

4 CHARLES SKILES, being duly sworn by the clerk,

5 testified as follows:

6 DIRECT EXAMINATION by Mr. Rupp:

7 Q. Sir, could you state your name for the record,
8 please.

9 A. Charles Thomas Skiles.

10 Q. And, Mr. Skiles, what is your address?

11 A. Box 466, Mineral Point, Missouri, Route 1.

12 Q. And is that somewhere close to Hopewell Road?

13 A. Yes, right on Hopewell Road.

14 Q. And would your driveway actually face Hopewell
15 Road?

16 A. Yeah.

17 Q. And approximately how long have you lived at that
18 address?

19 A. Since '79.

20 Q. And would it be a fair statement that you were
21 living there on December 5th, of the year 1998?

22 A. Yes.

23 Q. I'd like to call your attention to that morning and
24 ask you if you recall approximately what time you got up
25 that morning?

1 A. Probably somewhere around four.

2 Q. And can you tell the jury what you did when you got
3 up at four?

4 A. Just couldn't go back to sleep. I made some coffee
5 and later on went out on the front porch and smoked a
6 cigarette.

7 Q. And at some point did your wife get up?

8 A. About 5:30.

9 Q. And she was also with you?

10 A. Yeah.

11 Q. And when your wife got out of bed, did she have
12 some chores for you to do?

13 A. Yeah. I was going to hook a washer and dryer up or
14 a dishwasher for her.

15 Q. And at some point then did you leave the interior
16 of your house to go outside?

17 A. Yeah. Probably right around 6:00 I went out to get
18 my tape measure so I could take some measurements.

19 Q. Okay. And where did you go?

20 A. Out to my garage.

21 Q. This is a rough diagram, not to scale by any means.
22 I think it's been indicated that's approximately your home.
23 Leighann's home is there and your son.

24 A. Yeah.

25 Q. And would this be approximately where your garage

1 is?

2 A. Yes.

3 Q. Right in between the two homes and corners right on
4 Rita's property?

5 A. No, it doesn't corner on Rita's property. It's
6 probably a good 50, 60 feet.

7 Q. Okay, about 60 feet?

8 A. Yeah.

9 Q. And is that where you went to get a tape measure?

10 A. Yeah.

11 Q. And then you went in and you started working on the
12 dishwasher I take it?

13 A. Took the measurements, yeah.

14 Q. Okay, just taking measurements?

15 A. Yeah.

16 Q. Going back and forth and around?

17 A. Yes.

18 Q. During that period of time, did you hear anything
19 unusual?

20 A. No.

21 Q. Did you notice anything unusual?

22 A. No.

23 Q. Hear any cars?

24 A. No.

25 Q. See any cars?

1 A. They go up and down the road all the time, so I
2 didn't pay no attention if I did.

3 Q. Do you recall giving, I believe, Curt Davis a
4 statement on December the 5th?

5 A. Yes.

6 Q. Did you indicate at that time that you didn't
7 believe you saw any cars that morning?

8 A. Yes.

9 Q. So you didn't think at that time there was any
10 traffic going on?

11 A. No. I didn't pay no attention, not that I noticed,
12 no.

13 Q. And that's true all the way up to the point that
14 you got a phone call; is that correct?

15 A. Yes.

16 Q. And you also didn't notice any dogs barking or
17 anything of that nature; is that correct?

18 A. No.

19 Q. Nothing caught your attention that there was a
20 problem?

21 A. No.

22 Q. Until you got a phone call, correct?

23 A. Yes.

24 Q. Did you get a telephone call?

25 A. Yes.

1 Q. Do you remember about what time you got that
2 telephone call?

3 A. Right around 6:30, because I was getting ready to
4 go to work.

5 Q. And do you recall who made the telephone call to
6 your home?

7 A. My daughter-in-law.

8 Q. And who is that?

9 A. Leighann Skiles.

10 Q. Did you answer the phone?

11 A. My wife did.

12 Q. And did she talk to her?

13 A. (No response.)

14 Q. Your wife?

15 A. Yes.

16 Q. And did she communicate anything to you, your wife?

17 A. Said that Rita's house was on fire.

18 Q. And you heard that?

19 A. Yeah. Well, when my wife told me; I heard it.

20 Q. Did you give your wife any instructions or
21 anything?

22 A. Yeah. I told her to call the fire department, and
23 I headed down to Rita's house.

24 Q. Okay. And when you say you headed down to Rita's
25 house, did you go out the front door or the back door?

1 A. Back door.

2 Q. So you went straight out the back door?

3 A. Yes.

4 Q. And past your garage?

5 A. Yes.

6 Q. And over to here; is that correct?

7 A. Yes, on the right side of my garage.

8 Q. On this side?

9 A. No, the other side.

10 Q. Right side?

11 A. Uh-hum.

12 Q. And would it be fair to say that there is a little

13 path there, not a big one but a foot path?

