MR. PEARSON: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. PEARSON:

Q Good morning, Ms. Ferdinand.

A Good morning.

Q Thank you for being with us today.

Ms. Ferdinand, do you know what you're here to speak about today?

A Yes.

Q What's that?

A Duane's death, right? Okay.

Q When did you first meet Duane Browne?

A Like 16 years ago in night school, Prospect Heights night school.

Q Which school was that?

A Prospect Heights. That's a high school.

Q High school.

A Yeah, it was night school, that's where I met him at.

Q Were either of you studying anything in particular there, or what were you doing?

A I don't know what he was studying, but I was failing in the class. So night school, you able to take the class so you could make up.

Q And for any period of time, were you and Mr. Browne dating?

A Yeah, in the future. 2009, that's when me and him started dating.
Q And for how long were you going out?
A A little over two years.
Q So, can you tell me where Duane Browne was living around January of 2012?
A Yeah, in East New York in Brooklyn in a private home.
Q Do you know whether Duane Browne had any children?
A Yes, he had one son.
Q What's that son's name?
A Dasani.
Q Have you ever met Dasani?
A Yes.
Q I'm going to draw your attention to the day of January 12th of 2012.

Do you have any recollection of the events of that day?
A Some things, yes.
Q At some point, did you meet up with Duane Browne that day?
A Yes.
Q Around what time was that?
A I don't know. It could have been 7, 8 o'clock that night.
Q Do you know whether or not Mr. Browne had dinner that

night?
A Yeah.
Q And do you know what he did for dinner?
A We walked to Popeye's that night and that's what he had that night.
Q Did anyone go with you to Popeye's?
A No, just the two of us.
Q And did you eat there or take it back?
A Took it back.
Q So you ate the dinner where, at Mr. Browne's home, somewhere else?
A Yes, at his home.
Q Did Mr. Browne make any phone calls that you heard while you were doing all that?
A Yes.
Q Did he speak with any family members?
A He spoke to his son while we was walking to Popeye's, and he spoke to one of his female friends, a older lady, that night.
Q Could you hear what was being said on his conversation with his son?
MR. BLACKMAN: Objection; hearsay, Your Honor.
THE COURT: Sustained.
Q Around what time did you guys finish eating dinner?
A I don't know the time.

Q Was it dark outside by the time you guys were done?
A It was dark when I got home that night, yeah, it was late.
Q When you say when you got home that night, were you employed at the time, January 12th --
A Yes.
Q -- 2012?
Yes?
A Yes.
Q Where were you working?
A I was waitressing.
Q Where?
A 42nd Street, BBQ's.
Q At some point in the evening, did you go upstairs to Mr. Browne's bedroom with him?
A Yes.
Q Was that after having dinner?
A Yes.
Q Do you recall how Mr. Browne was dressed at the time that you went up, you were up in his bedroom?
A He was fully dressed, but he changed into his pajamas.
Q What were you doing once you went up to the bedroom, you know, watching T.V., doing what?
A Yeah, we were watching a movie.
Q Do you remember what movie?

A No.
Q At some point, did Mr. Browne leave the bedroom while you were still in it?
A Yes.
Q What did you -- why did he leave the bedroom?
A To get something to drink.
Q Was he getting something to drink just for himself, for both of you?
A For himself.
Q What was he getting to drink, do you know?
A Yeah, a Corona.
Q Did Mr. Browne return to the bedroom at some point?
A Yes.
Q What happened when he came back?
A When he came back, he was frantic.

Would you like me to tell you everything that happened?

Q Yes, please describe what you mean by frantic.
A Okay. When he came back, well, I heard his -- I heard him running up the stairs and when he came in, he ...
Q Please take your time.
A He shut the door behind him and said someone was in the house.
Q Did he say anything further than that?
A No.

