

1           *THE COURT:* Good morning, ladies and gentlemen. Thank  
2 you for being here. I know you have probably noticed that the  
3 traffic patterns coming into the city can be difficult. And we  
4 are going to take a big bite out of this case today. If at any  
5 time you need to stop and take a break, raise your hand, and  
6 someone will get a hold of me and get my attention if I don't  
7 see you. And we will continue.

8           Now when we recessed last night, we were in the middle  
9 of the direct examination of our third witness. And  
10 Mr. Garrison is prepared, I guess, to continue, or Mr. Lee, as  
11 the case might be.

12           *MR. LEE:* Yes, your Honor.

13           *THE COURT:* All right. Mr. Lee.

14           *MR. LEE:* Actually, I have no further questions, your  
15 Honor.

16           *THE COURT:* All right. Very well. Now we will have  
17 cross examination.

18   **CROSS EXAMINATION**

19           *MR. STOBBS:* Judge Murphy, I expect Mr. Moskodauz is  
20 probably going to be our longest witness, just to prepare the  
21 Court.

22           *THE COURT:* All right.

23           **Q. (BY MR. STOBBS:)** You made several statements to the  
24 police; is that correct?

25           **A.** Yes, sir.

1 Q. And when you talked to the police at one time you told them  
2 that they shouldn't believe anything you told them, right?

3 A. Right.

4 Q. You made a statement to Kate on July 8th, the day Jeremy  
5 died.

6 A. Yes.

7 Q. You made a statement July 8th to Officer Simon?

8 A. Sir?

9 Q. The officer that arrived at the house, at Jeremy's house,  
10 you made a statement to him?

11 A. Yes.

12 Q. You made a statement on July 8th at the Columbia police  
13 station?

14 A. Yes.

15 Q. You made a statement on July 9th to Kate?

16 A. Yes.

17 Q. You made a statement on July 11th at the police station?

18 A. Yes.

19 Q. And on September 21st, you made a statement to the grand  
20 jury, right?

21 A. Right.

22 Q. You went to Jeremy's house on three different occasions on  
23 July 8th 2011?

24 A. Right.

25 Q. Jeremy lived in Columbia?

1     **A.** Columbia Lakes.

2     **Q.** You lived in East Carondelet?

3     **A.** Yes, sir.

4     **Q.** Brian lived in Dupo?

5     **A.** Right.

6     **Q.** To go from Columbia Lakes to Dupo, there's two ways you can  
7     go, correct?

8     **A.** Correct.

9     **Q.** You can either take Old Route 3?

10    **A.** Right.

11    **Q.** Or you can take 255?

12    **A.** Correct.

13    **Q.** The 255 exit is Exit 9?

14    **A.** Right.

15    **Q.** The Columbia exit is Exit 6?

16    **A.** Right.

17    **Q.** So it is about 3 miles up the highway?

18    **A.** Right.

19    **Q.** When you get off at the Dupo exit, you turn left, correct?

20    **A.** Correct.

21    **Q.** Until you go around the Dupo high school.

22    **A.** Correct.

23    **Q.** And then you keep driving around, and you see the bank on  
24    your right, correct?

25    **A.** Right.

1 Q. And you know the Union Pacific tower that I'm talking  
2 about?

3 A. Yes, sir.

4 Q. You turn left, you cross three railroad tracks, correct?

5 A. Correct.

6 Q. You keep going back about 5 or 6 miles and you hit East  
7 Carondelet?

8 A. Correct.

9 Q. You live on Sixth Street in East Carondelet?

10 A. Correct.

11 Q. There is a Fifth Street in East Carondelet, correct?

12 A. Correct.

13 Q. And then there is the levee?

14 A. Correct.

15 Q. That State Street that runs I guess north and south, where  
16 you go from -- where you turn left, that's State Street,  
17 correct?

18 Now if you go --

19 THE COURT: You have to answer so we can get it down  
20 for the court reporter.

21 A. Correct.

22 Q. Now, if you go down State Street, in other words, instead  
23 of turning left, if you were to turn right at the Union Pacific  
24 tower, you are in Dupo, correct?

25 A. Correct.

1 Q. And a couple blocks down is Jake's house?

2 A. Correct.

3 Q. And Brian's house?

4 A. Correct.

5 Q. And that's on Second Street?

6 A. Yes.

7 Q. From Brian's house to your house is about a 10-minute  
8 drive?

9 A. Correct.

10 Q. From your house to Jeremy's house is about a 20-minute  
11 drive?

12 A. Correct.

13 Q. From Jeremy's house to Brian's house is about a 20-minute  
14 drive?

15 A. Correct.

16 Q. You made three trips. The first trip was at 9:30 when  
17 Jeremy picked you up, correct?

18 A. Correct.

19 Q. And the last trip was at about 2:00 when you went to  
20 Brian's house, correct?

21 A. Correct.

22 Q. Between 9:30 and 2:00, a total of three trips were made  
23 from Jeremy's house to East Carondelet?

24 A. Correct.

25 Q. With one stop over that you testified to at Brian's house.

1     **A.** Correct.

2     **Q.** The first trip is at 9:30?

3     **A.** Correct.

4     **Q.** The last trip is at 2:00?

5     **A.** Yes.

6     **Q.** What time is the second trip?

7     **A.** Ah, Kate took me home around 4:00 that evening.

8     **Q.** So is the second trip at 2:00?

9     **A.** Yes.

10    **Q.** And the third trip is at 4:00?

11    **A.** Correct.

12    **Q.** Were you home at 4:00, or did you leave at 4:00?

13    **A.** She had got me home by 4:00.

14    **Q.** You were home at 4:00?

15    **A.** Yes.

16    **Q.** So she would have had to leave at about 3:30?

17    **A.** Correct.

18    **Q.** You had heroin with you when Jeremy picked you up, didn't  
19    you?

20    **A.** No.

21    **Q.** These three trips you were talking about, were those for  
22    heroin runs?

23    **A.** No.

24    **Q.** When you left Jeremy's house to go to East Carondelet, did  
25    you stop at Brian's house to get heroin?

1 **A.** On the third trip.

2 **Q.** Not on the first trip?

3 **A.** No.

4 **Q.** Not on the second trip?

5 **A.** No.

6 **Q.** The third trip?

7 **A.** Yes.

8 **Q.** But you just said the third trip was when Kate took you  
9 back. So was there four trips?

10 **A.** No, there was only three.

11 **Q.** So the third trip when Kate took you back, did you stop by  
12 Brian's house?

13 **A.** No.

14 **Q.** So it was the second trip?

15 **A.** Right.

16 **Q.** Let's talk a little about the lawn mower that you are  
17 talking about fixing. When you arrived at Jake's -- at  
18 Jeremy's house, you would have gotten there at about -- if he  
19 picked you up about 9:30, you would have gotten there about  
20 10:00?

21 **A.** Close to it, yes, sir.

22 **Q.** Well, if there is trains going up and down the Union  
23 Pacific, it is going to be slower or faster, correct?

24 **A.** Correct.

25 **Q.** And I understand that. But if you get back to Jeremy's

1 house at about ten and your purpose to go there is for the lawn  
2 mower, to fix the lawn mower?

3 **A.** Correct.

