pray to God that everything comes out alright; that he won't kill us; and tell him we're not going to say nothing at all.

Q. Okay, now, he -- you said he took a lug wrench out?

A. Yes, sir.

Q. What did he do with that?

A. He went on the side of the car; and the trunk was closed.

✓ And, I felt the car being picked up; like the back was being picked up a little bit; like he was trying to pick it up; and that's when he <sup>He could not see what was done</sup> busted a hole in the gas tank. He put the lug wrench and put it underneath the frame and hooked it on -- put the end of it on the gas tank at the top, and that's when he busted a hole in it. *He was Karon, she didn't offend this*

Q. Alright, have you done anything with that hole?

A. I just put a bar of soap to try and stop the gas from going out, too much. Since then, I never got a chance to really fix it. Then he walked around the car, and I heard some air leaking. And, I didn't know who busted the tire or nothing; I just heard some air leaking. And, I was so nervous and all. I didn't really listen that good. But, there was some air leaking, and I got scared. And, he put the stuff back in the trunk, and then he -- let's see, he went further down the road; and then he stopped.

Q. Okay, now, when he left, who was in the trunk?

✓ A. Just me and Sharon. He kept Karon with him.

Q. Alright, and then, where did y'all go from there?

A. Okay, we went further up the road, and he stopped. He stopped the car, and he said, Oop, I think we got a flat tire. Karen said, Keith, your car is cheap, you have a flat tire. She hollered it out, to make sure we heard it. And, she said, why don't you go look in the trunk and see if he got a spare? And, what she was trying to do, was get him to open the trunk so we could have a little bit of air.

Q. Allright, did he open the trunk then?

A. No, sir, he just come and he said, do you have a spare tire? And, I told him no, Cause I didn't have any. I just had an

*3 badies and an old tire?*  
old tire in there. So.

Q. Okay. And, then, -- okay, after that, did anything else happen that you heard?

A. Oh, let's see if I can remember. I was so upset, and scared to death.

Q. Did he proceed to rape...

BY MR. BROUILLETTE:

I object, your honor. He's leading the witness.

Q. Could you hear any more conversation in reference to a rape?

A. All I heard was her begging him not to do us anything; and he told her to take out a piece of paper, and write our names down. I guess, that's what she did. And, all I heard was her... she was trying to get on his good side, so he wouldn't hurt us or killus.

Q. Okay, did you hear any conversation in reference to the front or the back or anything like that?

BY MR. BROUILLETTE:

Your honor, that's a leading question; and counsel knows that's

leading. Did you hear any conversation about this and that?

BY MRS. KNOLL:

I'll rephrase the question, your honor.

BY THE COURT:

Go ahead.

(CONTINUED DIRECT EXAMINATION BY MRS. JEANETTE  
T. KNOLL, FIRST ASSISTANT DISTRICT ATTORNEY,  
AT THIS TIME)

✓ BY MRS. KNOLL:

Keith, could you tell me whether or not you heard any conversation from Sharon — I mean, from Karen, as to hurting from the front or the back?

BY MR. BROUILLETTE:

• I object, that's still a leading question.

BY THE COURT:

I'll overrule the objection. Go ahead.

BY MR. BROUILLETTE:

I'd like to object to the ruling of the court, on that...

BY THE COURT:

Yes, sir, let the objection be noted. Allright.

*objection overruled*

A. *←* I remember now, what went on. *←* Karen was crying; she started screaming; she says, please stop. Please stop. It hurts. She says, please just leave us alone. It hurts, stop. I heard her saying that. She was crying and screaming. Sharon started screaming and she started shaking in the trunk. And, he started Hollering for us to shut up, because he was getting mad. Sharon kept on making noise and screaming. So, I calmed Sharon down. And, Karen just kept crying, and just begging him to stop, and tellinghim just to leave us alone, and not to kill us.

(CONTINUED DIRECT EXAMINATION - BY MR. KNOLL)

BY MR. KNOLL:

Okay, then, after that, what happened?

A. After that, he kept Karon in the car, if I can recall. And, then we took off, and then we stopped at St. Joseph's cemetery and that's when he opened the trunk and took us out, and he said, well..

Q. Okay, now, and where is the St. Joseph Cemetery located?

A. It's in Marksville, by the St. Joseph Catholic Church.  
where

Q. Can you tell me/--near the cemetery, that you got out of the car?

A. Well, we were on the side of the mausoleum. The front of the car was facing toward St. Joseph Cemetery -- St. Joseph's church. And, we was on the side of the Mausoleum. So, we told him, look, we're not going to say anything; we're not going to tell nobody.

Q. Okay, let's stop for a while. Let's go back. You stopped at the Mausoleum, is that correct?

A. Yes, sir.

Q. ~~At St. Joseph's cemetery.~~ Okay, did you actually get out of the car there, or did y'all stay in the car -- in the trunk?

A. He opened the trunk; ~~he walked around the back,~~ and he opened the trunk, and then we got out. He said, well, you know -- in other words, he was asking us if we thought about it. So, I said, yes, we're not going to say anything. We're going to keep quite, cause ~~we were scared he was still going to kill us.~~ He said, you know, there's a lot of dead people out here. He said, y'all could be one them. If y'all tell, I'll get some of my buddies. I'll have to make a few phone calls..

Q. Okay, what were you calling him, during this time?

*send him*  
A. I kept calling him ~~Simmons~~, because I remember that's what he said his name was at first.]

Q. Did he tell you anything about you calling him Simmons?

A. He only told me, he said, don't call me Simmons; you don't know if that's my name. He said, you can't believe everything you hear. He said, as far as you know, my name is Jessie James.

Q. Okay, then, after that, what did y'all do?

A. Well, he told me to take him home. So, I got...he gave me the keys; and he wanted me to go get a tire, you know. He wanted me to steal a tire. I said, no, I don't want to steal one. What we did, we passed in front of, I think it's the Canal Station to see if it was open, to see if I could get my spare tire fixed. So, I went and ...

Q. Would you tell us the route that you took from the Mausoleum? Could you explain that for us?

A. Yes, sir. Okay, well, what I did, I went straight. There's a little road that passes behind the baseball park that goes up to Ben Edward's Feed Store. So, I took a right at Ben Edwards' Feed Store, and we passed in front and that station was closed. So, I took another right, and I started going down towards the bus station. And, that's where he said, take a left. So, I took a left there, and I went all the way to the end. And, I turned around and I come back. He said, you know, there's some tires over here... where the city keeps their sanitation their trash truck and all this. He said, there are some tires in there; that's for the town, they wouldn't miss it anyway. I said, I don't want to steal it. I won't steal nothing. So, we stopped about two or three houses from the

end of the road. He got out; he said, I've got to go make a few phone calls. He left, and then we went home. Okay, we went home, and we were all scared to death and everything. So, we didn't talk too much. Karen said, Keith, I love you. I said, I love you, too. She said, let's just keep this to ourselves. I said, yes, I guess so. Cause we were scared to death. We really thought he would kill us, the way he was talking, and all. Scared maybe he would get some of his buddies or something, and kill us. And, I have a wife and baby to think about.