Q Did you ask him what was happening?
A Yeah. I didn't understand what was going on, so I -- I said to him, "Who are you talking about?" And he went to the window. He told me be quiet. He went to the window and then he -- I guess he saw people running out the house because he -- only thing he said was, "Oh, I knew I wasn't bugging."
THE COURT: What did he say?
THE WITNESS: He knew he wasn't bugging.
THE COURT: He knew he wasn't what?
THE WITNESS: Bugging, like hallucinating.
THE COURT: Bugging you mean like hallucinating?
THE WITNESS: Yes.
THE COURT: All right. Go ahead.
BY MR. PEARSON:
Q Could you see out the window at the time --
A No, I didn't go to the window. I was talking to him. I was telling him to calm down.
Q What happened then? What did he do?
A After that, Duane went and got a gun.
Q Did you see where he retrieved the gun from?
A Yes.
Q Where was that?
A Underneath the bed.
Q Could you describe the gun?
A No, I don't remember what the gun looked like.

Q Did you see Mr. Browne load the gun or begin to load the gun?
A Yes. He -- when he saw the two guys running out the house, he attempted to fire the gun, but there wasn't any bullets in it. So he went back to where he got it from and put bullets in the gun and ran downstairs and I ran behind him.
Q Were you saying anything to Mr. Browne as you were going down the stairs?
A Yeah, I was telling him to calm down, who was he talking about, and I said we could call the cops, because I was scared.
Q Did Mr. Browne say anything in response to that?
A He said he had to go downstairs in the basement and get -- that's where all the commotion was going on at. We were upstairs on the third floor. There's a main floor and the basement. So, we was on the main floor. We saw the two doors that -- that you enter the home were open. So, his main concern was going downstairs in the basement.
Q And did he say why he needed to do that?
A To go check on his brother.
Q You mentioned a commotion.

Did you hear any commotion from the lower floors of the house?
A No, I -- we can't hear from up there, and Duane's room is

towards the front, and the everything was going on towards the back of the house. So I didn't hear anything.

Q When you said you were going to call 911, did Mr. Browne say anything in response to you?

A He just said he was going to go downstairs, so.

Q Did he appear scared? Or, how did he appear at that time? What was his demeanor?

A I mean, he was angry. He was a little hesitant, but he would -- I don't know, he just, his main concern was going check on his brother. He was angry.

Q At that time, did you see any or hear any -- anyone else in or around the house?

A No.

Q Did Mr. Browne mention anything else to you about people who were in the house?

A No. The only thing he mentioned is he saw two guys running out the front door.

Q Did you hear Mr. Browne mention anything that might have happened to his brother?

A No.

Q Did Mr. Browne attempt to discourage you from calling the police?

A Well, I grabbed the gun, so we was going back and forth, and then I stood in front of the basement door and he told me to move. So I was yelling, "I'm going to call the cops." And

then I said I was going to call one of his good friends that I know he'll listen to. So I ran to go get the phone, but he went downstairs.

Q So he went downstairs before you finished that conversation?

A Mm-hm, yes.

Q Did Mr. Browne say anything about fearing for his brother?

A Fearing for him?

Q Yes, being afraid for his brother in any way.

MR. BLACKMAN: Objection; leading, Your Honor.

THE COURT: It is leading, but you can say did he say anything about his brother at that time?

THE WITNESS: The only thing he said was he needed to check on him, so yeah.

BY MR. PEARSON:

Q Did you go anywhere, or did you stay on the first floor? What did you do?

A I went back upstairs to the third floor to the bedroom to get my phone.

Q Did you find your phone up there?

A Yes.

Q What happened next?

A I was going to call his friend, but then I heard a shot and I dropped the phone and ran back downstairs.

Q Did you hear anything other than that gunshot?

Pardon me, when you say shot, do you mean gunshot?

A Yes.

Q And did you hear anything other than that at that time?

A No. He was in the basement at -- you don't hear anything that's going on downstairs from upstairs.

Q Did you hear -- okay. So you didn't hear any shouting or anything like that?

A No.

MR. BLACKMAN: Objection, Your Honor.

THE COURT: Overruled.

Go ahead. She answered it.

BY MR. PEARSON:

Q When you say you went back downstairs, where did you go?

A To the main floor.

Q And what did you do on the main floor?

A I went towards the basement and I saw Duane at the end of the stairs. He told me he was shot, and I ran back to go get my phone.

Q So you went back up to the second floor?

A Yeah, and -- but by the time I came back downstairs, Duane was on the main floor laying down on the floor.

Q Where was he laying down?

