

Transcript of the Testimony of **Brenda Jo Burnett**

Date: October 23, 2015

Case: Burnett v. Voden

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF GILA

BRENDA JO BURNETT,)	
)	No. CV201400172
)	
Plaintiff,)	
)	
vs.)	
)	
MICHAEL ALAN VODEN and PATRICIA)	
ROLLINS, husband and wife; JOHN &)	
JANE DOES 1-5; ABC & XYZ)	
CORPORATIONS 1-3; BLACK & WHITE)	
PARTNERSHIPS 1-3,)	
)	
Defendants.)	
_____)	

DEPOSITION OF BRENDA JO BURNETT

October 23, 2015
10:03 a.m.
Payson, Arizona

(copy)
PREPARED FOR:
Superior Court

REPORTED BY:
Az Litigation Support, LLC
Jennifer Honn, RPR
Certified Court Reporter
CCR No. 50885

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1 DEPOSITION OF BRENDA JO BURNETT

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3 was taken on October 23, 2015, commencing at 10:03 a.m.,
4 at the law office of LLOYD LAW GROUP, PLLC, 113 East
5 Frontier, Payson, Arizona, before JENNIFER HONN, a
6 Certified Reporter, Certificate No. 50885, for the State
7 of Arizona.

8

APPEARANCES:

9

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21

22

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24

25

1 BRENDA JO BURNETT,
2 called as a witness herein, having been first duly sworn
3 by the Certified Reporter to speak the whole truth and
4 nothing but the truth, was examined and testified as
5 follows:

6

7

EXAMINATION

8 BY MR. LONG:

9 Q. Mrs. Burnett, I met you briefly before we
10 started today, and as I told you, I represent the
11 defendants. I'm going to be asking you a bunch of
12 questions today about the incident and about your husband
13 Randy, and I know it's going to be very emotional for
14 you, so if at any point you need to take a break, please
15 let us know.

16 A. Okay.

17 Q. And for the most part, I'm sure I'll be able to
18 accommodate you; however, if there is like a question
19 pending, I might want the answer before we take a break.
20 But otherwise, just let us know if you need a break.

21 Have you ever had your deposition taken before?

22 A. For a car accident.

23 Q. All right. How long ago was that?

24 A. About 20 years.

25 Q. And is that the only time you've had your

1 deposition taken --

2 A. Yes, yes.

3 Q. -- that you know of?

4 MR. TOLMAN: Let me stop you for a minute.
5 She has to take down word for word everything that is
6 said and type it up into a booklet, so you have to wait
7 until he's all finished.

8 THE WITNESS: Oh, okay. I'm sorry.

9 MR. TOLMAN: And he has to wait until
10 you're all finished.

11 THE WITNESS: Okay.

12 Q. (By Mr. Long) That was going to be my next
13 instruction, was, as your attorney just said, we're doing
14 question and answer, and she's taking it down, but she
15 can't take down two people at the same time. So just
16 pause. I know that, natural conversation, people start
17 to anticipate what the other is about to ask, and they'll
18 volunteer the answer. But you can't do that because then
19 I don't have a clear record. Then I actually have to ask
20 the question again, and it actually slows the process
21 down. So just take your time, and then provide an answer
22 after I'm done. And in turn, I'll try to do the same for
23 you. I'll wait until you're finished with your answer
24 before I ask my next question.

25 I also might ask questions that you don't know

1 the answer to or you can't remember. And that's fine.

2 Just let us know. All right?

3 However, you did take an oath to tell the truth,
4 correct?

5 A. Mm-hmm.

6 Q. Yes?

7 A. Yes.

8 Q. And if I ask a question that you do know the
9 answer to but you tell me that you don't remember it,
10 that's the same as lying under oath.

11 A. Yes.

12 Q. Do you understand that?

13 A. Yes.

14 Q. Okay. Great.

15 A. Sorry.

16 Q. But again, a lot of witnesses I find, even my
17 own clients, drives me nuts, but they'll try -- they
18 think they have to answer every question, and they try to
19 fill in the gaps when they don't actually even know the
20 information. And believe me, neither of us wants you to
21 do that. Okay?

22 A. Okay.

23 Q. Only answer the questions that you know, that
24 you can remember, and if you didn't see anything or if
25 you didn't see a particular aspect of the incident or if

1 you don't remember it, please let me know.

2 A. Okay.

3 Q. Okay? Fair enough?

4 A. Yes.

5 Q. Great. I also might ask a question that you
6 didn't understand. Believe me, it won't be the first
7 time, and it won't be the last time. I sometimes get
8 lost in my own thoughts and ask a question that doesn't
9 make any sense to someone who's not inside my brain. So
10 just let me know if I asked a question that you didn't
11 understand, and I'll be happy to clarify it or try to ask
12 it in a different way. Okay?

13 A. Yes.

14 Q. Because if you give me an answer, I'm going to
15 assume that you understood me. Fair enough?

16 A. Yes.

17 Q. Fantastic. And you're doing great. You're
18 answering with yeses instead of uh-huhs and huh-uhs. If
19 you say uh-huh, I'm going to have to ask is that a yes
20 because I need a clear record. Make sense?

21 A. Yes.

22 Q. Fantastic.

23 Okay. Let's just start with some basic
24 information about yourself so that I learn who you are
25 and can report that back to my clients.

1 Can you state your name for the record?

2 A. Brenda Jo Burnett.

3 Q. Where do you currently live?

4 A. I live at the senior apartments here in town,
5 807 South Westerly.

6 Q. How long have you been residing there?

7 A. Since a month after the murder, December
8 of 2013.

9 Q. Okay. My understanding is the incident occurred
10 on November 9th, 2013.

11 A. Yes.

12 Q. Okay. And then, so then a month later, in
13 December of 2013, you moved into these apartments?

14 A. Yes.

15 Q. Okay. And you've been living there continuously
16 since?

17 A. Yes.

18 Q. I understand that at the time of the incident
19 you were in the process of moving in. Is that correct?

20 A. Yes.

21 Q. How long had you been there before the actual
22 morning of the incident?

23 A. That was my second night and Randy's first
24 night.

25 Q. Prior -- or, strike that.

1 What was that address, do you remember?

2 A. I don't remember other than it was on Rancho.

3 Q. I think the address of my client -- I think my
4 client's address was 515 East Rancho Road. Does that
5 sound familiar?

6 A. I don't know.

7 Q. All right. But it was --

8 A. It was right next door.

9 Q. The residence that you were in was right next
10 door to my client's residence; correct?

11 A. Yes.

12 Q. Prior to that residence on Rancho, where did you
13 live?

14 A. At Phoenix Street.

15 Q. Where was that?

16 A. Here in Payson.

17 Q. Was that a house? Was that an apartment?

18 A. It was a house.

19 Q. How long had you resided there?

20 A. Almost two years.

21 Q. Who did you live with there?

22 A. Just myself and Randy.

23 Q. And prior to Phoenix Street, where did you live?

24 A. I stayed -- Randy and I stayed with a friend on
25 Arrow Drive when we first moved here.

1 Q. Where is -- where was that? Was that in Payson?

2 A. Yes.

3 Q. So when you said when you first moved here,
4 you're referring to Payson; correct?

5 A. Yes.

6 Q. How long have you lived in Payson?

7 A. Since 2010.

8 Q. Both you and Randy?

9 A. Yes.

10 Q. While you've been living in Payson, has anyone
11 else lived with you, anyone in your family besides Randy?

12 A. No.

13 MR. TOLMAN: Steve, you may want her to
14 clarify that they lived here before for a while and then
15 came back in 2010.

16 MR. LONG: Thank you very much.

17 Q. (By Mr. Long) Yeah, give me a broad-strokes
18 outline of the history of you and Randy, various
19 residences, if you could.

20 A. I met Randy in 1996 -- I'm sorry, 1997. And
21 we -- we were working at a nursing home here. Randy was
22 the RN and I was a CNA at the time. And that was -- I
23 moved back to Prescott, but anyway, that's about the
24 time, was 1997, when I lived here.

25 Q. Okay. And then you and Randy got married;

1 correct?

2 A. Yes.

3 Q. When was that?

4 A. In April of -- April 6 of 1998. I'm sorry.
5 April 5th.

6 Q. And you remained married continuously until he
7 died?

8 A. Yes.

9 Q. Had you been married before Randy?

10 A. Yes.

11 Q. How many marriages before Randy?

12 A. Just one.

13 Q. Okay. And when was that?

14 A. I was married to Eldon Hodder from 1978 to 1992.
15 I think that's right.

16 Q. Okay. Do you have any children?

17 A. No.

18 Q. Did Randy have any children?

19 A. No.

20 Q. Do you know if Randy was married before you?

21 A. No.

22 Q. I understand Randy had at least a brother I saw
23 at the sentencing hearing; is that correct?

24 A. Yes. He has two brothers and a sister.

25 Q. Was Randy the oldest?

1 A. Youngest.

2 Q. Youngest?

3 A. Uh-huh.

4 Q. What was his sister's name?

5 A. Kathy.

6 Q. And his brothers'?

7 A. The one you saw was Bob, and Randy has another
8 brother named Steve.

9 Q. Who's the oldest?

10 A. Bob.

11 Q. Okay. Are Randy's parents still alive?

12 A. No.

13 Q. When did they pass?

14 A. Randy's mom passed away before we got married,
15 and I'm thinking that's '96, but I'm not positive on
16 that. But his dad died in 2011, something like that.

17 Q. Are you currently employed?

18 A. No. I'm disabled.

19 Q. When's the last time that you held employment?

20 A. I've been disabled since 2002. My last job was
21 about 2002.

22 Q. And what was that?

23 A. I've worked at Chromalloy, Nevada. I've worked
24 in quality control. It's an airplane plant up in Carson
25 City.

1 Q. And what's the nature of your disability?

2 A. My back was fused, and I have really bad back
3 problems and osteoarthritis, and then other things like
4 asthma and all that.

5 MR. TOLMAN: I'm sorry?

6 THE WITNESS: Other things like asthma and
7 all that kind of stuff, but basically it's because of my
8 back.

9 Q. (By Mr. Long) Okay. And is it 100 percent
10 disability or --

11 A. Yes.

12 Q. I was going through the record and I saw that
13 in 2012 Randy had to quit working; is that correct?

14 A. Yes. He was sick.

15 Q. And can you briefly describe what was happening
16 then?

17 A. He found out he had cancer. And it had affected
18 his -- to where he was having incontinence and stuff to
19 where that's what kind of kept him from work.

20 Q. I'm sorry?

21 A. He was having incontinence and stuff like that
22 from the cancer.

23 Q. Is how he discovered that he had cancer --

24 A. Yes.

25 Q. -- or that's what led to him to go to the

1 doctor?

2 A. Yes, yes. And then he had back problems.

3 Q. Do you remember what part of 2012? Was it the
4 beginning, the middle, the end?

5 A. I don't remember. I remember it was in 2012
6 sometime.

7 Q. Where was he working at that time?

8 A. Rim Country.

9 Q. Rim Country?

10 A. Yes. Rim Country Rehab. He was there a couple
11 months.

12 Q. I'm sorry. Are you saying "Room" or "Rim"?

13 A. Rim.

14 Q. Rim.

15 A. Rim.

16 Q. Okay. And what is Rim Country?

17 A. It's a rehabilitation place. Randy worked in
18 the psychiatric part.

19 Q. Corrections?

20 A. No.

21 Q. Rehabilitation? What do you mean by that, then?

22 A. Oh, it would be somebody -- you know, I don't
23 know exactly what aspects. I do know that he was working
24 with the psychiatric disorders.

25 Q. And how long had he been working at Rim Country

1 before the diagnosis?

2 A. It was about maybe three or four months,
3 something like that.

4 Q. Where did he work before that?

5 A. It was up in Nevada. He worked in a registry
6 work, if I remember correctly. So he worked in different
7 places with different assignments.

8 Q. Was he living in Nevada at that time, then?

9 A. Yes.

10 Q. What time period was that?

11 A. Oh, that was 2007 to 2010, I believe.

12 Q. Were you living with him in Nevada at that time?

13 A. Yes.

14 Q. Okay. And then 2010, the two of you moved to
15 Payson?

16 A. Yes.

17 Q. What prompted the move to Payson?

18 A. Well, two things. The work was getting kind of
19 slow because that's kind of a tourist area, and I was
20 missing Arizona. I spent most of my life in Arizona.

21 Q. Okay. Did he have a job lead out here?

22 A. No.

23 Q. Where did he work, if anywhere, when you first
24 moved here in 2010?

25 A. At Rim Country. That was the only place.

1 Q. What part of 2010 did you move back here? Was
2 it the beginning, the middle, or the end?

3 A. Towards the end.

4 Q. And then 2011, was Randy working?

5 A. I can't remember the exact days when he was
6 working. I know it was a couple months, so I think it
7 was -- I'm mixed up with the dates --

8 Q. Okay.

9 A. -- right now.

10 Q. And that's fine. I'm not trying to trick you.
11 I was just trying to get a general idea of you and Randy
12 and what your life was like leading up to the incident.

