

1 A. Yes.

2 Q. And what did you find out?

3 A. I found that his daughter was graduating and that he

4 was in attendance with his young--I think young son.

5 Q. And did you find out what time he was in attendance?

6 A. It was from 10:30 to 11:45, I believe.

7 Q. And is there a police report?

8 A. I believe I just may have sent an e-mail to Mr. Asmus,

9 but I can't be certain.

10 Q. Why wouldn't you do a report on that?

11 A. I don't know.

12 Q. You have witnesses that you talked to?

13 A. Teachers.

14 Q. And so these teachers, are they identified?

15 A. No. No, they're not. In fact, they didn't even work

16 there anymore.

17 Q. So you're saying that you've done it in a way that the

18 defense can't--won't be able to follow up on it?

19 A. No, sir. I can give you the phone numbers to try to

20 contact these people. And I did what you asked. I confirmed

21 that he was there. And I didn't follow it up any farther.

22 Q. Why didn't you make sure that that information was

23 passed on to us?

24 A. I believe I passed it on to Mr. Asmus, but, again, I

25 can't be sure. And I-- There was talking between you and I.

1 record is clear, too, both detectives, Smith and Detective  
2 Sharpe, both told Evans originally you're guilty. You're  
3 guilty. They told him up and down you are guilty. We know it's  
4 you. It's identical. It's you. Everything is you. So that's  
5 also the context of this.

6 THE COURT: All right. Let me just turn for a  
7 second. Attorney Asmus, the ability of Evans to present an  
8 alibi under these circumstances and the ability for the defense  
9 to follow up on that, is that not exculpatory or potentially  
10 exculpatory?

11 ATTORNEY ASMUS: Well, I think Detective Sharpe  
12 testified that he corroborated Mr. Evans' alibi such that he  
13 wouldn't have been the one committing the robbery. So I guess I  
14 think that that's more inculpatory than exculpatory for the  
15 defendant.

16 ATTORNEY SOMMERS: But, Your Honor--

17 ATTORNEY ASMUS: I mean, if you're trying to say  
18 Mr. Evans is really the one who committed this robbery, not  
19 Mr. Thomas, the defendant, unless I misunderstood what Detective  
20 Sharpe was saying, he's saying he confirmed that Evans was at a  
21 school function from 10:30 to 11:45.

22 THE COURT: All right.

23 ATTORNEY ASMUS: So I guess that seems to me to be  
24 more inculpatory. It doesn't exculpate the defendant, because  
25 it suggests that Mr. Evans wasn't there, but.