A There's a dining room table and a stairs to go upstairs. So he was right there, maybe five feet from the door that you

enter the home.
Q Did you say anything to Duane at that time?
A I told him I was on the phone with the police, and I was trying to talk to him. A few seconds later, police entered the house.
Q At the time that Duane went downstairs to the basement, were you aware of whether or not any police were on the scene?
A No.
Q Do you have any reason to believe Duane knew whether or not police were on the scene?
MR. BLACKMAN: Objection, Your Honor.
THE COURT: Sustained.
BY MR. PEARSON:
Q Did Duane respond to you when you said that you were calling or on the phone with the police?
A No.
Q Was he making any sounds at all?
(Pause.)
A No.
Q Did you reach an operator when you called?
A Yes.
Q Do you recall what you said?
A Now I do, yeah.
Q What did you say?
THE WITNESS: Do I have to answer that?

THE COURT: You have to answer that, yes.

A I told them my boyfriend has been shot and I gave them the address, and I let them know that he was dying, so they needed to hurry up.

Q How many calls did you make at that time? Did you just make one call to 911, multiple calls?

A I -- I -- one call I -- yeah, one.

Q You mentioned that police arrived on the scene around that time.

Where did the first police officer you saw, where did that person come from?

A It may have been through the front. I don't know because police came from the front of the house and they may have came from the basement. There was a lot going on. I can't really say.

Q So, did one police officer arrive before the rest, or how many -- did police officers arrive simultaneously? Do you recall?

A I remember seeing a lot of officers.

Q When they arrived, did the officers say anything to you?

A They asked me where was the person with the gun.

Q How did the officers ask you that?

A Just as I said, "Where's the person with the gun?"

Q Did you reply?

A Yeah. At the time, I didn't know who -- I told them, "I

don't know, but he shot my boyfriend. They shot my boyfriend."

Q Did the officers say anything else?

A They asked me to leave the house, and I didn't listen. I stood in the front door entrance, got on my knees so I could see that Duane was still breathing.

Q When you say "the entrance," where were you in the home?

A I told you, I was about five feet from the -- the door that where you enter and exit the home.

Q So you were at that same spot?

A Yeah.

Q You say you didn't listen.

Did the officers say anything else to you?

A No, they just asked me to leave. So I stood there, but then someone else came, I don't know, said I had to leave the house, period, like I couldn't stand on the porch or anything. So I stepped out of the house.

Q How did the officers speak to you?

A They were yelling.

Q Did the officers speak to Duane, that you heard?

A I don't remember.

Q Did the officers ask you any other questions, that you can remember?

A No.

Q Did you see whether or not the officers who came to the

house had weapons drawn of any kind?
A Yes, they had their firearm out when they came in.
Q Did you see the officers interact with Duane in any other way, in any other way at all?
A No.
Q Did the officers touch Duane in any way?
A Did they, could you repeat that?
Q Yes.
Did the officers touch Duane in any way?
A They had to because he was closer towards the door, so they had -- but at the time, I was barefooted, I didn't have on a coat, and people was calling me from every direction, so I didn't see.
Q Do you recall whether or not Mr. Browne was ever put in any kind of restraints of any kind at that time?
A No.
Q Did you, when you were on the phone with 911, call for an ambulance?
A Yes.
Q Did an ambulance arrive at any point?
A Yes.
Q Where were you when the ambulance arrived?
A I was out in the -- in the street not too far, a couple of feet from the home.
Q Did you attempt to go back into the home at any point?

A One time I did, but my brother came and he told me don't keep trying to go in the house. So we just stood by the side.
Q Did you see emergency medical technicians or anyone else who came from those ambulances?
A Yes.
Q At any point, were they standing along the property line where you were?
A Yes. They went towards the gate, but then I don't know what happened. They didn't go right in, but then by the time I got some shoes and stuff and I looked, I saw them put Duane on the stretcher.
Q Did you see police officers speaking with the EMT's at any point?
A I don't remember.
Q Do you know whether Duane was taken anywhere after that?
A He was taken to Brookdale Hospital.
Q Did you go to the hospital as well?
A Yes.
Q How did you get there?
A His best friend.
Q Who is that?
A You want his name?
Q Please.
A His name is Nolan Donovan. That's who I was waiting for to come get me. He told me to wait for him and he'll --

he'll -- he was on his way, and he drove me and my brother to the hospital.

