

1 please.

2 (Witness sworn.)

3 THE WITNESS: Yes, sir.

4 THE COURT: All right. Good morning.

5 THE WITNESS: Good morning.

6 THE COURT: Feel free to have a seat
7 right there and adjust the microphone and make
8 yourself comfortable and just answer as directly as
9 you can.

10 You may proceed.

11 MS. DAVIDSON: Thank you, Your Honor.

12 **QUANELL X FARRAKHAN,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. DAVIDSON:

16 Q Can you introduce yourself to the ladies and
17 gentlemen of the jury?

18 A My name is Quanell X Farrakhan.

19 Q How are you employed, Mr. Farrakhan?

20 A I am the leader of the New Black Panther
21 Nation and the New Black Muslim Movement.

22 Q Tell the jury what the New Black Panther
23 Nation is?

24 A The New Black Panther Nation was founded
25 when I separated myself from the New Black Panther

1 party. The New Black Panther Nation is an
2 organization that has changed the format of a lot of
3 the bylaws, the constitutional bylaws and also the
4 platform.

5 The New Black Panther Nation is an
6 organization that's inclusive of everybody and not
7 just some. And the New Black Panther party of
8 rhetoric was something that I wanted to get away
9 from, and that's why I found the New Black Panther
10 Nation. It's a civic organization. It focuses on
11 violent crime --

12 Q Mr. Farrakhan, I've got to ask you
13 questions, you've got to give me your best answers.

14 A Okay. All right.

15 Q Tell the jury what the premise is of the New
16 Black Panther party?

17 A Party or the nation?

18 Q Party.

19 A What the premise of the New Black Panther
20 party is?

21 Q Yes, sir.

22 A The premise of the New Black Panther party
23 is a paramilitary organization focused on
24 African-American issues and African Americans in
25 particular. It's an organization that was founded by

1 the late Khalid Abdul Muhammad and it's an
2 organization that I am not a part of today.

3 Q And you broke away and formed the New Black
4 Panther Nation?

5 A Yes, ma'am.

6 Q Why?

7 A In the New Black Panther party, in the
8 platform of what you want and what we believe, is
9 that we believe the white man is the devil. And I no
10 longer believe that. We believe that we want a
11 separate state and territory.

12 I no longer believe in the principles
13 and the teaching of segregation. I wanted to go away
14 from that. I wanted to change that. And there was a
15 lot of drama when I decided to step away from them.

16 When I decided to apologize to the
17 Jewish community for the kind of statements that I
18 made, then I had to separate myself from the New
19 Black Panther party and start the New Black Panther
20 Nation.

21 Q Okay. And as the head of the Black Panther
22 Nation, can you tell the jury what you do on a daily
23 basis?

24 A I focus on issues involving members of our
25 community, white, black, Hispanic, job discriminatory

1 issues, race discriminatory issues and schools.
2 Issues on black-on-black crime. In particular one of
3 our biggest things we've been focusing on now is the
4 issues of black-on-black crime, trying to mobilize
5 the community to form search parties, flier pushes,
6 and to also teach our young people that in those
7 snitch policies that we have, is doing more harm to
8 our community than good.

9 And so our primary work is working on
10 changing the mindset of our young people in our
11 community. So that's primarily what I do on a daily
12 basis. And those who come to me for help or in
13 trouble.

14 Q Okay. And how do you do that? I mean, what
15 kind of things do you do to achieve that goal?

16 A Well, one, when you're dealing with young
17 people, the first thing you have to do is --
18 especially with young African-American men, you have
19 to show them some love because many of the young
20 brothers in the community have not been shown love.

21 Many of the young brothers have
22 drug-related issues. Many of them are smoking street
23 drugs called fry. And you're using all kind of
24 pills, et cetera. So you really have to try to help
25 them get into chemical abuse and treatment counseling

1 and therapy.

2 So, the first thing we do, we deal with
3 a lot of young people, we try to identify who really
4 have drug problems. If they do, then there's an
5 agency within our community, Riverside Hospital, that
6 treat young teenagers and young adults who have
7 chemical dependency issues.

8 Then after that we try to identify do
9 they have a criminal history? If they do, then we
10 try to point them to an organization that works with
11 ex-offenders to gain them employment. And then at
12 that point, we'll work with them if they possibly
13 want to join the New Black Panther Nation.

14 Q And about how many members do you have in
15 the black panther nation?

16 A We got several chapters across the state of
17 Texas and Louisiana. I really don't know the
18 membership. I don't want to give you an incorrect
19 number, but we have a successful operation.

20 Q Do you know how many chapters there are?

21 A We have four.

22 Q Okay. Now, I believe you said that you were
23 the CEO of another organization?

24 A The New Black Muslim Movement.

25 Q And what is the New Black Muslim Movement?

1 A The New Black Muslim Movement is an
2 organization that represents a new way of doing
3 things and a new philosophy for African-American
4 Muslims. And over the time of Imam Elijah Muhammad,
5 we were taught that we were black Muslims.

6 Well, the New Black Muslim Movement is
7 an organization that will do things different, that
8 will do things new. Never before would any Muslim
9 minister admit publicly that something that he said,
10 that offended or hurt somebody, would ever apologize
11 for that.

12 When I decided to go to the Jewish
13 Holocaust Museum and tour the facility. And I
14 realized even before I went, that I said some things
15 that were very hurtful and harmful. And I
16 apologized. And when I apologized that angered a lot
17 of people.

18 And also in the New Black Muslim
19 Movement, we speak out against the Arab influence in
20 the African-American community, that is attempting to
21 radicalize many African-American men, in particular
22 those who are coming home from prison to a whole new
23 radicalized philosophy. That was never done before.

24 In the New Black Muslim Movement, we
25 focus on making sure that Muslims understand that we

1 are to be a universal people and that change starts
2 from within.

3 We were taught before the New Black
4 Muslim Movement, that we got to fight the devil and
5 the devil was man. Well, in the New Black Muslim
6 Movement the devil was not man. The devil is a
7 mindset. And the first enemy that one must tackle as
8 being a Muslim in the New Black Muslim Movement is
9 defeat the devil from within. The internal devil is
10 the greatest enemy.

11 In the New Black Muslim Movement,
12 unlike the Black Muslim Movement, our number one
13 enemy is ignorance. Not beating up people, not
14 beating up a man, or not hating a specific
15 government.

16 Q Okay. In this New Black Muslim Movement,
17 can you tell the jury was when you founded it, what
18 year?

19 A I think I founded the New Black Muslim
20 Movement, might have been 2001, 2000 -- 2000, 2001, I
21 believe.

22 Q Okay. And the New Black Panther Nation,
23 when was it that you broke away from the original --

24 A It was shortly after the death of Khalid
25 Abdul Muhammad, so I think around 2000.

1 Q And the New Black Muslim Movement and the
2 New Black Panther Nation, are they joined together as
3 one organization or are they separate?

4 A Well, they're one but separate. The one of
5 the New Black Muslim Movement are those who want to
6 be Muslims. For those who do not desire to be
7 Muslims, but yet they still want to help and they
8 still want to make positive changes in our community.
9 Then they can join the New Black Panther Nation.

10 In the New Black Muslim Movement you
11 can't smoke cigarettes, you can't drink. But in the
12 New Black Panther Nation you just can't drink when
13 you're in uniform in official capacity. You can't
14 smoke in official capacity. So, it's a little
15 stricter in the moral laws than the Black Muslim
16 Movement.

17 Q Okay. So in the New Black Muslim Movement,
18 those are the members who are Muslim, correct?

19 A Yes.

20 Q And in the Nation they are not Muslim?

21 A No, they're not.

22 Q When you say in the New Black Panther
23 Nation, you can't smoke or drink while you're in
24 uniform. Is there a uniform that they wear?

25 A Yes, it is.

1 Q Can you describe that uniform for the jury?

2 A It's a black battle dress uniform. It's a
3 military uniform, called BDU, battle dress uniform.
4 And it's a black top, black bottoms. It used to be a
5 black beret, but we changed that, we made it a red
6 beret. So that there will be a distinct difference
7 from the New Black Panther party, jump boots,
8 military boots. And also there's a Class A uniform,
9 where you wear a suit and a tie and a lapel pin of
10 the New Black Panther Nation.

