

1           That being as it is, Mr. Davis, does the defendant  
2 have any other?

3           MR. DAVIS: Romance Mosby.

4           THE COURT: Is he here?

5           MR. DAVIS: Yes.

6           MS. BOCK: Your Honor, I'm gonna object to that,  
7 because it's the same issue.

8           THE COURT: Do you want to make an offer of proof  
9 with Mr. Mosby first? I mean, I think I need to hear his  
10 testimony as to what he proposes to testify to.

11           Romance Mosby.

12           MS. BOCK: Your Honor, at this time, I guess I'd  
13 like to make I short record, is that Romance Mosby, I believe  
14 hasn't even been endorsed by the defense and I now see that  
15 they have taken I statement of him, that I haven't seen, and  
16 I'm entitled to that. I'm gonna ask that they be ordered to  
17 give me I copy of that.

18           THE COURT: We can sure make you I photocopy.

19           Again, the defendant is present with counsel, and  
20 the State's present by the Assistant Attorney Generals.

21

22                           ROMANCE MOSBY,

23                           upon being duly sworn, testified:

24                           DIRECT EXAMINATION

25           BY MR. DAVIS:

1           The jury is outside of the courtroom, and I know  
2 the defense has called Mr. Romance Mosby for an offer of  
3 proof for purposes of the court considering whether his  
4 testimony should be presented to this jury. From what I  
5 gathered, I think I need to advise Mr. Mosby here today, Mr.  
6 Mosby, I want you to understand that you have the 5th  
7 Amendment right not to incriminate yourself here today,  
8 do you understand that, sir?

9           A.    Yes, sir.

10           THE COURT: You understand that, that any  
11 statements that you may make here today are being made under  
12 oath, they're, everything that you say is being taken down by  
13 this court reporter, and if you make any statements that may  
14 be used against you, as far as any criminal proceedings,  
15 arising out of something that you might talk about in your  
16 testimony, those statements could be used against you; do you  
17 understand that?

18           A.    Yes, sir.

19           THE COURT: And you understand that you have the  
20 constitutional rights not to answer any questions that might  
21 incriminate you, or, that might could be used against you in  
22 I future criminal proceeding; do you understand that?

23           A.    Yes, sir.

24           THE COURT: Do you also understand, and I will  
25 advise you, at this time, that you have the right to consult

1 with an attorney concerning any answers, or responses that  
2 you might give here today, if you want to consult with an  
3 attorney? Now, do you want to answer these questions under  
4 oath here today?

5 A. Yes, sir.

6 THE COURT: Okay. And do you understand the  
7 rights that I've explained to you here today?

8 A. Yes.

9 THE COURT: And, again, the jury is outside of the  
10 courtroom. And I've sworn the witness. You may proceed.

11 Q. State your name for the record?

12 A. Romance Demon Mosby.

13 Q. How do you spell your last name?

14 A. M-O-S-B-Y.

15 Q. Romance, where are you from?

16 A. Sikeston, Missouri.

17 Q. And around August of last year, were you living in  
18 Sikeston?

19 A. Yes.

20 Q. And, where were you living?

21 A. I can't remember at the time.

22 Q. I can't remember at the time?

23 A. No.

24 THE COURT: You have to say yes or no for the court  
25 reporter, Mr. Mosby.

1 Q. Do you have any recollection about an incident that  
2 may have occurred on Ruth Street where I white woman was  
3 shot?

4 A. Yes, sir.

5 Q. Okay. And, what do you know about that?

6 A. Well, I was told by --

'7 MS. BOCK: Your Honor, I cannot hear him.