Q Did you speak with any doctors at the hospital?

A Homicide came in, I believe, yeah.

Q Why do you say that?

A It was two gentlemen that came in there, a doctor came in there, and spoke with me and Duane's mom. It was, yeah.

Q And what was said to you?

MR. BLACKMAN: Objection, Your Honor.

THE COURT: Sustained.

BY MR. PEARSON:

Q Did you learn at any point how Mr. Browne had been shot?

A Yes.

Q When was that?

A Okay, wait. Hold on.

There -- I think it was that night or -- or a few days later.

No, it was a few days later.

THE COURT: Somebody told you a few days later what happened, is that what you're saying?

THE WITNESS: Well, I don't -- I don't remember.

THE COURT: You don't remember.

Okay, next question.

THE WITNESS: I don't.

BY MR. PEARSON:
Q Do you remember any of the officers who were in the house that night?
A No.
Q Do you know whether Duane was working at the time of this incident?
A Yes.
Q What was he doing, if you know?
MR. BLACKMAN: Objection, Your Honor.
THE COURT: Sustained.
Well, I'll allow that. He was working, he was employed at the time?
THE WITNESS: He was employed.
THE COURT: And what was he doing, do you know?
THE WITNESS: He was doing, like, drywall and, like, construction work.
THE COURT: Construction work, all right.
Next question.
BY MR. PEARSON:
Q Did you ever meet anyone from Duane's work?
A Yes.
MR. BLACKMAN: Objection, Your Honor.
THE COURT: Overruled.
MR. BLACKMAN: Bifurcating, Your Honor.
THE COURT: I understand.

Next question.
BY MR. PEARSON:
Q Did Duane appear to be in pain when he -- when he was on the first floor?
MR. BLACKMAN: Objection, Your Honor.
THE COURT: Overruled.
Did you observe him, you said he didn't say anything, you didn't hear him say anything, right?
THE WITNESS: Yeah, when he was on --
THE COURT: He was on the floor, but he didn't say anything, that's what you said, right?
THE WITNESS: Yes.
THE COURT: I think you described he was lying on the floor, right?
THE WITNESS: Yes.
THE COURT: And he was not saying anything?
THE WITNESS: No.
THE COURT: Right?
THE WITNESS: That's correct.
THE COURT: Next question.
BY MR. PEARSON:
Q Was Mr. Browne moving when you saw him on the first floor?
A Not really.
Q In what position was he lying?

A On his back.
Q Earlier you said that you were given a command to leave the house, you didn't follow it, from one of the police officers.
Did you say anything in response to that command?
A Yeah. Yes.
Q What did you say?
A I told them I wasn't leaving.
Q And was anything said directly in response to that?
A Yes, they told me that I had to leave. They was looking for the suspect.
Q At any point, did you explain to the officers who Mr. Browne was?
A Yes.
Q Had the officers asked for that information?
A As soon -- no, as soon -- yes, they did, they did, they did.
Q How did they ask?
MR. BLACKMAN: Objection, Your Honor.
THE COURT: Did officers ask you some questions about Mr. Browne? What did they ask you, if you recall?
THE WITNESS: They asked who he was.
THE COURT: And did you answer?
THE WITNESS: Yes.
THE COURT: What did you tell them?

THE WITNESS: That he was my boyfriend.
THE COURT: Okay.
Anything else?
BY MR. PEARSON:
Q Did the officers ask you anything about other individuals who might be in the house?
A Yes.
Q What did they say?
A They asked was anyone else there, and I told them no.
Q Did you see how Mr. Browne was removed from the house?
MR. BLACKMAN: Objection; asked and answered, Your Honor.
THE COURT: I think you said they came and took him on a stretcher, right?
THE WITNESS: Yes.
THE COURT: She answered that.
BY MR. PEARSON:
Q Well, was Mr. Browne taken on a stretcher out the door or from some other part of the house?
A I didn't even see when they put him on the stretcher, but by the time I looked back, he was -- the EM --
THE COURT: You saw him being taken out of the house on the stretcher?
THE WITNESS: Yes.
THE COURT: But I think you're saying you didn't

actually see him being put on the stretcher.

THE WITNESS: Being put on, yes.

THE COURT: That's her answer.

