

1 THE COURT: Ms. Swanson, have a good rest of the day,
2 ma'am.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you. Mr. Brown?

5 MR. SIMOWITZ: I had a question at sidebar, please.

6 THE COURT: Yes, sir.

7 (A DISCUSSION WAS HELD AT SIDEBAR, OFF THE RECORD.)

8 THE COURT: Mr. Brown?

9 MR. BROWN: Thank you, your Honor.

10 Mr. Mickey would call Kristy Martin.

11 THE COURT: All right.

12 THE CLERK: Please remain standing and raise your right
13 hand.

14 You do solemnly state that the evidence you shall give
15 in this matter shall be the truth, the whole truth, and nothing
16 but the truth so help you God.

17 THE WITNESS: Yes, ma'am.

18 THE CLERK: Thank you. Please have a seat.

19 Will you please state your full name and spell it for
20 the record.

21 THE WITNESS: Kristy Lee Martin. K-r-i-s-t-i, L-e-e,
22 M-a-r-t-i-n.

23 THE COURT: Ms. Martin, good afternoon.

24 THE WITNESS: Good morning.

25 THE COURT: Well, it's close to being morning.

26 Have you ever testified in court before?

27 THE WITNESS: No.

28 THE COURT: Are you nervous?

1 THE WITNESS: Yes.

2 THE COURT: All right. Everything is going to be okay.
3 Let me go over just a couple of ground rules with you if I
4 could, try to make this a little bit easier for you. All right?

5 Everything you're saying is being taken down by my
6 reporter, she's right in front of you. So I would ask that you
7 wait until Mr. Brown asks his question before you answer, even
8 if you know what the answer is, because my reporter has a
9 difficult time if everyone talks at the same time. Okay?

10 THE WITNESS: (Nods head.)

11 THE COURT: If you could please answer "yes" or "no" if
12 the answer calls for it, and not "uh-huh" or "huh-uh," because
13 again, my reporter has a hard time taking that down.

14 THE WITNESS: (Nods head.)

15 THE COURT: Okay?

16 THE WITNESS: (Nods head.)

17 THE COURT: Now, as far as the nodding of the head,
18 that's another thing.

19 THE WITNESS: Sorry.

20 THE COURT: That's okay. Well, you don't do this every
21 day. If the question calls for a yes or no, a lot of times, you
22 know, your tendency is just to kind of nod your head. You have
23 to remember to verbalize your responses, yes or no. Okay?

24 THE WITNESS: Yes.

25 THE COURT: Because you're a little bit nervous, you
26 may not hear the question, you may not understand the question.
27 That's okay. Happens frequently. Just let Mr. Brown know and
28 he'll re-ask the question, because obviously, it's important

1 that you understand the question before you answer, right?

2 THE WITNESS: Right.

3 THE COURT: Okay. And finally, there's no right answer
4 here. That's important to remember. You know, if you don't
5 know, you don't know. And if you don't remember, you just don't
6 remember. Okay?

7 THE WITNESS: Okay.

8 THE COURT: Now, after Mr. Brown is done asking you
9 questions, Mr. Walsh is going to have a chance to ask you some
10 questions as well. Same thing, if you could wait until he's
11 done asking the question before you answer. Yes or no if the
12 answer calls for it. If you don't understand what he's getting
13 at, let him know and he'll re-ask the question. Okay?

14 THE WITNESS: Okay.

15 THE COURT: And then make sure you talk into the
16 microphone so she can hear you.

17 THE WITNESS: Okay.

18 THE COURT: Ready to get started?

19 THE WITNESS: Yes.

20 THE COURT: Do you feel a little bit better?

21 THE WITNESS: A little bit.

22 THE COURT: All right. Mr. Brown?

23 KRISTI LEE MARTIN,

24 called as a witness by and on behalf of the Defense, having
25 been first duly sworn, was examined and testified as follows:

26 DIRECT EXAMINATION

27 BY MR. BROWN:

28 Q. Good afternoon, Ms. Martin.

1 A. Good afternoon.

2 Q. I wanted to ask you some questions. Do you know
3 Jennifer Bradley?

4 A. Yes.

5 Q. How do you know her?

6 A. I worked with her and lived with her.

7 Q. Where is it that you and she lived together?

8 A. At Broken Arrow Way.

9 Q. And how long did she live with you there?

10 A. She wasn't there very long. I don't remember exactly
11 how long she was there for, but it was not long.

12 Q. Was anybody else living with her at that time?

13 A. Yes.

14 Q. Who else?

15 A. Ryan and my two roommates.

16 Q. All right. And Jennifer Bradley, was she living with
17 Ryan?

18 A. Yes, they shared a room.

19 Q. You got to know Ryan a little bit?

20 A. Yes.

21 Q. Did anybody else come and stay with them from time to
22 time?

23 A. Kerianne.

24 Q. And how well did you get to know Kerianne?

25 A. Not very well. She was very rarely there.

26 Q. Were you ever familiar with, have an understanding as
27 to Kerianne's living arrangements?

28 A. I was just told that the mother had custody, and she

1 was starting to take Kerianne because she wanted to -- well,
2 Ryan wanted to build a family, actually, was how it was told to
3 us.

4 Q. How long did you know Jennifer before she moved in with
5 you?

6 A. Honestly, I don't know. Maybe six months. I'm not
7 sure how long we worked at Red Lobster before they moved in with
8 us.

9 Q. And is that how you met her, at Red Lobster?

10 A. Yes.

11 Q. And would you talk to her from time to time?

12 A. Yes.

13 Q. When you first met Jennifer Bradley, did she tell you
14 that she had a child?

15 A. No.

16 Q. How long did you know Jennifer Bradley before she told
17 you that she had a child?

18 A. I'm not sure exactly, but it was awhile. She wanted to
19 go to a concert, and that's when she had brought up Kerianne,
20 because she didn't have anybody to watch Kerianne. So she had
21 asked everybody to find a babysitter for her. And that's how I
22 learned that she had a child.

