**Handout #5: Direct and Cross Examination of a Police Officer**

**Child Abduction Case**

**CONTINUATION OF DIRECT EXAMINATION BY MR. DUSEK**:

Q: MR. REDDEN, I THINK WHEN WE FINISHED YESTERDAY, WE WERE ABOUT TO PLAY THE TAPE. PRIOR TO SPEAKING WITH THE DEFENDANT, DID YOU OBTAIN A CONSENT OR A WAIVER OF WHAT YOU WERE GOING TO DO?

Q: DID YOU EXPLAIN THE PROCESS OF THE INTERVIEW?

Q: AND DID HE DO THAT?

Q: AND DURING THE INTERVIEW WHAT TOPICS DID YOU COVER?

Q: WAS THERE A TIME THAT YOU DISCUSSED THE EVENTS AT SUPERSTITION MOUNTAIN?

Q: DID HE SAY SOMETHING UNUSUAL AT THAT POINT?

Q: WHAT DID HE SAY AT THAT POINT?

MR. DUSEK: YOUR HONOR, I HAVE HAD MARKED AS COURT'S EXHIBIT 59 AN AUDIOTAPE. AND I'VE HAD MARKED AS COURT'S EXHIBIT 59-A A TRANSCRIPT THAT IS FORTY-TWO PAGES LONG.

(AUDIOTAPE OF INTERVIEW OF THE DEFENDANT BY PAUL REDDEN MARKED TRIAL EXHIBIT NUMBER 59 FOR IDENTIFICATION.)

(TRANSCRIPT OF TRIAL EXHIBIT NUMBER 59 FOR IDENTIFICATION MARKED TRIAL EXHIBIT NUMBER 59-A FOR IDENTIFICATION.)

 MR. DUSEK: AND I HAVE COPIES FOR THE JURY AND STAFF.

THE COURT: ALL RIGHT.

LADIES AND GENTLEMEN, WE'RE GOING TO DO WHAT WE HAVE DONE ON OUR PRIOR TAPES. THIS IS AN AUDIOTAPE. HAVING LISTENED TO IT, THERE IS A QUALITY PROBLEM ON OCCASION. SO THESE ARE BEING DISTRIBUTED SO THAT YOU CAN FOLLOW WITH THE FLOW OF THE INTERVIEW.

AS I INSTRUCTED YOU YESTERDAY, THEY WILL BE PICKED UP FROM YOU AT THE CONCLUSION OF LISTENING TO THE TAPE.

THE COURT: OKAY.

MR. DUSEK: I BELIEVE THIS TAPE IS ABOUT FORTY-ONE, FORTY-TWO MINUTES LONG, YOUR HONOR. AND I WOULD ASK THAT WE BE ABLE TO PLAY IT, AND WE WOULD STIPULATE THE REPORTER DOES NOT HAVE TO TRANSCRIBE IT.

THE COURT: SO STIPULATED?

MR. FELDMAN: YES.

THE COURT: ALL RIGHT. THANK YOU.

MR. FELDMAN: YOUR HONOR, THERE HAS BEEN AN EXHIBIT MARKED.

THE COURT: YES. IT'S B -- OR A. EXCUSE ME. 59-A.

MR. FELDMAN: I'M SORRY, YOUR HONOR. 59 IS THE AUDIOTAPE; 59-A IS THE TRANSCRIPT?

THE COURT: YES.

MR. FELDMAN: THANK YOU.

(TRIAL EXHIBIT NUMBER 59 FOR IDENTIFICATION WAS PLAYED AT THIS POINT.)

THE COURT: OKAY. LADIES AND GENTLEMEN, LET'S SEE. PASS THE TRANSCRIPTS TO YOUR RIGHT.

ALL RIGHT. MR. DUSEK.

BY MR. DUSEK:

Q: MR. REDDEN, DID YOU JUST GET AN OPPORTUNITY TO READ OR LISTEN TO THE TAPE THAT WAS PLAYED?

