

CONNER - CROSS-EXAMINATION

Q Do you know or did you have to tell anyone else to be quiet or to leave?

A No, I did not.

MR. JONES: Pass the witness.
THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. CONNER:

Q Lieutenant, at what time were you notified of this disturbance there by the podium on the front lawn of Old Main?

A I'm not sure about the time, but it was not long after the speakers started speaking.

Q Who notified you?

A I heard Officer Daub on the radio and also some person whose name is unknown to me approached me at my position and said there was a problem over by the platform where the press is.

Q And do you know who this person was?

A I do not know who that person was.

Q Do you know, did this person have some sort of position of authority?

A I don't know who the person was at all. They just simply pointed out that there was a problem and there was an officer over there who needed some assistance.

Q Do you know whether it was a Clinton campaign staff member?

A I believe it was, but again, I don't know. I just took it to be a Clinton campaign staffer because they were located where it was not open to the general audience.

Q In your police report do you not indeed say that it was a Clinton staff worker that contacted you at 18:10 hours and told you about Mr. Williams?

A Yes, I did.

Q Now, where were you located in comparison with Old Main in comparison with where these people were?

A I would have been farther north and closer to Old Main itself but still out on the lawn.

Q Did you observe anything from where you were?

A I could see a commotion like signs being snatched and people moving around in this one particular area.

Q Did you see people pulling signs from other people's hands?

A Yes.

Q In terms of feet, how far were you from the disturbance area?

A Thirty, thirty-five feet in a straight line, but I couldn't go to the area in a straight line.

Q Could you see the -- what was on the signs they were holding?

A Yes, I saw Clinton campaign signs and also Bush campaign signs.

Q Which signs were being pulled from which hands?

A From what I could tell there were signs of both sides being snatched down and being, you know, snatched down from my sight.

Q Did you see Bush/Quayle signs being pulled from people's hands?

A Yes.

Q Okay, did you see any Clinton signs being pulled from people's hands?

A Yes, from what I could tell where I was it appeared to be both signs were being snatched.

Q Do you specifically recall seeing Clinton signs being pulled down?

A Yes.

Q Do you know how long Officer Daub was on the scene before you arrived?

A No, I don't.

Q How long were you on the scene when you first saw Mr. Williams?

A When I first arrived I did see him at the time. I was there probably five to six minutes before we arrested him.

Q Okay, when you first arrived at the scene you saw Mr. Williams immediately?

A Yes.

Q What was he doing at that time?

A At that time he had his back turned to Officer Daub. Officer Daub was trying to talk to him. He turned around, Officer Daub would say a few words and he'd turn back around and he was jumping forward bumping people, holding the sign up side to side, yelling, just participating in the rally.

Q You said he was jumping forward?

A Yes.

Q How far forward was he jumping when he jumped?

A When I say "forward", the crowd was --

THE COURT: Counsel, again, how is this relevant? We've covered this with three separate witnesses now, this being the third. He's charged not with assault and battery. I'm curious how the method in which he was jumping, forward, backward, sideways, horizontally or vertically, has anything to do with the charge he's facing here.

MR. CONNER: I thought the testimony was that was what made them think there was disorderly conduct going on in the manner he was jumping. Perhaps I'm mistaken.

MR. JONES: Your Honor, he was found not guilty --

THE COURT: That's not an issue. He's not on trial for disorderly conduct at this time; he's on trial for refusing to submit to arrest. That's the only issue that we have here, not whether he was engaged in disorderly conduct. That's water over the bridge.

MR. CONNER: Yes, sir, but it's still important whether or not the officers had reasonable cause to arrest the man for disorderly conduct.

THE COURT: I don't think that's an issue in this case at all. Why is that an issue, Counsel?

MR. CONNER: We maintain that if there was no probable cause for the arrest, the man had a right to refuse to submit.

THE COURT: What's your law on that, Counsel? Let's get to the bottom of this right now.

MR. CONNER: U.S. Supreme Court --

THE COURT: Well, give me your case.

MR. CONNER: (Mr. Conner goes back to counsel table and retrieves a file and returns to the podium with it.) Judge, while we're on this issue, there was something --

THE COURT: No, I want you to answer my question. You cite me to an Arkansas or a U.S. Supreme Court case that stands for the proposition that you have just given me.

MR. CONNER: Yes, sir, I was just going to say that I did place this issue back in June. I let the prosecutor know that this issue would be raised.

THE COURT: Well, you haven't let the Court know.

MR. CONNER: No, sir, but I wrote the prosecuting attorney and told him that we might require a pretrial conference because this issue --

THE COURT: Well, nobody's asked for a pretrial conference. This is the first time, just several hours ago, this issue was ever raised. I just want a case that stands for the proposition you've just given me.