

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Fairfield County

Honorable Paul M. Burch, Circuit Court Judge

CURTIS LEE ELGIN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-001383

APPENDIX

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
APPLICANT’S EXHIBIT #2 (CD OF RECORDINGS)**

TESTIMONY OF LINDSAY GOINS

1 question?

2 A He answered it but he leaned to Curtis when he was
3 asking it because Mr. Barnes had a pillow up under him.

4 Q Did you remember Raymond Barnes having cigarettes
5 that day?

6 A Yes, I do.

7 Q He had a carton of cigarettes?

8 A Yes.

9 Q What type of cigarettes?

10 A I didn't ask the man what type of cigarettes he
11 smoked.

12 Q You testified that he had a carton of cigarettes.

13 A Yes, he did.

14 Q You don't know what kind of cigarettes?

15 A I don't smoke myself so I didn't ask him what kind of
16 brand he ordered, no, I didn't.

17 Q You didn't notice the color of the box or anything?

18 A No, I didn't. I wasn't paying the box no attention.

19 Q Do you personally know whether it's considered
20 contraband to have a whole carton of cigarettes in the
21 jail?

22 A I don't know, I couldn't even answer that.

23 Q Do you know where Raymond Barnes got the cigarettes
24 from?

25 A I couldn't answer that either, I don't know.

TESTIMONY OF LINDSAY GOINS

1 Q When was the first time you saw Raymond Barnes with
2 the whole carton of cigarettes?

3 A Well, that's the only time I can't remember anything
4 else about it.

5 Q You can't remember?

6 A Not about that. I just remember the time when he was
7 in the cell at that particular time.

8 Q Did you know that Raymond Barnes was an informant
9 when he was in jail?

10 A I had no idea he was an informant.

11 Q You didn't know that?

12 A No.

13 Q Did you know Curtis' whole name?

14 A No, I didn't.

15 Q You just know him as Curtis?

16 A I knowed him when he started telling him his name was
17 Curtis Elgin, because I heard the words he told Barnes.

18 Q You testified earlier that Curtis Elgin got caught
19 going through Ms. Belton's drawers.

20 A That's what the conversation they had was about,
21 yeah.

22 Q That's what you overheard him tell Mr. Barnes?

23 A Yeah.

24 Q And you also testified that you gave information to
25 the police that Curtis Elgin and Ms. Belton got in a

TESTIMONY OF LINDSAY GOINS

1 struggle, do you remember that?

2 A He stated that he grabbed her, she was in the hallway
3 and he grabbed her.

4 Q He grabbed her?

5 A And she tried to run, yeah.

6 Q You testified earlier that Curtis Elgin told Raymond
7 Barnes that the way he got into the house was through the
8 bedroom window.

9 A Yes.

10 Q And that he removed the screen.

11 A Yes.

12 Q Then you testified to something about a key. Are you
13 referring to a key to the -- actually to the house?

14 A They didn't tell me what the key was for, all I know
15 is I heard it was a key.

16 Q Tell me what you heard about the key. What type of
17 key are we talking about?

18 A They just said a key because I was headed back on top
19 of my bunk because I wasn't trying to get into the
20 conversation and he leaned in and did more talking to
21 Mr. Barnes than he did to me.

22 Q So when you're in your top bunk you're not able to
23 hear anything they were saying?

24 A No. Because they was leaning side to side to one
25 another.

TESTIMONY OF LINDSAY GOINS

- 1 Q Like they didn't want you to hear?
- 2 A Yes, correct.
- 3 Q You didn't hear Curtis say anything about making a
4 delivery of furniture to Ms. Belton's house, did you?
- 5 A I can't remember.
- 6 Q You can't remember?
- 7 A I didn't hear it or I didn't hear him mention
8 anything about it, no.
- 9 Q Did you hear Curtis Elgin saying that he had ever
10 been to Ms. Belton's house?
- 11 A Once again, if he said it he told Mr. Barnes and they
12 was talking side by side so I wouldn't have heard it.
- 13 Q You were at the top, Mr. Barnes is at the bottom, and
14 where did you say that Curtis' bunk is?
- 15 A Curtis' bunk was supposed to be on the other side.
16 This has been eight years, going on the best of my memory,
17 but it could have been.
- 18 Q Are you not sure?
- 19 A Well, not right off but I'm thinking it was at the
20 bottom.
- 21 Q Do you have family in Winnsboro? Do you have family
22 here?
- 23 A Yeah. I have family here, yeah.
- 24 Q How long did you live in Winnsboro?
- 25 A I lived in Winnsboro about six or seven years.

TESTIMONY OF LINDSAY GOINS

1 Q Six or seven years?

2 A Yeah.

3 Q You're saying prior to hearing that conversation

4 supposedly that occurred between Raymond Barnes and Curtis

5 Elgin you had never heard anything about the murder of Ms.

6 Belton?

7 A No.

8 Q And this young lady lived near you?

9 A Yeah. But I don't go up the street asking everybody
10 what happened in people's house, I take care of my own
11 business.

12 Q How do you remember -- let me ask you this: The
13 statement that you gave December 28, 2004, you signed it,
14 right?

15 A Yes, I did.

16 Q And they gave you a copy of it?

17 A Yes.

18 Q Did you keep it?

19 A Yes.

20 Q Did you refer to it prior to coming here today?

21 A No.

22 Q You didn't look at your statement?

23 A There was no need to.

24 Q There was no need to?

25 A Because I remember what happened that day.

TESTIMONY OF LINDSAY GOINS

- 1 Q Okay. You overheard a conversation between Curtis
2 Elgin and Raymond Barnes in 1996, right?
- 3 A Yes.
- 4 Q Correct?
- 5 A Yes.
- 6 Q But you don't talk to the police until December of
7 2004 --
- 8 A That's correct.
- 9 Q -- when they came to Rochester, New York?
- 10 A That's correct.
- 11 Q So you were actually in the cell at the same time in
12 1996 and you never said anything to any police officers
13 about this?
- 14 A Yeah. Because I don't know whether he's telling the
15 truth or whether he's for real or not, I don't know.
- 16 Q So when they came to talk to you eight years later
17 you hadn't given a statement yet.
- 18 A Explain.
- 19 Q When the police officers came to New York in 2004 to
20 talk with you, you didn't have a statement yet, did you?
- 21 A Yes. I had gave them a statement.
- 22 Q When did you give them a statement?
- 23 A It was in 2004.
- 24 Q 2004?
- 25 A Yes.

TESTIMONY OF LINDSAY GOINS

1 Q Okay. That's the same time they came to talk to you,
2 right?

3 A Yes.

4 Q Had you given a statement before they came to talk to
5 you?

6 A I can't remember.

7 Q Did you talk to any police officers about what you
8 heard in the detention center before they came to New York
9 to talk to you? Had you ever talked to anybody else about
10 this?

11 A No.

12 Q And so when they came to talk to you eight years
13 later you remember all of these details?

14 A Yes. I don't suffer alzheimers, I think I would
15 remember that.

16 Q You said you didn't know whether he was telling the
17 truth or not, that's why you didn't tell the police
18 earlier, right?

19 A Because I wasn't in his head, I can't tell what the
20 man was thinking.

21 Q If you didn't know whether or not he was telling the
22 truth in 1996 when you heard the information, what is it
23 about it that made you remember all of these details about
24 what happened?

25 A Because what he kept saying, he kept --

TESTIMONY OF LINDSAY GOINS

1 Q You only heard one conversation, right?

2 A Yeah. But he was talking to Barnes once again
3 shoulder to shoulder so I'm not sure what they were
4 talking about, but that particular conversation I heard.

5 Q You heard one conversation.

6 A Yes.

7 Q So you said what he kept saying. How many times did
8 you hear Curtis Elgin talk about this murder?

9 A I heard him talking to Barnes shoulder to shoulder
10 because Barnes had a pillow up under him, I'm not sure
11 what he was talking about.

12 Q You said he was talking to Barnes shoulder to
13 shoulder. So you don't know whether they were talking
14 about the murder or not when the two of them were that
15 close, right?

16 A Correct.

17 Q And you only heard one conversation.

18 A Yes, I did.

19 Q And you said you don't know whether he was telling
20 the truth when you heard that conversation?

21 A I couldn't tell whether he was telling the truth or
22 not, no.

23 Q When the police came to talk to you in New York, they
24 told you what they were coming to talk to you about,
25 didn't they?

TESTIMONY OF LINDSAY GOINS

1 A They wanted to ask me questions about an incident,
2 yes.

3 Q They said they wanted to talk to you about a murder.

4 A Yeah, about a particular case.

5 Q What did they say they wanted to talk to you about?

6 A They just wanted to ask me had I overheard anything
7 when I was in the jail with Curtis Elgin.

8 Q And at that time before they came up there you told
9 them yes.

10 A Yes, I did.

11 Q Did you tell them all of the details then or you
12 waited until they came up there?

13 A Well, frankly I didn't know what to think about the
14 whole matter to be honest with you. When they came and
15 talked to me about it it came back because I remembered.

16 MS. SMALLS: Beg the Court's indulgence.

17 THE COURT: Sure.

18 (Break in proceedings.)

19 Q Mr. Goins, when you were talking about a key earlier,
20 do you recall what type of key they were talking about?

21 A No. But nobody explained to me what the key is
22 about, all I know it was a key.

23 Q You just heard them say it was a key.

24 A Yeah. That's all I can tell you about that.

25 Q So you actually dealt with law enforcement just once

TESTIMONY OF LINDSAY GOINS

1 when they came up to Rochester, New York?

2 A Yes.

3 Q That's the only time you have ever talked to them
4 about this case?

5 A As far as I can remember, yes.

6 Q Prior to your testimony today, when is the last time
7 you talked to law enforcement or anybody from the
8 solicitor's office?

9 A Well, they came to the motel about my record but we
10 didn't talk about no case. We talked about my record,
11 whatever my record was, that's what we talked about.

12 Q So y'all haven't talked about your testimony at all?

13 A No.

14 Q Since 2004?

15 A No.

16 Q The statement that you gave to the police officers in
17 December of 2004, when they left, they left you with a
18 copy?

19 A Yeah. They left me with a copy but it's in New York.

20 Q Okay. But you read over it before you signed it?

21 A Well, yeah. Because I knew that I didn't really have
22 to read over it because I knew it.

23 Q When is the last time you talked to anybody else
24 about this case, law enforcement or otherwise, any family
25 members here in Winnsboro?

TESTIMONY OF LINDSAY GOINS

1 A No, I haven't. As a matter of fact, I haven't seen
2 my family in 30 years. They were -- this is the first
3 time me and my son had a really sit down hamburger meal
4 together. I haven't discussed nothing with anybody, it
5 has been 32 years.

6 Q Thirty-two years?

7 A I have been talking with them on and off but it's not
8 like sitting there with them.

9 Q And the reason you didn't say anything to law
10 enforcement in 1996 when you overheard the conversation
11 was because you didn't know whether it was true or not?

12 A I didn't think I was judge and jury over what he was
13 saying, I'll just put it like that.

14 MS. SMALLS: No further questions.

15 MR. BARFIELD: Just a couple of real quick.

16 THE COURT: All right.

17 REDIRECT EXAMINATION

18 BY MR. BARFIELD:

19 Q I asked you a minute ago whether you or Curtis Elgin
20 got out of the county jail. First, do you remember
21 whether you or Raymond Barnes got out of the county jail
22 first?

23 A I think I got out before Raymond Barnes.

24 Q When you got out, how soon after you got out of the
25 county jail until this week have you seen Raymond Barnes

TESTIMONY OF LINDSAY GOINS

1 between when you got out of the county jail in '96 and
2 this week?

3 A Well, I talked to him. I really didn't know who the
4 man was because he looked different, all in a suit
5 dressed. I thought he was a lawyer or judge or something.
6 I just met him today for the first time at the motel and
7 over here, but --

8 Q Well, that's my question. From the time you got out
9 of the county jail, whenever it was in '96, until this
10 week when we all gathered up down here for this business,
11 had you seen Raymond Barnes?

12 A No. I thought he had done dropped off the face of
13 the earth.

14 Q Had you talked to him or written letters or received
15 letters from him?

16 A No.

17 MR. BARFIELD: Thank you, that's all.

18 MS. SMALLS: Nothing further.

19 THE COURT: Thank you, sir, you may step down.

20 The witness, ROBERT GREEN, was first duly sworn and

21 Testified as follows, on:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q Mr. Green, I'm going to ask you a few questions. You
25 are in SCDC coveralls. Are you an inmate of the South

TESTIMONY OF ROBERT GREEN

- 1 Carolina Department of Corrections as we speak?
- 2 A Yes, sir.
- 3 Q What facility are you currently assigned to?
- 4 A Lee.
- 5 Q And where is Lee Correctional Institution?
- 6 A Bennettesville.
- 7 Q Have you been there awhile?
- 8 A Yes, sir.
- 9 Q Are you there in 2007?
- 10 A Yes, sir.
- 11 Q At some point in 2007 did you meet a man by the name
- 12 of Curtis Lee Elgin?
- 13 A Yes, sir.
- 14 Q Was he there?
- 15 A Yes, sir.
- 16 Q Since you and he were at Lee Correctional
- 17 Institution -- are you still at Lee?
- 18 A Yes, sir.
- 19 Q He is not at Lee; is that correct?
- 20 A No.
- 21 Q After he left Lee, have you had any other
- 22 communication or contact with Curtis Lee Elgin since he
- 23 left Lee Correctional Institution?
- 24 A No.
- 25 Q Do you remember what he looks like?

TESTIMONY OF ROBERT GREEN

1 A Yes, sir.

2 Q Do you see him here today?

3 A Yes, sir.

4 Q Where is he sitting and what has he got on?

5 A I think a white or yellow shirt; but he's sitting
6 right there, yes, sir.

7 Q At the other table with the young lady?

8 A Yes, sir.

9 Q Now, prior to some time in February of 2007, did you
10 know me?

11 A No, sir.

12 Q Did you know what a solicitor was in February of
13 2007?

14 A No, sir.

15 Q Did you know what the solicitor did I guess is what I
16 am asking.

17 A Yes, sir.

18 Q Did you write a letter to my office addressed to
19 solicitor?

20 A Yes, sir.

21 Q Don't give me any details at this point, but what was
22 the subject of your letter? Don't tell me what your
23 letter said, but why did you write my office a letter?

24 A To tell your office about a crime that took place.

25 Q All right, sir. Now, as a result of that letter, did

TESTIMONY OF ROBERT GREEN

1 law enforcement officers, I think probably a Sled agent
2 and perhaps somebody from the Fairfield County Sheriff's
3 Office, come see you at Lee?

4 A Yes, sir.

5 Q Do you remember this fellow right here?

6 A Yes, sir.

7 Q Is he one of the ones that came to see you?

8 A Yes, sir.

9 Q Did you meet with law enforcement officers about what
10 you wrote the letter about more than once?

11 A Yes, sir.

12 Q Were all of the meetings down at Lee Correctional
13 Institution?

14 A Yes, sir.

15 Q When you were talked to by these law enforcement
16 officers, did you tell them the information you had that
17 prompted you to write my office the letter?

18 A Yes, sir.

19 Q Prior to you writing my office that letter, had
20 anybody in law enforcement -- well, let me back up and ask
21 you a couple of general questions. Where was your home,
22 where do you live?

23 A Columbia.

24 Q Grew up and raised in Columbia?

25 A Yes, sir.

TESTIMONY OF ROBERT GREEN

- 1 Q Have you ever lived in Fairfield County?
- 2 A No, sir.
- 3 Q Do you have family in Fairfield County?
- 4 A No, sir.
- 5 Q Do you know people in Fairfield County?
- 6 A No, sir.
- 7 Q Other than people you've met in connection with this
- 8 case?
- 9 A No, sir.
- 10 Q Prior to meeting Curtis Elgin at Manning, did you
- 11 know who he was?
- 12 A No, sir.
- 13 Q Have you ever heard tell of or met a fellow named
- 14 Raymond Lewis Barnes?
- 15 A No, sir.
- 16 Q Have you ever heard tell of or met a fellow named
- 17 Lindsay Goins?
- 18 A No, sir.
- 19 Q Have you ever heard tell of or met a fellow named
- 20 Virgil Pauling?
- 21 A No, sir.
- 22 Q Don't know who none of those people are?
- 23 A No.
- 24 Q Before you wrote my letter, had you ever heard the
- 25 name or did you know a young lady by the name of Audrey

TESTIMONY OF ROBERT GREEN

1 Ann Belton?

2 A No.

3 Q When the law enforcement officers from Sled and the
4 sheriff's office talked to you those two, three or four
5 times, however many times it was about this matter, did
6 anybody promise you anything to tell them about what you
7 knew?

8 A No, sir.

9 Q You still are in prison?

10 A Yes, sir.

11 Q Are you going to be there awhile?

12 A I go home next year.

13 Q Is your sentence being adjusted or reduced or cut
14 down as a result of you being here today and talking about
15 this case?

16 A No, sir.

17 Q Did Curtis Elgin tell you about a killing in any
18 fashion while y'all were in Manning?

19 A Lee.

20 Q Lee, I'm sorry, I have said Manning twice. Lee, I'm
21 sorry.

22 A He --

23 Q Don't tell me what anybody else told you. Okay?

24 A Okay.

25 Q I just want you to tell me what you heard, if

TESTIMONY OF ROBERT GREEN

1 anything, that Curtis Elgin said.

2 A He told me he didn't do it.

3 Q All right. And what is didn't do it, what --

4 A He said he didn't kill nobody.

5 Q Did he tell you -- was there some conversation
6 between the two of y'all about a killing?

7 A I think after he found out that the Fairfield County
8 Sheriff's Department were coming to talk to me or
9 investigators were coming to come talk to me.

10 Q What did you tell the investigators when they came to
11 talk to you, that's what I want to know.

12 A Okay. I told them that he came to my room one day
13 because he and my roommate --

14 Q Don't tell me what your roommate said but just tell
15 me what Elgin said. He came to your room and what
16 happened?

17 A He and my roommate were talking one day and I had
18 supposed to have been asleep, which I was kind of asleep
19 and I didn't get to hear the whole conversation.

20 Q Tell me what you heard Curtis Elgin say. Tell them
21 what you heard Curtis Elgin say.

22 A He was talking to my roommate, he was telling my
23 roommate about some killing, and then so they left out of
24 the room.

25 Q Stop. What did Curtis Elgin tell your roommate at

TESTIMONY OF ROBERT GREEN

- 1 Lee about a killing?
- 2 A He just said about a killing.
- 3 Q What did he say about the killing?
- 4 A That's what he said, about a killing.
- 5 Q All right. Go ahead.
- 6 A Then so my roommate came back in, who's name was
- 7 Slim --
- 8 Q Don't say what Slim said, you can't say what Slim
- 9 said. That's fine, I just want us to follow the rules.
- 10 After that did you and Curtis Elgin talk about the
- 11 killing?
- 12 A Yeah. Not really because all he did is say to me --
- 13 he just told me he did not do it and don't testify against
- 14 him.
- 15 Q He said, "I didn't do it, don't testify against me."
- 16 A But you told me not to say nothing about Slim, so --
- 17 Q You can't say what Slim said.
- 18 A Okay.
- 19 Q I appreciate you paying attention, don't tell me
- 20 about Slim. I want to know what Curtis said.
- 21 A All right. To be honest with you he never did tell
- 22 me he killed nobody.
- 23 Q Did you and he get into an argument one time that you
- 24 said something to me about as we talked before this case?
- 25 A We got into an argument, we had plenty of arguments

TESTIMONY OF ROBERT GREEN

1 before.

2 Q What did Curtis say when y'all got into the argument?

3 A I guess he was playing or something like that, he
4 said -- he just said something about he's done killed one
5 time, he will kill again, so --

6 MR. BARFIELD: Okay. Answer anything Ms. Smalls has.

7 MS. SMALLS: May it please the Court?

8 THE COURT: Certainly.

9 CROSS EXAMINATION

10 BY MS. SMALLS:

11 Q Mr. Green, you actually wrote the solicitor's office
12 a letter in February of 2000.

13 A Yes, ma'am.

14 Q And that's while you were in Lee Correctional
15 Institution?

16 A Ma'am?

17 Q You wrote the letter while you were in prison.

18 A Yes, ma'am.

19 Q And you wrote it addressed to the 6th Circuit
20 Solicitor's Office.

21 A Yes, ma'am.

22 Q And in that letter you specifically said that Curtis
23 told you that he killed a woman, didn't you?

24 A Yes, ma'am.

25 Q But that's not true, is it?

TESTIMONY OF ROBERT GREEN

- 1 A No, ma'am.
- 2 Q And two officers actually came to interview you --
- 3 A Yes, ma'am.
- 4 Q -- at Lee Correctional Institution.
- 5 A Yes, ma'am.
- 6 Q But they didn't just talk to you, they talked to you
- 7 three times. Do you remember talking to the law
- 8 enforcement three times?
- 9 A Yes, ma'am.
- 10 Q You talked to them the first of March 5th of 2007.
- 11 You didn't give a statement that day, did you?
- 12 A No.
- 13 Q Then you talked to them May 2nd of 2007, you didn't
- 14 give a statement that day either, did you?
- 15 A No.
- 16 Q And finally on July 31st you talked to him a third
- 17 time and you gave them a statement.
- 18 A Yes, ma'am.
- 19 Q So when you wrote the letter to the solicitor saying
- 20 Curtis told you he killed somebody, that was just
- 21 completely untrue.
- 22 A Yes, ma'am.
- 23 Q He was your roommate actually in 2005.
- 24 A He was not my roommate.
- 25 Q He was never your roommate?

TESTIMONY OF ROBERT GREEN

- 1 A No, ma'am.
- 2 Q You say you overheard a conversation between Curtis
3 and Slim saying that about a killing, that that is the
4 extent of that conversation.
- 5 A No, not really. Slim came back in the room --
- 6 Q I don't want to know what Slim told you but what you
7 heard yourself.
- 8 A Yes, ma'am.
- 9 Q And this roommate named Slim, you don't know his full
10 name, do you?
- 11 A No, I don't know Slim.
- 12 Q But you know Curtis' full name?
- 13 A Yes, ma'am.
- 14 Q You're currently serving a 12 year sentence for
15 burglary, aren't you?
- 16 A Yes, ma'am.
- 17 Q And in 1986 and 1987 you received a three year
18 sentence that was suspended to one year of probation for
19 burglary, correct?
- 20 A Yes, ma'am.
- 21 Q In May of 1989 you received a one year sentence for
22 attempted burglary; is that correct?
- 23 A Yes, ma'am.
- 24 Q In August of 1989 you received a seven year sentence
25 for several counts of burglary, grand larceny and

TESTIMONY OF ROBERT GREEN

1 receiving stolen goods, correct?

2 A Yes, ma'am.

3 Q Then in October of 1993 you received a 15 year
4 sentence for burglary in the first degree, correct?

5 A Yes, ma'am.

6 Q March 2003 you received a 12 years that are
7 concurrent to the 15 you had already received, and that
8 was for attempted burglary, correct?

9 A Yes, ma'am.

10 Q And in August of 2004 you received a 12 year sentence
11 for burglary second and attempted burglary, correct?

12 A Yes, ma'am.

13 Q So it's your testimony here today that Curtis Elgin
14 never told you that he killed anyone, correct?

15 A Yes, ma'am.

16 Q But you also testified that at some point in time you
17 say you thought maybe he was playing or mad at you, y'all
18 were in the middle of an argument, he said, "I have killed
19 before, I will kill again." You say he said that to you.

20 A Yes, ma'am.

21 Q When you talked to law enforcement and in your letter
22 to the solicitor's office, you never said anything about
23 that, did you?

24 A No, ma'am.

25 MS. SMALLS: Beg the Court's indulgence.

TESTIMONY OF ROBERT GREEN

1 THE COURT: Certainly.

2 (Break in proceedings.)

3 Q Mr. Green, when you talked with law enforcement on
4 March 5th of 2007 and May 2nd of 2007, you didn't give
5 them any information about Curtis Elgin, did you, the two
6 previous times before you finally gave a statement on July
7 31st?

8 A March 5th?

9 Q March 5th of 2007 and May 2nd of 2007, did you give a
10 statement to the police?

11 A No, ma'am.

12 Q They didn't take a statement from you at all until
13 July 31st?

14 A Yes, ma'am.

15 Q So they came to Lee Correctional Institution three
16 times to talk to you?

17 A Yes, ma'am.

18 MS. SMALLS: No further questions.

19 REDIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q What did Curtis Elgin tell Slim while they thought
22 you were asleep?

23 A Slim came back --

24 Q I don't want none of that Slim came back stuff. I
25 want to know what you heard when Curtis Elgin was talking

TESTIMONY OF ROBERT GREEN

- 1 to Slim, not what Slim said but what Curtis Elgin said
2 when he's talking to Slim and you are about to go to
3 sleep, what did you hear?
- 4 A All I heard is Slim asked Curtis did he do it, did he
5 kill the woman.
- 6 Q All right. Stop. What got them started talking
7 about a woman being killed, who said something about a
8 woman being killed?
- 9 A Slim.
- 10 Q What did Curtis say about a woman being killed?
- 11 A Curtis really didn't say nothing, he started
12 laughing.
- 13 Q Well, how -- don't quote Slim, but how did Slim start
14 talking to Curtis Elgin about a dead woman?
- 15 A He just came out and he said it.
- 16 Q Did Slim know about a dead woman in Fairfield County?
- 17 A I don't know, he just --
- 18 Q Did you hear Curtis Elgin tell Slim something about a
19 dead woman in Fairfield County? You are under oath, sir.
- 20 A I don't believe I heard Curtis say anything about a
21 dead woman.
- 22 Q Well, just a minute ago you said you did.
- 23 A But Slim started talking about it first.
- 24 Q Yes, sir. And how is Slim going to be talking about
25 a dead woman unless somebody starts a conversation about

TESTIMONY OF ROBERT GREEN

1 it, that's my question to you. What did you hear? Tell
2 us what you heard, please, sir.

3 A All I heard is that Curtis had supposed to have
4 killed some woman in Fairfield County.

5 Q And subsequent to that, is that when Curtis said, "I
6 have killed before and I will kill again?" Did that
7 happen after you heard the other conversation?

8 A After.

9 MR. BARFIELD: Thank you, that's all.

10 RECROSS EXAMINATION

11 BY MS. SMALLS:

12 Q Mr. Green, when you say you heard Curtis killed a
13 woman in Fairfield County, that was a rumor, right?
14 Curtis didn't tell you that, did he?

15 A No, he didn't.

16 Q Matter of fact, in 2007 when you gave the statement,
17 were you aware that Curtis was already charged with this
18 murder?

19 A Yeah. I think so, yeah.

20 Q So when you say, "I heard Curtis killed a woman in
21 Fairfield County," that's the rumor at Lee Correctional
22 Institution, wasn't it?

23 A You can say so, yes, ma'am.

24 Q He didn't tell you himself.

25 A No.

TESTIMONY OF ROBERT GREEN

1 Q And you didn't overhear him personally with your own
2 ears telling somebody else, did you?

3 A No, ma'am.

4 MS. SMALLS: Nothing further.

5 THE COURT: Anything further, Solicitor?

6 MR. BARFIELD: No, sir, not from this witness.

7 THE COURT: You may step down. Do we need to take a
8 five minute recess?

9 MR. BARFIELD: Yes, we do.

10 (The jury left the courtroom and a break was taken.)

11 THE COURT: Is the State ready for the jury?

12 MR. BARFIELD: State is ready.

13 THE COURT: Defense ready?

14 MS. SMALLS: Defense is ready.

15 THE COURT: Let's bring in the jury.

16 (The jury returned to the courtroom.)