11 Q Okay. And what is the reason they wear
12 uniforms?

13 A Depending on the work that we're doing. In
14 every capacity they don't wear the uniform. When I
15 speak in churches, the brothers take the uniforms
16 off, because it's not appropriate to be in a church
17 or a house of worship with a military uniform on.

18 But when we go to the community
19 searching for a rapist, searching for a child that's
20 missing. When we go into a community dealing with
21 apartment complexes or an area that's affected by
22 drug dealers, then we wear the BDU, battle dress
23 uniform. That's to let the brothers in the streets
24 know that when we come we mean business.

25 Q And do you have an idea how many members you

1 have in the New Black Muslim Movement?

2 A No, I do not.

3 Q Okay. Is that confined -- is that in like
4 Texas and Louisiana also?

5 A That's across the country.

6 Q Across the country. Okay. Were you doing
7 this same community thing -- organization through the
8 New Black Muslim Movement and the New Black Panther
9 Nation back in May of 2008?

10 A Yes, ma'am.

11 Q In May of 2008, specifically on May 19th of
12 2008, did you have an occasion to come to meet
13 somebody you came to know by the name of Theron
14 Owens?

15 A Yes, ma'am, I did.

16 Q Do you see Mr. Owens in the courtroom today?

17 A Yes, ma'am.

18 Q For purposes of our record, can you tell me
19 where he's sitting and tell me something he's
20 wearing?

21 A The brother is sitting to my left. He has a
22 green long-sleeved shirt on.

23 MS. DAVIDSON: Your Honor, may the
24 record reflect the witness has identified the
25 defendant?

1 THE COURT: It will so reflect.

2 Q (BY MS. DAVIDSON) Mr. Farrakhan, can you tell
3 the jury how it was that you came to meet him on that
4 day?

5 A I received a phone call. I was actually
6 doing some other work and I received a phone call
7 from, I believe, a family member of his, who told me
8 that he was attempting to get in contact with me.

9 Q Do you recall what time of day or night it
10 was on May 19th that you received that phone call?

11 A I'm really not sure, but I know it was not
12 nightfall so it was during the day.

13 Q And based on that phone call, what did you
14 do?

15 A Well, I believe the caller said to me that
16 he was in trouble. And I think it was his sister. I
17 believe it might have been his sister, who said that
18 he was in trouble and that he was a suspect in a
19 murder case, and that he was accused of killing his
20 mother and grandmother.

21 Q And after hearing that information what, if
22 anything, did you do?

23 A I told her, I said, okay, ma'am, you can
24 just stop right there. Just pass my number on to
25 your brother and have him give me a call.

1 Q Let me ask you this, Mr. Farrakhan: How do
2 you go about getting your message out so African
3 Americans in the community who might need your
4 assistance can find you?

5 A You know, to be honest with you I'm not
6 listed. But in my community you have rappers that
7 put my name out in rap songs. They put my phone
8 number out in rap songs. You have people on Facebook
9 that just takes my phone numbers and just share
10 around to everybody.

11 I've been amazed at how people get in
12 contact with me. They will go -- if they find a
13 relative of mine, they'll go 2:00, 3:00, 4:00 o'clock
14 in the morning knocking on their doors, trying to get
15 in contact with me. They'll go by the Nation of
16 Islam. They'll go by the Shape Community Center.
17 They'll call TV stations trying to get my phone
18 number.

19 So, those are the primary ways that
20 people can talk to me. And even through my website,
21 I get a lot of information through the website, also
22 people who are trying to help.

23 Q And what is the Nation of Islam?

24 A The Nation of Islam is an organization that
25 was founded by the Honorable Mr. Louis Farrakhan. It

1 was led by the Honorable Mr. Louis Farrakhan, but it
2 was founded by the Most Honorable Wallace Fard.

3 It's a religious organization.

4 Q Okay. And is it here in Houston?

5 A Yes, it is.

6 Q And if somebody wanted to go by the Nation
7 of Islam, where would they go?

8 A They would go right off of MacGregor and I
9 don't know the physical address off the top of my
10 head, but it's right off MacGregor in the heart of
11 the African-American community.

12 Q And the Shape Community Center, what is
13 that?

14 A It's a community organization that's in the
15 Third Ward, Houston. I think it's been around maybe
16 45 years.

17 Q Okay. And what goes on at the Shape
18 Community Center?

19 A The Shape Community Center does a lot of
20 things. It's a community-based organization. It
21 deals with immunizations for the children. It deals
22 with educational programs. It takes the young people
23 through academic courses during the summer. They
24 also have a charter school system during the year.
25 And they take young African-American youth on trips

1 all across the country to visit historical civil
2 rights monuments in civil right cities.

3 Q Okay. And so if somebody wanted to locate
4 you, there are ways to come about trying to find you
5 if they need your help?

6 A Oh, yeah.

7 Q And have you helped people in the community,
8 specifically in the Houston area on more than one
9 occasion?

10 A Yes, ma'am.

11 Q Approximately how many times do you think,
12 since you've started the New Black Muslim Movement
13 and the New Black Panther Nation in 2001 or so, have
14 you helped African Americans in the community?

15 A You want to know how many times?

16 Q Uh-huh.

17 A There's no way I can count that.

18 Q Okay. Have you helped them against the
19 police?

20 A All the time.

21 Q Have you helped turn them in when they've
22 told you things?

23 A Yes, ma'am.

24 Q And how many times do you think you've
25 brought to the police, people who've confessed to you

1 to offenses they have committed?

2 A Well, I've turned in between 35 and 40 men
3 who have been wanted by law enforcement. And in
4 particular men who have confessed to, maybe three,
5 four.

6 Q And when you -- like you said turned 40 or
7 so men into law enforcement, what do you do when you
8 turn them in?

9 A Well, they first contact my office and it's
10 either them who will do the contacting or someone in
11 the family, or some girlfriend that they have.
12 Someone will reach out to me and they will give them
13 my number. And when they tell me what's going on, I
14 say, well, have the brother call me.

15 Then when that brother calls me I say,
16 okay, we don't have to go into a lot over the
17 telephone, we'll go ahead and meet. But sometimes my
18 security is very security conscious. So they'll say,
19 well, look, make some additional phone calls about
20 this person before we agree to meet with this person.
21 And so there are some occasions where I'll make some
22 additional phone calls, to try to find out if what
23 the person is saying to me is actually true and if
24 there's something more to the story, before I just
25 agree to sit down and talk with them.

1 Q Why is that?

2 A I receive a ton of death threats, a ton.
3 And they come from all walks of life. Really the
4 most extreme ones. And so sometimes you don't know
5 if you're walking into something that you should not
6 be walking into. You do not know that a person maybe
7 just telling you something to lure you into something
8 to where your life is in extreme danger.

9 Q And why would you want to turn in African
10 Americans into law enforcement?

11 A Well, there's several reasons. One, when
12 the police are looking for a, quote/unquote, murder
13 suspect, it's almost a no-holds-barred search. They
14 go everywhere and anywhere. They go to friends,
15 family, associates. They're -- sometimes they kick
16 open a lot of doors and they are looking high and low
17 for a suspect. You have a lot of families that are
18 upset, they're angry about it. It's a dangerous
19 situation.

20 Then you have a lot of suspects who
21 believe that if they turn themselves into law
22 enforcement, because of the tactics that law
23 enforcement use, they may be beaten, they may be
24 assaulted, and they may -- their rights may be
25 violated. And so many of them want to get turned in

1 safely and then their families want them turned in
2 safely.

3 So to bring peace to the situation,
4 they'll reach out to me. And by God's grace I've
5 been able to turn all of these brothers in, without
6 anyone ever being harmed, them or even myself.

7 Q Okay. So, you are not only doing it for the
8 safety of the individual, but maybe the safety of the
9 family members of the individual?

