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IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

DAVID ROBINSON, )

)

Petitioner, )

)

vs. ) Cause No. 14AC-CC00122

)

JAY CASSADY, JEFFERSON )

CITY CORRECTIONAL CENTER )

)

Respondents. )

DEPOSITION OF ALBERT BAKER  
TAKEN ON BEHALF OF THE PETITIONER  
MAY 8, 2015

(Starting time of the deposition: 10:10  
a.m.)

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I N D E X

QUESTIONS BY:	PAGE
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Ms. Dolin	13

E X H I B I T S

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Petitioner's Exhibit A	Statement	5
	(Original exhibit retained by the reporter and attached to Mr. Stephen Snodgrass's transcript.)	

1 IN THE CIRCUIT COURT OF COLE COUNTY  
2 STATE OF MISSOURI  
3 DAVID ROBINSON, )  
4 )  
5 Petitioner, )  
6 )  
7 vs. ) Cause No. 14AC-CC00122  
8 )  
9 JAY CASSADY, JEFFERSON )  
10 CITY CORRECTIONAL CENTER )  
11 )  
12 Respondents. )

13 Deposition of Albert Baker, produced, sworn,  
14 and examined on May 8, 2015, between the hours of eight  
15 o'clock in the forenoon and six o'clock in the  
16 afternoon of that day, at the office of ROBERTS &  
17 ROBERTS, 16 West Columbia, Farmington, Missouri, before  
18 Joanna Charlton, RPR, CCR(MO), CSR(IL), in a certain  
19 cause now pending in the Circuit Court of Cole County,  
20 State of Missouri, in re: DAVID ROBINSON vs. JAY  
21 CASSADY, et al.; on behalf of the Petitioner.  
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A P P E A R A N C E S

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1-800-280-3376

1 IT IS HEREBY STIPULATED AND AGREED by and  
2 between counsel for the Petitioner and counsel for the  
3 Respondents that this deposition may be taken in  
4 shorthand by Joanna Charlton, RPR, CCR(MO), CSR(IL) and  
5 afterwards transcribed into printing, and signature by  
6 the witness expressly waived.

7 \* \* \* \* \*

8 (Petitioner's Exhibit A marked for  
9 identification.)

10 MS. DOLIN: Mr. Baker, I am an assistant  
11 prosecuting attorney of the attorney general of the  
12 state, and I'd like to make you aware obviously you  
13 have concerns about perjury. I'd like to make you  
14 aware that for statements made during the course of a  
15 murder trial perjury is a class A felony. There's no  
16 statute of limitations. We can bring that charge at  
17 any time. The exposure that you're looking at is 10  
18 year mandatory minimum to 30 years to life. Perjury is  
19 charged per false statement, every time you've made a  
20 false statement under oath, and I expect that if these  
21 two gentlemen would like to elicit some sort of  
22 confession of perjury or otherwise get out that you may  
23 have made some false statements during the trial of  
24 David Robinson the state intends to prosecute you to  
25 the fullest extent of the law. And so I want to make

1 sure that it's clear to you that anything you say in  
2 this room will be used against you and that you --

3 A. Now, I like that part. You didn't say  
4 could. You said will be.

5 MS. DOLIN: That's right. And that you --  
6 you do have the right to legal assistance, and you have  
7 the right to terminate the deposition at any point if  
8 you feel uncomfortable with that. Have you understood  
9 everything I've said?

10 A. Yes, I have.

11 MS. DOLIN: Okay.

12 A. But I'm subpoenaed, so I must carry on  
13 through with this, and, you know, it's the right thing  
14 to do.

15 MS. DOLIN: Okay. Want to swear the  
16 witness?

17 A. So that's all I'm looking at?

18 MS. DOLIN: You're looking at?

19 A. You told me what I'm looking at.

20 MS. DOLIN: A minimum of 10 years to 30  
21 years of life each time that you've lied under oath.

22 A. Well --

23 ALBERT BAKER,  
24 of lawful age, produced, sworn, and examined on behalf  
25 of the Petitioner, deposes and says:

1 EXAMINATION

2 QUESTIONS BY MR. WYRSCH:

3 Q. Can you state your name for the record?

4 A. Albert Lee Baker.

5 Q. Mr. Baker, my name is Jim Wyrsh. I'm an  
6 attorney representing David Robinson. Thank you for  
7 coming today. We're here for a deposition. I don't  
8 know. I think you've been deposed before; correct?