17 THE COURT: Welcome back once again, ladies and
18 gentlemen. Solicitor is getting ready -- I believe we are
19 ready to start once he gets back with us.

20 The witness, REID LONG, was first duly sworn and

21 Testified as follows, on:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q State your name, please, sir.

25 A I am Reid Harrison Long.

TESTIMONY OF REID LONG

1 Q Mr. Long, by whom are you employed part-time?

2 A Part-time now I'm with the sheriff's department at
3 Chester as a bailiff at the courthouse.

4 Q Is that subsequent to your retirement?

5 A That's correct, sir.

6 Q And where did you work prior to your retirement?

7 A I worked from 1967 until 2001 with Sled.

8 Q And what did you do with Sled while you were employed
9 there?

10 A I was commonly known as a field agent investigating
11 with Sled in the counties.

12 Q Are you a resident of Fairfield County?

13 A Now I am.

14 Q Where did you live most of the time?

15 A I lived in Chester mostly.

16 Q As a field agent with the State Law Enforcement
17 Division -- first of all, did you become aware that Audrey
18 Ann Belton was found shot to death in her home on Golf
19 Course Road in Fairfield County late on the afternoon of
20 February 15th of 1993?

21 A I did.

22 Q Did you get assigned by the State Law Enforcement
23 Division to assist investigators with the Fairfield County
24 Sheriff's Office in its investigation of the death of
25 Audrey Belton?

TESTIMONY OF REID LONG

1 A I did.

2 Q How early on in relation to the discovery of
3 Ms. Belton's body did you get involved?

4 A I imagine it was the next day, it was real soon.

5 Q All right, sir. Was there a lead investigator for
6 the Fairfield County Sheriff's Office that got assigned
7 this case shortly after it occurred?

8 A Mr. Kitchens was the investigator for the county.

9 Q Did you and he work in tandem for a good many months
10 on this case?

11 A We did.

12 Q By and large, what were you doing? I mean, you're
13 investigative activity consisted primarily of what over
14 those first days and weeks and then turning into months?

15 A What we usually do is you interview people, anybody
16 that you think might have some information and might have
17 seen something, might have heard something, we try to talk
18 to any and everybody that we could.

19 Q And did leads come into law enforcement from citizens
20 who said, "I don't know anything but I heard something,"
21 or, "Somebody else might know something?"

22 A They did.

23 Q Did y'all run all of that stuff down?

24 A Yes, sir, as much as we could.

25 Q How long did you remain on this case with James

TESTIMONY OF REID LONG

1 Kitchens?

2 A It was close to five months, I would have to go back
3 and check.

4 Q We hear a term today in the press called a person of
5 interest. When you started with Sled I don't believe they
6 ever called anybody a person of interest, they called them
7 suspects maybe. Did people surface or did names surface
8 as folks that might -- that law enforcement might suspect
9 had some involvement in this as the investigation
10 progressed?

11 A The investigation would come up with names and we
12 would look at each name that was brought up that we could
13 find or we could talk to, or if anybody in the area that
14 we thought needed to be talked to we did.

15 Q All right. Now, over the course of the several
16 months that you and James Kitchens worked on this thing,
17 did names come up that looked promising that eventually
18 were eliminated?

19 A A number of them did.

20 Q Did you become aware of the forensics aspect of this
21 case after Sled crime scene worked it and after things
22 were recovered and sent to your home agency to be looked
23 at?

24 A A pistol was found in the area that I think was ran
25 back to one of the gun dealers here in town.

TESTIMONY OF REID LONG

1 Q Well, before that pistol was found -- and I'm
2 guessing you're referring to probably State's Exhibit
3 Number 61 that we have been bantering around here this
4 week, but prior to -- do you know now that what was
5 determined to be the murder weapon was recovered?

6 A Yes, sir, it was.

7 Q Prior to the murder weapon being recovered, did you
8 know what caliber firearm had caused Ms. Belton's death?

9 A I'm sure I did but I can't say that I did.

10 Q All right. Did you become aware that some latent
11 fingerprints were lifted from the crime scene?

12 A Yes, sir. It's my understanding there was some
13 prints lifted.

14 Q Okay. Now, I'm going to hand you something for you
15 to take a look at. At some point during fairly early
16 on -- well, some time after you again worked on this case
17 with James Kitchens, did you meet a person named Curtis
18 Elgin?

19 A We did.

20 Q Can you tell us what date you actually met Curtis
21 Elgin?

22 A The date as close as I can tell was the 14th of July
23 of '93.

24 Q When you say we did when I asked you if you met
25 Curtis Elgin, who is we?

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1 A Mr. Kitchens.

2 Q A typical day in your investigation in this case for
3 you and James Kitchens would work how?

4 A Normally we would be in my car, we would ride around,
5 anybody we needed to talk to or some name would come up,
6 we would go and try to locate the person and talk to them.

7 Q Now, for some of the folks that were located and
8 talked to by law enforcement, were actual written
9 statements taken from those folks that they signed and --

10 A Some of them were.

11 Q All right. Now, for folks who were talked to that
12 written statements were not taken from, did you have some
13 mechanism to keep up from the information those folks
14 provided?

15 A Yes, sir. It's what I called a lead sheet, anybody I
16 talked to I would write what was told to me down.

17 Q Are most of them actually typed up lead sheets?

18 A Yes, sir, I did.

19 Q Is that what you have in your hand, a lead sheet?

20 A This is correct.

21 Q Describe as best you can the circumstances under
22 which you met Curtis Elgin on July 14th of 1993.

23 A The best of my recollection, Mr. Kitchen and I were
24 riding around and saw Mr. Elgin, we stopped the car, I was
25 driving the state car, and we asked Mr. Elgin if he would

TESTIMONY OF REID LONG

- 1 get in and talk to us.
- 2 Q All right. Stop, and I will stop you a lot. By that
3 time, had the murder weapon been recovered?
- 4 A Yes, sir.
- 5 Q And by that time, did law enforcement know where the
6 murder weapon had come from?
- 7 A Yes, sir.
- 8 Q By that time, did law enforcement know that Curtis
9 Elgin at one point or another had worked at Carolina
10 Furniture where the weapon had originally been sold from?
- 11 A That's correct.
- 12 Q Okay. Other than that, was there anything that told
13 you that Curtis Elgin committed this homicide?
- 14 A No more so than anybody else.
- 15 Q Do you recall where it was that you and James
16 Kitchens ran across Curtis Elgin?
- 17 A The best of my recollection it was down in the area
18 close to where the murder occurred in that area.
- 19 Q Do you recall what time of day it was?
- 20 A It was probably anywhere between 11:00 and 2:00 in
21 the afternoon.
- 22 Q Okay. Just describe the encounter with Curtis Elgin.
23 Did you stop your car?
- 24 A We stopped the car and we asked Mr. Elgin if he would
25 talk to us.

TESTIMONY OF REID LONG

- 1 Q Did he say whether he would or not?
- 2 A Yes, sir, he did.
- 3 Q And was it yes or no?
- 4 A Yes.
- 5 Q Where was it your intention to actually have this
- 6 discussion with him?
- 7 A Right there in the car.
- 8 Q Okay. Did he get in the car?
- 9 A He did.
- 10 Q Now, been awhile, do you remember what kind of car
- 11 you drove for Sled in 1993?
- 12 A Yes, sir, it was a Ford.
- 13 Q An old Crown Vic?
- 14 A That's it.
- 15 Q Were they square in '93 or had they started rounding
- 16 them off?
- 17 A Now that I can't tell you.
- 18 Q Did your car have a cage in it between the driver and
- 19 the passenger?
- 20 A No, it did not.
- 21 Q Did it have the old door lock trick, that means you
- 22 can't unlock the doors from the back seat?
- 23 A No, sir.
- 24 Q Did it have door handles on the back seat inside
- 25 taken off so that somebody could open the door from the

TESTIMONY OF REID LONG

1 inside?

2 A No, sir.

3 Q Anything tricky about your car?

4 A Not to my knowledge.

5 Q Did Curtis Elgin get in your car?

6 A He did.

7 Q James Kitchens in the car with you?

8 A He was.

9 Q Did y'all talk?

10 A We did.

11 Q Now, at any time from when you first saw Curtis Elgin
12 that day until you last saw Curtis Elgin that day, number
13 one, was he ever taken into custody?

14 A No.

15 Q Was he ever placed under arrest?

16 A No.

17 Q Was his movement restricted in any fashion?

18 A No, sir.

19 Q Did he ever -- was he ever told to stay in that car,
20 don't get out or anything like that?

21 A He knew he didn't have to talk to us and he could
22 leave at any time.

23 Q Did he ever ask to leave and you encouraged him to
24 stay?

25 A No, sir.

TESTIMONY OF REID LONG

1 Q Did he ever say, "I don't want to talk to y'all?"

2 A No, sir.

3 Q Did he ever say after he started talking to y'all
4 that, "I don't want to talk to y'all anymore?"

5 A No, sir.

6 Q Did he ever say, "Before I talk to y'all I want to go
7 call my mama or some friend or a lawyer?"

8 A No, sir.

9 Q Did he ever say during your conversation with him, "I
10 want to talk to a lawyer before I talk anymore?"

11 A No, sir.

12 Q Do you know or recall how old he was on July 14th of
13 1993?

14 A I believe he was 18.

15 Q Okay. Did y'all have a conversation?

16 A We did.

17 Q Did you have any difficulty understanding the words
18 and sentences he was putting together in his conversation
19 with you, did you understand how he was -- what he was
20 saying?

21 A I understood what he said.

22 Q Did he appear to have any difficulty understanding
23 what you were saying to him?

24 A No, sir, he didn't.

25 Q Did either you or James Kitchens or anybody else to

TESTIMONY OF REID LONG

- 1 your knowledge during this encounter -- first of all, was
2 anybody else ever present during this encounter other than
3 the three of y'all, you and James Kitchens and Curtis
4 Elgin?
- 5 A Just us three.
- 6 Q Did you or James Kitchens promise Curtis Elgin
7 anything to get him to talk to you about this case?
- 8 A No, sir.
- 9 Q Did you or James Kitchens threaten Curtis Elgin in
10 any way to get him to talk to you about this case?
- 11 A No, sir.
- 12 Q Did anybody rough him up, knock him around?
- 13 A No, sir.
- 14 Q Point any guns at him?
- 15 A No, sir.
- 16 Q Beat him with a baton or anything?
- 17 A No, sir.
- 18 Q Was there anything heated or argumentative about this
19 conversation?
- 20 A Not that I recall.
- 21 Q All right. I'm going to ask you this point blank,
22 did Curtis Lee Elgin confess to killing Audrey Belton on
23 July 14th of 1993?
- 24 A No, sir, he didn't.
- 25 Q Did he provide some information that you summarized

TESTIMONY OF REID LONG

1 in a lead sheet?

2 A That's correct?

3 Q Have you reviewed your notes -- well, your case file
4 or your copy of information and lead sheets and stuff
5 concerning this case?

6 A Yes, sir.

7 Q I want to ask you a couple of specific questions
8 concerning this conversation with Curtis Elgin that day.
9 Did Curtis Elgin acknowledge, yes or no, knowing Audrey
10 Ann Belton.

11 A He said he did not know her.

12 Q Did he know who she was?

13 A Yes, sir, he did.

14 Q Did he tell you how he knew who she was?

15 A Yes, he did.

16 Q How did he know who she was?

17 A Said that his girlfriend lived about five doors down
18 from her and that he would see her from time to time as he
19 would walk back and forth to the house.

20 Q Did he tell you how long he had been going with the
21 girlfriend that lived five houses down? And if you need
22 to review your notes, that's fine.

23 A I believe it was two years at that time.

24 Q I'm sorry?

25 A Two years at that time.

TESTIMONY OF REID LONG

- 1 Q Okay. Did he indicate to you whether he had had any
2 contact with Audrey Ann Belton in the business world?
- 3 A Yes, sir.
- 4 Q Well, let me stop you. Did you know where Curtis
5 Elgin worked?
- 6 A Mr. Douglas' furniture store.
- 7 Q Were you familiar with Mr. Douglas' furniture store,
8 the fact that it existed?
- 9 A Yes, sir, I knew it existed.
- 10 Q Did Curtis Elgin tell you or say anything to make you
11 know what he did for the furniture store folks?
- 12 A He told us that he had delivered furniture I think
13 her sister bought to a house that she lived at at another
14 location.
- 15 Q When you say she, you're talking about Audrey Ann
16 Belton?
- 17 A Yes, ma'am -- or yes, sir, excuse me.
- 18 Q Ma'am is fine. Say that again about the furniture.
- 19 A That he had delivered furniture to a house that she
20 had lived at previously to her living at the house where
21 the body was found.
- 22 Q All right, sir. You said a minute ago that Curtis
23 Elgin acknowledged walking by Audrey Ann Belton's house
24 going back and forth to her house. Did he indicate how
25 frequently that occurred?

TESTIMONY OF REID LONG

1 A Can I check my notes?

2 Q Yes, sir, you certainly may.

3 A He said he walks by it every afternoon, that he had
4 never been in the victim's house.

5 Q All right. Now, I asked you a minute ago whether by
6 the time you had this encounter with Curtis Lee Elgin what
7 we now know to be the murder weapon was in possession of
8 law enforcement and you said yes?

9 A Yes, sir.

10 Q Did you and Curtis Elgin have any conversation
11 about -- well, let me back up. By the time this murder
12 weapon, State's Exhibit 61, was recovered, did you know
13 the history behind that weapon?

14 A Yes, sir, we did.

15 Q All right. Did you and Curtis Elgin have any
16 conversation about that weapon during this encounter on
17 July 14th of 1993?

18 A Yes, sir, I did.

19 Q And what did Curtis Elgin tell you, if anything,
20 about State's Exhibit Number 61, the pistol?

21 A Check my notes?

22 Q Absolutely. And before you answer, check your notes
23 and let me ask you a couple of other questions before you
24 answer because I want to ask a couple of prelude
25 questions. Did you know the folks that ran Carolina

TESTIMONY OF REID LONG

1 Furniture?

2 A I have known Jimmy Ray and Mr. Douglas by sight for a
3 number of years.

4 Q Jimmy Ray is the son?

5 A That's correct.

6 Q What is dad's name?

7 A Tyrone.

8 Q Did you know any other business that either one of
9 them was in other than the furniture business?

10 A I learned during this that they had a side business.

11 Q What was it?

12 A Bondsman.

13 Q Was that primarily dad's part of the business?

14 A Yes, sir.

15 Q Let me get back to the question I tried to ask you a
16 minute ago and abandoned it. Did Curtis Lee Elgin tell
17 you anything in response to any inquiries you made about
18 the .22 pistol that was involved in this case?

19 A Can I read this?

20 Q Yes, sir. Is it an accurate recitation of what he
21 told you?

22 A This is what I remember from the conversation we had.
23 He stated that the only time he saw the .22 caliber pistol
24 was when he and Harold Douglas went to a man's house who
25 the Douglas' had out on a surety bond to find this man.

TESTIMONY OF REID LONG

1 Harold got this pistol out of the glove compartment and
2 took it up on the porch of the house and knocked on the
3 door, the man was not home. He said that Harold unlocked
4 the glove compartment to get the pistol out.

5 Q All right. Harold's truck and Harold's glove
6 compartment, is that you took it to mean?

7 A Yes, sir.

8 Q Now, when this -- anything else of substance that
9 Curtis Elgin told you on July 14, 1993 that --

10 A The only thing was that he just said he did not know
11 where the glove compartment key was kept.

12 Q Okay. When this -- how long was this conversation
13 with Curtis Elgin on July 14th of '93?

14 A Maybe 20 minutes.

15 Q Okay. When it ended, what did Curtis Elgin do?

16 A He got out and left.

17 Q Was he arrested that day?

18 A No, sir, he was not.

19 Q Was he arrested any time in the following days?

20 A No, sir.

21 Q Do you know for a fact that at some point later on he
22 was, in fact, arrested?

23 A I do.

24 Q Was it days later?

25 A Years later.

TESTIMONY OF REID LONG

1 MR. BARFIELD: Thank you, sir. Answer anything
2 Ms. Smalls has.

3 MS. SMALLS: May it please the Court?

4 CROSS EXAMINATION

5 BY MS. SMALLS:

6 Q Investigator Long, back in 1993 you were actually
7 assisting Fairfield County?

8 A We are an assisting agency they call in. They
9 have -- if a county that doesn't have a large force has a
10 major crime they'll ask one of our agents to come in to
11 assist the department to investigate the case.

12 Q So at that time you were with Sled?

13 A Yes, ma'am.

14 Q Okay. And you testified that back on July 14th of
15 1993 that you had an occasion to come in contact with
16 Curtis Elgin; is that correct?

17 A Yes, ma'am.

18 Q About what time of day was this?

19 A I think it was best of my knowledge between
20 11:00 a.m. and 2:00 p.m.

21 Q Between 11 and two?

22 A Yes, ma'am.

23 Q This was a weekday?

24 A A weekday.

25 Q And I think you testified that he was just walking

TESTIMONY OF REID LONG

- 1 and you saw him stopped and you stopped and asked to talk
2 to him?
- 3 A Yes, ma'am.
- 4 Q And Detective Kitchens was with you, correct?
- 5 A He was.
- 6 Q And you were in an unmarked car?
- 7 A Unmarked.
- 8 Q But you identified yourself to Mr. Elgin.
- 9 A Yes, ma'am.
- 10 Q And he agreed to talk to the two of you?
- 11 A He did.
- 12 Q Now, you indicated earlier that you were familiar
13 with the Douglas' business, not only the furniture
14 business but the bonding business as well.
- 15 A Yes, ma'am.
- 16 Q Were you aware back in July of '93 that Curtis Elgin
17 was employed at the furniture store?
- 18 A Yes, ma'am, I was.
- 19 Q Okay. Through your investigation or your assistance
20 in this case did you know his typical work hours at the
21 furniture store?
- 22 A Repeat, please.
- 23 Q Did you know his working hours in the store?
- 24 A No, ma'am, I did not.
- 25 Q Did you ever have an occasion to speak with the

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1 Douglas's about what time he worked?

2 A I had occasion to speak with the Douglas's but
3 whether or not I asked them about the time Mr. Elgin
4 worked, I don't know if I did or not.

5 Q Okay. And I think you stated that at the time you
6 had this conversation with Curtis Elgin he was 18 years
7 old.

8 A About 18, yes, ma'am.

9 Q So it was you and Detective Kitchens, you're riding
10 down the road in an unmarked car, you see Curtis Elgin and
11 you ask him if the two of you can talk with him.

12 A Yes, ma'am.

13 Q And he willingly got in the car?

14 A Yes, ma'am.

15 Q And he talked with you I think you said approximately
16 20 minutes?

17 A Approximately 20 minutes.

18 Q Now, you had some conversation with the solicitor a
19 second ago where you stated that Curtis Elgin told you
20 that he had delivered furniture to Ms. Belton's home
21 previously.

22 A Yes, ma'am.

23 Q Now, this is a different home, correct?

24 A It's a different place, yes, ma'am.

25 Q As matter of fact if you refer to your notes he

TESTIMONY OF REID LONG

1 specifically told you he delivered furniture to the
2 victim's home before when she lived with her mother.

3 A That's correct.

4 Q So if that's the case he delivered furniture at a
5 different address at the victim's mother's house.

6 A That's correct.

7 Q Okay. You didn't receive any information from Curtis
8 Elgin that he had ever been to Ms. Belton's house.

9 A No, ma'am.

10 Q And during the time of this interview you didn't have
11 any information that he had ever been to Ms. Belton's
12 house.

13 A No, ma'am.

14 Q Or that he had ever delivered any furniture to
15 Ms. Belton's house.

16 A No, ma'am.

17 Q Now, when you and Curtis Elgin had this conversation
18 about this .22 pistol, he told you that the pistol he was
19 referring to was that that belonged to Harold Douglas?

20 A That's correct.

21 Q And that he only saw the pistol one time.

22 A That's the only information he told me about, the
23 only time he told me about.

24 Q He stated that's the only time he saw this pistol?

25 A Yes, ma'am.

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- 1 Q Because you typed this up, right?
- 2 A Yes, ma'am.
- 3 Q And he stated the only time he saw the pistol was
- 4 when he and Harold Douglas went to a man's house.
- 5 A That's correct.
- 6 Q And at that time he's saying it is Harold Douglas
- 7 that had the gun.
- 8 A Yes, ma'am.
- 9 Q And that Harold got it out of the glove compartment.
- 10 A Yes, ma'am.
- 11 Q Took it up on the porch.
- 12 A Yes, ma'am.
- 13 Q Because they were looking for somebody in the bonding
- 14 business, correct?
- 15 A That's correct.
- 16 Q And he told you that his instructions was if the guy
- 17 ran he was to tackle him.
- 18 A Yes.
- 19 Q That's all he was supposed to do.
- 20 A Right.
- 21 Q He never said that Harold was going to give him the
- 22 gun and he was supposed to shoot him or anything.
- 23 A No.
- 24 Q As a matter of fact, he never said he even had
- 25 possession of that gun.

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- 1 A No, ma'am, he didn't.
- 2 Q And to his knowledge he told you that was the last
3 time he saw this gun.
- 4 A That's it.
- 5 Q And he said that he doesn't even know where Harold
6 Douglas kept the key to the glove compartment, did he?
- 7 A That's what he told me.
- 8 Q Now, that's the statement or the lead sheet that you
9 gave on Curtis Elgin. Let me ask you whether or not you
10 did the lead sheet or typed this information up on Raymond
11 Barnes?
- 12 A Yes, ma'am, I did.
- 13 Q You typed that one as well?
- 14 A Yes, ma'am.
- 15 Q Okay. Do you have your copy with you?
- 16 A Now?
- 17 Q Yes.
- 18 A No, ma'am, I don't.
- 19 MS. SMALLS: Beg the Court's indulgence.
- 20 (Break in proceedings.)
- 21 Q In that is your lead sheet?
- 22 A This is my lead sheet.
- 23 Q And tell me a little bit for just explaining to the
24 jury the difference in your lead sheet, investigation,
25 interviews versus a statement, what is the difference

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1 between that?

2 A A lead sheet is something that I interview a subject,
3 I talk to, I make notes but I don't put it in the
4 statement form and get the individual to sign it. This is
5 my information on it at that time, it's something for me
6 to go by. Instead of having notes scattered everywhere I
7 have these placed in a file that I can go back and pull
8 them out and look at them and keep them in order.

9 Q So what comes from your lead sheet is considered in
10 your words an interview, not a statement?

11 A Yes, ma'am. A statement to me is when I get a
12 written statement typed up and let the individual sign it.

13 Q What would be your reason for getting a written
14 statement signed by the individual?

15 A By an individual?

16 Q Yes. Why would you want to get a statement versus an
17 interview?

18 A If it contains pertinent information I think that
19 might be used later in court or something that's important
20 I will go ahead and get them to sign. Sometimes people
21 will sign statements and sometimes they won't, I can't
22 make them sign the statements.

23 Q But basically your testimony is getting them to sign
24 a statement is for purposes -- or you try to preserve it
25 for later for court?

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1 A Yes, ma'am.

2 Q And you provide a copy of that statement normally to
3 the person that gives it to you, do you not?

4 A Normally I do. Sometimes people tell you they do not
5 want a copy, if they don't want a copy I don't give it to
6 them.

7 Q Okay. Do you recall whether or not you ever took a
8 statement, a signed statement, from Raymond Barnes?

9 A To my knowledge I didn't, Mr. Barnes did not want
10 his.

11 Q So basically the only thing you have regarding
12 Raymond Barnes is the lead sheet notes?

13 A The lead sheet and my notes, yes. I think his
14 statement was typed up, I don't know if I ever got
15 Mr. Barnes to sign it or not. As I say, some people will
16 sign it, some people don't and that far back I can't tell
17 you which it was.

18 Q Let me ask you this: If you type up a statement and
19 you offer it to the individual to sign and they don't
20 sign, do you normally write "refuse to sign" at the
21 bottom?

22 A No, ma'am.

23 Q You don't write anything?

24 A Normally I don't.

25 Q Let me ask you this regarding Raymond Barnes, just

TESTIMONY OF REID LONG

1 Raymond Barnes only, do you have any records of a signed
2 statement or anything in the statement, sworn statement
3 from Raymond Barnes?

4 A In going over my file I didn't have anything that was
5 signed. It could be something else signed that I don't
6 have or that I left at the sheriff's department, the
7 investigation part, they might have got signed but I
8 didn't as far as my knowledge.

9 Q But if you actually gave him a statement to sign and
10 he signed it you would have turned it over to the
11 sheriff's department or the prosecutor's office, correct?

12 A The sheriff's department could have gotten a copy,
13 yes, ma'am.

14 Q So they would have it.

15 A Anything I got I gave to the sheriff's department.

16 Q Okay. Now, the lead sheet that we're referring to
17 regarding Barnes is actually how many pages?

18 A Five.

19 Q It's five typed pages?

20 A It's five typed pages.

21 Q So it would be safe to say you talked to Mr. Barnes
22 quite a while.

23 A Yes, ma'am.

24 Q How many times would you say you had a conversation
25 with Mr. Barnes?

TESTIMONY OF REID LONG

1 A About this particular case?

2 Q Yes.

3 A I'm guessing now, I would guess three times, but I
4 don't know.

5 Q Let me ask you this: When you have at the top of
6 your lead sheet a date of June 28, 1996 --

7 A When I talked to Mr. Barnes -- I'm trying to run back
8 from my memory to make sure I get it right -- as I say, we
9 were talking to Mr. Barnes about something else -- only
10 one that I would have typed up there may be another, I
11 don't know.

12 Q This is what I am getting at. You have a five typed
13 page interview with Mr. Barnes that was taken on June 28
14 of 1996, correct, if you look at the date of your lead
15 sheet.

16 A Yes, ma'am.

17 Q Did you get all of this information from that one
18 setting?

19 A I'm saying that I did because it was from one sitting
20 and one set of notes and one date.

21 Q From one date?

22 A One day.

23 Q Because if it was another date you would have put it
24 on there.

25 A I would imagine so, yes, ma'am.

TESTIMONY OF REID LONG

1 Q So basically when you got this information from
2 Mr. Barnes it was based on information he gave to you the
3 previous day, June 27, 1996, wasn't it? If you refer to
4 your lead sheet.

5 A On June 27th, yes, ma'am. Now, this is when he said
6 he met the young man.

7 Q He even gives you a time that that conversation took
8 place, did he not, June 27th at approximately what time?

9 A At approximately 6:00 p.m.

10 Q So he was able to tell you the date and the
11 approximate time that he had a conversation with a young
12 man and he gave you the name of Curtis.

13 A That's correct.

14 Q But he said he didn't remember his last name, right?

15 A I don't remember his last name, that's correct.

16 Q And that was what Mr. Barnes told you and that's why
17 you typed it, right?

18 A Yes, ma'am.

19 Q Okay. Do you remember in your conversation with
20 Mr. Barnes him giving you details about how the lady
21 looked that he and Curtis was talking about?

22 A I'm not reading right now, but from what he said the
23 lady was a fine looking lady and that he had offered to
24 cut her grass for her for nothing because she looked so
25 fine.

TESTIMONY OF REID LONG

1 Q Do you remember him giving you details about her
2 complexion, she was light skinned, a black woman, long
3 hair and even approximate age?