Q. Did you believe that his buddies would kill you if -- or hurt you if you did talk?

A. I did. I believed they would, the way he was talking.

Q. Allright, did you -- when you got out the trunk of the car at St. Joseph's Cemetery, did you notice, whether or not the tire was flat on the car?

A. Yes, sir, it was. I could tell when I was in the trunk, it was flat. The way it was rolling; making noise, and it was bumpy like a flat tire.

Q. Okay, did the -- where did you -- let me ask you this, was the tire flat on your way back from Little California Road to Marksville, or where did it go flat?

A. It went flat -- let's see, the first time <sup>he raped Karen</sup> he raped Karen, is when he told us about, he could blow us up, and all of this, threaten to kill us. That's when he punched a hole in the tire. That's when I heard the air coming out. And, when he stopped again, and when he <sup>he raped Karen</sup> raped Karen again, that's when she started hollering again, it hurts, and leave us alone, and all, that's when it went flat -- well, she said it before she got raped, that



the car is cheap, you know, about the tire went flat, already, and for him to come let us out of the trunk; to come check and see if there's a spare tire in the trunk, so he can let us out to get air. That's when it started rolling on the flat.

✓ Q. Okay, so from Little California to Marksville, while you were in the trunk, you could tell that you were riding on a flat tire, is that right?

A. I don't know where it was, the second time, well, the first time he raped Eren. I don't know where it was. I can't say Little California or not.

Q. Alright. Okay, when you got out of the trunk of the car, did you notice that the tire was flat?

A. Yes, sir, I saw it. It was in pretty bad shape.

Q. Alright, and when you drove from the — from the Mausoleum, or from St. Joseph's Cemetery to where you dropped the defendant off, did you — were you driving on a flat tire?

A. Yes, sir, I was.

Q. Alright, now, after you dropped the defendant off, where did you go?

A. After we dropped him off, we went to — we went straight to my grandmother's, down Brouillette, where we was going to stay. On the way there, we didn't talk too much. We were just scared and shaken up. So, when <sup>we</sup> were getting there, they were pulling out of the driveway. They were coming to look for us.

BY MRS. KNOLL:

Who's "they", Keith?

A. My grandmother and my grand father.

Q. About what time was that, Keith?

A. That was around Twelve o'clock. When we got inside, it was around Twelve o'clock...

BY MRS. KNOLL:

Twelve o'clock...

A. Midnight. Somewhere around there, as I can recall it.

✓ Q. Okay, did you have any damage to the rim of your car?

A. Well, it was around the edge of it, it was bent. It was kind of bent up or smashed.

✓ Q. Did you do anything to it after that?

A. Yes, sir, we -- me and my grandfather kind of straightened it out a little bit, not much. It's still bent up, though.

Q. Keith I'm going to show you a tire, and ask you, are you familiar with this tire, and can you identify it?

A. That was the tire he cut. A week before this happened, I had a flat on my car, and this was the spare tire. And, after I changed my tire, I forgot my other tire on the side of the road; and I didn't have a spare. This is what I had on it.

Q. Okay.

A. Because my grandfather and I, Eric Sherman, he helped me take it off the next day.

Q. This is the tire that was on the car that you rode on flat, is that correct?

A. Yes, sir, it is.

Q. Your honor, in connection with the witness' testimony, I'd like to file, offer and introduce into evidence, as State Exhibit #1, the tire.

BY MR. BROUILLETTE:

We have no objection to that.

BY THE COURT:

Allright, I'll permit it filed.

Q. At this time, I'll show it to the Jury for their inspection.

(Jury inspecting tire)

Keith, I'm going to show you three pictures, which I am going to mark STATE #1 -- I'm sorry, STATE #2, STATE #3, and STATE #4.

BY MR. BROUILLETTE:

Can I look at them again? Your honor, could we request that the testimony in reference to this exhibit, be outside the presence of the jury, prior to the court's determination on that regard?

BY THE COURT:

Allright, if you think that there's something you'd like to ...

BY MR. BROUILLETTE:

I think that in order to evaluate the matter properly, it should best be done outside the presence of the jurors.

BY THE COURT:

Allright, ladies and gentlemen, this will not be infrequent.

It happens. So, if you'll go to the Jury room for a few moments so we can go into something outside your presence, and we'll call you back. Okay.

BY MR. BROUILLETTE:

Let him proceed, and then I'll question him.

BY THE COURT:

Allright.

Q. Okay, Keith, I'm going to show you exhibits that have been marked STATE EXHIBIT 2, STATE EXHIBIT #3, and STATE EXHIBIT #4, and ask you are you familiar with these pictures, sir?

A. Yes, sir, I am.

\* Q. Were these pictures taken in your presence?

A. Yes, sir.

Q. Can you recognize these pictures?

A. Yes, sir, I can.

Q. Alright, now, I'll ask you what these pictures depict?

A. Let me see...

Q. Alright, was this -- who are -- these pictures of whom, can you tell me who they are pictures of?

A. They are pictures of me, my two first cousins, Sharon and Karen Sanders.

Q. Alright, now, there is a car that is portraied in there; whose car is that?

A. That's my car.

Q. And, can you tell me the order in which the three of you are located in the trunk?

A. Alright, my head was facing on the left side. I was in the back. Their heads are facing towards the right side.

Q. Alright, now, I'll ask you to look at these pictures and tell me whether or not these pictures actually depict a scene just like on the night of the rapes?

A. We were in the same order like it is, and you could even see right here, when it's bent down, where I tried to pry it open. That's how it was. I tried prying it open. We were the same way.

BY THE COURT:

Allright, this is a picture that y'all made later of y'all in the trunk, and ...

A. Yes, sir, we took that...

BY THE COURT:

You posed this so the picture could be made later, is that it?

A. Yes, sir.

BY THE COURT:

Do you remember when that was done?

A. Well, I can't remember exactly when, but it was the first or second day after we went and talk to the Sheriff, and he started writing down our statements...

Q. May 23rd, your honor.

BY MR. BROUILLETTE:

Can I question now, your honor?

