

1 tracks. Do you remember that? And you probably would  
2 have to stop behind it?

3 A: No.

4 Q: You don't recall that?

5 A: No, well if that's the case, as I stated  
6 there were three lanes. He turned in the furthest  
7 right lane. So I may have been in front of him by that  
8 time and he passed me at one point.

9 Q: And were you getting frustrated with the  
10 tractor trailer driver?

11 A: No.

12 Q: I don't have any further questions.

13 THE COURT: Re-direct.

14 RE-DIRECT EXAMINATION

15 BY MR. BRATT:

16 Q: Mr. Ervin, when the tractor trailer came  
17 into your lane and you jumped into the lane to your left  
18 did you have time to signal?

19 A: No.

20 Q: Did you have time to blow your horn?

21 A: No.

22 Q: Did you have time to hit the brakes?

23 A: No.

24 Q: Did you have time to do something besides  
25 what you ultimately did?

1 A: No.

2 Q: Did you have to work the day of this  
3 accident?

4 A: I did.

5 Q: What time did you have to be at work?

6 A: 2:00.

7 Q: What time did the accident happen?

8 A: Approximately 12:00.

9 Q: When the accident happened how far were you  
10 from home?

11 A: Not far at all. Soon as I made my right  
12 turn I was at home.

13 Q: In minutes how long would it take you  
14 ordinarily to get home from where this accident happened?

15 A: Less than a minute.

16 Q: Were you in a hurry?

17 A: No.

18 Q: Were you trying to pass this tractor  
19 trailer?

20 A: There was no need -- no.

21 Q: Why?

22 A: I wasn't in a rush. I was home soon as I  
23 made that turn.

24 Q: Do you know -- can you tell us about how  
25 far in distance it would have been? After -- after you

1 made that left turn onto Leonardtown Road how did you  
2 have to drive before you turned right?

3 A: Less than a quarter mile.

4 Q: And how long would it take you to travel  
5 that far?

6 A: At 35 miles an hour, 20, 30 seconds maybe.

7 A min -- less than a minute.

8 Q: Are there lane markings where this -- where  
9 -- where Mattawoman Beantown Road comes out to four  
10 lanes?

11 A: Yes.

12 Q: And I'd like to direct your attention to  
13 what we've already marked as Exhibit 1 if I can remember  
14 where it is.

15 And again I'm gonna show you Exhibit 1. Now,  
16 do these lane markings look like what you remember the  
17 lane markings looking like?

18 A: Yes, the do.

19 Q: Thank you ladies and gentlemen.

20 Can I walk over to the jury, Your Honor?

21 THE COURT: Certainly.

22 Q: Ladies and gentlemen, I just want to show  
23 you what I'm showing Mr. Ervin. I was showing him the  
24 lane markings. As you can see there are lane markings  
25 indicated on the diagram here and that these are the same

1 markings that he remembers being there at the scene and  
2 I'm gonna talk a little more about that later.

3 I don't have any more questions, Your Honor.

4 THE COURT: Re-cross?

5 MR. FORD: No, Your Honor.

6 MR. STEPHENSON: Just briefly, Your Honor.

7 THE COURT: Okay.

8 RE-CROSS EXAMINATION

9 BY MR. STEPHENSON:

10 Q: Mr. Ervin, you didn't have time to hit your  
11 brakes. You didn't have time to sound your horn, right?

12 A: Correct.

13 Q: But you did have time to check your mirrors  
14 and make a decision that you were gonna make a lane  
15 change to the lane to the left and to complete that lane  
16 change, correct?

17 A: Split second; abruptly.

18 Q: Okay. Okay.

19 Would it have taken you any more time to apply  
20 your brakes?

21 A: I don't know.

22 Q: Because that's the decision that you made  
23 under the circumstances?

24 A: Yes.

25 Q: Okay.