

REPORTER'S RECORD

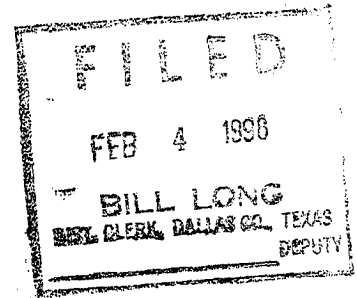
VOLUME II OF V

TRIAL COURT CAUSE NO. F96-02380-N

1 THE STATE OF TEXAS ) IN THE DISTRICT COURT OF  
 2 )  
 3 VS. ) DALLAS COUNTY, TEXAS  
 4 )  
 5 CHRISTOPHER RADKE ) 195TH JUDICIAL DISTRICT  
 6 )

7 \*\*\*\*\*  
 8 APPEARANCES:

9 HON. JOHN VANCE  
 10 CRIMINAL DISTRICT ATTORNEY  
 11 Dallas County, Texas



11 MS. TERRI MCVEA  
 12 133 N. Industrial Blvd.  
 13 Frank Crowley Courts Bldg.  
 14 Dallas County, Texas

and

15 MS. KRISTINE SCHWAN  
 16 133 N. Industrial Blvd.  
 17 Frank Crowley Courts Bldg.  
 18 Dallas County, Texas  
 19 APPEARING FOR THE STATE OF TEXAS

20 MS. CATHERINE SHELTON  
 21 Attorney at Law  
 22 Dallas County, Texas

and

23 MR. CARL STEINBECK  
 24 Attorney at Law  
 25 Dallas County, Texas  
 APPEARING FOR THE DEFENDANT

\*\*\*\*\*

26 On the 27th through 30th days of October, 1997,  
 27 that the above-styled and -numbered cause came on to be  
 28 heard in the said Court, HONORABLE JOHN NELMS, Judge  
 29 Presiding, and the following proceedings were held, to  
 30 wit:

PERI K. STROMBERG, CSR

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PERI K. STROMBERG, CSR

## P R O C E E D I N G S

October 27, 1997

Dallas County, Texas

(Whereupon, these proceedings took place before Judge Nelms, as follows:)

THE COURT: Bring out Mr. Radke, please.

(Whereupon, the Defendant was brought into the Courtroom.)

THE COURT: Are you ready to go forward, Ms. McVea?

MS. MCVEA: Yes, Your Honor.

(Whereupon, there was a brief pause in the proceedings.)

MR. STEINBECK: Your Honor, he had some papers with him.

THE COURT: They're in his property or --

MR. STEINBECK: I don't know what they actually -- but they took them away, and he tried to tell them that he needed them for the courtroom. They refused to let him take them to court.

THE COURT: Well, you can issue a PERI K. STROMBERG, CSR



1 subpoena duces tecum or -- I don't know what it is  
2 you're talking about exactly, so --

3 MS. MCVEA: Maybe even the bailiff  
4 would know --

5 THE COURT: Well, make inquiry of the  
6 bailiffs. If they know something about it and can get  
7 it, that's fine. If they can't, then you may have to  
8 issue a subpoena.

9 All right. Let's call the witnesses to be sworn,  
10 please.

11 MS. SHELTON: Judge Nelms, we have our  
12 witnesses present in the Courtroom.

13 THE COURT: Call your witnesses as  
14 well. And I assume the Rule of Evidence will be  
15 invoked?

16 MS. SHELTON: Yes, sir

17 (Whereupon, the witnesses were  
18 brought into the Courtroom.)

19 THE COURT: Very well. If you would,  
20 walk way around here. I think there's a lot of you to  
21 be sworn in.

22 THE COURT: Are these your witnesses  
23 also?

24 MS. SHELTON: Would the Radke witnesses  
25 stand up, please, the rest of them, all the rest of

1 them.

2 THE COURT: Everyone who is going to be  
3 a witness and testify in the case, please stand.

4 MS. SHELTON: Whether you're character  
5 or anything else, you-all need to stand up. Everybody  
6 needs to stand up.

7 THE COURT: All right. Are all your  
8 witnesses standing? There's people getting up and  
9 sitting down.

10 MS. SHELTON: My witnesses are  
11 standing, but some of the Radke -- the Morrison  
12 witnesses are not standing; and I assume, I don't know,  
13 that they intend to remain in the Courtroom under the --  
14 not being witnesses.

15 THE COURT: Well, anyone who is going  
16 to be a witness in the case will be under the Rule of  
17 Evidence.

18 MR. STEINBECK: What about --

19 THE COURT: Well, I haven't finished  
20 what I'm saying yet. All witnesses will be under the  
21 Rule of Evidence, which means they may not be in the  
22 Courtroom to listen to any other witness' testimony.  
23 And when they're testifying, no other witnesses will be  
24 in the Courtroom to listen to their testimony. And  
25 while they're outside waiting to testify or after they

1 have testified, they may not discuss among themselves  
2 the evidence that they intend to give or have given,  
3 except that they may do so with any of the attorneys in  
4 the case.

