

**Bench Trial**  
**September 30, 2019**

REPORTER'S RECORD  
VOLUME 1 OF 2 VOLUMES  
TRIAL COURT CAUSE NUMBER 52335

MICHELLE JOHNSON,	)	IN THE DISTRICT COURT
	)	
Plaintiff,	)	
	)	
vs.	)	HOWARD COUNTY, TEXAS
	)	
CHARLES EDWARDS,	)	
	)	
Defendant.	)	118TH JUDICIAL DISTRICT

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**BENCH TRIAL**

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On the 30th day of December, 2019, the following proceedings came on to be heard in the above-titled and numbered cause before the HONORABLE TIMOTHY D. YEATS, Judge Presiding, held in Big Spring, Howard County, Texas.

Proceedings reported by computerized stenotype machine.

*Bench Trial*  
*September 30, 2019*

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**Opening Statement by Mr. Hamby  
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1 MS. NEWBY: Kathy Newby.

2 THE COURT: Say that again.

3 MS. NEWBY: Kathy Newby.

4 MR. HAMBY: Judge, we subpoenaed Dorothy  
5 McKenzie.

6 THE COURT: Okay. All right.

7 MS. HORN: Patricia Horn.

8 THE COURT: Patricia Horn.

9 Y'all need to wait outside in the  
10 hallway. We'll call you when it's your turn to testify.  
11 Don't discuss your testimony with anyone other than the  
12 attorneys. Okay?

13 Mr. Hamby, you may proceed.

14 MR. HAMBY: Thank you, Your Honor.

15 May I begin with a short opening  
16 statement?

17 THE COURT: Certainly.

18 **OPENING STATEMENT BY MR. HAMBY**

19 MR. HAMBY: Josh Hamby, here on behalf of  
20 Michelle Johnson, Plaintiff.

21 Judge, we expect to show that sometime in  
22 late 2016/early 2017 my client, Michelle Johnson,  
23 entered into a dating relationship with Mr. Charles  
24 Edwards, Defendant here today.

25 Towards the end of this dating

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1 relationship, which was approximately six months, things  
2 started to go sour. And when I say "sour," Judge, I  
3 think we're going to be able to show that things went  
4 deviant, things went bad quick.

5 Judge, I think we're going to show that  
6 Mr. Edwards has a history and has the uncanny ability to  
7 manipulate, coerce, and intimidate Mrs. Johnson. And  
8 then on May 23rd, 2017, Mr. Edwards caused Mrs. Johnson  
9 to execute a real estate warranty deed which was the  
10 house which she was living in.

11 Judge, we believe we can show that she  
12 signed this deed under duress, did not intend, did not  
13 desire, did not want to convey this property to  
14 Mr. Edwards.

15 And then approximately three days later,  
16 Your Honor, we believe we can show that Mr. Edwards  
17 executed and delivered a deed to Mrs. Johnson for  
18 another property in Colorado City and as the  
19 consideration for that deed asked for a reduction on the  
20 balance owed on the property that Ms. Johnson conveyed  
21 to him.

22 Let me back up because that's a little  
23 confusing. We believe we're going to show that the deed  
24 that Ms. Johnson conveyed to Mr. Edwards had a balance  
25 in there, like an owner finance. Then three days later,

**Opening Statement by Mr. Hamby  
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1 he conveyed a deed for another property in Colorado City  
2 to Ms. Johnson, and as part of the consideration, used  
3 it as a credit to pay off -- a credit against the  
4 balance that he claimed he was owed -- or she was owed  
5 on the house that she conveyed to him.

6 It's confusing. I believe we'll  
7 introduce the documents to make it more clear.

8 Judge, May 23rd is the -- oh, let me go  
9 back to May 26th, Judge. We'll be able to show that  
10 Ms. Johnson had no idea about this May 26 deed. She did  
11 not ask him to convey the real estate over in Colorado  
12 City, she did not say she'd give him a credit, she did  
13 not say anything about it. Mr. Edwards did that on his  
14 own.

15 Judge, we're showing that on May 23rd  
16 that Mrs. Johnson was under duress when she executed  
17 that deed. Now, I've looked up the law, Your Honor, and  
18 duress is a question of fact that depends on the  
19 surrounding circumstances such as the parties'  
20 background and relationship.

21 Whether duress caused the Plaintiff to  
22 enter into a contract is based on the mental or  
23 emotional state of the person claiming duress. And I  
24 believe, Your Honor, we're going to be able to show that  
25 Ms. Johnson executed documents under duress.

**Opening Statement by Ms. Fuller  
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1 THE COURT: Thank you.

2 Ms. Fuller?

3 **OPENING STATEMENT BY MS. FULLER**

4 MS. FULLER: And Your Honor, obviously  
5 the Defendant disagrees with that assertion. The case  
6 law is very clear, Your Honor, that to show duress there  
7 must be an imminent threat at the time of the execution  
8 of the document.

9 I have a third party, Your Honor, notary  
10 who has worked 40 years in the real estate business who  
11 was present at the time of the execution of the deed  
12 that the Plaintiff was claiming she was under duress  
13 when she executed. And she will testify, Your Honor,  
14 that they arrived separately, that Ms. Johnson was given  
15 ample time. They even had lunch together, all three of  
16 the parties, at Jason's Deli in Midland.

17 Your Honor, the agreement that was  
18 reached at the request of Ms. Johnson, it was her idea  
19 because her taxes became due and she couldn't pay them  
20 on her property here in Big Spring. She approached the  
21 Defendant about doing a property swap -- a swap for some  
22 property in Colorado City.

23 And Your Honor, the testimony is going to  
24 show that Ms. Johnson was not under duress, the terms of  
25 the agreement were discussed with her, she signed with a

**Opening Statement by Ms. Fuller  
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1 notary public present who is going to testify that she  
2 signed without any duress.

3           The exchange of the property a couple  
4 days later was part of the May 23rd deal, Your Honor. He  
5 was to swap the property plus pay her an additional  
6 amount of money, which he is paying. She moved in to  
7 the Colorado City property, she lived there for several  
8 months, her son damaged the Colorado City property, and  
9 then she decided she wanted to get out of this deal.

10           That's what's happening here, Your Honor.  
11 She is under no duress and was not under any duress at  
12 the time of the execution of the property or the deed,  
13 and we would request at the conclusion of this that you  
14 deny the petition and allow the transaction to stand.

15           THE COURT: Thank you.

16           Mr. Edwards, you're not recording, are  
17 you?

18           MR. EDWARDS: No, sir.

19           THE COURT: All right.

20           MR. EDWARDS: That's a GPS monitor. I'm  
21 sorry.

22           THE COURT: Go ahead, Mr. Hamby. You may  
23 proceed.

24           MR. HAMBY: Thank You, Your Honor. We  
25 call Michelle Johnson.

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*Direct Examination by Mr. Hamby*

1 THE COURT: Right up here, please.

2 MS. FULLER: Your Honor, if I may?

3 THE COURT: Yes, ma'am.

4 MS. FULLER: Your Honor, Mr. Edwards is  
5 on parole and that is his GPS monitor for parole.

6 THE COURT: Yeah, I heard it beeping.  
7 Okay.

8 MS. FULLER: Yeah. I'm just making sure  
9 you didn't think we were doing anything untoward.

10 THE COURT: Thank you.

11 Ma'am, if you'll raise your right hand  
12 for me.

13 *(Witness sworn.)*

14 THE COURT: Go ahead, Mr. Hamby.

15 MR. HAMBY: Michelle, you need to kind of  
16 turn my way if you don't mind.

17 THE COURT: Pull that microphone up to  
18 you, please.

19 *(Witness complies.)*

20 THE COURT: There you go.

21 **MICHELLE JOHNSON,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 BY MR. HAMBY:

25 Q. Michelle, state your name.

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**Direct Examination by Mr. Hamby**

1 A. Michelle Denise Johnson.

2 Q. Michelle, where do you live now?

3 A. Address?

4 Q. Yes.

5 A. 1202 Pennsylvania Avenue.

6 Q. Okay. Michelle, you know why you're here  
7 today; is that correct?

8 A. Yes.

9 Q. Do you know Charles Edwards?

10 A. Yes.

11 Q. Were you in a dating relationship with  
12 Mr. Edwards?

13 A. Yes.

14 Q. Do you remember when that was?

15 A. Before, during, and -- well, before, during --  
16 before and during when my mother was in the hospital.

17 Q. Okay. Michelle, tell us about your  
18 relationship.

19 A. *(No verbal response.)*

20 Q. Well, let me -- that was a bad question.

21 Was everything good when y'all first  
22 started dating?

23 A. Yes.

24 Q. Y'all get long?

25 A. Yes.

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*Direct Examination by Mr. Hamby*

1 Q. Was it a normal dating relationship?

2 A. Normal, yes.

3 Q. Do you remember how far into the  
4 relationship -- did things change in the relationship?

5 A. Second or third date, it was not the same.

6 Q. Why is that?

7 A. He was into things that I have never been  
8 into, sexually.

9 Q. Like what, Michelle?

10 MS. FULLER: Your Honor, I'm going to  
11 object based on relevance. The sexual relationships of  
12 the parties is not relevant, especially if it's  
13 before -- there's no time frame for it, Your Honor.  
14 Duress has to be shown at the time of the execution of  
15 the deed, which would be May 23rd, 2017, Your Honor.

16 THE COURT: I'll allow a little  
17 background. I'm not sure -- you are going to have to  
18 explain to me, Mr. Hamby, how the sexual relationship  
19 leads to some sort of duress.

20 MR. HAMBY: Judge, that's our whole case.  
21 And I'm going to disagree with Ms. Fuller on her  
22 assertion that you've got to have a knife at the lady  
23 when she signed the deed. I'm going to disagree with  
24 that, so we're clear on that. But yes, I will not go  
25 into a lot of detail, but a few items, I have to go into

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1 some detail.

2 THE COURT: Overruled.

3 Q. (By Mr. Hamby) Okay. So Michelle, if you had  
4 to characterize the sexual relationship, what would you  
5 say it was?

6 A. It was rough. He -- I couldn't tell him no.  
7 He always said, "Don't tell me no." He choked me out to  
8 have anal.

9 Q. You said he "choked you out"?

10 A. Yes.

11 Q. What did he do?

12 A. He choked me out to have anal sex with me.

13 Q. How often would he choke you out?

14 A. It was not every time, but it was more than  
15 once.

16 Q. Would you pass out?

17 A. Yes.

18 Q. When you awoke, you knew you had -- you'd had  
19 anal sex?

20 A. Yes.

21 Q. Was this against your will?

22 A. Yes.

23 Q. Did you ever tell him no?

24 A. Yes, I did.

25 Q. What occasion did you tell him no?

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1           A.    When he was choking me out.  I was screaming.  
2  I was crying.  And that's how he got off.  He likes to  
3  see women have pain.

4           Q.    Okay.  Is it safe to say you were sodomized  
5  against your will?

6           A.    Yes.

7           Q.    Would he ever do this to punish you?

8                       MS. FULLER:  Objection, Your Honor.  
9  Relevance and speculation.

10                      THE COURT:  Sustained as to speculation.

11          Q.    (By Mr. Hamby)  Was he violent during sex?

12          A.    I would say yes.

13          Q.    Did you ever tell him "no" about something  
14  besides sex and he would be violent with you during sex?

15          A.    I was punished a time or two on different  
16  occasions.

17          Q.    Can you give us an example?

18          A.    He texted me or called me during work and  
19  wanted me to take Gatorade and ice; and I was said I  
20  could, but then I could not.  I was only able to take  
21  the Gatorade, and so when he got off work, he came over  
22  and he punished me.

23          Q.    So he texted you he wanted some Gatorade, you  
24  told him no?

25          A.    I called him and told him I didn't have enough

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1 money for the ice. But I did buy the Gatorade and he  
2 didn't want it, so I was punished.

3 Q. Later that day?

4 A. Yes.

5 Q. Where did you see him later that day?

6 A. My house -- or, well, the house on Chaparral  
7 Road.

8 Q. Which is the subject house; is that correct?

9 A. Yes.

10 Q. He showed up at your house?

11 A. Yes.

12 Q. What happened?

13 A. Well, to punish me, he would bite my breast,  
14 and he almost bit my nipple off. I have bruises or  
15 pictures of bruises and bite marks to prove that.

16 MS. FULLER: Your Honor, I'm going to  
17 object to any pictures being shown that the Court could  
18 possibly see because it's the first time I've seen these  
19 pictures and Counsel was served discovery and these  
20 pictures were not turned over in discovery.

21 MR. HAMBY: I have some response. If  
22 she'll look at her answers, her questions on  
23 consolidated discovery does not ask for any  
24 documentation such as this.

25 MS. FULLER: Your Honor, if you give me

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1 just a moment.

2 THE COURT: I will. Go ahead.

3 MS. FULLER: Because discovery was served  
4 by prior counsel.

5 Your Honor, I withdraw my objection about  
6 pictures.

7 THE COURT: Thank you.

8 Go ahead, Mr. Hamby.

9 Q. (By Mr. Hamby) Michelle, I'm handing you three  
10 pictures. I'm going to mark these Plaintiff's  
11 Exhibit 1.

12 Michelle, take a look at those pictures.  
13 What are those pictures of?

14 A. These are pictures of him biting me every  
15 time --

16 MS. FULLER: Objection, Your Honor. I  
17 would object to testimony off the pictures until they  
18 are offered into evidence so that I may object.

19 MR. HAMBY: I'm trying to prove up the  
20 pictures, Your Honor.

21 THE COURT: Well, I think you can do it  
22 without her stating specifically what the pictures show  
23 because then it sort of gets into evidence before I make  
24 a ruling.

25 MR. HAMBY: Your Honor, fair enough.

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1 THE COURT: I'll withhold ruling on them.

2 MS. FULLER: Yes, sir.

3 Q. (By Mr. Hamby) Is that pictures of you?

4 A. Yes.

5 Q. Did you take those pictures?

6 A. Yes.

7 Q. Is what's shown in those pictures a true and  
8 accurate depiction of what you took a picture of?

9 A. It's true. These are me.

10 Q. Have they been altered in any way?

11 A. No.

12 Q. Okay.

13 MR. HAMBY: I'd ask that the pictures be  
14 admitted.

15 *(Plaintiff's Exhibit 1 was offered into*  
16 *evidence.)*

17 MS. FULLER: Your Honor, I'm going to  
18 object to the admission of these pictures, that they  
19 have not been -- the time frame for them has not been  
20 established, Your Honor, such that they would be  
21 relevant to the transaction in May.

22 I would object that they're not relevant,  
23 Your Honor. I would object on 404(b). This is very  
24 clearly just an attempt by Plaintiff to make you think  
25 bad of my client so you'll rule in her favor. These

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1 pictures -- we don't have a clue when this was, Your  
2 Honor. It's not relevant.

3 THE COURT: Give me a time frame,  
4 Mr. Hamby.

5 Q. (By Mr. Hamby) Michelle, do you know when  
6 these pictures were taken?

7 A. Different times. When I was punished or just  
8 when I would see him. I mean, that was --

9 Q. Was it during the dating relationship?

10 A. Yes.

11 Q. Was it halfway in between the relationship or  
12 towards the first or towards the last?

13 A. In the middle of the relationship and until  
14 the end. And I stopped talking to him after --

15 Q. Michelle, hold on for a little bit. You  
16 answered the question.

17 So sometime in the middle of y'all's  
18 dating relationship. Would you say it was approximately  
19 how many months prior to May 23rd, 2017?

20 A. Three weeks, I guess.

21 Q. Three weeks?

22 A. Yes, three weeks. Three weeks.

23 MS. FULLER: Your Honor, I would reurge  
24 the same objection. She just said, "Three weeks, I  
25 guess." I don't believe she --

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1 THE WITNESS: Three weeks.

2 THE COURT: Overruled.

3 Mr. Hamby, we're pretty tenuous here. Go  
4 ahead. Is it one, or one, two, and three? Your  
5 exhibits?

6 MR. HAMBY: I marked them all as  
7 Plaintiff's Exhibit 1.

8 THE COURT: One is admitted.

9 *(Plaintiff's Exhibit 1 was admitted.)*

10 Q. (By Mr. Hamby) So those marks on your breast,  
11 was that because you had told him "no" earlier?

12 MS. FULLER: Objection, Your Honor.  
13 Speculation.

14 THE COURT: Sustained. She's described  
15 the timing.

16 THE WITNESS: Yes, at times, yes. If I  
17 wasn't being punished --

18 MS. FULLER: Objection, nonresponsive.

19 THE COURT: Wait on the question, please,  
20 ma'am.

21 Q. (By Mr. Hamby) Michelle, were there any other  
22 incidents where you'd tell him "no" and he would cause  
23 violence or pain upon you?

24 A. Yes.

25 Q. Was it all of a sexual nature?

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1 A. Yes.

2 Q. How often did these occasions happen?

3 A. Every time.

4 Q. Okay. Were you scared of him?

5 A. Yes. I was afraid to tell him no.

6 Q. Okay. Did he ever tell you to never tell him  
7 no?

8 A. Yes.

9 Q. Often?

10 A. Yes.

11 Q. And that's what he would say, "Don't ever tell  
12 me no?"

13 A. Yes.

14 Q. Michelle, where did you grow up at?

15 A. Well --

16 Q. The address, Michelle.

17 A. Oh. 4707 Chaparral Road.

18 Q. Prior to May 23rd, 2017, how long did you live  
19 there?

20 A. Since 1987 when my grandparents bought the  
21 house.

22 Q. Is that your family home?

23 A. Yes, sir.

24 Q. Michelle, were you in Midland on May 23rd,  
25 2017?

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1 A. Repeat that.

2 Q. Were you in Midland, Texas, on May 23rd, 2017?

3 A. Yes.

4 Q. What were you doing there?

5 A. My mother was in the hospital.

6 Q. And did you get a phone call or a text from  
7 Mr. Charles Edwards?

8 A. Yes.

9 Q. Why was your mom in the hospital?

10 A. Surgery.

11 Q. How long had she been there?

12 A. Seventeen days.

13 Q. Okay. Did you go up there with her every day?

14 A. I stayed there with her.

15 Q. You actually stayed in the hospital with her?

16 A. I did, yes.

17 Q. Were you and Mr. Edwards still dating on  
18 May 23rd, 2017?

19 A. Yes.

20 Q. Did you see Mr. Edwards on this particular  
21 day?

22 A. Yes, I did.

23 Q. Did he call you or text you?

24 A. Text.

25 Q. And what did he want?

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1 A. I thought just to take me to eat.