13 So at some point when the two of you moved to
14 Payson, Randy began working at Rim Country; correct?

15 A. Yes.

16 Q. And is that the only job he had here in Payson?

17 A. Yes.

18 Q. Because then he got diagnosed with prostate
19 cancer; is that correct?

20 A. Yes.

21 Q. After his diagnosis, did he quit working
22 entirely, or did he try to continue working part time for
23 a period?

24 A. He quit working. He was having problems with
25 his back and the cancer that it was -- you know, made him

1 too sick to work.

2 Q. So you mentioned back issues. What kind of back
3 issues was he having at that time?

4 A. The VA was going to check into his back. It
5 was -- they noticed that it was kind of twisted up, and
6 it caused him some pain.

7 Q. Did he have surgery on his back?

8 A. No. But you know, they were going to check into
9 what they were going to do, but he wasn't alive long
10 enough to find --

11 Q. Do you know who diagnosed Randy's cancer
12 initially?

13 A. Dr. Marmer was the one that -- next door here,
14 that was the -- I can't remember what the title was, but
15 he works a lot with, you know, like that part of the
16 body. Endocrinologist, is that the right word? But
17 anyway, he was the one that said that -- diagnosed the
18 cancer. He was there. Dr. Michels noticed it and sent
19 Randy over to Dr. Marmer.

20 Q. Could you spell Dr., was it Marn?

21 A. Marmer. I think it's M-a-r-m-e-r.

22 Q. Dr. Marmer?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes. I'm sorry.

1 Q. That's okay. You're doing fine, actually.
2 Most witnesses would have already violated that rule by
3 now, so you're doing great.

4 So is Dr. Marmer a specialist in the
5 endocrinology area, I guess?

6 A. Yeah, whatever that, you know, the prostate
7 parts, whatever the doctor is for men for that.

8 Q. Do you know if Randy was referred to Dr. Marmer
9 by another doctor, his primary care physician, for
10 example?

11 A. It was Dr. Michels from the Payson Christian
12 Clinic.

13 Q. Dr. Michels?

14 A. Yes. Last name is Michels.

15 Q. Do you know his first name?

16 A. No, I don't.

17 Q. And where was Dr. Michels?

18 A. At the Payson Christian Clinic.

19 MR. TOLMAN: If you drive out here and up
20 Frontier, you'll run into Payson Christian Clinic right
21 at the next stop sign.

22 THE WITNESS: Yes.

23 Q. (By Mr. Long) Okay. Was Dr. Michels serving as
24 Randy's primary care physician then?

25 A. Yes, at that time.

1 Q. During the five years leading up to the
2 incident, what other primary care physicians did Randy
3 have that you knew of?

4 A. He went to -- he got on at the VA, and he saw
5 Dr. Lowe. That was his primary care through the VA
6 before he died. And Dr. Dover was initially the cancer
7 doctor. And I think there was another doctor that kind
8 of took up towards the end of that radiation treatment,
9 but I don't remember the name.

10 Q. Dr. Dover, D-o-v-e-r?

11 A. Yes, I believe that was his name, D-o-v-e-r.

12 Q. Do you know Dr. Dover's first name?

13 A. No.

14 Q. Is Dr. Dover at the VA?

15 A. Yes.

16 Q. Do you believe Dr. Dover is an oncologist?

17 A. Yes.

18 Q. Okay. A cancer specialist doctor?

19 A. Yes. He was VA appointed. The VA had him come
20 up here to do the treatments.

21 Q. Do you know where Dr. Dover's office is located?

22 A. All I know is it's in the valley. But when
23 Randy was getting treatment, it was here at the hospital.
24 He was contracted with -- the VA contracted out the
25 doctor to come up and -- for the treatment to be done

1 there.

2 Q. When you say the valley, you're referring to
3 Phoenix?

4 A. Yes.

5 Q. So then the VA would contract with Dr. Dover, to
6 your knowledge, to come up to Payson?

7 A. Yes.

8 Q. To treat Randy, to give treatments to Randy?

9 A. Yes.

10 Q. All right. Where would Randy go for those
11 treatments, what specific location?

12 A. It's the hospital, the backside of the hospital.
13 Payson Hospital.

14 Q. It's called Payson Hospital?

15 A. Payson Regional. And it's right there off of
16 Main and Ponderosa, is it, or Coeur D'Alene, in that
17 area. It's just about two blocks from here.
18 Everything's two blocks from here.

19 MR. TOLMAN: Do you want me to fill in real
20 quickly?

21 MR. LONG: Yes, please.

22 MR. TOLMAN: Marmer is a urologist.

23 THE WITNESS: There you go.

24 MR. LONG: I knew that wasn't right.

25 MR. TOLMAN: And Michels is M-i-c-h-a-l-s

1 or -e-l-s, I don't remember. He's an internist up here
2 at Payson Christian Clinic. And the hospital is Payson
3 Regional Medical Center.

4 Q. (By Mr. Long) I had my own mental break or blank
5 on urologist there, so.

6 A. Me too.

7 Q. Like wait a minute, I know endocrinologist is
8 not correct, but.

9 A. Yeah, I couldn't think of what it was myself.

10 Q. Knock on wood, I haven't needed a urologist yet,
11 but.

12 MR. TOLMAN: You're young.

13 MR. LONG: I know.

14 THE WITNESS: Randy said it's important to
15 get your prostate checked. He also told me, after he
16 found out.

17 MR. TOLMAN: So did you?

18 THE WITNESS: No, no. All the guys. I
19 never had one.

20 Q. (By Mr. Long) So we've talked about Dr. Michels,
21 Dr. Marmer, Dr. Lowe, Dr. Dover. If there's any other
22 doctors that come to your mind that Randy treated with
23 while he was here in Payson, would you let me know?

24 A. Yes.

25 Q. When you moved into that house on Rancho, can

1 you just tell me the circumstances behind why you moved
2 there or what prompted the two of you to move there?

3 A. The landlord at the Phoenix Street wanted to
4 sell their house, and so we were moving because of that
5 reason.

6 Q. Okay. Did the landlord that you had on Phoenix
7 Street, did he also own the house on Rancho?

8 A. No. It was a man that we went to church with.

9 Q. Do you know who that man was?

10 A. Paul Affelt. I don't know how to spell his last
11 name. Affelt.

12 MR. TOLMAN: A-f-f-e-l-t.

13 MR. LONG: Thank you.

14 Q. (By Mr. Long) I know I've seen that name before
15 somewhere, I think. It must be, he must have been --

16 A. There's a famous pitcher that's his nephew on
17 the Giants right now.

18 Q. That's his nephew?

19 A. Yeah, Jeremy Affelt, yes.

20 Q. Oh, very cool.

21 A. But I'm sure that wasn't how you remembered his
22 name.

23 Q. Was there any issues with -- I saw in the police
24 report some sort of indication of a problem with the
25 electrical or the toilets in that house. Was there any

1 issues along those lines when you first moved in?

2 A. Oh, yes. I was told, this was after Randy was
3 murdered, that the fire department was there and they
4 noticed that there was some kind of electrical problem.
5 I don't know what -- I don't know what the issue was
6 then, but it was a couple things that was going on.

7 Q. But you had stayed there two nights before the
8 incident?

9 A. Yes.

10 Q. Were the lights turning on?

11 A. Yeah, the lights were on. The bathroom was
12 messed up.

13 Q. What do you mean by that?

14 A. The toilets didn't work. The landlord was going
15 to get to that.

16 Q. Did you have any working toilets at that time?

17 A. No, no.

18 Q. So what would you have to do?

19 A. Well, just went over -- you know.

20 Q. Okay.

21 A. Just kind of figured it out.

22 Q. Nature's --

23 A. Yes.

24 Q. -- outdoor?

25 A. Yes.

1 Q. Okay.

2 A. Didn't go outside, but --

3 Q. The two days or the day and a half that you were
4 there before the incident, did you have any interactions
5 with Mr. Voden or his wife, Pat Rollins?

6 A. No.

7 Q. Did you have any interactions with any of the
8 neighbors, the immediate neighbors on that block before?

9 A. No. About a week before when Paul was showing
10 us the place, I saw Mr. Voden and I waved at him, and he
11 was looking nervous, and I don't know if he saw me. He
12 was walking in his yard.

13 Q. Okay. Did he wave back?

14 A. No. I don't know if he had saw me. I thought
15 that --

16 Q. And you never actually spoke to him before the
17 incident?

18 A. No. No.

19 MR. TOLMAN: Do you mind, Steve, if we take
20 a short break?

21 MR. LONG: Not at all.

22 (Recess from 10:28 a.m. to 10:31 a.m.)

23 Q. (By Mr. Long) I was asking you about
24 interactions with Mr. Voden or his wife, Pat Rollins,
25 before the incident. You mentioned that you tried to

1 wave to him, you don't know if he saw you or not, and
2 that was pretty much the extent of your interactions
3 before the morning of the incident?

4 A. Yes.

5 Q. Do you know if Randy either spoke to or
6 interacted with --

7 A. No.

8 Q. -- with Mr. Voden or Pat Rollins before?

9 A. No.

10 Q. So you didn't know who they were; is that fair
11 to say?

12 A. Yes.

13 Q. And to your knowledge, they didn't know who you
14 were?

15 A. Right.

16 (Discussion held off the record.)

17 Q. (By Mr. Long) So now I want to talk about the
18 morning of the incident.

19 I understand from reading all the police reports
20 and things that you were the first one to wake up that
21 morning.

22 A. Yes.

23 Q. And when you woke up, you noticed your dog
24 Scooter was not around?

25 A. I had just let them out to go potty, and then I

1 noticed that Molly was at the door and Scooter wasn't.

2 Q. Okay. Molly, what type of --

3 A. Outside the front door.

4 Q. Okay. What type -- Molly is a dog?

5 A. Yes.

6 Q. What type of dog is Molly?

7 A. She's a Springer. Springer Spaniel.

8 Q. So Molly returned to the dog -- or to the door,
9 but Scooter did not?

10 A. No.

11 Q. Is that correct?

12 A. Right.

13 Q. All right. So then what did you do?

14 A. I looked out the bedroom door to see if I could
15 see Scooter.

16 Q. I think I saw that in your interview. You
17 mentioned the back door --

18 A. Yes.

19 Q. -- of your residence?

20 A. Yes, which would be the bedroom door.

21 Q. Okay. Before we began, I showed you a series of
22 police photos that we have in this matter. I wasn't sure
23 which ones were going to reflect the site of the incident
24 or where you're going to describe it, so I brought a
25 bunch of them. If you could just identify, if you can,

1 which one, if any of these --

2 A. Let me get my glasses.

3 Q. -- show the back door that you're calling the
4 dog from. And if it's not here, let us know.

5 A. That's the cabin.

6 Q. Okay.

7 A. I think there was a picture of the --

8 MR. TOLMAN: That'll be in there. Keep
9 going through them.

10 THE WITNESS: Yeah. There was a real good
11 picture of the door.

12 Q. (By Mr. Long) Go ahead.

13 A. Right here is the back door.

14 Q. Okay. I'm going to mark these separately, then,
15 so we can talk about them individually. The first one
16 I'll mark has No. 0099 at the bottom right. The second
17 one does not have a number, unfortunately, but we'll just
18 mark them as separate exhibits.

19 (Deposition Exhibits No. 1 and 2 were
20 marked for identification.)

21 Q. (By Mr. Long) So we've marked as Exhibit 1 again
22 that photo with the 0099. And then Exhibit 2, it looks
23 like a close-up of the cabin that you were renting at the
24 time. Is that correct?

25 A. Correct.

1 Q. All right. Do either of these photos show the
2 back door that you were calling --

3 A. Yes. This -- it's been so long since I've been,
4 I don't really remember because I was only there, you
5 know, two days. But this is the door. And I believe it
6 would be right here on this picture. Because that window
7 looks --

8 Q. Okay. So just for clarification, Exhibit 2
9 shows the back door; correct?

10 A. Yes.

11 Q. And that's where you were calling for Scooter
12 from?

13 A. Yes.

14 Q. Initially?

15 A. Yes.

16 Q. All right. And then on Exhibit 1 -- oh, I see.
17 You can see the door behind that white little --

18 A. Yes.

19 Q. -- post that looks like it's extending from the
20 fence? Is that -- okay. That's what you're talking
21 about?

22 A. Yes.

23 Q. All right. Could you actually see Scooter at
24 that time?

25 A. I saw him running up and down, just acting

1 silly. He was just running around.

