

MALDONADO TRIAL NOTES DAY IV

Began a three hour video of an interrogation of Maldonado when he was first arrested in Alabama by GBI agent Lisa Verossi and NCSO Investigator Mark Hegwood.

Initially said he had no idea why he was here. When told why he was there and that Tim Clements had been murdered he appears shocked.

Said Katria McClain's parents gave him permission to bring her with him.

Said that Jonathan Henderson "J-Dawg," Christian Caldwell "Chris" and Brittany Beasley "Bree" lived with him. Called Beasley Caldwell's wife. Said he didn't know their real or last names, they just stayed there and helped with the rent. Said they had been there for about a month (Caldwell and Beasley).

Said he met Caldwell through a friend at a party.

Said the victim paid him \$10 an hour.

Said Tim Clements said to him at one point when he said he was moving out cause he couldn't afford the car note, rent, etc. and that Clements said to him that he had to tell him things otherwise he wouldn't know what was going on and "that's what I'm here for, to help you." Said that's when Clements gave him a check for \$2,500 to help him out that week.

Named several girlfriends that he had aside from Katria – at least four girls.

Said he called Tim Clements Friday but he never answered and it went straight to voice mail.

Said he and Katria had a schedule to have sex on Mondays and Fridays. Went to her house but she was on her period. They went to Kroger and bought wings and beer and cigarettes with her stepfather.

Said he was trying to go to the club that night and then to Santa Fe Mall in Gwinnett County, but there wasn't anything going on. Also wanted to go to Waffle House to talk to another girl her was interested in.

"I don't know, I just have a thing about girls."

He went to a friend's house, smoked weed and went to sleep there. Said he got up at 10-11 a.m. the next morning and just chilled. Ate BBQ there and then went to a different friend's house around 2-3 p.m.

Said a friend wanted him to go to Alabama and that he decided to take Katria with him. They left and went to Silverback Stadium to watch a game. He as going to play cause he's on the team, but his ankle hurt.

Said he wasn't concerned about where Tim was because sometimes he would go to Home Depot, etc...

Said Brittany Beasley and Christian Caldwell were "a violent couple," and that she had bruises on her often and the two would fight.

Said he had no idea who killed Tim Clements and no idea who would want to hurt him.

"My guess would be nobody."

Said there was never any talk to rob Tim Clements because he had told him several times that any time he needed something to come to him, so why would he want to rob him when he could just ask him for money.

"The only friend that I have is Tim."

Said he felt like people were trying to set him up because there was no way he would hurt Tim Clements.

"That man was like an angel to me... He's like a dad to me."

Said he never said no or hesitated when Maldonado asked him for money.

When told there was evidence that Clements was killed in his house he said they needed to talk to his roommates because he didn't know anything about it.

Said when he was in his house Thursday he didn't notice anything but that he was high a lot.

Lisa Verossi: "I would think you would notice a dead body in your hallway, even if you're high."

Said he had no motive, a job secured for the rest of his life because that when he retired if Maldonado bought the equipment then the company would be his. He said that he had no reason and no motive to kill the victim and even if other people said he was involved he wasn't and that people were trying to set him up.

Said there was no motive "unless he was crazy... and just lost control."

Said he had nothing to do with it, but when asked if they could search his car he balked, "well, why would you need to search my car?"

"My conscience is clean. That man is a blessing... I am who I am today because of that man."

Denied talking about committing a murder or a robbery.

"No that he's gone I'm screwed, so screwed... I got no job... I was like basically his son..."

"I have no motive... to hurt the angel that has my back."

Said he [Tim Clements] used to tell him his wife got mad at him for loaning Maldonado money, but he knew that Maldonado would pay him back.

"All I do is talk to females... and besides that go to church every now and then and go to work."

Said Friday morning tried to call Tim and then, when he didn't answer, called Curtis Thompson and then called Clements' widow.

When investigator told him that Clements' widow said Clements would never write him a check for that much, Maldonado said how did she know and that he would write Maldonado a check for that amount.

Maldonado asked them if they had evidence that he did something why were they talking to him?

Captain Marty Roberts with the NCSO enters the interrogation room to begin questioning as well.

