

1 STATE OF INDIANA )  
2 COUNTY OF LAKE ) SS:

3 IN THE SUPERIOR COURT,  
4 CRIMINAL DIVISION, ROOM #4  
CROWN POINT, INDIANA

5 STATE OF INDIANA )  
6 V. ) 45G04-0312-MR-00010  
7 DARRYL JETER )

8 THE TESTIMONY OF JOHN NIXON  
9 PENALTY PHASE of JURY TRIAL

10  
11 BE IT REMEMBERED, that heretofore, on the  
12 18th day of May, 2006, the above entitled cause  
13 came on for JURY TRIAL, before the Honorable  
14 THOMAS P. STEFANIAK, Judge of the Superior Court  
15 of Lake County, Criminal Division, Room IV,  
16 sitting at Crown Point, Indiana.

17  
18 APPEARANCES:

19 HONORABLE THOMAS P. STEFANIAK  
20 PRESIDING JUDGE

21 Clare Bradley Lubek and Mary Ryan  
22 DEPUTY PROSECUTING ATTORNEYS  
FOR THE STATE OF INDIANA

23 A. Woloshansky, J. Schlesinger  
24 and Cathy Lake  
25 PUBLIC DEFENDERS  
FOR THE DEFENDANT

1 deposition about what he is testifying to.  
2 He said he was not testifying to anything  
3 containing wound ballistics. We'll stay away  
4 from that, I think Mr. Hague has provided us  
5 with enough. This guy is just going to  
6 present-- he is way under or over-qualified  
7 to do this. We are going down a lay witness  
8 compared to an expert witness, quite  
9 frankly.

10 THE COURT:

11 The only reason I called you up is, it  
12 seems like you have kind of abandoned your  
13 request to have him declared an expert and  
14 I'm wondering if that is your intent.

15 BY MR. WOLOSHANSKY:

16 No, I want to move along, okay? If she  
17 has a long-winded battle of whether or not  
18 he is a qualified ballistics expert, I don't  
19 need that. I'll just have him show the  
20 photographs. We didn't know what Hague was  
21 going to say, Hague said 99 percent of what  
22 this guy will say. We want to show the  
23 wounds to the jury shortly after, about a  
24 month later or two months later. These are  
25 pictures.

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