

1 REPORTER'S RECORD
2 CAUSE NUMBER CR-01316
3 STATE OF TEXAS * IN THE DISTRICT COURT
4 VS. * OF COLLIN COUNTY, TEXAS
5 MURRAY MARK LESHER * 102ND JUDICIAL DISTRICT

6 CAUSE NUMBER CR-01317
7 STATE OF TEXAS * IN THE DISTRICT COURT
8 VS. * OF COLLIN COUNTY, TEXAS
9 RHONDA LYNN LESHER * 102ND JUDICIAL DISTRICT

10 CAUSE NUMBER CR-01318
11 STATE OF TEXAS * IN THE DISTRICT COURT
12 VS. * OF COLLIN COUNTY, TEXAS
13 ROBERT MCCARVER * 102ND JUDICIAL DISTRICT

14 -----
15 JURY TRIAL PARTIAL PROCEEDINGS
16 TESTIMONY OF SHANNON COYEL
17 -----

18 BE IT REMEMBERED THAT on the 13th day of January,
19 2009, the above-styled and numbered cause came on for
20 hearing before the HONORABLE RICHARD MAYS, Visiting Judge
21 for the 102nd Judicial District Court in Red River
22 County, Texas, reported by Niki D. Garcia, RMR, CRR, CSR
23 #2627, Certified Shorthand Reporter in and for the State
24 of Texas, and that the following partial proceedings were
25 had, to wit:

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1 PARTIAL PROCEEDINGS

2 (As requested, the testimony of Shannon
3 Coyel, taken in the aforementioned jury
trial proceedings, follows:)

4 SHANNON COYEL,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. VARLEY:

10:26:41 8 Q. Shannon, could you tell the jury your name,
9 please?

10 A. Shannon Coyel.

10:26:46 11 Q. And you're going to have to speak up so this
12 last lady sitting over here can hear you on the end,
13 okay?

14 A. (Nods head up and down.)

10:26:53 15 Q. And how old are you, Shannon?

16 A. Thirty-six.

10:26:57 17 Q. And where do you live?

18 A. In Clarksville, Texas.

10:27:00 19 Q. And do y'all live out in the country?

20 A. Yes.

10:27:03 21 Q. And where do you live out in the country in
22 relation to Clarksville?

23 A. You go out on 370. You turn on 1159, and I

24 live about five miles down 1159.

10:27:15 25 Q. And, Shannon, you made a complaint about an

1 aggravated sexual assault; is that correct?

2 A. Yes.

10:27:27 3 Q. And who -- who sexually assaulted you?

4 A. Mark Leshner, Robert McCarver and Rhonda

5 Leshner.

10:27:34 6 Q. And do you see those people in the courtroom

7 today?

8 A. Yes, sir.

10:27:38 9 Q. And could you point them out to the jury?

10 A. Here, here and here.

10:27:44 11 Q. Are they sitting behind the Counsel table?

12 A. Three of them, yes. The three of them sitting

13 behind, yes.

14 MR. VARLEY: May the record reflect she's

15 identified the witnesses or the Defendants in this case?

16 THE COURT: Yes.

10:27:57 17 Q. (BY MR. VARLEY) Now, back in July of 2007, were

18 you staying out at the Leshners' ranch?

19 A. Yes.

10:28:09 20 Q. And is that ranch located in Red River County,

21 Texas?

22 A. I think so.

10:28:14 23 Q. The house, itself?

24 A. The house, itself, yes.

10:28:18 25 Q. Okay. And you remember what day you went to

1 stay at the ranch?

2 A. I flew from Denver on July 24th and went to the
3 ranch on July 24th.

10:28:35 4 Q. And when you went to the ranch, how did you get
5 there?

6 A. I had drove my sister's car from Dallas, from
7 the Dallas airport. I drove to Avery, and Mike and --
8 Mike Rice and Robert McCarver met me in Avery, and then I
9 followed them to Mark Leshler's ranch.

10:28:53 10 Q. Did you not know exactly where it was located?

11 A. No, I did not.

10:28:57 12 Q. And why did you drive down there -- how did you
13 drive down there from Dallas to Avery?

14 A. I was in my sister's car. She let me borrow
15 her car.

10:29:11 16 Q. Did you get any special instructions from
17 anyone about which route to take?

18 A. Yes, I usually go -- when I come from Dallas, I
19 usually take 30, Highway 30, and I had been told by Mike
20 Rice and --

21 MR. CRISP: Objection, Your Honor.

22 THE COURT: Sustained.

10:29:26 23 Q. (BY MR. VARLEY) Without telling -- were you
24 told to take some special route?

25 A. Yes.

10:29:31 1 Q. And were you told to not go through
2 Clarksville?

3 A. Yes.

10:29:37 4 Q. Do you know why you were told not to go through
5 Clarksville?

6 A. So I wouldn't have to contact --

7 COURT REPORTER: Excuse me. Can we move
8 the podium? Because I can't see the D.A.

9 THE COURT: Just bring it over here.

10 MR. HENRY: Yes, sir.

10:30:05 11 Q. (BY MR. VARLEY) Did Robert McCarver and a
12 fellow named Mike Rice meet you out on the highway?

13 A. Yes, sir.

10:30:10 14 Q. And who is Mike Rice?

15 A. He works for Mark Leshner.

10:30:15 16 Q. And what's his job there? Do you know?

17 A. Ranch hand, I guess.

10:30:19 18 Q. So you go down to the ranch -- to the ranch, I
19 presume.

20 A. Yes.

10:30:25 21 Q. And does anything happen the night of the 24th?

22 A. No, I just -- we just -- I stayed the night

23 there with Robert McCarver at Mark and Rhonda's house.

10:30:38 24 Q. You was with Robert McCarver. Did y'all sleep
25 in the same bed?

1 A. Yes.

10:30:41 2 Q. Were -- had y'all been lovers, or were you
3 lovers?

4 A. Yes.

10:30:47 5 Q. And when you went to -- to the Leshers, did you
6 know that he was going to be there?

7 A. Yes, he actually met me with Mike on the
8 highway.

10:30:58 9 Q. Before you had plans to go down to meet him on
10 the highway, did you know that he was there?

11 A. Yes.

10:31:05 12 Q. When you got there, nothing happened the night
13 of the 24th.

14 A. No.

10:31:11 15 Q. Okay. What did y'all do that night?

16 A. I -- we watched TV, and I believe they probably
17 cooked steaks on the grill.

10:31:25 18 Q. And did anything significant happen the next
19 night?

20 A. No, just the same. They come in from work. We
21 cooked and eat and went to bed.

10:31:33 22 Q. Okay. Now, the night of July 26th, can you
23 tell the jury how that night started or evening started?

24 A. Well, it's -- basically it started like the
25 other two. We were out on the patio. Rhonda, I believe,

1 was in the kitchen cooking, and I was sitting on the
2 patio with Robert and Mark.

3 And I had a headache, and I asked -- or I
4 told them I had a headache, and Mark just basically said
5 that he would give me an aspirin or something to take for
6 my headache.

7 And I didn't look at what he actually give
8 me. I just took the pill, thinking it was just to get
9 rid of my headache, and I was -- felt kind of strange, so
10 I went to just -- I told them I was going to bed because
11 my head hurt worse. The pill didn't help. I felt dizzy.
12 I felt faint.

13 I got up and went to the bedroom, and I
14 went and laid down in the bed.

10:32:36 15 Q. Did you -- were you wearing pajamas at the
16 time?

17 A. Yes, I had pajamas on.

10:32:42 18 Q. Okay. Now, earlier that night, had there been
19 any discussions about sex or anything of that nature?

20 A. They had talked about -- jokingly, I thought --
21 they were talking about Rhonda being bi-sexual, and I
22 just kind of shrugged it off and said, okay, whatever. I
23 mean, I don't do that. I'm not bi-sexual. I don't, you
24 know, do that type of sexual activity. And anyway, that
25 was about all.

10:33:18 1 Q. So you go and put your pajamas on, and you get
2 into bed.

3 A. Yes.

10:33:23 4 Q. And what's the next thing you remember?

5 A. Several hours, I -- I don't know the exact
6 amount, I -- um -- I woke up, and Rhonda was between my
7 legs. I -- I had no clothes on and I woke up, and she
8 was between my legs and had her tongue in my vagina. And
9 I couldn't -- I couldn't move. I couldn't talk. I
10 couldn't scream, and she was in between my legs. She
11 was -- she was down in between my legs like giving oral
12 sex.

10:34:08 13 Q. And what -- how was she doing it? Was it
14 softly, roughly?

15 A. Very rough, biting, biting very hard
16 intentionally. It was very -- just hard. I mean, just
17 the biting was hard.

10:34:27 18 Q. But you weren't able to move.

19 A. No.

10:34:29 20 Q. You could feel what was going on, but you
21 didn't have the ability to move.

22 MR. CRISP: Your Honor, I'm going to
23 object. I -- I feel like I need to object at this point
24 to leading. He keeps repeating the witness' testimony.

25 THE COURT: Don't lead, Counsel.

10:34:43 1 Q. (BY MR. VARLEY) So after, I guess -- Rhonda,
2 you're saying, is between your legs.

3 A. Yes.

10:34:48 4 Q. What happens next?

5 A. I'm laying there, and I see Robert and Mark
6 standing over in the corner and they're --

10:34:59 7 Q. What are they doing?

8 A. They were naked, and they were playing with
9 their self.

10:35:04 10 Q. What do you mean playing with themselves?

11 A. They were touching their penises, and Rhonda
12 was still laying in the bed with me in between my legs.
13 And when she got through doing what she was doing, she
14 crawled off of me and -- and Mark -- her husband, Mark,
15 got on me, and he stuck his penis in me. And then when
16 he got through, he got off and got onto Rhonda, and
17 that's when Robert McCarver got on top of me.

10:35:37 18 Q. These are the same people who are sitting here
19 behind these Defense Attorneys.

20 A. Yes, sir.

10:35:43 21 Q. Did they ever say anything to you that night
22 about why they were doing such a thing?

23 A. No, not that I remember.

10:35:58 24 Q. What -- what did you do next after -- after
25 they finished? Did you jump up and run out of the bed,

1 or what did you do?

2 A. No, I was still dazed and groggy. They just
3 got up and left the room, and I just actually stayed in
4 the bed and went to -- went to sleep. I couldn't get up.
5 I mean, I was still not able to move.

10:36:20 6 Q. You were physically unable to resist.

7 A. Yes.

10:36:28 8 Q. Did you consent to Murray Mark Leshner or Rhonda
9 Lynn Leshner or Robert Lynn McCarver having sex with you
10 that night?

11 A. No, sir.

10:36:47 12 Q. So you laid there, and then what did you do?

13 You went to sleep, you said.

14 A. Yeah, I went to sleep and woke up -- I don't
15 know if it was in the middle of the night already or
16 towards -- earlier towards the morning. And I just went
17 to sleep, and I woke up. I just told Robert that I was
18 going to get up and leave, and he just said that I wasn't
19 going to leave, that Mark and Rhonda weren't there. They
20 had gone to work.

10:37:11 21 Q. And why did you want to leave at that time?

22 A. Well, because of what had -- because of what
23 had happened, I wasn't going to stay there any longer.

10:37:19 24 Q. And were there any discussions about where you
25 were going to stay or where you were going to go?

1 A. At that time, no. Robert -- Mark and Rhonda
2 weren't there. They had gone to work, and Robert was
3 there. And he said that -- that I wasn't going anywhere,
4 I just had to stay there. And I -- I was still groggy,
5 not -- I felt dizzy, so I just stayed in the bed. And
6 Robert McCarver went outside, and I believe he went to
7 get on a tractor and was cutting hay.

8 MR. CRISP: Objection, Your Honor,
9 speculation by the witness' own testimony.

10 THE COURT: Sustained.

10:37:56 11 Q. (BY MR. VARLEY) So Robert McCarver went
12 outside. You don't know where he went.

13 A. Right.

10:37:59 14 Q. And then after -- after that, what did you do
15 next?

16 A. Well, I just stayed in the house and just laid
17 in the bed and was still -- just felt strange from
18 whatever they had given me the night before. And I
19 don't -- I -- 30 minutes, an hour, two hours, I don't
20 know exactly, I got up and threw some clothes in a bag.

21 And I just walked outside on the driveway.
22 And I was walking down the driveway, and that's when
23 Robert McCarver seen me walking down the driveway. And
24 he was on the tractor and come up to me on the tractor
25 and got out of the tractor and just came over to me and

1 told me that I wasn't leaving.

10:38:41 2 Q. What did you do then?

3 A. I went back to the house.

10:38:44 4 Q. And when you got to the house --

5 A. He took -- he took me back to the house.

10:38:47 6 Q. What did you do when you got back to the house?

7 A. Well, he -- nothing. We just went in there. I

8 believe I laid back down in the bed because I just

9 felt -- I had a really bad headache. I still felt dizzy.

10 I just went back to the house and laid back down.

10:39:03 11 Q. And at some point, what did you do after that,

12 after you laid down?

13 A. Well, we just laid in bed basically all day,

14 and when I got to feeling like myself, like I could get

15 up and had -- had -- that I could have my balance, I

16 could get up and walk better and didn't feel dizzy and my

17 head wasn't hurting, I just told Robert that I was

18 leaving.

19 And he told me that Mark and Rhonda were

20 not going to be there that weekend. They went out of

21 town. So I actually stayed there for the weekend with

22 Robert without Mark and Rhonda in their house.

10:39:34 23 Q. And did they at some time come back?

24 A. Yeah, on Sunday. Sunday evening or Sunday

25 afternoon, Mark had called Robert and told him that they

1 were on their way back.

2 MR. CRISP: Objection, Your Honor. I'm
3 sorry. Who did you say? I couldn't hear if she's
4 talking about somebody outside the house.

5 THE COURT: Somebody made a phone call.
6 She's about to tell what it is.

7 MR. CRISP: Well, and I couldn't hear who
8 it was, and that's why I wanted to make an objection at
9 this point.

10 MR. VARLEY: What's the objection?

11 MR. CRISP: The objection is hearsay, Your
12 Honor.

13 THE COURT: Sustained.

10:40:09 14 Q. (BY MR. VARLEY) So you say that Mark called
15 somebody.

16 A. Robert. Robert had called Mark, and Mark and
17 Rhonda said they were on their way home, is what I said.
18 And a --

10:40:21 19 Q. Did McCarver tell you --

20 A. Robert McCarver told me that Mark and Rhonda
21 were on their way home.

10:40:27 22 Q. So once they're on their way, what do you do?

23 A. I just told him that, "I'm not staying at the
24 house anymore." I was getting up, and I was leaving.
25 And he had -- he -- he had told me that there was a

1 trailer house we could stay in of Mark Lesher's.

2 They had bought a -- some new land down
3 the road from them, and I -- they didn't have -- when you
4 buy new land -- I forgot the word -- possession of the
5 land yet.

6 They had a key to the trailer house. And
7 Mike Rice went to the trailer house and unlocked the
8 trailer house, and me and Robert went to the trailer
9 house.

10:41:08 10 Q. What -- can you describe the trailer house just
11 a little bit for the jury?

12 A. It was a two-bedroom, small kitchen, small
13 living room, one bath. I believe it was white.

10:41:23 14 Q. Did it have hot water?

15 A. It had no hot water. I had -- there was a
16 stove there, but it didn't work, had no hot water.

10:41:33 17 Q. Electricity?

18 A. The first night there was no electricity. That
19 following Monday -- that was on a Sunday -- the following
20 Monday, they come out and turned the electricity on.

10:41:42 21 Q. So how long did you stay in the house?

22 A. I believe it was five -- five or six days.

10:41:52 23 Q. Now, let's go back in time. Who -- where did
24 you grow up?

25 A. I grew up in Kansas.

10:42:03 1 Q. Kansas?

2 A. Yeah.

10:42:04 3 Q. And who did you grow up with?

4 A. My father, Bill Woods, raised me in Kansas, and
5 then I moved to Texas when I was 17 with my mother.

10:42:13 6 Q. Did you stay with Bill Woods until you were 17,
7 or did you live anywhere else?

8 A. No, I -- when I was -- I was -- it was right
9 before I turned 15, my father had beat me and my
10 stepmother had beat me severely, and my oldest sister
11 come and got me in the middle of the night and took me to
12 her house.

10:42:37 13 Q. And how old were your sisters when they left
14 the house?

15 A. We were all around between 13 and 15.

10:42:43 16 Q. Why would you leave your house when you were
17 between the ages of 13 and 15?

18 A. The main reason is because our father molested
19 us and beat us our whole life. We were beat severely all
20 the time and molested by all of -- my father, my
21 brothers, my uncle, my whole life.

10:43:04 22 Q. And one your uncles, in fact, has gone to the
23 penitentiary and is a registered sex offender; is that
24 correct?

25 A. Yes, sir.

10:43:12 1 Q. And I guess your brother's gone to the
2 penitentiary as well.

3 A. Yes.

10:43:16 4 Q. Why did he go to the penitentiary?

5 A. I believe his was cooking meth, and another
6 charge he had, he had beat up a police officer. There
7 was -- he's been in the penitentiary like 10 times.

10:43:36 8 Q. So needless to say, you didn't want your
9 children up in that kind of area, is that correct?

10 A. Oh, right.

10:43:44 11 Q. So you come down. Do you to college?

12 A. Yes, I moved to Texas when I was 17. I moved
13 in with my mother and my stepfather, and I went to PJC.
14 It's in Paris, Texas. And then I went to East Commerce
15 in Commerce, Texas, and I graduated there.

10:44:02 16 Q. East Texas State?

17 A. What?

10:44:04 18 Q. The university at Commerce, was it East Texas
19 State?

20 A. Back then it was East Texas, when I went to it,
21 and I graduated there and got a teaching certificate.

10:44:12 22 Q. Did you ever use your teaching certificate?

23 A. No, I did not.

10:44:16 24 Q. Did you get married at some point?

25 A. Yes, I was married in -- to my first husband,

1 David.

10:44:24 2 Q. Okay. And did y'all have any kids?

3 A. Yes, we had a boy and a girl.

10:44:28 4 Q. Okay. What's the -- who is the oldest?

5 A. Morgan. Morgan's my daughter. She was the

6 oldest.

10:44:33 7 Q. How old is Morgan now?

8 A. She's 14.

10:44:36 9 Q. And what's your son's name?

10 A. D.J.

10:44:40 11 Q. D.J.?

12 A. Yes.

10:44:41 13 Q. Is that David, Jr.?

14 A. Yes.

10:44:46 15 Q. Where -- does he live with you as well?

16 A. Yes.

10:44:50 17 Q. Morgan also lives with you?

18 A. Yes.

10:44:52 19 Q. And what happened to your first husband?

20 A. He was killed in a car wreck.

10:44:56 21 Q. Was that in Lamar County or --

22 A. Yes.

10:45:01 23 Q. Okay. At some point in time, you met your

24 husband.

25 A. Yes. After my first husband died in a car

1 wreck, I started working out at a gym, and I met --

2 that's where I met my current husband, Jerry.

10:45:13 3 Q. And that's Jerry Coyel?

4 A. Yes, sir.

10:45:18 5 Q. And has Jerry taken care of you and the kids

6 all these years, I guess?

7 A. Yes.

10:45:22 8 Q. How long have y'all been married?

9 A. We -- 10 years in May.

10:45:29 10 Q. 1999?

11 A. Yes.

10:45:34 12 Q. Does Jerry treat you as a slave, or how does

13 Jerry treat you?

14 A. No, he -- he's wonderful. He's very kind,

15 considerate. He's taken me and the kids in.

16 He's -- I'm -- I don't have to work. I stay at home and

17 clean house and take the kids to school and mow the yard,

18 and Jerry's taking care of me. I mean, he does a great

19 job.

10:46:04 20 Q. At some point in time, did he start kidding

21 around with you and say it looked like you were getting a

22 little fat?

23 A. Yes.

10:46:13 24 Q. How'd that make you feel?

25 A. Horrible.

10:46:15 1 Q. And at some point in time, did you get on
2 methamphetamines?

3 A. Yes.

10:46:20 4 Q. Who got you on the methamphetamines?

5 A. I first started them around the middle of 2005,
6 and I was getting those from Robert McCarver.

10:46:32 7 Q. From Robert McCarver?

8 A. Yes.

10:46:34 9 Q. How did you know Robert McCarver could get you
10 methamphetamines?

11 A. Well, he had worked for Jerry when I -- for
12 years, and I had just -- I knew that he did drugs.
13 Everybody knew, and I had actually seen him do drugs.
14 And he had just offered it to me one time, and I -- and
15 I -- and I used them. I did them.

10:46:59 16 Q. Pretty tough to get off of that once you start
17 it?

18 A. Oh, yes, very hard.

10:47:07 19 Q. And how did that -- how did that journey go
20 when you were on the methamphetamines? Your trip on
21 drugs, was it good, successful? Did your life become
22 happier or better?

23 A. Oh, no, it was horrible. We -- eventually
24 Jerry found out, and no, it was -- it was horrible. I
25 mean, I -- it was -- it -- it was me. I mean, he -- they

1 just make you feel horrible. I mean, you'll do them, and
2 then when you get off of them for a few days, you sleep
3 all day. And I guess, you know, we had marital problems
4 during that time.

10:47:42 5 Q. Were the drugs the major cause for the marital
6 problems?

7 A. Yes.

10:47:49 8 Q. Did he try to get you help to get off of them
9 when he knew you were doing them?

10 A. Yes, he did. He -- I kept denying that I was
11 doing them.

10:47:56 12 Q. At some point in time, did you and Robert
13 McCarver become lovers?

14 A. Yes.

10:48:06 15 Q. What -- when did -- when did that start?

16 A. I had been getting drugs from him -- I want to
17 say for about a year, and then it just kind of turned
18 into -- maybe not quite a year. It had just turned
19 into -- you just get addicted to them, and I started
20 using the drugs.

21 He wasn't going to get me anymore drugs
22 unless I had sex with him, so I started having sex
23 with -- basically it was more oral sex than anything
24 because he couldn't get an erection from the drugs.

25 But I was -- basically, I was buying the

1 drugs from him, but he wasn't going to get them for me if
2 I didn't pay for the -- he wasn't going to get the drugs
3 for me unless we had sex, so I started having sex with
4 him.

10:49:05 5 Q. The desire to have the drugs was so great you
6 would do that?

7 A. Yes.

10:49:10 8 Q. So at some point in time, you decide you're
9 going to run off with this guy.

10 A. Well, yeah. Jerry had just basically -- had
11 basically -- had just had enough of me doing the drugs,
12 and I kept denying that I was doing them, so --

10:49:33 13 Q. In fact, you got arrested up in McCurtain
14 County, Oklahoma, did you not?

15 A. Yes, I did.

10:49:39 16 Q. Did you -- and had you and McCarver gone up
17 there?

18 A. Yes, we had a houseboat up there. We had gone
19 up there to check -- the electricity was out. We had
20 gone up there to make sure the food in the refrigerator
21 hadn't unfrozen.

10:49:52 22 Q. And so someone -- did Jerry send you up there,
23 or who sent you up there?

24 A. Jerry sent us up there.

10:49:59 25 Q. Okay. Did he know that you were having sex

1 with McCarver at that time?

2 A. At that time, I don't know if he knew.

10:50:07 3 Q. So you go with McCarver and who else?

4 A. His cousin, Shawn Gains.

10:50:13 5 Q. And y'all get stopped up there.

6 A. Yes, we do.

10:50:17 7 Q. And what's in the vehicle?

8 A. There was a gun, which belonged to my husband,

9 and I knew it was there. There was a -- they found a

10 small bag of -- a small baggy with residue. I think it

11 was ice.

10:50:38 12 Q. Ice being a form of methamphetamine?

13 A. Yes, yes, methamphetamine. They found a

14 syringe, which was -- had dog parvo. That tested -- they

15 took that and tested it in Oklahoma, and it came back dog

16 parvo. We had got new puppies.

17 MR. CRISP: Objection, Your Honor. Now

18 she's testifying as to the testing of some --

19 THE COURT: I'm sorry. I couldn't

20 understand what she had, so --

21 MR. CRISP: Well, she's testifying about

22 results from a -- from a lab in Oklahoma, or attempting

23 to. And that's just purely hearsay, and she's not

24 competent.

25 THE COURT: Sustained.

10:51:10 1 Q. (BY MR. VARLEY) And what else besides that, the
2 needle?

3 A. There was -- I believe Shawn Gains had a couple
4 of marijuana -- a couple of joints. I believe it was
5 marijuana. I think he had put them in my ashtray, but he
6 admitted those were his. And there was also a dildo in
7 the car in a -- in a bag.

10:51:35 8 Q. All right. And whose was that?

9 A. Everything in the car was mine. It all
10 belonged to me.

10:51:41 11 Q. Okay. So you had that occasion. Did that make
12 Jerry mad, that you had gotten arrested on a deal like
13 this with these people, or had he not sent you up there
14 with them?

15 A. Well, if he would have known, I don't think he
16 would have sent me up there, so --

10:51:59 17 Q. If he would have known what?

18 A. -- yeah, he was mad. If I was doing drugs
19 and -- and having sex with Robert McCarver, he would not
20 have sent me up there. So, yes, I mean, he was very
21 mad.

10:52:11 22 Q. So at some point in time, I guess things get
23 bad between you and Jerry over these drugs. And were
24 there any other problems caused -- was anything else
25 causing these problems?

1 A. No, just the drugs.

10:52:25 2 Q. So what do you do?

3 A. In -- that's in June. That's when I just
4 decided to leave. He just told me that I had to stop
5 doing drugs and stop seeing Robert McCarver.

6 MR. CRISP: Objection, Your Honor. Again,
7 we're testifying as to someone that's on the witness list
8 who is available to testify to those facts. It's
9 hearsay.

10 THE COURT: Overruled.

10:52:46 11 Q. (BY MR. VARLEY) So you decide it's time to go.

12 What do you do?

13 A. I just pack my suburban up and tried to take
14 both my kids, and my oldest one, Morgan, did not want to
15 go with me because she knew I was -- she knew I was
16 making a big mistake by leaving, and she knew she would
17 be safe there with Jerry.

18 And I actually tried to spank her to make
19 her go. But my husband wouldn't let me spank her, so I
20 didn't. And my son, he did go with me.

21 We go in the vehicle, in my suburban. And
22 as we were leaving, we were -- we couldn't really -- we
23 didn't really know where we were going. We just got in
24 the vehicle to leave.

10:53:23 25 Q. Where did you end up?

1 A. We ended up in Colorado.

10:53:26 2 Q. And where -- why did you go to Colorado?

3 A. My sister lives there, my oldest sister.

10:53:32 4 Q. And that's Dee Gardner?

5 A. Yes, Dee Gardner.

10:53:34 6 Q. And how long did you stay up there?

7 A. A few weeks. I was there about -- I was there

8 about a week, and that's when I was arrested in

9 Colorado.

10:53:50 10 Q. And why -- you were arrested on warrants out of

11 Red River County.

12 A. Yeah, there was one warrant at that time for me

13 spanking my daughter, Morgan, for --

10:53:58 14 Q. And -- and you got arrested. Something

15 happened when you got arrested in Colorado.

16 A. Yes, they put me in the police car, and I

17 was at that time using drugs. And I just -- they

18 wouldn't tell me why. I kept asking them why I was in

19 the police car, and they wouldn't tell me. And I

20 actually kicked the window.

10:54:18 21 Q. Kicked the window?

22 A. Actually kicked it and it broke.

10:54:22 23 Q. You got put on probation up there for

24 something.

25 A. Well, they -- they put me on probation, and I

1 went there a couple of times. And I told the lady there
2 I was -- that I was moving back to Texas, and they
3 transferred all of the probation to Texas.

10:54:38 4 Q. She also asked you if you were on drugs at the
5 time, didn't she?

6 A. I don't remember if she asked me that.

10:54:46 7 Q. Do you remember filling out a form asking if
8 you were on drugs, and you put "no"?

9 A. I do not remember.

10:54:55 10 Q. At some point in time, did you start taking a
11 different type of drug, other than methamphetamine?

12 A. Yes, when Robert McCarver had come -- before we
13 were arrested, Robert McCarver flew back to the Dallas
14 airport to get my suburban, and he drove -- him and his
15 daughter drove to Colorado, and he brought pills with
16 him.

10:55:17 17 Q. And what were those pills?

18 A. I don't -- I don't know what the name of the
19 pills was. He said he got them from Mark Leshner, and
20 they were doctor-feel-good --

21 MR. CRISP: Objection, Your Honor. Again,
22 I mean, she's testified to hearsay. That testimony
23 should be stricken.

24 MR. VARLEY: It would be a statement
25 against party interest to say she -- she received drugs

1 from another individual.

2 THE COURT: The objection's overruled.

10:55:40 3 Q. (BY MR. VARLEY) Go ahead and answer the
4 question.

5 A. What was the question?

10:55:43 6 Q. Where did he get those drugs?

7 A. Robert McCarver told me he got them from

8 Mark.

10:55:50 9 Q. And at some point in time, did you need more of
10 those drugs?

11 A. Yes, they were like methamphetamines. They

12 were very addicting, yes.

10:55:59 13 Q. Like methamphetamines in that they were
14 addictive?

15 A. In that they were addicting.

10:56:05 16 Q. Okay. Were the first drugs for free? Did you
17 pay anything for the first drugs?

18 A. That's when Robert -- Robert McCarver actually

19 got the first ones from Mark, so I -- if he paid for

20 them, he paid. I mean, I give him money. I don't know.

21 I can't remember. Not unless I look at my notes, I mean,

22 I don't remember if he actually paid for those first set

23 of pills or not.

10:56:30 24 Q. Okay. So you end up at some point coming back
25 to Texas.

1 A. Yes.

10:56:35 2 Q. Okay. And why did you come back?

3 A. The first time I come back is when I flew in,
4 and I come back that time to see a divorce attorney in
5 Tyler.

10:56:46 6 Q. Okay. And was that about the time of the
7 sexual assault?

8 A. Yes. That was the first time I come back,
9 yes.

10:56:53 10 Q. Okay. Did you see the attorney in Longview
11 before the sexual assault or after the sexual assault?

12 A. I don't know. You want me to look at my notes?

10:57:03 13 Q. Sure.

14 (Pause in proceedings.)

15 A. On July 26th, that morning I got up and road to
16 Tyler.

17 MR. CRISP: Your Honor, could we have an
18 opportunity to look at the notes that she's --

19 THE WITNESS: You have those.

20 MR. CRISP: -- she's referring to in her
21 testimony?

22 MR. VARLEY: I believe they've been
23 provided.

24 THE WITNESS: There's a calendar.

25 THE COURT: Just wait for a question,

1 please, ma'am.

2 MR. VARLEY: Are you using the calendar --

3 THE WITNESS: Yes, sir.

4 MR. VARLEY: -- you provided to me?

5 THE WITNESS: Yes.

6 MR. HARRELSON: Your Honor, I think we

7 have an opportunity to review the actual notes that she's

8 looking at, if she's refreshing her recollection. We may

9 have a copy of them, but we don't know what she's looking

10 at.

11 THE COURT: Go ahead.

12 MR. HARRELSON: May I approach the

13 witness?

14 THE COURT: Yes.

15 (Pause in proceedings; Counsel
conferring.)

16

17 MR. HARRELSON: Thank you, Your Honor.

18 THE COURT: You may continue.

19 MR. VARLEY: Is that the same calendar

20 we've given that --

21 MR. HARRELSON: That was not. There were

22 additional materials on there.

10:59:17 23 Q. (BY MR. VARLEY) So at some point in time, did

24 you get more drugs from Robert McCarver?

25 A. When he -- when he flew back out to --

1 when Robert McCarver flew to the airport, to Dallas to
2 get my suburban, he brought back pills with him the first
3 time. That's when -- and then -- and then when he got
4 back, that's when we were arrested, and he was put in
5 jail in Colorado. And then later, I got more pills
6 later, yes.

10:59:55 7 Q. Okay. So you got pills from him several times.

8 A. Yes.

10:59:59 9 Q. Did you ever buy pills directly from Mark
10 Lesher?

11 A. I did. Once in Texarkana, I bought them
12 directly from him, and then once later, even after the
13 sexual assault, I bought -- yes, I bought pills in the
14 parking lot in Clarksville.

11:00:19 15 Q. In the parking lot of what?

16 A. Of Mark Lesher's business in Clarksville.

11:00:22 17 Q. Of his office?

18 A. Yes.

11:00:26 19 Q. Now, did you tell that attorney in Tyler about
20 being sexually assaulted?

21 A. No.

11:00:33 22 Q. I guess the first time you met him, the sexual
23 assault had not occurred at that time; is that right?

24 A. I had met with the divorce attorney the day of
25 the 26th, and then -- are you talking about Al Smith?

11:00:58 1 Q. No, I was talking about Mr. Jarrett.

2 A. Okay. Mr. Jarrett, I met with him the 26th
3 of -- I drove to Tyler to meet with him the morning of
4 the 26th.

11:01:08 5 Q. And that would be the morning before the sexual
6 assault occurred.

7 A. Yes.

11:01:15 8 Q. At any time did you ever tell him that you were
9 sexually assault by Mr. Leshner?

10 A. No.

11:01:22 11 Q. Why not?

12 A. I was embarrassed, and I didn't tell anybody.

11:01:29 13 Q. You met with Al Smith. Now, who was Al Smith?

14 A. He was an attorney in Texarkana. He was a
15 criminal attorney that was going to represent me on
16 the -- the child endangerment, the spanking.

11:01:44 17 Q. Now, you say these other child endangerment
18 cases you're talking about, you had the spanking; is that
19 right?

20 A. Yes.

11:01:49 21 Q. And now, there was also an issue where Morgan
22 was taken down to -- to another location; is that right?

23 A. Yes.

11:02:00 24 Q. And where was she taken to?

25 MR. VARLEY: Your Honor, may we approach

1 before --

2 THE COURT: Yes.

3 (Bench conference on the record.)

4 MR. VARLEY: Your Honor, I'm about to
5 offer, if you would allow me to -- she was taken to a
6 marijuana patch with Mr. McCarver, and that's the
7 background behind her endangerment of a child, that she
8 was taken down there and offered marijuana by Mr.
9 McCarver. That's the two counts of child endangerment
10 out of there.

11 THE COURT: Do you have an objection to
12 that?

13 MR. HENRY: Yes, I do.

14 THE COURT: What is that?

15 MR. HENRY: 401, 402, 403, 404(b). It's
16 an extraneous offense. Additionally -- (Inaudible.)

17 THE COURT: So is the -- (Inaudible.)

18 MR. BOTSFORD: (Inaudible.)

19 MR. VARLEY: It's not -- it's not the
20 charge against the Defendant.

21 MR. BOTSFORD: You're asking
22 chronological --

23 (Reporter unable to hear bench conference;
24 attorneys repeating.)