2 Q. Did you agree to go eat?

3 A. Yes.

4 Q. Where did y'all go?

5 A. Jason's Deli.

6 Q. Did he pick you up at the hospital?

7 A. Yes, he did.

8 Q. What kind of car did he pick you up in?

9 A. The Shelby Mustang.

10 Q. That's his car?

11 A. Yes.

12 Q. And where did he take you to eat?

13 A. Jason's Deli.

14 Q. And was there anybody else in the car with  
15 you?

16 A. No.

17 Q. Did y'all walk into Jason's Deli together?

18 A. Yes.

19 Q. Did you order food?

20 A. Yes.

21 Q. Did anybody -- was anybody else there or did  
22 anybody else show up while you --

23 A. Kathy Newby.

24 Q. Now, who is Kathy?

25 A. His notary and his past --

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*Direct Examination by Mr. Hamby*

1 MS. FULLER: Objection, Your Honor.  
2 Speculation. Outside of her personal knowledge.

3 THE COURT: Sustained, as to the last  
4 word.

5 Q. (By Mr. Hamby) Did you know she was going to  
6 be there that day?

7 A. No, I did not.

8 Q. Do you remember what you ordered for lunch  
9 that day?

10 A. No.

11 Q. Did you eat your lunch that day?

12 A. No, I did not.

13 Q. Did you sit at a table with Mr. Edwards?

14 A. I stood there, and I didn't want to after I  
15 saw her. And he said, "Sit down," so I sat down.

16 Q. And then what happened?

17 A. She had drawn up the paperwork for the  
18 house -- about the house for me to sign. And she  
19 said -- I started to read it, and she said, "Don't read  
20 it. You will not understand it. Just sign it."

21 Q. Do you know what those documents were?

22 A. I thought I knew what they were because I know  
23 what she is.

24 Q. Had y'all had conversations prior to this date  
25 about the house, about him obtaining ownership of the

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1 house or doing something with the house?

2 A. He was going to fix it up for me and I had  
3 said okay, and -- you know, I have foreclosure. I did  
4 say, "I'm thinking about selling the house." But there  
5 was a time where I said, "No, I do not want to."

6 Q. Did you have a conversation before Jason's  
7 Deli with Charles on May 23rd about the house, or do you  
8 recall?

9 A. I don't recall that.

10 Q. What about the day before?

11 A. I don't recall that either.

12 Q. Okay. But y'all did have a conversation?

13 A. Yes.

14 Q. Do you remember ever telling him "no," that  
15 you did not want to sell or convey the house?

16 A. I did tell him "no," that I did not want to.

17 Q. Why would he show up at Jason's Deli with the  
18 documents for you to sell him the house?

19 A. I didn't know that she was going to be there.  
20 I didn't know that -- I thought he was just taking me to  
21 eat, and so that's --

22 MR. HAMBY: May I approach?

23 THE COURT: Yes, sir.

24 Q. (By Mr. Hamby) Michelle, I want to show you a  
25 document I've marked as Petitioner's Exhibit Number 2.

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1 MS. FULLER: Your Honor, just for the  
2 sake of time, I have no objection to Petitioner's  
3 Exhibit Number 2.

4 THE COURT: You have an objection?

5 MS. FULLER: No objection.

6 THE COURT: You're offering it?

7 MR. HAMBY: Judge, I ask the Court to  
8 take judicial notice of the document -- governmental  
9 record.

10 Yes, I'm offering it.

11 *(Plaintiff's Exhibit 2 was offered into*  
12 *evidence.)*

13 THE COURT: We'll take notice, and then 2  
14 is admitted.

15 *(Plaintiff's Exhibit 2 was admitted.)*

16 MS. FULLER: Thank you.

17 Q. (By Mr. Hamby) Michelle, is that a warranty  
18 deed?

19 A. Yes.

20 Q. Look on the second page and look at your  
21 signature. Is that your signature?

22 A. Yes.

23 Q. To the best of your knowledge, is that the  
24 document you signed that day -- or a copy of the  
25 document you signed that day?

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1           A.    I assume it is.  I didn't get to read it, but  
2   apparently.

3           Q.    Is that your signature?

4           A.    Yes.

5           Q.    Okay.  When you walked away that day, did you  
6   have any documents with you when you left Jason's Deli?

7           A.    No, I did not.

8           Q.    You didn't get copies of anything?

9           A.    No, I did not.

10          Q.    Okay.  Did they give you an opportunity to  
11   read those documents there at Jason's Deli?

12          A.    No.

13          Q.    Earlier you stated you kind of knew what they  
14   might be about; is that right?

15          A.    Yes.

16          Q.    That begs the question, Michelle, why would  
17   you sign it if you knew what they were about?

18          A.    I felt I had no other choice.  I mean, I  
19   should have just walked back to the hospital.

20          Q.    Did you believe that there would be  
21   repercussions from Mr. Edwards if you did not execute  
22   the documents?

23          A.    Yes.

24          Q.    Would those have been physical repercussions?

25                   MS. FULLER:  Objection, speculation.

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1 THE COURT: Overruled.

2 A. Yes.

3 Q. (By Mr. Hamby) Did Kathy Newby say anything  
4 besides the one comment you made?

5 A. That was it.

6 Q. Did she ask you for your driver's license?

7 A. No.

8 Q. Did you sign a notary book, do you remember?  
9 A book that has a lot of people's names in it, like  
10 signatures, did you sign one of those?

11 A. Oh, yes.

12 Q. Okay. Did Charles eat his lunch?

13 A. Yes.

14 Q. Okay. What did you do with your lunch?

15 A. Just left it.

16 Q. Why didn't you eat?

17 A. I didn't feel like it after that, and seeing  
18 Kathy Newby there and...

19 Q. Did he take you back to the hospital?

20 A. No.

21 Q. Where did he take you?

22 A. To the very top of the -- where people park  
23 inside. He took me to the very top of it.

24 Q. Like a parking garage?

25 A. Yes, parking garage.

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1 Q. Was this at the hospital?

2 A. Yes.

3 Q. What happened up there?

4 A. He wanted sex.

5 Q. Did you want sex?

6 A. No.

7 Q. Did y'all have sex?

8 A. Yes.

9 Q. Did he take you back to your mom after that?

10 A. He dropped me off by the door.

11 Q. Did Charles ever tell you he killed a guy?

12 A. He --

13 MS. FULLER: Objection, Your Honor.

14 Relevance.

15 THE COURT: Overruled.

16 A. He said he had something to tell me. I did  
17 not know he was on parole. I never -- he always kept  
18 his socks on. And then he finally told me what he had  
19 done.

20 Q. (By Mr. Hamby) Which was what?

21 MS. FULLER: Your Honor, I'm going to  
22 object because the charge for which my client has  
23 actually been charged was from 1983, which would be  
24 outside the ten-year span of the rules of evidence. So  
25 I would object based upon relevance to any of this

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1 testimony because there have been no charges since 1983,  
2 which would predate --

3 THE COURT: And I'm not going to consider  
4 it for anything having to do with credibility. The only  
5 reason I might consider it -- and I would like some time  
6 reference of when he said this. The only reason I might  
7 consider it is any impact on her alleged fear of the  
8 Defendant.

9 Go ahead, Mr. Hamby. Clear up the date,  
10 please.

11 MR. HAMBY: Absolutely.

12 Q. (By Mr. Hamby) Michelle, do you remember when  
13 he told you about him being convicted of a crime?

14 A. Yes, I do.

15 Q. What time frame during y'all's relationship  
16 did he tell you that?

17 A. It wasn't at first. I guess, approximately,  
18 the middle of the relationship.

19 Q. Was it around the same time when he told you,  
20 "Never tell me no"?

21 A. Yes. But he said, "Never tell me no," more  
22 than once.

23 Q. You mentioned socks. What were you talking  
24 about?

25 A. He didn't want to show his -- he had an ankle

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1 monitor.

2 Q. Got you.

3 Michelle, do you remember when your mom  
4 got out of the hospital after this incident, after  
5 May 23rd, do you remember the date?

6 A. Not the exact date, I don't.

7 Q. When did you go back to Chaparral Road?

8 A. I didn't -- oh, wait, yes, I did, to help  
9 pack. Well, no, I went with Sonya, but she did the  
10 talking. I did not talk to him. And then that was it.

11 Q. Were you able to get some stuff out of the  
12 house?

13 A. Yes.

14 Q. Okay. What kind of time frame did you have to  
15 get that stuff out?

16 A. Not very long.

17 Q. Minutes? Hours? What? Days?

18 A. Not days, no. I'd say, I guess, about an hour  
19 or two -- an hour.

20 Q. Do you remember May 26, 2017?

21 A. Yes.

22 Q. Michelle, look at -- do you have Exhibit  
23 Number 2 in front of you? It's the warranty deed.

24 A. I don't see it.

25 Q. You don't have it in front of you, the

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1 warranty deed?

2 A. Oh, oh, yes, yes. It's right here.

3 Q. Can you -- under "Consideration," can you read  
4 what that says, please?

5 A. I don't have my glasses, but I can see it  
6 right here.

7 MR. HAMBY: Permission to approach?

8 THE COURT: Yes, sir.

9 (*Approached the witness.*)

10 Q. (By Mr. Hamby) Can I see it, please, Exhibit  
11 Number 2? Right there (*indicating*).

12 Are you able to read that without your  
13 glasses, that one right there?

14 A. Okay. I can.

15 Q. Okay. Read that please.

16 A. "Ten and no/100 dollars," and then "\$10" in  
17 parenthesis, and "other good and valuable consideration,  
18 the receipt of which is hereby acknowledged."

19 Q. Okay. I'm going to show you Plaintiff's  
20 Exhibit Number 3. Take a look at that. Can you turn to  
21 the second page and look who signed that document?

22 Is that your signature on the second page  
23 there?

24 A. Yes.

25 Q. Whose is the other signature?

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1 A. Charles Edwards.

2 Q. Okay. Do you remember if he signed that there  
3 at the deli?

4 A. No.

5 Q. You don't remember?

6 A. I don't remember.

7 Q. Okay.

8 A. I know I did not sign that.

9 Q. Do you know what the principal amount of this  
10 note is? Are you able to read that? About four lines  
11 down it says, "Principal Amount." Are you able to see  
12 that?

13 A. *(No response heard.)*

14 Q. Do you have glasses in your car that's here?

15 A. No, I don't. I didn't bring them. Well,  
16 they're actually in my pickup.

17 Q. They're where?

18 A. No, I left them at home, I believe.

19 MR. HAMBY: Judge, may I approach the  
20 witness?

21 THE COURT: Yes, sir.

22 *(Approached the witness.)*

23 Q. (By Mr. Hamby) Michelle, right here  
24 *(indicating)*. Can you read that principal amount, how  
25 much that is? Just read me the dollar figure. That's

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1 all I want.

2 A. 50,000.

3 Q. Okay. Do you remember, prior to Jason's Deli  
4 ever, discussing \$50,000 with Charles Edwards?

5 A. Repeat that, please.

6 Q. Do you remember, prior to Jason's Deli, you  
7 ever discussing the sum of \$50,000 with Charles Edwards?

8 A. No.

9 Q. Do you remember, prior to Jason's Deli, you  
10 ever discussing annual interest rate of 3 percent?

11 A. No.

12 Q. Do you remember, prior to Jason's Deli, ever  
13 discussing monthly payments of \$660.67?

14 A. Yes.

15 Q. "Yes" on that one? You remember discussing  
16 \$660.67 prior to Jason's Deli?

17 A. Oh, prior? No.

18 Q. The terms of that real estate note in front of  
19 you which I've marked as Plaintiff's Exhibit Number 3,  
20 do you remember discussing this either before or during  
21 or at the time you signed this document?

22 A. Repeat that, please.

23 Q. Concerning all the terms and conditions in  
24 this real estate lien note that I have submitted as  
25 Exhibit 3, do you remember discussing with Mr. Edwards

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1 in any manner the terms and conditions in this  
2 promissory note or real estate lien note?

3 A. No.

4 MR. HAMBY: Judge, I am sorry. I'd ask  
5 that Plaintiff's Exhibit Number 3 be admitted.

6 *(Plaintiff's Exhibit 3 was offered into*  
7 *evidence.)*

8 MS. FULLER: No objection, Your Honor.

9 THE COURT: Three is admitted.

10 *(Plaintiff's Exhibit 3 was admitted.)*

11 MR. HAMBY: Permission to approach the  
12 witness one more time, Your Honor?

13 THE COURT: Yes, sir.

14 *(Approached the witness.)*

15 Q. (By Mr. Hamby) I'm going to show you another  
16 document.

17 MR. HAMBY: And Judge, I'm handing her  
18 another warranty deed. Ms. Fuller's indicated to me no  
19 objection. We're asking that the Court take judicial  
20 notice of the government document, and we ask that it be  
21 admitted.

22 *(Plaintiff's Exhibit 4 was offered into*  
23 *evidence.)*

24 MS. FULLER: No objection, Your Honor.

25 THE COURT: Four is admitted.

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1                                    *(Plaintiff's Exhibit 4 was admitted.)*

2            Q.     (By Mr. Hamby)   That is a deed, Michelle.  I'm  
3 not going to make you read it, but that is a deed from  
4 Mr. Edwards to you on May 26th, 2017.

5                                    Were you anywhere around Mr. Edwards on  
6 May 26th, 2017?

7            A.     No.

8            Q.     Did you know he was going to assign that to  
9 you?

10           A.     No.

11                                   MR. HAMBY:  Permission to approach the  
12 Bench?

13                                   THE COURT:  Yes, sir.

14                                   *(Approached the Bench.)*

15                                   *(Tendered document to the Court.)*

16            Q.     (By Mr. Hamby)  Now, in that deed, Michelle,  
17 it recites the consideration a little different than the  
18 last deed.  Do you know what it says?  I know I can't  
19 read it, but do you know what it says?

20            A.     I can read it up here.

21                                   THE COURT:  The Court will take notice of  
22 the contents of the consideration paragraph.

23                                   MR. HAMBY:  Thank you, Your Honor.

24            Q.     (By Mr. Hamby)  Okay.  Do you remember in that  
25 deed it states that -- it says, "being sold for 33,000,

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1 this amount coming off a 50,000-dollar Note, for Howard  
2 County property, leaving a balance of 17,000, payable to  
3 Michelle Denise Johnson."

4 Michelle, prior to May 26, 2017, did you  
5 know he was going to convey this property to you?

6 A. No.

7 Q. Did you know he was going to take a credit of  
8 \$33,000?

9 A. No.

10 Q. Is this something he just did without even  
11 telling you?

12 A. Yes.

13 Q. When did you learn about it?

14 A. After that I did receive paperwork on it.

15 Q. Do you remember how?

16 A. Mailed to me.

17 Q. After you -- after the hospital, where did  
18 you -- after you got your stuff from the Chaparral Road,  
19 I'm sorry, where did you move to?

20 A. I went to the lake. I had nowhere else to  
21 live.

22 Q. When you say, "the lake," is this the Colorado  
23 City property?

24 A. Yes.

25 Q. You moved out to this lake?

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1           A.    Yes.

2           Q.    Is it a lot actually on the lake or is the lot  
3 set off from the lake?

4           A.    No, it's on the lake.

5           Q.    Is it a brick house?

6           A.    No.  It's a trailer.

7           Q.    Tell me about the house in Chaparral.  What  
8 kind of house is that?

9           A.    It's a pretty nice-sized brick home.

10          Q.    Now, is it at the end of Chaparral Road?  Is  
11 it in the middle of Chaparral Road?  Is it closer --

12          A.    About the middle.

13          Q.    In the middle?

14          A.    Yes.

15          Q.    Okay.  How many bedrooms?

16          A.    Three, possibly four.

17          Q.    Okay.  How many bathrooms?

18          A.    Two.

19          Q.    What kind of condition was this mobile home  
20 in?

21          A.    It had busted windows.  The person that lived  
22 in there before me worked for him, and he got angry  
23 because he got fired and he busted windows out and had  
24 to get out.

25          Q.    Was there no other place you could have lived?

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1 A. No.

2 Q. So you had to move into this Colorado City  
3 property?

4 A. I did.

5 Q. How long did you stay there?

6 A. Not very long. I got tired of driving back  
7 and forth. I had to go to Big Spring a lot and --  
8 because of my mother, to see her in the nursing home.

9 Q. Has Charles been making payments to you on  
10 this real estate lien note?

11 A. Yes.

12 Q. Do you have those payments?

13 A. In my savings, I do.

14 Q. You have all those monies stored up?

15 A. Yes, sir.

16 Q. If the Court were to find in your favor today,  
17 could you pay that money back to Mr. Edwards today?

18 A. I could if I had to.

19 Q. Where are you living now?

20 A. 1202 Pennsylvania. It's a rent house. Until  
21 October. I'm not signing another lease.

22 Q. So you're renting it?

23 A. I am renting, yes.

24 Q. Michelle, is it your testimony here today that  
25 you did not sign the documents of your own free will?

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1           A.    I did not -- not sign of my free will.  No, I  
2 didn't.

3           Q.    Are you scared of Charles right now?

4           A.    Yes.  But I'm not looking at him.  I can't  
5 look at him.

6           Q.    Okay.

7                   MR. HAMBY:  Pass the witness.

8                   THE COURT:  Just a moment, Ms. Fuller.

9                           (Brief discussion off the record  
10 regarding scheduling matters.)

11                   THE COURT:  Let's proceed, Ms. Fuller,  
12 until 2:30, and then I want to break and let them put on  
13 their case because you are all going to be a good bit  
14 longer; is that fair to say?

15                   MS. FULLER:  Yes, sir.

16                   THE COURT:  Go ahead.

17                           **CROSS-EXAMINATION**

18 BY MS. FULLER:

19           Q.    Ma'am, you have not had any contact with  
20 Mr. Edwards going on almost two or three years now.

21           A.    No, I have not.

22           Q.    No, you have not had any contact?

23           A.    No.

24           Q.    Right.  So how is it reasonable for you to sit  
25 here in fear of him today?  That doesn't sound

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1 reasonable, does it?

2 A. Yes, it does, because of what he has done to  
3 me.

4 Q. Now, let's stop at that. Never one time did  
5 you call the police. Right?

6 A. Oh, yes, I did.

7 Q. You called the police on Mr. Edwards for these  
8 alleged sexual assaults that you say occurred?

9 A. No.

10 Q. No, you didn't, did you?

11 A. No.

12 Q. And most of the times that you and he were  
13 having sex, there was someone else present. Correct?

14 A. No.

15 Q. How many times that y'all had sex was there  
16 someone else present?

17 A. Never.

18 Q. Never anyone else present?

19 A. Never.

20 Q. Is it fair to say, ma'am, that you are making  
21 up this story to try to get out of this deal that you  
22 made?

23 A. No, I am not. I haven't made up anything.

24 Q. I just want to be clear, make sure the Judge  
25 caught this. Your mom was in the hospital 17 days prior

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1 to this sale. Right?