9 A. Well, we had a conversation before, you and  
10 I.

11 Q. Okay. But have you ever been in a  
12 deposition like this before with a court reporter  
13 taking your words down?

14 A. Not that I can recall.

15 Q. Okay. Well, the purpose of this is I'm  
16 going to ask you questions and ask you to answer those  
17 questions. The court reporter is here to write down  
18 the answers to those things. So we're going to need  
19 verbal answers. Shaking of the head and nodding can't  
20 be transcribed, so I just ask you to please give her  
21 verbal answers.

22 A. Can we pause just for one moment?

23 Q. Absolutely.

24 A. Off the record, because I got to ask you,  
25 Ms. Prosecuting Attorney.

1 MS. DOLIN: I'd rather it be on the record.

2 A. Well, you said each time I purged [sic]. Is  
3 that under each question that I was asked?

4 MS. DOLIN: Each time that you've made a  
5 false statement, yes.

6 A. Made a false statement that carries a time;  
7 right?

8 MS. DOLIN: That's right.

9 A. Okay. This is where I come in and tell you  
10 there's no need to waste the taxpayer money. The only  
11 thing I can say is I was paid to purge [sic] myself,  
12 and that's all I'm going to say, so we can put that on  
13 record. And that's all I'm going to say. No need to  
14 ask me any other question. Tell me what time trial is,  
15 and I'll be there. But I'm not going to sit here all  
16 day discussing nothing else.

17 Q. (BY MR. WYRSCH) All right.

18 A. That's just open and shut case to me.

19 Q. Would you expound on what you just said  
20 though you were paid to perjury?

21 A. Will I expound, add more to it?

22 Q. Yeah.

23 A. None of this is necessary. It doesn't  
24 matter. It cost the man -- how many years he been in  
25 there?



1 Q. Are you talking about David Robinson? You  
2 were paid to purger yourself at his trial?

3 A. Yes. That's all I'm going to say. I'm not  
4 trying to be an asshole. I mean, I've done this over  
5 and over and over. Y'all might as well take the rest  
6 of the day, go eat, you know, on the state's money.

7 Q. Mr. Baker, I understand what you're saying.

8 A. No. You don't quite understand because what  
9 little time I do have left of freedom and on earth I  
10 just want to go be with my grandkids for the first  
11 time. That's all. I'm not asking for much. I don't  
12 ask for nothing else.

13 Q. Can I ask you one more?

14 A. Yes.

15 Q. Yeah. You recall you said earlier we  
16 talked, and you gave a videotaped statement?

17 A. Uh-huh.

18 Q. You remember giving that videotaped  
19 deposition?

20 A. Yes, I do.

21 Q. We were at Bonne Terre?

22 A. Yes, we were.

23 Q. The videotaped statement you made were you  
24 telling the truth during that videotaped statement?

25 A. Yes, I was.

1 Q. And was the statement that you gave to me on  
2 the videotape back then that was true and accurate to  
3 the best of your knowledge?

4 A. Yes, it is.

5 Q. All right.

6 A. I do not deny anything that we had a  
7 conversation about or you videoed.

8 Q. Okay.

9 A. But I really don't want to come to try  
10 again, you know, because I don't want to relive it  
11 because I'm already ashamed. I can't do nothing to  
12 make it up. Don't put this on the record, but it is  
13 some dirty ass cops around, so.

14 Q. Mr. Baker, as we've talked about, I mean,  
15 our goal for this deposition is to avoid you having to  
16 travel to Jefferson City for the hearing. So we don't  
17 have any intention of calling you for the actual  
18 hearing. We were planning on using this deposition  
19 transcript in lieu of that. I know that you've got  
20 some health issues that you've been going through. I  
21 don't want to put you through that.

22 A. Yeah, because I'm putting all the pressure  
23 over here because I got 16 shots up and down my spine  
24 and bone.

25 Q. I'm sorry to hear that. We talked about the

1 confession. I have a transcript of it. Do you mind if  
2 I just ask you a few more questions about the  
3 transcript?

4 A. You just going to keep going. Come on, man.

5 Q. During our videotaped conversation, we  
6 talked about that you gave testimony against David  
7 Robinson at his trial at his murder trial; do you  
8 remember that?