10 A No. Really the safety for the community and
11 that families are members of the community, to bring
12 calm to the situation.

13 Q Okay. So you received this phone call on
14 May 19th of 2008, from who you believe -- from what
15 you remember, may have been the defendant's sister,
16 correct?

17 A Yes, ma'am.

18 Q And you tell her have him call me?

19 A Right.

20 Q Does he call you?

21 A Yes, ma'am, he does.

22 Q When does he call you?

23 A It was shortly after I had spoken with his
24 sister. It was not very long. But it was shortly
25 after that.

1 Q Okay. And what time of the day or night was
2 it when he called you?

3 A It wasn't nightfall. It was still daylight
4 outside when he called. So, it was in the evening,
5 afternoon time.

6 Q And did you have a conversation with someone
7 you came to know by the name of Theron Owens?

8 A Yes, ma'am, I did.

9 Q Can you tell the jury the nature of that
10 initial conversation?

11 A Well, when I first met brother, we met at a
12 coffee shop called "Sip and Serve." It's a Muslim
13 coffee shop and I sometimes meet people there.
14 And --

15 Q Where is that located?

16 A It's off of Alameda. I think it's in the
17 4100 block of Alameda. I'm not sure, but it's off of
18 Alameda.

19 Q Okay.

20 A And I -- when he -- when he was coming I
21 told my security that he was coming. And one of my
22 security men actually remembered him from -- from a
23 story on television. I don't think I had seen
24 anything on TV about him yet. And one of my security
25 men said, "Yes, I remember how the brother looks,

1 because I saw him on television."

2 I said, "Okay, brother. Well, you wait
3 outside and let me know when the brother arrives."
4 And that's what he did. And so --

5 Q So you had -- you were at -- had gone to
6 "Sip and Serve" to meet him you had some members of
7 your security detail?

8 A Yes, ma'am.

9 Q Can you tell the jury about how many members
10 follow you and considered your security when you go
11 out to do what you were going to do on that
12 particular case?

13 A On that particular day, depending on the
14 nature of the crime that the person is charged with,
15 if we've done some background work to see if they
16 have a criminal history, it could range from two to
17 ten.

18 Q Do you recall on that day how many security
19 details you had?

20 A I think I may have had three -- three or
21 four brothers. I think three.

22 Q Okay. All right. So what happened when you
23 got to the Muslim coffee shop?

24 A I arrived and I was waiting on Mr. Owens to
25 show. Mr. Owens did arrive. And we talked for a

1 second inside the coffee shop, then we got up and
2 walked outside.

3 Q Was he alone or was he with someone?

4 A He was by himself.

5 Q Okay. Do you know what mode of travel he
6 did to get there to the coffee shop, or did you see
7 him arrive?

8 A He drove to the coffee shop and walked in.

9 Q How long did you stay inside?

10 A I think my whole meeting with Mr. Owens
11 inside and outside maybe 40, 45 minutes.

12 Q And did you have a conversation inside?

13 A Yes, ma'am.

14 Q And what was the conversation about inside
15 the coffee shop?

16 A Well, I introduced myself to the brother, he
17 introduced himself. He sat down and I could tell he
18 was extremely nervous. And rightfully so, I
19 understand. He's a suspect in a murder case. And so
20 I asked him, I said, "Brother, well, how are you
21 doing"?

22 And he said, I'm okay."

23 And I said, "First thing I want to
24 know," I said "did they put their hands on you"?

25 Meaning the homicide investigators, because it was my

1 understanding he had already been questioned for a
2 very long time by homicide investigators. I said,
3 "Did they put their hands on you"?

4 He said "No."

5 I said, "Did they violate your rights
6 in any kind of way?"

7 He said, "No."

8 And so I said, "Okay, brother, well,
9 what's going on? What's happening"?

10 And that's when he began to tell me,
11 "Man, they're trying to set me up for killing my
12 mother and my grandmother."

13 And I said, "Well, brother, first of
14 all, did you do it?"

15 He said, "No."

16 I said, "Brother, if you're innocent I
17 will stand by you all the way." I said, "But if
18 you're guilty, brother, I will back away from you and
19 I'll step away."

20 And he said, "No, I'm innocent."

21 And I said, "Brother, did you do this?"

22 He said, "No, I'm innocent."

23 I said, "Okay." And then I said,
24 "Well, brother, if you're innocent, cooperate with
25 law enforcement. You have nothing to hide, because

1 when you're telling the truth you don't have to
2 remember what you said. It is what it is."

3 I said, "So continue cooperating with
4 law enforcement." I said, "And, Brother, if you want
5 me to go down there when you talk to them, I will."
6 I said, "But, Brother, as long as you're telling the
7 truth, I'll stand with you. But if you're not, I'll
8 step away."

9 So, we agreed to meet the next day.
10 That's when we got up and walked outside. And as we
11 walked outside, I said the same thing, I said,
12 "Brother, you got to tell me the truth. You got to
13 be straight with me. If you're innocent I'm with
14 you, I'll stand with you. But if you're guilty,
15 brother, I'm going to step away. So, take some time
16 to think about what I'm saying to you, and give me a
17 call in the morning and let me know how you want me
18 to help you."

19 "I can help you fight them, if you're
20 innocent. But If you're guilty, brother, I'll try to
21 help you in another way, also." I said, "You've got
22 to decide how you want me to help you. Call me in
23 the morning and let me know." He left.

24 Q So, that was the purpose you were going to
25 talk to him the next day?

1 A Yes.

2 Q And have him tell you how he needed your
3 help?

4 A Yes.

5 Q Okay. After you talked to him on May 19th,
6 did you at any point before you met with him the next
7 day, contact members of Harris County Sheriff's
8 office?

9 A Yes, ma'am.

10 Q Okay. And what time of the day or night was
11 that?

12 A I really don't recall. It wasn't night. It
13 was during the day. And I'm not sure, I don't want
14 to give you the wrong time, but I did call them
15 before I met with Mr. Owens again.

16 Q And what was your reason for calling members
17 of the sheriff's office?

18 A To inform them that, one, I was going to be
19 meeting with him again. And, in fact -- hold on,
20 hold on -- no. He called me first. He called me --
21 let me back up a little bit. He called me the next
22 morning.

23 Q Okay. When you say, "He," though, who are
24 we --

25 A Mr. Owens. Mr. Owens called me the next

1 morning and he said, "Mr. X, you know, I want you to
2 help me."

3 I said, "Okay, brother." I said, "You
4 had time to think about it"?

5 He said, "Yes."

6 I said, "How do you want me to help
7 you"? I say, "Do you want me to help you fight them,
8 or do you want me to help you in another way"?

9 He said, "No, I don't want you to help
10 me fight them, I want you to help me in another way."

11 And that's when I said, "Okay, brother,
12 just stop right there. Let's go ahead and meet."

13 Then after that, I believe, as best as I can recall,
14 I placed a phone call to the homicide division. And
15 I could not speak with the gentleman I was looking
16 for. I think it was Lieutenant -- I can't remember
17 his name, Lieutenant --

18 Q John Denholm?

19 A Lieutenant Denholm, yes, ma'am. And I was
20 told he was unavailable, he was not there. And then
21 I asked to speak to Sergeant Clopton.

22 Q Prior to meeting with the defendant, had you
23 ever met Sergeant Craig Clopton with the sheriff's
24 office?

25 A Yes, ma'am, I had.

1 Q And when was that?

2 A I met him during a case of a young
3 African-American female who was murdered, named
4 Tynesha Stewart. Tynesha Stewart was a young African
5 American sister who was a Texas A&M honor student
6 from the City of Houston.

7 Q And she was murdered?

8 A She was murdered by her boyfriend, Timothy
9 Shepherd.

10 Q And what was your relationship with Sergeant
11 Clopton during that case that made you know him?

12 A During that case, Timothy Shepherd had
13 confessed his involvement to me in the murder of
14 Tynesha Shepherd. And when I give my statement to
15 homicide in regards to this Timothy Shepherd case, it
16 was Sergeant Clopton that took my statement.

