

1 THE COURT: So the court file, which was D, we show was  
2 admitted, but you can withdraw it and put it back in your files.

3 Call your next witness.

4 MS. LEFTWICH: Call Shawna Ornt, Your Honor.

5 THE COURT: If you would come forward and raise your  
6 right hand to be sworn.

7 SHAWNA ORNT

8 (having been first duly sworn by the Court, testified as  
9 follows:)

10 THE COURT: You may be seated.

11 DIRECT EXAMINATION BY MS. LEFTWICH

12 Q. Can you state your full name for the Court, please.

13 A. Shawna Elizabeth Ornt.

14 Q. And Ms. Ornt, do you live in Columbia at this time?

15 A. Yes.

16 Q. And are you employed?

17 A. No.

18 Q. And did you live in Columbia in October and November of  
19 2001?

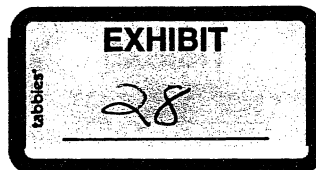
20 A. Yes.

21 Q. And did you work for a cleaning company at that time?

22 A. Yes.

23 Q. And at that point did you have some work that you did at  
24 the Columbia Tribune?

25 A. Yes.



1 parking lot?

2 A. Definitely younger. The people I saw in the parking lot  
3 were older.

4 Q. When you say "older," what are you talking about?

5 A. They would have been 20s, my age, when it happened; 21,  
6 22 maybe; 20s -- early.

7 Q. And the pictures you saw in the paper or on TV, did they  
8 have pictures from Ryan and Chuck from 2001 when they were still  
9 in school?

10 A. Yes.

11 Q. And those are the pictures that you said looked younger  
12 than the people that were in the parking lot?

13 A. Yes.

14 Q. What did you do then when you figured out they arrested  
15 the wrong people; what, if anything?

16 A. I didn't know what to do. I don't know nothing about  
17 the law and all that stuff, you know.

18 Q. So you --

19 A. They called me after they arrested them, you know.

20 Q. So the prosecutor's office or the police contacted you  
21 after they were arrested?

22 A. Yes.

23 Q. And do you know who contacted you?

24 A. I'm not good with names. It was the prosecutor.

25 Q. Somebody from the prosecutor's office? And how did they

1 contact you? Did they call you? Come by your house?  
2 A. They couldn't get a hold of me through phone, so they  
3 had to meet me; try to find out where I live.  
4 Q. And were they able to find you?  
5 A. Yes.  
6 Q. And at some point then did you meet with the prosecutor  
7 about being a witness in the case?  
8 A. Yes.  
9 Q. And who was that prosecutor you met with?  
10 A. Crane.  
11 Q. Is that Kevin Crane?  
12 A. Kevin Crane.  
13 Q. And how many times did you meet with Mr. Crane?  
14 A. A couple of times. I know I seen him whenever he first  
15 talked to me. And then I know I seen him, like, twice before the  
16 trial happened. So it was kind of blurry there.  
17 Q. Where did you speak with him?  
18 A. Where?  
19 Q. Do you remember where you were when you spoke with him?  
20 A. I was in their office. And I remember the room and  
21 everything. It looked like a library room.  
22 Q. At the prosecuting attorney's office?  
23 A. Yes.  
24 Q. And who was there; do you know?  
25 A. All I can remember is him being there. I don't remember

1 anybody else being in the room with us at all.

2 Q. Were you still scared and nervous?

3 A. Oh, yeah.

4 Q. During that time?

5 A. Oh, yeah.

6 Q. And why were you still scared and nervous?

7 A. Well, I mean, the whole situation for one. And he was

8 just -- he scared me; Crane.

9 Q. Who is "he"?

10 A. Kevin Crane.

11 Q. You were scared of Mr. Crane?

12 A. Yeah, he was kind of intimidating me. He made me feel

13 like I was wrong about what I was saying; like I didn't know what

14 I was saying.

15 Q. And were you telling him exactly what you saw and what

16 you remembered?

17 A. Yeah. And it was like he didn't believe me.

18 Q. And what did you tell him?

19 A. I told him I'm going say what I remember and what I know

20 and that's it. I'm not going to say what you tell me to

21 basically.

22 Q. Did you tell him about seeing the pictures on TV?

23 A. Yeah. That was the first thing I told him when we first

24 talked; that was not the kids I seen.