5 Now, anybody who is going to be a witness is under  
6 the Rule, and anybody under the Rule who remains in the  
7 Courtroom will not be permitted to testify. That's for  
8 either side. If you have any doubt whether you're going  
9 to be a witness, you need to take the oath as a witness  
10 and leave the Courtroom after I instruct you, because  
11 you will not be permitted to testify if you remain.

12 All right. Everybody who is going to testify,  
13 raise their right hand and take the oath as a witness.

14 Miss, you're standing. You're not going to be a  
15 witness?

16 MS. SHELTON: Yes, sir. She may be a  
17 character witness. I want to make sure I've got  
18 everybody.

19 (Whereupon, the witnesses were duly  
20 sworn by the Court.)

21 THE WITNESSES: I do.

22 THE COURT: You may put your hands  
23 down. That Rule of Evidence is now invoked. Everyone  
24 will have to remain outside the Courtroom until you're  
25 called and not discuss among yourselves the testimony

1 that you're going to give or that you have given.

2 All right. Who will be your first witness, Ms.  
3 McVea?

4 MS. MCVEA: Sherri Parker.

5 THE COURT: All right. Ms. Parker,  
6 remain in the Courtroom on the witness stand. All  
7 others step outside.

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1 (Whereupon, the witnesses left  
2 the Courtroom.)

3 THE COURT: All right. Ms. McVea, you  
4 may begin your Direct Examination.

5 MS. MCVEA: Thank you, Your Honor.

6 SHERRI PARKER,  
7 the witness hereinbefore named, being first duly  
8 cautioned and sworn to testify the truth, the whole  
9 truth, and nothing but the truth, testified on her oath,  
10 as follows:

11 DIRECT EXAMINATION

12 BY MS. MCVEA:

13 Q. State your name for the Record, please.

14 A. Sherri Lynn Parker.

15 Q. And ma'am, how are you employed?

16 A. I'm employed with DISD food services.

17 Q. Do you understand the reason why you're in  
18 Court today?

19 A. Yes, I do.

20 Q. Did you know a person by the name of Diana  
21 Lynn Radke?

22 A. Yes, I did.

23 Q. Okay. How did you know her?

24 A. She was my daughter.

25 Q. Is she the complaining witness in the case now

1 before the Court?

2 A. Yes, she is.

3 Q. When was Diana born?

4 A. She was born on October 12th, 1967.

5 Q. And was she an only child?

6 A. No. She has a brother.

7 Q. And his name?

8 A. Michael John Morrison.

9 Q. Now, you and Diana -- I'm sorry, you and  
10 Diana's father, are the two of you still married?

11 A. No, we're not.

12 Q. And what is her father's name?

13 A. Neal John Morrison.

14 Q. When did the two of you divorce,  
15 approximately?

16 A. Oh, Lord --

17 Q. Well, let me ask you this: How old was Diana?

18 A. Diana was 13.

19 Q. And has Mr. Morrison, has he remarried?

20 A. Yes, he has.

21 Q. And how old was Diana when he remarried,  
22 approximately?

23 A. Probably 15 -- 14, 15.

24 Q. Now, when you guys divorced, was she -- did  
25 she live with you? I'm referring to Diana. Did she

1 live with you, or did she live with her father?

2 A. She lived with me.

3 Q. Ma'am, are you currently married?

4 A. Yes, I am.

5 Q. Okay. What's your husband's name?

6 A. Kenneth Parker.

7 Q. And where do you live?

8 A. I live at 7214 Benning Avenue in Dallas.

9 Q. Do you know an individual by the name of  
10 Christopher Eric Radke?

11 A. Yes, I do.

12 Q. Do you see him in the Courtroom today?

13 A. Yes, I do.

14 Q. Could you point to him and describe an article  
15 of clothing.

16 A. He's sitting right there in a shirt with a  
17 brown collar.

18 Q. Okay. If I'm seated in chair number one and  
19 counting to my right, what chair would he be in?

20 A. He's in the middle chair, the second chair.  
21 You mean counting to my right?

22 Q. No, counting from my right. Hold on. Listen  
23 to my question.

24 A. Okay.

25 Q. If my chair is number one and the empty chair

1 next to me is number two, which chair would he be in?

