



HUMAN PERFORMANCE

FACTORS ATTACHMENT

Pickup Truck Driver Trial Transcript

Rochester, IN

HWY19MH003

(37 pages)

STATE OF INDIANA)
)SS:
COUNTY OF FULTON) FULTON COUNTY SUPERIOR COURT
 CAUSE NO. 25D01-1810-F5-000814

STATE OF INDIANA,)
)
 Plaintiff,)
)
 vs.)
)
ALYSSA LEIGH SHEPHERD,)
)
 Defendant.)
)

TESTIMONY OF ALYSSA LEIGH SHEPHERD

BEFORE THE HONORABLE WAYNE E. STEELE
JUDGE OF THE FULTON COUNTY SUPERIOR COURT

DATE: OCTOBER 18, 2019

Court Reporter: Susan Carr

Proceedings recorded by electronic sound recording;
Transcript produced by Christy Gray

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OCTOBER 18, 2019

(Excerpt of proceedings: Alyssa Shepherd's testimony at 10:04:06)

THE COURT: We'll get you seated. Can you raise your right hand?

ALYSSA SHEPHERD, DEFENDANT'S WITNESS, SWORN

THE COURT: Okay. Go ahead and sit down, please.

Go ahead, Mr. Tuszynski.

MR. TUSZYNSKI: Thank you.

DIRECT EXAMINATION

BY MR. TUSZYNSKI:

Q Would you please introduce yourself to the jury?

A Alyssa Shepherd.

Q How old are you?

A I'm 25.

Q And where do you live?

A In Rochester.

Q Did you grow up in Rochester?

A Yeah, I was born and raised here.

Q Okay. Did you go to school here?

A Yeah. I graduated from Rochester High School.

Q What year?

A 2013.

Q Okay. And what do you do for a living, Alyssa?

A I'm a children's ministry director at Faith Outreach Center.

Q And how long have you been in that position?

A Since February of 2015.

1 Q Is that a fulltime position?

2 A It's part-time, 18 hours a week.

3 Q Okay. Is that all of the church, 18 hours?

4 A No, I can do -- if I work from home or from the church. I have certain

5 duties that has to be at the church.

6 Q Okay. Are you married?

7 A I am.

8 Q To who?

9 A Neil Shepherd.

10 Q And how long have you been married?

11 A I've been married five years.

12 Q Okay. Do you and Neil have any children?

13 A Yeah, we have two kids, [REDACTED] (phonetic) and [REDACTED] (phonetic). They're

14 four and three.

15 Q As of today, they're four and three years old?

16 A Uh-huh, yeah.

17 Q Okay. Do you have any siblings?

18 A I have 13 siblings.

19 Q Okay. Now, we heard [REDACTED] testify yesterday. He's one of them, correct?

20 A Yeah.

21 Q Okay. And he lives here in Rochester as well?

22 A Yeah, he does.

23 Q Getting to it, the morning of October 30th of last year, 2018, we heard

24 testimony that you were driving back from Talma to Rochester; is that correct?

25 A That's correct.

1 Q And it's been correct that you were driving the Toyota Tacoma, right?

2 A Yes.

3 Q Is that primarily your vehicle?

4 A It is.

5 Q Okay. Explain to the jury, what's in Talma?

6 A My husband and I, we own a business in Talma. It's a small business
7 that we both -- like enclosures, cabinets, drawers.

8 Q Okay. Has the business always been in Talma?

9 A No. We purchased the building in June of 2018. Before that, it was in
10 Warsaw.

11 Q Okay. And if you purchased the building in June of '18, when did the
12 business move into the building in Talma?

13 A It needed a lot of work, so like the end of July.

14 Q Okay. Between -- let's call it the end of July 2018, and the end of
15 October 2018, how often did you drive to Talma?

16 A I would go there a couple of times a week to bring my husband lunch or
17 to see progress on our building.

18 Q Okay. When you say lunch, you typically take that at lunchtime?

19 A Yeah.

20 Q Okay. If you didn't go at lunch, what time of the day would you go?

21 A Usually in the afternoon, after he made progress for the day because he
22 always wanted to show me what he got done.

23 Q Okay. Does Neil -- and I guess I'm talking from when you started -- the
24 business started in Talma in late July of 2018 through the end of October
25 2018, would Neil normally drive himself to work?

1 A Yeah.

2 Q And he had his own vehicle?

3 A Yes.

4 Q Okay. How is it that you took him to work that day?

5 A Okay. So I took my husband to work that day because his truck was

6 being used for business. Material had gotten delivered to a different company

7 instead of our company, so we had to go get it. My brother, [REDACTED], stayed the

8 night with me the night before because my [REDACTED]. He

9 was going to have [REDACTED] in the next, like, week or so.

10 Q Okay.

11 A He was just -- I -- we didn't have a scheduled date yet.

12 Q All right. [REDACTED] would -- didn't normally spend the night with you and

13 Neil?

14 A No.

15 Q Okay. And so you left your house in Rochester to drive to Talma that

16 morning?