4 **Q.** Was it jacked up when you arrived?

5 **A.** No.

6 **Q.** You had to jack it up?

7 **A.** Yes, sir.

8 **Q.** You and Jeremy?

9 **A.** Yes, sir.

10 **Q.** When you got back to Jeremy's house, did Jeremy go in and  
11 use heroin?

12 **A.** No.

13 **Q.** Did he go in the house at all?

14 **A.** Yes.

15 **Q.** Do you know if he used heroin when he was in the house?

16 **A.** Not that I'm aware of, no.

17 **Q.** So you don't know if he did or didn't?

18 **A.** No.

19 **Q.** There was a problem with the lawn mower?

20 **A.** Correct.

21 **Q.** It wasn't -- I'm sorry.

22 **A.** He had bent the blade on it in his driveway.

23 **Q.** Wasn't an engine problem?

24 **A.** No.

25 **Q.** It was a blade problem.



1     **A.** Correct.

2     **Q.** And you and Jeremy had talked about fixing the lawn mower  
3     in advance, right?

4     **A.** Correct.

5     **Q.** You had talked about it because he wanted to have it fixed?

6     **A.** Right.

7     **Q.** And you wanted to help him?

8     **A.** Yes, sir.

9     **Q.** And you know how to fix lawn mowers?

10    **A.** Yes, sir.

11    **Q.** Blades at least?

12    **A.** Yes, sir.

13    **Q.** And there's a big nut that you take to get the blade off,  
14    right?

15    **A.** Right.

16    **Q.** It's either -- you needed a socket set?

17    **A.** Correct.

18    **Q.** You either needed a metric one, correct?

19    **A.** Correct.

20    **Q.** Or a standard one?

21    **A.** Correct.

22    **Q.** He drives to pick you -- and you are talking about this  
23    before the 8th, right?

24    **A.** Correct.

25    **Q.** And when he is telling you, "Dad, I need you to help me fix

1 the lawn mower," you knew it was either metric or standard?

2 **A.** I didn't know for sure if it was metric or standard.

3 **Q.** You could flip a coin and it was one or the other.

4 **A.** Correct.

5 **Q.** If you get it wrong, you go back and get the right tools  
6 and come back?

7 **A.** Correct.

8 **Q.** And was it metric or standard?

9 **A.** It was metric.

10 **Q.** It was metric. So that means that when you came the first  
11 time you took standard tools with you, correct?

12 **A.** Correct.

13 **Q.** And when you and Jeremy were talking about fixing the lawn  
14 mower, the blades, you told him, "Hey, maybe you could find  
15 somebody that has a metric set," right?

16 **A.** Correct.

17 **Q.** And are you aware -- if we could --

18 *MR. STOBBS:* Judge, if I could read a stipulation at  
19 this time?

20 *THE COURT:* You may.

21 Remember, ladies and gentlemen, I instructed you what  
22 a stipulation is. That's just legalese, legal parlance that  
23 means the parties have agreed something is true. That saves us  
24 time. No need to make someone prove something if everyone  
25 agrees that it is so.

1           You may read what the parties have stipulated to.

2           *MR. STOBBS:* Thanks, Judge.

3           Facts Stipulation Number 1: The defendant and the  
4 government agree and stipulate that the telephone records of  
5 the late Jeremy Moskodauz, and telephone number is  
6 (618)410-7207, are complete and accurate and have been properly  
7 authenticated by the telephone companies which maintained these  
8 records. And it's signed by Mr. Garrison and myself.

9           *THE COURT:* All right. We need the stipulation just  
10 to make it a part of the record.

11          *MR. STOBBS:* Thank you, Judge. And that stipulation  
12 relates to Government's Exhibit 25, Judge.

13          *COURTROOM DEPUTY:* Which is not in evidence.

14          *MR. STOBBS:* And I would move for its admission at  
15 this time.

16          *THE COURT:* It will be admitted.

17                    *(Exhibit Gvt's 25 received in evidence)*

18          *MR. GARRISON:* Your Honor, could we have just a  
19 moment?

20          *THE COURT:* You may.

21           Are you folks able to see that on the big screen?

22   **Q. (BY MR. STOBBS:)** Do you see where Jeremy sent a text to  
23 someone named Dave on July 6th 2011, and he asks "do you have a  
24 socket set, most likely metric"?

25   **A.** Yes.

1 Q. And you are telling the jury that you still showed up with  
2 a standard set?

3 A. Yes.

4 Q. I'm sorry?

5 A. Yes.

6 Q. Wasn't this business about the trips just mainly a lie to  
7 the police so that they wouldn't know you were going on heroin  
8 runs?

9 A. No.

10 Q. Between 9:30 and 2:00, until you made the last trip, your  
11 whole idea was to fix the lawn mower?

12 A. Correct.

13 Q. And are you saying Jeremy -- and Jeremy was with you the  
14 entire time?

15 A. Yes, sir.

16 Q. When you made a trip from Columbia back to your house in  
17 East Carondelet, Jeremy was with you?

18 A. Yes.

19 Q. So you never would have called Jeremy on the 8th, right?

20 A. Correct.

21 Q. And he never would have called you?

22 A. No.

23 Q. You are talking to the prosecutor and the jury yesterday  
24 about your heroin use?

25 A. Correct.

1 Q. The last time -- well, July 11th -- or July 8th 2011, you  
2 are telling the jury is the last time you used it?

3 A. Yes, sir.

4 Q. Before that, it was 15 years before that?

5 A. Yes, sir.

6 Q. And you were a hard core addict, weren't you?

7 A. Correct.

8 Q. You were shooting it?

9 A. Yes, sir.

10 Q. And between 15 years until the time you used it with your  
11 son, you are telling the jury you never used it before?

12 A. Right.

13 Q. You had built up a tolerance while you were an addict,  
14 correct?

15 A. Correct.

16 Q. And you needed more to get high?

17 A. Correct.

18 Q. And you preferred it not to be stepped on too much, right?

19 A. Correct.

20 Q. In other words, broken down?

21 A. Correct.

22 Q. And you knew that heroin was dangerous?

23 A. Yes, sir.

24 Q. You had overdosed a couple times before that?

25 A. Yes.

1 Q. And you wanted to make sure that your son wasn't going to  
2 have anything happen to him?

3 A. Correct.

4 Q. And you had -- you have a heart condition, correct?

5 A. I have a aneurysm in my chest that's 5.7.

6 Q. And so did Jeremy, right?

7 A. Correct.

8 Q. And you knew that Jeremy had overdosed in May, right?

9 A. Correct.

10 Q. And that was in May of 2011?

11 A. Correct.

12 Q. In 2010, you had found him passed out at a stop sign,  
13 right?

14 A. My next-door neighbor had.

15 Q. And that was at seven in the morning?

16 A. Correct.

17 Q. And he was driving?

18 A. Correct.

19 Q. So you knew that he had a heroin problem?

20 A. Not at that time I did not.

21 Q. In 2010 you didn't?

22 A. No.

23 Q. So if someone just passes out -- you don't think that's a  
24 problem if someone is found passed out at a stop sign?

