

1 him at the Department of Corrections to find out what the
2 effects are since he's alleged to the fact it prevented
3 him from knowingly and voluntarily entering his plea.

4 THE COURT: Are you requesting a recess for
5 that purpose?

6 MR. PANOSH: Yes, sir. I need to check that
7 out.

8 THE COURT: How long do you think it will be
9 before you're in a position to respond to that
10 allegation?

11 MR. PANOSH: Hopefully I can get it done by
12 FAX in 30 to 45 minutes. Maybe quicker.

13 THE COURT: All right. On the State's motion
14 for a recess in the proceedings to meet the previously
15 un-alleged assertion that the defendant was subject to
16 impairing substance at the time of the entry of the plea,
17 court will be in recess 30 minutes. Thank you.

18 (A recess was taken.)

19 THE COURT: All right, Mr. Panosh, you may
20 proceed at this time.

21 MR. PANOSH: Major Montgomery, please. I
22 believe she's in the hall. Will you go get her, please?

23 **MAJOR DEBORAH MONTGOMERY, being first duly sworn,**
24 **testified as follows during DIRECT EXAMINATION by MR.**

25 **RICHARD PANOSH:**

1 Q. Would you please state your name?

2 A. Major Deborah Montgomery.

3 Q. Your occupation, please?

4 A. The Bureau Commander for the Detention Division in
5 Guilford County.

6 Q. As Bureau Commander, are you familiar with the
7 procedures and the records of the Guilford County
8 Sheriff's Department as they apply to detention?

9 A. I am. Yes, sir.

10 Q. And are you familiar with January the 25th of 1999
11 and thereafter the day on January 28th when the defendant
12 appeared in Superior Court in Guilford County?

13 A. I am familiar with that.

14 Q. How did he get to Superior Court in Guilford
15 County on January 28th?

16 A. January 28th he came in with the Department of
17 Corrections. He came to the courthouse for his hearing.
18 When he was finished, he went straight back out with DOC.

19 Q. Was he housed in Guilford County jail at all that
20 day?

21 A. No, he was not housed in population.

22 Q. Was he administered any medication that day?

23 A. Not by any of our staff or our contract staff.

24 Q. While he was present in Guilford County, was he in
25 the custody of the Sheriff's Department?

1 A. He was in the custody of the Department of
2 Corrections.

3 Q. Do you know what time he arrived that day?

4 A. No, I don't.

5 Q. Do you know whether it was morning or afternoon?

6 A. I don't know the exact time.

7 MR. PANOSH: No further questions.

8 THE COURT: Mr. Kimble, would you like to ask
9 this witness any questions about the matters she's
10 testified to?

11 MR. KIMBLE: Sure, Your Honor.

12 THE COURT: You don't need to stand when
13 you're asking questions, unless you want to.

14 **CROSS EXAMINATION by MR. THEODORE KIMBLE:**

15 Q. Are you aware of any medication coming with me
16 from the Department of Corrections?

17 A. I'm not aware of any medication that did come. I
18 am aware of the fact that my staff did not give out
19 medication to you.

20 Q. Are you aware that -- was there SBI present on my
21 arrival?

22 A. There were Department of Corrections officers
23 present.

24 Q. Have you asked your officers if they gave me any
25 medication?

1 A. Our officers do not administer medication. A
2 medical professional has to administer medication.

3 Q. Did you ask them?

4 A. Like I said, our officers do not administer
5 medication.

6 Q. But you didn't ask?

7 A. It's our policy that we do not do that.

8 MR. KIMBLE: No further questions, Your
9 Honor.

10 THE COURT: Redirect?

11 MR. PANOSH: No, thank you.

12 THE COURT: Thank you, ma'am. Come down,
13 please.

14 (Witness stood aside.)

15 MR. PANOSH: Dr. Tyson, please.

16 MR. ZIMMERMAN: If Your Honor please, we
17 object to the State calling this witness at this time.

18 THE COURT: State your grounds, please.

19 MR. ZIMMERMAN: If Your Honor please, the
20 confidentiality between psychologist and patient.

21 MR. PANOSH: I'm not going to ask about
22 confidential communications.

23 THE COURT: All right. The objection will be
24 overruled subject to your right to renew your objection
25 to a particular question or specific line of questions.