23 Q. And you would hear her -- did you have the opportunity
24 to hear Jennifer talk to some of the coworkers at Red Lobster?

25 A. Well, yeah. We worked together.

26 Q. Did you have any understanding as to whether or not she
27 would tell the coworkers that she had a child or not?

28 MR. WALSH: Object as to hearsay.

1 THE COURT: Overruled.

2 You can answer that.

3 THE WITNESS: She never spoke of her daughter until
4 one -- we were having a conversation. I was talking to her
5 about Kerianne, and I don't remember what the conversation was,
6 but someone overheard it, and said, oh, you have a daughter.
7 And then other people heard, and she's like, yeah, I have a
8 daughter. But for the longest time no one even knew she had a
9 child.

10 Q. (By Mr. Brown:) And you had mentioned a second ago
11 about her trying to find babysitters and so forth. You had
12 mentioned that the one where she wanted to go to a concert and
13 was looking around to find a babysitter?

14 A. Yeah. It was shortly after we had opened Red Lobster,
15 and there were so many people that worked there. We barely knew
16 everybody.

17 And Jennifer and I were talking, because we have the
18 same, similar like in music, about going to a concert. And she
19 had said that she didn't have a babysitter for Kerianne.

20 And she was asking me to help find a babysitter for
21 her, and she was just asking everybody there to watch her
22 daughter, which nobody really knew each other, so --

23 Q. Well, was she asking people that she didn't even know
24 to baby-sit her daughter?

25 A. Yes.

26 Q. People that never even met her daughter, was she asking
27 them to baby-sit?

28 A. Yes.

1 Q. And did you ever have, know of her to leave the child
2 with someone where she could go out at night?

3 A. No.

4 Q. Now, when Kerianne was at the home, did you have an
5 opportunity to see the interaction between the child and
6 Jennifer?

7 A. Yes.

8 Q. Can you describe for the jury, please, what it was like
9 from what you saw?

10 A. Jennifer really didn't interact very much with
11 Kerianne. It was more Ryan that had interaction with her.
12 Jennifer kind of just did her own thing, would go outside, have
13 a smoke, and always had a lot of drama and was more concerned
14 with herself than taking care of her daughter. She really
15 didn't interact very much with her at all.

16 Q. And what about Ryan, what did you see insofar as Ryan
17 interacting with Kerianne?

18 A. Ryan was really good with her. He was the one that
19 would bathe her, put her in the high chair, feed her, go up in
20 the middle of the night and get a bottle for Kerianne. He was
21 good with her.

22 Q. Would Ryan play with her?

23 A. Yes.

24 Q. Did you ever see Jennifer playing with Kerianne?

25 A. No.

26 Q. Now, you were living with -- or all of you -- well, let
27 me ask this first. At any time during your living arrangement
28 with Jennifer, did you ever have any plans to move out of the

1 Broken Arrow home and go find an apartment with her?

2 A. No.

3 Q. Why is that?

4 MR. WALSH: Objection. Relevance.

5 THE COURT: Sustained.

6 Q. (By Mr. Brown:) Did you ever -- did Jennifer ask you
7 to go find an apartment with her?

8 A. No.

9 Q. And if she had, would you have?

10 A. No.

11 MR. WALSH: Objection. Relevance.

12 THE COURT: Overruled.

13 You answered the question. The jury can consider that.
14 You said no, correct?

15 THE WITNESS: Yes, I said no.

16 THE COURT: Okay.

17 Q. (By Mr. Brown:) Now, you were all living together when
18 Kerianne had passed, correct?

19 A. Yes.

20 Q. If you don't mind, I'd like to direct your attention to
21 the several days before that day. All right?

22 A. Okay.

23 Q. Now, you didn't know Kerianne that well, did you?

24 A. No.

25 Q. Did you -- was Kerianne -- what kind of child was she
26 like when you would see her?

27 A. She was very quiet. I really didn't see her very much,
28 though. Just when Ryan had fed her the one time. I watched TV

1 with her at one point. She was very quiet and -- very quiet,
2 really good baby.

3 Q. Was she talkative?

4 A. No.

5 Q. Did she talk at all?

6 A. No, not really.

7 Q. Did you ever hear Kerianne call Jennifer "mommy"?

8 A. No.

9 Q. When -- on either Thursday or Friday, I think probably
10 Friday, did you notice or attempt to have any conversation with
11 Jennifer that you felt to be kind of strange?

12 A. Yes. But I'm not sure exactly if it was Thursday or
13 Friday. I know that it was a few days before Kerianne had
14 passed.

15 MR. WALSH: Objection. Nonresponsive at this point.

16 THE COURT: Overruled.

17 You can continue.

18 THE WITNESS: Okay.

19 I had asked Jennifer if I could take her playpen so my
20 mom could watch my son at the point, and I would give her my
21 crib, to let Kerianne stay in there. And when I went in there
22 Jennifer was on the bathroom sink sitting Indian, facing the
23 mirror with the mirror fogged and all wiped off. And I asked
24 her what she was doing, and she said she was putting her make-up
25 on. And I said you're in the dark with the fog, and she said,
26 I'm just tired.

27 And then I had asked her, I said, well, can I switch
28 you the playpen for the crib? And she goes, I don't know, I

1 don't know. Kerianne's very sick right now and I have to talk
2 to Ryan about it. And that was the end of it.

3 Q. Could she even see her reflection in the mirror?

4 A. Absolutely not.

5 Q. But yet she was trying to do what?

6 A. She said she was putting on her make-up but when I went
7 in there she was just staring at the fog in the pitch black.