9 A. Yes.

10 Q. And at that -- in our conversation you  
11 admitted that you gave false testimony about David  
12 Robinson?

13 A. Yes, I did.

14 Q. All right.

15 A. Excuse me.

16 Q. At trial --

17 A. You got something you want to ask me?

18 MR. SNODGRASS: No. I'm just along for the  
19 ride. I whisper to him.

20 A. I know. So what do you want to know?

21 Q. (BY MR. WYRSCH) At that trial of David  
22 Robinson you testified that David Robinson shot the  
23 woman that he was accused of murdering?

24 A. Yes, I did.

25 Q. And that was a false statement; correct?

1 A. Yes, it was.

2 Q. You did not actually see David Robinson  
3 shoot her?

4 A. No, I didn't, so why he can't -- why you  
5 can't ask me?

6 Q. Sorry, he just --

7 A. I ain't real good.

8 MR. SNODGRASS: Just the way it's usually  
9 done.

10 Q. (BY MR. WYRSCH) Normally just one person  
11 asking the questions, but we can consult with each  
12 other. Earlier today you said that you were paid to  
13 purger yourself. Can you explain to me when you were  
14 paid to purger yourself, who paid you?

15 A. From what we call it, it was witness  
16 protection. Basically it was Dan Armor and Detective  
17 Blakely.

18 Q. And those were police officers?

19 A. Yeah.

20 Q. And you're saying that they gave you  
21 payments?

22 A. Yeah.

23 Q. In exchange for your perjured testimony?

24 A. Yeah. I also say to you I believe they knew  
25 I was lying, too. They just wanted to get him off the

1 streets. Do you recall that part?

2 Q. I do recall that part.

3 A. Do you recall the part where they also  
4 thought he was a menace to society when he was a kid,  
5 too?

6 Q. Uh-huh.

7 A. The part where he shot the sheriff's horse  
8 do you recall that part?

9 Q. I don't remember if that's in the statement.

10 A. Should be. That's it. He still want to  
11 know more.

12 Q. I have no questions right now.

13 EXAMINATION

14 QUESTIONS BY MS. DOLIN:

15 Q. Mr. Baker, are you under the influence of  
16 alcohol or drugs today?

17 A. No, I'm not. I'm under the influence of a  
18 bunch of steroids. I haven't been sleeping well  
19 lately, and I have had a beer or two like about 4  
20 o'clock this morning from being up worrying about this  
21 and getting it over with.

22 Q. So you only drank two beers at 4 a.m. this  
23 morning?

24 A. Well, they was like 24 ounces, so it's like  
25 48 ounces.

1 Q. 4 a.m. would've been six hours ago?

2 A. In between.

3 Q. So you drank --

4 A. I mean, I ain't just drank them boom, boom  
5 right then and there, you know.

6 Q. So you started drinking at 4 a.m. this  
7 morning?

8 A. Yeah.

9 Q. Okay. But you wouldn't consider yourself  
10 intoxicated right now?

11 A. No.

12 Q. And your steroids you said were for  
13 sleeping?

14 A. Excuse me?

15 Q. What are the steroids for?

16 A. I have a damaged nerves and a bulged disc in  
17 my spine.

18 Q. Okay. So the steroids are for your physical  
19 injury?

20 A. Yeah.

21 Q. Are you on any other medications right now?

22 A. No. High blood pressure and cholesterol.  
23 That's it.

24 Q. Okay. I understand you might have had a  
25 problem with drugs in the past.

1           A.    Yeah, I did. I used to smoke crack. I  
2 actually smoke weed too, but I'm not under the  
3 influence of it now.

4           Q.    When was the last time you smoked crack?

5           A.    10, 11 years ago.

6           Q.    How about marijuana?

7           A.    I still smoke marijuana, but I'm not under  
8 the influence of it now.

9           Q.    Not today?

10          A.    No. Or yesterday.

11          Q.    Okay. You mentioned you were under the  
12 witness protection program?

13          A.    That's what they called it.

14          Q.    Okay. You were getting payments from those  
15 police officers as a part of that program?

16          A.    Yes. From their -- from my understanding,  
17 yeah.

18          Q.    Okay. And what was their agreement with you  
19 about what your testimony would be?

20          A.    Pretty much nothing.

21          Q.    So --

22          A.    They took me up here to Perryville, had me  
23 an apartment. As soon as the trial was over, I get a  
24 call telling me to get out. They just left me there.  
25 That was it. Last payment was \$250. That was I think

1 two days after the trial.