2 A. He's in chair four.

3 MS. MCVEA: Your Honor, let the Record  
4 reflect that the witness has identified the Defendant in  
5 open Court.

6 Q. (By Ms. McVea) And how do you know him, the  
7 Defendant?

8 A. He was my son-in-law.

9 Q. He was married to Diana?

10 A. Yes.

11 Q. At the time of her death, were the two of them  
12 married?

13 A. Yes, they were.

14 Q. And how long had they been married?

15 A. They were married in July of '94, so --

16 Q. So a little over a year and a half?

17 A. Um-hum.

18 Q. Did they have any children together?

19 A. Yes, they had one.

20 Q. And that child's name?

21 A. Zachary.

22 Q. And how old was Zachary at the time of his  
23 mother's death?

24 A. Sixteen months old.

25 Q. How old is he now?



1 A. He's now three.

2 Q. Now, when your daughter got married to the  
3 Defendant, was she pregnant?

4 A. Yes, she was.

5 Q. She was pregnant with Zachary?

6 A. Yes.

7 Q. Has your daughter ever been married before?

8 A. Yes.

9 Q. And who was she married to?

10 A. To Daniel Zimmpleman.

11 Q. Was that a common-law marriage?

12 A. Yes.

13 Q. Do you know approximately how long the two of  
14 them were together?

15 A. I would say four to five years.

16 Q. And how did their relationship or their  
17 marriage, how did that end?

18 A. Daniel was killed in a real tragic accident.

19 Q. Okay. Was that a construction accident?

20 A. Yes.

21 Q. How did Diane take his death?

22 A. Very hard. Very hard.

23 Q. When you say "very hard," what do you mean?

24 A. It devastated her.

25 Q. Was she going through a depression?

1 A. She went into a depression, yes.

2 Q. Now, eventually after Daniel's death, did she  
3 begin to work again?

4 A. Yes.

5 Q. Soon thereafter did she begin to work at a  
6 club?

7 A. Yes, she did.

8 Q. Was this a club where exotic dancers perform?

9 A. Yes.

10 Q. Initially what did she do there at that club?

11 A. She started out waitressing.

12 Q. And eventually she began to dance?

13 A. Um-hum.

14 THE COURT: Please say, yes or no,  
15 ma'am, because it has to be written down.

16 THE WITNESS: Yes. Okay.

17 Q. (By Ms. McVea) Was your daughter -- well, did  
18 you approve of her working there?

19 A. No, I didn't.

20 Q. What was your understanding of why she was  
21 working there?

22 A. She did it on the pretense that she needed to  
23 make some money, some good money. And it paid well, so  
24 that's why she did it.

25 Q. Is that where your daughter was working at, a

1 club, when she met the Defendant?

2 A. Yes.

3 Q. Do you know approximately how long they dated  
4 before they were married?

5 A. I don't know if it was a -- it might have been  
6 a year. I don't know if it was that long.

7 Q. Did your daughter seem happy in her marriage?

8 A. She seemed real happy.

9 Q. Okay. Did that change?

10 A. That changed.

11 Q. Now. I'm going to direct your attention to  
12 February 10th of 1990. Do you recall that day?

13 A. Yes, I do.

14 Q. Did you see your daughter on that date?

15 A. Yes, I did.

16 Q. Where did you see her?

17 A. At the hospital in Garland at Baylor.

18 Q. Was your daughter there at the emergency room?

19 A. Yes, she was.

20 Q. Did she receive some type of injury?

21 A. Yes.

22 Q. Did you see her injury?

23 A. Yes, I did.

24 Q. Okay. Describe for the Court her injury.

25 A. Her mouth was all torn up. Her teeth were

1 just hanging, just barely hanging in her mouth, her top  
2 teeth. Her braces were broken.

3 MS. SHELTON: Your Honor, I would like  
4 to object.

5 THE COURT: On what grounds?

6 MS. SHELTON: Relevance. I don't know  
7 what this has to do with her death.

8 THE COURT: Well, is there some  
9 relevance to this?

10 MS. MCVEA: Your Honor, this is a  
11 homicide case. The relationship between the parties  
12 is.

13 THE COURT: All right. Do you intend  
14 to connect the Defendant to these injuries?

15 MS. MCVEA: Absolutely.

16 THE COURT: All right. Overruled.

17 Q. (By Ms. McVea) Now, you said that her mouth  
18 received some type of severe injury.

19 A. She had lost part of her top lip, a little  
20 piece. And her teeth, her braces were broken, and her  
21 teeth in the front were just barely hanging in her  
22 mouth.

23 Q. Okay.

24 A. She was just all swollen up.

25 Q. Did you speak with your daughter?

1 A. Yes, I did.

2 Q. And did she tell you what had happened to  
3 her? Just answer that with a yes or no.

4 A. Yes.

5 Q. Did she tell you something different with  
6 regard to how she got her injuries later?

7 A. Yes.

8 MS. SHELTON: Objection; leading.

9 THE COURT: Sustained. Don't lead.

10 Q. (By Ms. McVea) Who was there at the hospital  
11 at that time?

12 A. When I got to the hospital, there was just  
13 myself and my husband, and I think Samantha was there,  
14 her friend Samantha.