BY MR. PEARSON:

Q Now, Ms. Ferdinand, I'm just going to show you a few photographs to confirm some of the parts of the house and objects that were at the scene, okay?

A Yes.

Q Thank you.

THE COURT: Are these in evidence already?

MR. PEARSON: Some are, Your Honor. A couple are not yet.

BY MR. PEARSON:

Q Ms. Ferdinand, could you confirm that this is the -- well, can you tell me what this depicts? This is Plaintiff's Exhibit 20.

(The above-referred to exhibit was published.)

A The bedroom.

THE COURT: That's in evidence already. That's the bedroom.

Q And, Ms. Ferdinand, if you could tell me whether at any point that night while this incident was going on you saw Mr. Browne in the portion of the house depicted in this photograph?

(The above-referred to exhibit was published.)

Q Do you recognize that part, where that is?
A Yes.
Q What is that?
A That's the porch.
THE COURT: That's Exhibit 18. That's in evidence also.
Q And, did you ever see Mr. Browne on or around that part of the house?
A Yes.
Q When was that?
A After I was removed out the house, I saw Duane closer towards the door.
Q And, how was Mr. Browne positioned when he was there?
A The same position, lying on his back.
Q And, were any officers with him?
A I think they -- I think so. I can't remember.
Q All right. Ms. Ferdinand, I'm going to show you for identification purposes and then admission a couple of other exhibits.
MR. PEARSON: Your Honor, this is what has been marked as Plaintiff's Exhibit 9.
(The above-referred to exhibit was published to the witness.)
BY MR. PEARSON:
Q Ms. Ferdinand, if you can tell us what this drawing

appears to depict. Take your time to look at it, and let me know if it appears to be a generally accurate depiction of a particular place.

A Duane's home.

Q Which part of Duane's home?

A Upstairs on the second floor.

THE COURT: All right. So put that in evidence now, Exhibit 9.

MR. PEARSON: Plaintiff's Exhibit 9.

(Plaintiff's Exhibit 9 was received in evidence.)

(The above-referred to exhibit was published.)

BY MR. PEARSON:

Q All right. Ms. Ferdinand, I'm going to show you another exhibit for identification purpose.

THE COURT: Well, have you shown number 9?

MR. PEARSON: What's that, Your Honor?

THE COURT: I allowed number 9 to come into evidence. Did you show that to the jurors?

MR. PEARSON: I thought it had been displayed, Your Honor.

COURTROOM DEPUTY: It was.

THE COURT: I was writing at the time.

What's that, the second floor?

THE WITNESS: Yes.

THE COURT: All right. Next, go ahead.

MR. PEARSON: Thank you.

BY MR. PEARSON:

Q All right. Ms. Ferdinand, this is another exhibit for identification purposes.

THE COURT: What exhibit is that?

MR. PEARSON: This is Plaintiff's 7, Your Honor.

THE COURT: We're going to allow that in evidence. Let's move it along.

(Plaintiff's Exhibit 7 was received in evidence.)

(The above-referred to exhibit was published.)

BY MR. PEARSON:

Q Ms. Ferdinand, I'm also going to show you another exhibit for identification purposes.

THE COURT: Put it on the screen. I'm allowing it into evidence.

(The above-referred to exhibit was published.)

Q Ms. Ferdinand, are you able to identify the object that appears in this photograph?

A Yes.

Q What is it?

A Duane's pajama pants.

Q Are these the pants that Mr. Browne was wearing during this incidents?

A Yes.

THE COURT: Which exhibit is this now?

MR. PEARSON: 25.

THE COURT: What happened to 7?

MR. PEARSON: I thought that the Court had said that you were just admitting that into evidence.

THE COURT: Yeah. Do you want to show it to the jury? You referred to it.

MR. PEARSON: Certainly. I thought it had been published.

THE COURT: I'm not so sure. I was just writing.

This is 25 and this is his pajama bottoms, that's in evidence now. Go ahead, move it along.

(Plaintiff's Exhibit 25 was received in evidence.)

BY MR. PEARSON:

Q This is Exhibit 7.

(The above-referred to exhibit was published.)

THE COURT: That's a sketch of what, that's the first floor?

THE WITNESS: Yes.

THE COURT: Do you recognize that basically as a sketch of the first floor?

