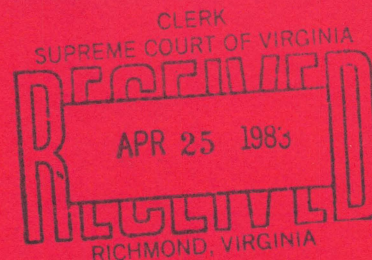


226VA120



IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 822244

SARAH V. AUGUSTINE

Appellant,

v.

COMMONWEALTH OF VIRGINIA

Appellee.

JOINT APPENDIX

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Virginia:

In the Circuit Court of the City of Suffolk

April 26, 1982

The Grand Jury charges that:

On or about the 9th day of June, 1981, in the City of Suffolk,
Sarah V. Augustine did unlawfully, feloniously, and maliciously in the
nighttime burn or cause to be burned or destroyed a dwelling house
usually occupied belonging to Robert E. Keyser, 4421 Cherokee Drive,
Suffolk, Virginia.

Va. Code § 18.2-77

A True Bill ✓


Foreman

INDICTMENT FOR ARSON

364
VIRGINIA

Circuit Court in the City of Suffolk, on Thursday, the 23rd day of September, in the year of our Lord, Nineteen Hundred and Eighty-Two:

PRESENT: The Honorable E. Everett Bagnell, Judge

F-125-82
Fel.#2747
COMMONWEALTH

V. ARSON

SARAH V. AUGUSTINE

J. L. D.Bk.6
Page 61
On the 17th day of September, 1982, came again C. Phillips Ferguson Attorney for the Commonwealth, and Sarah V. Augustine (born Sept. 27, 1946), who stands convicted of a felony, to-wit: Arson, was led to the bar in the custody of the jailer of this Court, and came also W. R. Savage, III, from the law firm of Glasscock, Gardy, and Savage, her attorney heretofore appointed.

And Theodore R. Dabney, a Probation Officer of this Court, to whom this case has been previously referred for investigation, appeared in open Court with a written report, which report he presented to the Court in open Court in the presence of the defendant who was fully advised of the contents of the report and a copy of said report was also delivered to counsel for accused.

Thereupon the defendant and her counsel were given the right to cross-examine the Probation Officer as to any matter contained in the said report and to present any additional facts bearing upon the matter as they desired to present. The report of the Probation Officer is hereby filed as a part of the record in this case.

Whereupon the Court taking into consideration all of the evidence in this case, the report of the Probation Officer, the matters brought out on cross-examination of the Probation Officer and such additional facts as were presented by the defendant, and it being demanded of the defendant if anything for herself she had or knew to say why judgment should not be pronounced against her according to law, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of this Court that the defendant is hereby sentenced to confinement in the penitentiary of the Commonwealth of Virginia for the term of ten (10) years, and that the Commonwealth of Virginia do recover against the said defendant its costs by it about its prosecution in this behalf expended in the amount of \$2,939.66.

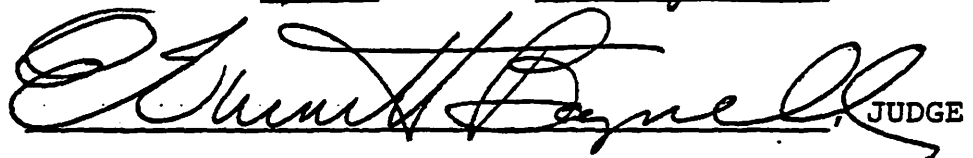
But for reasons appearing satisfactory to the Court, the Court being of the opinion that it is compatible with public interest so to do, the Court doth Adjudge and Order that the execution of four (4) years of said sentence is suspended, and upon release from the said penitentiary the defendant is thereby placed on probation under the supervision of a Probation Officer of this Court for ten (10) years, upon the condition the said defendant do pay the costs assessed against her.

And it is further ordered that as soon as possible after the entry of this order that the defendant be removed and safely conveyed according to law from the jail of this Court to the said penitentiary, therein to be kept, confined and treated in the manner provided by law.

The Court certifies that at all times during the trial of this case the defendant was personally present and her attorney was likewise personally present and capably represented the defendant, for which services he is allowed an attorney's fee of \$200.00.

And the defendant is remanded to jail to await transfer to the penitentiary.

Entered the 23 day of Sept, 1982

 JUDGE

E. Everett Bagnell

COMMONWEALTH

V. ARSON

SARAH V. AUGUSTINE

On the 17th day of September, 1982, came again C. Phillips Ferguson Attorney for the Commonwealth, and Sarah V. Augustine (born September 27, 1946), who stands convicted of a felony, to-wit: Arson, was led to the bar in the custody of the jailer of this Court, and came also W. R. Savage, III, from the law firm of Glasscock, Gardy, and Savage, her attorney heretofore appointed.

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But for reasons appearing satisfactory to the Court, the Court being of the opinion that it is compatible with public interest so to do, the Court doth Adjudge and Order that the execution of four (4) years of said sentence is suspended conditioned upon her good behavior for ten (10) years, and upon further condition the defendant do pay the costs assessed against her.

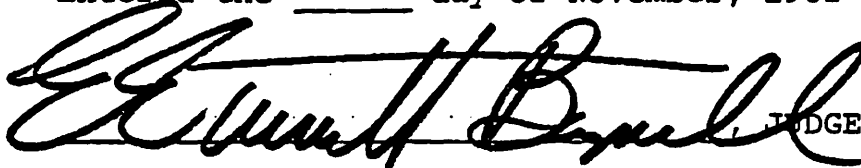
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The Court certifies that at all times during the trial of this case the defendant was personally present and her attorney was likewise personally present and capably represented the defendant, for which services he is allowed an attorney's fee of \$200.00

And the defendant is remanded to jail to await transfer to the penitentiary.

It is Adjudged, Ordered, and Decreed that this Order
be entered nunc pro tunc, to be in full force and effect as of
the 23rd day of September, 1982.

Entered the 5th day of November, 1982

 JUDGE

E. Everett Bagnell

II THE EVIDENCE PRESENTED BY THE COMMONWEALTH DID NOT
PROVE THE DEFENDANT GUILTY OF ARSON BEYOND REASONABLE
DOUBT.

1 THE COURT: Ladies and gentlemen, those of you
2 that are witnesses in this case. There's a motion to exclude
3 you from the courtroom. I'm going to instruct you that during
4 the trial of this case you are not, n-o-t, to discuss among
5 yourselves what you may testify to or what you have testified
6 to once you testify. You are free to talk to one another
7 but you are not to discuss any matters directly or indirectly
8 related to this case, is that understood by all the witnesses?
9 All right, Sheriff, take the witnesses to the witness room.

10
11 ROBERT EDWARD KEYSER, having been duly
12 sworn, testified as follows:
13

14 DIRECT EXAMINATION

15 BY MR. FERGUSON:

16 Q Would you state your name for the Court,
17 please, sir?

18 A Robert Edward Keyser.

19 Q Mr. Keyser, where do you live?

20 A I live at 4421 Cherokee Drive, Suffolk.

21 Q That's here in Suffolk, Virginia?

22 A Yes.

23 Q Mr. Keyser, taking your attention back
24 to June the 9th of 1981, did you live at that same address?

25 A Yes.

26 Q And were you at your home on that evening
27 earlier?

28 A Yes, I was there until 8:45.

1 Q All right, how long had you been living
2 in this home?
3 A Nine days.
4 Q All right, had you moved all your items
5 or most of your items into the home?
6 A Yes.
7 Q Were you actually living there at that
8 time?
9 A Yes.
10 Q Now, Mr. Keyser, let me take your atten-
11 tion back to that particular evening of June 9th and tell
12 us just exactly what occurred and what time you-all left the
13 home.
14 A Okay, we left the house at 8:45 in the
15 evening. I went to my old house in Windsor to discuss some
16 business with my stepson, who was living in my old house in
17 Windsor.
18 Q Is that Charles Augustine?
19 A Yes, Charles Augustine.
20 Q All right, go ahead.
21 A I noticed my watch when I turned in my
22 private lane and it was 10:45.
23 Q P.m.?
24 A P.m.
25 Q All right.
26 A I proceeded to my house and when I got
27 near the house my wife said, "I smell smoke," and I could
28 see billows of smoke coming out from under the eaves of the

1 house. And my house is a passive solar house so there are
2 few windows on the north side, but all the south side is sliding
3 glass doors. So I went to the front of the house to see if
4 I could find where the fire was and I discovered it in the
5 first room I checked, the guest bedroom.

6 THE COURT: Excuse me, gentlemen, is
7 this a witness coming in?

8 MR. FERGUSON: No, sir.

9
10 MR. FERGUSON, continuing-

11 Q Go ahead.

12 A I discovered the fire in the guest bed-
13 room and there were flames coming up from the bed. I knew
14 that I needed help so I immediately got in my car and drove
15 about fifteen hundred feet to my neighbor's house, Mr. Pothing-
16 ton, and asked him to call the fire department. And I went
17 immediately back to the house. I was able to get the glass
18 sliding door open and I had a hose on the deck so I was able
19 to get water on the fire. And in a few moments Mr. Pothington
20 joined me and he said his phone was dead and that--

21 MR. GARDY: I object to what Mr. Pothing-
22 ton said.

23 THE COURT: Gentlemen, I'll allow it
24 just for what he did, indicating his state of
25 mind as to why he did it, not for the truthful-
26 ness of it. Go ahead.

27 THE WITNESS: He said he sent his wife
28 to a neighbor's house to call the fire department.

1 And Mr. Pothington helped me greatly in con-
2 taining the fire. The smoke was very dense
3 and I wouldn't go in. Mr. Pothington did go
4 in and drug the bed that was on fire out. And
5 then he sprayed the room well and the fire was
6 out, practically out by the time the fire depart-
7 ment got there. But of course there was massive
8 smoke damage throughout the house, including
9 the air conditioning system which was running
10 at the time.

11
12 MR. FERGUSON, continuing-

13 Q Let me ask you this. After you finally
14 got the blaze extinguished did you check the house for any
15 apparent point of entry?

16 A By that time the police and the fire
17 department were there and they excluded me from the house
18 until they had investigated it.

19 Q All right. And--

20 A Kept me out of the house.

21 Q Did you find any damage to any of your
22 doors? I'm not talking about fire damage, but other types
23 of damage that had not been there.

24 A Yes, the front door had been kicked in.

25 Q All right, had that condition existed
26 when you had left at 8:45 that evening?

27 A No.

28 Q What damage had been done to the door

1 specifically?

2 A The door frame or jamb had been split
3 and there was no damage, little damage to the door, but the
4 frame of the door was disintegrated and allowed them entrance.

5 Q All right. Go ahead, Mr. Keyser.
6 In addition to this did you check your home to see if anything
7 was missing from your home?

8 A After the police let us back in the house
9 we checked and found that there were 144 pieces of sterling
10 flatware missing, and when my wife went to the bedroom to
11 check her jewelry it was gone.

12 Q What types of jewelry did your wife have
13 that were missing?

14 A Well, there were numerous unique, one
15 of a type items that I had brought to her from all over the
16 world, from Africa, India, China, Europe, Phillipines, Japan.
17 And I've been flying for about thirty years as a navigator
18 so I've been bringing these things back one at a time for
19 those years.

20 Q All right, now let me ask you this. Could
21 you tell us what was the value of the sterling silverware
22 that was taken?

23 A The list price from the jeweler today
24 was \$24,600.

25 Q All right, what type of condition was
26 the silver in?

27 A Well, the silver had been used for probably
28 fifteen or twenty years.

1 Q Was it still in good condition?
2 A Yeah, it was in good condition.
3 Q Could you give us an approximate value
4 of the jewelry that was taken?
5 A It's very difficult because as I said--
6 MR. GARDY: Excuse me.
7 THE COURT: Just a second, Mr. Keyser.
8 MR. GARDY: The Harrells have arrived.
9 THE COURT: Mr. and Mrs. Harrell, let
10 me swear you in as witnesses. There's been a
11 motion to exclude you. I'll instruct you not
12 to discuss your testimony, what you're going
13 to testify to or what you have after you are
14 excluded. Raise your right hand and be sworn.
15 (The two witnesses were sworn and ex-
16 cluded from the courtroom.)

17
18 MR. FERGUSON, continuing-

19 Q All right.
20 A There are several points that I'd like
21 to make, and that is that this room had never been used. It
22 was the first room we've really furnished and had ready, deco-
23 rated.
24 Q You mean this is the room where the fire
25 was located?
26 A Yes, and there were no electrical appli-
27 ances in that room. Lamps were not plugged in and there was
28 no damage to the wiring.

1 MR. GARDY: I object to that unless he's
2 an electrician or unless he specifies that he
3 looked and checked.
4 THE COURT: Did you check it, Mr. Keyser?
5 THE WITNESS: I had the electrician check
6 it.
7 MR. GARDY: Then I object to it.
8 THE COURT: Were you present when he
9 was checking it?
10 THE WITNESS: Yes.
11 THE COURT: He can tell what he observed.
12 He can't tell what the electrician said.
13
14 MR. FERGUSON, continuing-
15 Q Go ahead, Mr. Keyser. Did you observe
16 any electrical damage at all?
17 A There was no electrical damage to the
18 wiring but the covers of the boxes were melted from the heat,
19 but there was no damage to the wiring and none had to be re-
20 placed.
21 Q You had the electrician after the fire
22 and no wiring had to be replaced?
23 A No.
24 Q Now, Mr. Keyser, did anybody in the home
25 smoke or anything of that sort?
26 A Neither my wife nor I smoke and we were
27 the only ones living there.
28 Q Now, Mr. Keyser, the jewelry in question,

1 could you give us an approximate value of the jewelry that
2 was taken?

3 A Yes. I'm sorry. Like I said, it was
4 kind of difficult because these are unique pieces. If I had
5 to replace them I estimate it would be in the vicinity of
6 \$10,000.

7 Q All right, sir. Now, in addition to
8 the sterling silver and the jewelry that was taken did you
9 miss any other items?

10 A Yes. There was a silver on copper-- Well,
11 it's a silver coffee and tea service which is silverplate
12 on copper.

13 Q Where had that been located in the home?

14 A It was on a buffet in the kitchen area.

15 Q All right. Were all of those items taken?

16 A Yes.

17 Q Were any portions of the tea service
18 left there?

19 A Yes, the tray.

20 Q All right. Now, how much damage was
21 done to your house as a result of the arson itself? Or excuse
22 me, the fire itself.

23 A I have a bill from the insurance company
24 which indicates \$30,000.

25 Q All right. Now, Mr. Keyser, subsequent
26 to that time of June the 9th, 1981, or let me rephrase that.
27 Mr. Keyser, specifically I'm going to show you a number of
28 photographs and for the record I would state that they are

1 numbered "1" through "16", and also I have one other photo-
2 graph which is marked, indicates a set of sterling, I mean
3 a silver tea set with the number eight pieces written on the
4 face of the photograph. Now Mr. Keyser, I show you this set
5 of sixteen photographs and ask you if you have seen these
6 photographs previously.

7 A Yes, I've seen them previously.

8 Q And Mr. Keyser, could you tell us what
9 these sixteen photographs depict?

10 A It's all the jewelry, all but two pieces
11 of the jewelry that was taken from my house.

12 Q All right, so these pictures depict a
13 significant portion of the jewelry that was stolen from your
14 house.

15 A Yes, sir.

16 Q Have you also examined down at Suffolk
17 Police Department headquarters the jewelry and other items
18 which they have which were in the boxes that I have sitting
19 on my desk this morning, sitting on the counsel table, the
20 Commonwealth's counsel table?

21 A I have.

22 Q And have you gone through that jewelry
23 and the other items within those boxes?

24 A Yes.

25 Q And do they depict the jewelry that was
26 stolen from your home?

27 A Yes.

28 Q Does it depict--

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THE COURT: Not does it depict. Is it.

MR. FERGUSON, continuing-

Q Well, is it the same jewelry that was stolen from your house on that evening?

A Yes.

Q Are there any pieces that you were not able to discover in your jewelry when you observed it that were stolen from your house? Were there any pieces that were not recovered?

A Two pieces that I'm aware of.

Q Out of all the jewelry what two pieces?

A One was a ten dollar gold piece on a gold chain. The other was a one ounce silver ingot cast for the queen's silver jubilee, and it was hallmarked and numbered as a collector's item.

MR. FERGUSON: Your Honor, I would ask that these sixteen photographs be marked. As to whether they be numbered "1" with subnumbers "1" through "16"--

THE COURT: We'll make them Commonwealth's Exhibit Number "1" through "16".

MR. FERGUSON, continuing-

Q Now, Mr. Keyser, I also show you this next photograph and ask you if you can tell us what that depicts

A Well, this is the silver service. Coffee and tea set with some odd items in addition. The coffee and

1 tea service I got in London in 1957.

2 Q All right, sir. Now, Mr. Keyser, I show
3 you this box and ask you if you would tell us if the items
4 in this box depict or in fact are the tea service which was
5 stolen from your home on that particular evening.

6 A Yes, this is them.

7 Q That is the same silver tea service?

8 A Yes.

9 Q All right, and did this photograph indi-
10 cate the same items as are in this box?

11 A Yes.

12 MR. FERGUSON: Your Honor, I would ask
13 that the photograph be marked as Commonwealth's
14 Exhibit Number "17" in the case. I would ask
15 that the silver be used for purposes of referring
16 to it but not that it formally be introduced
17 into evidence.

18 THE COURT: All right, that will be
19 Commonwealth's Exhibit Number "17".

20
21 MR. FERGUSON, continuing-

22 Q Now, Mr. Keyser, I show you this next
23 photograph and ask you if you can tell us what this depicts.

24 A Yes. This is the door leading into my
25 house, which was kicked in.

26 Q All right, can you show us the damage
27 that was done?

28 A Well, there's no damage to the door.

1 The damage is to the frame.

2 MR. FERGUSON: Your Honor, I would ask
3 this photograph of the door be marked as
4 Commonwealth's Exhibit Number "18".

5 THE COURT: All right, that will be
6 Commonwealth's Exhibit Number "18".

7
8 MR. FERGUSON, continuing-

9 Q Mr, Keyser, I show you this next photo-
10 graph and ask you if you can identify that item.

11 A Yes, this is the door frame and this
12 is the closet coming in on the left.

13 Q Mr. Keyser, is this the door frame that
14 you said was broken during the course of the break-in at your
15 house?

16 A Yes. The other picture showed the bolt
17 and the bolt just caved the rest of the doorframe in.

18 MR. FERGUSON: Your Honor, I would ask
19 that this be marked as Commonwealth's Exhibit
20 Number "19".

21 THE COURT: All right, this will be
22 Commonwealth's Exhibit Number "19".

23
24 MR. FERGUSON, continuing-

25 Q Now, Mr. Keyser, I show you this next
26 photograph and ask you if you can tell us what that depicts.

27 A Yes. This is where the bed was sitting
28 when I discovered the fire. This was the most damaged place.

1 As Det. Newsome pointed out to me this was--

2 Q Don't go into what somebody pointed out
3 or said to you but just--

4 A This is where the bed was sitting.

5 Q Had any such damage been done when you
6 had left before that?

7 A No.

8 Q I mean when you had left at 8:45 that
9 evening.

10 A No.

11 MR. FERGUSON: Your Honor, I would ask
12 that this be marked as Commonwealth's Exhibit
13 Number "20", I believe.

14 THE COURT: All right, this photograph
15 depicting the damage to the wall will be number--
16 whatever.

17
18 MR. FERGUSON, continuing-

19 Q Mr. Keyser, I show you this and ask you
20 if you can identify this.

21 A This is the hi-fi and speaker system
22 and the wicker basket which my wife had in this room and it
23 of course shows damage to the carpet and the walls.

24 MR. FERGUSON: Your Honor, I would ask
25 that this be marked as Commonwealth's Exhibit
26 Number "21".

27
28 MR. FERGUSON, continuing-

1 Q Mr. Keyser, I show you this next photo-
2 graph and ask you if you can tell us what that depicts.

3 A Yes. This is the opposite side of the
4 room. Here's a high cabinet and closet. The heat evidently
5 went up over the wall and came down.

6 MR. FERGUSON: Your Honor, I ask that
7 this be introduced as "22".

8

9 MR. FERGUSON, continuing-

10 Q Mr. Keyser, I show you this next photo-
11 graph and ask you if you can tell us what that depicts.

12 A Yes. This is a closet and a book shelf
13 which was on the opposite side of the room also.

14 MR. FERGUSON: Your Honor, I'd ask that
15 be marked as Commonwealth's Exhibit Number "23".

16 THE COURT: So ordered.

17

18 MR. FERGUSON, continuing-

19 Q Mr. Keyser, I'd ask if you can tell us
20 what that depicts.

21 A Okay, this is a sewing machine and some
22 lamps and another speaker. Also on the opposite side of the
23 room.

24 MR. FERGUSON: All right, sir. Your
25 Honor, I would ask this be marked as Commonwealth's
26 Exhibit Number "24", I believe.

27

28 MR. FERGUSON, continuing-

1 Q Mr. Keyser, I ask if you can identify
2 this last photograph.

3 A Yes. This is a chest and a rocker which
4 had a gazelle skin which I brought from Africa, and a ukulele
5 from Hawaii.

6 Q Does this show the damage or the smoke
7 damage and the other things that were burned in the fire?

8 A Yes.

9 MR. FERGUSON: All right, sir. Your
10 Honor, I would ask that that be marked as
11 Commonwealth's Exhibit Number "25", I believe.

12 THE COURT: All right, sir.

13

14 MR. FERGUSON, continuing-

15 Q Now, Mr. Keyser, did you ever get any
16 of the sterling flatware back?

17 A No.

18 Q Or have you seen it since that time?

19 A No.

20 Q All right. Now, do you know the defendant
21 in this case, Sarah Augustine?

22 A Yeah.

23 Q How do you know her?

24 A She is my stepson's divorced wife.

25 Q All right. At the time of this fire
26 what sort of relationship existed between say you-all and
27 your son and Miss Augustine?

28 A She was very antagonistic toward us

1 because we had given-- Well, we had given her children sanction
2 in our home and we were taking care of them and giving them
3 a proper life.

4 Q Who had the custody of the children?

5 A The custody of the children was with
6 the father but he was also living with us in the home with
7 the children.

8 Q I see. All right.

9 A That was for two and-a-half years.

10 Q All right, sir. Mr, Keyser, can you
11 tell us approximately how far is your home from Windsor?

12 A Eight miles.

13 Q Now, on this particular evening or at
14 any other time did you give Sarah Augustine any permission
15 to come into your home or break in your home or take any of
16 these items out of your home?