BY THE COURT:

Yes, go right ahead.

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

BY MR. BROUILLETTE:

Mr. Laborde, was the spare tire in the car? When this picture was made?

A. No, sir, there was only one ~~Y~~ oh, when the picture was made?

Q. Yes.

A. I can't remember if it was or not, but I only had -- it wasn't a spare tire; it was a tire; it didn't have a rim. That was when we were put in the trunk, by the defendant. Just a tire, no rim or nothing.

Q. There was no tire in the trunk that night?

A. That night that it happened?

Q. Yes.

A. ....No, it was just a tire, no rim or nothing. Just the tire, itself.

Q. Just a tire?

A. Just a tire.

Q. Alright, was there-- and there was, you said, a five gallon gasoline can, also?

A. That was on the left side.

Q. Alright, was there a tire and a five gallon gas can in this trunk, when these pictures were taken?

A. The gas can was in there, for sure, if I can remember. The tire, I can't remember if there was a tire in there or not. I didn't really notice or anything.

Q. You're sure that there was a gas can when this was taken?

A. I'm just about sure, yes, sir. I always keep it in there..

Q. Where would it have been, Mr. Laborde?

A. Well, let me see, underneath their legs, around here, somewhere. In fact, her legs...

BY THE COURT:

How big is that gas can?

A. That's it, right here. You can see the line from the gas can. It's a five gallon can; those army cans.

BY THE COURT:

Is it a plastic can?

A. No, sir, it's a metal can; it's about this tall, and about this wide.

BY THE COURT:

Uh-huh, and how thick.

A. About this thick. Somewhere around there. It's in there. It was in there at the time. You can even see some of it on that picture.

BY THE COURT:

*suppose  
to take picture  
of the trunk*

A. To me, I can, You -- right here, you can see a line. It has some indents on it, some little irons like across, or something. "X", and it's in there on that picture. I can't recall if the tire was in there. I think it was. I think the tire was in there when we took the picture, but I can't recall if I am sure or not.

BY THE COURT:

Do you know who took that picture?

A. I think it was Floyd Juneau, if I'm not mistaken.

BY THE COURT:

One of the Deputy Sheriffs took the picture.

A. Yes, sir.

BY THE COURT:

And, you were present; you saw it taken?

A. That's right.

BY THE COURT:

Are you sure who took the picture?

A. I'm just about sure it was Deputy Juneau.

BY THE COURT:

Are you sure that this -- that there was a gas can in the trunk?

Is this the picture that you say you can see the gas can on?

A. I think I could see it under here. I'm not exactly positive. But, I think I can see it here. I can't recall if it was in there or not. I wasn't thinking about the gas can. I'm not sure if it was in there at the time, or not. But, I figure...

Q. You're not sure that there was a tire in the trunk when you took this picture?

A. I think there was, if I'm not mistaken. I'm not positive, for sure.

I think there was. Come to think of it, I think...yes, I'm just about positive there was a tire. I think it had a rim on it, too, if I'm not mistaken, cause after that I put in an old tire my grandfather gave me. It wouldn't fit in the car.

Q. Your honor, it hasn't formerly been offered yet, but I'm going to object for a number of reasons. First of all, a photograph of a reenactment is improper and it serves no purpose. The -- we're not even certain of the circumstances are the same; as to what was in the trunk when the photograph was taken. And, we're not even certain as to who took the photographs; and in addition to that there are -- there's writing on the back of the photograph, which purports to be evidentiary in itself, which would be hearsay, and for those four reasons, we object to the admissibility of these photographs. The man can testify as to the incident; and the photographs add nothing to the case.

A. Sir, can I say something?

BY THE COURT:

No, not at this time. The court would rule that the photographs are admissible, but the handwriting on the photographs would not be. That would have to be blurred off, or something glued on it, so.... the probitive value is evident to the court. I can say that, because the jury is not here. It could be argued as to whether three people could be enclosed in a trunk, according to their testimony; and so the probitive value would be to show to the jury that it is possible for three people to be enclosed in a trunk. And, I see the probitive value. I can make that statement in the absence of the jury. So, that's why the court

will permit it, for that purpose, with the instructions that some

The issue is not 3 getting in the trunk but 3 getting in the trunk the way it was the night of the incident, this is your case



paper be glued on the back side to cover up whatever the writing is on the back side.

BY MR. BROUILLETTE:

We object to the court's ruling.

BY THE COURT:

Allright, sir. Do you have anything you can glue on it...

BY MADAME CLERK:

Yes, sir.

BY MR. KNOLL:

Can we get that done now, Bev? We need it now.

BY THE COURT:

You can call the Jury back. Is your machine on? Allright, the record will show that the court ordered that the Jury be brought back to the courtroom, following a request by defense counsel, that the Jury be excluded to determine the admissibility of certain evidence. I see the two alternates and the jurors have filed back in the courtroom, and that at this time, you may proceed Mr. Knoll.

BY MR. KNOLL:

State will waive polling.

BY MR. BROUILLETTE:

We waive polling.

BY THE COURT:

Both sides waive polling of the jury. Go ahead.

KEITH LABORDE, who, after first being duly sworn, testified under oath, under re-direct examination, at the instance of and by counsel, Mr. J. Edward Knoll, which testimony is as follows:

BY MR. KNOLL:

Keith, I'm going to show you an exhibit marked S-2 for identification.

and I'll ask you, are you familiar with this picture?

A. Yes, sir, I am.

Q. I'll also show you an -- a picture that is Marked S-3 for identification, and ask you, are you familiar with this picture?

A. That one, too.

Q. I'll also show you S-4, marked for identification and ask you, are you familiar with this picture?

A. Yes, sir, I am.

Q. Okay, now, were these pictures taken in your presence.?

A. Yes, sir.

Q. ✓ Are you portrayed in any of these three pictures, or all three of these pictures?

A. All three.

Q. Now, I'm going to ask you -- there's a car that is reflected in this picture, whose car was that?

A. That was my car, a '69 Chevrolet Malibu.

Q. Okay, I'm going to show you a picture which purports to be the left side of your car, and ask you what is this -- what is this?

Can you tell me what that...

A. Well, it shows right here, on the left side, the back of the trunk where it's bent in, where I tried getting out with the lug wrench.

Q. Alright, now can you ...

A. It shows a lot on here.

Q. Okay, can you tell us where your location is in the trunk?

A. Well, I was in the back. I was in the back of the trunk. I was towards the back; Sharon was in the middle, and Karen was at the end. When I tried getting out, I tried reaching over as much as I

can; it was hard. It was very hard. But, I tried my best to try to get out.