15 Q. Was the Defendant there at the hospital with  
16 his wife?

17 A. No, he was not.

18 Q. Do you know where he was?

19 A. No, I do not.

20 Q. Now, the next day, and I'm referring to  
21 February the 11th, 1996, did you go to your daughter's  
22 home or where she was residing on that day?

23 A. Yes, I did, after a phone call from her.

24 Q. Okay. Where was she residing?

25 A. I don't know the exact address, but it was on

1 Sunset in Garland. She had just moved there. That's  
2 why I don't know the address, the exact address.

3 Q. Is that in Dallas County, State of Texas, the  
4 address where she was residing?

5 A. Yes. Yes.

6 Q. Now, you said that you received a phone call  
7 from your daughter. Can you tell us what her demeanor  
8 was or her mood?

9 A. She was hysterical and scared and told me that  
10 Chris was trying to get in the house.

11 Q. Now, after that what did you do?

12 A. We got in the car and went over there.

13 Q. You say "we." Who are you referring to?

14 A. My husband and I. I'm sorry.

15 Q. Now, when you responded over there, did you  
16 see the Defendant there at the house?

17 A. Yes, I did.

18 Q. What was he doing?

19 MS. SHELTON: Objection again to  
20 leading.

21 THE COURT: Overruled.

22 Q. (By Ms. McVea) Go ahead and answer.

23 A. Yes, I did see him in the front yard.

24 Q. What was he doing?

25 A. Telling me he was going to get into the house

1 and get his things.

2 Q. What was his mood like or his demeanor?

3 A. In a rage.

4 Q. Why do you say that?

5 A. Mad. He was very mad and determined to go  
6 through the door.

7 Q. Okay. Was he yelling and screaming?

8 A. Yes, he was yelling and screaming.

9 Q. Did he eventually get into the house?

10 A. Later that day, yes.

11 Q. Did the police respond?

12 A. Yes, they did.

13 Q. When the police responded, was the Defendant  
14 still there at the house?

15 A. No. He had left when they got there.

16 Q. Did your daughter speak to the police --

17 A. Yes, she did.

18 Q. -- that day?

19 A. Yes, she did.

20 Q. And did the police take anything or remove  
21 anything from the house?

22 A. Yes. They took a shotgun.

23 Q. Anything else?

24 A. Some drugs.

25 Q. Do you know what kind of drugs?

1           A.     Some marijuana and some pills. I don't know  
2 exactly what kind of pills they were.

3           Q.     Do you know whose drugs those were?

4           A.     Yes, I do. They were Chris's.

5           Q.     Did you remain there at the house with your  
6 daughter on that day?

7           A.     Oh, yes.

8           Q.     Okay. And I think you said that the Defendant  
9 returned to the house later.

10          A.     Yes.

11          Q.     Do you know how long it was? Well, first of  
12 all, do you recall what time it was in which the -- when  
13 the police responded over there?

14          A.     They responded real quick.

15          Q.     Do you remember what time it was in the day?

16          A.     It was in the early afternoon, early  
17 afternoon.

18          Q.     Do you recall what time it was that you saw  
19 the Defendant there again at the house?

20          A.     Well, the police had talked to him on the  
21 phone and told him they just wanted to talk to him.

22                   MS. SHELTON: Objection; hearsay.

23                   THE COURT: I'm sorry. I couldn't hear  
24 the lady's answer.

25                   MS. MCVEA: She said the police were

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1 talking to him on the phone.

2 THE WITNESS: And told him they just  
3 wanted to ask him some questions, if he would come over  
4 to the house.

5 THE COURT: All right. Sustain the  
6 objection.

7 MS. MCVEA: Okay.

8 Q. (By Ms. McVea) Ms. Parker, I guess my  
9 question to you is: How long was it -- and if you don't  
10 know the exact time, that's okay -- just approximately  
11 how long it was before -- I mean, when the first -- the  
12 police first responded until the Defendant returned to  
13 the house?

14 A. Thirty, 35 minutes. And I'm guessing. It  
15 wasn't that -- it wasn't a very long time afterwards.

16 Q. Okay. When they -- was the police there when  
17 he responded -- when the Defendant showed up at the  
18 house again?

19 A. Yes.

20 Q. Okay. Was he taken into custody?

21 A. Yes, he was.

22 (Whereupon, State's Exhibit Nos. 1  
23 and 2 were marked by the Court  
24 Reporter.)