"He put his trust in me and I put my trust in him."

Both Beasley and Caldwell had recently lost their jobs at Krystal's and Mrs. Winners and Maldonado said that Clements wanted him to get people in there that could pay rent.

"What I'm here today for ain't fake. Tim Clements is dead. And someone treated him pretty bad before he died." Marty Roberts.

Said they were only going to Alabama for a day.

The day she pawned the hedge clippers and ring was Beasley and Caldwell's anniversary, and they went out that night and bowled, etc...

Maldonado said he had no idea the police had been to his house.

Asked Maldonado why Caldwell would want to hurt Clements. Maldonado said that he knew Clements had money.

I'm getting to the point that I don't want to talk no more...

Said he is in the U.S. illegally.

Said he knew he was at his duplex Thursday night because people put in there. He said he didn't smell the bleach or anything because he was messed up when he came home.

Marty: "I don't believe a word you say."

Pablo: "Well, that's your problem."

Marty: "You have a dead man in your closet. That's your problem."

JEFF STROHN – Sprint/NEXTEL Telecommunications representative. Explained to jurors how a cell phone can be tracked with a tower to show their location as their cell phone pings. Also, how a list is created and kept for ingoing and outgoing calls. Boost mobile accounts have prepaid minutes. Because they are paid for up front no photo ID is required, nor is any information provided to them verified. Sprint customers is the exact opposite.

Maldonado made last phone call June 10, 2009. The last time a phone call went to the phone's voice mail was June 18, 2009.

He has a Boost Mobile account. If the phone is turned off no records will be find in the call report. Same would hold true if the phone was broken in a way that it could no longer connect to a cell tower. In the Sprint network, regardless of if the phone is turned off, will show up. Tim Clements had a Sprint account.

BRITTNEY BEASLEY – Was 18-years-old at the time of the crime. Testifying under a grant of diminutive immunity that means anything she says in court today cannot be used against her, however her prior statements still can be.

She said she was not truthful in her prior interviews because she was trying to protect herself, but that she has sworn to tell the truth today.

Said she and Christian had been seeing one another for about 8 months at that time and they had met in Lithonia. She was five months pregnant at the time. Said the two had lived with his parents before, as well as her grandparents – both in Lithonia. They moved in with Pablo Maldonado because she didn't get along with Caldwell's sister. Said the reason they thought about moving to Covington was because Caldwell had a school friend named CJ that lived about four houses down from Maldonado on Kirkland Road.

They moved to the Kirkland Road address the beginning of June, 2009. They brought the dishes and "the little things that went inside the house" with them when they moved in.

Said when they first moved in a guy named Lewis lived there too, but he moved out about a week later. A girl named Jazz was there for a time and she stayed in the room with Maldonado, according to Beasley.

The first time she met Maldonado was when they moved in.

At that time she worked at Krystal's in Lithonia and Caldwell worked at Mrs. Winners, also in Lithonia. They both stopped working at their jobs when they moved to Covington because they had no transportation.

Said she met Tim Clements when he came to pick Maldonado up for work. She also would see him when he came to the duplex. Met him three to four times total. She said the first conversation they had was when he was looking for Maldonado and Clements asked her who she was. This was likely the weekend before his murder, according to Beasley. She said that he didn't know they were living there before then. He also asked her if she was staying at the home and when she said yes he said "how do I not know who's staying in my house?"

She said she heard about robbing Clements for the first time the week before she met him from Maldonado. She said that Maldonado said that he was money hungry and he needed to rob Clements. He said he was riding with him one day when Clements went to the bank and picked some up. He told them he thought Clements had \$10,000 that he kept in a folder.

Said they started planning it out [Caldwell and Maldonado]. She is involved in the early plans to steal the money. She was supposed to be the one who got Clements to come into the house. She was supposed to say the pipes in the laundry room were leaking in the walls. Said Maldonado came up with that plan. They were going to put water on the floor – that was Caldwell's idea.

Maldonado was going to be with Clements and Beasley was supposed to call them to tell them the pipes were leaking, and he was going to tell Clements that he [Maldonado] he was going to go inside to check on the pipes. This should be done when they were on their way home from work.