2 A. (No response heard.)

3 Q. And you stayed in the hospital with her for  
4 those 17 days?

5 A. Yes, I did.

6 Q. Fair to say Mr. Edwards was not in the  
7 hospital with you and your mom?

8 A. No. But he did go up there to meet my mother.

9 Q. But he was not there during that 17-day time  
10 frame?

11 A. No.

12 Q. And you're swearing under oath that you didn't  
13 drive yourself to Jason's Deli?

14 A. I swear I did not. He picked me up.

15 Q. How old are you, ma'am?

16 A. How old am I?

17 Q. Yes, ma'am.

18 A. 51.

19 Q. Do you know how old Mr. Edwards is?

20 A. 50-something, I guess. I don't know.

21 Q. Y'all around the same age?

22 A. No. He's older than me.

23 Q. Just a few years?

24 A. I guess. I don't remember how old he is.

25 Q. And how many days from the sale, May 23rd,

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1 until you went into the Colorado City property?

2 A. I went that night. I had nowhere else to  
3 live.

4 Q. The night of the sale?

5 A. Yes.

6 Q. That's right?

7 A. Yes.

8 Q. And you just testified to this Court that you  
9 had no idea on May 23rd that that property was going to  
10 be deeded to you.

11 But you actually took possession of the  
12 Colorado City property the same night you signed the  
13 deed. Right?

14 A. Yes. Because my friend told him, "You have to  
15 let her have it."

16 Q. Okay.

17 A. "She has nowhere else to live." I mean -- and  
18 I didn't.

19 Q. But you want this Judge to believe you didn't  
20 know anything about the swap of the property. Right?

21 A. *(No response heard.)*

22 Q. That's just not true, is it, ma'am?

23 A. *(No response heard.)*

24 Q. You understand you have an obligation to tell  
25 this Judge the truth?



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1 City, did she not?

2 THE COURT: I understood it. Correct me  
3 if I'm wrong. You need to correct me, ma'am. You were  
4 talking about the date that she signed the deed to him,  
5 May 23rd?

6 MS. FULLER: The Chaparral property, Your  
7 Honor.

8 THE COURT: Did you take possession of  
9 the Colorado City property the evening of May 23rd?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Go ahead.

12 MS. FULLER: May I approach, Your Honor?

13 THE COURT: You may.

14 *(Approached the witness.)*

15 Q. (By Ms. Fuller) Do you recognize this text  
16 message exchange?

17 A. Yes.

18 Q. Now, this is a text message exchange between  
19 you and Mr. Edwards and, I believe, your friend Sonya;  
20 is that correct?

21 A. Yes. She is my witness.

22 Q. Does this say, "Yes, I want to do this today.  
23 If you would file it that would be great"?

24 A. That's what it says.

25 Q. Well, I'm asking you if that's what it says,

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1 ma'am.

2 A. Yes.

3 Q. And the "it" you were talking about prior was  
4 the deed to the Colorado City property. Correct?

5 A. Yes.

6 Q. This is Mr. Edwards asking you in a text if  
7 you wanted him to file it or if you want to file it.  
8 Correct?

9 A. Yes.

10 Q. And you told him, "Please, thank you, go ahead  
11 and file it for me." Right?

12 A. Yes.

13 Q. And you're telling this Court today you knew  
14 nothing about that Colorado City property being given to  
15 you; is that correct?

16 A. *(No response heard.)*

17 Q. The truth is you knew about it. Right?

18 A. Yes. After my friend Sonya told him, "She  
19 needs a place to live."

20 Q. And he agreed to deed you the Colorado City  
21 property?

22 A. Yes.

23 Q. And you knew about it?

24 A. Yes.

25 Q. And you asked him to file the deed?

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1           A.    I didn't.  Sonya did.

2           Q.    Well, you were in on this exchange of text  
3 messages.  Right?

4           A.    Yes.

5           Q.    And you said -- you even gave him an e-mail  
6 where to send it to.  Right?

7           A.    I didn't.  She did.

8           Q.    Well, that's Sonya's e-mail.  Right?

9           A.    Yes.

10          Q.    Okay.  Even thanked him.  Correct?

11          A.    I don't recall, but --

12                        MS. FULLER:  May I approach, Your Honor?

13                        THE COURT:  Yes, ma'am.

14                        *(Approached the witness.)*

15          Q.    (By Ms. Fuller) Does this say, "Thank you"?

16          A.    Yes, it does.

17          Q.    So you're thanking Mr. Edwards for deeding the  
18 Colorado City property to you that you're just  
19 testifying to this Court you didn't know nothing about.  
20 Does that make sense, ma'am?

21          A.    No.

22          Q.    In fact, you just lied to this Court, did you  
23 not?  Did you not just commit perjury by telling this  
24 Judge under oath that you didn't know nothing about the  
25 Colorado City property?

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1           A.       *(No response heard.)*

2                   MS. FULLER: Your Honor, I would ask you  
3 to instruct the witness to answer the question.

4                   THE COURT: Can you answer that question?  
5 Well, let me stop right there.

6                   Perjury can be a criminal offense. We're  
7 in a civil suit. Now, you don't have to answer a  
8 question which might subject you to criminal charges.  
9 Now, I can take that refusal to answer as some evidence  
10 in this civil case.

11                   If you need a chance to talk to  
12 Mr. Hamby, I'll let you talk to Mr. Hamby.

13                   THE WITNESS: Yes, I would like to.

14                   THE COURT: We're going to take a break,  
15 and I'm going to hear this other case.

16                   Mr. Hamby, you need to visit with your  
17 client, please.

18                   *(Recess from 2:13 p.m. to 3:40 p.m.)*

19                   THE COURT: We're back on the record. Go  
20 ahead, Mr. Hamby.

21                   MR. HAMBY: Your Honor, my client  
22 erroneously walked out with the exhibits.

23                   THE COURT: Okay.

24                   MR. HAMBY: I've got them here. That's  
25 it. I was on it. I'm giving them back to the court

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1 reporter. And if Jeanie wanted to double-check to make  
2 sure we didn't switch anything out, that's fine by me.

3 We good? Okay.

4 THE COURT: All right. Thank you.

5 And I believe, Ms. Fuller, you had a  
6 question outstanding. If you'd repeat, please.

7 MS. FULLER: Yes. Your Honor, I was  
8 asking the Court to instruct the witness to answer the  
9 question about whether she committed perjury to the  
10 Court.

11 THE COURT: Ma'am, can you answer that  
12 question?

13 Again, I'm not instructing you to answer.  
14 You have a right to take the Fifth Amendment; in other  
15 words, refuse to answer the question on the grounds that  
16 it might incriminate you. If that's your choice, I'll  
17 take that exercise of the privilege into account. But I  
18 assume you've talked with Mr. Hamby about that.

19 So do you need her to rephrase the  
20 question to you?

21 THE WITNESS: Yes, rephrase it.

22 Q. (By Ms. Fuller) You told the Court that you  
23 didn't have any knowledge of the Colorado City property  
24 or the deed on the Colorado City property. Remember  
25 that testimony?

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1 A. Yes.

2 Q. And that testimony just wasn't true. Correct?

3 A. Can you ask that one more time?

4 Q. When you testified that you didn't know about  
5 the Colorado City property, you lied to this Court, did  
6 you not?

7 A. Not intentionally.

8 Q. You accidentally lied to this Court?

9 A. I don't remember dates.

10 Q. Okay. Well, I didn't ask you a date, ma'am.  
11 I asked you if you knew about the Colorado City property  
12 when the deed was filed, and you told your lawyer you  
13 did not. Do you remember that? That didn't involve a  
14 date, did it?

15 A. Yes.

16 Q. Yes, it did not involve a date?

17 A. It does.

18 Q. And the truth of the matter is you knew that  
19 y'all were going to exchange the Colorado City property  
20 for the Chaparral property; in addition, my client was  
21 going to pay you \$17,000 more dollars. Correct?

22 A. No, I did not know that.

23 Q. Well, you moved into the property. Right?

24 A. Yes.

25 Q. You texted and said, "File the deed. Thank

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1 you very much." Right?

2 A. I did not. Sonya had my phone and texted  
3 that.

4 Q. Oh, that wasn't you now? All of a sudden that  
5 wasn't you? So you're changing --

6 A. It was my phone. I was with her, yes.

7 Q. And you knew about it. Right?

8 A. Yes. I heard everything, and she -- yes, I  
9 knew what was -- I mean, I was there, yes.

10 Q. Do you understand it's important for you to  
11 tell the truth today?

12 A. Yes, I do.

13 Q. And you also understand that at the times that  
14 you were engaged in sexual contact with my client there  
15 were other people present. Right?

16 A. No, there was not.

17 Q. At least half of them?

18 A. No. Never.

19 Q. The lady sitting out in the hallway wasn't  
20 present?

21 A. No.

22 Q. What did you do on the break? Now, I'm not  
23 asking about what you did with Mr. Hamby.

24 Did Mr. Hamby summon law enforcement over  
25 here to talk to you?

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1 A. Repeat.

2 Q. Did you speak to law enforcement during the  
3 break?

4 A. No.

5 Q. Did you go to the D.A.'s office?

6 A. No.

7 Q. You didn't speak to any people during the  
8 break?

9 A. Josh, my lawyer.

10 Q. I'm not asking about your conversation with  
11 your lawyer.

12 So you testified in this court that  
13 you've got all the money you received in a savings  
14 account?

15 A. Yes, I do.

16 Q. Which bank?

17 A. Wells Fargo.

18 Q. And how much money is in that account?

19 A. Well, it's not just what he has given me. I  
20 have other money in there as well.

21 Q. Okay. Well, what's the total?

22 A. I don't know. I would have to figure it out.

23 Q. Take your best guess. How much is in there?

24 A. *(No response heard.)*

25 MS. FULLER: Your Honor, I would just

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1 like the record to reflect that there is a great deal of  
2 time going by here between all of the -- or this  
3 witness' answers, because that will not be reflected on  
4 the record.

5 THE COURT: Well, "great deal" is subject  
6 to interpretation. There's been a long pause.

7 Can you answer the question, ma'am?

8 A. I'm not sure. I get the check and I put it in  
9 my savings. I do not know the total from day one.

10 Q. (By Ms. Fuller) Do you have electronic  
11 banking?

12 A. I can call and see how much is in my savings.

13 Q. You don't have any idea, just a roundabout  
14 figure what's in that savings?

15 A. Yes, I do, but it is not just what has been  
16 given from him.

17 Q. So you are refusing to answer the question?

18 You know what's in there?

19 A. Yes, I do.

20 Q. What's the amount?

21 A. It's not all he has given me.

22 THE COURT: I understand that, ma'am.

23 THE WITNESS: Okay. 68,000.

24 THE COURT: Thank you.

25 Go ahead, Ms. Fuller.

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1 Q. (By Ms. Fuller) And when your lawyer asked  
2 you if you were willing to pay that back, you said, "If  
3 I have to."

4 So what are you asking the Court to do  
5 today?

6 A. I would still like to get my house back if I  
7 can. But if not and I have to give the money back, I  
8 will.

9 Q. Okay. So you want to get your house back --

10 A. Yes, I do.

11 Q. -- and keep the payments that were made to  
12 you?

13 A. No. No, if I have to give the money back that  
14 was given to me, I will give it back.

15 Q. What was it given to you for?

16 A. He was making -- he's making payments.

17 Q. Right. Pursuant to an amortization schedule  
18 that you signed that day, that Kathy Newby gave you?

19 A. Yes.

20 Q. Okay. And those payments are 333.78 plus  
21 interest.

22 MS. FULLER: So let me see here. Hold on  
23 a minute, Your Honor, I'm sorry. If my calculator would  
24 work.

25 Q. (By Ms. Fuller) 376.28?

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1 A. Yes.

2 Q. And you've been receiving those payments every  
3 month since that transaction occurred. Correct?

4 A. Yes.

5 Q. And we actually have canceled checks where you  
6 signed the back of checks. Correct?

7 A. I sign them and I put them in the savings.

8 Q. Okay.

9 A. They go in my savings account. And I also  
10 have a checking account there.

11 Q. I got that. And your amortization schedule  
12 has all those payments outlined. Right?

13 A. Yes.

14 Q. And you signed that?

15 A. On the 23rd?

16 Q. Yes, ma'am. Kathy Newby gave it to you?

17 A. Yes.

18 Q. She read it to you too, didn't she?

19 A. I don't recall that.

20 Q. And she read the deed to you, did she not?

21 A. For the Colorado City place?

22 Q. No. For the Chaparral place?

23 A. I don't recall that.

24 Q. Now, you understand that my client owned the  
25 Colorado City place?

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1 A. Yes.

2 Q. And he deeded that outright to you with a  
3 notation about these payments. Right?

4 A. Yes.

5 Q. Okay. And you've been receiving these  
6 payments every month?

7 A. Yes.

8 Q. So are you asking the Judge to void both  
9 contracts -- or both deeds, rather?

10 A. No. If I can, I would like to get my house  
11 back. If I have to give the money back, I will, of all  
12 the checks --

13 Q. So you want --

14 A. -- that were given to me.

15 Q. Okay.

16 A. And I do not want that trailer. I can even  
17 give that trailer back. I'm willing to do that too.

18 Q. Okay. I'm just trying to make sure I  
19 understand what you're doing because in your testimony  
20 you denied signing the real estate lien note for the  
21 \$17,000. But you did sign that note, did you not?

22 MR. HAMBY: I object to that, Judge.

23 THE COURT: I'm not sure I understand  
24 that question either. Let's rephrase that.

25 MS. FULLER: May I approach, Your Honor?

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1 THE COURT: You may.

2 *(Approached the witness.)*

3 Q. (By Ms. Fuller) I'll show you what's been  
4 marked as Petitioner's Exhibit Number 3.

5 Is that your signature?

6 A. It is.

7 Q. Do you remember signing that?

8 A. No.

9 Q. And that's what you testified to, right, to  
10 this Court, that you didn't remember signing that.  
11 Right?

12 A. I do not remember signing it, but that is my  
13 signature.

14 THE COURT: If you'd hand me that,  
15 please, ma'am.

16 MS. FULLER: I'll come around Judge, if  
17 that's all right.

18 *(Tendered document to the Court.)*

19 THE COURT: Thank you. I think you said  
20 17,000. It's 50,000. That was my confusion.

21 MS. FULLER: I'm sorry, Your Honor.

22 THE COURT: Thank you.

23 Q. (By Ms. Fuller) The original total price of  
24 the sale was \$50,000. Right?

25 A. Yes.

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1 Q. The house in Colorado City was valued at  
2 \$33,000. Right?

3 A. Yes.

4 Q. And y'all had that discussion?

5 A. No.

6 Q. Well, how did you know it was valued at  
7 \$33,000 then?

8 A. I believe, I guess. I mean, why would you lie  
9 about that?

10 Q. And the difference --

11 A. No, we did not discuss any of that.

12 Q. The difference between 50 and 33 is \$17,000.  
13 Right?

14 A. *(No response heard.)*

15 THE COURT: The Court will take judicial  
16 notice it is.

17 Q. *(By Ms. Fuller)* Okay. The payments on the  
18 amortization schedule are for the \$17,000. Right?

19 A. Yes.

20 Q. Okay.

21 MS. FULLER: Judge, did that clear you up  
22 on the 50?

23 THE COURT: Yes, ma'am. Thank you.

24 MS. FULLER: Okay. Thank you.

25 THE COURT: And I am sorry, Ms. Fuller,

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1 but there's not a separate note for 17; it's the -- you  
2 did an amortization schedule on the 17 --

3 MS. FULLER: Yes.

4 THE COURT: -- or someone did?

5 MS. FULLER: Yes, sir.

6 THE COURT: Thank you. Go ahead.

7 Q. (By Ms. Fuller) Your friend, Sonya, she  
8 actually was involved in this conversation about the  
9 Colorado City deeds?

10 A. Yes.

11 Q. So she was there later that day with you at  
12 the hospital?

13 A. Yes. Oh, wait. When -- okay. When the  
14 discussion of the deed to the trailer --

15 Q. Okay. I apologize. That was, like, three  
16 days later.

17 A. The 23rd --

18 Q. Sonya was there that day?

19 A. The 23rd, that would be the -- no.

20 Q. 26th?

21 A. 26th, yes.

22 Q. Sonya was with you that day?

23 A. Yes. She actually was the one texting  
24 Charles.

25 Q. But you were there?

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1 A. I was there with her.

2 Q. Listening to the conversation?

3 A. Yes, I was there with her.

4 Q. You were giving your input?

5 A. I'm sorry, what?

6 Q. You were giving your input?

7 A. I didn't say anything. She did all the  
8 talking and texting. I was there, but I didn't say  
9 anything.

10 Q. Well, you knew about the deed being filed?

11 A. Yes.

12 Q. Okay. Now, is it fair to say that your son --  
13 you have a son named Steven Johnson. Right?

14 A. I do.

15 Q. He's got some criminal history. Right? Been  
16 in trouble?

17 A. He's not a criminal.

18 Q. No. I didn't say he was a criminal. Does he  
19 have criminal history, been in trouble with the law  
20 before?

21 A. He has gone to jail.

22 Q. And he's given you a lot of problems. Right?

23 A. That was taken care of.

24 Q. I'm sorry?

25 A. That was taken care of.

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1 Q. Taken care of by whom?

2 A. I took care of it.

3 Q. He damaged your Chaparral property. Right?

4 A. No, he did not.

5 Q. He didn't kick in the door to the bathroom?

6 A. The bathroom? I don't remember that.

7 Q. Did he kick in the door to the bedroom?

8 A. I don't remember that either.

9 Q. Do you remember telling my client he kicked in  
10 the door to the bathroom and the bedroom?

11 A. I mean, yes, he has done a few things that he  
12 did not need to do, yes.

13 Q. Busted up the closet?

14 A. In what room?

15 Q. You understand we've got pictures of all the  
16 damages out there to that property. Right?

17 A. Okay. Well, he didn't do it all. My mother  
18 lived out there and she did a few things herself, but  
19 we're not going to bring my mother into this.

20 Q. Okay. Well, I wasn't going to bring your mom  
21 into it. But suffice it to say, your family tore this  
22 house to shreds. Right?

23 A. Not my whole family, no.

24 Q. Well, some members of your family tore this  
25 house to shreds. Right?

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1 A. Not to shreds.

2 Q. It was not livable when it was purchased.

3 A. Yes, it was. Yes, it was. I lived in it.

4 Q. You lived in this?

5 A. Yes, I did.

6 Q. With no doors?

7 A. Two bedrooms.

8 Q. Standing water in two rooms?

9 A. Yes, I did.

10 Q. In fact, mold all over two bedrooms?

11 A. We didn't know there was mold in it.

12 Q. The ceiling falling in, having separated from  
13 the top by a foot and a half, you lived in that?

14 A. Yes. Me and my mother did --

15 Q. Fair to say that this --

16 A. -- before she went into the hospital.

17 THE COURT: Y'all are talking at the same  
18 time. Please, let's slow down.

19 MS. FULLER: My apologies.

20 THE COURT: Go ahead, Ms. Fuller.

21 Q. (By Ms. Fuller) Fair to say this residence  
22 was in very bad shape?

23 A. We lived there.

24 Q. Okay. Was it in bad shape when Mr. Edwards  
25 purchased it from you?

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1           A.    It needed some work, yes.

