

1 MR. MOSES: Call Maybelle Sparvier.

2 WHEREUPON,

3 MS. MAYBELLE SPARVIER

4 having been called as a witness on behalf of the Defendant,
5 and being first duly sworn upon her oath, testified as
6 follows:

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DIRECT EXAMINATION

9 By Mr. Moses:

10 Q State your name please?

11 A Maybelle Sparvier.

12 Q And where do you live?

13 A I live west of Poplar, Montana, over by the
14 water tower there.

15 Q And is that up there on the hill or that bluff?

16 A Yes.

17 Q Now I don't believe that you have ever seen
18 this picture before, but it was introduced in this case, and
19 this is the Poplar River down here below, and this is up
20 towards the bluff. And you would be living then up in this
21 area here, is that right? (Indicates on Exhibit)

22 A Yes.

23 Q And can you tell me, whether on the morning
24 hours of June 16th, 1983 -- excuse me, of 1979, I am sorry,
25 if you heard any unusual notices?

1 A Well I really don't remember, it has been so
2 long ago, but I think I did, but of course, there are always
3 a lot of noises.

4 Q Now then, do you have any recollections of
5 hearing screams for help?

6 A Well I heard a lot of noises, as the neighbors
7 are always fighting, and besides, I was sick too. I was
8 pretty sick too.

9 Q I understand that you were sick at the time.
10 Now do you remember an FBI agent by the name of Warbert
11 who interviewed you and did you say to him that you may have
12 heard screams for help coming from the area of the river bridge?

13 A I did hear screams, but I really don't know
14 if it was from down there or from the front of the house.

15 Q You couldn't tell if this was coming from
16 the river bridge area?

17 A Well I thought that it did, yes.

18 Q Now, Mrs. Sparvier, to be sure that I understood
19 you, you say that you thought that these screams for help was
20 coming from the river bridge area?

21 A Yes.

22 MR. MOSES: Thank you, Mrs. Sparvier.

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CROSS EXAMINATION

25 By Mr. Racicot:

1 Q Mrs. Sparvier, you stated that you were ill
2 at the time?
3 A Yes.
4 Q And were you taking pain pills?
5 A Yes.
6 Q And you also indicated that these screams that
7 you heard, you thought they came from the front of the house?
8 A Yes.
9 Q And that you had neighbors that were always
10 fighting?
11 A Yes, on account they are always partying.
12 Q And the statement that Mr. Moses showed you,
13 is this the statement that he showed you, when he talks about
14 the river bridge?
15 A Yes.
16 Q Actually what this statement says is that Joel
17 Sparvier said he heard screams coming from the area of the
18 river bridge. You have never said that, have you?
19 A No.
20 Q You have always said that the screams came from
21 the front of the house?
22 A Yes.
23 Q And you couldn't be sure who it was?
24 A No. We had our windows open, you know, and
25 I heard screams, but I don't know for sure where they came from.

1 Q Were you awake that night?

2 A Yes I was awake.

3 Q And do you recall about what time it was?

4 A No I don't even remember that.

5 Q Could that have been early in the evening?

6 A No it was late, it was late, but I don't
7 remember what time it was.

8 Q Cars were still driving around?

9 A Yes.

10 Q Could it have been as late as just before dawn?

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

12 Q You don't know what time it was?

13 A No.

14 MR. RACICOT: Thank you, we have nothing further.

15 MR. MOSES: Nothing further and we ask that this witness be
16 excused.

17 MR. RACICOT: That's fine.

18 THE COURT: You're excused, and thank
19 you.

20 WHEREUPON this witness was EXCUSED.
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