14 A. Yeah.

15 Q. And you went that direction?

16 A. Yes.

17 Q. And, sir, can you tell us what you recall seeing

18 when you got there?

19 A. When I got about to the end of the garage, I seen

20 the two boys running down to Rita's house.

21 Q. And what happened? What did you do?

22 A. I just went on down there to Rita's house to see

23 what was going on.

24 Q. And what happened when you got to Rita's house?

25 A. I went inside, and when I went inside, the boys was

1 coming out of the bedroom to the left. And Bernie fell over
2 some kind of little couch or something and said, "There's my
3 mom. She's on fire. She's dead."

4 Q. If I could real briefly, now, who did you see
5 running out of the bedroom?

6 A. Bernie and Josh.

7 Q. Both came out of his bedroom?

8 A. Yes.

9 Q. Towards Rita's bedroom.

10 A. Well, towards the end of the living room, yeah.

11 Q. Would it be fair to say Rita's bedroom would be on
12 this side of the trailer?

13 A. As far as I remember, yes.

14 Q. And in the middle was a living room with a kitchen
15 and a dining room?

16 A. Yeah.

17 Q. And then over here were two other bedrooms; is that
18 correct?

19 A. I suppose.

20 Q. If you don't know, you don't know.

21 A. No, I don't know.

22 Q. But this is the direction they were coming, from
23 back in the living room?

24 A. Yes.

25 Q. Did you then look in Rita's bedroom?

1 A. Yes, I did.

2 Q. And what did you see if anything?

3 A. I seen her legs and smoke.

4 Q. Is that all you could see?

5 A. Well, there was a fire, you know, water hose laying
6 in the floor.

7 Q. But you couldn't see in to the room?

8 A. No, not all the way in it.

9 Q. You could see her legs and --

10 A. Yeah, through the doorway.

11 Q. What happened then?

12 A. I ran back up to the house, got me a big, old pot
13 and a towel and told my wife to call the police. That they
14 had set Rita on fire.

15 Q. And what then did you do?

16 A. My wife couldn't do it, so I had to tell the police
17 what I seen, and then I run back down.

18 Q. How much time elapsed would you say?

19 A. Couldn't have been more than two or three minutes.
20 Wasn't very long at all.

21 Q. Okay. And you went back down. Now, when you went
22 in the house the first time, did you see a lot of flames?

23 A. No.

24 Q. Did you see any flames?

25 A. No, not really.

1 Q. So there was no fire at that particular time?

2 A. No. It was just, you know, kind of a glow-like.

3 Q. And you went back down there with a pan of water?

4 A. Sir?

5 Q. You went back down to the house with a pan?

6 A. Yeah, with a pan from my house.

7 Q. And what did you do?

8 A. The garden hose was laying in the floor. And I

9 jerked it back outside and filled it up and took it in

10 there, put it on Rita.

11 Q. Did you have to turn the hose on first?

12 A. The end of it. The spigot was on. The faucet was

13 turned on outside. Just the end of the hose.

14 Q. Do you recall telling Detective Davis that you had

15 to turn the water on, on the well house?

16 A. No, I did not.

17 Q. You did not do that?

18 A. No. I told him it was the end of the hose, the

19 spigot.

20 Q. And you filled the pan with water?

21 A. Yes.

22 Q. And what did you do?

23 A. Threw it on Rita. Went in there and threw it on

24 Rita.

25 Q. And did you exit the house at that time?

1 A. I filled the pan up probably two or three times.

2 Q. And you just threw it in the room?

3 A. Yes.

4 Q. And after the third time what, if anything,
5 happened?

6 A. That's when everybody started showing up, the fire
7 department.

8 Q. While you were throwing water on Rita, do you know
9 where the defendant was?

10 A. I had no idea.

11 Q. He wasn't with you?

12 A. No, not that I noticed, no.

13 MR. RUPP: I don't think I have any further
14 questions, Your Honor.

15 CROSS-EXAMINATION by Mr. Williams:

16 Q. Mr. Skiles, when you got to this residence, you
17 picked up that hose out of the living room?

18 A. Yes.

19 Q. And you drug it outside; is that correct?

20 A. When I went back in the second time I did.

21 Q. Right.

22 A. I just reached in, grabbed it out, and drug it
23 outside on the deck and filled the pan up.

24 Q. And this water hose, it was yellow?

25 A. Yes.

1 Q. And it was already on?

2 A. Yes.

3 Q. From the faucet, right?

4 A. Yes, from the well house.

5 Q. From the well house?

6 A. Yes.

7 Q. And you had to turn it on at the end of the hose;

8 is that correct?