Q: WAS THAT A TRUE AND ACCURATE RENDITION OF THAT PORTION OF THE INTERVIEW?

 Q: AND THE TRANSCRIPT THAT WE WENT ALONG, WAS THAT ACCURATE AS HUMANLY POSSIBLE?

MR. DUSEK: THANK YOU, SIR.

THE COURT: ALL RIGHT. CROSS-EXAMINATION.

**CROSS-EXAMINATION BY MR. FELDMAN**:

Q: HOW MANY HOURS DID YOU SPEND SPEAKING WITH MR. WESTERFIELD?

Q: HOW MANY DIFFERENT TIMES DID MR. WESTERFIELD ASK YOU FOR COUNSEL?

Q: DID YOU HAVE A HEATER GOING IN THAT ROOM, SIR?

Q: DID YOU HAVE A HEATER GOING IN THE ROOM THAT YOU WERE SPEAKING TO MR. WESTERFIELD?

Q: AND DID MR. WESTERFIELD INDICATE THAT HE WAS ALWAYS HOT?

Q: AND HE ACTUALLY COMPLAINED ABOUT HOW HOT IT WAS, ISN'T THAT RIGHT?

Q: YOU ALSO TOLD US EARLIER YOU ARE FROM -- YOU WERE A POLICE OFFICER IN WYOMING, SIR?

Q: WHICH CITY OR TOWN?

Q: WHERE'S THAT?

Q: AS PART OF THE PROCESS OF YOUR -- YOU'RE CALLED AN INTERROGATION SPECIALIST, IS THAT CORRECT, SIR?

Q: AND WHAT'S AN INTERROGATION?

Q: AND WHAT'S THE DIFFERENCE BETWEEN THAT AND AN INTERVIEW?

Q: DID YOU CONSTRUE YOUR COMMUNICATION WITH MR. WESTERFIELD AS ACCUSATORY?

Q: PRIOR TO YOUR -- DO YOU RECALL WHAT TIME YOU STARTED TO SPEAK TO MR. WESTERFIELD?

Q: SO YOU WERE AWARE THAT HE HAD BEEN WITH LAW ENFORCEMENT ESSENTIALLY ALMOST CONTINUOUSLY WITHOUT A BREAK SINCE ABOUT TEN TO 9:00 THAT MORNING?

Q: BEFORE YOU WERE ENGAGED IN THE PROCESS OF COMMUNICATING WITH MR. WESTERFIELD, HAD YOU BEEN BRIEFED BY OTHER OFFICERS?

Q: SO YOU HAD AT LEAST THE INFORMATION THAT MR. WESTERFIELD HAD BEEN PREVIOUSLY WITH LAW ENFORCEMENT THAT DAY.

Q: AND YOU NEEDED THAT INFORMATION ANYWAY FOR YOU TO PERFORM YOUR JOB, IS THAT RIGHT?

Q: SO IT WAS IMPORTANT FOR YOU TO FAMILIARIZE YOURSELF WITH WHAT HAD HAPPENED PREVIOUSLY.

Q: AS PART OF YOUR TECHNIQUE, YOU TRY AND MAKE THE SUBJECT COMFORTABLE, IS THAT RIGHT?

Q: AND AMONG THE WAYS IN WHICH YOU MAKE THE SUBJECT COMFORTABLE IS TO ENGAGE IN KIND OF CONVERSATIONAL TONE SUBJECTS, IS THAT RIGHT?

Q: AND IN THIS CASE YOU TRIED TO ESTABLISH A RAPPORT WITH MR. WESTERFIELD, ISN'T THAT RIGHT?

Q: YOU ASKED HIM, FOR INSTANCE, WHAT HIS JOB WAS.

Q: HE TOLD YOU HE WAS --

Q: SIR, YOU SAID ON TAPE THAT YOU HAD TROUBLE REMEMBERING YESTERDAY. WAS THAT PART OF THE PROCESS OF ESTABLISHING RAPPORT?