17 Q And other than that contact in that previous
18 case with Sergeant Clopton, did you know him at all?

19 A No.

20 Q Okay. Not close personal friends?

21 A No, I do not know Sergeant Clopton.

22 Q So, the reason you asked for him after
23 Sergeant -- Lieutenant Denholm wasn't available, is
24 because you had known him from a previous case?

25 A Because he had taken my statement in the

1 Stewart case. Yes, ma'am.

2 Q What, if anything, did you tell Sergeant
3 Clopton when you called?

4 A Well, once Mr. Owens said to me that he
5 wanted my help in another way, that he didn't want my
6 help fighting them. And reminding him the day
7 before, I had instructed him on several occasions,
8 "If you're innocent, I'll stand with you all the way.
9 But if you're guilty, brother, I got to back away.
10 But if you need my help to help in another way, then
11 I'll see what I can do to help you. I'll try."

12 And what I meant by that was, "Look, if
13 you want to tell the truth, and you want to just tell
14 the truth with law enforcement, then go right ahead,
15 brother. I'll let them know that's what you're going
16 to do and then you can do it."

17 When he told me that, that's after --
18 that conversation that following morning is when I
19 called Mr. Clopton and told him that I think the
20 brother may want to talk. I'll talk to him again and
21 see if he wants to talk to y'all. I'll give you a
22 call and I'll escort him down there.

23 Q And approximately what time of the day or
24 night was that conversation you had with Sergeant
25 Clopton?

1 A It was during the day, it was during the
2 day. And I really don't recall what time we actually
3 got down to the homicide division on Lockwood. But
4 it was still all during the daylight hours of the
5 day. It was not late evening.

6 Q Okay. So, you had that conversation with
7 Sergeant Clopton, then you went and met with the
8 defendant again?

9 A Yes, ma'am.

10 Q And was that at the same Muslim coffee shop,
11 at "Sip and Serve"?

12 A Yes, ma'am.

13 Q Tell the jury what happened when you got to
14 the "Sip and Serve" again?

15 A When he sat down, I believe he still had the
16 same clothing on from the day before. And it looked
17 like the brother hadn't slept at all. It looked like
18 he was very, very stressed out. In fact, the brother
19 even looked like he had lost weight in 24 hours.

20 And I remember saying to him, "Brother,
21 you look like you've lost weight. Did you sleep at
22 all?"

23 And he said, "No, I really didn't get
24 any sleep last night."

25 And so I said, "Brother, what's going

1 on, brother, what's happening here? Did you do
2 this?"

3 And he started crying and he said,
4 "Yes, I did."

5 I said, "Brother, you got to tell the
6 truth." And then I remember him saying to me, "I
7 just want to get it off my chest, and I want to tell
8 the truth."

9 I said, "Okay, brother."

10 Then he said to me he was concerned.
11 The whole time he was crying during this. And he
12 said to me, he said, "I'm afraid what may happen to
13 me in jail because of what I'm accused of."

14 And I said, "Brother, I will do what I
15 can to make sure -- to make sure you're safe when
16 you're taken to jail. I will do that."

17 And I did that. I made a phone call to
18 the jail, to make sure they understood what he was
19 charged with, or probably would be charged with and
20 what his concerns were, to make sure he was not put
21 in, quote/unquote, general population.

22 Q How long did this conversation last between
23 you and Mr. Owens, when he told you he did it?

24 A About maybe -- maybe 20 minutes. At the
25 most 20 minutes.

1 Q Did you try to get any details, specifically
2 what he may have done, or did you just at that point
3 decide to allow law enforcement to take over?

4 A No, I didn't want any details. I wanted to
5 allow law enforcement to take over because at that
6 point I was upset and so I didn't want any details.

7 Q What were you upset about?

8 A I was upset because the brother lied to the
9 whole city. He told everybody this was because he
10 was black, and from New Orleans. And based on what
11 the brother said to me in our second meeting, it had
12 nothing to do with him being black. It had nothing
13 whatsoever to do with him being from New Orleans.

14 And that hurt me. Because there are
15 many brothers, I believe, who have been wronged by
16 law enforcement and there are many brothers who have
17 a just cry, when they say law enforcement handled
18 them in a way that's not ethical or appropriate.

19 But when you come before all of our
20 people and you say something like that, and you're
21 not telling the truth, you do more harm than you ever
22 can imagine to those who legitimately make that
23 outcry, and they are telling the truth.

24 That upset me. Because you don't do
25 what you do -- what brother admitted to doing and

1 then use race as a cover. When many of our people in
2 this country have suffered because of their race with
3 the hands of law enforcement and then you take that
4 historical truthful cry and you distort it to cover
5 something that you've done. I have a problem with
6 that.

7 Q So, did you call the sheriff's office again,
8 based on what the defendant told you on May 20th of
9 2008?

10 A Yes, ma'am, I did.

11 Q Did you speak again with Sergeant Clopton or
12 did you speak with somebody else, or can you remember
13 who you spoke to?

14 A I think it might have been Sergeant Clopton.
15 I'm really not sure. But I think it might have been
16 Sergeant Clopton, to let him know I was on my way
17 down there with Mr. Owens.

18 Q What was your mode of travel going from the
19 "Sip and Serve" Muslim coffee shop to the sheriff's
20 office?

21 A I rode in the car with, I think, two of my
22 other security men. And Mr. Owens rode in the
23 vehicle that he was driving. And I assigned one of
24 my security men to sit in the vehicle with Mr. Owens
25 to ride with him.

1 Q And what was the reason for that?

2 A Well, I gave homicide my word that we were
3 coming down there. And I wanted to make sure, one,
4 that he did follow us down there as he said he would,
5 and just to make sure that nothing funny took place
6 on the way going there. Because I had given them my
7 word that we were coming down there.

8 I assigned one of my security men to
9 ride with him, because he was very nervous and he was
10 also crying. And so for safety purposes, I assigned
11 one of my men to ride with him.

12 Q So nothing would happen to him?

13 A This is true.

14 Q Tell the jury what happened when you got
15 to -- when I say the sheriff's office, I'm assuming
16 that's 601 Lockwood where the homicide division is?

17 A Yes, ma'am.

18 Q Tell the jury what happened when you got
19 there?

20 A When I got to the homicide division we
21 walked in. Mr. Owens is with me. I recall sitting
22 in an office, one of the investigator's office with
23 Mr. Owens sitting next to me. I introduced Mr. Owens
24 to them. They pretty much already knew him. And I
25 said, "Mr. Owens desires -- desires to speak with you

1 all."

2 Q And did they sit there and discuss the case
3 with Mr. Owens and you present, or did they take him
4 somewhere?

5 A No, he got up and they took him to another
6 room.

7 Q Okay. And who's "he"?

8 A Mr. Owens. They got up with Mr. Owens and
9 they walked him back to another room.

10 Q Did you give a statement to the members of
11 the sheriff's office about what your conversation had
12 been with him on May 19th and what occurred on May
13 20th?

14 A Yes, I did give them a statement.

15 Q And where were you in the homicide office
16 when you gave that statement?

17 A I was in the office. I was in one of those
18 offices and I gave them a statement.

19 Q At some point, either during the time that
20 you gave a statement or after you gave a statement,
21 did the members of the sheriff's office tell you that
22 the defendant wanted to speak with you?

23 A Yes, ma'am, they did.

24 Q And did they take you to him?

25 A Yes, ma'am, they did.

1 Q Where was he when you met with him again?

2 A He was in like a holding room.

3 Q Okay. And did you understand why you were
4 going to talk to him?

5 A They just said he wanted to speak to me
6 again.

7 Q Okay. And did you speak with him?

8 A Yes.

9 Q Can you tell the jury what the nature of
10 your conversation was with the defendant?

11 A He wanted me to sit in the room with him
12 while he spoke with them. And I said, "Brother, I
13 can't sit in the room with you while you talk to
14 them." I said, "Brother, you agreed to tell the
15 truth, just tell the truth." I said, "The gentleman
16 that you're speaking to, I don't think he's going to
17 do anything to you." I said, "I believe you're safe.
18 If you want to tell them the truth, tell them the
19 truth, but I can't stay in here with you."