17 A Absolutely not.

18 Q Did you give her or anyone permission
19 for any reason to set fire or cause fire to be set to your
20 home?

21 A No.

22 Q Were you able to determine in going over
23 the house, were you able to discover either of your own know-
24 ledge or through anyone else, any possible accidental causes
25 of this fire?

26 A No.

27 MR. GARDY. Unless he's an expert in
28 that, Your Honor, I don't know that he'd even

1 be qualified to answer that.

2 THE COURT: Well, he can testify as to
3 his knowledge. If he can do that I'll let him
4 testify. He says he could not.

5

6 MR. FERGUSON, continuing-

7 Q Now, Mr. Keyser, when you came into the
8 home you've indicated these items were missing. Was the house
9 ransacked or anything of that sort?

10 A No, it was not.

11 Q Were the drawers pulled open?

12 A No.

13 Q Everything closed?

14 A Everything was closed and I thought every-
15 thing was secure until we investigated the places where the
16 silver was kept and the jewelry was kept.

17 Q All right. Now, did you go and check
18 the phone lines also?

19 A Yes. My neighbor and I have a joint
20 road and about a thousand feet from the highway they split
21 and one goes to his house and one goes to mine. The tele-
22 phone lines are underground but there is a junction box at
23 this Y and the junction box had been pried open and both his
24 and my phone lines were severed.

25 Q All right. Had those lines been severed
26 at the time you left at 8:45 that evening?

27 A Not to my knowledge. We didn't discover
28 them until the following morning.

1 Q I see. Had your phone worked that day
2 until you had left?

3 A Yes.

4 Q All right. But when you called the fire
5 department that evening it would not work, is that right?

6 A That's correct.

7 MR. FERGUSON: I have no further questions
8 of this witness at this time.

9

10 CROSS EXAMINATION

11 BY MR. GARDY:

12 Q Mr. Keyser, you have stated that your
13 stepson was previously married to the defendant, Sarah
14 Augustine.

15 A That's correct.

16 Q How long approximately were they married,
17 to your knowledge?

18 A (No response.)

19 Q Thirteen years, would that be a fair
20 approximation?

21 A I would say that might be pretty close.

22 Q And during that time your stepson and
23 Sarah Augustine and their children resided in Windsor or Carrs-
24 ville near your home?

25 A Yes. Four or five miles away.

26 Q Andwhile they were married I assume that
27 on numerous occasions the families would visit back and forth.

28 A That's true.

1 Q And at that point there was no apparent
2 animosity or problems between the two groups?

3 A No. They were given much help by my
4 wife's father and by us. We tried to aid them in every way
5 we could. In fact the grandfather bought three separate houses
6 from time to time and--

7 Q Now you are talking about the family
8 as a group now?

9 A Yes.

10 Q You are talking about your stepson and
11 Sarah and the children?

12 A Yeah.

13 Q The divorce and custody, that occurred
14 sometime in 1979, did it not?

15 A Yes, I believe so.

16 Q Do you remember when, spring, summer,
17 fall? I know you probably can't remember the exact month.

18 A No, I don't recall the date.

19 Q Were you involved in the custody hearing
20 itself or were you--

21 A No, I don't think I was in the country
22 at that time.

23 Q But her ex-husband and the children went
24 to reside with you-all in Windsor.

25 A Yes.

26 Q Do you know at that time if there was
27 reasonable visitation or that Sarah was allowed to visit the
28 children and the children visit her?

1 A Yes.

2 Q Very liberal at that time, was it not?

3 A Yes.

4 Q And this would occasion her to visit

5 you and your wife in Windsor with the children and so forth?

6 A Yes.

7 Q And prior to 1979 Sarah had free access

8 to your home in Windsor?

9 A No, I would not say that. We restricted

10 her from the house. She could visit with the children in

11 the yard, but--

12 Q I meant prior to the separation and the

13 divorce and custody action.

14 A Oh, yes. Oh, yes.

15 Q And subsequent to the divorce and so

16 forth I think you said it was restricted but she did visit

17 in and out.

18 A Yes.

19 Q In approximately the first of 1980 Sarah

20 left the area. Were you aware that she had left the area

21 and gone to visit her sister?

22 A Yes.

23 Q And that was in Colorado?

24 A Yes.

25 Q Did she on occasion come back to Virginia

26 to visit the children from time to time?

27 A Yes, yes.

28 Q And she would come to Windsor where you-

1 all were residing to visit the children.

2 A Yes.

3 Q And would she actually be invited in
4 your home?

5 A No. As I told you, we restricted her
6 from the house. She could visit. We have a private yard
7 in the back of the house which she could visit with the child-
8 ren as she wanted, but she was restricted from the house.

9 Q And she also I think visited with the
10 children at school.

11 A That's true.

12 Q In 1980 would you know maybe approximately
13 how many times she would have come back to visit the children?

14 A No. In 1980?

15 Q Roughly. I mean four, five, six?

16 A I would say-- I'd guess a minimum of
17 six.

18 Q A minimum. And it would be within the
19 parameter that you've discussed, in your back yard or at the
20 school.

21 A Yes.

22 Q And she would notify you when she was
23 coming from Colorado to visit?

24 A Many times when she came it was a com-
25 plete surprise.

26 Q But sometimes she would notify you?

27 A No.

28 Q She never did?

1 A No.

2 Q But during the course of 1980 she would
3 visit the children a minimum, I think you said, of six times?

4 A Yes, I think so.

5 Q And in 1981 from say January until July
6 or until June could you recall how many times she had been
7 down and visited the children? Approximately.

8 A Maybe twice or three times.

9 Q And that would have been under the same
10 parameters that you have previously discussed.

11 A Yes.

12 Q That she would come to your house in
13 Windsor.

14 A There were several times when we allowed
15 her to take the children away for several days. And on one
16 of these occasions the children came back and told us that
17 they slept in the same bed with her and another man.

18 Q Well, that's irrelevant.

19 THE COURT Well, gentlemen, I don't
20 want to get into the custody case too much.
21 I think that's already been tried so let's re-
22 strict--

23

24 MR. GARDY, continuing--

25 Q Now, Sarah had never gone, as far as
26 you know, to the house on Cherokee Drive.

27 A As far as I know she had not been there
28 previously.

1 Q And when she came in on this particular
2 June she came to your house in Windsor, is that correct, to
3 your knowledge?

4 A Once again it was one of those surprise
5 visits. We didn't learn of it until after the fire. The
6 fact that she visited the school the day prior to the fire.
7 And then visited with the--Well, then she went to my son's
8 house or Charles' house or the house he was living in, which
9 was my house.

10 Q Which was your house in Windsor?

11 A Yes.

12 Q But Charles was there?

13 A Yes. She also went there that day. And
14 the day following the fire.

15 Q All right, so she went back to your house
16 in Windsor and saw Charles the day after this break-in and
17 fire at your house?

18 A That is correct.

19 Q Now, during the course of the approxi-
20 mately thirteen years from say 1969 when I think they were
21 married up until the time of the separation you had never
22 had to make any complaints to the police of anything missing
23 or anything stolen or any problems--

24 MR. FERGUSON: I object to that. I don't
25 think that's pertinent. What may have happened
26 before or may not have is not pertinent to the
27 issues in the case.

28 THE COURT: I wouldn't think so. I

1 sustain.

2 MR. GARDY: I was asking if he was missing
3 anything or had any loss or complaints as far
4 as Miss Augustine taking anything from the home.
5 He said she visited in and out.

6 THE COURT: All right, I'll allow that.

7 THE WITNESS: No, nothing had been missed
8 before that time, that I'm aware of.

9 MR. GARDY: That's all you need to answer.

10 MR. FERGUSON: Your Honor, I think he
11 can finish his answer.

12 THE COURT: I think he's answered. I'm
13 not going to let him speculate that something
14 might have been missing that he didn't know
15 about. I think he's answered the question.

16
17 MR. GARDY, continuing-

18 Q And there has never been a complaint
19 subsequent during the numerous times she may have visited
20 that you know of and not speculating. You've never made a
21 police report of any missing items?

22 A No.

23 Q Now, on this occasion, on June 9th, had
24 you moved all your stuff over to this house?

25 A Yes.

26 Q Okay. And your son was still living
27 in Windsor in your old house, your stepson?

28 A Yes.

1 Q They were not going to move to this par-
2 ticular place with you?
3 A No.
4 Q Just you and your wife were going to
5 live in this house?
6 A Yes.
7 Q And you didn't see anyone coming or going
8 on that particular evening when you were leaving or coming
9 back?
10 A No, I did not.
11 Q When you came up and saw the fire how
12 did you get in?
13 A How did I--
14 Q How did you gain entry to your house?
15 A I don't know why but I had all the keys
16 to the glass sliding door in my pocket, which was a big ad-
17 vantage to me. I was able to get that door open.
18 Q Was this on the burning side of the house?
19 A This was on the-- Well, as I said, my
20 house is a north-south house. This was on the south side.
21 The glass is all on the south side.
22 Q But the fire was on which side, the north
23 side?
24 A No, it was on the south side.
25 Q It was on the south side where the glassed
26 in area was?
27 A Yes. The bedroom is on the glassed side.
28 Q So you actually gained entry into where

1 the fire was in the guest room.

2 A Yes.

3 Q And then you ran and got Mr. Pothington
4 at that point.

5 A Yes.

6 Q You put water on it, did you not?

7 A Not until after-- Like I said, I needed
8 help and the-- I had to get the fire department so I went
9 immediately to his house and then came back and opened the
10 door.

11 Q And he was with you at this point?

12 A He joined me maybe three or four minutes
13 after I was back at the house.

14 Q But in the meantime did you put water
15 on it or spray it down?

16 A Yes. I had a spray nozzle on my hose
17 and the flames that were in the mattress going up the wall
18 I had completely out, but I couldn't get the under side of
19 the mattress and box springs extinguished and so he went in
20 and pulled them out.

21 Q All right, so from your observation the
22 primary fire was in the mattress and box springs on that
23 particular bed.

24 A Yes.

25 Q And Mr. Pothington went in and grabbed
26 it and pulled it out?

27 A Right.

28 Q Did he pull it with his hands?

1 A Yes. Burned his hands pulling it out.
2 Q Was it a wooden frame on that--
3 A No, it was a metal frame.
4 Q How about the backboard and footboard?
5 A It didn't have a headboard or footboard.
6 It was just a metal frame with the box springs and mattress.
7 Q And he grabbed that and threw it out?
8 A Right.
9 Q And were you able to extinguish the other
10 flames after you got the mattress out?
11 A Yes. Like I said, he did more than that.
12 The smoke was very intense and I knew there was a vinyl or
13 acrylic carpet in that room and I urged him not to go into
14 the smoke, but he went ahead anyway and sprayed the room down
15 and got the fire out.
16 Q So the fire was actually out, had been
17 sprayed down and the items and what have you had been dragged
18 out prior to even the fire department getting there.
19 A Only the bed was drug out.
20 Q Had anything else been disarranged to
21 your knowledge?
22 A In that room? No.
23 Q If he went in in the smoke and he's drag-
24 ging the bed out something could have been disturbed, could
25 it not?
26 A No. I was there and I helped him with the
27 bed and--
28 Q After he got it out. You didn't go in

1 and help him.

2 A Yes, I went in and helped him get it
3 out. And we got it out on the grass and put the fire in the
4 mattress and box springs out. Well, before we did that of
5 course he went back and sprayed the room down.

6 Q So that was still smoldering after you
7 got it out.

8 A Yes.

9 Q And how long after you had done this
10 did the fire department arrive?

11 A The fire department had arrived there
12 just-- Well, shortly after we had gotten the mattress out.
13 Twelve minutes actually from the time we called them, which
14 is record time.

15 Q Now, in the course of your move who was
16 actually moving you? Did you have a professional like May-
17 flower come in and move you all at once?

18 A No, I moved it a little bit at a time
19 in a pickup that I have and a trailer.

20 Q And so during the course of the day you
21 would get a load here and be going back and forth from Windsor?

22 A That's correct.

23 Q Moving stuff in and out of the home?

24 A Yes.

25 Q And would that have been true during
26 the course of this particular day, June the 9th?

27 A No. We had everything pretty well in
28 the house then except there were a few small things left in

1 Windsor, but you know--

2 Q You were ninety-nine percent moved but
3 you still had a few things back and forth?

4 A Yes.

5 Q And had you been in the house all day
6 that day?

7 A Yes.

8 Q Had never left the premises?

9 A Neither of us had left the house during
10 that day.

11 Q Left at 8:45, though.

12 A 8:45 in the evening, yes.

13 Q To go see your son, stepson in Windsor.

14 A Yes.

15 Q All right. Now, you testified earlier
16 that the phone lines appeared to be severed.

17 A They didn't appear to be severed, they
18 were severed.

19 Q Okay. They were severed. But you don't
20 know when during the course of that day they could have been
21 severed, do you?

22 A No. The phone was operating when I left
23 home.

24 MR. GARDY: I have no further questions.

25 THE COURT: All right, anything further,
26 Mr. Ferguson, of this witness?

27 MR. FERGUSON: Not at this time. I would
28 reserve the right to recall him.

1 things because I assume as to his description
2 and what things happened, I assume that's not
3 in controversy.

4
5 MR. FERGUSON, continuing

6 Q Mrs. Keyser, you arrived back home about
7 two hours later, is that correct?

8 A Right.

9 Q When you arrived home what did you dis-
10 cover?

11 A That there was smoke coming from the
12 house and the smoke alarm was ringing.

13 Q All right. After the fire finally got
14 put out did you have occasion to go into the house?

15 A Yes. Det. Newsome led me in and into
16 the bedroom.

17 Q All right. Now, when you checked the
18 house at first was anything out of order or disarrayed insofar
19 as like ransacked or things of that sort?

20 A No, no ransacking at all.

21 Q Did you go then to your dresser?

22 A Yes. He led me to the dresser.

23 Q And what did you discover at that loca-
24 tion?

25 A And he asked me to inspect, because that's
26 where I kept my jewelry. Which most of the members of my
27 family knows where I keep my jewelry.

28 Q And what did you discover when you checked?

1 A I opened the drawer and it was gone.
2 Q All your jewelry?
3 A Yes. All but just a few pieces.
4 Q Now, Mrs. Keyser, how were the clothes
5 in that drawer, were they ransacked or shuffled?
6 A Just barely. Just the way I normally
7 keep them.
8 Q All right, so nothing really out of dis-
9 array other than the missing jewelry.
10 A No.
11 Q Now, specifically did Sarah Augustine
12 know where you had kept your jewelry?
13 A Of course.
14 Q Had she been in your room or the dresser
15 where you kept your jewelry before?
16 A Yes.
17 Q And the jewelry in question, I believe
18 you've seen these sixteen photographs marked Commonwealth's
19 Exhibits "1" through "16" previously, have you not? You've
20 had a chance to look through those photographs?
21 A Yes.
22 Q And do those items depict either all
23 or at least most of the jewelry that we are talking about
24 in this case as missing?
25 A Most of it.
26 Q And was all of the jewelry which is de-
27 picted in these photograph in fact missing from your home
28 and from your dresser?

1 A Oh, yes.

2 Q And did you give Miss Augustine or anyone

3 any permission to go in your home or take your jewelry or

4 anything of that nature?

5 A No.

6 Q Did you discover another item missing

7 from your home?

8 A Oh, yes.

9 Q All right, what else did you discover?

10 A The tea service was gone, but not the

11 tray. And all the silver was gone.

12 Q The flatware?

13 A All the flatware was gone but one little

14 fork was dropped on the floor.

15 Q Now, Mrs. Keyser, I show you this photo-

16 graph which is marked Commonwealth's Exhibit Number "17" and

17 ask you if this depicts the tea set that was stolen from your

18 house.

19 A Yes.

20 Q And is this the same item? Have you

21 previously looked, as a matter of fact last night looked at

22 the silver tea set which is in this box that I'm not going

23 to introduce into evidence and did you examine that tea service

24 and is that the tea service which was stolen from your home?

25 A Yes, exactly.

26 Q And Mrs. Keyser, have you also examined

27 all of the jewelry which was in these boxes on the table where

28 the Commonwealth Attorney is sitting?

1 A Yes.

2 THE COURT: You've seen those, Mr. Gardy,
3 had an opportunity?

4 MR. FERGUSON: (Nods affirmatively.)
5

6 MR. FERGUSON, continuing-

7 Q And is that jewelry that was in there,
8 was that the jewelry the actual jewelry that was stolen from
9 your dresser?

10 A Yes.

11 Q All right. And the jewelry that was re-
12 covered, does that depict all or practically all of the jewelry
13 that was stolen?

14 A All but a few pieces.

15 Q Just a few pieces? All right.

16 MR. FERGUSON: I have no further questions.

17 Answer Mr. Gardy.
18

19 CROSS EXAMINATION

20 BY MR. GARDY:

21 Q Mrs. Keyser, you of course knew Sarah
22 as being the wife of your stepson for approximately thirteen
23 years.

24 A My son.

25 Q I'm sorry, your son.

26 A Yes.

27 Q Okay, and during the time that they were
28 married of course the relationship as an in-law, you-all got

1 A Whenever she phoned and asked she came.

2 Q I'm sorry.

3 A Whenever she would telephone that she
4 would like to come she came.

5 Q And of course she visited the children
6 right there in Windsor at school.

7 A At the school? No, I can't answer that.
8 At my house.

9 Q Okay. And apparently you had no problems
10 with Sarah on those occasions. You were willing for her to
11 visit and you had no problems, is that correct?

12 A Not to speak of.

13 Q Do you recall the last time she visited
14 in 1981 prior to June the 9th?

15 A No.

16 Q January, February, March?

17 A She came I think the last time I recall
18 and she parked up near the gates and she visited with the
19 children and there was a man in the car and she visited with
20 the children for a while.

21 Q Was this in June?

22 A I don't-- I didn't keep track of the
23 time she came or what they did or anything. As I said, when
24 she phoned and said she wanted to come she came.

25 Q Now, during this time of visits had she
26 ever had the occasion to visit you and/or the children on
27 this Cherokee Drive?

28 A No.

1 DIRECT EXAMINATION

2 BY MR. FERGUSON:

3 Q Would you state your name for the Court,
4 please, sir?

5 A Lennie J. Carr.

6 Q Mr. Carr, what is your position or occu-
7 pation?

8 A Assistant fire chief.

9 Q For the City of Suffolk?

10 A For the City of Suffolk.

11 Q How long have you been so employed either
12 as a fireman or fire fighting official?

13 A Twenty-seven years.

14 Q And during that period of time, Chief
15 Carr, how many fires have you been involved with fighting
16 or otherwise?

17 A I don't have any idea.

18 Q Well, many?

19 A Many fires.

20 Q All right. And Chief, what courses have
21 you taken in regard to the investigation of fires and deter-
22 mining the causes of fires?

23 A I've been to state arson schools, semi-
24 nars, plus had training in our own department. Plus I instruct
25 in setting fires and investigating arson.

26 Q Does that training of which you are
27 the actual instructor include the determination of causes
28 of fires?

1 A Yes, it does.

2 Q All right, and have you been involved
3 in actual investigations of fires over the course of the years
4 in determining causes and reasons for fires?

5 A Yes, I have.

6 Q Have you been involved with including
7 or excluding incendiary causes of fires or accidental causes
8 of fires?

9 A Yes, I have.

10 Q Have you qualified in this area towards
11 determining the causes and effects of fires as an expert in
12 the Circuit Court here in the City of Suffolk previously?

13 A Yes, I have.

14 Q On how many occasions?

15 A Eight or ten.

16 MR. FERGUSON: All right, sir.

17 THE COURT: Do you have any questions
18 about his qualifications, Mr. Gardy?

19 MR. GARDY: I'll stipulate it, Your Honor.

20 THE COURT: You'll stipulate his quali-
21 fications? All right, go ahead.

22

23 MR. FERGUSON, continuing-

24 Q Chief Carr, let me take your attention
25 back to the evening of June 9th, 1981. Did you have occasion
26 to go to the home of Mr. Robert Keyser located at 4421
27 Cherokee Drive here in the City of Suffolk?

28 A Yes, I did.

1 Q And what did you discover when you went
2 to that location?

3 A Discovered it had been a fire in the
4 bedroom area of the home.

5 Q All right, tell us exactly what your
6 investigation revealed.

7 A When we first arrived the neighbor and
8 the owner of the house had extinguished the fire by going
9 into the back door of the room involved in the fire. We checked
10 the house to make sure the fire hadn't extended, then we began
11 to check for causes of the fire. It was in a bedroom that
12 hadn't been used. We checked the electrical panel box to
13 make sure we didn't have any electrical shortage. We couldn't
14 find any electrical appliances in the room that were in use.
15 We could find no matches or cigarettes or any type of material
16 which would cause a fire. Is it all right if I check my notes?

17 Q Go right ahead, Chief.

18 A There was no heating appliances involved.
19 We could find no contributing factor that would cause an acci-
20 dental fire in this room at all.

21 Q What about lightning or anything such
22 as that?

23 A No lightning. It was a fair, clear
24 night. We had no lightning. If it would have been lightning
25 it would have had to come in through electrical wiring or
26 come in through the house. No physical evidence of any
27 lightning hitting the house.

28 Q All right, sir. Now, Chief Carr, were

1 you able to detemrine where the apparent point of origin of
2 the fire was?

3 A The apparent point of origin of fire
4 was either on the bed or under the bed.

5 Q Why do you say that?

6 A Because this is where the deepest char
7 and the most fire was in the room where your fire apparently
8 started and built up and the heat spread it across the room
9 and brought it back down on furniture and clothing in other
10 portions of the room.

11 Q All right, sir. Now, at this particular
12 location, which is the apparent point of origin of the fire,
13 were there any devices, either electrical or otherwise, which
14 could have or would have accidentally caused the fire?

15 A None whatsoever.

16 Q All right, sir. Now, could you tell
17 us in your expert opinion, Chief Carr, whether or not you
18 could rule out all accidental causes?

19 A All apparent accidental causes we ruled
20 out.

21 Q Were you able to form an opinion relating
22 to the origin of the fire itself?

23 A No, we couldn't other than we determined
24 it was an incendiary fire.

25 Q Fire was of incendiary origin?

26 A It wasn't an accidental fire in our opinion.

27 Q Was there other evidence in addition
28 to that which tended to confirm your belief that it was of

1 incendiary origin in addition to what you told us?