4 A I had only seen pictures of the lady.

5 Q Well, use your lead sheet to refresh your memory
6 because the information is in the lead sheet.

7 A Okay. What he says, she was a nice looking lady,
8 light skinned black lady with long black hair.

9 Q That used to come up to the furniture store?

10 A Yes, ma'am.

11 Q Okay. And that she got furniture from a man named
12 Jimmy Ray, right?

13 A Yes, ma'am.

14 Q If you turn to page two of your lead sheet for me.

15 A All right.

16 Q Do you recall in your conversation with Mr. Barnes
17 his telling you that Curtis Elgin told him that he had
18 delivered a living room set to Ms. Belton's house? Like
19 at six lines from the bottom.

20 A He took the living room suit to her house.

21 Q And a bedroom set?

22 A The bedroom suit and a dinette set.

23 Q And a dinette set. So basically he told Mr. Barnes
24 that he had been to her house on a number of occasions
25 delivering furniture, right?

TESTIMONY OF REID LONG

- 1 A Yes, ma'am.
- 2 Q How long would you say it took you to -- was
- 3 Mr. Barnes present when you actually are typing this or
- 4 you kind of went back to your office like you typically do
- 5 and type it up?
- 6 A At this time I think I was taking this information
- 7 back to my office and typing it on the computer.
- 8 Q Okay. Do you recall whether or not you provided this
- 9 to Mr. Barnes?
- 10 A No, ma'am, I didn't.
- 11 Q You did not?
- 12 A No.
- 13 Q Okay. You would have given it to whom?
- 14 A Pardon?
- 15 Q What would you have done with your lead sheet?
- 16 A My lead sheet?
- 17 Q Yes.
- 18 A I would make a copy for myself and copy for the
- 19 sheriff's department and eventually a copy for Sled.
- 20 Q Okay. And you don't know what they did with it after
- 21 that?
- 22 A No, ma'am.
- 23 Q Okay. Turn to page five of your lead sheet, please.
- 24 Actually your name is in parenthesis, I guess you are
- 25 asking the question at this point.

TESTIMONY OF REID LONG

1 A That's correct.

2 Q Do you see the part where you said did he say that
3 the girl was Audrey Belton, do you see that part?

4 A Yes, ma'am.

5 Q And what was the response that was given to you by
6 Mr. Barnes?

7 A He said, "He mentioned the name but I didn't push. I
8 was mainly trying to find out in more detail what had
9 happened more so than finding out a name."

10 Q So he said he was trying to get more details rather
11 than a name?

12 A Yes, ma'am.

13 Q So at that time Raymond Barnes was not able to give
14 you Ms. Belton's name, correct?

15 A That's correct.

16 Q And I may have asked you this and I'm not sure and I
17 apologize if I have, Raymond Barnes specifically told you
18 that Curtis Elgin told him that the way he got into the
19 house was with a key from delivering furniture to the
20 house previously from Jimmy Ray, did he not? Refer to
21 page five at the bottom, the last paragraph.

22 A I'm reading this to make sure what was said.

23 Q Okay.

24 A He said he got the key this way from -- Jimmy Ray had
25 a key to the house when he brought furniture to the house.

TESTIMONY OF REID LONG

1 Q And that was from delivering all of the furniture
2 that you previously testified about, right?

3 A Yes, ma'am.

4 Q You say you talked with Mr. Barnes a number of
5 occasions about this case, or you just talked to him once
6 about this case to your knowledge.

7 A I probably talked to him more than one time about
8 this case but this is the only interview that I have that
9 I know of that I typed up.

10 Q And if you had talked to him on more than one
11 occasion and had information that you thought was
12 pertinent, you would have put it either in the form of an
13 interview on a lead sheet or taken a statement from him.

14 A If it would have been anything different or added
15 anything to it I would have. To the best of my knowledge
16 I would have.

17 MS. SMALLS: Beg the Court's indulgence.

18 THE COURT: Certainly.

19 (Break in proceedings.)

20 Q When you were assisting Fairfield County with this
21 case, were you the one who normally does the lead sheets?
22 Is that one of these?

23 A Yes, ma'am. I usually -- going back again on what I
24 usually do, I usually would put the case file together
25 myself, and whether or not I put this one together I don't

TESTIMONY OF REID LONG

1 know, but I would do the lead sheets especially for myself
2 that I would have it and I would give it back to the
3 sheriff's department and make sure they had what I had.

4 Q But you have no question in your mind after having
5 reviewed the lead sheet that I just gave you that the one
6 on Raymond Barnes you personally did, correct?

7 A I personally typed this one up, yes, ma'am.

8 Q And when it says in here, I am currently staying at
9 the detention center or I met a young man, is that your
10 typing from the notes that you took while talking to
11 Mr. Barnes before you transcribed it into a written type
12 form?

13 A Could you show me where you're coming from?

14 Q Well, the very first paragraph, it says, "I'm 50
15 years old, I'm currently staying at the detention center."
16 You wrote all of that down with notes before you
17 transcribed it into type-written form.

18 A I'm sorry, I'm not quite following the question.

19 Q You didn't take a statement from him, you took an
20 interview.

21 A No, ma'am. I didn't take a statement.

22 Q But the way this reads is in an I form?

23 A I form basically --

24 Q "I don't remember his last time, I met a man named
25 Curtis."

TESTIMONY OF REID LONG

- 1 A It would have been Raymond.
- 2 Q Because that's the way you wrote it in your notes.
- 3 A Yes, ma'am.
- 4 Q What I'm saying, when Raymond Barnes told you this
- 5 information, you didn't write down Raymond Barnes told me
- 6 that he met a man by the name of Curtis, you said I.
- 7 A I put I, yes, ma'am.
- 8 Q Were you aware that Raymond Barnes was wearing a wire
- 9 during this time period?
- 10 A I knew that Raymond wore a wire at one time but it
- 11 was not in the first interview.
- 12 Q It was not during the first interview?
- 13 A No, ma'am.
- 14 Q You didn't participate in any of those wires, did
- 15 you?
- 16 A Yes, ma'am.
- 17 Q You did?
- 18 A Yes, ma'am.
- 19 Q Did you hear any of the tapes?
- 20 A I would like to but the tapes were made close to a
- 21 television set and you could not understand anything on
- 22 them.
- 23 Q You couldn't understand anything on there?
- 24 A No, ma'am, I couldn't. I'm not saying out of the
- 25 whole thing I might not have understood one word here or

TESTIMONY OF REID LONG

1 one word there, but if it was a coherent statement or
2 anything else, no, ma'am, I did not understand anything.

3 MS. SMALLS: No further questions of this witness.

4 THE COURT: Thank you. Mr. Barfield?

5 MR. BARFIELD: No redirect.

6 THE COURT: Thank you, you may step down. Let me see
7 the attorneys briefly at a side bar, let's talk about what
8 we're going to do.

9 (A bench conference was held.)

10 THE COURT: Ladies and gentlemen, we'll break for the
11 evening until a quarter until 10:00 in the morning. We
12 have got a few things we have to do, ask you to be back in
13 the jury room at 15 minutes until 10:00 tomorrow morning.

14 (The jury left the courtroom.)

15 THE COURT: Anything else we need to do this evening
16 that any one of you can think of?

17 MR. BARFIELD: No, sir.

18 MS. SMALLS: No, Your Honor.

19 THE COURT: What about 9:15 in the morning, see if we
20 can have the defendant here at 9:00 and who do I talk to
21 about that? Court is adjourned until 9:15 tomorrow
22 morning.

23 (Court adjourned for the evening and resumed at 9:15
24 A.m. on Thursday, July 9, 2009.)

25 THE COURT: Jurors are all present, are we ready for

TESTIMONY OF VIRGIL PAULING

1 the jury?

2 MR. BARFIELD: Yes, sir.

3 MS. SMALLS: Yes, sir.

4 THE COURT: Bring in the jury.

5 (The jury returned to the courtroom.)

6 THE COURT: Welcome back again, ladies and gentlemen.

7 I believe we are ready to resume receiving evidence in the

8 case. Mr. Barfield?

9 MR. BARFIELD: State calls Virgil Pauling.

10 The witness, VIRGIL PAULING, was first duly sworn and
11 testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q State your name for the record.

15 A Virgil Pauling.

16 Q Are you currently incarcerated in the department of
17 corrections?

18 A Liebert Correctional.

19 Q Where is Liebert?

20 A Down near Charleston.

21 Q Where were you in 1993? Were you incarcerated in
22 1993?

23 A Yes.

24 Q Okay. The entire time the 1993, the entire year?

25 A Yeah. I believe so, yeah.

TESTIMONY OF VIRGIL PAULING

- 1 Q Do you know Curtis Lee Elgin?
- 2 A Sure.
- 3 Q How do you know Curtis Elgin?
- 4 A We grew up in the same neighborhood.
- 5 Q How old are you if I might ask.
- 6 A I'm 46.
- 7 Q Do you know how old Curtis is?
- 8 A He's much younger than me, I don't know.
- 9 Q Was your neighborhood here in Fairfield County?
- 10 A Yes, sir.
- 11 Q Is that in the town of Winnsboro or out in the
- 12 county.
- 13 A Out in the county.
- 14 Q So you have known him probably how many years?
- 15 A I have been knowing him since he was a toddler.
- 16 Q All right, sir. When you say you grew up in the same
- 17 neighborhood, did you live with your family?
- 18 A Yes.
- 19 Q Did he live with his family?
- 20 A Correct.
- 21 Q Did your families live in the same neighborhood?
- 22 A Correct.
- 23 Q Do your families still live in the same neighborhood?
- 24 A Correct.
- 25 Q Do you know a fellow named Raymond Lewis Barnes?

TESTIMONY OF VIRGIL PAULING

- 1 A No.
- 2 Q Do you know a fellow named Robert Lee Green?
- 3 A No.
- 4 Q Do you know a fellow named Lindsay Goins?
- 5 A No. None of those names are familiar with me.
- 6 Q Thank you, sir. Now, did you know a young lady named
- 7 Audrey Ann Belton?
- 8 A I didn't know her, no.
- 9 Q Did you know anything about who she was or where she
- 10 lived or what she did for a living or anything like that?
- 11 A I knew vaguely where she lived but that's about it.
- 12 Q All right. Sometime in -- well, specifically on
- 13 May 23rd of 2006, did you meet with two fellows employed
- 14 by the State Law Enforcement Division named Tommy
- 15 Robertson and Dave Lawrence?
- 16 A Yes, I did.
- 17 Q Did you discuss with them certain matters that led to
- 18 you signing a statement?
- 19 A Well, I signed a statement, yes.
- 20 Q We'll get back to that in a minute. But did you give
- 21 a statement and sign a statement?
- 22 A Yes, I did.
- 23 Q In the presence of those two law enforcement
- 24 officers?
- 25 A I did indeed.

TESTIMONY OF VIRGIL PAULING

1 Q All right. Now, generally speaking -- well, let me
2 show you this --

3 A I know factually what that statement says.

4 Q But I'm required to show it to you and kind of jump
5 through some hoops here. Is that piece of paper familiar
6 to you?

7 A Yeah, that's the statement.

8 Q Is that the statement that I was asking you questions
9 about that you signed in the presence of Tommy Robertson
10 and Dave Lawrence of Sled?

11 A That's correct.

12 MR. BARFIELD: Your Honor, at this time I would ask
13 that it -- I am going to go ahead and offer it.

14 MS. SMALLS: I don't have an objection.

15 (The statement was received as State's 68.)

16 Q Did you at some point -- let me back up. Where were
17 you when Tommy Robertson and Dave Lawrence came to see
18 you?

19 A I was in the Fairfield County Detention Center.

20 Q All right, sir. At some time prior to them coming to
21 see you, did you have knowledge that Audrey Ann Belton had
22 been killed in 1993?

23 A Did I have knowledge of it? I vaguely knew. I heard
24 about it, yes.

25 Q Okay. What was the subject matter of your discussion

TESTIMONY OF VIRGIL PAULING

1 with Tommy Robertson and Dave Lawrence, what were y'all
2 talking about?

3 A We was talking about something totally different from
4 that statement when I met with those guys.

5 Q Okay. But during that conversation about something
6 totally unrelated to this statement, did the
7 conversation --

8 A Yeah. They asked me did I know anything about Audrey
9 Belton's murder.

10 Q Did you at that time say that you did?

11 A Well, not at that particular moment. He went to
12 discuss some things and saying this and saying that and
13 then I said, "Yeah, I know something about it," I did say
14 that.

15 Q Does this written statement purport to be what --
16 well, is this written statement what you told Tommy
17 Robertson and Dave Lawrence that you knew about Audrey
18 Belton's murder?

19 A That's exactly what I said.

20 Q All right, sir. All right. I am going to hand you
21 State's Exhibit Number 68. And I mean no offense by this,
22 but do you read okay?

23 A Yeah.

24 Q I'm going to ask you to read it to the jury if you
25 will please, sir.

TESTIMONY OF VIRGIL PAULING

1 A Okay. "About six or eight years ago I was
2 incarcerated at Manning Correctional Institution with
3 Curtis Elgin. I knew Elgin because we were both from
4 Winnsboro. I found out about a murder of Audrey Belton
5 from my mother and I asked Curtis if he knew anything
6 about the murder and he replied that he knew all about it.
7 Curtis Elgin then told me that he killed Audrey Belton,
8 that Jimmy Ray's wife paid him to do so. Elgin said that
9 Belton had just got a washer and dryer from Jimmy Ray
10 Douglas and Jimmy Ray Douglas and Belton had a sexual
11 relationship. Elgin told me that while walking on the
12 rec. field at Manning Correctional Institution. John
13 Caldwell told me later that he talked to Elgin about the
14 murder."

15 Q Now, today as you sit on this witness stand, what is
16 your position about the truth or untruth of this
17 statement?

18 A The whole statement is untrue.

19 Q That's what your position is today.

20 A That's what it is.

21 Q On the unrelated matter that Tommy Robertson and Dave
22 Lawrence came to see you about in the Fairfield County
23 Detention Center on May 23rd of 2006, is it your
24 recollection that they came to see you or that you --

25 A I contacted them.

TESTIMONY OF VIRGIL PAULING

1 Q Thank you for the answer before I could figure out
2 how to ask the question. They came to see you in response
3 to your reaching out to them; is that correct?

4 A Right.

5 Q Okay.

6 MR. BARFIELD: Thank you, sir. Answer anything that
7 Ms. Smalls has.

8 THE COURT: Ms. Smalls?

9 MS. SMALLS: May it please the Court?

10 CROSS EXAMINATION

11 BY MS. SMALLS:

12 Q Mr. Pauling.

13 A Yes, ma'am.

14 Q You currently are serving a two and a half year
15 sentence at Liebert?

16 A That's correct.

17 Q And that's for breaking into a motor vehicle.

18 A That's correct.

19 Q And you're subject to max out soon, aren't you?

20 A That's correct.

21 Q That's not the first time you have been in trouble,
22 is it?

23 A No, ma'am.

24 Q You have been convicted for grand larceny before?

25 A Yes, ma'am.

TESTIMONY OF VIRGIL PAULING

- 1 Q Armed robbery?
- 2 A Yes, ma'am.
- 3 Q Possession with intent to distribute cocaine?
- 4 A That's correct.
- 5 Q Another burglary?
- 6 A That's correct.
- 7 Q Forgery?
- 8 A That's on there.
- 9 Q Matter of fact, you received a sentence before for as
10 much as 25 years, haven't you?
- 11 A That's correct.
- 12 Q Now, when Officers Roberts and Lawrence came to talk
13 to you, you indicated you called them?
- 14 A I wrote them a letter.
- 15 Q You told them you had some information for them?
- 16 A It was about -- the whole thing started about an
17 officer trying to set me up. Okay. I was dealing with
18 some officers in Fairfield County.
- 19 Q So that's why you originally contacted them?
- 20 A That's correct.
- 21 Q The statement that the solicitor just had you look at
22 and you said you signed, you said it is your statement?
- 23 A Yes.
- 24 Q It is your signature?
- 25 A Right.

TESTIMONY OF VIRGIL PAULING

1 Q But you said it's not true.

2 A Yeah.

3 Q When you say about six or eight years ago, if you're
4 talking about you gave a statement in 2006 you're talking
5 about between 1998 and 2000?

6 A Right.

7 Q So when you say in 1998 to 2000 that you were
8 incarcerated with Curtis Elgin, that wasn't true, was it?

9 A No, I was at Manning. I said me and Curtis was at
10 Manning, me and Curtis have never been to Manning
11 together.

12 Q You weren't incarcerated with Curtis Elgin when you
13 gave the information in that statement?

14 A No.

15 Q You were actually incarcerated with his brother.

16 A Correct.

17 Q You say you knew him because both of you are from
18 Winnsboro.

19 A Right.

20 Q You grew up together?

21 A Right.

22 Q So you know pretty well know his whole family.

23 A Correct.

24 Q And in your statement you say you found out about the
25 murder from your mother.

TESTIMONY OF VIRGIL PAULING

- 1 A Right.
- 2 Q So basically you already knew about it.
- 3 A Basically, yeah.
- 4 Q You knew all of the talk about the murder.
- 5 A It was rumors flying everywhere.
- 6 Q So you knew all of the rumors.
- 7 A Yeah.
- 8 Q Matter of fact when you gave a statement in 2006 you
- 9 knew that Curtis Elgin had already been charged with it in
- 10 2005, didn't you?
- 11 A That's correct.
- 12 Q So when you say in your statement that Curtis told
- 13 you that he killed Audrey Belton, none of that was true.
- 14 A No.
- 15 Q Because you weren't even incarcerated with him at the
- 16 time.
- 17 A No, I wasn't.
- 18 Q Then when you say that Jimmy Ray's wife paid him to
- 19 do it, that was just a rumor.
- 20 A That was a rumor.
- 21 Q What about the part of Curtis Elgin having taken the
- 22 washer and dryer to Ms. Belton's residence, that wasn't
- 23 true either?
- 24 A That was rumor also.
- 25 Q What about John Caldwell that he was supposed to have

TESTIMONY OF VIRGIL PAULING

1 heard that Curtis told the same information to him, that's
2 not true either, is it?

3 A No.

4 Q Why did you tell the police this information in 2006
5 if it wasn't true?

6 A Well, I'm a convict and I did what most convicts do,
7 I mean convicts use information for leverage just like
8 detectives use people to get information from they -- it
9 is a cycle. I used it for leverage.

10 Q So you thought you were going to get something out of
11 it?

12 A Well, I was in a situation and I was trying to
13 lighten my situation. I never knew that it would come to
14 this point.

15 Q And did you get anything out of it?

16 A No.

17 Q That was your intention, though.

18 A Right.

19 Q When you say you never thought it would come to this
20 point because you knew it was a lie, you thought they
21 would find out it was a lie?

22 A Yeah. I also thought they knew that Curtis didn't do
23 the murder, that was my --

24 Q This it not the first time that you have given
25 information about somebody that wasn't true. Do you

TESTIMONY OF VIRGIL PAULING

1 remember Nathaniel Hunter?

2 A Yeah.

3 Q You gave information about him.

4 A Exactly.

5 MR. BARFIELD: I'm going to object, Your Honor. She's
6 talking about a different case, I submit it's not relevant.

7 THE COURT: Overruled, you may proceed.

8 Q So this is not the first time that you have given
9 information to the police that was not true.

10 A Yeah, that's correct.

11 Q And you give information to the police that's not
12 true to get whatever you get out of it.

13 A That's correct.

14 Q Sometimes you get something out of it and sometimes
15 you don't.

16 A Sometimes you don't.

17 Q So it's your testimony here today that this entire
18 statement that you gave to law enforcement in 2006 is
19 false.

20 A It's false.

21 Q Because you were trying to get something out of it.

22 A That's correct.

23 MS. SMALLS: That's all.

24 THE COURT: Anything else, Solicitor?

25 REDIRECT EXAMINATION

TESTIMONY OF VIRGIL PAULING

- 1 BY MR. BARFIELD:
- 2 Q You are going to max out when?
- 3 A I max out in about seven or eight months.
- 4 Q Sometime toward the end of the year or very first
- 5 part of next year?
- 6 A Next year.
- 7 Q Coming back to Fairfield County?
- 8 A Going to Lexington County.
- 9 Q Still got family in Fairfield County?
- 10 A Sure.
- 11 Q What you are simply telling us today is that what you
- 12 said in the statement is your words are not true, is that
- 13 what you are saying today?
- 14 A That's correct.
- 15 Q So I presume that that means that you don't know
- 16 whether it's true or not true that Curtis Elgin killed
- 17 Audrey Belton, you're just saying you don't know.
- 18 A I'm saying that statement is a lie.
- 19 Q That's all you're saying, that statement is a lie.
- 20 A Yeah. I don't know who killed Audrey Belton.
- 21 Q Okay. When you were answering Ms. Smalls' questions
- 22 you said that you basically worked the system by giving
- 23 information at various times.
- 24 A Most convicts do.
- 25 Q And when it's convenient and you think going to be

TESTIMONY OF VIRGIL PAULING

1 beneficial to you you have given information before; is
2 that correct?

3 A Yeah.

4 Q And when it's convenient and you think would be
5 beneficial to you, you take back information; is that
6 correct?

7 A I mean, I took back the information because it's
8 untrue.

9 Q And it's convenient for you at this point for one
10 reason or another to be on the witness stand saying that
11 that statement is not true; is that correct?

12 A No, it is not convenient for me. Because I have
13 nothing to gain or lose from this situation.

14 Q There would be something for you to lose if you had
15 gotten on this witness stand today and said that the
16 statement is true, would there not?

17 A No.

18 Q That would put you in a bind, would it not?

19 A If I got on the stand and said that that statement is
20 true then I would be lying.

21 Q I'm not talking about if, in fact, the statement were
22 true. Let's assume for a minute that the statement is
23 true, that what you told Tommy Robertson and Dave Lawrence
24 is exactly what happened.

25 A Okay.

TESTIMONY OF VIRGIL PAULING

1 Q If you were sticking to your story, you got on the
2 witness stand today, that would be detrimental to you,
3 would it not?

4 A How so?

5 Q I'm asking you. I don't mean to be smart with you.
6 That wouldn't be a comfortable position for you to be in,
7 would it?

8 A It's not a comfortable position for anybody to be in.

9 THE COURT: Anything further?

10 MR. BARFIELD: Nothing further.

11 THE COURT: Thank you, sir, you may step down.

12 The witness, TOMMY ROBERTSON, was first duly sworn and
13 Testified as follows, on:

14 DIRECT EXAMINATION

15 BY MR. BARFIELD:

16 THE CLERK: State your name for the jury, please.

17 THE WITNESS: Tommy Robertson.

18 Q Agent Robertson, by whom are you employed?

19 A The South Carolina Law Enforcement Division.

20 Q How long have you been employed by Sled?

21 A Twenty-six years.

22 Q You are a lieutenant with Sled?

23 A Yes, sir.

24 Q Which means, what are you, a field agent assigned to
25 a regular job?

TESTIMONY OF TOMMY ROBERTSON

1 A I'm a field supervisor assigned to the Midlands
2 region.

3 Q How many agents do you supervise?

4 A Sixteen.

5 Q Midlands region covers geographically what part of
6 the state?

7 A It covers an area around -- everything surrounding
8 the Columbia area, I think about 14 counties.

9 Q All right. As a field agent and as a supervisory
10 field agent, do you become involved in local
11 investigations from time to time?

12 A Yes.

13 Q Assisting local law enforcement agencies I guess is
14 what I meant to ask.

15 A Yes.

16 Q Did you become involved in the investigation on
17 behalf of Sled of the murder of Audrey Ann Belton, which
18 occurred on sometime around February 8th or shortly
19 thereafter of 1993?

20 A Yes.

21 Q How soon into the investigation did you get involved?
22 How soon after the incident did you get involved in the
23 investigation?

24 A It was some time after -- I don't know the exact
25 time, there were several Sled agents that worked on this

TESTIMONY OF TOMMY ROBERTSON

1 case over this period of time and I think I was probably
2 the second one behind Reid Long.

3 Q All right. Did you continue to work on this case --
4 well, have you at least sporadically but continuously
5 worked on this case from day one until right now?

6 A Yes.

7 Q I'm going to show you State's Exhibit Number 68 and
8 ask you if you can identify what that is?

9 A Yes.

10 Q What is that?

11 A This is a statement I took from Virgil Pauling at
12 Sled on the 23rd of May, 2006.

13 Q Where was the statement actually taken?

14 A It was taken in the Midlands office on Bush River
15 Road at Sled.

16 Q Where had Virgil Pauling been -- well, let me back
17 up. Prior to I guess maybe some short period of time
18 before that statement was taken, did you know who Virgil
19 Pauling was?

20 A No. I was not familiar with him before we were
21 dealing with him on these matters.

22 Q How did Virgil Pauling come into contact with you or
23 other folks at the State Law Enforcement Division?

24 A We came in contact with Virgil by way of a letter
25 that he had written about some information that was not --

TESTIMONY OF TOMMY ROBERTSON

1 that had nothing to do with this particular case.

2 Q All right. Where was Virgil Pauling when he wrote
3 the letter, do you remember?

4 A He was in the department of corrections.

5 Q Okay. And where did you -- well, did you and another
6 agent go interview Virgil Pauling on May 23rd of 2006?

7 A We had him brought to Sled and we interviewed him.

8 Q Is that the date that statement was given?

9 A Yes.

10 Q Do you recall how you indicated that Virgil Pauling
11 wrote you a letter about an unrelated matter?

12 A Yes, sir.

13 Q Do you recall how the topic of the homicide of Audrey
14 Belton came up?

15 A I'm not sure if he brought it up or I brought it up,
16 but I probably did. Because any time that I come in
17 contact with -- in my work with anybody with connections
18 to the Middle 6 area of Fairfield County I ask them if
19 they know anything about this case.

20 Q Did you ask Virgil Pauling if he knew anything about
21 the -- do you recall whether you asked Virgil Pauling
22 whether he knew anything about the murder of Audrey
23 Belton?

24 A I did.

25 Q Is the product of that question the written statement

TESTIMONY OF TOMMY ROBERTSON

1 that you have in your hand, which is State's Exhibit

2 Number 68?

3 A Yes.

4 Q Now, at the time Virgil Pauling talked to you and
5 gave you that statement about Audrey Ann Belton, was Agent
6 Lawrence with you?

7 A Yes.

8 Q Did you or Lawrence threaten Pauling in any way, or
9 law enforcement agents that you were aware of?

10 A No.

11 Q Did either you or Lawrence promise Pauling anything
12 to get him to tell you anything about Audrey Ann Belton's
13 murder?

14 A No.

15 Q Was there anything different in -- let me back up.
16 Did you interview other people concerning the Audrey Ann
17 Belton homicide?

18 A Yes.

19 Q Is there anything different in the circumstances
20 under which you questioned Pauling about the homicide than
21 there were -- than the circumstances surrounding your
22 questioning of any other witnesses or persons of interest
23 in the Belton homicide?

24 A No. Other than the fact that he was incarcerated.

25 Q Okay. Anybody promise Pauling anything to get him to

TESTIMONY OF TOMMY ROBERTSON

1 give you information about Belton's murder?

2 A No.

3 Q Are you aware today that he's backed up on that?

4 A Yes.

5 Q Since he has been here this week for purposes of
6 being a witness in this case, have you had any
7 conversations with him?

8 A Yes.

9 Q When did you talk to him?

10 A Yesterday.

11 Q In your conversations with Virgil Pauling yesterday,
12 was there any explanation given by him for changing his
13 story or not wanting to testify?

14 A He was concerned about the relationship between his
15 family and the defendant's family.

16 MR. BARFIELD: Thank you, sir. Answer anything
17 Ms. Smalls has.

18 THE COURT: Ms. Smalls?

19 MS. SMALLS: Please the Court?

20 CROSS EXAMINATION

21 BY MS. SMALLS:

22 Q Lieutenant Robinson, so you were actually present
23 along with Dave Lawrence when the statement was taken from
24 Virgil Pauling?

