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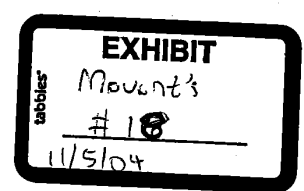
STATE OF MISSOURI : CIRCUIT COURT : SCOTT COUNTY

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DAVID ROBINSON,  
  
Plaintiff,

vs. Case No.: 08CV 744611

STATE OF MISSOURI,  
  
Defendant.



MONDAY, OCTOBER 18, 2004  
2:07 o'clock p.m.

The DEPOSITION of JASON RICHISON, taken pursuant to notice on behalf of the Plaintiff, at the offices of Outagamie County Jail, 320 S. Walnut Street, Appleton, Wisconsin, and reported by LAURIE A. JOHNSON, Registered Merit Reporter, and Notary Public, State of Wisconsin at Large.

\* \* \* \* \*

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DAVID ROBINSON v. STATE OF MISSOURI

DEPOSITION OF JASON RICHISON

TAKEN OCTOBER 18, 2004

A P P E A R A N C E S

On behalf of the Plaintiff:

KARL HINKEBEIN, ESQUIRE

Office of State Public Defender

3402 Buttonwood

Columbia, Missouri 65201

573-882-9855

By Telephone,

On behalf of the Defendant:

STEPHANIE MORRELL, ESQUIRE

Office of Attorney General

221 West High Street

Jefferson City, Missouri 65102

573-751-0156

\* \* \* \* \*

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DAVID ROBINSON v. STATE OF MISSOURI

DEPOSITION OF JASON RICHISON

TAKEN OCTOBER 18, 2004

I N D E X

TESTIMONY OF JASON RICHISON PAGE

DIRECT EXAMINATION BY MR. HINKEBEIN.....5

CROSS-EXAMINATION BY MS. MORRELL.....14

EXHIBITS NOS. 1 THROUGH 2 WERE MARKED:

1 Transcript on Appeal, Vol. 1 .....11

2 Photograph of Jason Richison.....5

CERTIFICATE OF OATH.....22

CERTIFICATE OF REPORTER.....23

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DAVID ROBINSON v. STATE OF MISSOURI  
DEPOSITION OF JASON RICHISON  
TAKEN OCTOBER 18, 2004  
P R O C E E D I N G S

14:07:47

MR. HINKEBEIN: Stephanie, do you have anything before we start?

14:08:01

MS. MORRELL: Yeah, actually, I want to make an objection that Mr. Richison is not pled in the motion as a witness. The time limits of 29.15 are mandatory, and the pleadings cannot be amended by introduction of different evidence during the evidentiary hearing.

14:08:19

MR. HINKEBEIN: Okay. Your objection's noted. This is Karl Hinkebein, Missouri State Public Defender. I'm at the Outagamie County, Wisconsin Jail for the deposition of Jason Richison to be used subject to the objection of the Assistant Attorney General just stated, in the case of David Robinson versus State of Missouri, Scott County Case No. 03 CV 744611. I would parenthetically note at this point that the deposition will also be used in the yet unfiled habeas corpus case of David Robinson versus Donna McCondachin which I intend to file in short order in the Circuit Court of Mississippi County.

\* \* \* \* \*

1 JASON RICHISON,  
2 having been first duly sworn or affirmed, thereupon  
3 testified upon his oath as follows:

4 DIRECT EXAMINATION

5 BY MR. HINKEBEIN:

6 Q. Would you please state your name for the record?

7 A. Jason Richison.

8 Q. Can you spell that, please?

9 A. Full name?

14:09:0510 Q. Yes.

11 A. J-a-s-o-n, W., R-i-c-h-i-s-o-n.

12 Q. Jason, I'm handing you what's been marked as Richison  
13 Exhibit No. 2. Can you identify what that is, please?

14 A. It's me.

14:09:2215 Q. That's a photograph of you?

16 A. Yeah.

17 Q. Is that a fair and accurate depiction of you?

18 A. Yeah.

19 Q. Okay. I mentioned before in the introduction that  
14:09:3420 we're in the Outagamie County, Wisconsin, Jail at  
21 Appleton. You're an inmate here, correct?