17 A Yes, my husband drove to Talma.

18 Q Okay. What time were you planning on dropping him off or getting him

19 to Talma?

20 A Approximately 7:00.

21 Q Okay. And who was all in the vehicle?

22 A My brother, myself, my husband, my two kids.

23 Q Okay. They were -- your two children were in car seats?

24 A Yes, in the back.

25 Q Okay. And so you leave for Talma and what's the plan for that morning?

1 A The plan for that morning was to get my husband to work. I was going to
2 then take [REDACTED] to his house to throw on some clothes, then I was going to take
3 him to school. I got my kids ready, but I hadn't got myself ready, so I was
4 going to go home before I went to the church.

5 Q Okay. Let me ask you this, this was a school day then, right?

6 A Yes.

7 Q Do you remember what day of the week it was?

8 A It was a Tuesday.

9 Q Okay. If you know, what time did [REDACTED] have to be at school?

10 A 8:15.

11 Q All right. And can you give the jury an idea of typically how long it takes
12 to drive from Talma to Rochester?

13 A I'm guessing like -- we always say it's like 12 minutes.

14 Q Okay. Okay. And then from where [REDACTED] was living to get him to school,
15 how long of a drive is that?

16 A Like five.

17 Q Okay. Now, did you have to work that day?

18 A I was -- it was a weird situation. I normally work on Tuesdays. I was
19 planning on going to the church. We had a new youth pastor who it was his
20 first day on the job, but I didn't have a babysitter, so I was going to stop in and
21 welcome him, I guess, on his first day.

22 Q Okay. Okay. That day, or even the night before, October 30th, October
23 29th, were you drinking any alcohol?

24 A No.

25 Q Take any illegal drugs?

1 A No.

2 Q Take any prescription medication?

3 A No.

4 Q Had you taken any over the counter medications?

5 A No.

6 Q You're wearing glasses today.

7 A Yes.

8 Q I think in your video that we had shown yesterday, the statement with
9 Detective Jumper, you were wearing glasses as well; is that right?

10 A Yes.

11 Q And were you wearing glasses when you were driving from Talma to
12 Rochester in the morning of October 30th?

13 A Yes, I was.

14 Q Okay. So you drive to Talma?

15 A Yes.

16 Q Actually, Neil drove, correct?

17 A Correct.

18 Q And you're in the passenger seat?

19 A Yes.

20 Q All three children are in the back?

21 A Yes.

22 Q So what happens when you get to the shop in Talma?

23 A I send my mom a quick message, updating her about my morning, and
24 then I was going to go get [REDACTED] to school.

25 Q Okay. You're talking text message?

1 A Yeah.

2 Q And that was with your phone?

3 A Right.

4 Q And what did you do with your phone after you sent your mom that
5 message?

6 A I put in like the cupholder, console area.

7 Q Okay. And then you left Talma driving to Rochester; is that correct?

8 A Yes.

9 Q Had you ever made that drive -- well, you've made the drive from Talma
10 to Rochester several times, fair?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes.

14 Q Okay. It's all right. Have you ever made the drive from Talma to
15 Rochester at that time in the morning?

16 A No, I had not.

17 Q Okay. Had you ever driven from Talma to Rochester, or Rochester to
18 Talma at night when it was dark out?

19 A No.

20 Q We've heard testimony, we've seen a lot of photographs; we saw the
21 FARO scans, as you were coming around that curve on 25. And when I say
22 that curve on 25, I'm talking about the curve just before the straightaway
23 before Meiser Trail and 580 (phonetic)?

24 A Yeah.

25 Q Okay. You know where I'm talking about?

1 A Yes, I do.

2 Q Okay. As you come around that curve, can you tell the jury what you
3 saw that morning?

4 A Yeah. I saw a vehicle. It was a very large vehicle. I couldn't tell what it
5 was. Being a Fulton County resident, I assumed it was an oversized load. I see
6 lots of tractors. I see lots of, like, modular homes being transported.

7 Q On 25?

8 A I do.

9 Q Okay.

10 A And I also live in the country, so I see it around my home as well, the
11 tractors. So I saw a vehicle, but I can tell it was in the other lane, and it looked
12 like it was coming towards -- like it looked like it was moving towards me.

13 Q The other lane? I just want to --

14 A Yeah.

15 Q You're in the southbound lane driving south?

16 A Correct.

17 Q And you say it's in the other lane, you mean the northbound lane going
18 north?

19 A Correct.

20 Q Okay. I'm sorry, go ahead.

21 A So I couldn't tell what it was, but I knew it wasn't in my lane, and so I,
22 like, out loud spoke, like, what is that? I didn't know what it was. And as I
23 was approaching it, I still couldn't process what it was until I -- I'm sorry, can I
24 take a minute?

25 Q Go ahead.

1 A Until I saw kids and then my brain instantly made a connection, like I
2 could -- I didn't see that it was a school bus, and -- but when my -- when I saw
3 children, my brain instantly, like, knew that was a school bus.

