

1 Q Now, you had been drinking that night as Counsel indicated?

2 A Um-hum.

3 Q Did it affect your memory?

4 A No. It was mostly the punch and the stab to my face that pretty much
5 blacked me out.

6 MS. LASKOFF: Okay. Nothing further, Your Honor.

7 THE COURT: Anything else, Ms. Chien?

8 MS. CHIEN: No, Your Honor.

9 THE COURT: Thank you, sir. You're free to go. Don't discuss your
10 testimony with anybody outside.

11 Next witness.

12 MS. LASKOFF: Hansel Holiday.

13 THE COURT: Okay. Ms. Chien, reputation testimony may be something
14 you can talk about later. But for purposes of this hearing, it won't be an issue.

15 MS. CHIEN: Okay.

16 THE COURT DEPUTY: Nobody is answering by that name.

17 MS. LASKOFF: Okay.

18 Phillip Westfall.

19 * * * * *

20 WHEREUPON:

21 PHILLIP WESTFALL

22 having been called as a witness in this cause, was duly sworn, examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MS. LASKOFF:

1 Q Sir, can you state your name for the record?
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2 A Phillip Westfall.

3 Q And Mr. Westfall, on October 25th, 2006, were you working at the Doll
4 House?

5 A Yes.

6 Q Okay. And around closing at 2:00 in the morning, did you see a fight break
7 out?

8 A Yes.

9 Q Can you describe to the Court -- to the Judge what you first saw that there
10 was a problem happening?

11 A I was actually getting into a vehicle. It was cold that morning. I was
12 warming up the girl's cars. I'm the valet attendant. As I was getting into a car, I heard a
13 girl screaming. Do you want me to say what I heard?

14 THE COURT: Yeah. Yeah.

15 BY MS. LASKOFF:

16 Q Yeah, you can say that.

17 A As I was getting in -- the door was open and I was putting the key in and I
18 heard a girl go, fuck you, nigger, fuck you, fuck you.

19 Q Okay.

20 A And I...

21 Q Could you see who she was talking to?

22 A I was sitting in a vehicle.

23 Q Okay.

24 A No, ma'am.

25 Q Okay.

1 A I got out of the vehicle instantly, because I didn't know if it was one of our
2 employees, and went to the back of the parking lot. There was a couple standing next to
3 their vehicles. Actually, there was a female at the passenger door and a male at the
4 driver's door. There were four gentlemen at another vehicle, probably 25 or 30 feet
5 away. One of those gentlemen started walking towards the other vehicle.

6 The gentleman from the couple's car came around the back of the car. They
7 met. He hit that guy. He went down. The second guy came over.

8 Q Well, let's -- let's break it down real quick. The two that were coming at
9 each other, were words being exchanged between them as they were kind of coming
10 towards each other?

11 A She was -- she was still talking. I don't -- I don't know. She was still
12 screaming. It was illegible.

13 Q Okay. Were both of the cars parked at this point?

14 A Yes. Nobody had started either vehicle yet.

15 Q Okay. Had you seen the cars before that, where they had been? The whole
16 time that you saw the cars, were they in the parking spots, I should say?

17 A Yes.

18 Q Okay. And then what happened at that point when the two gentlemen
19 approached each other? Could you tell what started one to hit the other first?

20 A They were just coming at each other. And the gentleman from the couple's
21 car hit the other guy, and he went down.

22 Q Okay. The gentleman from the couple's car, can you describe to the Court
23 what he looked like?

24 A Tall, slender, black male.

25 Q And the guy that hit and went down, what's his description?

1 A Medium build, Hispanic male.

2 Q Okay. And did you see the black male that hit the Hispanic male with
3 anything in his hand?

4 A No, ma'am.

5 Q Okay. And what happened when -- at that point, I should say?

6 A The gentleman went to the ground, caught himself with his hand...

7 Q Which one?

8 A The guy the guy hit was falling to the ground. Caught himself with his
9 hands. Didn't go all the way down, and stood back up. The girl started screaming, you ²
10 got knocked the fuck out, you got knocked the fuck out. As she was screaming at him, a
11 second gentleman came over to fight the guy, the black male. A second Hispanic
12 gentleman came over to fight the black male.

13 Q Um-hum.

14 A And swung at the black male twice and missed. The black male hit him and
15 kind of spun him off. A third gentleman was coming over, and the girl attacked him.
16 And I went to break that fight up instantly. I had Mace in my hand. And I said, I have
17 Mace, get back, break it up, go to your vehicles now, screaming as loud as I could at
18 them. That broke up.

19 As I turned around, there were two gentlemen...

20 Q Different ones or part of that group?

21 A The first -- part of the group.

22 Q Okay.

23 A Two gentlemen over by the black guy. The black guy hit the one guy twice
24 in the chest, and then he spun off to the left and was behind me.