22 A. Yes, sir.

23 Q. And what is your inmate number?

24 A. Ah, 108992.

14:09:5225 Q. What's your Social Security number?

14:09:54 1 A. 546-61-6173.

2 Q. How long have you been here, Jason?

3 A. Ah, about two and a half months.

4 Q. And you've been subpoenaed to this deposition, have

14:10:08 5 you not?

6 A. Yes, sir.

7 Q. Have you ever given testimony before?

8 A. Yes, sir.

9 MR. HINKEBEIN: Off the record.

14:10:30 10 (Discussion off the record.)

11 BY MR. HINKEBEIN:

12 Q. You previously testified in Scott County, Missouri;

13 correct?

14 A. Yes, sir.

14:10:37 15 Q. That was the case of State of Missouri versus David

16 Robinson?

17 A. Yes, sir.

18 Q. And, if I told you that that was Scott County Case

19 35R050001260-01, would you disagree with me on that?

14:10:57 20 A. No, I wouldn't.

21 Q. Do you remember who David Robinson was?

22 A. Yes, sir.

23 Q. Who was he?

24 A. He was a bigger black guy that was in the same

14:11:05 25 dormitory as I was, Scott County Jail.

14:11:09 1 Q. Scott County, Missouri, Jail?  
2 A. Yeah.  
3 Q. And where is that at?  
4 A. Benton, Missouri.  
14:11:15 5 Q. Now, you testified at his trial; right?  
6 A. Yeah.  
7 Q. Now, ahm, prior -- let's go to -- how did you come to  
8 testify at his trial?  
9 A. The circumstances of all of it, how it happened?  
14:11:29 10 Q. Yes.  
11 A. Oh, I -- I had some officers come to me.  
12 Q. Let me ask you first.  
13 A. Huh?  
14 Q. Let me ask you first before -- When did you get to  
14:11:44 15 Scott County Jail?  
16 A. I don't know what day it was. I got picked up on a  
17 warrant.  
18 Q. And then you were taken to Scott County Jail?  
19 A. Yeah.  
14:11:51 20 Q. And where did you go after you left the Scott County  
21 Jail?  
22 A. From there I went back to prison.  
23 Q. Was that at Farmington?  
24 A. Yeah.  
14:12:00 25 Q. How long would you say you were at the Scott County

14:12:04 1 Jail, approximately?

2 A. About a month, two.

3 Q. While you were there, you were in -- in -- David

4 Robinson was in the County Jail at the same time you

14:12:17 5 were; correct?

6 A. Yeah.

7 Q. Now, were you at some point approached while in the

8 Scott County Jail relative to David Robinson's case?

9 A. Yeah.

14:12:25 10 Q. Who were you approached by?

11 A. I don't remember the officers' name. There was -- the

12 Sheriff there, then County Sheriff and two detectives

13 from Appleton -- I'm not familiar -- Sikeston and I

14 guess they basically told me that I got to do this.

14:12:39 15 If I don't, I'm --

16 Q. Okay. Hold on just a moment. Now, you testified

17 at -- at David's trial that you dealt with a Detective

18 John Blakely?

19 A. Yeah.

14:12:51 20 Q. For the record that's Page 396, Line 14 to 16. Was

21 John Blakely one of the detectives you dealt with?

22 A. I do believe so. It's been a while.

23 Q. And he was from the -- from the Sikeston police?

24 A. Yeah.

14:13:04 25 Q. And what happened when Detective Blakely approached



14:13:07 1 you, Jason?

2 A. Ah, it was -- it was kind of like a torture game with

3 me. They took and told me they were going to give a

4 dope case.

14:13:20 5 Q. Slow down.

6 A. They told me that they would give me a drug case.

7 They had a bag of dope on them, a quarter grams. I

8 was addicted to meth amphetamines really bad. And

9 they told me, if I don't do this, they were going to

14:13:35 10 charge me with that, with having it in the County Jail

11 and it was going to be a worse charge than I already

12 had. And then I tried to cut my wrists open so I

13 could get out of jail so I wouldn't have to worry

14 about the problem they were threatening me with. And

14:13:46 15 they took me to a mental hospital and brought me back

16 and threw me into a cell by myself and stripped me

17 naked and threw a fan on me and made me sit in there

18 for a couple weeks like. They'd only feed me like

19 once every now and whenever, you know, they felt like

14:13:58 20 it, they only came back every now and then.