8 Q. And Saturday evening, early -- late Saturday, early
9 Friday morning or so, did you hear the baby crying at all?

10 A. A few days -- I don't remember which day exactly it
11 was, but yes, it was a couple days later. I heard the baby at
12 like 1:00 o'clock in the morning, somewhere around there, 12:00,
13 1:00 o'clock.

14 Q. And did you hear the baby saying anything?

15 A. I don't remember if the baby was saying anything. I
16 just remember the baby was crying.

17 Q. And did you hear anything happen next?

18 A. Jennifer was screaming at Ryan to get a bottle and they
19 argued for a minute or two. I couldn't hear exactly what the
20 words were, and then Ryan got up and went and got the baby a
21 bottle.

22 Q. How do you know Ryan got the baby a bottle?

23 A. Ryan has a heavy foot and their room was -- the way our
24 house was set up was, my room was at the head of the stairs and
25 their room was behind mine. So they had to go down the hall,
26 past the stairs, down the stairs to go get the bottle.

27 Q. Did you ever see Ryan show affection towards Kerianne?

28 A. All the time.

1 Q. Would you tell the jury, please, what you saw insofar
2 as how he showed affection towards the child?

3 A. He was just very good with her. You would not have
4 thought that Ryan was Jennifer's boyfriend. You would have
5 thought that Ryan was Kerianne's father.

6 He fed the baby, like I said. He bathed the baby.
7 When he took care of the baby, he didn't have any attitude as if
8 it was a burden, or if this was someone's else's child that he
9 was taking care of. He was very good with her. He was very
10 caring and loving to her.

11 Q. In the days that preceded Kerianne's passing, did you
12 have an understanding as to whether or not Jennifer was alone
13 with the child during any of that time period?

14 A. Yes. She was alone with the baby, the day that she was
15 facing the mirror, because Ryan -- Ryan had been out of work for
16 a while, and he went back to work, and Jennifer was taking care
17 of the baby while Ryan was at work.

18 Q. And did you have any other conversation with -- let's
19 go to Saturday morning. Do you have that kind of in mind?

20 A. It was the day that Kerianne passed that you're asking
21 me about?

22 Q. Yes, ma'am.

23 A. Yes.

24 Q. Now, did you try to talk to Jennifer or Ryan on
25 Saturday morning?

26 A. Yeah. I was actually really upset with them, because I
27 had my uniform in the washer, and Ryan had took my clothes out
28 wet, put Jennifer's in there. And I got into an argument with

1 them about that, and that was it.

2 Q. Well, that was an argument that you were -- well, it's
3 the circumstance that made you pretty upset, wasn't it?

4 A. Yes.

5 Q. And do you recall what their response was to your
6 verbalizing your concerns?

7 A. Ryan had said that my shirt was dry. And I said, no,
8 it wasn't. And he had to put Jennifer's uniform in there. And
9 I don't remember the details of what he said, but it was just
10 about the uniform. That was it.

11 Q. But were they talking with you or were they avoiding
12 you, were they behind closed doors?

13 A. No. They had the door cracked open and were talking --
14 had the -- was talking through the crack in the door.

15 Q. And when they had the crack in the door open, did you
16 hear the baby in there at all?

17 A. No.

18 Q. At any time on Saturday morning did you hear the baby
19 making noises like it was playing, or --

20 A. Huh-uh. No.

21 Q. Did you hear anything from the baby at all on that
22 Saturday morning?

23 A. No.

24 Q. Now, Jennifer and you worked together at the same
25 place, correct?

26 A. Yes, sir.

27 Q. And on that Saturday did she show up for work?

28 A. Yes.

1 Q. And was she late?

2 A. She had called the manager saying that she was going to
3 be late, and I think that she maybe had walked in a couple
4 minutes late. But it was our understanding that she was going
5 to be about a half hour late and ended up showing up right after
6 she made the phone call.

7 Q. And when she showed up to work, did she seem distracted
8 to you?

9 A. Yes.

10 Q. How so?

11 A. She was avoiding me at all costs and just went for the
12 bathroom.

13 Q. Did she -- was she attentive to the tables that she was
14 supposed to wait?

15 A. I didn't pay attention to her at that point.

16 Q. Okay. Do you recall telling an investigator anything
17 along those lines?

18 A. I don't remember. This was a really long time ago.

19 Q. Do you recall making a telephone call to Ryan's cell
20 phone that Saturday morning?

21 A. I don't remember. I might have, but I don't remember.

22 I probably did, because once we got the phone call
23 about the baby, I was calling everywhere trying to figure out
24 what was going on, once Jennifer was gone, and working two jobs.

25 And in between I was trying to figure out what had
26 happened to that baby, and where the baby was. So it's very
27 possible that I called Ryan.

28 Q. Did Jennifer appear to be interested in her daughter?

1 A. No.

2 Q. What was her general demeanor when she was around her
3 daughter, do you know?

4 A. She really, like I said, didn't pay very much attention
5 to her. She constantly stuck her in the playpen, would go
6 outside and smoke, do her own thing, and go lock herself back in
7 the room once she did that.

8 Q. And Ryan would leave the child unattended in the
9 playpen from time to time, too, wouldn't he?

10 A. Yes.

11 Q. And did Jennifer, did she appear to be irritable when
12 she was around Kerianne?

13 A. Sometimes. Jennifer has a really odd personality.
14 It's not like she would just be irritable because she was around
15 Kerianne sometimes. But she just, I don't know, very hard to
16 describe Jennifer's personality. She's just bubbly one minute
17 and upset another minute and -- you know.