25 A Yes, ma'am.

TESTIMONY OF TOMMY ROBERTSON

1 Q And I think you said it took place in like the
2 Midlands headquarters or something, is that part of Sled?

3 A Yes.

4 Q And was it you that personally wrote everything down
5 or was it Virgil Pauling?

6 A That is my handwriting and his signature, he asked me
7 to write it.

8 Q So you wrote everything down, then he signed it?

9 A Yes, ma'am.

10 Q Also in the statement he gave you a name of another
11 inmate by the name of John Caldwell, did he not?

12 A He did.

13 Q Okay. And in his statement he indicated that John
14 Caldwell also knew something about Curtis Elgin and the
15 murder, correct?

16 A Yes.

17 Q And you talked to John Caldwell as a follow-up.

18 A Yes, I did.

19 Q And in the follow-up he --

20 A He denied having any knowledge of it.

21 Q Now, when you take statements from individuals, you
22 have no way of knowing whether or not they are truthful or
23 not, do you?

24 A No.

25 MS. SMALLS: No further questions.

TESTIMONY OF ROBERT GREEN

1 THE COURT: Solicitor?

2 MR. BARFIELD: That's all from this witness at this
3 time.

4 THE COURT: Thank you, sir, you may step down. Call
5 your next witness.

6 The witness, ROBERT LEE GREEN, remained under oath and
7 Testified as follows, on:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q Mr. Green, you were here yesterday and we had some
11 conversation from the witness stand, and I think at one
12 point I was asking you about a letter that you had written
13 addressed to the solicitor in this circuit. I want to
14 hand you something, and I apologize for the condition of
15 it but it was damaged in a fire in my office. Take a look
16 at that and tell me if you can -- if you recognize it.

17 A Yes, sir.

18 Q What is that that you have in your hand?

19 A A letter that I wrote to the solicitor's office.

20 Q Is it the original? Does it appear to be the
21 original?

22 A Yes, sir.

23 Q Does it include the envelope that it came in?

24 A Yes, sir.

25 Q Is all of the writing on that your handwriting?

TESTIMONY OF ROBERT GREEN

1 A Yes, sir.

2 Q Is that the letter we talked about yesterday that you
3 had sent to the solicitor's office which related to Curtis
4 Elgin and the death of Audrey Ann Belton?

5 A Yes, sir.

6 MR. BARFIELD: I would offer the letter as State's
7 Exhibit 69.

8 MS. SMALLS: Without objection.

9 THE COURT: Admitted without objection.

10 (The letter was received as State's 69.)

11 MR. BARFIELD: Which includes the envelopes stapled
12 thereto.

13 Q Have you got your paperwork with you from -- have you
14 got your copy of this letter?

15 A Yes, sir.

16 Q I hesitate to make sure what you have got is a copy
17 of this same letter.

18 A Yes, sir.

19 Q I don't want to make you handle that nasty thing, but
20 would you read to the jury what you said to the solicitor
21 when you wrote that letter?

22 A "Dear ma'am or sir: You may not know me but I write
23 you concerning a crime which involved the said person
24 Curtis Elgin who is currently housed here at Lee
25 Correctional Institution. I was told by him that he

TESTIMONY OF ROBERT GREEN

1 killed a female and he was hired to do so -- to do that.
2 He not only told the information to me -- only to me but
3 to others and said how he got away from the law, that his
4 detainer was dropped a few weeks ago and he was running
5 his mouth about this every since he came to Lee in '05. I
6 only gave you some insight and he said that he will be
7 released or max out in 5/13/07 of this year. Curtis Elgin
8 said that he did and other people who knew about this is
9 Martin Workman, he heard Elgin say this also. If you need
10 to talk to me in the future about this you can get in
11 contact with me at Lee Correctional Institution."

12 Q There's some other stuff on there, but there's a PS
13 on that letter. Read what you wrote as a PS.

14 A "I'm not asking for no time cut or nothing, I just
15 want to help this case."

16 Q Now, as a result of that letter did Tommy Robertson
17 with Sled and Frazier Craig with the Fairfield County
18 Sheriff's Office come see you several times, but also
19 including July 31st of 2007?

20 A Yes, sir.

21 Q And I'm going to hand you another piece of paper and
22 ask you if you can identify that?

23 A Yes.

24 Q What is that? Don't read it but just tell me what it
25 is first.

TESTIMONY OF ROBERT GREEN

1 A Statement.

2 Q Is this the statement you gave to Tommy Robertson and
3 Frazier Craig on the date of July 27th of 2007?

4 A Yes.

5 Q Is that a copy of the statement?

6 A Yes, sir.

7 Q Do you have a copy to be able to say it is, in fact,
8 your statement?

9 A Yes, sir.

10 MR. BARFIELD: Your Honor, at this time I would offer
11 the statement as State's 69. Thank you, sir. Answering
12 anything Ms. Smalls has.

13 THE COURT: Ms. Smalls?

14 MS. SMALLS: May it please the Court?

15 CROSS EXAMINATION

16 BY MS. SMALLS:

17 Q Mr. Green, you wrote this letter in 2007?

18 A Yes, ma'am.

19 Q About a conversation that you supposedly had with
20 Curtis Elgin in 2005?

21 A Yes, ma'am.

22 Q You didn't write any other letter to the solicitor's
23 office or law enforcement in 2005 when you overheard this
24 conversation?

25 A No, ma'am.

TESTIMONY OF ROBERT GREEN

1 Q You didn't overhear the conversation, Curtis Elgin
2 was supposed to have told you this, right?

3 A Yes, ma'am.

4 Q In your letter you specifically said that you were
5 told by him. When you say you were told by him, you are
6 referring to Curtis Elgin?

7 A Yes, ma'am.

8 Q Do you remember testifying yesterday?

9 A Yes, ma'am.

10 Q And do you remember me asking you whether or not
11 Curtis told you that he killed somebody or whether or not
12 that's something that you heard, do you remember I asked
13 you about that yesterday?

14 A Yes, ma'am.

15 Q Do you remember your testimony that it was something
16 that you heard?

17 A Yes, ma'am.

18 Q Is it something that you heard?

19 A Yes, ma'am.

20 Q So he didn't tell you?

21 A No, ma'am.

22 Q So basically what you are saying in this letter that
23 you wrote to the solicitor's office February 13th of 2007
24 where you say Curtis Elgin told you he killed this woman
25 is not true.

TESTIMONY OF ROBERT GREEN

- 1 A No, ma'am.
- 2 Q You also mentioned yesterday that sometimes you and
3 Curtis would have arguments.
- 4 A Yes, ma'am.
- 5 Q And sometimes you would get mad at him.
- 6 A Uh-huh.
- 7 Q Because Curtis would pick at you sometimes, right?
- 8 A Yes, ma'am.
- 9 Q In your statement that you gave on July 31st of 2007,
10 do you have that with you?
- 11 A Yes, ma'am.
- 12 Q You claim that you and Curtis had a sexual
13 relationship, didn't you?
- 14 A Yes, ma'am.
- 15 Q Isn't it true that Curtis Elgin rejected you and you
16 and Curtis got into arguments about the sexual
17 relationship, didn't you?
- 18 A No, ma'am.
- 19 Q You never got into an arguments about it?
- 20 A No, ma'am.
- 21 Q He never told you no?
- 22 A No, ma'am.
- 23 Q So you was just lovers during this time period?
- 24 A Yes, ma'am.
- 25 Q But you got mad at him.

TESTIMONY OF ROBERT GREEN

1 A Yes, ma'am.

2 Q Were you mad at him when you wrote this letter in
3 February of 2007?

4 A Yes, ma'am.

5 Q So when you are mad at somebody you write or do
6 things to hurt them, is that what you're saying?

7 A Yes, ma'am.

8 Q Because what you're saying is you were mad at Curtis
9 so you wrote the prosecutor's office saying that he told
10 you he killed somebody, now you're testifying that that's
11 not true, right?

12 A Yes, ma'am.

13 Q And it took three times for law enforcement to talk
14 to you before you gave them this statement, right?

15 A Yes, ma'am.

16 Q You talked to them three times?

17 A Yes, ma'am.

18 Q Finally that third time, it's a short sweet
19 statement, you finally say that somewhere around September
20 of 2005 -- how did you remember it was September of 2005
21 when you had this conversation with Curtis Elgin, did they
22 tell you that was the date?

23 A No, ma'am.

24 Q You just remembered it?

25 A Yes, ma'am.

TESTIMONY OF ROBERT GREEN

- 1 Q Do you remember where you were and what you were
2 eating two weeks ago on a Wednesday, what you had for
3 lunch two weeks ago on Wednesday assuming that y'all don't
4 eat the same thing on Wednesday in the institution?
- 5 A I believe we had hot dogs.
- 6 Q You believe. You're not sure though, are you?
- 7 A Wednesday, yeah, we had hot dogs.
- 8 Q When were you last out of the institution? Because
9 you have been in jail for awhile. When is the last time
10 you were out?
- 11 A 2001.
- 12 Q Okay. 2001?
- 13 A Yes, ma'am.
- 14 Q So when you were out of jail in 2001, where were you
15 living?
- 16 A Columbia.
- 17 Q In Columbia?
- 18 A Yes, ma'am.
- 19 Q Do you know what month in 2001 you were out?
- 20 A March.
- 21 Q March?
- 22 A Yes, ma'am.
- 23 Q Tell me what you did April 15th of 2001, can you tell
24 me?
- 25 A I was in school.

TESTIMONY OF ROBERT GREEN

1 Q You were in school?

2 A Yes, ma'am.

3 Q What did you eat that day?

4 A I don't know.

5 Q You don't know?

6 A No.

7 Q But you remember specifically what you were doing,
8 September of 2005, you remember specifically what you were
9 doing? You don't? Do you? You don't remember
10 specifically what you did in September of 2005, do you?
11 Will you answer my question please? Do you remember?

12 MS. SMALLS: Judge, would you please instruct the
13 witness to answer the question?

14 THE COURT: Mr. Witness, can you answer the question?

15 THE WITNESS: Yes, sir.

16 Q If you don't remember just say you don't remember.

17 A I don't remember.

18 Q You don't remember.

19 MS. SMALLS: Thank you.

20 MR. BARFIELD: As we spoke earlier in the morning I
21 think I'm at a point where I need to take a ten minute
22 break to kind of do some wrap up things in preparation for
23 my wrap up.

24 THE COURT: All right. Ladies and gentlemen, let's
25 take a ten minute break.

TESTIMONY OF ROBERT GREEN

1 (The jury left the courtroom.)

2 THE COURT: Court will be in recess for ten minutes.

3 (A recess was taken.)

4 THE COURT: Is the state ready?

5 MR. BARFIELD: State is ready.

6 THE COURT: Defense ready?

7 MS. SMALLS: Yes, sir.

8 THE COURT: Bring our jury in.

9 (The jury returned to the courtroom.)

10 THE COURT: Solicitor, you may call your next witness.

11 MR. BARFIELD: I call James Kitchens.

12 The witness, JAMES KITCHENS, remained sworn and

13 Testified as follows, on:

14 DIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q I think it's been three or four days, it seems like
17 it's been about two months but I might not remember
18 everything we talk about before but I need to ask you a
19 handful of questions. I believe you said that you went to
20 the scene the night Audrey Ann Belton's body was
21 discovered; is that correct?

22 A Yes, sir.

23 Q Now, in conjunction with the Sled crime scene team
24 who was processing the interior and the guess the exterior
25 of the house, did the Fairfield County Sheriff's Office

TESTIMONY OF JAMES KITCHENS

1 undertake to see if any evidence could be located anywhere
2 around the house or in the close vicinity to the house?

3 A Yes, we did.

4 Q Did you have any understanding of anything that was
5 missing from Audrey Belton's house when law enforcement
6 got there on the night of February 15th of '93 or the late
7 afternoon?

8 A Not at that particular time, but later on we found
9 out that when she left her job she had the black
10 pocketbook with two straps on it.

11 Q Was that pocketbook, number one, anywhere in the
12 house?

13 A No.

14 Q Was it in her car?

15 A No.

16 Q Did y'all look around outside and in the adjoining
17 areas to see if you could find that pocketbook or anything
18 that could have been contained within the pocketbook?

19 A Yes.

20 Q Did you have any understanding as the scene was being
21 processed that a gunfire had occurred inside of that
22 house?

23 A Yes.

24 Q Did the sheriff's office undertake to look around the
25 house in the area surrounding the house to see if any

TESTIMONY OF JAMES KITCHENS

1 firearm could be located?

2 A Yes, we did.

3 Q Was it a pretty thorough search of I guess a somewhat
4 limited area because it was a pretty thorough search?

5 A Yes.

6 Q Was any firearm found other than State's Exhibit 61,
7 which we had talked about earlier this week, was there any
8 firearm found during the initial efforts to locate
9 evidence in this case?

10 A No.

11 Q Are you familiar with -- before this crime occurred
12 and before you began investigating this case, were you
13 familiar with the area where this occurred, the house on
14 Golf Course Road and the railroad tracks and Uniroyal,
15 were you familiar with the area?

16 A Yes.

17 Q Are you in the -- specifically referring to the curb
18 on Dunn Street, which is where State's Exhibit 61 was
19 found, were there green box dumpsters on this for public
20 use at that time?

21 A Yes, there was two.

22 Q All right. During the course of the investigation,
23 the early stages of the -- I didn't ask you to count and I
24 am not going to ask you to count now, but can you estimate
25 how many people were talked to as people who law

TESTIMONY OF JAMES KITCHENS

1 enforcement thought might have had some reason to kill

2 Audrey Belton?

3 A Probably 30. There was a bunch of people.

4 Q Did any of those folks submit fingerprints?

5 A Yes.

6 Q Were all of those submitted to Sled?

7 A Yes, they were.

8 Q During the course of June, sometime mid-June or late
9 June of '93, did any of the folks talked to by law
10 enforcement get asked, "Do you have a .22 pistol?"

11 A Yes.

12 Q Did the sheriff's office take possession of I
13 think -- did the sheriff's office take possession of
14 approximately four pistols other than State's Exhibit 61
15 for Sled to take a look at?

16 A I'm not sure if it was four, but there were a few.

17 Q And as a result of the submission of fingerprints to
18 Sled and the submission of pistols other than Exhibit 61
19 to Sled, did any of that pan out?

20 A No, sir.

21 Q As a result of the multiple interviews that were done
22 with witnesses and potential suspects in the early stages,
23 did any of that pan out and lead to a conclusion that a
24 particular person committed this murder?

25 A No, sir.

TESTIMONY OF JAMES KITCHENS

1 Q Now, when you retired -- I think you said retire, did
2 you retire from the sheriff's office in 96/97 or did you
3 take another job?

4 A I took another job.

5 Q When you left the Fairfield County Sheriff's Office
6 in 96/97, had anybody been arrested and charged with the
7 murder of Audrey Ann Belton?

8 A No.

9 Q As far as you know, did the file remain open and the
10 investigation continue as time and effort and leads
11 dictated?

12 A Yes.

13 MR. BARFIELD: That's all of the questions I have of
14 Mr. Kitchens. Please answer anything Ms. Smalls has.

15 CROSS EXAMINATION

16 BY MS. SMALLS:

17 Q I think, Investigator Kitchens, you testified that
18 you learned there was something missing from Ms. Belton's
19 residence.

20 A Yes.

21 Q And I think you said a black pocketbook with straps.

22 A Yes.

23 Q And to your knowledge that pocketbook has never been
24 recovered.

25 A That's correct.

TESTIMONY OF JAMES KITCHENS

1 Q You don't know how long that pocketbook had been
2 missing, do you?

3 A According to some of the employees that worked with
4 Ms. Belton the last night that she worked was supposed to
5 have been February 8th and they said she had a black
6 pocketbook with two straps on the job.

7 Q And the body was found on February 15th, correct?

8 A Yes.

9 Q And you just said you learned that the pocketbook was
10 seen on February 8th by her coworker's.

11 A Yes.

12 Q But we're not sure whether she was killed on February
13 8th, right?

14 A Right.

15 Q Or the 9th.

16 A Right.

17 Q Or even the 10th.

18 A Right.

19 Q Not even are we not sure of the day, we're not sure
20 of the time of day, correct?

21 A Correct.

22 Q So even though the coworker's last saw the pocketbook
23 February 8th, you don't know with any certainty whether or
24 not she was in possession of the pocketbook after that
25 time period.

TESTIMONY OF JAMES KITCHENS

1 A That's correct.

2 Q No only that, you don't know what may have been in
3 the pocketbook.

4 A That's correct.

5 Q You don't know if she had any money or credit cards
6 in the pocketbook, do you?

7 A That's correct.

8 Q And you talk about some prints being submitted to
9 Sled. Among those prints was also prints of my client,
10 Curtis Elgin, correct?

11 A I believe so, ma'am.

12 Q And to your knowledge they revealed negative results.

13 A Correct.

14 MS. SMALLS: Nothing further of this witness.

15 THE COURT: Solicitor?

16 MR. BARFIELD: Let me step outside for just a second.

17 (Break in proceedings.)

18 MR. BARFIELD: Call Keith Lewis.

19 The witness, KEITH LEWIS, was first duly sworn and
20 Testified as follows, on:

21 DIRECT EXAMINATION

22 BY MR. BARFIELD:

23 THE CLERK: State your name.

24 THE WITNESS: Keith Lewis, L-e-w-i-s.

25 Q Mr. Lewis, by whom are you employed?

TESTIMONY OF KEITH LEWIS

- 1 A Fairfield County Sheriff's Office.
- 2 Q And how long have you been employed by the sheriff's
- 3 office?
- 4 A 30 years.
- 5 Q Were you working for the Fairfield County Sheriff's
- 6 Office in February of 1993?
- 7 A I was.
- 8 Q And what were you doing with the sheriff's office in
- 9 '93?
- 10 A I was head of narcotics.
- 11 Q When this case arose -- was discovered on
- 12 February 15th of '93, how extensive was the effort of --
- 13 well, I guess my question is this, how much of the
- 14 Fairfield County Sheriff's Office involved in this case
- 15 when it broke?
- 16 A Pretty much the entire sheriff's office did.
- 17 Q Did that involve your drug investigators?
- 18 A It did.
- 19 Q Were you personally assigned any major role in the
- 20 investigation of this case when it happened?
- 21 A No, I was not.
- 22 Q When did your role in this case -- your major role in
- 23 this case develop I guess is the question?
- 24 A I believe it was November of 2004.
- 25 Q Had the case been solved by November of 2004?

TESTIMONY OF KEITH LEWIS

- 1 A No, it had not.
- 2 Q Did you undertake to do something to try to rectify
- 3 that situation?
- 4 A I did.
- 5 Q And in conjunction with -- who was the case
- 6 investigator at that point after the job change of James
- 7 Kitchens?
- 8 A Captain Frazier Craig.
- 9 Q And did y'all start working this thing again?
- 10 A We did in 2004.
- 11 Q Now, in conjunction with that, of course Raymond
- 12 Barnes had given some information back in '96; is that
- 13 right?
- 14 A Yes, sir.
- 15 Q Did you review Raymond Barnes' information?
- 16 A I did.
- 17 Q And as a result of your review of the information
- 18 Raymond Barnes gave, what did you decide to do about this
- 19 case?
- 20 A If I may explain.
- 21 Q Yes, sir.
- 22 A In 2004 -- I had become chief deputy of the sheriff's
- 23 office in 1999, and in 2004 this was what we considered a
- 24 cold case, and at that time I decided to try to reopen the
- 25 case to see if we could get any additional leads on it.

TESTIMONY OF KEITH LEWIS

1 Q Were there other cold cases that you said we need to
2 take another look at to or was this the only one?

3 A There was three.

4 Q When you took a look at it, what was the first thing
5 you decided needed to be done?

6 A After looking at the case file I saw an individual
7 who it appeared to be he had never been interviewed.

8 Q Who was that individual?

9 A Lindsay Goins.

10 Q And at that time, did we know where Lindsay Goins was
11 at first?

12 A No, not at that time.

13 Q What effort was made to find out -- first of all, did
14 you know who Lindsay Goins was or recognize the name at
15 least?

16 A I did know Lindsay Goins.

17 Q Was some effort made to find out where Lindsay Goins
18 was?

19 A It was.

20 Q Was he located?

21 A He was.

22 Q And how was contact made with him?

23 A It was made through his sister and through the New
24 York State Police.

25 Q Did you at some time have telephone correspondence

TESTIMONY OF KEITH LEWIS

1 with Mr. Goins?

2 A I did.

3 Q And as a result of all of that, what did somebody

4 else -- did you and somebody else from your agency do?

5 Who else got involved with you about Lindsay Goins?

6 A After talking with Mr. Goins on the telephone I felt

7 that I needed to get a signed statement from him and

8 myself and Major Eric Neil flew to Rochester, New York.

9 Q Were you well received by Lindsay Goins?

10 A I was.

11 Q What was his status in life when you found him in

12 Rochester, New York? Was he a free man or in prison

13 somewhere?

14 A He was a free man living on Kings Street in

15 Rochester.

16 Q Did your visit to Rochester result in information

17 that Lindsay Goins shared with us this week in this

18 courtroom?

19 A Yes, it did.

20 Q At any time did anybody promise Lindsay Goins

21 anything to get him to tell you anything about this case?

22 A No, sir.

23 Q Was he in any kind of jeopardy himself about this

24 case?

25 A No, sir.

TESTIMONY OF KEITH LEWIS

1 Q Did he ask for anything to give you information about
2 this case?

3 A No, sir.

4 Q As a result of having Lindsay Goins' information, how
5 many people now implicated -- at that point in the
6 investigation had implicated Curtis Elgin?

7 A Two.

8 Q As a result of getting that information, was the case
9 over, did you press forward or what happened?

10 A We continued working the case and additional
11 information came in later on.

12 Q Did that all ultimately result in the arrest of
13 Curtis Lee Elgin for the murder of Audrey Ann Belton?

14 A It did.

15 MR. BARFIELD: Thank you, sir. Answer anything Ms.
16 Smalls has.

17 THE COURT: Ms. Smalls?

18 MS. SMALLS: Thank you. May it please the Court?

19 CROSS EXAMINATION

20 BY MS. SMALLS:

21 Q Investigator Lewis, you indicated that when you
22 became involved this was considered a cold case.

23 A Yes, ma'am.

24 Q And so you -- when the murder happened in 1993, you
25 weren't involved in the case.

TESTIMONY OF KEITH LEWIS

1 A Not really involved in it. Of course, I was head of
2 narcotics and we were just asked by the investigators to
3 contact our informants to see if they heard anything and
4 that's pretty much all of our involvement was in '93.

5 Q So you were actually in narcotics at that time?

6 A I was head of narcotics.

7 Q So you actually received the case yourself in 2004.

8 A Yes, ma'am.

9 Q You testified that you are aware of the interview
10 between law enforcement and Raymond Barnes that took place
11 in 1996, correct?

12 A Just by reading the documentation from that
13 interview.

14 Q But you weren't involved in that interview.

15 A No, ma'am.

16 Q But when you took the case back over in 2004 you
17 became aware of an interview between Raymond Barnes and
18 law enforcement.

19 A Yes.

20 Q And that took place all the way back in 1996,
21 correct?

22 A Yes, ma'am.

23 Q Now, when you reviewed the case file, specifically
24 the interview between law enforcement and Raymond Barnes,
25 at that time you learned that Lindsay Goins was his

TESTIMONY OF KEITH LEWIS

1 cellmate or was in the institution with him at the time?

2 A Yes, ma'am.

3 Q Not only that, in that interview he specifically said
4 that Lindsay Barnes (sic) was present when the statement
5 was allegedly made, did he not?

6 A Yes, ma'am.

7 Q But nobody in 1996, '97, '98, '99, 2000, 2001, two or
8 three interviewed Lindsay Goins, did they?

9 A Not to my knowledge. There was no evidence in the
10 case file that Lindsay Goins was ever spoken to by law
11 enforcement.

12 Q So basically between 1996 and 2004 until you took the
13 case over to your knowledge nobody had talked to Lindsay
14 Goins.

15 A To my knowledge, no, ma'am.

16 Q Who was the case officer in 1996 if you remember?

17 A I can't remember exactly when Investigator Kitchens
18 retired, I know it was somewhere around '96 or '97 so I'm
19 not real sure, I just can't say.

20 Q Who became the lead investigator once Investigator
21 Kitchens retired?

22 A Investigator Craig, who is now Captain Craig.

23 Q So is it safe to say that in 1996 either
24 Investigator Kitchens or Investigator Craig were in charge
25 of this case?

TESTIMONY OF KEITH LEWIS

1 A Yes, ma'am.

2 Q And they had the information in 1996, did they not,
3 involving the interview with Raymond Barnes where the name
4 Lindsay Goins was given?

5 A Yes, ma'am.

6 Q So when you got involved in 2004 you actually found
7 Lindsay Goins in 2004, did you not?

8 A Yes, ma'am.

9 Q Not that difficult to find.

10 A It was pretty tough.

11 Q But you found him in the same year.

12 A I found him in the same year but it took me probably
13 two months to actually locate him.

14 Q You can't say with certainty whether or not Lindsay
15 Goins between 1996 when he was in the Fairfield County
16 Detention Center and December of 2004 when you went to
17 Rochester, New York, if he had ever read or heard anything
18 about this case, can you?

19 A No, ma'am.

20 Q And when you talked to him December of 2004, did he
21 have any notes?

22 A No, ma'am, no notes.

23 Q He related this information to you from memory?

24 A Yes, ma'am.

25 MS. SMALLS: Nothing further from this witness.

TESTIMONY OF FRAZIER CRAIG

1 MR. BARFIELD: Nothing further.

2 THE COURT: Please step down.

3 MR. BARFIELD: Call Frazier Craig.

4 The witness, FRAZIER CRAIG, remained sworn and

5 Testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Is this the first time you have been on the stand?

9 A Today this is the first time.

10 Q This week?

11 A Second time.

12 Q All right. I want to ask you a couple of
13 housekeeping things real quick, and you might have
14 answered this in a previous set of questions. But did you
15 become the case investigator for the Audrey Ann Belton's
16 homicide sometime after James Kitchens left the sheriff's
17 office?

18 A Yes, I did.

19 Q Now, I'm going to hand you a little piece of paper
20 and then we'll struggle with a big piece of paper in a
21 minute. Do you know what that is?

22 A It is a map, a laid out shot of Winnsboro.

23 Q Does it appear to be like a Google map you can
24 download from a computer?

25 A It does.

TESTIMONY OF FRAZIER CRAIG

- 1 Q Does it -- it shows a lot of stuff, but does it
2 include the area of involving -- does it include the area
3 of Golf Course Road where Audrey Belton's house was when
4 she lived there and does it include the curb on Dunn
5 Street where there's been testimony that a pistol was
6 found?
- 7 A It does.
- 8 Q First of all if you could take just a minute, is Golf
9 Course Road labeled as Golf Course Road on there?
- 10 A It is.
- 11 Q Well, let me ask you this first, although you were
12 not the original investigator assigned to this case, were
13 you working for the sheriff's office back in 1993?
- 14 A I was.
- 15 Q And did you become aware that this case had occurred?
- 16 A Yes, sir.
- 17 Q And did you become aware of the name of the victim?
- 18 A Yes.
- 19 Q Did you become aware of the location of the home of
20 the victim?
- 21 A Yes.
- 22 Q Did you become aware that a pistol had been recovered
23 off the curb of Dunn Street out there near the Uniroyal
24 Plant?
- 25 A Yes.