25 MR. HENRY: Your Honor, we would object to

1 the evidence under Rules 401, 402, 403 and 404(b) in that
2 it's an extraneous offense, and there is no -- and it
3 meets no exception under Rule 404(b).

4 Moreover, it is my position that if the
5 evidence is relevant, it is -- the probative value is
6 substantially outweighed by any unfair prejudice.

7 And I would also like the Court to inquire
8 of the Prosecutor as to what exception under Rule 404(b)
9 he is seeking to introduce the evidence.

10 THE COURT: All right. All those
11 objections are overruled.

12 MR. HENRY: Your Honor -- okay.

13 (Resume proceedings within hearing of the
14 jury.)

11:05:57 15 Q. (BY MR. VARLEY) Shannon, at some point did you
16 take Morgan down to a location around Robert McCarver's
17 residence?

18 A. I took her to -- Robert McCarver was working
19 for my husband, and my husband called me and told me to
20 go get him. I think he didn't show up to work that
21 morning, so me and my daughter went to his house and got
22 him.

23 And he had -- we all walked outside, and I
24 believe his -- I believe his oldest daughter, Chastity,
25 was there, and we were just standing there in the yard.

1 And he walked around the corner of the trailer house.

2 And I was standing there talking to Chastity, and he

3 walked around the corner.

4 I don't know where the exact marijuana

5 plant they seen was, but it was around the corner. I --

6 I, myself, didn't actually see the marijuana patch.

11:06:55 7 Q. Did Robert McCarver offer your daughter

8 marijuana?

9 A. Yes.

11:06:59 10 Q. What did he say to her?

11 A. Well, when they come back around the corner, he

12 had a bud and was making us smell it, and he just -- I

13 think he said -- he told her to come back later, that

14 they would -- he'd have it dried out or something, and

15 they would smoke it.

11:07:16 16 Q. Did he tell her to come back with somebody or

17 by herself?

18 A. I -- I believe he told her to come back by

19 herself.

11:07:22 20 Q. Did that concern you?

21 A. Well, at the time I didn't know. I didn't hear

22 him tell her that.

11:07:31 23 Q. So is that part of the allegations against you,

24 that endangerment of a child?

25 A. Yes.

11:07:36 1 Q. That you had taken her down -- she was taken to
2 a marijuana patch?

3 A. Yes.

11:07:44 4 Q. So you started using these pills. How are --
5 these pills that you're taking, how are they making you
6 feel?

7 A. Nervous, jittery. Oh, they made my skin crawl.
8 Hyper, they kept me awake. That's all that I can think
9 of right now.

11:08:16 10 Q. Why were you taking them?

11 A. I just took them. Robert McCarver brought them
12 back and thought that they might -- well, I was told they
13 would help with anxiety or, you know, calm my nerves --
14 which they didn't, I mean, they made me worse -- with me
15 going through a divorce, so I just took them.

11:08:36 16 Q. So when you found out you were going through a
17 divorce and charges were filed on you, did that make you
18 mad?

19 A. Ask the question again.

11:08:48 20 Q. When you found out that you were going to be
21 going through a divorce and that charges had been filed
22 on you, did that make you mad or angry?

23 A. Yes.

11:08:57 24 Q. Who were you mad at?

25 A. Well, my daughter is the one who said I spanked

1 her, so at the time I had mixed emotions about really who
2 to be mad at. She just said I spanked her, and they
3 issued a warrant for my arrest. So I guess I was mad at
4 whoever had anything to do with that, so yes, I was
5 mad.

11:09:24 6 Q. At any time did you start calling the Sheriff's
7 Department in Red River County?

8 A. Yes.

11:09:29 9 Q. Did you start making allegations that you had
10 heard that Shannon (sic) was being molested?

11 A. Morgan?

11:09:35 12 Q. Excuse me, Morgan was being molested.

13 A. Yes, I had been told that while I was gone,
14 that my husband started molesting my daughter.

11:09:42 15 Q. Okay. Who told you that?

16 A. It was Robert McCarver's daughter, Lacy.

11:09:50 17 Q. And did you believe that?

18 A. Did I believe that?

11:09:52 19 Q. Did you believe he was molesting her?

20 A. No, I didn't. I didn't believe it. But I was
21 on the pills, and they just made me crazy. I mean, I
22 wasn't thinking straight, so I started making phone
23 calls.

11:10:06 24 Q. Did you call Children's Protective Services in
25 Oklahoma?

1 A. Yes, I did.

11:10:11 2 Q. Did you call Children's Protective Services in
3 Texas?

4 A. I think so.

11:10:22 5 Q. And you were calling the Sheriff's Department
6 in Red River County.

7 A. Yes.

11:10:26 8 Q. And what kind of allegations were you making to
9 them?

10 A. Well, I had basically just told them that I had
11 heard that while I was gone, while I had left, that Jerry
12 started molesting my daughter.

11:10:44 13 Q. So you come back to Texas eventually. You're
14 staying there at the Leshers' for a couple of nights in
15 their house.

16 A. Yes.

11:10:56 17 Q. The sexual assault occurs.

18 A. Yes.

11:11:00 19 Q. When do you ever tell anybody about it?

20 A. I didn't -- I didn't tell anybody about the
21 sexual assault until about a week after I went back to my
22 husband. My son had told Jerry that he found some
23 pills --

24 MR. CRISP: Objection, Your Honor. Again,
25 it's hearsay.

1 THE COURT: Sustained.

11:11:22 2 Q. (BY MR. VARLEY) When you're at your house with
3 Jerry, how does the -- do you ever tell him that you had
4 been sexually assaulted?

5 A. Yes, we went to the Sheriff's Department, and I
6 wrote a statement out to the Sheriff's Department about
7 the pills. And during that time, I had told them that --
8 the Sheriff or the Deputy Chief, I believe, Larry
9 Spangler, about the rape. And that's when Larry Spangler
10 just told me to go home and write --

11 MR. CRISP: Objection. Again, Your Honor,
12 hearsay.

13 THE COURT: When who told her?

14 MR. CRISP: She said Larry Spangler.

15 THE COURT: Who is Larry Spangler?

16 THE WITNESS: The Chief Deputy in
17 Clarksville.

18 THE COURT: All right. Sustained.

11:12:03 19 Q. (BY MR. VARLEY) So what did you tell Jerry?
20 Did you tell him everything right up front, or did
21 you -- or did you tell him about the rape?

22 A. I -- I -- I told him a little bit of what had
23 happened while we were sitting in the Sheriff's
24 Department. And then when we went home, I basically just
25 told him everything that I had -- that I had -- that had

1 happened.

11:12:27 2 Q. Why had you delayed in telling anybody?

3 A. Well, first of all, because there was three
4 people against one, and I -- I had no chance of anybody
5 believing me. I didn't tell anybody.

6 So I did open up to Jerry, and he -- he
7 just said -- we -- you know, we had talked to the Chief
8 Deputy, and he just said if it happened, then we need to
9 file. So that's why I didn't tell anybody.

11:12:54 10 Q. Now, there's been a lot made -- or you weren't
11 here yesterday during the jury selection, were you?

12 A. No.

11:12:59 13 Q. You weren't in the room during opening
14 statements.

15 A. No.

11:13:06 16 Q. There's been a lot said that you've got a
17 motivation to make false allegations against the Leshers.
18 What's your motivation, if any, for making these supposed
19 false allegations against the Leshers?

20 A. Well, I can't -- I would only have to say
21 hearsay. So, I mean, I -- I -- I don't have any
22 motivation to make false allegations against them.

11:13:36 23 Q. Did they, before this rape, try to help you?

24 A. Yes, they did.

11:13:40 25 Q. Did he, after the rape, try to help you?

1 A. Yes.

11:13:46 2 Q. Is there any motivation on the part of Jerry

3 Coyel that you know of to --

4 MR. CRISP: Objection, calls for

5 speculation, Your Honor.

6 THE COURT: Sustained.

11:13:57 7 Q. (BY MR. VARLEY) Has anyone forced you to

8 testify before the Grand Jury in Red River County as far

9 as these rapes are concerned or make the allegations of

10 the rape?

11 A. No.

11:14:11 12 Q. Has Jerry Coyel forced you or coerced you or

13 manipulated you in any way to make an allegation of rape?

14 A. No.

11:14:20 15 Q. Are you making the allegation of rape because

16 it happened?

17 A. Yes.

11:14:30 18 Q. Have you subjected yourself and opened yourself

19 up to a lot of, I guess, cross-examination and ridicule

20 because of this incident, because of coming forward?

21 A. Ask that again.

11:14:44 22 Q. Have you opened yourself up to ridicule and the

23 potential for being cross-examined and stuff by coming

24 forward with these allegations?

25 A. Yes.

11:14:55 1 Q. Has your life been any better since you came
2 forward with these allegations?

3 A. Any better?

11:15:00 4 Q. Yeah.

5 A. I don't know if it would be any better. I just
6 told the truth. I mean --

11:15:12 7 Q. Do you see any way you can benefit financially
8 in any way --

9 A. No.

11:15:15 10 Q. -- by making an allegation of rape?

11 A. No.

11:15:18 12 Q. Y'all don't need any financial help, do you?

13 A. No, we don't.

11:15:30 14 Q. And any accusation you may have made against
15 your husband, why would you have made any allegations
16 against your husband of a sexual offense?

17 A. Well, I -- I was doing drugs. I was -- I mean,
18 I was mad. I had -- my daughter had turned me in for
19 spanking her. They had arrested me. I -- I was just
20 mad.

11:15:54 21 Q. And you had heard from a third party that he
22 was molesting her.

23 A. Yes.

24 MR. CRISP: Objection, Your Honor.

25 MR. VARLEY: Not offered for the truth of

1 the matter.

2 THE COURT: Rephrase your question,

3 Counsel.

11:16:04 4 Q. (BY MR. VARLEY) What was your basis for making

5 such an allegation? Was it through personal knowledge or

6 something someone else had told you?

7 A. Something that somebody else had told me.

11:16:24 8 Q. When you were on drugs -- you said one of the

9 reasons you did it is because you was on drugs. You was

10 on drugs when this assault occurred in this case.

11 A. Yes.

11:16:35 12 Q. Well, is that -- are you sure you didn't just

13 make all this up and dream it?

14 A. No.

11:16:42 15 Q. Are you off drugs now?

16 A. Yes.

11:16:45 17 Q. When did you -- when did you quit taking these

18 drugs that Mark Leshner and Robert McCarver were giving

19 you?

20 A. On August 23rd of 2007, I stopped taking

21 them.

11:17:04 22 Q. And why did you stop taking them?

23 A. My son, D.J., had found the pills, and he had

24 kept asking me or telling me that I was crazy and acting

25 crazy. And he had found the pills, and he basically took

1 the pills and smashed them up. And I went to get a pill,
2 and there wasn't any there.

11:17:27 3 Q. At some point after that is when you decide to
4 go back home.

5 A. Yeah, it was -- I stopped taking the pills on
6 the 23rd and started thinking clearer and knowing where I
7 was, I didn't need to be, and on September 4th is when I
8 went back home to Jerry.

11:17:51 9 Q. And he took you in with open arms.

10 A. Yes, he met us -- he met us in the driveway and
11 just got out of the truck, and I looked like death. I
12 mean, I was skin and bones. My face was sunk in. Yeah,
13 he met me in the driveway and said, "I know you need
14 help." I mean, so he took us both back in.

11:18:14 15 Q. Have you got help?

16 A. I have got -- I have not had any professional
17 help, but I've -- Jerry just stayed with me and watched
18 me so I wouldn't do anymore drugs.

11:18:30 19 Q. Now, there is a -- they have a transcript of a
20 conversation that you made I guess of a telephone
21 conversation that you had with your sister, Dee, the one
22 up in Colorado.

23 A. Yes.

11:18:43 24 Q. Is that right?

25 A. Yes.

11:18:50 1 Q. Can you tell the jury a little bit about that
2 conversation, how it came to be?

3 A. Jerry and I -- when I went back to Jerry, we
4 had a -- we still had a court date for the divorce. And
5 we had called the attorneys, and they told us just to go
6 ahead and show up and just tell them that we were not
7 getting a divorce. And on our way to the courthouse,
8 Jerry's attorney told us that Bill Woods --

9 MR. CRISP: Objection, Your Honor.
10 Objection, hearsay. She's talking about some attorney
11 now.

12 THE COURT: Sustained.

11:19:24 13 Q. (BY MR. VARLEY) Did you at some point learn
14 that your father, Bill Woods, had filed an
15 intervention --

16 A. Yes.

11:19:28 17 Q. -- in this case?

18 A. Yes.

11:19:29 19 Q. Okay. And upon learning that, what did you do?

20 A. At that time, nothing. We went to court and
21 saw the Judge about telling him that we were not getting
22 a divorce. But when we went home that day, I called my
23 sister and basically was screaming and yelling and
24 telling her that Bill Woods, which is my father, was not
25 going to get my kids because he beat and molested me my

1 whole life, he was a sorry man, that I -- I -- I had to
2 get back to Jerry, get my foot in the door --

11:20:10 3 Q. Well, let me -- let me see if I can help you
4 out.

5 MR. VARLEY: It's a copy of the
6 transcript.

7 MR. CRISP: Your Honor, we would object to
8 State's Exhibit 1. This transcription has been checked
9 against the tape. It is inaccurate.

10 MR. VARLEY: You provided it.

11 MR. CRISP: No, it wasn't, not that one.

12 THE COURT: Let me see it.

13 (Pause in proceedings.)

14 THE COURT: Is this -- what is this, Mr.
15 Varley?

16 MR. VARLEY: Sir?

17 THE COURT: What is this?

18 MR. VARLEY: This is a transcript of a
19 conversation that -- or a message, I believe -- was this
20 a message left on the machine?

21 THE WITNESS: I believe so.

22 MR. VARLEY: I believe a message left on
23 an answering machine here.

24 MR. CRISP: Your Honor, we have not only
25 the tape of that call, but the accurate transcription of

1 that tape as opposed to the one that --

2 MR. VARLEY: We don't -- we don't have

3 either one of these, Judge, so --

4 THE COURT: Let me see the transcript.

5 MR. VARLEY: I received that copy that we
6 have from Mark Leshner when he had filed a grievance.

7 MR. CRISP: Your Honor, in discovery we
8 obtained the very tape of the conversation. And the tape
9 obviously is the best evidence, and the transcription of
10 that tape can be checked for accuracy if played, if he
11 wants to do that. But that's certainly a different
12 version.

13 THE COURT: Okay. State's Exhibit Number
14 1 is admitted into evidence. You may offer your exhibit
15 at this time and the tape. The tape will be played later
16 on.

17 MR. CRISP: And we would offer it at this
18 time, Your Honor.

19 THE COURT: Have it marked.

20 MR. CRISP: As Defendant Leshner Exhibit
21 1.

22 THE COURT: Leshner 1 is admitted into
23 evidence.

24 MR. BOTSFORD: Have it marked 3 or 4.

25 MR. CRISP: Why?

1 MR. BOTSFORD: Because I've already got
2 two exhibits.

3 MR. CRISP: Your Honor, we'd like to amend
4 that and ask that it be marked as Defendant Leshher's 3
5 and 4.

6 THE COURT: Those will be admitted into
7 evidence.

11:23:26 8 Q. (BY MR. VARLEY) Ms. Coyel, I'm going to show
9 you State's Exhibit 1, which is supposedly a copy or a
10 transcript of a conversation -- this was provided when
11 Mark Leshher -- when he filed a grievance, and that's how
12 I came into the possession of it. Can you read that and
13 see if it's an accurate transcription or not of your
14 conversation with your sister?

15 A. (Witness complies.)

16 (Pause in proceedings.)

17 A. Yes.

11:25:07 18 Q. (BY MR. VARLEY) Is that pretty accurate, you
19 believe, or not?

20 A. Yes.

11:25:11 21 Q. And why did you make that call?

22 A. I had found out that -- well, we had gone to
23 court, and Bill Woods was in the courtroom trying to take
24 my kids away from me. And that's when I called my
25 sister. I don't know if it was the day of court, that

1 same day or another day, but I had called my sister and
2 just basically told her what I needed to tell her so my
3 dad would not try to take my kids away.

11:25:45 4 Q. Okay. Were you concerned that he would -- that
5 he would get your kids --

6 A. At that point, yeah.

11:25:53 7 Q. -- because of your drug use and so forth?

8 A. Yes, yeah.

11:25:58 9 Q. Now, in it you say things like, "Play the game
10 with me, play the game." What's that mean?

11 A. I -- I don't know.

11:26:08 12 Q. You don't know. You said it. Why don't you
13 know?

14 A. Right. Well, I would have to -- just a
15 second.

16 (Pause in proceedings.)

11:26:22 17 Q. (BY MR. VARLEY) Who was with you when you made
18 that call, if anybody?

19 A. No one. I was by myself.

11:26:26 20 Q. You were by yourself?

21 A. Yes.

11:26:28 22 Q. Jerry Coyel wasn't --

23 A. There was nobody in the room. I was at the
24 house, and there was people in the house, but nobody in
25 the same room with me.

11:26:34 1 Q. Did Jerry Coyel know you was making that phone
2 call?

3 A. Yes, Jerry told me to call and say whatever I
4 needed to say to get Bill Woods off my back and try not
5 to take my kids away.

11:26:49 6 Q. Now, your child custody case, if you make an
7 allegation of sexual assault, does that help you in any
8 way in a child custody case?

9 A. No.

11:27:02 10 Q. I don't see how it would either, but I was
11 asking you if you knew of a way it would.

12 A. No.

11:27:06 13 Q. So y'all didn't think that would be of benefit
14 to you. That never came up. You never had a
15 conversation with anybody saying, you know --

16 MR. HARRELSON: Objection, leading, Your
17 Honor.

18 THE COURT: Rephrase.

11:27:20 19 Q. (BY MR. VARLEY) Did you ever have a
20 conversation with someone in which you said, "Gee whiz,
21 you know, I think I'll come up with an allegation of
22 sexual assault against the Leshers and McCarver to help
23 me in a child custody case against my parents"?

24 A. No.

25 MR. CRISP: Objection, it calls, by virtue

1 of the question itself, for her to repeat hearsay.

2 THE COURT: Overruled.

11:27:46 3 Q. (BY MR. VARLEY) So that never came up.

4 A. No.

11:27:52 5 Q. And the Defense has said in their opening that

6 this reconciliation you had with your husband was a false

7 reconciliation, and that's proof of it right there.

8 You're saying, "I'm going to get out of this

9 relationship, this false reconciliation." You were just

10 "playing a game" to get your kids.

11 A. No, I -- obviously it's not false because I'm

12 still with him. No, I mean, I planned on staying there

13 and continuing with my marriage and my kids being there

14 and us being a family.

11:28:26 15 Q. And in that conversation, did you say, "I've

16 got to get my kids out of here, Jerry's a perverted

17 bastard," or something? Did you say that in there?

18 A. Yes.

11:28:43 19 Q. What do you say?

20 A. "I am not here to stay. I know how sick and

21 perverted the mother fucker, Jerry Coyel, is, and I am

22 not leaving my daughter here again."

11:29:00 23 Q. Why did you say that?

24 A. At that time, I -- I was just screaming and

25 hollering, and I was frantic because Bill Woods was

1 trying to get my kids. And I -- I have -- I cannot tell

2 you why I said that.

11:29:16 3 Q. Was it true?

4 A. No.

11:29:20 5 Q. Do you just lie all the time?

6 A. No.

11:29:23 7 Q. Are you lying about the sexual assault

8 allegations?

9 A. No.

11:29:36 10 Q. So you had a -- did you not -- did you or did

11 you not have a delayed outcry of this sexual assault? Do

12 you understand my question?

13 A. No, I don't.

11:29:46 14 Q. Did you delay in telling anybody about the

15 sexual assault?

16 A. From when it happened to when I actually told?

17 Yes.

11:29:55 18 Q. And how long was that delay?

19 A. July to about the second week in September is

20 when I made the report.

11:30:03 21 Q. Of 19 -- or 2007?

22 A. Yes.

11:30:07 23 Q. The same year?

24 A. Yes.

11:30:11 25 Q. And what's -- why did you delay again? What's

1 the problem?

2 MR. CRISP: Repetitive, cumulative, asked

3 and answered, Your Honor.

4 THE COURT: Overruled.

11:30:20 5 Q. (BY MR. VARLEY) You can answer the question.

6 Why did you delay?

7 A. Well, first of all, I was still not -- I

8 was -- I was -- Mark was still helping me. I was still

9 not with Jerry. I was still getting pills. I was still

10 dependent on drugs.

11 I wanted the drugs. I was craving them.

12 I was -- it's just a craving you have. I don't know how

13 to explain it, I mean, when you do drugs.

14 And I know I didn't tell anybody. And

15 when I did go back to Jerry, yes, I mean, about a week,

16 maybe a week-and-a-half, I -- I just broke down.

17 When you're on drugs and you get off of

18 them, they start getting out of your system, and you

19 start becoming -- I say back in your right mind, I mean,

20 so -- did I answer your question?

11:31:09 21 Q. I think you did. How'd you feel about getting

22 raped? How did it make you feel?

23 A. Dirty and disgusting.

11:31:31 24 Q. Did you look forward to coming up and telling

25 me --

1 A. No.

11:31:36 2 Q. -- about that?

3 A. No.

11:31:39 4 Q. Other than this rape of you, has Rhonda Lesher
5 ever done anything bad to you to hurt you or anything of
6 that nature?

7 A. In November -- in November she testified in the
8 child custody case where Bill Woods was trying to get my
9 kids.

11:32:05 10 Q. Was that in November or October? Do you know?

11 A. I don't remember, October or November.

11:32:12 12 Q. But that was after you had already made the
13 outcry of the sexual assault.

14 A. Yes, it was. I made it in September, and
15 whenever she testified, it was a couple of months
16 later.

11:32:22 17 Q. So before you made the outcry of sexual assault
18 by Rhonda Lesher, had she ever done anything to you in a
19 bad way, other than the sexual assault?

20 A. No.

11:32:34 21 Q. What about Mark Lesher?

22 A. No.

11:32:37 23 Q. He's never testified against you, has he?

24 A. No.

11:32:41 25 Q. In fact, he used to be -- was he your

1 attorney -- your husband's attorney?

2 A. Yeah, on a back -- my husband had back surgery.

3 Yes, he was his attorney for that.

11:32:52 4 Q. And there was a medical malpractice case out of
5 that.

6 A. Yes, yes.

11:33:00 7 Q. Okay. Had he ever done anything to y'all
8 that -- to you or to Jerry that -- before this rape?

9 A. No.

11:33:14 10 Q. Had he ever done anything up until the middle
11 of September to you that had been bad, before you
12 reported the rape?

13 A. No.

11:33:24 14 Q. As far as Robert McCarver, I guess he got you
15 on drugs.

16 A. Yes.

11:33:30 17 Q. That's pretty bad.

18 A. Yes.

11:33:33 19 Q. But it was your own choice, right?

20 A. Yes.

11:33:36 21 Q. Was it a good choice or a bad choice?

22 A. Bad.

11:33:39 23 Q. How do you feel about it?

24 A. Horrible.

11:33:43 25 Q. How do you think your kids feel about all this?

1 Did you talk to them about it?

2 A. Yeah, we talk about it. We -- we -- actually
3 we're going to counseling to -- just to talk about what
4 had happened and their feelings and everything that just
5 had happened. So, I mean, we talk about it.

11:34:05 6 Q. They're not proud of you either, are they, as
7 far as how you acted?

8 A. No, right. No, they're not proud.

11:34:19 9 Q. When you talked to Al Smith, the attorney from
10 Texarkana, did you tell him about the rape?

11 A. No.

11:34:28 12 Q. And how did you get to Al Smith? How did you
13 know about him?

14 A. Mark Leshner.

11:34:34 15 Q. How did you know about the attorney, Jarrett,
16 in Tyler?

17 A. Mark Leshner.

11:34:39 18 Q. Who talked to your probation officer up in
19 Colorado about getting you transferred back down here?

20 A. Mark Leshner.

11:34:54 21 Q. Who got your parents their attorney?

22 A. Mark Leshner.

11:35:04 23 Q. So when you went back to Jerry, he kind of
24 jumped on the other side --

25 A. Yes.

11:35:09 1 Q. -- with another lawsuit.

2 A. Yes.

11:35:10 3 Q. And that was a custody case, them against --

4 your parents against you and Jerry at that point, I

5 guess.

6 A. Yes.

11:35:22 7 Q. Do you have an opinion as to why Mark Lesher

8 would do something like that?

9 A. I have no idea.

11:35:46 10 Q. It's your testimony that Mark Lesher's the one

11 that gave you the pill the night of July 26th, 2007, that

12 made you feel groggy.

13 A. Yes.

11:36:00 14 Q. And they all had sex with you without your

15 consent --

16 A. Yes.

11:36:05 17 Q. -- while you were unable to resist.

18 A. Right.

11:36:09 19 Q. Physically resist.

20 A. Right.

11:36:12 21 Q. Were you resisting mentally in your mind?

22 A. Yes.

11:36:23 23 Q. All this was going on at the same time. They

24 were all acting in concert with each other.

25 A. Yes.

11:36:38 1 Q. Have you made any other statements that you
2 know of that aren't true? Have you made any statements
3 in the past now that you know aren't true?

4 A. No.

11:36:49 5 Q. That you can think of? It's pretty broad.

6 A. No.

11:36:53 7 Q. None that you can think of?

8 A. Not that I can think of.

9 MR. VARLEY: I pass the witness, Your
10 Honor. Pass the witness.

11 THE COURT: We have 25 minutes before the
12 hour of 12:00, and I understand it's going to take a
13 little time for the Defense to set up their -- their
14 things they need for cross-examination, so I think what
15 we'll do is go to an early lunch.

16 We'll take an hour and 8 minutes, 15
17 minutes to 1:00, if you'd be back in the jury room,
18 please. Remember all my warnings about not discussing
19 the case among yourselves or with anyone while you're at
20 lunch.

21 Do not allow anyone to discuss the case
22 with you. If someone insists on talking to you about
23 this case or is talking about this case so that you can
24 hear them, you let me know, and I'll take real good care
25 of that for you. Go back in the jury room, please.

1 THE BAILIFF: All rise.

2 (Jury exits courtroom.)

3 THE COURT: Have a seat, please.

4 MR. HENRY: Your Honor, the notes Ms.

5 Coyel has in her hand, I'd ask if the Court or the

6 Bailiff maintain those so that we can use them for

7 cross-examination. I have a fear that they may change

8 between now and then, and I would rather them be --

9 THE COURT: Well, what are those notes

10 there, young lady? What are they?

11 THE WITNESS: It's just a calendar, like

12 a -- a calendar.

13 THE COURT: When did you make that

14 calendar?

15 THE WITNESS: Every day that -- as it

16 occurred.

17 THE COURT: While it was going on?

18 THE WITNESS: Like a journal.

19 THE COURT: All right. Hand it to the

20 court reporter. She'll hold it. All right. Have a

21 seat, gentlemen.

22 There's two factions, two sides, a lot of

23 emotion. Collin County does not take kindly to any kind

24 of appearance that there may be problems coming up. A

25 little bit of jabbering between the parties and so on

1 creates the look that something bad's going to happen.

2 And so, therefore, you know, you need not
3 to do that. Don't -- don't make any comments to the
4 other side, either side to the other side.

5 You know, am I making myself clear here?
6 It's -- don't -- don't force me to -- to have to make a
7 decision about you because one of the Sheriff's deputies
8 is watching everything that's going on here in the
9 courtroom, out in the hall, in the -- in the car parking
10 area.

11 See, we're watching the situation. Don't
12 make me have to make a decision about you because if I
13 make a decision that you have probably done something,
14 then that's not going to be good for anybody. I don't
15 care who you are, all right?

16 And -- and -- because I have to maintain
17 control over here. I know that the emotions are high. I
18 appreciate that, and so just control yourself and
19 everything will be fine. You won't have any problem from
20 me.

21 This is an open courtroom, and I hope
22 you're here. Everybody's doing just right so far, except
23 one little thing, and let's just keep it that way.

24 That's all.

25 THE BAILIFF: All rise.

1 (Lunch recess; Juror examined, not
2 included as part of this partial
proceeding.)

3 THE COURT: Who is going to be first,
4 second and third?

5 MR. CRISP: Your Honor, may it please the
6 Court, on behalf of Defendant Mark Leshner, I will be
7 cross-examining Shannon Coyel.

8 THE COURT: And then Ms. Leshner?

9 MR. HARRELSON: Depending on how the
10 cross-examination goes, I may have some follow-up, but it
11 will be very brief.

12 THE COURT: And McCarver?

13 MR. HENRY: Same, Your Honor. I feel Mr.
14 Crisp will be very thorough.

15 THE COURT: Well, that's unfortunate.

16 MR. CRISP: And also pressure.

17 THE COURT: Don't let it pressure you too
18 much.

19 (Pause in proceedings.)

20 THE COURT: The reason it takes so long is
21 because we're using somebody else's jury room that's down
22 the hall a piece.

23 THE BAILIFF: All rise.

24 (Jury seated.)

25 THE COURT: Have a seat, please.

1 Cross-examination, Counsel.

2 MR. CRISP: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. CRISP:

13:03:19 5 Q. Good afternoon, Ms. Coyel.

6 A. Good afternoon.

13:03:23 7 Q. I don't think until today you and I probably
8 have ever seen each other, have we?

9 A. No.

13:03:28 10 Q. Never talked?

11 A. No.

13:03:31 12 Q. I'm not sure you know who I am, so I want to
13 introduce myself to you. I am David Crisp. I'm an
14 attorney from Texarkana, and in this case I represent
15 Mr. Mark Leshner. Do you understand who I am and who I
16 represent?

17 A. Yes.

13:03:52 18 Q. Since you and I have never spoken before right
19 now, I think it would be fair to say -- and it goes
20 without saying, perhaps, even -- that I haven't been
21 involved in any of the legal matters that you've been
22 involved in over the past two-and-a-half years, have I?

23 A. No.

13:04:12 24 Q. I wasn't involved when the -- when the criminal
25 cases were brought against you, whether it be in Oklahoma

1 or the four Texas felonies that were filed against you
2 out of Red River County. I wasn't involved in any of
3 that, right?

4 A. No.

13:04:27 5 Q. And I wasn't involved in the civil case that
6 you had where first you and Jerry were getting a divorce
7 and fighting each other for custody, as I understand it,
8 and then later you and Jerry came to an agreement, and
9 low and behold, your father, Bill Woods, got involved and
10 he -- he intervened in that case, and he sought custody
11 of his grandchildren, your two natural children, being
12 both Morgan Campbell and her younger brother, D.J.
13 Campbell, right?

14 A. Yes.

13:05:06 15 Q. All right. But you have testified in those
16 cases, haven't you?

17 A. In the child custody cases?

13:05:15 18 Q. Yes.

19 A. Yes.

13:05:16 20 Q. And you also testified before the Grand Jury in
21 this case.

22 A. Yes.

13:05:25 23 Q. All right. Before I start this, I want to make
24 sure, since you and I don't know much about each other,
25 do you understand what the concept of perjury is?

1 A. Yes.

13:05:35 2 Q. Okay. Could you -- could you tell us and share
3 with us what your concept of perjury is?

4 A. I believe make a false statement.

13:05:41 5 Q. Under oath?

6 A. Under oath.

13:05:44 7 Q. Okay. False statement. And you know better
8 than that. You're an adult, right?

9 A. Yes.

13:05:48 10 Q. And I think that what I understood you to tell
11 this jury under direct examination of Mr. Varley was that
12 you've done that in the past, but only with respect to
13 one thing, right?

14 A. Yes.

13:06:02 15 Q. And what's that one thing that you violated in
16 terms of telling the truth? Wasn't it that you accused
17 your husband of molesting your daughter, his
18 stepdaughter?

19 A. Yes.

13:06:17 20 Q. All right. But other than that, you've been
21 truthful all along.

22 A. Yes.

13:06:22 23 Q. A hundred percent truthful.

24 A. Yes.

13:06:24 25 Q. Just as truthful as you were this morning.

1 A. Yes.

13:06:28 2 Q. And you stand behind what you've done in these
3 cases up until now as far as your testimony being
4 truthful.

5 A. Yes.

13:06:39 6 Q. All right. Because when you testified both
7 before the Grand Jury and then when you testified in your
8 civil case, you took the exact same oath that you took
9 when you took the stand this morning, didn't you?

10 A. Yes.

13:06:56 11 Q. All right. And you knew the consequences would
12 be that if you didn't honor your oath, that you could be
13 subject to perjury, right?

14 A. Yes.

13:07:07 15 Q. All right. I'm going to give you a chance
16 right now before I ask you the questions, other than not
17 testifying truthfully about your husband, did you commit
18 perjury in the two prior proceedings that you testified
19 in: One, getting this Indictment brought; or, two, in
20 the child custody proceedings?

21 A. Did I what?

13:07:31 22 Q. Did you commit perjury? I want to give you an
23 opportunity to tell me "yes" or "no" before we start.

24 A. No.

13:07:38 25 Q. All right. You were truthful throughout.

1 A. Yes.

13:07:44 2 Q. All right. Now, looking at this from January's
3 perspective, January of 2009, and if we take this back to
4 when you were arrested in Oklahoma, when you were -- you
5 got the charges for methamphetamine and a gun and -- was
6 it a motorized dildo? I mean, there were several things,
7 right?

8 A. Yes.

13:08:10 9 Q. Okay. From that point and bringing us up until
10 today, you've been pretty busy with your legal matters,
11 haven't you?

12 A. Yes.

13:08:21 13 Q. Okay. Because if -- if we go back those
14 two-and-a-half years and you get those charges brought
15 against you in Oklahoma, then you get a whole set of
16 charges brought against you in Texas that starts out
17 with, in your words -- the first one was a felony charge,
18 wasn't it?

19 A. Yes.

13:08:41 20 Q. And you -- you're telling the jury it was for
21 "spanking," didn't you? That's your words.

22 A. Yes, yes.

13:08:47 23 Q. And really the way you look at it, it wasn't so
24 much a spanking, but that you wanted to spank her and
25 that Jerry intervened so you didn't get to spank her.

1 A. Right.

13:09:03 2 Q. Now, based on that, the same law enforcement
3 officials over in Red River County brought felony --
4 felony child endangerment charges against you, didn't
5 they?

6 A. Yes.

13:09:20 7 Q. And they didn't allege "spanking," did they?

8 A. I believe it's a spank -- it said spanking my
9 child with a belt.

13:09:30 10 Q. Okay. Well, we'll look at them in specifics
11 here in a minute, then. You don't think it had anything
12 to do with the fact that you were hitting her with a belt
13 that had a rodeo buckle on it?