2 A When we were checking the house for, ex-
3 tension of the fire to see if it was extended we found the
4 front door had been forced open. We found silverware on the
5 floor. We found what appeared to be the house had been ran-
6 sacked or gone through, and at this time I called for the
7 city police investigator.

8 Q All right, you called in the detective
9 yourself, is that correct?

10 A Yes.

11 Q What about the clothing and other items
12 which had been on or near the bed? Did you see those items
13 that had burned?

14 A The bed and everything on it was pretty
15 well consumed. That had already been pulled out of the room
16 when we got there.

17 MR. FERGUSON: All right, sir. I have
18 no further questions. Answer Mr. Gardy.

19

20 CROSS EXAMINATION

21 BY MR. GARDY:

22 Q Were there any items under the bed to
23 your knowledge?

24 A The bed and the bed area had already
25 been moved to the outside of the house so I couldn't say whether
26 any items were under the bed or not.

27 Q You don't know what materials or other
28 contents were under there?

1 A No.

2 Q So you don't know whether there were
3 any cigarettes that might have been left or matches?

4 A No indications of cigarettes or matches
5 in the room at all.

6 Q They could have been dragged out with
7 the rest of it?

8 A The only thing that had been moved out
9 of the bedroom itself was the bed and what was left of the
10 bed.

11 Q And some other debris, burned debris?
12 I'm talking about from the bed itself. It didn't come out
13 in just one piece, did it?

14 A Oh, no. The bed was pretty well consumed
15 by fire and like a mattress, you've got smoldering cotton
16 and what bed springs are made out of, foam rubber and what
17 not. This had been pulled outside. Of course it was outside
18 and wasn't burned up and we went through it and could find
19 no evidence of cigarettes or matches.

20 Q Okay. Now, this was a hot fire, though.
21 Could a cigarette have been consumed by the fire?

22 A Definitely it could have been, yes.

23 Q In the course of your investigation did
24 you find any evidence of the use of a chemical aid in order
25 to aid say a fire?

26 A No, we didn't.

27 Q Gasoline, whatever? You know all the
28 chemicals.

1 A No accelerant to our opinion was used.

2 Q Chief Carr, also I know in your years
3 of experience in looking at mattresses, are mattresses required
4 by law or whatever, you know, they've got the tags on them
5 and so forth to be pretty much burn retardant? Not burn free
6 but burn retardent?

7 A They're fire resistive, yes.

8 Q And a mattress would be, I assume, kind
9 of a smoldering type thing as opposed to something that would
10 be very flammable like going up in curtains?

11 A You have a smoldering stage, incipient
12 stage, and then you have a free burning stage.

13 Q And it could smolder for hours, I assume?
14 Possibly?

15 A Possibly, yes.

16 Q Possibly smolder for hours and finally
17 reach what we would call the point of--

18 A Free burning stage.

19 Q Free burning stage. So it would be dif-
20 ficult to say how long a mattress had sat there and smoldered
21 and burned.

22 A It can vary anywhere from five to ten
23 minutes to two to three hours before it will go into a free
24 burning stage. It all depends on how tight the clothing,
25 the covering is packed on the bed or how flammable the sheets
26 and the spreads are on the bed to how quick it will go into
27 a free burning stage. It can go from ten minutes to three
28 hours.

1 Q Do you know whether or not on this occa-
2 sion the bed was made up?

3 A I have no idea.

4 Q Couldn't tell because it was pretty
5 much consumed?

6 A Pretty well consumed.

7 Q Did you have occasion to check through
8 other parts of the house?

9 A We went through the whole house because
10 the house was pretty well involved or pretty heavily involved
11 with smoke. Consequently we had to ventilate the house. In
12 other words we get the smoke out of the house, the heat out.

13 Q And there were curtains and other flam-
14 mable items, much more flammable say than mattresses spread
15 throughout the house?

16 A Definitely, sure.

17 Q And in your experience of arson would
18 the mattress be at the head of the list as being, if somebody
19 wanted to set a fire, set fire to a mattress--

20 MR. FERGUSON: I'm going to object to
21 that. I'm not sure it's--

22 THE COURT: I'm going to allow it.

23 THE WITNESS: In our experience mat-
24 tresses have been a prime area for setting fires.

25
26 MR. GARDY, continuing-

27 Q How many times? Do you recall specifically

28 A Not in round numbers I don't recall,

1 but we have had quite a few mattress fires that have been
2 of incendiary nature.

3 Q But many of them use other chemical agents?

4 A No.

5 Q So your testimony would be that this
6 is a normal type fire to set fire to a mattress with no chemi-
7 cal agents, is that what you're saying? In your experience.

8 A In my experience and in my opinion I
9 felt like that this fire was of an incendiary nature.

10 Q That's not what I asked you. I asked
11 you are you telling this Court that setting fire to a mattress
12 without a chemical agent is in your experience a normal arson
13 or normal incendiary fire?

14 A Rephrase that question.

15 Q Throughout the course of your twenty-
16 seven years you have just said that this is a normal thing,
17 over the years that you have investigated it's not unusual
18 for you to go and find somebody setting a match to a mattress
19 and burning it. That is the normal accepted fire, that would
20 be right at the top of the list of the incendiary fires?

21 A I didn't say it's at the top of the
22 list, but it's very prominent in that they will use mattresses
23 or cigarettes to set mattresses on fire.

24 Q Intentionally or unintentionally?

25 A Intentionally.

26 Q All right, on a grade of one to ten where
27 would you scale it and what would be the highest cause of
28 fires?

1 THE COURT: We are talking about inten-
2 tionally set fires, now, gentlemen.

3

4 MR. GARDY, continuing-

5 Q Intentionally set fires.

6 A Six to seven.

7 Q And one being the highest?

8 A One being the lowest.

9 Q What's the highest?

10 A Of what?

11 Q In your experience what is the normal
12 incendiary type of burning? Setting fire to wood?

13 A In my experience normal incendiary is
14 using any type of what we call class A material in a house,
15 which could be wood, clothing, paper, small furniture items.
16 which would be wood, stuffing rags in walls which would be
17 clothing like on a bed, or getting it going and it spreads
18 from that point, yes.

19 Q Or the use of chemical, gasoline?

20 A Use of an accelerant, yes.

21 Q Now, the list of items that you have
22 just mentioned, the small furniture, the other flammable types
23 of wood and so forth, were all available in other parts of
24 this house?

25 A Yes.

26 Q And you didn't find any evidence of any
27 fire having been started in those particular area?

28 A No other areas except this bedroom.

1 Q Except this bedroom in the mattress.
2 Now, I think you've testified, Chief Carr, that you had looked
3 at this fire and you saw the mattress which had been dragged
4 out and had water thrown all over it and you checked the
5 electrical outlets and I think you stated also that the what,
6 the box on the outlet itself, was that melted?

7 A One of the outlet covers, receptacle
8 covers, was gone. Now I could find no evidence of it, whether
9 it was on there-- It was on there because from the burn marks
10 on the wall it had a cover on that electrical outlet. I
11 couldn't find the cover to the outlet. Or it didn't appear
12 to have burned off the wall because you would have had melted
13 debris from plastic, which they are made out of, so I have
14 no idea what happened to it. The rest of the electrical outlets
15 were intact. Normally if you have electrical wiring burning
16 or anything plugged into an outlet the little metal plug-
17 ins on the end of the wire itself that plugs into the outlets
18 are in the electrical outlet and we found no evidence of any-
19 thing, no cords being plugged into any electrical outlets
20 at all.

21 Q But you say the cover was missing?

22 A One cover was missing, yes.

23 Q And that was in the area where--

24 A That was right beside where the head
25 of the bed was setting.

26 Q On that inside plug area, is some of
27 that plastic too or had that burned?

28 A That is plastic. It did not burn.

1 Q Wasn't damaged at all?
2 A Wasn't damaged at all.
3 Q The connection itself, the wires?
4 A They were not burned or charred.
5 Q You found no evidence whatsoever of where
6 the plate was?
7 A No, I didn't find the plate at all.
8 Q And you say normally, normally you find
9 what sticking in the thing?
10 A Normally if you have an electrical fire
11 or say you have a lamp plugged into an electrical outlet,
12 you have a fire in a room, the wire burns, you will find the
13 little metal prongs on the male end of the electrical plug
14 in the outlet itself.
15 Q That's if something is plugged in it?
16 A That's right.
17 Q So if nothing is plugged in it you can't
18 find that.
19 A That's correct.
20 Q Would it be possible to still have a
21 malfunction in the outlet itself?
22 A If you had a malfunction in the outlet
23 itself you would have had an electrical wire burnt in two
24 where it was fastened to the outlet.
25 Q Possibly. Most of the time. I think
26 you said normally.
27 A I've never seen one in my experience
28 that didn't have scorch marks on it if you had an electrical

1 short or deteriorated wire.

2 Q All right. How about lightning? If
3 it gets by and comes in an electrical outlet is that neces-
4 sarily burned?

5 A I didn't understand your question.

6 Q If the lightning comes into the wire,
7 would that necessarily burn it?

8 A If lightning comes in on the electrical
9 wiring? If lightning comes in you're going to have a burn
10 somewhere on the electrical wiring or at the end of the wiring.

11 Q Well, this is charred or burned because
12 it had burned up this whole wire.

13 A I had no electrical wires burned what-
14 soever.

15 Q Not scorched at all?

16 A Not scorched at all.

17 Q The whole wall was scorched and the cover
18 was gone but the wires and the box itself had not--

19 A No damage whatsoever.

20 Q No damage whatsoever?

21 A No damage whatsoever.

22 Q Now, I think you stated that you couldn't
23 find a number of items. You couldn't find cigarettes, you
24 couldn't smell any chemicals, but you went out in the other
25 room and you saw there had been some forcible entry, so there-
26 fore you had to reason that this fire must have been of an
27 incendiary nature.

28 A That's the normal procedure if you've

1 got a fire of an incendiary nature. If you've got a theft
2 in a house this is one of your things you look for when you
3 have a fire of suspicious nature to see if the house has been
4 forcibly entered, if it's been ransacked, and then a fire
5 set to cover the theft.

6 Q All right, the house had not been ran-
7 sacked.

8 A Apparently the house had been gone through.

9 Q But not ransacked.

10 A Well, it was silverware laying on the
11 floor, drawers open, stuff thrown out of the drawers. I
12 consider that ransacked.

13 Q This was confined to what was described
14 to you as a guest room, was it not?

15 A No, this was throughout the house.

16 Q I'm talking about the fire itself.

17 A The fire itself was contained to what
18 was considered a guest room or unused bedroom.

19 Q Was the door, the access into the guest
20 room closed?

21 A When we arrived the door was open. I
22 don't know whether it had been closed or was left open.

23 Q And you were not able to determine that
24 based on the evidence from the fire?

25 A The door itself in this particular case
26 where the heat built up in the room, whether the door would
27 have been open or closed, down for about three feet from the
28 top you had heavy smoking and some charring on the door,

1 which could have indicated it had been open or closed either
2 one because the smoke and heat could have been going out of
3 that door.

4 Q It would have been charred on both sides,
5 would it not, if the door had been open?

6 A No. It would have been charred on what
7 was to the inside or if the door had been closed--

8 Q So you don't know if the door was open
9 or closed.

10 A I have no idea.

11 Q Did the Keyzers tell you that the areas
12 from which items may have been missing were in other parts
13 of the house other than this guest room?

14 A I didn't discuss what was missing in
15 the house with the Keyzers at all.

16 MR. GARDY: I have no further questions.

17 THE COURT: Is that it?

18 MR. FERGUSON: I have nothing for this
19 witness.

20 THE COURT: Can Chief Carr leave, gentle-
21 men?

22 MR. FERGUSON: I have no further need
23 for him.

24 THE COURT: All right, let's recess briefly
25 gentlemen. We'll recess for five minutes.

26

27 TRIAL CONTINUING AFTER A BRIEF RECESS.

28

1 MR. FERGUSON: Your Honor, I would ask
2 to call Mr. Keyser. I have one or two questions
3 that I want to ask him.

4 THE COURT: All right.

5
6 ROBERT EDWARD KEYSER, having been duly
7 sworn, was recalled and testified as follows:

8
9 DIRECT EXAMINATION

10 BY MR. FERGUSON:

11 Q Mr. Keyser, I have just a couple of ques-
12 tions I don't believe we covered before. If we did I'm not
13 intending to repeat them. When you-all left that evening
14 at 8:45 was everything secured at that time?

15 A Yes.

16 Q Was there anything, any smoke at all
17 emanating from the bedroom where you later found the fire?

18 A No.

19 Q Next, the dresser where all of the jewelry
20 was kept, where your wife had her jewelry, was that in the
21 same room where the fire was started?

22 A No, that was in our master bedroom.

23 MR. FERGUSON: I have no further questions.

24
25 CROSS EXAMINATION

26 BY MR. GARDY:

27 Q Can you tell us whether or not the door
28 was closed going into the bedroom? Did you keep the door

1 into the guest room closed?

2 A No, it was not.

3 Q But the items that were taken, none of
4 them, even the tea set or anything or any of the jewelry or
5 anything was in the guest room?

6 A No.

7 Q So far as you know there were no items
8 missing from the guest room?

9 A There was nothing taken from the guest
10 room that I know of.

11 MR. GARDY: I have no further questions.

12 THE COURT: Mr. Keyser, this guest room,
13 did it have glass sliding doors to the outside?

14 THE WITNESS: It had one glass sliding
15 door.

16 THE COURT: The door that you indicated
17 was open, was that an inside door or the outside
18 door?

19 THE WITNESS: You mean the door where
20 they made their entry?

21 THE COURT: No, sir, I'm talking about
22 the room where the fire occurred.

23 THE WITNESS: I had fortunately for some
24 reason, I don't know, I had the keys to the
25 glass door, all the glass sliding doors in my
26 pocket and I was able to open that door.

27 THE COURT: All right, the sliding glass
28 door which entered from the outside to the inside

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same point.

THE COURT: You can put yours on in the defense case. I assume that you gentlemen have discussed this.

MR. GARDY: Right.

THE COURT: Is that agreeable, gentlemen?

MR. FERGUSON: Yes, sir.

MR. GARDY: That's agreeable.

THE COURT: Then the affidavit of Barbara Martin and the defendant's affidavit that you've indicated, Mr. Gardy, will come in. Read it for the record, Mr. Ferguson.

MR. FERGUSON: Your Honor, it says, "I, Barbara Martin, first being duly sworn, state as follows: That I am a teacher at Windsor Elementary School, Windsor, Virginia, and was so employed in that capacity on June 9, 1981. On June 9, 1981, between 11:00 a.m. and 2:00 p.m. I saw Sarah Augustine at the Windsor Elementary School, Windsor, Virginia. She had come to see her son, Matthew. The purpose of her visit was to bring him a game or toy. I talked with Mrs. Augustine for a short while. I remember this date well because the school was having a cookout and it was the day before school closed on June 10th, 1981. I request that this affidavit be used in lieu of my court testimony."

1 THE COURT: All right, that will come
2 in as evidence in lieu of her coming here today
3 pursuant to agreement of counsel. Mr. Gardy
4 will also be allowed to introduce his affidavit
5 from-- Who is this person that gave that affi-
6 davit, Mr. Gardy?
7 MR. GARDY: The principal of Windsor
8 Elementary School, Thomas Joyner.
9 THE COURT: All right, you will be allowed
10 to produce yours at the proper time.
11
12 CHARLES LEWIS AUGUSTINE, having been
13 duly sworn, testified as follows:

14
15 DIRECT EXAMINATION

16 BY MR. FERGUSON:

17 Q Would you state your name for the Court,
18 please sir?
19 A Charles Lewis Augustine, Jr.
20 Q And Mr. Augustine, are you the son of
21 Mrs. Robert Keyser?
22 A (Nods affirmatively.)
23 Q And stepson of Mr. Keyser?
24 A Right.
25 Q And the defendant in this case, Sarah
26 Augustine, is she your former wife, you are now divorced?
27 A Yes.
28 Q All right. And Mr, Augustine, let me

1 take your attention back to June the 9th of 1981. Were you
2 divorced from Miss Augustine on that date?

3 A Yes.

4 Q And did you have occasion to see her
5 specifically on the morning of June the 10th, the morning
6 after this fire had occurred at your parents' house?

7 A Yes.

8 Q And what time did you see her?

9 A In between eight and ten.

10 Q A.m.?

11 A Right, in the morning. That morning.

12 Q Where was that that you saw her?

13 A In the front of the house in Windsor
14 where I was living at the time.

15 Q All right, and how far is that from where
16 Mr. Keyser's house is located?

17 A Approximately eight miles.

18 Q Now, when she first approached you de-
19 scribe how she acted.

20 A Very nervous.

21 Q All right, and what did she say or want?

22 A She wanted to pick up the kids and take
23 them to Busch Gardens, and I refused.

24 Q What?

25 A I refused.

26 Q Why did you refuse?

27 A Because I had suspicions that she wouldn't
28 bring them back.

1 Q I see. All right. Now, when you saw
2 her at that time was anyone with her?

3 A No.

4 Q And what type of automobile was she driving?

5 A It was the same one that she had been
6 driving before, the red Granada.

7 Q What type license plates were on it?

8 A Colorado.

9 MR. FERGUSON: No further questions.

10
11 CROSS EXAMINATION

12 BY MR. GARDY:

13 Q Had you been aware that there had been
14 a problem down at your mother's place the night before?

15 A Not at that time, no.

16 Q All right, and when she came there you
17 knew she was in town from the day before, did you not?

18 A I had been notified that she was in the
19 area.

20 Q The children hadn't told you that she
21 had seen them at school?

22 A Yes.

23 Q And had the children told you that she
24 mentioned something about taking them off on a trip for a
25 little vacation?

26 A I had been notified of that.

27 Q So when she came up there around eight
28 to ten you were aware that she would like to visit a while

1 Q So it was not unanticipated to see her
2 after school was out.

3 A No.

4 MR. GARDY: I have no further questions.

5 MR. FERGUSON: No further questions.

6 THE COURT: All right, step down, Mr.
7 Augustine.

8
9 MARY PARSONS, having been duly sworn,
10 testified as follows:

11
12 DIRECT EXAMINATION

13 BY MR. FERGUSON:

14 Q Would you state your name for the Court,
15 please?

16 A Mary Parsons.

17 Q Where do you live, Mrs. Parsons?

18 A 406 Curtis Street.

19 Q Where is that?

20 A Delaware, Ohio.

21 Q Now, Mrs. Parsons, do you know the defen-
22 dant in this case, Sarah Augustine?

23 A Yes, sir.

24 Q And how long have you known her?

25 A Since she started-- The weekend she
26 started babysitting for my husband.

27 Q Has that been several years or maybe
28 a year and-a-half or two years or something like that?

1 A A little over a year.

2 Q All right, and Mrs. Parsons, let me take

3 your attention back specifically to June the 13th, 1981, on

4 a Saturday. Did you have occasion to see the defendant, Sarah

5 Augustine, on that date?

6 A Yes, sir.

7 Q All right, tell us where you were and

8 what occurred and how you came to see her.

9 A I went to my husband's apartment to--

10 Q Was that in Delaware, Ohio?

11 A Yes, sir.

12 Q And what was the purpose for which you

13 went over there?

14 A To do my laundry.

15 Q Were you-all separated at that time?

16 A Yes, sir.

17 Q All right, and did you have permission

18 to go over there to do the laundry?

19 A Yes, sir, he gave me the key.

20 Q And what happened when you went over

21 there?

22 A We were there for a very short time and

23 Miss Augustine came in while we were there.

24 Q What time did she come in?

25 A It had to be something around ten.

26 Q A.m.?

27 A Yes, sir.

28 Q All right, and who else was there besides

1 yourself?

2 A Myself and my three children.

3 Q All right, and when Miss Augustine came
4 in what vehicle was she driving?

5 A It was a-- I don't know, a Ford or some-
6 thing. I don't know exactly but it was--

7 Q Do you know what kind of plates it had
8 on it, license plates?

9 A I hit the car. It was Colorado.

10 Q Colorado plates? In any event when she
11 came into the house what happened and what did she have with
12 her?

13 A She had a sort of a plastic tan colored
14 sack and she was taking stuff out of the sack and putting
15 it on the table, which--

16 Q What type of stuff was she taking out
17 of the sack?

18 A Jewelry.

19 Q Now, Mrs. Parsons, have you previously
20 seen the sixteen photographs which are marked Commonwealth's
21 Exhibits "1" through "16" depicting pieces of jewelry?

22 A Yes, sir.

23 Q And do these photographs depict the jewelry
24 that she was pulling out of the sack?

25 A Yes, sir.

26 Q And have you also examined the contents
27 of the boxes which are sitting on the Commonwealth Attorney's
28 table with all the jewelry in it and have you examined those

1 items as well?

2 A Yes, sir.

3 Q And is that the same jewelry that she
4 was pulling out of this bag on that particular date of the
5 13th?

6 A Yes, sir, it was.

7 Q Now, as she was pulling-- Excuse me.

8 In addition to the jewelry did she have another item?

9 A Yes, sir.

10 Q What was that?

11 A A silver tea set.

12 Q All right. Now, Mrs. Parsons, I'm going
13 to show you this tea set which is in this box and ask you
14 if you can recognize and identify those items.

15 A Yes, sir.

16 Q And is that the tea set that Miss
17 Augustine had?

18 A Yes, sir.

19 Q For the record I also show you this photo-
20 graph which is marked Commonwealth's Exhibit Number "17".

21 Is that a photograph of the same silverware?

22 A Yes, sir.

23 Q And does that depict the silverware that
24 Miss Augustine had in your husband's apartment on that par-
25 ticular day?

26 A Yes, it was.

27 Q All right. What did she do or where
28 was the silverware put or located?

1 A On that particular day when I was there
2 it was on the kitchen table.

3 Q All right, and was she pulling it out
4 of the bag at that time?

5 A Yes, sir.

6 Q What about the jewelry? Where was she
7 pulling that out of?

8 A Bag also.

9 Q What did she say about this jewelry as
10 she was pulling it out?

11 A Children asked her where did she get
12 it from, and she said from her in-laws. She had gave it to
13 her.

14 Q I see. Did she tell you where her in-
15 laws lived?

16 A Somewhere down south in Virginia.

17 Q All right, who did she indicate to you
18 owned this property or whose property was it?

19 A She said it was hers.

20 Q All right. Now, at the time she brought
21 these items in and showed them to you was she by herself or
22 with anyone other than you and the children?