TESTIMONY OF FRAZIER CRAIG

1 Q Do you know where all of that stuff is, not on the
2 map but out there, are you familiar with it?

3 A Yes.

4 Q With a red pen mark just an X -- put a B for Belton
5 and the approximate location of Audrey Ann Belton's house,
6 where she lived in 1993.

7 A All right.

8 Q Now, put a P for the approximate location off Dunn
9 Street where the pistol was found in June of '93.

10 A (Witness complies.)

11 Q Back in '93 what was between B for Belton's house and
12 P for pistol -- if you walked a straight line from one to
13 the other, what would you have to pass through or over or
14 under?

15 A It was like a field.

16 Q Were there any utilities or railroad tracks or
17 anything going there through there?

18 A Yes.

19 Q Is that the main line that runs through Winnsboro,
20 the main railroad line?

21 A Yes, sir.

22 Q Is the Uniroyal Plant or any building shown on this
23 Google map?

24 A No.

25 Q Do you know where -- does the Uniroyal Plant still

TESTIMONY OF FRAZIER CRAIG

1 exist as a building out there on the ground?

2 A Yes, it does.

3 Q Will you put a U on that map for the approximate
4 location of the Uniroyal Plant, which I presume was a
5 pretty big place.

6 A (Witness complies.)

7 Q I'm going to hold this up for you for a minute. Are
8 you familiar with this big piece of paper?

9 A Yes, sir.

10 Q What is that?

11 A That's an aerial map of South Winnsboro.

12 Q It is actually an aerial photograph I made from an
13 airplane in the sky.

14 A Yes.

15 Q Have you looked at this this morning?

16 A No, sir.

17 Q All right. Well, take a minute to look at it, get
18 yourself oriented with it and we will get it to where
19 folks can see it in a minute.

20 A All right.

21 Q Is it an aerial photograph that's shown of some of
22 the stuff shown on the Google map?

23 A Yes, sir.

24 MR. BARFIELD: Permission for the witness to step
25 down.

TESTIMONY OF FRAZIER CRAIG

1 THE COURT: Yes, sir.

2 Q All right. Captain Craig, have there been a couple
3 of things already marked on there that are of significance
4 with red X's?

5 A It has.

6 Q Tell me, does this aerial photograph show the
7 approximation of Audrey Belton's house on Golf Course Road
8 as it was in 1993?

9 A It does.

10 Q If you would, put your finger on the mark for
11 Belton's house. Does it also show the approximate
12 location of the recovered pistol off of the curb on Dunn
13 Street?

14 A Yes.

15 Q And show the jury where that is.

16 A Right there.

17 Q Now, show the jury -- just describe for the jury on
18 the photograph generally speaking what's between those two
19 marks on the map if someone were going to move from one
20 point to the other in a fairly straight line.

21 A This right here is just basically like an open area
22 or a field.

23 Q Are there railroad tracks in the --

24 A The railroad tracks are right here.

25 Q Where is the Uniroyal plant?

TESTIMONY OF FRAZIER CRAIG

- 1 A The Uniroyal Plant right here.
- 2 Q Where is curb on Dunn Street?
- 3 A Right there.
- 4 Q Now, I haven't asked you this before so I don't know
- 5 how you're going to answer it, but if I'm at the curb on
- 6 Dunn Street and I wanted to drive to Audrey Belton's
- 7 house, tell me where I go. Trace it out with your finger
- 8 and if I need to step back or we need to step out so you
- 9 can --
- 10 A From what point?
- 11 Q From the curb of Dunn Street and I want to go to
- 12 Audrey Belton's house, show me a way that I could go.
- 13 A You could drive back up Dunn Street and come to a
- 14 stop sign which is South Congress Street -- well, old
- 15 Camden and South Congress and you will hook a hard right
- 16 across the railroad track, come down Old Camden Road.
- 17 Q Is Old Camden Road that main road coming down through
- 18 there?
- 19 A Right.
- 20 Q Does it have a road number?
- 21 A It has probably got a secondary number but I don't
- 22 know what that is. You will travel down Old Camden Road
- 23 and you'll get right to Golf Course Road and you will make
- 24 a right onto Golf Course.
- 25 Q All right. Thank you, sir.

TESTIMONY OF FRAZIER CRAIG

1 MR. BARFIELD: Your Honor, at this time I would offer
2 the google map as State's 71 and the aerial photograph as
3 states 72 I believe are the correct numbers.

4 MS. SMALLS: No objection.

5 (The photo and map were received as State's 71 and
6 72.)

7 Q Captain Craig, when you took over the investigation
8 of the this case, what was the first major development
9 that got the ball rolling again?

10 A I had the pleasure of meeting Mr. Barnes through some
11 information that was passed onto me, and when we -- when I
12 got to talking to him about another case then some
13 information came up that he brought to me about Audrey
14 Belton's murder.

15 Q Was that the first time -- well, let me back you up a
16 minute. When you took over this case, did you undertake
17 to educate yourself about everything that had transpired
18 in the case by reviewing the case file and doing whatever
19 else you needed from the time it happened until you took
20 it over three or four years later?

21 A Yes, sir, roughly.

22 Q Prior to Barnes' information, had anybody ever
23 directly implicated Curtis Lee Elgin as being the suspect
24 in the case?

25 A No, sir.

TESTIMONY OF FRAZIER CRAIG

1 Q All right. At the time you got the Barnes
2 information, did you know where Lindsay Goins was? Well,
3 did anybody talk to Lindsay Goins initially I guess is my
4 question.

5 A No, sir.

6 Q All right. Are you familiar with everybody -- are
7 you familiar with the list at least of names of folks who
8 were interviewed and categorized as either persons of
9 interest or potential suspects, are you familiar with that
10 long list of folks?

11 A Pretty much, yes, sir.

12 Q Now, let me just ask you this direct question about
13 four different people. Was Raymond Lewis Barnes ever a
14 suspect in the killing of Audrey Ann Belton?

15 A No, sir.

16 Q Was Lindsay Goins ever a suspect in the killing of
17 Audrey Ann Belton?

18 A No, sir.

19 Q Was Virgil Pauling ever a suspect in the killing of
20 Audrey Ann Belton?

21 A No, sir.

22 Q Was Robert Lee Green ever a suspect in the killing of
23 Audrey Ann Belton?

24 A Not to my knowledge.

25 Q As a result of -- as a result of Barnes -- well, did

TESTIMONY OF FRAZIER CRAIG

1 you become aware that -- did you become aware that -- I
2 can't recall the date in 2004 -- Keith Lewis and Eric
3 Guild went to Rochester and got a statement from him?

4 A Yes, sir.

5 Q Now, sometime not too very long after that was some
6 decision made about which direction to take the case?

7 A Yes, sir.

8 Q What decision was made at that time?

9 A To go ahead and go forward with the charges.

10 Q And who got charged with the murder of Audrey Ann
11 Belton?

12 A Curtis Elgin.

13 Q When did Curtis Elgin get taken into custody on the
14 warrant of the murder of Audrey Ann Belton?

15 A April 11th of 2005.

16 Q We have heard testimony from Virgil Pauling and
17 Robert Lee Green this week, today, when did that
18 information -- not a precise date but in relation to
19 before or after Elgin was arrested, when did that
20 information come in if you recall? If you don't, that's
21 fine.

22 A I don't recall. It was after.

23 Q After? That's fine. And just kind of a boiler play
24 question, generally speaking of the four folks; Barnes,
25 Goins, Pauling and Green, do you have any knowledge of

TESTIMONY OF FRAZIER CRAIG

1 anybody that made any promises to any of the four of those
2 guys to get them to tell you about this case?

3 A No, sir.

4 Q And to your knowledge, did any of them receive any
5 actual benefit from telling investigators information
6 about this case?

7 A No, sir.

8 Q Couple of other real quick questions. When Raymond
9 Lewis Barnes -- you testified I think another day that
10 Raymond Lewis Barnes who was working with you on something
11 else started talking to you about this case; is that
12 correct?

13 A That's correct, yes, sir.

14 Q When Raymond Lewis -- I don't want you to quote
15 Raymond Barnes -- when he started talking to you about
16 Curtis Elgin, did he provide details?

17 A He did.

18 Q Did the details strike any cords with you?

19 A They did.

20 Q Were they consistent with what the investigation up
21 to that point told us about Audrey Belton's death?

22 A Yes, they were.

23 Q Did Raymond Barnes -- how did he present it to you?
24 Did Raymond Barnes make some inquiry -- Raymond Barnes had
25 information.

TESTIMONY OF FRAZIER CRAIG

1 A That's right.

2 Q Did he ask about the information?

3 A He asked.

4 Q What did he want to know?

5 A If we had an incident that took place that fit what
6 he was telling me.

7 Q Did you answer him?

8 A No, sir.

9 Q Why not? Why didn't you tell Raymond Barnes?

10 A Because I didn't want to give him any insight on what
11 had happened, or I didn't want him to have any details. I
12 just waited for him to tell me what went on, that way he
13 wouldn't have any knowledge or he couldn't add to it or
14 take away or anything like that.

15 Q All right. And did you ever provide Raymond Barnes
16 the details of this investigation for purposes of him
17 talking to Curtis Elgin?

18 A No, sir.

19 Q All right.

20 MR. BARFIELD: Thank you, sir. Answer anything
21 Ms. Smalls has.

22 THE COURT: Ms. Smalls?

23 MS. SMALLS: May it please the Court?

24 CROSS EXAMINATION

25

TESTIMONY OF FRAZIER CRAIG

1 BY MS. SMALLS:

2 Q Just a couple of questions, Investigator Craig.

3 Please tell me who was the lead investigator in 1996 on
4 this case, you or Investigator Kitchens?

5 A It would have had to have been myself because I was
6 working another case that was just as pressing. But this
7 case had sort of went cold and that's when the information
8 got revealed to me and we started working on it.

9 Q So you feel pretty certain in 1996 it was your case?

10 A Yes, ma'am, I would say so.

11 Q Because it was in 1996 that you were dealing with
12 Raymond Barnes, aren't you?

13 A That's correct.

14 Q So you are spending quite a bit of time with Raymond
15 Barnes based on your testimony earlier this week, right?

16 A Yes, ma'am.

17 Q And he's giving you information that he is supposedly
18 getting from my client, Curtis Elgin --

19 A Yes, ma'am.

20 Q -- correct? In that interview, not statement, that
21 Raymond Barnes gave you and Detective Long, you were
22 present, were you not?

23 A Yes, ma'am.

24 Q In that interview that took place in 1996 he gave you
25 the name -- full name of Lindsay Goins, did he not?

TESTIMONY OF FRAZIER CRAIG

1 A Yes, ma'am.

2 Q At the time he gave you that name, he and Lindsay
3 Goins were right here in the Fairfield County Detention
4 Center, were they not?

5 A Yes, ma'am.

6 Q And you did not talk to him.

7 A No, ma'am.

8 MS. SMALLS: Nothing further.

9 MR. BARFIELD: That's all from this witness.

10 THE COURT: Thank you, sir, you may step down. You
11 may call your next witness.

12 MR. BARFIELD: Your Honor, that's the case for the
13 State of South Carolina.

14 THE COURT: The state rests. Ladies and gentlemen, we
15 need to take about a five minute break and we should be
16 right back in.

17 (The jury left the courtroom.)

18 THE COURT: State rests. Any motions by the defense?

19 MS. SMALLS: At this time on behalf of the defense we
20 would respectfully move for a directed verdict based on the
21 fact that the State has failed to provide -- as you know
22 this is a circumstantial evidence case. They have failed
23 to supply the Court with substantial circumstantial
24 information that would tend to prove the guilt of
25 Mr. Elgin, and therefore I respectfully move for a directed

TESTIMONY OF FRAZIER CRAIG

1 verdict in his favor.

2 THE COURT: Thank you, ma'am. Solicitor?

3 MR. BARFIELD: Your Honor, I agree there is some
4 elements or some portion of this case that does involve
5 circumstantial evidence, but not from the standpoint of eye
6 witnesses. I think there is direct evidence that Curtis
7 Elgin did this in the form of statements of witnesses who
8 said he admitted to them that he did it. In either case I
9 think there is sufficient evidence to meet the standard to
10 get beyond a motion for a directed verdict. I think it's
11 going to be a question for the jury and I think in viewing
12 the evidence in the light most favorable to the State,
13 which we have to do at this point, there is sufficient
14 evidence for the case to proceed.

15 THE COURT: All right. I agree with the State and I
16 believe that there's sufficient evidence for this to go to
17 the jury. Let me ask you this, Ms. Smalls, would this be a
18 good time for me to discuss with your client his right to
19 testify?

20 MS. SMALLS: Yes, sir.

21 THE COURT: Mr. Elgin, at this time I need to explain
22 to you certain of your rights. If you don't understand
23 anything that I say please let me know. If you want me to
24 explain things in more detail please let me know. Do you
25 understand so far what I have said?

TESTIMONY OF FRAZIER CRAIG

1 THE DEFENDANT: Yes, sir.

2 THE COURT: We've now reached the stage in the
3 proceedings where you may present your defense. You have
4 the right to claim the protections given to you by the 5th
5 Amendment to the Constitution of the United States. This
6 amendment states in part as follows: No person should be
7 compelled in any criminal case to be a witness against
8 himself, this means you cannot be required to testify in
9 this case. You have the right to testify on your own
10 behalf, however no one can make you testify. This is a
11 personal right and no one can waive this right except you.
12 If you decide to testify you will be subject to the same
13 rules that governed other witnesses and you may be examined
14 and cross examined on any relevant issue in this case. In
15 addition, if you have any convictions involving dishonesty
16 or false statement for crimes punishable by imprisonment
17 for more than one year and this Court determines that the
18 probative value of admitting this evidence outweighs its
19 prejudicial affect to you, the solicitor will be able to
20 introduce your record to attack your credibility. If you
21 decide to testify this decision on your part must be made
22 freely, voluntarily and intelligently with knowledge of the
23 protections given to you by the 5th Amendment and the
24 consequences of your decision to testify. If you decide
25 not to testify I will instruct the jurors that they cannot

TESTIMONY OF FRAZIER CRAIG

1 give the fact that you did not testify any consideration
2 whatsoever and that there's to be absolutely no prejudice
3 to you because you did not testify. It is left entirely up
4 to you whether or not you wish to testify. And, of course,
5 you may discuss this with anyone and with your attorney,
6 friends, family or others, but the final decision is left
7 entirely up to you. Thus far do you understand what I have
8 said?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you have any questions about what I
11 have said to you?

12 THE DEFENDANT: No, sir.

13 THE COURT: Have you discussed with your attorney
14 about whether or not you should or should not testify?

15 THE DEFENDANT: No, sir.

16 THE COURT: Would you like for time to discuss that?

17 THE DEFENDANT: Yes, sir.

18 (Break in proceedings.)

19 THE COURT: Mr. Elgin, have you now had enough time to
20 discuss this matter with your attorney?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Have you decided whether or not you wish
23 to testify or not?

24 THE DEFENDANT: No, sir, not to.

25 THE COURT: You have decided?

TESTIMONY OF FRAZIER CRAIG

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you have decided not to testify?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Thank you very much. Ms. Smalls,
5 you are up. Are you going to call any witnesses?

6 MS. SMALLS: Yes, sir.

7 (The jury returned to the courtroom.)

8 THE COURT: Welcome back again, ladies and gentlemen.
9 As you know, the State has rested, it's now the defense's
10 turn to put up any evidence if the defense desires to. You
11 may call your first witness.

12 MS. SMALLS: The defense calls John McMeacon to the
13 stand.

14 The witness, JOHN MCMEACON, was first duly sworn and
15 Testified as follows, on:

16 DIRECT EXAMINATION

17 BY MS. SMALLS:

18 THE CLERK: State your name for the record.

19 THE WITNESS: John McMeacon.

20 Q Good morning, Mr. McMeacon.

21 A Good morning.

22 Q Mr. McMeacon, where are you employed?

23 A Winnsboro Furniture Company.

24 Q How long have you been employed there?

25 A Since 1976.

TESTIMONY OF JOHN MCMEACON

- 1 Q What kind of -- you said it's a furniture store?
- 2 A It's a furniture store, retail furniture store.
- 3 Q You said since --
- 4 A 1976, it was May 17th.
- 5 Q Are you the owner of that store?
- 6 A Yes.
- 7 Q Was your store in business back in 1993 or four to
- 8 your knowledge?
- 9 A Yes.
- 10 Q Since 1976 has that store been continuously open?
- 11 A Continuously operating, yes.
- 12 Q Do you know a young lady -- or did you know a young
- 13 lady by the name of Audrey Belton?
- 14 A Yes.
- 15 Q And how did you know Ms. Belton?
- 16 A Ms. Belton was a customer of mine, she bought
- 17 furniture from me.
- 18 Q Do you know Mr. Curtis Elgin, the young man seated in
- 19 the blue shirt?
- 20 A No.
- 21 Q I guess not. Would it be safe to say he has never
- 22 worked for you?
- 23 A He has never worked for me.
- 24 Q How many employees did you have or do you have in
- 25 your store?

TESTIMONY OF JOHN MCMEACON

1 A I usually have two delivery men and one person who
2 helps with sales.

3 Q You indicated that you don't know Curtis Elgin, so he
4 has never worked for you in any capacity.

5 A No.

6 Q Never made any deliveries for you?

7 A No.

8 Q Do you recall -- I think you said you know Ms. Belton
9 from having made furniture purchases from you in the past.

10 A Yes.

11 Q Do you recall when she made those purchases or what
12 she may have purchased?

13 A Yes. I remember what she purchased, of course I have
14 looked at the dates since then. She bought a living room
15 suit, end tables, general living room furniture from me,
16 maybe some lamps.

17 MS. SMALLS: Your Honor, may I approach the witness?

18 Q Can tell me if you recognize these two pieces of
19 paper, please?

20 A Yes. These are from my receipt books. I keep
21 records from the 1960's on.

22 Q So you keep handwritten receipts?

23 A I keep these receipt books probably seven years or
24 something like that, and these came out of the receipt
25 books that I have, it's certainly my signature on there.

TESTIMONY OF JOHN MCMEACON

1 Q Did you have layaway back then?

2 A I had a layaway, sure did.

3 Q Did Ms. Belton ever layaway any furniture with you?

4 A Yes.

5 Q In looking at the receipts from receipt books, does
6 it indicate that she had a layaway for any of the
7 furniture that you previously discussed?

8 A She had a layaway but I can't recall whether that
9 layaway was for this second set of furniture that she
10 purchased because she bought more items than just one
11 sale. So that layaway, the number would deal with the
12 balance due on it, this is not -- it could have been for
13 something else or she could have come in and decided to
14 add something else to it. So that is about a four month
15 period of time between the two.

16 Q What is the time period on your receipts that
17 indicate --

18 A 7/20/92, which was for the layaway which left a
19 balance of \$509.84. 11/14 of '92 was when she bought
20 approximately \$1,500 worth of merchandise.

21 Q Let me stop you right there. When she bought
22 approximately \$1,500 worth of merchandise, does your
23 record indicate what she purchased?

24 A Yes.

25 Q What did she purchase?

TESTIMONY OF JOHN MCMEACON

1 A She bought a three piece burgundy living room suit,
2 two brass lamps, mattress set, and actually got a full
3 mattress, that is two mattresses. She got a full size
4 mattress set and then just two just single mattresses.

5 Q That is November of 2002 purchase?

6 A November 14th of 1992.

7 Q You said she also had a purchase in July of that same
8 year.

9 A That was a layaway and it has been so long I can't
10 recall.

11 Q Your receipt doesn't indicate what that amount was
12 for.

13 A No.

14 Q And that is your signature on the receipt?

15 A Yes, those are my initials.

16 MR. BARFIELD: No objection if she's going to offer
17 that.

18 MS. SMALLS: I would like to offer it into evidence.

19 THE COURT: Admitted without objection.

20 (The two receipts were received as Defendant's 1 and
21 2.)

22 Q So would it be fair to say, Mr. McMeacon, that
23 Ms. Belton was a usual or normal customer at Winnsboro
24 Furniture Store?

25 A Audrey was a wonderful person, I liked her very much.

TESTIMONY OF JOHN MCMEACON

1 She was a good customer, we had a very pleasant
2 relationship. And she was -- for that period of time
3 there she came in and bought several things.

4 Q Is Winnsboro Furniture related in any way to Carolina
5 Furniture Store?

6 A No.

7 Q Do you ever borrow any employees from Carolina
8 Furniture Store to deliver your furniture?

9 A No.

10 Q So that is totally unrelated?

11 A Totally unrelated.

12 MS. SMALLS: No further questions. Answer any
13 questions the solicitor may have.

14 THE COURT: Solicitor?

15 CROSS EXAMINATION

16 BY MR. BARFIELD:

17 Q Mr. McMeacon, just a couple. Other than Ms. Belton
18 being a customer is that primarily how you knew her I
19 guess is my question?

20 A Yes.

21 Q Would you describe her as an attractive young lady?
22 And I don't mean to ask that in a put you on the spot kind
23 of position, but a good looking young lady?

24 A She had a very attractive personality, she was a very
25 pleasant person. Yeah, she was an attractive person

TESTIMONY OF JOHN MCMEACON

1 physically and from a personality standpoint, yes.

2 Q Did you find her to be a very neat, well-groomed,
3 well-dressed sort of person?

4 A Absolutely.

5 Q Apparently took great pride in her appearance, her
6 dress, her nails, kind of --

7 A Yes.

8 MR. BARFIELD: Thank you, sir. That's all.

9 MS. SMALLS: Nothing further. I ask that this witness
10 be excused.

11 THE COURT: You may step down and you are excused from
12 your subpoena. Call your next witness.

13 The witness, TY RANSELL, was first duly sworn and
14 Testified as follows, on:

15 DIRECT EXAMINATION

16 BY MS. SMALLS:

17 THE CLERK: State your name for the record.

18 THE WITNESS: Ty Ransdell.

19 Q Where are you currently employed?

20 A I am employed with Heartland Publications.

21 Q As a part of your employment, do you have any
22 involvement with the Herald Independent?

23 A I am the publisher of the Herald Independent here in
24 Winnsboro.

25 Q \and so you are aware that that's a part of -- you

TESTIMONY OF TY RANSELL

- 1 say you are the publisher of that particular paper?
- 2 A That's correct.
- 3 Q You actually man several papers, do you not?
- 4 A That is correct.
- 5 Q Okay. In preparation of your coming here today did
- 6 you have an opportunity to -- it looks like you have
- 7 volumes of books. Tell me how your kept your newspaper or
- 8 preserved your paper back in 1993 or 1994?
- 9 A We used what we call bound volumes where we just --
- 10 our archives are just hard copies and are kept this way.
- 11 We don't have any electronic files of any sort.
- 12 Q You don't keep them like that anymore though, do you?
- 13 A We recently stopped, everything is electronically
- 14 digital.
- 15 Q Let me show you this article, I guess it would be in
- 16 your bound book. I am referring to an article from the
- 17 Harold Independent dated June 23, 1994.
- 18 A Okay.
- 19 Q Was that particular article published in the Herald
- 20 Independent?
- 21 A If you're referring to the investigators trying to
- 22 gain national attention on the Belton murder inquiry?
- 23 Q That is correct.
- 24 A That's correct.
- 25 Q And that appears in the bound volume that you have

TESTIMONY OF TY RANSELL

1 with you here today in court.

2 A That's correct.

3 Q In your capacity as publisher of the Heard
4 Independent, are you able to say that that particular
5 article actually appeared in the local paper during that
6 time period?

7 A Yes. To the best of my knowledge it did appear.

8 Q In looking at that article, if you would, is there a
9 photograph of Ms. Belton that appeared in that article?

10 A The photograph appeared on the junk page on page 5-A.

11 Q Is that a photograph of her standing up in what
12 appears to be a white --

13 A Yes. There's a photograph of a lady dressed in
14 white.

15 Q Okay. Did you have an opportunity to read the
16 contents of that article?

17 A I read it this morning.

18 Q Okay. In reading that article -- I'm sorry, let me
19 ask you this.

20 MS. SMALLS: At this time I would like to introduce
21 this article into evidence as Defense Number 3.

22 MR. BARFIELD: Your Honor, I object arguing that the
23 article is hearsay. It is a published report of matters
24 that by implication at least is a compilation of
25 information obtained from sources other than personal

TESTIMONY OF TY RANSDALL

1 knowledge of the writer. And, of course, Mr. Ransdell is
2 not the writer, I understand he's the records person for
3 the purposes of his testimony here today. The article is
4 hearsay, I understand it's being offered for a particular
5 purpose, I think there's no way to escape it's hearsay.

6 MS. SMALLS: Your Honor, my response is that this
7 article is not offered for the truth of the matter
8 asserted. The information that's included in this article
9 has already been testified and therefore it's actually
10 offered. There's another source other than the information
11 that was presented to the jury and therefore it should be
12 admissible.

13 MR. BARFIELD: I just argue that it is hearsay. Let
14 me back up and define my argument a little bit -- I almost
15 need to ask Mr. Ransdell a question to be able to make my
16 argument. It's not proper at this time for me to ask him
17 questions.

18 MS. SMALLS: Your Honor, my response is pretty clear,
19 the rules are clear.

20 THE COURT: I'm going to overrule the objection on the
21 ground it is not being offered for the truth of the matter
22 asserted and therefore it's an exception to the hearsay
23 rule.

24 MR. BARFIELD: I know you have ruled, let me state my
25 argument, I just want to put it on the record, I know you

TESTIMONY OF TY RANSDALL

1 have ruled. I would presume that if I asked Mr. Ransdell
2 whether his paper has the intent of publishing only
3 information that is somehow verifiable and true he would
4 say we try to publish true stuff. So the article I would
5 argue he would say is the truth. But I understand your
6 ruling and I will take my seat in light of your ruling.

7 MS. SMALLS: I offer this as Defense Number 3.

8 (The newspaper article was received as Defense 3.)

9 Q Now, Mr. Ransdell, referring to what has now been
10 marked as Defendant's Exhibit Number 3, I think before I
11 offered it into evidence you had indicated that you have
12 read the article personally yourself?

13 A That's correct.

14 Q Okay. And I think you got into it a little bit
15 earlier that on a continued page actually there is
16 actually a picture of Ms. Belton, correct?

17 A That's correct.

18 Q Okay. And within the article, does the article
19 indicate that Ms. Belton had been shot, do you recall
20 reading that?

21 A Yes, I do.

22 Q Do you recall reading that it tells you how many
23 times she had been shot?

24 A I remember reading it in one of the articles, I'm not
25 sure if it was this one or the one in 1993.

TESTIMONY OF TY RANSDELL

1 Q So it's possible -- I know you said you read this
2 before coming, so it's possible that this particular
3 article that we are referring to states that she had been
4 shot four times with a .22 caliber gun?

5 A I remember the .22, I just don't remember the exact
6 number of times.

7 Q And it indicates that the gun was found less than a
8 quarter of a mile from her house a few months later,
9 correct?

10 A That's correct.

11 Q And it even indicates that the -- where the gun was
12 found, does it not?

13 A It says the gun was located in the woods behind the
14 Uniroyal Goodrich Plant in the beginning of the summer of
15 1993.

16 Q And also in this article it talks about there being a
17 \$10,000 reward, does it not?

18 A Yes, it does.

19 Q And the date of this article that we're talking about
20 is what?

21 A June 23, 1994.

22 Q Okay.

23 MS. SMALLS: Thank you. Answer any questions the
24 solicitor may have.

25 THE COURT: Solicitor?

TESTIMONY OF TY RANSELL

1 CROSS EXAMINATION

2 BY MR. BARFIELD:

3 Q What is the -- generally speaking what is the
4 circulation area for the Herald -- let me back up, all
5 questions relevant to 1993 and 1994, generally speaking
6 then what was the circulation area for the Herald
7 Independent?