2           Q.    And you testified earlier it was in  
3 foreclosure.  Correct?

4           A.    Yes.  But that was taken care of.

5           Q.    Okay.  When you took possession --

6           A.    And he does not -- can I say something,  
7 please?

8           Q.    No.

9                                When you took possession of the Colorado  
10 City property, you started paying taxes on that  
11 property; didn't you?

12          A.    Yes, I did.

13          Q.    And you paid the taxes every year on that  
14 property?

15          A.    I have.

16          Q.    Clearly, you knew you were purchasing that  
17 property.  Correct?

18          A.    Yes.

19          Q.    Or getting that property --

20          A.    Yes.

21          Q.    -- in exchange for the Chaparral property and  
22 the \$17,000.  Correct?

23          A.    Yes.  But there was a time I told him I did  
24 not want to sell it.

25          Q.    Was that before or after you signed?

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*Cross-Examination by Ms. Fuller*

1 A. Before.

2 Q. How long before?

3 A. I'll say a month. I mean, that's --

4 Q. Okay. You're guessing?

5 A. I don't remember the exact date. There's a  
6 lot of dates I don't remember.

7 Q. Do you remember telling Ms. Newby, the person  
8 with the closing documents from the closing place, that  
9 you didn't want papers filed because you didn't want  
10 your kids to find out you'd sold the residence?

11 A. He told me not to tell anyone.

12 Q. So is that a yes or no? Did you tell  
13 Ms. Newby that?

14 A. No, I don't remember telling her that.

15 Q. Now, what is the condition, currently, of the  
16 Colorado City property?

17 A. It just needs a door.

18 Q. What needs a door?

19 A. The front door.

20 Q. So the house is not secured?

21 A. It's -- I mean, I have a -- I don't really go  
22 out there. I have no need to.

23 Q. Okay. When is the last time you've been out  
24 there?

25 A. It was, I'll say, a month ago.

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**Cross-Examination by Ms. Fuller**

1 Q. Do you know if that residence has been  
2 damaged?

3 A. It was prior to that.

4 Q. By your son. Right?

5 A. No, it was not my son.

6 Q. Who did it?

7 A. I don't know. It was vandalized. I don't  
8 know.

9 Q. And fair to say that the condition of that  
10 property right now is a lot worse than when you  
11 purchased it?

12 A. No, ma'am. It just needs a door.

13 Q. Is it livable right now?

14 A. It just needs a door.

15 Q. You understand my client cannot gain access to  
16 that property? He can't go out there because it's your  
17 property. Right?

18 A. Right now it is.

19 Q. Is there damage to the walls?

20 A. No.

21 Q. And your son's been staying in that property?

22 A. Say it again.

23 Q. Has your son been staying in that property?

24 A. Not just my son.

25 Q. Who else has been staying in the property?

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*Cross-Examination by Ms. Fuller*

1 A. Well, my son and his girlfriend stayed there.

2 Q. Okay. What's the girlfriend's name?

3 A. Tyler Hale (phonetic), and he knows her. He  
4 hit on her as well. He hit on all of the girls.

5 MS. FULLER: Objection, Your Honor,  
6 nonresponsive.

7 THE COURT: Sustained.

8 Q. (By Ms. Fuller) So Tyler Hale's been living in  
9 the property, and your son --

10 A. Nobody lives there now, no.

11 Q. When is the last time Tyler Hale's been on the  
12 property?

13 A. When her and Steven lived there.

14 Q. Okay. When is that?

15 A. It's been months.

16 Q. How many months?

17 A. I'll say a year.

18 Q. Are you just guessing?

19 A. Well, I don't remember the exact date. They  
20 lived there from what to what? I do not -- they didn't  
21 stay there very long at all.

22 Q. They lived there with your permission?

23 A. Yes.

24 Q. And he damaged the house; did he not?

25 A. He did not. No, ma'am, he did not.

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*Cross-Examination by Ms. Fuller*

1 Q. He damaged your house at Chaparral and then he  
2 damaged the house in Colorado City, didn't he?

3 A. He did not.

4 Q. Who damaged the house, ma'am?

5 A. I don't know. It was vandalized. I don't  
6 know.

7 Q. Did you report that to the police?

8 A. No.

9 Q. But you want this Court to void that deed?

10 A. No. I paid someone to put windows in, is what  
11 I did.

12 Q. You didn't report it because it was your son.  
13 Right?

14 A. It was not my son. No, ma'am. It was not. I  
15 swear to God above, it was not my son.

16 Q. Okay. You want this Judge to void the deed,  
17 give Mr. Edwards back a piece of property we have no  
18 idea what the condition is because someone has  
19 vandalized it. That's what you want this Court to do?

20 A. Yes, if -- I mean, get -- only if I get my  
21 house back. I don't want it if I get my house back.

22 Q. You don't want what?

23 A. The property in C City, if I get my house  
24 back, I won't need it.

25 Q. Now, you're alleging that you were in fear,

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*Cross-Examination by Ms. Fuller*

1 you were assaulted, all kinds of unbelievable, heinous  
2 things happened to you. Correct?

3 A. Yes. Things that my husbands didn't even do  
4 to me.

5 Q. Okay. Yet you would voluntarily show up at  
6 Mr. Edward's job, wouldn't you?

7 A. No.

8 Q. You never went out there on your own and  
9 voluntarily showed up?

10 A. No. Actually, I worked for him for a few days  
11 and never got paid for it. But that's okay.

12 Q. You're mad at him, aren't you?

13 A. He hurt me physically, emotionally, and  
14 mentally.

15 Q. You're mad at him because he moved on. Right?

16 A. No.

17 Q. You and he did not have a dating relationship.  
18 When y'all met, y'all met for sex. Right?

19 A. No. Well -- well...

20 Q. Every time you met, you had sex?

21 A. Because that's the way he was. That's the way  
22 he is.

23 Q. It's his fault, huh?

24 A. Ma'am?

25 Q. It's his fault?

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*Cross-Examination by Ms. Fuller*

1           A.     It's because of what he was into.

2           Q.     You had sex with a man the very first time you  
3 met him.    Right?

4           A.     I did not.   No, ma'am, I did not.

5           Q.     Where did you meet him?

6           A.     At a dance downtown.   I met him through Lois  
7 Hughes.    She introduced him to me.

8           Q.     And y'all's relationship, by your testimony,  
9 was about five months long?

10          A.     Five -- four, something like that.

11          Q.     It was a pretty short relationship, wasn't it?

12          A.     Of course, yes.

13          Q.     And you had other men at that time and he had  
14 other women.   Right?

15          A.     No.

16          Q.     Y'all were not in a one-person-only  
17 relationship.

18          A.     He was, but I wasn't.   I didn't -- I'm not  
19 like that.

20          Q.     How many times do you think y'all actually  
21 physically met up during that four months, five months?

22          A.     It wasn't every day but almost every day.

23          Q.     Where would y'all meet at?

24          A.     My house.

25          Q.     Do you remember asking Ms. Newby to help you

**Michelle Johnson - September 30, 2019**  
**Redirect Examination by Mr. Hamby**

1 pack your stuff in the Chaparral house to move to the  
2 Colorado --

3 A. She volunteered to do that.

4 Q. And you agreed to it?

5 A. Yes.

6 Q. So you clearly knew you were swapping property  
7 and moving. Right?

8 A. I had nowhere else to go.

9 Q. You also came to Mr. Edwards' house in  
10 Colorado City. Right?

11 A. Yes.

12 Q. How many times?

13 A. Once.

14 Q. When was the last time you did that?

15 A. I don't remember the date that I went out  
16 there. I don't remember dates. I mean, I remember  
17 going out there, but I don't remember dates.

18 MS. FULLER: Pass the witness.

19 THE COURT: Mr. Hamby?

20 **REDIRECT EXAMINATION**

21 BY MR. HAMBY:

22 Q. Michelle, when we started this litigation, you  
23 had long hair. What happened?

24 A. I had cancer.

25 Q. Which cancer?

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**Redirect Examination by Mr. Hamby**

1 A. Breast cancer.

2 Q. Did you have a mastectomy done?

3 A. Two, a double.

4 Q. When was this?

5 A. July 17th.

6 Q. Of this year?

7 A. Yes.

8 Q. Did you have chemo?

9 A. Yes.

10 Q. When was your last chemo treatment?

11 A. March --

12 Q. Sometime prior to the mastectomy?

13 A. Yes. Well, it -- what did you ask me?

14 Q. When your last chemo was.

15 A. Oh, it was March -- in March.

16 Q. Did this treatment, cancer, the chemo, has  
17 that affected your testimony today?

18 A. I do have "chemo brain" and other things among  
19 that.

20 Q. Okay. Is that -- maybe the long pauses, would  
21 that be a contributing factor to long pauses? When we  
22 ask you questions, you take a long time.

23 A. Yes, could be.

24 Q. Okay. So it's hard for you to remember dates,  
25 obviously?

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**Redirect Examination by Mr. Hamby**

1 A. Yes.

2 Q. You remember us being on break an hour ago?

3 A. Of course. It was an hour ago.

4 Q. When we left this room, where did we go?

5 A. To the break room.

6 Q. To the back room?

7 A. A room somewhere over there, yes.

8 Q. Was I with you the entire time?

9 A. Yes.

10 Q. Okay. Did we go anywhere else?

11 A. No.

12 Q. Did you see me make a phone call?

13 A. No.

14 Q. Okay. Earlier, Ms. Fuller asked you about  
15 foreclosure, and there was something you wanted to say.

16 Was the house under tax foreclosure or is  
17 there a mortgage on it? What was --

18 A. It was taxes. I was behind on my taxes.

19 Q. Okay. Did you get caught up on them?

20 A. I did. I had help. My -- do you want to know  
21 who?

22 Q. I don't want to know.

23 A. Okay.

24 Q. But prior to May 23rd or Jason's Deli, did you  
25 have the tax situation cured?

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**Redirect Examination by Mr. Hamby**

1 A. Yes.

2 Q. Okay.

3 *(Sotto voce discussion between counsel.)*

4 Q. (By Mr. Hamby) Okay. Do you remember the  
5 amortization schedule she showed you that she refuses to  
6 put into evidence? Do you remember that?

7 MS. FULLER: Your Honor, I object to that  
8 statement. I can put into evidence what I choose and  
9 not choose. She testified to it. I showed it to her.

10 THE COURT: Sustained as to the form of  
11 the question.

12 You can rephrase, Mr. Hamby.

13 Q. (By Mr. Hamby) Do you remember seeing this  
14 amortization schedule a few minutes ago?

15 A. A few minutes -- before the break?

16 Q. No. While you were testifying earlier today,  
17 did Ms. Fuller show you this amortization schedule?

18 A. No.

19 Q. Okay. Do you remember -- any idea when you  
20 received this amortization schedule?

21 A. I received it, but I don't -- like I say, I  
22 don't remember the date.

23 Q. Okay. Thank you. Was Sonya with you in the  
24 hospital at any time while your mom was in the hospital?

25 A. She would come visit, yes.

**Michelle Johnson - September 30, 2019**  
**Recross-Examination by Ms. Fuller**

1 Q. Okay. You and Sonya are close?

2 A. Yes. She's one of my best friends.

3 Q. Did you talk to her on May 23rd?

4 A. Yes.

5 Q. Okay. Did you talk to her on May 26th?

6 A. Yes.

7 Q. Okay. Is her memory, to the best of your  
8 knowledge, a little better than yours about that kind of  
9 stuff?

10 A. Oh, yes.

11 MR. HAMBY: Pass the witness.

12 THE COURT: Ms. Fuller?

13 **RECROSS-EXAMINATION**

14 BY MS. FULLER:

15 Q. I would express my condolences to you about  
16 having cancer. That's a horrible thing.

17 Did you have a recurrence of this cancer?

18 A. Yes. I had cancer six years ago.

19 Q. Okay. So you'd already showed --

20 A. In the opposite breast. And it was six years  
21 ago in my right breast, and then I found out in February  
22 that it was in my left breast.

23 Q. Okay. Because you had already showed  
24 Mr. Edwards your scars from prior cancer. Right?

25 A. Well, I told him.

**Michelle Johnson - September 30, 2019**  
**Recross-Examination by Ms. Fuller**

1 Q. So this is a recurrence?

2 A. Yes.

3 Q. Okay. Now, in the conversations that you had  
4 with Mr. Edwards about this property, you had indicated  
5 to him that you could not afford to repair the damage  
6 that was done to this property. Correct?

7 A. I thought that, but then my ex-husband was  
8 going to -- he offered to help me, and Sonya's whole  
9 family offered to help me. I had help. I had friends  
10 and my ex-husband.

11 Q. When you asked him about purchasing the  
12 property, you said you couldn't pay the taxes and you  
13 couldn't afford the repairs. Correct?

14 A. Yes. But it was taken care of through --  
15 because of my ex-husband, he took care of it for me.

16 Q. The taxes?

17 A. Yes.

18 Q. After the sale?

19 A. Before. He does not know about that.

20 MS. FULLER: Pass the witness.

21 MR. HAMBY: No questions.

22 THE COURT: Thank you, ma'am. You can  
23 step down.

24 *(Witness excused and remained in the*  
25 *courtroom.)*

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 THE COURT: Mr. Hamby?

2 MR. HAMBY: Your Honor, we call Sonya  
3 Huffman, please.

4 THE COURT: Right up here, please, ma'am.  
5 *(Witness approached witness stand.)*

6 THE COURT: Raise your right hand.  
7 *(Witness sworn.)*

8 THE COURT: Have a seat.  
9 *(Witness seated.)*

10 **SONYA HUFFMAN,**  
11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 BY MR. HAMBY:

14 Q. Sonya, state your name.

15 A. Sonya Huffman, H-U-F-F-M-A-N.

16 Q. Where do you live, Sonya?

17 A. Stanton. Do you want the address?

18 Q. That's good enough.

19 You know Michelle Johnson?

20 A. Yes, ma'am.

21 Q. Y'all friends?

22 A. Yes.

23 Q. Okay. Were you with -- or were you a friend  
24 of Michelle on or about May 23rd, 2017?

25 A. Yes.

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 Q. Were you aware that sometime in May,  
2 Michelle's mother was in the hospital?

3 A. Yes.

4 Q. Did you ever go to the hospital?

5 A. Yes.

6 Q. For the reason of seeing Michelle and her  
7 mother?

8 A. Yes.

9 Q. Were you with her on May 22nd?

10 A. Yes.

11 Q. At the hospital?

12 A. Yes.

13 Q. Were you there -- were you present during any  
14 conversation, phone call, by and between Michelle and  
15 Charles Edwards?

16 A. Yes.

17 Q. Could you tell us in your own words what's the  
18 substance of that conversation?

19 A. About the house. She had told him that she  
20 did not want to sell it, that she had friends and family  
21 that were going to help her fix it up, and -- do I say  
22 what his response was or just --

23 Q. Go ahead.

24 A. He had told her that she had no choice but to  
25 sell to him and that he and her -- excuse the French --

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 Christian -- I ain't going to say it -- anyway, her  
2 backslidden Christian friends and family were not going  
3 to help her, they'd leave her high and dry.

4 And she told him she didn't care, she  
5 wanted to keep it, it was her family's, and that she was  
6 going to have help fixing it.

7 Q. Okay. Were you with Michelle around noontime  
8 May 23rd, 2017?

9 A. Yes -- no. Sorry, sorry, sorry. On the 23rd,  
10 no.

11 Q. Okay. Were you aware that Michelle was going  
12 to go eat lunch with Charles on May 23rd, 2017, prior to  
13 the meal?

14 A. After the fact, after they went to lunch.

15 Q. How did you learn afterwards?

16 A. She called me.

17 Q. What did she say?

18 A. She told me that Charles had come and told her  
19 he wanted to get her out of the hospital, take her to  
20 lunch. And that while they were ordering, Kathy Newby  
21 walks in and had paper in hand, so she, kind of, like,  
22 knew what his intent was. And that she basically was  
23 dumbfounded, you know, like she couldn't believe that  
24 he's done it even after she's said that she didn't want  
25 to.

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1                   She said that she felt she had no choice  
2 but to sign the papers, that she didn't even get to read  
3 them. She was trying to read them, and they told her  
4 that she wouldn't understand all of it. She did say  
5 Kathy kind of skimmed something, but she didn't register  
6 what was being said. But --okay.

7           Q.    I'm sorry, go ahead.

8           A.    No, that's okay.

9           Q.    Did she exhibit remorse or anger?

10          A.    I would say it's more just emotional, like,  
11 she was a wreck because she said she felt like she was  
12 afraid to tell him "no," which I knew that, and she felt  
13 like she had no choice. Like, he was her ride up there,  
14 he had come and picked her up. She had no way of, like,  
15 leaving or anything. But she was -- she was just a  
16 wreck. She was just a total wreck.

17          Q.    Did you -- did Michelle have copies of the  
18 documents she signed that day, May 23rd?

19          A.    I don't -- I didn't see the documents that  
20 day. A day later I seen them.

21          Q.    Okay. How did you find out about the document  
22 from May 23rd?

23          A.    She took pictures and sent them to me via text  
24 message.

25          Q.    Michelle did?

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1           A.    Yes.

2           Q.    Okay.  When did Michelle's mom get out of the  
3 hospital?

4           A.    It was probably about a week after the 26th,  
5 after the Colorado City house was done.

6           Q.    Okay.  So this is not -- and I'm just trying  
7 to be clear, it was indicated earlier that Michelle's  
8 mom had been in the hospital 17 days, up until May 23rd.

9           A.    She was -- she was in the hospital on the  
10 23rd, even -- and for about a week or so after that  
11 also.  So she did not get out on the 23rd.

12          Q.    When did Michelle go get her stuff from the  
13 Chaparral house?  Do you remember that day?

14          A.    I know she got a few things a couple of times.  
15 Whenever I went over there with her -- for the 26th is  
16 whenever I'd seen the paperwork that they had signed on  
17 the house on the 23rd, and we went over there.

18                         And I'd confronted Charles that my --  
19 pretty well my exact words was he knew that he was  
20 screwing her over and she did not have any intention of  
21 selling it.  And he knew that.  I was there with her; he  
22 didn't know that.

23                         But, anyway, the papers were signed.  She  
24 didn't know what she could or couldn't do.

25          Q.    Let's talk about it.  You went to Charles'

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 house? Where'd you go?

2 A. No. I went to Michelle's house on Chaparral.

3 Q. This is after the 23rd?

4 A. Yeah. So I guess it was Charles' house by  
5 then, so yeah.

6 Q. Did you confront Charles?

7 A. Yes.

8 Q. Was this before the Colorado City?

9 A. Yes.

10 Q. And what did you say to Charles, again?

11 A. I basically told him that he had screwed her  
12 over and manipulated her. And he knew that. He knew  
13 that she was afraid to tell him "no" because of  
14 repercussions that had happened prior. And that the  
15 amount that he had said that he was taking off for  
16 fixing up the house, is what he originally said, as,  
17 like, the house had appraised for the 70-something, so  
18 that was not okay, that was an as-is thing.