20 Q Did you at any time tell him, if you recall,
21 that you would take care of him in the jail, or call
22 over there and make sure he was safe?

23 A I did tell him because he had a concern
24 about his safety in jail. And I did let him know
25 that I would make a phone call to make sure that he

1 was put in a safe environment.

2 Q And after you spoke with him did you go get
3 somebody?

4 A I just walked out of -- I walked out of the
5 room and a homicide investigator was standing a few
6 ways, maybe like ten yards away from the door. And I
7 said, "Okay." And I just walked back to the office.

8 Q Okay. And that homicide detective, would
9 that be Sergeant Clopton?

10 A I'm not sure if it was Clopton. I told that
11 to you, I really don't remember. But I told it to
12 the homicide investigator that was standing outside
13 the office, yes.

14 Q Okay. And then you went where?

15 A I went back to the office where I was
16 initially sitting.

17 Q And did you have anymore contact with the
18 defendant on that day?

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

20 Q At any time, either from May 19th of 2008 or
21 May 20th of 2008, did the sheriff's office contact
22 you and ask you to help them get the defendant to
23 confess?

24 A Absolutely not. In fact, they couldn't do
25 that.

1 Q And what do you mean by that?

2 A To be frank with you, I'm not a friend of
3 law enforcement. Law enforcement and I, we don't get
4 along, just to be honest. Because I'm always
5 fighting really law enforcement for different issues
6 in the community.

7 Whether it's police brutality,
8 excessive use of force, whether they shot somebody
9 and killed somebody and the shooting is questionable.
10 When I believe they're wrong I stand up against them.
11 And many in law enforcement don't like the fact that
12 you will stand up against them and speak out against
13 them and mobilize the community.

14 I have many town hall meetings about
15 the misconduct of law enforcement officers. And so
16 they couldn't call me and say we need you to do
17 something for us. We don't have that kind of
18 relationship. We are homeboys. We are not friends
19 like that.

20 Q Okay. So, at no time were you acting as an
21 agent of law enforcement when you brought Mr. Owens
22 into the sheriff's office on May 20th of 2008?

23 A I absolutely was not an agent of law
24 enforcement. In fact, that could not be furthest
25 from the truth than the devil is from God.

1 Q Thank you, sir.

2 MS. DAVIDSON: I'll pass the witness,
3 Judge.

4 THE COURT: All right. Any questions?

5 MS. LYTTLE: Yes, Your Honor. May I
6 proceed?

7 THE COURT: You may proceed.

8 MS. LYTTLE: Thank you.

9 **CROSS-EXAMINATION**

10 BY MS. LYTTLE:

11 Q Good morning, Mr. Farrakhan.

12 A Morning, counselor.

13 Q Thank you. My name is Heather Lytle. I
14 believe we've met one time before; is that right?

15 A Yes, ma'am, we did.

16 Q Okay. I want to talk to you about the 41 --
17 or 35 or 40 people that you have escorted to turn
18 themselves into the police. You testified just a
19 moment ago that -- that you served that role for your
20 community, in order to protect these people from
21 potential -- from potential police brutality or harm;
22 is that correct?

23 A Yes, ma'am.

24 Q So is it fair to say that you feel that your
25 organization is doing what law enforcement should do,

1 but doesn't do properly?

2 A To some degree, yes, absolutely.

3 Q Okay. You testified that it is your concern
4 for those if in your community, that when the police
5 are looking for a suspect that they're kicking down
6 doors and tearing up the streets and things like
7 that?

8 A My language was not "tearing up the
9 streets." My language was that they are hunting with
10 gloves taken off, that they are hunting friends, they
11 are going through family and associates, et cetera.
12 But, no, I wouldn't say, "Tearing up the streets,"
13 but they're putting a lot of heat on the streets.

14 Q Okay. That wasn't the case with Mr. Owens,
15 was it?

16 A I'm not sure.

17 Q Okay. You didn't -- you didn't ask the
18 police if they were interrogating his family or
19 harassing anyone in order to get him to confess?

20 A No. I didn't ask his family anything like
21 that because that was not brought to my attention.
22 When I spoke to Mr. Owens, he made it perfectly
23 crystal clear -- crystal, that they did not violate
24 his rights.

25 Q Okay. About -- about how long -- I mean,

1 the 35 or 40 people that you've escorted to the
2 police, is that in one year or over a span of years?

3 A Over a number of years.

4 Q Okay. You've even been called into -- to
5 assist in that kind of function in other states,
6 haven't you?

7 A Yes, ma'am.

8 Q One of them is Oklahoma; is that correct?

9 A Yes, ma'am.

10 Q And in that case, a company called Texas
11 EquuSearch brought you in, in order to locate the
12 suspect; is that correct?

13 A This is true. Not locate him. He was
14 already incarcerated then.

15 Q Oh, okay. So your function then was to talk
16 with him and to get him to confess to the crime then;
17 is that correct?

18 A No, absolutely not. My function, one, Tim
19 wanted me to come down and to speak with the family
20 first and foremost. He informed me that there was a
21 gentleman, the boyfriend or husband, that was in
22 jail.

23 And Tim informed me that there were
24 some contentious moments with members of the family,
25 extended friends and family, et cetera, because Texas

1 EquuSearch is primarily an all white organization,
2 with one African-American member at that time. That
3 one, excuse me, African-American member was not with
4 them in Oklahoma.

5 And so there was a little bumpy road
6 for Tim with them. Plus Tim felt that the family
7 felt that the husband or boyfriend had something
8 directly to do with their missing -- with -- with the
9 reason why this young woman was missing.

10 Q Okay. And so the family then enlisted you
11 to help them get the truth from this person who was
12 incarcerated?

13 A Well, let me tell you. I first left Dallas
14 where I was speaking, flew into Oklahoma and I met
15 with Mr. --

16 Q I'm going to stop you for a second.

17 MS. LYTTLE: Objection; nonresponsive.
18 I just need a yes or no.

19 THE COURT: I can't hear you, Counsel.

20 MS. LYTTLE: I'm sorry. Objection;
21 nonresponsive.

22 THE COURT: All right. Sustained at
23 this time. Question and answer, please.

24 Q (BY MS. LYTTLE) I just need a "yes" or "no"
25 from you, Mr. Farrakhan. My question was: The

1 family enlisted you to get the truth or a confession
2 from this man who was incarcerated.

3 A To help with the truth, yes.

4 Q Okay. You testified a minute ago that
5 your -- members of your organization have a -- wear a
6 military type uniform; is that correct?

7 A Yes, ma'am. Some of them, yes.

8 Q And it's a black, you called it a BDU; is
9 that right?

10 A Yes, ma'am.

11 Q Okay. So is that -- is that basically just
12 like a military uniform, except it's not green or
13 khaki?

14 A Yes, ma'am.

15 Q And that's -- the reason that you wear these
16 uniforms is when you go, I believe -- and correct me
17 if I have your testimony wrong.

18 A Yes, ma'am.

19 Q I believe that you said that you wear this
20 when searching for rapists or missing kids out in
21 community so that the community knows you mean
22 business?

23 A What I said was we wear the uniform when we
24 deal with issues of missing children, locating and
25 searching the community for rapists. When we deal

1 with drug dealers in the community, drug infested
2 apartment complexes, drug infested blocks, when we go
3 out they do wear their uniform so they understand
4 that we do mean business.

5 Q So you wear a military uniform when
6 performing those functions so that people will take
7 you seriously?

8 A In that -- in those capacities, absolutely,
9 yes, ma'am.

10 Q Okay. Would you agree with me that dealing
11 with drug dealers, looking for missing kids,
12 searching for rapists, these are things that law
13 enforcement does, as well?

14 A Yes, ma'am, it is.

15 Q Okay. Have there ever been occasions when
16 someone from a law enforcement agency has contacted
17 you to inquire about the whereabouts of a suspect?