8 A As stated on the paper it was serving the finest
9 people in the world in Fairfield County, South Carolina.

10 Q So I presume that there's some -- maybe some folks --
11 well, I live in Lancaster County and I pay a subscription
12 and y'all mail me a paper. I assume there is some people
13 who pay for subscriptions and get papers mailed to them
14 outside of Fairfield County?

15 A That is correct.

16 Q Is it accurate to say, though, that the general
17 circulation is within Fairfield County?

18 A That is correct.

19 Q Do you know whether your paper is circulated to the
20 federal prison in Esdale, South Carolina?

21 A I have no knowledge of that.

22 Q Is it done -- if it is it wouldn't be by design, is
23 that accurate?

24 A If that would be the case it would be by subscription
25 base.

TESTIMONY OF TY RANSELL

1 Q Do you know whether your paper is circulated to any
2 other correctional institutions in the State of South
3 Carolina by design?

4 A Not that I'm aware of off the top of my head.

5 Q I want to ask you a few questions myself about the
6 article, if I may. Does your paper -- does the article --
7 it does indicate that it appears to have been a .22
8 caliber weapon; is that correct?

9 A That is correct.

10 Q Does your article report that the weapon was a
11 .22 caliber weapon on a .32 caliber frame?

12 A No, it does not. I don't remember reading that.

13 Q Does your article mention in any fashion that a
14 window screen was off the back window of the residence?

15 A I don't remember reading that in either article.

16 Q Does your article in any fashion mention that the
17 victim was involved in a struggle and actually shot back
18 and forth, or between two bedrooms in her house?

19 A No.

20 Q I think you said your article indicates that the
21 victim was shot four times, is that accurate?

22 A That's what the article says.

23 Q Does your article indicate that three of the gunshot
24 wounds were to the head and one was to the abdomen or
25 variously perhaps described as her groin area?

TESTIMONY OF TY RANSELL

1 A No, it does not.

2 Q Does your article indicate that one of the head shots
3 was a contact gunshot wound to the back of the head?

4 A No, it does not.

5 Q Does your article indicate that law enforcement
6 investigators found bullet holes inside the house in the
7 walls of the house?

8 A No, it does not.

9 Q Does your article mention anything about the
10 temperature inside of the house or the status of the
11 heating ventilation and air conditioning system inside of
12 the house when the body was discovered?

13 A No. I don't remember reading that either.

14 MR. BARFIELD: Thank you, sir. That's all of the
15 questions I have.

16 MS. SMALLS: Nothing further, ask that the witness be
17 excused.

18 THE COURT: Thank you. You may step down and you are
19 excused from your subpoena. Thank you.

20 MS. SMALLS: Beg the Court's indulgence.

21 (Break in proceedings.)

22 MS. SMALLS: Your Honor, defense rests.

23 THE COURT: Defense rests. Solicitor?

24 MR. BARFIELD: Nothing in reply.

25 THE COURT: Ladies and gentlemen we are going to take

TESTIMONY OF TY RANSELL

1 a lunch break until 1:15. I will ask you to be back in
2 your jury room at 1:15. What I think is going to happen
3 when you come back at 1:15 is that the attorneys will make
4 to you their closing arguments, in other words you have
5 heard and received I believe all of the evidence in the
6 case. So after the closing arguments are made to you then
7 I will give you the law, or tell you about the law that
8 applies in the case, after which you will retire to the
9 jury room and begin your deliberations. So have a good
10 lunch, see you back at 1:15.

11 (The jury left the courtroom.)

12 MS. SMALLS: Your Honor, at this time for the record I
13 just want to renew my motions for a directed verdict.

14 THE COURT: The Court understands the motion,
15 understands the grounds for the motion and denies the same
16 motion as previously stated. Anything else y'all want to
17 talk about?

18 (Lunch break was taken.)

19 THE COURT: Is the State ready?

20 MR. BARFIELD: Yes, sir.

21 THE COURT: Is the defense ready?

22 MS. SMALLS: Yes, sir.

23 (The jury returned to the courtroom.)

24 THE COURT: Welcome back one more time, ladies and
25 gentlemen. I believe we are now ready to hear the closing

CLOSING ARGUMENTS

1 arguments of the attorneys.

2 MR. BARFIELD: Your Honor, I'm going to waive opening.

3 THE COURT: The State waives opening.

4 MS. SMALLS: May it please the Court? Mr. Foreman,
5 ladies and gentlemen of the jury, as I told you three days
6 ago this wasn't a very complicated case, it's just a matter
7 of who you believe. However, I do want you to understand
8 this case is extremely serious and important to Curtis
9 Elgin, not just the Belton family, but to Mr. Elgin as
10 well. You have heard from a total of 30 witnesses over the
11 course of the last four days and I'm going to try to help
12 you sift through some of this information so we'll be able
13 to determine whether or not the State has proven to you
14 beyond a reasonable doubt that Curtis Elgin committed this
15 crime. On Monday you heard from Ms. Lula Cunningham, and I
16 put these two together, both Ms. Lula Cunningham and Arlene
17 Sinker. These two ladies actually worked with Ms. Belton,
18 they were co-workers, as a matter of fact, they said they
19 worked on the same team, and see what they told you about
20 Ms. Belton. They told you that she worked second shift
21 between the hours of 3:00 p.m. and 11:00 p.m, that they did
22 not know her very well, that for the most part she was a
23 pretty private person. They didn't know if she dated
24 anybody, they had never been to her home, as a matter of
25 fact, they didn't know her phone number. They indicated to

CLOSING ARGUMENTS

1 you that the last time they saw Ms. Belton was on
2 February 8th of 1993 and they told you what she was
3 wearing, we do not dispute that. But neither Ms. Lula
4 Cunningham or Ms. Sinker was able to tell you that they
5 ever heard Ms. Belton mention the name Curtis Elgin. Now
6 mind you, in 1993 Curtis Elgin is 18 years old and
7 Ms. Belton is approximately 35 years old. Neither one of
8 these ladies said they ever heard her mention Mr. Elgin's
9 name nor had they ever seen him at Whirlpool. Ms.
10 Cunningham and Ms. Sinker told you that they knew of
11 Ms. Belton receiving flowers on the job but they don't know
12 who sent those flowers. Next you heard from -- I am going
13 to group these three together -- Connie Gaither, Eddie
14 Gaither and Rogers Brown. Connie Gaither, as you know, is
15 the sister of Ms. Belton. She told you that she had not
16 heard from her sister and wanted to check on her. She went
17 by her home, saw that her car was in the carport, knocked
18 on the door, there was no answer, she felt something was
19 wrong, she went and got her husband, Eddie Gaither, who
20 accompanied her to the house. Upon entering, because she
21 had her own spare key, she discovered what she thought was
22 her sister, and ultimately she was correct. But she
23 indicated she didn't go in the room, that her husband,
24 Eddie Gaither, did. She said she ran out to a neighbor's
25 or someone else's home to call for assistance, that her

CLOSING ARGUMENTS

1 husband, Eddie Gaither, remained behind. Then later Rogers
2 Brown, he testified that he saw the two of them actually in
3 the carport area and it appeared that Eddie Gaither was
4 consoling Connie Gaither, wherein I think Eddie Gaither and
5 Connie Gaither testified that Rogers Brown actually came
6 into the home and that those two, Connie Gaither and Eddie
7 Gaither, were not outside. But at that point -- this is
8 irrelevant at that point. We know that Rogers Brown
9 actually assisted, or attempted to assist Connie Gaither
10 and Eddie Gaither. I think his testimony was that he tried
11 to see if he could maybe perform some type of -- try to
12 revive her if he could, but upon seeing her he was able to
13 determine that she appeared to be dead. Then you heard
14 from James Kitchens. On Monday he basically told you that
15 he had talked to a number of persons about this case, had
16 conducted a number of the interviews, that he was one of
17 the first persons on the scene, and that he secured the
18 area to make sure that nobody touched anything or moved
19 anything. He actually handed the case over a few years
20 later to Investigator Craig. But prior to his doing that
21 not one person had told him that Curtis Elgin had committed
22 this crime. But Mr. Kitchens did tell you that he was
23 aware that there was a Crime Stoppers tip, and he said the
24 Crime Stoppers tip that came in identified the person as a
25 white male between the ages of 30 and 40 with initial JSO.

CLOSING ARGUMENTS

1 He told you that he wasn't able to come up with any
2 information regarding that Crime Stoppers tip, that that's
3 the first information he received on this tip, this is in
4 May of 1993. This incident happened in February, so three
5 months later somebody is calling saying it's a white male
6 between the ages of 30 and 40 with the initials of JSO that
7 committed this crime. On Tuesday you heard from Robby
8 Dean, he was the paramedic or EMS person that responded to
9 the scene to see if he could render any assistance and
10 determine that Ms. Belton was lifeless. So he basically
11 said at that point he turned it over to the coroner because
12 there was nothing he could do. He said he was unable to
13 find a pulse and he knew he was unable to revive her.
14 David Black, he collected evidence at the scene to turn
15 over to Sled. Not only did he collect, some of it he
16 actually processed, specifically I think he talked about
17 being a fingerprint and footprint expert. He said he
18 inspected both the interior as well as the exterior of the
19 house. He saw a screen that was on the side of the back of
20 the house near the bedroom, he was not able to tell you how
21 long it had been there, but he indicated he did not get any
22 prints from the screen, the air condition unit nor the
23 window, and in his opinion there was no forced entry to the
24 residence of Ms. Belton. There were no broken locks, no
25 broken windows. Mr. Black told you that he was able to get

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1 three sets of good prints, two palm prints and one set of
2 fingerprints. He had at his disposal palm prints and
3 fingerprints of my client, Curtis Elgin. He told you that
4 those sets of prints did not match up with Curtis Elgin.
5 He also talked to you about some footprint impressions, and
6 I think his testimony was that he had made a determination
7 that those footprint impressions may have been made from
8 either EMS or somebody else from the crime scene
9 investigation crew, so he made the determination not to
10 compare anybody's shoes with the footprints that he saw.
11 He was not able to tell whether or not the fingerprints or
12 palm prints belonged to a male or a female he said, he
13 basically wasn't able to make a determination. He noticed
14 that the heat was off and he determined that the initial
15 meeting between Ms. Belton and the person that killed her
16 was in the kitchen where her lunch bag was found on the
17 floor, that was his determination. Next you heard from
18 Jimmy Ray Douglas. Jimmy Ray Douglas testified that for a
19 time period Curtis Lee Elgin had worked for him at the
20 furniture store. He doesn't really recall how old he was
21 at the time, but he knew that his job consisted of both
22 stocking and deliveries. He indicated that the deliveries
23 were made in a delivery truck, that his father, Harold
24 Douglas, who I think he says is in the second stage of
25 alzheimers, his truck was not used to make any deliveries.

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1 He also testified that he had a number of employees, he had
2 six people that worked with him during that time period.
3 Let's see what Jimmy Ray Douglas was not able to tell you.
4 At no time did Jimmy Ray Douglas say that Curtis Lee Elgin
5 had his father's truck, that he drove his father's truck,
6 or that the gun that has been determined that was used in
7 this murder was in possession of Curtis Lee Elgin. And
8 Jimmy Ray Douglas talked a little bit more about the gun.
9 He said that somewhere in 1989 that he sold a .22 to
10 Kenneth Wayne Haney, and shortly thereafter I think Kenneth
11 Wayne Haney testified he bought it for his son, Kenny
12 Haney. Sometime after that I think Kenny Haney said maybe
13 six months later that he returned it back to Jimmy Ray
14 Douglas. After that point in time Kenny Haney doesn't know
15 what happened to the gun, he has no idea. His father,
16 Wayne Haney, said that was the last time he saw it when he
17 gave it to his son and his son took it back to Jimmy Ray
18 Douglas. Jimmy Ray Douglas said that his father, Harold
19 Douglas, had a .32. He decided to exchange his .32 for
20 that .22, the same .22, so he could keep it in his truck
21 for protection. He testified specifically that Harold
22 Douglas kept that gun in his glove compartment primarily
23 because of part of his bonding business, which he explained
24 consisted of him getting people out of jail. Jimmy Ray
25 Douglas indicated to you that he didn't really know

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1 Ms. Belton, when he recognized her when he saw her picture,
2 that she had as his records indicated had frequented the
3 store only on one occasion where she had purchased a
4 kerosene heater. That there was no need for delivery of
5 that heater, that it was taken to her car. That nobody in
6 Carolina Furniture Store where my client, Curtis Lee Elgin,
7 worked ever delivered any furniture to the home on Golf
8 Course Road to Ms. Belton. Then Mr. Douglas tells us at
9 some point in time his father loses the key to his glove
10 box where that gun is kept. He can't tell us when he lost
11 it, where he was when he lost it, he just says it was lost.
12 He says his dad talked about getting another key made but
13 obviously he never did. Now, ladies and gentlemen, I ask
14 you to bring your common sense with you and I'm sure you
15 still have that with you. This is a gun that is kept in
16 his father's glove compartment for protection because he is
17 in the bail bonding business, he's responsible for signing
18 off on bonds, getting people out of jail and sometimes you
19 have to track them down when they don't come to court. The
20 purpose in which he put the gun in his glove compartment
21 was for protection, but for six months you don't have a key
22 to your glove compartment where that gun is kept and you do
23 nothing about it? Ask yourselves, how convenient it is
24 that -- there's testimony that we didn't even know the gun
25 was missing until we received a call from Investigator

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1 Kitchens inquiring about the gun. Why? Because the gun
2 they found was registered to Harold Douglas, so they
3 inquire about the gun. He indicates he couldn't get in his
4 glove box so they force it open and that's when he realizes
5 the gun was missing. Does that make sense? This is a gun
6 he used for protection. Six or eight months you don't have
7 access to your glove compartment where that gun is? Even
8 if there's no gun in your glove compartment, ask yourself
9 how often would a person open the glove compartment for any
10 reason, but specifically because that gun is there. You
11 can go six to eight months and not even try to open it?
12 Jimmy Burrows along with William Gonzales found the gun.
13 Jimmy Burrows indicated that the reason he went to Uniroyal
14 was because he had a suspect from a break and entering who
15 told him where he had hid some of the items. Mr. Gonzales,
16 he wasn't aware of why they went, he was just accompanying
17 Mr. Burrows. However, when I questioned Frazier Craig
18 because he had some handwritten notes, he talked with Jimmy
19 Burrows about finding the gun, and in his handwritten notes
20 it says specifically Jimmy Burrows said that he did not go
21 to the location at Uniroyal because a suspect had sent him
22 there. So how is it that he came across the gun? We're
23 not disputing he found the gun, just curious as to why he
24 was in the area. Then you heard from James Joiner, he's
25 the one that analyzed and processed the gun, basically said

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1 he couldn't find any prints. Dr. Joel Sexton, he's the
2 person that actually performed the autopsy in this case.
3 He said he found no injury to the hands, the fingernails,
4 her knees or anything, all of her clothing was perfectly
5 intact. She had jewelry on; I think he listed a watch,
6 bracelet, necklace, I think they may have been some mention
7 of earrings still on her person. He was not able to say
8 with certainty actually what day she died. He knows that
9 the last time she was seen at work was February 8th. He
10 wasn't able to say whether it was the 9th 10th, 11th or any
11 day, just that it was after the 8th because that's when she
12 was last seen at work. But what he did say was that there
13 was food on her stomach. He specifically testified that it
14 appeared to be some sort of ground beef and maybe red
15 peppers, and that indicates that the food was eaten
16 approximately two hours prior to her death. We know that
17 Ms. Belton worked second shift, 3:00 p.m. to 11:00 p.m. If
18 the food was still on her stomach we don't know whether she
19 actually died first of all on the 8th, but because she had
20 on the same clothes if you were to assume that she actually
21 was killed on the 8th, she got off work at 11:00, did she
22 eat after she got off work? Did she eat at 9:00 p.m. or
23 did she have dinner with someone later? If not on the 8th,
24 even a different date because we don't know for sure what
25 day she actually was killed. David Collins is the

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1 ballistics expert. He basically said that the bullets he
2 examined belonged to the gun that is in evidence here today
3 and as we know that gun belongs to Harold Douglas. There
4 has been no testimony putting that gun ever in Curtis
5 Elgin's hands. One thing we know for sure in this case,
6 the gun that has been determined to be the murder weapon
7 belonged to Harold Douglas, we know that for sure. Frazier
8 Craig, he testified that he was aware of the Crime Stoppers
9 tip, he also was aware of a \$10,000 reward. The solicitor
10 brought out testimony about whether or not that any reward
11 has ever been paid out. I specifically asked Mr. Craig
12 about the specifics of that reward and he agreed that it
13 said the reward is paid for both the arrest and
14 conviction -- there hasn't been a conviction in this case
15 yet -- arrest and conviction for any information regarding
16 the murder of Ms. Belton. Now, Mr. Craig had extensive
17 conversations with Raymond Barnes. He talked to him almost
18 every single day. He would go and pick him up from the
19 detention center, not only did they talk about this case,
20 they would talk about another case. At some point in time
21 he got information for Mr. Craig that -- he got information
22 from Mr. Barnes that Mr. Elgin had information regarding
23 Ms. Belton. Therefore he employed the services of Eleanor
24 Savage, she would equip Mr. Barnes with a wire. Ms. Savage
25 said the only thing she did was give the wire to Mr. Craig

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1 with instructions and she had no more dealings with him,
2 therefore at that point in time everything regarding her
3 wire was between Mr. Craig and Mr. Barnes. Mr. Barnes said
4 that he wore the wire I believe it was seven days and he
5 said he would even keep it over night because he said he
6 would kind of have it under his pillow where the microphone
7 was close to my client, Curtis Elgin. Ms. Savage said that
8 the protocol is to get that wire back the same day. She
9 even said the reason you do that is to make sure it's
10 preserved so nothing could possibly happen to it, but
11 Mr. Barnes kept it over night. And then miraculously all
12 of these conversations that he had we have no evidence of,
13 just his word. Now, Mr. Barnes is just, I mean, memory
14 expert, extraordinaire, you heard his testimony. He could
15 remember anything, anytime, anywhere. "I talked to Curtis
16 Elgin all day everyday." I submit to you as my grandmother
17 would say, something in the milk ain't clean. Where are
18 those taped conversations between Mr. Barnes and Mr. Elgin?
19 Was there something on it that he did not want you to hear?
20 You need something other than his word. Raymond Barnes is
21 convicted of selling crack, kidnapping, but he thinks his
22 word is all you need, you don't need any other proof. Now,
23 at some point in time he is in jail I think he said six to
24 eight months in Fairfield County, when they gave the tapes
25 to Sled there was nothing on them. Did they try again? If

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1 so, where are those tapes? We didn't get anything off of
2 the tapes, we recycle them so what we're left with is just
3 his word. Being so specific that he can even remember what
4 he ate in June 1996. How many of you can remember what you
5 ate two months ago on a particular day? Raymond said that
6 the bunks were all on the same level and that Curtis' bunk
7 was kind of catercornered and that he had the microphone to
8 the wire where Curtis could actually speak into it.
9 Lindsay Goins said he was on the top bunk and that Curtis
10 and Raymond were on the bottom. Raymond never said
11 anything about anybody having a top bunk. Now, the
12 conversation that supposedly took place between Raymond
13 Barnes and Lindsay Goins occurred June 1996 specifically,
14 specific date, June 1996. In Raymond Barnes' statement he
15 says that Lindsay Goins was present and heard the
16 conversations. Somebody dropped the ball, because now we
17 have got to go back on memory again, nobody bothered to
18 talk to Lindsay Goins until 2004. Where was he in 1996?
19 In the cell with Raymond Barnes. Did they know this? Yes,
20 because they had taken an interview from Raymond Barnes.
21 If you remember me having a conversation with Investigator
22 Long as well as Frazier Craig I want them to tell me what
23 is the difference between lead sheets, interviews and
24 statements? I pretty much got the same answer, but we're
25 not interviewing somebody, just trying to get information,

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1 just getting information, interviewed several people in
2 this case just trying to get information. But then when I
3 take a statement from somebody that's saying it's signed
4 and sworn to and I do that because that's something I can
5 bring to court. Raymond Barnes said he remembered this
6 entire incident from June of 1996 by memory just like it
7 was yesterday, but he testified, "I didn't believe half of
8 the stuff that Curtis Elgin was saying, talked a lot about
9 it everyday, I kept asking him information but I didn't
10 believe it." But yet he remembers enough information for
11 the investigators to have five typed pages worth of
12 information, which is the equivalent of ten to 12
13 handwritten sheets. Then he said, "Well, I received
14 something three weeks ago. So what did you receive?" He
15 said, "I received my statement. You gave a statement in
16 this case? Yes, ma'am." I asked Investigator Long that, he
17 said, "If there is a statement I don't have it, don't have
18 a signed statement from Raymond Barnes." I submit to you
19 what he received three weeks ago was that five page
20 interview to refresh his memory so he could come off today
21 and yesterday as if he is squeaky clean with an immaculate
22 memory. He doesn't have it. Robert Green. This is 1996
23 for Barnes, 2004 for Goins, Robert Green 2006. He
24 testified that in 2006 -- he testified on Wednesday that in
25 2006 that Curtis Elgin told him that he had killed

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1 somebody, then when I questioned him he said. "No, I
2 overheard it, it was rumor." And I asked him, I said,
3 "Well, you wrote a letter to the solicitor's office" and he
4 said, "Well, it was based on what I heard." I said, "So
5 Curtis Elgin never told you specifically that he killed
6 anyone?" His response to me was, "No." Robert Green also
7 said that the police officers talked to him three times.
8 We don't know what the content of that conversation was
9 because they didn't share it with us. Why is it that they
10 talked with Robert Green three times, but one short
11 statement, a short statement at that, a statement that he
12 says is untrue? When Reid Long testified, he takes pride
13 in his work, he says, he often writes notes and then after
14 he types it up he destroys them. He said, "I took the
15 statement of Raymond Barnes. I took an interview from
16 Raymond Barnes." More than likely he said because of the
17 length of it he probably would have taken his notes and
18 gone back to the office or home and typed up everything,
19 which makes sense. Now, we have some inconsistency here.
20 Frazier Craig said he took the interview of Raymond Barnes,
21 that Raymond Barnes was present the entire time and he
22 typed it verbatim. He may have talked with Raymond Barnes
23 a lot, but you ask yourself which make more sense? Someone
24 is not telling the truth, why we don't know. But Frazier
25 Craig and Reid Long did not type that five typed page

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1 interview of Raymond Barnes. Now, at some point in time my
2 client, Curtis Elgin, talked to Reid Long as well as
3 Investigator Kitchens, at that time he was probably 18 or
4 19 years old. You heard testimony from Reid Long and
5 Investigator Kitchens that they were riding down the street
6 and they asked Curtis if he could talk to them. He agreed,
7 he got in their car for about 20 minutes and answered what
8 questions that they had. Curtis Elgin told them that he
9 had seen that .22, he even described when he saw it,
10 actually he was on some bail bonding business. He
11 specifically told them that Harold Douglas gave them
12 instructions, Harold Douglas had a gun, he was on some
13 surety bond, "If the person comes out and runs I want you
14 to tackle them." That's all of the instruction he was
15 given. Curtis never said that he was given the gun, that
16 he ever had the gun, that he knows what Mr. Douglas did
17 with it after that. He says on that one occasion is when
18 he had ever seen the gun and that's when Harold Douglas was
19 on the bonding business. Also in that conversation with
20 Reid Long and Investigator Kitchens, Curtis told them that
21 he had delivered furniture to the mother's home of
22 Ms. Belton before, never said he had ever been in
23 Ms. Belton's house on Golf Course Road. If you go to the
24 specifics of Barnes' statement he said that Curtis Elgin
25 told him he delivered a bedroom set, a living room set, and

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1 a dining room set to Ms. Belton's home because it was
2 delivered from his previous boss at Carolina Furniture. We
3 know that Carolina Furniture and Winnsboro Furniture are
4 two totally different places, but Raymond Barnes said that
5 Curtis Elgin told him that he delivered furniture to
6 Ms. Belton's home on at least three occasions and that the
7 furniture came from Carolina Furniture. Raymond Barnes
8 even said that Curtis Elgin had a key to Ms. Belton's home.
9 He got that key from his boss, Jimmy Ray Douglas, because
10 of all of the deliveries to Ms. Belton's home. Didn't
11 happen. Virgil Pauling gave a statement in 2007. Said
12 that Curtis told him he knew all about the murder, that he
13 did it. Virgil Pauling said he grew up with Curtis Elgin
14 and that he has -- all of his family lives here in
15 Winnsboro but when he testified he said, "That's my
16 statement but it's not true." I asked him, "Why did you
17 give a statement?" And like most inmates or convicts, "I
18 was trying to see what leverage or what I could get out of
19 it." And I said, "Did you get anything out of it?" He
20 said, "No." Now, they called another witness to say that
21 the reason he changed his story is because he's concerned
22 about the family between the Paulings and the Elgins
23 because they grew up together. If he's so concerned, why
24 would he give a statement implicating Curtis Elgin in the
25 first place? What else did Virgil Pauling say? He said

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1 that Curtis Elgin was not even at the same institution that
2 he was in at the time that he gave that statement. Did you
3 hear any witness from the State saying we now can prove
4 actually indeed that was true? Pretty easy to determine,
5 right? He said that he wasn't concerned as he thought he
6 wouldn't be charged. He knew that the information was
7 false. If the individual that you implicated is not even
8 in jail with you, why would he be concerned? It's easy to
9 determine whether or not Curtis Elgin was in the same
10 institution with Virgil Pauling, and this statement was
11 given in 2007. Now, mind you, that Robert Green's
12 statement and Virgil Pauling's statement in 2006 and 2007,
13 Curtis Elgin was charged in 2005. So you just figure out
14 for yourself how much sense it makes. He's already charged
15 with this murder, but yet he's giving information on this
16 murder to these two individuals. Eight years later I
17 didn't believe any of the conversation I heard anyway, I
18 didn't take any notes, but he has all of these facts, not
19 reliable. Raymond Barnes, 1996, he's a snitch or an
20 informant there to give information. You heard testimony
21 he had a carton of cigarettes, wouldn't be hard to figure
22 out what his role is in the jail, but he has all of these
23 details by memory. It's not dependable. He had difficulty
24 admitting that what he was selling was crack cocaine when
25 he was convicted. Not dependable. Lieutenant Tommy

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1 Robertson. I asked him -- because he basically was the
2 person that was present -- Tommy Robertson was present when
3 some of these statements were taken, had a simple question
4 for him. "You don't know whether the person gives you the
5 statement if it is true or false, do you?" His response,
6 "No, I don't." Robert Lee Green came back again and he put
7 in his letter that he wrote to the solicitor's office as
8 well as his statement that he gave the police, he said he
9 was mad at Curtis for whatever reason, and he reiterated
10 what he had said yesterday, "I heard Curtis Elgin killed
11 Ms. Belton." Not that he overheard him talking to someone
12 else about it, not that Curtis Elgin told him specifically
13 that he did it, that that was a rumor. It was a rumor that
14 he heard. It also was a rumor that Virgil Pauling heard,
15 and I submit to you it was also a rumor that Raymond Barnes
16 and Lindsay Goins heard. Investigator Kitchens, he was
17 recalled today and he basically said that no pocketbook was
18 recovered, he didn't know if there's anything in the
19 pocketbook if it was recovered. He doesn't know how long
20 the pocketbook was missing, he just knows it was last seen
21 on February 8th. But we do know what was still left on the
22 person's body, a lot of jewelry. They can't say any money
23 was taken because they don't know. Connie Gaither, the
24 sister, said, "I'm close to my sister but I'm not that
25 familiar with her finances. So you can't tell me whether