18 Q. All right. Thank you. I wanted to ask you just a
19 couple other questions here.

20 Were you aware that there was a landline in the Broken
21 Arrow home, a telephone?

22 A. We were trying to put one in, and we had the phones in
23 the house, and I didn't have anything to do with setting up the
24 phone. I know that Jesse had said that he was going to, and at
25 that point I didn't know if he actually did or not, because we
26 were trying to put internet and all that in. I don't remember
27 at that point.

28 Q. Do you even know, do you know if Ryan Mickey knew that

1 there was a landline that was hooked up?

2 A. He might not have known that there was a landline.
3 Like I said, those phones were sitting out there from the time
4 that we moved in. But for the longest time we didn't have a
5 phone line. So he may or may not have. I don't know.

6 Q. So when you say the phones were sitting out, what do
7 you mean?

8 A. Like, we had the actual phones sitting, plugged into
9 the wall, but we just didn't have the service. So I'm not sure
10 exactly when we got the service or if they knew when we actually
11 got the service or -- at that point.

12 Q. And you lived there?

13 A. Yes.

14 Q. And you knew Jesse?

15 A. Yes.

16 Q. And yet, you didn't know whether or not the phone was
17 hooked up or not?

18 A. Correct.

19 MR. BROWN: And that's all I have. Thank you, ma'am.
20 Thank you, your Honor.

21 THE COURT: Thank you, Mr. Brown.

22 Mr. Walsh?

23 MR. WALSH: Thank you, your Honor.

24 Hold on one second here.

25 THE COURT: Take your time.

26 MR. WALSH: Thank you.

27 (BRIEF PAUSE IN PROCEEDINGS.)

28 CROSS-EXAMINATION

1 BY MR. WALSH:

2 Q. Good afternoon, Ms. Martin.

3 A. Good afternoon.

4 Q. Hi. My name is Jess Walsh. We spoke on the phone
5 before. Thanks for coming in.

6 Let me show you a couple pictures here. I'll show you
7 People's 50 and 51. People's 50, can you tell us what we're
8 looking at in People's 50?

9 A. This was the loft.

10 Q. Okay. Was that upstairs in the house, the Broken Arrow
11 house?

12 A. Yes.

13 Q. Was that a room that everybody in the house used from
14 time to time?

15 A. Yeah. Nobody really went in there, but anybody could
16 go in there.

17 Q. Okay. And when you say there was like a phone plugged
18 into the wall, or something that Jesse was doing in regards to
19 the phone, is that kind of that pile of cords and equipment
20 there by the wall; is that what you're talking about?

21 A. Yeah. I believe that he had one there, and I believe
22 there was one downstairs for a while. And I'm not sure how long
23 each phone was there for, but yes.

24 Q. Okay. This is People's 51. This is, I guess, a
25 different picture of that same collection of cords and gadgets
26 there by the wall. Does that look like one of the phones that
27 Jesse had put in the house?

28 A. Right.

1 Q. Okay. Thank you. So Jesse, the phone was kind of his
2 deal, is that fair to say?

3 A. Yes. Uh-huh.

4 Q. And I want to talk to you about some things that
5 Mr. Brown talked to you about. Is that okay?

6 A. Okay.

7 Q. All right. The argument that you had, now you've --
8 back when this happened, back February of '06, police officers
9 were at your house that day, right?

10 A. Right.

11 Q. And you spoke with the police officer, may or may not
12 remember his name, you spoke with the police officer at the
13 Broken Arrow house that afternoon; is that right?

14 A. Not that afternoon. I actually, like I said, work two
15 jobs, and I had closed the El Torito bar, and I got home very
16 late, and I still wasn't allowed in my house. So I had to wait
17 for a while for the officers to take all the trash bags out and
18 put them in the big truck.

19 And then there was a detective that spoke to me for a
20 little while in my kitchen after that fact. But it was, I mean,
21 like I said, I had closed the bar, so it was probably early in
22 the morning.

23 Q. It was like Sunday morning, right?

24 A. Yes.

25 Q. So there were still police officers by the time you got
26 to the house on Sunday morning; is that right?

27 A. Yes. I think there might have just been one or two.
28 There wasn't, like, a big huge ordeal.

1 Q. Okay. And you talked to one of them when you got home;
2 is that right?

3 A. Yes.

4 Q. Okay. Probably pretty brief, because you had just got
5 home from working two jobs, right?

6 A. Yes.

7 Q. Okay. And you talked to him a little bit about some of
8 the observations you were able to make at the house in regards
9 to Kerianne and Ryan and Jennifer; is that right?

10 A. Yeah.

11 Q. As you sit here today, do you really remember much of
12 what you talked to that first police officer about?

13 A. I remember trying to ask him about what happened,
14 because I was really upset about everything. And he told me
15 that he couldn't tell me much, that Kerianne had gone to the
16 hospital.

17 And I asked if she was alive, and he said, yes. And I
18 just -- my main concern was just, what had happened, and he said
19 he couldn't talk to me about it.

20 And he had asked me, I believe he had asked me a little
21 bit about Ryan and a little bit about Jennifer. And that's
22 really all I remember. I don't remember to what detail.

23 Q. Okay. And then, you went back maybe, let's see, about
24 a day later, that is like on Monday, did you go back and talk to
25 that same police officer at the police station?

26 A. I did go to the police station. I don't remember how,
27 like if it was the next day or not. And I did go back. I think
28 I might have -- I went back either once or twice, but I did go

1 back.

2 Q. And it was pretty close in time to that weekend; is
3 that right?

4 A. Yes.

5 Q. And now, the loft area, we looked at the picture -- and
6 I promise not to use the overhead. I won't.

7 On People's 50, I just showed it to you a minute ago,
8 there's a couple of couches on that?

9 A. Okay.

10 Q. One of the couches is flipped over. Do you have any
11 memory as to how that happened?

12 A. Yes. My roommates, we had had a birthday party at the
13 house, and they had been wrestling, and that was -- when they
14 were wrestling, they had knocked over and just never turned it
15 back over.