25 A. He used to do Xanax all the time and smoke pot.

1 Q. So at that time you thought it was Xanax and smoking pot?

2 A. Right.

3 Q. He didn't just smoke pot, he like to have kush, right?

4 A. Correct.

5 Q. And kush is the primo marijuana?

6 A. Correct.

7 Q. The good stuff?

8 A. Correct.

9 Q. More expensive?

10 A. Correct.

11 Q. A dime bag of that is 20 bucks?

12 A. Correct.

13 Q. The -- and the reason that you told the police in July 11th  
14 of 2011 you would never give your son heroin is because you  
15 knew he had overdosed, right?

16 A. Correct.

17 Q. And you told the police that?

18 A. Correct.

19 Q. And that was a lie?

20 A. No.

21 Q. You didn't give your son heroin on July 8th?

22 A. No.

23 Q. Oh, he gave it to you?

24 A. He gave it to me.

25 Q. I see. You don't know Jake, do you?

1 **A.** I've known him through his parents and through Jeremy.

2 **Q.** But you don't know Jake?

3 **A.** No.

4 **Q.** You know Brian?

5 **A.** I know Brian, yes.

6 **Q.** Good friends with Brian?

7 **A.** Pretty good.

8 **Q.** Real good, right?

9 **A.** Right.

10 **Q.** You had gotten heroin from him, hadn't you?

11 **A.** No, not Brian.

12 **Q.** You had use with Brian?

13 **A.** No.

14 **Q.** You have known Brian for three or four years?

15 **A.** Correct.

16 **Q.** He never did tattoos on you, did he?

17 **A.** Yes.

18 **Q.** How many?

19 **A.** Three.

20 **Q.** How much did you pay him for them?

21 **A.** 50 and \$40 a piece.

22 **Q.** Not sixty?

23 **A.** No.

24 **Q.** And when you are talking to him, I mean you are real good  
25 friends with this guy. So since you didn't use heroin, you are



1 obviously not talking about heroin with him, are you?

2 **A.** I told him that Jeremy was there at Jake's to get a couple  
3 buttons.

4 **Q.** Oh, I know July 8th. We are going to get there. But I'm  
5 talking before July 8th, the three or four years that you are  
6 good friends with this guy. You had talked to him, right?

7 **A.** Correct.

8 **Q.** And because you are a heroin addict, you are not going to  
9 talk to him about heroin because that makes you want to use  
10 heroin, right?

11 **A.** Right.

12 **Q.** So you are going to talk to him about other things?

13 **A.** Correct.

14 **Q.** You are going to talk to him about your grandkids?

15 **A.** Correct.

16 **Q.** Because you have grandkids?

17 **A.** Yes, I do.

18 **Q.** And you would talk to him about your boy, right?

19 **A.** Right.

20 **Q.** And Brian knew about Jeremy?

21 **A.** Correct.

22 **Q.** He met Jeremy?

23 **A.** Yes.

24 **Q.** And when you talked to Brian, you knew that he -- there  
25 came a point where you knew that Brian was a hard-core heroin

1 user?

2 **A.** Not offhand. I didn't know he was on the heroin. I knew  
3 he had done fentanyl patches.

4 **Q.** Fentanyl. He was doing fentanyl patches when you first met  
5 him, but there came a time when you knew he was using heroin?

6 **A.** Correct.

7 **Q.** Pretty hard-core user?

8 **A.** Correct.

9 **Q.** He was shooting too?

10 **A.** As far as I know, correct.

11 **Q.** And he was obviously getting his heroin from someone,  
12 right?

13 **A.** Correct.

14 **Q.** And did he tell you about his friend Windex that he was  
15 getting his heroin from?

16 **A.** No, sir.

17 **Q.** Addicts are going to support their habit any way they can,  
18 right?

19 **A.** Correct.

20 **Q.** You were telling the jury yesterday that when you worked on  
21 the river -- that was a good job, right?

22 **A.** Not too bad.

23 **Q.** Those -- it is a hard job. I understand that. But I mean  
24 it was a -- it was a hard job, right?

25 **A.** Right.

1 Q. And it was a good job?

2 A. Right.

3 Q. And what you did is you worked, and the money you made you  
4 spent on heroin?

5 A. Correct.

6 Q. Other addicts that you know, they'll sell heroin to support  
7 their addiction, right?

8 A. Correct.

9 Q. And that's not uncommon?

10 A. No.

11 Q. And Brian was selling heroin to support his addiction too,  
12 wasn't he?

13 A. Not that I'm aware of, no.

14 Q. When you -- you knew that Brian had gone to Utah to get  
15 cleaned up, right?

16 A. Correct.

17 Q. And then you saw him in Dupo?

18 A. Correct.

19 Q. Where your boy was going to get kush?

20 A. Correct.

21 Q. And you saw Brian there?

22 A. Correct.

23 Q. And it must have seemed odd to you that the guy that goes  
24 to Utah to get cleaned up is back at a house where they're  
25 selling dope?

1 **A.** Correct.

2 **Q.** And you -- he told you that he was back in the Metro East  
3 area to get cleaned up, right?

4 **A.** Correct.

5 **Q.** And he was at Jake's house?

6 **A.** Right.

7 **Q.** And you told the police that you believed that like a hole  
8 in your head, that he was in Dupo to get cleaned up?

9 **A.** Correct.

10 **Q.** Because he was still using?

11 **A.** Not that I know of, he wasn't.

12 **Q.** On July 8th he wasn't using?

13 **A.** Not that I know of, not that I'm aware of.

14 *MR. GARRISON:* Your Honor, may we just ask that  
15 Mr. Moskodauz keep his voice up.

16 *THE COURT:* Yes. Thank you. I can hear him very  
17 easily because I am here.

18 *MR. STOBBS:* Oh, I'm sorry.

19 *THE COURT:* Mr. Moskodauz, you are going to have to  
20 sound off.

21 *THE WITNESS:* Okay.

22 *THE COURT:* That's not doing it. Speak louder.

23 *THE WITNESS:* Okay.

24 *THE COURT:* Better.

25 *THE WITNESS:* Thank you.

1                   MR. STOBBS: Thank you, Judge.

2   **Q. (BY MR. STOBBS:)** You -- on July 8th, you went to Brian's  
3 house?

4   **A.** Correct.

5   **Q.** You and Jeremy?

6   **A.** Correct.

7   **Q.** You went to the bank first?

8   **A.** Correct.

9   **Q.** And that was about 1:53 in the afternoon?

10   **A.** Correct.

11   **Q.** About 2:00?

12   **A.** Correct.

13   **Q.** And if Brian were to have testified that you were there for  
14 5 minutes, would that be wrong or right?

15   **A.** Probably be wrong.

16   **Q.** Because to you it seemed like 10 to 15 minutes?

17   **A.** About 10 minutes.

18   **Q.** And it takes about 10 minutes for heroin to hit, right?

19   **A.** It depends on the strength of the heroin.

20   **Q.** The better the heroin, the quicker the hit?

21   **A.** Right.

22   **Q.** The worse the heroin, the longer it takes to get high?

23   **A.** Correct.

24   **Q.** Correct?

25                   And the third trip, or the second trip, you go from

1 Jeremy's house in Columbia?

2 **A.** Correct.

3 **Q.** You go to Dupo?

4 **A.** Right.

5 **Q.** Did you take Old Route 3 or 255?

6 **A.** Took Old Route 3.

