

MONIR YAZGI,

1
2 being called as a witness on behalf of the Defendant and
3 after having been duly sworn, was examined and testified
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. McCOLLOUGH:

7 Q State your name for the jury, please.

8 A Monir Yazgi.

9 Q Where do you live, Mr. Yazgi?

10 A 8348 Bow Drive in Jacksonville, Florida.

11 Q How long have you lived there?

12 A Six years.

13 Q Where did you come from before you moved to
14 Jacksonville?

15 A Syria.

16 Q Syria?

17 A Yes, sir.

18 Q What is your occupation, sir?

19 A Grocer.

20 Q Would you explain to the jury what you mean by
21 grocer?

22 A I own grocery stores.

23 Q Where do you own your stores?

24 A In Jacksonville, Florida.

25 Q How many stores do you own, Mr. Yazgi?

1 A Four.

2 Q What are the names of your stores?

3 A Buy Rite Supermarket and Quick Way Food Store.

4 Q How long have you owned these stores?

5 A This last six years, five years and three months
6 exactly.

7 Q Mr. Yazgi, do you know Henry Lucas?

8 A Yes, sir.

9 Q Do you see him here in the courtroom?

10 A Yes, sir.

11 Q All right. Point him out.

12 A Right over there, with the tie and the blue jacket.

13 MR. McCOLLOUGH: Your Honor, let the
14 record reflect that the witness has identified Mr.
15 Lucas.

16 THE COURT: The record will so reflect.

17 Q (By Mr. McCollough) How do you know Henry Lucas?

18 A He was shopping from my store, come and cashed his
19 check and shopped.

20 Q Which store would that be?

21 A By right on 1325 East 21st.

22 Q Is that located in Jacksonville?

23 A Jacksonville, Florida.

24 Q What kind of checks would he cash at your store?

25 A Payroll checks.

1 MR. McCOLLOUGH: May I approach the
2 witness, Your Honor?

3 THE COURT: Yes, sir.

4 Q (By Mr. McCollough) Mr. Yazgi, I'm going to hand
5 you a stack of checks that have been identified as
6 State's Exhibit Numbers 28 through 73. I'm going
7 to ask you to look at those and see if you can
8 identify them.

9 A Yes, sir. These are the checks I cashed.

10 Q All right. Are you saying that these are -- the
11 ones that you have handed to me are checks --

12 A I cashed.

13 Q -- that you cashed.

14 A Yes.

15 Q Where would that have been?

16 A During all the time.

17 Q No, where, physically?

18 A Buy Rite Supermarket.

19 Q Is that the one on East 21st?

20 A 21st Street, yes.

21 Q Now, you took out two exhibits, two checks, State's
22 Exhibit Number 30 and State's Exhibit Number 33.

23 A Yeah, this is not -- I don't take those.

24 Q Would you explain to the jury your procedures for
25 cashing payroll checks?

1 A If the customer comes -- you know, if they are a
2 good customer and I know them and they come and
3 shop, then I cash the check for them.

4 Q Did you know Henry Lucas?

5 A Yes.

6 Q Excuse me. Did you pull -- did one fall off here?

7 A No.

8 MR. McCOLLOUGH: Could I have just a
9 moment, Your Honor.

10 THE COURT: Certainly.

11 Q (By Mr. McCollough) When they cashed these payroll
12 checks, did you make them cash them in front of you
13 or in your presence?

14 A You mean sign it?

15 Q Yes, sir.

16 A That's what they're supposed to do.

17 Q Yes, sir.

18 A Most of the time, you know.

19 Q All right. Mr. Yazgi, I'm going to hand you what
20 has been marked as State's Exhibit Number 29.

21 A Yes, sir.

22 Q I'll ask you to identify that for the jury, please.

23 A That check I cashed myself, because I'm sure I
24 cashed it myself because my signature is on the
25 back.

- 1 Q All right. What is the date of that check?
- 2 A The date is 1-1-79 -- 11-1-79.
- 3 Q You're saying that's November 1?
- 4 A Yes, '79.
- 5 Q And when was the check cashed in your presence?
- 6 A On 11-1-79.
- 7 Q And how do you know that?
- 8 A Because the bank. See, I know it from the bank.
- 9 I'm not sure when it cashed unless the bank -- you
- 10 can see the date on the back. It went to the bank
- 11 11-1-79; they give me credit. See, if you take it
- 12 in the evening after 1:00 o'clock or -- after 1:00
- 13 o'clock, they won't give you credit the same day;
- 14 they give you credit on the second day.
- 15 Q Is that Henry Lucas's signature?
- 16 A I'm not sure; it's possible.
- 17 Q Is this your signature?
- 18 A That's my signature.
- 19 Q All right. And was it your policy to require them
- 20 to sign these checks in your presence?
- 21 A Supposed to be.