21 Q. Other than threatening you with the dope case -- Was

22 the dope yours?

23 A. No.

24 Q. Other than threatening you with the dope case, did

14:14:06 25 they make any other threats to you?

14:14:09 1 A. Yeah, they had inmates -- well, they beat me up,  
2 threaten me and I guess got so bad that I was scared;  
3 and I'm scared to go back there because I'm scared of  
4 my life, I'm going to be really badly hurt.

14:14:23 5 Q. And what did they want you to do?  
6 A. Wanted me to testify against David.  
7 Q. What did they want you to testify to?  
8 A. They wanted me to say that I overheard him saying that  
9 he killed his female, and I didn't know nothing about  
14:14:39 10 it.  
11 Q. In the course of the trial, Jason, it's mentioned that  
12 you knew -- it's mentioned that you knew details  
13 about -- about what had happened. Where -- how did  
14 you get those details?  
14:14:50 15 A. I got 'em from a cop.  
16 Q. So the police officer --  
17 A. Told me the details. He schooled me on what to say  
18 and how to say it.  
19 Q. Okay. Jason, I'm going to have you look at -- at  
14:15:11 20 what's been marked as Richison Exhibit No. 1, which  
21 is --  
22 MR. HINKEBEIN: Stephanie?  
23 MS. MORRELL: Yes.  
24 MR. HINKEBEIN: That's the transcript on  
14:15:20 25 appeal, Volume 3.

14:15:22 1 MS. MORRELL: Oh. Okay. Start at what?

2 Starting at what page?

3 MR. HINKEBEIN: I'll be identifying it.

4 MS. MORRELL: Okay.

14:15:28 5 BY MR. HINKEBEIN:

6 Q. Now, Jason, go to Page 389, Line 24.

7 A. Line 24. There it is.

8 Q. Now, there you testified while you were in jail with

9 David Robinson, you told -- heard him talking about

14:15:54 10 his case. Is that a correct characterization of that

11 transcript portion, 390, Line 2?

12 A. 390?

13 Q. To 390, Line 2.

14 A. I've got to look. 24?

14:16:08 15 Q. Line 24 to 390, Line 2.

16 A. When he first came in is what it says.

17 Q. Now, you mentioned before you did not hear David

18 talking about his case?

19 A. No, I never heard him once talk about it.

14:16:27 20 Q. So that is not accurate there?

21 A. No, that is not accurate.

22 Q. Go to 391, Line 1 to 7.

23 A. I never said none of that either.

24 Q. That's where you testified that --

14:16:46 25 MS. MORRELL: I'm sorry. Can you have him

14:16:48 1 repeat the last answer?  
2 MR. HINKEBEIN: Speak up and talk clearer.  
3 THE WITNESS: He never said any of that.  
4 BY MR. HINKEBEIN:  
14:16:53 5 Q. So he never said he got a fat wad of money from a  
6 female that he shot?  
7 A. No.  
8 Q. At transcript 391, Line 9?  
9 A. 391, Line 9?  
14:17:07 10 Q. Yes. You testified you heard David Robinson say,  
11 quote: He shot the bitch. Who cares?  
12 A. No, I never said that.  
13 Q. Okay. You testified to that. But you never overheard  
14 that?  
14:17:19 15 A. No, I never overheard it. I was told to say that.  
16 Q. Transcript 391, Line 17 to 19.  
17 A. No. He never said that either.  
18 Q. That's where he's talking about the videotape of Pam  
19 and where he wouldn't be placed at the scene of the  
14:17:42 20 crime, you never heard him say that?  
21 A. No.  
22 Q. So it would be a fair characterization of your  
23 previous testimony here that you did not hear David  
24 talk about his case relative to Sheila Box at all?  
14:18:19 25 A. No, sir.

14:18:21 1 Q. Now, Joe Williamson had previously testified; do you  
2 remember him?