2 Q. On Exhibit 1, you see the metal fence; correct?

3 A. Yes.

4 Q. With the gate?

5 A. Yes.

6 Q. Is that the fence that divided your property
7 line from Mr. Voden's?

8 A. Yes.

9 Q. And when I say your property line, I'm talking
10 about the residence and the property that you were
11 renting at the time --

12 A. Yes.

13 Q. -- correct?

14 All right. When you were first calling for
15 Scooter from the back door, was Scooter in your yard or
16 Mr. Voden's; do you know?

17 A. Mr. Voden's.

18 Q. All right. Could you -- can you see on
19 Exhibit 1 which, what area Scooter was in at that time?

20 A. He was up here towards this part of the yard.
21 Like back this way was Mr. Voden's house. Up here was --
22 Scooter was up towards the front.

23 Q. Let me also do this. I'll mark the next
24 Exhibit.

25 (Deposition Exhibit No. 3 was marked for

1 identification.)

2 Q. (By Mr. Long) I've marked as Exhibit 3 a Google
3 Earth overhead, has Bates No. Voden 0099 at the bottom.
4 This is the closest view. I think it encompasses the
5 entire area that the events took place. But if you think
6 that there's a part of -- something took place that's not
7 on this map, I have wider zooms that we can use. All
8 right.

9 A. Okay.

10 Q. What I wanted to show is, looks like Rancho is
11 to the bottom. It's not even depicted on Exhibit 3;
12 correct?

13 A. Correct.

14 Q. There's this long driveway that runs, I guess it
15 runs south up to the houses; correct?

16 A. Right.

17 Q. And because it's north down to Rancho; correct?

18 A. Correct.

19 Q. All right. And over here to the top right
20 portion of Exhibit 3, you see that white roof? Is that
21 the residence that you were in?

22 A. Yes.

23 Q. And I guess --

24 A. I'm pretty sure, yes. If that's Voden's house,
25 that would be us.

1 Q. Yeah, I believe that's Mr. Voden's house there
2 to the top right corner portion of Exhibit 3; correct?

3 A. Correct.

4 Q. All right. And then you can tell a little bit
5 on Exhibit 3 where that fence line runs vertically
6 through Exhibit 3; do you see that?

7 A. Yes.

8 Q. All right. I was asking you, when you first
9 were calling for Mr. -- for Scooter from the back door,
10 about what area was Scooter in?

11 A. He was up here. When I saw him, he was running
12 around up here.

13 Q. Okay. So he was north of Mr. Voden's house?

14 A. Yes. There's another house and fence up this
15 way, and Scooter was, yeah, right around there.

16 Q. Okay. So as I'm looking at it from the north
17 here, so he was northwest -- or I guess -- I guess he was
18 just north of the house and west of the driveway?

19 A. Yes, yes.

20 Q. All right. When you were calling for Scooter,
21 did it help at all?

22 A. No. He was busy acting silly.

23 Q. All right. Could you see either Mr. Voden or
24 his wife, Pat Rollins, at that time?

25 A. No.

1 Q. What did you do after you tried calling for
2 Scooter and it didn't help?

3 A. I stood at the fence and I said, "Neighbor,
4 neighbor, my dog's in your yard." And I said it a couple
5 times, and I didn't have a response.

6 Q. Okay. So you actually left the house?

7 A. Yes.

8 Q. Was Randy still sleeping in the bed at that
9 time?

10 A. Yes.

11 Q. I assume you were clothed, or had you --

12 A. Yes.

13 Q. -- gotten dressed already?

14 A. Yes.

15 Q. All right. Do you know what part of the fence
16 area you went up to?

17 A. It was to the gate.

18 Q. The gate that you can see in Exhibit 1?

19 A. Yes.

20 Q. All right.

21 A. I think there was two gates, and I don't
22 remember which exact gate, but there was two gates on
23 that fence.

24 Q. Do you remember where the second --

25 A. If I remember correctly.

1 Q. Do you remember -- I've been there. I only
2 remember the one gate in the area where the two houses
3 are closest to each other.

4 A. Okay. I'm probably -- I'm probably -- I'm
5 confused, yeah.

6 Q. I could be wrong. I don't want to suggest
7 anything to you. I was just asking if maybe the second
8 gate was down north towards Rancho.

9 A. They were right there in that area, but I could
10 be wrong about the gates. I don't remember.

11 Q. All right. There's at least the one gate that
12 we can see in Exhibit 1; correct?

13 A. Yes.

14 Q. And to the best of your knowledge, you went up
15 to the gate at that time?

16 A. Yes.

17 Q. And you said, "Neighbor, neighbor"?

18 A. Yes, "My dog's in your yard."

19 Q. Okay. Could you see Mr. Voden --

20 A. No.

21 Q. -- or Pat Rollins at that time?

22 A. No. I was just talking towards the house.

23 Q. Okay. So you were speaking out loud?

24 A. Yes.

25 Q. Can you give me any idea of how loud you were

1 speaking? Were you trying to speak loud enough that
2 people inside could hear you?

3 A. Yes. I was going, "Neighbor, neighbor, my dog's
4 in your yard."

5 Q. Did you receive any response?

6 A. No.

7 Q. So then what did you do?

8 A. I went back to see if I could get Randy to help
9 me round Scooter up.

10 Q. Before I continue, I've heard some people
11 explain that prior to making the 911 call, or I think it
12 was actually part of the 911 call, Mr. Voden described
13 hearing shouting or what sounded like to him a fight.
14 Did you have any verbal altercation --

15 A. No.

16 Q. -- with your husband?

17 A. No.

18 Q. Okay.

19 MR. TOLMAN: Let him finish, take a second,
20 and then answer.

21 THE WITNESS: Okay. I'm sorry.

22 Q. (By Mr. Long) I know. Again, that's natural in
23 conversation, and I know that you want to answer these
24 questions. But, yeah.

25 When you were calling for Scooter from the back

1 door, you were yelling; would that be fair?

2 I'm backing up a little bit. When you first saw
3 Scooter was in Mr. Voden's yard and you were calling from
4 your back door, were you yelling for Scooter at that
5 time? Was your voice --

6 A. Yeah. I was like, "Scooter --"

7 Q. -- elevated?

8 A. Yeah, yep. I go, "Scooter, Scooter." You know,
9 then I, you know, announced to the neighbor that my dog
10 was in the yard and I was going to get him.

11 Q. Okay. And then when that didn't work, you then
12 went to the gate and you said, "Neighbor, neighbor,"
13 you're yelling, "Neighbor, neighbor"; correct?

14 A. Yes.

15 Q. All right. But no one from that house, that you
16 could tell, responded to you at that time; correct?

17 A. Correct.

18 Q. So then you went back inside to get Randy?

19 A. Yes.

20 Q. All right. What did you say to Randy at that
21 time?

22 A. I said, "Randy," I said, "I need help to get
23 Scooter."

24 Q. And what did he say?

25 A. That, yeah, he got up to help me.

1 Q. From the time that you first started calling for
2 Scooter from your back door, through the time that you
3 went up to the gate and were yelling for the neighbor,
4 "Neighbor, neighbor," and then went back inside to get
5 Randy, about how long did that take?

6 A. I don't know for sure how long it was.

7 Q. And after -- excuse me. Forgive me for going
8 back and forth on you, but when you're at that gate and
9 you're yelling, "Neighbor, neighbor," were you also then
10 yelling for Scooter to come back over?

11 A. Yeah. Yeah. You know, I was going, "Come on,
12 Scooter," you know.

13 Q. And was that helping at all?

14 A. He was -- everything was new. He was just
15 acting -- he was doing his own thing.

16 Q. Okay. At any point did he come back into your
17 yard before you went back inside?

18 A. No.

19 Q. So he was just doing his little -- he was
20 playing around, to the best of your knowledge --

21 A. Yes.

22 Q. -- in Mr. Voden's yard?

23 A. Yes, as far as I can remember.

24 Q. Did you have anything to try and entice him to
25 come back at that point?

1 A. I had some French fries. I was trying to get
2 him to come eat French fries.

3 Q. Were you the one that grabbed the French fries,
4 or was that Randy?

5 A. That was me.

6 Q. All right. And so you were at the gate with the
7 French fries?

8 A. By my back door.

9 Q. And that didn't work?

10 A. No.

11 Q. Okay. Did you leave the French fries on the
12 porch, or what did you do with the French fries?

13 A. They were on the porch, or by the back door.

14 Q. Okay. So you were trying --

15 A. Is this water here?

16 MR. TOLMAN: Yeah. That's yours.

17 THE WITNESS: Thank you.

18 Q. (By Mr. Long) So to sum up, initially you tried
19 calling for Scooter from your back door; that didn't
20 work. Is that when you went and got the French fries?

21 A. Yes.

22 Q. You tried the French fries, that didn't work;
23 correct?

24 A. Correct.

25 Q. So then you went out to the gate, and you then

1 tried to announce to the neighbors, but no one responded;
2 correct?

3 A. Correct.

4 Q. And then you were still trying to call for
5 Scooter at that time?

6 A. Yes.

7 Q. And I'm assuming you were still yelling or
8 trying to speak loudly, "Scooter, Scooter, come back,"
9 something like that?

10 A. Yes, yes, what you would normally do for --

11 Q. And that didn't work so you went back inside; is
12 that correct?

13 A. Yes.

14 Q. And you told Randy what; I guess, Scooter's over
15 there and he's not coming back?

16 A. And I need some help to get him, yes.

17 Q. And so then Randy got up at that point?

18 A. Yes.

19 Q. Prior to that, had he been sleeping?

20 A. Yes.

21 Q. I assume, did Randy get dressed?

22 A. He -- we were still wearing clothes from when we
23 moved, you know, we just kind of fell asleep in.

24 Q. So he still had the clothes that he was wearing
25 the night before on?

1 A. Yes.

2 Q. And to your best of your recollection, what did
3 Randy do when he first got up?

4 A. He got -- I can't remember. He got up to come
5 help me.

6 Q. Did either of you try to get a toy or anything
7 to entice the dog to return?

8 A. When we walked up to the gate, I told Randy that
9 I would turn up -- that I would go get a ball, find a
10 ball in the yard, see if I could get Scooter to run back
11 in the yard.

12 Q. All right. Let me break that down. So then
13 after Randy got up, the two of you then returned to the
14 gate that you can see in Exhibit 1?

15 A. Yes.

16 Q. Was the gate open at that time?

17 A. No.

18 Q. Did either of you open the gate?

19 A. Yes.

20 Q. Who opened the gate?

21 A. That, I don't remember. It might have been me.
22 I remember stepping in about a foot in, you know, a
23 footstep. Then that's when I went to go get the ball,
24 and Randy was trying to get the dog.

25 Q. Okay. Looking at Exhibit 1 and that gate and

1 the fence, it looks like there's that white little post
2 that's extending from the post from the gate. Do you see
3 that?

4 A. Yes.

5 Q. And then it looks like there's wiring?

6 A. Yes.

7 Q. Do you know what that is? Is that an electric
8 fence or --

9 A. That's what -- that's what I thought because
10 when I walked up to it I felt like I fell backwards, like
11 something hit me and I fell backwards.

12 Q. All right. So you and Randy are at the gate.
13 Somebody opens it, you don't remember who; correct?

14 A. Right.

15 Q. And you tell Randy you're going to go get a
16 ball?

17 A. Right.

18 Q. And was Randy in Mr. Voden's yard at that time?

19 A. Yes, to get Scooter.

20 Q. Did you see Randy actually walk into Mr. Voden's
21 yard?

22 A. I was turned around to get the ball.

23 Q. Okay. So the moment that Randy entered
24 Mr. Voden's yard, you didn't see that because you were
25 going to get the ball; is that correct?

1 A. Yes.

2 Q. What part of the house was the ball in or where
3 were you going to get a ball?

4 A. It was near this tree -- I believe this is a
5 tree; correct? There was like a tree or something
6 that -- some trees in our yard.

7 Q. Okay. Just so we can describe for the record,
8 you're now looking at Exhibit 3; correct?

9 A. Yes.

10 Q. The overhead shot. And there's a, looks like a
11 big green tree that's to the north of your residence;
12 correct?

13 A. Correct.

14 Q. And you believe that there was a ball or some
15 sort of toy, I guess, on the ground in that area?

16 A. Yes.

17 Q. So you walked from the fence and the gate to
18 that tree to get the ball?

19 A. Yes.

20 Q. And during that time is when Mr. Voden
21 entered -- or, excuse me. Strike that.

22 During that time is when Randy entered
23 Mr. Voden's yard?

24 A. Yes. And from when I -- before I turned around,
25 Randy was like maybe a couple steps going towards Scooter

1 at the front, but I can't remember exactly how far that
2 was.