23 A She was alone.

24 Q All right. What did you then do or in
25 reference-- I mean did you then shortly thereafter leave or
26 what did you do?

27 A We left. We weren't there that long.
28 We left, the kids and I. My kids left 'cause Earl hadn't

1 JOANN CUMMINGS, having been duly sworn,
2 testified as follows:

3
4 DIRECT EXAMINATION

5 BY MR. FERGUSON:

6 Q Would you state your name for the Court,
7 please?

8 A JoAnn Cummings.

9 Q Mrs. Cummings, where do you live?

10 A Delaware, Ohio, 1330 Handover Road.

11 Q And Mrs. Cummings, let me take your atten-
12 tion back to SSaturday, June the 13th, of 1981. Did you have
13 occasion to see the defendant, Sarah Augustine?

14 A Yes.

15 Q And where did you see her?

16 A At my brother's apartment.

17 Q Who is your brother?

18 A Earl Parsons.

19 Q And where was that apartment located?

20 A It was on Downing Street.

21 Q And that was in Delaware, Ohio?

22 A Uh-huh.

23 Q And tell us how you happened to see Miss
24 Augustine and what happened when you went in.

25 A Well, me and my other sister went over
26 there and she was cleaning house and we went in and wasn't
27 there very long and the police pulled up and she went upstairs.
28 And my sister had went down to the stairway and so I let the

1 police in. And my sister had said that she said tell them
2 that she wasn't there.

3 MR. GARDY: Your sister said?

4 THE WITNESS: Yes.

5 MR. GARDY: Is that what she said?

6 THE WITNESS: Yes.

7 THE COURT: I'll sustain that. She can
8 only testify what she heard, gentlemen.

9
10 MR. FERGUSON, continuing-

11 Q Go ahead.

12 A Well, I hollered for her and she came
13 downstairs.

14 Q Who did? Sarah?

15 A Yeah.

16 Q All right.

17 A And they arrested her then.

18 Q All right. And as they were taking her
19 out did she make any comments or statements or say anything
20 to you?

21 A She told me there was her car keys, would
22 I take her car over to my house, and that there was some
23 valuable stuff in a sack laying on the table, would we-- Well,
24 she was talking to both of us. Would we please hide it. So
25 we took it and stuck it in a record case and we left.

26 Q All right. Now, this stuff, the valuable
27 stuff in the sack, did you have occasion to take it out and
28 have a look at it?

1 A Not that night.
2 Q Well, the next day.
3 A The next morning.
4 Q And when you did what did you discover
5 was in it?
6 A Jewelry.
7 Q All right. Now, Mrs. Cummings, have
8 you previously looked at the photographs which have been numbered
9 as Commonwealth's Exhibits "1" through "16" as well as the
10 jewelry that is in the boxes on the Commonwealth Attorney's
11 counsel table?
12 A Yes.
13 Q Previously?
14 A Yes.
15 Q And do these items depict the jewelry
16 that you were able to observe from this bag?
17 A Yes.
18 Q All right. Now, in addition to the jewelry
19 in question did you observe something on top of the TV set
20 or on a table or somewhere?
21 A Yes.
22 Q And what was that?
23 A A silver set.
24 Q All right. Now, Mrs. Cummings, I show
25 you this box with this silver set in it and ask you if you'd
26 take a look at it and tell us if that's the silver set that
27 you saw on top of the TV set.
28 A Yes.

1 Q And for the record I also show you this
2 photograph marked Commonwealth's Exhibit Number "17" and ask
3 you if that silver set on that is the same silver which you
4 previously identified as coming from the box.

5 A Yeah.

6 Q Was that the item that was on the TV
7 set in the apartment?

8 A Yes.

9 Q And whose set was that?

10 A You mean that set there?

11 Q Yes, ma'am.

12 A She said it was hers.

13 Q Who did?

14 A Sarah.

15 Q When you refer to Sarah referring to
16 the silver set for the record are you referring to the defen-
17 dant in this particular case?

18 A Yes.

19 Q All right. Now, where did Miss Augustine
20 indicate that she had gotten these items from?

21 A She said she had collected it over the
22 years from her family as gifts and things. She had collected
23 it.

24 Q Now, did you have occasion subsequent
25 to that to go down to the Delaware, Ohio, police department?

26 A Yes.

27 Q And did you have occasion to examine
28 all of this jewelry again?

1 Q Mrs. Cummings, during the course of your
2 assistance with Sarah after her arrest did she not ask you
3 to take those things down to Mr. Clark's office and leave
4 them with him?

5 A She never asked me. She must have asked
6 my brother.

7 Q But subsequently the items were taken
8 to the attorney's office to your knowledge.

9 A Yeah.

10 Q So at that point to your knowledge she
11 didn't say anything, they were deposited with an attorney.
12 She didn't hide them or anything.

13 A They were left there.

14 Q Do you know if all of the items were
15 taken down?

16 A All that was in that sack.

17 Q Had you ever met a person named Eddie
18 Pinkston?

19 A Had I? Yes.

20 Q And how long had you known Sarah?
21 How long had you known Sarah in Delaware, Ohio?

22 A Probably a month, maybe a month and-
23 a-half, two months. I don't really remember.

24 Q And this Eddie Pinkston, how long had
25 you been acquainted with, seen him, or known him?

26 A Through Sarah.

27 Q All right, and that would have been on
28 how many occasions?

1 A Maybe about three times, three or four
2 times.

3 Q And was it your impression that maybe
4 they were dating or associated or what was their relationship?

5 A Well, I didn't really know. She said
6 they weren't, they were friends.

7 Q But as far as you know at that point
8 he seemed to be a fairly decent sort.

9 A Yeah. I didn't meet him other than,
10 you know, three or four times.

11 Q Just a casual how do you do?

12 A Yeah.

13 Q So you didn't have any knowledge of any
14 prior background on Mr. Pinkston.

15 A Yeah.

16 Q But his general impression, he seemed
17 to be just a normal guy?

18 A Yeah.

19 Q And you say he didn't have any particular
20 relationship to your knowledge with Sarah other than friends?

21 A Not that I knew of

22 MR. GARDY: I have no further questions.

23 MR. FERGUSON: No more of this witness.

24
25 EARL PARSONS, having been duly sworn,
26 testified as follows:

27
28 DIRECT EXAMINATION

1 A Yes, sir.

2 Q I see. You don't have that type in Dela-
3 ware, Ohio?

4 A Unh-uh.

5 Q Now, when you talked with her earlier
6 about coming to Virginia what did she indicate was her purpose
7 for coming to Virginia?

8 A To get some valuables that was given
9 to her over the years by her in-laws that was locked in a
10 safe deposit box and she could not get it. It was tied up
11 through her divorce some way and she was coming down to get
12 it.

13 Q She indicate why else she was coming
14 down here?

15 A To see her kids.

16 Q All right, sir. Now, did Miss Augustine
17 own a particular type automobile at that time?

18 A Yeah. It was a Ford, reddish burgundy,
19 red, something like that Ford, Colorado license plates.

20 Q All right, sir.

21 MR. FERGUSON: I have no further questions.

22
23 CROSS EXAMINATION

24 BY MR. GARDY:

25 Q Mr. Parsons, you say Sarah called you
26 from the jail and in fact told you to take the jewelry to
27 the attorney's office and it was the attorney who told you
28 to go to a particular coin shop, is that the way it went down?

1 all of these items where did you bring them to, what location?

2 A To the Delaware Police Department.

3 Q And subsequent to that were these items
4 turned over to Sgt. Newsome of the Suffolk Police Department?

5 A Yes, they were.

6 Q And were the items which were turned
7 over to Sgt. Newsome the same items which you recovered from
8 Mr. Clark's office, the jewelry as well as the tea set that
9 you have seen here today in court as well as what was recovered
10 in Mr. Parsons' apartment?

11 A Yes, sir, that's correct.

12 Q All right. Now, did you also have occasion
13 to recover any items from Mrs. Parsons' vehicle? I mean excuse
14 me, Miss Augustine's vehicle.

15 A From the vehicle which she had been
16 operating, yes.

17 Q All right, and specifically what did
18 you recover which would be of significance to this--

19 MR. GARDY: I object to 'significance'.
20 I'll let the Court decide if it's significant.

21 THE COURT: All right.

22 MR. FERGUSON: Your Honor, I don't intend
23 to go into all--

24 THE COURT: Related to this case.

25
26 MR. FERGUSON, continuing--

27 Q Related to this case.

28 A From the map holder, which is a pocket

1 on the back of the driver's seat, I recovered a motel key
2 to the Holiday Inn in Suffolk.

3 MR. FERGUSON: No further questions.

4
5 CROSS EXAMINATION

6 BY MR. GARDY:

7 Q Det. Goelz, after this arrest what charge
8 was made to Miss Augustine in Delaware, Ohio?

9 A She was arrested on a forgery warrant.

10 Q Was she ever charged with any sort of
11 possession or anything relating to this jewelry?

12 A Yes.

13 Q What charge was that?

14 A Receiving stolen property.

15 Q Okay. And that would relate to the items
16 that you have just mentioned that you recovered in Delaware,
17 Ohio, is that correct?

18 A Yes, sir.

19 Q Now has she been subsequently tried and
20 convicted in the State of Ohio?

21 A She entered a plea of guilty.

22 Q Regardless, was she convicted?

23 A Yes.

24 Q So it's fair to say she was convicted
25 of receiving the stolen goods here in the State of Ohio.

26 A That's correct.

27 Q And that has been tried and is over with?

28 A That's correct.

1 was for receiving for the same and similar
2 offense. Mr. Ferguson agrees with me that it
3 was a continuing offense of larceny and she
4 could have been charged , but that doesn't mean
5 that if she went to fifty states it would be
6 fifty different larcenies of which she could
7 be convicted. Prosecuted, yes. Convicted once.

8 THE COURT: Well, gentlemen, I'm going
9 to overrule the motion, note your exception.

10 All right, Mr. Gardy, do you want to
11 call any witnesses?

12 MR. GARDY: Your Honor, at this time--

13 THE COURT: You indicated you have an
14 affidavit.

15 MR. GARDY: Right. I'd like to go ahead
16 and read the affidavit.

17 THE COURT: All right, sir.

18 MR. GARDY: This is the State of Virginia,
19 City of Suffolk. "I, Thomas Joyner, being first
20 duly sworn, state as follows: One, that I am
21 the principal of Windsor Elementary School,
22 Windsor, Virginia, and I was employed in this
23 capacity on June 9th, 1981. Two, that on June
24 9th, 1981, I saw Sarah Augustine at the Windsor
25 Elementary School, Windsor, Virginia. Miss
26 Augustine was accompanied by a male individual
27 to whom I was introduced at that time. Dis-
28 cussion as to the welfare of her children was

1 held by Miss Augustine and myself. I made avail-
2 able to her a private conference room so that
3 she could visit with her children. I have known
4 Miss Augustine for some while as I was principal
5 of Carrsville Elementary School and she was
6 involved in school activities. My relationship
7 with Miss Augustine in the past has always been
8 pleasant and without difficulty." Signed, W.

9 Thomas Joyner, affiant, and subscribed and sworn
10 on July 9th, 1982, the City of Suffolk.

11 I would like to introduce that.

12 THE COURT: Well, gentlemen, we'll accept
13 that by agreement as we did the other affidavit
14 as by agreement of counsel as to what Mr. Joyner
15 would testify to were he present in court today.

16 All right, next witness.

17
18 ANN L. HARRELL, having been duly sworn,
19 testified as follows:

20
21 DIRECT EXAMINATION

22 BY MR. GARDY:

23 Q Please state your name for the record.

24 A Ann L. Harrell.

25 Q And where do you live, Mrs. Harrell?

26 A Route 1, Box 286, Carrsville, Virginia.

27 Q Yes, ma'am, and did you and your husband
28 purchase your home from Charles and Sarah Augustine?

1 A Yes, we did.

2 Q Okay, I take your attention back to the

3 first of June of 1981. Did you have an occasion to see Miss

4 Augustine around that period?

5 A Yes, she came to my house.

6 Q You don't remember the exact date?

7 A Yes, I do. It was June the 10th, 1981.

8 Q And what was the nature of her visit?

9 A Just to come to see me.

10 Q And who was at home on that occasion?

11 A My whole family. My husband, my children,

12 and I.

13 Q Did she have anyone with her on that

14 occasion?

15 A Yes, she did.

16 Q Do you recall his name?

17 A No, I'd never seen him before. I don't

18 know him. I don't know who he was.

19 Q Did Sarah seem to be in any way upset,

20 excited, or did she indicate any problems whatsoever?

21 A No, sir. She was in a very friendly

22 mood.

23 Q You classify it as a social visit?

24 A Yes, I did.

25 Q Could you tell us whether or not your

26 daughter was graduating on this particular occasion?

27 A Yes, she was, at P. D. Pruden.

28 Q So you remember the date?

1 Keyser home or your children in 1981?

2 A In '81? Only at school and in front
3 of the home.

4 Q And how many times?

5 A Five times. I missed the month of May
6 because June was coming up and I anticipated on getting them
7 in June.

8 Q Had you notified the Keyser and your
9 husband you were coming in June?

10 A Yes, I did. In May I made round trip
11 plane reservations for my three children. I called my hus-
12 band at his mother's house and she was aware of it and so
13 was my husband.

14 Q And did you in fact make arrangements
15 to come to Virginia?

16 A Yes.

17 Q And come to Virginia?

18 A Yes, I did.

19 Q All right, when did you plan to leave
20 Delaware, Ohio? Were you working in Delaware, Ohio, at that
21 time?

22 A I was working with an architect designer.

23 Q Okay, and when did you leave Delaware,
24 Ohio?

25 A I left Delaware approximately nine or
26 ten o'clock on Monday, the 8th of June.

27 Q Did you come to Virginia by yourself?

28 A No, I didn't.

1 Q And with whom did you come?

2 A I came with-- You would have to say a
3 friend because that's what it was.

4 Q What was his name?

5 A His name was Eddie Pinkston.

6 Q And where had you met this Eddie Pinkston?

7 A I met him at a VFW dance in Chicago in
8 a suburb called Elgin, Illinois.

9 Q Had you seen him on any other occasions?

10 A Just friendly occasions.

11 Q And approximately how many times?

12 A Four times.

13 Q Did you expect or had you prearranged
14 to have this Eddie Pinkston come to Virginia with you? What
15 were the circumstances surrounding that?

16 A No, I did not expect him to come. He
17 came-- His boss in Chicago and I were friends and he found
18 out from her where I was living and he came down to Delaware,
19 Ohio, on June 5th, which was Friday. And I was not going
20 to upset my plans of coming to get my children because I didn't
21 have them the past year because my husband told me I had not
22 given him enough notice to take the kids. So there was no
23 way I was going to not come and get my kids in June. So he
24 offered to come with me and help me drive, and I said okay
25 because I had already talked with the children and we all
26 were planning on going to Busch Gardens Wednesday afternoon.
27 And my son, Matthew, has a congenital heart disease and I
28 knew that he couldn't do all the walking.

1 Q Okay, so you in fact came to Virginia,
2 correct?
3 A Yes.
4 Q And when did you arrive in say Windsor,
5 Virginia?
6 A I arrived in Colonial Heights on Monday,
7 the 8th of June, and I spent the night there.
8 Q What did you do then?
9 A I spent the night and then Tuesday morning
10 I came down to the school to see the children.
11 Q Did you in fact see the children?
12 A Yes.
13 Q Would that have been the occasion where
14 you saw Mrs. Martin, who we've read her statements, and Mr.
15 Thomas Joyner?
16 A I saw Mrs. Martin on June 10th after
17 my husband refused to let me have the kids.
18 Q And you saw Mr. Joyner on--
19 A I saw him on Tuesday and Wednesday.
20 Q Did you in fact see the children and
21 talk with the children?
22 A Only at school.
23 Q Did you go over to the Windsor home of
24 the Keyzers on that particular date?
25 A Which date, Tuesday or Wednesday?
26 Q Tuesday.
27 A Yes.
28 Q Was there anyone home at that time?

1 A No.

2 Q Where did you go after that?

3 A To the Dairy Queen to get something to

4 eat.

5 Q And?

6 A And it was getting late in the afternoon

7 and I went back up to Colonial Heights and stayed in the same

8 motel and my children were anticipating my coming back down

9 Wednesday to take them to Busch Gardens after school was out.

10 Q Had you indicated the Busch Gardens trip

11 to them on Tuesday?

12 A Yes.

13 Q You didn't see Charles or the Keyzers

14 any Tuesday?

15 A No, I didn't.

16 Q So at that point you were anticipating

17 taking the children.

18 A Uh-huh. I had no reason to believe that

19 he would not let me take them because I had called him in

20 May and told him I was coming after them.

21 Q But you had no further discussion with

22 him since May?

23 A No.

24 Q All right, what happened Tuesday night?

25 A Tuesday night I went-- Well, after I

26 went to visit the Harrells they invited me to go to their

27 daughter's graduation, Debra. Now this was on Wednesday.

28 Excuse me.

1 Q What happened Tuesday after you got back
2 to Colonial Heights?

3 A I went to sleep. I went back to the
4 same motel. I took my medicine that I was on and I went to
5 bed.

6 Q What kind of medication were you on,
7 Miss Augustine?

8 A I was on valium and ellovil.

9 Q What do you recall that evening, if any-
10 thing? What is the next event that you recall?

11 A Before I checked into the motel, the
12 one that I stayed in, I filled my car up with gas for an early
13 start the next morning. I went up to the motel, registered
14 under my name, went to the room, put my purse down on the
15 table with my keys and my glasses. I took my medicine and
16 this medicine puts me to sleep within fifteen or twenty minutes
17 after I take it.

18 Q All right, and what time did you wake
19 up the next morning?

20 A I woke up probably around seven or seven-
21 thirty. And it was around ten o'clock that I left. Maybe
22 just a few minutes after ten.

23 Q Where was Mr. Pinkston during this period?

24 A Well, he was outside walking around,
25 looking at the pool and just--

26 Q Do you know of his whereabouts from say
27 when you went to sleep on Tuesday night until when you woke
28 up on Wednesday morning?

1 A No.

2 Q Did he have access to your car keys?

3 A Yes, he did. I've never hidden them
4 from anybody. I just have a habit of putting them down with
5 my purse.

6 Q All right, what happened the next morning
7 then after you woke up?

8 A Okay, I went back to Windsor. I went
9 to the Keyzers' home on Duke Street in Windsor and my children
10 were all ready to go with me, Matthew and Jennifer. I didn't
11 see my oldest, Vicki, and when I went-- I rang the outside
12 doorbell and I walked inside the iron gates that leads to
13 the front door across the patio and the Dobermans were let
14 out on me. And I saw them coming and my ex-husband saw them
15 and he yelled at them or something and they stopped and this
16 is when he came out. This is when he told me that I couldn't
17 have my children. I said well, I don't want to stand here
18 and argue with you, I'm going to Suffolk and see if Judge
19 Williams or someone can give me a paper or something to take
20 my kids to Busch Gardens.

21 Q This was Wednesday, the 10th?

22 A Uh-huh.

23 Q Where did you go after you'd been re-
24 fused visitation of the children?

25 A Okay. Well, I knew that I wanted to
26 see the Harrells again so I went there. And I called Tom
27 Woodward's office. And then I called-- I tried to get in
28 touch with Judge Williams but I didn't know at the time he's

1 all over the circuit.

2 Q All right, Judge Williams was the one
3 who was involved with the custody hearing?

4 A Yes, sir.

5 Q Were you able to get in touch with either?

6 A No, I wasn't.

7 Q All right. Where did you go after you
8 had visited the Harrells?

9 A I came to Suffolk.

10 Q And what did you do in Suffolk?

11 A I came to the judge's chambers and the
12 secretary told me there wasn't one available.

13 Q One what available?

14 A A judge.

15 Q Was that this Mrs. Blanchard who came
16 in here earlier?

17 A Yes.

18 Q That was the lady you spoke to on this
19 occasion?

20 A Yes, sir.

21 Q Okay, continue.

22 A And she made a couple of phone calls
23 to Tom Woodward's office, who is my divorce attorney, and
24 his secretary said she didn't know when he would be back be-
25 cause he was out with the flu. So after I found this out
26 I started back to Ohio because I wasn't financially able to
27 stay indefinitely and go through the court battle.

28 Q Okay, did Mr. Pinkston accompany you

1 when you were up in the judge's chambers?

2 A No. I parked right out in front and
3 he stayed in my car. It was none of his business what I was
4 doing with my family.

5 Q And where did you go after you left Suf-
6 folk? Approximately what time-- Well, it doesn't make any
7 difference. Where did you go after you left Suffolk?

8 A I got on the interstate and started back
9 to Columbus. And it got late and I spent the night in Breeze-
10 wood, Pennsylvania. And the next morning was Thursday. We
11 got back into Ohio. My rent on my old apartment was paid
12 up until the 10th of June and I let him stay there and I stayed
13 at my apartment that Mr. Parsons and I leased together.

14 Q When was the first time that you had
15 any suspicion that something maybe irregular as far as you
16 and Mr. Pinkston and maybe his activities?

17 A Friday night, the 12th of June, before
18 I was arrested on the 13th.

19 Q And where were you?

20 A In Elgin, Illinois.

21 Q Tell His Honor what happened.

22 A Okay. Friday morning we got ready and
23 we drove to Chicago to a suburb of Elgin, Illinois, and we
24 arrived there late that evening. I took him to his boss's
25 house and I talked with his wife. We had become good friends.
26 And it was late and she said Sarah, I don't think you should
27 start back so late because you've been driving all day. So
28 I went to the Dunelm Motel in Elgin, Illinois. And it was

1 after midnight. I left Mr. Pinkston at his boss's house and
2 it was after midnight that he came knocking on my door. And
3 we got into an unfriendly discussion and-- Mr. Pinkston was
4 in love with me and he showed-- We were sitting in the car.
5 I had gotten him out of my room and we were sitting in the
6 car and he says, "I love you." And he says, "See how much
7 I love you," and he reached in the back seat of my car behind
8 the passenger's seat and he brought out two jewelry boxes
9 that I immediately recognized as my mother-in-law's, Vera
10 Keyser. And so it was getting almost morning by then and
11 I took him to find a room at a rooming house on State Street
12 in Elgin, Illinois, and from there I started back to Columbus,
13 Ohio. It was a shock to know that-- I knew it was stolen
14 by the time I looked at it because I knew who it belonged
15 to, and I just didn't know what to do. And I thought about
16 it all the way back and I arrived in Delaware around maybe
17 five-thirty on Saturday. And I was taking the pillows and
18 blankets and things out of my back seat that I put in there
19 for my children. And I started unloading the stuff. It was
20 in a brown bag. And I put it all on the kitchen table. I
21 was there alone. But in a few minutes JoAnn Parsons and her
22 sister, Linda Phillips, came to the house. And then weren't
23 there very long. And the Delaware police came to my driveway
24 and I thought they were there because Earl was going through
25 his divorce with Mary and I thought maybe they wanted Mary
26 for something or wanted me for something concerning it and
27 I didn't want to get involved in their divorce. So I told
28 JoAnn, I said, "If they're here after me," I said, "Would

1 you please tell them I'm not home," because I was almost cer-
2 tain that they were there because of Earl and his wife's di-
3 vorce.

