

1 Q No? Okay. Now, do you recall where Mr. Kirkland
2 was located in the 2010, 2011, timeframe?

3 A Yes.

4 Q And where was that?

5 A MCI-Shirley.

6 Q And did you visit Mr. Kirkland during that time?

7 A Yes.

8 Q Do you recall approximately how frequently you
9 would visit him?

10 A Every other weekend, because that was my weekend
11 off.

12 Q Okay. So every other weekend you would see him.
13 And was that in 2010 and 2011?

14 A Yes.

15 Q And you do recall that later in April of 2011,
16 Mr. Kirkland escaped from that facility?

17 A Yes.

18 Q So, do you recall visiting Mr. Kirkland
19 specifically in April of 2011?

20 A Yes.

21 Q Do you recall the date of that visit?

22 A Maybe like April 10th or 11th.

23 Q Okay. So, April 10th or 11th range?

24 A Yeah.

25 Q Do you recall whether during the time of that

1 visit, you had a photograph taken of the two of you?

2 A Yes.

3 Q Do you recall any of the details of how that came
4 to be?

5 A The photograph?

6 Q Yes, was there an official photography set up?

7 A Oh yes, one of the inmates would take pictures.

8 Q One of the inmates had the camera and take
9 pictures?

10 A Yeah.

11 MR. SCHNIPPER: May I approach, Judge?

12 THE COURT: Yes.

13 BY MR. SCHNIPPER:

14 Q I'm going to show you a couple of images, and ask
15 whether you recognize these.

16 A Yes.

17 Q So, you recognize those photos. And who are the
18 people in those photos?

19 A Me and Tamik.

20 Q And did you at some point, after these photos
21 were taken, did you receive a copy of these photos?

22 A Yeah.

23 Q Who did you receive them from?

24 A From Tamik.

25 Q And did you provide these photos to anyone else

1 after that time?

2 A Yes, I gave them to the lawyer, Nick.

3 Q You remember his name, Nick?

4 A Nick Andreopoulos.

5 Q Did you visit him in his office to give him
6 those, or did you --

7 A Yeah, I visited him like in May, June.

8 Q May or June, 2011?

9 A Yes.

10 Q And when you look at that photo, is that a fair
11 and accurate reflection of how both you and Mr.
12 Kirkland looked at that time?

13 A Yeah.

14 Q Is it a fair and accurate reflection of your
15 recollection of Mr. Kirkland's haircut at that time?

16 A Yes.

17 Q So, do you recall whether Mr. Kirkland had any
18 particular style in his hair at that time?

19 A He was trying to grow waves.

20 Q And could you describe what waves are, for those
21 of us who don't know?

22 A Low haircut, up -- they're just waves.

23 Q So close to the head?

24 A Yes.

25 Q Did Mr. Kirkland give you any sort of reason for

1 | why he was keeping his haircut a certain way?

2 | A I mean, he wanted to look good for the visit.

3 | MR. COLIFLORES: Objection, Your Honor.

4 | MR. SCHNIPPER: Judge, I think this is
5 | admissible, as state of mind evidence, Rule 803, 3b.

6 | THE COURT: State of mind as to what?

7 | MR. SCHNIPPER: As to his -- the intent for the
8 | reason of getting a regular haircut and 803b too, is
9 | to show that a past statement of intention on ID
10 | actually did act in accordance with that I think he's
11 | getting a regular haircut at this time for a
12 | particular reason. He wanted to look good for his
13 | visitors.

14 | THE COURT: Well, if you want to admit it as to
15 | his state of his mind, but not substantively, that's
16 | fine. But I'm not going to accept it as the truth of
17 | what he says.

18 | MR. SCHNIPPER: Okay. Well obviously, it is a
19 | hearsay exception, declarant unavailable in material,
20 | so please note my objection. I do think it's
21 | substantively available, but.

22 | THE COURT: All right.

23 | MR. SCHNIPPER: All right. Well, I have nothing
24 | further for you at this time.

25 | MR. COLIFLORES: Good morning.