✓ Q. Okay, now, I'm going to show you what purports to be the middle part of the trunk, and ask you to look at this and see who is in that picture as well?

A. All three of us, Sharon, Karen and myself.

Q. Okay, now, I'm going to show you the right side of your car, the trunk of your car and ask you who does it portray in there?

A. It shows Sharon, Karen and myself. It shows them, their faces and it just shows my legs and part of my stomach.

Q. Okay, now was this the order in which y'all were located when all three of you were in the trunk?

A. Yes sir, it was.

BY THE COURT:

When, at the time the picture was taken?

Q. No, sir, I'm sorry, at the time of the rapes?

A. Yes, sir.

Q. At this time, your honor, we would like to file, offer and introduce into evidence STATE'S EXHIBIT #2, #3, and #4, and I think ...

BY THE COURT:

✱ ✓ I think you ought to bring out from the witness when this picture was taken, if it's the night of the incident, or when, so the Jury would ...

Q. Okay, when was this picture taken, Keith?

A. This picture was taken the 23rd of May, if I'm not mistaken.

✓ Q. Allright, and was this at the same time as the rape took place, or was this after the rape took place?

A. No, this was after we reported it. They just wanted to take the picture showing that we could fit in the trunk. To show our positions.

Q. Your honor, in connection with the witness' testimony, I would like to file, offer and introduce into evidence, STATE'S EXHIBIT #2, #3 and #4, and ask that it be shown to the Jury for their proof.

BY THE COURT:

Allright, you have your objection?

BY MR. BROUILLETTE:

Your Honor, it -- what was previously entered.

BY THE COURT:

Allright. The court makes the same ruling, that the objection would be overruled and allows the pictures filed.

Q. Keith, did all of these rapes that you've testified to, take place in Avoyelles Parish?

A. Yes, sir.

Q. Now, Keith, how did it come about that this was reported to the law enforcement people?

A. Well, my cousin, Karen,...

BY MR. BROUILLETTE:

B:

Your Honor, I'm going to object to any hearsay, now.

BY THE COURT:

BY THE

Yes, I'll sustain the objection, unless he was there.

Q. That's allright, your honor, we have Karen here to testify to that. Now, Keith, during that night, <sup>Leading Question no objection</sup> were you afraid for your own protection and for the protection of the two girls?

Yes, I was. The way he sounded, he made us believe he would kill

us. And, I was afraid for the girls, as much as myself.

Q. Did you believe that he would, or could kill you?

A. Yes, sir, I sure did. When I saw that gun, I was scared to death.

CONTINUED DIRECT EXAMINATION- BY MRS. JEANETTE KNOLL  
FIRST ASSISTANT DISTRICT ATTORNEY

BY MRS. KNOLL:

Keith, do you believe that if you reported it that his buddies would get you?

BY MR. BROUILLETTE:

Your Honor, that's leading.

BY THE COURT:

That's leading, I'll sustain the objection.

Q. Okay, I'll rephrase my question, sir. Why didn't you report it, Keith?

A. I really believed he would get his buddies to kill us; and I wanted to protect myself, and the girls and my, maybe, if his buddies would come get us, he might hurt my wife and my baby. I was afraid for everything. I was afraid he'd kill us.

Q. Your honor, we tender.

BY MR. BROUILLETTE:

It's five minutes to Twelve, your honor, do you want to get started with cross examination?

BY THE COURT:

Yes, go ahead. We'll recess at Twelve o'clock.

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

BY MR. BROUILLETTE:

Mr. Laborde, when you pulled up at the pump, where was Mr. Simmons

standing, or was he standing, or sitting, or just where was he?

Q. He was standing up -- he was kind of at the corner, kind of close to the 7-11 sign. He was about ten, fifteen feet from the car. He was a good ways from the car. There's no way I could have hit him.

Q. Was he alone?

A. Yes, sir, nobody else there. Just him. He was by himself.

Q. You say he was standing up?

A. Yes, sir.

Q. Now, there's a little grassy area, right in the corner, isn't it?

A. Yes, sir. He wasn't on the grass; he was on the concrete.

Q. Was he on the sidewalk, or was he closer to the store?

A. He was kind of -- about parallel -- even with the sign, but he was on the concrete. I can't remember exactly where he was, but he was around that area.

Q. Did he say, you tried to hit me? Is that what he told you?

A. He said I tried to run over him, or hit him. I denied it, cause it wasn't true. He was too far to even try. I wasn't worried about that; I was worried about getting gas.

Q. Did he -- when you pulled up to get gas, did he walk toward the car?

A. He just stood there staring at us. I asked him, I said, what's going on. Tried to be nice, tried to be in a friendly way. I didn't want any trouble. That's when he just kept staring at me. And, when I said, what's going on, he said, you. That's when I said, well, what's the matter. He said, you tried to hit me, run over me. I said, no, I didn't. All I wanted to do was get

gas; you were too far away... ]

[ Q. Wait, let's just back up, just a moment. When you pulled up, and you pulled up to the tank, well, did you sit there a while... his staring at you, he was looking at you when you pulled up? I mean...

A. When I stopped the car, I didn't notice him looking until I got out of the car. I opened the door to get out, I saw him. He just stood there, just staring at me, you know. Like he wanted -- I don't know, like he wanted to fight, or something. And, that's when I asked Karen to go in the store, and ask the lady to turn on the pumps. And, Sharon was in the car.

Q. Did you start to put gas in your car? ]

A. When he kept staring at me, I said, what's going on? He said, you. So, I looked at him. I said, well, what you mean; what's the matter? He said, you tried to hit me. I said, no, I didn't. I just -- I said you were standing at the corner; you were too far. I said, I wasn't trying to hit you. I wanted to get gas. I said, well, if you want to fight, I said, I'll fight. I said, I don't want to fight, but -- I don't like to fight, but I said, if you want, I guess I'll have to, if you want. He said, I don't fight, I shoot. So, that's when I looked up at him, and he cracked a little smile and he put out his hand to shake.

Q. Well, had you walked over to where he was?

A. I walked close to him. I said, hey, what's going on?

Q. Well, did he ever walk toward the car?

A. He walked up a little bit. Yes, he walked up a little bit.

Not much. He took a few steps, and I walked up to him, and that's

when, you know...

Q. Had you started to put gasoline in your car?

A. Not then. That's when, you know, I was talking to him. That's when he put out his hand to shake, and we shook hands, then we started talking about people we knew, and all this. He told me -- he asked me what my name was, and he said his name was Simmons, and all that. And, I went after the gas -- I started putting gas in the car, and he followed me; and he was talking to us. I put the gas, and that's when Karen and Sharon was in the back.