2 Q. Okay. Help me understand, though, because  
3 you said that these police officers paid you to commit  
4 perjury by giving you money in the witness protection  
5 program; is that right?

6 A. Yes.

7 Q. Okay. So they gave you the money. What did  
8 you agree to do for them?

9 A. My testimony.

10 Q. What about your testimony?

11 A. To lie.

12 Q. Okay. To --

13 A. That's what?

14 Q. To say what in particular?

15 A. That I saw David Robinson shoot the female  
16 and on Malone and Branum Street.

17 Q. Okay. So you're saying that these two  
18 police officers gave you money as a part of the witness  
19 protection program and had an agreement with you that  
20 you would say --

21 A. For my testimony that David Robinson shot  
22 and killed the female.

23 Q. Okay.

24 A. On the corner of Malone and Branum.

25 Q. Were you there at that corner that evening?



1 A. No.

2 Q. You were not there at all?

3 A. No. The only reason I was able to describe  
4 what he had on is because I saw him the night before.  
5 He was still wearing the same clothes.

6 Q. You had seen David Robinson the night before  
7 the murder?

8 A. Yeah.

9 Q. And you assumed he'd be wearing the same  
10 clothes the next day?

11 A. Everything I described to them they said  
12 that's what they had for evidence.

13 Q. Did you tell them what you knew first, or  
14 did they tell you what they knew first?

15 A. No. They just told me they had clothes in  
16 evidence. What was he wearing? I described it. They  
17 said that's what they had.

18 Q. So you guessed?

19 A. Yeah.

20 Q. Okay. You also made a statement earlier  
21 that, quote, unquote, they knew that you were lying?

22 A. Yeah.

23 Q. Who's they?

24 A. The two officers that I mentioned John  
25 Blakely and David -- Dan Armor.

1 Q. Okay. Did the prosecutor know you were  
2 lying?

3 A. No, that I know of.

4 Q. Okay. Do you remember passing a polygraph  
5 test in this case?

6 A. Yeah.

7 Q. How were you able to do that?

8 MR. WYRSCH: I'm going to object to the  
9 relevance. Polygraphs are inadmissible.

10 Q. (BY MS. DOLIN) You can answer. How'd you  
11 pass the polygraph?

12 A. Well, Blakely had gave me a couple of  
13 aspirins -- I guess they was aspirins -- earlier that  
14 morning before I went to take it, blue shaped football.

15 Q. The police officer gave you aspirin?

16 A. That I know of, yeah. See, I'm allergic to  
17 aspirin. I had no reaction, so I don't know what  
18 happened and ibuprofen, so I'm allergic to those, so  
19 whatever he gave me I guess it just kept me mellow.

20 Q. Okay. So he gave you aspirin, and that's  
21 why you were able to get away for lying on a polygraph?

22 A. I thought they were aspirins.

23 Q. Okay. How much money did you get total?

24 A. I'm not for sure.

25 Q. Does \$1,500 sound right?

1 A. Somewhere in that area.

2 Q. So you're willing to lie for \$1,500?

3 A. That's what I did.

4 Q. Okay.

5 A. But for how much I didn't know being an  
6 addict at the time.

7 Q. Okay. How did you get all the details then  
8 about the accounts that you gave about this murder, and  
9 where did the details come from?

10 A. My imagination.

11 Q. Okay. You're aware that you told the story  
12 multiple times and the details didn't change?

13 A. Uh-huh.

14 Q. Okay. You also had mentioned earlier  
15 speaking to the attorney right here on your right prior  
16 to this day. What did you talk about?

17 A. The case.

18 Q. What specifically?

19 A. The case.

20 Q. Did he discuss with you recanting your  
21 story?

22 A. No. He asked me a question. I answered.  
23 As a matter of fact, I'm the one that opened up to him.

24 Q. Okay. Did he approach you first, or did you  
25 approach him first?

1 A. He came to visit.

2 Q. He came to visit?

3 A. Yeah.

4 MR. WYRSCH: Who's the he in this?

5 MS. DOLIN: What?

6 MR. WYRSCH: Who's the he in this?

7 MS. DOLIN: That would be you.

8 Q. (BY MS. DOLIN) Okay.

9 A. Let it be noted they were turned down  
10 several times before I decided to see them. He wasn't  
11 the only whoever come to see me on David Robinson case.  
12 Someone else came to see me. I didn't visit. You said  
13 I can end this at any time? Did you guys not say that?

