

1 RICHARD WALKER,
2 being first duly sworn by Betty Coleman, Deputy Clerk,
3 testified as follows:

4 DIRECT EXAMINATION

5 By Mr. Swingle:

6 Q. Sir, would you state your name for the jury,
7 please.

8 A. Richard Walker.

9 Q. And what is your occupation?

10 A. Deputy sheriff of Cape Girardeau County Sheriff's
11 Department.

12 Q. You may need to speak a little louder. I'm having a
13 little trouble hearing you.

14 How long have you been a deputy sheriff?

15 A. About four years.

16 Q. And, sir, were you on duty on the afternoon of June
17 19, 1996?

18 A. Yes.

19 Q. And was that approximately two days after Russell
20 Bucklew had escaped from the Cape Girardeau county jail?

21 A. Yes.

22 Q. Did you have an occasion that afternoon to arrest
23 him?

24 A. Yes.

25 Q. First of all I would show you photographs of a

1 A. Meeting each other.

2 Q. And once you were coming toward him and saw him,
3 what did you do?

4 A. I turned around, activated my emergency equipment on
5 my patrol vehicle.

6 Q. And approximately where were you when you had
7 spotted him?

8 A. On State Highway 177 just south of County Road 623.

9 Q. And I think you already said this, but I've
10 forgotten your answer. What time was it in the afternoon?

11 A. About 4:20.

12 Q. When you then activated your emergency equipment,
13 would you describe for us the route that his vehicle and your
14 vehicle took?

15 A. As I turned around, he was cresting a slight hill.

16 So when I crested over the top of it, I noticed the brake
17 lights on the truck were on. He made an immediate right on to
18 County Road 623 and pulled down just a little ways and pulled
19 to the right.

20 Q. And about how far would you say that he had driven
21 once you had first spotted him?

22 A. Two-tenths of a mile probably.

23 Q. And would you describe the positioning of his
24 vehicle when it came to a stop?

25 A. It was just straight on the side of the road.

1 vehicle marked State's Exhibit 190 and 191. I'll ask you if
2 those are fair and accurate representations of the blue pickup
3 truck with camper he was in at the time you had arrested him?

4 A. Yes.

5 MR. SWINGLE: Your Honor, I'd offer State's Exhibits
6 190 and 191.

7 MR. WOLFRUM: No additional objection.

8 THE COURT: Exhibits 190 and 191 will be admitted.

9 - * -

10 (State's Exhibit Numbers 190 and 191 were admitted into
11 evidence.)

12 - * -

13 Q. Would you describe, officer Walker, about what time
14 of day it was when you first spotted Mr. Bucklew?

15 A. About 4:20 in the afternoon.

16 Q. And did you recognize him by face when you saw him
17 in this vehicle?

18 A. Yes.

19 Q. Were you in your vehicle or were you on foot?

20 A. My vehicle.

21 Q. And was he, was his vehicle moving or was it stopped
22 when you first saw him?

23 A. Moving.

24 Q. And were you guys going the same direction or coming
25 toward each other?

1 Q. And is State's Exhibit 190 a photograph of the exact
2 position the truck was in that day?

3 A. Yes.

4 Q. And in fact is this a photograph that was taken that
5 same day?

6 A. I believe so, yes.

7 Q. Describe for the jury, where did you park your
8 vehicle or place your vehicle once this blue pickup truck and
9 camper was stopped?

10 A. My vehicle was parked at an angle right behind with
11 a slight distance in between the truck.

12 Q. And when you say at an angle, would the front of
13 your car have been on this side or the front of your car over
14 on the left side?

15 A. The front of the car would be pulled, just like that
16 so that the back was still, back here. It was at a distance
17 where I could use my patrol vehicle as cover.

18 Q. And what did you do then once you had stopped your
19 car at an angle behind that pickup truck?

20 A. At that time I was pushing my door opened. He
21 jumped out of the truck. And I was trying to get out of my
22 car, get the shotgun out of the car. And he was lunging out
23 of his vehicle.

