

1 A. But I know that Bernie had it in his car
2 because I was driving his car and he had it in there,
3 but if they had taken it, I don't know. I didn't see
4 them.

5 MR. PORTER: Did you ever see Shawn
6 shining the laser light around out in the parking lot
7 prior to leaving?

8 THE WITNESS: Not Shawn, huh-uh, no.

9 MR. PORTER: You are certain of that?

10 THE WITNESS: Shawn -- you mean, asking
11 me if Shawn -- if Shawn was pointing or playing with
12 the laser?

13 MR. PORTER: Yes, the little red laser
14 light on the gun in the parking lot at the pub before
15 you left?

16 THE WITNESS: I don't remember. I
17 don't remember seeing him playing with the laser. The
18 only -- really what I remember very specifically seeing
19 Danny with -- showing me that the gun had the laser on
20 it, that the safety was on it.

21 BY MR. BARTLETT:

22 Q. And we are not trying to trick you.

23 A. Okay.

24 Q. Let me just show you something. This is a
25 piece of the police report from your interview. And --

1 A. And it's so hard to remember that.

2 Q. Right there is what you said, starting where
3 my finger is. Do you see it?

4 A. Yes.

5 Q. Do you see it where it makes reference to you
6 saying he was shining the laser light around the
7 parking lot?

8 A. No, I know I did not see that gun before,
9 huh-uh. I have seen guns before, but not -- it says,
10 "Rita has seen the gun and is familiar with it from the
11 past."

12 I have seen guns before and I'm familiar with
13 them, but not that particular one. That is not
14 correct.

15 Q. Okay. So coming back here, it says here,
16 "She noted the weapon, mostly because Shawn was playing
17 with the laser light, pointing the weapon in different
18 locations, in her opinion, rather recklessly displaying
19 the weapon."

20 A. No. That was -- that was Danny that was
21 pointing the gun. That wasn't --

22 Q. It wasn't Shawn?

23 A. That wasn't Shawn. That was Danny that was
24 pointing the gun, showing me -- kind of like pointing
25 at it, you know, showing me that it was --

1 Q. Would you say he was rather reckless with him
2 showing?

3 A. He wasn't reckless with it. I mean, he was
4 just pointing -- you know, just showing me, "Hey, it's
5 cool. You know, the safety is on it."

6 Q. Was anybody reckless at all in pointing the
7 gun that you saw that night?

8 A. Not that I have seen. Bernie was reckless
9 with it, firing it in the parking lot, but I didn't see
10 him doing that.

11 Q. It says, "He seemed to be quite intrigued
12 with the laser sighting."

13 A. He was intrigued with the gun itself.

14 Q. Shawn or Dan?

15 A. Intrigued with the laser sighting?

16 Q. Yes. See, this sounds like you are talking
17 about Shawn, according to this here.

18 A. Uh-huh. That is Danny. Danny was the one
19 that was -- no, that is not Shawn. That was Danny that
20 had the --

21 Q. Okay. Then you say, "Shawn was playing with
22 the laser sight, pointing the weapon in different
23 locations, and, in her opinion, rather recklessly
24 displaying the weapon."

25 A. Uh-huh.

1 Q. "He seemed to be quite intrigued with the
2 laser sighting." Would that be Dan or Shawn seemed to
3 be intrigued?

4 A. No. Shawn was intrigued by the whole idea of
5 the weapon.

6 Q. Okay. But Shawn wasn't doing any of the
7 laser stuff that you saw?

8 A. Not that I have -- no, that was Danny. That
9 was not -- no, that wasn't Shawn.

10 Q. Okay. "Rita has seen the gun and is familiar
11 with it from the past."

12 A. "Rita has seen guns."

13 Yes, I have seen guns in the past, but -- I
14 mean --

15 Q. You have not seen that gun?

16 A. I did not see that particular gun before.
17 That was the first time.

18 Q. Okay.

19 A. Huh-uh. No, that is wrong. That should be
20 Danny. That is not Shawn.

21 Q. Okay.

22 A. And that is not -- I have seen guns. I mean,
23 I have seen guns before, of course, but that is not
24 that particular gun.

25 MR. BARTLETT: Okay. Steve, do you have