3 A. Sort of. I remember the name.

4 Q. But he testified that David wouldn't talk about his  
14:18:40 5 case. That sounds right to you?

6 A. Yeah, it sounds right.

7 Q. And Roger Johnson testified to the same thing?

8 A. Yeah. That's right, too. Because he never talked  
9 about nothing.

14:18:48 10 Q. I direct you to transcript 392, Line 13 to 14. That's  
11 where you testified that you came forward with this  
12 information because you, quote, just thought it would  
13 be the right thing to do. That's how you testified;  
14 correct?

14:19:11 15 A. Yes. That's -- there's the only way I could do. I  
16 mean I was scared.

17 Q. So you're telling us here today it was because of the  
18 threats --

19 A. Only reason I mean I wouldn't have done it.

14:19:18 20 Q. -- the threats of Sikeston Police Department?

21 A. I mean I cut my wrists trying to get away from it. I  
22 couldn't get away.

23 MR. HINKEBEIN: I have no further questions.

24 \* \* \* \* \*

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CROSS EXAMINATION

BY MS. MORRELL:

Q. Mr. Richison, can you state your date of birth?

A. 4-12-of '80.

Q. 4-12 of '80?

A. Yes, ma'am.

Q. And you're 24 years old?

A. Yes, ma'am.

Q. Do you recall testifying at the previous trial?

A. Yes, ma'am.

Q. And you were placed under oath at that time?

A. Yes, ma'am.

Q. And you swore to tell the truth at that time?

A. Yes, ma'am.

Q. And, during that testimony, you testified that you

approached police officers to inform them of the

information about Mr. Robinson. Is that right?

A. Yeah.

Q. And you did not testify that officers approached you?

A. No, ma'am.

Q. And you also testified that you spent approximately

three days in the same cell as Mr. Robinson?

A. Yes, ma'am.

Q. And that you overheard him confessing to murdering

this woman?

14:20:29 1 A. Yes, ma'am.

2 Q. And you also testified that Mr. Robinson discussed a

3 wad of money that was with the woman?

4 A. Yes, ma'am.

14:20:36 5 Q. And that -- that Mr. Robinson stated that he was

6 wearing a white outfit?

7 A. Yes, ma'am.

8 Q. And that Mr. Robinson said: I shot the bitch?

9 A. Yes, ma'am.

14:20:50 10 Q. And you testified under oath that those statements

11 were what you overheard Mr. Robinson say?

12 A. Yes, ma'am.

13 Q. You also testified that you received no special

14 treatment for the statements that you made?

14:21:03 15 A. Yeah.

16 Q. And for testifying on behalf of the State?

17 A. Yup. I never -- I never received nothing.

18 Q. Okay. You also -- you also testified that you suffer

19 from some mental illness; is that correct?

14:21:15 20 A. Yeah.

21 Q. And can you state what your current diagnoses are?

22 A. I'm schizophrenic paranoia.

23 Q. And are you currently on medication for that?

24 A. Yeah.

14:21:29 25 Q. And are -- and you're -- can you tell us what

14:21:32 1 medication your currently on?

2 A. I'm on Zoloft for antidepression. They took me off

3 Rishbidol (phonetic) because it was making me sick.

4 And currently I'm fixing to be put on something else

14:21:45 5 for my schizophrenia.

6 Q. So you're currently on one medication or two

7 medications?

8 A. I was on two. They took me off one because it was

9 making me sick.

14:21:55 10 Q. And you haven't been placed on another medication?

11 A. Not yet.

12 Q. And what was the medication you have been taken off

13 of?

14 A. Rishbidol for the schizophrenia.

14:22:01 15 Q. It's for the schizophrenia. And the Zoloft is to

16 treat what?

17 A. Depression.

18 Q. Depression?

19 A. Yeah.

14:22:08 20 Q. And you're not currently on any medication for your

21 paranoia?

22 A. No, not yet.

23 Q. And the medications that you are taking, do you have

24 side effects as a result of those medications?

14:22:19 25 A. Ah, yeah, sometimes.



14:22:19 1 Q. What side effects are those?

2 A. Zoloft kind of like makes me jumpy where I -- or, you

3 know, you'll see my hand twitch. Certain parts of me

4 start twitching every now and then.

14:22:31 5 Q. And is that the only side effect?