4 So JoAnn, they told JoAnn Parsons, asked them
5 if Sarah Augustine was there and she said yes, and she came
6 to the bottom of the stairs and said, "Sarah, the police want
7 to talk to you," and so I came down and they asked me my name
8 and I told him Sarah Bryant Augustine, and they told me I
9 was under arrest and they didn't tell me right then what for.
10 They didn't tell me until I got to the police station in Dela-
11 ware. I went peacefully, they didn't even handcuff me, and
12 I stayed at the police station until maybe eleven o'clock
13 that Saturday night, which they took me then to the only place
14 that-- They don't have the facilities to house women and they
15 took me to the Columbus Workhouse in Columbus, Ohio. I knew
16 that I couldn't go back to court until Monday for a bond hearing
17 so I went to court Monday morning and they set me bond at
18 \$5,000. Then Tom Clark was the family lawyer of JoAnn and
19 Earl. JoAnn and Earl talked to him, his associate, and got
20 my bond reduced to \$3,000. And I didn't have but around
21 \$111.00 on me in cash so I called JoAnn and I asked her would
22 she get the things that I had left on the kitchen table and
23 told her to take care of and I'd given her the keys to my
24 car to take care of. They brought the things down and Tom
25 Clark told them to take it to the A & W coin shop in Delaware
26 and get an appraisal. Well, Mr. Clark's associate brought
27 back an appraisal, which I don't remember the exact figure
28 but it was like two or three thousand dollars worth for the

1 stuff. And I thought to myself, I was upset because I was
2 involved in this for the first time in my life, involved in
3 a felony.

4 After they took it to the coin shop the lawyer
5 brought it up to me and he said, "Sarah, which one of these
6 items do you want to sell to make your bond," and at the time
7 I just wanted to get out of jail to find out what was going
8 on. And I told them not to sell, no way, that it was my
9 mother-in-law's but I figured that if I brought everything
10 back and find out what happened I'd feel better about it.
11 Well, Earl and his mother took it to Tom Clark's office and
12 left it and Tom Clark got an appraiser to come in from Colum-
13 bus and he separated it all. It was a lady, excuse me. She
14 said tell her that I'll give her \$650.00 for the whole thing,
15 and I have a letter stating as such.

16 Q Okay.

17 A And I was taken back to the Columbus
18 Workhouse and that's where I was until September 1st, 1981,
19 when Columbus Workhouse stopped taking outside women inmates
20 from small towns and they transferred me to Marion, Ohio,
21 and I stayed there until February 20th, 1982. I've been in-
22 carcerated for one year, one month, and three days.

23 Q What time did you get in Delaware, Ohio,
24 on the 13th?

25 A On the 13th? Approximately five-thirty.

26 Q And what time did the police come to
27 your apartment?

28 A Maybe an hour, hour and-a-half. It

1 was getting dark when they came. It was dusk.

2 Q Over the course of the thirteen, fourteen
3 years that you had either been living with your children or
4 visiting the Keyzers had they lived in the same house in Wind-
5 sor?

6 A The same house, uh-huh.

7 Q And that is the house you went to on
8 the particular Tuesday and Wednesday you came down?

9 A Yes, because I didn't have another one.

10 Q You did not see them on Tuesday, the
11 9th, either the Keyzers or Charles?

12 A No.

13 Q Had you ever been advised of where the
14 house, the new house, was?

15 A I have no idea where it is even now until
16 when I got to Suffolk they said it was in Russell Point some-
17 where. And I have no idea where that's at.

18 Q You've never been near the place?

19 A No, I haven't.

20 Q Never seen the new home?

21 A No, I haven't. I don't even know what
22 style it is.

23 Q You never broke in any place or set fire
24 to any place?

25 A No. No. Those thoughts would never
26 occur to me, no.

27 Q Have you ever been convicted of a felony?

28 A I was convicted last year. I plead

1 guilty to forgery, which the total was approximately \$130.00
2 or \$135.00. And I was given probation because I didn't have
3 a record and the judge thought I was of a character that I
4 wouldn't be involved in anything of the sort again.

5 Q That was relating to your job, some credit
6 card transactions?

7 A Yes.

8 Q And also receiving?

9 A And receiving.

10 Q And was that related to these particular
11 items here?

12 A I found out-- I was arrested on June
13 13th and I found out about this on June 19th, that I had a
14 holder on me for B & E and arson and grand larceny.

15 Q From Virginia?

16 A From Virginia, and my bond was only
17 \$3,000 in Ohio and I could have been out working, trying to
18 get things together, but Virginia had a holder on me since
19 June 19th, 1981.

20 Q All right, and when were you extradited?

21 A February 20th of '82.

22 Q So Virginia had a hold on you while you
23 were plea bargaining or whatever your attorney did up there
24 on receiving?

25 A Yes, sir. I couldn't step foot out of
26 the jail.

27 MR. GARDY: Answer Mr. Ferguson.
28

1 CROSS EXAMINATION

2 BY MR. FERGUSON:

3 Q Miss Augustine, let me ask you a few
4 questions. Number one, before you left to come to Virginia
5 you had a conversation with Earl Parsons, didn't you? Told
6 him where you were coming?

7 A Uh-huh.

8 Q Is that correct?

9 A That's right.

10 Q And in fact when you told him you were
11 coming you told him one of the purposes you were coming was
12 to get some jewelry that belonged to you from a locked deposit
13 box, did you not?

14 A No, I didn't. I don't even have a deposit
15 box.

16 Q You deny making those statements to Earl
17 Parsons?

18 A I deny it.

19 Q Isn't it a fact that when you left Ohio
20 you did make those statements and that the jewelry that you
21 in fact got was the jewelry from the home of your former
22 mother-in-law, Mrs. Keyser?

23 A The jewelry belonged to my mother-in-
24 law and I recognized it, but I did not take it.

25 Q I see. And you deny having made the
26 statements to Mr. Parsons that that was your purpose or at
27 least one of the purposes for coming to Virginia?

28 A The purpose for me to come into Virginia

1 was to get my children for the summer.

2 Q I see. So those statements to Mr. Parsons
3 would be inaccurate.

4 A Inaccurate, yes, but I've never had a
5 safety deposit box.

6 Q All right, when you came back to Dela-
7 ware, Ohio, did you have a conversation with Mrs. Parsons?

8 A JoAnn? Yes.

9 Q Did you tell her that when you laid the
10 jewelry out on the table that it was your jewelry?

11 A Yes, I did.

12 Q All right, and you had not been arrested
13 by the police department at that point, had you?

14 A No, I had not.

15 Q And in fact you told her where you had
16 gotten the jewelry from, didn't you?

17 A That's right.

18 Q And you told her that your mother-in-
19 law or that it had been given to you over the years by the
20 people down in Virginia, didn't you?

21 A Because I saw no reason to involve her.
22 I was at ends. I panicked.

23 Q So you saw all that jewelry, knew all
24 the stuff at that point was stolen before you were arrested.

25 A I saw all the jewelry maybe an hour be-
26 fore I was arrested.

27 Q And the silver tea service, right?

28 A Yes.

1 Q And you could have called your mother-
2 in-law or the police either one if you had so chosen, could
3 you not?

4 A Yes, I could have called, but I didn't
5 know what to do. I was in possession of something that I
6 knew who it belonged to and there must have been something
7 to it.

8 Q Uh-huh. Did you ever call the police
9 and indicate that you thought maybe Eddie Pinkston had taken
10 the stuff since he was the one that was in the car with you?

11 A That day, no, I didn't.

12 Q And you could have but you never made
13 any statements to the police at all to that effect, did you?

14 A No, I didn't.

15 Q You never made any claims at all of what
16 you're claiming here in the courtroom, did you?

17 A I'm sorry, I don't understand.

18 Q I said you never made any claims of your
19 innocence of whatever to the police about this one way or
20 the other until today, have you?

21 A I told the police in Delaware where it
22 came from.

23 Q Everything that you've told the court
24 today?

25 A You have to be specific.

26 Q Did you tell the Delaware, Ohio, police
27 people the story that you're telling us in the courtroom today?

28 A No.

1 Q You did not?

2 A No.

3 Q All right, and you never implicated Eddie

4 Pinkston at all with the Delaware Police Department, did you,

5 or Suffolk Police Department or any other police department?

6 A No.

7 Q All right. Now, when JoAnn Cummings

8 was in the house you had a conversation or when you were leaving

9 or were arrested, shortly thereafter you told her that the

10 jewelry and the silverware belonged to you, did you not?

11 A Uh-huh.

12 Q And you told her that you had also gotten

13 the items from your in-laws and had it in a safe deposit box,

14 didn't you?

15 A This was later.

16 Q Well, I mean the day you were arrested.

17 A The day I was arrested when JoAnn and

18 her sister, Linda Phillips, came to the apartment I told her

19 it belonged to me because I didn't want to involve them in

20 any way until I found out exactly what happened.

21 Q Well let me put it this way, Miss August-

22 tine. You knew the jewelry belonged to your in-laws, right?

23 A Yes.

24 Q You knew it was in your car, right?

25 A I didn't know what all was in my car,

26 no.

27 Q Well, when you took it out you knew it

28 had been in your car.

1 A Yes.

2 Q You knew the only people that had been
3 in your car were you and Eddie Pinkston, isn't that right?

4 A That's right.

5 Q So it wasn't much question as to who
6 did or did not have access to the jewelry.

7 All right, Miss Augustine, when you left Delaware,
8 Ohio, coming to Virginia did you have a conversation with
9 Mr. Parsons?

10 A Yes, I did.

11 Q All right, but you deny that portion
12 that you've previously indicated.

13 A Right, because the reason I was coming
14 to Virginia was to pick up my children.

15 Q And you were not working except baby-
16 sitting for him at that time, isn't that true?

17 A I had been working with an architect
18 designer, landscaper, and this was the case that I was going
19 to court, that I had been arrested on June 13th concerning.
20 And it was just a relationship--

21 Q You mean you were being charged with
22 a criminal offense for something that you had done while you
23 were working for your employer?

24 A I'm sorry.

25 Q You said you were going to trial on a
26 case involving your employer.

27 A No, I didn't know anything about it until
28 I was arrested.

1 Q But you later plead guilty to it.
2 A Yes, I did.
3 Q All right. Now, when you left Delaware,
4 Ohio, you came and arrived in Suffolk on June the 9th, is
5 that correct?
6 A Suffolk, yes, June 9th.
7 Q June the 9th. You were driving your
8 car, the red Ford Granada with the Colorado license plates,
9 correct?
10 A That's right.
11 Q And who was with you at that time? Was
12 Eddie Pinkston with you?
13 A Eddie Pinkston was with me.
14 Q Where did you-all stay the first night?
15 A The first night in Virginia?
16 Q Yeah, June the 9th.
17 A June the 9th at the Interstate Motel
18 in Colonial Heights, Virginia.
19 Q Well, your intent was to come see your
20 children, correct?
21 A Yes.
22 Q Wouldn't it have been very simple to
23 stay at the Holiday Inn here in Suffolk? Wouldn't that have
24 been a lot simpler than driving fifty or sixty miles to a
25 hotel in Colonial Heights, Virginia?
26 A Maybe to you.
27 Q Well, you mean to tell me it's simpler
28 to drive sixty miles out of the city limits of Suffolk and

1 then drive sixty miles back?

2 A Listen, when I left the motel, when I
3 paid my bill I told the girl that I would probably be back
4 that night. I didn't know.

5 Q Well, isn't it a fact that when you came
6 here you stayed at the Holiday Inn here in Suffolk?

7 A When?

8 Q That night, Tuesday night.

9 A No.

10 Q You had a key to the Holiday Inn here
11 in Suffolk that was found in your car, didn't you?

12 A I've stayed at the Holiday Inn in Suffolk
13 but not that night.

14 Q Well, where did the key come from?

15 A From one of the times that I had stayed
16 at the Holiday Inn in Suffolk.

17 Q You didn't ever bother to mail the key
18 back in or anything of that sort?

19 A No.

20 Q Do you have any records from the motel
21 in Colonial Heights indicating that you were staying there
22 on that evening?

23 A Only their records.

24 Q Well, have you asked or tried to get
25 the records?

26 A I've asked my attorney to.

27 Q But you have no records here in court
28 today to substantiate any of that.

1 A No. It's just a matter of a letter.

2 Q What letter?

3 A Asking them for it.

4 Q I see. But you've never gotten any such

5 information.

6 A No.

7 Q And so you were going to drive to Colonial

8 Heights, turn around and drive back the next day to see your

9 children, is that what you're saying?

10 A That's right.

11 Q Now, what time did you leave Suffolk

12 to go to Colonial Heights?

13 A It was in the late afternoon, maybe

14 five o'clock.

15 Q Five o'clock?

16 A Uh-huh.

17 Q Where did you eat?

18 A Where did I eat?

19 Q Yeah.

20 A At a restaurant in Colonial Heights.

21 Q What was the name of it?

22 A I have no idea. I don't recall.

23 Q You don't recall that at all?

24 A No. It was a chicken place.

25 Q Well, do you remember the name of the

26 chicken place?

27 A No, I don't.

28 Q How close was it to the motel?

1 A In terms of miles I don't know. It was
2 on the freeway. It wasn't very far from the Interstate Inn
3 where I stayed.

4 Q All right. You went in there, took some
5 valium and some other pills, you say, is that right?

6 A Right. One ellovil and one valium.

7 Q And then you say you went to sleep?

8 A Uh-huh.

9 Q Where was Eddie Pinkston during this
10 period of time?

11 A This is embarrassing but he had wanted
12 to stay in the room with me and I got into an argument and
13 said no, and he said well, give me the keys to the car because
14 the seats in my car laid all the way back, and as far as I
15 know he slept there because when I woke up he wasn't in the
16 room.

17 Q I see. You telling me that you came
18 all the way from Delaware, Ohio, with him, you all had been
19 friends, he was your boyfriend, and yet you didn't want to
20 sleep with him or stay in even the same room?

21 A Sleep with him, no.

22 Q Or even stay in the same room with him?

23 A He could have stayed in the room but
24 he would not have gotten in the bed with me.

25 Q Oh, I see. All right. Now, what type
26 of luggage did you bring, Miss Augustine?

27 A I didn't have any luggage in my car.
28 I had my clothes in the trunk of my car and a whole bunch

1 of other stuff.

2 Q Where was Eddie Pinkston's luggage?

3 A Eddie only had a Playmate cooler. That's
4 all he had.

5 Q No clothing change, no nothing?

6 A He had a change of clothes.

7 Q Any other items on the back seat of your
8 car?

9 A In the back seat of my car? An atlas,
10 three or four pictures of Mr. Parsons, pillows, blankets,
11 two pillows and two blankets, and my bag that I carry deoderant
12 and towel and a change of clothes.

13 Q Now, Miss Augustine, you have been in
14 the Keyser home before and knew exactly where Mrs. Keyser
15 kept her jewelry, did you not?

16 A Yes, I did.

17 Q In fact you had been present when she
18 would dress sometimes and wear her jewelry, isn't that correct?

19 A Exactly.

20 Q And you knew exactly where she would
21 keep it in her dresser drawers, did you not?

22 A I sure would.

23 Q And you knew exactly all the jewelry
24 that she had, did you not?

25 A No, I didn't know everything that she
26 had.

27 Q Well, you knew most of or some of what
28 she had anyway.

1 A Yeah, most of it.
2 Q And whatever you didn't know what she
3 had you knew where the rest was kept, isn't that true?
4 A No.
5 Q Well, I mean in the drawers.
6 A You're going to have to rephrase that.
7 Q You knew where the rest of the jewelry
8 that she had was kept or at least a significant portion in
9 these drawers, correct?
10 A Well, I knew where she kept most of her
11 things. It was no secret. Everyone in the family knew it.
12 Q Eddie Pinkston had never been over there
13 or never been to the Keyser home to see any of that jewelry,
14 had he?
15 A Not as far as I know.
16 Q Eddie Pinkston, this was the first time
17 he had gone to Suffolk or Virginia, hadn't he?
18 A Uh-huh.
19 Q He had never been to the Keyser home
20 to your knowledge, had he?
21 A No.
22 Q All right, you were a lot more familiar
23 with Suffolk than was he, isn't that correct?
24 A Exactly.
25 Q You were the one that knew the Keyers,
26 not he, isn't that correct?
27 A That's correct. He only knew them as
28 my ex-in-laws.

1 Q He knew them as your ex-in-laws and he
2 wouldn't even have known where they used to live unless you
3 had taken him to the house, isn't that correct?

4 A I'm sorry.

5 Q I say he wouldn't even have known where
6 to go to see your husband, the old Keyser home, unless you
7 took him, isn't that correct?

8 A That's right.

9 Q You are saying Eddie Pinkston in effect
10 drove from Colonial Heights to the City of Suffolk at night
11 and picked out the Keyser home at random and did all of these
12 things at the Keyser home, is that what you're saying?

13 A No, that's not what I'm-- I'm not saying
14 that. I'm telling you that I filled my car up with gas Tues-
15 day night so I could get an early start on Wednesday. When
16 I got in my car Wednesday morning, cranked it up, I noticed
17 my gas hand. It was almost on the half. And I just threw
18 it off as having a thief in the parking lot because everybody
19 is always getting ripped off at places like that. Okay, I
20 came on back down to Windsor and that's when my husband wouldn't
21 let me have my children.

22 Q My question is this. The jewelry was
23 not in your car when you-all had left earlier that day to
24 come to Colonial Heights, isn't that fair to say?

25 A I don't know.

26 Q Well, you had been in the car the whole
27 time, had you not, Miss Augustine? Either you or Eddie
28 Pinkston had been in it together, isn't that correct?

1 A That's right.

2 Q And you had been together the entire
3 time, isn't that correct?

4 A Except if he slept in the car, or I don't
5 know where he slept Tuesday night.

6 Q I'm talking about before you got to
7 Colonial Heights that evening.

8 A Ask me again.

9 Q Before you went to Colonial Heights to
10 sleep for the night you-all had been together the entire time
11 from Delaware, Ohio, down to Suffolk, isn't that correct?

12 A Yes.

13 Q You were the one that was leading and
14 showing him where to go, what to do, and were driving the
15 car, isn't that correct?

16 A He went with me to my ex-in-laws' house.
17 He went with me to school.

18 Q All right. Did you-all have any con-
19 versation about Mr. and Mrs. Keyser and the jewelry and the
20 other items they had in the house?

21 A The only conversation we had was con-
22 cerning the kids. Why won't they let you go in their house
23 to see your kids, why do you have to go through all the trouble
24 of not being able to see your kids when the judge had ordered
25 it.

26 Q My only question was did you have any
27 conversation with him about the jewelry, what items they may
28 have in their new home or anything whatsoever?

1 A No.

2 Q So he would have had no way to know that

3 they had any jewelry or gems in their house or where they

4 would be if they were in the house, is that correct?

5 A I wouldn't think so. Just the appearance

6 of the house. It's no slum.

7 Q I see. But it's kind of back off to

8 itself in a rather remote or secluded place that you've got

9 to know where it is to get there, isn't that fair to say?

10 A I guess.

11 Q It's just not sitting out on the highway.

12 A I don't know where the house is.

13 Q Oh, I see.

14 A I only know where the one is in Windsor.

15 Q Did you see any of these bags in your

16 car when you went to Colonial Heights that evening?

17 A No.

18 Q The first time you saw them was the next

19 morning or whenever he pulled them out of the back seat.

20 A Friday night in Elgin, Illinois.

21 Q And you say he gave you all this jewelry

22 and this silver tea set, is that right?

23 A No, he did not give them to me.

24 Q Well, how did you get them?

25 A How did I get them? I brought them back

26 to Delaware.

27 Q Well, he showed them to you, right?

28 A He showed me two necklaces that were

1 in boxes that clasped together and I recognized them immediately
2 as being my mother-in-law's.

3 Q But you didn't ever think to call her
4 and say hey, I think somebody has ripped off your jewelry.
5 You didn't even check, did you?

6 A Do you want to know something? What
7 do you think you would--

8 Q I just want you to answer my question.
9 You didn't even bother to call your mother-in-law, did you?

10 A No, because I was panicky.

11 Q I see. Now, when you went to your bro-
12 ther's house, I mean your former husband's house the next
13 morning, you say between eight and ten a.m., is that correct?

14 A Wednesday morning?

15 Q Yes, ma'am.

16 A I don't know what time it was but it
17 was that morning.

18 Q And it was your purpose from Tuesday
19 night to Wednesday that you intended to come to Suffolk to
20 try to get your children or see them, is that correct?

21 A Wednesday. It wasn't until Wednesday
22 that my husband said I couldn't have my kids.

23 Q That's what I'm saying. But you saw
24 him relatively early in the morning, did you not?

25 A It was before lunch, yes.

26 Q All right, and when you saw him you were
27 very nervous, were you not, Miss Augustine, or kind of shaking
28 and nervous?

1 A At first, no. But when--

2 Q At first, no, but-- Go ahead.

3 A But when someone tells you you can't

4 see your kids or have your kids, you get upset. No one wouldn't

5 Q I see. Now, Miss Augustine, was Eddie

6 Pinkston with you when you went to see your husband?

7 A Was Eddie Pinkston with me?

8 Q Yes.

9 A I let him out at the school, which is

10 just maybe a block up the street, because I didn't want to

11 take him up there.

