

- 1 Q. And did you live at that barn?
- 2 A. Yes.
- 3 Q. Could you show us where your living quarters
- 4 were?
- 5 A. Right here (indicating).
- 6 Q. Right at the south end?
- 7 A. Yes, where you see the hand.
- 8 Q. Okay. Does Mr. Kampsen have an office at his
- 9 barn?
- 10 A. Yes.
- 11 Q. Where is that located?
- 12 A. The office for Kris Kampsen is over here
- 13 (indicating).
- 14 Q. Right on the second floor?
- 15 A. Yes.
- 16 Q. Does it take up the entire second floor?
- 17 A. Yes.
- 18 Q. Is the door to his office ever locked?
- 19 A. No.
- 20 Q. And in his office is there any alcohol?
- 21 A. Yes.
- 22 Q. What kind of alcohol?
- 23 A. There were several kinds of drinks: vodka,
- 24 wine, red wine, beer, tequila, several different kinds.
- 25 Q. Okay. Now, what time do you usually go to bed?

1 A. 11:00, 11:15, the latest.

2 Q. What did you have to do with the horses before
3 you could go to bed?

4 A. I look at them to make sure that everything is
5 okay with them.

6 Q. Okay. Now, I want to ask you about one time,
7 very early in the morning, were you woken up by a loud
8 banging by a police officer?

9 A. 3:30, something like that.

10 Q. All right. Before we get to that, tell us
11 about the -- how you were woken up.

12 A. I woke up when I heard the noise at the door.

13 Q. How loud was that noise?

14 A. It was very loud.

15 Q. All right. And I take it that woke you up?

16 A. Yes.

17 Q. All right. And do you know approximately what
18 time that was that you were woken up?

19 A. When he knocked at my door, I assume it was
20 around 3:30 in the morning.

21 Q. Okay. Now, did that -- when the police officer
22 woke you up, did he ask you a question?

23 A. Yes.

24 Q. What question did he ask you?

25 MS. COLLINS: Objection, calls for hearsay.

1 MR. BLACK: It's not hearsay if it's a
2 question, Your Honor.

3 THE COURT: Sustained.

4 BY MR. BLACK:

5 Q. Well, did you answer his question?

6 A. Yes.

7 Q. What did you say to him?

8 A. He asked me if I had seen somebody --

9 MS. ROBERTS: Objection.

10 THE COURT: Hang on. What's the objection?

11 MS. COLLINS: The only way the answer means
12 anything if he -- if he states the question --

13 THE COURT: Yes.

14 MR. BLACK: -- so it's non hearsay.

15 THE COURT: Come on up.

16 (Discussion was held at sidebar outside the
17 hearing of the jury at 1:47 p.m.)

18 THE COURT: I've got a confession.

19 MS. COLLINS: You meant overruled?

20 THE COURT: I meant overruled. When I said --
21 when I said "sustained," I was still thinking, Oh,
22 I'm overruling that objection. And I thought, Well,
23 why didn't he ask that question, so, all right.

24 MS. COLLINS: He's right, though, it's not an
25 assertion if it's a question.

1 THE COURT: Right.

2 MS. COLLINS: So I'll withdraw my objection.

3 (The following proceedings were held in open
4 court at 1:47 p.m.)

5 THE COURT: The objection is withdrawn, so you
6 may ask the question.

7 MR. BLACK: Thank you, Your Honor.

8 THE COURT: I'll let you start over again.

9 Sorry about that, folks.

10 BY MR. BLACK:

11 Q. Mr. DaSilva, what did the police officer ask
12 you at 3:30 in the morning?

13 A. The police officer asked me if I had seen
14 anybody.

15 Q. And what did you say?

16 A. That I had not seen anybody.

17 Q. Were you asked any questions about whether you
18 heard anything?

19 A. Yes.

20 Q. What did the officer ask you about hearing
21 something?

22 A. He asked me if I had heard anything, if I had
23 seen anybody looking, walking around, looking for help.

24 Q. All right. Did you hear anything earlier, or a
25 couple of hours before you were asked those questions by

1 the police officer?

2 A. Yes.

3 Q. What did you hear?

4 A. I heard noise. I heard some banging noises,
5 but because there was a horse next -- right next to the
6 apartment there are horses, that's why I did not get up.

7 Q. All right. So you heard a noise, you thought
8 it was a horse?

9 A. Yes, because we have horses right next to where
10 we are, so I didn't pay any attention.

11 Q. Is there a horse stall right next to your
12 apartment at Mr. Kampsen's barn?

13 A. Yes.

14 Q. All right. Now, what time did you get up that
15 morning after the police officer left?

16 A. That day I woke up at 6:00 o'clock in the
17 morning, 6:00-something.

18 Q. Did you see any other police activity out on
19 the street when you woke up?

20 A. I did.

21 Q. What did you see?

22 A. I saw that the street where I lived was
23 blocked.

24 Q. Okay. Now let me ask you this: Did -- when
25 you woke up, did there come a time when you looked up

1 **where the office was?**

2 A. When I woke up, when I went to feed the horses,
3 I was walking. When I came back, when I was walking to
4 the place I couldn't, because the office was at my back.
5 But when I came back, I saw the lights on.

6 **Q. Now, when you had gone to bed the night before,**
7 **were the lights on in the office?**

8 A. No, because I had to turn off the lights to
9 where the horses are and the light of the office was not
10 on.

11 **Q. All right. Did you go up and check the office?**

12 A. No, because I could see it from below.

13 **Q. Okay. And did you find -- did you find out**
14 **that day there had been a car accident on 120th?**

15 A. Afterwards I found out.

16 **Q. Okay. Thank you.**

17 MR. BLACK: I have nothing else.

18 MR. SHAPIRO: One second.

19 MR. BLACK: Thank you, Your Honor, nothing
20 else.

21 THE COURT: Cross?

22 MS. COLLINS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. COLLINS:

25 **Q. Good afternoon, Mr. DaSilva.**