16 Q. Okay. And how far before February 4th was this, do you
17 remember?

18 A. I really don't remember.

19 Q. Okay. That's fine. Was everybody home for that party
20 or there was just a select few that attended that party?

21 A. No, there was a lot of people there.

22 Q. Were Ryan and Jennifer there during that party?

23 A. No, they were not.

24 Q. Okay. Thank you.

25 And then, so Mr. Brown talked to you a little bit about
26 some of your observations of Ryan and Jennifer, when they spent
27 time, when all of you were in the house together, and you were
28 talking about that.

1 A. Yes.

2 Q. Okay. And now, after you had the interview, you had
3 the kind of two or three close in time interviews with the
4 police, first at the house and then the police station, and then
5 you spoke to an investigator for Mr. Mickey like a couple months
6 later; is that right?

7 A. Yes.

8 Q. Someone named Rick Hippach, does that sound right, or
9 does the name just not matter at this point?

10 A. I don't know.

11 Q. Okay. I understand. It's been a long time.

12 A. Yeah.

13 Q. The interview that you did with the investigator, was
14 that -- do you remember, was that a little bit longer than the
15 other interviews you had had with the police?

16 A. I want to say it was the two of them that actually came
17 to our house.

18 Q. Was there someone that came to your house still like
19 maybe a month or two after this happened at the house?

20 A. There were -- well, there was somebody that came in and
21 broke down the playpen with me, and I don't know who that was,
22 and I talked to that person.

23 Q. Okay. Well, let me ask you a few questions here.
24 Mr. Brown asked you some questions about -- I guess I'll start
25 with that day. You worked at Red Lobster with Jennifer?

26 A. Right.

27 Q. And you said when she came to work that day she was a
28 little, I guess, distracted or involved or maybe her head was

1 somewhere else. Is that kind of how she was?

2 A. She had been like that for a while, though.

3 Q. A while, like weeks?

4 A. Yeah, that's pretty fair to say.

5 Q. You said her personality is kind of, you know, one time
6 it's one thing, one time it's another thing. Is that kind of
7 your experience with her?

8 A. Yes.

9 Q. Okay. And it was in fact very few times that, the
10 number of times that both you and Ryan and Jennifer and Kerianne
11 were all in that Broken Arrow house together, that was very few
12 times, wasn't it?

13 A. Very few.

14 Q. Okay. Most of the time Kerianne was with her
15 grandmother, right?

16 A. That's my understanding, yes.

17 Q. And sometimes Kerianne would come to the house and
18 spend sometimes on weekends with Jennifer and Ryan; is that
19 about right?

20 A. I don't remember if it was weekends, but there was a
21 few times that Kerianne had been in the house.

22 Q. Okay. And now, on that day at work, you said that when
23 Jennifer came to work on that Saturday, February 4th. Are you
24 able to orient yourself to the date; is that --

25 A. Yes.

26 Q. Okay. All right. I just want to make sure, because
27 it's been a long time. Some people have had some trouble.

28 A. Yeah.

1 Q. So Saturday, the 4th, you were working. Jennifer gets
2 to work a few minutes late. You said she avoided you during
3 work that day?

4 A. In the morning, yes, she did.

5 Q. And it was early in the afternoon that she got the call
6 where she had to leave and go back to her house, right?

7 A. Yes.

8 Q. Part of that argument that you and Jennifer and Ryan
9 had on the morning of Saturday, the 4th, part of it was your
10 uniform getting pulled out of the dryer before it was done,
11 right?

12 A. Yes.

13 Q. And then another part of it was you were trying to
14 collect the rent from these guys, right?

15 A. Yes.

16 Q. And they hadn't paid you the rent?

17 A. Yes. But they -- we had told them that they were
18 kicked out, and they were like we're moving out. It was pretty
19 much a done deal.

20 Q. Okay. Now, that was kind of a -- that was an argument
21 that left you a little angry, right? I mean, you were pretty
22 angry at Jennifer and Ryan during that argument, right?

23 A. We had been upset with them for a while, because like I
24 said, they didn't pay their share of rent. We were upset about
25 that.

26 And then they had just -- just the way that they were
27 with each other. I know I'm not allowed to talk about their
28 fighting with each other, but we just didn't care for it in the

1 house.

2 Q. They argued a lot, right?

3 A. Yeah, they argued lot, and we had had enough.

4 Q. Okay.

5 A. And --

6 Q. I'll stop there. I'll ask you another question.

7 Do you remember when you -- you talked to an
8 investigator at some point, this Hippach guy. And do you
9 remember talking to an investigator named Rick, Richard Hippach,
10 identify himself as an investigator for Mr. Mickey, right around
11 March 23rd of '06, so about six weeks after this incident; does
12 that sound familiar?

13 A. I think the only person I remember talking to was the
14 detective that was in the house, going back to the police
15 station, and breaking up the playpen. I might have talked to
16 somebody else, but I really don't remember.

17 Q. Okay.

18 A. Those are the few things that stand out.

19 Q. Okay. Well, do you remember telling any investigator
20 that as a result of this argument that you had with Jennifer and
21 Ryan that you were -- you were incensed -- incensed; that is,
22 angry -- about their refusal to pay rent?

