

1 Q. And so therefore the hair is not relevant, correct?

2 A. It would be for the lineup.

3 Q. Well, why would the hair -- If they can't see his

4 hair, why then is the hair relevant?

5 A. Because he would have been very different in the photo

6 lineup if I would have had Demarious Gray in there as

7 well as Ashton Davis in there, the hair would have

8 been very different and very distinctive.

9 Q. If the -- If both individuals say we can't see his

10 hair, why is it relevant for them to be able to see

11 the hair during a photo lineup?

12 A. I was preparing a lineup that included Demarious Gray

13 and not Ashton Davis. I simply went with similar

14 characteristic of Demarious Gray and not Ashton Davis.

15 Q. So when -- So you were specifically making a point

16 not to show them Ashton Davis?

17 A. No. I was creating a lineup that included Demarious

18 Gray. I had no -- I had no knowledge of Ashton Davis

19 at the time nor did I make any relevant reason why I

20 didn't put him in the lineup at all. The lineup was

21 specifically set up for Demarious Gray.

22 Q. So you're saying that at the time that you did the

23 photo lineup in this case, you had no knowledge of

24 Ashton Davis?

25 A. I had no knowledge of Ashton Davis.

1 Q. So you're saying that your prior testimony when you
2 said at the time I was told Ashton Davis was out of
3 town, you're saying that that testimony is not true?

4 A. That was later. I don't understand -- The context of
5 your questioning at the time I don't remember what --
6 why we were talking about Atlanta, Georgia. I know at
7 the time of the lineup that all I knew was Demarious
8 Gray's name. I did not know Ashton Davis' name.

9 Q. You do know that at the time the Judge asked you in
10 this court specifically to why you didn't include
11 Ashton Davis in the lineup, and you are aware that in
12 your answer -- part of your answer was saying at the
13 time I was told he was out of town?

14 A. I was told he was --

15 Q. You did answer that, that's true, correct?

16 A. I was told he was out of town, but I also did not know
17 his name. You're asking me why he was not included in
18 the lineup. At the time I did not know who Ashton
19 Davis was. But if you're asking me why I just
20 wouldn't have put him in there, my understanding was
21 he had the long hair, and my understanding also was at
22 one point that he may have been in Atlanta, Georgia,
23 which is unsubstantiated information that I simply
24 heard and I can't tell you where.

25 Q. First, Detective, the only possible way you would have