14 A. The charge I read that I can remember said I
15 was spanking her with a belt.

13:09:47 16 Q. Well, let's talk about what you really did.
17 Did you hit her with a belt that had a rodeo buckle on it
18 leaving bruises on her?

19 A. No, I did not.

13:09:55 20 Q. So the photos that went with that, she got
21 those bruises somewhere else?

22 A. I guess she did.

13:10:01 23 Q. Okay.

24 A. And I have never seen any photos.

13:10:05 25 Q. All right. Well, let's -- let's take up these

1 next. Let's go forward now. We've talked about Oklahoma
2 in the Summer of 2006, and we talked about the first of
3 what turns out to be a series of felony cases brought
4 against you, right?

5 A. Yes.

13:10:23 6 Q. And the second group of the Texas felony cases
7 were brought against you on July 9th, 2007. Do you
8 remember that?

9 A. Yes.

13:10:37 10 Q. Okay. And the reason you should remember that
11 is because you were in jail in Colorado on the first
12 felony charge, in your version the "spanking," right?

13 A. Yes.

13:10:52 14 Q. July 3rd, July 4th, July 5th and then you
15 bonded out on July 6th, right?

16 A. Right.

13:10:59 17 Q. Okay. And then you stayed in Colorado until
18 you found out, "Oh, my God, now there are three more
19 felony charges brought against me," right?

20 A. Yes.

13:11:10 21 Q. And at that point in time, with three
22 additional felonies totaling four in Texas, you were in
23 desperate need of some help, weren't you?

24 A. Yes.

13:11:20 25 Q. And who did you turn to, to help you?

1 A. I called Mark Leshar.

13:11:24 2 Q. Okay.

3 A. He told me about --

13:11:27 4 Q. Okay. Let's stop right there.

5 A. Do you want me to answer the question?

13:11:29 6 Q. The person that you turned to, to help you out
7 of this terrific jam that you were in with four felonies
8 in Texas, the person that you thought of that could help
9 you was a friend of the family. His name is Mark Leshar,
10 right?

11 A. Yes.

13:11:47 12 Q. All right. And Mr. Leshar told you that he
13 would be unable to represent you because he had
14 previously represented either your husband or you and
15 your husband, I'm not sure, in the medical malpractice
16 suit, right?

17 A. Yes.

13:12:01 18 Q. Okay. So although he couldn't help you
19 personally, he tried to help find an attorney, a criminal
20 attorney, that could help you.

21 A. Yes.

13:12:09 22 Q. And he found someone for you to talk with once
23 you got back from Colorado, right?

24 A. You're talking about the attorney?

13:12:17 25 Q. Yes.

1 A. Yes.

13:12:18 2 Q. Al Smith.

3 A. Yes, sir.

13:12:26 4 Q. All right. So you leave -- you leave Colorado.

5 You're coming back down here knowing when you leave that,

6 "Oh, my God, what I thought was bad enough has now

7 escalated to something where I stand charged with four

8 felonies."

9 A. Yes.

13:12:45 10 Q. Okay. In addition to the spanking felony,

11 there's a charge that you provided your two small

12 children -- Morgan then age, what, 12; D.J. then age

13 11 -- with alcohol to the point of getting them

14 intoxicated. That was one of the charges.

15 A. It does not state D.J. It only stated Morgan,

16 and that is not true, yes.

13:13:08 17 Q. Okay. So those charges were not true?

18 A. No.

13:13:11 19 Q. Okay. And -- and again, just in case I forgot

20 over lunch, the people that are bringing those charges

21 are who? Is it Morgan and is it her dad? Her dad's

22 taking her to the Sheriff's Office in Clarksville, Texas.

23 A. Actually her grandfather, Lee Hamill, took her

24 to C.P.S. in Paris, Texas.

13:13:32 25 Q. Actually her dad took her to the Sheriff's

1 Office first, and she later went to CAC. That's how it
2 really happened, isn't it?

3 A. I do not know.

13:13:40 4 Q. Okay. So now you are making false allegations
5 against Jerry of being a sexual molester of your
6 daughter, and she -- before you ever make that
7 allegation, she is alleging, falsely, to the court that
8 you're providing liquor to get her drunk, right?

9 A. She made the allegations to the court?

13:14:08 10 Q. Yes, and had the arrest warrants drawn up, and
11 you were served and charged with providing a minor
12 with --

13 A. I don't know who she made the charges, too, but
14 yes, I was served with a warrant.

13:14:19 15 Q. Okay. And she also made a charge that you told
16 her -- a separate one, a child endangerment -- that you
17 told her it's okay to smoke marijuana, but -- but just
18 don't do it every day, right?

19 A. That was a charge?

13:14:30 20 Q. That was another one of the charges, okay?

21 A. Yes.

13:14:37 22 Q. I almost hesitate to ask, did she lie about
23 that as well?

24 A. Yes.

13:14:48 25 Q. Okay. Now, who was it -- among the people that

1 were going over to the Sheriff's Office in Clarksville
2 and Red River County, who was it that was giving them
3 information, after your husband has filed for custody of
4 your natural daughter? Okay. So let's get this in
5 order. You're in jail in Colorado July 3, 4, 5 and 6,
6 right?

7 A. Yes.

13:15:19 8 Q. On July 6th, while you're up in Colorado in
9 jail, it's no longer just a divorce that Jerry has filed
10 against you. Now it's become a quest by Jerry to gain
11 sole custodial managing conservatorship. In other words,
12 he is the parent to the exclusion of you, right?

13 A. Yes.

13:15:45 14 Q. And he got a Temporary Restraining Order,
15 right?

16 A. Yes.

13:15:50 17 Q. And you've already told us, I think, your
18 husband's a pretty important guy there in Red River
19 County, isn't he?

20 A. I have not said that here today, no.

13:16:00 21 Q. You believe that, don't you?

22 A. Restate the question.

13:16:04 23 Q. You believe your husband's a pretty powerful
24 guy that gets his way more often than not in Red River
25 County.

1 A. Do I believe that?

13:16:14 2 Q. Yes.

3 A. No.

13:16:15 4 Q. So you've never said, for example, "He can have
5 me thrown in jail any time he wants to, he's that
6 powerful."

7 A. I have said -- yes, I have said that he could
8 have me thrown in jail.

13:16:29 9 Q. Yeah. You also have said from time to time,
10 "He either is God or he's close to God when it comes to
11 Red River County. He can do what he wants."

12 A. No, I've never made that comment.

13:16:43 13 Q. Okay. But the person -- now after he's filed
14 for custody, you take action, right? And that's when you
15 start getting information to the C.P.S., to the Sheriff's
16 Office, to the Prosecutor, whoever you can reach, saying,
17 "Wait a minute, we can't let this guy have custody of my
18 little girl because he is a sexual pervert, he has been
19 molesting her for years," right? That's when you started
20 that. You wanted people to know he shouldn't get custody
21 of your little girl.

22 A. Yes.

13:17:34 23 Q. All right. And you also knew at that time, and
24 you included in your reporting to the law enforcement,
25 that, "Not only has my husband been molesting her for

1 years, that he is allowing her 16-year-old boyfriend to
2 spend the night with her on our million dollar houseboat
3 on Broken Bow Lake and he's watching them have sex."

4 A. I -- yes, I was told that by somebody else.

13:18:02 5 Q. That's what you told all the people that were
6 investigating on your behalf, right?

7 A. And I told them that I had heard that from
8 somebody else.

13:18:09 9 Q. All right. And you believed that to be true,
10 didn't you?

11 A. At the --

13:18:12 12 Q. You weren't making another false allegation,
13 were you?

14 A. At the time, yes, I believed it was true.

13:18:23 15 Q. All right. Okay. So now let's move forward to
16 the next set. Now you're involved in a heated, heated
17 custody fight, right?

18 A. Yes.

13:18:32 19 Q. I mean, it is a big deal, and you're doing
20 everything within your power to make yourself look
21 better, to kind of get the druggy label off of you and
22 put the sexual molester label on your husband, right?
23 You're trying to even things up, right?

24 A. Yes.

13:18:55 25 Q. All right. And one of the ways that you even

1 things up is, you decide you'll take a hair follicle test
2 so that you can prove that you haven't been taking drugs
3 within the last 60 or 90 days, and you chose -- important
4 now -- you chose specifically to take the hair follicle
5 test because it would give you a longer clear period than
6 a urine test, right?

7 A. Yes.

13:19:21 8 Q. Okay. And you knew all about that, right?

9 A. Yes.

13:19:23 10 Q. You had already had one taken by this time.

11 A. Well, and which one are you referring to?

13:19:30 12 Q. Well, I'm talking about you had one in
13 Colorado. Now, you've got one that you take when you
14 come back to Texas.

15 A. Right.

13:19:37 16 Q. Okay. Now, the custody battle heats up.
17 You've got four felonies pending against you. Red, your
18 lover, is pretty well powerless. He's not a big
19 important person in Red River County, is he?

20 A. I guess not.

13:19:54 21 Q. Wouldn't be a fair fight between Robert
22 McCarver and Jerry Coyel, would it?

23 A. The fight wasn't between Robert and Jerry. It
24 was between me and Jerry.

13:20:05 25 Q. Okay. Well, what I'm saying is, in terms of

1 who has power, who has prestige, who has the ability to
2 get things done in local politics or in that courthouse
3 as between the two, where does that balance lie?

4 A. I believe as just being an important person
5 and -- and supporting the community, yes, Jerry was a
6 higher standard than Robert McCarver.

13:20:25 7 Q. Okay. And, in fact, you believed that so much
8 that you told everybody -- you told everybody, "Let me
9 tell you something, you don't think he can't have me
10 thrown in jail any time he wants to, you are dead
11 mistaken, he can have me thrown in jail any day of the
12 week he wants to," right?

13 A. Yes, and you've already stated that, and I said
14 yes.

13:20:44 15 Q. All right. So let's move it forward now just a
16 little bit further. You're back in Texas. You still
17 have the four felonies hanging over your head. And now
18 you've got a custody fight that you feel like you're
19 probably going to lose, and the guy that you've been
20 saying is the sexual molester is about to get custody of
21 your little girl.

22 Okay. Let's set the stage. So what's the
23 next step? What do you do? When you say, "I can't fight
24 all this, I just can't fight all this," what'd you do?

25 A. I -- I -- I have no idea.

13:21:22 1 Q. Well, let me help you, and I'll bet you'll
2 remember it. You said, "I'm going home to Jerry because
3 when I go home to Jerry, maybe he won't pursue this and
4 maybe I won't lose all my custody rights and I can see my
5 little girl again." That's what you did, isn't it?

6 A. Yes, I went home to Jerry, yes.

13:21:40 7 Q. Okay. And when you went home to Jerry, you got
8 to see your little girl again, right, as long as he's
9 there with you?

10 A. No, I was able to see her whenever I wanted to
11 once I went back.

13:21:52 12 Q. Wait, wait. I thought once you went back with
13 him, you couldn't even go into your bathroom without
14 Jerry being with you.

15 A. Yes, I did state that, yes. And yes, Jerry was
16 there, but he wasn't with me with Morgan.

13:22:05 17 Q. Okay. Well, listen up now. The question,
18 first of all, was by going back to Jerry on September 10,
19 the first goal is accomplished, the first goal being you
20 get to see your kid, right? You hadn't seen your kid
21 because you've been under restraining orders now going
22 all the way back to Colorado, right? He's gotten five
23 restraining orders, one after the other, against you.

24 A. Yes, and I don't remember when it started, but
25 yes.

13:22:29 1 Q. He got five restraining orders without even
2 having to have a hearing, didn't he?

3 A. I don't know.

13:22:34 4 Q. One after the other.

5 A. I don't know.

13:22:36 6 Q. You didn't go to a hearing, did you?

7 A. No.

13:22:38 8 Q. He kept getting restraining orders. You never
9 got hearings, but he got restraining orders, right?

10 A. Right.

13:22:44 11 Q. One, two, three, four, five. So all the time
12 you're in Colorado, you haven't seen her. And now that
13 you're back in Texas, you still can't see her, right?

14 A. Right.

13:22:53 15 Q. Okay. Next step. You've got all of these
16 felonies hanging over your head. Didn't you think that,
17 "If I get my foot back in the door and I convince Jerry
18 that I'm going to try to make this work, all of a sudden
19 I've got the next step accomplished, and that is maybe
20 they won't go up there and try to put me in the jail"?

21 And you were deathly afraid of going back to jail,

22 weren't you?

23 A. Yes, I wasn't going to go to jail for something

24 I didn't do.

13:23:28 25 Q. And you knew the only way that you could avoid

1 that was taking that step of getting your foot back in
2 the door.

3 A. Not necessarily, no.

13:23:36 4 Q. That's what you felt like. That's what you
5 told others. That's what you told your sister, Dee, in
6 Aurora, Colorado, that very thing.

7 "Hey, listen, I'm playing a game down
8 here. I got no intention of being with this man, but I'm
9 going to have to stay with him until we get these divorce
10 issues finalized and until we get these custody issues
11 finalized and until I don't have these charges hanging
12 over my head."

13 Those are the kinds of things you're
14 telling people, right? That's the motivation for you
15 going back to Jerry Coyel.

16 A. The reason I made the phone call to Dee Gardner
17 is because Bill Woods tried to get my kids, who is a
18 child molester and child beater.

13:24:14 19 Q. Can I stop you for one second? Because I want
20 to ask you, and I want to make sure this jury hears this,
21 because we've got a dad out there that will get a chance
22 to testify.

23 A. He's a sorry man, sorry.

13:24:23 24 Q. Okay. Well, let's talk about that. Until
25 today, you had never once ever in any court proceeding in

1 any record anywhere accused your dad of molesting you,
2 until today.

3 A. No, not true, necessarily.

13:24:38 4 Q. When?

5 A. He's been reported to the C.P.S. when I moved
6 out when I was 15 and him and my stepmother beat me to a
7 pulp. I was bleeding. My nose was bleeding. I had
8 black eyes. He was reported to the C.P.S. My mother in
9 Paris, Texas, reported him to the C.P.S. in Texas.

13:24:52 10 Q. Okay. So --

11 A. And that is --

13:24:53 12 Q. And I'm sure you got statements to back those
13 records up.

14 A. I don't know if anybody ever looked for them.

13:24:59 15 Q. Okay. But the point of it is, is that you had
16 lots and lots of opportunities. Here you are in -- in
17 a -- in a death struggle with your dad, right? Your dad
18 wants to get the children away from the Coyel household,
19 right, to Larned, Kansas?

20 A. Where all the child molesters are, yes.

13:25:17 21 Q. And you, on the other hand, you don't want him
22 to, so you get a chance to testify in court just like he
23 did, right?

24 A. Bill Woods?

13:25:26 25 Q. You got to testify in your child custody case

1 just like he did.

2 A. And when you say "he," you mean who?

13:25:32 3 Q. Your dad, Bill Woods.

4 A. Yes.

13:25:35 5 Q. Okay. And you know what? And we're going to

6 go over this in -- in pretty good detail here in a

7 minute. You never -- even though you had every reason,

8 you never told the Court that he molested you, ever.

9 A. Not at that time, no. I had been in

10 counseling.

13:25:52 11 Q. Today. Today, right? Today is the date you

12 made that comment because you know he's testifying after

13 you in this trial, right?

14 A. I don't really care when he testifies.

13:26:02 15 Q. Okay. So let's bring this forward now. You've

16 embarrassed this really powerful man in Red River County

17 by telling all of law enforcement and C.P.S. and anybody

18 else that would listen, including your -- members of your

19 family, including your dad, Bill Woods, you told all of

20 them, "Jerry's molesting my daughter, I cannot stand the

21 thought of that man having unrestricted access to my

22 daughter," right?

23 A. You're going a little bit way into detail. I

24 didn't go that extreme. But yes, I mean, I said that,

25 yes.

13:26:40 1 Q. Okay. When you get your foot back in the door
2 on September 4th, Jerry makes one of the conditions that
3 you agree to give him custody, with you, but with him
4 being primary custodial parent with the right to select
5 the residence of the children, not only Morgan, but D.J.
6 now, right?

7 A. Your question is, did Jerry make me or make a
8 deal with me?

13:27:16 9 Q. Right.

10 A. No, Jerry didn't make a deal with me, no.

13:27:20 11 Q. So it's just purely coincidence that on
12 September 10th, six days after you've gotten your foot
13 back in the door, September 10th, you go up to announce
14 to the Court, "King's X, we no longer need a divorce, and
15 we no longer need to have this custody fight."

16 That's just a coincidence. And, "By the
17 way, Judge, I, as the natural mother of Morgan Campbell
18 and of D.J. Campbell, I am going to give him primary
19 right of custodialship with the right to select where
20 those children live."

21 A. I never actually said those words, but that's
22 what was put in the paper, yes.

13:28:01 23 Q. Okay. And that's what you signed off on.

24 A. Yes.

13:28:04 25 Q. Okay. And you knew what you were signing off

1 on.

2 A. Yes.

13:28:07 3 Q. But there was a problem that developed that
4 very day, wasn't there? The very day that you thought
5 you had this new deal where you're playing the game, a
6 big fly in the ointment happened, right?

7 A. A big what?

13:28:20 8 Q. Fly in the ointment. You ever heard that
9 expression? We use that in Texas sometimes.

10 A. Actually, I haven't.

13:28:28 11 Q. Okay. You haven't heard it. Well, assuming
12 that you can figure out what that means, a fly in the
13 ointment was all of a sudden your dad made a trip down
14 from Larned, Kansas, and he -- he came in and he says,
15 "Look, I'm intervening in this case because I don't agree
16 with what my daughter has done of giving primary
17 custodial rights to this child molester." And he filed
18 it that very day, didn't he?

19 A. Yes.

13:28:53 20 Q. And you and your sister, Laura Hall from
21 Dallas, and your husband, Jerry Coyel, went into action
22 as soon as he did it. And the action that you went into
23 was, you made a call. You made to call to your dad
24 first. "Is it true you are down here, and you are trying
25 to intervene in our custody case?" That's the first

1 call, right?

2 A. Yes.

13:29:20 3 Q. And when you found out that was true, you made

4 another call, and the second call was to your sister,

5 Laura, in Dallas.

6 A. Yes. I believe I called Laura first, but go

7 ahead.

13:29:33 8 Q. You told sister Laura, "Do whatever you can,

9 use whatever influence you've got, but tell him not to

10 mess in my business because if he does, somebody's going

11 to get hurt."

12 A. That was never said.

13:29:46 13 Q. Okay. So if that was never said, the follow-up

14 call that was made to Bill Woods, your father, who you

15 care nothing about now -- the same Bill Woods that came,

16 picked you up in Colorado, brought you home, helped you

17 find attorneys, himself, went and bonded you out on these

18 felonies down here at the Bi-State Justice Building in

19 Texarkana, Texas -- that same man that had done all that

20 for you, now you make a call to him with your husband in

21 the background, and you say, "You know what? We can put

22 a bullet in your head if you go forward with that."

23 A. Never said that, no.

13:30:23 24 Q. You didn't say that?

25 A. Did not say that.

13:30:29 1 Q. All right. Let's bring it on forward now.
2 We're in September. You thought you had a deal put
3 together. Dad intervenes. And you have a hearing that
4 comes up in October, and you testify in the hearing in
5 October, right?

6 A. Yes.

13:30:56 7 Q. You're under oath.

8 A. Yes.

13:30:59 9 Q. Same oath you took in here, right?

10 A. Yes.

13:31:04 11 Q. And you're asked all matters of questions about
12 why your dad should not get custody of your two children,
13 especially now that you have this deal put together, and
14 you had every opportunity -- you were asked question
15 after question after question. You never once made the
16 allegation in that courtroom for that decision-maker
17 saying, "You know what? My dad molested me." You never
18 said that. You never testified to that under oath, did
19 you?

20 A. Not under oath, no.

13:31:49 21 Q. All right. Now let's bring it on a little bit
22 further. Let's talk about April, April 18th of last
23 year. No, I'm sorry.

24 I want -- I want to pick up on one other
25 point before I go there, and that is, there was somebody

1 that also testified in that hearing, other than you and
2 your dad.

3 And that person got up and testified that
4 based upon what she had seen and what she had heard from
5 the mouth of your husband, Jerry Coyel, Rhonda Leshner
6 testified against -- against you. She took sides against
7 you, didn't she?

8 A. I don't ever remember Rhonda Leshner saying
9 anything about me. She only said something about
10 Jerry.

13:32:46 11 Q. Okay. But Jerry and you are on the same side
12 at this point, aren't you?

13 A. Yes, but she never said anything bad about me,
14 only Jerry.

13:32:55 15 Q. Okay. Infuriated him.

16 A. You'll have to ask him that.

13:32:59 17 Q. Well, you were with him. You know whether he
18 was mad about that, and you know he was furious, wasn't
19 he?

20 A. You'll have to ask him about that.

13:33:08 21 Q. You don't -- so your testimony to this jury is
22 you don't know if your husband was mad about that?

23 A. No, you'll have to ask him. I mean, I can't
24 answer his questions.

13:33:17 25 Q. Okay. That's fine. And just so that we don't

1 leave this without also making known what else was going
2 on, what else was going on that made all of you furious
3 was that Mark Lesher had sided in with your dad. And he
4 had helped them find a lawyer, since they weren't from
5 Texas, that could represent their interests and against
6 your interests and Jerry's interests. And that
7 infuriated your husband, didn't it?

8 A. I don't believe at the time we knew Mark Lesher
9 was behind Bill Woods getting an attorney. We later
10 found out.

13:34:06 11 Q. These are the points we'll come back to
12 specific to your testimony in a minute, but I want to
13 continue on in our timetable.

14 So after that happens, even though you're
15 telling us that you had talked to your husband and told
16 him about the rape, you sure -- this is October now,
17 October 11 and 12, if I recall, when you're getting all
18 those questions and you're under oath, you never once
19 said Mark or Rhonda Lesher had ever done anything
20 inappropriate to you.

21 A. No.

13:34:40 22 Q. Right?

23 A. Correct.

13:34:42 24 Q. But again, now, that changes. Nothing's said
25 in July. Nothing's said the first, second, third, fourth

1 week of August. Nothing's said the first, second, third,
2 fourth week of September. Nothing's said the first week
3 of October. Nothing's said at the trial the second week
4 of October.

5 But if we go far enough and we take the
6 timeline to November, December, January, February, March
7 and April, now we're into April of '08. You did say
8 something, and you said it to the Red River County Grand
9 Jury, right?

10 A. Yes.

13:35:27 11 Q. Okay. And that's when you came with the story
12 that all of these people who had been involved in the
13 child custody case with your dad or had testified on his
14 behalf, or the person that you had run off and abandoned
15 your family with, Mr. McCarver, all of those people now
16 were getting their comeuppance, weren't they? Because
17 you were going to testify and tell them these people had
18 raped you. You were getting even, weren't you?

19 A. No, I was not getting even. Getting even with
20 who?

13:36:05 21 Q. Mr. Leshar, his wife, Rhonda, and -- and your
22 boyfriend slash lover. And another thing, just so that
23 we don't leave misimpressions where they're not supposed
24 to be, it wasn't like when you got your foot back in the
25 door on September 4th and started putting your deals

1 together, it wasn't like you and Red didn't still

2 continue to carry on, was it?

3 A. I did talk to him several times, yes.

13:36:32 4 Q. Yeah. It's not what you told people when they

5 asked you under oath, but it's the truth. You continued

6 to talk to him. You kept telling him how much you loved

7 him and that one of these days Jerry was going to keel

8 over, that he had bad medical problems.

9 A. No, never said that.

13:36:47 10 Q. He had Alzheimer's.

11 A. No.

13:36:49 12 Q. You didn't say any of this?

13 A. No.

13:36:55 14 Q. Okay. And is this testimony -- again, since

15 we've gone so far, I don't want to leave this. Is this

16 testimony now, that you never said any of these kind of

17 things, is it just as truthful as everything else you've

18 been saying today or saying in front of that Grand Jury

19 or saying in front of that civil hearing? All of it's

20 equal in terms of your being truthful, right?

21 A. Yes.

13:37:23 22 Q. All right. You go into that Grand Jury room,

23 and Mr. Varley's with you, right?

24 A. Yes.

13:37:29 25 Q. He's asking you the questions, in fact, right?

1 A. Yes.

13:37:35 2 Q. And you're telling them this story on April 18,
3 2008, which is -- what? And I haven't even counted it
4 up, so you've got July, August, September, October,
5 November, December, January, February, March, April --
6 it's a full two hand's worth.

7 Ten months later, you're telling this
8 story to a Red River County Grand Jury, and you're
9 telling them that they did these bad things. And you
10 specifically, yourself, you were asked, "What do you want
11 done about this?" And you said, "I want them charged
12 with aggravated sexual assault."

13 A. If I said that, I don't remember. I don't -- I
14 wouldn't even know what it was called.

13:38:16 15 Q. All right. We'll go into it in a minute, but
16 you wanted that to happen. That was your goal when you
17 went in that Grand Jury room, to get them indicted.

18 A. Yes.

13:38:26 19 Q. All right. Now, that's happened. April 18th
20 has happened. You've gotten the Indictments that you
21 wanted. I want you to tell this jury who the next person
22 you called was after you got that Indictment. Do you
23 remember?

24 A. No.

13:38:43 25 Q. Okay. Well, let me give you a hint. Do you

1 think it might have been your dad, Bill Woods, when you
2 call up and you say, "Have you heard the news about the
3 Leshers, well, you're next" --

4 A. No.

13:38:53 5 Q. -- and hang-up?

6 A. No.

13:38:54 7 Q. You didn't do that either?

8 A. No.

13:39:01 9 Q. Isn't it true that you had told your dad while
10 you were on that long drive back from Colorado and he was
11 in the process of helping you get back from Colorado to
12 come down here and answer these charges -- got you bailed
13 out of jail and did the kind of things that you had hoped
14 that a dad would help when a daughter's in real trouble.
15 But when he's doing all of that, you also told him
16 something that Jerry had told you long ago.

17 Do you remember telling him, "You know
18 what? If you want to stop somebody dead in their tracks,
19 if you want to stop somebody from whatever they're doing
20 dead in their tracks, you allege that they raped you."

21 A. Never said it.

13:39:47 22 Q. All right. Is it your testimony right now that
23 you didn't lie to that Grand Jury in order to secure
24 indictments against Mr. Mark Leshler, Ms. Rhonda Leshler
25 and Mr. Robert McCarver?

1 A. Ask the question again.

13:40:01 2 Q. That you didn't go into that Grand Jury room
3 and lie in order to secure those Indictments.

4 A. No.

13:40:10 5 Q. Instead, you went in there to tell them the
6 complete, total and nothing but the truth, the 100
7 percent truth because you didn't want to get these
8 Indictments under false pretenses or false swearings, did
9 you?

10 A. Right.

13:40:22 11 Q. Right. Because you knew then what we know
12 right now -- and that you've just admitted -- is that if
13 you went in that Grand Jury room and you lied to them,
14 that you could subject yourself to perjury.

15 A. Right.

13:40:36 16 Q. Right. All right. So we're going to start
17 with the Grand Jury testimony now.

18 MR. CRISP: Your Honor, I previously
19 mentioned I'm going to have someone help me with these
20 visual aids.

13:40:51 21 Q. (BY MR. CRISP) Did you tell the Grand Jury,
22 ma'am, that the reason that you left your husband on June
23 20th of 2007 was because your husband had just found out
24 that Red McCarver had given you methamphetamine and that
25 you and your husband got into an argument and left? You

1 left. Is that what you told them?

2 A. Yes.

13:41:24 3 Q. So that I don't misquote you at all, it
4 actually said, beginning on line 21, page 3 of your
5 testimony, right as you started, quote, "We weren't -- we
6 were just not getting along. He had found out I
7 had -- he had a guy working for him by the name of Robert
8 McCarver, and Robert McCarver had given me some
9 methamphetamines. And Jerry had found out and was mad,
10 and we just kind of got in an argument." And because of
11 that, you got in your car and you left, right?

12 A. Yes.

13:41:59 13 Q. All right.

14 MR. CRISP: Let me have the divorce
15 petition.

13:42:02 16 Q. (BY MR. CRISP) So that -- and I know we've got
17 so many dates, it's hard to keep --

18 MR. CRISP: May I approach, Your Honor?

19 THE COURT: Yes.

13:42:08 20 Q. (BY MR. CRISP) You left on June 20th; is that
21 right? I'm going to show you what's been marked for
22 identification purposes -- and I think we may have the
23 wrong number, so if we do, bear with me.

24 MR. CRISP: And, Judge, I think we already
25 had 3 and 4, so this will be 5. This will be Exhibit 5.

13:42:30 1 Q. (BY MR. CRISP) This is the lawsuit for divorce
2 that had been filed by your husband, right? You need a
3 chance to -- I mean, there we go.

4 (Pause in proceedings.)

5 A. Yes.

13:42:53 6 Q. (BY MR. CRISP) Okay. And be so kind as to tell
7 the ladies and gentlemen of the jury, what is the date
8 that he filed for divorce against you? What does it say
9 on the file-mark right there? Can you read that? Does
10 that say June?

11 A. June 13th.

13:43:11 12 Q. What year?

13 A. 2007.

13:43:12 14 Q. Okay. So that's a week before that he's
15 already filed divorce papers, right?

16 A. Yes.

13:43:21 17 Q. All right. So you didn't leave because you had
18 a little argument that day. You left because the man
19 filed for divorce against you, right?

20 A. Both.

13:43:30 21 Q. All right. And then you signed the papers on
22 June 21st. It says here, Shannon Renae, R-e-n-a-e,
23 Coyel. Is that your middle name?

24 A. Yes, sir.

13:43:44 25 Q. It says, "Signed under oath before me on the

1 21st day of June, 2007." Where were you on June 21,
2 2007?

3 A. I was I guess at the courthouse signing the
4 papers.

13:43:57 5 Q. I thought you told us earlier you left on June
6 20th, and you went to Colorado.

7 A. No, I -- if I did, I -- mistake. I left on
8 June 21st.

9 MR. CRISP: Your Honor, we'd move to
10 introduce Exhibit 5, the divorce petition filed by
11 Mr. Coyel, Gerald Burke Coyel and Shannon Renae Coyel.

12 MR. VARLEY: No objection, Your Honor.

13 THE COURT: What did you say, Mr. Varley?

14 MR. VARLEY: No objection, Your Honor.

15 THE COURT: It's admitted.

13:45:02 16 Q. (BY MR. CRISP) Now, after telling the Grand
17 Jury the reason that you left was because of this
18 argument, you next told them a little bit about yourself,
19 didn't you? And you told them things that were total
20 lies and fabrications including, quote, "I've never been
21 in trouble my entire life."

22 A. Yes, I said that.

13:45:27 23 Q. And that was a lie when you told them that,
24 wasn't it? Because not only had you been in trouble in
25 Oklahoma in July 2006, but while you're telling them

1 this, you had four felony counts hanging over your head.

2 A. Yes.

13:45:42 3 Q. All right. You also told them something else I
4 thought that was really important.

5 MR. CRISP: I need page 6, please, sir.

13:45:55 6 Q. (BY MR. CRISP) You told them, quote, "I've
7 never done drugs in my entire life." You told them that
8 under oath, didn't you?

9 A. When I was talking under oath, I was talking
10 about the last two years prior to that. So no, it was
11 not a lie. I had been in trouble starting in 2006. The
12 Summer of 2006 is the first time I got in trouble.

13:46:19 13 Q. Okay. Well, let's just read it so that we
14 don't have a miscommunication here. The words say this,
15 quote, line 10, "I've never done drugs in my life --
16 entire life," was your words.

17 A. Yes.

13:46:31 18 Q. You chose the words. You also said on line 4,
19 "I've never been in trouble in my entire life." And all
20 of that was lies, wasn't it?

21 A. No, it was not.

13:46:43 22 Q. Oh, okay. Then you've never been in trouble in
23 your entire life, and you've never done drugs in your
24 entire life. That's the truth.

25 A. No, I testified that I started using drugs in

1 2005. I was arrested in 2006 with Robert McCarver in
2 Oklahoma.

13:46:58 3 Q. And you also told this Grand Jury that, "You
4 know what? I didn't love Old Red. I only went to
5 Colorado with Red because he was my drug supplier,"
6 right?

7 A. Yes.

13:47:22 8 Q. How long after -- after you left for Colorado,
9 June -- now we know it's maybe the 20th, maybe the 21st,
10 sometime between the 13th and the 21st because if you
11 signed it on the 21st, you couldn't have left after that,
12 right?

13 A. Right.

13:47:46 14 Q. Okay. And how long had you been with Red
15 before then, about a year, year-and-a-half?

16 A. About, yeah.

13:47:55 17 Q. Okay. You're sneaking around behind your
18 husband's back.

19 A. Yes.

13:47:58 20 Q. Doing drugs.

21 A. Yes.

13:47:59 22 Q. You leave with this man that you didn't love,
23 but you continued to tell him every time that you had a
24 conversation with him, "Red, you know why I'm doing this.
25 I went back to try to get my daughter, and you know I

1 love you."

2 A. No, I did not say that.

13:48:18 3 Q. You didn't say that?

4 A. No.

13:48:20 5 Q. And that, again, is just as truthful as

6 everything else you've been telling us.

7 A. Yes.

13:48:24 8 Q. All right. Because I want to give you every

9 opportunity to make sure you're testifying truthfully

10 today.

11 MR. CRISP: Okay, 14, please.

13:48:35 12 Q. (BY MR. CRISP) You also told this Grand Jury

13 that the --

14 MR. CRISP: I'm sorry. Can we put page 14

15 on the Elmo?

13:49:02 16 Q. (BY MR. CRISP) I'll come back to that when she

17 gets that.

18 You told them, the Grand Jury, what you

19 had been arrested for was spanking your daughter. And

20 when you say "spanking," does that include -- is that a

21 hand action, or is that something more than a hand

22 action, if you're spanking your daughter?

23 A. Well, either a hand or a belt.

13:49:20 24 Q. Okay. And a belt can include a rodeo buckle,

25 right?

1 A. Well, I guess it could.

13:49:25 2 Q. Okay. And it -- if a rodeo buckle leaves
3 bruises on the face and the arms and the torso, that
4 would be consistent with your definition of what a
5 spanking is?

6 A. No, that would be a beating.

13:49:37 7 Q. That would be a beating?

8 A. Well, yeah.

13:49:40 9 Q. And you didn't tell the Grand Jury that what
10 you had actually been arrested for was beating your
11 daughter, did you?

12 A. No.

13:49:49 13 Q. Okay. All right. So now you start telling the
14 Grand Jury about this rape. It happened on July 26th,
15 and it happened because Mr. Leshar wanted you under his
16 control. And he effectively had it because you couldn't
17 get out the gate.