She said that did happen. When Clements and Maldonado got there Clements called someone else to come and then he went and looked into the laundry room.

The actual plan to rob him was to have Caldwell with a gun and make Clements give him the folder. Caldwell was the person to do that because Clements didn't know him. However that didn't happen. The person who Clements called came to the house as well. At that time there were no plans to hurt Clements.

After that plan failed another plan to rob him came up.

This plan was to have Beasley call and tell Maldonado that someone was breaking into the house next door and taking copper pipes out of the wall. Then Caldwell would be the one to take the folder from him. He was supposed to have a gun but could not get one, according to Beasley. The reason this one failed was because Clements called the police on this occasion. She said Clements was upset and saying a fridge and ceiling fan were missing. She went outside to speak with Clements and Maldonado, Caldwell was not there.

Said there was a third plan, this one involving Katria.

Said Maldonado and Caldwell came inside and Maldonado was "yelling and cussing" at Caldwell for failing to go through with the plan. She said Caldwell was telling Maldonado that he couldn't get a gun and he was sorry but that he didn't want to do it anyway.

The plan involving Katria first came into play Wednesday night. First Maldonado and Caldwell came in and told Jazz that she needed to pack her stuff and move. They said she was sneaking guys in the house when they weren't there.

Maldonado starts talking about how they were all going to be in on the plan because she and McClain were their girlfriends, and if they wanted to leave now there was the door. She assumed he was talking about attempting to rob Clements again.

First Maldonado tells her if she helps that her and Caldwell would be together forever (they had broken up a couple of days before and she was upset about it), and that he and McClain could be just the two of them and he would get rid of all the other girls.

Maldonado started to tell them how he was going to get Clements in the house and tell him that the guys who looked at the pipes didn't do it right and they were still leaking. No discussion about putting water on the floor though. Caldwell was supposed to hit him with a baseball bat and knock him on the floor, then tie him up to a chair with a phone cord, put a cloth over his eyes and she and McClain was supposed to watch him while they took a check – that they would have Clements sign – and get it cashed. She isn't sure how they would get him to write the check. Originally the check was supposed to be for \$200,000. They were going to cash a check through a guy that Maldonado knew.

Clements was to stay in the living room and she and McClain were to stay on the couch and watch him.

Said the fact that Clements may recognize them didn't come up at first.

She said she knew that he was going to potentially get killed because of the way that everything was being played out.

“He was going to be dead.”

Caldwell was supposed to have a baseball bat and she a liquor bottle. She was supposed to stand by the fridge and that way if Clements made it all the way around she could hit him with it.

They were supposed to wear gloves and she and Katria were supposed to wear nets over their hair or a bandanna, so that their hair wouldn't get on the victim. Caldwell's idea.

Reiterated what McClain had said about wanting to spend the night over there to help with babysitting.

She said they did a dry run before the actual event.

Said they set the alarm clock for 5 a.m, because she had to get up to rob Clements.

During the planning Maldonado reportedly said if they came asking questions he would have to kill Clements' wife and daughter too.

Said after that they went to bed, talked about themselves and the baby and the relationship, that she told Caldwell that he shouldn't have anything to do with it, watched a movie and had sex. She didn't think they slept that night. When the alarm went off she got up and turned it off and went back to bed but he got up, kissed her and told her everything would be alright and to “just go with it”and went out of the room to nail the windows shut and fix the doors so they would lock.

After Caldwell nailed everything shut he then put the hammer on the kitchen counter. While he did that she got dressed for the day. She wore a long-sleeved shirt, long pants, a bandana and a shower cap over her head and gloves. So that not only can the blood not get on her, but her DNA can't get on here.

Said Maldonado was wearing a black, long-sleeved shirt, jeans and black shoes.

Initially, the morning of the murder, she and Caldwell were supposed get McClain but Maldonado changed his mind and made just Caldwell go. She isn't sure if Maldonado went or not. When he came back he put on his gloves, got the bat and stood behind the door. She went to the fridge where she was supposed to be stationed and got her liquor bottle. Maldonado went to the porch to wait for Clements.

“That's when everything starts to happen.”

Maldonado coughed to let Caldwell know that he was coming in. Caldwell slammed the door close and hit Clements in the head with a bat. Clements fell down and tried to get up, repeating over and over again "oh f**k, oh, f**k."

