

1 THE COURT: Mr. Jensen.

2 MR. JENSEN: Your Honor, at this time I would
3 call Demond Spruill to the stand.

4 (Witness sworn.)

5 THE COURT: And if you would remember to speak
6 into this microphone or loud enough so we can all hear
7 you, please.

8 Mr. Jensen.

9 MR. JENSEN: Thank you, your Honor.

10 DEMOND SPRUILL

11 called as a witness on behalf of the People, being first
12 duly sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. JENSEN:

15 Q. Tell us your name, please.

16 A. Demond Spruill.

17 Q. Demond, what city do you live in?

18 A. Alton.

19 Q. How old are you?

20 A. I would be twenty-five.

21 Q. Did you grow up in Madison County?

22 A. Yes.

23 Q. You are wearing prison garb. Are you
24 currently in custody?

1 A. We lived at three houses down from each other,
2 so we seen each other --

3 Q. Okay. During that time frame, did you ever
4 see him with money?

5 A. Yes.

6 Q. How much money did you see him with at one
7 time?

8 A. Approximately fourteen, fifteen thousand.

9 Q. Fourteen or fifteen thousand dollars in cash?

10 A. Correct.

11 Q. Did you know where he got that money from?

12 A. ~~I assume it was from drugs because~~ --

13 Q. ~~Did you deal drugs?~~

14 A. ~~Yes.~~

15 Q. ~~And did he at that time with you?~~

16 MR. SHAW: Judge, again, --

17 A. ~~Yes.~~

18 MR. SHAW: -- I'm going to ask that the jury
19 be discharged and a mistrial declared.

20 THE COURT: Mr. Jensen.

21 MR. JENSEN: Your Honor, --

22 MR. SHAW: It is leading and suggestive. It's
23 words being put into his mouth by the prosecutor.

24 THE COURT: Okay. I'll sustain it as to that.

1 What do you want to say about that, Mr.
2 Jensen?

3 MR. JENSEN: It has to do with the defendant's
4 opening statement saying he never had any money. He
5 didn't have cash and he couldn't have been robbed
6 because of all that. It goes towards the credibility of
7 the witness as to that issue. It's for a limited
8 purpose, your Honor.

9 THE COURT: Well, let's limit it again. Go
10 ahead and make inquiry into that, and I'll tell the
11 jurors again that if you choose to believe that
12 statement of that information, it is not to be
13 considered by you for anything other than the very
14 limited purpose of an explanation of the testimony of
15 earlier witnesses as to their motivation and assumptions
16 in the -- their attempted robbery. Okay, jurors?

17 A JUROR: Yes, sir.

18 THE JURY: (Nodding heads.)

19 THE COURT: Mr. Jensen.

20 MR. JENSEN: Thank you, your Honor.

21 Q. (By Mr. Jensen): Did you know Mr. Evans to
22 have sums of cash available to him then?

23 A. State that again.

24 Q. Do you know whether he had cash available to

1 him in 1995, other than this one occasion where you saw
2 him with fourteen or fifteen thousand?

3 A. Yes.

4 Q. Now, did you ever have any conversations with
5 Mr. Evans?

6 A. Yes.

7 Q. Did he ever indicate whether or not he had
8 been the victim of a home invasion?

9 A. Yes.

10 Q. Would you tell us what he told you about that
11 home invasion?

12 A. ~~He told me that somebody supposedly robbed him~~
13 ~~and took some money and some speakers and some drugs~~
14 ~~from him.~~

15 Q. At that time did he tell you whether or not he
16 knew who did that?

17 A. No, he didn't know at that time.

18 Q. Okay. So the first time he talked to you he
19 had been victimized, but he just didn't know who did it?

20 A. Right.

21 Q. Did there ever come a point in time when you
22 became aware of some of the truths of that robbery?

23 A. Yes.

24 Q. Where were you at that time?

1 A. I was on Edgewood in Alton at a friend's
2 house, Anthony Singleton.

3 Q. Anthony Singleton?

4 A. Right.

5 Q. What happened at that time?

6 A. Bookie came over and he asked -- well, he
7 asked us do we want to buy some speakers, some Heart
8 speakers.

9 Q. And when you say Heart speakers, what are
10 Heart speakers?

11 A. Basically very expensive speakers that
12 Reliable Stereo at that time was the only place that
13 would sell them in Alton.