19 That's whenever he told me that the money  
20 that was taken off was actually going to be pretty much  
21 a fair exchange for the Colorado City property, because  
22 she had nowhere to go. She has absolutely nowhere to  
23 go, no way to do anything. So he had said that that's  
24 what that was going to be for. And he asked us to go  
25 look at it, and we looked at it.

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 Q. What day was this?

2 A. The 26th.

3 Q. You went to look at it?

4 A. Yes, we went to go look at the property.

5 Which, I know Michelle had been there before. I think  
6 he had shown it to her before. But it wasn't as in,  
7 like, "I'm going to go live there," type of thing. So I  
8 was with her and we went out there in my truck and  
9 looked at it and stuff.

10 And he called me and asked me, well, you  
11 know, like, "You gonna do it? You not gonna do it?"

12 And I said, "Well, like" -- you know, I  
13 asked Michelle, and she's, like, "I don't know what else  
14 to do," because she had to have somewhere to live. And  
15 she had absolutely nowhere to go.

16 So we went ahead and said, "Okay," and he  
17 signed it over. He said that he was at the courthouse  
18 waiting to sign it over. And -- but we did not  
19 receive -- we didn't see any paperwork prior to it being  
20 signed over.

21 He asked me if we looked at the contract.  
22 I told him we were driving, and I had him send it to my  
23 e-mail. I said, "We're driving. I can't look at  
24 anything to okay or not okay anything." And he said,  
25 "Okay," and it wasn't until that evening that we were

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 able to actually see the details of what it said.

2 Q. And had it been filed by then?

3 A. It had already been filed when I was on the  
4 phone with him. Within a matter of minutes, probably,  
5 it had been filed.

6 Q. Did either one of y'all know about the  
7 interest rate or the amount of credit given?

8 A. Absolutely not.

9 Q. Okay.

10 A. Was never discussed.

11 Q. Okay. Do you know anything about an  
12 amortization schedule?

13 A. Yeah. I mean, not on theirs, but, I mean, I  
14 know about it.

15 Q. Did you ever see an amortization schedule  
16 regarding Michelle and Charles?

17 A. No.

18 Q. Is Michelle kind of simple?

19 A. Yeah. Yeah. She's -- it's not an offense,  
20 she is. She's really just a common, simple girl.

21 Q. Did you know anything about the -- do you know  
22 anything about any sexual violence between Charles and  
23 Michelle?

24 A. Yes.

25 MS. FULLER: Your Honor, I would object

*Sonya Huffman - September 30, 2019*  
*Direct Examination by Mr. Hamby*

1 because there would be no way she'd have any firsthand  
2 knowledge of that. It would be hearsay and lack of  
3 knowledge.

4 THE COURT: It's necessarily going to be  
5 hearsay unless she'd seen it.

6 MR. HAMBY: I'll rephrase -- or ask a  
7 different question, Your Honor.

8 Q. (By Mr. Hamby) Did you ever see any physical  
9 injuries on Michelle's body?

10 A. Yes.

11 Q. Where?

12 A. Her breast, her back, her neck.

13 Q. Did you ever see Michelle fall and cause these  
14 injuries?

15 A. No. Absolutely not.

16 Q. Did you ever have a conversation with Charles,  
17 prior to May 23rd, about his relationship with Michelle?

18 A. No.

19 Q. Okay. On May 23rd, after the deli, did  
20 Michelle call you or did you see her that afternoon?

21 A. She called me.

22 Q. Did you talk to Charles on May 23rd?

23 A. No. It wasn't until the 26th that I talked to  
24 him.

25 Q. When is the first time Michelle spent the

*Sonya Huffman - September 30, 2019*  
*Cross-Examination by Ms. Fuller*

1 night in the Colorado City house?

2 A. I don't know the exact day. I know it was  
3 about a week or so after the 26th.

4 Q. Okay. So it wasn't the night of the 23rd and  
5 it wasn't the night of the 26th?

6 A. No. She was still in the hospital on those  
7 days.

8 Q. Okay. Are you pretty confident in that  
9 answer?

10 A. Yes.

11 Q. Okay. All this -- Colorado City and the  
12 Chaparral Road -- all took place while Michelle's mom  
13 was in the hospital?

14 A. Yes.

15 Q. All took place while Michelle was up there  
16 taking care of her mom in the hospital?

17 A. Yes.

18 MR. HAMBY: I'll pass the witness.

19 THE COURT: Ms. Fuller?

20 **CROSS-EXAMINATION**

21 BY MS. FULLER:

22 Q. Ma'am, when you say that Michelle said she had  
23 no choice, she was referring to the fact that she  
24 couldn't make the repairs, wasn't she?

25 A. No.

*Sonya Huffman - September 30, 2019*  
*Cross-Examination by Ms. Fuller*

1 Q. You don't think she felt like she needed to  
2 give the house away or sell it because she couldn't live  
3 in it?

4 A. No.

5 Q. Did you ever go in the house?

6 A. Yes. Multiple times.

7 Q. That house was in bad shape, wasn't it?

8 A. No.

9 Q. It was in good shape?

10 A. The house is on old house. There is a side  
11 apartment that her grandfather had built onto it that  
12 had a lot of damage, but that was separate from the main  
13 living quarters.

14 Q. Do you understand that you have just testified  
15 to several things completely different than what  
16 Michelle testified to?

17 A. Probably because she gets confused a lot and  
18 especially after the chemo and stuff.

19 Q. So this is all the chemo?

20 A. Her mixing up from some of her dates and  
21 stuff, some of it. Also she has -- go ahead.

22 Q. I'm not talking about dates. She adamantly  
23 told this Judge that she was not given a copy of the  
24 papers from the closing lady, Ms. Newby. But you  
25 just --

*Sonya Huffman - September 30, 2019*  
*Cross-Examination by Ms. Fuller*

1           A.     Which house, though?

2           Q.     Let me finish.

3                     You just testified that she had papers  
4 that she screen-shotted and sent to you.

5           A.     On the Chaparral house.

6           Q.     Right.

7           A.     That's what I'm saying. I don't know if it's  
8 her daughter that had picked -- and I didn't say it was  
9 the day of. It was a little bit after. It was like the  
10 next day or so, I think her daughter-in-law -- sorry,  
11 Shelby is her daughter -- brought her the papers.

12          Q.     Fair to say, her kids got very angry that she  
13 had signed for the house?

14          A.     Not necessarily anger. Upset, not angry.

15          Q.     They confronted her about it?

16          A.     Well, there was no confrontation about it.

17          Q.     Were they upset?

18          A.     Yes. So was she.

19          Q.     Did she tell you they were upset?

20          A.     I didn't have to be told. I knew the  
21 children. So yeah, they were upset.

22          Q.     Do you think she changed her mind because her  
23 kids got upset?

24          A.     No.

25          Q.     Do you understand that this closing happened

*Sonya Huffman - September 30, 2019*  
*Cross-Examination by Ms. Fuller*

1 in a public place with a third party there, a notary?

2 A. Yeah. But she was afraid of them.

3 Q. And you know -- she was afraid of them, that's  
4 your testimony?

5 A. Yes. I've seen -- I don't know if I'm  
6 supposed to actually add in. I've --

7 MS. FULLER: Your Honor, nonresponsive.

8 THE COURT: Just wait for a question, if  
9 you would, please, ma'am.

10 THE WITNESS: Okay.

11 Q. (By Ms. Fuller) And you were present, and you  
12 and Ms. Johnson texted my client and said, "We're good  
13 with the Colorado City. File the deed"?

14 A. No. That is not how that went down.

15 Q. Do you understand we have that text message?

16 A. I understand. That was after the fact.

17 Q. "Go ahead and file it" was after the fact?

18 A. We were driving down the road, and he had  
19 talked to me on my phone. He had called my phone number  
20 and talked to me, and he had asked me a couple of times,  
21 you know, "Are we going to do it? Are we going to do  
22 it?"

23 And we told him that she really had no  
24 choice, so, I guess, "Go ahead and do it." But we did  
25 not see any paperwork.

*Sonya Huffman - September 30, 2019*  
*Cross-Examination by Ms. Fuller*

1 Q. So clearly at that time when the second part  
2 of the sale went forward, she was with you?

3 A. Yes.

4 Q. Were you threatening her?

5 A. Absolutely not.

6 Q. Was she under any duress with you?

7 A. No. Well, was she under duress, like -- in,  
8 like, emotional duress, yeah. She's still dealing with  
9 her mother, this stuff, and everything else, didn't know  
10 where she was going to live, didn't know how she was  
11 going to do anything at that point; and that is where  
12 she felt she had no choice but to accept the Colorado  
13 City house because she had to live somewhere.

14 Q. And that's just your speculation. Right?

15 A. No. That is -- I was present when it was  
16 going on, and she had nowhere to go. She had absolutely  
17 nowhere to go.

18 Q. Did you understand that was part of the  
19 discussion and the agreement that was signed on the  
20 23rd?

21 A. That wasn't in any of the paperwork.

22 Q. Well, you weren't present, were you, ma'am?

23 A. No. I just know what wasn't in the paperwork.

24 Q. So you have no idea what was discussed on the  
25 23rd. Right?

**Sonya Huffman - September 30, 2019**  
**Cross-Examination by Ms. Fuller**

1           A.    No.

2                           MS. FULLER:  Pass the witness.

3                           THE COURT:  Mr. Hamby?

4                           MR. HAMBY:  No questions.

5                           THE COURT:  Thank you, ma'am.  You can  
6 step down.

7                                   *(Witness excused and left the courtroom.)*

8                           THE COURT:  Mr. Hamby?

9                           MR. HAMBY:  We'll rest.

10                          THE COURT:  Ms. Fuller?

11                          MS. FULLER:  Your Honor, I would call  
12 Kathy Newby.

13                          THE COURT:  All right.

14                          Right up here, please, ma'am.

15                                   *(Witness approached witness stand.)*

16                          THE COURT:  If you'd raise your right  
17 hand.

18                                   *(Witness sworn.)*

19                          THE COURT:  Have a seat.

20                                   *(Witness seated.)*

21                          Go ahead, Ms. Fuller.

22

23

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*Kathy Newby - September 30, 2019*  
*Direct Examination by Ms. Fuller*

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**KATHY NEWBY,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY MS. FULLER:

Q. Will you state your name for the record.

A. Kathy Newby.

Q. And Ms. Newby, you reside in Colorado City; is that correct?

A. Yes.

Q. You've been in the real estate business, I think, for 40-something years; is that correct?

A. Yes.

Q. Just tell the Judge just generally what you've done in the real estate business for 40 years.

A. Closed loans, notarized papers.

Q. Okay. Who did you work for over at Colorado City, the company?

A. Colorado City.

Q. Who did you work for?

A. I started out working for Colorado City Abstract, and then I went to Mitchell County Abstract because they sold out. Then I worked for Surety Title.

Q. And you are a notary?

A. Yes.

Q. You drew up -- some papers were drawn up for a

**Kathy Newby - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 sale of or swap of some property between these two  
2 parties. Correct?

3 A. Yes.

4 Q. And you were actually present when that  
5 closing occurred or when that signing occurred on  
6 May 23rd, 2017; is that correct?

7 A. Yes.

8 Q. Tell the Judge what town that closing occurred  
9 in.

10 A. Midland, Texas.

11 Q. And where?

12 A. I don't even know the name of the restaurant.

13 Q. It was a restaurant?

14 A. Yeah.

15 Q. Did you arrive first at that restaurant?

16 A. Yes.

17 Q. And did you see Mr. Edwards arrive?

18 A. Yes.

19 Q. And did you see Ms. Johnson arrive?

20 A. Yes.

21 Q. And did they arrive in separate vehicles?

22 A. Yes.

23 Q. Okay. And did you see them each get out of  
24 different vehicles?

25 A. Yes. Two pulled in. They got out of their

**Kathy Newby - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 vehicles.

2 Q. Okay. And y'all went into the restaurant?

3 A. Yes.

4 Q. Did y'all go in together?

5 A. Yes.

6 Q. Did y'all sit down and eat?

7 A. Yes.

8 Q. Okay. What did -- if you can remember, what  
9 did Ms. Johnson eat?

10 A. I have no idea. It was a sandwich shop.

11 Q. Okay. Did she eat her food?

12 A. We were all eating.

13 Q. Did you see her eating food?

14 A. She put some in her mouth, so I assume she  
15 ate.

16 Q. Okay. How long were you there at that  
17 sandwich shop?

18 A. We ate, looked at papers, they signed them, I  
19 notarized it and I gave them their copies and I left.

20 Q. All right. Let me stop you right there.

21 How many copies did you bring to that  
22 encounter?

23 A. I make a copy for each person plus the  
24 original.

25 Q. And you took the original? Or what did you do

**Kathy Newby - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 with the original?

2 A. I took it to record it in Mitchell County.

3 Q. Okay. You gave Mr. Edwards a copy?

4 A. Yes.

5 Q. And you gave Ms. Johnson a copy?

6 A. Yes.

7 Q. Okay. So if Ms. Johnson testified under oath  
8 to this Court that she was not given a copy, that would  
9 be incorrect?

10 A. I give her a manila envelope with the copies  
11 in them.

12 Q. Okay. And then did you leave?

13 A. Yes.

14 Q. Do you believe, at any point in time, that  
15 Ms. Johnson was under any sort of -- and "duress" is a  
16 legal word, but did she appear to be in fear of  
17 anything?

18 A. No.

19 Q. Will you tell the Court what you observed  
20 Ms. Johnson do while she was sitting at the table with  
21 Mr. Edwards?

22 A. She was playing with his legs is all I could  
23 tell.

24 Q. What was she doing?

25 A. And talking to him, whispering. That's it.

**Kathy Newby - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 Q. Was she rubbing up his leg with her hand?

2 A. Yes.

3 Q. How many times did she do that?

4 A. Enough that I got uncomfortable and was  
5 wanting to leave.

6 Q. Did you at any point in time think that she  
7 was scared of him?

8 A. No.

9 Q. In fact, did you have the opposite impression?

10 A. Yes.

11 Q. Okay. Did she ask you to help her pack her  
12 stuff and move?

13 A. Yes.

14 Q. Out of the Chaparral residence?

15 A. I was -- yes, she did because I was staying  
16 out there working in the yard. Because I've been  
17 friends with Charles for a long time, and my husband had  
18 passed away and he asked me if I could stay out there.

19 Q. And you do a lot of yard work for people in  
20 town, that's kind of your hobby?

21 A. Yes.

22 Q. And you were out there cleaning up the yard?

23 A. Yes.

24 Q. Okay. And did you help her pack some stuff?

25 A. I packed everything in that house.

**Kathy Newby - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 THE COURT: Could you give me a time  
2 frame, Ms. Fuller?

3 MS. FULLER: For what?

4 THE COURT: A time frame for that  
5 conversation.

6 Q. (By Ms. Fuller) Did that conversation occur  
7 on the day of the closing, on May 23rd?

8 A. No.

9 Q. Okay. When did you have a conversation with  
10 her about packing stuff?

11 A. It was before that.

12 Q. Okay. Did you have a conversation with  
13 Charles or did you hear Charles ever tell her that if  
14 she had any questions about the closing that she could  
15 call you?

16 A. Yes.

17 Q. At the company?

18 A. I told her that.

19 Q. Did she call you at any point in time to talk  
20 about it?

21 A. Not about the papers.

22 Q. Did you watch her sign the documents?

23 A. Yes.

24 Q. Did you notarize her signature?

25 A. Yes.

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**Direct Examination by Ms. Fuller**

1 Q. Do you remember what documents you brought and  
2 what documents she signed that day?

3 A. A warranty deed, a note, and an amortization  
4 schedule.

5 Q. Okay. And there was discussion -- did you  
6 give her an opportunity to read the documents?

7 A. Yes. I always give people -- I want to make  
8 sure they know what they're signing.

9 Q. And you've been doing this 40 years. Right?

10 A. Yes.

11 Q. Did you ever say to her, "You don't need to  
12 read that, you won't understand it"?

13 A. No, I did not.

14 Q. Did you ever hear anybody say to her, "You  
15 don't need to read that document"?

16 A. No.

17 Q. Did you read parts of the document to her?

18 A. Yes.

19 Q. Did you tell her the terms of the sale?

20 A. Yes.

21 Q. Do you remember what you told her?

22 A. No.

23 Q. Been a while?

24 A. I've closed a couple since then.

25 Q. Okay. And did you go over the terms of the

**Kathy Newby - September 30, 2019**  
**Cross-Examination by Mr. Hamby**

1 sale with her?

2 A. Yes.

3 Q. Okay. Do you believe that anyone put any  
4 pressure on her to sign those documents that she signed?

5 A. No, that was not my impression.

6 MS. FULLER: Pass the witness.

7 THE COURT: Mr. Hamby?

8 **CROSS-EXAMINATION**

9 BY MR. HAMBY:

10 Q. Ms. Newby, my name's Josh Hamby. You and I  
11 have talked before, have we not?

12 A. Yes, sir.

13 Q. Okay. It's been a while. Correct?

14 A. *(No response heard.)*

15 Q. Who drew up these documents?

16 A. They came out of the office through the office  
17 of Drew Darby. That's who my boss was.

18 Q. And Drew Darby owns title companies. Correct?

19 A. Yes, sir.

20 Q. Do you believe it was a staff attorney that  
21 drew up these documents or was it Drew Darby himself?

22 A. Since he's in San Angelo, I couldn't tell you  
23 that.

24 Q. Well, are they e-mailed to your office and you  
25 print them out?

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**Cross-Examination by Mr. Hamby**

1           A.     Sometimes we print them out, sometimes we type  
2 them and let them check them.

3           Q.     And in this case, do you remember if you typed  
4 them or if they got sent to you?

5           A.     Yes. I typed them, they looked at them, asked  
6 questions about some of the stuff that was in them.

7           Q.     Okay.

8           A.     And why there was no -- and I asked Michelle  
9 why there was -- there was supposed to be a deed of  
10 trust to be filed.

11          Q.     Yes, Ma'am.

12                   MR. HAMBY:  Objection, nonresponsive.

13                   THE COURT:  Sustained.

14                   Just wait on the question.

15          Q.     (By Mr. Hamby) Ma'am, there's a document,  
16 right there, just sitting in front of you called -- I  
17 believe it's Plaintiff Exhibit Number 1. Feel free to  
18 reach over and grab that. It should be a warranty deed  
19 dated May 23rd, 2017.

20                   Is that the document that's in front of  
21 you, ma'am?

22          A.     Yes.

23          Q.     Okay. If you look under "Consideration," what  
24 does it say there?

25          A.     "Ten dollars and other valuable

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**Cross-Examination by Mr. Hamby**

1 consideration."