6 A. Yeah, I get from the Zoloft. The Rishbidol I've been

7 taking for a long time and it started making me sick.

8 I don't know why, but I had to quit taking it because

9 it was making me sick. I started throwing up and

14:22:46 10 stuff.

11 Q. You stated that the officers put you in what you

12 described as a torture chamber?

13 A. Yeah.

14 Q. Was that in the Scott County Jail?

14:22:53 15 A. Yeah.

16 Q. And can you describe this torture chamber?

17 A. They just stuck me in a cell. Do you know where the

18 female -- Have you ever been to Scott County Jail?

19 Q. I personally have not. You'll have to describe it.

14:23:09 20 A. Scott County Jail has two sides to it.

21 Q. Hm-hm.

22 A. It's got two big wings for the men and it's got one in

23 the back -- I mean two more -- three more cells in the

24 back. No, four more cells in the back, just regular

14:23:19 25 cells in there. Two cells on one side are for

14:23:22 1 females, and two on the other side is one for the  
2 trustees and one for the people that go to the hold.  
3 They put me over there where the females were and  
4 locked them down and put me in a cell and stripped me  
14:23:33 5 naked and made me sit there for like a week or two for  
6 a while. For a while, they'd feed me every now and  
7 then and threw a big old fan, a great big old fan on  
8 me and made me sit in there. And it was cold; do you  
9 know what I'm saying?

14:23:46 10 Q. So for two weeks you sat in a cell stripped naked?

11 A. Yes. I tried to get out of there. I tried to do  
12 whatever I could to get out of it and I couldn't.

13 Q. You stated they also had inmates beat you up?

14 A. Yeah.

14:24:00 15 Q. Did you ever report this to anyone?

16 A. I was scared; I couldn't. I was young. I mean. That  
17 was my first time ever being really in trouble. I  
18 didn't have anybody to help me. My mom was, you know,  
19 too addicted to drugs to be around for me. So I was  
14:24:16 20 just -- I was stuck.

21 Q. You say you were addicted to meth amphetamines at that  
22 time?

23 A. Yeah.

24 Q. Were you withdrawing from that drug use?

14:24:22 25 A. Somewhat. I was feeling really bad.

14:24:25 1 Q. I'm sorry. Can you repeat that?  
2 A. I was feeling for the drug.  
3 Q. During the time that you were in the Scott County  
4 Jail?  
14:24:31 5 A. Yeah.  
6 Q. But you didn't tell anyone about this alleged abuse?  
7 A. No.  
8 Q. Including the prosecuting attorney?  
9 A. Yeah.  
14:24:37 10 Q. Mr. Robinson's defense attorney?  
11 A. I never told anybody.  
12 Q. And you were in the Scott County Jail approximately  
13 how long?  
14 A. I don't remember. I mean -- ah?--  
14:24:52 15 Q. Longer than a month?  
16 A. Well, I mean, it -- it, from the case that I had, it  
17 was from '98 until like 2003 and I finally got done  
18 with it all. So it was just off-and-on I was in and  
19 out of there. But this last time I was probably there  
14:25:08 20 for a month or two. I can't really remember.  
21 Q. And since that time have you had subsequent  
22 convictions?  
23 A. Here in Appleton I have.  
24 Q. What are those convictions for?  
14:25:17 25 A. I'm being charged with armed burglary.

14:25:19 1 Q. But you have not been convicted of that?

2 A. No.

3 Q. Do you have other convictions, though?

4 A. No. Ah, well, I got a burglary charge that I was  
14:25:29 5 convicted of a long time ago in New Hampshire, but I  
6 ain't got nothing else. Only Missouri is the only  
7 place I really have been convicted for anything.

8 Q. What was your convictions out of Missouri?

9 A. Burglary and stealing and a forgery.

14:25:42 10 Q. And forgery, did you say?

11 A. Yeah.

12 MS. MORRELL: I don't have any further  
13 questions.

14 MR. HINKEBEIN: I don't have anything  
15 either, Jason.

16 THE WITNESS: I guess, can I state one  
17 thing? I mean I'm not being rude or anything. I  
18 guess, I won't never go back to Missouri, ma'am. I'm  
19 scared to go back there. If I went back there, I'll  
14:26:08 20 probably wind up dead. I'm scared for my life to step  
21 one foot in that state. Every time I -- anybody ever  
22 mentioned -- my mom wanted to go down there sometime  
23 to visit people; I wouldn't never go. I am scared.