24 Q. And describe for us what happened then after he
25 lunged out of his vehicle and you were trying to get your

1 shotgun out?
 2 A. I worked the chamber on the pump shotgun and ordered
 3 him to get his hands up.
 4 Q. And when you worked that chamber, does that make a
 5 loud audible click?
 6 A. Yes.
 7 Q. And what was his response after that loud audible
 8 click?
 9 A. He threw his hands straight up in the air.
 10 Q. And what did you say to him?
 11 A. Had him, at that time I believe I had him to turn
 12 around in a full circle so that I could make sure that he did
 13 not have any weapons on him on his person, anywhere.
 14 Q. And then what did you do?
 15 A. Interlock his fingers, his hands and place them
 16 behind his head.
 17 Q. And were you all by yourself at this point?
 18 A. Yes.
 19 Q. What did you do next?
 20 A. I had him to get down on the ground and lay flat on
 21 the county road with his hands and arms spread out.
 22 Q. And did he do that?
 23 A. Yes.
 24 Q. And about how long did that situation continue until
 25 other backup officers arrived?

1 A. Right.
 2 MR. WOLFRUM: I don't have any further.
 3 A. But that's not when he went down to the ground
 4 though.
 5 MR. WOLFRUM: I don't have any further questions.
 6 MR. SWINGLE: No redirect, Your Honor.
 7 THE COURT: May this witness be excused?
 8 MR. SWINGLE: He may.
 9 THE COURT: You may step down.
 10 Call your next witness.
 11 MR. SWINGLE: I have other exhibits that I want to
 12 be sure we have admitted before the State would rest.
 13 THE COURT: Exhibits 1 through 14 have been
 14 admitted.
 15 MR. SWINGLE: 1 through 14 are admitted?
 16 THE COURT: 15 through 18 are admitted. 29 through
 17 41 are admitted. 42 through 55 are admitted. Exhibit 56 is
 18 not admitted.
 19 MR. SWINGLE: At this time we'll offer State's
 20 Exhibit 56 which were the envelope containing the blood
 21 samples from the kitchen in the hallway collected by David
 22 James.
 23 THE COURT: Any objection?
 24 MR. WOLFRUM: No.
 25 THE COURT: Exhibit 56 admitted.

1 A. Just a very short time.
 2 Q. And with that was he taken into custody without
 3 further incident?
 4 A. Yes.
 5 MR. SWINGLE: No further questions, Your Honor.
 6 THE COURT: Cross.
 7 - * -
 8 CROSS-EXAMINATION
 9 By Mr. Wolfrum:
 10 Q. He quickly got down on the ground. You used the
 11 word, did you use the word "lunge"?
 12 A. Yes.
 13 Q. But you've earlier testified at preliminary hearing
 14 that may have been getting down on the ground?
 15 A. The lunging?
 16 Q. Yes.
 17 A. No, the lunging was when he was exiting the truck.
 18 Q. Do you recall testifying at the preliminary hearing:
 19 "And what did the person who got out of the pickup,
 20 what did they do next?"
 21 Answer: "He lunged. I don't know if he was running
 22 or getting down on the ground or what. He was part of the way
 23 to me. I advised him to get his hands up. He threw his hands
 24 up."
 25 Is that what you said?

1 - * -
 2 (State's Exhibit Number 56 was admitted into evidence.)
 3 - * -
 4 MR. SWINGLE: And a moment ago, Your Honor, you said
 5 15 through 18. But I think, did you mean to say 15 through
 6 28?
 7 THE COURT: I said 15 through 18. No, 15 through 28
 8 is what I show.
 9 MR. SWINGLE: Yes, sir. Thank you.
 10 THE COURT: 29 through 41. 42 through 56. 56-A
 11 through 56-B-4.
 12 MR. SWINGLE: Your Honor, I would offer at this time
 13 State's Exhibits 57 and 58 which were pieces of paper with
 14 blood which had been identified by David James during his
 15 testimony.
 16 MR. WOLFRUM: May we approach, Your Honor?
 17 (Counsel approached the bench and the following
 18 proceedings were had:)
 19 MR. WOLFRUM: My understanding is that 57 is a piece
 20 of a kid's artwork. It's irrelevant.
 21 MR. SWINGLE: Your Honor, the location of that extra
 22 blood showed Michael Sanders had been leaning in that spot
 23 however, corroborating Stephanie's testimony that the
 24 defendant pointed the gun at Michael Sanders' head.
 25 MR. WOLFRUM: It's more inflammatory and prejudicial