25 Q. (By Ms. McVea) Ms. Parker, I'm handing you

1 what's been marked for identification purposes as  
2 State's Exhibit No. 1 and State's Exhibit No. 2. Do you  
3 recognize these exhibits?

4 A. Yes, I do.

5 Q. What are they?

6 A. This is my daughter Diana, and my daughter  
7 Diana with Zachary.

8 Q. Okay. So are these photographs of your  
9 daughter Diana?

10 A. Yes, they are.

11 Q. Is that what State's Exhibit No. 1 is?

12 A. Yes.

13 Q. Okay. State's Exhibit No. 2, is that a  
14 photograph of your daughter Diana with her child  
15 Zachary?

16 A. Yes, it is.

17 Q. Okay. Now, at the time of her death around  
18 February 29th of 1996, is this how she appeared?

19 A. She looked just like that picture.

20 Q. Okay.

21 MS. MCVEA: I'll offer into evidence at  
22 this time State's Exhibit No. 1 and State's Exhibit  
23 No. 2.

24 (Whereupon, State's Exhibit Nos. 1  
25 and 2 were offered into evidence.)

1 MS. SHELTON: Judge, might I take the  
2 witness on Voir Dire for a moment as to the --

3 THE COURT: For what purpose?

4 MS. SHELTON: She stated, I believe,  
5 that this is what her daughter looked like at the time  
6 of her death, and I wonder if these photos don't predict  
7 the time of her death quite a bit, perhaps a year.

8 THE WITNESS: No, they do not.

9 MS. SHELTON: Then they were very close  
10 to the time of her death?

11 THE WITNESS: She had those pictures  
12 taken for Christmas presents.

13 MS. SHELTON: December of 1995?

14 THE WITNESS: Of 1996.

15 MS. SHELTON: December of 1996. Thank  
16 you, ma'am. I don't have any objection.

17 THE WITNESS: Well, now she has  
18 confused me.

19 Q. (By Ms. McVea) Ma'am, when did she have the  
20 pictures taken?

21 A. Okay. She had the pictures taken for  
22 Christmas. She died in February. Those pictures were  
23 taken -- Zachary was 16 months old, so it wasn't --  
24 those pictures are for Christmas of '95.

25 MS. MCVEA: Okay.

1 THE COURT: No objection was made.  
2 They're admitted.

3 MS. MCVEA: One moment, Your Honor.

4 (Whereupon, State's Exhibit Nos. 1  
5 and 2 were admitted into evidence.)

6 Q. (By Ms. McVea) Ms. Parker, I'm going to  
7 direct your attention to February 29th of 1996.

8 A. Um-hum. Yes.

9 Q. On that day did you speak with your daughter  
10 that evening?

11 A. Yes, I did.

12 Q. As a matter of fact, how many times did you  
13 speak to your daughter that evening?

14 A. Three times.

15 Q. Do you recall the first time -- the  
16 approximate time that you spoke to her the first time?

17 A. Probably around 6:00 to -- 6:00 to 6:30.

18 Q. Are you aware that your daughter worked --  
19 well, do you know if your daughter worked that day?

20 A. Yes, she did.

21 Q. When did you talk to her the next time?

22 A. Around probably 30 minutes later.

23 Q. Was this in person or on the telephone?

24 A. On the telephone.

25 Q. Where was your daughter residing at this time?

1 A. At the house on Sunset.

2 Q. And that's located in Dallas County, State of  
3 Texas?

4 A. Yes, it is.

5 Q. When you spoke with your daughter -- and did  
6 you speak to her again?

7 A. I spoke to her again around 8:15.

8 Q. That same evening?

9 A. Between 8:00 and 8:15, yes.

10 Q. Now, each time you spoke with your daughter,  
11 what was her mood like?

12 A. She was in a great mood.

13 Q. Was anyone else there at the house with her?

14 A. I could hear Zachary playing in the  
15 background, but --

16 Q. Do you know if the Defendant was there --

17 A. No, I --

18 Q. -- on any of the times that you spoke to her  
19 on the telephone?

20 A. I do not. I do not.

21 Q. Now, that location there on Sunset, is that a  
22 house or an apartment?

23 A. A house.

24 Q. Do you know how long she had been residing  
25 there?

1 A. She had moved in around the 1st of February.

2 Q. Of 1996?

3 A. Yes.

4 Q. And did the Defendant live there with her and  
5 Zachary?

6 A. Yes.

7 Q. Now, you said that you spoke to your daughter  
8 approximately 8:00 or 8:15; is that right?

9 A. Um-hum, close -- yes, I think so.

10 Q. Okay. Was that the last time you spoke to  
11 your daughter?

12 A. That was the last time.

13 Q. Later on that same night, and I'm referring to  
14 February 29th of 1996, did you receive a call from the  
15 Defendant?