18 MR. CRISP: Page 29, I believe.

13:50:24 19 Q. (BY MR. CRISP) Did you ever tell a Grand Jury
20 that?

21 A. What, now?

13:50:32 22 Q. That Mr. Leshar wanted you under his power and
23 control and he had you at his house, and you couldn't get
24 out because of his gate.

25 A. Right.

13:50:47 1 Q. All right.

2 MR. CRISP: Do we have pictures of the --

3 (Counsel conferring.)

4 MR. CRISP: I apologize, Your Honor, it

5 will only take one minute for me to get this -- I've got

6 our sequence out --

7 (Pause in proceedings.)

8 MR. CRISP: Madam reporter, if I can

9 bother you one more minute. Am I on --

10 COURT REPORTER: Six.

11 MR. CRISP: Your Honor, since I'm not

12 familiar with the Court's procedures, should I inquire as

13 to going to the witness each time? I have some

14 additional exhibits for her to view.

15 THE COURT: No, you don't, unless it gets

16 heated between you and the witness.

17 MR. CRISP: All right. Thank you, sir.

13:52:11 18 Q. (BY MR. CRISP) I'd like for you to look at

19 exhibits -- I'm going to take them in order -- 6, 7, 8,

20 9, 10, 11 and 12. First if you'll look at Exhibit 6, do

21 you recognize the gates at Mr. Lesher's home in

22 Defendant's Exhibit 6?

23 A. Yes.

13:52:42 24 Q. All right. And does that appear to be a fair

25 and accurate portrayal of his gate and his entrance to

1 his home place?

2 A. Yes.

13:52:52 3 Q. I'm going to show you Defendant's Exhibit 7

4 looking at a little different angle. Do you see a house

5 right outside of Mr. Leshner's gate?

6 A. Yes.

13:53:02 7 Q. And could you tell the ladies and gentlemen of

8 the jury who lives in that house?

9 A. Mike Rice.

13:53:08 10 Q. All right. I'm going to show you -- and does

11 Exhibit 7 also fairly and accurately depict --

12 A. Can I ask a question? When were these taken?

13 There's -- this picture -- there was a -- used to be a

14 fence across here, and the fence is no longer there.

13:53:20 15 Q. All right. Well, we'll get to that in just a

16 moment.

17 A. So these aren't -- these pictures were taken

18 obviously after I left.

13:53:25 19 Q. Okay.

20 A. And this building was not there.

13:53:27 21 Q. The little portable building?

22 A. Yes, was not there.

13:53:30 23 Q. Beside Mike Rice's house?

24 A. Yes.

13:53:33 25 Q. Let's look at Exhibit 8. We're looking now

1 directly behind Mr. Leshler's gate. Do you recall that
2 fairly and accurately showing what Mr. Leshler's gate
3 system looked like if you're going from his house out to
4 the little county road?

5 A. Yes.

13:53:55 6 Q. All right.

7 A. Other than there's still this -- there was a
8 fence across here. It looks like it has been removed,
9 but there was no -- there was a fence running here. It's
10 not there.

13:54:05 11 Q. All right. We'll talk about that, and

12 Mr. Rice, I think, is on the witness list. Exhibit 9,
13 does this show a closer up of one of the piers of Mr.
14 Leshler's gate system?

15 A. Yes, and obviously the fence has been removed
16 on that one, too.

13:54:24 17 Q. Let's look at the other side, then. I don't
18 have --

19 A. That's Mike Rice's side. I'm assuming this is
20 the side on Mike Rice's side.

13:54:31 21 Q. Your what side?

22 A. Mike Rice.

13:54:33 23 Q. Yes, that's the Mike Rice side.

24 A. Yes, there was a fence that run across there.

13:54:38 25 Q. Well, let's look on the opposite side then. In

1 Exhibit 10, do you recognize that as being a fair and
2 accurate depiction of the gate system if you're looking,
3 not on Mike Rice's side of the gate system, but the
4 opposite side?

5 A. Well, actually I never -- no, I never went to
6 that side of the fence, so I don't know about that
7 side.

13:55:00 8 Q. Okay. What about Exhibit 11, being Mike Rice's
9 side again? Do you recall the fence being in place as it
10 came up to the gate system?

11 A. Yes.

13:55:12 12 Q. All right. And the last one is Exhibit 12. Do
13 you recall there being a -- a gate where Mr. Rice used
14 for ingress and egress, that is, in and out to his -- his
15 little house? Do you remember that being there?

16 A. Yes.

13:55:35 17 Q. All right.

18 MR. CRISP: With the noted exception,
19 which goes to weight rather than as to admissibility,
20 Your Honor, we would move for introduction of Defendant
21 Leshner's Exhibits 6, 7, 8, 9, 10, 11 and 12.

22 MR. VARLEY: I'd object that there's been
23 alterations made to the location and not knowing the
24 dates of these photographs or how long these photographs
25 were taken after the alleged assault.

1 Based on that, they may not be a fair and
2 accurate depiction of the gates when she was there in
3 July of 2007. Therefore, they wouldn't be relevant to
4 the case at hand.

5 THE COURT: I'll overrule. Admitted into
6 evidence.

7 MR. CRISP: Thank you, Your Honor. That
8 went through Exhibit 12.

13:57:01 9 Q. (BY MR. CRISP) Now, also while you were talking
10 to the Grand Jury about you couldn't get out because of
11 the gate system, did you ever tell the Grand Jury that
12 after this happened there at Mr. Leshler's home, that you
13 felt, I don't know, maybe that you were being watched or
14 that you had to be led around, that you were scared and
15 you sure couldn't leave? Did you feel that way?

16 A. Told who that?

13:57:32 17 Q. The Grand Jury.

18 A. The Grand Jury?

13:57:34 19 Q. Right.

20 A. Now, repeat that.

13:57:35 21 Q. Yeah, that you felt that you needed to be
22 watched, that you needed to be led around, and that you
23 were scared.

24 A. Yes.

13:57:51 25 Q. Led around, watched and scared. All right.

1 MR. CRISP: Now let me have the --

2 (Counsel conferring.)

13:58:27 3 Q. (BY MR. CRISP) In addition to telling the Grand

4 Jury that you felt you needed to be led around and

5 watched, you also told them you stayed in bed for two

6 days because you had a migraine headache, right? I think

7 you told that to Mr. Varley just a minute ago.

8 A. Yes.

13:58:47 9 Q. Stayed in bed how long?

10 A. Well, I was in the house. I don't know if I

11 was actually in the bed the whole time, but I was in the

12 house.

13:58:51 13 Q. But you didn't leave the house?

14 A. Well, let me look.

13:58:56 15 Q. Okay.

16 A. On what day was that?

13:59:00 17 Q. The two days after this alleged assault.

18 A. Okay. Wait just one second.

19 (Pause in proceedings.)

20 A. I stated in the -- I believe I stated we had

21 went and got groceries or something. Yes, that Robert

22 and I had left in my sister's car, and we went and got

23 groceries.

13:59:37 24 Q. (BY MR. CRISP) You didn't tell that then.

25 A. No, I did not.

13:59:40 1 Q. You weren't being truthful while ago, were you?

2 A. I wasn't, no, wasn't looking at my notes.

13:59:46 3 Q. Do you know a department store named Beall's

4 Department Store?

5 A. Yes.

13:59:49 6 Q. Do you know what Beall's is? It's a -- I

7 think, I don't shop there -- I think it's a ladies

8 fashion store, isn't it?

9 A. Yes.

13:59:55 10 Q. All right. I'm going to show you what's been

11 marked for identification purposes as Defendant's Exhibit

12 13. Look at this with me.

13 On the day of the alleged assault, which

14 was July 26th, it says you were over at the Crazy House

15 Western Wear in Paris, Texas, and that you spent 433.97,

16 right?

17 A. Yes, on Robert McCarver's kids.

14:00:24 18 Q. Okay. And then the day after this alleged

19 assault, where were you?

20 A. A -- looks like I went to --

14:00:34 21 Q. Beall's Department Store. And where? What

22 town?

23 A. That was Gilmer. That was --

14:00:42 24 Q. And how far is Gilmer?

25 A. I do not know.

14:00:44 1 Q. A long way, isn't it?

2 A. I -- when you say "long," do you mean 2 miles?

14:00:51 3 Q. It's not 5 or 10 miles, is it?

4 A. I don't -- I don't know how long it was.

14:00:55 5 Q. That was your credit card, and you used it to

6 go shopping the day after this alleged assault at a

7 lady's department store named Beall's in Gilmer, Texas,

8 didn't you?

9 A. Yes.

14:01:09 10 Q. All right.

11 MR. CRISP: I'll move to introduce Lesher

12 Exhibit 13, Your Honor.

13 MR. VARLEY: No objection.

14 THE COURT: It's admitted.

14:01:40 15 Q. (BY MR. CRISP) One of the ways that you

16 identified the person that you said had sexually

17 assaulted you as being Mark Lesher was because it was a

18 person that stunk of cigars, right?

19 A. Yes.

14:02:06 20 Q. And does Mr. Lesher smoke cigars?

21 A. He smokes some kind of pipe with some kind of a

22 cigar tobacco in it. Let me just -- he smokes a pipe

23 with something in it. I don't know what's in it.

14:02:21 24 Q. Do you recall telling the Grand Jury that he

25 stunk of cigars?

1 A. Yes, and he also has a cigar in his pocket all
2 the time that he chews on. He bites it off and chews on
3 it.

14:02:32 4 Q. But he doesn't smoke it, does he?

5 A. I don't know if he smokes it or not.

14:02:37 6 Q. In all of your time of knowing Mr. Mark Leshner,
7 had you ever once seen him take a cigar and fire it up?

8 A. Yes, I have seen a cigar in his mouth.

14:02:50 9 Q. Is that my question?

10 A. No, I don't know if I've ever seen him fire it
11 up. But yes, I've seen a cigar in his mouth on many
12 occasions.

14:03:00 13 Q. And Mr. Robert McCarver, the man that assaulted
14 you, you continued to spend the night with him, right?

15 A. Yes, yes.

14:03:08 16 Q. You slept with him that night, the next night,
17 the next night, the next night and as long as I want to
18 go on.

19 A. Until September 4th, yes.

14:03:16 20 Q. Until you got the foot back in the door on
21 September 4th, you and he were together, right?

22 A. Yes.

14:03:25 23 Q. And it wasn't a matter of -- of -- of not
24 telling others. You never said a word about this to the
25 people that you accused 10 months later. You never said

1 a word to them about it, did you? "You know what you did
2 to me. You know that was wrong." You never --

3 A. Never talked to them.

14:03:47 4 Q. Never once.

5 A. Never talked to them after -- after I went back
6 to them -- to Jerry in September, I never talked to
7 them.

14:03:53 8 Q. Well, yeah, but there was a long time between
9 July 26th and September 4th, wasn't there?

10 A. Yes, I was still talking to them up until
11 September 4th.

14:04:02 12 Q. You never once --

13 A. No, I didn't say anything to anybody.

14 MR. CRISP: I'm going to skip over one.

15 Could I get 35, please, sir?

14:04:20 16 Q. (BY MR. CRISP) Because we just talked about

17 this -- and I'm not going to belabor this -- but when you
18 were in front of that Grand Jury, do you recall
19 testifying to them under oath, "Robert led me back up to
20 the house, still I would just say deathly sick, deathly,
21 just a migraine, if anybody has ever had a migraine, your
22 head hurts, no light, no noise, I just went back to the
23 bedroom, and I stayed in bed for the next two days"?

24 A. Yes.

14:04:51 25 Q. And that was a total fabrication to that Grand

1 Jury, wasn't it? Because you were off shopping the next
2 day at Beall's Department Store in Gilmer, Texas.

3 A. I believe that when I went and saw Michael
4 Jarrett, the attorney, it was on the 27th, not the
5 26th.

14:05:08 6 Q. All right. Well, let's talk about some other
7 things because you alleged -- in addition to this sexual
8 assault, you've alleged that you couldn't leave because
9 you couldn't get out the gate, right?

10 A. Right.

14:05:20 11 Q. You couldn't call because you didn't have your
12 cell phone.

13 A. No, Robert McCarver kept my cell phone.

14:05:26 14 Q. Okay. And the other reason you couldn't call
15 anybody -- and the two people you really wanted to call
16 were Jerry and your mother.

17 A. Yes.

14:05:44 18 Q. Okay. But you couldn't call them because why?
19 Robert had your cell phone, and what else?

20 A. The -- I picked up the phone in the house, and
21 the line -- there was no line.

14:06:03 22 Q. Okay. Well, we just happened to check up on
23 that.

24 MR. CRISP: And we're on?

25 COURT REPORTER: 14.

14:06:08 1 Q. (BY MR. CRISP) Windstream is the local folks
2 that provide calling services out in -- in the
3 Avery/Clarksville -- your neck of the woods, aren't they?

4 A. I have no idea. I don't -- I don't pay my
5 bills, so I don't know who provides the services.

14:06:24 6 Q. You don't pay your bills?

7 A. No, sir, my secretary in Fort Worth pays
8 them.

14:06:28 9 Q. Okay. Well, you know how to read one, don't
10 you?

11 A. Well, I guess I would. It's been about 15
12 years since I have, but --

14:06:36 13 Q. Okay. You were out there at Mr. Leshler's house
14 July 24, right?

15 A. Yes.

14:06:44 16 Q. 25?

17 A. Yes.

14:06:46 18 Q. 26?

19 A. Yes.

14:06:47 20 Q. 27?

21 A. Yes.

14:06:49 22 Q. 28?

23 A. Yes.

14:06:52 24 Q. And then you left and moved to the trailer
25 on -- sometime on the 29th.

1 A. Yes.

14:06:59 2 Q. Okay. Do you happen to remember what your cell
3 phone number was?

4 A. No, I have no earthly idea.

14:07:06 5 Q. Do you happen to remember what Mr. Lesher's
6 home phone number was?

7 A. No.

14:07:15 8 Q. And if I represent to you that Mr. Lesher and
9 Ms. Lesher in care of Mill Creek Ranch in Avery, Texas,
10 home telephone number is (903) 684-4136, for those dates
11 that you and I just went over, July 24th when you got
12 there, the 25th, the 26th, the 27th, 28th and 29th,
13 there's a whole bunch of calls coming into his house
14 there, aren't there?

15 A. Yes.

14:07:58 16 Q. Including cell phone calls.

17 A. Yes.

14:08:00 18 Q. And including cell phone calls -- and you had
19 an unusual cell phone number, didn't you?

20 A. What do you mean by "unusual"?

14:08:08 21 Q. You don't remember it?

22 A. No.

14:08:09 23 Q. His phone wasn't unplugged, was it?

24 A. The one I checked was.

14:08:14 25 Q. Did you check --

1 A. I'm assuming there was more than one in the
2 house. I just checked the main line.

14:08:18 3 Q. You didn't walk around to see if there was
4 another one that you might want to call on since you
5 needed to call Jerry or your mom?

6 A. No, I didn't.

7 MR. CRISP: Your Honor, we'd move to
8 introduce Exhibit 14 being the home telephone records for
9 Rhonda Leshler and Mark Leshler for the time period of July
10 24th through July 29th inclusive.

11 (Pause in proceedings.)

12 MR. VARLEY: No objection.

13 THE COURT: It's admitted.

14 MR. CRISP: My shoes are starting to
15 squeak. All right. Could we skip over to 37?

14:09:42 16 Q. (BY MR. CRISP) Another thing that you told that
17 Grand Jury on why you didn't say anything to anybody was
18 that when you moved from Mr. Leshler's house to a trailer
19 with Mr. McCarver, was that you couldn't get out there,
20 number one.

21 And, number two, the closest house to the
22 trailer that you and Mr. McCarver were living in
23 was -- let me see that. "The trailer house was way,
24 way -- I mean, the closest house might have been 5
25 miles," lines 7 and 8 from page 37. That's what you told

1 the Grand Jury, isn't it?

2 A. Yes.

14:10:30 3 Q. I'm going to show you now what's been marked

4 for identification purposes a series of photographs

5 bearing Mark Lesher Exhibit sticker numbers 15, 16, 17

6 and 18. I'm not sure they're in any order, so I'm just

7 going to pick a couple out here to start with. Could you

8 look at Defendant's Exhibit 16? And do you see a little

9 white trailer in that photograph?

10 A. Yes.

14:11:13 11 Q. Okay. And is that the little trailer house

12 that you talked about earlier?

13 A. I would have to see a better picture. I --

14:11:26 14 Q. You don't recognize that one, the little porch

15 on it?

16 A. I recognize the porch, but the house I thought

17 was longer.

14:11:40 18 Q. Okay. How long were you out there? You were

19 out there for, what, a week?

20 A. I -- about a -- about a week, five days I know

21 at least.

14:11:49 22 Q. Okay. And is it your testimony to this Grand

23 Jury -- I mean, to this jury --

24 A. I would have to see a better picture of the

25 trailer. That's not the whole trailer. It looks like

1 you have part cut off.

14:12:00 2 Q. Let's look at the rest of it. What about this
3 opening right around the iron opening? Do you remember
4 that?

5 A. No, that was not there.

14:12:06 6 Q. Do you remember the big gate that went in front
7 of the trailer?

8 A. What's this? This is what?

14:12:12 9 Q. What I call a big -- a ranch entry.

10 A. That was -- that was not there.

14:12:17 11 Q. All right. Well, let's look at number --

12 A. I don't even remember the -- well, I know that
13 wasn't there.

14:12:22 14 Q. Okay.

15 A. So that's new.

14:12:23 16 Q. But it had electrical services to it. You had
17 to turn it on the next day, right?

18 A. Yes.

14:12:28 19 Q. All right. Well, let's look at the other side
20 from that same photograph, and this photograph is Number
21 15. You remember this big storage cover shed just
22 directly across --

23 A. Yes.

14:12:37 24 Q. There's the same entry. You remember? You
25 remember that now, don't you?

1 A. Yes, I remember that.

14:12:42 2 Q. All right. And then --

3 A. That gate wasn't there.

14:12:44 4 Q. Which gate?

5 A. This right here was not there.

14:12:46 6 Q. Are you talking about the big entry that's down
7 in the pasture?

8 A. Yeah, as far as --

14:12:51 9 Q. Everything else looks the same, though, right?

10 A. Yes.

14:12:53 11 Q. All right. Well, let's look now at Exhibit 18.

12 If you're looking out the front driveway out to the
13 county road that runs in front of that little trailer,
14 nothing's changed in that photograph, has it?

15 A. I don't remember. Changed as in, what do you
16 mean "changed"?

14:13:15 17 Q. Well, it still fairly and accurately depicts
18 the scene as it was for the week that you were out there.

19 A. I -- I don't know if that was out there. I
20 can't tell if I remember seeing that. I don't remember
21 seeing that. I can't recall seeing that.

14:13:25 22 Q. All right. We'll save that one, and let's look
23 at the final one in the series. And it's Exhibit 17,
24 same gate that we were just looking at, but this time
25 what's directly across the street?

1 A. There's a house there.

14:13:44 2 Q. Oh. Is there one, or is there two?

3 A. There's two, and I did not remember --

14:13:49 4 Q. And they're not within --

5 A. I don't remember seeing them.

14:13:51 6 Q. -- how long, 5 miles was your testimony?

7 A. Yeah.

14:13:54 8 Q. Would you say it's closer to 150 yards?

9 A. I haven't measured it. I don't know.

10 MR. CRISP: Your Honor, I'm going to
11 withdraw the -- for the present my Exhibit 18 because she
12 can't remember it, but I move for the introduction of
13 Defendant Leshar's Exhibits 15, 16 and 17.

14 MR. VARLEY: No objection.

15 THE COURT: They're admitted.

16 MR. CRISP: Your Honor, would it be
17 possible for me to distribute these to the jury?

18 THE COURT: Three of them? You mean a
19 copy?

20 MR. CRISP: No, sir, there's only three
21 photographs, being Exhibits 15, 16 and 17, while we're on
22 this point of how far away the closest house was.

23 THE COURT: You want to publish to the
24 jury?

25 MR. CRISP: Yes.

1 THE COURT: Sure.

2 MR. CRISP: Thank you.

14:15:05 3 Q. (BY MR. CRISP) You also told this Grand Jury
4 that when you pulled out heading for who knows where,
5 ending up in Aurora, Colorado, at your sister's, is that
6 Jerry gave you \$20,000 cash when you left and said, "See
7 you," basically, right?

8 A. Yes.

14:15:25 9 Q. Did he give you 20,000 in cash, or did you
10 steal 20,000 in cash?

11 A. He give me 20,000 cash.

14:15:33 12 Q. Well, when you get back now from Colorado and
13 all of these new felonies have been filed against you and
14 the person you call was Mr. Leshner for help, he put you
15 into contact with a criminal attorney in Texarkana we've
16 talked about. His name is Al Smith, right?

17 A. Yes.

14:15:56 18 Q. And did you tell this Grand Jury that the
19 attorney that you went to see, Mr. Al Smith, would not
20 let you contact and make contact with either Jerry Coyel
21 or your mom, but he said if you want to make contact with
22 anybody, you only have one person you can call, and
23 that's Mark Leshner?

24 A. I said that to the Grand Jury?

14:16:21 25 Q. I'm asking you.

1 A. If I did, I don't remember.

14:16:37 2 Q. Page 38, line 21, Ms. Coyel's testimony,
3 "Talking about talking with Al Smith," quote, "I just
4 told him that I was there at Mark's -- that I didn't want
5 to be -- you know, that I was trying to call Jerry or get
6 ahold of my mom or somebody.

7 "And Al Smith said, 'Well, the only
8 thing'" -- continuing on -- "'that you need to do is talk
9 to Mark Leshner.'"

10 And Mr. Varley said, "This is what the
11 attorney told you?" And you said, "Yep, yes, my attorney
12 in Texarkana." Does that refresh your recollection?

13 A. Yes. So what was your question?

14:17:18 14 Q. You told -- you told Mr. Smith, who is going to
15 be a witness in this case, when you first saw him and you
16 were just back from Colorado, you got all these terrible
17 felonies filed against you, "I sure would like to be able
18 to contact my mother or Jerry."

19 A. I do not remember saying that.

14:17:40 20 Q. You're not saying the court reporter got that
21 down wrong, are you?

22 A. No. No, I'm not.

14:17:46 23 Q. But that wasn't the truth either, was it?

24 A. No, I didn't say -- I did not remember.

14:17:53 25 Q. Well, let's say this. You don't remember

1 telling that or not, but it would be a lie to say that he
2 restricted you from calling whoever you wanted to call.
3 He didn't restrict you.

4 A. What I'm saying is I don't remember saying
5 whether he did or didn't, so --

14:18:09 6 Q. Now, one of the things that you told this jury
7 earlier this morning when Mr. Varley was asking the
8 questions was that your husband, Jerry, got upset because
9 you used methamphetamine, right?

10 A. Yes.

14:18:26 11 Q. And the reason he was upset was because he
12 didn't do any drugs, did he?

13 A. No.

14:18:33 14 Q. And he sure didn't do methamphetamine, did he?

15 A. No.

14:18:50 16 Q. On page 41 beginning at line 2, didn't you
17 testify under oath, "Well, yeah, you know, still at this
18 time, Morgan, my daughter, is with Jerry." Quote, "I was
19 going to get drug-tested because, see, Jerry at this
20 time, I saw him using methamphetamines."

21 A. Yes, that's what was said, but that's not what
22 I meant.

14:19:11 23 Q. Is that another lie?

24 A. No, I was just talking -- overly talking, and I
25 accidentally said that. Jerry has never used

1 methamphetamines.

14:19:25 2 Q. Let me have that page back. Another thing you
3 told the Grand Jury was, "You know what? After this
4 happened, Robert was with me all the time. He kept his
5 foot in a restroom door if I went in a restroom door at
6 Wal-Mart. He carried a gun, and he would have shot me
7 had I left." You told them that, didn't you?

8 A. Yes, I did.

14:19:54 9 Q. "If I went to the restroom at Wal-Mart, he
10 would actually go to the door and take his foot and hold
11 the door open, and he would have shot me if I left
12 because he carried a gun," right?

13 A. Yes.

14:20:07 14 Q. And that, again, is being truthful to this
15 Grand Jury that has to decide whether or not an
16 Indictment should be found against these people, right?
17 You wanted to be truthful with them, right?

18 MR. CRISP: Mr. Henry, can you assist with
19 the next exhibit number, which is --

20 THE WITNESS: 18.

21 MR. CRISP: 18. Your Honor, I have a CD
22 that I would like to play, and also I believe I have a
23 transcript that can be followed along with as we listen
24 to the CD.

25 THE COURT: Well, does the D.A. know what

1 the CD contains?

2 MR. CRISP: Yes, Your Honor, it has to do
3 with the truthfulness of the testimony just elicited that
4 Mr. McCarver carried a gun with him at all times and
5 would have shot her if he left.

6 THE COURT: Well, I mean, has the D.A.
7 heard this?

8 MR. CRISP: Yes.

9 MR. VARLEY: I've seen the entire tape,
10 Your Honor. I don't know which portion they're offering,
11 if it's out of context.

12 MR. CRISP: We received it from the
13 District Attorney.

14 THE COURT: Well, what part of this are
15 you going to play?

16 MR. CRISP: Let me have the transcript.

17 THE COURT: I tell you what we're going to
18 do. While we're doing this, let's take a short break,
19 ladies and gentlemen.

20 MR. CRISP: I'll have it when we come
21 back.

22 THE COURT: Go back to the jury room,
23 please.

24 THE BAILIFF: All rise.

25 (Jury exits courtroom; recess.)

1 THE COURT: Do you know what he's going to
2 offer, Counsel?

3 MR. VARLEY: I'm assuming it's portions of
4 the video in which there's something to do -- in which
5 Mr. Botsford's motion was based on.

6 MR. CRISP: It's the same one.

7 MR. VARLEY: Is that what it's about?

8 THE COURT: The key is, is it the entire
9 CD or is it just --

10 MR. CRISP: No, no, it's four or five
11 sentences on this one issue.

12 THE BAILIFF: All rise.

13 (Jury seated.)

14 THE COURT: Take your chairs, please. You
15 may continue, Counsel.

16 MR. CRISP: Thank you, Your Honor.

14:35:19 17 Q. (BY MR. CRISP) Ms. Coyel, are you ready to
18 continue?

19 A. Yes.

14:35:22 20 Q. Just so that I know, were you sharing your
21 testimony so far outside with your husband just a minute
22 ago?

23 A. No, I was not.

14:35:30 24 Q. How you were doing, that sort of thing?

25 A. No.

14:35:34 1 Q. All right. When we left off a moment ago, we
2 were talking about the fact that your testimony to the
3 Grand Jury, from which this Indictment was secured, was
4 that Mr. Robert McCarver was with you at all times and
5 all the way down to the restrooms, keeping a door open,
6 and that he carried a gun keeping you from being able to
7 go and talk with anybody or tell anybody about what had
8 happened.

9 And you did tell them that he carried a
10 gun, and he was with you all the time and would have shot
11 you if you left, right?

12 A. Yes.

14:36:09 13 Q. All right.

14 MR. CRISP: Your Honor, with that, I have
15 a very short video clip.

16 THE COURT: Yes.

17 MR. CRISP: And I also have a transcript
18 that I'd like to put up on this point while the video is
19 playing so we don't have any difficulty understanding any
20 of this since we're kind of jumping in, in the middle.

21 THE COURT: Any objections, Mr. Varley?

22 MR. VARLEY: No, Your Honor.

23 (Videotape shown.)

24 MR. VARLEY: Can we play --

25 MR. CRISP: Can we play that again?

1 MR. VARLEY: You cut it off there.

2 (Videotape shown.)

3 MR. CRISP: All right. Your Honor, we
4 would move to introduce the Exhibit 19, which is that
5 video CD of the issue of whether or not Mr. McCarver had
6 a gun with him at any time while he was with her and also
7 that short transcript, which is Exhibit 20, which I want
8 to share.

9 MR. VARLEY: We'd object unless we want to
10 offer it, under the rule of optional completeness, the
11 entire video so that the jury can get the context in
12 which that question was asked and the rest of her answer,
13 which was going to be long guns.

14 THE COURT: He's offered the snippet, and
15 do you have an objection to that?

16 MR. VARLEY: Not to a snippet. We'll try
17 to get them the rest of it.

18 THE COURT: It's admitted into evidence.

14:38:03 19 Q. (BY MR. CRISP) Ms. Coyel, so once again what

20 you told this Grand Jury in an effort to secure an
21 Indictment against Mr. and Mrs. Leshner and Mr. McCarver
22 wasn't true, was it?

23 A. Do what, now?

14:38:15 24 Q. Was not true, what you told the Grand Jury.

25 A. That statement or the whole thing? What are

1 you talking about?

14:38:22 2 Q. Right, that statement that you just listened to
3 disputing your statement to the Grand Jury under oath.
4 To the Grand Jury you told them he was with you at all
5 times. He carried a gun. He would have shot you if you
6 left. That was not a true statement, was it?

7 A. Partial, yes. I mean, he had a gun that -- I
8 believe you need to watch the whole clip to get the whole
9 story of why that was said.

14:38:44 10 Q. Did you ever -- did you ever tell anyone ever
11 anything other than he didn't carry a gun up until you
12 went in front of the Grand Jury?

13 A. Do what, now?

14:38:54 14 Q. Did you ever tell anyone -- police, Sheriff's
15 Department, law enforcement -- that he carried a gun
16 before you got in front of the Grand Jury?

17 A. No.

14:39:17 18 Q. Now, after this allegation that you made from
19 July 26th, you had to go back to Colorado once again,
20 this time not voluntarily, but you had to go back for a
21 meeting with your probation officer; is that right?

22 A. Yes.

14:39:33 23 Q. You also had a hearing in front of the Judge,
24 right?

25 A. Yes.

14:39:39 1 Q. And you pled guilty to the incident where you
2 kicked out the policeman's back window, right?

3 A. Yes.

14:39:46 4 Q. You got your probation, your fine, your
5 community service, everything that went along with it,
6 right?

7 A. Yes.

14:39:54 8 Q. And so from August 7 when you went back to the
9 probation meeting and the court hearing on August 9th,
10 you returned back to Texarkana once again on August 10th;
11 is that right?

12 A. Ask the question again, please.

14:40:16 13 Q. Yes. You flew back to Colorado once again on
14 August 7th. You had a probation meeting with your
15 probation officer on August 8th, went to court, pled
16 guilty on August 9th, and then came back to Texarkana on
17 August 10th to go to your mom's house.

18 A. My mom doesn't live in Texarkana. She lives in
19 Paris.

14:40:38 20 Q. Sorry, and I stand corrected. Other than that,
21 and I -- I didn't mean that you went to Texarkana. You
22 left coming back from Colorado to see your mom, to your
23 mom's house, right?

24 A. Yes.

14:40:48 25 Q. All right. Now, could you tell us, did Mr.

1 McCarver make that trip with you?

2 A. I -- I'm going to correct you one more time.

14:40:56 3 Q. Okay.

4 A. On August 10th I left Colorado, but I did not
5 arrive in Texas until August 11th.

14:41:02 6 Q. Okay. And I'm sorry if I implied otherwise.

7 You left on the 10th, and I don't know how long it took
8 you to get back. But that was the day you left, after
9 your court hearing.

10 A. Yes.

14:41:12 11 Q. All right. And when you went up there this
12 time, did Mr. McCarver accompany you?

13 A. He was in jail. No, wait a minute. No, he did
14 not.

14:41:28 15 Q. Okay. Did Mr. Leshar accompany you?

16 A. No.

14:41:33 17 Q. Did Ms. Leshar accompany you?

18 A. No.

14:41:37 19 Q. Was there anybody there to intimidate you or
20 keep you from telling the truth when you were back in
21 Colorado this time?

22 A. Telling the truth about --

14:41:49 23 Q. Right.

24 A. Telling it to my probation officer?

14:41:52 25 Q. Telling the truth to the people that you were

1 dealing with in Colorado.

2 A. No.

14:41:57 3 Q. And you told them the truth, didn't you?

4 A. "Them" being who?

14:42:01 5 Q. The probation department and the department of

6 community services and the people that were going to

7 transfer your probation back to Texas. You told those

8 people the truth, didn't you?

9 MR. VARLEY: Object, that's kind of

10 overbroad, if he could ask a question.

11 THE COURT: Sustained.

14:42:15 12 Q. (BY MR. CRISP) All right. Let me ask

13 specifically then --

14 MR. CRISP: Could I have the next exhibit,

15 please?

14:42:51 16 Q. (BY MR. CRISP) Let me show you what's first

17 been marked for identification purposes as Defendant

18 Leshner Exhibit 21. First of all, do you recognize your

19 signature on this document?

20 A. Yes.

14:43:01 21 Q. And what date does it bear?

22 A. August 8, 2007.

14:43:06 23 Q. This is when you're up there to meet with the

24 probation officer.

25 A. Yes.

14:43:09 1 Q. All right. And the first statement in this
2 form -- and I want you to correct me if I -- if I read it
3 incorrectly -- Number 1, "If I am allowed to transfer my
4 supervision to Texas, receiving state, I plan to live
5 with self on property of" whom?

6 A. Rhonda and Mark.

14:43:36 7 Q. "Rhonda and Mark Leshner, Route 4, County Road
8 3403, Avery, Texas, 74445, telephone number
9 (903) 684-4136," right?

10 A. Yes.

14:43:49 11 Q. "Until I am allowed by the supervising
12 authorities to change my residence," right?

13 A. Yes.

14:43:54 14 Q. Okay. Exhibit 22, this is your temporary
15 travel permit to allow you to leave Colorado and to come
16 back to Texas, right, after you have your hearing and
17 allowing you to leave beginning August 10th, 2007, right?

18 A. Yes.

14:44:13 19 Q. And it asks you, the next statement it says,
20 residence during your stay in Texas. What -- what
21 residence did you put down there on that one?

22 A. I put down Mark and Rhonda's because the
23 probation officer told me I had to give her an address.
24 I told her I wasn't -- I didn't have an address, and she
25 suggested that we use what we used on the first one.

14:44:36 1 Q. So the probation officer --

2 A. That's not my handwriting. She wrote that, and
3 she just copied it from the first one.

14:44:41 4 Q. But you signed your name.

5 A. There was two of them. Yes, sir, I signed it,
6 but there was one before that one, too, yes.

14:44:48 7 Q. Okay. Well, we're going to get into that.

8 When you -- when you got back to Texas and they
9 transferred this community supervision from Colorado back
10 to Texas, right, which is Exhibit 23, at that time you
11 showed that instead of living at 1704 County Road 3404,
12 where were you living?

13 A. 19035 Farm Road 1159.

14:45:13 14 Q. Okay. That's in Clarksville, Texas.