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1 or not she kept money or credit cards?" She said, "No."
2 Investigator Keith Lewis, he was on narcotics at the time
3 that this case first started. And he picked the case up in
4 2004 and he had access to the statement given by Raymond
5 Barnes in 1996. Keith called his a statement. I want you
6 to keep in mind that the one he was referring to as
7 actually an interview because typically that's what brings
8 you a statement, something for him to sign, which we don't
9 have for Raymond Barnes. He had access to the interview
10 that Raymond Barnes gave, and it was clear Raymond Barnes
11 said in that interview that the other person that overheard
12 Curtis Elgin say he killed Ms. Belton was Lindsay Goins.
13 Where was Lindsay in 1996? In the Fairfield County jail.
14 Nobody bothered to talk to him in 1996, nobody.
15 Investigator Lewis said it's somewhat difficult but not
16 impossible to find him, because he found him in the same
17 year he got involved in 2004, and he went all of way to New
18 York and took the statement. He said, "I don't know
19 whether Lindsay Goins talked to anybody about this case
20 since 1996, I don't know if he read anything about this
21 case since 1996, I simply don't know. All I know is I went
22 up there and I talked to him about this information that he
23 has given." Frazier Craig. He came back, he said he was
24 the lead investigator in 1996 even though he is talking to
25 Barnes almost on a daily basis in 1996, even though he had

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1 Barnes' statement with Lindsay Goins' name in it, he never
2 bothered to talk to him. So what does that leave us with?
3 Nothing but the word of these individuals. They dropped
4 the ball and now they want you to clean up the mess.
5 Investigator Craig talked about that -- he got up there, I
6 think he did an area sheet and location from Ms. Belton's
7 house to where the gun was found and where the Uniroyal
8 Plant is. There was no testimony giving you any evidence
9 about Curtis Elgin's girlfriend and where she may have
10 lived in proximity to Ms. Belton, no testimony whatsoever.
11 Now, I want you to understand from the very beginning I
12 said that we agree that some time between February 8th and
13 February 15th, that Audrey Belton was found in her bedroom
14 shot four times and that the gun was found even I guess
15 months later somewhere near Uniroyal, but that's the point
16 where we differ. There's reasonable doubt that Curtis
17 Elgin committed this crime. The State has called 28
18 witnesses for you and -- I may count them wrong, but
19 approximately 28 persons have been called on behalf of the
20 State. As I told you in the beginning, the defense has
21 absolutely no burden, we don't have to prove that Curtis
22 Elgin didn't do it, we have no burden whatsoever in this
23 case. However, there was some missing pieces that we felt
24 you needed, therefore we called John McMeacon and Ty
25 Ransdell. What did John McMeacon testify to? "I have

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1 known Audrey Belton for quite sometime, she purchases
2 almost all of her furniture from Winnsboro Furniture. Is
3 Winnsboro Furniture related in some way to Carolina
4 Furniture that's owned by the Douglas'? No. Do you know
5 Curtis Elgin?" He was even having difficulty understanding
6 that was him sitting at the defense table? "No. Has he
7 ever worked for you at Winnsboro furniture? No. Has he
8 made any deliveries for you? No. What do you recall
9 selling to Ms. Belton?" He even had his layaway sheet and
10 inventory. He said in July of '92 that she had a balance
11 due of \$509.84, he didn't have the details, it had a
12 signature so he was not able to say what they purchased at
13 that time. But what he was able to tell you is that
14 November 14th of 1992 that Audrey Belton made a purchase,
15 he doesn't know whether she was paying a layaway or not,
16 but the total amount was \$1,549.49. Three piece burgundy
17 suite, two brass lamps and a large mattress, he described
18 those as being a bedroom and living room suit. And he
19 didn't do it by memory, he brought you proof. That's what
20 you should demand in this case, proof. What do we know?
21 Co-workers couldn't link Curtis Elgin to this murder, even
22 the people that found the body never testified that they
23 saw Curtis Elgin there. We know we had this tip early on
24 of the white male 30 to 40 with the initial JSO. No
25 prints, got three sets of prints, good sets of prints none

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1 of which belonged to Curtis Elgin. We have got a \$10,000
2 reward out there and we have got these statements from
3 these inmates 1996, 2004, 2006, 2007. I submit to you that
4 is simply unbelievable, unreliable and two of them admitted
5 it. Robert Green testified, "I was mad at him." Virgil
6 Pauling said, "He wasn't even in the institution with me, I
7 figured they would figure that out." All of these details
8 about all of this furniture that he delivered with a key,
9 didn't have a key, he never made a delivery to Ms. Belton's
10 home. All of the deliveries of the furniture business in
11 question were made by John McMeacon. Ty Ransdell, the
12 publisher of the Herald Independent, he brought an article
13 in here that was dated June of 1994 which predates this
14 statement, this statement as well as this statement. In
15 that statement it says that Ms. Belton was found shot in a
16 bedroom floor. It says that the gun was recovered, it even
17 says where it was recovered from, it was recovered from
18 Uniroyal Plant near -- the Uniroyal Plant near a dumpster,
19 that was in a paper in 1994. Now, they talk about Raymond
20 Barnes, he's not from here. Lindsay Goins, he actually did
21 have some family, he lived -- matter of fact he lived near
22 the victim for awhile. Robert Green, he is not from here.
23 Virgil Pauling is from here but Raymond Barnes is in prison
24 for six to eight months and he wants you to believe that he
25 never heard anything about this murder. I submit to you

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1 that's reasonable doubt. There's no direct evidence
2 against Curtis Elgin in this case. By direct evidence, we
3 don't have any eye witnesses that saw him do it, we don't
4 have his fingerprints on anything in her house. All we
5 have is a gun that belongs to his boss' father that nobody
6 can put in his hands, and they want that to be enough
7 coupled with the statements of these inmates. Not enough.
8 We understand that the Belton family wants closer but this
9 case is equally important to Mr. Elgin. But the State has
10 failed you, they've not brought you sufficient evidence to
11 prove beyond a reasonable doubt that Curtis Elgin committed
12 this crime. Do you remember at the beginning when I said
13 if I told you I was born in 1962 some of you may believe
14 me, some of you may not. But if I brought you a birth
15 certificate or a driver's license, something authentic,
16 that would be proof. Demand the same proof of them.
17 Demand it. It doesn't exist. You have the words of these
18 individuals. We don't have a wire, we don't have any
19 fingerprints, we don't have an eye witness. One thing we
20 know for sure, JSO. JSO is not CLE, therefore they have
21 failed you. They've not proven their case beyond a
22 reasonable doubt. There is only one verdict we would ask
23 you to return, and that's not guilty. Thank you.

24 THE COURT: Thank you, Ms. Smalls. Solicitor
25 Barfield?

1 MR. BARFIELD: If the Court please. Ms. Smalls? I am
2 going to be done in a few minutes and y'all ain't, because
3 after the Judge gives his instructions you have got to go
4 back to the jury room and deliberate your verdict in this
5 case. As I sit down I'm going to breath deep and my work
6 is going to be over but yours is not. And nobody takes it
7 for granted, nobody suggests it's easy. We recognize that.
8 The first thing I have got to do is to thank you. We
9 started this thing Monday, it's Thursday afternoon 2:15.
10 It's been a long, hard week. Y'all are always to some
11 degree at a disadvantage. We've got stuff everywhere, we
12 have got papers, files, stuff coming out our ears. You
13 don't have anything except your memory and recollection of
14 what you've seen and heard and that's what you have got to
15 take into the jury room after awhile when you decide your
16 verdict in this case. We appreciate that, we appreciate
17 that effort. All we ask you to do is use your common
18 sense, evaluate what you have heard, give us a little bit
19 of your time as we make these closing arguments and listen
20 to the Judge's instruction, then go back there and do what
21 is right. The State submits what is right in this case is
22 a guilty verdict. You are in the presence of a killer
23 right now, his name is Curtis Lee Elgin. Today he is
24 sitting over there in a blue shirt. He's a killer. And at
25 the end of my comment -- and again, I might say this 20

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1 times before I sit down, the man is a killer and I'm going
2 to ask you to find him guilty of murder. You spent the
3 first two days and you didn't hear a whole lot about Curtis
4 Elgin and that may be my fault because I just kind of like
5 to present things the way they develop. But the first
6 couple of days wasn't a whole lot of talk about Curtis
7 Elgin. We started to getting into Curtis Elgin about
8 yesterday. Let's talk about briefly what happened in this
9 case. There is some stuff in this case that I submit is
10 fact, without question. What happened? Audrey Ann Belton.
11 Horrific things happened to Audrey Ann Belton.
12 February [REDACTED] of 1993 was her birthday, it was her 35th
13 birthday and it was her last birthday. You heard several
14 people talk about Audrey Belton, single woman, no children,
15 hard worker, very meticulous, very attractive young lady,
16 very proud of the way she appeared and the clothes she
17 wore. You heard the description of her house and you are
18 going to see some pictures of her house which has got
19 God-awful scenes in them. But you can look beyond the
20 gruesome stuff in these pictures and you can see how
21 meticulous she kept her house. Very punctual, very good
22 worker, didn't miss work. That's how she ended up getting
23 found because she didn't come to work and everybody
24 expected her to be at work. What happened to her? We
25 don't know. But I argue to you that you can conclude that

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1 this is what happened to Audrey Belton. She got off work
2 at 11:00 and told Lula Cunningham good-bye in the parking
3 lot and Lula Cunningham saw her go get in her car and leave
4 work. We can only presume that she intended to go home
5 from her place of employment down in Blythewood. You've
6 heard testimony about lunch break, which actually is supper
7 time if you work the second shift down there. I don't know
8 for a fact, you don't know for a fact and the State doesn't
9 know from a fact, but I think you can infer from the
10 evidence in a case that Audrey Belton carried her lunch to
11 work and brought her lunch container from work and she gets
12 home in her house -- I don't know how long it takes to
13 drive from Whirlpool to Golf Course Road in Winnsboro, but
14 some time between 11:00 p.m. on February 8th of 1993 I'm
15 guessing early morning hours, some time after midnight on
16 February 9th of Tuesday morning she gets to her house. Was
17 Curtis Elgin already in her house? Maybe he was and maybe
18 he wasn't. You have heard testimony that he said he was in
19 the house and he said she came in and she surprised him or
20 he surprised her, or I guess they surprised each other.
21 How did he get in her house? Well, there's testimony from
22 Curtis Elgin's mouth that he took a screen off the back
23 window. Well, you've got some pictures in here that you
24 will see, I'm talking about a handful of the pictures, you
25 will have all of the picture, but there's a particular

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1 picture of the window screen on the ground. David Black
2 told you he couldn't conclude that anybody forced entry in
3 the house. There was also testimony in this case that the
4 furniture store, Carolina Furniture, had keys to the house
5 because they made deliveries there. There's dispute about
6 how much stuff, maybe it matters to you, maybe it doesn't.
7 But there's testimony that the furniture store had a key,
8 that Curtis Belton perhaps had access to that key. He gave
9 a statement, he told some of these witnesses you heard
10 today that he got a key, there was testimony about a key.
11 Maybe he didn't enter the house at all until Audrey Belton
12 got home and maybe he was lurking somewhere around the edge
13 of her house and maybe she opened her door off the carport
14 and stepped into her kitchen and he stepped in right behind
15 her, maybe that's how it happened. Doesn't matter how it
16 happened, but that's a mechanism perhaps that he used to
17 get in the house. What happened inside of the house
18 initially? She was terrified. You can't see it from over
19 there, but this is State's Exhibit 12, a picture of her
20 kitchen floor which is the first room off of the carport
21 and there's her lunch in the kitchen floor. Now, Audrey
22 Belton doesn't go in her house like my kids do and start
23 taking stuff off and throwing it all over the place, she
24 puts her stuff up. Her lunch is in the floor. Somebody
25 scared the living daylights out of her either by being in

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1 the back of that house when she walks in and approaching
2 her or by walking in behind her. There's her lunch. We
3 aren't left to speculate with too much about what went on
4 inside of that house because there's physical evidence and
5 there are photographs and there was an abundance of
6 testimony about what happened to her inside of that house.
7 She's wearing the same clothes that she was seen in on her
8 birthday at work when she's found seven days later face-up
9 ice wide open, dead in the floor of her bedroom. She got
10 killed as soon as she got home. She's not wearing the
11 field jacket that she wore back and forth to work, which is
12 found in a room, I'm going to call the room where her body
13 was not found as the front bedroom because I think the
14 sketch would indicate to you it's the front and her bedroom
15 the back bedroom. Her field jacket with blood on it is on
16 the floor in a room where her body ain't. She had the
17 jacket on when she got shot one of those four times and
18 somehow or another comes out of that jacket. She's got
19 food in her stomach which had been eaten within hours of
20 her death, which also tells us she didn't stand a chance
21 when she walked in her door and came home from work, that's
22 when she got killed. From the kitchen or wherever she
23 first saw Curtis Elgin things escalate and she ends up in
24 the back of the house. You heard testimony that there
25 wasn't a whole lot of evidentiary things for suggestion of

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1 a struggle in the rooms off of the hall until we get to
2 those two bedrooms on the end of the house, one on the
3 front side of the house and one on the back corner of the
4 house which is where her body was found. Once we get down
5 that hallway, ladies and gentlemen, there's nothing but
6 horror that is the story of what unfolded inside of that
7 house. She didn't get shot once, she got shot four times.
8 You will see pictures. I think there's a picture in here
9 of the path down the hallway, State's Number 22, it shows
10 you where they went in that house going toward the back
11 where the bedrooms are. You will see pictures, several
12 pictures, but in particular a picture of a bullet hole over
13 the light switch going down that hallway which is the
14 reference to the one smear, the thermostat, which is not
15 shown in this picture, it was shown in others, gunshots
16 were found going down that hallway. You will see pictures
17 of a bullet hole in the attic access door down that hallway
18 and there's a picture in there -- this one doesn't have
19 it -- but it's State's Exhibit Number 26, you will see
20 another picture of that same bullet hole. There's a rod
21 stuck to it showing the shot went straight up. Audrey
22 Belton ain't shooting nobody, she is being shot at. You
23 will see a picture or several of a bullet hole above a
24 light switch in the bedroom where we contend she got shot,
25 at least initially shot. There's also blood around that

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1 light switch in that front bedroom where her body was not
2 found. You will see a picture of a shot through the
3 corner, two bullet holes in a corner and you will have them
4 back there. I'm kind of flashing them around but that's
5 State's Exhibit Number 14, the shot went through a corner
6 of a room from another room. You will see pictures of
7 blood over light switches and light receptacles or outlets.
8 You will see pictures of blood that Ms. Belton's feet, you
9 will see multiple pictures of blood on door frames. It was
10 awful. It was awful. She got shot in that front bedroom
11 and somehow her body ended up in her own bedroom. I submit
12 to you that either she called hoping to get someone where
13 they could get some help or she got dragged in there.
14 She's lying face up when she is found. It was just
15 absolutely -- could not be any worse for that young lady
16 losing her life inside of her house that night. How did
17 she die? Well, we know she got shot to death. Once? No.
18 Twice? No. Three times? No. Four times, three of those
19 shots were what we call head shots. That's a terrible way
20 to describe it, but she got shot in the head three times
21 with a small caliber handgun. I can almost stand up here
22 and tell you it might have been better if she would have
23 been shot with a huge caliber handgun because it might not
24 have taken four times to kill her. Two of the head shots
25 produced projectiles, which were recovered at the autopsy.

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1 One of the head shots was what is described as a contact
2 wound to the back of the head. How cowardly is that for
3 Curtis Elgin to put the muzzle of that gun to the back of
4 it head so that it leaves a print of the end of that gun on
5 her head and shoot her. And then the fourth shot was to
6 her lower abdomen that's described as Dr. Sexton, also
7 described by him near the groin area, and he described that
8 area as a shot traveling upward. How did that happen? Why
9 did that happen? Was that just a mutilation shot just for
10 the heck of it? No point in it whatsoever. And clearly I
11 would submit to you the evidence shows she was down on the
12 floor when she got shot in that area. There has been
13 evidence and testimony about fingerprints in this case. I
14 don't have Curtis Elgin's fingerprints. They're also not
15 the fingerprints of approximately 84 other people who have
16 prints submitted to Sled for comparison. What does that
17 tell you? Well, it -- this is what it doesn't tell you, it
18 doesn't tell you that the absence of Curtis Elgin's
19 fingerprints in that house means that he didn't do it. It
20 simply tells you that the three latent prints that David
21 Black was able to lift at that scene just could not be
22 matched to anybody. What do we know? We don't know, first
23 of all, that those three latent prints were left there by
24 the killer. David Black told you there are lots of reasons
25 prints get left and don't get left, there are lots of

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1 circumstances that determine the quality of prints, and he
2 cannot in any way, shape or form tell you how long those
3 three latent prints that he lifted in that house had been
4 there. He couldn't tell you whether they were male prints
5 or female prints. They might have been anybody's prints
6 who have been in that house at any time in the past before
7 February 15th of '93. The absence of Curtis Elgin's prints
8 in that house doesn't mean he didn't do it. Footwear
9 impressions. There were some footwear impressions that
10 David Black told you about which he said he eliminated as
11 being left there by emergency personnel. That doesn't tell
12 us that Curtis Elgin did not kill Audrey Belton. What else
13 about prints? There is evidence in this case from
14 witnesses who talked to Curtis Elgin and Curtis Elgin said,
15 "I had socks on my hands." Would that keep his prints from
16 being in that house? Certainly they would. What about the
17 temperature in the house? This might be a minor point, it
18 might not mean anything to you at all, but I submit it's
19 February and presumable -- I didn't bring a meteorologist
20 in here, but presumably it's cool out in February and David
21 Black told you that the temperature inside of the house was
22 52 degrees. Now, I'm pretty cheap, I got my power bill the
23 other day but I'm not that cheap. The heat was off.
24 What's significant about that? In conversations I believe
25 with Raymond Barnes, Curtis Elgin said, "I cut the

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1 thermostat up." Why would he do that? I don't know why he
2 would do that, but perhaps to make it hot in the house so
3 that the body would decompose so that there wouldn't be any
4 evidence with the body, or maybe less evidence with the
5 body, or maybe he just wanted to mess with stuff. But what
6 happened is it was turned off. Audrey Belton wasn't
7 planning on coming home that night to a 52-degree house.
8 You have to presume that she intended for her house to be
9 warm while she was there that night so the killer, Curtis
10 Elgin, messed with her thermostat but he messed with it the
11 wrong way. And what was the result of that? Well, if his
12 intended result was to make the body decompose quickly he
13 produced the opposite result, he made the house a
14 refrigerator. And you will see in the picture in a little
15 bit -- well, you can't see a whole lot in that picture --
16 but the body was very well preserved according to
17 Dr. Sexton. I submit that's significant. Now, we're going
18 to start talking about Curtis Elgin in more detail. How do
19 we connect Curtis Elgin up in this case? How do we connect
20 Curtis Elgin first of all to Audrey Belton? Well, Carolina
21 Furniture is clearly the connection. There's been a lot of
22 testimony about furniture, about two furniture stores,
23 about purchases made by Audrey Belton at various places. I
24 submit to you it doesn't matter where she bought which
25 piece of furniture or whether she just bought a kerosene

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1 heater at Carolina Furniture and a lot of other stuff at
2 Winnsboro Furniture. The point is, the fact is, the
3 undisputed fact is that Audrey Belton -- fact number one,
4 that Audrey Belton was a customer of Carolina Furniture.
5 The undisputed fact number two is that Curtis Elgin was an
6 employee of Carolina Furniture. How else do we connect
7 Curtis Elgin to the victim? This is from Curtis Elgin's
8 own words not to somebody that you might want to
9 characterize as a jailhouse snitch, but to a law
10 enforcement officer. Curtis Elgin says, My girlfriend
11 lived on the same street for two years as Audrey Belton.
12 He knows who Audrey Belton is, he knows where she lives.
13 Mr. Barnes said Curtis Elgin said he had a cousin living on
14 that street, also. Curtis Elgin told Reid Long in that
15 interview on July 14th of 1993 that he walked by Audrey
16 Belton's house every afternoon on the way to his
17 girlfriend's house. He knows who she is and where she is.
18 Curtis Elgin told Reid Long in that interview that he had
19 delivered furniture to the victim and her mom at a previous
20 address on prior occasions, he knew her from that. I don't
21 know which furniture store that was from, but Mr. McMeacon
22 said he didn't ever work for him, so maybe Carolina
23 Furniture is selling furniture to the Belton family at
24 another house. But he admitted that he had delivered
25 furniture to a house that the victim lived in, a different

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1 house, so he knows the victim. He has connections to the
2 victim. He has connections and presence in the victim's
3 neighborhood and walking up and down the street by her
4 house every afternoon by his own words to a law enforcement
5 officer. How do we connect Curtis Elgin to this pistol? I
6 can't put this in his hands but I can circumstantially
7 connect him to this pistol. First thing is let's talk
8 about fingerprints and the pistol. There were no
9 identifiable prints, no -- insufficient ridge detail or no
10 identifiable prints found by David Black on this revolver.
11 Is that a surprise? I submit to you certainly it's not a
12 surprise. This revolver was used to kill Audrey Belton on
13 February 8th or 9th of '93 and was found some time mid to
14 late June of '93 in the open, out in the weather, in the
15 woods, across the field and the railroad tracks, near the
16 dumpsters on Dunn Street near the Uniroyal Plant. Nobody
17 would expect I would submit to you that there would be any
18 fingerprints on this revolver under those circumstances.
19 You know where the revolver came from, you know it was sold
20 by Jimmy Ray Doug by Wayne Haney on January 20th, I think,
21 of 1989. Wayne Haney turned it over to his son, Kenny
22 Haney who probably shouldn't have had it because he wasn't
23 old enough. Kenny Haney several months later took it back
24 to Jimmy Ray Douglas and traded it in for a different
25 pistol and it's now back at the furniture store. Some time

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1 in '89 or '90 this pistol is back at the furniture store.
2 What is the connection? Curtis Elgin worked at the
3 furniture store. Jimmy Ray Douglas said he put the pistol
4 in a desk at first and later on his dad put in the truck to
5 have in the glove box to try to round up his bondees to
6 make sure they showed up to court and paid him whatever
7 else his business was. Jimmy Ray said, first of all,
8 "Daddy's truck wasn't used to deliver furniture, we had
9 other trucks that we delivered furniture in." What Jimmy
10 Ray also said is that the employees had access to the
11 trucks, and Curtis Elgin was an employee and would have had
12 access to the trucks. We don't have to guess if Curtis
13 Elgin ever had access to Harold Douglas' Dodge Dakota
14 pickup truck that the pistol was kept in. We know he did
15 because he told Reid Long again on July 14th of 1993 that
16 he did. What did he say? He knew the revolver existed.
17 He knew Harold kept it in the glove box of the truck. He
18 was actually with Harold in the truck on a visit to
19 somebody that Harold had bonded out when Harold pulled the
20 glove box open and took the pistol out of it. He knew the
21 pistol was in the truck, wasn't any big secret to Curtis
22 Elgin that that pistol was accessible to him if he wanted
23 to get it somehow. How was the pistol described in Barnes'
24 and Goins' statements and maybe some of the others as told
25 to them by Curtis Elgin? A .22 on a bigger frame, or a .32

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1 frame. You look at this thing and that's a pretty big old
2 pistol and y'all will have it in the jury room and it's
3 heavy and it's pretty big, and, of course, there are all
4 kinds of different sizes of pistols. But I submit to you a
5 .22 is a small caliber pistol. But this is a pretty big
6 frame, a frame common perhaps to a larger caliber pistol
7 like a .32. And when you look at the barrel -- I'm not
8 going to point it at anybody, but if you want to hold it up
9 at some point and look at the barrel or the muzzle, it's a
10 little tiny hole in that big old fat round barrel, kind of
11 like an old cannon, a lot of steel and just a little bit of
12 hole. That's how Curtis Elgin described it to these
13 witnesses and that's what this pistol looks like. We know
14 now that David Black picked up two fired bullets off of the
15 floor of Audrey Belton's house, one of which David Collins
16 said was fired from this gun, the other one simply was too
17 damaged to make any match. We know Joel Sexton pulled
18 three bullets, or parts of bullets or fragments, however
19 you want to describe them, out of Audrey Belton's body, two
20 out of her head and one from the groin shot. And we know
21 that one of them -- the one out of the groin shot, which
22 was pretty well preserved, was fired by this gun, that's
23 what David Collins told you. We also know when this pistol
24 was recovered lying out there in the woods it had six spent
25 cartridge cases in it. I'm going to tell you, ladies and

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1 gentlemen of the jury, there ain't no way for you to figure
2 it out; or me either, but you can take these three and
3 probably the other two and something is missing somewhere,
4 but you could put them back there and that's where those
5 bullets came from, right out of those cartridge case, which
6 David Collins told you were fired by this pistol. Let's
7 talk a little bit about Mr. Barnes, Mr. Goins, Mr. Pauling
8 and Mr. Green, and in conjunction to that, I want to talk
9 about the newspaper article. Defense Exhibit Number 3, you
10 will have it, you will be able to read and you will see
11 what it says. The newspaper fellow told you some of what
12 is in it, but basically this is what it says -- basically
13 the theory is this from the defense that the newspaper
14 basically published all of the facts in this case so that
15 anybody out there in the world who is reading the Winnsboro
16 Herald Independent would have been able to go to law
17 enforcement and said Curtis Elgin gave me all of these
18 details because I read them in the paper and that's how I
19 find out about it and I'm going to act like Curtis Elgin
20 told me about it. This is all the paper says. Shot in her
21 home off Old Camden Road, gave the date February 9th of
22 '93, talks about her wearing the same clothes she had on at
23 work, shot four times with a .22 caliber gun which was
24 found less than a quarter of a mile from her house months
25 later near the Uniroyal Goodrich Plant, and that is all it

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1 says. Now, that's certainly detail and that's certainly
2 accurate detail, but that's not all of the detail. But
3 what else does it say that's kind of significant? If you
4 want to think that Mr. Barnes and Mr. Goins and Mr. Pauling
5 and Mr. Green read the newspaper, which isn't circulated to
6 state prisons and it is not circulated to federal prisons,
7 they didn't read this newspaper article and that's not
8 where they got their facts. They got their facts from
9 Curtis Elgin. But what else is in this article? If I'm
10 reading the newspaper about a murder and I'm going to go to
11 the police and tell somebody who did the murder, then by
12 gosh if it says there's a \$10,000 reward I'm going to talk
13 to the police about that too when I'm telling them that
14 Curtis Elgin did this. If Curtis Elgin confessed to this
15 murder to me and where do I sign up for this 10,000 bucks?
16 None of the four witnesses who say Curtis Elgin admitted
17 this to them said anything about even knowing about this
18 reward. Isn't that significant? So we know, I submit to
19 you, ladies and gentlemen, the source of their facts in
20 this case is not this little old Winnsboro newspaper
21 article, the source of their facts is Curtis Elgin, that's
22 how they knew all of the detail they gave you. What about
23 Mr. Barnes? If you have any concern that either of these
24 four guys did it and are rating out Curtis Elgin to escape
25 getting in trouble for it themselves, well, put it out of