Q: WAS IT TRUE?

Q: I'M SORRY. JUST AS PART OF YOUR TRAINING AS AN INTERROGATION SPECIALIST, ARE YOU PERMITTED TO OR AS PART OF YOUR TRAINING TO PERMIT YOU TO LIE TO PEOPLE THAT YOU'RE TALKING TO?

Q: KIND OF LIKE A SALESMAN?

Q: EXCEPT IN YOUR SPECIFIC INSTANCE YOU'VE INDICATED YOU WOULD GO SO FAR AS TO NOT TELL THE TRUTH TO ESTABLISH THAT RAPPORT.

Q: WELL, SOMETIMES I HAVE TROUBLE REMEMBERING YESTERDAY. YOU JUST TOLD ME THAT WASN'T A TRUE STATEMENT, RIGHT?

Q: AND YOU DID MAKE THAT STATEMENT TO MR. WESTERFIELD.

Q: AND YOU MADE THAT IN THE CONTEXT OF TRYING TO ESTABLISH A RAPPORT.

Q: ALL RIGHT. ON THE TAPE WE HEAR THE NAME JACKIE. WHO WAS THAT?

Q: WE HEARD THE NAME NEAL. WHO WAS THAT?

Q: AND WE HEARD THE NAME LISA. WHO WAS THAT?

Q: DID YOU PROVIDE MR. WESTERFIELD ANY FOOD?

Q: COULD YOU TELL WHETHER OR NOT -- YOU HAD NOT MET MR. WESTERFIELD PRIOR TO THAT DATE, IS THAT RIGHT, SIR?

Q: DID YOU -- THEN YOU'RE NOT ABLE TO FORM AN OPINION AS TO HOW FATIGUED HE MIGHT HAVE BEEN, IS THAT RIGHT?

Q: WHAT DID HE TELL YOU?

Q: AND DID YOU ASK HIM WHEN HE HAD LAST EATEN?

Q: WHAT DID HE TELL YOU?

Q: DID YOU ASK HIM WHO OR -- ON THE TAPE WE HEAR A MENTION TO DAVE AND DEBBIE. DID YOU ASK HIM -- I'M SORRY. DO YOU KNOW WHO DAVE AND DEBBIE ARE?

MR. FELDMAN: NO FURTHER QUESTIONS AT THIS TIME.

THE COURT: ALL RIGHT.

MR. DUSEK, ANYTHING FURTHER?

MR. DUSEK: NO, THANK YOU.

THE COURT: ALL RIGHT.

IS MR. REDDEN TO BE SUBJECT TO RECALL?

MR. FELDMAN: PLEASE.

THE COURT: YES?

MR. FELDMAN: PLEASE.

THE COURT: ALL RIGHT.

MR. REDDEN, YOUR TIME WITH US IS DONE. PLEASE REMEMBER THE ADMONITION NOT TO DISCUSS THE CASE WITH ANYONE UNLESS IT'S PURSUANT TO THE ONGOING INVESTIGATION. ALL RIGHT?

THE WITNESS: YES, SIR.

THE COURT: THANK YOU VERY MUCH.

(THE WITNESS WAS EXCUSED.) THE COURT: ALL RIGHT. MR. DUSEK, IT'S CLOSE ENOUGH WE MIGHT AS WELL JUST TAKE THE MORNING BREAK RIGHT AT THIS POINT.

THE COURT: LADIES AND GENTLEMEN, PLEASE REMEMBER THE ADMONITION OF THE COURT NOT TO DISCUSS ANY OF THE EVIDENCE OR TESTIMONY AMONG YOURSELVES OR WITH ANY OTHER PERSONS NOR FORM OR EXPRESS ANY OPINIONS ON THE CASE UNTIL IT IS SUBMITTED TO YOU FOR DECISION.

LET'S BE OUTSIDE THE DOOR AT 10:35, PLEASE. 10:35.