15 A. Yes.

14:45:15 16 Q. Okay. And if we go to the next page it says,

17 "List any prior arrests, convictions and/or probated
18 sentences in this state," meaning Texas, "or any other
19 state." And what was your answer?

20 A. None.

14:45:30 21 Q. Next question, "Are there any other charges

22 pending against you now? If yes, explain." What did you
23 write?

24 A. None.

14:45:41 25 Q. Next page it asks you, quote, "Have you ever

1 used any illegal drugs in the past?" And what was your

2 answer?

3 A. No.

14:45:54 4 Q. And then it asks you specifically about

5 everything from cocaine to crack to hashish or heroin,

6 marijuana, morphine, opium, other narcotics,

7 amphetamines, methamphetamines, ice, other stimulants,

8 barbiturates, other depressants, LSD, PCP, hallucinogens,

9 inhalants and other drugs, what did you write in great

10 big letters there?

11 A. None.

14:46:19 12 Q. "Age you first used."

13 A. Never.

14:46:23 14 Q. And then the last page on that -- this is

15 in -- after you've come back to Texas now, it asks you

16 for your father's name.

17 A. Yes.

14:46:38 18 Q. What'd you write down there?

19 A. Deceased.

14:46:43 20 Q. And then it asks you -- it says your brothers

21 and sisters.

22 A. Yes.

14:46:46 23 Q. And what'd you answer there?

24 A. One sister, Laura.

14:46:50 25 Q. And not any of those answers was truthful, was

1 it? Not a single solitary answer that we just went over
2 was truthful.

3 A. No, no.

4 MR. CRISP: Your Honor, I'd move to
5 introduce Defendant's Exhibits 21, 22, and 23, which was
6 a three-page multiple exhibit.

7 MR. VARLEY: No objection.

8 THE COURT: It's admitted.

14:47:48 9 Q. (BY MR. CRISP) After you get back from Colorado
10 this time, now it's -- we're moving on up. It's August
11 13th, 2007. You were asked where you were living by that
12 Grand Jury, by Mr. Varley in front of that Grand Jury.

13 Do you remember telling them that you were
14 living in a rented house and also during that time period
15 that you went and visited with your civil attorney, Mr.
16 Michael Jarrett?

17 A. Ask the question again.

14:48:21 18 Q. Yes. Yes, ma'am. You're back now in Texas,
19 probably on August 11th. It took you two days to get
20 back.

21 A. Yes.

14:48:30 22 Q. And you were -- you were asked and giving
23 testimony, I believe --

24 MR. CRISP: Can we put up page 60 for just
25 a second?

1 (Pause in proceedings.)

2 MR. CRISP: I'm not going to wait on that.

3 Let me just have the photographs of the house.

14:48:59 4 Q. (BY MR. CRISP) I'll show you what's been marked

5 for identification purposes as Defendant's Exhibits 24

6 and 25. Do you recognize the house that is shown in

7 Defendant Leshner's Exhibit Number 24?

8 A. Yes, the house I rented in Pattonville.

14:49:17 9 Q. And Exhibit 25?

10 A. Same.

14:49:20 11 Q. Same house. Do these photographs fairly and

12 accurately depict the house that you came back from

13 Colorado and rented for you and Mr. McCarver to live in?

14 A. Yeah, I rented the house.

14:49:35 15 Q. I know. But you expected and you set it up

16 that this is where you were going to make your home with

17 yourself and Mr. McCarver and as many of your children as

18 you could get, right?

19 A. That -- no, I didn't.

14:49:49 20 Q. Who was going to live there, then?

21 A. Me and my son.

14:49:52 22 Q. Mr. McCarver wasn't going to be there?

23 A. Some. He wasn't there all the time.

14:49:56 24 Q. Okay. And didn't you, in fact, pay three

25 months' rent in advance to set up housekeeping there with

1 Mr. McCarver?

2 A. No, I only paid two months' rent.

14:50:08 3 Q. Two months. I'm sorry. I apologize.

4 MR. CRISP: Move to introduce Exhibits 24
5 and 25, Your Honor, for Mr. Leshner.

6 (Pause in proceedings.)

7 THE WITNESS: And the reason I had to pay
8 two months' rent is because --

9 MR. CRISP: I haven't asked the next
10 question yet.

11 MR. VARLEY: No objection.

12 THE COURT: It's admitted into evidence.

14:50:36 13 Q. (BY MR. CRISP) And then when you were getting a
14 little bit closer to finishing up with the Grand Jury --

15 A. You skipped plum from renting the blue house of
16 August 13th to going to the Grand Jury in April a year
17 later.

14:50:53 18 Q. I'm talking about testimony you gave to the
19 Grand Jury, ma'am.

20 A. Okay.

14:50:56 21 Q. Not skipping that many months, just testimony
22 that you're giving.

23 A. Okay. But --

14:51:00 24 Q. I'm trying to keep this in order.

25 A. Right. And can I finish saying what I need to

1 say about why I paid two months' rent? It wasn't setting
2 up a household for Robert and I.

14:51:08 3 Q. Well, your attorney's going to get an
4 opportunity to ask you any question that you want
5 answered, ma'am, and I'm trying to work our way through
6 and bring us to current.

7 A. All right.

14:51:18 8 Q. Whether it's two or three months, you rented a
9 house to live in. And you knew, whether he was going to
10 be there full-time or not, that Mr. McCarver was going to
11 be there with you, right?

12 A. Not at all times, yes.

14:51:28 13 Q. Not at all times. And you also admitted during
14 that time period from August 13th to August 23rd that you
15 went down and visited with your attorney, Mr. Michael
16 Jarrett, who was helping you with your custody fight,
17 right?

18 A. Yes.

14:51:48 19 Q. All right. And at this time, are you telling
20 Mr. Jarrett or not that you believe your husband to be
21 continuing to molest your daughter?

22 A. I only told him that I had heard he might be
23 molesting her.

14:52:10 24 Q. You heard and that you believed.

25 A. I didn't say I believed.

14:52:13 1 Q. Did you believe it or not?

2 A. I just had heard. I -- I didn't know one way
3 or the other.

14:52:22 4 Q. Okay. While -- when you first come back to
5 Texas, you also had a chance to try to get some of your
6 other affairs in order, didn't you? One of them being
7 that you wanted to get your affairs in order such that if
8 something happened to you or if somebody shot you or
9 somebody absconded with you, that you wanted to tell
10 people what you wanted as far as what would happen to
11 your children, right? Remember that?

12 A. No.

14:52:50 13 Q. Do you remember going and making a new will and
14 that being the principal reason that you were making a
15 new will, was to give directions on who would have your
16 children in the event of your untimely death?

17 A. Yes, I remember making a new will, along with a
18 lot of other papers, yes.

14:53:25 19 Q. The copy of that will -- and let's make sure
20 again that I read it correctly. It's Exhibit 26
21 identified for -- for identification purposes here.

22 After you first say in the first paragraph
23 that you're "married to Gerald Burr Coyel and that I have
24 two children, a son, David Lee Campbell, and a daughter,
25 Morgan Taylor Campbell," the very next thing you put in

1 there was, "I appoint Sandra Gardner to act as
2 Independent Executrix of this Will of my estate," right?

3 Did I read that right?

4 A. Yes.

14:54:05 5 Q. Okay. And who -- who is Sandra Gardner?

6 A. My sister.

14:54:09 7 Q. And where does she live?

8 A. Colorado.

14:54:11 9 Q. Not the sister in Dallas, is it?

10 A. No.

14:54:13 11 Q. And then in the third paragraph, you give

12 anything that you owned, whether real, personal or mixed,

13 to your two children, right, to divide equally?

14 A. Yes.

14:54:35 15 Q. And this will was prepared, I think, at Mr.

16 Leshler's office, wasn't it?

17 A. I believe so.

14:54:46 18 Q. And it wasn't prepared by Mr. Leshler, though,

19 was it?

20 A. I have no idea.

14:54:52 21 Q. Well, you had to talk with somebody in order

22 for them to prepare a will, didn't you?

23 A. I -- if I did, I don't remember, and I don't

24 know who actually prepared it.

14:55:04 25 Q. Let me --

1 A. When you say "prepared," you mean type on the
2 computer?

14:55:06 3 Q. Right.

4 A. I have no idea.

14:55:08 5 Q. Well, Mr. Leshar wasn't there, was he?

6 A. I do not remember.

14:55:17 7 Q. And it says that if your children don't survive
8 you, that you give all of your estate to Mark Gardner and
9 Sandra Gardner to be theirs absolutely, right?

10 A. Yes.

14:55:28 11 Q. Okay. And then if -- getting down to the last
12 paragraph here, I think.

13 (Pause in proceedings.)

14:55:55 14 Q. (BY MR. CRISP) Did you also appoint someone to
15 be the caretakers of your children in the event of your
16 death?

17 A. I think you just read that, didn't you? Dee.

14:56:06 18 Q. Is it, "Mark Gardner and Sandra Gardner to act
19 as guardians of my two children"?

20 A. Yes.

14:56:15 21 Q. Okay. And this is a true and correct copy of
22 that will, and that was your signature, is that right,
23 and notarized by --

24 A. I didn't look at the signature, but --

14:56:23 25 Q. Is that your signature, ma'am?

1 A. Yes.

14:56:25 2 Q. Shannon Renae Campbell Coyel?

3 A. Yes.

14:56:28 4 Q. Signed by Katrina Fourd, F-o-u-r-d, as a
5 witness, and a Mr. J.E. Cossey as a witness and notarized
6 by a Ms. Penny Curtis.

7 A. I guess, yes.

8 MR. CRISP: Your Honor, we'd move the
9 admission of Defendant Lesher's Exhibit 26.

10 (Pause in proceedings.)

11 MR. VARLEY: No objection.

12 THE COURT: It's admitted into evidence.

13 MR. CRISP: And, Your Honor, I'd also like
14 to note that the date of the signature of this particular
15 will was July 13th.

14:57:19 16 Q. (BY MR. CRISP) And that would have been the
17 first or second day that you got back from Colorado, I
18 guess, the first time.

19 A. What -- what date? July 13th.

14:57:42 20 Q. July 13th, the signature date and the notary
21 date.

22 A. That -- I believe from my notes looking here,
23 that was prepared in Texarkana.

14:57:58 24 Q. Right, at Mr. Lesher's office.

25 A. Does it say Texarkana or Clarksville?

14:58:06 1 Q. Texarkana.

2 A. So what was your question now?

14:58:07 3 Q. That would have been either the day after or

4 the second day -- I think it's the day you actually

5 bonded out of the Texarkana jail for those three new

6 felonies that had been filed against you, right?

7 A. I bonded out the 12th, and I signed those

8 papers -- well, I bonded out the 12th, so I might have

9 signed then. They were --

10 (Talking simultaneously.)

14:58:29 11 Q. (BY MR. CRISP) You actually -- I'm sorry. Let

12 me restart my question. The sequence actually was you

13 met with Mr. Smith, remember that, on the 12th?

14 A. Yes.

14:58:46 15 Q. He couldn't -- he couldn't get you over to get

16 you bonded out that day because he had a hearing that

17 afternoon. Remember that?

18 A. From my notes, he -- he -- Al Smith's not the

19 one who bonded me out. It was -- no, Al Smith -- Al

20 Smith did walk me up to the -- to the courthouse, but

21 from my notes I have the 12th. It might be the 13th. I

22 don't know. I have the 12th, but --

14:59:09 23 Q. And, in fact -- in fact, who actually bonded

24 you out was your dad, wasn't it?

25 A. Yes, Bill Woods bonded me out.

14:59:20 1 Q. Now, as opposed to what we just read from that
2 will, which was Exhibit 26, did you tell the Grand Jury
3 that Mark Leshner had you to come in and sign over
4 everything you had to him?

5 A. Yes, I did.

14:59:32 6 Q. And that's not true either, is it?

7 A. Well, I had been told -- well, no.

14:59:37 8 Q. It's not true.

9 A. I had been told that I needed to go sign a
10 bunch of my papers back over because they thought Mark
11 Leshner might have had me sign something during signing
12 other papers. But yes, I said that to the Grand Jury.

14:59:53 13 Q. "I signed my will over to Mark Leshner." That's
14 not true either, is it?

15 A. No.

15:00:01 16 Q. You didn't sign anything over to Mr. Leshner.

17 A. Actually, I don't know if I did or not.

15:00:07 18 Q. It also says, "I signed over power of attorney
19 for him." And you didn't do that either, did you?

20 A. I didn't see -- I signed a bunch of papers. I
21 didn't know what I signed.

15:00:32 22 Q. After you got back and your foot in the door
23 with your husband, you told the Grand Jury that Mr.
24 Leshner never contacted you again, right?

25 A. Right.

15:00:42 1 Q. And the only person that you ever got calls
2 from at any point after that was from Red; is that true?

3 A. Yes.

15:00:53 4 Q. But when Red called you, you told the Grand
5 Jury, "I'd just hang up," right?

6 A. Yes.

15:01:01 7 Q. And that's not true either, is it?

8 A. No, that is true.

9 MR. CRISP: Your Honor, I have another
10 audio clip I'd like to play at this time. I have a
11 transcript for everyone to have while listening to it.
12 It is difficult at times.

13 I will give a copy to the State, but I
14 would like an opportunity now to play a recording of a
15 conference between or telephone call between this lady
16 and Mr. McCarver.

17 THE COURT: You know what this is,
18 Counsel?

19 MR. VARLEY: I have no idea, Your Honor.

20 THE COURT: Well, the D.A. has to find out
21 what it is, first, so he can make an objection.

22 MR. CRISP: Okay.

23 (Pause in proceedings.)

24 THE COURT: Don't start playing it yet.

25 MR. J. CRISP: Yes, sir.

1 (Pause in proceedings.)

2 MR. VARLEY: No objection, Your Honor.

3 MR. CRISP: Your Honor, if I may, with
4 that, distribute that transcript that I was telling you
5 about to the jury as we listen to this?

6 THE COURT: Yes. It's admitted into
7 evidence.

8 MR. CRISP: Thank you, Your Honor.

9 (Pause in proceedings.)

10 MR. CRISP: Your Honor, for record-keeping
11 purposes, the transcript is Defendant's Exhibit Number 27
12 that was just admitted. The audio that we'll provide the
13 Court with is Defendant Lesher Exhibit 28, and I will
14 supply the jury with a transcript to follow along.

15 THE COURT: You may play the snippet.

16 MR. J. CRISP: Thank you, Your Honor.

17 (Audio tape played.)

18 MR. CRISP: This is the CD 2, the first
19 conversation.

20 (Pause in proceedings.)

21 MR. CRISP: Down side to technology, Your
22 Honor. Were there extras that were left? Thank you.

23 (Audio tape played, Defendant Lesher's
24 Exhibit No. 28.)

15:22:18 25 Q. (BY MR. CRISP) All right. I apologize. That

1 little thing doesn't make a very good sound, does it, the
2 speaker system?

3 Shannon, that was you and Red talking,
4 wasn't it?

5 A. Yes.

15:22:29 6 Q. And that's long after you had your foot back in
7 the door with Jerry, isn't it?

8 A. Not much. Not too long, but, yeah.

15:22:35 9 Q. Well, September 4th and that was November 9th.
10 That's, what, two months and five days?

11 A. Well, that's what he said it was. I'm not
12 going to tell you that's what it was.

15:22:43 13 Q. What do you remember it to be?

14 A. I have no idea.

15:22:45 15 Q. Is it on your little thing there?

16 A. No, I only have June, July and August on this
17 right here. That's the date he said. Nobody knows for
18 sure. That's just the day he said.

15:22:55 19 Q. Well, you don't have any way to dispute that's
20 the date that was being recorded, do you?

21 A. Well, no, I don't, but --

15:23:02 22 Q. Okay. All right. Now let's talk about a
23 couple of other items. As opposed to you, who you say
24 was I guess snorting methamphetamine -- is that the
25 manner in which you used it, using a straw and snorting

1 it?

2 A. Yes.

15:23:19 3 Q. Okay. You never saw Mr. or Ms. Leshar snorting
4 any drugs, did you?

5 A. No.

15:23:23 6 Q. You never saw them use cocaine.

7 A. No.

15:23:25 8 Q. Or methamphetamine, did you?

9 A. No.

15:23:28 10 Q. And, you know, the thing that I saw in addition
11 to all of this other is that you had a drug of choice
12 long before you -- your testimony is you got everything
13 from Mr. McCarver. You had an alternate drug of choice
14 for about a year, didn't you?

15 A. Alternate?

15:23:51 16 Q. Something different than methamphetamine.

17 A. When?

15:23:57 18 Q. Before you got any methamphetamine from anyone,
19 you had a different drug of choice, didn't you?

20 A. I used cocaine before that, but I also got it
21 from Robert. We were doing cocaine first and
22 methamphetamines next, and then we got off the
23 methamphetamine.

15:24:12 24 Q. Okay. Well, let's talk about that. You were
25 on cocaine first, right? That was your drug of choice,

1 and didn't it have something to do --

2 A. I don't understand when you are -- you are
3 telling me that's my "drug of choice." I mean, how do
4 you know?

15:24:25 5 Q. Well, that's what your daughter says. You know
6 what -- you know what your daughter, Morgan, says. She
7 says that not only were you hooked on cocaine. She
8 said -- she told who hooked you on cocaine.

9 A. That's her just assuming or guessing. She
10 doesn't know.

15:24:39 11 Q. But who does she say hooked you up with
12 cocaine?

13 A. I believe she said my sister.

15:24:43 14 Q. Laura Hall?

15 A. But she does not know. That was her assuming
16 or guessing. She did not know.

15:24:48 17 Q. I'm sorry. I didn't mean to interrupt.

18 A. She doesn't know. I mean, she was just
19 assuming, I guess.

15:24:52 20 Q. That's what she put in her report to the
21 Children's Advocacy Center, right?

22 A. Yes, I saw that. And yes, that's what she
23 said.

15:24:58 24 Q. And even if -- if it can be worse than that,
25 that your sister was providing you with cocaine, she did

1 something that's even worse in my estimation, and that
2 was she was providing marijuana to your 12-year-old
3 daughter.

4 A. No, that's not true.

15:25:11 5 Q. That's what Morgan says, isn't it?

6 A. That's what Morgan said, yes.

15:25:16 7 Q. And these -- the one sister that you put as of
8 getting your probation transferred that still was alive,
9 she was your last surviving sister, was this Laura Hall?

10 A. Yes.

15:25:29 11 Q. Okay. And that -- that, of course, is
12 certainly not true, is it?

13 A. No.

15:25:43 14 Q. When you were on that long drive back from
15 Colorado where your parents had come up there to get you
16 and take you down here and hopefully get you some help,
17 do you remember telling them about one of the sexual
18 perversions that your husband liked more than any other,
19 and that being to have another man to have sex with you
20 so he could watch?

21 A. I never said that to them.

15:26:05 22 Q. You didn't tell them that either.

23 A. No, I didn't.

15:26:15 24 Q. Now, in the course of -- switching from your
25 Grand Jury testimony, switching over to the civil

1 testimony when you were having the custody dispute that
2 occurred several months before, beginning in October,
3 October 11 and 12, do you remember testifying in that
4 case and admitting while you were on the stand that your
5 husband, Jerry, and Morgan go to the houseboat without
6 you to spend the night?

7 A. Yes, I have -- yes, I said that.

15:26:46 8 Q. And that your daughter had been on birth
9 control pills since age 10 and that your daughter had
10 tested positive for a sexually transmitted disease by
11 Dr. Williams. Do you remember making all those
12 testimonies on the stand?

13 MR. VARLEY: I object to the relevance of
14 any of that information at this time.

15 THE COURT: What's the relevance,
16 Counselor?

17 MR. CRISP: Your Honor, it goes to the
18 motivation. Again, she is in a position -- while she's
19 fighting for this custody, people are --

20 THE COURT: Motivation for what?

21 MR. CRISP: I'm sorry?

22 THE COURT: Motivation for what?

23 MR. CRISP: For getting even with the
24 people that put her through that.

25 THE COURT: The objection's overruled.

1 MR. CRISP: Thank you, Your Honor.

15:27:24 2 Q. (BY MR. CRISP) And when you were -- when you
3 were in front of that civil court, you made those
4 admissions to those people, didn't you? And it hurt you
5 when you had to make them.

6 A. I guess. Start all over.

15:27:42 7 Q. Okay. You told, when you -- when you were
8 under oath in a civil court in that two-day hearing,
9 that -- first of all, that Jerry and Morgan would go to
10 the houseboat without you to spend the night, correct?

11 A. Yes.

15:27:54 12 Q. You told them that she had been on birth
13 control since age 10 and that she had tested positive for
14 a sexually transmitted disease by a Dr. Wilson --
15 Williams, who was a local physician.

16 A. Yes.

15:28:08 17 Q. Also that your daughter had been sexually
18 active for a number of years.

19 A. I don't remember saying she was sexually active
20 for a number of years.

15:28:18 21 Q. Okay. That she was sexually active, and that's
22 how she caught the herpes.

23 A. I said that I thought she had sex once. If she
24 had it more than once, I didn't know.

15:28:29 25 Q. All right. And that came about because now

1 it's not Jerry using the information against you, just as
2 we heard on that tape. Now it's your dad and your
3 stepmom using that information against you in that
4 custody fight, right, all that information that had been
5 developed?

6 A. About Morgan?

15:28:57 7 Q. Right. About Morgan and about Jerry.

8 A. I guess. Ask the question again. When you get
9 off, I --

15:29:03 10 Q. Remember saying how you were so mad in that

11 conversation because the stuff that Jerry was going to
12 use against you when he had the custody fight with you,
13 now that your dad was involved, he was using all that
14 "same old shit" against you?

15 A. Yes.

15:29:19 16 Q. Okay. And now you're telling this jury

17 that -- that you believe that she only had sex once,
18 right?

19 MR. CRISP: What's my next number?

20 A. I didn't say she only had -- I said I -- I knew
21 she had sex once. I don't know if she's had sex more
22 than once, is what I said.

15:29:41 23 Q. (BY MR. CRISP) Let me show you your witness

24 statement from August 6th that we've marked for
25 identification purposes as Exhibit 29. Do you recognize

1 your signature?

2 A. Yes.

15:29:54 3 Q. And it's a two-page statement given to Karen
4 Garrett; is that right?

5 A. Yes, and that was -- yes.

15:30:00 6 Q. Okay.

7 A. That was the -- that's the one that Robert
8 McCarver's daughter called me and told me all that stuff.
9 That's the one that reads at the top that I -- someone
10 had called me, right?

15:30:12 11 Q. The person that you knew of for sure that she
12 had sex with was Michael Hudson, right?

13 A. Yes.

15:30:17 14 Q. That was the 16-year-old boy when your daughter
15 was 12.

16 A. I do not know how old he was. I don't know if
17 he was 16.

15:30:28 18 Q. Okay. Well, let me just read this.

19 A. I did -- I did put 16, yes, you're right. You
20 don't have to show me that. I did put 16, but at the
21 time, I did not know for sure.

15:30:39 22 Q. And in addition to telling about that, you also
23 told that, "Jerry is bragging about Morgan and
24 Michael" -- again, we're talking about Michael Hudson,
25 right?

1 A. Yes.

15:30:55 2 Q. -- "having sex, and Jerry's watching them.

3 Like he is getting off watching a 12-year-old have sex.

4 He, Jerry Coyel, is letting them sleep together in the

5 same room and letting them have sex.

6 "Jerry has put Morgan on birth control and

7 brags about how many sex partners Morgan has had. He's

8 mad that she's contacted the herpes virus and knows she

9 will give it to everyone she has sex with.

10 "Therefore, he let the boy she got it from

11 move in with her so that she wouldn't give it to anyone

12 else. He's letting her have sex with Michael, the foster

13 kid.

14 "On the day I left for Colorado, I tried

15 to spank Morgan. Jerry grabbed the belt from me, and

16 D.J. tried to call 911. Jerry said we could not call

17 anyone and let Morgan scream at me, call me a bitch, and

18 he made D.J. go outside and give Morgan his truck keys.

19 But she did not leave because I said I was going to call

20 the police again.

21 "This is when I had enough, and he called

22 his attorney and filed for divorce. And his attorney,

23 Glen Gidel, said I could not take Morgan. I had to let

24 her stay. She was old enough to stay with who she wanted

25 to, and I didn't want her to hit me again and knock me

1 out.

2 "So I left her with Jerry. He said he
3 would let her come out to Colorado after I got settled."

4 Right? That's your statement.

5 A. Yes.

6 MR. VARLEY: No objection.

7 MR. CRISP: Your Honor, that's Defendant
8 Leshler Exhibit 29.

9 THE COURT: Any objection?

10 MR. VARLEY: No objection.

11 THE COURT: It's admitted. Is this the
12 original here of 27?

13 MR. CRISP: No, Your Honor, unless it's
14 the one that's marked. It is.

15:32:57 15 Q. (BY MR. CRISP) In addition to telling the
16 police, you were also telling this same story to your
17 dad, Bill Woods, right, and to Dee, your sister in
18 Colorado, right?

19 A. Do I remember telling them? No.

20 MR. CRISP: Can I have Exhibits 3 and 4?
21 Your Honor and Counsel, we had a question earlier about
22 your copy of the transcript, and we introduced both
23 copies at the time when we introduced yours.

24 Your Honor, I'd like to now play what's
25 already been admitted into evidence as Defendant Leshler's

1 Exhibit 3 and distribute to the jury and the Court the
2 actual transcript of that call that was made to her
3 sister, Dee, in Colorado.

4 THE COURT: Has this already been admitted
5 into evidence, the transcript?

6 MR. CRISP: This has already been admitted
7 into evidence, Your Honor, but it was admitted at the
8 time that he admitted his as an alternative. It's never
9 been used or displayed to the jury at this point.

10 THE COURT: Well, you can display it, but
11 why do we need to listen to it?

12 MR. CRISP: Because it shows whether or
13 not the transcription that the Defendant is offering is
14 correct or not, as opposed to the one that the State
15 offered. May I circulate this to the jury?

16 THE COURT: Yes. The court reporter has a
17 question.

18 COURT REPORTER: Well, this is the
19 exhibit.

20 MR. CRISP: That's what we're looking for.
21 Sorry.

22 (Audio tape played, Defendant Lesher's
23 Exhibit 3.)

15:39:29 24 Q. (BY MR. CRISP) When you were testifying in the
25 civil court hearing in October, you testified that once

1 you got back to Jerry's, that you had been off of any
2 drugs for some period of time and that by September 10th,
3 when you gave custody of your two natural born
4 children -- primary custody to the stepdad, that you were
5 clear-headed, right? You knew what you were doing.

6 A. I didn't give him primary custody. I gave him
7 joint custody.

15:40:02 8 Q. You gave him joint custody, but you gave him
9 the primary right to determine where those children would
10 live. Whether you were there or not, he could determine
11 where the children lived, right?

12 A. I don't know.

15:40:13 13 Q. Did you know that back at the time and you told
14 people, "If I leave, he keeps my kids now"?

15 A. I guess it was in the paper, so yeah.

15:40:27 16 Q. Okay. Now we go forward just a little bit from
17 when you're clear-headed in September, and you've not
18 told a soul by September 10th about the allegation of
19 rape, the alleged sexual assault.

20 And then we go forward a month when you're
21 testifying in the courtroom to October 11th and 12th when
22 we just talked about. And when you got in there, you
23 told them nothing whatsoever -- even though people were
24 asking you, you told them nothing whatsoever about any
25 supposed alleged --

1 A. Me getting my kids back and the child custody
2 case is completely and totally irrelevant to what those
3 people did to me. So no, I told nobody and seen no
4 reason to tell anybody.

5 I wasn't put under oath in my child
6 custody case to tell about a rape that happened with
7 three other people. That had nothing to do with my child
8 custody case.

9 So no, I did not tell them and did not
10 plan on telling them --

15:41:36 11 Q. Well, what did --

12 A. -- or telling the Court. The people I was
13 talking to, that had nothing to do with me getting my
14 kids from -- from Bill Woods, the child molester who
15 raped us our whole life.

16 That had nothing to do with what these
17 three people did to me, so that's why I did not bring it
18 up. And it still, to this day, has nothing to do with
19 what had happened, so that's why I didn't bring it up.

15:42:00 20 Q. Are you finished with that answer? My next

21 question is, the person that's bringing the child custody
22 at this point, we know, has changed. It's no longer a
23 fight against Jerry. It's a fight against your dad, the
24 one that you just mentioned, right?

25 And the person that has sided with your

1 dad that you're so upset about is Mr. Mark Lesher, who
2 has helped your dad find an attorney down in Texas, and
3 Ms. Rhonda Lesher, who has testified against your
4 interests.

5 A. What relevance is it to Mark and Rhonda whether
6 I keep my kids or not? They have no relevance -- or
7 whatever the word. I mean, what do they care if I keep
8 my kids?

9 They -- I mean, that has nothing to do
10 with them. Why would I be mad? I mean, or why would
11 they get in trying to help?

12 What relevance would it be for Mark Lesher
13 to get my kids taken away? What is he going to get out
14 of it? What's Rhonda going to get out of it? What's
15 Robert going to get out of it?

16 They're, what, going to laugh at me or
17 whatever? So that has no relevancy whatsoever.

15:42:57 18 Q. Do you remember saying that, "Mark Lesher has
19 ruined my family, he's sided with my dad"?

20 A. Yes.

15:43:04 21 Q. Okay. And do you remember how mad you were,
22 such that you even -- your husband went and threatened
23 people at Mark's office? Right?

24 A. I was not there when that happened. I do not
25 know. I -- I had heard, so you want me to tell you

1 hearsay?

15:43:20 2 Q. No, I'm asking you.

3 A. I wasn't there. I don't know about it. I've
4 heard from other people. I do not know what actually
5 happened.

15:43:25 6 Q. Okay.

7 A. I wasn't there.

15:43:27 8 Q. Well, the last time -- let's talk about the
9 last time that you were in court.

10 A. The last time meaning --

15:43:33 11 Q. The last time you were in child custody court.

12 A. Okay. You're talking about just the last --
13 the last -- recently, most recent?

15:43:40 14 Q. Right. Right.

15 A. Okay.

15:43:41 16 Q. This thing went on for a long period of time,
17 didn't it? It went from when he filed the divorce and
18 the child custody on July 6th, 2007, it went all the way
19 up through -- through what? November, that just passed,
20 right?

21 A. Yes.

15:43:57 22 Q. And one of the people in that action was the
23 court-appointed amicus for your two children. Remember
24 her, an attorney by the name of Melynda Pearson?

25 A. Yes, and --

15:44:12 1 Q. Wait a minute. Let me ask the question.

2 That's the way it works.

3 When Melynda Pearson got up on the stand
4 and recommended that your children not be left in your
5 home, yours and Jerry's home, do you remember following
6 her out screaming at her that, "You're just as bad as a
7 rapist"? Do you remember that?

8 A. I'm not the one who said that. I believe it
9 was my sister who said that.

15:44:32 10 Q. You were with her beating on the car.

11 A. But let me -- I want to tell you, if you would
12 like for me to tell you.

13 MR. CRISP: Your Honor, could I get an
14 instruction?

15 THE COURT: Just a second. What's your
16 objection?

17 MR. CRISP: My objection is it's
18 nonresponsive.

19 THE COURT: Sustained.

20 MR. CRISP: Thank you.

15:44:44 21 Q. (BY MR. CRISP) Now, if you'll just listen, bear

22 with me just a minute. After it's over and after
23 Ms. Pearson has testified against your interests, you
24 took immediate action against her as well. You went out
25 and banged on her car.

1 A. No, no.

15:44:58 2 Q. Screamed at her.

3 A. No.

15:44:59 4 Q. In fact --

5 A. I did not -- I did not touch her car.

15:45:02 6 Q. Didn't she just file a criminal action against
7 you for that?

8 A. Who?

15:45:05 9 Q. For intimidation?

10 A. No, not that I know of.

15:45:10 11 Q. You've never been served with that?

12 A. What?

15:45:11 13 Q. You haven't been served with that?

14 A. No.

15:45:15 15 Q. Okay.

16 A. For -- for what? For intimidating Melynda
17 Pearson?

15:45:19 18 Q. The court-appointed amicus, yes, ma'am.

19 A. No.

15:45:27 20 Q. Are you trying to leave the impression with
21 this jury that you and Jerry weren't taking action
22 against anybody that was on the other side of you,
23 whether it was Mark helping your dad find attorneys and
24 supporting him, whether it was Rhonda testifying for him,
25 whether it was the amicus testifying, that you weren't

1 taking immediate and drastic action against those people?

2 A. I haven't taken immediate and -- because of the
3 relation with the child custody case? This has nothing
4 to do with the child custody case.

15:45:55 5 Q. Well, let me ask you this. After that, did
6 you --

7 A. I filed the charges before I knew Rhonda was
8 going to testify against Jerry and me in the child
9 custody case, so those are completely, totally
10 irrelevant, the two cases. That has nothing to do --
11 that case has nothing to do with this case.

15:46:10 12 Q. That's what we're trying to determine here,
13 ma'am, and what I wanted to ask you about that is you
14 remember -- we can play it if you need to -- but you
15 remember on another separate call at or about the same
16 time than the one we just listened to with Mr. McCarver,
17 you told him you would "shoot your dad and have his fried
18 brains for supper"?

19 A. Do I remember saying that?

15:46:32 20 Q. Yes, ma'am, in that conversation.

21 A. In --

15:46:36 22 Q. Because he went up against you and Jerry.

23 A. To who?

15:46:41 24 Q. Mr. McCarver.

25 A. I actually probably said that to several

1 people.

15:46:46 2 Q. Thank you. And did you tell your dad, also,
3 that you had known for a long time that Jerry Coyel was
4 grooming your daughter to be your replacement?

5 A. I never said that, no.

15:47:02 6 Q. That he told you time and time again that you
7 were too fat?

8 A. "He" who?

15:47:08 9 Q. "He," Jerry Coyel.

10 A. Yes, he told me I was fat when I was fat. I
11 mean --

15:47:15 12 Q. And that you looked too old for him?

13 A. No, he never told me I looked old, no.

15:47:20 14 Q. To the point that you went and had a lap band
15 inserted in an effort to reduce your weight.

16 A. I did that on my own free will. Jerry had
17 nothing to do with it.

15:47:27 18 Q. And when that didn't work, you started getting
19 cocaine as your diet pill, didn't you?

20 A. Yes.

15:47:39 21 Q. All right. Did you ever find it strange that
22 when your daughter would go off with her stepfather by
23 themselves on trips out of town, such as the Fat Calf
24 Show over in Fort Worth, that she would come back
25 sporting multiple thousand dollar diamond rings?

1 A. Nothing strange about it. He raised her. He
2 is her dad, and they still go places without us. That's
3 her dad. Is that not normal for a father to take his
4 daughter on a trip?

