

**INNOCENCE PROJECT**



Benjamin N. Cardozo School of Law, Yeshiva University

EXCERPT FROM THE TESTIMONY  
OF THE  
VICTIM, PT

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IN THE SUPERIOR COURT FOR THE COUNTY  
OF COBB, STATE OF GEORGIA  
MAY TERM, 1982

STATE OF GEORGIA )  
 )  
vs. ) Criminal Indictment Number  
 )  
ROBERT CLARK, JR., ) 82-0481  
 )  
Defendant. )

Tried Before His Honor  
Judge Gary B. Andrews  
With a Jury  
May 24, 25 & 26, 1982

APPEARANCES

For the State: Charles C. Clay, Esquire  
Assistant District Attorney  
For the Defendant: Nancy Scott Rogers, Esquire  
August F. Siemon, Esquire

-- TRANSCRIPT OF THE EVIDENCE --

EXCERPT FROM THE  
TESTIMONY OF THE  
VICTIM, PT

1 A. Well, they gave me various examinations, and put  
2 something on my bruises.

3 Q. At that point in time, did you talk to the police?

4 A. Yes, I did.

5 Q. Did you give a statement to the police?

6 A. Yes.

7 Q. To the best of your knowledge, do you remember giving  
8 a description to them?

9 A. Yes.

10 Q. To the best of your memory at this time, roughly  
11 what type of description did you give of the individual?

12 A. I said he was about 5'7", medium complexion, not  
13 as dark as I am, thin face, and it was something about his  
14 mouth. Either his teeth was kind of budged out, or it was  
15 a broken piece.

16 Q. How tall are you?

17 A. I'm about 5'6".

18 Q. Was the individual taller than you?

19 A. Yes.

20 Q. Where were you when you first saw the person?

21 A. I was sitting in my car.

22 Q. This was the initial description that you gave to  
23 the police?

24 A. Yes.

25 Q. What was the most distinctive thing that you recall

1 BY MR. CLAY:

2 Q Is there any doubt in your mind that he is the  
3 individual who kidnapped, raped and robbed you?

4 A No doubt.

5 Q As you sit up there, can you certainly say that that  
6 is the person?

7 A That is the person.

8 Q What do you base that on?

9 A I base that on, like I said, the facial features,  
10 the thin face. Even though he has got a haircut, I will never  
11 forget the face, the color skin, and his voice.

12 Q Will you ever forget the face?

13 A No.

14 MR. CLAY: Your witness.

15 CROSS-EXAMINATION

16 BY MR. SIEMON:

17 Q Ms. [REDACTED] the first description that you gave to  
18 the police was that the individual was 5'7" and about a hundred  
19 and twenty pounds, is that correct?

20 A Right.

21 Q Do you recall on the 31st of July, the morning that  
22 you were talking to the police, you made a tape-recorded state-  
23 ment to the police?

24 A Yes, I do.

25 Q I would like for you to take a look at that, please,

1 the last paragraph.

2 A. Yes.

3 Q. Do you recall making the statement, "He was, uh,  
4 he was a little taller than I was, so I guess about 5'7", but  
5 he was a thin build, you know, a real thin built person. Maybe  
6 he don't weigh much at all, maybe one hundred and twenty or  
7 something"? Do you recall saying that? <sup>SP</sup>

8 A. Yes, I do.

9 Q. And you made that statement just several hours after  
10 this occurred, didn't you?

11 A. Right.

12 Q. While the incident was fresh in your mind?

13 A. Yes.

14 Q. If he had a high afro at the time, it would make  
15 him look taller, wouldn't it?

16 A. Yes.

17 Q. So there is the possibility that the person was even  
18 shorter than 5'7", isn't that true?

19 A. Well, I said that he was taller than I was. I don't  
20 know exactly how tall he was.

21 Q. But like you say, he did have a high afro at the  
22 time, the person who assaulted you.

23 A. Yes. He had a high afro, but I do know that he was  
24 taller than I was.

25 Q. And you had an opportunity to--once you got to the