

INNOCENCE PROJECT



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EXCERPT FROM THE TESTIMONY OF THE DEFENSE WITNESS

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IN THE SUPERIOR COURT FOR THE COUNTY
OF COBB, STATE OF GEORGIA
MAY TERM, 1982

STATE OF GEORGIA)
)
vs.) Criminal Indictment Number
)
ROBERT CLARK, JR.,) 82-0481
)
Defendant.)

Tried Before His Honor
Judge Gary B. Andrews
With a Jury
May 24, 25 & 26, 1982

APPEARANCES

For the State: Charles C. Clay, Esquire
Assistant District Attorney

For the Defendant: Nancy Scott Rogers, Esquire
August F. Siemon, Esquire

-- TRANSCRIPT OF THE EVIDENCE --

EXCERPT FROM
THE TESTIMONY OF
THE DEFENSE WITNESS

1 (Jury enters the courtroom.)

2 THE COURT: Call your first witness.

3 MS. ROGERS: The defense would call Tracy Lee.

4 TRACY LaVERNE LEE

5 was called as a witness by the Defendant for the
6 purpose of Direct Examination, and having been first
7 duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. ROGERS:

10 Q. State your name for the Jury, please.

11 A. Tracy LaVerne Lee.

12 Q. Ms. Lee, where do you live?

13 A. 2040 Stanton Road, Apartment C-7.

14 Q. Do you know a Tony Arnold?

15 A. Yes.

16 Q. How do you know him?

17 A. I went to school with his brother.

18 Q. What size would you describe him as?

19 A. 5'5", 5'6".

20 Q. How much would you think he weighs?

21 A. 115, 120.

22 Q. When is the last time you saw him?

23 A. August of '81.

24 Q. When in August of '81?

25 A. I don't remember the exact date. It was the beginning

1 of August.

2 Q What were the circumstances of seeing him? Where
3 were you?

4 A On Stanton Road.

5 Q Did you notice anything unusual that day?

6 A Yes.

7 Q What was that?

8 A He was driving in a car.

9 Q What type of car was he driving?

10 A A maroon Cutlass.

11 Q You said new car (sic)?

12 A Uh-huh (affirmative response).

13 Q What year car was it?

14 A '79, '78.

15 Q So it wasn't new. It was new to him, is that what
16 you mean?

17 A Uh-huh (affirmative response).

18 Q Why did you particularly notice that car?

19 A Because I hadn't ever seen him in a car. He was
20 unemployed. I didn't think he could afford a car.

21 Q Did you learn where he had gotten that car from?

22 A He said his father bought it for him.

23 MS. ROGERS: We would ask the Bailiff to bring in
24 Tony Arnold, please.

25 (Bailiff enters the courtroom with Tony Arnold.)

1 BY MS. ROGERS:

2 Q Ms. Lee, do you know this person?

3 A Yes.

4 Q What is his name?

5 A Tony Arnold.

6 MS. ROGERS: That's all we have. Thank you.

7 (Bailiff accompanies Tony Arnold out of the courtroom.)

8 BY MS. ROGERS:

9 Q How do you know Robert Clark?

10 A He was dating my sister.

11 Q Just because your sister was going with Robert Clark,

12 would you lie for him?

13 A No.

14 Q Thank you.

15 MR. CLAY: I don't have any questions of the witness.

16 THE COURT: You may step down, ma'am. Call your

17 next witness.

18 MS. ROGERS: Your Honor, the defense rests.

19 THE COURT: Do you have anything in rebuttal?

20 MR. CLAY: No, Your Honor.

21 THE COURT: You will have the opening and closing.

22 MR. CLAY: At this time the State would waive its

23 opening and reserve its right to close.

24 THE COURT: Mr. Siemon?

25 MR. SIEMON: Ms. Rogers?