2 Q. Okay. You've been in business how long?

3 A. 40 years.

4 Q. Is that proper?

5 A. It was proper to do what they wanted.

6 Q. What did they want?

7 A. They did not want a deed of trust; so,  
8 therefore, there would be no other consideration.

9 Q. Who didn't want a deed of trust?

10 A. The two people sitting right there.

11 Q. Well, who told you specifically they didn't  
12 want a deed of trust?

13 A. Those two.

14 Q. These two individuals told you --

15 A. Michelle said she did not want a deed of trust  
16 because she did not want her kids to know she was  
17 receiving money.

18 Q. But there's a deed.

19 A. I have no idea. This is just what I was told.  
20 That's what I did.

21 Q. Did Mr. Edwards tell you not to do a deed of  
22 trust?

23 A. No.

24 Q. But you're saying Ms. Johnson told you not to  
25 do a deed of trust?

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**Cross-Examination by Mr. Hamby**

1 A. Yes.

2 Q. And you feel confident Ms. Johnson knows what  
3 a deed of trust is?

4 A. She did after I explained it to her.

5 Q. I assume there was no policy written then?

6 A. No.

7 Q. Was there a settlement statement?

8 A. They did not want a formal closing.

9 Q. Is there a document reflecting what your fee  
10 was for this transaction?

11 A. I did not have a fee.

12 Q. You were just doing it gratis?

13 A. I was coming up here, I was going to Midland  
14 to deliver some papers, and I was asked if I could stop  
15 and notarize.

16 Q. Well, that was my next question.

17 You take this -- kind of a long drive  
18 from Colorado City to Midland. Was it just for this  
19 trip or did you have another purpose for going to  
20 Midland?

21 A. I had another closing. I had another  
22 appointment, more papers.

23 Q. Where did you take those papers?

24 A. To a lady's house. I don't remember her name.

25 Q. I know you're getting flustered with me.

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**Cross-Examination by Mr. Hamby**

1 A. I do --

2 Q. I just wanted to understand how you operate,  
3 so please don't be flustered with me.

4 But is that what you do, you go to  
5 people's houses or --

6 A. Yes.

7 Q. -- locations and notarize?

8 A. Yes. Our title company went to various  
9 places. I've even went out to a drilling rig.

10 Q. Explain to me.

11 A. I've closed in a liquor store.

12 Q. Why did you do this one for no fee?

13 A. I didn't do -- there was no closing. There  
14 was nothing to do.

15 Q. Well, somebody has to be paid for the doc.  
16 Who did the docs?

17 A. Mr. Edwards took care of the documents.

18 Q. So Mr. Edwards got the documents?

19 A. No. Mr. Edwards paid for them. Michelle said  
20 she did not have the money.

21 Q. Who did he pay, the title company or you?

22 A. Surety Title, not me.

23 Q. Okay. Is there an invoice or receipt to that  
24 effect?

25 A. There was, and I can start digging through

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1 papers if you like. They've closed that office.

2 Q. Did he pay you while you were out in Midland  
3 or did he come to your office before and pay you?

4 A. It wasn't done before.

5 Q. So he paid you after you left Midland?

6 A. He came by the office and settled the bill  
7 after Michelle said she could not pay it.

8 Q. Okay. Did you know Michelle prior to Jason's  
9 Deli?

10 A. No.

11 Q. You'd never met her? You'd never seen her?

12 A. No.

13 Q. That was the first time?

14 A. Yeah.

15 Q. Did you know Mr. Edwards?

16 A. Yes.

17 Q. How long have you known Mr. Edwards?

18 A. I've known Mr. Edwards since he bought his  
19 first cabin in Colorado City.

20 Q. Okay. Ms. Newby, is it true that you've had  
21 some sort of dating relationship with Mr. Edwards?

22 A. We went out a couple of times after my husband  
23 passed away.

24 Q. Ms. Newby, is it true that you lived in the  
25 house on Chaparral for a little while?

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**Cross-Examination by Mr. Hamby**

1           A.    Yes.  I stayed out there when there was no one  
2 there and worked in the yard.

3           Q.    And is it true this all happened after  
4 May 23rd, 2017?

5           A.    Yes.

6           Q.    Okay.  Where was the -- did you prepare the  
7 deed dated -- and it's in front of you, if you need to  
8 look at it again, ma'am.  It's the deed from Charles to  
9 Michelle for the Colorado City property.

10          A.    Yes.

11          Q.    Did you prepare that?  Is that Drew Darby or  
12 is that what?

13          A.    It always goes via -- Drew's office looks at  
14 all the documents that went out of our office.

15          Q.    Let me ask you this, since you said that.

16                         Drew Darby didn't raise a flag on that  
17 first deed that said "ten bucks" and y'all had a real  
18 estate lien note there with it?

19          A.    No.

20          Q.    That didn't pop up a red flag with him?

21          A.    Nobody said anything.

22          Q.    Where was the May 26th deed signed?

23          A.    In my office.

24          Q.    Whose office?

25          A.    Surety Title's.

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**Cross-Examination by Mr. Hamby**

1 Q. In Colorado City?

2 A. Yes.

3 Q. And who was there?

4 A. Who was there?

5 Q. Yeah.

6 A. It was me, Mr. Edwards, Marianna Smith, and I  
7 believe that's all that was there at the time.

8 Q. Do you know if that was filed that day or was  
9 it the next day or --

10 A. No. I didn't file it.

11 Q. You didn't file the May 26th deed?

12 A. No.

13 Q. So it's not filed for record, ma'am?

14 A. It's filed, but I didn't file it.

15 Q. Oh, you just gave it to Mr. Edwards?

16 A. *(No response heard.)*

17 Q. Who filed it?

18 A. Mr. Edwards, I assume. He had the papers.

19 Q. Okay. Was there a fee for that document?

20 A. To prepare it?

21 Q. Yeah.

22 A. Yes.

23 Q. Did Mr. Edwards pay that fee?

24 A. Yes.

25 Q. Okay. Was that payable to you or to the title

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**Cross-Examination by Mr. Hamby**

1 company?

2 A. To the title company.

3 Q. Okay. When you do a transaction like that,  
4 there's no closing statement, you're telling me.

5 Correct?

6 A. Yes.

7 Q. Does your title company issue a 1099 to show  
8 the funds that were paid to the seller, if any?

9 A. I didn't know there was any passed.

10 Q. Okay.

11 A. I didn't handle the money.

12 Q. Okay. So to the best of your knowledge, no  
13 cash was paid on any one of these occasions?

14 A. I have no idea. I didn't handle it.

15 Q. Well, you closed it?

16 A. I notarized it.

17 Q. So you're being careful not to use the word  
18 "closing" as opposed to "notarized," aren't you,  
19 Ms. Newby?

20 A. You can't have a closing if you don't have a  
21 settlement statement.

22 Q. Okay. How long did you and Charles date?

23 A. A couple of months.

24 Q. Was this after May 23rd, 2017?

25 A. Yes -- no. We dated -- my husband died in

**Kathy Newby - September 30, 2019**  
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1 April of 2012. In about 2015, Charles asked me out to  
2 eat. We went out to eat a couple of times and we've  
3 been friends ever since.

4 Q. How long did you live in the house on  
5 Chaparral?

6 A. I stayed there until Charles moved in.

7 Q. Until Charles moved in?

8 A. Uh-huh.

9 Q. So were you there -- when did you move in, in  
10 relation to May 23rd, 2017?

11 A. When I stayed at the house, there was no one  
12 there but me.

13 Q. I'm sorry, Ms. Newby. My question is, in  
14 relation to the date of May 23rd, 2017, when did you  
15 move in following that date?

16 A. I couldn't tell you exactly.

17 Q. Was it a week? Days?

18 A. I have no idea.

19 Q. Were you living there when Michelle came to  
20 get her stuff?

21 A. As far as I know, Michelle had her stuff  
22 delivered.

23 Q. Okay. Did Michelle ever show up at the house  
24 while you were there?

25 A. Yes.

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**Cross-Examination by Mr. Hamby**

1 Q. And why was she there?

2 A. She picked up the payment.

3 Q. Okay.

4 A. I was the mediator.

5 Q. Okay.

6 A. She didn't want to talk to him. She asked --  
7 they both asked me if I could -- he'd give me the money,  
8 and I'd give it to her.

9 Q. Okay. And you were living there at that time?

10 A. No.

11 Q. Okay.

12 A. I just drove over because she couldn't get to  
13 Colorado City.

14 Q. Okay. Ms. Newby, I'm going to ask you one  
15 more time any approximate date that you were living at  
16 the house on Chaparral Road in relation to the date of  
17 May 23rd, 2017.

18 A. I have no idea --

19 Q. Okay.

20 A. -- what those dates are. I'm sorry. I didn't  
21 know I was supposed to.

22 Q. That's fine.

23 MR. HAMBY: Pass the witness.

24

25

*Kathy Newby - September 30, 2019*  
*Redirect Examination by Ms. Fuller*

**REDIRECT EXAMINATION**

1  
2 BY MS. FULLER:

3 Q. Just a simple question. She didn't -- did  
4 Ms. Johnson tell you she did not want her kids to know  
5 about this sale?

6 A. She said she did not want her kids to know she  
7 was receiving any money.

8 Q. So she didn't want them to know about the  
9 \$17,000?

10 A. I have no idea. That's all I know.

11 Q. And she specifically told you that?

12 A. Yes.

13 MS. FULLER: Pass the witness.

14 A. The statement was made while I was sitting at  
15 the table.

16 Q. (By Ms. Fuller) At the deli?

17 A. Yes.

18 Q. Okay.

19 MS. FULLER: Pass the witness.

20 MR. HAMBY: No questions.

21 THE COURT: Were you living in the  
22 Chaparral house on or about May 23rd, 2017?

23 THE WITNESS: I was not living there. I  
24 was packing Michelle's stuff and working in the yard and  
25 then going and coming -- coming back the next day.

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**Redirect Examination by Ms. Fuller**

1                   THE COURT: But you had lived in the  
2 property before that, actually lived there?

3                   THE WITNESS: No. I did not live in the  
4 house until Mr. Edwards bought it and asked me if I  
5 could continue doing the yard. Because I was doing the  
6 yard just as my relaxation.

7                   THE COURT: So around May 23rd, you were  
8 taking care of the yard. Right?

9                   THE WITNESS: And packing.

10                  THE COURT: And packing?

11                  THE WITNESS: Because Michelle was at the  
12 hospital with her mother and couldn't get back over  
13 there.

14                  THE COURT: And who called you to say,  
15 "Pack her stuff up"? Who contacted you about that?

16                  THE WITNESS: I talked to Michelle.

17                  THE COURT: Okay. And that was before  
18 she signed the deed or after?

19                  THE WITNESS: I couldn't really tell you.

20                  THE COURT: Any follow-up?

21                  MS. FULLER: May I approach her?

22                  THE COURT: Yes.

23                               *(Approached the witness.)*

24

25

*Kathy Newby - September 30, 2019*  
*Recross-Examination by Mr. Hamby*

1                                   **FURTHER REDIRECT EXAMINATION**

2   BY MS. FULLER:

3           Q.    I just want to make sure you're clear on dates  
4   because I don't want to be so confusing.

5                            Look at Plaintiff's Number 1, the closing  
6   was May -- I keep saying "closing."

7                            When you notarized May 23rd, 2017, right,  
8   that's the date Mr. Hamby was asking you about?

9           A.    Yes.

10          Q.    That's the date that Mr. Edwards gave  
11   ownership of the property?

12          A.    I'll explain to you.   Yes.

13          Q.    I'm sorry.

14          A.    That's when he asked me if I could stay over  
15   there and continue working on the yard.

16          Q.    Okay.   Before that, you were not living in the  
17   residence?

18          A.    No.   I was just there.   I was packing and the  
19   yard was taller than I was.

20                           MS. FULLER:   Yeah.   Okay.   Pass the  
21   witness.

22                           MR. HAMBY:   Just one question.

23                                   **RECROSS-EXAMINATION**

24   BY MR. HAMBY:

25          Q.    Mr. Newby, were you and Mr. Edwards in some

**Kathy Newby - September 30, 2019**  
**Recross-Examination by Mr. Hamby**

1 sort of S&M relationship?

2 A. I guess not because I don't know what that is.

3 Q. Submissive, dominatrix, that kind of stuff?

4 A. No.

5 Q. Okay. Thank you.

6 THE COURT: Who was asking you to mow the  
7 grass and whatnot before May 23rd, 2017?

8 THE WITNESS: Nobody. I did it on my own  
9 because I was there packing Michelle's stuff and to get  
10 the -- to walk through it --

11 THE COURT: But that was -- and I don't  
12 want to put words in your mouth, that was definitely  
13 before the date that you went to Jason's Deli? Or was  
14 it after the date that you went to Jason's Deli that you  
15 were packing her stuff?

16 THE WITNESS: I still can't -- it would  
17 have to be after because that's when I was...

18 THE COURT: Okay. Thank you. You can  
19 step down.

20 *(Witness excused and left the courtroom.)*

21 MS. FULLER: Your Honor, we call Patricia  
22 Horn.

23 THE COURT: Before you do that, time  
24 estimate for the remainder, Ms. Fuller?

25 MS. FULLER: Well, Your Honor, her sworn

**Patricia Horn - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 testimony will be very, very short, and then I would  
2 call my client to testify.

3 THE COURT: Another 45 minutes?

4 MR. HAMBY: Your Honor, if you want us to  
5 come back for that last witness?

6 THE COURT: No. Let's take a short  
7 break.

8 *(Recess from 4:49 p.m. to 4:47 p.m.)*

9 *(Witness approached witness stand.)*

10 THE COURT: If you would raise your right  
11 hand, please, ma'am.

12 *(Witness sworn.)*

13 THE COURT: Go ahead, Ms. Fuller.

14 **PATRICIA HORN,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 BY MS. FULLER:

18 Q. Ma'am, will you state your name for the  
19 record.

20 A. Patricia Horn.

21 Q. And you're here under a subpoena that was  
22 issued from my office. Correct?

23 A. Yes.

24 Q. And it is fair to say that you were not very  
25 happy about being here?

**Patricia Horn - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 A. Yes.

2 Q. You'd like to go home and sleep. Right?

3 A. Yes.

4 Q. And so I apologize, and I apologize in advance  
5 for the questions I'm going to have to ask you.

6 You and Mr. Edwards were in a  
7 relationship?

8 A. Correct.

9 Q. To the best of your knowledge, how long did  
10 that relationship go on?

11 A. We were in a romantic relationship for five  
12 years. We were friends for about two years prior to  
13 that. We split up about a year and a half ago.

14 Q. Okay. So about a year and a half ago you and  
15 he split.

16 Do you know Ms. Johnson?

17 A. Yes, I am familiar with her.

18 Q. How do you know Ms. Johnson?

19 A. They had a relationship at the same time that  
20 Charles and I did.

21 Q. Okay. So you were aware of their  
22 relationship?

23 A. Yes, from the beginning.

24 Q. Was she aware of y'all's relationship?

25 A. Yes, she was.

**Patricia Horn - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 Q. What do y'all call that?

2 A. Polyamorous.

3 Q. Okay. And was she aware that you and Charles  
4 were in this polyamorous relationship?

5 A. Yes, she was.

6 Q. What is one of the rules of a polyamorous  
7 relationship?

8 A. It is an open relationship. Everybody knows  
9 about everything. Open communication.

10 Q. Were you aware of the sexual encounters  
11 between Mr. Edwards and Ms. Johnson?

12 A. Yes.

13 Q. In fact, were you present?

14 A. I was on the premises, yes.

15 Q. Of where?

16 A. The home.

17 Q. Which home?

18 A. Both.

19 Q. Her home and his home?

20 A. Yes.

21 Q. Did you ever, at any point in time, hear  
22 Ms. Johnson screaming for help?

23 A. No.

24 Q. Did you ever, at any point in time, hear  
25 Ms. Johnson being choked?

**Patricia Horn - September 30, 2019**  
**Direct Examination by Ms. Fuller**

1 A. No.

2 Q. Did you hear anything that occurred during  
3 these sexual encounters that caused you any concern  
4 about Ms. Johnson being injured or hurt or any duress?

5 A. No.

6 Q. Did you have occasion to see Ms. Johnson  
7 naked?

8 A. Yes.

9 Q. Well, did you see her naked before and  
10 after --

11 A. Yes.

12 Q. -- sexual encounters?

13 Did you ever see any injuries on her?

14 A. No.

15 Q. In your relationship with Mr. Edwards, has he  
16 ever choked you?

17 A. No.

18 Q. Has he ever forced you to have sex when you  
19 didn't want to?

20 A. No.

21 Q. Has he in any way hurt you?

22 A. No.

23 Q. And you've known him how long? You said seven  
24 years?

25 A. A year and a half, plus 5, 6-and-a-half --

*Patricia Horn - September 30, 2019*  
*Cross-Examination by Mr. Hamby*

1 probably seven-and-a-half, eight years.

2 Q. Okay. You don't know anything about the facts  
3 of what we're doing here as far as the property; is that  
4 correct?

5 A. Other than that I lived in that property.

6 Q. Which property?

7 A. The 4707 Chaparral.

8 Q. Okay. With Mr. Edwards?

9 A. Yes.

10 Q. For a period of time?

11 A. Yes.

12 MS. FULLER: Okay. Pass the witness.

13 **CROSS-EXAMINATION**

14 BY MR. HAMBY:

15 Q. Who else lived on that property with you?

16 A. Kathy Newby was a roommate for a very short  
17 time when we first moved in, before we officially moved  
18 in, to protect the property.

19 Q. Protect it from what?

20 A. From her son.

21 Q. Do you remember what date this was?

22 A. No. This was over a year and a half, two  
23 years ago.

24 Q. Okay. Did this polyamorous situation --

25 A. Polyamorous.

*Patricia Horn - September 30, 2019*  
*Cross-Examination by Mr. Hamby*

1 Q. Forgive me. Polyamorous situation -- just  
2 means openness, is that what that is?

3 A. Typically, the definition of polyamorous is to  
4 engage in more than one open intimate relationship.

5 Q. Okay. Well, your relationship with Charles  
6 and y'all's sexual relationship, any kind of S&M stuff  
7 going on?

8 A. Nope.

9 Q. Any kind of roughness?

10 A. No more than your typical regular consensual  
11 relationship.

12 Q. I don't know what that means, "no more than  
13 your typical." Was there any hitting, slapping, biting  
14 going on?

15 A. No.

16 Q. Okay. Why were you in the house? Because...

17 A. What do you mean, why was I in the house?

18 Q. You weren't living there during these times.  
19 Right?

20 A. Yes.

21 Q. Which house were you living in?

22 A. What time are we referring to specifically?

23 Q. When Charles and Michelle were together.

24 A. No. When Charles and Michelle were initially  
25 first together, I lived in Colorado City.

*Patricia Horn - September 30, 2019*  
*Cross-Examination by Mr. Hamby*

1 Q. You didn't have a little trailer there, did  
2 you? Did you live in a trailer there?

3 A. Yes.

4 Q. Whose trailer?

5 A. Charles'.

6 Q. Okay. Did you at any point in time live in  
7 the same house with Michelle, Michelle's house on  
8 Chaparral, while she was still dating Charles?