7 **Q.** You drove by the high school?

8 **A.** Right.

9 **Q.** You drove into the bank?

10 **A.** Right.

11 **Q.** And the bank is like maybe half a block from Jake's house?

12 **A.** Yes, sir.

13 **Q.** About half a block from Brian's house?

14 **A.** Yes.

15 **Q.** It's right there?

16 **A.** Right.

17 **Q.** And Jeremy was there to get kush?

18 **A.** As far as I knew, that was all he was there for.

19 **Q.** You go to Brian's house. You are talking to Brian in the  
20 car, right?

21 **A.** Correct.

22 **Q.** And at that time, did you get any heroin from him?

23 **A.** No.

24 **Q.** Did you get two buttons from him?

25 **A.** No.

1 Q. Jeremy goes inside, right?

2 A. Right.

3 Q. Comes out?

4 A. Right.

5 Q. Y'all take off. And where did you use the heroin?

6 A. On I.C. Track Road, Shartand Road.

7 Q. And that's right before that big lake over there?

8 A. Yes, sir.

9 Q. So you would have gone there.

10 A. Correct.

11 Q. Snorted the heroin?

12 A. Correct.

13 Q. Gone around, got back on State Street, and go to your  
14 house, right?

15 A. Right.

16 Q. And you sniffed the heroin off of your state ID.

17 A. Correct.

18 Q. And it is just -- that's all it is, right?

19 A. Correct.

20 Q. I mean, it is not an elaborate process.

21 A. No.

22 Q. You go back to your house, or your parents' house, and you  
23 are in there for 15 minutes.

24 A. Correct.

25 Q. Looking for tools.

1     **A.** Right.

2     **Q.** How big is your house?

3     **A.** Ah, it's a double-wide with a bedroom.

4     **Q.** Where are tools? Are the tools hidden?

5     **A.** No, they was in the garage.

6     **Q.** So you were in the garage for 15 minutes?

7     **A.** Yes.

8     **Q.** Were they hidden in the garage?

9     **A.** No, my dad has got several toolboxes, and I didn't know  
10  which one it was in.

11  **Q.** You could have planned that at 9:30 to figure out which set  
12  of tools it was, correct?

13  **A.** Correct.

14  **Q.** You go out and you see your boy slumped over in the car?

15  **A.** Correct.

16  **Q.** Slumped over in the driver's seat?

17  **A.** Correct.

18  **Q.** Slumped over the steering wheel?

19  **A.** Correct.

20  **Q.** Right?

21        You don't call 911.

22  **A.** No.

23  **Q.** You don't call his wife, Kate.

24  **A.** No.

25  **Q.** She is a nurse.



- 1     **A.** She was at work.
- 2     **Q.** She's a nurse?
- 3     **A.** Correct.
- 4     **Q.** She knows CPR.
- 5     **A.** Correct.
- 6     **Q.** You do none of that?
- 7     **A.** No.
- 8     **Q.** Your goal is to get him from the driver's seat to the  
9     passenger's seat?
- 10    **A.** Correct.
- 11    **Q.** And it took you about 40 minutes to do that?
- 12    **A.** About 20 or 30 minutes.
- 13    **Q.** About 30 minutes to do that. And, again, he's out?
- 14    **A.** Correct.
- 15    **Q.** And you are high?
- 16    **A.** Yes.
- 17    **Q.** You get in the car and drive?
- 18    **A.** Correct.
- 19    **Q.** You don't have a license?
- 20    **A.** No.
- 21    **Q.** And you are high?
- 22    **A.** A little bit, yes.
- 23    **Q.** And your goal is to get your boy from your house to his  
24    house?
- 25    **A.** Correct.

1 Q. You didn't stop at any hospital?

2 A. No.

3 Q. Didn't take him to an emergency room?

4 A. No.

5 Q. Because he had awakened?

6 A. Right.

7 Q. Perfectly fine?

8 A. Perfectly fine.

9 Q. You are having a great conversation with him?

10 A. Yes.

11 Q. About the heroin that he used?

12 A. Yes.

13 Q. About the heroin that you used?

14 A. Yes.

15 Q. You get back to Jeremy's house, right?

16 A. Right.

17 Q. And I'm going to show you Defendant's Exhibit 1. Can you  
18 see that, sir?

19 THE COURT: Linda, look at that. See how that looks  
20 to you.

21 COURTROOM DEPUTY: It is the paper that it is on,  
22 Judge.

23 THE COURT: Okay.

24 COURTROOM DEPUTY: If he needs too look at that  
25 closer, you can freeze the image.

1           *MR. GARRISON:* By the way, your Honor, I have no  
2 objection.

3           *MR. STOBBS:* I'm just going to show you Exhibits 1 and  
4 1A.

5           *THE COURT:* All right. 1 and 1A will be admitted.

6           *COURTROOM DEPUTY:* They are already, Judge.

7           *THE COURT:* Okay. Yes, they are.

8           ***Q. (BY MR. STOBBS:)*** That's Jeremy's house, right?

9           ***A.*** Correct.

10          ***Q.*** And it's a -- we don't have the picture, so I'm going to  
11 try to describe it with words, if I could, Mr. Moskodauz.

12           It is in a pretty nice part of town, right?

13          ***A.*** Yes, sir.

14          ***Q.*** A nice house?

15          ***A.*** Yes, sir.

16          ***Q.*** And it is Columbia Lakes?

17          ***A.*** Columbia Lakes.

18          ***Q.*** And it is right off of 255?

19          ***A.*** Yes, sir.

20          ***Q.*** You go up the hill?

21          ***A.*** Yes, sir.

22          ***Q.*** And you go around, and then it is right before a  
23 cul-de-sac?

24          ***A.*** Right.

25          ***Q.*** And there's a driveway?

1     **A.** Right.

2     **Q.** And there is a garage?

3     **A.** Right.

4     **Q.** You go in the garage?

5     **A.** Right.

6     **Q.** You go in the house --

7     **A.** Not right away.

8     **Q.** -- right?

9         And you go down in the basement?

10    **A.** No.

11    **Q.** You can go to the basement through the house?

12    **A.** Correct.

13    **Q.** And when you go in the front door, there is a living room?

14    **A.** Yes, sir.

15    **Q.** And a couple bedrooms?

16    **A.** Yes, sir.

17    **Q.** And did Jeremy walk into the house?

18    **A.** Yes, he did.

19    **Q.** You didn't have to assist him?

20    **A.** No.

21    **Q.** Was he all goofy acting?

22    **A.** No.

23    **Q.** He wasn't high?

24    **A.** Not at that time. He didn't act high, no.

25    **Q.** And when you were talking to the prosecutor yesterday, you

1 said something about going into the basement?

2 **A.** I went into the basement with him. And he took his bong  
3 down there and his marijuana and put it in the dresser drawer.

4 **Q.** The marijuana, the kush that he had bought from Jake?

5 **A.** I didn't see the kush that he had bought from Jake. He had  
6 a bag of his own from before.

7 **Q.** He had a bag of his own, but he went to buy some?

8 **A.** Yes.

9 **Q.** Was he stocking up?

10 **A.** I don't know. Jeremy smoked a lot of pot.

11 **Q.** And apparently snorted a lot of heroin.