14 Q. How many people in Alton would have had these
15 kind of speakers?

16 A. At that time?

17 Q. Yes.

18 A. Probably about three or four. About four.

19 Q. And how much would speakers like these cost?

20 A. They run anywhere from two thousand to -- two
21 thousand to twenty-five thousand.

22 Q. Two thousand twenty-five hundred?

23 A. Right.

24 Q. Are these car speakers? Is that what they

1 are?

2 A. Yes. They are some bass speakers. They --
3 yeah, they are. They are car speakers.

4 Q. Okay. They're the bass and you would still
5 need your midrange or your highs --

6 A. Right.

7 Q. -- and whatever else?

8 Did anyone seem to be interested in purchasing
9 them at that time?

10 A. Yes.

11 Q. Who?

12 A. Me and Skeeter was wanted to purchase.

13 Q. Okay. Now, when we say "Skeeter," who are you
14 referring to?

15 A. Dametrie (ph.) Cox.

16 Q. When you say "Pookie," who are you referring
17 to?

18 A. Nekemar Pearson.

19 Q. And did Skeeter buy those speakers from
20 Nekemar then?

21 A. Yes.

22 Q. How much did he pay?

23 A. He gave Nekemar I think -- I think it was -- I
24 mean, I think it was about \$150 or \$200 and an eight

1 ball of dope.

2 Q. Okay. Now, did you stay with Mr. Cox when he
3 attempted to have those speakers installed?

4 A. Yes.

5 Q. Where did he get that done?

6 A. Reliable.

7 Q. Would you tell us what happened at Reliable
8 Stereo, please?

9 A. We went to Reliable and we always deal with
10 the owner, Jim, and -- because we get better deals
11 dealing with the owner. And Jim stated that, where did
12 we get the speakers from. I told him why, and he said
13 because I know who speakers they belong to. I said, oh,
14 who? He said, they Raven's. So it hit me prior to what
15 Raven told me that somebody robbed him for some
16 speakers, and I put two and two together that these must
17 be Raven's speakers that he got robbed for.

18 Q. Did you talk to Raven? And when we say,
19 "Raven," who do we mean?

20 A. James Evans.

21 Q. Did you talk to Raven after that time?

22 A. Yes.

23 Q. Where and when was that conversation?

24 A. We left Reliable after getting the speakers

1 installed in the car, we left and I went home. That was
2 on Powhattan.

3 Q. Is this three doors down from Raven?

4 A. Correct.

5 Q. Okay.

6 A. I seen Raven and he said, man, I heard that
7 Skeeter pulling out my speakers. I said, yeah, what
8 about it? He was like I don't want them back or
9 nothing. I just want to know who sold it to him. I
10 said, why? I mean, what's the big deal? I knew what
11 the problem -- well, he said, I don't want them back or
12 nothing. I just want to know who gave them to him. And
13 then I told him Pookie. He was like, yeah, okay.

14 Q. When you told James Evans, Pookie sold those
15 speakers, what did he say?

16 A. He's just like yeah, okay, bet, bet. He
17 constantly, you know.

18 Q. What does that mean when someone says "bet"?

19 A. Whatever you take it for. I'm in bet.

20 Q. Okay. Did you have any other conversations at
21 that time about the speakers?

22 A. No.

23 Q. Did you ever have any other conversations then
24 with James Evans about Nekemar Pearson?

1 A. A few years after that.

2 Q. And where were those conversations?

3 A. Powhattan again.

4 Q. And who all was present at that time?

5 A. Me and him.

6 Q. What did he say at that time?

7 A. I was -- I was on the run for, I believe it
8 was a robbery charge, and I seen Raven. He pulled up in
9 a Chevy.

10 Q. And when you say on the run, so the jury
11 understands, there was a term of an outstanding warrant
12 for you for a case?