14 MR. WYRSCH: If you want.

15 Q. (BY MS. DOLIN) You can.

16 A. You're fighting for David. You're fighting  
17 for the state.

18 MR. WYRSCH: Correct.

19 Q. (BY MS. DOLIN) That's fair.

20 A. Okay. You the government; you the  
21 government, so you can have me locked up any time you  
22 want to that I know. No. I'm tired. I'm sore. What  
23 time is trial, and I'll be there if you need me there.  
24 But there really ain't nothing else to discuss because  
25 I'm the one at fault, not the system, not the cop, me.

1 Q. And you're doing this out of the goodness of  
2 your heart to help out Mr. Robinson; is that right?

3 A. I'm doing this what's supposed to be right  
4 because I can't do this no more.

5 Q. You can't do what anymore?

6 A. Live, live knowing that I did something  
7 wrong. I sent an innocent man away.

8 Q. Okay.

9 A. All because of jealousy and greedy and  
10 wanted to change my life, which I did, but it still  
11 doesn't matter. I still ended up in prison three  
12 times, just got off parole probation.

13 Q. Okay.

14 A. Took my eyesight in prison, so.

15 Q. Mr. Baker, I understand your concerns,  
16 but --

17 A. No, you really don't because there's a  
18 matter of money involved. That's all this about on  
19 your behalf because y'all going to be out a lot of damn  
20 money if he decide to sue y'all, you know, and --

21 Q. I just want the truth.

22 A. That is the truth.

23 Q. Okay.

24 A. Like I told you, I already told you from the  
25 beginning put this down one more time. I, Albert Lee

1 Baker, was -- has been -- had been paid to purge [sic]  
2 myself on the case of David Robinson, and this is over  
3 with. Can I go?

4 Q. I can't hold you here against you will.

5 MR. WYRSCH: Yeah.

6 A. You ain't going to send my boy out to arrest  
7 me because -- I'm asking her. I'm not worried about  
8 you. I'm asking her. That right there that woman  
9 right there holds my freedom.

10 Q. (BY MS. DOLIN) I'm not planning on  
11 arresting you today, no, sir.

12 A. See, today, today. Tomorrow ain't  
13 promising, you know, but if you do, don't lock me up in  
14 Farmington County Jail because I don't want to sleep on  
15 the damn floor. I don't feel like laying up around no  
16 chummo either getting no staph. Okay. That's all I  
17 ask.

18 MS. DOLIN: I think the witness has given  
19 the inclination to not participate in this deposition,  
20 would you agree?

21 MR. SNODGRASS: We don't want to cut you  
22 off, if you feel like you've got enough.

23 MS. DOLIN: I can't force him to keep  
24 answering questions.

25 Q. (BY MS. DOLIN) I mean, Mr. Baker, I urge

1 you to take what you're saying here seriously.

2 A. I do take it very seriously. You just don't  
3 know how bad I hurt every day.

4 Q. Okay. And the state is only seeking --

5 A. I live --

6 Q. Hang on a second.

7 A. I lived this nightmare just as much as he  
8 has.

9 Q. Okay.

10 A. And Blakely and them they lived it, too.  
11 They living it, too.

12 Q. I want to make sure that I get the most  
13 complete story I can because the truth is what's  
14 important here, and you understand when the truth  
15 changes we need to flush that out.

16 A. Yes, I do understand that.

17 Q. And I want to make sure that for the justice  
18 of yourself and for David Robinson or anyone else  
19 involved in this case that we get the most complete set  
20 of facts we can. Okay?

21 A. I understand.

22 Q. Okay.

23 A. If you need me there, I'll show up. I don't  
24 want to, but I will. I'm going to say the same thing I  
25 said here.

1 Q. So you lied when you talked to Detective  
2 Blakely to begin with when you approached him; is that  
3 right?

4 A. I saw a way out of my trouble.

5 Q. Okay. And you lied to him when you signed a  
6 written statement that Detective Blakely prepared for  
7 you; is that right?