25 Q The Hispanic gentleman got hit in the chest and spun off?

1 A Yes.

2 Q Okay.

3 A He was behind me. So I was kind of watching him. I was in the middle of
4 six people fighting, and it was just, you know, defending myself basically, as well as
5 trying to break everything up.

6 The guy -- the Hispanic gentleman who was on the outside of the black guy
7 came after him again and he hit him in the face once. He spun off the other direction.

8 The female, I believe, was up by the door. She was screaming. There were
9 people yelling. And then I looked at the one -- I looked at the gentleman who was still in
10 front of me, and there...

11 Q Was he one of the Hispanic -- just so the Court is clear.

12 A Yes.

13 Q Okay.

14 A It was one of the Hispanic gentlemen in front of me, and he was just
15 bleeding from the face -- from his face, down onto his shirt. But like not on his neck and
16 everything like that. And I was looking at it and I was thinking to myself, there's a lot of
17 blood on him.

18 And I looked at the other guy, who was behind me, and he was walking
19 towards the car, and he had blood from his chest down. And I looked at his face to see if
20 I could see on his face -- there may have been some, but I'm not positive. And as I was
21 looking at him, he took about five steps and just totally collapsed backwards like a tree.
22 His head was the first thing to hit the ground. It even bounced.

23 I ran over to him, put my hands under his head and looked, and his eyes
24 rolled back in his head, his eyes rolled to the left, his head fell to the left, and then as I
25 was looking at him I saw two puncture wounds in his chest.

1 Q Um-hum.

2 A One through the bottom of his right nipple and the other one inside of it,
3 like almost directly above his heart.

4 Q Okay.

5 A And I screamed, that mother-fucker stabbed this guy. And let him go.
6 Turned around to run to the car, and there was another gentleman beating the guy --
7 beating the black -- there was another big Hispanic gentleman hitting the black guy. And
8 I broke that up -- or went over there towards that. The guy ran to his car.

9 Q Which one?

10 A The black male ran to the driver's side of the car. The female went into the
11 passenger's side of the car.

12 I ran around to -- I was going to Mace the gentleman so he couldn't leave,
13 but his windows were up, so I went to the back of the car to get the tag number, grabbed
14 my pen and a valet ticket, was going to write it down. There was no tag.

15 Q What kind of car was it?

16 A So the next thing I did was I looked at the make and model of the vehicle.
17 It was a grey Acura TL. On the left-hand side it said Acura. On the right-hand side it
18 said TL. And I witnessed right in front of the bumper, during the fight there was
19 somebody that got slung into the car, and there was a dent right in front of the right
20 passenger side brake light -- or turn signal lights back there.

21 Q Um-hum.

22 A And I noted that in my mind, and dialed 911.

23 Q Was there anyone besides this black male that was punching on these
24 individuals that could have cut them?

25 A The female was trying to kick and fight. I basically kind of tried to corner

1 her off so that she wouldn't get hurt. I just thought it was a fist fight going on and just
2 wanted it broken up.

3 Q Okay. And what made you think that the defendant had a knife or some
4 sharp thing that he was cutting victims with?

5 A Until the gentleman fell, there was -- I witnessed two slits on his chest.
6 That's when I screamed, he stabbed him. And as I was running towards the vehicle I
7 heard out from behind me, oh, he stabbed me in the face. And then another guy said, oh,
8 he got me, too. So nobody even realized they were stabbed until I screamed for the
9 gentleman on the ground, because I was a foot away from his chest, on my knees, with his
10 head in my hand.

11 MS. LASKOFF: Okay. I have nothing further, Your Honor.

12 THE COURT: Ms. Chien?

13 * * * * *

14 CROSS EXAMINATION

15 BY MS. CHIEN:

16 Q Mr. Westfall, have you ever seen any of the Hispanic males before?

17 A I have seen their vehicle, but I hadn't -- hadn't spoken individually to any of
18 them.

19 Q Okay. What I mean to say is have you ever seen them at the Doll House
20 before, other than that night?

21 A Seen the vehicle, but I can't recognize any of their -- I -- I wouldn't -- I had
22 not -- could not recognize them from a previous night. I recognized their vehicle.

23 Q Um-hum.

24 A But not any of their faces.

25 Q So how often have you seen the vehicle at the Doll House?

1 A I've seen it once before.
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2 Q And you are the valet at the Doll House?

3 A Yes, ma'am.

4 Q And did you see when these vehicles first came in, the ones holding the
5 Hispanic males, did you see where it had originally parked?