13 A. Correct.

14 Q. And you were hiding from the police at that
15 time?

16 A. Correct.

17 Q. Okay. And so you pull up and talk to Raven at
18 that time?

19 A. Correct.

20 Q. What -- would you tell us what that
21 conversation was about?

22 A. He pulled up. I asked him, what's up with you
23 and -- what's up with you and what's this stuff about,
24 you know, the police supposed to be trying to get you

1 for Nekemar? He's like, oh, man, let me tell you about
2 that shit. He was like get in. I got in the truck with
3 him and --

4 Q. What kind of truck was he in?

5 A. An S-10 Chevy. It was a little, small S-10
6 Chevy, yellow truck.

7 Q. Okay. All right. What happened in that
8 conversation?

9 A. He went on telling me that, man, I saw a girl,
10 I think he said Ketra, he saw her go in with Pookie, and
11 he say they pulled up and he was like I -- he stole on
12 me. You know, he said they hid them. And he said
13 something about he heard a shot, a pop, and he said
14 Brian shot him. But the way -- the way he said it and
15 the expression that was on his face like it could be
16 challenged like.

17 Q. You didn't believe what he was saying at that
18 time, is that what you're saying?

19 A. Right.

20 Q. Okay. Did he continue talking?

21 A. Yes.

22 Q. What did he say then after that?

23 A. He say he took him and put him in his
24 basement. And while he was in his basement, they later

1 then moved him and took him to the woods. He said that
2 Brian was like let's bury him, and he was like, man, I
3 don't got time for that shit. And he stated that he
4 shot him.

5 Q. Okay. Now, when he says they had him in the
6 basement, who are you talking about? Who did he say was
7 there?

8 A. He said him, -- I believe him, Brian, and
9 another guy.

10 Q. Did he ever mention the name of the other guy?

11 A. I want to say Clifflie Wheeler or Mikey Hooks,
12 but I believe it -- I believe it was Cliff. I'm not --

13 Q. Okay.

14 A. -- really sure.

15 Q. And you said the three of them had him in the
16 basement. Where did he say they took him from the
17 basement?

18 A. Huh?

19 Q. Where did they take him from the basement?

20 A. He say they took him to the woods. He just
21 said the woods.

22 Q. Okay. Did he say why they had Nekemar like
23 that?

24 A. No. He didn't give no explanation why.

1 Q. When he said they went into the woods, what
2 did he say happened?

3 A. He say they took him out there to the woods.
4 Brian wanted to bury him and he said, no, I don't got
5 time for this. He stated something like -- he left him
6 about -- he just left him. He said he left him, you
7 know, he said he shot him.

8 Q. Okay. When you say he said he shot him, James
9 Evans, is this James Evans here today?

10 A. Yes.

11 Q. He told you that he shot Nekemar Pearson?

12 A. Yes.

13 Q. And left him out there in the woods?

14 A. Yes.

15 Q. And he said Brian wanted to bury him but
16 Nekemar -- or James Evans said no?

17 A. Correct.

18 Q. Did he say where they went after that?

19 A. No.

20 Q. Did he ever tell you that Clifton Wheeler shot
21 Nekemar Pearson?

22 A. No.

23 MR. JENSEN: No further questions.

24 THE COURT: Mr. Shaw.

1 MR. JENSEN: Oh, one more question.

2 Q. (By Mr. Jensen): You had numerous guns; is
3 that correct?

4 A. Yes.

5 Q. Have you ever received any guns from James
6 Evans?

7 A. Have I ever received any?

8 Q. Yes.

9 A. No.

10 Q. Have you ever sold any guns to James Evans?

11 A. Yes.

12 Q. How many?

13 A. I can't keep a count of them. I believe more
14 than five.

15 Q. Any nine millimeters?

16 A. One.

17 MR. JENSEN: No further questions.

18 THE COURT: Mr. Shaw.

19 CROSS-EXAMINATION

20 BY MR. SHAW:

21 Q. Young man, you have talked with the police
22 about the death of Nekemar, haven't you?

23 A. Yes.

24 Q. You talked to this man sitting right in the

1 middle here, Mr. Wells; is that correct?