BEASLEY GOT DOWN AND DEMONSTRATED WHAT HAPPENED WITH CHIEF ADA ANNE KURTZ. KURTZ PLAYED THE PART OF CALDWELL AND MALDONADO WHILE BEASLEY DEMONSTRATED HOW CLEMENTS FELL, ETC...

Caldwell was holding the bat like one would at a baseball game.

She demonstrated how Clements fell to the ground to his knees. When he was trying to get up he was holding his head trying to get up with one hand on his head saying "oh f**k," and then Maldonado hit him in the head with a hammer.

AS SHE IS DOWN ON THE GROUND DEMONSTRATING, BEASLEY STARTS TO CRY. CLEMENTS' WIDOW PUTS HER HEAD DOWN AND COVERS HER EARS WITH HER HANDS. MALDONADO WATCHES STONE FACED.

Said he hit him three or four times and that Clements was "out." Said the blood was coming off the side of his head.

Said the first time he hit him he was trying to get up, after the first strike his legs are bent over him and his legs hit the ground. Said Maldonado kept hitting him straight down two or three times. Said when he was done Maldonado put the hammer back in the kitchen area. Caldwell is standing behind Maldonado holding the bat down as Maldonado continues to strike Clements with the hammer. Said Caldwell only hit him once.

Then they tied a bag over his head. Caldwell picked him up and held him by his shoulders. It was put over his head (the grocery bag) with the handles on the side. This was to stop the blood from getting all over the place. The blood is mostly coming from the back of his head. Maldonado turned the bag and made sure it was tied. Then Caldwell and Maldonado put the phone cords on him. Caldwell sat him up against the wall. Pulled him up by his shoulders, his head was leaning and arms hanging and his legs still underneath him. Said Caldwell was holding him and Maldonado was tying his hands. He got the cords off the kitchen counter. He tied them in front of him. Said she did not see any other tying. Then they moved him to the closet but she isn't sure how because she wasn't trying to see – she was at the fridge still and didn't try to see how they were doing it.

Said then Caldwell and Maldonado left to get rid of the truck and the lawn equipment that was behind the truck. They were supposed to take the equipment to John's house in Lithonia. Said John was not there during any of the planning to rob or kill Clements. He was just supposed to hold the equipment at his apartment.

After they left she cleaned up the blood. Said the blood was thick, "like clumps of blood" and it was all over the whole floor. Said it was also on the wall in between the front door and left wall. Said she had a rag and would pick up the blood then rinse the rag in the kitchen. Said with the "big parts I would actually have to grab it," said she went back and forth between 30-40 times and that she also used the rag to clean the hammer and baseball bat. Said there wasn't any that she noticed on the bat but that there was visible blood on the hammer, most of it all over the silver part, but there was blood on the handle as well, up towards the silver head of the hammer. She then put the hammer and the bat back where they were originally, leaning against and on the counter. Said she cleaned the floor first.

After everything was clean she went and sat in the room closest to the hall so she could see the road and see when Maldonado and Caldwell came back. Said she heard a grunting noise "like a ugh" and could hear the bag moving. She heard his phone ringing too. She called Caldwell and told him that Clements' phone was ringing. She had called to tell them they needed to hurry and come back cause she was scared. She was scared because she was in this house with this man in this closet and she worried that

he would come out of the closet. She said she thought he was dead. When she heard the noises she thought he was trying to get loose. Said she had also called him while she was cleaning up the blood because she felt like she was going to be sick and that she couldn't do it. She said that Caldwell told her he would be back in a minute but she ended up cleaning it all up because she thought they would be mad at her because "that was my job."

Before the guys left Maldonado told Clements not to get any of his blood in him cause he had Hepatitis C and Caldwell was joking and said some got in his eye, and 'give me a kiss, baby.'

When she told them Clements' phone was ringing in the closet they told her to go to the closet to see if he was answering the phone and she told them, if he answered it, he answered it cause she wasn't going to go stand by the closet. She said she didn't hear anything else coming from the closet at that point. They hung up and then Caldwell called her back and told her to go to the closet and get the phone out of his pocket and she refused. Then he said that he would be there in a minute and hung up.