4 Q Okay. And it wasn't uncommon for larger vehicles to be on 25 even
5 around Rochester?

6 A Right.

7 Q Okay. And when did you first see -- we know now it's a bus, but when
8 did you first see the vehicle?

9 A When could I tell what it was?

10 Q Or when did you first see it? I mean --

11 A I saw it after I had already made the curve and I was already in the
12 straightaway.

13 Q Okay. Do you remember -- I just want to make sure I have this right.
14 You saw the children?

15 A I did.

16 Q Did you try -- do you remember, did you try to steer around them at all?

17 A I don't know what I was doing with my steering. I don't remember
18 exactly; I just know that I was pressing the brake.

19 Q Okay. And let me ask you this, you're driving, it's dark, you see this
20 vehicle. I think you said there's a lot of lights on it; is that fair?

21 A Yes.

22 Q But you don't know what it is?

23 A No.

24 Q Why didn't you stop or slow down?

25 A I guess I just -- I assumed it was a wide load, so I was just being

1 cautious, making sure I was like on my own lane, but I didn't think I would
2 have to stop with it not being in my lane.

3 Q Had you ever seen a school bus stop at Meiser Park before?

4 A I hadn't.

5 Q After -- after the collision with the kids, what happened? What did you
6 do?

7 A Well, I was very panicked, so I started searching for my phone to try to
8 get a hold of somebody to call and do something about it, so I -- I found my
9 phone on the floor. I tried calling a couple of people. I called 911. I don't
10 know if it was like a reception issue or me being impatient or if somebody was
11 already on the other line, but I couldn't get through to them. I had also called
12 my husband to come right away because he was just down the road. I called --

13 Q Let me ask you this --

14 A Yeah.

15 Q Do you recall who you called first, your husband or 911?

16 A I honestly don't know.

17 Q Okay. Fair enough.

18 A I also called Britany Thompson. She worked as a dispatcher for Fulton
19 County, and I just figured since I couldn't get a hold of 911, she'd be my next
20 best option.

21 Q Okay. Now, going back; a year ago, you knew Britany Thompson?

22 A Yeah, she attends my church.

23 Q Okay. Are you guys friends?

24 A Yeah. Our daughters are the same age. We're friends.

25 Q Okay. How long as of a year ago had you known Britany?

1 A I don't know. I think she started coming to our church, maybe a year
2 before that.

3 Q Okay.

4 A I'm not for sure.

5 Q But you knew she worked for 911?

6 A I did.

7 Q That's why you called her?

8 A Yes.

9 Q Were you able to reach her?

10 A I was.

11 Q Okay. When you called Britany, are you out of the Tacoma?

12 A I was not yet out of the car.

13 Q Okay. Are you able to see anything outside of the car?

14 A No. My airbags had deployed.

15 Q Okay. Did Britany direct you to do anything?

16 A Yeah. I wouldn't put (indiscernible) out of my vehicle, and I don't know
17 if, like, nervousness and anxiety got to me or what happened, or if I couldn't
18 physically couldn't open my door, but I was unable to open my door. She then
19 told me, you know, you need to get out of your car and assess the situation,
20 see if adults are there. I got out of my car, I looked around, I did see adults
21 attending things, and so I -- I told her that and that I saw a man walk up to
22 me, a very intimidating face, and so I told Britany, I'm like, I can't do this; I've
23 got to get back in my car, so I got back in my car.

24 Q Did the man say anything to you?

25 A I was on the phone, so I don't know.

1 Q Okay. Did you say anything to him?

2 A No, I was on the phone.

3 Q But you got back in the car?

4 A I did.

5 Q You saw other adults were on the scene?

6 A Yes.

7 Q Did you see [REDACTED] or [REDACTED] or [REDACTED]

8 A I did not see any bodies.

9 Q What about [REDACTED]

10 A No.

11 Q Now, you had spoke to Neil, correct?

12 A Yes.

13 Q And -- and what was the point of that?

14 A He was just down the road, so I thought he'd call -- in that situation, you

15 don't know what to do, so like, anybody is helpful.

16 Q Okay. Did he eventually come to the scene there?

17 A He did.

18 Q Okay. And he took the children with him, or --

19 A Yeah.

20 Q Okay.

21 A He took my children and [REDACTED]

22 Q Okay. Now, at what point did you talk with police or emergency

23 responders?

24 A Yeah, a lady and a police officer came up to my car and talked to me and

25 got my general information.

1 Q Was the lady an EMT?

2 A Yeah.

3 Q Okay. And the police officer, was that a man?

4 A Yes.

5 Q Did he testify earlier this week?

6 A Yes.

7 Q Okay. Was that Detective Jolley; do you remember?

8 A I'm not sure. I know that he was the one who did my drug and alcohol

9 test, but I wasn't sure if he was at my car; I can't remember.

10 Q Okay. But you did speak with a police officer?

11 A Yeah, at my car.

12 Q Okay. Provided him with your license and everything?

13 A Yeah. I gave him my information. My purse was actually left at the

14 church, so I did not have it on me.

15 Q Okay. But you remember talking to someone about going to the hospital

16 and them drawing some blood?

