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overruled. It will be admitted. All right, let us bring the jury in. Go ahead, and let her mark that before we bring the jury in.

(Whereupon the instrument referred to was marked for identification (and admitted into evidence as State's Exhibit No. 44.

THE COURT: All right, is there anything else?

MR. BUTLER: There was writing on the back, Judge, and I attempted to mark it out.

THE COURT: What was it, anyway?

MR. BUTLER: It was just her mother's name and address and said "Return to Nancy Shaw" and address and phone number.

THE COURT: Paste a piece of paper or something on the back of it. Let us go ahead and get started, and you can fix it up.

(Whereupon the jury returned into the courtroom and the following proceedings took place:

MR. BUTLER: May we proceed, Your Honor?

THE COURT: Yes, sir.

MR. BUTLER: We call Nancy Shaw.

STATE'S REBUTTAL EVIDENCE

N A N C Y S H A W, recalled as a witness on

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behalf of the State, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

THE COURT: Mrs. Shaw, you were
previously sworn earlier in the trial, and you are
still under oath, and you may have a seat in the
witness box, please.

QUESTIONS BY MR. BUTLER:

Q State your name, please, for the record.

A Nancy Shaw.

Q And for the record, are you the same Nancy Shaw who
was previously sworn and who testified in this case?

A Yes.

Q I believe, your earlier testimony was that Jill
Montgomery, one of the victims in this case, was
your daughter. Is that correct?

A Yes.

Q Let me show you what has been marked for
identification purposes as State's Exhibit No. 44
and ask if you can identify that, please?

A Yes.

Q What is it?

A It is a picture of my daughter, Jill.

Q Does that accurately depict the way she appeared
during the summer of 1982 shortly before her death?

1 A Yes, it does.

2 MR. BUTLER: Your Honor, at
3 this time, we would offer what has been marked
4 for identification purposes as State's Exhibit 44
5 into evidence.

6 MR. REAVES: Your Honor, at
7 this time, the Defense is going to object. The
8 State has already rested.

9 The Defense put on its case.
10 This is the State's rebuttal case. We don't feel
11 like this is proper rebuttal evidence to rebut
12 anything we brought up on our case in chief.

13 MR. BUTLER: Judge, we can
14 certainly tie it in with additional evidence to
15 follow. This is a predicate for that additional
16 evidence.

17 THE COURT: All right, objection
18 overruled. It will be admitted.

19 Q All right, now, this picture of your daughter, does
20 it show any jewelry in that photograph?

21 A Yes, I see a ring and a bracelet.

22 Q All right, do you recall ever seeing your daughter
23 wear that particular bracelet?

24 A Well, are you talking about, like, a specific time
25 or --

2 5
1 Q I am talking about this specific bracelet that is
2 pictured in the photograph, as best you can tell.

3 Do you recall ever seeing her wear it?

4 A No, I don't.

5 Q All right. Now, I believe, you testified previously
6 that some items of her jewelry were returned to you
7 from the Dallas forensic lab. Is that correct?

8 A That is right.

9 MR. REAVES: Your Honor, again,
10 at this time, we are going to object to the State's
11 exhibit which has been introduced as a picture of
12 her daughter, and I assume, it is presented to show
13 that she had a bracelet, but she has identified
14 that she never ever saw her wear it.

15 She can't remember seeing her
16 wear it.

17 MR. BUTLER: I will be able to
18 tie it up.

19 THE COURT: That was what I
20 admitted it was based upon that statement. He said
21 he would be able to tie it in later on.

22 (Whereupon an instrument was marked
23 (for identification as State's
(Exhibit No. 45.