9 A. I'm not sure exactly when their relationship  
10 ended romantically.

11 Q. Okay. What about the same question, Charles'  
12 house?

13 A. Rephrase the question again.

14 Q. While Charles and Michelle were dating  
15 together, whatever --

16 A. Okay.

17 Q. -- did you ever live in Charles' house?

18 A. Yes.

19 Q. Okay. Are you in one of those relationships  
20 now with somebody else?

21 A. No.

22 Q. Okay. Was that just a onetime thing or was  
23 that something you're agreeable -- a lifestyle that  
24 you're agreeable with, that you may be in another one  
25 sometime in the future?

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*Redirect Examination by Ms. Fuller*

1 A. Yes.

2 Q. Okay.

3 A. If I were with somebody who chose to do that.  
4 But I am currently not.

5 MR. HAMBY: Fair enough, ma'am, I  
6 appreciate your answer. Thank you.

7 THE COURT: Ms. Fuller?

8 **REDIRECT EXAMINATION**

9 BY MS. FULLER:

10 Q. Ma'am, what do you know about her -- personal  
11 knowledge only -- about her son damaging the property?

12 A. We have picture evidence from a game camera of  
13 him kicking the door in.

14 Q. Okay. Was this after the sale or purchase of  
15 the property by Mr. Edwards?

16 A. I think it was after, but I'm not positive, to  
17 be honest.

18 Q. And he was actually arrested, charged, and  
19 went to court for that. Right?

20 A. I believe so, yes.

21 MS. FULLER: Pass the witness.

22 MR. HAMBY: No questions.

23 THE COURT: Thank you, ma'am. You can  
24 step down. Can she be released?

25 MS. FULLER: Yes, we would ask that she

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1 be released.

2 THE COURT: You can be released.

3 *(Witness excused and left the courtroom.)*

4 MS. FULLER: Your Honor, we also ask that  
5 any other remaining witnesses be allowed to leave if  
6 they want to leave.

7 THE COURT: Any objection, Mr. Hamby?

8 MR. HAMBY: Yeah, go ahead.

9 MS. FULLER: Okay. Your Honor, I'll call  
10 Charles Edwards.

11 THE COURT: Come on up here, please, sir.

12 *(Witness approached witness stand.)*

13 THE COURT: Raise your right hand,  
14 please.

15 *(Witnesses sworn.)*

16 **CHARLES RAY EDWARDS,**

17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MS. FULLER:

20 Q. Will you state your name for the record, sir.

21 A. Charles Ray Edwards.

22 Q. And Charles, where do you currently reside?

23 A. 4707 Chaparral Road.

24 Q. I want to cover some kind of disjointed things  
25 just to make sure I don't miss it.

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1                   So there's been a lot of testimony today.  
2 There was a question by Mr. Hamby about who paid for the  
3 documents that Drew Darby's law firm or Tyler Company  
4 had drawn up. Do you remember that question?

5           A.    Yes, ma'am.

6           Q.    Who paid for those?

7           A.    I paid for all of them.

8           Q.    How much did you pay for particular documents?

9           A.    For the deed transfer, I paid \$300 for that;  
10 and for the deed transfer on the smaller trailer, I paid  
11 150.

12          Q.    And you paid that directly to Surety Title?

13          A.    I wrote it out to the secretary, Marianne  
14 Alice, I think.

15          Q.    Okay. Have they done several closing or  
16 several real estate transactions for you?

17          A.    Yes, ma'am.

18          Q.    About how many do you think they've done?

19          A.    Probably six.

20          Q.    Okay. So you're somebody that frequently uses  
21 their services?

22          A.    Yes, ma'am.

23          Q.    Whose idea, sir, was it for you to purchase  
24 the Chaparral property?

25          A.    Ms. Johnson came to me when she got a letter

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1 saying that she was being foreclosed on for tax purposes  
2 because she hadn't paid her taxes.

3 Q. Okay. What did she tell you?

4 A. She told me that she panicked when she got the  
5 letter, and she showed me the letter and told me that  
6 she didn't want to lose the house but she couldn't  
7 afford it. She asked to borrow the money from me.

8 And I told her, I said, "I don't have  
9 that kind of money to help you." And, I'm like, "I  
10 don't have it, not in cash."

11 And after that she told me to find a way  
12 to have it so she didn't lose it to the county, if I  
13 could buy it.

14 Q. Did she make any statements to you about  
15 repairs?

16 A. Only -- she asked me to check on her  
17 electrical because she said that some of her electrical  
18 on about a third of the house was not working. I  
19 understood why after I moved in.

20 Q. Okay. And you drove to meet her in Midland?

21 A. Yes.

22 Q. For the closing -- I keep saying "closing,"  
23 but the exchange of the documents and signing.

24 A. For the transfer, yes, ma'am.

25 Q. Okay. Did you -- I want to cover a couple of

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1 things. Have you ever choked her?

2 A. No, ma'am.

3 Q. Have you ever bit her breasts?

4 A. No, ma'am.

5 Q. Tell the Judge the condition that you have  
6 with your teeth.

7 A. I just had all of my teeth on the bottom  
8 pulled because they were broken, and the ones on the  
9 front were actually falling out. My teeth have been bad  
10 because when I was a youngster I used dope a lot. And  
11 as you know from experience, I'm sure, it deteriorates  
12 your teeth badly. My teeth were in horrendous shape.

13 Q. And you've had this problem for several years.  
14 Correct?

15 A. Yeah. I've had this problem for about eight  
16 years.

17 Q. You've never been able to -- have you been  
18 able to bite down on things for the last eight years?

19 A. No, ma'am. I haven't been able to eat a steak  
20 in years.

21 Q. And the pictures that they showed the Judge,  
22 they said was you biting them --

23 A. Yes.

24 Q. -- is that you?

25 A. No.

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1 Q. Did you bite her?

2 A. No.

3 Q. Do you believe, sir, that you exercised any  
4 sort of duress over her to get her to sign these  
5 documents?

6 A. No.

7 Q. Did you all arrive separately at the Jason's  
8 Deli?

9 A. Yes.

10 Q. In separate cars?

11 A. Yes.

12 Q. And did y'all stay at Jason's Deli after  
13 Ms. Newby left?

14 A. Yes, for about 35 -- 30 to 45 minutes, I  
15 believe.

16 Q. Okay. And what did you all do?

17 A. We just sat there and talked and ate.

18 Q. Finished the food?

19 A. Yes, ma'am.

20 Q. And where did you go after that?

21 A. I followed her back to the hospital, and we  
22 sat in my car for about another hour and talked.

23 Q. Okay. Did y'all engage in any sexual contact  
24 there?

25 A. We kissed and hugged, and that's about it. I

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1 mean, we didn't engage in sex. I'm not going to do that  
2 in public.

3 Q. Okay. And then they exited and went back up  
4 with her --

5 A. No. I took her to the -- I drove her over to  
6 the hospital door and she got out.

7 Q. Have there been occasions, sir, where she has  
8 shown up at your job?

9 A. Twice.

10 Q. Do you know a time frame of when that's  
11 occurred?

12 A. It was when I was working out on Forsan or out  
13 by Forsan, building two houses and a metal building.  
14 And she showed up out there to bring us water and  
15 Gatorade because we did not have any. It ran out, and I  
16 didn't want to drive to town.

17 She volunteered to bring it out.  
18 Reimbursed her for it. She said she didn't have enough  
19 money to bring anything more than the few bottles she  
20 brought, so I gave her some.

21 Q. You heard her testimony that she was somehow  
22 punished for that?

23 A. Yes, I heard that.

24 Q. Did you in any way punish her for what she had  
25 brought to the job site?

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1           A.    That's ludicrous.  No.

2           Q.    Did you ever -- have you ever punished her for  
3 anything?

4           A.    No.

5           Q.    Now, what was the agreement with regard to the  
6 purchase?  What was the understanding?

7           A.    The understanding was, she asked me -- she  
8 said she didn't want to lose it to the State, she would  
9 rather have somebody have it that would take care of it.

10                         And I told her, "Well, I don't know if I  
11 can do it or not, but I'll look."  So I went and talked  
12 to two different realtors and Kathy Newby, and they gave  
13 me the scenario where I could buy the property.  And  
14 that was to sign the property over so I could get a loan  
15 on the property to pay her the full 17,000, and then  
16 give her the trailer house so she would have a place to  
17 live.

18           Q.    There was Ms. -- I forgot that lady's name,  
19 Sonya Huffman, she made some statement about being an  
20 appraisal for \$70,000.  What was she talking about?

21           A.    The house was appraised at, like,  
22 70-something.

23           Q.    Which house was that?

24           A.    4707.

25           Q.    Colorado City or Chaparral?

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1 A. Chaparral. I'm sorry.

2 Q. So she had looked into that?

3 A. Yes.

4 Q. Did you have a conversation with Ms. Johnson  
5 about the value of that property?

6 A. Yes.

7 Q. When did that conversation occur?

8 A. Before we decided to do the paperwork. That's  
9 where the figure of 50,000, came in. It's all I could  
10 do.

11 Q. And so was the agreement that you were going  
12 to swap the Colorado City property that was worth 33 and  
13 pay the 17,000 difference?

14 A. Yes.

15 Q. And you've been making payments on that?

16 A. Yes.

17 Q. How much do you think you have left to pay on  
18 that 17,000?

19 A. Not much. I think five -- four or five.

20 Q. Four or 5,000?

21 A. Yes, ma'am.

22 Q. And you're obviously asking the Judge to deny  
23 their petition, to deny the request for finding the  
24 duress and to allow these transactions to stand?

25 A. Yes.

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1 MS. FULLER: May I approach, Your Honor?

2 THE COURT: You may.

3 MS. FULLER: Your Honor, I'm going to let  
4 Mr. Hamby flip through the pictures --

5 THE COURT: Thank you.

6 MS. FULLER: -- and see if he has any  
7 objection to them. If I might just ask some questions  
8 while he's looking, Your Honor.

9 THE COURT: Just a moment.

10 MS. FULLER: Your Honor, may I approach  
11 the witness?

12 THE COURT: You may.

13 *(Approached the witness.)*

14 MS. FULLER: You ready, Your Honor?

15 THE COURT: Yes, go ahead.

16 Q. (By Ms. Fuller) Mr. Edwards, I'm going to  
17 show you what I've marked as Defendant's Exhibit 1 and  
18 just ask you to flip through these pictures and see if  
19 you recognize the items in the picture.

20 A. Yes. These are before and afters of the  
21 outside yard.

22 Q. Okay. Do these pictures accurately depict  
23 what they purport to depict, sir?

24 A. Yes.

25 Q. Have they been altered or changed in any way?

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1 A. No.

2 Q. Same question on Defense Exhibit 2. Will you  
3 flip through those documents -- or pictures, rather.

4 A. Yes.

5 Q. Do those pictures accurately depict what they  
6 purport to depict, sir?

7 A. Yes, ma'am.

8 Q. And Defendant's Exhibit 3. Do you recognize  
9 this picture?

10 A. Yes.

11 Q. Does this picture accurately depict what it  
12 purports to depict?

13 A. Yes.

14 MS. FULLER: Your Honor, I will at this  
15 time offer Defendant's 1, 2, and 3.

16 *(Defense Exhibits 1-3 were offered into*  
17 *evidence.)*

18 MR. HAMBY: No objection.

19 THE COURT: Give me a time frame, if you  
20 would, on those pictures.

21 MS. FULLER: I will, Your Honor.

22 THE COURT: Okay. Go ahead.

23 One, two, three are admitted.

24 *(Defense Exhibits 1-3 were admitted.)*

25 Q. (By Ms. Fuller) Defendant's Exhibit 1, are

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1 these the outside of the residence when you took  
2 possession of it?

3 A. Yes.

4 Q. And after you cleaned it up?

5 A. Yes.

6 Q. So would this be around the time frame of the  
7 signing of the documents?

8 A. No. Actually, I didn't take possession of the  
9 property for about a week.

10 Q. Okay. So a week after?

11 A. Yes.

12 Q. Okay. And same thing on Defendant's Exhibit  
13 Number 2, would this be the inside of the property when  
14 you took possession of it about a week after the sale?

15 A. Yes.

16 Q. And Defendant's Exhibit 3, is this the current  
17 state of the electrical on the property?

18 A. No.

19 Q. Okay. This is what it looked like when you  
20 took possession?

21 A. Yes.

22 Q. Okay. So if you would just very briefly tell  
23 me what these -- or show the Court what these pictures  
24 are showing in Defendant's Number 1.

25 MS. FULLER: Is that all right, Your

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1 Honor?

2 THE COURT: That's fine.

3 THE WITNESS: I can just show you.

4 THE COURT: Make sure you speak up where  
5 she can hear you. Okay?

6 THE WITNESS: I'm sorry.

7 These are pictures of the outside of the  
8 house before I touched it. As you can see, it was  
9 extremely overgrown here. This is the front of the  
10 house. You'll see the same pictures on the back when  
11 this stuff is all gone.

12 These are the outside walls. You can see  
13 it. All this is what it looked like before I touched  
14 it. There's a three-stage waterfall behind all of that  
15 that was nowhere. This is a back wall.

16 And these are after we started cleaning  
17 it, as you can see the difference. And if you know  
18 anything about yard work, it's an extensive job. This  
19 is the walls that are all covered by the brush, same  
20 thing. There's the waterfall, all of this.

21 That's the front of the house that you  
22 see there on that side. As you can see, there's the  
23 waterfall. It was completely covered. That's just so  
24 you see the difference. This was all in brush and vines  
25 and dirt, so we cleaned it all up. That's what it

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1 looked like after we cleaned it.

2 THE COURT: Okay. Thank you.

3 THE WITNESS: Yes, sir.

4 Q. (By Ms. Fuller) And when you say "we,"  
5 Ms. Newby assisted you in cleaning some of that yard?

6 A. Yeah, a little bit. She did some of the yard  
7 work.

8 Q. Now, in Defendant's Exhibit Number 2 -- and I  
9 won't go through each of them, but I want to show you a  
10 couple of them.

11 What is this?

12 A. That is two rooms on an add-on in the house  
13 that were about 3 to 4 inches in water and black mold.

14 Q. Is this black mold all over the floor here,  
15 sir?

16 A. Yes. I had to have mold remediation come out  
17 and clean it because of the hazards.

18 Q. And this is two full rooms in the house.  
19 Correct?

20 A. Yes, ma'am.

21 Q. And what is all this stuff in here?

22 A. Books, clothes, furniture, newspapers,  
23 personal items.

24 Q. And was this stuff damaged?

25 A. Yes, it was. It was not saveable at all. It

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1 was covered in black mold.

2 Q. And, in fact, did y'all have to wear masks  
3 like this person has on?

4 A. Not just masks. We had the full bodysuits and  
5 masks and gloves, all of it. Full health-hazard suits.

6 Q. What is illustrated in this picture here?

7 A. The front door that Steven Johnson kicked in  
8 that he got arrested for and prosecuted for.

9 Q. And the whole doorjamb is separated. Right?

10 A. Yes, ma'am. I had to replace the whole door.

11 Q. Okay. And there's pictures of the holes in  
12 the wall. Correct?

13 A. Yes.

14 Q. Was this house filthy, sir?

15 A. It was beyond filthy.

16 Q. Was it livable?

17 A. No, ma'am.

18 Q. Have you had to make substantial repairs to  
19 this house to make it to where you could even stay in it  
20 initially?

21 A. Yes.

22 Q. Do you know what happened in this closet here  
23 where the whole closet has been --

24 A. I don't have a clue. It was there when we got  
25 there.

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1 Q. Were there any doors on the doors of the  
2 house?

3 A. The door to the bathroom was a curtain because  
4 it had been kicked off the hinges. As you can see from  
5 the pictures on the doorframes, each doorframe had been  
6 separated on the latch because it had been kicked open  
7 by Michelle's son, she said, in a drunken rage when he  
8 got mad.

9 Q. What is the significance and why did you take  
10 a picture of Defendant's Exhibit Number 3?

11 A. I took of picture of it because it was  
12 dangerous and I was scared to even move into the house  
13 until I addressed the electrical.

14 Q. Okay. What is dangerous about that?

15 A. That's a fire hazard. It's nowhere near code,  
16 and the wires were -- some of the 220 plugs or 220  
17 circuits were piggybacked, which means you have two,  
18 three, and four wires to different circuits onto those  
19 breakers. And there was, like, four of them, and one of  
20 them was a 220 30 -- 60 amp. And it was going to the  
21 kitchen, the whole kitchen, and the water pump, plus the  
22 hot water heater, which is completely illegal and  
23 dangerous.

24 Q. Okay. And that is what you do. You actually  
25 rebuild houses for a living. Correct?

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1           A.    I actually build houses from the ground up or  
2 remodel.

3           Q.    You're a contractor?

4           A.    Yes, ma'am.

5           Q.    Did Ms. Johnson -- let me back up.

6                         Did you have to make substantial --  
7 describe the roof of the house on Chaparral to the  
8 Court.

9           A.    The center of the roof over the living room  
10 has dropped probably 4 inches where the collar ties  
11 across the rafters that hold the A-frame in place have  
12 broken and dropped the ceiling and displaced the outer  
13 walls approximately three and a half inches off level.  
14 Because when the roof drops, something has to move. The  
15 outer walls moved because of the drop. When this  
16 dropped, it pushed the walls. You can't fix the walls.  
17 You can fix the roof.

18          Q.    Okay. So the walls cannot be fixed?

19          A.    No. Not unless you tear them down and redo  
20 them. They're brick.

21          Q.    If she had paid a contractor to fix this  
22 deteriorating condition of the roof, how much do you  
23 think that would have cost her?

24          A.    Just the roof itself, probably about \$3,000.

25          Q.    Okay. What about the walls?

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1           A.    You would have to tear approximately 22 foot  
2 of wall that is out, brick, and redo it, and put it back  
3 to level.

4           Q.    So we're talking about some major structural  
5 problems with this residence?

6           A.    Yes.

7           Q.    How much do you think it would have cost her  
8 to have fixed the electrical problems?

9           A.    If I was to do it, it would probably cost you  
10 about seven grand.

11          Q.    Okay.  So these are major electrical problems  
12 in this house?

13          A.    Yes, ma'am.  There are plugs that you touch  
14 would shock you.

15          Q.    Do you know what caused the flooding?

16          A.    The house was built in a hole.  You have high  
17 ground on all four sides of the house.  It's built in a  
18 hole.  All the water runs down the hole and into the  
19 house when you have substantial rains.

20          Q.    What's it going to cost to fix that?

21          A.    I've got an estimate for 26,000 to do the  
22 landscaping to fix that problem.

23          Q.    Now, when you were served with this lawsuit,  
24 did you stop making repairs on the house?

25          A.    Yes.

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1 Q. But before that you had made -- is it fair to  
2 say that you had made some substantial repairs on it?