24 MR. HINKEBEIN: As far as signing this  
14:26:22 25 deposition, are you willing to waive the signing the

14:26:25 1 deposition?

2 THE WITNESS: Yeah, I'm -- I'll sign it.

3 MR. HINKEBEIN: Are you willing to waive it?

4 THE WITNESS: Yeah.

14:26:31 5 MR. HINKEBEIN: Okay. So you're waiving  
6 your signature?

7 THE WITNESS: No, I'll sign it and stuff.

8 MR. HINKEBEIN: No, you don't need to sign  
9 it. I'm asking you if you'll waive signing it so we  
10 don't have to come back.

11 THE WITNESS: Yeah.

12 MR. HINKEBEIN: I have nothing further,  
13 Stephanie.

14 MS. MORRELL: Are we doing the other  
15 deposition?

16 MR. HINKEBEIN: If he's here.

17 MS. MORRELL: I'll hold. Do you want me to  
18 hold on?

19 MR. HINKEBEIN: Yes.

14:27:04 20 (Deposition concluded at 2:27 p.m.)  
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DAVID ROBINSON v. STATE OF MISSOURI

DEPOSITION OF JASON RICHISON

TAKEN OCTOBER 18, 2004

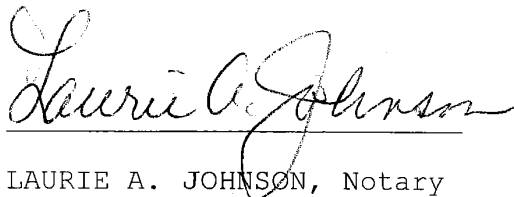
CERTIFICATE OF OATH

STATE OF WISCONSIN:

COUNTY OF OUTAGAMIE:

I, the undersigned authority, certify that  
JASON RICHISON personally appeared before me and was  
duly sworn.

WITNESS MY HAND AND SEAL this 2nd day of  
November, 2004.



LAURIE A. JOHNSON, Notary  
Public, State of Wisconsin

My Commission Expires: 11/12/06

1                                    DAVID ROBINSON v. STATE OF MISSOURI;  
2                                    REPORTER'S CERTIFICATE WITH ACKNOWLEDGMENT  
3

4                    STATE OF WISCONSIN:

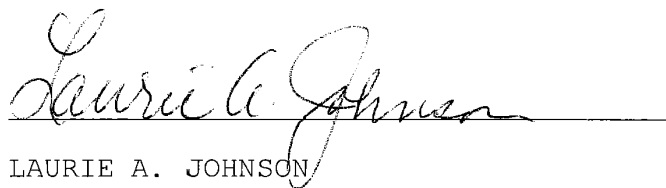
5                    COUNTY OF OUTAGAMIE:

6                    I, LAURIE A. JOHNSON, Registered Merit  
7                    Reporter, certify that I was authorized to and did  
8                    stenographically report the foregoing DEPOSITION of  
9                    JASON RICHISON, that a review of the transcript was  
10                   not requested, and that the transcript consisting of  
11                   Pages 1 through 23 is a true record of the testimony  
12                   given by the witness on MONDAY, OCTOBER 18, 2004 from  
13                   2:07 o'clock p.m. through 2:27 o'clock p.m.

14                   I FURTHER CERTIFY that I am not a relative,  
15                   employee, attorney or counsel of any of the parties,  
16                   nor am I a relative or employee of any of the parties'  
17                   attorneys or counsel connected with the action, nor am  
18                   I financially interested in the action.

19                   I FURTHER CERTIFY that I have furnished the  
20                   original hereof to KARL HINKEBEIN, Esquire.

21                   Dated this 2nd day of November, 2004.

22  
23                     
24                   LAURIE A. JOHNSON

25                   Registered Merit Reporter



RICHISON, JASON WAYNE ( 4/12/1980 ) 108992

**EXHIBIT**  
10/18/04  
#3  
La 3

**EXHIBIT**  
tabbles  
Mouant's  
# 24  
11/5/04