2 A. Yes.

3 Q. And isn't it a fact that Mr. Wells told you
4 they were speaking to you because you were a suspect in
5 killing Nekemar?

6 A. Yes.

7 Q. And that was in February, was it, of '97?

8 A. The first time he talked to me?

9 Q. Yeah.

10 A. No.

11 Q. When was the first time?

12 A. I believe it was in '95, I believe.

13 Q. And did he tell you why he had come to see
14 you?

15 A. Yes.

16 Q. Because you were implicated in the killing of
17 this person?

18 A. No. He said because I was a suspect.

19 Q. A suspect in the murder of Nekemar?

20 A. Correct.

21 Q. Now, do you know Clifton Wheeler?

22 A. Yes.

23 Q. How long have you known him?

24 A. Approximately about nine years.

1 Q. Approximately nine years. And how do you know
2 him? How do you happen to know Clifton Wheeler?
3 A. Through school. Through just being in the
4 neighborhood. I mean we lived three doors down from
5 him.
6 Q. And do you know what trouble, if any, Clifton
7 Wheeler has ever been in?
8 A. Any trouble? No.
9 Q. You don't?
10 A. No.
11 Q. Did you ever get a nine millimeter pistol from
12 him?
13 A. Have I ever got a nine millimeter from him?
14 Q. From Clifton Wheeler?
15 A. No.
16 Q. Did you ever sell him a nine millimeter?
17 A. Yes.
18 Q. When did you sell Clifton Wheeler a nine
19 millimeter revolver?
20 A. I believe it was around '90 --
21 Q. Son, I said revolver. It's a handgun.
22 A. A revolver?
23 Q. Just a handgun.
24 A. I haven't -- I haven't sold him a revolver.

1 Q. I know that and I used the wrong term.

2 A. I don't even think there's a nine millimeter
3 revolver.

4 Q. I know there is not. This was a
5 semiautomatic. Do you remember selling him a nine
6 millimeter?

7 A. Automatic?

8 Q. A handgun.

9 A. Yes.

10 Q. All right. And that was about when?

11 A. I can't actually tell you when, what date,
12 because you're dealing with years ago.

13 Q. It was before Nekemar was killed; isn't that
14 right?

15 A. Right.

16 Q. Now, you say that the defendant seated here
17 told you that he killed Nekemar?

18 A. He said he shot Nekemar.

19 Q. Well, Nekemar died from being shot.

20 A. Okay.

21 Q. Now, he told you that it happened where?

22 A. On Powhattan.

23 Q. When was the last time --

24 A. He stated --

1 Q. Go ahead.

2 A. He stated that Brian shot him on Powhattan.

3 However, he stated to me that he shot him once he was

4 out at the woods.

5 Q. Well, he told you two stories. He told you it

6 was Brian --

7 A. No, it's all in one story.

8 Q. What did he say about Brian?

9 A. He said that Brian shot him on Powhattan.

10 Q. And then he said that he shot him?

11 A. Out where he took his body --

12 Q. Now, are you telling us --

13 A. Can I finish the question?

14 Q. Let me ask you this. Are you telling us that

15 he said that he, being James Evans who is seated here,

16 that James Evans told you that Brian Warr shot Nekemar?

17 A. Yes.

18 Q. And did he tell you how Brian did that?

19 A. He just said he heard a pow.

20 Q. He heard a pow?

21 A. Right.

22 Q. And then he said that -- what did he tell you

23 he did after that?