16 A. Yes, we did.

17 Q. Okay. And about what time was that?

18 A. Around 8:45.

19 Q. And where were you when you received the call?

20 A. We were watching T.V., in the living room  
21 watching T.V.

22 Q. Was that at your residence?

23 A. At our residence, yes.

24 Q. Now, who was present there at the residence  
25 with you?

1           A.    Myself and my husband and Mike, her brother.

2           Q.    Okay.  Michael Morrison?

3           A.    Michael Morrison.

4           Q.    Who answered your telephone?

5           A.    Mike did.

6           Q.    Now, did your son speak on the phone for a  
7 minute or so?

8           A.    About that, not very long.

9           Q.    Did you see him hang up the telephone?

10          A.    Yes, I did.

11          Q.    What was his demeanor like once he hung up the  
12 phone?

13          A.    He was white as a ghost and looked like he was  
14 in shock and just walked into the living room, picking  
15 up his -- sitting down picking up his shoes, not saying  
16 anything, just putting his shoes on with a -- I knew  
17 something was wrong just from the way he looked.

18          Q.    Did you ask him that?

19          A.    Yes, I asked him what was wrong, what was  
20 wrong.

21          Q.    Okay.  What did you do?

22          A.    When Mike told me, he said, I think Diana's  
23 been shot, I ran in there and called, and Chris answered  
24 the phone.  And all I wanted to know was where was  
25 Diana.  And I asked him twice, and he never responded.

1 And then I asked, where was Zachary, and he said, in the  
2 house. And then my husband took the phone.

3 Q. Are you referring to Ken Parker?

4 A. Yes, Ken Parker.

5 Q. And did your husband speak with him on the  
6 telephone?

7 A. Yes, he did.

8 THE COURT: Excuse me just a moment,  
9 please. May I see the attorneys.

10 (Off-the-record discussion.)

11 MS. MCVEA: May I proceed, Your Honor?

12 THE COURT: Yes, ma'am.

13 Q. (By Ms. McVea) Now, you said that -- I  
14 believe that when we left off, you handed the phone to  
15 your husband; is that right?

16 A. Yes.

17 Q. Now, after Ken spoke on the phone for a period  
18 of time, what did you -- what did you-all do next?

19 A. Well, my son called 911, and we just rushed  
20 over there to her house --

21 Q. Okay.

22 A. -- on Sunset.

23 Q. How far did -- how far did Diana live from you  
24 and Ken?

25 A. It took us 25 -- about 25 -- 20 to 25 minutes



1 to get there.

2 Q. Now when you arrived there, were the police  
3 there?

4 A. Many.

5 Q. Okay. Were the paramedics also there?

6 A. Yes.

7 Q. Were the Defendant's parents also there?

8 A. Yes.

9 Q. Did you see the Defendant?

10 A. Yes, I did.

11 Q. Now once you arrived on the scene, did you get  
12 out of your vehicle?

13 A. No, not at first, no.

14 Q. Eventually did someone tell you about your  
15 daughter?

16 A. Yes.

17 Q. Okay. Who was that?

18 A. I want to say his name was officer -- I would  
19 recognize him if I saw him, but I think his name was  
20 Officer Thompson. I may be wrong on the name.

21 (Whereupon, State's Exhibit No. 3  
22 was marked by the Court Reporter.)

23 Q. (By Ms. McVea) Ms. Parker, I apologize for  
24 having to show you this photograph. I'm showing you  
25 what's been marked for identification purposes as

1 State's Exhibit No. 3.

2 A. Okay.

3 Q. Ma'am, do you recognize that photograph?

4 A. Yes, I do.

5 Q. Do you recognize the individual in that  
6 photograph?

7 A. Yes.

8 Q. Is that a picture of your daughter in death?

9 A. Yes, that is.

10 Q. Knowing the severe injury your daughter  
11 experienced, how are you able to recognize her?

12 A. By her eyes.

13 Q. Okay. Is there a number there at the bottom  
14 of State's Exhibit -- what's been marked as State's  
15 Exhibit No. 3?

16 A. Yes, there is.

17 Q. Can you go ahead and tell us what that number  
18 is?

19 A. 96-0722.

20 MS. MCVEA: I'd like to offer into  
21 evidence at this time State's Exhibit No. 3.

22 (Whereupon, State's Exhibit No. 3  
23 was offered into evidence.)

24 MS. SHELTON: No objection.

25 THE COURT: It's admitted.

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1 (Whereupon, State's Exhibit No. 3  
2 was admitted into evidence.)