3 Q. Okay. So you walked to the tree to get the
4 ball; correct?

5 A. Yes.

6 Q. When you next saw Randy, where was he standing,
7 or where was he?

8 A. I was getting the ball, and I had my back
9 towards Randy. I was getting the ball, the toy on the
10 ground, and Randy goes, "Brenda," he says, "if you ever
11 should listen to me, listen to me now. Get back in the
12 cabin."

13 Q. Okay. Where was Randy when he told you that?

14 A. My back was turned towards him, and I turned
15 around, and his back was towards me with his arms in the
16 air.

17 Q. Okay. Can you show me on Exhibit 3 where Randy
18 was when he told you, "Brenda, if you've ever listened to
19 me, go back in the cabin"? Was that the words, or
20 something like that?

21 A. Yes. Something like that, yeah.

22 MR. TOLMAN: Object to the form. Her back
23 was to him at that point.

24 THE WITNESS: Yes.

25 Q. (By Mr. Long) Okay.

1 A. Yes.

2 Q. Okay. So you don't know where Randy was at that
3 point?

4 A. No, no, and I couldn't really say where he was.
5 I was looking straight at Randy with his arms up.

6 Q. What I want to know is after the two of you left
7 the gate and you started walking to the ball, I assume
8 you couldn't -- you didn't see what Randy was doing
9 during that time; correct?

10 A. No.

11 Q. Because you were walking to the ball?

12 A. Yeah, I was walking to the ball.

13 Q. And you had your back towards him?

14 A. Yes.

15 Q. What I want to know is, at some point, then, you
16 did see Randy again; correct?

17 A. After he said that statement is when I -- then I
18 heard a sound by my head like a whooshing sound, and I
19 got up, and I turned around to see what -- you know, why
20 Randy was being serious, and that's when I turned around
21 and I --

22 Q. Okay. So when Randy said that statement to you,
23 "Brenda, if you've ever listened to me, listen now," you
24 don't know where Randy was standing at that point?

25 A. No. No. I know he was just -- he wasn't very

1 far from me, but I couldn't tell. I don't recall.

2 Q. Okay.

3 A. Exactly.

4 Q. Because you didn't see him during that
5 statement?

6 A. Right. I had my back towards him. That's when
7 I was turning around.

8 Q. And then you -- and I saw that in your
9 interview, you described you hearing a whooshing sound?

10 A. Yes.

11 Q. And I guess now that we know what happened, do
12 you think that was, what, the sound of a gunshot or a
13 bullet?

14 A. That's what I had thought. That's what I had
15 thought.

16 Q. All right.

17 A. But, you know, I don't know for sure.

18 Q. I did see in your statements and descriptions
19 from the police officer that you didn't turn around until
20 you heard the sound of the first gunshot. Is that
21 correct?

22 A. It was -- that happened at the same time that
23 Randy had, just had gotten to the -- his statement, and I
24 got up to turn around, you know. I don't know exactly
25 the order, but it was all --

1 Q. Okay.

2 MR. TOLMAN: Wait. It was all what?

3 THE WITNESS: It was all right behind me
4 before I turned around.

5 Q. (By Mr. Long) And I just want to confirm,
6 though, that what prompted you to turn around was the
7 sound of a gunshot?

8 A. That -- Randy's statement.

9 Q. Okay.

10 A. And then that gunshot.

11 Q. So Randy's statement and then the gunshot?

12 A. Yes.

13 Q. And then you turned around?

14 A. Yes.

15 Q. So what happened before that, where Randy was or
16 what he was doing, from the moment you left him at the
17 gate up and to the point that he said that statement and
18 the gunshot, you don't know where he was or what he was
19 doing; is that correct?

20 A. I'm sorry. Could you say that again?

21 Q. Sure. I want to just confirm from what you're
22 telling me and what I've seen that from the moment you
23 left Randy at the gate and started walking to get the
24 ball underneath the tree, you had your back towards --
25 turned towards him; correct?

1 A. Yes, yeah. I was in a kneeling position to get
2 the toy.

3 Q. And where Randy went or what he did from that
4 moment that you left him at the gate until later when you
5 heard him say the statement and then you heard the
6 gunshot and turned around, during that time period you
7 didn't see him?

8 A. I had my back --

9 MR. TOLMAN: Wait. Object to the form, the
10 sequence.

11 THE WITNESS: Could you say that again?
12 I'm sorry.

13 Q. (By Mr. Long) Sure. I just want to confirm that
14 from the point that you left Randy at the gate and
15 started walking towards the tree to get the ball, again
16 you had your back turned towards Randy; correct?

17 A. Yes.

18 Q. And you didn't see what he was doing during that
19 time; correct?

20 A. No.

21 Q. And that remained so until the point that Randy
22 said his statement, and then you heard a whooshing sound
23 or what might be a gunshot?

24 A. Yes.

25 Q. And at that point is when you turned around and

1 you could see Randy again?

2 A. I was at --

3 Q. Well, let me just make sure that I have that
4 correct.

5 A. Yes.

6 Q. That that's the first time, then, that you saw
7 Randy after you left him at the gate; correct?

8 A. Yes. It took me a while to get turned around
9 because I was in a kneeling position to get the toy, and
10 I have a fused back, so.

11 Q. Good point. I didn't -- I didn't think of that.
12 So you were in a kneeling position trying to get the ball
13 off the ground?

14 A. Yeah, to pick up the toy.

15 Q. And you heard Randy say the statement?

16 A. Yes.

17 Q. While you were still kneeling?

18 A. Yes.

19 Q. And then were you still kneeling when you heard
20 the whooshing sound?

21 A. Yes.

22 Q. Okay. And then after you heard the whooshing
23 sound, you had to get up?

24 A. Yes.

25 Q. And then turn around?

1 A. Yes.

2 Q. Okay. And I don't know the nature of your back
3 injury. Can you describe what that would have entailed
4 for you to have to get up off the ground from --

5 A. It entails a lot. My back's fused, most of it,
6 and, you know, being I'm on disability, I'm not real fast
7 about moving. And so when I would get up, I would almost
8 look like, not to be funny or anything, but I would look
9 like movements like a Frankenstein or something.

10 Q. Okay.

11 A. You know, very, you know --

12 Q. Very --

13 A. Choppy.

14 Q. Choppy?

15 A. Yes.

16 Q. Okay.

17 A. I think that would be a good word.

18 Q. Can you give me an idea in terms of time how
19 many seconds it would, you think it would have taken you,
20 then, to get from the kneeling position to stand up?

21 A. I don't recall. I don't recall.

22 Q. I mean, is it more than just a couple seconds,
23 like one, two, or is it more like one, two, three, four,
24 five, something like that?

25 A. Yeah, I don't recall. You know, I'm sure it

1 would take a little bit longer than a normal person.

2 Q. Okay. So then you turn around and you saw Randy
3 again; correct?

4 A. Correct.

5 Q. At that time, when you turned around and saw
6 Randy again, where was he?

7 A. He was -- he was with his hands up in the air.
8 I don't know exactly where he was at. I just know that
9 he was in the, the yard, with his hands up, in --

10 Q. Well, we have Exhibit 3 here. And you can see
11 where the -- looks like this might be the gate area here
12 where this little yellow area that looks like you can
13 enter.

14 A. It was somewhere, you know, in this area, you
15 know, that I saw him. But I can't recall, you know.

16 Q. Okay. I'm not trying to suggest any answers to
17 you. I just want to -- maybe this might help clarify it.
18 Ultimately, we know that Randy ended up lying down around
19 here next to Mr. Voden's house. Is that --

20 A. I don't -- I don't remember. I was looking up
21 at their heads more than where they were standing.

22 Q. Okay. Again, sorry for backing up on you, but
23 when you and Randy were at the gate and you could see
24 Scooter was still in Mr. Voden's yard, was Scooter again
25 in the north of the house and west of the driveway area?

1 A. I don't -- with my back turned, I wouldn't know
2 where Scooter was at. I know he was in the yard
3 somewhere, you know, up front there somewhere.

4 Q. When you said you first were calling for
5 Scooter, he was in this area that I'm pointing to now,
6 the north of the house and west of the driveway; correct?

7 A. Yes.

8 Q. Did you see Scooter -- and let me narrow the
9 time frame here. From the time that you first saw him
10 from the back door of your house until the time that you
11 went to get the toy, was Scooter in any other area of the
12 yard besides north of the house and west of the driveway?

13 A. You know, when I turned around, all I saw was
14 Randy with his arms up in the air. I didn't --

15 Q. You don't remember or know where Scooter was at
16 that time?

17 A. All I know is he was in the yard somewhere.

18 Q. Okay. The only recollection that you have is
19 Scooter was, during that time period from the time that
20 you first saw him from the back door up until the point
21 that you went to go get a toy for him, the only area that
22 you can recall at this point is the area north of the
23 house and west of the driveway; is that correct?

24 A. Yes, yes.

25 Q. Could you do me a favor and just put a little,

1 little circle in that area that you're describing, then.

2 A. This is a circle for?

3 Q. Just a small, little circle where you thought or
4 that you saw Scooter from when you were in the back door
5 of your house and up in the gate area calling for him.
6 Because he was in that same area; is that fair?

7 MR. TOLMAN: I'm going to object to the
8 form because she said he was running around in here, and
9 that wouldn't be a small, little dot.

10 THE WITNESS: Yes.

11 Q. (By Mr. Long) Okay. Can you put a box, then, in
12 the area that he was playing around when you first saw
13 him from the back door of your house and at the gate when
14 you were calling for him?

15 A. I -- I didn't see every moment that he was
16 running and where he ran, so --

17 Q. Sure. But of the areas that you did see him in,
18 can you put a box around that area?

19 A. He could have been up in this, all over the yard
20 here.

21 Q. And, but the -- I'm not trying to suggest that
22 this is the only place that he was ever in.

23 A. Okay.

24 Q. I'm just asking you from your memory and your
25 recollection of actually -- of actually seeing Scooter,

1 just describe the areas that you actually saw Scooter in
2 when he was in Mr. Voden's yard.

3 MR. TOLMAN: What he's -- he's asking you
4 to just mark on that photograph wherever you think
5 Scooter was.

6 Right?

7 Q. (By Mr. Long) Well, not that you think he was.
8 That you actually saw him.

9 MR. TOLMAN: Yeah, where you saw him.

10 THE WITNESS: Okay. Where I saw him was in
11 this area.

12 Q. (By Mr. Long) Okay. Thank you very much. And
13 you've --

14 A. And, you know, that's the basic area. I don't
15 know if it's approximate, of course.

16 Q. Fair enough. And that's all I wanted to
17 establish or to make sure that I understood was that
18 you've now drawn a black rectangularish-type figure that
19 is north of Mr. Voden's house and generally west of the
20 driveway. Is that correct?

21 A. Correct.

22 Q. All right. And that's the area that you
23 actually saw him, to your recollection?

24 A. Yes.

25 Q. He could have been in other areas as well, but

1 when you saw him, that's where he was?

2 A. Yes.

3 Q. All right. And then you went to get the ball,
4 and when you turned around, you don't know where Scooter
5 was at that time, do you?

6 A. No.

7 Q. Okay. So if he was still in that same area or
8 not, you don't know one way or the other?

9 A. No, no.

10 Q. All right. Do you know where Randy was at that
11 time, then, when you turned around after hearing him say
12 the statement and you heard the whooshing sound?

13 A. All I know is I turned around, and I was looking
14 up at the tops of their heads. I don't -- I wasn't
15 making a pinpoint. I know he was over to more Voden's
16 yard, but I don't know exactly where, you know.

17 Q. Okay. So if I were to ask you to draw, you
18 couldn't even draw me the area because you don't know?

19 A. I don't recollect.

20 Q. And that's fine, and I'm glad you told me that.
21 I'm not -- I don't want you to guess or say something
22 that you don't recall or don't know. All right?

23 A. Okay.

24 Q. I just need to find out what you do remember and
25 what you don't.

1 A. Okay.

2 Q. But when you turned around -- let me at least
3 establish that so that we're clear for the record. So
4 first of all, you and Randy were at the gate and you
5 decided to try and get a ball for Scooter; correct?

6 A. Yes.

7 Q. And I think you already described for me that
8 you went to this tree area here that's north of your
9 house; correct?

10 A. Correct.

11 Q. Can you just draw a square, as best you can, the
12 general area, as best you can recall.

13 A. I don't remember, you know, that was so long
14 ago, but it was somewhere in this area. I'll just put an
15 "X" there. Right by the -- it would be by the wooded
16 area.

17 Q. Fair enough. And I'll make sure that this is an
18 "X."

19 A. Okay.

20 Q. So we've now marked an "X" near that tree area
21 that's north of your house; correct?

22 A. Yes.

23 Q. And that's where, the best of your recollection,
24 where you think you might have went to get the toy for
25 Scooter?