15:48:09 5 Q. What about this part?

6 A. Is that not normal for a daughter to take a
7 trip?

8 MR. CRISP: Your Honor --

9 THE COURT: Ma'am, you're going to need to
10 answer the questions. This really is not a contest
11 between you and the lawyer, okay?

12 THE WITNESS: I know. Yes, sir. Yes,
13 sir.

14 THE COURT: Okay. Well, then just answer
15 the question.

16 MR. CRISP: Thank you.

15:48:26 17 Q. (BY MR. CRISP) Add another factor to that and

18 I'll still ask if you think it was normal at the time.
19 That you got calls from friends that saw your daughter
20 over there with Jerry Coyel, and he had her dressed up
21 like a west-end hooker. Remember getting that call?

22 A. There's someone that saw Jerry and Morgan in
23 Fort Worth?

15:48:44 24 Q. Jerry and Morgan in Fort Worth and called you

25 up.

1 A. No, nobody saw -- nobody that I knew saw Jerry
2 and Morgan in Fort Worth and called me, no.

15:49:00 3 Q. In the process of the custody fight and when
4 you went time and time and time and time and time again
5 without getting an opportunity to be heard and there were
6 T.R.O.'s being obtained by Jerry so that you had no
7 access at all to Morgan, did you ever discuss with Mr.
8 Leshner filing a grievance against the Judge because he
9 wouldn't let you have a hearing, and he kept extending,
10 time after time after time, these temporary restraining
11 orders?

12 A. I -- I do not remember discussing with him
13 that, no. But I do remember later where I had read
14 papers that he typed his (sic) self on his computer.

15:49:56 15 Q. And did it have your name on each and every one
16 of those papers?

17 A. Yes, it -- yes, it did.

18 (Pause in proceedings.)

15:50:39 19 Q. (BY MR. CRISP) Is this your -- both your
20 handwritten name and your signature on pages 1, 2 --

21 A. Yes.

15:50:45 22 Q. -- and 3 of that judicial complaint?

23 A. Yes.

15:50:48 24 Q. All right. And doesn't it include the exact
25 same type of allegations that you and I have been talking

1 about for the past couple of hours, to the effect that
2 Gerald is a "possessive, demanding and sexual pervert"?
3 The same kind of allegations that you're making to other
4 people, you're now making on this judicial complaint
5 because the Judge won't let you get a hearing, right?

6 A. I didn't make the report. No, sir, I did not
7 make the report. I did not know what was in the report.
8 Yes, I signed the papers. He also talks about other
9 things in there that I know nothing of.

15:51:24 10 Q. Some lawyerly things that he had put in there
11 about which canons were alleged to be violated. You
12 don't know about canons of judicial conduct, do you?

13 A. No.

15:51:33 14 Q. But you didn't have any reason at that time to
15 believe that he had cited the improper canons, did you?

16 A. I don't have any idea.

15:51:41 17 Q. It says, quote, "I've lived with Gerald on a
18 ranch that he and his brother owned consisting of at
19 least 5,000 acres that borders the Red River. Gerald and
20 his brother have extensive farming and ranching
21 interests, and they also own the largest salvage yard in
22 the State of Texas located in Fort Worth, Texas.

23 "Gerald is very wealthy, but he is also
24 very possessive, demanding and a sexual pervert. I
25 finally got so fed up with the situation that I told him

1 I was leaving.

2 "Before I could leave, he filed a petition
3 for divorce and made me sign a waiver of citation as he
4 explained to me that I had executed a prenuptial
5 agreement and would get nothing if I left."

6 And, in fact, you had signed a prenuptial
7 agreement which says that you get nothing if you leave
8 him, doesn't it?

9 A. Yes.

15:52:35 10 Q. The date that you allege for the misconduct
11 while the T.R.O.'s were in place are from July 6th, the
12 date that he got the first T.R.O., through August 22nd of
13 2007, is that right, those five T.R.O.'s?

14 A. I guess.

15:52:48 15 Q. And the date you signed this actually was three
16 days later on August 25th, 2007.

17 A. Yes.

15:52:59 18 Q. All right.

19 MR. CRISP: Move for the introduction of
20 the Judicial Complaint dated August 25, 2007, consisting
21 of three pages and is Exhibit Number 30, Your Honor.

22 THE COURT: Have you got a smaller one
23 than that?

24 MR. CRISP: We do.

25 THE COURT: Let's use the small one.

1 MR. VARLEY: No objection.

2 THE COURT: What's the number, Counsel?

3 MR. CRISP: Your Honor, we'll supply that
4 to the Court.

5 MR. BOTSFORD: Thirty.

6 MR. CRISP: It's Exhibit 30, Your Honor.

7 THE COURT: Exhibit 30's admitted into
8 evidence.

15:54:01 9 Q. (BY MR. CRISP) Did you go to any sort of
10 hypnotist and later learn of what you now believe to have
11 been a sexual encounter with the three Defendants?

12 A. Do what?

15:54:11 13 Q. Have you gone to a hypnotist for Regression
14 Memory Analysis to see whether or not your memory could
15 be returned to you?

16 A. No.

15:54:18 17 Q. Have you gone to a counselor so that they could
18 determine whether or not what you're reporting is
19 something that truly happened or something that's a
20 figment of your imagination?

21 A. Yes, I have been to a counselor.

15:54:29 22 Q. All right. When did you go?

23 A. I -- I don't have an exact date. I've been
24 seeing her for about at least six months, maybe longer.

15:54:42 25 Q. Six months from today's date back?

1 A. Yes. I believe it's been longer than that, but

2 at least six months, yes.

15:54:52 3 Q. Six months, all right. When you were going

4 around and visiting with these various attorneys to see

5 if they could help you out in either the civil case or in

6 the criminal case, some of the civil attorneys you saw

7 included David Carlock over in -- I'm not sure if it's

8 Dallas or Fort Worth. Which one was that?

9 A. I think he was in Fort Worth.

15:55:15 10 Q. Fort Worth. And Michael Jarrett, he was the

11 attorney in Tyler.

12 A. Yes.

15:55:20 13 Q. And you also went and you actually visited with

14 Melynda Pearson, who had been appointed as the Court's

15 attorney ad litem for the children, a position we now

16 call the amicus, right?

17 A. Yes.

15:55:32 18 Q. Do you remember when you were visiting with the

19 amicus that your husband told her that --

20 MR. VARLEY: Objection, hearsay.

21 THE COURT: I'm sorry. I can't hear

22 you.

23 MR. VARLEY: Objection, hearsay.

24 THE COURT: You'll have to stand up for me

25 to hear you.

1 MR. VARLEY: Sorry. Objection, hearsay as
2 to what her husband may have told.

3 THE COURT: Sustained.

15:55:52 4 Q. (BY MR. CRISP) Did you tell her while you were
5 there that, you know, "If you need a little extra money
6 to see things our way, that's no problem"?

7 A. That was never said by any -- anybody, me or
8 Jerry, no.

15:56:05 9 Q. It wasn't suggested to Melynda Pearson?

10 A. No, we talked to her for less than 15 minutes,
11 and she talked to each one of my children for less than
12 10 minutes over a year ago.

15:56:23 13 Q. Shannon, is there something that you brag about
14 to your friends and to your family members that if
15 there's one thing you've always been good at in life,
16 that is of getting even, especially against those that
17 you feel like have gotten in your way or, quote, "messed
18 in your business," end quote?

19 A. Never said it.

15:56:38 20 Q. Not to your dad or anyone else?

21 A. Not to my father, no.

15:56:45 22 Q. Okay. Is it still your testimony after hearing
23 all of this today that you really truly went back in an
24 effort to reconcile your marriage? Is that still your
25 story?

1 A. Yes.

15:56:59 2 Q. The problem has been -- is that all of these
3 legal matters have continued on and on and on, and you've
4 never had that opportunity to exercise what you said you
5 were going to do, and that is "get your shit and get
6 out," right?

7 A. That's -- yes, that's what I said, but that's
8 not why I'm still there. I'm still there because I want
9 to be there.

15:57:21 10 Q. When you -- when you spoke with Ms. Pearson,
11 this is long, long after -- after this supposed incident,
12 right? You're back with Jerry --

13 A. Yes.

15:57:33 14 Q. -- fighting the custody that your dad has
15 brought against y'all. Do you remember telling her about
16 what had happened with -- with your dad's brother back
17 when you were a child, when you were 13 or 14 years old?

18 A. Melynda Pearson?

15:57:54 19 Q. Right.

20 A. She's my kids' attorney. I never told her
21 anything. We talked to her for less than 15 minutes.

15:58:00 22 Q. Do you remember telling her all during that
23 time while she's trying to talk to you about your
24 children, you being there telling her, "Hey, listen,
25 what's important here is -- is not them, it's Mark

1 Lesher"?

2 A. No.

15:58:16 3 Q. Okay. Do you remember telling her --

4 A. She never tried to talk to me about my

5 children, period, at all.

15:58:21 6 Q. So she wasn't interested, even though she had

7 been appointed by the Court.

8 A. Yes, completely, totally, she had no questions

9 about my children.

15:58:29 10 Q. Did you get even with her?

11 A. Get even for what?

15:58:32 12 Q. For her recommending that your children be

13 taken?

14 A. How would I get even with her?

15:58:37 15 Q. I'm asking you, do you feel like you got even?

16 A. I didn't need to get even because there was no

17 reason to get even with her. My kids weren't taken away.

18 What she read in the child custody case, everything that

19 she testified to come from Bill Woods.

20 She's talked to Morgan and D.J. one time

21 for less than 10 minutes each. She does not know my

22 children, and she does not know me. So, therefore, I

23 don't know how she can represent them in anything.

15:59:01 24 Q. So she was -- she was a bad lawyer and a bad

25 advocate.

1 A. No, I'm not going to say she was a bad lawyer.
2 She just -- she had no concern of our matters whatsoever.
3 We were just in and out and kind of a -- a burden to her,
4 basically, is the way I took it.

15:59:19 5 Q. Okay. Do you agree that her charge to the
6 Court was to try to look and make a determination as to
7 whether or not these children should be taken from your
8 home or not, and that one of the things that she was
9 trying to do in an effort to make that determination was
10 to visit with you and Jerry and also with the children?

11 A. And she visited with them, I will repeat again,
12 less than 10 minutes each. Therefore, she does not know
13 my kids. She did not know anything they've gone through.
14 The only information she has is what Bill Woods has told
15 her. She does not know my kids at all.

16 THE COURT: Let me stop you there for a
17 second. Does anybody need a break on the jury? Anybody
18 have a time limitation to pick up children at 5:30 or
19 6:00 or something of that nature? Let me see your hand.
20 What time?

21 UNIDENTIFIED JUROR: 6:00.

22 THE COURT: 6:00. You may continue.

23 MR. CRISP: Thank you, Your Honor.

16:00:16 24 Q. (BY MR. CRISP) All that time that you were with
25 Red, did you ever refuse sex to him if he wanted it?

1 A. No.

16:00:26 2 Q. Did he ever refuse sex to you so long as he was
3 physically capable of performing?

4 A. No.

16:00:39 5 Q. So he could have sex with you whenever he
6 wanted; you could have sex with him any time you wanted.

7 A. Yes.

16:00:45 8 Q. And you continued your relationship with him
9 long past the date of -- of this alleged incident, right?

10 A. Yes.

16:00:57 11 Q. You continued it month after month after month,
12 right?

13 A. From July to September, yes.

16:01:03 14 Q. And then you continued a telephone relationship
15 with him after that.

16 A. I wouldn't call it a relationship, but -- I
17 mean, a telephone relationship? I mean, I -- yes, I
18 guess, yes.

16:01:20 19 Q. And long after this alleged incident was
20 supposed to have happened and when you were going down
21 to -- to visit with the civil attorney that was going to
22 help you out with your custody matters, Mr. Michael
23 Jarrett -- you remember that? Down there on August 18th,
24 is that on your little chart?

25 A. Yeah, but, I mean --

16:01:42 1 Q. You were down there to visit with him on August
2 18th, right, because he's going to help you with custody?

3 A. I -- the 18th's on a Saturday. I really was on
4 the 17th. I have on my calendar the 17th.

5 MR. CRISP: What's my next number?

6 (Pause in proceedings.)

16:02:32 7 Q. (BY MR. CRISP) When you went down to visit with
8 Mr. Jarrett who was handling the custody part for you, do
9 you remember what you did that evening? Is that on
10 there?

11 A. You're talking about Friday the 17th?

16:02:42 12 Q. No, I'm talking about the 18th.

13 A. I met with Michael Jarrett on the 17th. I did
14 not meet with him on the 18th.

16:02:48 15 Q. Do you remember what you did on the 18th?

16 A. I have no idea.

16:02:53 17 Q. Okay. Let me see if this will refresh your
18 memory. I have here "Visit Information Detail Report by
19 Day," Defendant's Exhibit 31, "Visit Information Detail
20 Report by Day," Defendant's Exhibit 32. I'm going to
21 start with 31. Can you read this? It says, "Report
22 Filter, last name," what does it say?

23 A. "Coyel."

16:03:15 24 Q. Visit date?

25 A. August 18th. Who is this from?

16:03:20 1 Q. Okay. We're getting -- we're getting there.

2 MR. VARLEY: Your Honor, I object to her

3 reading --

4 THE COURT: I can't hear you if you're

5 sitting.

6 MR. VARLEY: I object to her reading off

7 of an exhibit that hasn't been offered or entered yet.

8 THE COURT: Sustained.

16:03:31 9 Q. (BY MR. CRISP) Okay. Let me ask you, did you

10 visit Click's Bar in Tyler down there where it's located

11 on that date?

12 A. I -- I believe I went to a bar, but I'm not

13 going to tell you the name of it. I have no clue.

16:03:47 14 Q. And who went with you?

15 A. Robert was with me.

16:03:52 16 Q. Robert McCarver?

17 A. Yes.

16:03:52 18 Q. And it was Click's that has pool tables,

19 remember that, pool tables and music?

20 A. Yes.

16:04:02 21 Q. Let me ask you again, do you remember now

22 visiting Click's? And I'm going to show you a picture.

23 A. No.

16:04:08 24 Q. You don't remember it?

25 A. I don't know if that was the name. I have no

1 earthly idea if that was the name of the --

16:04:13 2 Q. But you do remember going to a bar with him?

3 A. Yes.

16:04:18 4 Q. And if -- if -- if the bar's name turned out to
5 be Click's, would you have any dispute of that being the
6 correct name?

7 A. Well, I guess not.

16:04:28 8 Q. Okay.

9 MR. CRISP: Your Honor, I offer Exhibits
10 31, 32 and 33 being the Visit Reports for Shannon Coyel
11 and Robert McCarver on August 18th, 2007, at 4:39 p.m.

12 MR. VARLEY: Your Honor, I object as
13 hearsay. It's not a business record.

14 THE COURT: Let me see it.

15 (Pause in proceedings.)

16 MR. CRISP: Your Honor, could I ask one
17 more question of this witness on the authentication?

16:05:30 18 Q. (BY MR. CRISP) Remember when you went to that
19 bar in Tyler when you were down on that trip that you had
20 to fill out this little membership slip in order to -- so
21 you could go in and have a drink?

22 A. Do I remember?

16:05:42 23 Q. Right.

24 A. I guess if I had a drink, yes, I guess I filled
25 it out.

16:05:46 1 Q. All right. Thank you.

2 THE COURT: That wasn't the question. Do
3 you remember filling one out?

4 THE WITNESS: No, I don't remember filling
5 one out.

6 THE COURT: Is there a picture of these
7 people anywhere?

8 MR. CRISP: There's not a picture of these
9 two.

10 THE COURT: Sustain the objection.

11 MR. CRISP: Thank you.

16:06:12 12 Q. (BY MR. CRISP) Could I look at your -- your
13 three pages for just a moment on your -- on your calendar
14 there?

15 (Witness provides calendar.)

16:06:22 16 Q. (BY MR. CRISP) Did I understand earlier that
17 you said that you were doing this contemporaneously, that
18 is, you were writing this stuff in the day that you were
19 doing these things?

20 A. Well, I might not have done it the -- every
21 day, but yes, within a day or two it would be wrote on
22 the calendar, yes.

16:06:46 23 Q. And the last of the three months that you have
24 here is August, 2007.

25 A. I -- I -- well, if you'll let me see it, then I

1 can tell you, please. The last what?

16:07:02 2 Q. The last month that you had this little

3 calendar --

4 A. Yes, was August.

16:07:08 5 Q. -- was August. And so you couldn't have been

6 here in January still making contemporaneous entries. In

7 other words, that August is long gone, right?

8 A. Right.

16:07:19 9 Q. How do you explain that the copy that you

10 supplied us in discovery, that you have lots of new

11 entries on it now that you didn't have back in May

12 of -- of 2008? What was -- where do those

13 contemporaneous entries come from?

14 A. Well, I guess you could give me 10 minutes and

15 let me look at all of them.

16:07:41 16 Q. All right. Thank you.

17 (Pause in proceedings.)

18 A. And you received these when?

16:07:54 19 Q. (BY MR. CRISP) May, May of 2008.

20 (Pause in proceedings.)

21 A. Do you want me to keep your copy and my copy

22 and tell you?

16:08:30 23 Q. (BY MR. CRISP) Well, what I'd like to know

24 first, ma'am --

25 A. I mean --

16:08:33 1 Q. -- you have a number of entries on yours that I
2 don't have on mine, right?

3 A. There are a couple.

16:08:41 4 Q. And those would have had to have been made by
5 you sometime more recently. They weren't -- in other
6 words, these weren't contemporaneous entries, were they?

7 A. But you received this in May of 2008?

16:08:54 8 Q. Yes, after you'd been before the Grand Jury.
9 You used that when you were with the Grand Jury, didn't
10 you?

11 A. Yes.

16:09:05 12 Q. And you've added to it since then, haven't you?

13 A. Yes, on the 12th I put I moved into the blue
14 house.

16:09:11 15 Q. And there's lots of other little entries that
16 don't appear on the other ones where you've got days with
17 nothing in it, now there's things all in it.

18 A. There's -- there is three days, the 21st, the
19 22nd and the -- and the 24th.

16:09:26 20 Q. And that's August. What about June and July?

21 (Pause in proceedings.)

22 A. There's nothing on there. There's nothing that
23 you don't have that I don't have on there.

16:10:15 24 Q. (BY MR. CRISP) Why were those extra entries
25 made since May of 2008 if it has to do with a June, July

1 and August calendar?

2 A. Well, I guess I went back in and put where I

3 moved into the blue house.

16:10:26 4 Q. And all of those entries --

5 A. That was obvious, I guess, from my own notes,

6 too, because I guess I was asked when I moved into the

7 blue house in Pattonville, and that was on the -- August

8 14th and 15th, and that's the only thing that you have

9 missing here is when I moved into the house, to the blue

10 house in Pattonville. And then right here --

16:10:44 11 Q. What about the stuff at the top here that I

12 don't have?

13 A. I went back when I had the -- and marked the

14 day when I had the hair follicle test done, and

15 that's -- yeah, that's the top of the second.

16:11:09 16 Q. While I'm here, we talked a minute ago. One of

17 the things I want you to -- and I'll give you an

18 opportunity -- one of the things that you said all along,

19 one of -- one of the reasons that Mark was interested in

20 your case was from day one -- and this is your

21 testimony -- "From day one all Mark ever saw were the

22 dollar bills, the dollar signs," right?

23 A. Yes.

16:11:31 24 Q. And I just handed you what is marked for

25 identification purposes as Exhibit 31 (sic).

1 A. Yes.

16:11:44 2 Q. Let me make a change on that to 34. That's the
3 prenuptial agreement that you and --

4 MR. VARLEY: Objection to talking about an
5 exhibit before it's been introduced into evidence.

6 THE COURT: Sustained.

16:12:09 7 Q. (BY MR. CRISP) Ms. Coyel, did you enter into a
8 prenuptial agreement when you married Mr. Coyel?

9 A. Yes.

16:12:16 10 Q. And you had lived with Mr. Coyel a couple of
11 years before you and he married, right?

12 A. About.

16:12:26 13 Q. And because he's quite a bit older than you --
14 he's, I think, is it 25 years older, he is?

15 A. About 20 -- 24, 25, yeah.

16:12:35 16 Q. And you were how old when you married him?

17 A. I'd have to do the math. We've been married 10
18 years in May. I'll be 38, so I don't know. Do you have
19 a calculator? Twenty-eight I guess, around 28, 29.

16:12:56 20 Q. Twenty-eight. And he would have been, what,
21 53?

22 A. About, yeah.

16:13:04 23 Q. Was one of the conditions that he marry you,
24 that you sign this prenuptial agreement?

25 A. Yes.

16:13:13 1 Q. And do you recall signing it? And if I showed
2 it to you, could you look on each page and recognize your
3 initials, as well as your signature, on this document?

4 A. Yes.

16:13:23 5 Q. I'm going to give you a chance and make sure
6 that that's the prenuptial agreement that you and I have
7 been discussing.

8 A. And it's been 10 years since I've looked at
9 this, so, I mean -- yes, it's my initials. And, I mean,
10 yes, I remember all of it, signing it -- and let me look
11 at the back page. Yes, sir.

16:13:46 12 Q. That's the -- that's the real deal, right? I
13 mean, that's the only prenuptial agreement, right?

14 A. Yes.

16:13:58 15 Q. And isn't it true, and something that you have
16 known since day one, is that if you leave Jerry Coyel,
17 you don't get a dollar, right?

18 A. That's what the preup says, yes.

16:14:17 19 Q. Okay. And it goes so far as to say that if you
20 leave him, that you can't even petition for spousal
21 support or that if it is given by a Court, that it has to
22 be offset such that you wind up with zero coming out of
23 Jerry's pocket, right?

24 A. Yes.

16:14:38 25 Q. And that being the case and you signing away

1 any right or entitlement that you get to any property
2 that he comes into possession of, when you leave, you
3 leave with nothing, and you were even prepared to do that
4 when you left with Mr. McCarver in June of 2007.

5 A. Yes.

16:15:02 6 Q. Okay. And there wasn't anything for the
7 attorneys to fight over in terms of dollars and cents.
8 The only thing there was to fight over was the -- any
9 custody of the children, right?

10 A. I was told by Mark Leshar that the prenup was
11 no good.

16:15:23 12 Q. You didn't contest the prenup, did you?

13 A. I didn't --

16:15:26 14 Q. You didn't try to contest the prenup at any
15 time or on any day.

16 A. No, I did not.

16:15:34 17 Q. And the prenup says you get nothing.

18 A. Right.

19 MR. CRISP: We'll move the introduction of
20 the witness' Prenuptial Agreement as Defendant Mark
21 Leshar's 34.

22 MR. VARLEY: No objection, Judge.

23 THE COURT: It's admitted.

16:15:55 24 Q. (BY MR. CRISP) When you were in Colorado and
25 Jerry tried to get your children or actually got your

1 child, Morgan, and -- and kept you from being able to
2 even see her, do you recall him signing an Affidavit
3 attached to that Petition in the Suit Affecting the
4 Parent/Child Relationship? You got a copy of that,
5 didn't you?

6 A. Did I get a copy?

16:16:32 7 Q. Yeah, you were served. When you were in jail
8 and he filed the suit to get custody of Morgan, they
9 served you with a copy of that paper, right? That's one
10 of the things you came back to Texas to contest.

11 A. I wasn't actually served that paper in jail,
12 no, but the paper did exist, yes. I wasn't served the
13 paper.

16:16:49 14 Q. You came into it when you came back to Texas.

15 A. Came into?

16:16:52 16 Q. You got a copy of it.

17 A. Yes.

16:16:54 18 Q. Okay. And do you agree that -- that your
19 husband was alleging --

20 MR. VARLEY: Objection, he's testifying
21 again from a document that's not yet been offered into
22 evidence. It's not a certified copy of a -- that I know
23 of -- of a Court record.

24 THE COURT: Sustained.

25 MR. CRISP: Your Honor, it's a file-marked

1 copy of a court pleading.

2 THE COURT: Sustain the objection.

16:17:25 3 Q. (BY MR. CRISP) Well, let me just ask you if
4 your husband was making allegations against you that you
5 had, for over two years, been physically abusing your
6 children.

7 THE COURT: I'm sorry. I missed the
8 question.

16:17:36 9 Q. (BY MR. CRISP) Was your husband claiming
10 against you that you had been physically abusing your
11 children for two years --

12 A. And he was --

16:17:43 13 Q. -- violently abusing them?

14 A. And he told that to me?

16:17:47 15 Q. That was a part of all of this custody fight
16 that you had.

17 A. Not that I'm aware of, no.

16:17:52 18 Q. You never knew that?

19 A. No.

16:18:21 20 Q. During this same time period that you admitted
21 to taking these illicit drugs, whether they be cocaine or
22 methamphetamine, were you also taking a number of
23 prescription drugs including Xanax?

24 A. Yes, I've taken Xanax for -- since my first
25 husband died in a car wreck, I've taken Xanax.

16:18:37 1 Q. Also Amitriptyline.

2 A. Yes, that's a --

16:18:41 3 Q. You know what that is?

4 A. It's a muscle relaxer.

16:18:44 5 Q. It's a mood elevator, isn't it?

6 A. It's a muscle relaxer.

16:18:50 7 Q. And in addition to those two drugs, were you

8 routinely taking, in combination with the Xanax to relax

9 you and the Elavil to bring your spirits up, weren't you

10 also taking a drug called Neurontin as a painkiller?

11 A. When?

16:19:08 12 Q. From 2006 through 2008.

13 A. I have never even heard of that pill. I have

14 no clue. A pain pill for --

16:19:20 15 Q. Called Neurontin.

16 A. I've never heard of it. I had a -- I had a

17 dentist in Clarksville pull a tooth, and if that's what

18 you're talking about, yes, I probably took a pain pill

19 for about a week. And then I had the lap band surgery.

20 Yes, I took a pain pill for about a week after my lap

21 band surgery.

16:19:52 22 Q. The Amitriptyline you were taking every month,

23 right, as well as the Xanax?

24 A. I take -- I take -- my doctor prescribes the

25 Amitriptyline because I hurt my back when I was younger,

1 and I have scar tissue around my spine. And he
2 prescribes it as -- the Amitriptyline as a muscle
3 relaxer.

16:20:13 4 Q. You're taking all of these drugs, though, at
5 the same time you're taking the cocaine and the
6 methamphetamine.

7 A. Yes, other than the pain pill you're talking
8 about. You would have to tell me the specific date so I
9 could tell you if I had a tooth pulled or the lap band or
10 whatever.

11 (Counsel conferring.)

12 MR. CRISP: Your Honor, without need for
13 further authentication, I'm going to offer as Defendant
14 Mark Leshner's Exhibit 36 a certified packet of the
15 charges and warrants issued against this witness for
16 child endangerment, for delivery of marijuana, for
17 delivery of alcohol and for endangerment for hitting a
18 child resulting in bruising.

19 THE COURT: Any objection?

20 MR. VARLEY: No, Your Honor, no
21 objection.

22 THE COURT: They're admitted into
23 evidence.

16:21:58 24 Q. (BY MR. CRISP) Ms. Coyel, as I near the finish
25 of my questions, do you admit that you've told Mr.

1 McCarver from time to time, as well as others, that "The
2 one thing you should never forget about me is that I am,"
3 quote, "one heartless bitch," end quote? Do you remember
4 saying that?

5 A. I don't recall saying that.

16:22:23 6 Q. Would you mind telling us what you have tatoosed
7 over your heart and extending onto your breasts? What's
8 your tatoo?

9 A. Is that irrelevant? I mean, do I have to
10 answer that? I mean, I don't think it's --

16:22:38 11 Q. Isn't it a colored devil and pitch fork?

12 A. Is that irrelevant? I mean, do I have to
13 answer the question?

16:22:43 14 Q. Can you answer the question?

15 A. Yes.

16:22:47 16 Q. Thank you.

17 MR. CRISP: Pass the witness, Your
18 Honor.

19 CROSS-EXAMINATION

20 BY MR. HARRELSON:

16:23:06 21 Q. Ms. Coyel, my name is Jeff Harrelson. I
22 represent Rhonda Leshler. It's my understanding from your
23 testimony --

24 THE COURT: Before you start, are you okay
25 young lady, another 30 minutes?

1 THE WITNESS: I'm fine.

2 MR. HARRELSON: Mine's fairly brief, Your

3 Honor.

4 THE COURT: Well, you got up to 37

5 minutes.

16:23:29 6 Q. (BY MR. HARRELSON) Ms. Coyel, I understand from

7 your testimony that you're saying that the night that

8 this happened, that you could not move your body, right?

9 A. Yes.

16:23:45 10 Q. And that the following day you laid down all

11 day because you had such a bad headache, true?

12 A. Yes. Well, I think I have on my calendar wrong

13 when I met with my attorney. That's what I said, but --

16:24:00 14 Q. If you could, answer me from your memory, not

15 what you wrote on a piece of paper after May of '08.

16 A. Okay. Ask the question again.

16:24:09 17 Q. You laid down for the next two days because

18 your head hurt so bad.

19 A. Yes.

16:24:15 20 Q. Okay. Obviously that's not what you did. You

21 went shopping in Gilmer. It's got to be a good, what, 50

22 miles away, 40 miles?

23 A. I wouldn't even want to guess. I mean, 30,

24 probably 20 or 30, yes.

16:24:26 25 Q. But that's what you did.

1 A. Went shopping, went to one store, I mean, so

2 yes.

16:24:33 3 Q. Okay. Forty or 50 miles away, and if you don't

4 know, you don't know.

5 A. I don't know how far it was away.

16:24:39 6 Q. But you initially told these people that you

7 laid down for two whole days, right?

8 A. Yes, I laid -- yes, I laid down, yeah, other

9 than going shopping, I guess, yeah.

16:24:52 10 Q. Okay. And I understand that you said when you

11 went to the Sheriff's Office and told them about this,

12 they told you to go home and write it down.

13 A. Yes. Larry Spangler told me a rape victim

14 would be in -- traumatized, would remember and forget

15 certain things.

16:25:11 16 Q. Okay.

17 A. And he told me as I remember things, to write

18 things down.

16:25:15 19 Q. Did he take any kind of statement from you or

20 anything that day?

21 A. I believe he took the statement of, I

22 believe -- yes, the Mark Leshar, about the ranch.

16:25:31 23 Q. Okay. Now, the same Sheriff's Office is the

24 folks who got a warrant for you for all those felony

25 charges, right?

1 A. Yes.

16:25:40 2 Q. And as of today, has any action been taken on
3 any of those felony charges against you, other than you
4 being arrested for them?

5 A. No.

16:25:50 6 Q. You haven't had to go to court or anything?

7 A. Not yet, no.

16:25:54 8 Q. Hadn't been to the Grand Jury?

9 A. I don't know if it's been to the Grand Jury,
10 but --

16:25:59 11 Q. But you hadn't had to go to court for them,
12 four felony charges.

13 A. Not as of yet, no.

16:26:05 14 Q. Now, if I understand your testimony, you say
15 you quit drugs August 23rd of '07.

16 A. Yes.

16:26:14 17 Q. You went home to Jerry on September 4th.

18 A. Yes.

16:26:21 19 Q. On September 10th was the day you guys were
20 supposed to get a divorce, but dropped that.

21 A. Yes.

16:26:25 22 Q. That's the day you called your sister and said
23 that Jerry was a pervert and that you were going to "play
24 the game."

25 A. Yes, if that was --

16:26:33 1 Q. You weren't on drugs when you made that call,
2 were you?

3 A. No, I wasn't. I was not on drugs at that time,
4 but I was coming off of drugs, withdrawals.

16:26:51 5 Q. All right. About a month after that is when
6 Rhonda Leshner testified on your dead father's behalf at
7 this hearing, right?

8 A. I don't -- when was the first court hearing?
9 If you say it was a month, then yes. I thought it was --
10 I thought it was in November, but I guess it was in
11 October.

16:27:10 12 Q. If it was October 11th --

13 A. Okay.

16:27:13 14 Q. -- it was about a month after you made that
15 call.

16 A. Yes.

16:27:17 17 Q. And you were there when Rhonda testified,
18 weren't you?

19 A. Yes.

16:27:21 20 Q. And she told a story that you listened to right
21 there in the courtroom about when she and Mark went to
22 the houseboat and found Morgan and Jerry there alone, and
23 there was only one bed unmade and all their clothes were
24 around the bed. You remember that testimony?

25 A. Yes, she found -- yes, I knew they were there,

1 though. I mean, it wasn't -- they went to the houseboat

2 by their (sic) self a lot and other places, too.

16:27:52 3 Q. Do you ever give your kids liquor, beer or

4 wine?

5 A. No, I never give -- no.

16:27:57 6 Q. You know Morgan said that you did.

7 A. Yes, I do, yes.

16:28:01 8 Q. Did you ever give D.J. a beer?

9 A. No.

16:28:03 10 Q. Morgan said you did. You know that.

11 A. I guess.

16:28:09 12 Q. Morgan said it even took more for D.J. to get

13 drunk than it did for her.

14 A. Yes. Yes, I remember it. I watched the

15 videotape, yes.

16:28:17 16 Q. So Morgan's lying?

17 A. I never --

16:28:20 18 Q. She lied?

19 A. I never give my kids beer or alcohol. That

20 doesn't mean they didn't sneak something out of the

21 refrigerator or something on their own.

16:28:33 22 Q. How old is D.J.?

23 A. Twelve.

16:28:35 24 Q. Twelve. When's his birthday?

25 A. March 13th.

16:28:46 1 Q. Now, your daughter was bought a 2008 pick-up
2 truck by Jerry, right?

3 A. She claims it's hers, yes.

16:28:58 4 Q. Was that the truck that she took to Oklahoma to
5 pick up the boy?

6 A. No, that was a different truck.

16:29:04 7 Q. How old was she when she drove that truck to
8 Oklahoma?

9 A. I -- I don't know, 12, 13. I'm going to say
10 between 11 and 13.

16:29:17 11 Q. I got you. And D.J., does he have dirt bikes
12 and motorcycles and things to play around on y'all's
13 6,000 acres out there?

14 A. He has many dirt bikes, many four-wheelers,
15 many of everything out there.

16:29:35 16 Q. You live a pretty comfortable life out there,
17 don't you?

18 A. Very comfortable.

19 MR. HARRELSON: I pass the witness, Your
20 Honor.

21 THE COURT: Mr. Henry.

22 MR. HENRY: Your Honor, we'll pass the
23 witness, Your Honor.

24 THE COURT: Mr. Varley, any redirect?

25 MR. VARLEY: Yes, sir.

1 REDIRECT EXAMINATION

2 BY MR. VARLEY:

16:30:24 3 Q. At the time that you were staying at Mark
4 Lesher's house, did Mark Lesher and Rhonda Lesher and
5 Robert McCarver all know that you had these four felony
6 charges pending against you?