3 Q. (By Ms. McVea) Ma'am, what was the age of  
4 your daughter at the time of her death?

5 A. She was 28.

6 Q. Ma'am, I know this is a silly question, but I  
7 need to ask you for the Record: Your daughter, Diana  
8 Lynn Radke, was she a human being, born alive, and was  
9 she -- well, was she a human being, born alive, until  
10 her death on February 29th of 1996?

11 A. Yes, she was.

12 (Whereupon, State's Exhibit Nos. 4  
13 through 8 were marked by the Court  
14 Reporter.)

15 Q. (By Ms. McVea) Ms. Parker, I'm showing you  
16 what's been marked for identification purposes as  
17 State's Exhibit No. 4, No. 5, No. 6, No. 7, and No. 8.  
18 Are these photographs --

19 A. Of my daughter, Diana.

20 Q. Okay. And are these photographs, are they --  
21 do they represent how your daughter looked back on  
22 February the 10th of 1996?

23 A. Yes, they do.

24 MS. MCVEA: I'd like to offer into  
25 evidence at this time State's Exhibit Nos. 4 through 8.

1 (Whereupon, State's Exhibit Nos. 4  
2 through 8 were offered into  
3 evidence.)

4 MS. SHELTON: No objection.

5 THE COURT: They're admitted.

6 (Whereupon, State's Exhibit Nos. 4  
7 through 8 were admitted into  
8 evidence.)

9 Q. (By Ms. McVea) Ma'am, the injuries that you  
10 described that your daughter received, are they depicted  
11 here on State's Exhibit No. 4?

12 A. Yes, they are.

13 Q. Are those the injuries to her mouth?

14 A. Yes.

15 Q. Okay.

16 A. And her braces are broken off in the front.

17 Q. Okay. And is State's Exhibit No. 5, is that  
18 just another photograph of your daughter and her  
19 injuries?

20 A. Um-hum. These were at the house.

21 Q. Okay. Did she ever receive any type of  
22 stitches for her injuries?

23 A. Yes, she did.

24 Q. Okay. And State's Exhibit No. 6, does that  
25 also show some type of injury to her arm?

1 A. Yes.

2 Q. Do you know if that's -- those are scratches  
3 or what?

4 A. I don't know about that.

5 Q. Okay. That's fine. And State's Exhibit No. 7  
6 and 8, is that a bruise that she experienced on her leg  
7 or her thigh?

8 A. Yes. She showed me that.

9 Q. Okay.

10 (Whereupon, State's Exhibit No. 9  
11 was marked by the Court Reporter.)

12 MS. MCVEA: Your Honor, could I see the  
13 Court's Jacket for a moment, please?

14 THE COURT: Yes.

15 (Whereupon, the Court's Jacket was  
16 handed to the Prosecutor.)

17 MS. MCVEA: I believe there's another  
18 Court's Jacket, Your Honor.

19 (Whereupon, the Court's Jacket was  
20 handed to the Prosecutor.)

21 MS. MCVEA: Your Honor, at this time  
22 I'd like to offer into evidence medical records  
23 contained with an affidavit concerning the medical  
24 records of Diana Radke from the Baylor Medical Center at  
25 Garland. They were on file with the Court for quite a

1 length of time, for 14 days, and notice was given to the  
2 Defense attorney.

3 (Whereupon, State's Exhibit No. 9  
4 was offered into evidence.)

5 MS. SHELTON: We reserved our objection  
6 until this time. We object because they contain  
7 hearsay. We stipulate to -- that she was injured, as  
8 the Prosecutor and her mother have stated, that she  
9 sustained a injury, but -- I withdraw my objection.

10 THE COURT: All right. It's admitted.

11 (Whereupon, State's Exhibit No. 9  
12 was admitted into evidence.)

13 THE COURT: Do you wish me to see it as  
14 the trier of fact, by any chance, or...

15 MS. MCVEA: Certainly, Your Honor.

16 Pass the witness, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. SHELTON:

19 Q. Ms. Parker, my name is Catherine Shelton.  
20 It's Mrs. Shelton. I'd like to say before we begin that  
21 my heart goes out to you, as it does to any parent who  
22 has lost a child. I know this must be very difficult  
23 for you.

24 You stated earlier on Direct Examination when Ms.  
25 McVea was talking to you, the Prosecutor over here, Ms.

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1 McVea, that you had separated from your previous  
2 husband, Neal John Morrison, and were raising your  
3 children, Michael and Diana, yourself; is that correct?