18 A Yes, uh-huh.

19 Q Can you describe that for me, please?

20 A Well, it's never been the agency that's
21 actually involved in the investigation. There's a
22 gentleman in -- named Major Brown, in the Harris
23 County sheriff's department. He'll always call me
24 sometime in a high-profile case involving the African
25 American. And he'll ask me, Quannell, if you hear

1 anything please give us a call because we are looking
2 for this guy."

3 And I say, "Okay, Sarge, if I get a
4 phone call I'll let you know." Then sometimes I'll
5 call a Texas Ranger. A gentleman who was raised in
6 the Third Ward area and I'll reach out to him and
7 also let him know that, "Look, I may need your help
8 on something, because a guy's reaching out to me to
9 help him to turn himself in."

10 Q Okay. Turning to the incident that we're
11 talking about here today with Mr. Owens. You
12 testified that Mr. Owens contacted you on May 19th?

13 A I believe it was the 19th.

14 Q Okay. And you testified that first you were
15 contacted by a woman you believed to be his sister?

16 A I think her name was Dina (phonetic).

17 Q Had you ever spoken with Dina before?

18 A I really don't recall.

19 Q Okay. But isn't it true that before you met
20 with Mr. Owens, that you -- that's when you spoke
21 with Sergeant Clopton the first time; isn't that
22 correct?

23 A The first time I met with him, I'm not sure.
24 I may have, I may not. I really don't recall.

25 Q Okay. At that time, you told Sergeant

1 Clopton, you know, "This man says you're harassing
2 him." Sergeant Clopton confirmed that he was a
3 suspect in a double homicide? Do you recall that?

4 A I believe he did say that, yes.

5 Q Do you recall exchanging any other
6 information with Sergeant Clopton regarding Mr. Owens
7 in and this case?

8 A I believe Sergeant Clopton said to me that
9 "He's my only suspect."

10 Q Okay. Do you recall telling Sergeant
11 Clopton anything about Mr. Owens, such that he -- he
12 claimed to be former law enforcement in New Orleans?

13 A Well, one of my security men told me that.

14 Q Okay. Do you recall relaying that
15 information to Sergeant Clopton?

16 A And I recall relaying that information to
17 him when I was at the homicide division.

18 Q Okay. You testified also being disappointed
19 or upset, was your word, that Mr. Owens said that
20 this was about race or being from New Orleans,
21 correct?

22 A Yes, ma'am, I did.

23 Q When Mr. Owens first came to you for help,
24 isn't it true that he told you that the police were
25 targeting him because he was black and from New

1 Orleans and a Katrina evacuee?

2 A Yes, ma'am.

3 Q Would it surprise you at all that those are
4 the exact words that the police used with him when
5 they were interrogating him?

6 A That --

7 Q Would that surprise you if the police used
8 those exact words when interrogating Mr. Owens?

9 A No.

10 Q Okay. Did you -- what did -- what did you
11 do then to investigate this claim of racial
12 profiling, basically?

13 A Well, once Mr. Owens made it crystal clear
14 to me that his rights had not been violated. Once he
15 made it clear that they did not put their hands on
16 him, well, then I knew right then and there that,
17 one, they didn't physically abuse him. His rights
18 were not violated, based on his answer and response
19 to me.

20 And at that point I came to a
21 conclusion based on his answers, that obviously the
22 brother was all right. He was treated fairly
23 whenever they dealt with him.

24 Q Okay. So when you -- when you say his
25 rights wasn't violated -- his rights weren't

1 violated, you're speaking of your belief that he was
2 not physically abused or harmed; is that correct?

3 A My belief would be physical abuse and
4 certain types of intimidation.

5 Q Okay. You weren't present when he was
6 interrogated by the police the day before, were you?

7 A No, ma'am, not at all.

8 Q So, you have no idea what type of
9 intimidation or interrogation tactics were used upon
10 Mr. Owens?

11 A No, I do not.

12 Q Mr. Farrakhan, you're not a lawyer, are you?

13 A No, ma'am, I'm not.

14 Q Okay. So, did you ask him if his -- if he
15 was read his Miranda rights when he was interrogated?

16 A I don't recall if I asked him about his
17 Miranda rights. No, ma'am.

18 Q So, you don't -- you have no idea if any of
19 his other rights may have been violated?

20 A The ideas I do have is the question I asked
21 and the answer that he gave me. The question was,
22 "Brother, did he violate your rights?"

23 MS. LYTLE: Objection, Your Honor;
24 nonresponsive.

25 THE COURT: That's overruled. That's

1 his response to your question. Go ahead.

2 Q (BY MS. LYTLE) I'm sorry to interrupt you.
3 You can go ahead.

4 A I asked him, "Did he violate your rights,
5 brother?"

6 And he said, "No."

7 Q Okay. So after you -- you met with him that
8 first time, you testified that the two of you agreed
9 to -- you asked him to -- to think about what kind of
10 help he wanted from you and to call you back; is that
11 correct?

12 A Yes, ma'am.

13 Q And he did, in fact, call you back the next
14 morning?

15 A Yes, ma'am.

16 Q Okay. And you testified that he said to
17 you, "I want your help in another way"?

18 A Right.

19 Q Okay. He -- according to your testimony, he
20 didn't get any more specific on the telephone?

21 A No.

22 Q Okay. And at that time is when you
23 contacted Lieutenant Denholm for the first time; is
24 that correct?

25 A No, I'm not sure. I don't think it was

1 Lieutenant Denholm. I tried to call Lieutenant
2 Denholm at first, but I couldn't get to Lieutenant
3 Denholm.

4 Q Okay. So it's your testimony that you did
5 not then call Lieutenant Denholm and agree to bring
6 Mr. Owens to the station if he did, in fact,
7 confess?

8 A No, that is my testimony, yes.

9 Q Before you met with Mr. Owens the first
10 time, is it your testimony that you did not call the
11 police before you met with him the second time?

12 A No. It's my testimony that I did call the
13 second time. When he -- the second day, I mean. The
14 second day he contacted me and he told me that he
15 wanted to meet with me, and that he did not want my
16 help in fighting law enforcement.

17 Q Okay. Let me -- I think I might be
18 confused, so let me just -- so that I'm clear and the
19 jury --

20 A I want to be, yes, ma'am.

21 Q Okay. I understood your testimony to be
22 that Mr. Owens called you and said he wanted your
23 help in another way, and that you met with him and
24 then you called the homicide division after that
25 meeting?

1 A Yes, ma'am.

2 Q Okay. So, I want to be sure that you --
3 your testimony is that you did not call the homicide
4 division both before and after that meeting with
5 Mr. Owens.

6 A No. As best as I recall, I called the
7 second day. And I believe I did call the first day
8 also, because I was trying to make sure if I -- as
9 best as I can recall, I think I did call the first
10 day, because I hadn't seen anything on television
11 about Mr. Owens yet.

12 And I wanted to make sure that I was
13 actually talking to someone, and it was a legitimate
14 phone call for a legitimate reason. But the first
15 time I called I was not able to speak to Lieutenant
16 Denholm, to find out really any real information
17 about Mr. Owens.

18 I didn't have a date of birth, so my
19 secretary couldn't look anything up and tell me that,
20 "Yes, this is the case." But I think as best as I
21 recall, there might have been two phone calls. The
22 first was to inquire if this was a legitimate contact
23 to my office about him being a suspect in a murder
24 case.

25 Q Okay. So if -- if the offense report

1 lists -- lists you as having called three times that
2 would be incorrect?

3 MS. DAVIDSON: I'm going to object to
4 what an offense report says. This witness has no
5 idea what the offense report --

6 THE COURT: Sustained at that time.

7 Q (BY MS. LYTLE) If you learn of information
8 that listed you as -- as having called three times,
9 you would disagree with that?

10 A To be honest with you I'm not sure. I don't
11 think I did, but I may have. I mean, I haven't
12 re-examined the case that thoroughly.