6 A Yes.

7 Q And was that the same spot that -- that you later saw it parked when the
8 fight broke out?

9 A Yes, ma'am.

10 Q And had you seen the Acura when it first got there?

11 A No, ma'am.

12 Q Okay. So you don't know where it had been originally parked?

13 A No, ma'am.

14 Q Were you ever at any point, on that night, inside the Doll House to observe
15 the behavior of either the Hispanic males or the black male?

16 A No, ma'am.

17 Q And can you tell me when the fight -- how the fight first broke out? Did
18 you hear words?

19 A Yes, ma'am.

20 Q And who -- other than the female, did you hear any words between the two
21 -- any of the males?

22 A No, ma'am.

23 Q Did you ever hear any words that the Hispanic male, Mr. Troy -- I don't
24 know if you know him, but did you ever hear him say anything?

25 A No, ma'am.

1 Q Did you ever hear Mr. Dobbs say anything, the black male?

2 A No, ma'am. If anything, it was, come on or come on, come on everybody.
3 You know, it's -- it's just a fight and no sentences, no -- anything like that.

4 Q Okay. So when you walked in -- I mean, when you walked into the, I guess,
5 the scene, had the fight already begun?

6 A I was probably -- I would say it's about 30 feet to the door. I was probably
7 40 feet away as the two gentlemen were coming together.

8 Q Okay. And did you see -- so you actually -- so you saw the Hispanic male
9 walk over to the black male as well?

10 A Yes, ma'am.

11 Q What -- how many feet would you say they were apart?

12 A The -- from where the cars were parked -- can I -- do you want me to
13 describe to you?

14 Q (No Verbal Response)

15 A I -- I've -- probably -- the cars were probably 40 feet apart.

16 Q Okay. And how many feet would you say that the Hispanic male walked
17 towards the black male?

18 A Probably 30 to 10. The Hispanic male walked 30. The black male probably
19 walked 10.

20 Q Okay. So the Hispanic male walked more feet towards the black male?

21 A Yes, ma'am.

22 Q Did the Hispanic male run towards the black male?

23 A No, ma'am.

24 Q And when he -- when the Hispanic male walked those 30 feet to the black
25 male, what -- did you hear -- or what did you first see happen?

1 A As he was approaching him, it was looking like they were going to fight.

2 And then the black male swung and hit him, and instantly he spun, caught himself from --
3 caught himself on the ground with his hands. He didn't hit the ground and fall. He
4 almost did, but he caught himself with his hands and got back up.

5 Q And you said that it looked like they were about to fight. What actions of
6 the Hispanic male made you think that they were about to fight?

7 A They were just approaching each other -- huffy, you know.

8 Q Okay.

9 A No hands up, no fists up or anything like that, they were just approaching
10 each other.

11 Q And during this time what were the Hispanic males three friends doing?

12 A They were -- basically, they hadn't left the car yet.

13 Q Were they just watching it?

14 A Yeah.

15 Q Okay. Were they saying any words to any of the -- the two people?

16 A Nothing legible or audible that I heard.

17 Q But did you hear them scream or yell anything?

18 A No, ma'am.

19 Q Okay. After the Hispanic male got -- was hit, did the three Hispanic -- what
20 did the three other friends do?

21 A The second one approached.

22 Q Okay.

23 A Singly.

24 Q He did what?

25 A A second one approached singly.

1 Q Okay. And what did he do?

2 A He swung at the black male twice, missed, and then the black male hit him.

3 Q So the second Hispanic male -- could you see how hard the punches were --
4 or attempts?

5 A The attempts -- drunken round houses.

6 Q Okay. But he -- he had been trying to punch him twice before the other
7 person...

8 A Before he got hit.

9 Q Okay. And then what was the female doing at this time?

10 A Screaming. And as the third guy approached, she attacked him.

11 Q Okay. Because -- was the -- the second male -- the second Hispanic male
12 and the black male, they were still involved in a fight at that time?

13 A Yes.

14 Q Okay. So the female was trying to ward off the third person coming up?

15 A Yes.

16 Q Okay. Because presumably this third person was trying to help out his
17 friend?

18 A Presumably.

19 Q All right. And where -- where was the fourth Hispanic male?

20 A He was still standing by the vehicle. He was still standing -- he hasn't
21 approached anything yet.

22 Q Okay. And tell me what happened after the female and the third Hispanic
23 male were at it? Can you describe how she was -- how they were fighting?

24 A She was trying to kick and hit him.

25 Q And what was he doing in response?

1 A He went to grab her, and I instantly went there and told them, I will Mace

2 you both and blind you. You go to your car, you go to your car.

