

1 Shannon?

2 A. No, not to my husband.

3 Q. Okay. Who did you speak to?

4 A. On my way to work I called Shannon and said to  
5 give Jim a call because Cindy, which is the boys' mom,  
6 picked up the kids for the night.

7 Q. Who are the boys?

8 A. My husband's sons, those two.

9 Q. So he's got children from another --

10 A. Another marriage.

11 Q. Okay. What else?

12 A. So I told Shannon to give Jim a call and get  
13 together with him to have a guys' night out.

14 Q. Okay. And did you talk to anyone else before  
15 they went out about the guys' night out?

16 A. No.

17 Q. Okay. Where were you working that night?

18 A. I was working at Ventures Bar and Grill.

19 Q. And where is that located?

20 A. Moog and Grand in Holiday.

21 Q. And that night did you receive any phone calls  
22 while you were working?

23 A. Around 1:00 o'clock.

24 Q. Around 1:00?

25 A. Around 12:30, 1:00 o'clock.

1 Q. Okay. Can you tell the jury about that?

2 A. My husband called to tell me that he was home  
3 and I didn't answer.

4 Q. Okay. Well, wait. Did you actually speak  
5 with him?

6 A. No.

7 Q. Well, let me back up. Did you receive any  
8 phone calls where you actually spoke to somebody on the  
9 phone around 1:00 o'clock in the morning?

10 A. No.

11 Q. Okay.

12 A. It was later.

13 Q. You were working at the bar. What did you do  
14 at the bar? What did you do?

15 A. I was a bartender.

16 Q. And when did you go check your cellphone? Let  
17 me back up. Did you have your cellphone with you?

18 A. Yes.

19 Q. Did you check the cellphone?

20 A. Quite a few times.

21 Q. When did you first notice that you had  
22 received a phone call?

23 A. A little after 1:00.

24 Q. Okay. And did you check your voicemail then  
25 or not?

1 A. Yes.

2 Q. And anything unusual about that phone call?

3 A. He just said that he was home.

4 MR. FOOTE: Objection.

5 THE WITNESS: And give him a call.

6 MR. FOOTE: Hearsay, Judge.

7 THE COURT: I'm sorry. What was the question?

8 MR. ROSARIO: The question was: Was there  
9 anything unusual about that phone call?

10 THE COURT: Overruled.

11 MR. FOOTE: Judge, she's testifying to the  
12 substance of a voicemail message.

13 THE COURT: It doesn't make it more hearsay.  
14 You want to come up here?

15 MR. FOOTE: No, that's fine.

16 THE COURT: Okay. I'm overruling the  
17 objection.

18 BY MR. ROSARIO:

19 Q. So you got that voicemail sometime after 1:00?

20 A. Yes.

21 Q. When was the next time you checked your  
22 cellphone?

23 A. A little while later I checked it again, and  
24 Jim called me again. And I checked my voicemail again,  
25 and he told me to give him a call, because something has

1 happened, to please give him a call.

2 Q. Please continue with your answer.

3 A. And then I still did not call him back, and he  
4 called again and said, Kara, you need to call me,  
5 because something happened to Shannon.

6 Q. And did you subsequently call him back?

7 A. Yes.

8 Q. And speak with him?

9 A. Yes.

10 Q. And during that conversation, did you learn  
11 where something had occurred?

12 A. All he said was Joe called him and told him  
13 that Shannon was involved in an accident and that he may  
14 have killed two people was the phone conversation.

15 Q. Okay. Do you remember exactly when these  
16 phone calls came in?

17 A. Between 1:00 and 2:00, because I was shutting  
18 the bar down.

19 Q. If you looked at your phone records, would  
20 that refresh your recollection as to when you checked  
21 your voicemail?

22 A. I don't understand the question. If I looked  
23 at my phone records?

24 MR. FOOTE: May we approach, Judge?

25 THE COURT: Yes.

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MR. ROSARIO: Judge, the State would stipulate to the admission of Defense Exhibit D as a joint.

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THE COURT: Okay. We'll make it a defense exhibit since it started out that way. D for identification would be Defense Exhibit what, Madam Clerk?

9

THE CLERK: Number 10.