13 Q Okay. Mr. Farrakhan, a couple -- I forgot
14 to ask you before. You said you're the CEO of the
15 New Black Muslim Movement and the -- the leader of
16 the New Black Panther Nation; is that correct?

17 A I don't like using the term CEO, but I am
18 the leader.

19 Q Okay.

20 A In fact, you shouldn't use the term CEO.

21 Q Okay. I'm sorry, I thought I was -- I
22 thought that's what you said.

23 A No. The question -- the question was raised
24 to me am I the CEO? And I knew what she was
25 interpreting, am I the leader. I am the leader but

1 I'm not the CEO.

2 Q And you listed these -- these activities in
3 response to a question about how you are employed?

4 A Yes, ma'am.

5 Q So, do you receive -- do you receive a
6 salary?

7 A Yes, I do receive a salary. Yes, ma'am.

8 Q Do you or anyone in your organization
9 receive money from the police, or Crime Stoppers, or
10 anything like that, when you escort people to turn
11 themselves in?

12 A It was made very crystal clear to me in the
13 very beginning, that I am not eligible to receive a
14 reward when you turn someone in. When you -- when
15 you turn someone in, that's no reward involved in
16 that. You have to send a tip to Crime Stoppers and
17 then they'll pay a person for a tip. But if you
18 actively participate in turning someone in, you don't
19 receive a reward.

20 I did have a member of my security team
21 years ago, who wanted to pursue a reward for turning
22 in a suspect. I told him, I said, "No." I said,
23 "Brother, because if you do that then it will be said
24 at some point that we're doing it just for the
25 money." I said, "Brother, so, no, I don't think you

1 should do that.

2 Later I learned that he went behind my
3 back and attempted to pursue a reward for turning in
4 a suspect as part of my security team. And in fact,
5 I also know it happened on two separate occasions not
6 just once. And then when I did find that out the
7 brother was expelled from the organization.

8 Q Okay. Do you receive money from the
9 families of either victims or the people that you
10 turn in?

11 A No.

12 Q Do you receive for or ask for -- well, let
13 me back up. You assist citizens with law enforcement
14 other than escorting them to turn themselves in; is
15 that correct?

16 A Yes, ma'am.

17 Q Sometimes you -- sometimes you've appeared
18 in court or stood by someone as they're going through
19 a legal -- a criminal process?

20 A Yes, ma'am.

21 Q And do you ask for money in those
22 situations?

23 A It depends on the nature of our involvement.
24 If it's a case to where a person is alleging that
25 they're a victim of racism in the courts, racism with

1 law enforcement, the best way to handle that is bring
2 an investigator on.

3 We do have investigators that we work
4 with and that we do pay to investigate these cases
5 and investigate their stories. The reason why we do
6 that is because there was once a time with a drunk
7 driver case, where I made some public statements
8 about Mr. Driver alleging police misconduct and
9 brutality. Only later to learn that he was not
10 telling the total truth about the story.

11 And that's why we realized that it was
12 necessary to bring on investigators. And even before
13 that, we brought on an investigator on a case, where
14 a gentleman was alleging some misconduct with a
15 company. And we asked him to take a lie detector
16 test. And so if there's expenses incurred, we do ask
17 the family to cover those expenses. We don't cover
18 them ourselves.

19 Q Okay. Did you -- did you hire an
20 investigator in Mr. Miller -- in Mr. Owens' case?

21 A No, ma'am. No, ma'am.

22 Q So you didn't -- you didn't feel that his
23 claims of being targeted for his race were worth
24 investigating?

25 A No. After the brother said to me, "I did it

1 and I want to get it off my chest." There was no
2 need for me to investigate those claims.

3 Q And before -- before he allegedly made that
4 statement to you, you didn't see any need to
5 investigate his claims of being targeted for his
6 race?

7 A No, because, one, it was late in the
8 evening. And then two, based on my dialogue with
9 him, and a lot of his mannerisms, I felt it was best
10 for him to decide how he wanted my help.

11 Because I could tell that there was a
12 lot inside of the brother, in his mind and in him,
13 that he was not just totally being straight
14 forthright with me. And that's why I told him, "You
15 sleep on it, think about it. Let me know the next
16 day."

17 Q Now, you said it was late in the evening.
18 Previously you testified that it was during the day,
19 so --

20 A It was -- it was during the day, but late in
21 the evening for me is 4:00 or 5:00 in the evening.

22 Q Okay. So when you met with Owens --
23 Mr. Owens the second time, did you suggest to him
24 that -- that drugs led him to do this and that he
25 should tell the police that drugs led him to do

1 this?

2 A No. I asked the brother, I said, "Brother,
3 are you on drugs?" And then he began to tell me that
4 he had some problems with drugs.

5 Q Okay. And did you encourage him that by
6 telling the police that the drugs led him to do this,
7 that he would somehow receive leniency, or that this
8 was the only way he'd ever see daylight or anything
9 like that?

10 A No, ma'am. That could not be furthest from
11 the truth as the devil is from God. No, ma'am.

12 Q Okay. Did you -- did you ask Mr. Owens for
13 a consultation fee?

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

15 Q And then when he could not provide that fee,
16 did you then begin to encourage him to turn himself
17 in?

18 A Absolutely not.

19 Q Okay. Let's talk about May 20th, when
20 you -- you testified that you had a security -- one
21 of your security people drive with Mr. Owens?

22 A Uh-huh.

23 Q You testified you wanted -- that was to make
24 sure that he actually made it to the homicide office;
25 is that correct?

1 A Well, it was, one, to make sure that he
2 followed me correctly, that he did make it to the
3 homicide office, and that everything was done
4 accordingly.

5 Q Okay. You testified, because you gave your
6 word to the homicide office that he was coming with
7 you, correct?

8 A Yes, uh-huh.

9 Q So, if Mr. Owens had changed his mind and
10 said, "You know what, I'm -- I'm going to go home, or
11 I'm going to go to a lawyer's office, or I want to
12 eat first before we go there," would you have
13 physically brought him against his will?

14 A No. I would have instructed my security man
15 to get in the vehicle with us and I would call
16 homicide and say he's not coming.

17 Q Was your security person wearing the black
18 military uniform at the time?

19 A Yes, ma'am.

20 Q So when you get there to the office, you
21 testified that you walked in and that you and
22 Mr. Owens were met at an office, maybe Lieutenant
23 Denholm's office; is that correct?

24 A It might have been his office.

25 Q Okay. And then Mr. Owens was then taken

1 away from you and led somewhere else?

2 A Yes, ma'am.

3 Q Okay. So you weren't aware of any -- any
4 statements that may have been made to him after he
5 left your presence?

6 A No, ma'am, I was not.

7 Q Okay. And then you begin to give your
8 statement about what allegedly took place and the
9 conversation between you and Mr. Owens?

10 A I believe so, yes, ma'am.

11 Q Okay. And at some point, the detectives
12 come to you and you testified that they tell you that
13 Mr. Owens wants to speak with you; is that correct?

14 A Yes, ma'am, uh-huh.

15 Q Okay. Did they tell you that Mr. Owens had
16 asked to speak to an attorney?

17 A No, they didn't tell me that.

18 Q Did they tell you that he had the right to
19 an attorney?

20 A No.

21 Q Did you ask if he was going to be provided
22 with an attorney?

23 A No, I did not.

24 Q Okay. So at that point you went in and
25 spoke with Mr. Owens?

1 A At his request.

2 Q Okay. Were you aware that that statement
3 was being videotaped?

4 A Of me going to speak with Mr. Owens?

5 Q Yes.

6 A I wouldn't be surprised.

7 Q Okay. Do -- did you recall Mr. Owens
8 telling you, they want me to give my statement
9 without an attorney, what should I do?

10 A If he told me that, I really don't recall.
11 He may have said that to me. I probably said to him,
12 "Brother, you tell the truth, that's up to you. But
13 you should tell the truth."