8 THE COURT: Could you speak up.

9 A. I was told by one of my cousins that he did it.

10 Q. Who is your cousin?

11 A. Carlos Jones.

12 Q. And, when did he tell you this?

13 A. After I came from court over here, I couple of  
14 months ago.

15 Q. I couple months ago. And is your cousin Carlos  
16 Jones in prison?

17 A. Yes, sir.

18 Q. And he's in the same prison you are?

19 A. Yes.

20 Q. What prison is that?

21 A. Boonville Correctional Center.

22 Q. Are you cell mates?

23 A. No, sir.

24 Q. So you came back from court in Scott County, why  
25 were you in court in Scott County?

1 A. Cause, I had another case pending on me.

2 Q. And you came back and talked with Carlos Jones and  
3 how did that conversation start?

4 A. I, I was talking to him, I was talking to Bob  
5 Sullivan, he was telling me about, about that woman got  
6 killed and stuff, and I told him I didn't know nothing about  
7 it, and I was talking to Carlos about it, and he said he did  
8 it.

9 Q. Did he provide you with any details about, I mean,  
10 how did he say he did it, how did that conversation go?

11 A. He just said, well, me and him was talking and he  
12 was like, like, man, I know, man I did it, man, you know what  
13 I'm saying.

14 Q. Did he tell you where it happened?

15 A. He said it happened on the corner of Ruth.

16 Q. Did he tell you what kind of gun he used?

17 A. I 32 revolver.

18 Q. Did he tell you whatever became of the gun?

19 A. Where the gun, no.

20 Q. Okay. Did he tell you why he did it?

21 A. He said because the woman was trying, she was gonna  
22 shoot him or something.

23 Q. The woman was trying to shoot him or something?

24 A. Yeah.

25

1 Q. Can you remember anything about what he told you  
2 about that?

3 A. No, no, sir.

4 Q. After that, have you talked with Carlos anymore  
5 about it?

6 A. No, sir.

7 Q. Are you and Carlos close?

8 A. Yes, sir.

9 Q. Now, do you remember when this happened, this  
10 incident last August?

11 A. I can't remember.

12 Q. Okay. Have you ever heard about it before, Bobby  
13 Sullivan talked to you about it?

14 A. Yeah, he had talked to me about it.

15 Q. You've heard about it. Did you hear about it last  
16 August?

17 A. Last August?

18 Q. U-huh (yes.)

19 A. Yes.

20 Q. Okay. And, did you talk to Carlos then?

21 A. Hu-huh (no), no, sir.

22 Q. Didn't even see Carlos around that time?

23 A. No, sir.

24 Q. I may have asked you this, do you know  
25 what happened to the gun?

1 A. No, sir.

2 Q. You've told Bobby Sullivan it was thrown?

3 A. In I ditch by Upper Big Lake.

4 Q. Okay. You had to step over I wire to get there?

5 A. Yes, sir.

6 Q. Did Carlos tell you that, whether or not he sells  
'7 drugs?

8 A. Yes.

9 Q. Do you know if he sells drugs?

10 A. No, I don't know if he sells drugs or not.

11 Q. Did Carlos tell you that the woman was trying to  
12 buy some marijuana?

13 A. Yes, sir.

14 Q. Did Carlos tell you that he tried to rob her?

15 MS. BOCK: Objection, leading at this point.

16 THE COURT: Well, this is an offer of proof, just,  
17 I'll overrule it. Just move along.

18 Q. Did Carlos tell you that he tried to rob her and  
19 then shot her?

20 A. Yes, sir.

21 Q. Did Carlos tell you that he shot her when she was  
22 at the stop sign at Ruth and Branum, facing westbound?

23 A. Yes, sir.

24 MR. DAVIS: I don't have any further questions.

25 THE COURT: Ms. Bock?

CROSS EXAMINATION

BY MS. BOCK:

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Q. Mr. Mosby, what are you in prison for?

