

IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

RYAN FERGUSON, )  
)  
Appellant, )  
)  
v. ) WD No. 71264  
)  
STATE OF MISSOURI, )  
)  
Respondent. )

COPY

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI  
THIRTEENTH JUDICIAL CIRCUIT, DIVISION 4  
Honorable Jodie Asel, Judge

RYAN FERGUSON, )  
)  
Movant, )  
)  
v. ) Case No. 07BA-CV05888  
)  
STATE OF MISSOURI, )  
)  
Respondent. )

RECORD ON APPEAL  
VOLUME 1 OF 3  
JULY 16, 2008

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APPEARANCES

FOR THE MOVANT:  
Ms. Valerie Leftwich  
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FOR THE RESPONDENT:  
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EXHIBIT

21

1 MS. LEFTWICH: Yes.

2 THE COURT: All right. You're free to go. Thank you.  
3 Call your next witness.

4 MS. LEFTWICH: Call John James, Your Honor.

5 THE COURT: All right.

6 (Ryan Ferguson entered the courtroom. It shall be  
7 presumed, unless otherwise noted, that he remained present  
8 throughout the proceedings.)

9 THE COURT: I'll note for the record that Mr. Ferguson  
10 is now present. And you can have a seat at the counsel table.

11 If you would come forward, please, and raise your right  
12 hand to be sworn.

13 JOHNATHON JAMES

14 (having been first duly sworn by the Court, testified as  
15 follows:)

16 THE COURT: You may be seated right there, please.

17 MS. LEFTWICH: Since Mr. Ferguson just got here, I would  
18 request that his right hand be at least unlocked so he can take  
19 notes during the hearing.

20 THE COURT: She's requesting that his right hand be  
21 unshackled so he can take notes during the trial.

22 (Corrections officer complies.)

23 THE COURT: You may proceed.

24 DIRECT EXAMINATION BY MS. LEFTWICH

25 Q. Please state your full name for the record, please.

1 Q. And you're still currently on probation; is that right?

2 A. Yes.

3 Q. And during the time you were in the Boone County Jail  
4 before you bonded out, did you have contact with Chuck Erickson?

5 A. Yes.

6 Q. And how did that come about?

7 A. He came into the pod that I was in.

8 Q. So you were already there prior to him?

9 A. Yeah.

10 Q. And did you discuss his arrest or his case with him at  
11 all?

12 A. He had made several statements to us while there.

13 Q. And what statements did he make?

14 A. Basically, you know, sum everything up, he didn't know  
15 if he had done it. It was all a dream. He kept having dreams  
16 about if he did it. He wasn't sure if him and Ryan did it; he  
17 didn't know. And it may have been him and one other person. He  
18 was unaware of, you know, what he did. He had no idea.

19 Q. And he made those statements during the course of --

20 A. The whole time.

21 Q. -- the time that you were in the pod with him?

22 A. He kept saying that he dreamed it.

23 Q. And did he tell you about why he went along with the  
24 police?

25 A. Well, the only thing that he told me that he was high

1 when he gave the statement to the police. And I was aware you  
2 weren't allowed to take a statement if you were under the  
3 influence of anything. And he said -- that's really all he said  
4 was, you know, he was talking to the police, he was high, and  
5 kept saying he didn't know if he did it. He dreamed it. He  
6 wasn't sure. He thinks he did it, but he didn't know.

7 Q. And did he indicate to you that he had smoked marijuana  
8 prior to his arrest? Is that what he referred to?

9 A. Yeah. He was high. He was saying he was high and  
10 nervous. He was high in the police room, and he was nervous  
11 about being in the police room because he was high and being  
12 paranoid.

13 Q. Now, were there some occasions in the pod where  
14 something would happen that wasn't supposed to happen and Chuck  
15 would take the fall for it?

16 A. I can remember one time we were all horseplaying and all  
17 going to get in trouble. And he decided to take the fall and  
18 take 24 hours in his room.

19 Q. For everybody?

20 A. For everybody, yeah, even though he didn't do anything.

21 Q. Now, prior to Ryan Ferguson's trial in October of 2005,  
22 were you ever contacted by any of Ryan's attorneys about  
23 testifying at the trial?

24 A. At this one right here?

25 Q. No, the one in October of 2005.