Q. Okay, when you got out of the car, did you walk over to him at that time, when you got out?

A. When I got out, I was walking towards the back. I said, Hey, what's going on. And, he said, you.

Q. Towards the back of what?

A. My car, to put gas.

Q. You walked toward the back of your car?

A. Right.

Q. And, then you looked over and saw him looking at you?

A. Well, I saw him looking at me before I walked to the car; when I got out, I saw him looking at me.

Q. And, he was still about fifteen feet away?

A. He was still where he was standing.

Q. He didn't come toward the car, or anything?

A. Not then, no. When I said, hey, what's going on,...

Q. You walked over to him to start talking to him?

A. Well, he walked up a few steps, and I walked up to him. And, that's what -- he started saying, I don't fight, I shoot, and all

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this. And, that's when we shook hands to make friends.

Q. And, he accused you of almost running over him?

A. Yes, sir, he did.

Q. And, he was fifteen feet away?

A. I say fifteen feet. He was too far...

Q. It wasn't even close to your car where he was, was he?

A. It wasn't too close. I guess, it was about from here to you, maybe a little closer. I couldn't hit him, unless I went off towards the end.

Q. So, then, y'all shook hands?

A. Yes, sir, we shook hands.

Q. And, you asked him his name?

A. Yes, sir, I did. He said it was Simmons. He asked me my name first, if I can recall right.

Q. And, then, did y'all -- after you shook hands, did you talk?

A. Well, we, let's see, he asked me who my father was; I told him. And, I asked him if he knew a few black fellows; they're real good friends of mine. I use to work with 'em. He said, yes, he knew them. They were all right.

Q. Who were those that you called that he knew?

A. Well, I asked him if he knew this fellow named "Bird", Gary Francisco. Cause I worked with him. He's a nice fellow. He's all right. He said, yes, I know him.

Q. Wait, I didn't hear. What about -- you worked for him?

A. I use to work with -- he use to work -- we use to work together at the water company in Markville. You see a lot of people know him. And, I asked him if he knew him.

Q. You asked him if he knew, you said "Bird"?

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A. That's what they called him, a nickname.

Q. And, he said he knew him?

A. He said he knew him. He said, he's a brother. He's alright. That's what he said.

Q. And, what else did y'all talk about?

A. Oh, let's see, if I can remember everything. He said he had about four or five brothers and four or five sisters, and all; and something about -- I think his brother, or his sister was -- he has a white brother-in-law, or something like this. He started talking; he said he use to work in Houston; and he just came down.

Q. Now, while y'all were talking, did you say that y'all were standing about as far apart as you and I are, right now? From the car?

A. No, sir. I walked up-- we walked up to each other.

Q. Alright, but then, when y'all were talking, about how far from the car were you, while y'all were talking?

A. When we first started, well, where he was standing, about -- let's see, about -- it's about ten feet from the car; if I'm not mistaken, somewhere around there. I don't know exactly how far.

Q. And, then, did you say that he walked with you to the back of the car?

A. Well, Karen came out; she said, the gas pump's on. So, I walked; I turned and I walked to the gas pump to put the gas; started putting gas, and he was walking behind me.

Q. And, then you went ahead and put gas in the car?

A. Yes, sir, I did.

Q. Did y'all talk while y'all were putting gas in the car?

A. Well, we talked a little bit. I can't recall everything what we said. I can't remember all of that. Oh yes, I remember now.

He asked us if we wanted to go to a party. And, I told him no, we couldn't go. We had to be at -- go to my grandfather's anyway. Anyway, we didn't want to go.

Q. Where were the girls at this point?

A. They were in the back of the car. > They were kind of close to the trunk.

Q. They were out of the car, standing up?

A. Yes, sir.

Q. Where y'all were? I mean, it was by the back?

A. Yes, sir, they were by the back.

Q. And, were they participating in the conversation?

A. No, sir. Not really. Not much -- if they said anything, it wasn't much, you know. It might have been two or three words. But I don't remember them saying too much.

Q. But, they were close enough to listen to the conversation?

A. Yes, sir, they were close enough.

Q. Were they on the store side, or where, or were they on the highway side?

A. The car, where they were standing?

Q. Yes.

A. Okay, they were by the gas pumps. But, you see, I parked my car on the left hand side of the gas pumps. And, I turned in coming from Fifth ward, on the left hand side.

Q. Now, is that the store side of the pumps, or is that the highway side of the pumps?

A. The highway side. So, let's see, they were standing by the right back fender. I think one of 'em was sitting on the car, and one of 'em was standing. I can't remember what they were doing.

But, they were standing — they were around the back.

Q. And, Vincent Simmons was standing — where was he standing?

A. He was on the side of me. Kind of closer to the gas pumps.

BY THE COURT:

Allright, we'll take a break until one o'clock.

(RESUMING AFTER NOON DAY RECESS)

BY THE COURT:

Allright, the court reconvened following the noon day recess in its criminal jurisdiction, this 19th day of July, 1977.

Still in consideration of the case of STATE versus SIMMONS.

The record will show that the twelve jurors and the two alternates have filed back in the Jury box. The defendant is present in court, accompanied by his counsel. The State is represented by the District Attorney and his first Assistant. At the time of recess, the witness, Keith Laborde, had been turned over to the Defense for cross examination. Would the sides waive polling the Jury?

BY MRS. KHOLL:

We waive polling.

BY MR. BROUILLETTE:

Waive polling, your honor.

BY THE COURT:

Both sides waive polling. Allright, Mr. Laborde, you will take your seat, and Mr. Brouillette will ask you some additional questions.

CONTINUED CROSS EXAMINATION - HAROLD BROUILLETTE

BY MR. BROUILLETTE:

Mr. Laborde, on the date of the incident in question, what time

- did you go to Brouillette to get your two cousins?
- A. I can't remember exactly what time; it was about six o'clock, somewhere around that time. I'm not exactly sure.
- Q. This was -- do you remember what day of the week this was?
- A. I think it was on a Monday.
- Q. Had you worked that day? You had worked that day?
- A. Yes, sir, I did, if I can recall.
- Q. Do you remember where you were working at that time?
- A. I was working for O.J. Scallan in construction -- carpenter...
- Q. In Marksville?
- A. Yes, sir, in Marksville.
- Q. You knew that your cousins were at your grandparents?
- A. Yes, sir, I did.
- Q. Had you seen them the day before, or something, or...
- A. Well, I usually would see 'em on the week ends. I can't recall seeing them before... I think I have.
- Q. How did you know that they were in Brouillette?
- A. They were living in Alex, then they decided to come to school ... to live down the river. They use to live down Brouillette before, when they were small. And, they just wanted to come live with their grandparents, and see how it was, the school was, and everything. I don't know what reason they came for, really, but...
- Q. How long had they been living in Brouillette?
- A. I don't know exactly how long.
- Q. Had they entered school in Marksville?
- A. Yes, sir.
- Q. They were actually enrolled in school here?