THE WITNESS: Yes.

THE COURT: All right. Next exhibit, go ahead.

BY MR. PEARSON:

Q This is also for identification purposes.

THE COURT: Which one is it that you're talking

about?

MR. PEARSON: 24, Your Honor.

THE COURT: 24, that's in evidence. Go ahead. You can tell us what that is.

(Plaintiff's Exhibit 24 was received in evidence.)

(The above-referred to exhibit was published.)

BY MR. PEARSON:

Q Ms. Ferdinand, do you recognize the object in this photograph?

A Yes.

Q Can you tell me what that is?

A Duane's shirt.

Q Thank you.

Ms. Ferdinand, did you ever spend -- Ms. Ferdinand, have you in the past ten years ever been convicted of a felony?

A Yes. Yes.

Q What were those?

THE WITNESS: Do I have to answer that?

THE COURT: Yes.

A Assault.

Do you want to know the degree?

Q Yes.

A Assault in the second, robbery in the second.

Q Is that all?

A Yes.
Q Thank you.
When did you receive those convictions?
A In 2012.
Q Were those after this incident?
A Yes.
Q Had you ever been convicted of a felony before that?
A No, but I was on probation.
Q How long after this incident did the events that led to those convictions take place?
A Prior to the incident?
Q Yes.
A This happened in 2010.
Q I see. And, have you ever been convicted of any crime involving dishonesty?
A No.
Q Could you tell me where you currently live or reside?
A I have my own apartment in Crown Heights, but I was always at Duane's house.
Q Ms. Ferdinand, are you currently incarcerated?
A Yes.
Q Where is that?
A In Taconic Correctional Facility.
Q Ms. Ferdinand, did you wish to testify today?
A No.

Q How often do you think about the events we discussed today?
A I try not to think about this at all.
MR. PEARSON: No further questions at this time, Your Honor.
THE COURT: Do you have any questions you wish to ask?
MR. BLACKMAN: Yes, I do, Your Honor.
THE COURT: About five minutes or so?
MR. BLACKMAN: Probably will be longer than five minutes, Your Honor.
THE COURT: Are you sure you need to do that?
MR. BLACKMAN: It will not be much longer. It will be short, Your Honor.
THE COURT: I've give you five or ten minutes.
MR. BLACKMAN: Yes, Your Honor.
THE COURT: I don't think you need more time than that. Then we'll take our lunch break, and we'll resume with the testimony of the officer.
MR. BLACKMAN: Thank you, Your Honor.
THE COURT: I'll give you ten minutes of cross-examination. I don't think you need more.
CROSS-EXAMINATION
BY MR. BLACKMAN:
Q Good afternoon, Ms. Ferdinand.

A Good afternoon.
Q Ms. Ferdinand, you stated that you were dating Mr. Browne in January of 2012, correct?
A Yes.
Q It was a romantic relationship, correct?
A Yes.
Q You loved him?
A Yes.
Q You didn't want to see any harm happen to him, correct?
A Correct.
Q Okay. You say on the night of the incident, he had went down to the kitchen to get the Corona, correct?
A Yes.
Q And then he ran upstairs, right?
A Yes.
Q And when he ran upstairs, he told you that somebody was messing with his brother?
A Yes.
Q And because of that, he got the gun, correct?
A Yes.
Q Okay. I want to clarify something.

You said before that he got the gun from the safe, correct?
A Yes.

MR. PEARSON: Objection.

THE COURT: He got the gun from the safe?

THE WITNESS: Under the bed.

THE COURT: From the safe? I don't remember her saying he got the gun from the safe.

MR. BLACKMAN: I'm mischaracterizing.

THE COURT: Just one second.

You testified as to where the gun came from. I think he wants to find that out again. Can you tell the jurors where did Mr. Browne get the gun from? Was it a drawer, was it a closet, under the bed?

THE WITNESS: He did have it in those --

THE COURT: You said it was under the bed.

THE WITNESS: Under the bed, yes.

BY MR. BLACKMAN:

Q Like in a metal box?

A Yes.

Q Okay. So he got the gun from a metal box that was under the bed, correct?

A Yes.

Q Okay. And you said at one point that he saw, something like he saw some guys running out the house, correct?

A Yes.