7 A. Yes.

16:30:37 8 Q. He was aware of that at that time?

9 A. He's the one who -- who actually told me about
10 all -- well, he didn't tell me about the first one, but
11 the next three he told me about, yes.

16:30:49 12 Q. Now, taking drugs in combination, you were
13 asked about that. The drugs that you were taking back
14 during this period of time, the prescription drugs, what
15 drugs were those?

16 A. I had a hysterectomy about 11 years ago. I
17 take two hormone pills. One's called Biest, and one's
18 called Estrogen and -- no, one's called Biest, and the
19 other one's called Progesterone. And that's for my
20 hysterectomy.

21 And then I take the Xanax, and when my
22 back hurt, I took the amitriptyline. And I also take a
23 pill for grinding my teeth. I take some pills.

24 Sometimes I grind my teeth at night.

16:31:28 25 Q. So these pain pills, were those taken on a

1 daily occasion or occurrence or --

2 A. They never told me the date. I mean, if they
3 could tell me a date, I could come back later and tell
4 you. Like I said, I had a tooth pulled, and when I had
5 lap band surgery, they put me on a pain pill. And I'm
6 assuming it's one of the two, but I've never taken a pain
7 pill, other than after just my tooth being pulled and
8 having lap band surgery.

16:31:51 9 Q. This calendar they say that you've added
10 information to it, was that very pertinent information?

11 A. No, I just -- the only one I noticed was me
12 moving into the blue house in Pattonville.

16:32:03 13 Q. Are those your papers or their papers or my
14 papers? Whose papers are those calendars?

15 A. These are mine.

16:32:20 16 Q. As far as the cases, the felony cases against
17 you right now, you don't know whether those cases were
18 ever filed with our office or we decided to pursue those
19 cases or not, or if one of those is being pursued or the
20 other three aren't or what-have-you, do you?

21 A. I have no idea.

16:32:37 22 Q. You have no idea on that.

23 A. Right.

16:32:43 24 Q. As far as your daughter driving the truck over
25 to Oklahoma, did you give her permission to drive the

1 truck to Oklahoma?

2 A. No.

16:32:52 3 Q. What happened on that occasion?

4 A. She just -- actually she asked me if she could
5 take the truck, and I was like, "You're crazy, you're" --
6 I don't know -- 11 or 12 or 13, well, 11 or 12.

7 And I had went back to the bedroom. We
8 live in a very large house. I went back to the bedroom.
9 And I had come out, and she wasn't there.

10 And of course I went outside, and at that
11 time it -- it was a red Silverado. So I actually called
12 the police in Idabel, and they picked her up.

16:33:31 13 Q. But y'all didn't give her permission to drive.

14 A. No, we did not.

16:33:36 15 Q. Have you heard of other people's kids taking
16 the car and taking off like that?

17 A. Yes.

16:33:41 18 Q. But she is allowed to drive on y'all's ranch,
19 is she not?

20 A. Yes, she drives on the ranch.

16:33:46 21 Q. And D.J., does he also drive around on the
22 ranch?

23 A. Yes.

16:33:50 24 Q. Now, about your daughter and birth control
25 pills when she was 11, why was she on birth control pills

1 when she was 10 -- I'm sorry -- 10 years old?

2 A. She started her period around the age of 10. I
3 don't know the exact date or month, but she would bleed
4 really heavy for anywhere from 7 to 10 days. And she had
5 probably four, maybe up to six irregular periods. And I
6 took her to the doctor, and they just told me that the
7 best way to regulate --

8 MR. CRISP: Objection, Your Honor,
9 hearsay.

10 THE COURT: Overruled.

16:34:27 11 Q. (BY MR. VARLEY) Did you put her on those
12 because the doctor said that's the best way --

13 A. Yes, I put her on because the doctor told me it
14 would regulate her period.

16:34:36 15 Q. About this herpes they said that your daughter
16 has, has she had a test in the past that showed she did
17 have herpes?

18 A. The very first test that Fred Williams did in
19 Paris stated that she did have herpes.

16:34:48 20 Q. Have you since had her tested since then, and
21 it was a false positive?

22 A. I've had her tested at least -- oh, I know at
23 least twice since then, and they've come back negative.

16:35:12 24 Q. Now, there was some mention made of this
25 grievance filed against the Judge in your case, I guess

1 that originally was going to hear your divorce case. Who
2 prepared that grievance against the Judge?

3 A. Mark Leshar prepared it.

16:35:29 4 Q. Why did you -- why did you sign it?

5 A. Well, I -- my son and I just went to his office
6 one day, and he had a stack of papers sitting on his
7 desk. And I just sat down and started signing papers.
8 He'd been helping me. I mean, he had got me all the
9 paperwork, had found the attorneys for me, so I just
10 trusted him and sat down and signed the papers.

16:35:51 11 Q. Did you know what you were signing when you
12 signed that document?

13 A. When I -- no, I just was flipping through the
14 pages signing them.

16:35:58 15 Q. All the information that was placed in that
16 grievance, where did that information come from --

17 A. Actually --

16:36:06 18 Q. -- as far as the facts?

19 A. -- I do not know. There's a lot of stuff in
20 that, that has to do with Jerry 15 years ago, and I
21 didn't know Jerry 15 years ago. So a lot of that stuff,
22 I don't know where it come from.

16:36:32 23 Q. Is Laura Hall your sister?

24 A. Yes.

16:36:34 25 Q. Did she get you on cocaine or something?

1 A. No.

16:36:38 2 Q. Who got you using cocaine?

3 A. Robert McCarver.

16:36:46 4 Q. It had something about sexual perversion, that

5 your husband likes to watch you have -- watch other men

6 have sex with you. Does your husband watch other men

7 have sex with you?

8 A. No, that has never happened.

16:37:00 9 Q. Something was made the other day about y'all

10 having an open marriage. An open marriage, do you know

11 what that is?

12 A. No.

16:37:05 13 Q. I guess it's when you go outside the marriage

14 and have sex with whoever you want, and the other party

15 doesn't care.

16 A. No, that's not true.

16:37:13 17 Q. Y'all didn't have an open marriage?

18 A. No.

16:37:15 19 Q. Is that one of the reasons that Jerry Coyel was

20 angry when he found out that you may be having an affair

21 with Robert McCarver?

22 A. Yes. When he found out I was having an affair

23 with Robert McCarver, yes, he was very angry. And that's

24 when we started fighting a lot, and I finally moved

25 out.

16:37:37 1 Q. The people telling you -- were people telling
2 you that Jerry was going to have you killed?

3 A. Yes.

16:37:44 4 Q. Who was telling you that?

5 A. Just about ever -- everybody, Mark, Robert, my
6 dad, my stepmom. I guess that's it.

16:38:07 7 Q. Did you believe them at the time?

8 A. Well, yeah, at the time when I was on drugs and
9 dope, I -- yeah, I believed -- yeah, I believed them.

16:38:18 10 Q. You testified earlier that Red would call, and
11 you'd just hang up. But that was a lie, wasn't it?

12 A. Yes. I don't remember the phone call, but
13 yes.

16:38:27 14 Q. You called him after you went back to Jerry.

15 A. Yes.

16:38:31 16 Q. We heard this long transcript.

17 A. Yes.

16:38:35 18 Q. Heard the telephone tape, he read the
19 transcript. Do you know when that was made?

20 A. I have no idea. I don't know if it was a week.

21 I -- I -- a week or -- I don't know the exact date. I

22 mean, I don't know if it was a week after I went back to

23 Jerry or -- I have no idea.

16:38:52 24 Q. When did your mind finally get straight off

25 these drugs? When did you become yourself again?

1 A. Oh, it took -- withdrawals and like jittery and
2 not being able to sleep and night sweats, it took at
3 least -- at least five months. I would say maybe even up
4 to seven months. It took a really long time.

16:39:20 5 Q. And when was the last time you quit taking
6 these drugs?

7 A. August 23rd in 2007.

16:39:27 8 Q. And when you were at Mark Lesher's office, you
9 testified he had you sign a stack of papers. Were you
10 concerned about some of these papers that you were
11 signing?

12 A. Actually at the time, no.

16:39:37 13 Q. After you -- after you got back with your
14 husband, were you concerned about what you had signed?

15 A. Yes, after I went back to Jerry, I had my
16 binder. And Jerry and I got it out, and we were going
17 through it at the table. And he saw -- I had a copy of
18 the grievance, whatever they called it. And Jerry seen
19 it, and he said, "Oh, my God, what have you signed?"

20 MR. CRISP: Objection, Your Honor,
21 hearsay.

22 THE COURT: Sustained.

16:40:01 23 Q. (BY MR. VARLEY) Now, you had taken several drug
24 tests, I believe you testified under cross-examination;
25 is that correct?

1 A. Yes.

16:40:06 2 Q. And where all did you take these drug tests?

3 A. I took one in Colorado, one in Texarkana, and I
4 think I took one in Paris.

16:40:20 5 Q. Did you pass all of them?

6 A. Yes.

16:40:22 7 Q. Did you know you were going to pass them when
8 you took them?

9 A. Yes.

16:40:25 10 Q. Why did you know you were going to pass them
11 when you took them?

12 A. I had been told that when taking a hair
13 follicle test -- by taking a urine test, you can test for
14 Xanax and prescription drugs. By taking a hair follicle
15 test, it only tests for what specifically is named on the
16 test, like a five-panel or seven-panel.

16:40:45 17 Q. And were those five-panel tests that you took?

18 A. Yes.

16:40:48 19 Q. Heroin, cocaine, methamphetamine, opiates,
20 that type thing?

21 A. Yes.

16:40:54 22 Q. So whatever you were taking didn't fall into
23 one of those categories.

24 A. Right.

16:41:00 25 Q. Who told you not to take a urine test, but to

1 take a hair follicle test?

2 A. Mark Leshar told me not to take a urine test.

16:41:10 3 Q. When you were on probation in Colorado and you

4 gave Mark and Rhonda Leshar's address as a place you were

5 going to go back to, this was after the sexual assault.

6 Did you have any other place to live at that time?

7 A. No, when I -- when I was coming back, I was --

8 I brought my son back with me, and we were just going to

9 find a place to stay. The woman made me give her a

10 physical address, and then she just said, "We'll just put

11 the one you used the first time," because I didn't have

12 anywhere to go to. So my son and I just came back to

13 Paris to find a house, to rent our own house.

16:41:46 14 Q. And before the rape occurred, you had gone to

15 Mark and Rhonda Leshar's address; is that correct?

16 A. Yes.

16:41:55 17 Q. That's, in fact, where you went to.

18 A. Yes.

16:41:59 19 Q. Did Mark know that you were on drugs when he

20 let you come to his house to stay?

21 A. Yes.

16:42:06 22 Q. Had he known about all the drug usage with you

23 and McCarver as far as on the methamphetamine?

24 A. Yes.

16:42:16 25 Q. Why in the world would you not go ahead and

1 tell your probation officer that you were using illegal
2 drugs?

3 A. Do what now?

16:42:24 4 Q. Why wouldn't you tell your probation officer
5 that you were using illegal -- why didn't you tell the
6 probation officers that you were using illegal drugs?

7 A. I believe at the time when I filled the paper
8 out, I mean, I was not using them, so I just put I was
9 not using them. And it didn't actually say, "Are you
10 using them at this time?" I just -- that's the way I --

16:43:05 11 Q. You probably lied because it was in your best
12 interest to lie at that time, didn't you?

13 MR. CRISP: Objection to leading, Your
14 Honor.

15 THE COURT: Don't lead, Counsel.

16 A. What did --

16:43:22 17 Q. (BY MR. VARLEY) Did you lie to them?

18 A. Yes.

16:43:23 19 Q. Now, this video snippet that they showed the
20 jury concerning the guns, you said in that, "I never saw
21 Red with any gun." And then I think it went on to say
22 something else. Who were you talking to there? Is that
23 the Fire Marshall?

24 A. I think so. He had asked me a question
25 about -- he's standing --

16:43:55 1 Q. Something to do --

2 A. He was fixing to object.

16:43:59 3 Q. Don't pay attention to what they're going to
4 do. Listen to the question.

5 A. Okay. The Fire Marshall had asked me if --

6 MR. CRISP: Objection, Your Honor,
7 hearsay.

8 THE COURT: Sorry? What's your objection?

9 MR. CRISP: Hearsay.

10 MR. VARLEY: Your Honor, it's not offered
11 for the truth of the matter asserted. It's offered to
12 explain her answer.

13 THE COURT: Overruled.

16:44:19 14 Q. (BY MR. VARLEY) What was he asking you about, a
15 gun cabinet or something?

16 A. Yeah, he had asked about a gun cabinet. I -- I
17 think it was a gun cabinet that was in Robert McCarver's
18 trailer house where him and his previous wife lived.

16:44:34 19 Q. And that house had burned down; is that right?

20 A. Yes, they were asking me questions about the
21 guns in the gun cabinet.

16:44:39 22 Q. And a gun cabinet, usually you put long guns in
23 a gun cabinet; is that right?

24 A. Yes, they're rifles, yes.

16:44:46 25 Q. Rifles and shotguns?

1 A. Yes.

16:44:48 2 Q. And had you ever seen Robert McCarver with any
3 long guns?

4 A. Never.

16:44:51 5 Q. And I noticed that the video kind of breaks off
6 right there at the end. Do you know what you were about
7 to say? "No, you never saw him with any long guns"?

8 A. I don't -- I don't know.

16:45:07 9 Q. The gun that you say that he had, what kind of
10 gun was it?

11 A. It was a pistol he kept in the front of his
12 breeches.

16:45:12 13 Q. Did he do that often or seldom?

14 A. Often.

16:45:24 15 Q. Now, how long did this go on where he didn't
16 want you to go off and -- and be by yourself or talk to
17 anybody? I know it didn't go on forever. How long did
18 that go on?

19 A. It just -- it lasted until when I come back to
20 Texas the second time. Then it was just pretty much --
21 when I got my own house, the blue house they showed them,
22 when I got that, that's just kind of when that stopped.

23 I mean, he was -- he was still there. I
24 mean, he wasn't there all the time. My son was there
25 with me. If he wasn't there, my son was there. So

1 that's when it ended.

16:45:57 2 Q. But before that he was really -- specifically
3 let me ask you, in proximity to the rape occurring, how
4 long was it before they wanted you to be by yourself or
5 allow you to be by yourself?

6 A. Well, after I went -- I went back to Colorado
7 after the rape occurred. And then when I come back from
8 Colorado about -- I think I stayed up there about a
9 week -- when I come back is when I had no connection with
10 them. Well, as far as in person, face-to-face. I mean,
11 I was still talking to them. I was still talking to Mark
12 Leshner on the phone on a daily basis.

16:46:32 13 Q. Okay. How -- do you know how you were talking
14 to somebody who had raped you?

15 A. No, just -- the only thing I can tell you is
16 just the drugs. I was just craving the drugs.

16:46:43 17 Q. That's your explanation?

18 A. Yes.

16:46:54 19 Q. They talked about -- they showed a telephone
20 bill from the Leshners' house, and it says that they were
21 receiving calls from there apparently.

22 A. Yes.

16:47:04 23 Q. But is it your testimony that the phone that
24 you picked up on that particular day --

25 A. It had no dial tone, yes.

16:47:12 1 Q. What type of phone was it? One that plugged in
2 the wall, cordless phone? What was it? Do you know?

3 A. It was a cordless phone sitting on the bar.

16:47:24 4 Q. Now, this gate where you can come in and out,
5 you said you couldn't get out. I believe in your Grand
6 Jury testimony you testified it was the kind with a pad
7 on it. You had to push some codes in to get in or get
8 out.

9 A. Yes.

16:47:39 10 Q. In those pictures that you saw, did you see the
11 pad in those pictures?

12 A. Yes.

16:47:45 13 Q. You could see them?

14 A. Yes, in -- yes.

16:47:50 15 Q. The ones to get in and out?

16 A. There was only one. You had to have the
17 combination to the lock to get in and out, and I didn't
18 have the combination or the key code. It's not a
19 combination lock. It's like a button that you push, a
20 button to get in and out of the gate.

16:48:06 21 Q. And you didn't have that?

22 A. No.

16:48:08 23 Q. You have to have it to get out?

24 A. Yes.

16:48:11 25 Q. Do you see that on the photographs that you

1 looked at earlier? Did you see it? Do we have those?

2 A. Partial. I mean, it was -- I think I did.

16:48:41 3 Q. Point out to me where you see the pad in those
4 pictures.

5 A. Actually it looks like it's not there.

16:48:57 6 Q. Do you know when these pictures were taken?

7 A. No.

16:49:01 8 Q. I'm assuming they were taken after the rape
9 occurred.

10 A. Yes.

16:49:06 11 Q. And after this case came about.

12 A. Yes. No, here -- I -- I don't see it. Let me

13 look. There was a pole on the outside of the gate that

14 you got out of your vehicle and punched in the numbers to

15 get in, and it looks like to me it's not in this picture.

16 It was right there, and it's not there. Not unless it's

17 behind that pole right there, I don't see it.

16:50:01 18 Q. You said that you had accused your husband

19 under oath of molesting your daughter. Do you ever

20 recall accusing your husband under oath of molesting your

21 daughter?

22 A. No.

16:50:09 23 Q. Now, he had a statement he talked about or

24 tried to offer that you had given, and I believe the

25 first line of the statement was something to the effect

1 that "someone told me my husband is doing this."

2 A. Yes, yes.

16:50:25 3 Q. Is that the report you gave at the Sheriff's
4 Office?

5 A. Yes.

16:50:27 6 Q. Were you on drugs at the time you even gave
7 that report?

8 A. Yes.

16:50:53 9 Q. Why did you not testify under oath that your
10 dad had molested you, or did you, in your child custody
11 case involving your dad?

12 A. I had --

16:51:01 13 Q. Did you bring that up?

14 A. I -- I had -- I did testify about my uncle and
15 brother, and after that court hearing, I started seeing a
16 counselor. And we started talking, and they -- they talk
17 to you. It's like hidden -- it's like hidden -- I think
18 it's like in your subconscious, and they bring it out.
19 And I finally opened up and told her, and we talked about
20 it.

16:51:28 21 Q. That your father had, in fact, been molesting
22 you?

23 A. Yes.

16:51:36 24 Q. They asked you why, in the child custody case,
25 you didn't say anything about the rape. Why would you

1 say something about a rape in the child custody case?

2 A. I didn't see it had any relevance to the child

3 custody case.

16:51:48 4 Q. Did anybody ask you?

5 A. No, nobody asked me.

16:51:54 6 Q. And did you call Bill Woods and say, "Have you

7 heard about the Leshers, you're next"?

8 A. No.

16:52:00 9 Q. You never did that?

10 A. No.

16:52:12 11 Q. Some of that Grand Jury testimony that they

12 talked to you about, do you feel like some of that was

13 taken out of context?

14 A. Yes.

15 MR. VARLEY: Your Honor, if we could, we'd

16 admit the entire Grand Jury -- they presented numerous

17 pages of it, and for the Rule of Optional Completeness,

18 we would like to have the entire Grand Jury testimony

19 admitted so the jury can read the entire testimony.

20 THE COURT: Any objection?

21 MR. CRISP: Your Honor, may we approach?

22 THE COURT: Yes, sir.

23 (Recorded bench conference.)

24 MR. BOTSFORD: Judge, I'd ask to address

25 the Court. Under the Rule of Optional Completeness, that

1 would be inappropriate. There had been certain portions
2 introduced to impeach her only, and the whole thing
3 doesn't come in under optional completeness.

4 It's also a slight confrontation problem
5 with regard to the fact that there's hearsay there that
6 has not been covered in either the direct or the cross.
7 So this was used to impeach her and to show that she was
8 less than candid. The entire transcript should not be
9 admissible, Your Honor. We'd object to it.

10 THE COURT: It's a pretty good objection.
11 Is that correct, Mr. Varley?

12 MR. VARLEY: Your Honor, I feel that they
13 have used -- I feel that they have used portions of this
14 and --

15 THE COURT: Well, I know what optional
16 completeness means, but his objection is that it was used
17 by them for a -- an exception to the hearsay rule, which
18 I call it that. It's not hearsay when it is used for the
19 purpose of rebuttal -- I mean, impeachment.

20 MR. VARLEY: He's --

21 THE COURT: So does that change the rule?

22 MR. VARLEY: And I can't answer that.

23 THE COURT: I need y'all to find out for
24 me. I want a Texas case, and I only look at Texas cases.
25 I'm not a federal judge. I'm a state judge. We're going

1 to recess for the night.

2 MR. BOTSFORD: Okay.

3 (Bench conference concluded.)

4 THE COURT: Ladies and gentlemen, we're
5 going to recess for the evening. I've got a little law
6 for these lawyers to look up for me so I'll call this
7 objection the correct way in the morning.

8 And so we'll be in recess until in the
9 morning at 9:00. Please recall my warnings about not
10 discussing this case among yourselves or with anyone. Do
11 not allow anyone to discuss it with you. This includes
12 your husband, wife, family and friends tonight. See you
13 in the morning at 9:00 a.m.

14 THE BAILIFF: All rise.

15 THE COURT: Have a seat, please.
16 Everybody have a chair. You can exit the courtroom,
17 please, ma'am.

18 (Witness exits courtroom.)

19 THE COURT: At 9:00, gentlemen. See you
20 in the morning.

21 (Proceedings recessed to 1-14-09, at
22 which time the following partial
proceedings continue.)

23 THE COURT: Mr. Varley, it appears that's
24 on point, consistent with what Mr. Botsford said last
25 night. The record -- the parts of the record that are

1 not in evidence now that could be -- must be relative --
2 related to the impeachment portion that he put in.

3 In other words, it allows you to rectify
4 any false impressions, that one little snippet did, if
5 there's anything in there. You can have time to do that
6 if you want to look for it. But just putting in the
7 whole thing, I think it says it's error.

8 MR. VARLEY: Okay.

9 MR. BOTSFORD: Thank you, Judge.

10 THE COURT: All right. Back on the record
11 here. Defense Mark Leshar Exhibit Number 13, can we
12 substitute this for a small copy?

13 MR. CRISP: Yes.

14 THE COURT: All right. That -- the small
15 copy will be marked Defense Mark Leshar Exhibit 13-A, and
16 13 -- as soon as that is in the court reporter's hand and
17 admitted into evidence, 13 will be -- take it back out of
18 evidence and hand it back to the Defendant.

19 MR. CRISP: Was it 13-A, you said?

20 MR. BOTSFORD: Yes.

21 MR. VARLEY: Your Honor, do I have time to
22 step outside?

23 THE COURT: Yes, sir. The jury's not
24 quite here yet. I've got two remaining.

25 MR. CRISP: Your Honor, if the record will

1 reflect I'm now, at the Court's request, substituting
2 what's previously been marked and introduced into
3 evidence as Defendant Mark Lesher's Exhibit 13, which is
4 a blow-up of a Sam's Discover Card statement for the
5 month of July, 2007, with the small version from which
6 the blow-up was made. It has been marked and is offered
7 into evidence as Defendant Mark Lesher Exhibit 13-A.

8 THE COURT: Thank you, sir.

9 THE BAILIFF: Your Honor, we're ready.

10 THE COURT: I've lost the Prosecutor right
11 now.

12 (Pause in proceedings.)

13 THE COURT: All right. Upon reflection
14 yesterday evening, I sustained the State's objection to
15 several exhibits involving a -- let's see -- membership
16 applications to a joint somewhere in some town.

17 Upon reflection, she stated that she did
18 go to a bar. She didn't know the name. She did go with
19 McCarver, and it was in and around that date that was
20 being discussed.

21 And the fact that these were memberships,
22 two membership cards -- one in her name, one in his
23 name -- at a place that is a bar in -- in the town that
24 we're talking about, whatever town that was, I think it's
25 sufficient to sponsor that.

1 So I will -- if that's -- if that's
2 reoffered, I'll change my ruling to where it is
3 admissible. It is admitted into evidence, and so I will
4 say that in front of the jury, unless you seek to
5 withdraw it at this time, Counsel.

6 MR. CRISP: Your Honor, we -- we continue
7 our proffer of that evidence yesterday of Defendant Mark
8 Leshner's Exhibits 31, 32 and 33 being the membership
9 cards purchased by Shannon Coyel.

10 THE COURT: If you'll get those out,
11 please, and hand them to the court reporter, I'll advise
12 the jury that I've changed my ruling on that.

13 MR. CRISP: Your Honor, I think those are
14 at the court reporter's desk at this time.

15 THE COURT: Exhibits 31, 32 and 33?

16 MR. CRISP: That's correct.

17 THE COURT: Bring them in.

18 THE BAILIFF: All rise.

19 (Jury seated.)

20 THE COURT: Please have a seat. All
21 right. Ladies and gentlemen, I ruled yesterday that
22 certain exhibits were not admissible, those being the
23 signature cards to some bar in some little town. And I'm
24 changing my ruling, and I'm admitting 31, 32 and 33 in
25 evidence, which are the two signature cards and some kind

1 of advertisement about that place.

2 The objection at the end of the day by Mr.

3 Botsford is sustained.

4 MR. VARLEY: That's as to the Grand Jury

5 testimony?

6 THE COURT: Yes, the -- the playing of the

7 entire tape, yes, sir.

8 CONTINUED REDIRECT EXAMINATION

9 BY MR. VARLEY:

09:03:17 10 Q. Ms. Coyel, you identified the rapist, according

11 to Defense Counsel yesterday, by the smell of a cigar.

12 Now, you didn't identify the rapist by the smell of a

13 cigar, did you?

14 A. No.

09:03:30 15 Q. You knew who raped you; is that right?

16 A. Yes, sir.

09:03:35 17 Q. And did you say that was something that you had

18 remembered --

19 A. Yes, that's -- yes.

09:03:40 20 Q. -- distinctly during the course of the assault?

21 A. Yes, sir.

09:03:44 22 Q. What else did you tell the Grand Jury that you

23 remembered about Mr. Leshar during the course of the

24 assault?

25 A. Other than him smelling like cigar smell, he

1 was snow white.

09:03:55 2 Q. When you say "snow white," you mean when you
3 saw him naked?

4 A. Yes, his whole body was snow white.

09:04:02 5 Q. Now, was there anything you remembered about
6 Ms. Leshar that stood out in your mind during the course
7 of the sexual assault?

8 A. She had a scar on her shoulder.

09:04:13 9 Q. Where was it on her shoulder?

10 A. I don't know if it was right or left, but it
11 was right in here and it's really big.

09:04:20 12 Q. Anything else you remembered in particular
13 about these two individuals that stood out in your mind?

14 A. No.

09:04:30 15 Q. Now, you lied to your probation officer on
16 those forms that they showed you, is that right, in
17 Colorado?

18 A. Yes.

09:04:38 19 Q. And maybe in Texas.

20 A. Yes.

09:04:39 21 Q. Why did you lie to them about whether or not
22 you were on drugs?

23 A. I didn't want them to test me for drugs. I
24 didn't want them knowing that I had been on drugs.

09:04:51 25 Q. So you lied about that?

1 A. Yes.

09:04:53 2 Q. Did they ever ask you about being sexually
3 assaulted or anything of that nature?

4 A. No.

09:04:58 5 Q. So you never lied to them about being sexually
6 assaulted, did you?

7 A. No, I was never asked that question.

09:05:06 8 Q. Now, this tape recording that they handed the
9 jury the transcription of and they got to hear you
10 talking, Red says it happened in November of some point
11 in time.

12 A. Yes.

09:05:18 13 Q. Of '07.

14 A. That's what he said, yes.

09:05:21 15 Q. Do you have any idea when that recording was
16 made?

17 A. I believe within the first week when I made the
18 other phone calls to the other people being frantic. I
19 made that phone call sometime in September. I think
20 after the recording, he probably just didn't say a date,
21 and then later on after all this came up, he made a date
22 up. And I was -- I was -- I was coming off of dope. I
23 was having withdrawals and I was wanting more dope, so I
24 was -- had contacted Robert.

09:05:48 25 Q. During the course of that conversation, which

1 we have a transcript of -- I guess the jury all got a
2 copy of one yesterday -- you never denied being sexually
3 assaulted in that transcript, did you?

4 A. No, I did not, no.

09:06:04 5 Q. You never lied about that.

6 A. No.

09:06:16 7 Q. You were making a lot of phone calls during the
8 month of August and stuff during this period of time
9 after the rape occurred; is that right?

10 A. Yes.

09:06:25 11 Q. And you were pretty -- just pretty dopey.

12 A. Yes.

13 MR. CRISP: Your Honor, objection to the
14 leading of this witness, and I think she ought to get an
15 opportunity to testify as opposed to him.

16 THE COURT: That would be a "yes" or "no,"
17 and so you're overruled.

18 MR. VARLEY: Your Honor, at this time I
19 want to play a tape where Ms. Coyel had called her
20 husband on August 18th and was talking to him, just so
21 the jury can get a -- it's not offered for the truth of
22 the matters asserted in this tape, but so they can get an
23 idea of how out of it she actually was during this period
24 of time.

25 THE COURT: What's the date?

1 MR. VARLEY: Your Honor?

2 THE COURT: Date.

3 MR. VARLEY: The date of the tape is

4 8/18/07. They've been provided a copy of it.

5 THE COURT: The Defense has -- identify it

6 for the Defense so they'll know.

7 MR. CRISP: This is not anything that's

8 been provided to us.

9 MR. VARLEY: It has been provided to you.

10 This is a tape where the answering machine of Jerry

11 Coyel --

12 (Counsel conferring.)

13 THE COURT: Hearing no objection, you may

14 play it.

15 MR. BOTSFORD: Excuse me, Your Honor. May

16 we have a moment to ascertain exactly what it is Mr.

17 Varley said we've been supplied with? I'm not positive

18 of that. I'd like a moment to double check, just based

19 upon what he informed me.

20 THE COURT: Yes, sir.

21 MR. BOTSFORD: And I certainly have not

22 heard what is on his paper.

23 THE COURT: Well, what mode did you

24 provide this?

25 MR. VARLEY: CD. It was on a CD, Your

1 Honor.

2 THE COURT: It's on a CD, Mr. Botsford.

3 MR. BOTSFORD: Yes, Your Honor. May I
4 confer with Mr. Varley, Your Honor?

5 (Counsel conferring.)

6 MR. BOTSFORD: Your Honor, the Court may
7 recall I got a blank CD from Mr. Varley that may have
8 been referred to. I'm not positive I've heard this. May
9 I confer with Mr. Henry? Because he gave me a copy of
10 the CD that Mr. Varley gave him. That may be the same
11 thing. I'm not 100 percent sure.

12 (Counsel conferring; pause in
13 proceedings.)

14 MR. BOTSFORD: Your Honor, we have one
15 snippet they gave us we had transcribed, which I just
16 asked Mr. Varley if that was the one and he said no. So
17 I don't believe I have had this. I'd like the
18 opportunity to listen to it.

19 THE COURT: Yes, we'll straighten it out.
20 Go on to the next thing, and we'll do this at the next
21 break.

22 MR. VARLEY: Okay.

09:10:22 23 Q. (BY MR. VARLEY) You made some other calls to
24 other people in the area at this time as well, did you
25 not?

1 A. Yes.

09:10:26 2 Q. In fact, you -- you and Robert made a call
3 together telling everybody on the river to look out; is
4 that right?

5 A. Yes.

6 MR. VARLEY: Your Honor, at this time we'd
7 offer the other tape that she's made as a tape recording
8 of a conversation made by Ms. Coyel and Robert
9 McCarver.

10 THE COURT: All right. You're familiar
11 with that, gentlemen?

12 MR. HENRY: Yes, Your Honor. May we
13 approach?

14 THE COURT: Yes.

15 (Bench conference recorded.)

16 MR. HENRY: Your Honor, we would object to
17 the introduction of a tape-recorded conversation for the
18 fact that it contains extraneous offenses. We would
19 object to its admissibility under Rule 401, 402 --

20 THE COURT: I know what they are. What is
21 the -- you probably need to put it on the record. Go
22 ahead.

23 MR. HENRY: 401, 402, 403 and 404 (b),
24 specifically the extraneous offense is the last portion
25 of the audio tape wherein he indicates that she will lose

1 everything that she's got, and the implication being that
2 he will burn her house down, which in fact occurred some
3 time thereafter.

4 THE COURT: "She" who?

5 MR. HENRY: His ex-wife's.

6 THE COURT: Well, why would that be
7 considered a threat?

8 MR. VARLEY: It was a threat, Your
9 Honor.

10 THE COURT: It could be considered a
11 threat, an extraneous offense.

12 MR. VARLEY: We're offering it for the --

13 THE COURT: I understand what you're
14 offering it for, but it could have 404 (b) implications.
15 Are you going to -- are you going to then tie up the
16 ultimate results later on of what occurred?

17 MR. VARLEY: If you don't want me to, I
18 won't, but I can. I've got that witness here, but the
19 reason I'm offering it is to show this man was a violent
20 person and she had knowledge of that. She's testified
21 she was afraid of him, and this shows she had reason to
22 be concerned.

23 THE COURT: Now, you're putting it in for
24 no other reason?

25 MR. VARLEY: Yeah, for Ms. Coyel,

1 herself.

2 THE COURT: All right. What are you
3 offering it for?

4 MR. VARLEY: I'm offering it to show the
5 knowledge of the victim of the violent nature of one of
6 the Defendants and how she was concerned, that she's
7 testified that she was afraid of this -- I mean, this
8 Defendant, and her being afraid of him shows that she had
9 a reason -- some of the reasons why she was concerned
10 about him.

11 THE COURT: Well, I'm -- I'm not ruling
12 that you can follow up with additional testimony to show
13 what did occur. But I understand your objection, and
14 your objection's overruled.

15 MR. HENRY: Your Honor, it's my position
16 that if the Court allows the tape, I'm entitled to an
17 immediate limiting instruction as to the purpose that the
18 tape was introduced for, and that's what I'm
19 requesting.

20 THE COURT: And you'll get it.

21 MR. HENRY: Thank you, Your Honor. Your
22 Honor, could we inquire as to the date of this tape?

23 MR. VARLEY: I don't know the date of it.
24 It's when they were together in August sometime.

25 THE COURT: August of 2007?

1 MR. VARLEY: August of '07.

2 (In jury's presence.)

3 MR. VARLEY: I apologize to the jury.

4 This is the best I got. Y'all can take it back to the
5 jury room with you later and listen to it.

6 THE COURT: All right. Before you play
7 it, the offer by the -- by the Prosecutor of this tape
8 is -- is that this shows the nature of the Defendant
9 McCarver because of things that are relative to her
10 position, her statement earlier, yesterday that she was
11 afraid of McCarver.