23 MR. BROWN: 402, your Honor.

24 THE COURT: Sustained.

25 Q. (By Mr. Walsh:) During this argument that you had in
26 the morning about the, at the very least, about the uniform
27 being taken out of the dryer --

28 A. Uh-huh.

1 Q. -- did you express some frustration at any point during
2 that argument that took place between you and Ryan and
3 Jennifer --

4 A. Yes.

5 Q. -- express some anger and frustration with them during
6 that?

7 A. Yes.

8 Q. And the next time you saw Jennifer after that argument
9 was when she showed up to work?

10 A. Right. And I told her, you do understand that you guys
11 are kicked out.

12 Q. Right.

13 A. And she said, yes, and just didn't seem to care very
14 much.

15 Q. But it was during this time like when she first came to
16 work, you guys opened at 11:00 that morning?

17 A. Yes.

18 Q. You get there at 10:45, and the restaurant opens at
19 11:00?

20 A. Uh-huh.

21 Q. The restaurant opens, she's kind of dodging you, you
22 said she went in the bathroom, kind of escaping you or getting
23 away from you, right?

24 A. Right.

25 Q. And that came time-wise kind of right on the heels of
26 this argument you had with them, that it was kind of a, you
27 know, you weren't getting along in that argument, right?

28 A. Right.

1 Q. Okay. All right. And that's just what I was trying to
2 get to.

3 Now, you saw, during your experience with Ryan and
4 Jennifer and Kerianne in the house, your observation is that
5 Ryan did most of the heavy lifting that came to the care for
6 Kerianne, right?

7 A. Right.

8 Q. He bathed her?

9 A. Right.

10 Q. He fed her?

11 A. Yes.

12 Q. He would play with her sometimes?

13 A. Yes.

14 Q. But most of the time she spent her time in that crib by
15 herself, right?

16 A. Yes.

17 Q. And now, wasn't it true that during the time that you
18 would have experience with Ryan and Jennifer and Kerianne, that
19 a lot of times Jennifer would kind of tell Ryan to do things,
20 like you told us about this bottle. Late at night, Friday
21 night, Saturday morning, when you got home from work, you heard
22 Kerianne cry.

23 A. Uh-huh.

24 Q. You heard Jennifer yell at Ryan to get a bottle, right?

25 A. Yes.

26 Q. Was that kind of the norm, like Jennifer would tell
27 Ryan, do this, do that, when it came to the baby?

28 A. She was very bossy.

1 Q. And she'd tell him, give her a bath, give her a bottle,
2 stuff like that?

3 A. No. She wouldn't say, give her a bath or a bottle.
4 The normal caretaking of the baby, Ryan did very well. He
5 bathed her on his own. He fed her on his own.

6 But when it came to something specific that Jennifer
7 wanted, like what she wanted on her pizza when she wanted to
8 eat, she was just bossy.

9 And late at night, that's -- like any couple when you
10 have a baby, who's going to get up and get a bottle. That's not
11 just your everyday, she was very bossy.

12 Q. I'll stop you right there and I'll ask you another
13 question. Okay. And if I can ask you to kind of focus on the
14 questions that I'm asking or Mr. Brown's asking, we'll get
15 through this a lot quicker. Okay?

16 What I'm asking is in regards to the taking care of
17 Kerianne Bradley, when she would need something, was it your
18 experience when you were around the three of them that most of
19 the time Jennifer would kind of demand that Ryan do the things
20 to take care of her?

21 A. If it was something specific, yes.

22 Q. Right. Like, if the baby was crying, Jennifer would
23 say, take care of her, give her what she needs, right?

24 A. Yeah, you could say that.

25 Q. I mean, do you remember talking to an investigator
26 about that, right? You would tell him that when Jennifer --
27 Kerianne would cry --

28 MR. BROWN: 402.

1 THE COURT: I'm sorry?

2 MR. BROWN: 402.

3 THE COURT: Overruled.

4 You can continue.

5 Q. (By Mr. Walsh:) When Kerianne would be crying,
6 oftentimes Jennifer would demand that Ryan get her a bottle, do
7 these things she needs. Is that something you experienced?

8 A. Yes.

9 MR. BROWN: 402, your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Yes. She was very snappy. It was she,
12 like I said, it wasn't like Ryan couldn't take care of her. It
13 was just like, do it now. Like very aggressive. Like, I'm not
14 going to do it, you do it.

15 Q. (By Mr. Walsh:) Okay. And he would do it, right?

16 A. Yes, and he would do it.

17 Q. And now, I could sit here and kind of go through all
18 your interviews with different police officers, but do you
19 really remember any of those right now?

20 A. Not too much.

21 Q. And is it fair to say that the more time that you spent
22 with the police officer, maybe the more information you were
23 able to give them?

24 A. Yeah.

25 Q. Okay. In other words, having your first interview took
26 place at the house, not a lot of details and not a lot of
27 information about the everyday activities of Ryan, Jennifer and
28 Kerianne, right?

1 A. Right.

2 Q. But then when you had an opportunity to sit down with
3 this investigator and kind of give them a bunch of information
4 about the days before, the days after, the days during; is that
5 fair to say?

6 A. Yes.

7 Q. Okay. Now, on -- when it comes to the baby crying on
8 Friday night and Saturday morning, it's your recollection that
9 your --

10 A. Like I said, I don't remember what day that was.

11 Q. Okay. All right. Now, we're talking about Saturday.
12 Saturday is the day that you had the argument with Jennifer and
13 Ryan and you see Jennifer at work.

14 A. Yes.

15 Q. Was it that night that you heard Kerianne cry?

16 A. Honestly, I don't remember if it was that very night
17 before, or it was the day before that. It was very close, it
18 was within a couple day range, but I don't remember if it was
19 that specific night.