12 **A.** Not that I know of, no.

13 **Q.** You go into the garage. You didn't go into the house, you  
14 went outside the garage and around back to come in the  
15 basement?

16 **A.** We sat in the truck. He looked at me and told me, "Please,  
17 Dad, don't say anything to Kate about me doing the heroin."  
18 And I promised him I wouldn't.

19 **Q.** And you kept your word?

20 **A.** Kept my word.

21 **Q.** Basically, all the way until the third or fourth time you  
22 were interviewed, right?

23 **A.** Right.

24 **Q.** And --

25 *THE COURT:* Wait a minute. You have to answer. A

1 nod --

2 **A.** Yes.

3 *THE COURT:* Okay.

4 *MR. STOBBS:* Thank you, Judge.

5 **Q. (BY MR. STOBBS:)** You are sitting in the truck. And how  
6 did you get in the house? Did you go through the house to the  
7 basement, or did you go around to the basement?

8 **A.** We went through the house.

9 **Q.** Okay. That's what I was getting at.

10 **A.** Okay.

11 **Q.** And you went down to the basement?

12 **A.** Right.

13 **Q.** And you used heroin down there?

14 **A.** No.

15 **Q.** Smoked dope down there?

16 **A.** Jeremy did.

17 **Q.** Not you?

18 **A.** No.

19 **Q.** There came a point when you are back at Jeremy's house that  
20 he started nodding off again, right?

21 **A.** Right.

22 **Q.** How long were you at his house when he started nodding off?

23 **A.** Probably 10, 15 minutes.

24 **Q.** And did it occur to you that he might have used heroin at  
25 that time without you knowing about it?

1     **A.** Correct.

2     **Q.** Have you ever mixed Vicodin, kush, heroin, and alcohol?

3     **A.** No.

4     **Q.** And you know that when the police arrived at Jeremy's house  
5 they looked around for different things, right?

6     **A.** Correct. I told them where the bong was.

7     **Q.** And did you tell them where those two blue capsules were?

8     **A.** I did not see the two blue capsules. No.

9     **Q.** Did you know there were two blue capsules there?

10    **A.** No.

11    **Q.** Did you learn about it later?

12    **A.** Yes.

13    **Q.** Two blue empty capsules.

14    **A.** Yes.

15    **Q.** Did you buy those from Brian?

16    **A.** No.

17    **Q.** Well, do you remember when you talked to the grand jury and  
18 you said that Brian sold two capsules for \$25?

19    **A.** No.

20                 *MR. STOBBS:* Page 13.

21    **Q. (BY MR. STOBBS:)** Do you remember when the prosecutor asked  
22 you, "Okay. What happened next after your son -- after your  
23 son, you think, told Jake 'I'm on my way'?"

24                 And you answered, "He went to the bank, got the \$25 out,  
25 and started over the Jake's, which is only about probably a

1 block from the bank."

2 Do you remember testifying to that?

3 **A.** Yes.

4 **Q.** So you did testify to the grand jury under oath that \$25  
5 was spent on heroin?

6 **A.** Twenty.

7 **Q.** What I just read to you and what you just testified to, is  
8 that correct or incorrect?

9 **A.** That's incorrect. It was \$20 that he got out of the ATM.

10 **Q.** It stands to reason that what you were talking about  
11 before, that the more potent the heroin, the more it is going  
12 to cost, right?

13 **A.** No.

14 **Q.** Regardless, it is always going to be \$10 a button.

15 **A.** That's all I ever paid for it, yes, sir.

16 **Q.** So if it is better -- if it hasn't been stepped on, it is  
17 still going to be the same price?

18 **A.** Correct.

19 **Q.** And you told the police that "one button doesn't do that  
20 shit to you, at least it never did to me," right?

21 **A.** Correct.

22 **Q.** I want to talk to you a little bit about the different  
23 statements that you made. You talked about Xanax, Vicodin, and  
24 kush the different times you talked to Kate or the police,  
25 right?



1 **A.** Correct.

2 **Q.** And the grand jury?

3 **A.** Correct.

4 **Q.** And on July 8th, you told Officer Simon that Jeremy told  
5 you that he took two Xanax, right?

6 **A.** Correct.

7 **Q.** And then on July 8th, at the Columbia police department,  
8 you told them that Jeremy took two in the morning, and you  
9 found out about it after you gave Jeremy Vicodin, right?

10 **A.** Correct.

11 **Q.** And then on July 11th, you tell them that you observed  
12 Jeremy take two?

13 **A.** Yes.

14 **Q.** So at the beginning you say that he told you that he took  
15 Xanax, and then afterwards you say it's after you gave him  
16 Vicodin.

17 **A.** Correct.

18 **Q.** And you go back to the grand jury, and you tell them that  
19 Jeremy took two.

20 **A.** Yes, sir.

21 **Q.** Right?

22 And you gave your son Vicodin?

23 **A.** Yes.

24 **Q.** Oxycodone?

25 **A.** Yes.

1 Q. Because you have a prescription for it?

2 A. Yes, sir.

3 Q. You have some neck or back injury?

4 A. I have neck injuries.

5 Q. And it alleviates the pain?

6 A. Correct.

7 Q. From time to time, you buy Vicodin illegally, right?

8 A. No.

9 Q. Well, in this case, you are at least down two Vicodin,  
10 right?

11 A. Right.

12 Q. Because you gave them to your son?

13 A. Yes.

14 Q. On July 8th, you told Officer Simon that Jeremy asked you  
15 for the Vicodin, right?

16 A. Right.

17 Q. And then on July 8th you told them that after the third  
18 trip Jeremy had a headache, and you gave one Vicodin between  
19 1:30 and 2:00, right?

20 A. Right.

21 Q. And then on the -- July 11th, you said as soon as Jeremy  
22 and Terry walked into your house -- or Jeremy's house -- you  
23 gave Jeremy two Vicodin.

24 A. Correct.

25 Q. So you went from one Vicodin to two?

1     **A.** Correct.

2     **Q.** And then, finally, the grand jury, under oath, you say you  
3     are at Jeremy's house, and you gave two to Jeremy at his  
4     request?

5     **A.** Right.

6     **Q.** You know he had used Xanax?

7     **A.** Yes, sir.

8     **Q.** Apparently, you knew he had used heroin?

9     **A.** Ah, yes.

10    **Q.** He had smoked some kush?

11    **A.** Yes.

12    **Q.** Drank some beer?

13    **A.** He had drank one beer.

14    **Q.** And he said, "Dad, I have a headache. Could I have some  
15    Vicodin?"

16    **A.** Yes.

17    **Q.** And you gave it to him?

18    **A.** Yes.

19    **Q.** On the kush, on July 8th, you told the police department --  
20    you told the Columbia police that you saw Jeremy smoking kush  
21    with a one hitter?

22    **A.** Right.

23    **Q.** You didn't say it was back at his house?

24    **A.** No.

25    **Q.** In the car?

1     **A.** In the car.

2     **Q.** That was a lie.

3     **A.** Correct.

4     **Q.** July 9th, your son's widow and you were talking, correct?

5     **A.** Correct.

6     **Q.** And you tell her at that time that you went to Jake's house  
7 to get weed?

8     **A.** Right.