3 Q Okay. And did they follow your directions?

4 A They split up; yes, ma'am.

5 Q Okay. And what -- when they split up, what did the Hispanic male do; did
6 he go back to his friend?

7 A No, ma'am. I believe he went to -- after the black male.

8 Q Okay. So he went to help out the person -- his other friend?

9 A Correct.

10 Q Okay. And what -- what did he do?

11 A I don't know. To be honest, it was so much going on at that time right
12 there, I'm not exactly positive.

13 Q Okay.

14 A I don't -- I think I focused back on the -- the black male fighting the first --
15 first gentleman. He -- he would -- he was fighting very well. And he -- he -- the guys
16 would approach him, he knocked them back real quick.

17 Q Okay.

18 A Then another guy would come at him, and he would knock them back real
19 quick.

20 Q And -- but these guys kept coming, right?

21 A Yes, ma'am.

22 Q I'm talking about the Hispanic males.

23 A Yes, ma'am.

24 Q They kept approaching the black male?

25 A Yes, ma'am.

1 Q And they kept trying to fight him, as well?

2 A Yes, ma'am.

3 Q And they were trying to swing, punch, punch the black male, right?

4 A Yes, ma'am.

5 Q Did you see where they were swinging at? Like was it towards the black
6 male's head, or just anywhere?

7 A It was very difficult for them to get close to him, because the gentleman
8 could fight very well.

9 Q Okay. Did you ever see them -- the Hispanic males get in some punches?

10 A Not until the end. The fourth Hispanic male definitely got him.

11 Q Okay. How did he get him?

12 A I did not see the beginning of it, but I had my back turned. And when I
13 turned around the fourth Hispanic male had the gentleman by the back of the -- his shirt
14 and his left shoulder was behind him, punching him in the right side of the face from the
15 side and behind.

16 Q How many times, and how hard?

17 A I probably saw three punches.

18 Q Three punches.

19 A And then I ran to that, and broke that up instantly.

20 Q Okay.

21 A When I was talking earlier, when I broke that up is actually when I saw -- I
22 started to think about the blood. And the -- that's just seconds later is when the
23 gentleman collapsed.

24 Q Okay. The person who had a lot of blood, do you remember the exact fight
25 between him and the black gentleman?

1 A I believe I saw that punch thrown, yes, ma'am.

2 Q So he had punched -- so did the Hispanic male punch the black gentleman?

3 A You're confusing me. You asked if I saw the -- did you ask if I saw the
4 punch that was thrown, where the blood came from?

5 Q No. I just want to know any type of interaction between the guy who
6 eventually died and the black gentleman. Did you see them fight at all?

7 A Yes. He was coming after the black gentleman, and to be honest I do
8 believe I saw the two punches in his chest that made the wounds. He hit him twice in the
9 chest and then he spun off that way, off to the left, and went behind me.

10 The other gentleman right instantly came from kind of the passenger door
11 where the female was after him, he hit him with a right hook, what looked to me as a right
12 hook in the face and he spun off back the other direction.

13 And then that's when I started seeing all of the blood.

14 Q Okay. Well, what you just said earlier was that you saw the black
15 gentleman hit the guy who eventually died. He -- what actions of that Hispanic male did
16 you see?

17 A Him going towards the black male.

18 Q Okay.

19 A From behind the car. The black male was like at the back corner of the car.
20 He was coming at him this way. Turned and hit him twice. And then the other guy
21 instantly was coming from the front of the car or towards -- from the passenger door of
22 the car, and then he turned and hit him once.

23 Q Okay.

24 A He spun the one guy one direction and the other guy in the other.

25 Q Okay. So there was someone else coming, another friend to help out the

1 Hispanic male; is that correct -- was coming up to join the fight?

2 MS. LASKOFF: Asked and answered, Your Honor.

3 THE COURT: Sustained.

4 BY MS. CHIEN:

5 Q Okay. Going to the last part of what you had said earlier, which was you
6 did see the fourth guy get in some punches; is that correct?

7 A Yes. He would have...

8 Q And by that time, what were the other three gentlemen doing? Why was
9 this fourth person able to get in so many punches?

10 MS. LASKOFF: Objection; speculation.

11 THE COURT: Why was he able to get in so many punches?

12 BY MS. CHIEN:

13 Q Did you see the -- where the black gentleman was in relation to -- the body
14 position -- was he already on -- was the black gentleman already on the floor?

15 A I did not see the connection of the -- the last gentleman fighting, who did
16 get the lick -- punches in. I did not see them connect. I was facing this direction. I was
17 facing away from that at that point. When I turned around, the Hispanic gentleman had
18 him by the shirt, punching him. I saw at least three punches in the face.

19 Q Okay. And was the black gentleman on the floor, though?

20 A He was going down, but he wasn't letting him go.

21 MS. CHIEN: Okay. I have no other questions.

22 THE COURT: Anything else, Ms. Laskoff?

23 MS. LASKOFF: No, sir.

24 THE COURT: All right. Thank you, sir. You're free to go. Just don't
25 discuss your testimony with anybody outside.