- A. Yes, sir, they were, the Middle School, Marksville Middle School.
- Q. They were attending the Marksville Middle School at this time?
- A. Yes, sir, I think so. Yes, sir, they were.
- Q. You don't know how long they had been living in Marksville, though, I mean, in Brouillette?
- A. No, not really. I can't recall how long it was.
- Q. Had they come at the beginning of the school term in January or December?
- A. I think it was around March or April. I don't know exactly. I don't know when they came. I never thought really, about it.
- Q. Do you remember the incident of them changing schools? Did you remember hearing about that?
- A. Yes, sir, I did.
- Q. Did you know why they changed schools?
- A. Well, they were just -- I think they were -- it was kind of hard for 'em in Alex. I talked to 'em about it before. It was kind of hard for 'em; and their grades were dropping; and they just wanted to try it over here in Marksville, since they had relatives they could live with, and see if they could do better in school.
- Q. Do you know if they had had any trouble in Alexandria?
- A. No, sir, I don't know of anything about it.
- Q. But, as best you recall, they had been attending school in Marksville since about March?
- A. I don't know exactly when, but they were attending it, a while, I'd say about a month -- maybe a month. I don't know how long, exactly, before this happened, on May 9th.
- Q. And, before that, they had lived in Alexandria, is that right?

A. Yes, sir.

Q. Was it in Alexandria in the Corporation; or was it outside, or was it Pineville, do you know?

A. They lived in Alexandria in Charles Park.

Q. And, do you know what school they have gone to in Alexandria?

A. I think it was Bran Junior High, if I'm not mistaken.

Q. Mr. Laborde, you said that when you stopped for the first time, on the Little California Road, that you saw a pistol?

*said he  
saw  
pistol*  
A. Yes, I did. I just saw the handle of it. And, when I saw that, I just turned my head...

Q. You were driving at that time?

A. Yes, sir, I was.

*START  
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Q. And, did you turn around to look?

A. What it was, when we turned on Little California Road, then, all of a sudden, it hit me, you know. I knew something was wrong; cause I knew he didn't live down there, cause I passed down that road before; and there's no houses except at the end of it, on the other side, as far as I know. When I turned it got me; it just scared me. I had a feeling something was wrong. So, I got scared and worried, you know, and Karen kept on hitting me on the side; my cousin, Karen, was sitting next to me, just kept nudging me with her elbow on the side. And, I turned, it was on the left hand side, I turned -- I was going to turn, and try to turn around -- when I stopped the car -- when I pulled in the driveway, I stopped the car, he told me to turn off the ignition. I didn't turn it off then. I said, come on man, just leave us alone; cause I knew something was going to happen; I said, just leave us alone; just let us go; just please leave us alone.

He kept telling me -- I opened the door -- I have a light in the car, and I looked behind, he started to pull his left hand back.

Q. Why did you open the door? I didn't understand you.

A. To have some light in the car. You see, when I open the door, the little dome light comes on, and I wanted to see. I don't know why I did; I just wanted to see; I looked behind, when I opened the door, and he did like this; he reached behind with his left hand, and he started pulling a gun out. And, I looked and I saw the handle. I turned my head, and I closed the door. I just started to getting more scared, then.

Q. But, you don't know why you opened the door?

A. Yes, sir, I know. I wanted to have some light to see.

Q. Oh, I see. You wanted some light.

A. Yes, sir.

Q. Did you say anything at that time?

A. When I saw the gun, I said to myself, Oh Lord, that's it. And, I asked him, I said, just please leave us alone; let us go. I said, don't hurt us; just let us go. We didn't never do you nothing; just please let us go. And, I didn't tell my cousins that I saw the gun; cause I didn't want them upset more than they were. Cause Karen, I know, she was real upset. She kept on nudging me, and all. So, I didn't know what to do. Well, he told me -- he took the keys from me. I killed the car...

Q. How did he do that? Did he grab them, or what?

A. No, he didn't grab 'em from me. What I did, I killed the car. Like I said, when I saw the gun, I killed it. I didn't want to take any chances of me getting killed, or my cousins. So, I took the keys out. He said, give me the keys. So, I just put



my head down, and I put my hand like this, and he reached over and he got the keys, and he had 'em. He started saying, I'm a man, you're a man, and these are two women, two young ladies. He said, you know what I mean? And, I just put my head down. I was scared to death. So, he gave me the keys. He said, go farther down the road. So, I backed up the car, and I was going to try to back up to go back toward the Hessmer Highway, you know, so I could get out of there. I was scared. And, he said, no, don't do it. Pull up. So, I pulled up. And, he said, go up down the road. And, I said, come on, leave us alone, man. He kept saying it real -- he kept getting louder and louder. So. I didn't want to take any chances of us getting killed or hurt, not when I saw the gun. So, I did what he said. That's when I kept on going straight down the road. He told me to turn down the first little road I saw, or something, or -- he told me that about two or three times, to turn down the little driveway, or little road, or something. I kept hesitating. I wanted to try to get closer to the end, where they had a couple of houses, at the end of the road. And, I was scared, and he kept on telling me, -- he started getting mad, Keith, turn down the road. He started telling me real aggressive, like, talking like he meant business. So...

Q. Did you tell the girls that you'd seen the pistol at any time?

A. No, sir, I didn't tell 'em. I didn't want to upset 'em.

Q. Well, didn't you say that you were begging him not to hurt you, at that time?

A. That's what I did. When we stopped the first time, I said, come on MAN, just please leave us alone. Just let us go. I said, we

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never did you nothing. Just leave us alone. And, when we were on the road, we were going down -- he told me to turn two or three times to go -- to turn down this little road, this little driveway, you know, and stop. And, I kept telling him, no. No, I didn't tell him no. I hesitated, cause I was scared. I didn't want to stop. So, I kept on trying to go farther to the end, where they had houses, or something. And, finally, he kept on telling me -- he got mad, and he said, turn here. I turned, cause I was afraid he might shoot us or something.

*Stop*  
Q. At the time that you say he put you in the trunk, you said, he was waiving the pistol?