12 Q I see. Why not?

13 A Well, because-- I just didn't want my

14 husband to see me with another man.

15 Q Oh, I see. Well, you were divorced,

16 weren't you?

17 A Yes. That still didn't matter.

18 Q Oh, I see. Now, Miss Augustine, you

19 have admitted on the stand that you plead guilty to some of

20 these charges in Ohio. Is that correct?

21 A Uh-huh.

22 Q And you were standing there and made

23 certain statements to the judge in open court, did you not?

24 A Statements?

25 Q Didn't you start making-- You heard Det.

26 Gells testify?

27 A (Nods affirmatively.)

28 Q In which you made the statements to the

1 Judge that your in-laws had given you these valuable items.

2 A I made the statement that they were my
3 in-laws' and my lawyer told me to be quiet.

4 Q All right. Did you ever make the state-
5 ment, I'll ask you specifically in the presence of the Court
6 that your mother-in-law gave these gems or jewels to you?
7 Did you ever make that statement up there in the court?

8 A That my mother-in-law gave them to me?

9 Q Had given you these gems, yes, ma'am.

10 A No.

11 Q So the testimony of Det. Goelz here today
12 is incorrect, is that right?

13 A I never testified that my mother-in-
14 law gave them to me. If I did I was unaware of it because
15 I'm just now off of medicine. I was on a whole string of
16 medicine when I went to court.

17 Q So in other words you may have made the
18 statement but you don't recall it, is that what you're saying?

19 A I'd rather for it to stand that way,
20 yes.

21 Q You'd rather for it to stand that way?
22 Now, Miss Augustine, how many felonies have you been convicted
23 of?

24 A Okay, I was convicted of five forgery
25 charges, felony 4's, and they all total to approximately \$130.00
26 to \$135.00. And I was convicted of receiving stolen property
27 which is what I'm charged with grand larceny here. Because
28 I had them, there was no use in denying it.

1 Q Isn't it a fact that you-- How many other
2 felonies have you been convicted of? How many felonies in
3 total have you been convicted of or crimes involving moral
4 turpitude such as larceny?

5 A I have not been convicted of anything
6 except receiving, which is this stuff.

7 Q How many total felonies have you been
8 convicted of, ten?

9 A No.

10 Q You deny-- Didn't you plead guilty to
11 ten felonies in Ohio?

12 A No, I didn't.

13 Q Would you like for me to show you the
14 indictments as well as the orders?

15 A You can show me the indictments. I plead
16 guilty to five forgeries, two receiving. There were ten charges
17 all together but the others were dropped.

18 Q All right, so you plead guilty to six
19 felonies, then, is that correct?

20 A Seven.

21 Q Seven felonies you plead guilty to?

22 A Five forgeries.

23 Q You've been convicted prior to that time
24 of other felonies or other crimes involving moral turpitude?

25 A Would you please tell me what moral tur-
26 pitude is?

27 Q Lying, cheating, or stealing.

28 A No, I've never been convicted.

1 Q How about bad checks?

2 A In '73 or '74 I had a conviction for
3 a check. I paid it and paid court costs and that was it.

4 Q Is that the only one that you've had?

5 A Up until '79.

6 Q And how many did you have in '79?

7 A There were six that were left over.

8 Q Six convictions of worthless checks?

9 A I went to court and when I came back
10 to Suffolk they took me to court and I paid them off.

11 Q Plead guilty to them, is that correct?

12 A Of the ones that they had, yes.

13 Q How many of those were there?

14 A Four.

15 Q Four? So was that four in addition to
16 the six that you referred to?

17 A No.

18 Q So you got four here in Suffolk?

19 A Okay, there were six checks left over
20 from '79.

21 Q I see.

22 A Okay, two of them were thrown out.

23 Q And four convictions--

24 A And two in Suffolk and two in Franklin.
25 He gave me thirty days each and suspended them and on the
26 felony--

27 THE COURT: I'm just interested in the
28 number. I'm not interested in the disposition.

1 THE WITNESS: Yes.

2
3 MR. FERGUSON, continuing-

4 Q Four of those plus seven felonies plus
5 how many other offenses were you-- Were you convicted of
6 any offenses out in Colorado when you were out there?

7 A No. I had a ticket for making a right
8 on a red light.

9 Q I'm not talking about traffic offenses,
10 I'm talking about these types of offenses.

11 A No, I wasn't.

12 Q Now, these two bags that you hauled the
13 stuff up into the house of Mr. Parsons in which contained
14 the jewelry and the silver tea service that we have here,
15 what type bags were they? Were they K-Mart bags?

16 A I don't know what kind of bags they were.
17 They were brown krinkly bags. What advertisement they had
18 on them I don't know.

19 Q And you're telling me and telling this
20 Court that from the time you went to sleep in Colonial Heights
21 on the night that this fire occurred as well as the theft
22 of all these goods you didn't know anything about it until
23 about three or four days later, is that correct?

24 A That's right.

25 Q You mean Eddie Pinkston never made any
26 statement to you even though you were riding with him and
27 he was almost your boyfriend about having ripped off some
28 house or getting any goods at all? Is that what you're saying?

1 A I'm saying that, yes.

2 Q And you're also saying that all these
3 things were in bags on the back seat of the car and you didn't
4 see them?

5 A They were in two bags that were on the
6 passenger's side of the back seat and the floor board, and
7 also in the back of my car I had pillows and blankets for
8 my children and my travel bag, which was a cloth bag

9 Q Did Pinkston ever tell you where he got
10 these goods from supposedly?

11 A Yes, he did.

12 Q Where did he say he got them from?

13 A He said he came back down to Windsor and
14 he didn't mention what place he went to. He said he spent
15 a couple of dollars and-- Okay, his exact words was, "You'd
16 be surprised what a couple of dollars and a few drinks will
17 buy you," and I said is that how you found out where my mother-
18 in-law's house was, and he just smiled at me.

19 Q Uh-huh. And so in essence did he then
20 tell you that he'd come to her home?

21 A Yes.

22 Q He did tell you he came?

23 A On Friday night.

24 Q On Friday night he told you he came to
25 her home?

26 A Yes.

27 Q Did he tell you that he had set the house
28 on fire?

1 A He mentioned breaking into the home but
2 he did not mention a fire.

3 Q I see. Did he show you all the flat sil-
4 verware he had as well?

5 A The what?

6 Q Was there any flat silverware?

7 A No, none at all in my car.

8 Q None in the car? None either on the
9 morning of-- I mean the evening from the morning that he came
10 back, then you never saw any flat tableware at all?

11 A I never had any reason to even look for
12 any.

13 Q He never showed you any at all?

14 A No.

15 Q Where did you let Eddie out?

16 A Where did I let Eddie out when?

17 Q Where.

18 A Elgin, Illinois.

19 Q Is that where he lived or something?

20 A He worked there.

21 Q When he got out he had nothing but his
22 cooler, is that right?

23 A That's right.

24 Q And he said he broke into this house,
25 stole all these jewels, took all this silver tea service,
26 didn't have anything but a cooler, that was all he had with
27 him, didn't have any money or anything?

28 A You're going to have to repeat that.

1 Q Did Eddie have any money or were you
2 doing all the paying for all of the stuff?

3 A No.

4 Q Who was paying the bills?

5 A I was.

6 Q He didn't have any money?

7 A I don't know how much money he had.

8 Q He didn't offer to pay for anything,
9 let's put it that way, is that fair to say?

10 A Dinner.

11 Q Oh, he paid for dinner. But when he
12 got out of the car he had nothing but a cooler in his hand
13 and left you all the jewels, all the silverware, even though
14 he had been the one that had gone up and broken in the house
15 and had set it on fire apparently.

16 A When I left Eddie it was-- I had to take
17 him to find a room on State Street in Elgin. Okay, as I was
18 sitting in the car I decided I'd look back and see what else
19 I could find that belonged to my in-laws.

20 Q Why did you think anything else was in
21 the car that belonged to your in-laws unless you had knowledge
22 of it?

23 A I didn't have any knowledge of it.

24 Q Well, why would you look back to see
25 what belonged to your in-laws?

26 A Curiosity. I was curious.

27 Q Well, I mean how did you know that there
28 was even anything that might belong to your in-laws if you

1 didn't have any knowledge of it?

2 A I. only saw the two necklaces that he
3 took out from the back and everything happened so quick, get-
4 ting the room on State Street. While he was there I was sitting
5 in the car and I looked back and I didn't see anything back
6 there. Okay? And I questioned him about this and I told
7 him that if there was anything else that he had taken from
8 them that I was going to call the police and I was really
9 angry with him. And so I said I'm going-- I had a couple
10 more hours on my motel key. I said I'm going back to the
11 motel and if I don't find anything I'm calling the police.
12 So when I went back to the motel I was inside looking through
13 the room and he didn't stay with me. I had to call the police
14 Friday night beause he was abusive..

15 Q Did the police come?

16 A Yes.

17 Q And he was abusive to you, right?

18 A Yes.

19 Q And you didn't say one thing to the police
20 at that point about him having all these goods that came from
21 your mother-in-law's house, did you?

22 A No, I didn't.

23 Q You didn't say one thing about him telling
24 you about setting the fire to the house at all, did you?

25 A No.

26 Q So you were covering up for him right?

27 A No.

28 Q Well, wasn't this your golden opportunity--

1 A I just found--

2 Q Wait a minute, Miss Augustine. Wasn't
3 this your golden opportunity to try to absolve yourself of
4 any criminal acts and to say that hey, I wasn't involved be-
5 cause I'm going to give all the goods back?

6 A As I sit here now that was the thing
7 to do, but you've got to remember the time. It was just a
8 great surprise, a big--

9 Q Well, there's no great surprise when
10 the police are there and you know the goods belong to your
11 mother-in-law, is it?

12 A No.

13 Q And it would have been a very simple
14 thing, you had the goods in your possession at that time,
15 didn't you, Miss Augustine? I mean you had them right in
16 your possession when the police were there, didn't you?

17 A When they were in there? No, they were
18 not in my car.

19 Q Where were they?

20 A They had a dumpster out back of the motel
21 and Eddie put the bag in back of the dumpster and while I
22 was in checking the room to be sure I'd gotten everything
23 he went out and he brought the bags back and he was laughing.

24 Q You mean to tell me that he actually
25 took all these jewels, put them behind a dumpster, and left
26 them because you didn't want the police to see them? What
27 was the purpose of it?

28 A His purpose was to keep them. And when

1 I was sitting at the boarding house waiting for the man to
2 come and rent him the room I looked in the back to see if
3 I could find anything and when I couldn't even find the two
4 necklaces that he had shown me that I recognized belonged
5 to my mother-in-law I went back to the motel and started looking

6 Q I see. Well, did he keep-- You say he
7 took them behind the dumpster to keep but later on he gave
8 you all the goods?

9 A I told him I was going to call the cops
10 if I didn't find them.

11 Q But you didn't tell him that the night
12 when the cops were actually there, isn't that true?

13 A No, I didn't.

14 THE COURT: Anything else Mr, Ferguson?

15 MR. FERGUSON: I have no further questions.

16 THE COURT: Mr. Gardy, anything further?

17 MR. GARDY: No, sir.

18 THE COURT: All right, thank you, Miss
19 Augustine. Step down.

20 MR. GARDY: That's all we have, Your Honor.
21 I think that's it. I'd like to call Miss
22 Augustine back for two questions, Your Honor.

23 THE COURT: All right.

24
25 REDIRECT EXAMINATION

26 BY MR. GARDY:

27 Q Miss Augustine, since you've been in-
28 carcerated in the city jail, Suffolk City Jail, have you

1 attempted on a number of occasions to get in touch with Det.
2 Newsomes and tell him about Eddie Pinkston?

3 A Yes, sir, I have.

4 Q And how many times?

5 A Okay, I-- The telephone that's up in
6 the room where the women are is a collect only call. I asked--
7 I don't know what officer it was but it's just a matter of
8 record. I had the jail to call Det. Newsomes' office and
9 ask him to come to the Suffolk jail to talk to me because
10 I had called Elsie, his boss's wife-- Well, his boss is dead
11 now.

12 THE COURT: Let's just limit it to the
13 key.

14
15 MR. GARDY, continuing-

16 Q Have you called Det. Newsomes?

17 A Yes.

18 Q Has he in fact come down?

19 A He has never. I found out where Eddie
20 Pinkston was at. I wanted him apprehended on a holder or
21 something put on him. I had the jail to call Det. Newsomes
22 because I knew the hospital he was in. And there was a girl
23 in there who was talking to her mother and I said would you
24 please ask your mother to call Det. Newsomes.

25 Q So it's been on a number of occasions.

26 A A number.

27 Q You had never had any conversation with
28 him.

1 A He never came.

2 THE COURT: Limit your cross examination
3 to that point, Mr. Ferguson.

4
5 RECROSS EXAMINATION

6 BY MR. FERGUSON:

7 Q Miss Augustine, let me ask you this.
8 Where is Eddie Pinkston?

9 A I have no idea. I found out the first
10 of June that he was in a hospital in Bolling Green, Kentucky,
11 and I found this out from his boss's wife.

12 Q You've never made any statement to Det.
13 Newsome implicating Mr. Pinkston one way or the other, have
14 you? You never made any attempt to implicate him until today?

15 A No. When I came to court, I mean when
16 they brought me down here he asked me if I wanted to make
17 a statement. I said no, not without an attorney, but I had
18 no idea where Eddie was at after I left him.

19 Q You get paper and pencil over at the
20 jail, don't you?

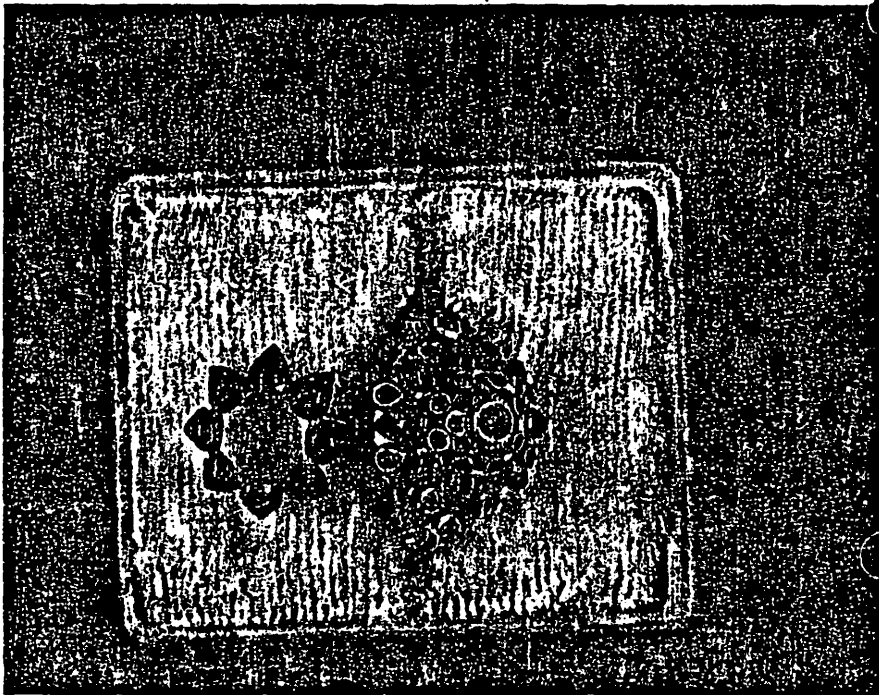
21 A Yes.

22 Q You could have easily written a letter
23 either to your attorney, to the judge, to Mr. Newsome, anybody
24 else if you had wanted to give them any information about
25 Eddie Pinkston whatsoever.

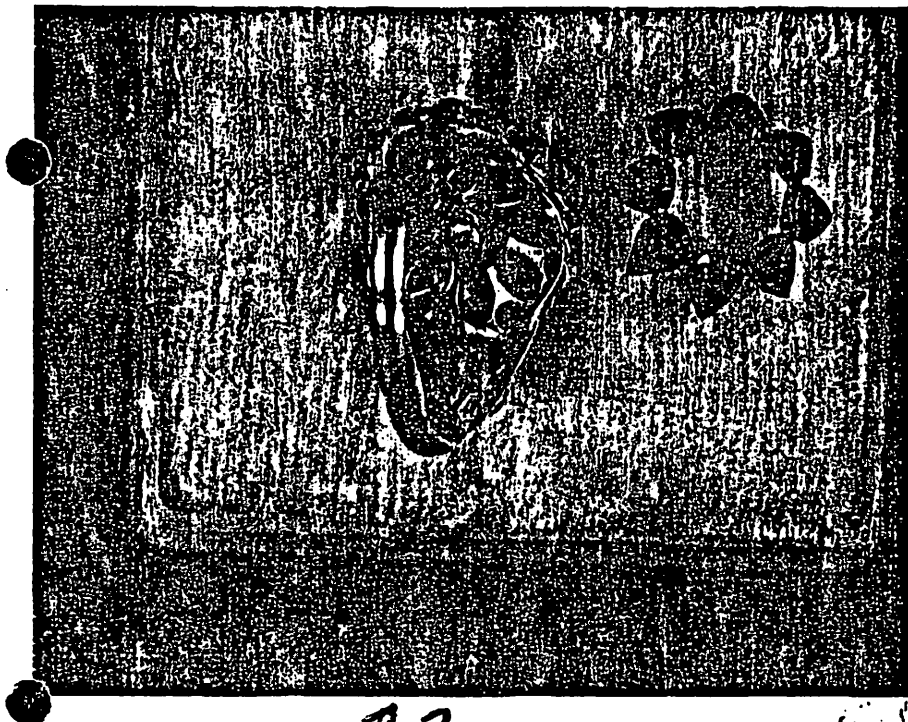
26 A Yes, but telephone was quicker.