1 A. Yes.

2 Q. Or the ball?

3 A. Yes.

4 Q. All right. And then that's also, then, I guess,
5 where you got up from the kneeling position and turned
6 around and could see Randy again; correct?

7 A. Yes.

8 Q. Did you move or do anything at that point when
9 you first turned around and saw Randy?

10 A. Well, I turned around. It was within a little
11 area, kind of a pivot area, you know. It took me a while
12 to get up, of course, but when I got up, I turned around.

13 Q. And forgive me. We've marked an "X" and a
14 square on Exhibit 3; correct?

15 A. Yes.

16 Q. All right. So you turned around, and you saw
17 Randy. Could you hear Randy at that point? Was he close
18 enough for you to hear him?

19 A. Yes. I was able to hear him say, "Brenda, if
20 you should ever listen to me, get back in the cabin."

21 Q. Well, okay. And I don't want to confuse you,
22 and I apologize. I know I'm asking a lot of questions.
23 But he said that before you actually got up, correct --

24 A. Right.

25 Q. -- and turned around?

1 A. Exactly.

2 Q. He didn't repeat that a second time, did he?

3 A. No.

4 Q. Okay. So you got up, you turned around, and you
5 could see him?

6 A. Yes.

7 Q. At that -- okay. Fair enough. You were
8 saying -- I asked you if you could hear him, and you said
9 you could hear him say that statement. After you turned
10 around and saw him, could you hear him say anything else?

11 A. No.

12 Q. All right. Do you know one way or the other
13 whether Randy was talking to Mr. Voden at that point?

14 A. No.

15 Q. Could you hear anything that Mr. Voden might
16 have been saying?

17 A. No.

18 Q. Could you see Mr. Voden at that point?

19 A. I saw Randy's arms up, and I saw Voden's face in
20 this area between Randy's shoulder and arm.

21 Q. Okay. For the record, you're describing Randy
22 as having his arms up above his shoulders and head?

23 A. Yes.

24 MR. TOLMAN: I'm going to object to the
25 form.

1 You need to describe where his arms were.

2 You're showing him.

3 THE WITNESS: Oh, okay. Okay.

4 MR. TOLMAN: He wants you to describe it.

5 Q. (By Mr. Long) I'm trying to help you because I
6 know what --

7 A. I see what you're saying. I didn't understand
8 that part.

9 Q. Yes. It's an awkward process for witnesses.

10 A. Yes.

11 MR. TOLMAN: Nobody that's reading this
12 will see what you're doing.

13 THE WITNESS: Yeah, that's true.

14 MR. TOLMAN: And you describe it so that it
15 gets -- I'm interrupting you but --

16 MR. LONG: No, that's fine.

17 MR. TOLMAN: Describe it so there's a
18 written record that people can understand.

19 THE WITNESS: Yes, yes. Okay. Sorry.

20 He had his arms up over his head. And I
21 saw Voden's face between, over Randy's shoulder looking
22 towards me.

23 Q. (By Mr. Long) And you saw over Randy's left
24 shoulder, then?

25 A. Yes.

1 Q. Okay. And Randy had his back to you? Yes?

2 A. Yes.

3 Q. And you could see -- could you see Mr. Voden's
4 entire face and head, or just a portion of it?

5 A. From the chin up.

6 Q. Okay.

7 A. And then I saw his hair and stuff.

8 Q. We know that Mr. Voden had a gun. Did you ever
9 see the gun?

10 A. As I was running away, I did. I saw that he had
11 something in his hand, anyway.

12 Q. After the gunshots?

13 A. Yes. And I did see one of the gunshots happen
14 before I started running, a couple of them.

15 Q. Before you heard that whooshing sound and, which
16 prompted you to get up and turn around, did you see the
17 gun before that point?

18 A. No.

19 Q. It wasn't until after, I guess, the incident
20 occurred --

21 A. Yep. I was running towards the house is when I
22 looked at him.

23 Q. Do you know what type of gun Mr. Voden had?

24 A. No.

25 Q. So again, just to summarize, when you got up,

1 turned around and saw Randy, Randy had his back to you
2 and he had his hands and arms up above his head; correct?

3 A. Yes.

4 Q. What did you see then?

5 A. I saw a couple -- or not a couple. I can't
6 remember how many gunshots at the point I was running,
7 but Voden had shot like four times.

8 Q. And fair enough. I asked you what you saw, but
9 did you actually -- did you see the gunshot? Could you
10 see sparks, or did you just hear them?

11 A. Well, I saw Randy's back move towards, you know,
12 from the backside, I saw him --

13 Q. Okay. You're jerking?

14 A. Jerking. Yes.

15 Q. All right. From the point that you heard that
16 first whishing or whooshing sound and you got up and
17 turned around, from that point until you then heard the
18 subsequent gunshots, how long did that take? Was that
19 less than a second or two?

20 A. I don't remember. I don't remember. It seemed
21 like it was fast, but I don't remember.

22 Q. To the best of your knowledge, there wasn't a
23 big gap in time such like 10 seconds or more, anything
24 like that?

25 A. The gunshots went off right after, one after

1 another, that I remember.

2 Q. Okay.

3 A. But I don't remember what time, the time period
4 or anything like that.

5 Q. How many gunshots did you hear?

6 A. With the whooshing sound, altogether, I heard
7 four.

8 Q. Were all four gunshots, to the best of your
9 recollection, with one right after the other?

10 A. Yes.

11 Q. Was there any gap in time, a couple seconds or
12 more, in between any of the shots, to your knowledge?

13 A. I don't know. I don't remember.

14 Q. To your best recollection, it was one right
15 after the other?

16 A. Yeah. From what I remember, yes.

17 Q. And did that occur, the gunshots, pretty much as
18 soon as you turned around and saw Randy?

19 A. Yes.

20 Q. All right. And then what happened?

21 A. I ran towards the cabin.

22 Q. Did you see Randy actually fall down?

23 A. Yes, I did. I did -- I saw him, his arms up,
24 and he fell forward and fell down.

25 Q. Did he fall onto Mr. Voden?

1 A. I don't know that part. I was already running
2 towards the house. I stopped and said, "Randy, I love
3 you, I'm going to call for help, call 911."

4 Q. Do you know where Randy was when he fell down?

5 A. All I know is I saw his legs when he laid down,
6 but I don't remember the exact position. I mean part of
7 the yard.

8 Q. From the moment that you turned around and first
9 saw Randy up with his arms up, and then we have gunshots,
10 and you see him start to fall down, did he move any
11 distance from the location that he was at during that
12 time?

13 A. I have no recollection.

14 Q. Okay.

15 A. I don't know.

16 Q. So in other words, to your recollection, you
17 didn't see him with his hands up and then move like five
18 feet away and then fall down or anything like that?

19 A. I saw him with his arms up, and I saw him just
20 falling, basically.

21 Q. Do you remember a van on Mr. Voden's property?

22 A. No, I don't. I know there was one there, but I
23 don't recollect that day very well.

24 Q. I understand.

25 I'm going to mark two more pictures here.

1 (Deposition Exhibit Nos. 4 and 5 were
2 marked for identification.)

3 Q. (By Mr. Long) We've marked as Exhibit 4 and 5
4 two more police photos of the scene. Both photos show --
5 well, in Exhibit 4 we see the gate, the fence, the van,
6 and Mr. Voden's house. In Exhibit 5 we see the back of
7 the van with the gate, and I think that would be, then,
8 your residence in the back there. Do you see those?

9 A. Yes.

10 Q. Do either of those pictures help refresh your
11 recollection of the van and its location relative to
12 Randy when you first saw him with his hands up?

13 A. I don't recall exactly where that was at. I
14 know it was in that area here somewhere, but I don't know
15 exactly where he was standing.

16 MR. LONG: All right. I'm sorry. I only
17 have the one copy.

18 (Recess from 11:15 a.m. to 11:16 a.m.)

19 Q. (By Mr. Long) I'm not going to mark this as an
20 exhibit. I'm just going to show you a transcript of your
21 interview with Detective Van Camp. I believe this
22 occurred later, the day of the incident. Do you recall
23 speaking to Detective Van Camp?

24 A. Barely, I can remember, yes. It was right
25 after.

1 Q. And they recorded your interview and also had it
2 videotaped. Do you remember that?

3 A. Not too well, but I remember that was going on
4 that day. I was talking.

5 Q. Turn to page 26 of the transcript, which also
6 has a Bates number of 0273 at the bottom. Do you see
7 that?

8 A. Oh, right here?

9 Q. Right.

10 A. Okay.

11 Q. Yeah. Just so you know, we often refer to these
12 numbers here in the bottom right corner as Bates numbers,
13 but then it gets a little confusing because the
14 transcript itself also has page 26. But just so
15 everyone's on the same page, do you see where I'm
16 referring to?

17 A. Yes.

18 Q. All right. Starting up by line 11 and 12, do
19 you see the initials M.V.C., I believe that stands for
20 Detective Matt Van Camp, and then your initials are B.B.,
21 Brenda Burnett? Do you see that?

22 A. Yes.

23 Q. All right. Detective Van Camp asks you: "Okay.
24 So was -- where was the man with the gray hair?"

25 I'm assuming he's referring to Mr. Voden?

1 A. Yes.

2 Q. Mr. Voden had gray hair?

3 A. Yes.

4 Q. Okay. Detective Van Camp continues, "Here's
5 this van that's parked there. In relation to the van and
6 the house, where do you think he was?"

7 And you answer, "Randy was probably just -- just
8 maybe about two foot behind like the -- at -- at
9 crossways of the van."

10 You continue, "And then the man was (inaudible)
11 you know, I was able to see it's like they were like
12 talking distance."

13 Does that refresh your recollection of --

14 A. I don't --

15 Q. -- generally where Mr. Voden and Mr. -- or, and
16 your husband Randy were positioned when you saw them when
17 you first turned around?

18 A. I don't remember too much about that day.

19 Q. Okay. So where the two of them were, as you sit
20 here today, you don't have any recollection of that?

21 A. I seen that they were within that distance, but
22 I don't know exactly where they were standing on the
23 ground.

24 Q. And so within talking distance, are you
25 describing, then, just a few feet that people would often

1 stand to talk to one another? Is that what you're
2 describing there?

3 A. Between me and them?

4 Q. Well, I'm asking you, when you were telling
5 Detective Van Camp that the two people were within
6 talking distance to you, when you use those terms, are
7 you then describing a scenario where two people are
8 standing a few feet from one another, talking to each
9 other?

10 A. Yes.

11 Q. To be fair, again, I don't want to suggest
12 anything to you. As you sit here today, your best
13 recollection, and even after looking at the photos and
14 reviewing the transcript, you don't have a recollection
15 in your mind of as to where they were at that moment when
16 you first turned around and saw them; is that true?

17 A. Yes. I was busy looking at the situation of
18 them two talking.

19 Q. Then there was four gunshots right in a row, and
20 you went running inside?

21 A. Yes.

22 Q. What did you do then?

23 A. Before I got to the door, I turned to Randy and
24 said, you know, where he was laying, that I loved him and
25 that I was going to call 911.

1 Q. Did Randy respond?

2 A. No.

3 Q. Did you ever have a chance to talk to Randy
4 again from that moment forward?

5 A. No.

6 Q. Okay. So you went inside, and you called 911?

7 A. Yes.

8 Q. Did you have a cell phone or a house phone?

9 A. There was a cell phone. I had to find it, where
10 we sat it. I was confused.

11 MR. TOLMAN: You're getting a little
12 emotional. Do you need to take a break or are you okay?

13 THE WITNESS: Yeah, maybe I do.

14 MR. LONG: Okay. We'll take a break.

15 (Recess from 11:21 a.m. to 11:28 a.m.)

16 Q. (By Mr. Long) So I think we left off, you
17 mentioned that you called 911. Did you make two separate
18 calls, or did you call once and they transferred you from
19 Phoenix to Payson?

20 A. Something happened where the call got dropped.
21 I don't know much about it. The whole day was a -- the
22 whole time was a blur at that point.

23 Q. Sure. From the moment that you made the phone
24 call to the time that police arrived -- I assume police
25 arrived at the scene; correct?

1 A. Yes.

2 Q. From the time that you made the call, how long
3 did it take, to the best of your recollection, for the
4 police to arrive?

5 A. I have no idea. That part's a blur.

6 Q. What did you do after you made the phone call?

7 A. I stayed inside my -- inside my cabin.

8 Q. Could you see your husband during that time?

9 A. I just stayed inside. One time I looked out,
10 and I saw one of the SWAT guys. They told me to get --
11 they motioned for me to get back in the house.