17 A Yes.

18 Q You agreed to do that?

19 A I did.

20 Q Okay. Do you remember talking with Sergeant Jolley in his police car at

21 any point?

22 A I don't remember.

23 Q Okay. Do you remember telling him that it may have been a tractor that

24 you thought it was?

25 A I don't remember telling him that, no.

1 Q Okay.

2 A But I -- I may have; I don't know.

3 Q Okay. You're not denying it, just don't remember it; is that fair?

4 A Right. I don't remember that, yes.

5 Q Okay. Did you tell him that you were running late for work or didn't

6 want to be late for work?

7 A No, I wasn't running late for work. I didn't have really a specific time I

8 had to be there that day.

9 Q Okay. Do you remember -- do you remember that discussion with him at

10 all?

11 A I don't.

12 Q Okay. That's all right. You went to the hospital?

13 A I did.

14 Q Which one?

15 A I went to Woodlawn Hospital in Rochester.

16 Q Okay. And how long were you there, do you think?

17 A I don't know. I would guess at least a half an hour.

18 Q Okay. The police took you?

19 A Yes.

20 Q Okay. And you did have your blood drawn, right?

21 A Yeah.

22 Q Okay. When you left the scene, did you know how many kids had been

23 hit?

24 A I did not know.

25 Q When you left the scene, did you know the condition of anybody who may

1 have been hit?

2 A No, I did not.

3 Q Okay. And what -- can you tell the jury what happened after your blood
4 draw at the hospital?

5 A Yeah. After I left, I got in my family member's vehicle and we went to the
6 sheriff's department so I can get an interview done.

7 Q Had you been asked to go and give an interview?

8 A Yeah, I don't remember exactly who asked me. I think one of my family
9 members told me that they had asked -- that the police had asked if I would
10 give an interview.

11 Q Okay. And that was the sheriff's department right here in town?

12 A Yeah.

13 Q Okay. And can you tell the jury what happened when you got there?

14 A Yeah. When I had got there, I went in and I waited a little bit and then I
15 got taken back by Michelle Jumper.

16 Q Okay. Were you able to speak with her a little bit before the interview?

17 A I feel like -- I remember speaking with her in the lobby.

18 Q Okay. And what was -- what was her demeanor towards you?

19 A She's very calming and motherly.

20 Q Okay. You felt comfortable talking with her?

21 A Yeah.

22 Q So at this point, it's been -- well, I think from the timeline we've kind of
23 established in trial, we're about two hours, two hours and 15 minutes past the
24 accident maybe, and you're sitting in the Fulton County Sheriff's Office with
25 Detective Jumper from the Indiana State Police?

1 A Yes.

2 Q At this point with you, did it start to sink in what had happened?

3 A Yeah, so at the accident, I was a mess, screaming, crying. I just didn't
4 know what to do with myself. After going to the hospital and being at the
5 sheriff's department, the only way I know how to describe it is like an out of
6 body experience. Like, when I was there, I knew what was happening, but it
7 almost didn't feel real.

8 Q Is that how you felt when you were talking with Detective Jumper?

9 A Yes. So I felt real at the scene. At the hospital, it was just very upsetting
10 and confusing, and by the time I got there, I think my body was just like in
11 shock.

12 Q Okay. And as you're in that interview with Detective Jumper, did you
13 know the condition of the kids?

14 A I did not, but I did know how many were hit.

15 Q And how did that happen?

16 A When I was in my family's vehicle, I had seen my Grandma Sarah's
17 (phonetic) text message from a lady at our church and it said please pray for
18 four kids who got hit getting on a Tippecanoe Valley school bus.

19 Q But she didn't know their condition?

20 A No.

21 Q You heard Detective Jumper testify yesterday, right?

22 A I did.

23 Q Okay. She was asked yesterday if you inquired or asked her about the
24 condition of the children and she said, no, you did not. You heard that?

25 A Yeah, I heard that.

1 Q Why didn't you ask the detective, Detective Jumper how the children
2 were?

3 A I guess I've never been in a situation like this before, so my first thought
4 is like she's interviewing me, I just need to cooperate and answer her
5 questions. Secondly, my out of body experience, I feel like I just -- I didn't
6 really -- I didn't really know what was going on. I also didn't know that
7 Michelle Jumper, if she was at the scene or not, so I didn't know that she'd
8 have that information.

9 Q Did Michelle ask -- Detective Jumper ask about your phone, correct?

10 A Yeah.

11 Q They asked if -- they had it; they asked if they could go through it,
12 correct?

13 A Right.

14 Q You gave them consent for that?

15 A Yeah.

16 Q Okay. Did you see Detective Jumper later that day after the interview
17 ended?

18 A I did.

19 Q And where was that?

20 A So after my interview, I went to the church for support. My family was
21 all there. We just went there and they had a counselor there for me and we
22 just went there and later Michelle Jumper came for my arrest.