A. Yes, sir. He had a pistol in his hands -- if I had one, I could show you. He didn't have his finger on the trigger, exactly. He had his hand on the pistol; and he'd point at me, and do like that. Get in the trunk.

Q. Did he take the pistol out while he was still in the car?

A. I didn't see him, cause I got out on the driver's side. And, I walked around, and that's when he had his hand -- I don't know how, whether he took it out or not, but he took it out at that time. When I walked around, he took the keys from me, and he had the pistol -- he had the keys, he opened the trunk, and I got in, and he closed the trunk.

*Stop*  
Q. Now, this was at the second stop, which you're talking about now,...

A. Oh, yes, sir.

Q. Now, he had taken the keys from you, and given 'em back to you before that?

A. Yes, sir.

Q. Now, where were the girls when he was waiving this gun around,

putting you in the trunk?

A. They were in the car.

Q. They were sitting in the front seat?

A. I think so. I didn't see 'em sitting down, but they were in the car for sure.

Q. Well, do you know if they were watching what was happening?

A. I don't know if they were, or not. But, I got in the trunk, and while he was putting me in the trunk, he said, don't reach in the glove compartment of the car to get a gun, cause I could shoot y'all before y'all can shoot me. I didn't have a gun in the glove compartment, cause I don't carry a gun in my car.

Q. Was he talking to you when he said that, or was he talking to the girls?

A. He was talking to the girls. Cause he thought, maybe, I had a pistol in my glove compartment.

Q. He had the gun in his hand when he said that?

A. Right.

Q. And, where was he standing when he was talking to them, when he told them that? Was he by the right side of the car, or the left side of the car?

A. He was on the right side.

Q. Alright, now, you got out on the driver's side?

A. Right.

Q. Where was he; did he tell you to walk to the back of the car?

A. He said, get out of the car and go to the back.

Q. Now, where did he get out?

A. He was on the right hand side in the back. He opened the door and he started getting out.

Stop

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Stop -  
Stop

Q. And, you were on the front left hand side?

A. Right.

Q. Driver's side?

A. Right, driver's side.

Q. And, he got out on the right rear side; the back door, on the right side?

A. Yes, sir.

Q. And, he told you to come around?

A. Yes, sir.

Q. Allright, he has the gun at that time?

A. I didn't see at that time, until I went to the back, and that's when he had it.

Q. That's when you saw it?

A. He was waiving it in front of me, get in the trunk.

Q. Was it before he went to mee t you at the back that he told the girls, don't reach for a gun in the glovecompartment, cause if you do, I'll get you first, or something like that?

A. As I can recall, I think it was, before he put me in the trunk, or wait -- I can't remember exactly when he told 'em that. I know he told 'em that, cause I heard him.

Q. So, then, you went around to the back?

A. Right.

Q. And, he -- how did he get the keys back from you?

A. He told me to give him the keys.

Q. So you brought the keys with you, when you went to the back?

A. Right, he took 'em from me. That's when he opened the trunk, and he was waiving, get in it.

Q. The trunk was locked, and he unlocked it?

A. Right.

Q. Did you ask him not to put you in the trunk?

A. No, sir, I can't recall if I did or not. I was scared. I was too upset, and everything.

Q. Was -- did I understand it that there was a tire in the trunk of the car?

A. Yes, sir, there was.

Q. But, not the wheel? There was just the tire?

A. Just the tire.

Q. Do you have a rim for a spare tire?

A. Yes, sir. I didn't then.

Q. You didn't have one at all then, or was it somewhere else, or...

A. Well, I had a spare tire, but it wouldn't fit on my car; it was at my grandfather's. I didn't have it with me, then. It was just the tire itself.

Q. The tire that you had -- in other words, that was not your spare tire that was in there?

A. Right.

Q. You had a spare tire at your grandfather's house that didn't fit your car?

A. Right.

Q. Now, did you see him punch a hole in the gas tank?

A. No, sir, I didn't see him, but I felt him pick -- when he got the lug wrench me, I felt him picking up on it, and I could hear like a scratching on -- like you scratch on metal with another piece of metal -- I could hear him picking -- I felt him picking up; I didn't know what he was doing.

Q. And, when did you find out that there was a hole in the gas tank?

A. The next day. I put some gas in the car -- after I got that other spare tire, we had to go buy a tire.

Q/ Was it a large hole, or a small hole?

A. It was a pretty big hole.

Q. Was the gasoline leaking out of it?

A. No, sir, you see, it was kind of on the top. On the top part, like -- like where the gas tank connects, it has a little ridge, where the bottom piece fits on top, and he stuck the tiretool underneath the frame, and you can see on the frame where the tire tool was hitting against it. And, when it caught on the ridge, and when he picked up like that, it just like tore a hole in it.

Q. Like in the top part of the gas tank?

A. Yes, sir, right about the top. The gas didn't leak out.

Q. How was the defendant dressed?

A. Okay, he had on this -- these maroon pants, kind of -- I think, red or maroon pants; he had some black boots, I think it's the kind that zip up; some black boot-shoes, whatever; he had on a silk shirt, kind of red and white, it's some color like that. The sleeves were cut off, right here, and it was kind of ravelled, if I can remember well. And, the bottom, I don't know if the bottom was ravelled, too. I think so; it was short, and it would come about to where your belt goes, waist line. And, it was unbuttoned about up to here. F.. somewhere around...

Q. The shirt, the sleeves were cut off, is that what you said?

A. Yes, sir, I think they were. If I could remember well. I can't remember exactly whether they were cut off or not, but I know he had a silk shirt. He was short -- it was short, and kind of

ravelled like.

Q. When did you first begin to get afraid? Was it right after you turned on the Little California Road, is that right?

A. When he told me to turn on the Little California Road, I just turned, and when I turned, I got on Little California Road, and it hit me all of a sudden. And, I started wondering, you know; I was kind of afraid. It started bothering me. I knew and I had a feeling that something was going to go wrong. Something was going to happen.

Q. Did you see any other vehicle when you were on the Little California Road?

A. No, sir, I didn't see any, but after he -- I think when he put me in the trunk -- I can't remember exactly if Karen and Sharon were in the trunk with me. I think it was Sharon -- or Karen was with me, or something. A car or a truck, I don't know what kind; I don't know what it was, it passed on the road, I could hear... on the gravel. I know a car passed.