12 And this is limited solely to --
13 to what -- what her feelings were and what her thoughts
14 were with regard to McCarver's propensity to do violence.
15 You may continue.

16 MR. BOTSFORD: And, Your Honor, I would
17 ask that the jury be instructed that this tape not be
18 admissible against Mark Leshar because it doesn't relate
19 to him.

20 THE COURT: Yes, that's correct. It's
21 not. This is not admitted for any purpose on the two
22 Leshar Defendants. It's not to be considered as any
23 probative value of any kind for those two Defendants,
24 solely for the purpose of what her opinion is with regard
25 to potential dangerousness of Defendant McCarver.

1 (Audio tape played.)

09:17:34 2 Q. (BY MR. VARLEY) Were you concerned about Mr.
3 McCarver?

4 A. Yes.

09:17:43 5 Q. And on these tapes you're saying how you loved
6 him and all that stuff.

7 A. Yes.

09:17:48 8 Q. Is that love of him or love of what?

9 A. That's love of the drugs. He had the drugs,
10 and I wanted the drugs. So it was the drugs that I
11 loved.

09:17:55 12 Q. Are you an addict? Were you an addict?

13 A. Yes, I was.

09:17:59 14 Q. And these drugs that you loved, where were they
15 coming from?

16 A. From Robert McCarver and he would -- he told me
17 he was getting some of them from Mark Leshar.

09:18:07 18 Q. But you -- in fact, these pills we talked
19 about, where were you getting those from?

20 A. The pills I got were from Robert McCarver and a
21 couple of times from Mark Leshar his (sic) self.

09:18:17 22 Q. How much were you having to pay for those
23 pills?

24 A. It was 500 for 50.

09:18:25 25 Q. \$10 a piece?

1 A. \$10 a piece, yes, sir.

09:18:31 2 Q. They all sat here and they listened to you.

3 That was one of the best cross-examinations, I'll just

4 say, I've ever seen to de-gut a witness. Did you

5 ever -- did you ever lie about the sexual assault in this

6 case?

7 A. No, I did not.

09:18:46 8 Q. And all those bad things that they brought down

9 on you, the Leshers knew about these things when they

10 brought you into their home.

11 A. Yes.

09:18:55 12 Q. And they brought Robert McCarver into their

13 home.

14 A. Yes.

15 MR. VARLEY: I pass the witness. Well,

16 Your Honor, I still want to introduce this other tape to

17 show her.

18 THE COURT: Well, you can reserve that,

19 and we'll work it out as to whether or not they've heard

20 it before, et cetera.

21 And then -- and then you'll be able to

22 play it at that time before you have to go to your next

23 witness.

24 MR. VARLEY: All right. Pass the

25 witness.

1 REXCROSS-EXAMINATION

2 BY MR. CRISP:

09:19:34 3 Q. Good morning, Ms. Coyel.

4 A. Good morning.

09:19:40 5 Q. Ms. Coyel, did you have any revelations
6 overnight in which the lies that we went over with you
7 yesterday became truths again last night?

8 A. I -- when I was -- during that 10 weeks and all
9 of this stuff that's going on --

10 MR. CRISP: Objection, Your Honor,
11 nonresponsive.

12 A. -- I was doping.

13 THE COURT: Sustained.

09:20:02 14 Q. (BY MR. CRISP) My question is this: Did you
15 have any revelations overnight last night where all the
16 lies that were pointed out yesterday in your testimony
17 became truths again so that today they were truths?

18 A. Yes, they were truths in my mind when I was on
19 dope.

09:20:17 20 Q. So the truths when you were on dope extended to
21 and included April 18, 2008, 10 months after you're back.

22 A. Yes.

09:20:34 23 Q. So you're still on dope so bad 10 months after
24 you quit dope that you lied to everybody when you were in
25 front of the Grand Jury?

1 A. No, I did not lie in front of the Grand Jury.

09:20:45 2 Q. Well, okay. I'm sorry. I thought that's what
3 we just talked about. The lies that you told the Grand
4 Jury, the lies that were pointed out yesterday, the lies
5 that you told in the civil testimony in October of 2007,
6 did those become truths again overnight?

7 A. No, they -- there was some that I wasn't for
8 sure about. There was statements that I made that I
9 wasn't -- when I was asked a question, I would answer
10 partially and then I would go into something else that
11 made no sense to where I was talking about it at that
12 time.

09:21:19 13 Q. Are you still under the influence of these
14 drugs that you took?

15 A. No, sir.

09:21:24 16 Q. Is your mind clear now?

17 A. Yes.

09:21:26 18 Q. So when you admitted yesterday that you lied,
19 was your mind clear enough to know that you knew that you
20 were lying?

21 A. When I -- when I said those things, in that
22 state of mind when I said those, that was just my -- what
23 my mind was thinking.

09:21:41 24 Q. But again, remember, the point I'm trying to
25 make is you're telling us two different things. You're

1 saying the reason you told the lies was because you were
2 drug-induced.

3 So I'm asking you, were you still
4 drug-induced when you were in front of that Grand Jury
5 asking them to bring Indictments of rape against Mark
6 Leshner and against Rhonda Leshner and against Robert
7 McCarver? Were you still under some drug-induced lying
8 mode?

9 A. No.

09:22:09 10 Q. You just lied then because you wanted to get
11 the Indictments, right?

12 A. No.

09:22:14 13 Q. Well, why did you lie? Why were you up there
14 lying?

15 A. I was telling what I -- what I went through
16 during the 10 weeks that I was with them, and that was my
17 state of mind.

18 MR. CRISP: May I approach today, Your
19 Honor?

20 THE COURT: Yes.

09:22:40 21 Q. (BY MR. CRISP) Yesterday we went over that
22 Exhibit 8, which is in evidence, a picture of the
23 entrance gates to Mr. Leshner's farm. The entrance gates
24 are still the same as they were, except you couldn't find
25 the keypad yesterday.

1 And you told Mr. Varley that you didn't
2 think there was a keypad any longer, and you knew when
3 you told that to Mr. Varley that the keypad is in the
4 exact same location it's been in since day one when these
5 gates were put in, isn't it?

6 And it shows up very clearly right there
7 where the keypad was at the time you were there and still
8 is today.

9 A. The keypad is black. When I seen the keypad
10 sitting on this pole, it was silver at the time. I
11 thought that was part of the black fence right here, and
12 this picture -- I do not know when this picture was
13 taken, and that was -- there was a fence that run across
14 there that has been removed. Since when I left that
15 place, the fence has been removed.

09:23:33 16 Q. All right. Well, we'll explore that.

17 A. And that keypad you're talking about, if that's
18 the keypad, it was not black. It was silver.

09:23:40 19 Q. Okay. Do you think perhaps that the silver
20 that you recall is where the numbers are and not from the
21 back of it, as you see it in this photograph?

22 A. No, sir, I believe that the -- it was actually
23 the whole -- the whole entire thing was silver.

09:23:53 24 Q. So this galvanized fencing that shows up in
25 photographs 8 and 10, you believe there's more fencing

1 that used to be there that all of a sudden is not there,
2 right?

3 A. On the right side, that's the way it was. The
4 right side has not been altered, but the left side of the
5 picture where Mike Rice lives, it has been altered.

6 There was a fence running there. It has been removed.

09:24:14 7 Q. And do you --

8 A. That's the right side. That's not the left
9 side.

09:24:17 10 Q. Let me ask the question on this. On -- on

11 photograph 10 the walkways appear on each side of this
12 fence such that a person doesn't have to go through the
13 gates. They can walk around to either side and walk out,
14 can't they?

15 A. I do not know when this picture was taken.

09:24:35 16 Q. No, I'm asking you about at the time. At the

17 time you were there, there were walkways so a person did
18 not need to use a keypad to go -- if they wanted to go in
19 the gate or if they wanted to exit the gate, all they
20 needed to do was walk through, didn't they?

21 A. No, sir, this fence right here -- I don't know
22 about the right side. I never looked at the right side.
23 On the left side, the fence touched the concrete. They
24 have altered that in this picture or changed it since I
25 was there. So I do not know when this picture was taken,

1 and they do not have dates on the pictures.

09:25:07 2 Q. I'm going to show you the left side now so that

3 we can show the jury what we're talking about in a

4 minute, and this will make a little sense.

5 You're saying on the left now where we're

6 looking at the walkway there, that's also been changed

7 since you were there.

8 A. Yes.

09:25:24 9 Q. Thank you very much.

10 A. That's -- that fence touched the wall.

11 MR. CRISP: Your Honor, may I distribute

12 so the jury will have some idea what we were discussing

13 here? That's in evidence as Defendant Mark Leshner's 8,

14 10 and 11.

15 THE COURT: Yes, sir. Ms. Coyel, is that

16 light hitting you in the face?

17 THE WITNESS: Every once in a while.

18 THE COURT: Where is that light coming

19 from?

20 MR. CRISP: It comes from this projector.

21 I'll just move it over a little bit, yes.

09:26:23 22 Q. (BY MR. CRISP) Let me show you these, and I

23 will have questions on these two. Yesterday we

24 introduced into evidence your Sam's Discover Card that

25 you were using back in the Summer of 2007, specifically

1 the months of July and August.

2 And it's showing, remember, where you went
3 shopping the day after this alleged incident over at
4 Beall's? Do you remember that testimony?

5 A. Do what now?

09:26:44 6 Q. Okay. Yesterday I discussed with you your
7 Discover Card statement because you had told us,
8 remember, you had a migraine. You couldn't get out of
9 bed for two days. But then I showed you your Discover
10 Card statement, and then you recalled instead of that
11 being true, the truth was that you went shopping the next
12 day at Beall's. Do you remember that?

13 A. Yes.

09:27:06 14 Q. All right. Now I'm showing -- you had a second
15 credit card with you, didn't you?

16 A. Yes.

09:27:11 17 Q. All right. And looking in front of you, the
18 second credit card that you had with you was a Chase
19 card, right?

20 A. Yes.

09:27:19 21 Q. Okay. And that shows your purchases on that
22 Chase card being the exhibits which we have marked for
23 identification purposes as Exhibits 37 and 38. That's
24 for the months of July and August, 2007, correct?

25 A. I only see August on here. I don't see any

1 July. See these dates right here? That's August, and
2 then it actually goes into September. I don't see any
3 July.

09:27:51 4 Q. Okay. I'm sorry. There are two pages,
5 Exhibits 37 and 38, that have purchases for the month of
6 August, and you're right. And it goes forward, and it
7 actually carries forward to the first part of September,
8 right, through September 10th?

9 A. Yes.

09:28:11 10 Q. Okay. Let me ask you specifically about
11 several of these individual entries. You see on August
12 15th where you've made a purchase at Cash & Carry
13 Furniture in Paris for \$366.97?

14 A. Yes, sir, I bought furniture for my house.

09:28:28 15 Q. That's your house in Pattonville, the blue
16 house that we introduced yesterday?

17 A. Yes.

09:28:32 18 Q. Okay. And let's follow on up. For August 22,
19 Cash & Carry Furniture again in Paris for \$1,394.26.

20 A. Yes.

09:28:47 21 Q. That's furniture also, isn't it?

22 A. Yes, that's a couch.

09:28:50 23 Q. And then we'll follow up again all the way to
24 August 27. This time it's to Texas Furniture for
25 \$702.53.

1 A. Yes.

09:29:05 2 Q. That's furniture that you're buying there?

3 A. Yes, I bought that furniture in Paris.

09:29:12 4 Q. You're buying all of this furniture and

5 furnishings for the house that you and Robert McCarver

6 are going to live in there in Pattonville going up to

7 just a few days before you went back to Jerry, right?

8 A. Yes.

09:29:28 9 Q. So you didn't have any intention of going back

10 to Jerry until it became obvious to you that you couldn't

11 beat him. You were going to lose your kids to him, and

12 you were going to jail if you didn't go back to him.

13 Isn't that true?

14 A. No, that is not true.

09:29:44 15 Q. Do you agree that what we just looked at in 37

16 and 38 are true and correct copies of your charge card

17 records for purchases of furniture up to and including

18 August 27, 2007?

19 A. I purchased that furniture in Paris, Texas, for

20 my son and I to live in the blue house. Robert McCarver

21 did not purchase anything. He had no money and no job.

22 MR. CRISP: We'd move to introduce

23 Defendant's Exhibits Mark Leshner 37 and 38.

24 MR. VARLEY: No objection.

25 THE COURT: They're admitted into

1 evidence.

2 MR. CRISP: And I need to use one of the

3 exhibits from yesterday, 21. Are they in order? Got

4 them.

09:31:03 5 Q. (BY MR. CRISP) Ms. Coyel, Mr. Varley just asked

6 you about why you lied on those governmental forms that

7 you submitted in Colorado and then later when you got

8 back to Texas in Red River County, and you told him the

9 reason that you lied is that you did not want to be drug

10 tested. So you lied about never using drugs. Did I hear

11 that fairly?

12 A. Yes, I lied about not wanting to be -- I lied

13 because I didn't want to be drug tested.

09:31:41 14 Q. All right. And so why did you lie to them when

15 you said you'd never been -- had any prior arrests?

16 A. I have no idea.

09:31:57 17 Q. And why did you lie to them and you said your

18 father was deceased? That didn't have anything to do

19 with drugs, did it?

20 A. No, but my father is dead to me. Yes, after

21 everything he's done, he's dead to me.

09:32:13 22 Q. And then why did you lie when it asked you the

23 simple question, just list your brothers and sisters

24 including their name, age and address, and you wrote down

25 you have only one sister, Laura Hall?

1 A. Yes.

09:32:26 2 Q. That's a lie, too.

3 A. Yes.

09:32:30 4 Q. And that doesn't have anything to do with
5 drugs, does it? Does it?

6 A. I have a brother that I haven't seen in 20
7 years. I don't consider any part of him, and then I have
8 a sister that --

09:32:43 9 Q. You had a sister that you were living with at
10 the time in Colorado, Dee Gardner.

11 A. Not when I filled those papers out. Those were
12 filled out in Clarksville.

09:32:57 13 Q. Are the Clarksville papers -- you're saying
14 these are after you've gotten into the custody dispute
15 with your -- with your dad at this point?

16 A. No, that was the probation that was transferred
17 from Colorado to Texas, and I do not know where those
18 papers were filled out.

09:33:11 19 Q. The truth of the matter is, Ms. Coyel, you lie
20 when it's convenient for you. You lie when you think you
21 can gain an advantage. That is the bottom line to
22 Shannon Coyel, isn't it?

23 A. No, sir.

24 MR. CRISP: Your Honor, I want to
25 distribute what she's just testified to again this

1 morning, being Defendant's Exhibits 21, 22 and 23, which
2 are the probationary records to the jury.

3 THE COURT: Yes.

4 MR. VARLEY: Your Honor, I was going to
5 let him do the whole file if he wants to do it.

6 MR. CRISP: Your Honor, we have in
7 evidence the correct documents.

09:33:52 8 Q. (BY MR. CRISP) Ms. Coyel, I want to ask you a
9 question, and I want you to tell me the truth for once.
10 Do you have some sort of agreement with the Red River law
11 enforcement authorities where you've been given immunity
12 from prosecution for your multiple and continuing
13 perjuries in your testimony, both the perjuries in the
14 civil case that you've now had to admit to and the
15 perjuries in your Grand Jury testimony which you've had
16 to lie to -- that you've admitted these lies?

17 MR. VARLEY: Your Honor, I --

09:34:17 18 Q. (BY MR. CRISP) Do you have some agreement?

19 THE COURT: Just a second.

20 MR. VARLEY: I object to the term
21 "perjured" testimony.

22 MR. CRISP: I think lying under oath is
23 perjury, Your Honor.

24 MR. VARLEY: Lying under oath about a
25 material fact is perjury. It's not a material fact.

1 THE COURT: Well, your objection's to
2 perjury?

3 MR. VARLEY: I object to him using the
4 word "perjury" in his statement. There is no deal, but
5 if he wants to ask her if she's lied --

6 THE COURT: Well, if you're using it as a
7 term, a legal term, I'll sustain the objection. You
8 can -- you can change it. It would be sufficient to say
9 lie under oath.

10 MR. CRISP: Thank you, Your Honor.

09:34:55 11 Q. (BY MR. CRISP) Do you have some sort of deal
12 with the Red River County law enforcement authorities
13 where it's okay for you to have lied under oath, whether
14 in the Grand Jury or in your civil case, and you don't
15 have to be worried about being prosecuted for it? Do you
16 have some agreement?

17 A. No, sir, I sure don't.

09:35:14 18 Q. Do you have some agreement with the Red River
19 County law enforcement authorities so you can come in
20 here and you can talk about government documents that
21 you've lied on and that you don't have to worry about
22 being prosecuted for having --

23 MR. VARLEY: Objection, Your Honor, he
24 brought in the -- the probation forms. The State hadn't
25 brought those forms forward. He's the one that brought

1 them forward.

2 THE COURT: Overruled.

3 MR. CRISP: Thank you.

09:35:37 4 Q. (BY MR. CRISP) Do you have some sort of deal so
5 that you can provide false information on government
6 records and you don't have to worry about Red River
7 County prosecuting you for those lies?

8 A. No, sir, I have no deal.

09:35:50 9 Q. You've told us when we started your examination
10 yesterday, before we ever started, that you understood
11 what the concept of perjury was.

12 A. Yes.

09:36:00 13 Q. Remember that? That was one of the very first
14 things I asked you.

15 A. Yes.

09:36:04 16 Q. And you told me then that you had been 100
17 percent truthful in all of your testimony, with the
18 exception of your testimony against the husband that you
19 went back to, and you were recanting that
20 testimony -- that is, taking it back -- as to him being a
21 sexual molester of your 12-year-old daughter.

22 Everything else was 100 percent true, and
23 you understood that and everything else.

24 Would you agree with me that in your own
25 mind, you knew that you were lying under oath then, and

1 you're lying under oath now and expected to get away with

2 it when you came up to tell that same story to this jury?

3 A. You asked me about 15 questions in there, and

4 I -- some of them are yes or no, so you'll have to

5 individually ask me one question.

09:36:45 6 Q. All right. I'm going to make it really simple.

7 When you came up yesterday, did you expect this jury just

8 to accept whatever you told them as being the truth?

9 A. Yes, I am telling the truth, yes.

09:36:58 10 Q. When you came up here, you wanted them to

11 believe that you were a truthful person, that you had

12 been when you testified before and that you were today.

13 A. Yes, I'm telling the truth about those three

14 sexually assaulting me, yes.

09:37:18 15 Q. Well, let me ask you some more truths then.

16 Barbara Gore, do you remember who Barbara Gore is?

17 A. Yes, sir.

09:37:24 18 Q. Who was she?

19 A. She was a counselor that my kids went and

20 talked to in Texarkana.

09:37:29 21 Q. As a part of the child custody case?

22 A. Yes.

09:37:32 23 Q. And not only your kids went and talked to her,

24 you went and talked to her, didn't you?

25 A. Yes.

09:37:37 1 Q. And your -- and your husband, Jerry, went and
2 talked to her.

3 A. Yes.

4 MR. VARLEY: Object to relevance.

5 THE COURT: I haven't heard a question
6 yet.

7 MR. VARLEY: I haven't heard a question
8 yet, but I think it's going to be irrelevant. This line
9 of questioning is irrelevant.

10 THE COURT: When I hear a question, you
11 can make your objection.

09:37:54 12 Q. (BY MR. CRISP) Do you remember telling Ms. Gore
13 the following: "Ms. Gore, what do you do when you get
14 out of the shower, you have a towel wrapped around you,
15 you walk from your bathroom to the bedroom, and you find
16 your daughter in bed with your husband curled up next to
17 him on the bed with your husband naked, her head on his
18 chest and the daughter has only a little T-shirt on with
19 nothing else?" Do you remember telling her that?

20 A. That -- that was never said. That is a
21 complete, total lie. She works for Bill Woods. She does
22 not work for my kids. That's something Bill Woods told
23 her to say. That was never said. I -- I didn't say it
24 because it's not true. It was never said, something that
25 she made up.

09:38:42 1 Q. So the fact that a counselor that the Court has
2 gotten involved and appointed, that counselor works for
3 Bill Woods?

4 A. She also called my son a liar. Yes, she works
5 for Bill Woods. She talked to Bill Woods everyday. She
6 talks to Mark Leshar everyday, and she works for Mark
7 Leshar and Bill Woods. She does not work for my
8 children.

09:39:01 9 Q. Well, if you never said it, what are you
10 worried about?

11 A. I'm not worried about anything. I didn't say
12 it. She just flat out lied, or you got that statement
13 from Bill and just said Barbara Gore said it.

09:39:15 14 Q. You understand Ms. Gore is going to be a
15 witness in this case?

16 A. I -- I saw in the paper, but she -- she -- and
17 you can ask my kids about her. They'll tell you what
18 Barbara Gore called my son, a liar, and you can ask my
19 son about that.

09:39:28 20 Q. All right. Let me -- let me continue on. Did
21 you go over last night these statements with your
22 children in an effort to have your children come up here
23 and support you in some fashion?

24 A. I haven't gone over anything with my children,
25 no.

09:39:48 1 Q. You know that your husband and your son were
2 down there in the hall going over a statement earlier.

3 A. No, sir, they sure were not. Did you witness
4 that?

09:39:57 5 Q. Is there one reason that you can tell
6 this is -- is there one reason that you went in there in
7 front of this Grand Jury in an effort to get these
8 Indictments, other than that Jerry Coyel told you that
9 you were going to go up there and do it, and Jerry Coyel
10 took you up there to have you testify?

11 He's the one behind this. He's the one
12 that told you you're going to do this, isn't he?

13 MR. VARLEY: Objection, multifarious
14 question. He asked about five questions.

15 THE COURT: Sustained.

09:40:30 16 Q. (BY MR. CRISP) Is Jerry Coyel the person that
17 had you go up there in front of that Grand Jury and tell
18 those stories?

19 A. No, sir.

09:40:47 20 Q. Was there anything else that occurred overnight
21 last night that turned any of yesterday's lies into
22 today's truths?

23 A. No.

24 MR. CRISP: Thank you.

25 THE COURT: Any cross-examination,

1 Counsel?

2 MR. HARRELSON: No further questions of
3 the witness, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. HENRY:

09:41:11 6 Q. Ms. Coyel, does your husband have a friend or
7 an associate with the nickname of Budweiser?

8 A. Yes.

09:41:20 9 Q. And what is Budweiser's true name?

10 A. I do not know.

09:41:24 11 Q. But you know that Budweiser was convicted of
12 murder, don't you?

13 A. No, sir. I knew he was in jail, but I don't

14 know what for.

09:41:31 15 Q. You knew he was a violent man.

16 A. I did not know what he was in jail for, no. I
17 don't know Budweiser. I've met him, but I don't know him
18 personally. I don't carry on a conversation. I mean,
19 I've met him through my husband's business when we come
20 up. About 10 years ago, I met him on a -- he was
21 introduced to me. I said hi, and he said hi. And
22 that's -- and I saw him one other time at a funeral.

09:41:56 23 Q. Now, Mr. Jarrett was representing you in August
24 of 2007, wasn't he?

25 A. Who?

09:42:01 1 Q. Mr. Jarrett.

2 A. Yes.

09:42:02 3 Q. And whose telephone number is (817) 965-2289?

4 A. I never heard of it.

09:42:09 5 Q. Whose number is (580) 212-6862?

6 A. That -- the 6862 I believe used to be one of my
7 daughter's old phone numbers.

09:42:24 8 Q. So that would be your daughter's cell phone?

9 A. The 6862, yes.

09:42:35 10 Q. And during August of 2007, do you recall

11 receiving several text messages from your daughter's
12 phone that threatened both you and Mr. McCarver?

13 MR. VARLEY: Objection, calls for
14 hearsay.

15 THE COURT: Sustained.

09:42:48 16 Q. (BY MR. HENRY) Did you visit with Mr. Jarrett

17 concerning threats that had been made to you that you
18 received on your daughter's cell phone?

19 A. No.

09:43:09 20 Q. If Mr. Jarrett says that you did, in fact --

21 MR. VARLEY: Objection, calls for
22 speculation.

23 THE COURT: Comparison of testimony, I'll
24 sustain the objection.

09:43:24 25 Q. (BY MR. HENRY) If it was true that you received

1 threats from your husband during August of 2007, the tape
2 that we heard earlier today where, "Watch out, he's going
3 to get you," would have been in response to those
4 threats, wouldn't it?

5 A. My husband never threatened me in August of
6 2007.

09:43:46 7 Q. But if he had --

8 A. He never did.

09:43:49 9 Q. -- this tape would be in response to those
10 threats, wouldn't it?

11 A. That's -- he never threatened me, so I can't
12 answer the rest of your question. So he never threatened
13 me.

14 MR. HENRY: Pass the witness, Your
15 Honor.

16 REDIRECT EXAMINATION

17 BY MR. VARLEY:

09:44:07 18 Q. The Leshers, they live in rather a remote area;
19 is that right?

20 A. Yes.

09:44:13 21 Q. And when they showed you that credit card bill
22 the other day --

23 MR. VARLEY: Counsel?

09:44:31 24 Q. (BY MR. VARLEY) Well, when they said that you
25 were using your credit card the day after, did you ever

1 know that you were the one using the credit card? Did
2 you -- in fact, was it you that went shopping? Do you
3 know that?

4 A. I remember the -- I remember the Beall's charge
5 being charged, and it was Robert McCarver's daughter,
6 Lacy, who went to Beall's and charged all the clothes for
7 her and her daughter because I think that was after their
8 house burned down.

09:45:00 9 Q. So do you recall yourself going to --

10 A. I don't recall going to Beall's myself and
11 using that card.

09:45:06 12 Q. So it could have been somebody else using your
13 card?

14 A. It could have been.

09:45:09 15 Q. Lacy or --

16 A. More than likely Lacy.

09:45:12 17 Q. -- or what's the other one, Chase, Chastity?

18 A. Chastity.

09:45:20 19 Q. And this tape here, this is in response to
20 threats that McCarver was making, not any threats that
21 your husband was making, correct?

22 A. Correct.

23 MR. VARLEY: Your Honor, we'd offer an
24 entire copy of the -- her probation file at this time.
25 They wanted to offer tidbits out of it, but the jury gets

1 a better understanding if they have the whole file, the
2 timeline. We'd offer it as --

3 MR. HENRY: We'd have the same objection.
4 It's both hearsay, Your Honor, right to confrontation.

5 MR. CRISP: Your Honor, additionally Mr.
6 Varley certain knows that there is so much in there
7 that's inadmissible and unrelated to this, and it's an
8 attempt on -- at this point to rehabilitate this witness
9 in some fashion or to attempt to -- to suggest that he
10 has now some right of admissibility that he did not have
11 before is just not true. It wasn't admissible yesterday.
12 It's not admissible today, and we continue to object.

13 MR. BOTSFORD: Your Honor, I can make
14 specific objections on a page-by-page basis.

15 THE COURT: One lawyer at a time.

16 MR. BOTSFORD: I'm sorry. Excuse me, Your
17 Honor.

18 MR. HARRELSON: I make the same objections
19 on behalf of Rhonda Leshner.

20 THE COURT: Sustained. Sustained.

21 MR. VARLEY: Can we do it on a piecemeal
22 basis, Your Honor? I'm not sure exactly what -- do you
23 have a list on the probation department's -- can I see
24 the exhibits? I'll give them back to you in just a
25 minute.

1 (Pause in proceedings.)

2 MR. VARLEY: Your Honor, we're also going
3 to be asking again to -- as far as the tape is concerned,
4 I don't know if this would be a good time for them to
5 listen to what I plan on -- or while I'm looking for
6 this.

7 THE COURT: Well, we'd have to take a
8 break for that, so if you're through with the witness,
9 we'll do that.

10 MR. VARLEY: Well, I want to introduce a
11 couple more --

12 THE COURT: Go ahead.

13 MR. VARLEY: -- documents.

14 (Pause in proceedings.)

15 MR. VARLEY: I'm providing Defense Counsel
16 with documents I want to offer out of the probation
17 report, State's Exhibit 5.

18 (Pause in proceedings.)

19 MR. CRISP: Mr. Varley, do you have any
20 other copies of this so we don't have to --

21 MR. VARLEY: No, I just got it out of the
22 file.

09:53:39 23 Q. (BY MR. VARLEY) While they're looking at that,
24 to save some time, you gave a statement back on eight --

25 MR. BOTSFORD: Excuse me, Your Honor.

1 These gentlemen can't listen to the questions while
2 they're inspecting the documents.

3 THE COURT: Sustained.

4 MR. BOTSFORD: Thank you.

5 (Pause in proceedings.)

6 MR. HENRY: No objection, Your Honor.

7 THE COURT: Mr. Botsford?

8 MR. BOTSFORD: No, Your Honor, no
9 objections to that.

10 MR. HARRELSON: No objections.

11 THE COURT: Then State's Exhibit 5 is
12 admitted into evidence.

09:56:23 13 Q. (BY MR. VARLEY) This exhibit kind of gives the
14 whole picture from the start to the end of your probation
15 better; is that right?

16 A. Yes.

09:56:30 17 Q. And also it -- does it also talk about when you
18 were coming back and when you reconciled with your
19 husband and so forth in this?

20 A. Yes.

09:56:44 21 Q. It also talks and shows where Mr. Leshar was
22 contacting your probation officers acting, I guess,
23 somewhat as your attorney up in Colorado.

24 A. Yes.

09:57:00 25 Q. But they can see the dates on here if they read

1 it carefully that show when these time periods were; is
2 that right?

3 A. Yes.

09:57:14 4 Q. Now, after the sexual assault, you still were
5 talking with the Leshers, Mark especially; is that right?

6 A. Yes. Yes, I was.

09:57:20 7 Q. And Robert McCarver?

8 A. Yes.

09:57:28 9 Q. Now, they want to make a big deal about the
10 allegations of sexual assault by your husband. You did
11 start making allegations about sexual assault of your
12 husband on Morgan; is that right?

13 A. Yes.

09:57:41 14 Q. And you did that why? Did you get a phone
15 call?

16 A. I -- actually I saw one of Robert's daughters,
17 I think it was Lacy, who come over and told me a bunch of
18 stuff about she had gone to my husband's house, Jerry,
19 and supposedly witnessed that --

20 MR. CRISP: Objection, Your Honor, that's
21 purely hearsay.

22 THE COURT: Sustained.

09:58:02 23 Q. (BY MR. VARLEY) What -- is that, what you based
24 your allegations on, something someone else had told you?

25 A. Yes, what someone else told me.

09:58:08 1 Q. And you even put that in your statement, "I
2 received a phone call stating" --

3 A. Yes.

4 MR. VARLEY: I pass the witness.

5 RECROSS-EXAMINATION

6 BY MR. CRISP:

09:58:26 7 Q. Ms. Coyel, remember what we were talking about
8 a minute ago about yesterday's lies overnight becoming
9 today's truths?

10 A. Yes.

09:58:37 11 Q. All right. Were Lacy or Chastity at the Leshner
12 home any time with you and Mr. McCarver?

13 A. No.

09:58:46 14 Q. They certainly weren't there any time when you
15 say an alleged assault took place and the following day,
16 were they?

17 A. At the Leshners' home?

09:58:56 18 Q. Right.

19 A. No.

09:58:57 20 Q. Just you and Robert McCarver.

21 A. Yes.

09:58:59 22 Q. Yesterday when I asked you about it, you
23 remembered about that shopping trip you took the next day
24 to Beall's, and we even talked about how far it was from
25 the Leshner house, didn't we?

1 MR. VARLEY: Objection, he asked if she
2 knew how far the town was from Avery to Clarksville, is
3 what he asked. He didn't ask whether she had gone there
4 or not.

5 THE COURT: Overruled.

6 MR. CRISP: Thank you, Your Honor.

09:59:20 7 Q. (BY MR. CRISP) Right?

8 A. I -- I -- yes, I said that I had -- I believe I
9 had marked on my calendar the wrong day that I went to go
10 see Michael Jarrett.

09:59:30 11 Q. What you also told us was that yeah, upon
12 looking at that, that you did go to Beall's the day after
13 the alleged rape, and you went shopping, right?

14 A. Yes, that's -- yes, that's what I told you,
15 yes.

09:59:48 16 Q. Overnight a new story comes up, right?

17 "Perhaps Lacy or Chastity or somebody got my credit card
18 and used it," right?

19 A. Yes, they could have, yes.

10:00:04 20 Q. Do your truths change for you from day to day?

21 A. No, sir.

10:00:12 22 Q. Do they change from circumstance to
23 circumstance?

24 A. No, sir.

10:00:17 25 Q. Do they change from situation to situation that

1 you find yourself in?

2 A. No, sir.

10:00:21 3 Q. The truth is the truth, correct?

4 A. Correct.

10:00:25 5 Q. And no matter how much you try to hide from it,

6 at some point in time, the truth comes back to you,

7 doesn't it?

8 A. I suppose so, yes.

9 MR. CRISP: Thank you.

10 THE COURT: Anything further, gentlemen?

11 MR. HENRY: No, Your Honor.

12 MR. HARRELSON: No, Your Honor.

13 THE COURT: Mr. Varley?

14 MR. VARLEY: Just the tape.

15 THE COURT: You may step down, young lady.

16 (End of requested partial proceedings.)

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1 CAUSE NUMBER CR-01316
STATE OF TEXAS * IN THE DISTRICT COURT
2 VS. * OF COLLIN COUNTY, TEXAS
MURRAY MARK LESHER * 102ND JUDICIAL DISTRICT

3 -----
4 CAUSE NUMBER CR-01317
STATE OF TEXAS * IN THE DISTRICT COURT
VS. * OF COLLIN COUNTY, TEXAS
5 RHONDA LYNN LESHER * 102ND JUDICIAL DISTRICT

6 -----
7 CAUSE NUMBER CR-01318
STATE OF TEXAS * IN THE DISTRICT COURT
VS. * OF COLLIN COUNTY, TEXAS
8 ROBERT MCCARVER * 102ND JUDICIAL DISTRICT

9 -----
REPORTER'S CERTIFICATION
9 -----

10 I, NIKI D. GARCIA, RMR, CRR, CSR #2627, a Certified
11 Shorthand Reporter in and for the County of Collin, State
12 of Texas, certify that the foregoing Reporter's Record
13 contains a true and correct transcription of the partial
14 proceedings requested by the Defendant, Mark Leshar, in
15 the above-styled and numbered cause, all of which were
16 reported by me in open court.

17 WITNESSETH MY HAND, this the _____ day of
18 _____, 2009.

19
20 _____
21 NIKI D. GARCIA, RMR, CRR, CSR #2627
Registered Merit Reporter
22 Certified Realtime Reporter
207 Royal Oaks Place
23 Denton, Texas 76210
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24 My commission expires: 12-31-09.

25 COST OF ORIGINAL: \$1,957.00.