Said they came back walking to the house. They came in and Maldonado got Clements' phone and broke it, then took the bottom part with the numbers on it in a cup of water. While he was doing that Caldwell was talking to her, asking if she was okay. She said she was in shock of everything that had happened.

Then they left and went to McClain's house by foot. On the way there Maldonado handed her Clements' checkbook. He told her she would have to write the check. They got to McClain's house and Maldonado and Caldwell went to Kroger to get rid of a bag. A clear trash bag with shoelaces and gloves and things like that – maybe the rag she used to clean. At first he said he was going to throw the bag in the woods behind the house and she told him that was the first place the police would look and he should throw it in the dumpster. She went into the house and McClain gave her another pair of gloves and she wrote the first check for \$2,500 to Maldonado.

On the first check she messed up the dates. She was also supposed to look through the carbon copies of the checks to mimic his signature. Maldonado ripped it up and lit it on fire and he told her to do it again and she said she didn't want to and refused to take the checkbook. She told him he needed to do it and he and told her if she didn't then he would kill her too and put her in the dumpster behind the Kroger. She wrote the second check and gave the check and checkbook back to Maldonado.

After they watched a movie and ate cherries and Cheetos she asked McClain to walk with her to the weed man's house and she told him, while on the walk, that she thought they had killed him and then she told them about the cell ringing, bag crinkling. She said that McClain told her they weren't going to take her boyfriend to jail and that they would cross that bridge when they got to it. She tried to get a blunt but the weed man didn't have them and that's when McClain's stepfather came and got her because she wasn't supposed to be out because she didn't clean the kitchen the night before. Beasey went back to McClain's house but her stepdad said she was in even more trouble now and she couldn't have comapnt. So she went inside, got her cell phone that she had left, and headed to the Kroger.

While up there she saw a friend named CJ. She went back to his house and played Spades and chilled. She said she was hanging out like it was any other day. During this time she has tried calling Caldwell and Maldonado but they didn't answer. Said she was not concerned that they would just leave her. Said that someone named Tony (a neighbor) made some breakfast food so that she could eat. Then someone went and got beer and they all sat outside and drank – not her, because she's pregnant. Said there was no conversation about Maldonado and Clements that night. Though she did say at one point she talked to CJ about what was going on but not that night.

Said Olivia – the lady in the neighborhood that was talking to Caldwell when the two were broke up. She said they didn't have problems but the two didn't conversate. She said that Olivia called her and said that Caldwell and Maldonado were acting funny. She wanted to confront them about someone sending naked pictures of them around. She said that she asked for Caldwell and Maldonado said he wasn't there but before she left she saw Caldwell come from behind the house. She said when she got out of the car

Caldwell started begging her to go away and telling her they would talk in the morning. She said she tried to call Maldonado and Caldwell again but they didn't answer.

She said an hour or two later they picked her up from CJ's house. She had to sit on Caldwell's lap because there were speakers and a lot of clothes in the backseat. Then they went down to Maldonado's duplex. She said he poured something in a yellow bottle on the porch. She went in her room to pack her bags because she said they didn't need to be there cause a murder happened. She packed her hair stuff and prenatal vitamins. She left her clothes and everything and really had no intention of coming back to the house. She said that Maldonado had said something about going to Mexico but there was never any concrete decision they were going. She and Caldwell were heading to her dad's house in Lithonia.

She said while she was packing Maldonado cut a piece of carpet out and set it on fire. She said the carpet was right in front of the closet.

She and Maldonado went on the porch and she called her dad to see if she and Caldwell could go there, but no luck. She called her brother and no luck there either. She they go with Maldonado. First they went to Waffle House where Maldonado was meeting a girl. Then they went to someone named Mike's house. Maldonado reportedly told him that he had just murdered someone. They all smoked some weed with Mike. Then Caldwell went to sleep and Maldonado kept telling Beasley how much Caldwell loved her. Then they all went to sleep.

Early Friday morning they all went back to Maldonado's house. Beasley couldn't find her ID and she needed it. They were originally going to see Caldwell's brother in prison but then they decided to go to the pawn shop in Lithonia to pawn Clements' hedge clippers. She couldn't find it, so they went to her dad's house to get her birth certificate and then to the DMV to get an ID card.