22 MR. McCOLLOUGH: Pass the witness.

23

24 CROSS-EXAMINATION

25 BY MR. ANDERSON:

- 1 Q Is it Yazgi?
- 2 A Yes, sir.
- 3 Q Did the Defendant come into your store just about
4 every week during 1979?
- 5 A Yes, sir.
- 6 Q Who did he come in with, if anybody?
- 7 A A bunch of people.
- 8 Q Did he have friends?
- 9 A He have the old lady named Sarah Harley -- I think
10 it was Sarah Harley. And him and --
- 11 Q Toole?
- 12 A -- his friend, O'toole?
- 13 Q Ottis Toole?
- 14 A Ottis Toole or something; I guess that's his name.
15 And then another lady, one girl named Becky and her
16 brother; sometimes -- I don't know, too many
17 people.
- 18 Q Did he come in and shop in your store?
- 19 A Yes, sir.
- 20 A Did he shop like any other person?
- 21 A Maybe fifty, maybe a hundred dollars.
- 22 Q Worth of groceries.
- 23 A Yes, sir.
- 24 Q He would go pick them up and put them in a basket.
- 25 A You know, the old lady, you know, she always come

1 with him most of the time. If she feel good, most
2 of the time, all together.

3 Q Okay. You're talking about Ms. Harley; right?

4 A Ms. Harley, yes, sir.

5 Q She is Ottis Toole's --

6 A I don't know. What I know, their mother or
7 step-mother or something like that.

8 Q And she is dead now, right?

9 A I heard she is dead.

10 Q She hasn't been in the store for several years.

11 A Several years, yeah.

12 Q And the Defendant would come into your store and
13 actually sign these in front of you; is that right?

14 A I don't recall. Supposed to be.

15 Q Sometimes he did.

16 A Sometimes, yeah. Most of the time, yeah.

17 Q And he would take change and buy groceries with it;
18 is that right?

19 A Yeah. He would go pick up what he want and go to
20 the counter. We had one -- you know, how much is
21 the groceries; we deduct it from that check.

22 Q Did he ever do anything abnormal?

23 A Sir?

24 Q Did he ever do anything strange, bizarre, abnormal?

25 A Nothing.

1 Q He just acted like everybody else.

2 A Everybody else.

3 Q Now, you don't know except through this check that

4 he was in Jacksonville on November 1st or 2nd.

5 A No, sir.

6 Q The only way you know is through this check; is

7 that right?

8 A Yes, sir.

9 Q And the check is dated or issued on November 1st,

10 which would have been Thursday; is that right?

11 A If that date matched Thursday, it's right.

12 Q And the first bank stamp on here is November 2nd;

13 is that right?

14 A November 1st.

15 Q No, sir. You show me where it says November 1st.

16 A 11-1, isn't it? I don't know, possibly 11-1.

17 Q What is this date here?

18 A This November 2nd is when they give me credit for

19 the check.

20 Q And do you know what this series of numbers stands

21 for?

22 A No. I thought this one --

23 Q Now, when I talked to you in Jacksonville last

24 month, you said you didn't know whether he cashed

25 that on November 1st or November 2nd.

1 A I'm sorry. I think it cashed on the 1st because I
2 took it to the bank the same day to get money. I
3 take it to the bank. But I don't know exactly
4 when; you know.

5 Q Okay. Well --

6 A When I took -- I'm sorry. When I said this, I
7 thought the date 11-1.

8 Q If that series of numbers was the day.

9 A Yeah, I thought that was the date.

10 Q But there is a date that says November 2nd on
11 there.

12 A When I got credit for the check.

13 Q Okay. Now, these numbers you're talking about --

14 A I don't recall.

15 Q It says "0111." There's a space and it says
16 "04013;" is that right?

17 A I don't know what is that, but I thought -- when I
18 read it now, I thought that was the date. But see,
19 if I took it to the bank myself, it should be on
20 the 1st.

21 Q But you don't know whether he cashed it on Thursday
22 or Friday; is that right?

23 A They usually come on Thursday or Friday; you know.

24 MR. ANDERSON: I'll pass the witness.

25 MR. MCCOLLOUGH: I have no further

1 questions of this witness, Your Honor.

2 THE COURT: All right. You can step
3 down, sir. Thank you.

4
5 (The witness, Moni Yazgi, was excused.)

6
7 THE COURT: Mr. McCollough?

8 MR. MCCOLLOUGH: May we approach the
9 bench?

10 THE COURT: Yes, sir.

11

12 (Whereupon a discussion was had
13 at the bench, between Court and
14 counsel, out of the hearing of
15 the jury, after which
16 proceedings continued as
17 follows:)

18

19 THE COURT: Ladies and gentlemen, I
20 think that's going to conclude the day today.
21 Before you leave I want to remind you, do not
22 discuss this case with each other nor with anyone
23 else, including any members of your family or your
24 friends. You're not to stay within earshot of
25 anyone discussing this case. Don't watch any