Q Okay. And then you said at some point he fired the gun?

A Yes.

Q What do you mean he fired? Was he firing it at the guys

outside the window?
A Yes.
Q So he tried to fire it, but it didn't work?
A Correct, it was no bullets.
Q So then once that happened, that's when he loaded the gun?
A Yes.
Q And so as he left to go down the stairs, that's when he's loading the gun?
A Yes.
Q You followed him down the stairs?
A Yes.
Q You didn't want him to go down?
A No.
Q You tried to take the gun from him?
A Yes.
Q You told him that you would call 911, correct?
A Yes.
Q He didn't stop?
A (No verbal response.)
Q Is that correct, ma'am?
A Yes.
THE COURT: Did you see him at any time after that event go outside the house, stay in the house? What did you observe after that, if anything?

THE WITNESS: He went downstairs in the basement after that.

THE COURT: And you didn't see anything else after that, did you?

THE WITNESS: No.

THE COURT: You didn't see what happened after he went down to the basement, did you?

THE WITNESS: No.

THE COURT: You went back upstairs?

THE WITNESS: Yes.

THE COURT: And you called the authorities, right?

THE WITNESS: Yeah, the second time around.

THE COURT: The second time around?

THE WITNESS: Yeah, I went upstairs to get the phone to call the authorities, but then I heard a shot and I dropped the phone.

THE COURT: And then you called again?

THE WITNESS: Yes.

THE COURT: But you didn't see anything at all about anything after he went into the basement?

THE WITNESS: No.

THE COURT: Do you have any other questions?

BY MR. BLACKMAN:

Q After you heard the shot, Mr. Browne came up the stairs, correct?

A Yes.
Q So he was able to make it up through his own force up the stairs, correct, to the main floor?
A Yes, from the basement to the main floor.
Q And that's when you went up to get the telephone?
A Yes.
Q And then he had moved again on his own closer to the door at that point, the front entrance?
A I saw him a few feet from the entrance, yes.
Q Okay. I know at some point you state that the officers run in, correct, from that front door?
A Yes.
Q And they're telling you, "Where's the guy with the gun? Where's the guy with the gun," correct?
A Yes.
Q You didn't know?
A It didn't occur to me at the time.
Q So you weren't sure whether there was anyone else in the house, anyone else with guns, anything like that? You just didn't know?
A No.
Q And the officers certainly didn't know either, correct?
A Correct.
Q You said at some point an ambulance arrived, correct?
A Yes.

Q Ma'am, are you aware that several ambulance arrived?
A I just recall seeing one.
Q Okay. I know at a certain point in time you said you were inside the house --
A Yes.
Q -- and then you were asked to leave and then you were outside the house.
I think at some point Duane had moved, correct?
A Yes.
Q So you weren't really able to see what was going on the whole time with him, correct?
A Correct.
Q And you didn't even see when the actual EMT's actually came into the house?
A Correct, I didn't.
Q And you didn't -- you didn't see when they initially got to him what they were able to do, correct?
A Correct.
Q Okay.
MR. BLACKMAN: Your Honor, if I could just get a brief moment?
THE COURT: I don't know what else you could possibly ask.
MR. BLACKMAN: I just want to confer with counsel.
THE COURT: Do it quickly. We want to take our

lunch break.

MR. BLACKMAN: Thank you.

MR. PEARSON: Your Honor, there was one additional exhibit that was intended to be introduced through Ms. Ferdinand.

THE COURT: You have another exhibit you want to show?

MR. PEARSON: Yes.

THE COURT: Let's see what happens here first.

(Pause.)

MR. BLACKMAN: No more questions, Your Honor.

THE COURT: Mr. Pearson, do you have any possible question here? You say you have another exhibit you inadvertently forgot to show her.

MR. PEARSON: That's correct.

THE COURT: Is it another photo? What is it?

MR. PEARSON: No, it's the recording of Ms. Ferdinand's 911 call, Your Honor.

THE COURT: You want the 911 call?

MR. PEARSON: Correct.

THE COURT: Did we mark that as an exhibit? Do you want to play it?

MR. PEARSON: Yes, it's Plaintiff's 31, Your Honor.

THE COURT: Which one is it?

MR. PEARSON: Plaintiff's 31.