

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNTY OF HARRISON  
IN THE HARRISON SUPERIOR COURT

STATE OF INDIANA

VS.

LAWRENCE E. NUNLEY

CAUSE NO. 31D01-0805-FA-389

TRANSCRIPT OF PRETRIAL HEARING

SEPTEMBER 22, 2008

BEFORE THE HONORABLE ROGER D. DAVIS  
REGULAR JUDGE OF THE HARRISON SUPERIOR COURT

THE APPEARANCES:

Ms. Lauren Wheatley  
Deputy Prosecuting Attorney  
1445 Gardner Lane, Suite 3101  
Corydon, IN 47112

Ms. Susan Schultz  
Attorney at Law  
127 E. Chestnut St.  
Corydon, IN 47112

Phone: 812-738-4241

Phone: 812-738-1900

Mrs. Karen Hamilton  
Court Reporter

**PRETRIAL CONFERENCE 09-22-08**

1 STATE OF INDIANA (MS. WHEATLEY): We could do Lawrence  
2 Nunley.

3 THE COURT: Nunley. Nunley times two, it looks like.

4 MS. SCHULTZ: I think there's actually three maybe.

5 STATE OF INDIANA (MS. WHEATLEY): Yeah, that's true.

6 THE COURT: Oh, three. Okay, yeah. I'm sorry, three. Nunley  
7 times three. All right, what do you all say? It looks like he's got trial dates  
8 scheduled and a jury trial scheduled.

9 MS. SCHULTZ: Yeah. The trial date is set for October the 14<sup>th</sup>.  
10 And the day before that, the Monday is a holiday. So my, my initial question  
11 would be, do we have a final pretrial conference on this Friday at nine o'clock  
12 also?

13 THE COURT: Friday, yeah. Yeah.

14 MS. SCHULTZ: And for the Court's information uh, we are  
15 scheduling the depositions of the victim and the mother, and I'm not sure if  
16 there'll be any other witnesses. We're gonna set up for Tuesday of next week so  
17 we'll be ready for the trial.

18 THE COURT: All right.

19 MS. SCHULTZ: There are a couple of things that I wanted to ask  
20 the State about. Uhm, I have received copies of the search warrants that were  
21 issued in this case, but I don't have any returns on those. Do you know if they  
22 gave returns on the search warrants?

23 STATE OF INDIANA (MS. WHEATLEY): I honestly cannot answer  
24 that on the record. It is a huge file.

25

1 MS. SCHULTZ: Okay. And then the other thing that uh, I did not  
2 receive..., this...

3 THE COURT: I'm sorry? Ms. Schultz, what was that you were  
4 asking them about?

5 MS. SCHULTZ: The search warrant returns.

6 THE COURT: Okay. Search warrant, you need to look through that  
7 and get..., make a note and get her that stuff.

8 STATE OF INDIANA (MS. WHEATLEY): Will do, Judge.

9 MS. SCHULTZ: And then the other thing, Mr. Nunley has indicated  
10 to me that during the course of this case, he was interviewed by the Washington  
11 County Sheriff's Department, and by Officer Wibbels from the Indiana State  
12 Police. And it is his recollection that both of those uhm, interviews were  
13 recorded and I haven't received any uh, copies of any recorded statements from  
14 either of those. So if they could check and let me know if those are available  
15 too. I would appreciate it.

16 THE COURT: Wibbels and, Wibbels with the State Police and the  
17 Washington County Sheriff's Office.

18 MS. SCHULTZ: Right.

19 THE COURT: Uh, you need to get that to Mr. Schultz's right away.  
20 Okay? What else?

21 MS. SCHULTZ: I think that's the only thing else that I had.

22 THE COURT: Okay. Uh, anything from the State?

23 STATE OF INDIANA (MS. WHEATLEY): No, Judge.

24 THE COURT: The offer that was made, was...

25

**PRETRIAL CONFERENCE 09-22-08**

1 MS. SCHULTZ: There hasn't been an offer made yet.

2 THE COURT: Is..., no offer?

3 STATE OF INDIANA (MS. WHEATLEY): Honestly, Judge, this is  
4 one that we need to talk to Ms. Flanigan about, because she's done all the  
5 research and she filed the charges. Ms. Woolen and I are meeting with Ms.  
6 Flanigan tomorrow. We, we'll stay in constant contact with Ms. Schultz.

7 THE COURT: You say you're gonna be in contact with her  
8 tomorrow?

9 STATE OF INDIANA (MS. WHEATLEY): Yes.

10 THE COURT: And then there'll be some kind of an offer?

11 STATE OF INDIANA (MS. WHEATLEY): Right.

12 THE COURT: Okay. All right. But there's still a trial date?

13 STATE OF INDIANA (MS. WHEATLEY): That's correct, Judge.

14 THE COURT: All right. We'll show that a final pretrial is held. And  
15 uh, okay, and those things need to be taken care of. File a Motion to Compel if  
16 there's not...

17 MS. SCHULTZ: Okay.

18 THE COURT: Something done on those things.

19 MS. SCHULTZ: All right.

20 THE COURT: All right.

21 MS. SCHULTZ: Thank you, Judge.

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNTY OF HARRISON  
IN THE HARRISON SUPERIOR COURT

STATE OF INDIANA

VS.

LAWRENCE E. NUNLEY

CAUSE NO. 31D01-0805-FA-389

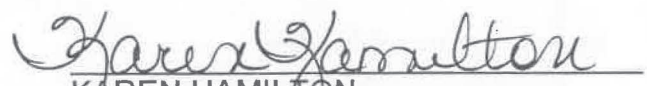
**REPORTER'S CERTIFICATE**

I, Karen Hamilton, Court Reporter of the Harrison Superior Court, Harrison County, State of Indiana, do hereby certify that I am the Court Reporter of said court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the Pretrial Hearing of this cause, beginning on the 22<sup>nd</sup> day of September, 2008, I recorded and transcribed all statements of counsel, the evidence given during said hearing, the objections of counsel and the rulings of the Court upon such objections.

I further certify that the foregoing transcript, as prepared, is full, true correct and complete of the Pretrial Hearing.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal this 11<sup>th</sup> day of May, 2009.

  
KAREN HAMILTON,  
COURT REPORTER  
HARRISON SUPERIOR COURT  
HARRISON COUNTY, INDIANA

SEAL