8 A. Yes, I did.

9 Q. And you lied on the polygraph; is that  
10 right?

11 A. Yes, I did.

12 Q. And you lied at the preliminary hearing that  
13 was under oath?

14 A. Yes, I did.

15 Q. And you lied at the conviction hearing that  
16 was held under oath?

17 A. I did.

18 Q. And you lied at the trial of David Robinson  
19 also under oath?

20 A. Yes, I did.

21 Q. What about Butch Johnson, do you remember  
22 that investigator who approached you prior to the  
23 postconviction hearing?

24 A. That came to visit me in the very, very  
25 first time?



1 Q. Several times. Called you.

2 A. But he actually got me 2 o'clock in the  
3 morning. What the hell is he doing out that time?  
4 What about him? The story I told him, is that what you  
5 about to ask me?

6 Q. I understand he sent you a letter. Do you  
7 remember the letter he sent you? You testified about  
8 it during your postconviction hearing.

9 A. No. Refresh me.

10 Q. Okay.

11 A. Is this the private investigator for him?

12 Q. This is David Robinson's investigator.

13 A. He served me a subpoena, didn't he?

14 Q. He did serve you a subpoena.

15 A. Okay. I remember him.

16 Q. Okay.

17 A. But I don't remember a letter.

18 Q. Where he sent you a letter that you felt  
19 intimidated by him, testified to that during the  
20 postconviction hearing; do you recall that?

21 A. That I stated that I felt intimidated by  
22 him?

23 Q. Yes.

24 A. I probably did say that. I'm not going to  
25 deny it but --

1 Q. Okay. He claimed that you had recanted to  
2 him previously; is that true?

3 A. That I what?

4 Q. That you had told him you perjured yourself.

5 A. Yeah, that's true.

6 Q. Okay.

7 A. He was telling the truth about that.

8 Q. Okay. But then when you got into the  
9 hearing in front of the judge --

10 A. I changed my mind, yeah.

11 Q. Why is that?

12 A. I'm not even for sure why it is, but I did,  
13 you know, tell him that.

14 Q. Okay.

15 A. Because I did.

16 Q. So then when you had an opportunity to tell  
17 the judge that, why did you not?

18 A. I don't know. Scared.

19 Q. Okay. You were scared of David Robinson or  
20 something else?

21 A. No. I was scared of the cops.

22 Q. Why were you scared of the cops?

23 A. Because they're just bad, you know.

24 Q. Okay. Have you been promised anything?

25 A. No, I haven't been promised nothing. You

1 know, I been living here ever since this trial, and one  
2 day I was walking, you know. This what really got me  
3 paranoid even right now today. I was walking, and a  
4 cop of this county pulls up and gets out the car and  
5 hands me a cell phone, you know. What he give me a  
6 cell phone for, but there's someone on the other end of  
7 this cell phone. Who's on the other end of this cell  
8 phone? John Blakely. So what do you think I'm  
9 thinking? I'm paranoid. I'm scared, so if this guy  
10 can -- just how the hell he know I'm walking down this  
11 street at this particular time? This cop pulls up on  
12 me. Yeah, I don't like cops.

13 Q. When was this?

14 A. Before the second hearing.

15 Q. Before the postconviction hearing?

16 A. The second one.

17 Q. Help me out, sir, a year that you remember  
18 this happening.

19 A. Yeah.

20 Q. What --

21 A. You know the first original conviction, the  
22 first trial?

23 Q. Sure.

24 A. Okay. Then we had another one, didn't we?

25 After that was there another one.

1 Q. You had a deposition, which would've been  
2 like this, and then there was a hearing in front of a  
3 judge.

4 A. Okay. We had that; right?

5 Q. Yes.

6 A. I was there.

7 Q. Yes.

8 A. Okay. Is this the third one here?

9 MR. WYRSCH: Next week will be the third  
10 hearing.

11 A. Yeah. It was before the one that just --

12 Q. (BY MS. DOLIN) Before the postconviction  
13 hearing?

14 A. Yeah.

15 Q. Do you remember the name of the police  
16 officer that handed you the phone?

17 A. I'm not for sure. Won't be hard to find  
18 out, you know. They just love the hell out of me  
19 around here for some reason.

