

1 Smathers.

2 THE COURT: There is a request that no  
3 photographs be taken of this witness.

4 NANCY SMATHERS

5 Called as a witness for the State of Ohio, being  
6 first duly sworn in according to law by the Bailiff, was  
7 examined and testified as follows:

8 DIRECT-EXAMINATION

9 BY - MR. WISEMAN:

10 Q Please state your name.

11 A Nancy Smathers.

12 Q Where do you live Nancy?

13 A Bucyrus Estates.

14 Q What is the apartment number?

15 A 1726 Apartment "E."

16 Q How long have you lived there?

17 A Approximately five years.

18 Q Were you living there then on February 13, 1994?

19 A Yes, I was.

20 Q Were you home during that time, that day?

21 A I was home the whole day.

22 Q Were you home on the evening hours at approximately  
23 9:00 p.m., before and after?

24 A Yes.

25 Q Now, I am going to bring an Exhibit over here. If

1           You may proceed, Jim.

2                   MR. BANKS: Thank you.

3           Q           (Mr. Banks) Ms. Smathers, referring to that evening,  
4 you talked to Officer Koepke; is that right?

5           A           Yes.

6           Q           Now, the first time you told him what you had  
7 related here today, that you saw a heavy-set stocky black  
8 man running east from the north side of 1712?

9           A           Yes.

10          Q           Now, this is 1712; is that correct? (Indicating)

11          A           Yes.

12          Q           And you saw him run this way?

13          A           Yes.

14          Q           Across the parking lot and get into a car?

15          A           Yes.

16          Q           Okay. And you said he turned and slid into the  
17 snow; is that correct?

18          A           Yes.

19          Q           Then he was stuck for a while and he rocked back and  
20 forth to get out?

21          A           Yes.

22          Q           Okay. And do you remember telling what color the  
23 car was?

24          A           It was a light colored car, cream colored--

25          Q           Did you tell him light yellow or light blue?

1 A It was a light cream color but I couldn't, you know,  
2 with the lights and stuff, see the exact color. I know it  
3 was a white, cream, light yellow.

4 Q Okay, and it was a large black male?

5 A Yes.

6 Q And he had on a hat?

7 A Yes.

8 Q Had no gloves on?

9 A Right.

10 Q You said his face was not covered?

11 A Right.

12 Q But you told them you could not identify that man;  
13 didn't you?

14 A That night at that time, no I couldn't.

15 Q As a matter of fact you said that you saw his face,  
16 but it was so dark that you only could recognize a mustache  
17 or facial hair?

18 A I couldn't see distinct features like the color of  
19 his eyes.

20 Q You saw the form of a big man?

21 A I seen, it's not exactly features but I seen the  
22 shape -- the head shape of the man.

23 Q But you told them that you weren't close enough to  
24 see the color of his eyes. You couldn't make out distinct  
25 details about who the person was; could you?