23 Q Okay. She got you and kind of walked you through the process and took
24 you down to the jail?

25 A Yes.

1 Q Okay. That morning, October 30th, 2018, did you intend to drive past
2 the stopped school bus?

3 A No.

4 Q Did you know you were coming up on a stopped school bus?

5 A No.

6 Q When you -- when did -- with your own eyes, when did you first see with
7 your own eyes that that vehicle was actually a school bus?

8 A My brain made a connection when I saw the kids. I saw -- I saw and
9 recognized the school bus after I got out.

10 Q Got out of the Tacoma?

11 A Yeah.

12 Q Okay. The air bags, the side air bags were down; is that in your Tacoma?

13 A Yes.

14 Q Okay. At any point that morning, did you intend to use your car as a
15 deadly weapon?

16 A No.

17 Q Did you intend for any of this to happen?

18 A No.

19 Q That morning, as you're driving before the impact, I mean, did you
20 assess, did you think there was any danger driving past this vehicle?

21 A No. With it being in the opposite lane, I did not.

22 Q Did you expect anyone to be out in the highway that morning?

23 A No, I did not see anyone on the highway.

24 Q Did you know that that was a school bus sign?

25 A A what?

1 Q Did you know that that was a school bus stop, rather?

2 A I did not know that they stopped by the trailer park, outside of the trailer
3 park, no.

4 Q Now, we've seen at least one photograph that as you approached that
5 curve, there's signs in the curve and there's a sign that says watch for school
6 bus, and you -- did you not notice that sign? Did you disregard it?

7 A I did not see that sign that morning. I remember the -- I remember the
8 curve sign. I did not remember the school bus sign.

9 Q Okay. But you never -- had never seen a school bus sign in that area
10 before?

11 A No.

12 MR. TUSZYNSKI: Thank you. Pass the witness, Your Honor.

13 THE COURT: Okay. Cross examination, Ms. Arndt.

14 MS. ARNDT: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. ARNDT:

17 Q Ms. Shepherd, you said that you went to Rochester High School?

18 A That's correct.

19 Q Did you also go to elementary school in Rochester?

20 A I did.

21 Q All right. Middle school?

22 A Yes.

23 Q Did you ever ride a bus to school?

24 A No, I did not.

25 Q You did not?

1 A No. Once with a friend from her house, but never.

2 Q Did you walk past the school bus or see a school bus in elementary,
3 middle, or high school?

4 A In my whole life, yes. Like, I have seen a school bus.

5 Q How many times?

6 A I don't know. They're in the parking lot right there at the school.

7 Q All right. Would you agree with me that school buses are large?

8 A They are pretty large.

9 Q And that they have lights on them?

10 A They do.

11 Q Blinking yellow lights?

12 A Uh-huh.

13 Q Blink --

14 A Yes.

15 Q Blinking red lights?

16 A Yes.

17 Q Signs on them that say school bus that are reflective?

18 A Yes, I'd say so.

19 Q That they have stop arms on them?

20 A Yes.

21 Q And that those stop arms are shaped in the shape of a stop sign?

22 A Yes.

23 Q And that those stop arms have red blinking lights on them?

24 A Yes.

25 Q All right. And did you know those characteristics of a school bus on

1 October 30th of 2018?

2 A I did know those characteristics, yes.

3 Q All right. When did you get your driver's license?

4 A I got my driver's license my junior year of high school. Let me think --

5 Q What year would that have been?

6 A I'm guessing [REDACTED].

7 Q Okay. And do you currently hold an Indiana driver's license?

8 A I do.

9 Q Did you have a valid license on October 30th of 2018?

10 A Yes.

11 Q Right. What training did you undergo to get your driver's license?

12 A I took Driver's Ed at the high school.

13 Q Did you have a Driver's Ed manual that you had to study or look at?

14 A Yes. We -- it was through Ace Driving Academy. They came to the

15 school.

16 Q All right. To your knowledge, did that manual provide information on

17 what to do when you encounter blinking lights?

18 A I don't remember the manual now.

19 Q Okay. Do you in general know what to do when you encounter blinking

20 lights?

21 A Depending on -- yeah -- depending on the color in general.

22 Q Okay. So if you see a yellow blinking light, what does that mean to you?

23 A I just think it's usually making -- it depends on where it's at and what

24 it's on, but I think it's just making you aware of an object usually.

25 Q Why would you need to be aware of an object?

1 A I mean, it depends. Sometimes -- sometimes they're going slow.

2 Sometimes they have their hazards on because they're pulled over. It just
3 depends.

4 Q Okay. What about blinking red lights, what does that mean?

5 A It depends, I think, because sometimes you see blinking red lights on a
6 vehicle and you don't have to stop. It's usually -- like something in their lane.
7 Like, I've dealt with -- I just think it's like a warning for you.