Then they went to John's house where the lawn equipment was. They went inside and got the hedge clippers – she thinks Caldwell put it in the car and that it was wrapped in something. They came in the back door with it.

When John asked who would pawn it Maldonado said Beasley would do it. She also pawned her personal ring. She got the cash for that and Maldonado got the cash from the hedge clippers.

Then they went to Walmart. Maldonado and Caldwell walked around and she went to the McDonald's inside the Walmart and ordered all three of them some food. Maldonado did not give her any money for the food. They ate and then went to a bowling alley in McDonough – she Maldonado and Caldwell. When they are on their way Clements comes up when Maldonado kept saying that he was a sick man and that he was talking to him on the way to get rid of his body and that he had kissed Clements good-bye before they got rid of the body. As they passed over the bridge at Snapping Shoals, Maldonado reportedly said “y'all wave, there goes Boss Man, he's swimming.”

She and Caldwell went and played some games and Maldonado went down to the laser tag area talking to a girl. When they left the bowling alley they went to McClain's house. She also said that you could see blood on Maldonado's pants and now that he realizes he has blood on his pants he changed clothes in the bathroom after getting a new pair out of his car.

On the way back to Covington Jazz called and told them the police were at the house. They pulled in by the Kroger down the street from Kirkland Road and she and Caldwell got out. When she was pulling in a cop was pulled in behind them. She refused to get back in the car and then they walked to McClain's house. When they got there Maldonado and McClain walked away and talked for a second and then she and Caldwell left to go to CJ's house.

Said at CJ's house they were joking, saying “Pablo done killed the rent man, now we get free rent!”

She said she didn't know how they knew but she hadn't told them and she hadn't heard anyone else tell them.

They went into CJ's house and listened to music, then they went to Tony's house that was next door. They stayed there. At one point police came to the house and asked where Maldonado was, but she said no one said anything.

Said after they left McClain's house, she never saw her or Maldonado again.

She said later that night she walked to the house, thinking that if she asked them questions about what was going on to the police that they would assume she didn't have anything to do with it. She asked him if she could get her stuff out of the house and he was all, do you live here? And he asked if when they got done he could come and get her and she said that would be okay. She said that she felt better about the situation because she said he didn't connect the dots.

She said the day that Clements was killed was their anniversary, and that night he brought her a puppy. Since she went through with this they were together again, just like Maldonado had promised. They stayed that Friday night at CJ's house.

Said they woke up Saturday and walked to the Kroger since it was the 13th and her food stamps went on her card that day. They walked there and got food and someone cooked breakfast. A little after that Caldwell's mother called and told them the police were after them. Caldwell's grandfather came and picked them up and took them to Caldwell's mother's house and the investigators took them to the jail to talk with them.

During that time they were waiting for Caldwell's grandfather, they talked about being calm, keeping themselves distanced from it and not admitting anything. However, she said she was never truthfully forthcoming with investigators in any interviews as far as her involvement went.

Said over the next few days did not speak to McClain or Maldonado, nor did she speak to Caldwell after their arrest.

Had her daughter in jail.

She and Katria are not allowed to be around one another, so they switch out in regular lock-up and the medical wing at the jail. She said she saw Maldonado slide a coded letter and a key under her door in medical while in jail.

The key had the alphabet and then under each letter a code. Then there is a coded letter, which she had to decipher in order to read it.

Said Caldwell was "history" because he "opened his mouth." And that he and she needed to work together to get themselves out. "Somebody has to pay for this and it's not going to be you or me, its going to be Chris [Christian Caldwell] and John [Jonathan Henderson]."

He said he would testify for her if he told her attorney that he didn't do anything, and that her daughter was growing up without her mommy and needed Beasley there.

DEFENSE – Said she gave four or five interviews in the case. Said she was testifying so "that the truth can be told." When asked if she thought this would help her with the state she said "probably not."

Said she gave her first interview that Saturday, June 13, 2009.

She was expecting to get a settlement from her mother's estate for \$12,000 the Monday before the murder, but it didn't happen.