10

THE COURT: This will be Defense Number 10.

11

BY MR. ROSARIO:

12

Q. Ma'am, back on March 26th of 2006, what was

13

your cellphone number?

14

A. I had two phones. The Sprint number was a 417

15

number, and my Singular number was 255.

16

MR. ROSARIO: Your Honor, I'm approaching the

17

witness with what has previously been marked

18

Defense Exhibit 10, stipulated by the State.

19

BY MR. ROSARIO:

20

Q. Does that refresh your recollection as to what

21

your cellphone was?

22

A. 9406.

23

Q. I'm sorry?

24

A. 9406.

25

Q. Okay. And I have this page turned open to

1 March 26th, 2006. Could you please review that  
2 document. Specifically can you look at the times and  
3 the phone numbers on March 26th, 2006.

4 A. Okay.

5 Q. Does that refresh your recollection as to when  
6 you first checked your voicemail after 1:00 o'clock?

7 A. Yes.

8 Q. At what time did you check your voicemail on  
9 March 26th, 2006, after 1:00 a.m.?

10 A. The first time I checked it was at 1:16 a.m..

11 Q. So the record would reflect you calling your  
12 own number 727-417 -- what were the last four digits?

13 A. 9406.

14 Q. And on March 26th, 2006, when was the next  
15 time you checked your voicemail?

16 A. 2:06 a.m.

17 Q. Okay. And when was the next time you checked  
18 your voicemail?

19 A. 2:11 a.m.

20 Q. Okay. And each one of those would reflect you  
21 calling your own phone number?

22 A. Yes.

23 Q. And those are the voicemails you just told the  
24 jury about?

25 A. Correct.

1 Q. So after the third voicemail, who did you  
2 call?

3 A. I called Jim.

4 Q. And at what time did you call him?

5 A. 2:13 a.m.

6 Q. Okay. Do you know how long that conversation  
7 took?

8 A. This here says eight minutes.

9 Q. Actually, please look at the number above.

10 A. One minute.

11 Q. Are you aware on your phone bill how companies  
12 bill if you dial and hang up and redial, does it bill  
13 every second, every minute, every hour?

14 A. With Sprint they always bring it to the  
15 nearest minute, like go up a minute whether it's a  
16 30-second conversation.

17 Q. Okay. So at 2:13, who did you dial?

18 A. I called Jim.

19 Q. All right.

20 A. James.

21 Q. And at 2:13, did you call him again?

22 A. Yes.

23 Q. And how long was that conversation?

24 A. Eight minutes.

25 Q. After that conversation, did you get off duty

1 or off work?

2 A. Yes.

3 Q. Okay. Where did you go?

4 A. I went to Grand Boulevard and 54.

5 Q. And when you got there, did you see Shannon  
6 Stephen's truck?

7 A. Yes.

8 Q. Did you notice anything about it?

9 A. The front of the truck was crashed, and there  
10 was a handprint going up the side of the passenger's  
11 side.

12 Q. And when you got there, did you see Shannon  
13 Stephen near that truck?

14 A. He was in the back of the State Trooper's car.

15 Q. Okay. What did you see happen next?

16 A. You have the ambulance that came that parked  
17 behind my car, and you have the State Trooper that  
18 walked him around his truck.

19 Q. Okay. When he was walking around the truck,  
20 Shannon Stephen, did you hear him say anything?

21 A. The State Trooper was explaining to him the  
22 truck, they were talking about his truck.

23 MR. FOOTE: Judge, at this point I'm going to  
24 object to hearsay.

25 THE COURT: Sustained.



1 BY MR. ROSARIO:

2 Q. Please tell me what you heard Shannon Stephen  
3 say.

4 A. He said he hit something, but he didn't hit  
5 people.

6 Q. Okay. And this occurred where?

7 A. The State Trooper and Mr. Stephen was standing  
8 in front of his vehicle.

9 Q. About how far away were you when you heard  
10 this?

11 A. On the sidewalk next to the vehicle.

12 Q. And could you tell anything as far as  
13 Mr. Stephen as to whether he had been partaking of  
14 alcohol? Did you notice anything about that?