4 A. Yes.

5 Q. You divorced him back when?

6 A. Diana was 13 years old.

7 Q. And Ms. Parker, isn't it true that you  
8 divorced him for abuse because he was cruel --

9 MS. MCVEA: I'm going to object, Your  
10 Honor.

11 A. No, that's not --

12 MS. MCVEA: That's not relevant.

13 THE COURT: What would be the relevancy  
14 of that?

15 Q. (By Ms. Shelton) I can skip on to my next  
16 question that would be: Did he beat and abuse your  
17 daughter --

18 A. No, he did not.

19 MS. MCVEA: Ms. Parker, don't answer  
20 questions when I object.

21 THE WITNESS: Okay.

22 THE COURT: All right. Well, what is  
23 the relevancy of whether he might have or might not  
24 have?

25 Q. (By Ms. Shelton) When was her first suicide

1 attempt?

2 MS. MCVEA: Your Honor, I'm going to  
3 object.

4 THE COURT: I asked you a question, Ms.  
5 Shelton.

6 MS. SHELTON: Oh, that was my next  
7 question. Of course, Judge, I'm sure that you're aware,  
8 having handled many trials, what our Defense is. One of  
9 our Defenses certainly --

10 THE COURT: If you're saying that she  
11 may have committed suicide, I will permit you to ask  
12 about any prior attempts at suicide, if there were any,  
13 but --

14 MS. SHELTON: Yes, sir. That's what I  
15 was trying to get at.

16 THE COURT: -- I think the reason for  
17 them, this lady's marital status, would not be relevant.

18 MS. SHELTON: I was going to ask about  
19 the person who may have tormented her or caused her to  
20 do this, but I'll just ask when the attempt was, if that  
21 would be permissible.

22 THE COURT: Very well. If there was an  
23 attempt.

24 MS. SHELTON: Okay.

25 Q. (By Ms. Shelton) When was her first suicide



1 attempt?

2 MS. MCVEA: Your Honor, I object. I  
3 don't believe proper foundation has been laid on any  
4 type of prior suicide attempt. I believe it's remote,  
5 and we object.

6 THE COURT: Well, if there's any  
7 evidence of this lady attempting suicide, at any time, I  
8 will permit it, but don't assume that there is a history  
9 of suicide attempts in your question. You might start  
10 off with: Did she ever attempt to commit suicide?

11 MS. SHELTON: Might I retrieve one of  
12 the exhibits?

13 THE COURT: Yes, ma'am.

14 Q. (By Ms. Shelton) Did she ever attempt to  
15 commit suicide?

16 A. No, she did not.

17 MS. SHELTON: Might I approach the  
18 witness, Your Honor?

19 THE COURT: You may. Both sides may  
20 approach the witnesses without asking throughout the  
21 trial.

22 Q. (By Ms. Shelton) I'll show you what's been  
23 marked as State's Exhibit 6. What are these slash marks  
24 on her left wrist?

25 A. Those are scratches she put on there, but not

1 in a suicide attempt.

2 Q. Who is "she" putting them on --

3 A. This is Diana's arm you're looking at, isn't  
4 it?

5 Q. I mean, the scarring, not the scratches here.

6 A. I'm answering your question. That is -- those  
7 are scratches she put on her arm, but not a suicide  
8 attempt.

9 Q. Ma'am, what was -- how was that -- how did  
10 that go down, the scratches that she put on her arm?

11 A. They were when she was 14 years old, and she  
12 wanted to get my attention, and she did; but it was not  
13 a suicide attempt.

14 Q. Ma'am, what did she use to put those scratches  
15 on her arm and make those scars?

16 A. A piece of glass, a broken glass.

17 Q. But you were not concerned about her at that  
18 time that she might be trying to attempt suicide?

19 A. No.

20 Q. Did you think this was unusual behavior in a  
21 14-year-old to cut their arm with a piece of glass?

22 A. I didn't like it, but it was to get my  
23 attention. And she got my attention, and we solved the  
24 problem.

25 Q. I'm sorry, ma'am. I couldn't hear you.

1           A.    I said she did it in an attempt to get my  
2 attention.  And it worked; she got my attention.

3           Q.    And on other occasions when she sought to get  
4 your attention, what -- did she use this same device --

5           A.    No, she did not.

6           Q.    -- or other types of attempts?

7           A.    No, she did not.

8           Q.    She overdosed with pills; isn't that correct?

9           A.    No, it is not.

10          Q.    Did you ever know of her being taken to the  
11 hospital for that?

12                   MS. MCVEA:  Your Honor, I'm going to  
13 object.  That's assuming facts not in evidence.  It's  
14 certainly not -- no foundation has been laid to -- for  
15 that type of question.

16                   THE COURT:  Overruled.

17          Q.    (By Ms. Shelton)  Did she ever -- do you know  
18 of her ever being taken to the hospital having overdosed  
19 on either pills or narcotics or any kind of substance?

20          A.    No, never.

21          Q.    Okay.  But she used objects of harm to gain  
22 your attention; is that correct?

23          A.    Once when she was 14 years old.

24          Q.    Which doctor did you take her to back then  
25 when she was 14?