24 Q Mrs. Shaw, let me show you what has been marked for
25 identification purposes as State's Exhibit 45 and

- 1 ask if you can identify that?
- 2 A Yes, I can.
- 3 Q What is it, please?
- 4 A It is Jill's gold necklace.
- 5 Q And is that part of the jewelry that was returned to
6 you from the Dallas forensic lab?
- 7 A Yes.
- 8 Q All right, and what was their purpose in having it?
9 How did they come in possession of her jewelry?
- 10 A How did the lab come in possession?
- 11 Q Yes.
- 12 A I do not know.
- 13 Q All right, do you know whether or not her last
14 effects were returned to you from the lab, that
15 is -- by that, I mean, the items that were on her
16 body at the time she was killed?
- 17 A Mr. Butler, I don't know what was on her body at
18 the time she was killed. I do know what was returned
19 to me in the packet.
- 20 Q All right, from them?
- 21 A From the lab.
- 22 Q And this necklace was in that packet?
- 23 A This necklace was in that packet, yes.
- 24 Q All right, have you ever seen her wear this necklace
25 before?

21
1 A Yes, I have.

2 Q And this was her necklace?

3 A Yes.

4 MR. BUTLER: Your Honor, at this
5 time, we would offer what has been marked for
6 identification purposes as State's Exhibit 45 into
7 evidence.

8 MR. REAVES: Your Honor, again,
9 we are going to object to -- first of all, it is
10 not proper rebuttal evidence -- not rebutting
11 anything we raised on our case in chief.

12 Secondly, it is not relevant to
13 anything in connection with this case and has not
14 been tied up or shown.

15 MR. BUTLER: We will be able to
16 tie it in.

17 THE COURT: All right, objection
18 overruled. It will be admitted.

19 (Whereupon State's Exhibit No. 45
20 was then admitted into
21 evidence.)

22 MR. BUTLER: May I have just a
23 moment, Your Honor?

24 THE COURT: Yes, sir.

25 (Brief pause.)

Q Now, directing your attention, again, to State's

1 Exhibit 44, which is this photograph, was there a
2 bracelet like this pictured in State's Exhibit 44
3 returned to you with Jill's other possessions from
4 the Dallas Forensic Lab?
5 A No.
6 Q All right, do you have all of Jill's personal
7 belongings that were in your house at the time of
8 her death?
9 A Yes, I do.
10 Q Does that include her jewelry?
11 A Yes.
12 Q All right, and that jewelry, is there a bracelet
13 that resembles this one?
14 A No.
15 Q So if she had that bracelet as pictured here, you
16 don't have it in your possession, at this time?
17 A No, I do not.
18 Q Mrs. Shaw, do you know where Jill got that necklace?
19 A Yes, I do.
20 Q Where did she get it?
21 A It was a gift from a friend.
22 Q And who was that friend, if you know?
23 A His name is Kirby Crow.
24 Q And have you subsequently learned that she did have
25 a bracelet like that?

229
1 A I have since learned, yes.

2 Q And do you know where she got it?

3 A Kirby Crow gave it to her.

4 " MR. BUTLER: We will pass the
5 witness, Your Honor.

6 CROSS EXAMINATION

7 QUESTIONS BY MR. REAVES:

8 Q Mrs. Shaw, you don't have any personal knowledge of
9 where your daughter got that necklace or that
10 bracelet. You said you had since learned that she
11 got the bracelet from Kirby Crow. Is that what
12 someone --

13 A That was my statement concerning the bracelet.

14 Q Is that what someone has told you?

15 A Yes.

16 Q You were not present when he handed her the bracelet?

17 A That is correct.

18 Q Okay, do you know what your daughter was wearing
19 on the night of July 13, 1982?

20 A No.

21 Q Specifically, do you know what jewelry she was
22 wearing that night?

23 A No, I do not.

24 MR. REAVES: No further questions,
25 Your Honor.

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MR. BUTLER: We have nothing further from this witness, Judge. May she be excused?

THE COURT: Any objection, gentlemen?

MR. VANCE: As long as she remains under the rule, we have no objection.

THE COURT: All right.

(Witness excused.)

MR. BUTLER: At this time, Your Honor, we call Gloria Montgomery.

G L O R I A M O N T G O M E R Y, called as a witness on behalf of the State, having been duly sworn, testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BUTLER:

Q For the record, would you state your name?

A Gloria Jean Montgomery.

Q And now, you are going to have to speak up, Ms. Mongtomery, so that everybody in the jury can hear your testimony.

A Okay.

Q Would you spell your name for the Court Reporter, please?

A Gloria, G-l-o-r-i-a, Jean, J-e-a-n, Montgomery,