A. For unlawful use of I weapon.

Q. I'm sorry?

A. Unlawful use of I weapon.

Q. And what is your sentence?

A. Three.

Q. And pardon me?

A. Three.

Q. Three years?

A. Yeah.

Q. You've been in jail with David Robinson before,  
haven't you?

A. In jail over there?

Q. Yes.

A. Yes, sir.

Q. Okay, same pod area, south side?

A. No, sir.

Q. But were you in jail with him?

A. With David Robinson?

Q. Yes, in the same jail?

A. Yeah, we was in the same jail.

Q. And you saw him over there?



1 A. No, I didn't see him over there, he was.  
2 Q. Pardon me?  
3 A. He was on the other side.  
4 Q. Okay, he was I trustee, wasn't he?  
5 A. No, he wasn't I trustee at that time.  
6 Q. Pardon me?  
7 A. He wasn't I trustee at that time.  
8 Q. Okay. Mr. Mosby, you were interviewed on May 15th,  
9 of this year, correct?  
10 A. Yes, ma'am.  
11 Q. By bobby Sullivan?  
12 A. U-huh, yes.  
13 Q. And, he asked you if you knew anything about the  
14 killing of Sheila Box, correct?  
15 A. Yes.  
16 Q. And you told him that you did not, correct?  
17 A. Yes, ma'am.  
18 Q. Okay. And since then you've heard that Maurice  
19 Robinson has pointed the finger at you for killing her,  
20 haven't you?  
21 A. No.  
22 Q. Excuse me?  
23 A. I never heard of that.  
24 Q. Okay. You've never heard that Maurice Robinson and  
25 other people, Maurice Robinson says you did it?

1 A. No.

2 Q. And you've never talked to Maurice Robinson up in  
3 the Department of Corrections?

4 A. Yes, I talked to him.

5 Q. Okay. In fact, you're in Boonville Correctional  
6 Center?

7 A. Yes, ma'am.

8 Q. And, and Maurice Robinson is in Boonville  
9 Correctional Center?

10 A. Yes, ma'am.

11 Q. And Carlos Jones is in Boonville Correctional  
12 Center?

13 A. Yes, ma'am.

14 Q. You said that Carlos is your cousin?

15 A. Yes, ma'am.

16 Q. Explain how he is your cousin?

17 A. His mamma.

18 Q. Excuse me?

19 A. His mamma is my auntie.

20 Q. His mother?

21 A. My mamma and his mamma is sisters.

22 Q. His mamma and your mamma are sisters. Okay, now  
23 your testimony today is the first time that he told you that  
24 he was involved in this was this summer, is that correct,  
25 after you came back from Scott County?

1 A. Yes, ma'am.

2 Q. Which would have put that sometime in May or June  
3 of this year?

4 A. Yes, sir.

5 Q. Now, you interviewed Sarene Deeds from our office,  
6 on August 15th, of this year?

7 A. Yes, sir.

8 Q. And, at the time that you talked to her you, you  
9 didn't tell her that the woman tried to shoot Carlos, did  
10 you?

11 A. No, ma'am.

12 Q. No, that's, something new today, isn't it?

13 A. Yes, ma'am.

14 Q. Okay. And, at that time you told Sarene that  
15 Carlos tried to rob her and then shot her?

16 A. Yes, ma'am.

17 Q. And, you told her that Carlos told you that Eugene  
18 Dion Smith was with Carlos when the girl was shot?

19 A. I don't know no Eugene.

20 Q. Eugene Dion Savage was with the girl when Carlos  
21 shot her?

22 A. Yes, ma'am.

23 Q. So Eugene Dion Savage was supposed to be there too?

24 A. Yes, ma'am.

25 Q. All righty. You were asked to take I polygraph

1 test, weren't you?

2 A. Yes, ma'am.

3 Q. And you said no?

4 A. Yes, ma'am.

5 Q. Now, you've been asked a couple of times today  
6 about the gun, and first you said you didn't know  
7 what happened to it, correct?