12 Q. Where did you see the SWAT guys? Were they
13 coming up the driveway?

14 A. Yes. They were coming up alongside this other,
15 the front house there.

16 Q. They were coming up from Rancho Road south along
17 the driveway?

18 A. Yes.

19 Q. And you were inside your house at that time?

20 A. Yes.

21 Q. Did you call any friends or family?

22 A. No.

23 Q. Did you see your husband move at all?

24 A. No.

25 Q. Do you have any knowledge of him moving from the

1 point that he was shot and fell down until the police
2 arrived?

3 A. No.

4 Q. All right. So if the police, when they arrived
5 and saw him near the corner of Mr. Voden's house, to your
6 knowledge, at least, you don't know that -- or you don't
7 have any reason to believe that Randy had moved during
8 that time period; is that fair?

9 A. Correct.

10 Q. All right. Could you see Mr. Voden during that
11 time that you were waiting for the police?

12 A. No.

13 Q. Did you see his wife, Pat Rollins?

14 A. No.

15 Q. Did you talk to either of them during that time?

16 A. No.

17 Q. Did you speak to them at all after the gunshots
18 on the day of the incident?

19 A. No.

20 Q. Have you ever spoken to Pat Rollins?

21 A. No.

22 Q. Do you know that she's -- she passed about two
23 or three weeks ago?

24 A. I had heard rumors in town, but no, I didn't see
25 it in the paper or anything.

1 Q. I assume you would have seen her at the trial
2 and other hearings and things?

3 A. Yes.

4 Q. But you never spoke to her?

5 A. No.

6 Q. Did you ever speak to Mr. Voden after the day of
7 the incident?

8 A. No.

9 Q. Have you ever spoken to Mr. Voden, then?

10 A. Never.

11 Q. Prior -- when you and your husband were at the
12 gate -- forgive me again, I'm backing up. But when you
13 and your husband were at the gate before he entered
14 Mr. Voden's yard, did either of you ever receive
15 permission from either Mr. Voden or Pat Rollins to enter
16 their yard?

17 A. We -- like I said, I had yelled into the yard
18 and then, you know, we went on in, because that's
19 normally what you would do, you know. It's what you did
20 at other times in your life, you know.

21 Q. Okay. And I'm not trying to be critical, I'm
22 just asking, because I think you already testified that
23 when you yelled, "Neighbor, neighbor, my dog is in your
24 yard," you didn't receive a response to that, did you?

25 A. Oh, no, no, no.

1 Q. Okay. So then I assume, then, you didn't
2 receive permission, explicit permission from either
3 Mr. Voden or his wife, Pat Rollins --

4 A. No.

5 Q. -- to enter his yard before Randy did so?

6 A. No, I didn't. No.

7 Q. And to your knowledge, Randy didn't receive
8 permission either, did he?

9 A. No.

10 Q. To your knowledge, did Randy receive permission
11 from Mr. Voden to approach his person?

12 A. I don't know. I don't know.

13 Q. You didn't hear or see anything along those
14 lines, did you?

15 A. No.

16 Q. Forgive me if I already asked this, but from the
17 point that you left Randy at the gate and Randy entered
18 the yard, or entered Mr. Voden's yard, and you went to go
19 find a ball for Scooter, from that point that you left
20 Randy's side during the time that you were trying to get
21 the ball and heard the whooshing sound and stood up and
22 turned around, how long did that take?

23 A. It took me a while to get up because I'm
24 handicapped.

25 Q. No. I apologize. Let me try to ask it in a

1 better way. I'm asking the total time from when you left
2 Randy at the gate, started to walk to get the ball --
3 because you had to walk to the tree line area; correct?

4 A. Yes.

5 Q. That entire time, from the point you left the
6 gate, started walking to the ball, kneeled down to grab a
7 ball, and then heard Randy's statement and heard the
8 whooshing sound and started standing up to turn around,
9 that time period, how long did that take?

10 A. That, I don't know how to answer that.

11 Q. Can you give me your best estimate?

12 A. Time-wise, no, I can't.

13 Q. I guess, in other words -- because I have in my
14 mind right now that it was, you walked straight to the
15 tree line and spotted a ball right away and went down to
16 kneel to get it. But is that how it happened, or did you
17 have to walk around and find it first?

18 A. I can't remember exactly, you know, if I was
19 searching -- I'm sure I had to search some, you know, to
20 find it. I wouldn't know exactly where dogs leave their
21 balls.

22 Q. Okay. So you did have to spend some time
23 looking for the ball?

24 A. Yes, but I don't know how much, you know.

25 Q. Fair enough.

1 I saw in some of the police reports, it sounded
2 like you spoke to multiple police officers that day of
3 the incident. Do you remember talking to more than one
4 police officer?

5 A. At the house I talked to a couple, but I don't
6 remember how many.

7 Q. There was an Officer Jay Meredith. Do you
8 recall that officer?

9 A. No.

10 Q. Do you recall Detective Matt Van Camp?

11 A. I realized who that was at the other trial, but
12 I couldn't remember at that time the names.

13 Q. But you do recall speaking to a police officer
14 in your house shortly after the --

15 A. Yes.

16 Q. -- gunshots?

17 A. Yes. I remember talking. I don't remember what
18 was said, but I remember talking.

19 Q. I was looking at a report from one of the
20 officers that was one of the first to arrive at the
21 scene. It was again Jay Meredith. Indicated that he
22 spoke to you, and you mentioned that you saw Mr. Voden
23 shooting at Scooter. Do you recall making those
24 statements to a police officer?

25 A. I was confused at the time.

1 MR. TOLMAN: He's asking you if you recall.

2 THE WITNESS: I don't recall.

3 Q. (By Mr. Long) You don't recall making those
4 statements?

5 A. No, I don't. I don't recall.

6 Q. When the police spoke to you on the day of the
7 incident and since then, have you done your best to tell
8 them the truth and --

9 A. Yes. Yes.

10 Q. You haven't ever intentionally tried to mislead
11 a police officer?

12 A. No, never. Never.

13 Q. So if Detective -- or, excuse me, Officer
14 Meredith reported that you mentioned that Mr. Voden was
15 shooting the dog, or shooting at the dog, you don't have
16 a recollection of saying that to an officer?

17 A. I might have thought that, you know, that's --
18 Mr. Voden was, but I -- you know, I don't recall that
19 day.

20 Q. Okay. And just so we're clear, you don't
21 actually recall seeing Mr. Voden shooting at your dog, do
22 you?

23 A. No.

24 Q. Did you ever see him point the gun at your dog?

25 A. No.

1 Q. Did you see Mr. Voden pointing his gun at your
2 husband?

3 A. Yeah, I saw the shots happening.

4 Q. So when you say you saw the shots, did you
5 actually see the gun as well in his hands?

6 A. No, no, no. No. I saw from the back the --

7 Q. You saw --

8 A. -- percussion or the movement of being hit by a
9 gun. I saw from the backside.

10 Q. You saw Randy's reactions or bodily reactions --

11 A. Yes.

12 Q. -- to what you think was getting shot; correct?

13 A. Yes.

14 Q. You didn't actually see the gun in Mr. Voden's
15 hand?

16 A. No.

17 Q. Okay.

18 MR. TOLMAN: Just to clarify, you were
19 talking at the time of the shooting? Didn't see the gun
20 in his hand at the time of the shooting?

21 MR. LONG: Correct.

22 Q. (By Mr. Long) Or at any point in time, did you
23 ever see the gun in Mr. Voden's hands?

24 A. I saw -- I saw as -- okay. I saw as I was
25 running to the cabin.

1 Q. I apologize. You did mention that.

2 A. Yes.

3 Q. After the shots --

4 A. Yes, I see what you're saying.

5 Q. After the shots, you ran to the cabin, and you
6 saw the gun in Mr. Voden's hand at that time; correct?

7 A. Yes.

8 Q. But before the shots --

9 A. No.

10 Q. At no time before the shots did you ever see the
11 gun in Mr. Voden's hand?

12 A. No. All I saw was Randy's back.

13 Q. Do you know by anything that Randy might have
14 said or did would have given you the impression that
15 Randy saw the gun in Mr. Voden's hand?

16 A. No. I wouldn't know that. I wouldn't know.

17 Q. So one way or the other, you don't know if Randy
18 saw a gun in Mr. Voden's hand?

19 A. Yeah. I wouldn't. I had my back --

20 Q. You had your back turned towards them; correct?

21 A. Yes.

22 Q. Do you know if any of the emergency responders
23 tried to take Randy to the hospital or anything like that
24 in an ambulance?

25 A. No. I wouldn't know. I was inside the cabin.

1 Q. You never saw anyone, any emergency responders
2 loading Randy into an --

3 A. No.

4 Q. -- ambulance or anything like that, did you?

5 A. Never.

6 Q. So you wouldn't have gone to the hospital or
7 anything like that?

8 A. No.

9 Q. What did you do the rest of the day, do you
10 remember?

11 A. It was all a blur. I know I ended up going to
12 the police department to talk. But I don't remember the
13 trip over there or anything or really what had gone on.
14 I ended up being over at Bob and Tracy's house by the end
15 of the day, and I stayed there about a month.

16 Q. And you never spoke to Mr. Voden or his wife,
17 Pat Rollins, about the incident?

18 A. Never.

19 Q. Is that correct?

20 A. Correct.

21 Q. Do you know if anyone in your family ever spoke
22 to Mr. Voden or Pat Rollins about the incident?

23 A. No. Never.

24 Q. Besides yourself, do you know if anyone else saw
25 the incident with Randy and Mr. Voden and the gunshots?

1 A. That, I don't know.

2 Q. You didn't see any other witnesses around?

3 A. No. I heard some people calling or, you know,
4 yelling at the time it was happening, but I don't know.

5 Q. What general direction did you hear yelling
6 from?

7 A. From the street.

8 Q. From Rancho?

9 A. Yes. But I don't know if that was -- if I was
10 actually hearing that or if I was -- I don't know. It
11 was such a blur.

12 Q. Did you actually ever see those individuals that
13 were yelling?

14 A. No, no.

15 Q. So where they were exactly located, you don't
16 know for sure?

17 A. No.

18 Q. The general direction of the yelling was I
19 guess, then, north of the houses towards Rancho?

20 A. Yeah. And I don't even know if they really had
21 anything to do with the situation.

22 Q. And you don't know one way or the other if Pat
23 Rollins witnessed the incident, do you?

24 A. No.

25 Q. I want to ask you a few more questions about

1 Randy's medical history leading up to the incident. And
2 again, I know this is very sensitive. And I'm not trying
3 to make you uncomfortable or to make fun of anyone. I
4 just -- I saw some things in the record that I just need
5 to ask you about and see what you might have -- what you
6 knew about it.

7 So we know, I talked to you previously that
8 Randy had been diagnosed with prostate cancer.

9 A. Yes.

10 Q. Prior to the incident; correct? Yes?

11 A. Yes.

12 Q. Do you know what stage he was in?

13 A. That, I don't know. I know it was pretty
14 serious, but I don't know exactly the stage number.

15 It --

16 Q. What do you mean by serious? What does that
17 mean to you?

18 A. That he had cancer, that he needed to get the
19 radiation done.

20 Q. And to your knowledge, did Randy, in fact, get
21 radiation treatments?

22 A. Yes.

23 Q. When was that?

24 A. It was -- it was prior to the shooting. It was
25 earlier of that 2013, around about June, I think it was.

1 Q. And how was Randy doing with those radiation
2 treatments, to your knowledge?

3 A. It was making him weaker.

4 Q. How so?

5 A. I just was noticing that he was, you know, not
6 moving around as much and, you know, stuff at the house,
7 and feeling sick.

8 Q. And are you describing, then, that June 2013
9 time period when his radiation treatments started?

10 A. Somewhere around there, yes. I know they ended
11 in August.

12 Q. Prior to the radiation treatments, how was he
13 doing generally, to your knowledge?

14 A. He wasn't feeling, you know, really not that
15 good.

16 Q. Was he able to take care of himself, or were you
17 having to do all the household chores and feeding him or
18 things like that, or how bad was he?

19 A. I was -- I was doing quite a bit of the things
20 that I could do, because I'm disabled. I did have to
21 prompt him a couple times to eat, but -- but there was a
22 weakening, you know, lesser things that he was able to
23 do, compared to what he was.

24 Q. During that six-month period before the
25 incidents, did either of you have in-home care treatment

1 providers or anything like that?

2 A. No.

3 Q. Prior to his diagnosis of cancer, did Randy have
4 to help you out, then, in terms of household chores and
5 things like that?

6 A. He tried, yes.

7 Q. What would he have to do that -- I don't know
8 how else to ask this other than to say that you would
9 have done yourself if you weren't -- if you didn't have
10 your back issues?