20 Q. Okay. And but you do remember a cry at night?

21 A. Yes.

22 Q. And some noise, someone getting a bottle, right?

23 A. Yes.

24 Q. And you remember that that was a normal cry, right?

25 A. Yes.

26 Q. Okay. It wasn't like a cry in pain or something like
27 that?

28 A. No. Huh-uh.

1 Q. You have a child of your own, right?

2 A. I have two.

3 Q. And you had a child when you were living in this house
4 with Ryan and Jennifer, right?

5 A. Yes, I did.

6 Q. And so your basis for saying it was Ryan who went and
7 got the bottle, it's based on the sound of footsteps; is that
8 right?

9 A. There was a very distinct bump of a man, than a little
10 girl.

11 Q. Right. Well, I agree. I'm loud when I walk through
12 the house, too.

13 A. Yes.

14 Q. I'm not arguing with you on that. I'm just saying, you
15 didn't see Ryan get the bottle?

16 A. No.

17 Q. Okay. And now, this conversation you had with Jennifer
18 about the playpen?

19 A. Uh-huh.

20 Q. Do you remember how many days before -- is it easier
21 for you if I call it Saturday or February 4th, the day that the
22 argument happened and Kerianne --

23 A. Saturday.

24 Q. Okay. I'll say Saturday. How many days before
25 Saturday did you have this interaction with Jennifer about the
26 playpen?

27 A. I don't remember to the exact, but it might have been a
28 few days. It wasn't very long before.

1 Q. Okay.

2 A. It was just a few days.

3 Q. Do you remember telling an investigator that you spoke
4 to that it was Wednesday, the 1st?

5 A. I might have. Like I said, it was four years ago. I
6 don't remember exactly now how long ago it was. But at that
7 point, it was whatever I told him.

8 Q. Do you have any idea if Kerianne was at home on the day
9 that you had this conversation with Jennifer about the playpen?

10 A. Well, yeah, because she said Kerianne was sick.

11 Q. Okay. But do you have any idea if Kerianne was in the
12 house?

13 A. Just because Jennifer said she was.

14 Q. Okay.

15 A. But from seeing her, no, I didn't see her myself.

16 Q. All right. So you didn't see her on Wednesday -- well,
17 you didn't see her on the day you had the playpen conversation
18 with her?

19 A. Right.

20 Q. And now, you knew at that time that there were days of
21 the week that Kerianne would go to a babysitter's house, right?

22 A. I'm not sure that she went to a babysitter. She might
23 have. Like I said, I know that most of the time when Jennifer
24 and Ryan didn't have her, she was with the mother.

25 Q. Jennifer's mother?

26 A. Yes.

27 Q. Okay. And but that was -- wasn't that certain days of
28 the week, in your experience, or was it not?

1 A. It just, from what I remember, it seemed to be that she
2 just randomly had her daughter. It didn't seem to be any
3 specific pattern, from what I remember.

4 Q. All right. So the day that you had the conversation
5 with Jennifer about the crib, you don't see Kerianne that day;
6 is that right?

7 A. That's correct.

8 Q. Okay. And then the next day, did you see Kerianne the
9 next day?

10 A. I don't remember.

11 Q. Okay. I guess, let's work backward from Saturday, did
12 you see Kerianne on Saturday?

13 A. No.

14 Q. Did you see Kerianne on Friday?

15 A. I don't remember.

16 Q. Okay. And did you see Kerianne on Thursday?

17 A. Whatever day that Ryan went to work, I remember that
18 Jennifer had her that day. I remember briefly seeing her that
19 day, but I don't remember what day that was.

20 Q. Okay.

21 A. But that's -- all I remember, from being very close to
22 when this incident happened, actually physically seeing her
23 rather than hearing her or discussing her.

24 Q. Okay. And you said that most of the time when Kerianne
25 would be at the house, she would be in her playpen?

26 A. Right.

27 Q. And that was in Ryan and Jennifer's room, right?

28 A. Yes, sir.

1 Q. There's also a TV in that room, right?

2 A. Yes, sir.

3 Q. And Kerianne would watch DVDs or cartoons in that room,
4 right?

5 A. I don't remember if that TV was on very much or not, to
6 be honest with you. I know there was a TV in there. I remember
7 she had asked to put my TV in that room, because it was bigger
8 and they were going to hook it up to watch movies. I don't know
9 to what extent they actually did, but they did put one in there.

10 Q. All right. And when you say that Jennifer said
11 Kerianne was sick, did she give you any other details, or did
12 she just say Kerianne was sick?

13 A. She just said that Kerianne was really sick and she had
14 discussed it with Ryan.

15 Q. Okay. And you don't remember how far in advance of
16 Saturday that was?

17 A. It would have been within a couple day range. I don't
18 remember to exact, but it would be a couple day range.

19 Q. Okay. And during the entire time that you shared
20 space, lived with Ryan and Jennifer, you never saw Jennifer
21 being physically violent with Kerianne, right?

22 A. No, sir.

23 MR. BROWN: 402.

24 THE COURT: Overruled.

25 Q. (By Mr. Walsh:) Never saw Ryan being physically
26 violent with Kerianne, right?

27 A. No, sir.

28 Q. Never heard Jennifer yell at Kerianne specifically,

1 correct?

2 A. That's correct.

3 Q. Never heard Ryan yell at Kerianne specifically?

4 A. That's correct.

5 Q. All right. And so, it's fair to say that most of the
6 interaction that Jennifer and Ryan and Kerianne had while inside
7 your house, were not around you; is that fair to say?

8 A. That's fair.

9 MR. WALSH: I don't know that I have any more
10 questions. Just one moment here.

11 THE COURT: That's fine. Take your time.

12 (BRIEF PAUSE IN PROCEEDINGS.)

13 Q. (By Mr. Walsh:) And I'm going to ask you just one very
14 brief and very direct question, and I want you to make sure you
15 focus on the question I'm asking you, and just answer that
16 question. Okay?