27 Q Well, when you didn't get a response
28 don't you think paper would have made sure it would have got

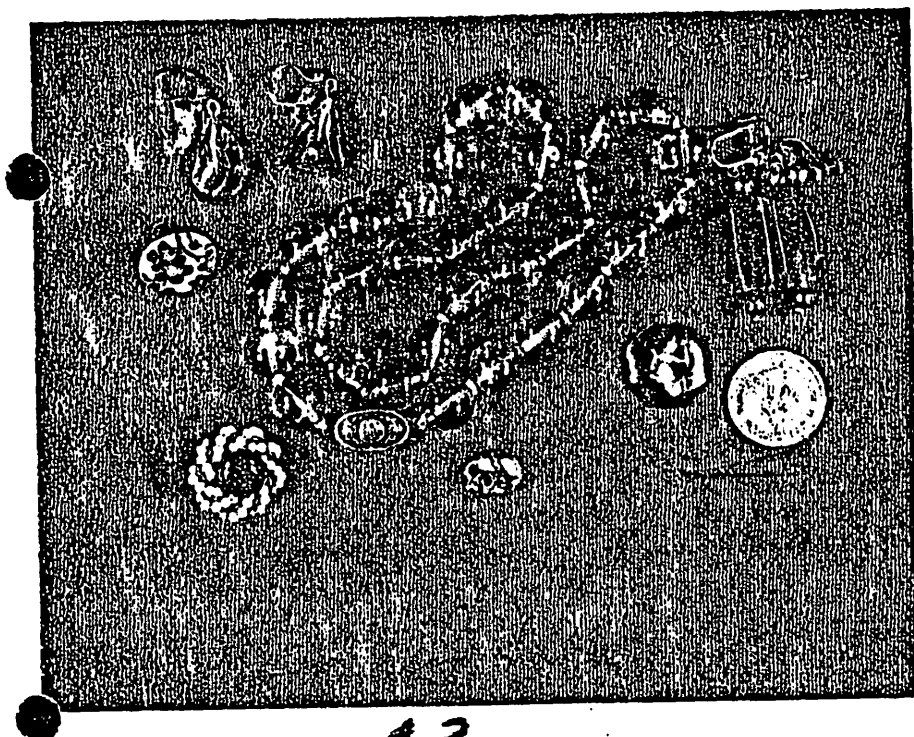
1/6 ph. Jan - Comm. Sp. # 10



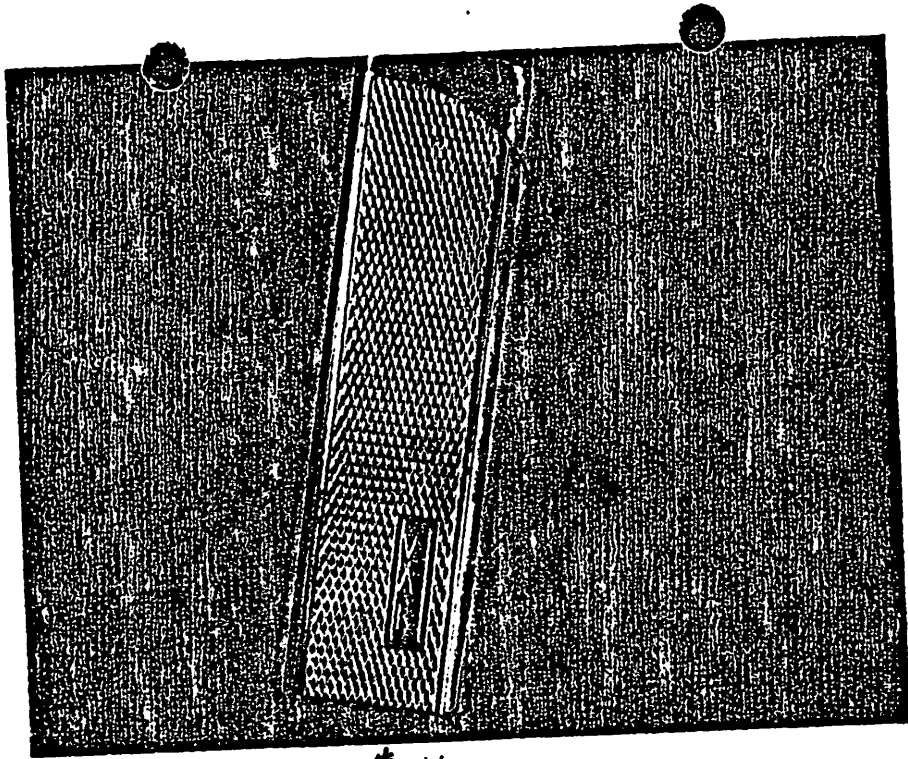
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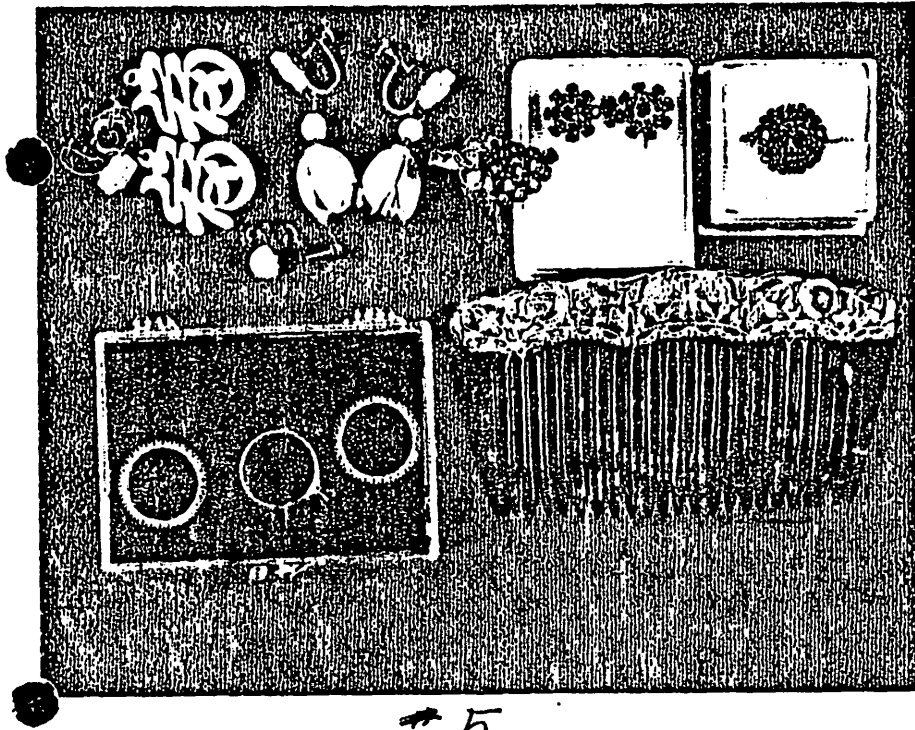
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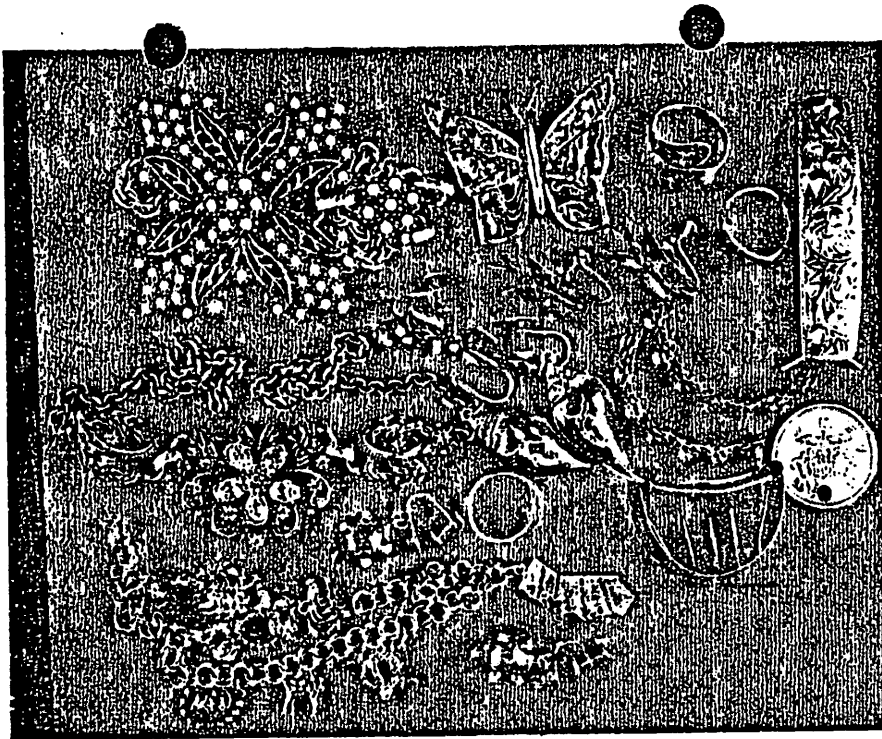


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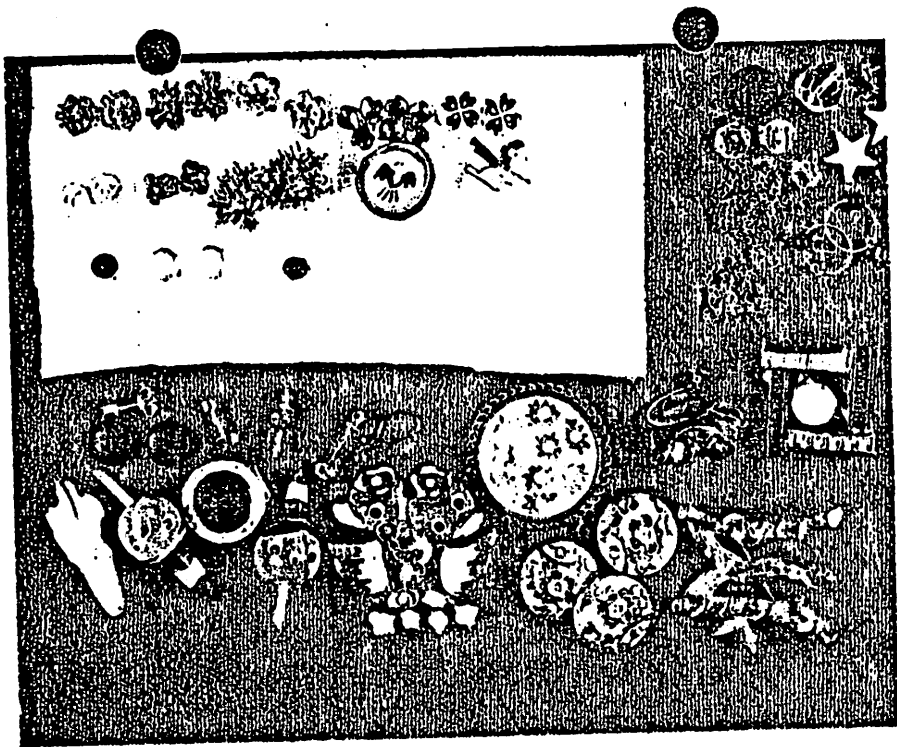


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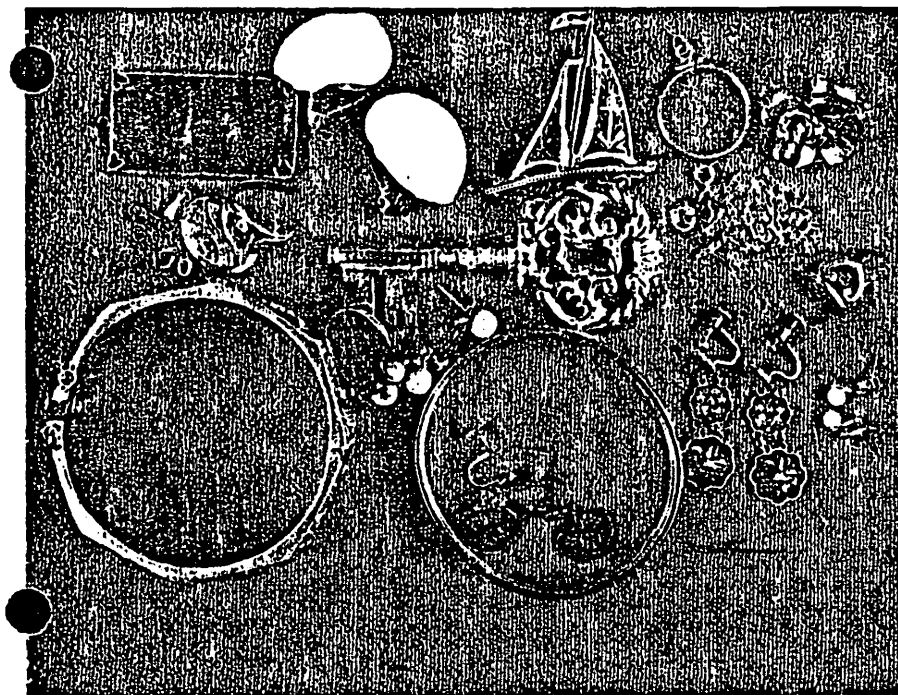




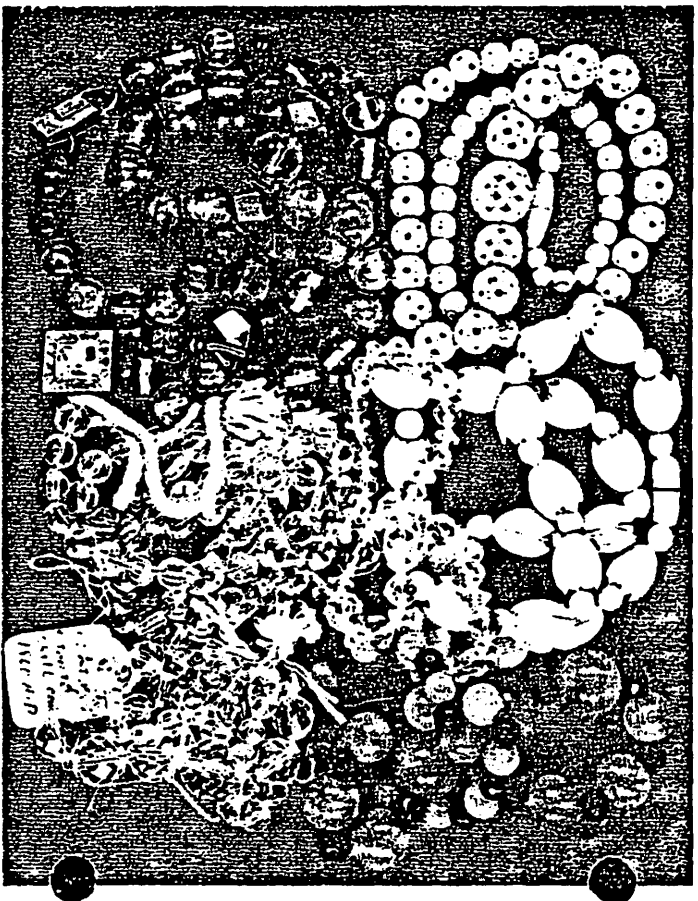
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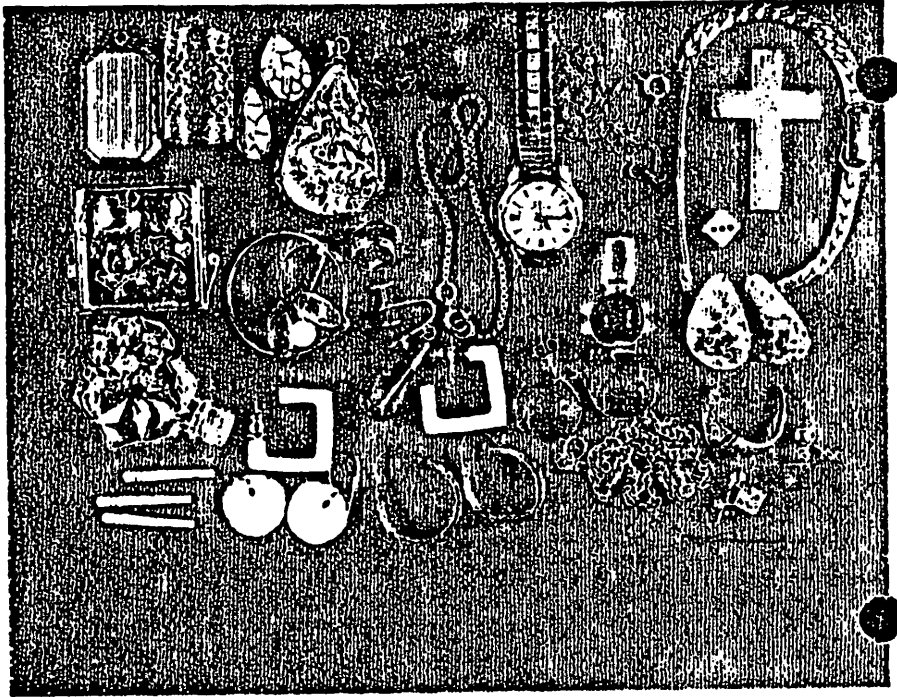
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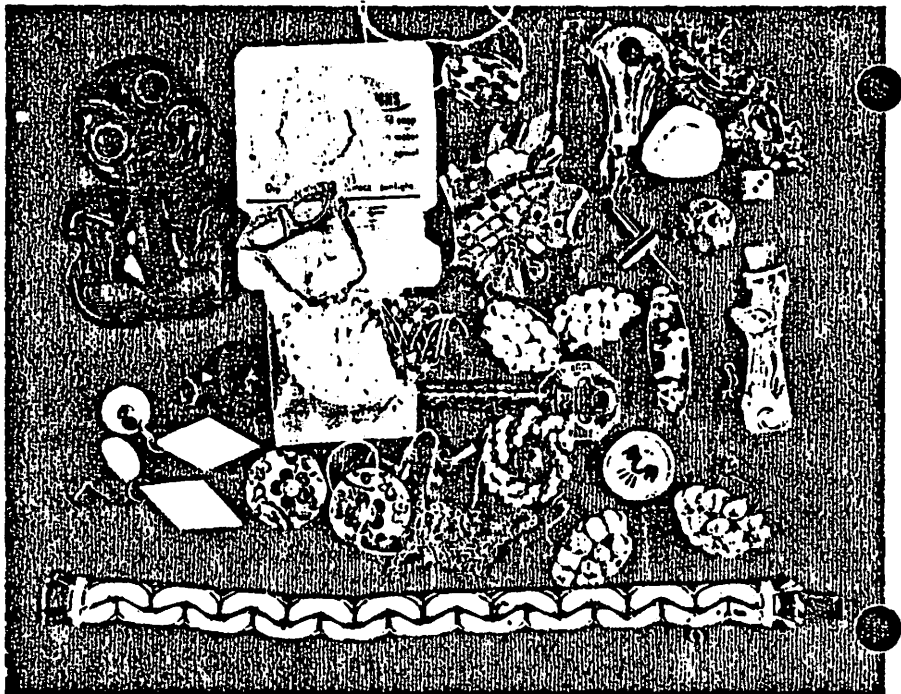
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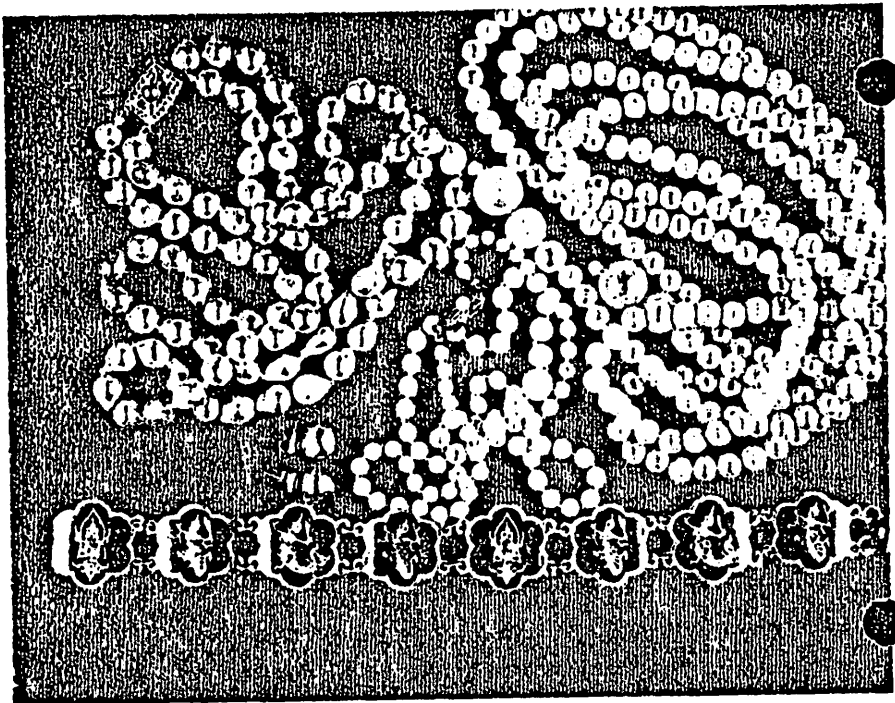
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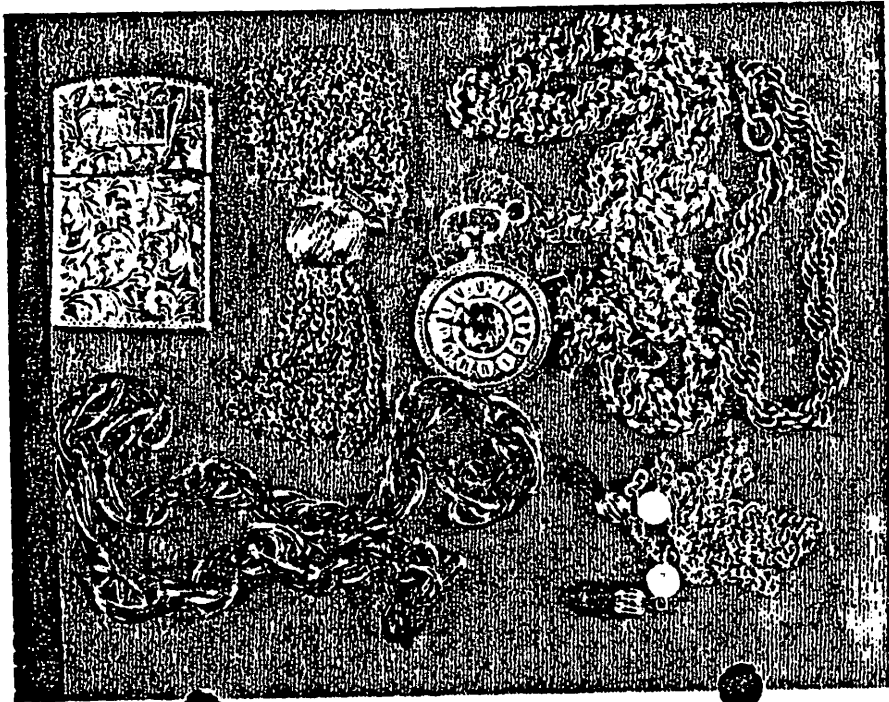
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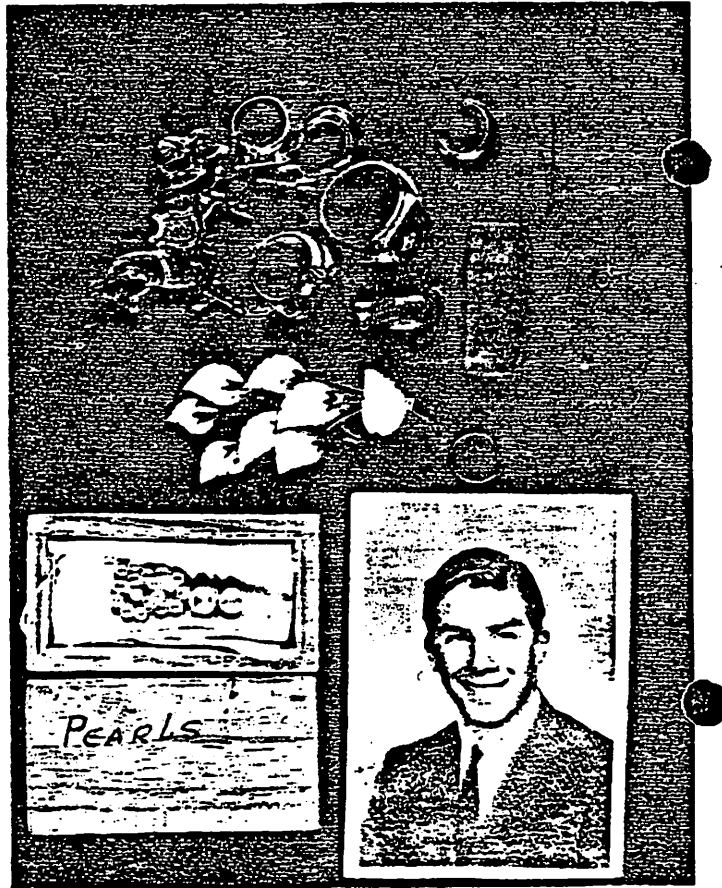
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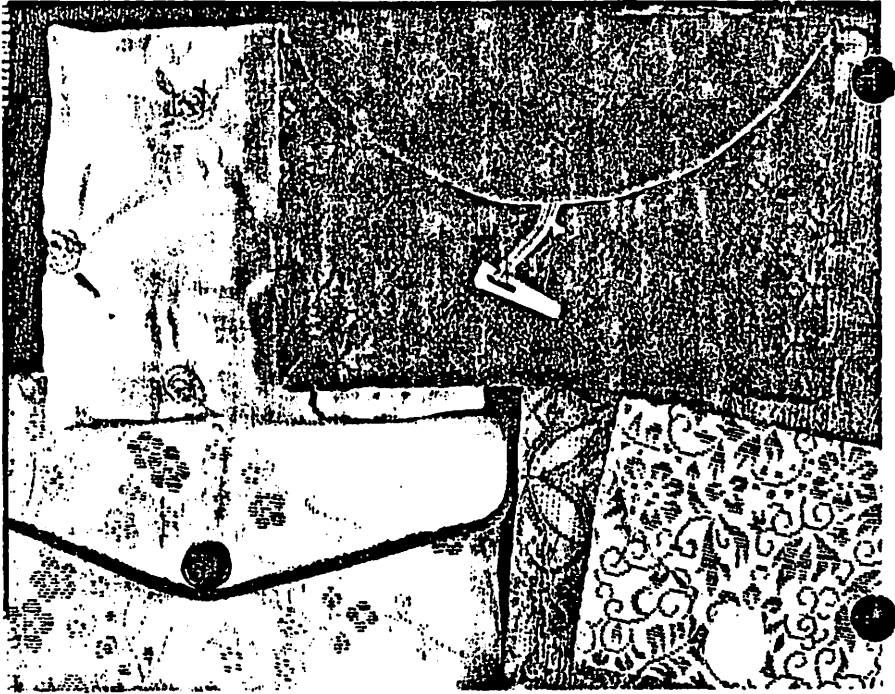
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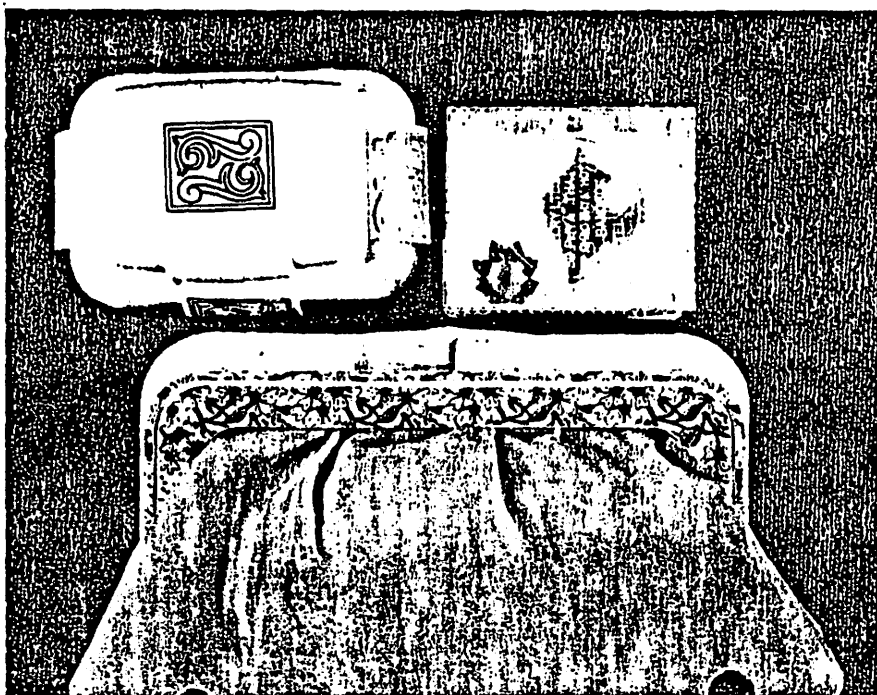
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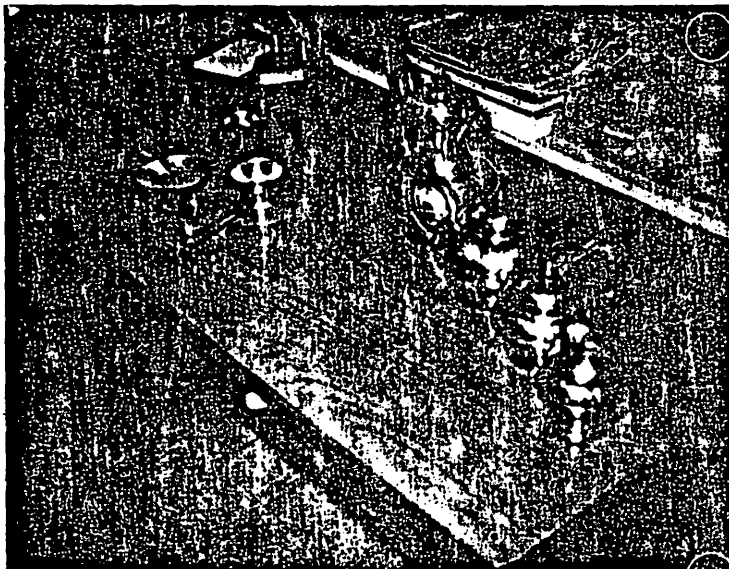
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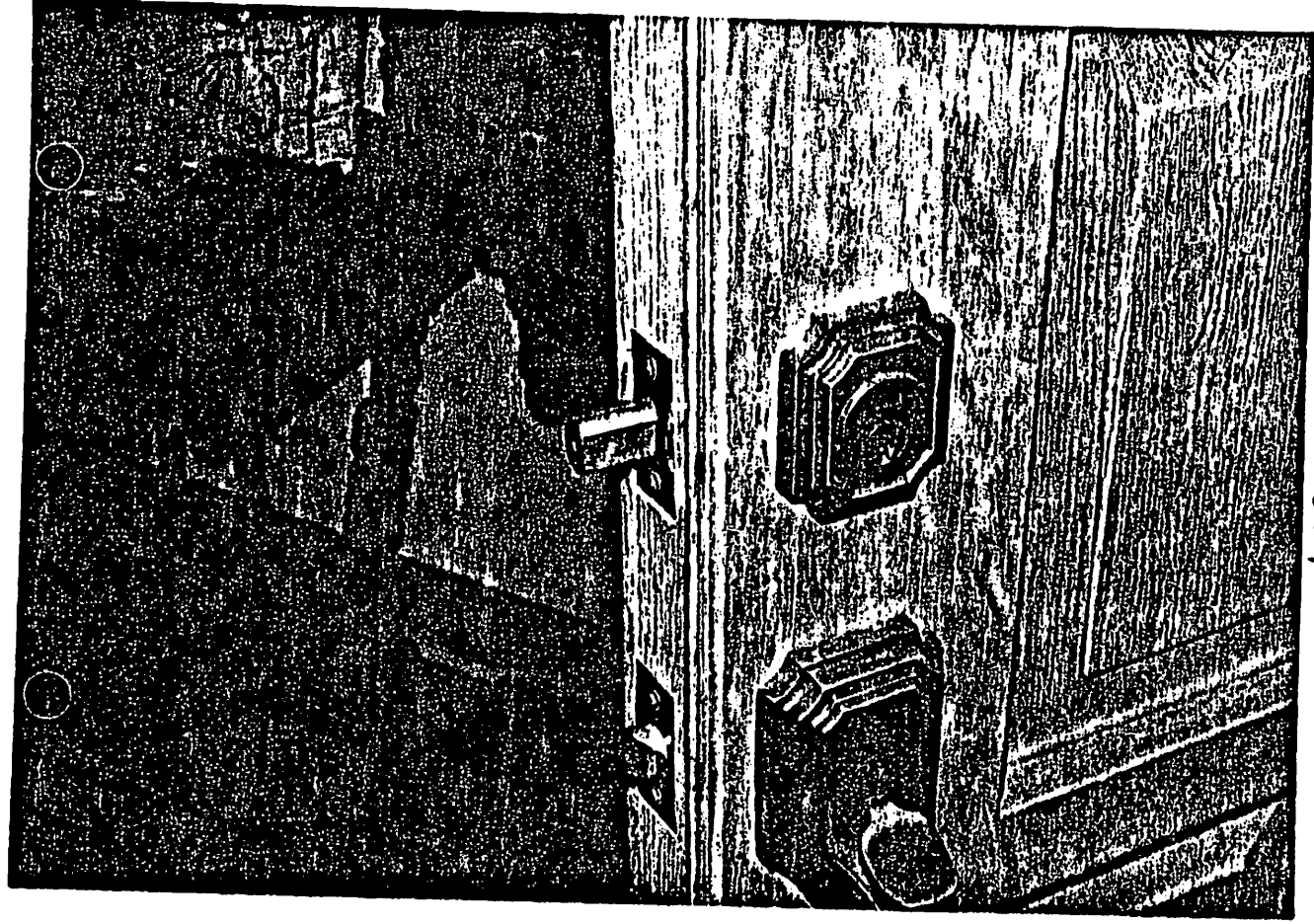