8 Q A warning of what?

9 A Of an object or a vehicle.

10 Q Potential risk associated with that object?

11 A Sometimes, yes.

12 Q Okay. What do stop signs require you to do?

13 A Stop.

14 Q All right. Prior to October 30th of 2018, had you ever come upon a
15 school bus that had been stopped?

16 A In my vehicle?

17 Q Yes.

18 A I don't -- I don't know. I don't recall, no.

19 Q Do you know what you're to do if you see a stopped school bus?

20 A I do. I do. You're supposed to stop.

21 Q Had you ever been in a vehicle when someone else was driving and come
22 upon a school bus that was stopped?

23 A I would guess sometime in my 25 years, but I can't recall an incident.

24 Q Okay. Alyssa, do you generally look for and pay attention to traffic
25 signs?

1 A Yes, in general, yes.

2 Q All right. And I assume you've seen a stop sign before, correct?

3 A Yes.

4 Q Okay. Have you ever seen a watch for school bus sign?

5 A Yes, I have.

6 Q Can you describe what that looks like?

7 A Yes. Sometimes they're, like -- sometimes they're highlighter colored and
8 have an actual school bus on them. Some just are yellow and say watch for
9 school bus.

10 Q And what do those signs require you to do?

11 A You're just supposed to be aware of the school bus stop.

12 Q That there could be a school bus in the area?

13 A Yeah.

14 Q And had you seen a watch for school bus sign before October 30th of
15 2018?

16 A Yes.

17 Q Now, you said that you'd driven on State Road 25 before October 30th of
18 2018; did I hear you correctly?

19 A I had driven on that road before, yes.

20 Q All right. About two to three times a week?

21 A Yes, depending on the route we go, yes.

22 Q All right. Did you pay attention to the traffic signs on 25?

23 A I feel like in general, yes.

24 Q All right. So at any point before October 30th of 2018, did you notice a
25 watch for school bus sign on that curve on 25?

1 A I don't know. After the accident, I couldn't remember where the -- where
2 a sign would have been, so I don't know.

3 Q You don't know if you've ever seen that sign?

4 A I'm sure I've drove past it before, but I don't remember.

5 Q All right. Prior to October 30th, 2018, had you ever driven your vehicle
6 at night before?

7 A Yes.

8 Q About how many times?

9 A I don't know how many times, but I don't drive at night weekly even.

10 Q But you have driven before at night?

11 A Yes.

12 Q All right. And in your experience in driving at night, would you agree
13 with me that at night, pedestrians and the exact dimensions of other vehicles
14 could be difficult to approximate?

15 A Sometimes.

16 Q Is it your testimony that you're unfamiliar with driving on 25 at night?

17 A At night, yes.

18 Q Okay. So do you think that it would have been reasonable of you to have
19 reduced your speed because you were unfamiliar with that road?

20 A No. I guess I had drove at night before. I had seen vehicles before that
21 resembled that vehicle in the opposite lane, and I guess it did not trigger my
22 mind that I should slow down.

23 Q Okay. And you said that you wear glasses?

24 A I do.

25 Q Obviously, they're on your face right now, right?

1 A Yes, I do.

2 Q Okay. Is your vision corrected to 20/20 with those glasses?

3 A Yeah, they're correct.

4 Q Okay. You said you've lived in Fulton County your whole life?

5 A Yes.

6 Q All right. And you'd agree with me that Fulton County is a rural
7 community?

8 A Uh-huh.

9 Q All right. And that October is generally harvest season?

10 A Yes.

11 Q And school is also in session in October, correct?

12 A Correct.

13 Q Okay. And that it's dark in the mornings in October?

14 A Right.

15 Q What do you believe an oversized load to be? What does that look like to
16 you?

17 A I think an oversized load can look like various things. It can be, like
18 several vehicles before and after a large load. It can look like just a -- like a big
19 tractor. I feel like I can describe lots of oversize loads.

20 Q We've got a modular home factor in Rochester as well, correct?

21 A Correct. Yes.

22 Q Have you ever seen any of the Rochester homes semis going down the
23 road with one of the -- one of the modular home pieces extended out into the
24 other lane of traffic?

25 A I've seen their homes go up and down the road. I don't know if they

1 extend or not.

2 Q Have you ever seen an oversize load that extends into the opposite lane of
3 traffic?

4 A I don't know.

5 Q Have you ever heard of other vehicles hitting an oversize load? Ever seen
6 that or heard about it on the news?

7 A No, I have not. I don't know.

8 Q Have you ever seen an oversize load with blinking red lights on it?

9 A Yes.

10 Q Okay. Have you ever seen an oversize load with blinking yellow lights on
11 it?

12 A Yes.

13 Q Do you think that there might be risk if you're driving down the road,
14 that an oversize load might be out into the oncoming lane of traffic?

15 A No, I did not think that.

16 Q What do you consider farm equipment?

17 A Tractors, combines, anything that does corn.

18 Q Have you ever seen a farm implement extend out into the oncoming lane
19 of traffic?

20 A Yes, I have.

21 Q How many times would you say you've seen that?

22 A I don't know. Usually they kind of go off to the side, but it's usually they
23 go to the edge of the road and are pretty cautious, but I don't know.

24 Q But you have seen them extended out into the opposite lane before?

25 A Yeah, some of them.

1 Q Okay. Have you ever heard of someone, you know, hitting a farm
2 implement coming from the opposite direction or seen that on the news?