20 Q. So you weren't promised anything to come say  
21 this today?

22 A. (Shaking head.)

23 Q. No financial --

24 A. I was not promised anything, no material  
25 thing, no financial, no immunity, nothing, you know. I

1 mean, it is what it is. Like, you do wrong wrong comes  
2 back to you. All right. I'm fixing to face mine, you  
3 know. I can't run no more. I'm tired. I just want  
4 this to be over.

5 Q. So your only motivation for lying during the  
6 trial was that you were getting money?

7 A. That, yeah, and changed my life. I really  
8 did. I wanted to change my life because I was out  
9 there bad, you know, and it wasn't me.

10 Q. So this time around when we're talking about  
11 this round -- go around here David Robinson's attorneys  
12 approached you to talk to you?

13 A. They haven't promised me nothing.

14 Q. I didn't ask if they promised you anything.  
15 I said did they come to you first, or did you come to  
16 them first?

17 A. When they came to me, I was in prison. Each  
18 time they came I was in prison. I never met with them  
19 outside of prison. This is the first time I've seen  
20 him since I've been out of prison.

21 Q. Was there any discussion of leniency on what  
22 you were in prison for?

23 A. There was no discussion about nothing.

24 Q. Have you ever spoken to David Robinson or  
25 his family about this case?

1           A.    No, I have not.  This the funny part, you  
2 know.  At the time Blakely telling me his family was  
3 trying to find me to hurt me so he wouldn't have a  
4 witness at trial.  Well, I done been in prison three  
5 times locked up with every damn one of his family  
6 members, and nothing happened to me.

7           Q.    And they never spoke to you when you were in  
8 prison?

9           A.    No.

10          Q.    Okay.  You had testified during the trial  
11 that you had seen David Robinson with a chrome and wood  
12 gun previous to the night of the murder.  Is that part  
13 true?  Had you seen him with a chrome and wood gun?

14          A.    A chrome pearl handle .380 is that what you  
15 got down?

16          Q.    I think it was wood?

17          A.    Chrome nickel plated .380.

18          Q.    Yeah.  Had you seen David Robinson with that  
19 gun previously?

20          A.    Yeah.  That was the gun I described at the  
21 trial, but it was only because I saw him like I said  
22 the night before that murder happened.

23          Q.    I think earlier I saw one of your statements  
24 that --

25          A.    Were you not to say you can't keep me

1 answering me questions? You're still asking, though.

2 Q. Are you asking to stopped?

3 A. I wanted to stop, I mean. I know you doing  
4 your job, and they work for the state.

5 Q. I'm just trying to get a complete story,  
6 Mr. Baker.

7 A. That is the story. I mean, you ask me how  
8 much did I get paid, but, you know, how much I get paid  
9 because you -- last thing I remember is after the trial  
10 John Blakely gave me a ride home to Perryville. He  
11 gave me a payment I think of \$250, and I signed the  
12 tablet that he had written something on. Looks like  
13 shorthand writing. I couldn't read what the hell he  
14 was writing, and I signed it. That was the last thing  
15 that I remember, so you contact him, and he probably  
16 still have it but --

17 Q. Well, I know about the payments. I'm trying  
18 to figure out the agreement because this is the first I  
19 heard of it.

20 A. That was just, you know, right now do you  
21 feel that I'm lying? Are you a people person?

22 Q. This is the time --

23 A. I mean, be honest. Look at me whether we're  
24 on the record or not. Do you feel I'm lying? Are you  
25 a pretty good judge of character?

1 Q. Mr. Baker, this is the time for us to ask  
2 you questions.

3 A. The only reason I'm asking is because if  
4 they didn't know I was lying then I did a pretty damn  
5 good job of convincing them.

6 Q. So you're a pretty good liar you'd say?

7 A. At that time I did.

8 Q. You're a pretty good liar even now?

9 A. No. It's not worth it. Back then I was a  
10 user. I was a user. It paid my way. I took advantage  
11 of it, and then as an addict like they said at any cost  
12 at any expense you do whatever. That's what I did.  
13 I'm not proud of it. Now I think a lot clearer and I'm  
14 sober, so, yeah, got to get this man out of here.

15 Q. How many times did you discuss the agreement  
16 to lie at trial with the police officers?

17 A. None.

18 Q. You never had an agreement with them to lie?

19 A. Not once, not once.

20 Q. Then how did you know that you were supposed  
21 to lie to get money?

22 A. Because they wanted him out of there off the  
23 streets.

24 Q. So okay. So it's your testimony today that  
25 you actually did not have any agreement with the police



1 officers to lie?