9     **Q.** You didn't say, "We went to Brian's house to get heroin."

10    **A.** No.

11    **Q.** You didn't say, "We went to Dupo to get heroin."

12    **A.** No.

13    **Q.** "We went to Jake's house to get weed."

14    **A.** Right.

15    **Q.** And then when you were talking to them on July 11th, that's  
16 when you tell them for the first time that your son had smoked  
17 the kush in the basement, right?

18    **A.** Correct.

19    **Q.** And these lies were because you were afraid your mom and  
20 dad were going to throw you out of the house?

21    **A.** Yes, sir.

22    **Q.** You didn't want to get thrown out of the house.

23    **A.** No.

24    **Q.** You didn't have anywhere to live.

25    **A.** That's right.

1 Q. But you told the grand jury that your mom had you afraid  
2 that they were going to arrest you about giving Vicodin and  
3 doing heroin with Jeremy. Do you remember that?

4 A. Correct.

5 Q. So it wasn't about getting thrown out of the house. You  
6 were afraid of getting arrested.

7 A. And being thrown out of my mom and dad's house.

8 Q. I see. I understand. But you were afraid about getting  
9 arrested.

10 A. Right.

11 Q. And when you were talking to the Columbia police department  
12 on July 11th, there came a point where the lady detective told  
13 you that you are looking at federal charges. Do you remember  
14 that?

15 A. Right.

16 Q. And that's when you started telling the business about  
17 going to Jake's house?

18 A. Correct.

19 Q. Brian's house?

20 A. Correct.

21 Q. You made a call to Jeremy on July 8th at about noon, didn't  
22 you?

23 A. No, sir.

24 Q. Well, I'm going to show you Jeremy's phone records. Your  
25 phone number is (314)954-1364?

1 **A.** I believe so, yes.

2 **Q.** The phone records show that on July 8th 2011, at 11:59, you  
3 spoke to your boy for about a minute. You called him, didn't  
4 you?

5 **A.** Yes, I did.

6 **Q.** So when you said earlier that you never talked to him on  
7 the phone, that was a lie?

8 **A.** Correct.

9 **Q.** I forgot what -- when you were talking to the prosecutor  
10 yesterday, what's it called when you lie under oath?

11 **A.** You are supposed to tell the truth.

12 **Q.** Okay. And on July 8th -- I'm not as good at military time  
13 as some people, but 3:19 you spoke to your boy too, right?

14 **A.** 3:19?

15 **Q.** Can you see that? You're Pops, your phone number.

16 **A.** Yes.

17 **Q.** And that's a call that he made to you?

18 **A.** Yes.

19 **Q.** So you lied earlier when you said that you never talked to  
20 him on the phone?

21 **A.** Correct.

22 **Q.** So he wasn't with you the whole time?

23 **A.** From 9:30, all day he was.

24 **Q.** So, what, are you guys driving down the road, he's got his  
25 cell phone calling you and you are answering? Driver,

1 passenger?

2 **A.** No.

3 **Q.** You were making dope runs, weren't you?

4 **A.** No.

5 **Q.** On July 8th, you were specifically asked if you went to  
6 Jake's in Dupo by the police. Do you remember that?

7 **A.** Yes.

8 **Q.** And you told them no?

9 **A.** Yes.

10 **Q.** And you lied to them when you said "I'd never give Jeremy  
11 heroin," didn't you?

12 **A.** No.

13 *MR. STOBBS:* If I could have a second, Judge.

14 **Q. (BY MR. STOBBS:)** You went directly from Brian's house --

15 *MR. STOBBS:* I'm sorry, Linda.

16 *COURTROOM DEPUTY:* I think you are on.

17 **Q. (BY MR. STOBBS:)** You went directly from Brian's house  
18 back to Jeremy's house to use the heroin, didn't you?

19 **A.** No.

20 **Q.** If you are at Brian's house at -- if you leave Brian's  
21 house at 2:00, right?

22 **A.** Right.

23 **Q.** And if you are at Brian's house at 2:00, you would have  
24 gotten to your house by about 2:20, right?

25 **A.** Correct.

1 Q. And you said Kate drove you back at 3:30?

2 A. Correct.

3 Q. You are in the shed looking for tools for 15 minutes?

4 A. Right.

5 Q. So you had come out about 2:35, 2:40 --

6 A. Right.

7 Q. -- right?

8 It takes you 40 minutes to wake your boy up, 30 minutes to  
9 wake your boy up?

10 A. 30 minutes.

11 Q. 30 minutes.

12 So about 3:10 you would have left to get back to Columbia?

13 A. Right.

14 Q. You told the jury before it is about a 20-minute drive.

15 A. Correct.

16 Q. So you are -- at 3:30 you are in Columbia.

17 A. Correct.

18 Q. But how could Kate take you back to East Carondelet at  
19 3:30?

20 A. It was around a quarter to four when she took me home.

21 Q. Okay. Well, there came a point where you had to -- you  
22 were talking in the truck for a while. You told the jury that.

23 A. Correct.

24 Q. 5 minutes, 10 minutes, 15 minutes?

25 A. Maybe 10 minutes.



1 Q. So at about 3:40 you are going in to go down in the  
2 basement?

3 A. He went down in the basement, yes, sir.

4 Q. You went with him?

5 A. Yes.

6 Q. We went down to the basement.

7 A. Right.

8 Q. So maybe closer to four that Kate drove you back now?

9 A. Possibility.

10 Q. You had four capsules of heroin, didn't you?

11 A. No.

12 Q. And you are telling the jury that between -- because we've  
13 had the bank -- yesterday, when we were talking to the  
14 prosecutor, he showed you Jeremy getting money out of the bank.  
15 Remember?

16 A. Yes.

17 Q. That's about 1:53.

18 A. Right.

19 Q. That's rock solid. That's not about 1:53, that is 1:53.  
20 You understand that?

21 A. Right.

22 Q. And then you were telling the jury about the trip you made  
23 to go out to use the heroin on this isolated road.

24 A. Right.

25 Q. And then you went back to your house in East Carondelet and

1 looked around for the tools.

2 **A.** Right.

3 **Q.** And then you are getting back to Columbia. That's just not  
4 possible, is it?

5 **A.** Yes, sir.

6 **Q.** Because you are telling the jury it is?

7 **A.** Yes.

8 *MR. STOBBS:* No other questions, Judge.

9 *THE COURT:* Redirect, if any.

10 *MR. LEE:* Yes, your Honor.

11 *THE COURT:* Mr. Lee.

12 **REDIRECT EXAMINATION**

13 **Q. (BY MR. LEE:)** Good morning.

14 **A.** Good morning.

15 **Q.** Good morning, Terry.

16 **A.** Good morning.

17 **Q.** Now I'd like to show you the phone records just very  
18 briefly.

19 **A.** Okay.

20 *COURTROOM DEPUTY:* Is that Exhibit 25?

21 *MR. LEE:* Yeah. This is Government's Exhibit 25.

22 *COURTROOM DEPUTY:* Thank you.

23 **Q. (BY MR. LEE:)** I'd like to direct your attention to this  
24 phone call.

25 *(Courtroom deputy demonstrating)*

1 **Q. (BY MR. LEE:)** And also this time right here.