3 A No, I have not.

4 Q What risk or harm would you say there would be to a driver approaching
5 a farm implement that's extending out into the opposite lane of traffic and not
6 slowing down?

7 A Well, I think you would have to watch to make sure you were over.

8 Q Do you think there's a risk of hitting it?

9 A Maybe in some cases, yes.

10 Q And you were aware of all of these things prior to October 30th of 2018?

11 A I would say yes.

12 Q And you testified that you'd seen a school bus before, correct?

13 A Yes.

14 Q All right. And again, you'd agree that in October, school is in session?

15 A It is.

16 Q As a matter of fact, you were driving your brother to school, weren't you?

17 A Yes, that's correct.

18 Q All right. And had you sent your mom a text message earlier that
19 morning saying that you thought that you wouldn't be home in time to get [REDACTED]
20 on the school bus?

21 A Right, I was not going to get [REDACTED] on the school bus, I was going to drive
22 him to school. He gets on the school bus very early so they can pick up other
23 kids. So I -- she doesn't care if I take him to school or if I take him on the bus,
24 so I was just going to take him to school.

25 Q Do you think it's reasonable to assume that on a Tuesday morning in

1 October when you're taking your brother to school, that there's a possibility
2 that there are school buses out on the road?

3 A There is a possibility there'd be a school bus out on the road.

4 Q All right. And you knew that on October 30th of 2018?

5 A I mean, that thought didn't cross my mind that day, if that's what you're
6 asking.

7 Q But you knew that school buses could be around on October 30th of
8 2018, given, you know, all your context clues here, you know, you're --

9 A Correct.

10 Q -- you're taking your brother to school and it's a Tuesday?

11 A Right.

12 Q All right. Now, you told several people that you saw the lights. Do you
13 agree that you saw the lights?

14 A I did see the lights.

15 Q All right. Do you recall telling your friend, Britany Thompson, that you
16 didn't know what it was?

17 A That's correct.

18 Q And that you were going to get -- wait to get closer to it to decide what to
19 do?

20 A I don't recall that part, no.

21 Q And you agree with me that it was dark that morning?

22 A It was extremely dark.

23 Q You said earlier in your testimony that you saw that the vehicle was
24 coming towards you?

25 A Yes.

1 Q What made you think that it was coming towards you?

2 A That's just how it appeared that day. I don't know if at one point the bus
3 was and then it came to a stop and we -- we just don't know that. I just don't
4 know if it just appeared that way because of the darkness. I don't know exactly
5 why, but that is how it appeared.

6 Q And did you fail to notice that there were red blinking lights on that
7 vehicle?

8 A No, I noticed there was red blinking lights, but in other occasions, I've
9 encountered, like traffic in the other lane still is going.

10 Q Okay. So you saw that there were red blinking lights --

11 A I did.

12 Q -- on that vehicle?

13 A Yes.

14 Q Did you fail to notice that there was a bright sign on the front that said
15 school bus?

16 A I did not see the school bus sign, no.

17 Q Did you fail to notice that there was a red stop sign extending out from
18 that vehicle?

19 A Yeah, I don't know what time that arm came out and I did not ever see it
20 until I got out of the car.

21 Q So you failed to also notice that that stop sign had red blinking lights on
22 it as well?

23 A Yeah, and we don't -- yeah, I don't.

24 Q And did you fail to notice that that vehicle had a strobe light on it?

25 A It did have a blinking light, right.

1 Q On the top?

2 A I -- I can't tell you now if it did or it didn't.

3 Q So are you telling me that you didn't notice the strobe light? Or you're
4 just telling me you don't remember the --

5 A I was telling you that there was so many lights on the vehicle that I
6 couldn't tell what it was, that -- and it was, like bright, so I don't know if there
7 was a strobe light on the top or not.

8 Q You couldn't tell what it was, how were you able to tell the dimensions of
9 it with the precision necessary to make the determination that that was all in
10 the northbound lane?

11 A I guess it was just how the lights appeared, so it looked like it was all in
12 the northbound lane.

13 MS. ARNDT: I don't have any further questions for you.

14 THE WITNESS: Thank you.

15 THE COURT: Redirect, Mr. Tuszynski.

16 MR. TUSZYNSKI: No, Your Honor. Pass the witness. Or I'm done
17 actually.

18 THE COURT: Okay. Did the jury have any questions for Ms.
19 Shepherd?

20 UNKNOWN JUROR: Yes, sir.

21 THE COURT: Okay. Could counsel approach, please?

22 (Sidebar begins at 10:42 a.m.)

23 MR. TUSZYNSKI: I have no objections as long as the State doesn't
24 (indiscernible). No objections.

25 THE COURT: Okay. Do you have any?

1 MS. ARNDT: (indiscernible).

2 THE COURT: Okay.

3 (Sidebar ends at 10:42 a.m.)