2 A. No. I was just getting paid to keep the  
3 story that I told them.

4 Q. But how did you know that you were getting  
5 paid to do something specific if there was no  
6 discussion about it?

7 A. Why would you go get my friend car out of  
8 tow when he wasn't supposed to be driving it in the  
9 first place, and you bring it back to the house with  
10 two cases of beer in it, two carton of cigarettes? I  
11 would say that's getting paid even though you were  
12 paying my rent to stay there.

13 Q. Okay.

14 A. But still why would you do that?

15 Q. So you just assumed that the state wanted  
16 you to lie?

17 A. Yeah. You could say that, and they did not  
18 stop paying.

19 Q. Okay.

20 A. Until they left me in Perryville and you got  
21 your conviction.

22 Q. Okay. So you never had a discussion with  
23 either the prosecutor or the police officers about you  
24 lying before it happened. You just assumed they wanted  
25 you to lie?

1 A. Correct. And I did and I was wrong.

2 MS. DOLIN: Your turn.

3 A. I'm just saying this to you guys. I'm the  
4 one wrong. Okay? I am and I am very sorry, but this  
5 is my decision to come forward and tell the truth, not  
6 theirs, not Blakely and them, you know, me. I know  
7 before I leave God's green Earth I at least did one  
8 thing right. I ain't never did nothing right in my  
9 life. I know today right now at this moment I'm doing  
10 something right, so whatever you do to me you do, but I  
11 made my peace. I don't want even to -- man, don't ask  
12 me no more questions. You going to ask me anyway.

13 MR. WYRSCH: I've got no further questions.

14 A. Can we just do that? I do take Paxil. I'm  
15 getting kind of emotional now because this is kind of  
16 messed up, so.

17 MR. WYRSCH: I have no further questions.

18 MS. DOLIN: I have no further questions.  
19 You can explain signature.

20 MR. WYRSCH: Okay. The last thing to ask  
21 you the court reporter has been writing everything  
22 down.

23 A. You need me to sign something; right?

24 MR. WYRSCH: Well, you can either sign it,  
25 or you can waive signature and trust that she got your

1 words down. Or you have the opportunity to review it  
2 and make sure that she got all of your words down, but  
3 it's not for changing. It's just for correcting  
4 grammar and spelling, or you can trust that she got it  
5 down and just waive your signature and that way you  
6 don't have to review it. It's your choice.

7 A. Is this enough that I don't have to come to  
8 trial?

9 MR. WYRSCH: We don't intend to subpoena you  
10 for trial.

11 A. But I just got another request. When you do  
12 get ready to arrest me, don't embarrass me. I'm not no  
13 hostile guy. Don't handcuff me.

14 MS. DOLIN: Mr. Baker, I'm not a police  
15 officer, so I have no control over how you're arrested.

16 A. Goddamn them motherfuckers here.

17 MR. WYRSCH: Do you want to waive signature?

18 A. Yeah.

19 MR. WYRSCH: Okay. Thank you.

20 A. Now, why I need to waive it? I need to put  
21 that this is what I said.

22 MR. WYRSCH: No. You're doing that. It's  
23 just that --

24 A. Ain't I supposed to sign something? Do I  
25 get a receipt or something, copy?

1 MR. SNODGRASS: You wouldn't get it today.

2 A. I want a copy.

3 MR. WYRSCH: We'll send you a copy.

4 A. Today?

5 MR. WYRSCH: No.

6 A. I ain't getting it today, but you want me to  
7 sit here for as long as it take to get this done?

8 MR. WYRSCH: No, no, no, no.

9 A. That could've been two to three hours;  
10 correct?

11 MR. WYRSCH: We'll get it to you --

12 A. They got fax machines and copy machines in  
13 these places.

14 MR. WYRSCH: Well, she needs to finalize it.  
15 We'll hopefully get it Monday, and we'll send you a  
16 copy on Monday. Okay?

17 A. Yeah.

18 MR. WYRSCH: All right. So just to be clear  
19 for the record, did you want to waive your signature?

20 A. Yeah.

21 (WHEREIN, the deposition was concluded  
22 at 10:50 a.m. and signature was waived.)  
23  
24  
25