Q. You remember hearing a car while you were in the back -- in the trunk?

A. I remember hearing some vehicle of some kind.

Q. Now, which stop was this? Do you remember...

A. That was the second stop, when he raped Sharon.

Q. Do you know who else -- do you know if you were by yourself in the trunk at that time?

A. I can't -- I don't know if it was Karen was with me, or both of 'em was with me. I can't remember exactly. I know I was with somebody in the trunk. Karen was with me, for sure.

Q. Did y'all -- was something said about a car going by, or was

there any mention made of it?

A. I can't recall; but I heard it; and they heard it, too, I'm pretty sure.

Q. Did the defendant tell you that he lived on the Little California Road?

A. He didn't tell me where he lived. That's how come I was going, cause I didn't know where he lived, and he was just telling me, to turn, like it was going toward's Rogers, he told me to turn right. I turned there. I didn't know where he lived, or nothing. I got to the end, he told me to turn left. I didn't know where he lived. I was going where he said. And, I went down -- and he told me to turn right at Little California. When I turned that's when I realized that something was going wrong. That's when he told me to turn right at Little California, and when I turned, that's when I realized something wrong; that's when I started getting afraid.

Q. Did Karen tell you at any time that she had seen a pistol?

A. She told me she saw, when he was raping her, I think she said, like he put it in his boot first, then he had it on top of the car, then he put it on the dash, I can't remember exactly what she said, but she saw it, too, she told me. You'd have to ask her exactly what it was, cause I can't remember.

Q. Do you remember, at any time, him asking Sharon if she was a Lady?

A. Well, he said something; I don't know if this is the time that he said, -- that's when he said, you're a man, I'm a man, and these are two ladies. But, I think he asked Sharon. I'm not sure. I can't recall everything. If she was a lady, she said,



no. He said, well, if you wear a brazier.. you're a lady.

He said some words like that.

Q. Now, at the time that you got in the trunk, you were in the trunk alone, first, did you get across, lengthwise, or one one side, or what? When you got in?

A. My head was towards the left side of the back, and my feet was towards the ...just like on ... *the pictures*

Q. Now, when Karen got in the trunk with you, did you get to one side, or did she lie lengthwise across the trunk, also?

A. Well, I pushed myself towards the back, as much to the back, so she could fit. And, her feet were towards my head. Her head was on the other side.

Q. Now, do you remember when Karen got in the trunk, when all three of you got in, what position was she in?

A. Karen? Or Sharon?

Q. Sharon, the third.

A. Sharon got the same way as Karen, but she was -- she got in the middle of us. You see, I was facing one way; I was in the back, Karen was kind of -- Karen had more room than me; it was still crowded in there with just two. When he put her -- and when he put Sharon in, she went kind of -- when he put her she was kind of in the middle of both of us. We had to turn sideways, and all kind of ways to try to fit so we could...

Q. Did she lay flat, and did he close the trunk?

A. She layed on the side, or on her back. But, he tried closing the trunk, and he couldn't. Her knees were up, and he kept hitting on the trunk, and Karen picked up her head, and he took her head, and he pushed it down, and it hit against the car;

And, he got on top of the car, and he started beating on it, until he finally got it closed. And, that's when we tried getting as much comfortable as we can.

Q. Now, he started driving the car at that time; all three of you were in the trunk?

A. Right.

Q. Could you estimate about how far he drove, or about how long?

A. Oh, I wouldn't really think too much. I was just trying to keep the girls calmed down. And, I was trying to get out of the trunk. I was trying that. I wasn't really thinking of -- too much of how far he went. I was just trying to get out of the trunk...

Q. Did you go back on the highway at any time, or did you stay on the gravel road?

A. I think we hit the highway one time, for a short while, not too long, if I can recall right. I can't remember exactly. I was trying -- I wasn't paying too much attention about the roads. But, the second time he stopped, was on the gravel road, cause the dust was coming in the car; especially when he'd stop, the dust would come in even more. But, it was coming in while it was going. It was just about to suffocate us.

Q. Now, when he opened the trunk to put the girls in, did you see a weapon at that time?

A. No, I don't recall; I wasn't worried about his weapon, now. I was worried about the girls. I didn't really look to see if he had a weapon, really, then. I couldn't tell.

Q. When he opened the trunk, did you ask him if you could get out?

A. I asked him if he could let us out, yes, sure. I was begging

him not to kill us or hurt us. I thought he'd try to run us in that little lake, or something.

Q. You said that you decided to spend the night in Brouillette that night. Why was that, now? Was it because you had a flat tire on your car?

A. That was one reason. But, before I was planning to spend the night, because I was by myself, at the house. I stayed there a couple of nights by myself, and I just wanted to be with somebody.

Q. You had been by yourself at your house before that?

A. Well, I slept at my parent's house a lot, and I stayed there a couple of nights. I just wanted to stay where I had somebody to talk to and be with.

Q. Your parents live in Marksville, don't they?

A. Yes, sir.

Q. After you dropped off Mr. Simmons, you went back to Brouillette at that time, on the flat tire. Did it maybe occur to you that -- to get another vehicle at your father's house in Marksville?

A. No, I wasn't thinking about that. I was thinking about getting home.

Q. Was that tire smoking when you would roll on it?

A. I couldn't tell. While we were in the trunk, or what? Or on the way home?

Q. I'm talking about going back, after everything is over; when you...

A. I couldn't tell if it was smoking. I wasn't worried about the smoke. I was worried about getting home.

Q. Did you go to work the next day on the Tuesday?

A. Yes, sir.

Q. Well, did you stay at your grandparents' house?

A. Yes, sir, I stayed there, and we took off that busted off tire, and went and look to see if we could find another one. And I bought another tire, and had it put on.

Q. You say "we"...

A. Me and my grandfather.

Q. Did the girls go to school?

A. I think so; I'm not sure. I don't know if they did or not.

Q. And, when was it that you noticed the gas tank was damaged?

A. That's the same day I was putting some gas; and I put about five or six dollars of gas, and it started smelling, and every time I'd stop or I'd turn -- and I'd park, and if it leaned, a little bit, then the gas would start coming out. And, that's when I found out, and I put some soap on it, to try to stop it.

Q. How much gas had you bought the night that you-- the incident where you saw him?

A. Two dollars.

Q. Had you noticed any of that gas leaking?

A. No, sir. The gas tank wasn't busted, or anything like that.

Q. I have no further questions at this time, your honor. But I'd like to reserve the right to call back the witness if necessary. I'd like for him to stay under the rule.

KEITH LABORDE, who, after first being duly sworn, testified under oath, under re-direct examination, at the instance of and by counsel, Mr. J. Edward Knoll, which testimony is as follows:

BY MR. KNOLL:

Keith, did you have any weapons with you that night?

A. No, sir.