14 Q Okay. Do you recall telling him this is
15 about the drugs. You need them to believe this is
16 about the drugs?

17 A I don't recall saying that.

18 Q Okay. And do you recall saying to him, "I'm
19 not going to let a lawyer come between you and me."

20 A I'm not going to let a lawyer come between
21 him and I?

22 Q Yes.

23 A I'm not sure about that one. I'm not sure
24 about that one. I think he may have asked me was I
25 going to still help him. And I think I may have said

1 to him, "Yeah, but I'm still going to help you. Even
2 when you get a lawyer, I won't let that come between
3 us. I'll still stand by you if that's what you want
4 me to do."

5 Q Okay. Do you recall telling him --
6 identifying Sergeant Clopton as the African-American
7 detective and telling him that, "We know him." As in
8 your organization knows him?

9 A Yes, ma'am. I believe I did tell him that.

10 Q Do you recall telling him that Sergeant
11 Clopton is a good brother?

12 A Yes. I believe I did tell him that.

13 Q So, is it your testimony that you then
14 encouraged Mr. Owens to speak to Mr. Clopton?

15 A I did encourage him to speak. Yes, I did.

16 Q Mr. Farrakhan, just a couple more questions.
17 I appreciate your time this morning. Just to be sure
18 that the record is clear. You did speak with the law
19 enforcement on the way to the station to let them
20 know that Mr. Owens was coming?

21 A Yes, ma'am, I believe I did.

22 Q And you did tell them at that time that
23 Mr. Owens had confessed to you?

24 A I believe I told them that he wanted to talk
25 to them, and that he had told me some things that he

1 needs to sit down and talk to them, and that -- I
2 believe I may have told him that he said that he did
3 do it. I really don't remember. I may have told him
4 that, yes, he did tell me that he did it.

5 MS. LYTLE: Pass the witness, Your
6 Honor.

7 THE COURT: All right.

8 **REDIRECT EXAMINATION**

9 BY MS. DAVIDSON:

10 Q Mr. Farrakhan, just so the jury understands,
11 can you tell them what Texas EquuSearch is?

12 A Texas EquuSearch is an organization that
13 searches for missing people.

14 Q And this Tim you kept referring to, who is
15 that?

16 A Tim Miller, he is the director of Texas
17 EquuSearch.

18 Q And Texas EquuSearch is not a law
19 enforcement agency; is that correct?

20 A No, it is not.

21 Q So this situation in Oklahoma, they were
22 trying to find a body or a person, correct?

23 A Yes, ma'am. In fact, Texas EquuSearch has
24 called me on several occasions when they had problems
25 with law enforcement helping them in assisting in

1 searches.

2 Q And so you were brought in to see if you
3 could obtain some information to help locate a
4 missing person?

5 A Right, and to also help with a contentious
6 relationship with that family.

7 Q Would you ever advise an African American,
8 somebody who's come to you for help, to confess to a
9 crime that they did not do?

10 A You know, the question really is insulting.
11 But the truth of that question is absolutely not.
12 I've put my entire life on the line for years,
13 standing up for brothers who are innocent. And I
14 would never tell any human being to confess to a
15 crime that they are innocent of. That's not me.

16 Q And on May 19th, your first meeting with the
17 defendant, you specifically asked him if he had been
18 abused in any way or his rights had been violated; is
19 that right?

20 A Yes, ma'am, I did do that.

21 Q Did he give you any indication whatsoever
22 that they were physical with him, or abusive in any
23 of their interrogation methods?

24 A He informed me that they did not put their
25 hands on him. And I asked him, "Did they violate

1 your rights?"

2 And he said to me, "No they did not
3 violate my rights."

4 And when I asked that question of
5 violating your rights, I mean, did they use some
6 unethical methods to interrogate you when you were
7 there.

8 Did they get in your face and point
9 their finger at you? Did they throw water on you?
10 Did they handcuff you to the desk? These are things
11 that we've dealt with in the past across the country.
12 And so when I said, "Did they violate your rights,"
13 really did they do something to you that would be
14 inhuman, that would be illegal in how they dealt with
15 you.

16 Q And in meeting with him, since you were
17 sitting there face-to-face with him, did his body
18 language and everything else about that lead you to
19 believe they had abused him in way?

20 A It looks like the brother was in good health
21 and that he had not been abused. He was emotionally
22 a wreck, but he didn't look like he had been
23 physically abused.

24 MS. DAVIDSON: I'll pass the witness,
25 Judge.

1 THE COURT: All right.

2 MS. LYTLE: Your Honor, may I have a --
3 just a brief recross?

4 THE COURT: You may.

5 MS. LYTLE: Thank you.

6 **RECROSS-EXAMINATION**

7 BY MS. LYTLE:

8 Q You said that he looked emotionally a wreck.
9 Are -- are you aware of any situations in which a
10 person might be psychologically or emotionally
11 abused?

12 A Am I aware of any situation where a person
13 may be psychologically abused? Yes, I am.

14 Q That wouldn't leave a physical mark on a
15 person, would it?

16 A No, it would not.

17 Q You testified that you would -- you would
18 continue to help Mr. Owens after -- after he turned
19 himself in; is that correct?

20 A If he wanted my help, yes.

21 Q You testified you were -- you would go see
22 him the next day, didn't you?

23 A No, I didn't promise the next day. But I
24 did tell him that I would try to get down there to
25 see him. And I'm not sure, it might have been the

1 next day I promised, but I did intend to go and see
2 him again, yes.

3 Q But you never did?

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

5 Q In fact, you -- you haven't seen Mr. Owens
6 again from that day to -- to when these proceedings
7 began.

8 A No, I have not.

9 MS. LYTLE: Nothing further, Your
10 Honor.

11 THE COURT: All right. Anything else?

12 **FURTHER REDIRECT EXAMINATION**

13 BY MS. DAVIDSON:

14 Q Why not?

15 A One, my statements to him was, "If you want
16 me to help you, then brother, I will continue to do
17 so." And I told him to have his family call me again
18 like they did at first. I never received another
19 phone call.

20 I did make a phone call to the jail,
21 letting them know I was going to come and see him at
22 another point. And then I was informed that he was
23 to not have a visit by me.

24 MS. DAVIDSON: I'll pass the witness,
25 Judge.

1 THE COURT: All right. Anything else?

2 MS. LYTLE: Nothing further, Your
3 Honor.

4 THE COURT: All right. Thank you.
5 Reverend Quanell X. Again, thank you, sir. You're
6 free to go.

7 THE WITNESS: Thank you, Judge.

8 THE COURT: What says the State?

9 MS. DAVIDSON: The State would call
10 Sergeant Craig Clopton.

11 THE COURT: All right. Here's --
12 here's what we're going to do. Thank you.

13 Ordinarily we take a break at 11:00,
14 but since we started early today, we're going to take
15 a break right now, 10:30 to 11:00. I have to conduct
16 other court business. Resume at 11:00 o'clock. Both
17 sides be ready at 11:00 o'clock, please.

18 Remember the instructions I gave you.
19 Don't discuss the case at all. Don't do any kind of
20 research, independent research, or look at any news
21 accounts or listen to or view any TV accounts or
22 radio accounts. Just go with the bailiff, if you
23 would.

24 THE BAILIFF: All rise. Come this way.

25 (Jury exits courtroom.)

1 (Recess taken.)

2 THE COURT: The record will reflect the
3 jury has been retired in this case in the trial. And
4 Sergeant Clopton is in the courtroom.

5 Mr. Morrow, you wanted to ask some
6 questions?

7 MR. MORROW: Mr. Swallers has some,
8 Your Honor.

9 THE COURT: If you would, Sergeant, go
10 ahead and have a seat. And you're still under oath
11 from the other day, but they're going to swear you in
12 in front of the jury. You're still under oath from
13 that day.

14 You may proceed.

15 MS. SWALLERS: Thank you, Your Honor.

16 (Open court; defendant present, jury
17 panel not present.)

18 **CRAIG CLOPTON,**
19 having been first duly sworn, testified as follows:

20 **EXAMINATION**

21 BY MS. SWALLERS:

22 Q Good morning, Sergeant Clopton.

23 A Good morning.

24 Q I just have a couple of brief questions for
25 you. You are aware that -- that you are still under