

IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR PARISH OF CADDO  
SHREVEPORT, LOUISIANA

STATE OF LOUISIANA :  
VERSUS : CASE NO. :  
JAMES COLVIN :

VOLUME II

TRANSCRIPT OF THE PROCEEDINGS HAD  
in the trial of the above-styled and numbered cause before  
HIS HONOR CHARLES LINDSAY, Judge of the First Judicial  
District Court, in and for Caddo Parish at Shreveport,  
Louisiana, on the 26th day of April, 1983.

APPEARANCES:

FOR THE STATE: MR. CAREY SCHIMPF  
FOR THE DEFENDANT: MR. NESIB NADER

**FILED**  
JUL 22 1983  
DEPUTY CLERK

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1 MR. SCHIMPF: Mike McCain.  
2 WHEREUPON . . .

3 MIKE MCCAIN

4 was called as a witness by counsel for the State for the  
5 purpose of giving testimony, and after having first been  
6 duly sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SCHIMPF:

9 Q Would you state your name for the record?

10 A Michael McCain.

11 Q And your age?

12 A Thirty-five.

13 Q Mr. McCain, where are you employed now?

14 A Own and operate McCain's Car Wash, Road-Runner  
15 Car Wash on Youree Drive.

16 Q July 12th, 1982, where were you employed?

17 A Same place. I owned another business also, co-owned.

18 Q What business was that?

19 A New World, Inc., or better known as Sausage & Cheese  
20 Store and Factory on Line Avenue.

21 Q On Line Avenue?

22 A Yes.

23 Q Is that near Millicent Drive, Spring Lake?

24 A Right off the corner, yes, sir.

25 Q Now that is 8509 Line Avenue?

26 A That is correct.

27 Q That is in Caddo Parish?

28 A Yes, sir.

29 Q You were co-owners with whom?

30 A At the time there were three other owners, Tom Thomas,

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1 Joseph Fertitta and Mitchell Newstadt.  
2 Q Okay. On July 12th, 1982 was your wife employed  
3 there?  
4 A Yes, she was.  
5 Q Was your sister-in-law employed there?  
6 A Yes.  
7 Q That is Rebecca Cloutier?  
8 A Yes.  
9 Q Were you there in the store on that day?  
10 A No, sir, I was there earlier in the morning to open  
11 up and I came back after I was summoned by Police  
12 Officers.  
13 Q About what time did you open the store up?  
14 A The store opened for business at 10:00. I usually  
15 got there between 7:30 and 8:00.  
16 Q Okay, what time would the employees, your wife  
17 included and sister-in-law, what time would they  
18 arrive?  
19 A They get there about 10:00 o'clock.  
20 Q Okay. And on that occasion when you left the store,  
21 who was in the store?  
22 A There was -- when I left the store that morning,  
23 there was a butcher --  
24 Q I mean employees.  
25 A Yes, butcher, there were three counter people and  
26 my wife.  
27 Q Three counter people were who?  
28 A John Fertitta, Mary Angela Fertitta and Elsa, my  
29 wife, and my sister-in-law, Rebecca.  
30 Q And when you arrived, when you came back to the store,

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1                    what time were you summoned by the Police?  
2        A        Approximately 3:45.  
3        Q        You got back to the store at what time?  
4        A        Probably about 15 minutes after that. It would be  
5                   a little bit before 4:00 o'clock.  
6        Q        Okay, and that is in the afternoon?  
7        A        Yes.  
8        Q        When you arrived, who was there?  
9        A        There was a whole battery of people, The employees  
10               were there, several Police Officers both uniformed  
11               and plain clothed, and I guess there were some  
12               sight-seers there also. Maybe one or two customers.  
13        Q        Were you more or less filled in on what happened?  
14        A        I was familiar with what happened prior to that by  
15               telephone, yes.  
16        Q        Did you authorize the Police to investigate the  
17               scene?  
18        A        Yes, sir, I did.  
19        Q        And was Mary Angela Fertitta, John Fertitta and  
20               your wife and Rebecca Cloutier, were they still  
21               there?  
22        A        Yes, they were.  
23        Q        And did you make an inventory of the money that was  
24               taken?  
25        A        Approximately 4:30, yes, sir, we did run tapes on  
26               the cash register to determine what was missing.  
27        Q        What was missing?  
28        A        To the best of my recollection, \$136, no change.  
29        Q        No change was taken?  
30        A        No, sir.

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Initial testimony of witness who estimated amount of money taken from  
cash register receipts

1 Q Was there any more money outside the register?  
2 A None outside of the register except just checks. They  
3 were out of the register drawer, but they were still  
4 there.  
5 Q The best that you can determine, the \$136 that was  
6 taken from the register or removed at the time of  
7 the robbery?  
8 A Yes, sir.  
9 MR. SCHIMPF: I tender.  
10 MR. NADER: No questions.  
11 THE COURT: Thank you, sir, you may step  
12 down.  
13 (Whereupon, the witness was  
14 excused from the stand.)  
15 MR. SCHIMPF: Mrs. Hawthorne.  
16 WHEREUPON . . .  
17 BARBARA HAWTHORNE  
18 was called as a witness by counsel for the State for the  
19 purpose of giving testimony, and after having first been  
20 duly sworn, was examined and testified as follows:  
21 DIRECT EXAMINATION  
22 BY MR. SCHIMPF:  
23 Q State your full name for the record?  
24 A Barbara Hawthorne.  
25 Q Ms. Hawthorne, are you familiar with the location of  
26 the Sausage & Cheese Store on Line Avenue?  
27 A Yes.  
28 Q Is that near -- where is that near on Line Avenue?  
29 A Millicent.  
30 Q And that is at the edge of Spring Lake?

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