15 A. Did he appear drunk, is that what you're  
16 asking me?

17 Q. Sure.

18 A. Yes.

19 THE COURT: We call that plain English.

20 THE WITNESS: Sorry.

21 BY MR. ROSARIO:

22 Q. Okay. And you've known Mr. Stephen for how  
23 many years?

24 A. Five, because my husband and I have been  
25 married for four.

1 Q. In fact, how did you meet your husband?

2 A. Through Shannon Stephen.

3 Q. Okay. So you're at the scene where Shannon's  
4 truck is all smashed up, did you notice anyone else  
5 there that you knew?

6 A. Yes.

7 Q. Who else did you see there that you knew?

8 A. Jim Ramsey.

9 Q. How did you know Jim Ramsey?

10 A. He ventured Ventures.

11 Q. He what?

12 A. He ventured, he was a patron at Ventures.

13 Q. Oh, okay. And did you talk to him for a short  
14 period of time or no?

15 A. Yes. We talked off and on.

16 Q. Okay. And did you see anyone else there you  
17 recognized?

18 A. Just his wife, Jim Ramsey's wife was there.  
19 There was other people there that knew the victim off  
20 and on.

21 Q. Do you know a Rick Scott?

22 A. I met him that night.

23 Q. Okay. And upon speaking with these people,  
24 did you subsequently learn who had been killed up the  
25 road?

1 A. Yes.

2 Q. Did you know who they were?

3 A. I met them a few times in my stint working at  
4 Ventures.

5 Q. And when you were at the police crime scene,  
6 did you call Jim?

7 A. Yes.

8 Q. And does the record reflect when you called  
9 him next? I think we left off at, what was it, 2:51?  
10 When was the next time you called Jim?

11 A. I called him after 2:13 a.m., after I got  
12 there. And Jim Ramsey and I, we were talking, then I  
13 called Jim again at 2:51.

14 Q. Okay. Did you tell him what was going on?

15 A. Yes.

16 Q. Okay. And when was the next time you called  
17 him?

18 A. 3:25.

19 Q. Was there ever a time that you actually saw  
20 Jim out there?

21 A. No.

22 Q. All right. So you called him again at 3:25  
23 a.m.?

24 A. Yes.

25 Q. Okay. Did you update him as to what was going

1 on?

2 A. Yes. And I was trying to get -- at that time  
3 I was trying to get Shannon's mom's number, so that I  
4 could call her and let her know what was going on.

5 Q. Okay. This was a pretty traumatic event for  
6 you, wasn't it?

7 A. Yes.

8 Q. Are you happy to be here testifying today?

9 A. No.

10 Q. Did you have any other involvement in this  
11 case? Did you talk to anyone else that night?

12 A. No. I called a mutual friend of ours Bonnie  
13 Rogers, and that was the way I got in touch with  
14 Shannon's mom.

15 Q. All right.

16 A. And her number is also on here.

17 Q. And what time did you call her?

18 A. The first time I called her was at 4:18. She  
19 didn't answer, so I retried her again at 4:19.

20 Q. Okay. And what number would that be?

21 A. 459-1215.

22 Q. Okay.

23 MR. ROSARIO: May I have a moment, Judge?

24 Your Honor, at this time I would tender the  
25 witness.

1 THE COURT: Mr. Foote?

2 MR. FOOTE: Yes, Judge. Judge, with a  
3 stipulation with the State, we move Defendant's J  
4 for identification as the next in order.

5 THE COURT: So stipulated.

6 MR. ROSARIO: Yes, sir. So stipulated.

7 THE COURT: By stipulation, it will be  
8 admitted as Defense?

9 THE CLERK: Number 11.

10 THE COURT: Number 11.

11 CROSS-EXAMINATION

12 BY MR. FOOTE:

13 Q. Good afternoon, ma'am.

14 A. Hello.

15 Q. Are you married to Jim Wallace?

16 A. James Wallace.

17 Q. Does anyone call him Jim?

18 A. Yes, we do.

19 Q. Jim Wallace?

20 A. Yes.

21 Q. And he testified yesterday in this courtroom?

22 A. I believe so.

23 Q. Did you see him last night?

24 A. Yes, I did.

25 Q. You knew he was in court?