1 MS. GALBREATH: Good morning.

2 THE COURT: I didn't prohibit you from her
3 answering the question. I just wasn't going to
4 accept the --

5 MR. SCHNIPPER: Okay. I'm sorry. I did believe
6 -- did you -- I'm sorry.

7 THE COURT: I don't think she answered the
8 question.

9 BY MR. SCHNIPPER:

10 Q I'm sorry. Would you mind answering if Tamik
11 expressed any reason as to why he was having his
12 haircut regularly during that time?

13 A Yes.

14 Q And what was that reason?

15 A To look good for the visit.

16 Q To look good for his visits? Thank you.

17 THE COURT: All right. Go ahead.

18 MR. COLIFLORES: Thank you, Your Honor.

19 CROSS EXAMINATION.

20 BY MR. COLIFLORES:

21 Q Ms. Galbreath, you testified that you've known
22 the defendant since you were 11 years old, is that
23 correct?

24 A Yes.

25 Q How did you come to know the defendant?

1 THE CLERK: There's a photograph marked as 1A and
2 1B; and their photograph is marked as Exhibit 2; and
3 another photograph of two photographs of Mr.
4 Kirkland, marked as Exhibit Number 3.

5 THE COURT: Okay. And which of the photographs
6 did you show to her on the witness stand?

7 MR. SCHNIPPER: Exhibits 1A and 1B, are shown to
8 Ms. Galbreath.

9 THE COURT: Thank you. All right, go ahead.

10 MR. COLIFLORES: May I see 1?

11 BY MR. COLIFLORES:

12 Q I'm showing you Exhibits 1A and 1B; are these the
13 same photos that counsel showed you a moment ago?

14 A Yeah.

15 Q And could you describe them for the record? For
16 example, what is depicted in 1A?

17 A It's me and him. I'm standing in front of him,
18 with his hands around me.

19 Q And, would you say that his hands are intertwined
20 with yours, and are on your thigh area?

21 A Yes.

22 Q And that you were both standing?

23 A Uh-huh.

24 Q And then Exhibit 1B -- is the first photo
25 substantially similar to 1A? These two?

1 A Yes.

2 Q And the photo on the right in 1B, can you
3 describe what's going on in that photograph?

4 A I'm standing in front of him with my hand on his
5 chest.

6 Q And you were very close to each other, correct?

7 A Yes.

8 Q Okay.

9 MR. COLIFLORES: Could I get those two placed
10 here? Thank you.

11 BY MR. COLIFLORES:

12 Q Now, you testified that you told attorney Nikolas
13 Andreopoulos of those photos, is that correct?

14 A Yes.

15 Q And that was in May or June of 2011, is that
16 correct?

17 A Yes.

18 Q When you told him, that photograph, did you give
19 him a copy of that photograph?

20 A Yes.

21 Q And was that a color copy of that photograph?

22 A Yes.

23 Q Did you discuss with attorney Andreopoulos, your
24 history with the defendant?

25 A Yes.

1 Q Did you tell him that you had been friends since
2 2011 -- excuse me -- since you were 11 years old?

3 A Yes.

4 Q Did you tell him that you were in a relationship
5 with him, and that you had a child?

6 A Yes.

7 Q And did you tell him that you were visiting him
8 on that day, depicted in that photograph?

9 A Yes.

10 MR. COLIFLORES: No further questions, Your
11 Honor.

12 MR. SCHNIPPER: Just one moment, Judge?

13 THE COURT: Sure.

14 MR. SCHNIPPER: Nothing further for this witness,
15 Judge.

16 THE COURT: All right. Thank you very much.

17 MR. SCHNIPPER: Judge, the defendant calls Joy
18 Talbot to the stand.

19 THE COURT: All right. Joy Talbot.

20 THE COURT OFFICER: Would you step right here and
21 raise your right hand?

22 THE CLERK: Do you solemnly swear or affirm that
23 the evidence that you shall give the Court in the
24 case now in hearing, shall be the truth, the whole
25 truth, and nothing but the truth, so help you God?