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MR. VANCE: We call Kenneth

Young.

K E N N E T H Y O U N G, called as a witness
on behalf of the Defendant, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. VANCE:

Q Would you state your name for the record, please?

A Kenneth Wayne Young.

Q And how old are you, Kenneth?

A I am 21.

Q Kenneth, I am going to direct your attention back
to July 13, 1982.

Did you have an occasion to be at Koehne Park
in Waco, Texas on that day?

A Yes, sir, I did.

Q About what time did you arrive?

A Around 7:00 or 7:30.

Q Okay, did you go to any particular spot in the
park, or did you travel it or --

A Well, I came down the first road that comes off
Lake Shore.

Q All right.

A And it comes down to, like, a paved type and then
it comes down a gravel.

- 1 Q Okay, and did you stop at a particular place there?
- 2 A Yes, where it stops -- the pavement stops right
3 there.
- 4 Q Okay, I want you to come over here to what has been
5 marked and admitted as Defendant's Exhibit No. 2.
6 This being Lake Shore Drive and this is the
7 entrance to Koehne Park. Would you mind putting
8 your initials KY, where you were positioned?
- 9 A Okay.
- 10 Q Okay, thank you. Is there some type of facility
11 there like a picnic table or a bench or anything?
- 12 A There is a bench, but we were leaning up against
13 our cars.
- 14 Q Okay, who were you with?
- 15 A John Henderson.
- 16 Q Okay, and do you have an idea of what time you got
17 there?
- 18 A Oh, around 7:00 or 7:30.
- 19 Q Was there any particular reason to go out there?
- 20 A We just meet friends down there.
- 21 Q Okay. Now, the place that you were positioned, for
22 anybody coming up off the beach area, would they
23 be -- or is there any way to get to the other part
24 of the park without going by you?
- 25 A No, sir.

2 3

1 Q And about how long were you out there?

2 A Probably from around 7:00 -- 7:30 until about twilight.

3 Q Okay, what time would you consider twilight?

4 A Probably about 8:30 to 9:00.

5 Q Did you ever see an orange Pinto with a boy and two

6 girls come up out of that beach area?

7 A Not out of the beach area.

8 Q Not out of the beach area?

9 A No, sir.

10 Q Did you ever see some people in an orange Pinto

11 and a gold Pontiac stop in that -- at the end of

12 that paved area and have a conversation?

13 A No, sir.

14 Q If that had happened, would you have been in a

15 position to notice it?

16 A I would have if I hadn't had my back turned.

17 Q Was your back turned during most of the time?

18 A I can't remember that far back.

19 Q Did you, in fact, ever see an orange Pinto enter

20 Koehne Park in the evening of July 13, 1982?

21 A Yes, sir, I did.

22 Q Okay, and would you describe or point out on

23 Defendant's Exhibit 2 where you saw that orange

24 Pinto proceed?

25 A It came off of Lake Shore.

2

1 Q All right, let us step over here and use this
2 pointer so all the jurors can see, okay, just stand
3 back so everybody can see.

4 A It came off of Lake Shore, came down here and entered
5 the circle, and from there, I couldn't tell where
6 it went.

7 Q Okay, did you ever see that orange Pinto exit Koehne
8 Park?

9 A No, sir, I didn't.

10 Q All right, did you know the individuals in the
11 orange Pinto at that time?

12 A I knew Kenneth Franks. He was an acquaintance, but
13 we weren't really, you know, on speaking terms or
14 anything. I just seen him around.

15 Q Did you see him in that car that evening?

16 A Yes, sir, I did.

17 Q Did he stop and talk to you or anything?

18 A No, sir.

19 Q During that evening, did you ever go down to the
20 circle area?

21 A Yes, when we went to leave, we did.

22 Q Okay, what did you notice when you went down to the
23 circle?

24 A The white van and the Pinto but nobody around.

25 Q And do you remember what time that was?

1 A About twilight, about 8:30 to 9:00.

2 Q You all didn't stop in the circle, did you?

3 A No, sir.

4 MR. VANCE: Okay, I have no
5 further questions.

6 CROSS EXAMINATION

7 QUESTIONS BY MR. BUTLER:

8 Q Did you see a yellow Granada leave, Mr. Young?

9 A No, sir.

10 Q A yellow Granada with four or five black folks in
11 it?

12 A No, sir.

13 Q Were you in a position that you would have been
14 able to see every vehicle that left that circle
15 area?

16 A Yes, I was in a position, but I couldn't -- I wasn't
17 noticing every vehicle that left.

18 Q And it wasn't full dark but twilight, as you call
19 it, when you left?

20 A Yes, sir.

21 Q Okay, we discussed this before, have we not,
22 Mr. Young?

23 A Yes, sir.

24 Q You were in a black Trans AM, weren't you?

25 A Black Z28.

2

1 Q Z28. Mr. Young, do you know what the orange Pinto
2 did after you left the park?

3 A No, sir, I don't.

4 Q Is it possible that it could have driven back down
5 to that gravel area and then returned to the circle?

6 A Yes, it is.

7 Q Is it possible that a gold Pontiac or Chevrolet or
8 gold looking car could have followed them back after
9 you left?

10 A Yes, sir.

11 Q You don't know what happened?

12 A I don't know what happened. That is possible.

13 Q And you didn't even see every car that went by
14 because your back was turned on occasion?

15 A Yes, sir.

16 Q While you were there?

17 A Yes, sir.

18 Q And really, the only thing you can say you saw is
19 Kenneth Franks when they drove in?

20 A Yes, sir.

21 Q That you knew him well enough to know who he was?

22 A Yes, sir.

23 Q And that at the time you left which was before
24 dark, the orange car was parked there in the circle?

25 A Yes, sir.

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MR. BUTLER: Pass the witness,
Your Honor.

REDIRECT EXAMINATION

QUESTIONS BY MR. VANCE:

Q Mr. Young, you could also say that the orange Pinto
did not pass your position and go down to the beach
area, did it?

A Yes, sir.

Q And that was between 7:00 and approximately 8:30 at
night?

A Yes, sir.

MR. VANCE: Pass the witness.

MR. BUTLER: We don't have
anything further.

THE COURT: All right, may he
be finally excused? All right, Mr. Young, you are
finally excused.

(Witness excused.)

R I C K Y G U T H R I E, called as a witness
on behalf of the Defendant, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. REAVES:

Q Mr. Guthrie, would you state your name for the
record?