11 A. He might have helped me cook something or -- I
12 don't know. We kind of helped each other out.

13 Q. And then of course he got his diagnosis, and
14 then radiation treatments in June of 2013?

15 A. Yes.

16 Q. And he started getting worse at that time?

17 A. Yeah. He lost some weight, I know. He lost
18 some weight from it.

19 Q. To your knowledge, how much weight did he lose?

20 A. I can't remember.

21 Q. Can you give me a percentage-wise of his --

22 A. I don't know. Maybe 40 pounds, but I'm not
23 sure, you know. I do know he got thinner.

24 Q. How tall was Randy?

25 A. I believe he was like six foot.

1 Q. And before his diagnosis of prostate cancer,
2 about how much did he weigh generally?

3 A. Say that again. Sorry.

4 Q. Sure. Before he was diagnosed with cancer, what
5 did he generally weigh?

6 A. That, I don't know for sure. It might have been
7 around 230, but I'm not sure. I'm not a great judge of
8 that.

9 Q. Sure. But -- okay. And then during the course
10 of the, I guess a year and a half or two years of
11 treatment, he lost approximately 40 pounds; is that your
12 best recollection?

13 A. Somewhere around, about that, yes, if I can
14 remember correctly.

15 Q. During the summer of 2013, after Randy started
16 his radiation treatments, how was he doing during that
17 time?

18 A. During the radiation treatments?

19 Q. Yeah.

20 A. He was weak. He was getting weaker. It has
21 been so long now, I can't -- I've kind of blocked some of
22 that stuff out of my thoughts.

23 Q. When you say he was getting weaker, can you
24 describe for me what aspects of his life and his person
25 was affected by that, to your knowledge?

1 A. Well, I just noticed that he was in his chair a
2 lot, you know, not getting around doing things, you know,
3 around the house. He was just feeling sick and stuff
4 like that.

5 Q. Okay. Do you know how many radiation treatments
6 he received?

7 A. I don't remember.

8 Q. Would you go with him to his treatment?

9 A. Yes.

10 Q. Where were those?

11 A. They were here at the hospital, on the backside
12 of the Payson Regional Medical Center. And I can't
13 remember the name of the building, but there's a
14 radiation, chemo place back there.

15 Q. Were the radiation treatments administered by
16 Dr. Dover?

17 A. Yes.

18 Q. Over how long of a period of time did he receive
19 radiation treatments? If he started in June of 2013, how
20 long did they go for?

21 A. I think it was till August, I think.

22 Q. And then what happened at that time?

23 A. He was off of them. I don't understand that
24 part of the question.

25 Q. Sure.

1 A. I just realized I didn't say much there, did I?

2 Q. That's okay. It was probably a poorly-worded
3 question. I was just trying to -- I don't know. I have
4 ideas in my mind of what it's like to have prostate
5 cancer and what he might be going through, but until I
6 actually hear you describe it, sometimes I'm not correct.
7 So I guess I'm trying to ask questions to figure out what
8 was happening and allow you to fill in the blanks and
9 describe it for me.

10 In August of 2013, then, you said the radiation
11 treatments ended?

12 A. Yes, if I remember correctly.

13 Q. Was that like the first round of treatments?
14 Was he supposed to get additional rounds of treatments?

15 A. At that point, I heard that was it, you know,
16 that that was the full run of them.

17 Q. Who did you hear that from?

18 A. From the doctor there. It was Dr. Dover had --
19 there was another doctor kind of finished up, and I don't
20 remember his name. And then there was -- I can't
21 remember her name, the lady that did the treatments. She
22 said that Randy was all done with his treatments.

23 Q. A lady, is that a nurse or is that a --

24 A. She was like a radiological like nurse-type
25 thing.

1 Q. Physician assistant or --

2 A. I don't know what her title was.

3 Q. Do you know her name?

4 A. I can't remember.

5 Q. Was she affiliated with Dr. Dover or the VA?

6 A. Well, it was at this clinic, the VA -- the VA
7 did the treatment too.

8 Q. So --

9 A. I can't remember her name.

10 Q. You heard it from that female and, both,
11 Dr. Dover that Randy's treatments had finished?

12 A. Whoever, whatever doctor was towards the end
13 there had said that Randy was finished.

14 Q. To your knowledge, was Randy scheduled to
15 receive additional treatments?

16 A. Not to my knowledge.

17 Q. What was your understanding of Randy's
18 condition, then, after August of 2013, up until the
19 incident on November 9th, 2013?

20 A. I don't understand what you mean.

21 Q. Was he getting better, was he about the same,
22 was he getting worse, from August 2013, after the
23 treatments ended, up until the incident in November?

24 A. He was about the same probably, trying to
25 recover.

1 Q. He was still weak?

2 A. Yes.

3 Q. Did he lose his hair?

4 A. He didn't have much hair.

5 Q. Okay.

6 A. He didn't.

7 Q. So even before the treatments --

8 A. He lost his hair on his own.

9 Q. So even before the treatments, he didn't have
10 much hair?

11 A. No. That's correct.

12 Q. Did he have any hair on his head before the
13 treatments?

14 A. Well, you know, I can't remember exactly how
15 Randy's hair was, but I didn't notice any, any real
16 change there. I'm sure he did lose some hair, but I
17 didn't --

18 Q. He didn't go completely bald?

19 A. He was almost there before the treatments.

20 Q. Okay.

21 A. Kind of, sort of. He had his hair kind of up,
22 went around the back part, but --

23 Q. I also saw in his treatment records starting
24 around June of 2013 he started having episodes where he
25 was coughing up blood. Do you recall that?

1 A. Yeah. He had said that, that he had addressed
2 that to the VA center.

3 Q. Did you ever witness any episodes of him
4 coughing up blood around the house?

5 A. No. No, I didn't. I think it was a couple
6 times that he did, and he was in the bathroom or
7 something, but I never saw it. He had told me about it,
8 but I didn't witness it.

9 Q. After the treatments ended in August of 2013 or
10 around that time, do you know if Randy had additional
11 testing to see what was happening with the cancer tumors
12 or the cancer?

13 A. That, I don't know. I didn't hear about what
14 the future -- we were busy moving, and Randy probably
15 would have known more about what was said.

16 Q. So if the radiation treatments help reduce the
17 tumor or contain it, or if it didn't work at all, you
18 don't know one way or the other?

19 A. I had heard that it worked, but I don't know.
20 You know, I don't know medically how to tell you. But I
21 had heard that they did, were able to get some of it or
22 whatever down, or whatever they were supposed to do.

23 Q. Did you hear that from Randy, or did you hear
24 that straight from his physicians?

25 A. I just heard just kind of part-way talk, and I

1 don't remember if it was from the doctor or from the
2 assistant.

3 Q. I think I heard somewhere, either you or some
4 other family members had mentioned something along the
5 lines of Randy had beaten cancer. Would you have said
6 anything like that?

7 A. I had thought that when I read the -- it was my
8 thoughts when I read the autopsy.

9 Q. That was something that you thought you
10 interpreted in reading the autopsy report?

11 A. Yes, yes.

12 Q. That wasn't anything any of Randy's physicians
13 ever --

14 A. No.

15 Q. -- relayed to you, is it?

16 A. No.

17 Q. And again, this is the sensitive areas. I also
18 saw some mental health issues in Randy's medical records.
19 Were you aware of any mental health issues that Randy was
20 having before the incident?

21 A. I know he was being nervous, you know, a little
22 bit. But they -- I know that he was taking medications
23 to help him get through the treatment.

24 Q. What types of medications were you aware of?

25 A. I don't remember.

1 Q. But it was your understanding that the
2 medications were to help treat anxiety or depression or
3 what?

4 A. The anxiousness, you know, anxious of mortality
5 and whatever would go through your mind.

6 Q. Did you believe that Randy was suffering from
7 depression?

8 A. Well, he wasn't happy with what was going on.
9 He probably -- he was sad.

10 Q. And when you say he wasn't happy with what was
11 going on, what specifically are you referring to?

12 A. With the cancer.

13 Q. Were there any other areas of Randy's life, to
14 your knowledge, that he was particularly upset with or
15 depressed about?

16 A. No.

17 Q. Looking at a June 10th, 2013, VA record
18 discussing Randy's mental health history, and it
19 indicated that Randy had been diagnosed with Asperger's.
20 Are you aware of that?

21 A. No, I don't. I know he was talking to somebody
22 there, but --

23 Q. It also mentioned he was diagnosed with paranoid
24 personality disorder. Does that -- are you familiar at
25 all with that?

1 A. No.

2 Q. PTSD, post-traumatic stress disorder?

3 A. He was talking about that.

4 Q. Randy was talking about what?

5 A. PTSD.

6 Q. And what would he -- what was he -- what would
7 he talk about when he would reference that?

8 A. Just, I really don't know. I don't remember.
9 He was just talking something about PTSD. I don't know
10 if that's what the VA talked about with the patient, you
11 know, because that's normal. I don't know, did they --

12 Q. Randy was in the armed services; correct?

13 A. Yes. He was in the Navy.

14 Q. He was in the Navy? Do you know how long he was
15 in the Navy?

16 A. No.

17 Q. Do you know what time period he was in the Navy?

18 A. Not offhand. I think it was around '84, but I'm
19 not sure.

20 Q. Do you know what he did in the Navy?

21 A. He was a corpsman. He was in the medicine part.

22 Q. Do you know if he ever saw live combat?

23 A. Not to my knowledge.

24 Q. That same June 10th, 2013, record from the VA
25 also mentioned that he had a history of panic attacks and

1 was actually currently having panic attacks every six
2 hours.

3 A. That --

4 Q. Is that anything that sounds familiar to you?

5 A. No. You know, Randy might have been having
6 something like that, but he never talked to me about it,
7 and I never saw him.

8 Q. You never witnessed what you thought might be a
9 panic attack from Randy during the few months leading up
10 to the incident?

11 A. No.

12 Q. They also mentioned that he was diagnosed with
13 schizotypal personality disorder. And I just did some
14 brief research on that, and it's described as someone who
15 is, typically likes to be a loner, is solitary,
16 suspicious, paranoid.

17 A. That, I don't know. He was going down there to
18 talk to somebody, but I don't know what that part was.

19 Q. Did you ever see those types of behavior from
20 Randy?

21 A. No.

22 Q. So whether Randy was being treated for that
23 disorder, you don't know any details one way or the
24 other?

25 A. Huh-uh.

1 Q. No?

2 A. No. I'm sorry.

3 Q. That's okay.

4 Let me just check my notes before I let you off
5 the hot seat. Is there anything about the incident
6 between Mr. Voden and Randy that you haven't told me
7 about that you think is significant for this claim?

8 A. I believe I told you everything, to my
9 knowledge.

10 MR. LONG: I think you did, too, because I
11 went through -- I went through it pretty closely with
12 you.

13 Well, I think that's all I have. Thank you
14 very much for your time.

15 THE WITNESS: Thank you.

16 MR. TOLMAN: I'm going to ask just a few
17 questions. Are you ready to go ahead? Do you need to
18 take a short break?

19 THE WITNESS: No. I'll be okay, unless you
20 guys want to take a break.

21

22 EXAMINATION

23 BY MR. TOLMAN:

24 Q. All right. When you were at the gate saying,
25 "Neighbor, neighbor, my dog's in your yard," did you ask

1 permission to enter at that time?

2 A. Just from -- just from saying that thing. I
3 didn't see anybody.

4 Q. My question is, did you ask, "Can I come in,"
5 "Can I get my dog," or anything like that? And just what
6 you remember, nothing else.

7 A. I can't remember exactly. I could have very
8 well said more, but I don't remember.

9 Q. Yeah, and I don't want you to do any more than
10 you remember, and I don't want you to work too hard at
11 it. Okay, Brenda?

12 A. Okay.

13 Q. Do you remember whether the French fries were
14 spread on the porch before Randy got up or after Randy
15 got up? And I'm just asking what you remember.

16 A. I don't recall exactly the time. I think it was
17 after Randy got up, but I'm not certain.

18 Q. All right. When you turned to go get the ball,
19 did you see the ball?

20 A. From -- after, I kind of glanced around, and I
21 saw the ball.

22 Q. Okay. So you see Randy starting into the yard;
23 correct?

24 A. Yes.

25 Q. And as you turn, you're glancing around, you see

1 the ball by the tree?

2 A. Yes.

3 Q. And you walk to the ball?

4 A. Yes.

5 Q. Then, did you hear the whooshing sound before
6 you heard Randy's voice calling to you, or did you hear
7 the voice first, or do you even know? And I don't want
8 you to say what you don't know.