25 Q. So you told him definitely it was --

1 A. Told him several times.

2 Q. You have to wait until the question. So you told him

3 definitely it was not Ryan Ferguson or Chuck Erickson, you think,

4 because you didn't see the second person that well?

5 A. Yes.

6 Q. And you said you told him that more than once?

7 A. Yes.

8 Q. And what was his response to you?

9 A. He just kept telling me that the composite and they look

10 alike and so it had to be him.

11 Q. So he was basically telling you you were wrong?

12 A. Trying to get me -- yeah. Trying to get me to say

13 "yes," and told him I wasn't going to.

14 Q. Did Mr. Crane tell you that he thought these were the

15 people that committed the murder?

16 A. Yes. Well, he said he knew these are the people that

17 did it.

18 Q. And that's how he tried to convince you to say that it

19 was --

20 A. Yes, but I was there. I'm the one that knows, so --

21 Q. After you met with Kevin Crane in his office, you had

22 your deposition taken by Ryan's attorneys; correct?

23 A. Yes.

24 Q. Do you remember doing that?

25 A. Yes.

1 Q. And do you remember where the deposition was?  
2 A. I want to say it was in the courthouse, but -- yeah, I  
3 think it was in the courthouse here.  
4 Q. And during that deposition, did you tell Ryan's  
5 attorneys that it was not Ryan that you saw in the parking lot?  
6 A. I don't think they asked me.  
7 Q. Okay. Did you -- but did you bring it up yourself? Did  
8 you just tell them, "Hey, this is the wrong guy"?  
9 A. No.  
10 Q. Why not?  
11 A. Because I didn't know -- you know, like I said, I don't  
12 know the law. I didn't know what I could or couldn't say. I was  
13 scared I'd get in trouble. I didn't want to blurt out -- you  
14 know.  
15 Q. So because of the circumstances, you were just going to  
16 answer what you were asked and that's all you thought --  
17 A. That's what I was told, you know. They ask, you answer,  
18 and that's it.  
19 Q. Who told you that?  
20 A. Just -- that's just basically how it's supposed to work.  
21 Q. That's how you were explained a deposition works?  
22 A. How court, period, works; everything.  
23 Q. I'm going to show you what's been marked as Movant's  
24 Exhibit X, which was State's No. 18 at trial.  
25 (Movant's Exhibit X was marked by the reporter for

1 identification.)

2 Q. (By Ms. Leftwich) Do you recognize that?

3 A. Yes.

4 Q. Is that the picture of Ryan Ferguson that was on the  
5 news media and in the paper that you saw?

6 A. Yes.

7 Q. And is that the person you saw in the parking lot the  
8 night Kent Heitholt was murdered?

9 A. No.

10 Q. I'm also going to show you Movant's Y.

11 (Movant's Exhibit Y was marked by the reporter for  
12 identification.)

13 Q. (By Ms. Leftwich) Do you recognize that picture?

14 A. Yes.

15 Q. And is that the picture of Chuck Erickson that you saw  
16 in the newspaper and on TV regarding the Kent Heitholt murder?

17 A. Yes.

18 Q. And do you recognize that as being the person you talked  
19 to in the parking lot that night?

20 A. No.

21 Q. Now, did you discuss with Mr. Crane at any time whether  
22 or not you would identify Ryan Ferguson in court during the  
23 trial?

24 A. He never actually came out and asked me, "Are you going  
25 to" -- you know, he just -- he knew how I felt, and I think he

1 just knew to drop it.

2 Q. So he never even really asked you would you do this at  
3 trial?

4 A. No.

5 Q. But this was after you told him it's not him?

6 A. Yeah, I repeatedly told him. Yes.

7 Q. And did you -- were you called to testify at Ryan's  
8 trial?

9 A. Yes.

10 Q. And during the trial, were you asked by Mr. Crane if you  
11 could identify Ryan in court as the person you saw on the Tribune  
12 parking lot the night of Kent Heitholt's murder?

13 A. No.

14 Q. Were you asked by Ryan Ferguson's attorney if you could  
15 identify Ryan in court as the person you saw on the Tribune  
16 parking lot the night of Kent Heitholt's murder?

17 A. No.

18 Q. If you would have been asked by either Mr. Crane or  
19 Ryan's attorney if this was -- if Ryan, sitting there in the  
20 courtroom, was the person you saw on the Tribune parking lot the  
21 night Kent Heitholt was killed, what would your response have  
22 been?

23 A. I would have said no.

24 Q. You would have said no?

25 A. (Nods head.)