9 A. Yes. It had one of them little screw type.

10 Q. Okay. And you screwed it in a direction, and it

11 came on?

12 A. Yes.

13 Q. And you never told Detective Curt Davis that it

14 wasn't on from the well house, right?

15 A. No. As a matter of fact, I made it plain that I

16 turned it on at the end of the hose. I told him a second

17 time I turned it on at the end of the hose.

18 Q. And you made a statement, right, a written

19 statement; is that correct?

20 A. Yeah.

21 Q. And Detective Davis wrote that statement out for

22 you, didn't he?

23 A. Yes.

24 Q. And have you had an opportunity recently to review

25 your statement?

1 A. I've looked at it, yes.

2 Q. And there's nothing in there, anywhere in your
3 handwritten statement that says that the hose wasn't on from
4 the well house, is there?

5 A. No.

6 Q. Now, you had an opportunity that morning after you
7 received that call from Leighann Skiles to observe Bernie
8 Politte, right?

9 A. Yes.

10 Q. When you first went out of your house in an effort
11 to go to Rita Politte's house, you saw Bernie, didn't you?

12 A. Yes.

13 Q. And you saw Josh Sansoucie?

14 A. Yes.

15 Q. And they were coming from the direction of Leighann
16 Skiles' house?

17 A. Yes.

18 Q. And they were not walking, were they?

19 A. Not when I see then, no.

20 Q. They were running, right?

21 A. Yes, they was.

22 Q. And at that point you had an opportunity to see
23 what Bernie had on, right?

24 A. Yes.

25 Q. He had on dark sweat pants?

1 A. Black sweat pants.

2 Q. Black sweat pants. No shirt?

3 A. No.

4 Q. No shoes?

5 A. No.

6 Q. Didn't it look like he just got out of bed?

7 MR. RUPP: Objection. Calls for speculation.

8 THE COURT: Sustained.

9 Q. (By Mr. Williams): But he didn't have any shirt on,

10 right?

11 A. No.

12 Q. Didn't have any shoes on?

13 A. No.

14 Q. The only thing you saw was the black sweat pants?

15 A. Yes.

16 Q. Didn't have a hat on?

17 A. No.

18 Q. Now, you said that when you went out -- You got up

19 that morning about, what, 5:30?

20 A. No. I got up about 4:00.

21 Q. About 4:00?

22 A. Yeah.

23 Q. And you made coffee when you got up?

24 A. Well, tossed and turned, and then I got up and made

25 coffee --

1 Q. Okay.

2 A. -- like I usually do.

3 Q. And at some point you went out on your front porch;
4 is that correct?

5 A. Yes.

6 Q. And you were standing out there. Was it still
7 dark?

8 A. I was sitting down.

9 Q. You were sitting down?

10 A. Yes.

11 Q. Was it still dark outside?

12 A. Yes.

13 Q. So when you were sitting down there drinking your
14 coffee in the dark, you weren't looking for nothing
15 suspicious, were you?