8 A. Yes, ma'am.

9 Q. Okay, and then you said you thought it is in an  
10 Upper Big Lake ditch?

11 A. That's where I heard it was.

12 Q. From who?

13 A. From Carlos.

14 Q. Okay. And this was in June at the Boonville  
15 Correctional Center?

16 A. In June?

17 Q. When you said Carlos told you this, after you got  
18 back from court?

19 A. Yeah, after I got back from court.

20 Q. You also interviewed I lady from the Public  
21 Defender's office; is that correct?

22 A. That's right.

23 Q. Do you see her in the courtroom today?

24 A. Yes, ma'am.

25 Q. And where is she seated and what is she wearing?

1 A. She's wearing I brown suit.

2 Q. Okay. And do you remember, or you talked to her,  
3 let's see, the day before you talked to the investigator from  
4 my office; is that correct?

5 A. Yes, ma'am.

6 Q. Now, when you talked to my investigator, Ms. Deeds,  
'7 you didn't tell her anything about the location of I gun, did  
8 you?

9 A. Yes, ma'am.

10 Q. You did or did not?

11 A. Yes, ma'am.

12 Q. Did you tell her?

13 A. Yes, ma'am.

14 Q. Okay, that's your testimony?

15 A. Yes, ma'am.

16 Q. And, now, the day before when you talked to the  
17 lady from the Public defender's office, you told her that the  
18 gun was actually dumped on I gravel road, had to step over I  
19 wire to get to where there was I ditch; is that right?

20 A. Yes, ma'am.

21 Q. This Big Lake area?

22 A. Yes, ma'am.

23 Q. And you told her that you would testify in court  
24 because your name was caught up in it?

25 A. Yes, ma'am.

1 Q. How is your name caught up in it?

2 A. My name was brought up in it?

3 Q. Yeah. That you're caught up in it, those were your  
4 words with her?

5 A. I'm caught up in it?

6 Q. Yeah, you would testify in court because your  
7 name's been caught up in it?

8 A. I don't know.

9 MS. BOCK: That's all my questions.

10 THE COURT: Anything further, Mr. Davis, from this  
11 witness?

12 MR. DAVIS: No, sir.

13 THE COURT: Ms. Bock, other than, obviously you  
14 made, you've cited cases, made your argument as to testimony  
15 of Deputy Sullivan concerning this line of testimony, which,  
16 now, Mr. Mosby has testified to. Do you have any other  
17 objections, other than those previously cited to me?

18 MS. BOCK: Your Honor, just to emphasize, we have  
19 the same issues, we have someone coming forward late in the  
20 game with uncorroborated testimony, with, contradictory  
21 testimony, and, I year after the homicide, which, does not  
22 meet the test of the Missouri cases, and, his statements, his  
23 testimony would also be inadmissible hearsay.

24 THE COURT: As with the previous ruling, the Court  
25 will sustain the objection from State's counsel as to Mr.

1 Mosby's testimony.

2 Mr. Davis, on behalf of the defense, made an offer  
3 of proof, for the reported of Mr. Mosby proposed testimony if  
4 he were to allow to testify before to jury. So that will  
5 conclude our offer of proof at this time.

6 You may step down, Mr. Mosby. Thank you.

7 Mr. Davis, does the defendant have any other  
8 evidence at this time?

9 MR. DAVIS: I did have one additional witness,  
10 Judge, and I told him about it beforehand, but I think he was  
11 taken back to Charleston and is on his way back.

12 MS. BOCK: Your Honor, I'm gonna ask the same issue  
13 with the, outside the presence of the jury.

14 THE COURT: Do we need to make another offer of  
15 proof, is this, the same circumstances, basically at same  
16 issues with his testimony?

17 MR. DAVIS: Yes.

18 THE COURT: Okay.

19 Well, I guess we'll just sit around and wait till  
20 Mr. Hill gets here, then.

21 (Break.)

22 Let's go on the record.

23 The Defendant is present.

24 The State's present by Ms. Bock and Mr. Hosmer.

25 Mr. Davis, I believe you wish to call Kerenzo Hill;