4 THE COURT: Okay. Ms. Shepherd --

5 THE WITNESS: Yes.

6 THE COURT: -- we have some questions from the jury.

7 THE WITNESS: Okay.

8 THE COURT: Four questions from one juror. I'll take them one at
9 a time.

10 THE WITNESS: Okay.

11 THE COURT: How long was business in Warsaw prior to Talma

12 THE WITNESS: Oh, we started our company in 2017, but we had
13 a previous business out of there before that, but I'm guessing we had that
14 building in 2017, but I couldn't tell you for sure. Maybe the beginning of 2017
15 or 2016 sometime.

16 THE COURT: Did that raise any questions, Mr. Tuszynski?

17 MR. TUSZYNSKI: No, Your Honor.

18 THE COURT: Did that raise any questions, Ms. Arndt?

19 MS. ARNDT: No, Your Honor.

20 THE COURT: Okay. Second question: What route was taken to
21 get to Warsaw?

22 THE WITNESS: Okay. So I live towards Athens, so I would take
23 like -- what is that road? You would jump on 14 and turn right and then you
24 turn left. I don't know if that's -- I would not take 25 though. It was -- I would
25 take country roads down to Packerton, that route to Warsaw.

1 THE COURT: Did that raise any questions, Mr. Tuszynski?
2 MR. TUSZYNSKI: No, Your Honor. Thank you.
3 THE COURT: Did that raise any questions, Ms. Arndt?
4 MS. ARNDT: No, Your Honor.
5 THE COURT: Okay. Third question: Had she driven route to
6 Warsaw in morning or night hours?
7 THE WITNESS: To Warsaw in the morning or night hours? No,
8 but like I said, when I go to Warsaw, I don't go the route; I go Packerton.
9 THE COURT: Did that raise any questions, Mr. Tuszynski?
10 MR. TUSZYNSKI: No, Your Honor.
11 THE COURT: Did that raise any questions, Ms. Arndt?
12 MS. ARNDT: No, Your Honor.
13 THE COURT: Okay. Fourth question: Confirm yes or no; [REDACTED]
14 rides a school bus to school?
15 THE WITNESS: [REDACTED] did at the time. He did, yes.
16 THE COURT: Did that raise any questions, Mr. Tuszynski?
17 MR. TUSZYNSKI: No, sir.
18 THE COURT: Did that raise any questions, Ms. Arndt?
19 MS. ARNDT: No.
20 THE COURT: Okay. Second juror question: Can we please have
21 Alyssa place pin in exhibit where she seen object that later was determined to
22 be bus?
23 THE WITNESS: It's hard to tell basing off a picture. I mean, it's
24 not your angle of driving because I've never seen an aerial photo of this area,
25 but I had already made it around the curve into the straightaway, so I'm just

1 guessing right here.

2 (Defendant places a pin on Exhibit 4)

3 THE WITNESS: That's just the best of my knowledge looking at an
4 aerial photograph.

5 THE COURT: What color did that end up being?

6 THE CLERK: Black.

7 THE WITNESS: Can you -- oh, I'm sorry. Want me to repeat it?

8 THE CLERK: Let the record reflect that the witness has placed a
9 black tack in the photograph on the curve.

10 THE COURT: That's Exhibit 4; is it not?

11 THE CLERK: It is.

12 THE COURT: Okay. Let the record reflect that the -- Alyssa
13 Shepherd has placed a black pin on Exhibit 4.

14 MR. TUSZYNSKI: Your Honor, I think, if I may, I think one of the
15 jurors indicated that maybe he didn't hear what Ms. Shepherd had said.

16 THE COURT: I'm sorry.

17 THE WITNESS: Can I repeat?

18 THE COURT: Yes, you may.

19 THE WITNESS: Okay. I've never seen aerial photograph of the
20 area, and your perspective is different. So this is just an educated guess based
21 on, like, I had came around the corner and seen, but with never seeing aerial
22 photograph, it's just my best guess.

23 THE COURT: Okay. Did that raise any questions, Mr. Tuszynski?

24 MR. TUSZYNSKI: Yes, Your Honor. I just want to clarify.

25 REDIRECT EXAMINATION

1 BY MR. TUSZYNSKI:

2 Q Alyssa, you just placed a black tack on State's Exhibit 4. Now, where
3 you put that tack, does that represent where you were when you saw the
4 vehicle you've been talking about, or where the vehicle was?

5 A That's where I would have been. I would be somewhere in the
6 straightaway. I can't tell you exactly where the black tack would be. I can't
7 relate to that, but I had made it around the curve and somewhere in this
8 straightaway.

9 Q Okay. And just so I've got it right, the black tack you put on State's 4
10 represents where you believe you were when you saw the vehicle, which turned
11 out to be bus 36; is that fair?

12 A That is correct, yes. That's when I saw lights.

13 Q Okay.

14 THE COURT: Okay. Did that raise questions, Ms. Arndt?

15 MS. ARNDT: No.

16 THE COURT: Okay. Okay. Is there any other juror questions?

17 Okay.

18 You may step down, Ms. Shepherd.

19 (End of Alyssa Shepherd's testimony at 10:48:18)