2 Terry, on that phone call, it is for July 8th of 2011,  
3 right?

4 **A.** Right.

5 **Q.** At 11:59, 33 seconds.

6 **A.** Right.

7 **Q.** Now that says GMT, right?

8 Right underneath the date.

9 **A.** Yes.

10 **Q.** Terry, do you know what GMT stands for?

11 **A.** No, I sure don't.

12 **Q.** Do you know that GMT stands for --

13 *MR. STOBBS:* Objection. Leading, Judge.

14 *THE COURT:* It is leading. Sustained. Rephrase your  
15 question.

16 *MR. LEE:* Okay.

17 **Q. (BY MR. LEE:)** So do you know whether or not that

18 11:59:33 is our time or a different time?

19 **A.** No, sir, I don't.

20 **Q.** Do you know whether or not the GMT is 5 hours ahead of our  
21 time?

22 **A.** No, I don't.

23 **Q.** So would you know whether or not that time right there is  
24 7:00 a.m. our time approximately?

25 **A.** Approximately, yes, sir.

1           *THE COURT:* Now, wait a minute. You do know or you  
2 don't know?

3           *THE WITNESS:* I don't know.

4           *THE COURT:* Well, you just told him that you did know.  
5 Now did I hear him wrong? Would you ask that question again?  
6 Let's be clear on this.

7           *MR. LEE:* Sure.

8 **Q. (BY MR. LEE:)** Terry, do you know whether or not that time  
9 at 11:59 GMT would have been approximately 6:59 in Central  
10 time?

11           *MR. STOBBS:* Objection, leading.

12 **A.** No.

13           *THE COURT:* The answer is no. It will stand because I  
14 invited the question to clear it up. He doesn't know.

15           *MR. STOBBS:* Okay.

16           *THE COURT:* Good enough.

17 **Q. (BY MR. LEE:)** Mr. Moskodauz, were you driving the car  
18 during the morning of July 8th of 2011?

19 **A.** No.

20 **Q.** Prior to giving Jake's house on July 8th, were you ever  
21 driving the car?

22 **A.** I drove Jeremy home.

23 **Q.** Prior to getting --

24 **A.** No.

25 **Q.** So who drove the car that morning the entire time?

1 **A.** Jeremy.

2 **Q.** So prior to getting to Jake's house, did you ever take  
3 notes of where you were going?

4 **A.** Yes.

5 **Q.** Did you actually write down notes of where you were going?

6 **A.** No.

7 **Q.** Prior to getting to Jake's house, did you write down notes  
8 of how long each of the segments took?

9 **A.** No, sir.

10 **Q.** When you testified about when you were making these trips  
11 that morning, were you giving approximate estimates of time?

12 **A.** Yes, sir.

13 **Q.** Mr. Moskodauz, can you tell whether somebody has been using  
14 heroin?

15 **A.** Yes.

16 **Q.** What are some of the symptoms, in your experience, of  
17 someone who has used heroin?

18 **A.** It makes you feel like you are Superman and can do  
19 anything.

20 **Q.** Are there any other symptoms?

21 **A.** It makes you nod out.

22 **Q.** What does "nodding out" mean?

23 **A.** Go to sleep.

24 **Q.** So it makes you drowsy?

25 **A.** Right.

1 Q. During the morning of July 8th 2011, did Jeremy appear  
2 normal that morning?

3 A. Yes, sir.

4 Q. Was anything out of the ordinary?

5 A. No.

6 Q. Did he seem like, as you said, Superman?

7 A. No.

8 MR. STOBBS: Objection, leading, Judge.

9 THE COURT: Sustained. The jury will disregard the  
10 answer. That's a leading question.

11 Q. **(BY MR. LEE:)** Terry -- Mr. Moskodauz, what does being  
12 Superman -- could you describe to the jury what that means?

13 A. It makes you feel like you are strong and you can do  
14 anything.

15 Q. When you were with Jeremy that morning on July 8th of 2011,  
16 that morning prior to going to Jacob Nelson's house, did Jeremy  
17 ever appear to you like he was using heroin?

18 A. No, sir.

19 Q. Mr. Moskodauz, prior to July 8th of 2011, when was the last  
20 time you used heroin?

21 A. Back in 2000.

22 Q. That was the last time you used. And when was the last  
23 time you had seen it?

24 A. With Jeremy, on the 8th.

25 Q. No. Prior. Prior to the 8th.

1                    *THE COURT:* That means earlier. Before.

2    *Q. (BY MR. LEE:)* Before July 8th.

3    *A.* Before July 8th?

4    *Q.* When was the last time you saw heroin?

5    *A.* I hadn't seen any.

6    *Q.* Mr. Moskodauz, could you describe to the jury what happened  
7 in 2000?

8    *A.* My mom and dad and I found out I had hepatitis C.

9                    *MR. STOBBS:* Never mind.

10   *A.* I found out that I had hepatitis C. And I had several of  
11 my friends pass away from it and heroin overdoses.

12   *Q.* Was that the year -- you said that was the year that you  
13 stopped doing heroin?

14   *A.* Yes, sir.

15   *Q.* Could you tell the jury how you stopped doing heroin?

16   *A.* My mom and dad come and picked me up from the boat yard,  
17 took me to their house. I went into my bedroom, and I stayed  
18 there for almost six weeks. I was vomiting and had diarrhea  
19 constantly and thought I was dying and wished I would have  
20 sometimes.

21   *Q.* After that incident, did you ever do heroin before July 8th  
22 of 2011?

23   *A.* No.

24   *Q.* Did you want to do it?

25   *A.* You've always got the cravings for it.

1 Q. Okay.

2 Mr. Moskodauz, how do you know Brian Wilkes?

3 A. He is a friend of mine. I met him through my sister, and  
4 he done some tattoos for me.

5 Q. Did you ever see Brian Wilkes do heroin?

6 A. No, sir.

7 Q. Did you ever do heroin in front of him?

8 A. No.

9 Q. Did you ever buy heroin from him?

10 A. No.

11 Q. Did you know him to be a drug dealer at all?

12 A. No.

13 Q. Let's take you back. When you said prior to 2000 when you  
14 were using heroin, where did you get your heroin from?

15 A. From some kids over in St. Louis, Missouri.

16 Q. Could you describe specifically where?

17 A. I was working over in Arnold, Missouri, so it had been  
18 Arnold, Missouri.

19 Q. So where were the kids? Where did they sell you the  
20 heroin?

21 A. They would deliver it out to the boat yard to me.

22 Q. And was that where you were working?

23 A. Yes, sir.

24 Q. And when you were working there, where did you stay?

25 A. I stayed in a little building up they had up on the back of



1 a barge. I had a couch that pulled out into a bed.

2 **Q.** When you say "they," do you mean your employer?

3 **A.** My employers, yes, sir.

4 **Q.** So you were staying with your employer during that time?

5 **A.** I stayed out there at the boat yard as a guard at night.

6 **Q.** After 2000, have you ever held any job?

7 **A.** No.

8 *MR. STOBBS:* Judge, I'm going to object. This is  
9 beyond the scope and irrelevant.

10 *THE COURT:* It is. But I'm going to give you an  
11 opportunity on motion to recross.

12 *MR. STOBBS:* Okay.

13 *THE COURT:* I'm hoping this might save some time.