#16



8. Pes

#17



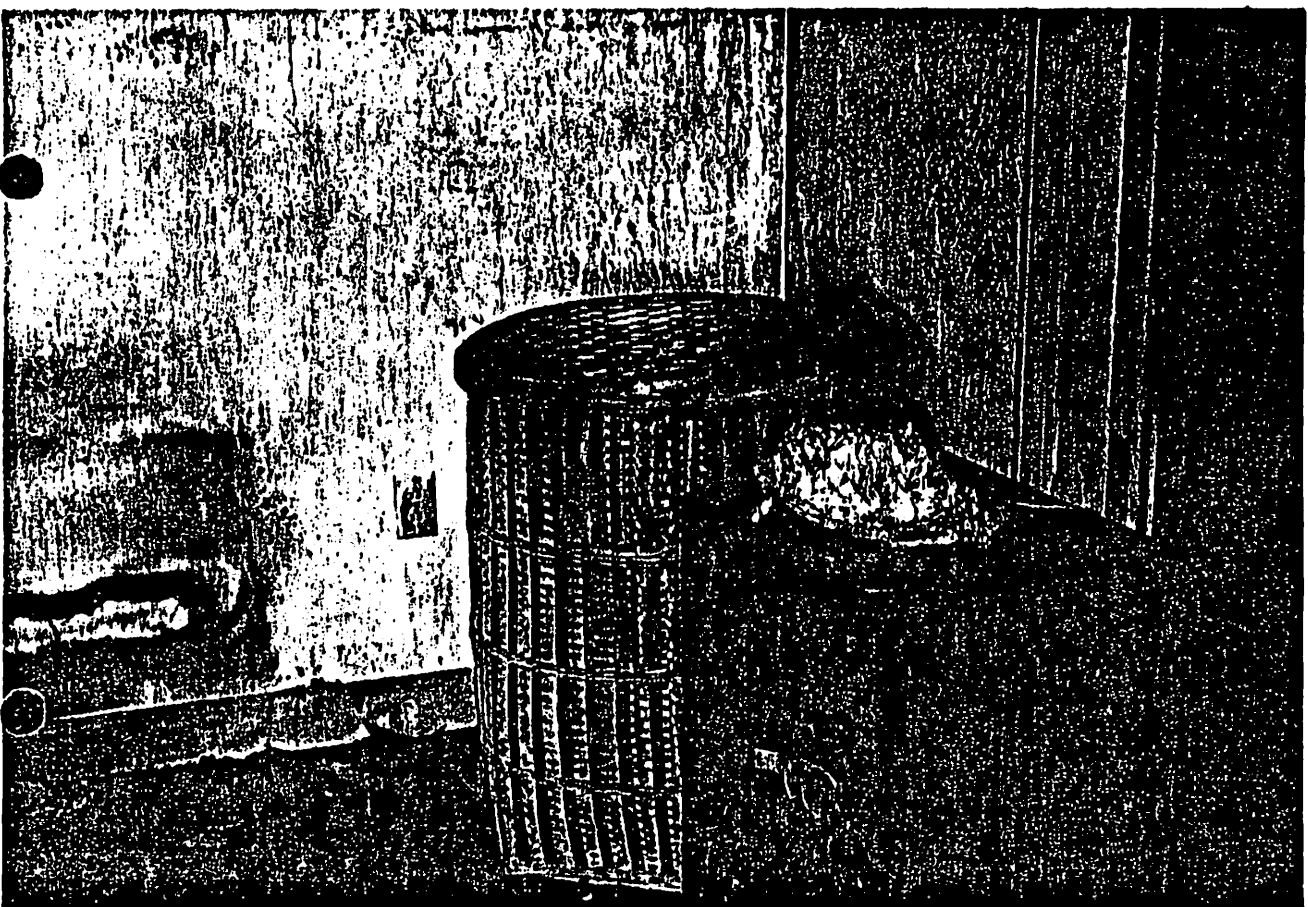
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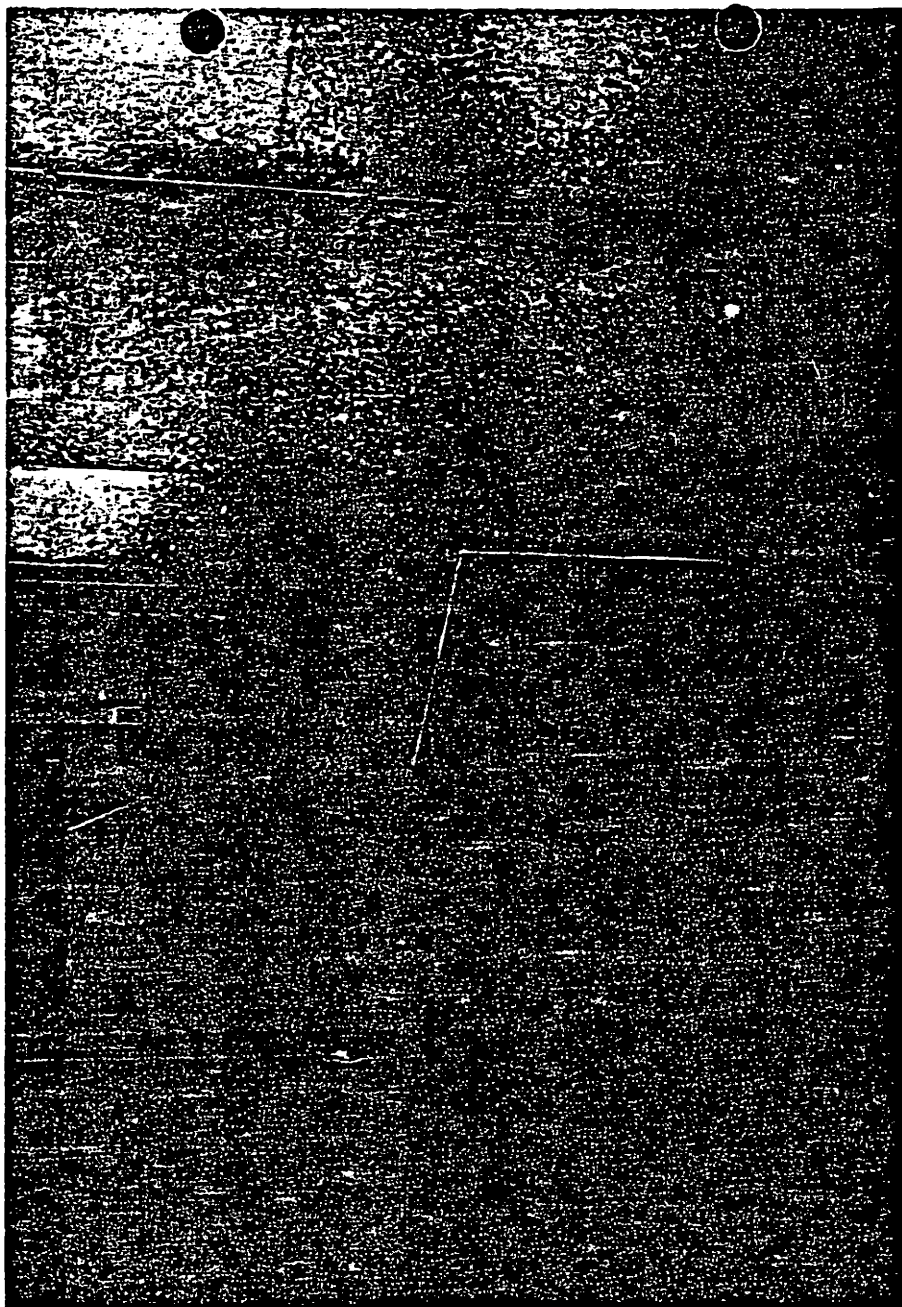
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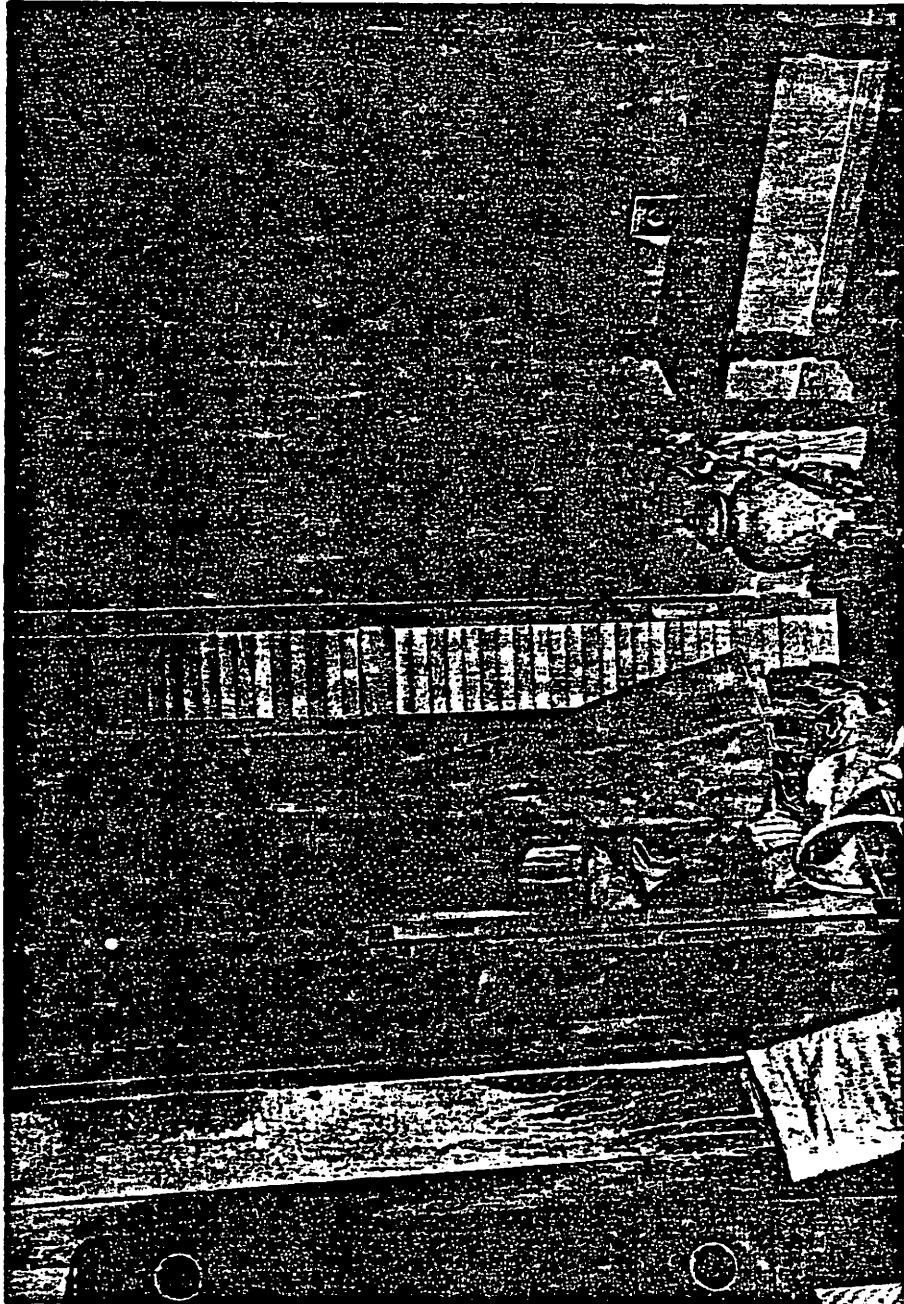
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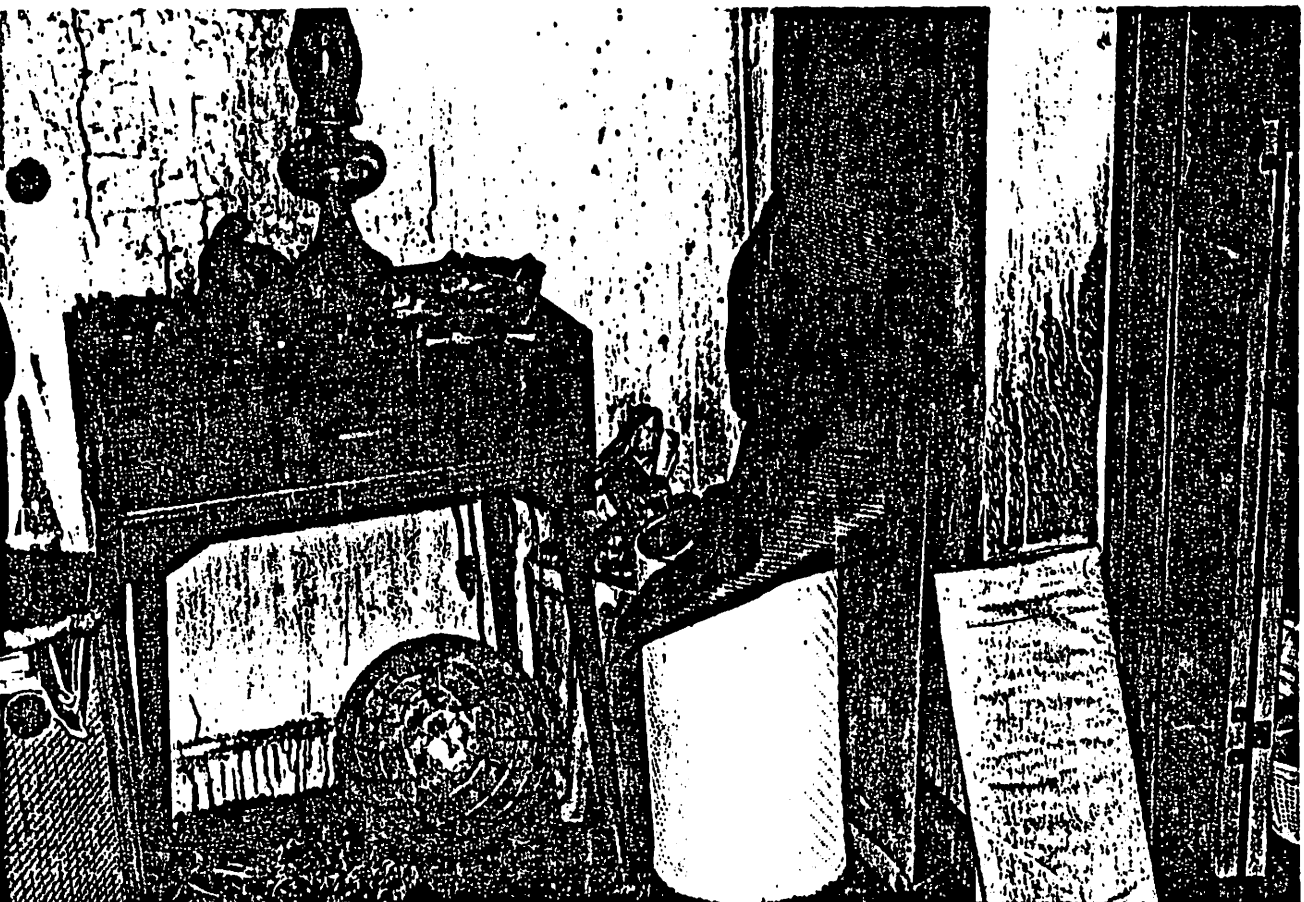
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#22



#23





#25