17 The last time you remember seeing Kerianne, and I
18 believe you're not sure what day it is, but a few days before
19 Saturday; is that what you said before?

20 A. The last time I remember seeing Kerianne was the day
21 that Ryan went to work.

22 Q. Okay. But you don't -- in reference to Saturday, you
23 don't remember what day that was?

24 A. That's correct. I don't remember.

25 Q. It could have been Friday, could have been Thursday,
26 you're not sure; is that fair to say?

27 A. That's fair to say.

28 Q. Okay. And the very specific question I'll ask you is

1 the last time you saw Kerianne, did you see any injuries on her
2 face?

3 A. No.

4 Q. Okay. Thank you.

5 MR. WALSH: I have no other questions.

6 THE COURT: Thank you, Mr. Walsh.

7 Mr. Brown, any follow-up, sir?

8 MR. BROWN: Just a couple, your Honor. Thank you.

9 THE COURT: Okay.

10 REDIRECT EXAMINATION

11 BY MR. BROWN:

12 Q. Ms. Martin, a couple areas I wanted to follow up on.
13 When you would hear Jennifer tell Ryan what to do with the baby,
14 do you recall that area of the questions?

15 A. Uh-huh.

16 Q. Were you able to see what Ryan's reaction was?

17 A. I couldn't see it, but I like, the one incident where
18 she was barking at him to make her a pizza and that it had to
19 have this on it and it better not have this on it, otherwise she
20 wasn't going to eat it, and blah, blah, blah, I could hear him,
21 and he catered to her. He catered to both of them.

22 Q. Did he ever get upset at Jennifer that you saw when she
23 was ordering him around or barking at him?

24 A. Yeah, he got upset, but who wouldn't?

25 Q. Who would instigate the arguments?

26 A. Jennifer.

27 Q. And was that predominant and what would occur, Jennifer
28 would instigate arguments?

1 A. Yes, sir.

2 Q. And when Jennifer would tell Ryan to do something for
3 Kerianne, did you have the opportunity to see that or hear that
4 occur as well?

5 A. I could hear it.

6 Q. And were you able to hear how Ryan would respond?

7 A. He would be upset. It would be more like a, huh, but
8 then he would go and do it. It would never -- I don't know. He
9 would be -- he -- he -- he would be upset but didn't seem very
10 angry. It would just be like a, all right, and then go do it.
11 You know what I mean? I can't -- I don't know how to describe
12 it.

13 Q. Did you ever see him either verbally or physically take
14 it out on the child?

15 A. No.

16 Q. Did you ever see him become upset with the child
17 because Jennifer was telling him what to do?

18 A. No.

19 Q. Pardon me?

20 A. No.

21 Q. And the question that you were asked about the last
22 time that you saw the child, you didn't see any bruises on her?

23 A. That's true.

24 Q. Do you remember telling an investigator that you really
25 couldn't see much of the child, no matter what, because they
26 always had the child really bundled up?

27 A. Yes. They always had a beanie on Kerianne, and she
28 always had a lot of clothing on.

1 Q. So when you saw the child, and you're telling us that
2 you didn't see any bruises or anything like that, did you really
3 have the opportunity to go up and see the child and determine
4 whether or not anything like that existed on her?

5 A. No, I could not. I couldn't say that. I could say I
6 probably saw a small circumference of her face and her hand.

7 Q. And that's it?

8 A. That's about it.

9 Q. You couldn't see the side of her eyes or anything like
10 that?

11 A. No. Huh-uh.

12 Q. I think that's all I have. Thank you, ma'am.

13 Oh, I did have one area here.

14 Did you ever see or hear Ryan calming Jennifer down?

15 A. No. When they'd have their little tiffs they both kind
16 of -- he would try and walk away and just diffuse himself pretty
17 much, because he would try and go away from the situation.

18 Q. How about when you would hear Jennifer being upset
19 about something that Kerianne was doing, did you ever hear her
20 yelling at Ryan because of something Kerianne was doing?

21 A. From what I remember, she was just yelling at Ryan
22 whenever the baby was crying to get something for the baby or
23 take care of the baby. That's about what I remember.

24 Q. And under those circumstances did you ever hear Ryan
25 try to calm Jennifer down as well as taking care of the baby?

26 A. I could not say that for sure that I remember the night
27 that the baby cried that he was doing that, but I believe that
28 he did, but I could not say for sure. It was so long ago.

1 Q. Okay. That's good. Thank you. I appreciate it.

2 MR. BROWN: Thank you, Mr. Brown.

3 Mr. Walsh?

4 MR. WALSH: No additional questions. Thank you.

5 THE COURT: Ms. Martin, thank you. Have a good rest of
6 the day.

7 THE WITNESS: Thank you.

8 THE COURT: Counsel, can you approach sidebar?

9 (A DISCUSSION WAS HELD AT SIDEBAR, OFF THE RECORD.)

10 THE COURT: All right. I just talked with counsel.
11 They don't have anyone else that they're going to be calling
12 today. So we'll reconvene tomorrow morning at 9:00 o'clock.

13 And I understand we have three witnesses. And they
14 have some more recordings.

15 Remember the admonition. Please keep an open mind.
16 Don't draw any conclusions about the case. And please don't
17 talk to anyone about the case.

18 Have a good evening. We'll see you back tomorrow
19 morning at 9:00 o'clock.

20 (OUTSIDE JURY PRESENCE:)

21 THE COURT: Okay. The record should reflect the jury
22 has left the courtroom.

23 We did have a chambers discussion on some of the issues
24 regarding parameters of the testimony of the last two witnesses.

25 Mr. Brown, anything you want to put on the record?
26 Everything all right?

27 MR. BROWN: About the witnesses that just testified?

28 THE COURT: Right. Anything that you felt you should