16 A. No.

17 Q. And you didn't hear any dogs barking that you can
18 recall, right?

19 A. No, no more than normal. I mean, dogs bark all the
20 time out there.

21 Q. That's correct. This is out in the country, right?

22 A. Yes.

23 Q. It's not unusual to hear dogs barking, is it?

24 A. No.

25 Q. You hear them all the time, right?

1 A. Yes.

2 Q. So would it be fair to say that you weren't really
3 paying attention to whether dogs were barking or not?

4 A. No. I wasn't paying no attention to them.

5 Q. Okay. If a dog would have been barking, do you
6 think you might have not heard it or remembered it?

7 A. I guess it would be according to where it was
8 barking from.

9 Q. Okay. Now, you say at some point you went into
10 Rita Politte's residence, right?

11 A. Yes.

12 Q. And you tried to extinguish the fire?

13 A. The second time I went in, yes.

14 Q. The second time. You tried to pour water on it,
15 right?

16 A. Yes.

17 Q. At some point when you went in there though, the
18 smoke was real thick, wasn't it?

19 A. No. It was kind of up high.

20 Q. Was it up high?

21 A. It wasn't down low.

22 Q. Was that the second time that you went to the
23 residence?

24 A. Yes.

25 Q. Wasn't the first time, right?

1 A. But the first time it was about the same thing.

2 Q. Was it about the same thing?

3 A. Yes.

4 Q. I thought your testimony was a few minutes ago was
5 that you couldn't see in there too well; is that correct?

6 A. No, I didn't say that.

7 Q. Okay. Could you see in there very well?

8 A. I seen her legs.

9 Q. Okay.

10 A. That was it.

11 Q. That's all you saw?

12 A. That was it, because the smoke was kind of -- it
13 was kind of up high, about, probably two, three, four foot
14 off floor.

15 Q. Two or three or four feet off the ground?

16 A. Yeah.

17 Q. And the only thing you could see were her legs; is
18 that right?

19 A. Yes.

20 Q. Now, you've lived in this neighborhood for quite a
21 few years, right?

22 A. Yes.

23 Q. You said since the '70's.

24 A. In '79 I bought that house.

25 Q. And you're familiar with the layout of this land,

1 right?

2 A. Yeah.

3 Q. I'd like you to look at the State's exhibit here if
4 you would. Is it true that there are railroad tracks from
5 Rita Politte's house?

6 A. Yes. They're down at the bottom of the hill.

7 Q. Can you point to where those tracks are?

8 A. They'd be down past that road that's going into
9 Rita's house. And you drop off a hill probably, roughly a
10 quarter mile from the house I would imagine, something like
11 that.

12 Q. About a quarter mile?

13 A. Approximately.

14 Q. Could you step down and point to where those
15 railroad tracks are? I think they're pretty obvious.

16 A. Well, they're down past this shed here, whatever
17 that is, going down to the railroad.

18 Q. Okay. Would this be the railroad tracks right here
19 that are labeled "railroad tracks" from Rita's house?

20 A. It's them. The road goes on down.

21 Q. And is there a path that leads from Rita Politte's
22 house to the railroad tracks?

23 A. There used to be one when I went to school down
24 there.

25 Q. If you're on those railroad tracks, can you get to

1 Old Hopewell Road from there if you walk the tracks?

2 A. Sure.

3 Q. That winds around with the Old Hopewell Road,
4 right?

5 A. Yeah.

6 Q. So if somebody walked down that path behind Rita
7 Politte's house, it would be possible to get to eventually
8 the Hopewell Road, right?

9 A. Yes.

10 Q. But you didn't see any traffic in front of the
11 residence that morning, right?

12 A. In front of what?

13 Q. In front of Rita Politte's house?

14 A. No.

15 Q. Now, you had an opportunity to observe Bernie later
16 that morning, right?

17 A. What are you talking about, later?

18 Q. Well, you had an opportunity to observe him when he
19 sat down on the couch and said, there's my mom?

20 A. No. Oh, when he fell over?

21 Q. Right.

22 A. He didn't sit on it. He fell over it.

23 Q. He fell over it?

24 A. Yes.

25 Q. Was he upset?

Doesn't
Sound
Calm to
me

- 1 A. He was screaming in a high pitched voice.
- 2 Q. Was he screaming in a high pitched voice?
- 3 A. Yeah.
- 4 Q. And did you get a chance to look at him at that
- 5 point?
- 6 A. More or less, yes. I looked at him real quick.
- 7 Q. Did you see any blood on him anywhere?
- 8 A. No.
- 9 Q. There wasn't any blood, right?
- 10 A. No, not that I seen.
- 11 Q. Wasn't any fresh scratches or cuts on him that you
- 12 noticed?
- 13 A. No.
- 14 Q. His clothes weren't blood stained in any way?
- 15 A. No.
- 16 Q. You had an opportunity to observe the other boy,
- 17 right, Josh?
- 18 A. Yes.
- 19 Q. And the same thing with him. You didn't notice any
- 20 blood stains on him either, did you?
- 21 A. No.
- 22 Q. He wasn't cut up or anything like that, was he?
- 23 A. No.
- 24 MR. WILLIAMS: Nothing further.
- 25 MR. RUPP: Nothing further, Judge.

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THE COURT: May this witness be excused?

MR. RUPP: Yes, Your Honor.

THE COURT: You may step down. You are excused.

(Witness excused, and a recess was taken.)

(The proceedings returned to open court, and

the following was had:)