9 A. I don't recall which order it was in.

10 Q. Okay. Do you know what caused the whooshing
11 sound?

12 A. No. At that point, I didn't.

13 Q. Were you making an assumption, or is that
14 afterwards, or did you have any idea?

15 A. I heard a whooshing sound, but, you know, I
16 didn't know what it was, you know. I was going, "What is
17 that?"

18 Q. And when you heard Randy's voice, it was
19 startling to you?

20 A. Yes.

21 Q. And as you were getting up, were you looking
22 back at Randy?

23 A. When he first called to talk to me, I went like
24 this to listen.

25 Q. Okay. Let me stop you, Brenda.

1 A. Oh, I'm sorry.

2 Q. No, no, let me stop you. She can't write down
3 what you're doing, so describe, when you say, "I went
4 like this," were you turning your head to look over your
5 right shoulder?

6 A. Yes. I turned my head to look over my right
7 shoulder. I couldn't turn all the way around because I'm
8 fused, but that's -- I turned my neck like this, over to
9 the side like that.

10 Q. And as -- did you do that as you were getting
11 up? In other words, this is all one motion: You hear
12 that voice, it's a voice you're not used to hearing in
13 that way, you turn and look as you're getting up to see
14 what's going on?

15 A. Yes.

16 Q. And was it at that time that you saw Randy and
17 Mr. Voden?

18 A. Yes.

19 Q. And what sticks in your mind is the two men
20 standing, facing each other?

21 A. Yes.

22 Q. And not the surroundings?

23 A. Right.

24 Q. And then you've said you didn't -- you don't
25 remember any words that were spoken?

1 A. No.

2 Q. You described Randy holding his arms in the air,
3 and I'd like you to describe how he held his arms. Were
4 they like to the square, were they all the way straight
5 up? What were they like?

6 A. They were like to the square, with his palms
7 sticking like this, if I remember correctly.

8 Q. By "like this," you're saying his palms --

9 A. Okay. Away from each other, but they were up in
10 the air. It was like a U-ish shape, a square shape.

11 Q. Okay. And it was between his head and left arm
12 that you could see Voden's face?

13 A. Yes. Between Randy's head and his arm, I was
14 able to see Voden's face.

15 Q. Who's taller, Randy or Voden?

16 A. Randy was six foot. I wasn't -- I could tell
17 that Mr. Voden was shorter, but I don't know exactly his
18 height.

19 Q. You weren't looking at the whole body at that
20 point?

21 A. No. All I could see was his head.

22 Q. But you now know that Voden was shorter than
23 Randy?

24 A. Yes.

25 Q. You saw him at the criminal trial?

1 A. Yes.

2 Q. I'm assuming, then, that you must have been
3 standing up by the time you saw that, or you wouldn't be
4 able to see Voden.

5 A. Right. Right. I was standing up.

6 Q. Do you know -- you don't know whether Randy was
7 down a little bit or up tall? You didn't see the whole
8 body at that point, or didn't focus on it?

9 A. Right, right.

10 Q. Do you know how many shots you actually heard?

11 A. I actually heard four.

12 Q. Are you 100 percent positive?

13 A. As far as I can recollect.

14 Q. Okay. Now, that's what I want to ask you about.
15 Are you 100 percent positive, or is that what you think
16 you remember?

17 A. That's what I think I remember.

18 Q. Okay. And as the shots -- you heard the sounds
19 of the shots, you saw Randy's body reaction?

20 A. Yes.

21 Q. As Randy was falling forward, was he falling
22 straight forward, twisting? What was he doing?

23 A. He was falling forward and he was twisting -- he
24 was twisting as he was falling.

25 Q. And then you said you saw his legs?

1 A. Yes. I saw the one leg was bent.

2 Q. Bent up in the air or on the ground?

3 A. Yeah, bent up with the foot, it was like at a
4 weird angle. His foot was like on-the-ground-ish and his
5 knee was up in the air.

6 Q. And that's simply an image that you have?

7 A. Yes.

8 Q. And you are now starting to run to the house?

9 A. Yes.

10 Q. And on your way to the house, you turn and yell
11 that you love him and you're calling for help?

12 A. Yes, yes.

13 Q. You don't remember Voden after that point?

14 A. No. I was paying attention to Randy.

15 Q. Okay. Now, you've described the phone call.
16 You've described what looked to you like a SWAT officer
17 coming up the side of the house; right?

18 A. Yes.

19 Q. Do you remember the first time a policeman came
20 to the house to talk with you?

21 A. It was after the incidents -- incident when I
22 was sitting on the couch. There was an officer that came
23 to the door prior to that. Is that what you mean?

24 Q. I'm asking you.

25 A. Okay.

1 Q. Is that the first thing you remember after the
2 SWAT team guy motioned you to get back in the house?

3 A. Yes. I stayed in the house until I heard them
4 say -- they were on the other side of the door asking if
5 I was alone and if they could enter.

6 Q. Okay. Was there more than one?

7 A. I don't recall. I think there was just the one.
8 I'm sure there was other guys there, but I don't know.

9 Q. And did you talk with that officer?

10 A. Yes.

11 Q. Where were you, and where was he?

12 A. I was sitting on the couch, and --

13 Q. Do you remember where he was?

14 A. He was standing in front of me. That's about
15 all I can remember.

16 Q. Do you remember the conversation?

17 A. Not too well.

18 Q. Well, not too well, or I don't remember?

19 A. I don't remember.

20 Q. Do you remember any of it?

21 A. I remember talking, but I don't remember what I
22 said.

23 Q. Do you remember what he said?

24 A. No.

25 Q. After -- did he stay there with you, or did he

1 leave?

2 A. Stayed. As far as I can remember, he stayed
3 there.

4 Q. Do you remember talking to any other police
5 officer at your house or in the yard?

6 A. I don't recall. I don't recall.

7 Q. Do you remember being taken to the police
8 station?

9 A. I don't remember. I remember being there, but I
10 don't remember the drive over.

11 Q. Being at the police station?

12 A. I remember being at the police -- I don't
13 remember what was said, but I remember being there.

14 Q. Okay. Let's take it a step at a time. Do you
15 remember leaving your house and getting into a car?

16 A. No.

17 Q. Do you remember being in the car, driving from
18 Rancho to the police station?

19 A. No.

20 Q. Do you remember getting out of the car at the
21 police station?

22 A. No.

23 Q. Do you remember leaving from the car, going into
24 the police station?

25 A. No.

1 Q. Do you remember being inside the police station
2 before you were in a room?

3 A. No, I don't remember.

4 Q. Do you remember more than one officer in the
5 room?

6 A. I don't remember.

7 Q. Do you remember the officer you later learned
8 was Van Camp?

9 A. Yes. There was a man I talked to in that one
10 room.

11 Q. Do you remember any female officers being there?

12 A. No.

13 Q. Do you remember Bob and Tracy McQueen being at
14 the station?

15 A. Yes.

16 Q. Do you remember seeing them come in?

17 A. I remember they were on the outside. The part I
18 remember, they were on the outside.

19 Q. Outside of the station or outside of the room
20 you were in?

21 A. Outside of the room. As far as I -- when I came
22 out of the room, that's when I saw them.

23 Q. Okay. First time you remember seeing them is
24 coming out of the room?

25 A. Yes.

1 Q. Now, did you ever read the transcript of the
2 interview that was taken at the police station?

3 A. No. I was given it once, but I didn't look at
4 it.

5 Q. Were you given it just before you testified at
6 the criminal trial?

7 A. Yes.

8 Q. When you started to look at it, what did you
9 feel?

10 A. That I was confused. That it was confusing to
11 me.

12 Q. Did you want to read what had happened that day?

13 A. No. No, I didn't. I shied away from reading it
14 because I didn't want to.

15 Q. Okay. So you have not ever read it?

16 A. No.

17 Q. And whatever you said, you don't remember?

18 A. No.

19 Q. Do you remember leaving the police station and
20 getting into anybody's car?

21 A. I remember being in Tracy and Bob's car.

22 Q. Okay. Let me start over again. Do you remember
23 leaving the police station and getting into a car?

24 A. No.

25 Q. Do you remember being in Bob and Tracy's car?

1 A. For a little time, yes.

2 Q. Couple of days later you went back with help
3 from others to clean the cabin out?

4 A. Yes. Yes, within the I think week or so. I
5 think my stuff had sat out in the yard for a while. But,
6 yeah, we went back to clean it up at one point.

7 Q. Now, you've described the door that we see in
8 the photograph as the back door?

9 A. Yes.

10 Q. Did it go to the back of the house? Did it go
11 to the side of the house? Did it go to the bedroom?

12 A. It went to the bedroom.

13 Q. All right. And so it was on the front of the
14 house, but it wasn't the front door, it was the one off
15 to the side on that little patio?

16 A. Yes, yes.

17 Q. You have described your sense of whatever you
18 got from the autopsy report. Did anybody else read the
19 autopsy report and talk to you about it?

20 A. My friend Tracy. And she's a nurse.

21 Q. Is that where you -- now, I don't want to put
22 words in your mouth. Is that where you got the idea that
23 the autopsy report said that the cancer had been cured?

24 A. Yes.

25 Q. No doctor has ever told you that?

1 A. No.

2 Q. You haven't talked to the medical examiner?

3 A. No.

4 Q. Did you ever hear anybody say the cancer was in
5 remission?

6 A. No.

7 Q. All you heard was -- well, tell me what you
8 heard about the cancer and stopping the therapy.

9 A. I -- at the time that Randy finished, they said
10 that they were finished, that they think they got it --
11 they got it good or got it all.

12 Q. Now, is that what Randy told you?

13 A. That's what I heard from the assistant.

14 Q. The female?

15 A. Yes, at the cancer center.

16 Q. And was she talking to Randy?

17 A. Yes.

18 Q. And were you there?

19 A. Yes. I was off to the side.

20 Q. Okay. Now, you don't have any knowledge
21 yourself as to whether the cancer was eradicated, whether
22 it was in remission, or if there was just a hiatus in
23 treatment?

24 A. No.

25 MR. TOLMAN: Okay. All right. That's all

1 I have.

2

3

EXAMINATION

4 BY MR. LONG:

5 Q. Tracy, the friend that saw the autopsy report,
6 do you have her last name?

7 A. It's McQueen. She's Bob McQueen's wife.

8 MR. LONG: Has she been listed as a
9 witness?

10 MR. TOLMAN: Yeah. She's -- they're the
11 ones that are the friends that introduced them to the
12 church. They're the ones that came to the house and then
13 went to the police station. She stayed at their house.
14 That's the same Tracy.

15 MR. LONG: Thank you.

16 Q. (By Mr. Long) I also forgot to ask you, this
17 happened in the morning on November 9th, 2013, the
18 incident?

19 A. Yes.

20 Q. But had the sun already risen? Was it daylight?

21 A. Yeah. It had been light outside, yes.

22 Q. Okay. It wasn't predawn? You could actually
23 see everything --

24 A. Yes.

25 Q. -- pretty well?

1 A. Yes.

2 Q. And I think I might have misspoken, and I want
3 to just clear the record. When I asked you where Randy
4 worked here in Payson, I thought you said Rim Country,
5 but it was actually, was it Rim County Health?

6 A. Country.

7 Q. Country?

8 A. Yes. It's off of Longhorn.

9 Q. Is it Rim Country Health?

10 A. Yes.

11 MR. LONG: Okay. All right. And we'll
12 just -- I was reading from the interrogatory answer, but
13 we'll fix the answer, then.

14 That's all I have.

15 MR. TOLMAN: All right. Thank you very
16 much.

17 MR. LONG: Want to read and sign, or --

18 MR. TOLMAN: No. We'll waive signature.

19 (Deposition was concluded at 12:19 p.m.)

20 * * * * *

21

22

23 _(Signature Waived)_____

24 BRENDA JO BURNETT

25

1 STATE OF ARIZONA) SS.
)
 2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
 4 taken before me; that the witness before testifying was
 5 duly sworn by me to testify to the whole truth; that the
 6 foregoing pages are a full, true and accurate record of
 7 the proceedings, all done to the best of my skill and
 8 ability; that the proceedings were taken down by me in
 9 shorthand and thereafter reduced to print under my
 10 direction.

11 I CERTIFY that I am in no way related to any of
 12 the parties hereto nor am I in any way interested in the
 13 outcome hereof.

14 [] Review and signature was requested.
 15 [X] Review and signature was waived.
 16 [] Review and signature not required.

17 I CERTIFY that I have complied with the ethical
 18 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
 19 J(1)(g)(1) and (2). Dated at Phoenix, Arizona,
 20 this 1st day of November, 2015.

21 _____
 22 Jennifer Honn, RPR
 23 Arizona CR No. 50885

24 * * *

25 I CERTIFY that AZ Litigation Support, LLC, has
 26 complied with the ethical obligations set forth in ACJA
 27 7-206 (J)(1)(g)(1) through (6).

28 _____
 29 AZ Litigation Support, LLC

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