24 A. He took Nekemar in the house.

1 Q. And that this pow took place where?
2 A. On Powhattan.
3 Q. On Powhattan?
4 A. Right.
5 Q. And do you know any of the people who live
6 next door to Jim Evans?
7 A. James Evans?
8 Q. James Evans.
9 A. I believe his mama, if I face my back to his
10 house, his mama live on the right hand side. If I'm
11 walking towards his house, his mama live on the left
12 hand side.
13 Q. And do you know who lived on the other side?
14 A. A vacant lot. A vacant lot.
15 Q. Do you know where anyone by the name of Judy
16 lived?
17 A. Who?
18 Q. A Miss Huff. Now, if you don't, you don't.
19 Don't even worry about it.
20 A. No.
21 Q. And he heard one shot?
22 A. Right.
23 Q. And then did you say that James Evans told you
24 that he or they carried the body into the house?

1 A. Correct.

2 Q. Now, he did not say that he heard two or three
3 shots. He heard one shot; is that correct?

4 A. Right. That's what he told me.

5 Q. And that he said that Brian did this?

6 A. Right.

7 Q. Now, there were a lot of people suspected of
8 this; isn't that right?

9 A. I don't know.

10 Q. Did the police tell you why you were a
11 suspect?

12 A. No.

13 Q. Now, are you in jail now?

14 A. Yes.

15 Q. What are you in jail for now?

16 A. Possession of a weapon.

17 Q. What kind of a weapon?

18 A. A nine millimeter.

19 Q. A nine millimeter semiautomatic? Is that
20 right?

21 A. Correct.

22 Q. When was the last time you talked to any of
23 the people that are in this courtroom?

24 A. Any of the people in this courtroom?

1 Q. Well, there's three people sitting at that
2 table. Have you talked to any of those people within
3 the last day or so?

4 A. Yes.

5 Q. With whom did you speak?

6 A. All of them.

7 Q. All of them. And where were you when all of
8 them talked to you?

9 A. In the County Jail. Just a little while ago.

10 Q. And what did you talk about?

11 A. They just said you can come over here to
12 trial. To Pookie -- I mean, to Raven's trial, and we
13 want you to state what, you know, state to the jury what
14 Raven supposedly told you.

15 Q. Now, you're in jail for what purpose now? Was
16 it a gun case? The most recent a gun case? A felon in
17 possession of a weapon?

18 A. Correct.

19 Q. And when were you arrested on that?

20 A. October -- I believe it was the 6th. 6th or
21 5th, something like that.

22 Q. October of what?

23 A. The 6th or the 5th. I came into the County
24 Jail on the 8th.

1 Q. Of this year?

2 A. Right.

3 Q. And before that, where were you?

4 A. Before that I was at home.

5 Q. You were at home?

6 A. Right.

7 Q. Have you been sentenced at all on this
8 situation of a felon in possession?

9 A. No. It's still pending.

10 Q. It's still pending?

11 A. Correct.

12 Q. And when you talked with the -- I guess, did
13 you speak to the prosecutor who's seated over here?
14 Now, the prosecutor is the nice looking guy sitting
15 right here.

16 MR. JENSEN: Thanks, Chuck.

17 Q. (By Mr. Shaw): Did you speak with him?

18 A. Yes.

19 Q. And how about this other nice looking fellow
20 sitting in the middle?

21 A. Yes.

22 Q. And you and I look about the same.

23 Now, young man, you talked about this case,
24 didn't you?

1 A. To whom?

2 Q. These two men.

3 A. I told them only what Raven told me. I told
4 them only what Raven told me.

5 Q. Now, was that the first time you talked to
6 them today? It was not, was it?

7 A. Huh?

8 Q. Was this the first time that you talked with
9 them today or yesterday?

10 A. No. I talked to them before.

11 Q. About how often did you speak to them?

12 A. Well, I talked to the detective. I explained
13 to him what Raven has told me.

14 Q. Now, did Raven ever tell you that he knew that
15 Nekemar was one of the people who raided his house?

16 A. No.

17 Q. Did he tell you when he found out about it or
18 how he found out about it?

19 A. He found out through me.

20 Q. You're the one that told him?

21 A. Huh?

22 Q. You told -- you told James Evans that this
23 Nekemar raided his house?

24 A. No, I told James Evans that -- who sold me the