3 A. Labor and material, probably about 24,000.

4 Q. Was there something wrong with the air  
5 conditioner/heating unit when you moved in?

6 A. It does not work.

7 Q. Still to this day it does not work?

8 A. I have not replaced it.

9 Q. What about the clothes dryer vent?

10 A. The clothing dryer vent was vented into the  
11 wall behind the stove and the refrigerator. The  
12 refrigerator and stove is on this side, the washer and  
13 dryer is on this side. The vent was into the wall with  
14 no access.

15 Q. Did y'all have to do some plumbing repairs?

16 A. Yes, ma'am.

17 Q. Tell the Judge what you had to do.

18 A. There's two trees planted over the sewer lines  
19 in two separate spots, about 18, 20 foot apart. And of  
20 course, when you plant trees around sewer lines, you  
21 have roots.

22 I have had it cleaned out four different  
23 times before I got tired of it and pulled it up and  
24 fixed it and cut the tree down that was doing the worst.

25 Q. How much did that cost you?

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1           A.    I did the work myself.

2           Q.    If you had to pay for that, how much would  
3 that have cost you?

4           A.    About 12 grand.

5           Q.    Suffice it to say, there was some serious  
6 problems with this residence?

7           A.    Yes, ma'am.

8           Q.    But you have made substantial repairs to this  
9 residence?

10          A.    Yes, ma'am.

11          Q.    And would you like for the Court to deny their  
12 petition and allow the deed to stand?

13          A.    Yes, ma'am. I would like to get my money back  
14 out of it.

15          Q.    Okay. If the Court finds that she was under  
16 duress and voids the transaction -- obviously, you don't  
17 want that. Right?

18          A.    No, ma'am.

19          Q.    But if he does that, you're going to want back  
20 your money you paid her and back your property in  
21 Colorado City. Right?

22          A.    Yes, ma'am.

23          Q.    Do you have some concerns about the condition  
24 of the property in Colorado City?

25          A.    Yes, ma'am. A sheriff's deputy called me and

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1 told me that he had been called out there multiple times  
2 by the neighbors, saying that they were using it --  
3 their words, not mine -- as a crack house.

4 Q. It's open. You heard her testify that it's  
5 open?

6 A. Yes, ma'am. I've driven by and seen it. The  
7 door is wide open. It's not secured at all.

8 Q. Do you think that there has been some  
9 substantial damage to that property?

10 A. The neighbors have told me, yes.

11 Q. Okay. I may have asked you this. But the  
12 residence on Chaparral when you moved in didn't have any  
13 doors?

14 A. It had no interior doors that were useable.  
15 They were all either kicked in, the frames kicked in, or  
16 the bathroom had no door. Her bedroom door had three  
17 different knobs on it with locks on it where they had  
18 put new locks on it to try to secure the door and they  
19 had been kicked off.

20 Q. Okay. Now, you would like for this Court to  
21 make a finding that there was no duress. Correct?

22 A. Yes, ma'am.

23 Q. You didn't threaten her in any way or force  
24 her to sign those papers. Correct?

25 A. No, ma'am.

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1 Q. It was actually her idea?

2 A. Yes, ma'am.

3 Q. Now, you heard testimony from her friend that  
4 she had told you the day before that she didn't want to  
5 do this deal.

6 A. I heard that testimony, yes.

7 Q. Is that accurate testimony?

8 A. No, ma'am.

9 Q. And you heard some testimony from Ms. Johnson  
10 about this text message exchange between you and her and  
11 Sonya. Correct?

12 A. Yes, ma'am.

13 Q. Tell the Court how that came about.

14 A. I went to Kathy Newby and had her draw up the  
15 paperwork for the deed transfer on the Colorado City  
16 house. When I got through, I text- -- I did not call.  
17 I texted, because at that point I wanted everything on  
18 paper. I wanted a written account of everything we did.

19 I always do that when I'm doing a  
20 property purchase. And when we did that, I had the  
21 papers drawn up. I texted her. I said, "If you still  
22 want to look at this -- or do this property deed, since  
23 you looked at it, let me know and I'll go ahead and do  
24 it. If not, then I've got somebody that wants to buy it  
25 and I'll apply the money" --

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1 Q. You'll give her the --

2 A. -- give her the money.

3 And the purchase price that I had been  
4 asked or offered was 45,000. And I told her that I  
5 would give it to her for the 33 that it was appraised.

6 Q. So you were giving her the option of taking  
7 that, like you all agreed --

8 A. Or I would sell it.

9 Q. -- or you would sell it and give her cash?

10 A. Yes.

11 Q. And she told you she wanted -- she wouldn't --

12 A. She said she wanted the property.

13 THE COURT: Y'all are talking at the same  
14 time. Slow down.

15 MS. FULLER: I'm sorry.

16 THE WITNESS: I'm sorry.

17 MS. FULLER: That's my fault.

18 Q. (By Ms. Fuller) And she went and looked at  
19 the property. Right?

20 A. Her and Sonya, I believe.

21 Q. And you were nowhere around them when that  
22 occurred. Right?

23 A. No, ma'am.

24 Q. So no way you could have exerted any undue  
25 influence or duress on her that day?

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1 A. No, ma'am.

2 Q. And then they texted you and said, "Thanks.  
3 Oh, yes, we want to do this today. If you filed, it  
4 would be great."

5 A. Yes, ma'am.

6 Q. And then you filed it -- signed and filed it?

7 A. Yes, ma'am.

8 Q. And you made all the payments that you're  
9 supposed to make under the amortization schedule.  
10 Correct?

11 A. Yes, ma'am.

12 MS. FULLER: Pass the witness.

13 THE COURT: Mr. Hamby?

14 **CROSS-EXAMINATION**

15 BY MR. HAMBY:

16 Q. Mr. Edwards, how many acres with Chaparral  
17 house?

18 A. Five and a half, I believe.

19 Q. Five and a half. Is there just one residence  
20 on the property?

21 A. Yes, sir.

22 Q. So you're buying the whole five and a half  
23 acres and the improvements; is that correct?

24 A. Yes, sir.

25 Q. The original real estate lien note says

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1 \$50,000?

2 A. Yes.

3 Q. How did you all come up with that figure?

4 A. I came up with that figure because it's all I  
5 could manage.

6 Q. Okay. Just by yourself came up with it, or  
7 was there some conversation with anybody?

8 A. No. I went to two different Realtors and got  
9 their suggestions, and I talked to Kathy Newby and came  
10 up with a suggestion on how to make it work.

11 Q. What did you base that 50,000 on, besides the  
12 fact that's all you could afford?

13 A. I based that 50,000 on -- I told her that I  
14 would give her the house for 33, the appraised value --  
15 not the actual value, the appraised value of the house,  
16 I would give it to her for that and then I would pay the  
17 rest in cash.

18 And the way to do that -- the only way I  
19 could do that was to sign the deed, and then I would  
20 take a loan out on the house and pay her the 17 cash and  
21 then be done with it. But when we got to that point,  
22 her son got involved and everything went haywire.

23 Q. That doesn't sound fraudulent to you?

24 A. No, it doesn't.

25 Q. Taking the -- using the house --

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1 MS. FULLER: Your Honor, I'm going to  
2 object, if I may. Just so we don't try anything by  
3 consent. There have been no allegations of fraud  
4 alleged in the pleadings, just duress. And so I don't  
5 want to try that issue by consent, I want to object.  
6 That's not relevant. The word "fraud" is not relevant.

7 THE COURT: Overrule the objection, but  
8 understanding that I'm not allowing some trial amendment  
9 for fraud.

10 MS. FULLER: Yes. Thank you, sir.

11 MR. HAMBY: Judge, we're not alleging --  
12 we're not trying to find him guilty of fraud here today.

13 THE COURT: Go ahead. You can answer --  
14 if you can, answer the question, please.

15 A. No, sir. I've done several deals and they all  
16 have different qualities. It's whatever works for the  
17 situation.

18 Q. (By Mr. Hamby) Yeah, but you're purposely not  
19 doing a deed of trust lien and filing of record for the  
20 purpose of obtaining a third-party financing; is that  
21 correct?

22 A. Repeat that, please.

23 Q. You have purposely kept information off the  
24 deed so that you may use that property to obtain  
25 third-party financing?

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1 A. Purposely, as in what?

2 Q. Nowhere in the deed does it say you're buying  
3 it for 50,000 and being financed.

4 A. The signing of the deed -- the reason we did  
5 it like that was because I -- so I could get a loan and  
6 pay her the lump sum of cash, which is what she desired.  
7 When we couldn't -- when --

8 Q. Mr. Edwards, I think we're on the same page.  
9 I'm just asking whether or not you think that's  
10 100 percent kosher?

11 A. Yes, sir, I did at the time.

12 Q. Okay.

13 A. I still do.

14 Q. Mr. Edwards, you stated y'all did not have sex  
15 after Jason's Deli?

16 A. We did not.

17 Q. Did y'all go to a parking garage?

18 A. Yes. At the hospital.

19 Q. Did you go to the top of the parking garage?

20 A. Yeah. She parked her car and she got in my  
21 car and we went up top.

22 Q. And it's your testimony y'all didn't have  
23 relations?

24 A. Excuse me?

25 Q. It's your testimony you all did not have

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1 relations?

2 A. No, we did not. We, I mean, kissed and talked  
3 and -- but that's about it.

4 Q. Earlier you said you wouldn't do that in a  
5 public place.

6 A. No, I won't.

7 Q. Okay. But you'll engage in the polyamorous  
8 situation?

9 A. In a completely private setting, yes.

10 Q. Okay. Where are you living now?

11 A. Chaparral.

12 Q. So the house can't be that bad; you've been  
13 living there the last two years.

14 A. That's because of the repairs that we did.

15 Q. Okay. Why did you say you didn't fix the AC?  
16 I would think you'd fix the AC first.

17 A. No. Just through window units that it already  
18 had.

19 Q. Oh, okay. Okay. House still need a lot of  
20 work?

21 A. Yes, sir.

22 Q. What are you doing with the other acreage?

23 A. It's not livable.

24 Q. Is it just pasture?

25 A. Yeah. No, it's not pasture. It's rocks and

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1 mesquite.

2 Q. Was Michelle living in the house prior to  
3 May 23rd, 2017?

4 A. Yeah.

5 Q. Okay. So really, this house was vacant for  
6 what, maybe a week?

7 A. Maybe.

8 Q. Mr. Edwards, I served you with this lawsuit, I  
9 believe, on November 30th, 2017. Does that sound right?

10 A. Close.

11 Q. Were you are married at the time?

12 A. No.

13 Q. Are you married now?

14 A. Yes.

15 Q. Does she have any claim or right to this  
16 property?

17 A. No.

18 Q. Have you attempted to include her on this  
19 property --

20 A. No.

21 Q. -- by deed or mechanism?

22 Was that Ms. McKenzie, is that your wife  
23 that was here earlier?

24 A. Yes.

25 Q. The lady sitting on the front row?

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1 A. Yes.

2 Q. Ms. Johnson testified that you stated that you  
3 had killed somebody; is that true?

4 A. No, sir.

5 Q. I've got to ask. You're carrying a GPS unit.  
6 What's the situation on that?

7 A. I'm on parole.

8 Q. For what?

9 MS. FULLER: Your Honor, I would lodge  
10 the same objection I did initially, that it's a 1983  
11 charge, so it's outside the ten years, and just ask that  
12 it not be -- I mean, I don't think at this point  
13 that's -- that's outside of the ten years, Your Honor,  
14 the rules of evidence.

15 THE COURT: Same ruling as otherwise, I'm  
16 not going to consider it for impacting credibility, only  
17 to the extent that if Ms. Johnson knew about it that it  
18 may have intimidated her, allegedly, or scared her.

19 MR. HAMBY: May I try to educate myself?

20 THE COURT: Go ahead.

21 MR. HAMBY: Trying to impeach the  
22 witness. Is it a crime of moral turpitude? And I don't  
23 know what the crime is.

24 THE COURT: It's got to be less than ten  
25 years -- It has to be less than ten years ago.

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1 MR. HAMBY: Fair enough. For the purpose  
2 of only to find out whether or not --

3 THE COURT: I'll let it in for that  
4 limited purpose.

5 MR. HAMBY: Thank you.

6 Q. (By Mr. Hamby) Did you ever tell her you were  
7 convicted for a crime that was serious?

8 A. Yes.

9 Q. Was that murder?

10 A. No, sir.

11 Q. Do you want to tell us what the crime is that  
12 you told her?

13 THE WITNESS: Judge, do you --

14 THE COURT: Go ahead.

15 A. Yes, sir, I was convicted of aggravated  
16 robbery and aggravated sexual assault.

17 Q. Okay. And she knew this?

18 A. From the beginning.

19 Q. Okay. And she knew this prior to May 23rd,  
20 2017?

21 A. Yes.

22 Q. Okay. Do you remember what the context was,  
23 why you brought that up?

24 A. I bring it up to anybody that I meet and I  
25 have a potential relationship of any kind with. I'm

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1 obligated to do so.

2 Q. Okay. Are you a sex offender?

3 A. That's what I said.

4 Q. Is this house registered as your residence?

5 A. Yes.

6 Q. Okay. Do you remember when that registration  
7 went into effect?

8 A. Which one?

9 Q. The sex offender registration for your  
10 residence.

11 A. For the residence?

12 Q. Yes, sir.

13 A. The last of May -- no middle of June.

14 Q. About the time you took possession?

15 A. Yes, sir.

16 Q. Okay. Ms. Johnson also testified that you had  
17 told her on numerous occasions, "Never tell me no."

18 Is that true?

19 A. No, sir.

20 Q. You never said that?

21 A. No, sir.

22 Q. I'm assuming you're going to deny that you  
23 ever bit, hurt her breasts. Correct?

24 A. Absolutely.

25 Q. You never choked her?

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*Cross-Examination by Mr. Hamby*

1 A. No, sir.

2 Q. You ever sodomize her?

3 A. No, sir.

4 Q. Did y'all have a unique sexual relationship  
5 besides the polyamorous?

6 A. A unique? I don't understand the reference.

7 Q. Well, some kind of S&M, pain, spanking, any of  
8 that nature?

9 A. No, sir.

10 Q. Just normal?

11 A. Yes, sir.

12 Q. Do you have any reason why she'd come in and  
13 say it was otherwise?

14 A. Other than to use my past to try to get her  
15 house back, no.

16 Q. You saw the pictures of -- presented in the  
17 Exhibit 2 or 3 about pictures of her breasts.

18 A. Yes, sir.

19 Q. Do you got any idea how those pictures came  
20 about?

21 A. No, sir. But may I elaborate just a smidgen?

22 Q. You may.

23 A. Her reference to a past abusive relationship  
24 with her ex-husband, I mean, I don't know if she was  
25 seeing him or not. We only met for sex, period.

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1 Q. Okay. Sex and talking about real estate,  
2 obviously?

3 A. Well, yeah. That came later.

4 Q. Okay. Did you change the locks on the house?

5 A. Yes, sir.

6 Q. When did you do that?

7 A. After I took possession of the house.

8 Q. May 26th? May 23rd? May 30th?

9 A. Actually, I think it was the last of June  
10 before I did it.

11 Q. Okay. When did Kathy Newby move in? I'm  
12 confused on that.

13 A. She moved in after we did the deal on the  
14 house, and she only stayed out there because of  
15 Michelle's reference to protecting her stuff. And I  
16 asked her -- she asked me if she could get paid to clean  
17 the yard up; and I told her, "You sure can. You've done  
18 me a good job. You can."

19 She's cleaned my house up in Colorado  
20 City several times. I don't like yard work.

21 Q. Okay. On May 23rd, 2017, why pick that day  
22 while Michelle's in the hospital with her mom to go get  
23 this done?

24 A. I chose that day because Kathy was coming to  
25 Midland. The papers had already been drawn up the week

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**Redirect Examination by Ms. Fuller**

1 before. She was coming to Midland and said, "Why not  
2 get it done," and I texted her and she said, "Yeah."

3 Q. Why not go to the hospital?

4 A. Because I wanted to do it someplace public and  
5 have lunch.

6 Q. Why have it somewhere public? Is there  
7 something I'm missing?

8 A. Because I do everything in public. Because of  
9 my history, I want witnesses to everything I do. I've  
10 learned.

11 MR. HAMBY: Okay, Mr. Edwards.

12 Pass the witness.

13 THE COURT: Ms. Fuller?

14 MS. FULLER: Just a couple questions.

15 **REDIRECT EXAMINATION**

16 BY MS. FULLER:

17 Q. Ms. Johnson has made allegations against  
18 several people. Several people have abused her, hasn't  
19 she?

20 A. Yes, ma'am.

21 Q. She said her ex-husband was abusive to her?

22 A. The same one that threatened to kill me, yes.

23 Q. And then she said her son was abusive to her?

24 A. Yes.

25 Q. How many other people has she told you have

**Court's Remarks**  
**September 30, 2019**

1 been abusive to her?

2 A. Just her exes.

3 Q. How many exes?

4 A. She never specified.

5 Q. But she told you they were all abusive to her?

6 A. Yes, ma'am.

7 MS. FULLER: Pass the witness.

8 THE COURT: Anything?

9 MR. HAMBY: No questions.

10 THE COURT: Thank you, sir. You can step  
11 down.

12 Anything further, Ms. Fuller?

13 MS. FULLER: Your Honor, I don't have any  
14 additional witnesses, just a closing if the Court wishes  
15 to hear.

16 MR. HAMBY: I'll waive.

17 MS. FULLER: You're waiving?

18 MR. HAMBY: Unless you do one, then I'll  
19 do one.

20 THE COURT: I'm gonna -- and you can put  
21 it in writing if you want to. I'll take it under  
22 advisement. I want to take a look at the law on duress,  
23 if you all have any -- it doesn't have to be formal. If  
24 you just shoot me some cases or cites, that will be  
25 fine.

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1 MR. HAMBY: Okay.

2 THE COURT: And I'll give you a ruling  
3 before the week is out then.

4 MS. FULLER: Okay.

5 MR. HAMBY: Thank you, Your Honor.

6 (Court adjourned at 5:38 p.m.)

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*Court Reporter's Certificate*

1 STATE OF TEXAS

2 COUNTY OF HOWARD

3

4 I, Esther Van Blarcom, CSR, Official Court Reporter  
5 in and for the 118th Judicial District Court of Howard  
6 County, State of Texas, do hereby certify that the above  
7 and foregoing contains a true and correct transcription  
8 of all portions of evidence and other proceedings  
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11 above-styled and numbered cause, all of which occurred  
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13 I further certify that this Reporter's Record of  
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16 I further certify that the total cost for the  
17 preparation of this Reporter's Record will be reflected  
18 in the final volume.

19 WITNESS MY OFFICIAL HAND this the 31st day of  
20 January, 2020.

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*Esther Van Blarcom*

22

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