14 *MR. STOBBS:* Thank you, Judge.

15 *THE WITNESS:* No.

16 **Q. (BY MR. LEE:)** Where did you stay?

17 **A.** I stayed with my parents.

18 **Q.** Did you ever do drugs when you were with your parents?

19 **A.** Just prescription.

20 **Q.** Did you know if your parents did drugs?

21 **A.** My mom is on pain medication.

22 **Q.** When I say "drugs," I mean illegal drugs.

23 **A.** No.

24 **Q.** Mr. Moskodauz, how much cash did Jake withdraw from the ATM  
25 on the day of July 8th 2011?

1     **A.**  Jeremy?  \$20.

2     **Q.**  Yes.  I meant Jeremy.  I apologize.

3     **A.**  Okay.

4     **Q.**  How did you know it was \$20?

5     **A.**  I seen the twenty.

6     **Q.**  After you went to Jacob Nelson's house and after Jeremy  
7     went inside, when he came outside, did he look like he took  
8     heroin?

9     **A.**  No.

10    **Q.**  Did he look normal?

11    **A.**  Yes.

12    **Q.**  In fact, who drove the car after you left Jacob Nelson's  
13    house?

14    **A.**  Jeremy did.

15    **Q.**  And prior to leaving his house, how many buttons of heroin  
16    did Jeremy show you?

17    **A.**  Two.

18    **Q.**  Two buttons of heroin?

19    **A.**  Yes, sir.

20    **Q.**  Prior to going to Jacob Nelson's house, before you were at  
21    the ATM, could you explain to the jury again what you heard  
22    Jeremy say on the phone?

23    **A.**  He said, "Jake, I'm on my way over.  I'd like to see if I  
24    could get a couple buttons."

25    **Q.**  At that point, did you think Jeremy was going to get

1 heroin?

2 **A.** Yes, I did.

3 **Q.** And who did you think Jake -- he was referring to when he  
4 said Jake?

5 **A.** Jake Nelson.

6 **Q.** At that point did you think he was still going to get  
7 marijuana?

8 **A.** Yes.

9 **Q.** How come?

10 **A.** Because that's what he said he was going after in the first  
11 place.

12 **Q.** Mr. Moskodauz, after you left Jacob Nelson's house, when  
13 you got to Jeremy's house.

14 **A.** Correct.

15 **Q.** You testified earlier that you were in the basement.

16 **A.** Right.

17 **Q.** You were in the basement with Jeremy.

18 **A.** Right.

19 **Q.** When you were with the -- in the basement with Jeremy, did  
20 Jeremy ever snort heroin?

21 **A.** No.

22 **Q.** Do you see him ever do heroin at any point that afternoon  
23 after you had both did it?

24 **A.** No.

25 **Q.** Mr. Moskodauz, I'd like to take you to the police

1 interviews that you were just previously questioned about. Why  
2 did you not mention heroin in the first place in the July 8th  
3 2011?

4 **A.** Because I was afraid of being arrested and being kicked out  
5 of my mom and dad's house and not being able to see my  
6 grandchildren anymore and Kate being mad at me.

7 **Q.** Why did you not mention anything about heroin when you  
8 first started your second interview on July 11th of 2011?

9 **A.** I was still afraid of being arrested and being kicked out  
10 of my parents' house because I didn't have anywhere else to go.

11 **Q.** And why did you finally mention the heroin to the police  
12 during the second part of that interview?

13 **A.** I decided that I owed it to Jeremy and my grandchildren and  
14 Kate.

15 **Q.** Mr. Moskodauz, prior to going to Jacob Nelson's house, did  
16 you know whether or not Brian Wilkes was staying at Jacob  
17 Nelson's house?

18 **A.** No.

19 **Q.** When was the last time you had seen Brian Wilkes before  
20 July 8th of 2011?

21 **A.** Probably six, eight months before.

22 **Q.** And the first -- so the first time you saw him was when you  
23 got to the house that day?

24 **A.** Yes, sir.

25 **Q.** At any point prior to getting to Jacob Nelson's house, did

1 Jeremy mention Brian Wilkes?

2 **A.** No.

3 **Q.** Did he mention Brian?

4 **A.** No.

5 **Q.** Who did Jeremy mention?

6 **A.** Jake Nelson.

7 **Q.** And whose house did you go to?

8 **A.** Jake's.

9 **Q.** Is that Jacob Nelson's house?

10 **A.** Yes, sir.

11 *MR. LEE:* No further questions.

12 *THE COURT:* All right. Make your motion to do a  
13 recross.

14 *MR. STOBBS:* Judge, if I could do a recross, I would  
15 appreciate that. I make a motion for that.

16 *THE COURT:* All right. And on what issues?

17 *MR. STOBBS:* On the issues of tolerance for heroin,  
18 that he hasn't used since 2000.

19 I'm sorry, Linda.

20 *THE COURT:* I can hear you. Keep going. Just make  
21 your record.

22 *MR. STOBBS:* And for the -- Brian Wilkes not using  
23 heroin or not being a heroin dealer. Just those two brief.

24 *THE COURT:* That motion will be granted. You may  
25 proceed.

**RE CROSS EXAMINATION**

1  
2 **Q. (BY MR. STOBBS:)** You said you never saw Brian Wilkes use  
3 heroin?

4 **A.** Correct.

5 **Q.** And he wasn't a heroin dealer?

6 **A.** Not that I know of, no, sir.

7 **Q.** And you didn't want other people to think he was a heroin  
8 dealer?

9 **A.** Not that I know of.

10 **Q.** And you didn't want people to think that he had sold you  
11 and Jeremy heroin, did you?

12 **A.** He did not sell us the heroin.

13 **Q.** You didn't want people to think that, did you?

14 **A.** No.

15 **Q.** You didn't want Dave Grah to think that?

16 **A.** Dave is the one that told me that Jake was the one that  
17 sold it to Jeremy in May.

18 **Q.** And you called Dave on July 8th 2011, to tell him that  
19 Brian had not sold Jeremy and you the heroin, that Jake had,  
20 right?

21 **A.** Correct.

22 **Q.** And you wanted to correct that?

23 **A.** Yes, sir.

24 **Q.** Since 2000 -- 2000 to 2011, you hadn't used any, right?

25 **A.** Right.

1 Q. So any tolerance that you would have had would have  
2 dissipated? Dissipated means that it went away.

3 A. No.

4 Q. Your tolerance was less, right?

5 A. Probably, yes, sir.

6 Q. Well, it would have been. I mean, if you are using every  
7 day, you have got a higher tolerance?

8 A. Right.

9 Q. You stop using, your tolerance is low?

10 A. Yes.

11 Q. And you and Jeremy used the exact same amount of heroin,  
12 right?

13 A. Correct.

14 Q. And you are fine?

15 A. Right.

16 MR. STOBBS: No other questions, Judge.

17 THE COURT: You may step down.

18 All right. We will take our first morning break.

19 And then we will resume with our next witness, who is?

20 Mr. Lee?

21 MR. LEE: Your Honor, it is Kate Moskodauz.

22 THE COURT: Kate Moskodauz will be our next witness.

23 Have her in the chair.

24 All right. Court's in recess. All rise for the jury.

25 (Recess)