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1 your mind. We've established for you that two of them were
2 in prison when it happened. Barnes was in prison and
3 Pauling was in prison when this murder happened. They
4 didn't do it. Green doesn't have any connection to
5 Fairfield County, I think he testified that way. Goins has
6 lived here but you heard no information or evidence from
7 the investigators in this case -- and actually you heard
8 the contrary, you heard that none of the four of these
9 fellows were ever suspects in this case as being the person
10 who killed Audrey Belton, nothing ever came to light during
11 this investigation to make any of them suspects. So they
12 had no reason to divert attention away from themselves by
13 coming to law enforcement to say that Curtis Elgin did it
14 because they weren't being looked at for it to start with.
15 What else is significant about these guys and why you
16 should believe them, they didn't know each other. None of
17 them knew each other until Curtis Elgin started running his
18 mouth about killing Audrey Belton. Mr. Barnes came here
19 from federal prison in Esdale and lived in Durham, North
20 Carolina, he didn't know any of these people until he ended
21 up in the Fairfield County Detention Center. Pauling new
22 Elgin, he's the only one that knew Elgin and we'll talk
23 about that in a little bit. None of them knew the victim,
24 none of them knew you Audrey Belton except I think again
25 Pauling knew her. I think at some point in his testimony

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1 he told you he knew who she was or knew where she lived.
2 But again, testimony from him was that he was in prison
3 when this happened so he didn't do it. They don't have any
4 connections to each other, to Elgin or to the victim of any
5 significance. What else is significant about the
6 information that came from these four guys? It was all
7 initiated by them. Again, they weren't suspects, they
8 weren't people that were on the radar of the sheriff's
9 office or Sled and the police pulled up and started
10 grilling them about it, they went to the police, all except
11 Goins because by that time -- by the time the police were
12 looking for him he was in Rochester so they did search him
13 out. They came to the police. None of them, first of all,
14 asked for any help, any reward, any consideration on a
15 prison sentence, any get out of jail card, none of them
16 asked for anything. None of them were promised anything by
17 the police when they were interviewed, and none of them, in
18 fact, as you heard from the witness stand, got anything for
19 giving the information they had on this homicide. Two of
20 them obviously are still in prison. They didn't get any
21 consideration for telling them what Curtis Elgin admitted
22 to them he had done. So what do we have, ladies and
23 gentlemen? We have Curtis Elgin, however old he was in
24 February of 1993, over the course of the next several years
25 coming into contact in various locations of the detention

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1 with four other people and trying to be the big man, trying
2 to be the big man, trying to bow out his chest and be the
3 tough guy in jail and talk all about what he had done and
4 he spoke the truth. He spoke the truth. What did
5 Mr. Barnes tell you that makes you know that he's telling
6 you, number one, that Barnes is telling you the truth, and
7 number two, that Elgin was telling the truth and that Elgin
8 did it? He gave the date. Elgin told Barnes the date that
9 he did it, February 8th. He described Ms. Belton, he
10 described her as a nice-looking lady. He talked about the
11 furniture store and her connection to the furniture store
12 and his connection to the furniture store. He talked to
13 Barnes and Goins at the same time about the pistol
14 described as a .22 on a .32 frame. He talked about -- he
15 actually said he told them -- how would Barnes and Goins
16 know all of this? He -- Elgin told them, Barnes in
17 particular, they think I got the pistol out of the truck
18 but I got it out of the store, I got it out of the office.
19 How would they know details about that if Elgin wasn't
20 telling the truth? And I don't know if that's really the
21 way it happened, I don't know where he got the pistol, you
22 don't know, but how would they be able to tell the police
23 in detail if Elgin didn't know it to be the truth because
24 he did it. He talked about to Barnes, he talked about
25 entry with the key, to Goins he talked about entry threw

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1 the window. He talked about fingerprints, he said he had
2 socks on his hands, his fingerprints weren't found in the
3 house, that's consistent with what Elgin said. He had
4 socks on his hands. Did he? Who knows. But that might
5 explain why his fingerprints weren't in the house. Elgin
6 told Barnes, "I chased her around the house." You're going
7 to see when you get all of this stuff, he chased her all
8 around the house, starting in the kitchen all of the way to
9 the other end from one room to the other. There's evidence
10 scattered all over the back end of that house. He said he
11 shot her several times including in the vagina, which I
12 submit to you is the groin shot, what might be considered
13 the mutilation shot, just for the heck of it shot. He told
14 Barnes, I shot her in the ear and I shot her in the back of
15 the head. He told Barnes she wouldn't die right away. Do
16 you think that's accurate factually? Do you think, in
17 fact, she didn't die right away? The stuff up here on this
18 table tells you she didn't die right away. That blood
19 didn't get all of those different places in there when
20 she's dead. She's moving all around, being chased, being
21 struggled with, whatever, she wouldn't die right away.
22 Elgin told Barnes there would be bullet holes in the walls
23 of that house, "Because I shot the gun and I put them in
24 there." What have you got? You have got bullet holes in
25 the walls of that house. Barnes has no way of knowing

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1 that. He is in federal prison from '91 until 2002, he has
2 no way of knowing that, and he sure as heck didn't read
3 that in the Herald Independent. Talked to her about the
4 thermostat -- talk to Barnes -- Elgin talked to Barnes
5 about raising the thermostat, we've already talked about
6 that. How would Barnes know that? The evidence tells us
7 it happened. Barnes couldn't know that unless Elgin did it
8 and truthfully told him that he did it. He just
9 couldn't -- Barnes just couldn't have that detail without
10 it coming from Elgin and without it being true and we now
11 know, I submit, that it is. What did Lindsay Goins tell
12 you briefly. Lindsay Goins said that Elgin told him -- or
13 that he heard that Elgin killed the girl that lives not too
14 far from Lindsay Goins' house, and Lindsay Goins said
15 that's true, that's collaborated because at one time I did
16 live not too far from Audrey Belton. He also -- Goins also
17 said that Elgin stated he ran -- she ran and he chased her
18 and they struggled and he shot four or five times. I think
19 Goins described the groin shot as down low near her groin,
20 again, supported by the facts. Shot into the wall a time
21 or two, Goins heard Elgin say that, supported by the facts.
22 A .22 on a bigger frame, Goins heard that, Elgin said it,
23 supported by the facts. He told -- they both told you that
24 Elgin said that how he got rid of the gun was to take it
25 with him across the railroad tracks down by the Uniroyal

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1 Plant near the dumpsters and he threw it in the woods.
2 What do the facts show us? Where was the pistol recovered?
3 Audrey Belton's house, railroad tracks, Uniroyal Plant,
4 woods, and I submit there's testimony that there were
5 dumpsters in that curb when that happened. How do they
6 know that unless it's true? Because Curtis Elgin did it
7 and he told them he did it. Two other folks came in here
8 and told you Curtis Elgin talked to them about killing
9 Audrey Belton, and you do what you will with it. But I
10 submit to you it's very odd that four people, including
11 Pauling and Green who are all unconnected to everybody
12 else, come forward to the police and tell you that Curtis
13 Elgin admitted to them that he did this unless it's not the
14 truth; number one, that he told them, and number two, that
15 he did it. Let's talk about Mr. Pauling for just a minute.
16 Mr. Pauling -- and you will have his statement, I think I
17 got him to read it for you but you will be able to read it
18 all you want, it's Exhibit Number 68, he gave you a
19 statement. He had some bizarre stuff in the statement when
20 he gave it to Tommy Robertson but you will have it. But
21 basically he says Curtis Elgin admitted that he did it. He
22 asked -- Pauling asked Elgin, "Do you know anything about
23 Audrey Belton's murder?" Elgin says, "I know all about it,
24 I did it." Didn't give a whole lot of detail about what he
25 had done, does mention the furniture store and the Douglas'.

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1 and some other things. Of course, Pauling gets in here
2 today and says, "Yeah, I gave the statement. But I am
3 telling you today that I was lying when I gave the
4 statement." Well, is he lying or is he telling the truth?
5 Is the statement true or is the statement a lie? You have
6 a reason now to understand why Virgil Pauling would come in
7 here today and say, "Well, I made it all up." And what is
8 that reason? Tommy Robertson with Sled told you yesterday
9 Virgil Pauling got all squirrly and said, "I don't want to
10 cause problems with our families by going in there and
11 testifying about what Curtis Elgin told me." So that's a
12 built-in reason for Virgil Pauling to recant what he told
13 Tommy Robertson and Dave Lawrence back in 2006, there's a
14 run. What about Robert Lee Green? Robert Lee Green said a
15 lot of things, but this is how it all got started. I
16 sincerely apologize for the quality of this document, this
17 is an original document that Robert Lee Green identified
18 and it is his letter to me addressed to the solicitor, it
19 doesn't have my name on it but that is the original which
20 is dated February 13th of 2007, and it got damaged in a
21 fire, that's what the problem is but you can read it. And
22 he -- you read it for yourself, but he tells me all about
23 Curtis Elgin admitting to him killing Audrey Belton in some
24 detail. And they go talk to him and he gives a written
25 statement which says that Curtis Elgin, not he overheard or

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1 not his roommate told him that Curtis Elgin said so, but
2 Robert Lee Green said Curtis Elgin told me he killed Audrey
3 Belton. I didn't publish this for you but I think Ms.
4 Smalls got part of it published anyway. Some time around
5 September of '05 in Darlington Unit at Lee Correctional
6 Institution I overheard a conversation between my roommate
7 and Curtis Elgin and Elgin told my roommate that he was
8 hired to kill a woman. Elgin thought that I was asleep at
9 that time, and he later told me that he did not do it and
10 he later asked me not to testify against him. Well, is
11 that some reason for Robert Lee Green to come in here today
12 and say that's not really the way it was because Curtis
13 Elgin has already said don't testify against me? Will
14 there be repercussions for Robert Lee Green if he comes in
15 here and testifies against Curtis Lee Elgin? That's
16 certainly a reason for Robert Lee Green to start backing up
17 on what he told investigators way back when. He did say on
18 the witness stand yesterday, he said this, he admitted
19 this, he said Curtis Elgin during an argument said I have
20 killed and I will kill again. He didn't ever back up on
21 that, and Curtis Elgin said, "Don't go testify against me."
22 Take it for what it is, ladies and gentlemen, but I submit
23 it is just far more than coincidence that Barnes, Goins,
24 Pauling and Green all have come forward to law enforcement
25 to say Curtis Elgin said to them that he did this and it

CLOSING ARGUMENTS

1 not be true? Not a whole lot else, ladies and gentlemen, I
2 am fixin' to sit down. Again, my work is over, your work
3 is just beginning. The evidence in this case, I submit,
4 tells you beyond a reasonable doubt, which is the standard
5 the Judge is going to charge you with, it tells you beyond
6 a reasonable doubt that Curtis Lee Elgin killed Audrey Ann
7 Belton in her house February 8th or either the early
8 morning hours of the 9th of 1993. Study on it hard, pick
9 every bit of it apart, look at all of this stuff. I don't
10 take anything for granted, I don't ask you to presume a
11 bunch of stuff, but I submit to you, ladies and gentlemen,
12 the facts, the evidence, the inferences that can be drawn
13 from this evidence and your good common sense dictate that
14 your verdict be a guilty verdict for the charge of murder,
15 and that's what I ask you to return with. Thank you very
16 much.

17 THE COURT: Thank you, Solicitor Barfield. Ladies and
18 gentlemen, what remains is my charge to you on the law in
19 this case and that will take about 15 or 20 minutes. Do
20 you need a break or do y'all want to press on? Okay. As
21 you know, ladies and gentlemen, the indictment in this case
22 charges the defendant, Curtis Lee Elgin, with the crime of
23 murder. I further remind you the fact that the defendant
24 was arrested, charged and indicted is not evidence and
25 cannot be considered by you as evidence of guilt in this

JURY CHARGE

1 case, nor does it create any presumption or inference of
2 guilt. This document is simply the formal written
3 instrument which contains the charges made against the
4 defendant. It is the document that brings the case into
5 the court. The defendant has pled not guilty to this
6 indictment and that plea puts the burden on the State to
7 prove the defendant guilty. A person charged with
8 committing a criminal offense in South Carolina is never
9 required to prove himself innocent. I charge you that it
10 is an important rule of law that a defendant in a criminal
11 case no matter what the seriousness the charge may be, will
12 always be presumed to be innocent for the crime for which
13 he is indicted unless guilt has been proven by evidence
14 that satisfies you of that guilt beyond a reasonable doubt.
15 This presumption of innocence does not end when you begin
16 your deliberations, but it accompanies the defendant
17 throughout the trial until you reach a verdict of guilt
18 based on evidence that satisfies you of that guilt beyond a
19 reasonable doubt. The presumption of innocence has been
20 said to be like a robe of righteousness placed about the
21 shoulders of the defendant which remains with the defendant
22 until it has been stripped from the defendant by evidence
23 that satisfies you of the defendant's guilt beyond a
24 reasonable doubt. The presumption of innocence is not a
25 mere legal theory, it is not just a legal phrase, it is a

JURY CHARGE

1 substantial right to which every defendant is entitled
2 unless you, the jury, are satisfied from the evidence of
3 the defendant's guilt beyond a reasonable doubt. A
4 reasonable doubt is the kind of doubt that would cause a
5 reasonable person to hesitate to act. Some of you may have
6 served as jurors in civil cases where you were told it was
7 only necessary to prove that a fact is more likely true
8 than not true such as by the greater weight or by the
9 preponderance of the evidence. But in criminal cases the
10 State's proof must be more powerful than that, it must be
11 beyond a reasonable doubt. Proof beyond a reasonable doubt
12 is proof that leaves you firmly convinced of the
13 defendant's guilt. Of course, there are very few things in
14 this world that we know of with absolute certainty and in
15 criminal cases the law does not require proof that
16 overcomes every possible doubt. If based on your
17 consideration of the evidence you are firmly convinced that
18 the defendant is guilty of the crime charged, you must find
19 the defendant guilty. If on the other hand you think
20 there's a real possibility that the defendant is not
21 guilty, you must give the defendant the benefit of the
22 doubt and find the defendant not guilty. I will remind you
23 during this trial you and I have had certain duties to
24 perform. As the trial judge it has been my responsibility
25 to preside over the trial of the case and I have had the

JURY CHARGE

1 duty to rule on the admissibility of evidence in this case.
2 The only evidence you may consider in this case is evidence
3 that you heard testified to from the witness stand and any
4 exhibits that were introduced into evidence. I also have,
5 as you know, the obligation to tell you about the law that
6 applies in this case, and as the presiding judge I am the
7 sole judge of the law in this case and it is your duty as
8 jurors to accept and apply the law as I now state it to
9 you. If you already have any idea that the law is
10 something different than I'm going to tell you or that the
11 law should be different than I tell you, you must abandon
12 that idea because you are sworn to accept the law and apply
13 the law as I state it to you. In every case tried before a
14 jury, the jury, though, becomes the sole and exclusive
15 judge of the facts of the case. A trial judge such as
16 myself cannot intimate, state, comment on or make any
17 statement to a trial jury about the facts of the case.
18 Since you are the jury and the jury are the sole judges of
19 the facts of the case you are not to infer from what I have
20 said during the progress of this trial in ruling on
21 evidence or otherwise on anything that I may have done
22 during the course of the instructions to you that I have
23 any opinion about the facts of the case. The law does not
24 allow me to have an opinion about the facts of this case.
25 This is a matter solely for you, the jury, to determine.

JURY CHARGE

1 It is your duty to determine the affect, the value, the
2 weight and the truth of the evidence presented during this
3 trial. There are two types of evidence which are generally
4 presented during a trial; direct evidence and
5 circumstantial evidence. Direct evidence is the testimony
6 of a person who claims to have actual knowledge of a fact
7 such as an eye witness. It is evidence which immediately
8 establishes the main fact to be proved. Circumstantial
9 evidence is proof of a chain of facts and circumstances
10 indicating the existence of a fact. It is evidence which
11 immediately establishes collateral facts from which the
12 main fact my be inferred. Circumstantial evidence is based
13 on inference and not on personal knowledge or observation.
14 The law makes no distinction, though, between the weight or
15 value to be given to either direct or circumstantial
16 evidence, nor is a greater degree of certainty required for
17 circumstantial evidence than of direct evidence. You
18 should weigh all of the evidence in this case and after
19 weighing all of the evidence if you are not convinced of
20 the guilt of the defendant beyond a reasonable doubt you
21 must find the defendant not guilty. Necessarily, ladies
22 and gentlemen, you must determine the credibility of the
23 witnesses who have testified, that simply means the
24 believability. It's your duty as jurors to analyze and
25 evaluate the evidence and determine which evidence

JURY CHARGE

1 convinces you of its truth. In determining the
2 believability of the witnesses that have testified you may
3 believe one witness over several witness or several
4 witnesses over one witness. You may believe the part of
5 the testimony of another witness and reject the remaining
6 part of the testimony of that very same witness. You may
7 believe the testimony of a witness in its entirety or
8 reject the testimony of a witness in its entirety. You may
9 consider whether a witness has exhibited to you any
10 interest, any bias, any prejudice or any other motive in
11 the case. I have already told you about an expert witness,
12 but basically a person -- most witnesses cannot give
13 opinion testimony. Normally when a person testifies they
14 must testify as to what they saw, heard or sensed by smell
15 or something of that nature. However, the exception to
16 that is someone who is qualified because of their education
17 or experience as an expert. They are permitted to give
18 their opinion on certain areas if the Court qualifies them.
19 This, however, does not mean that you must accept their
20 opinion. It is up to you to analyze this evidence and
21 decide what weight to give to it. The defendant in this
22 case is charged with murder. The State must prove beyond a
23 reasonable doubt that the defendant killed another person
24 with malice aforethought. Malice I tell you is hatred or
25 ill will or hostility towards another person. It is the

JURY CHARGE

1 intentional doing of a wrongful act without just cause or
2 excuse and with an intent to inflict an injury or under
3 circumstances that the law will infer an evil intent.
4 Malice aforethought does not require that malice exists for
5 any particular time before the act is committed, but malice
6 must exist in the mind of a defendant just before and at
7 the time the act was committed, and therefore there must be
8 a combination of the previous evil intent and the act.
9 Malice aforethought may be expressed or inferred. And
10 these terms expressed or inferred simply -- they mean
11 different kinds of malice, by simply the manner in which
12 malice may be shown to exist, that is either by direct
13 evidence or by inference from the facts and circumstances
14 which are proved. Expressed malice is shown when a person
15 speaks words which expresses hatred or ill will toward
16 another or when a person prepared beforehand to do the act
17 which is later accomplished. For example, lying in wait
18 for a person, preparing in advance to do the deed to show
19 that a deed was within a defendant's mind would be
20 expressed malice. Malice also may be inferred from conduct
21 showing a total disregard for human life. Inferred malice
22 may arise when the deed is done with a deadly weapon. And
23 a deadly weapon is any article, instrument or substance
24 likely to cause death or great bodily harm. I instruct you
25 and emphasize that the fact that the defendant in this case

JURY CHARGE

1 did not testify is not a factor to be considered by you in
2 any way in your deliberations and in your consideration on
3 the question of the guilt or innocence of the defendant.
4 It must not be considered by you in any manner whatsoever.
5 A defendant has a constitutional right to remain silent and
6 the assertion of this right must not be considered by you
7 in your deliberations. I repeat, under your oath you are
8 to draw no conclusion whatsoever from the fact that the
9 defendant in this case did not testify. The fact that the
10 defendant did not testify should not even be discussed in
11 the jury room. The burden of proof, as I have stated
12 before, is on the State. The defendant is not required to
13 prove his innocence. The burden remains upon the State to
14 prove the defendant guilty beyond a reasonable doubt. In
15 just a few minutes, ladies and gentlemen, you will be asked
16 to begin deliberations on this case, and once you reach a
17 verdict -- let me back up. For there to be a verdict it
18 must be a unanimous verdict, meaning all 12 of you must
19 agree before there can be a verdict. And, of course, in
20 this case the decision is either guilty or not guilty.
21 Once the jury has reached a unanimous verdict I am going to
22 ask our foreperson, Mr. McCarley, to circle on the form you
23 will be given the decision of the jury, to either circle
24 guilty or circle not guilty and sign your name as the
25 foreperson and date it today's date. I am now going to ask

JURY CHARGE

1 all of you, including our alternate juror, to step into the
2 jury room, but it's not yet time to begin deliberations.
3 When it is time to begin deliberations, and I hope that's
4 going to be in the next two or three minutes, I will send
5 to the jury room this verdict form along with all of the
6 exhibits, and at that time that will also be the cue for
7 our alternate juror, Ms. Davis, to step back out of the
8 jury room, come into the courtroom and I will speak to you
9 for a few minutes. If you will all step into the jury room
10 I will be in touch with you shortly.

11 (The jury left the courtroom.)

12 THE COURT: Any exceptions to the charge from the
13 State?

14 MR. BARFIELD: None from the State.

15 THE COURT: Any from the defense?

16 MS. SMALLS: None from the defense.

17 THE COURT: Please review the exhibits.

18 (The jury began deliberations.)

19 THE COURT: All right. We have a note from the jury.
20 As I read it they would like a chart or board that
21 presumably the one that was used in closing arguments is
22 the only one I saw. Is that what you take it to mean,
23 Ms. Smalls?

24 MS. SMALLS: That's is what I take it to mean.

25 MR. BARFIELD: Well, I assume Ms. Smalls would like

JURY CHARGE

1 for that to occur. I don't think it should be in the jury
2 room, it's not an exhibit.

3 THE COURT: I am going to deny their request if it is
4 only one thing. Now, let's suppose it's a request for two
5 things? I propose bringing them back in and I will just
6 ask the foreman what it is he would like.

7 MS. SMALLS: I'm okay for you to ask the foreperson if
8 you feel uncomfortable bringing the whole jury out.

9 THE COURT: No, I would bring them all in. If they're
10 talking -- it's my understanding they want two different
11 things. One is the board used by Ms. Smalls, I will tell
12 them no on that, and they want the transcript from Barnes
13 and Goins, which we have that. If they're going to have
14 that, they must have it in here, listen to it live and they
15 can only -- they cannot listen to just part of it, they
16 have to listen to the entire thing for about an hour and 20
17 minutes if that's what they want. We are prepared to do
18 it. Okay. Let's bring the jury.

19 (The jury return to the courtroom.)

20 THE COURT: Welcome back again, ladies and gentlemen.
21 As you know I have a note from your foreman, Mr. McCarley,
22 requesting as I understand it two separate things. One is
23 the board that was used by Ms. Smalls during her closing
24 argument. Let me ask you first of all, Mr. McCarley, is
25 that, in fact, one of the things that's being sought?

JURY CHARGE

1 THE JUROR: Yes, sir.

2 THE COURT: Ladies and gentlemen, let me tell you
3 something, I regret that I am not able to give you that.
4 However, the second thing, as I understand, that's being
5 requested is transcripts from Barnes and Goins, the two
6 witnesses. We don't have actual transcripts available. We
7 can let you listen to the testimony in its entirety from
8 Mr. Barnes and from Mr. Goins if that's what you want and
9 my preliminary indication is that Mr. Barnes was
10 approximately 30 to 45 minutes, and Mr. Goins was about 35
11 minutes. We are prepared to do that, I just want to make
12 sure that that is what the jury wants, is that correct,
13 Mr. McCarley? Do you need to confer again to see if that's
14 what you want? I can give you that as I told you but I
15 cannot give you part of the testimony of any one witness, I
16 can only give you all or nothing. I'm sorry. We actually
17 can't get into a discussion on it either, you probably
18 either need to tell me you want to, you don't want to or
19 you need to confer in the jury room again.

20 THE JUROR: I better say we need to confer with the
21 jury again.

22 (The jury left the courtroom.)

23 THE COURT: They want to come back. All right, let's
24 bring the jury back in.

25 (The jury returned to the courtroom.)

JURY CHARGE

1 THE COURT: Welcome back again, ladies and gentlemen.
2 Mr. McCarley, is the desire of the jury to hear the
3 testimony of those witnesses?

4 THE JUROR: Yes, Your Honor.

5 THE COURT: I believe we are almost in a position to
6 do that.

7 (The testimony was played back, and after listening
8 The jury resumed deliberations.)

9 THE COURT: The bailiff indicates he believes the jury
10 has reached a verdict. Is the State ready?

11 MR. BARFIELD: State is ready.

12 THE COURT: Defense ready?

13 MS. SMALLS: Defense is ready.

14 THE COURT: Let's bring our jury.

15 (The jury returned to the courtroom.)

16 THE COURT: Welcome back once again, ladies and
17 gentlemen. Mr. McCarley, as foreperson of the jury, let me
18 ask you this question, the bailiff indicated he believed
19 that the jury has reached a verdict in this case; is that
20 correct?

21 THE JUROR: Yes, sir.

22 THE COURT: Let me ask you, was it a unanimous
23 verdict?

24 THE JUROR: Yes, sir.

25 THE COURT: Did all 12 of you agree on the verdict?

JURY VERDICT

1 THE JUROR: Yes, sir.

2 THE COURT: Did you sign the verdict form on behalf of
3 the jury?

4 THE JUROR: I did.

5 THE COURT: Did you circle the appropriate response?

6 THE JUROR: I did.

7 THE COURT: Would you please pass the verdict form
8 forward? And Madam Clerk?

9 THE CLERK: State of South Carolina vs. Curtis Lee
10 Elgin, as to the charge of murder we the jury unanimously
11 find the defendant, Curtis Lee Elgin, guilty. Signed
12 Turner McCarley, foreperson of the jury dated July 9th of
13 2009. Ladies and gentlemen of the jury, if this was your
14 verdict and is still now your verdict, please signify by
15 raising your right hand. Let the record reflect all jurors
16 raised their right hand, verdict stands as read.

17 THE COURT: Thank you, Madam Clerk. From the
18 defense -- anything from the State?

19 MR. BARFIELD: No, Your Honor.

20 THE COURT: From the defense?

21 MR. BARFIELD: No, Your Honor.

22 (The jury panel was dismissed.)

23 THE COURT: Anything further from the defendant?

24 MS. SMALLS: Yes, Your Honor. At this time I would
25 like to move for a new trial based on the fact that the

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1 verdict does not support the evidence that's proven in this
2 case.

3 THE COURT: And I understand the reasons for the
4 motion and I understand the reason you are making it. I
5 believe that there was sufficient evidence for a jury to
6 have reached a verdict that they did reach and I will deny
7 your motion. Is there any reason that the Court should not
8 go ahead and impose sentence now?

9 MR. BARFIELD: No reason from the State, the State is
10 ready.

11 THE COURT: From the defense?

12 MS. SMALLS: No, Your Honor.

13 THE COURT: All right. Does the State want to present
14 any evidence on a prior record?

15 MR. BARFIELD: Yes, sir, I do. And I presume that
16 probably Ms. Constance Gaither will speak, perhaps other
17 family members, but at the appropriate time I will
18 recognize her and as I get a chance when other matters are
19 being taken care of during this sentencing proceeding I
20 will give you a sentence sheet.

21 THE COURT: Okay, sir.

22 MR. BARFIELD: Your Honor, Mr. Elgin's record is as
23 follows: 1994 he was convicted of peeping tom, got a
24 probationary sentence. In 1998 was charged with criminal
25 sexual conduct in the second degree, apparently pled down

SENTENCING HEARING

1 to assault and battery of a high and aggravated nature, got
2 ten years suspended upon the service of six years followed
3 by five years of probation. 2003 resisting arrest and
4 public disorderly conduct, did not -- apparently did time
5 served on those. 2004, burglary third degree and petty
6 larceny, got a five year sentence on that. 2004 was
7 charged with assault and battery of a high and aggravated
8 nature, got five years concurrent on that with the burglary
9 third as I understand it. I believe that's it.

10 THE COURT: All right.

11 MR. BARFIELD: He is on the sex offender registry I'm
12 guessing for probably the peeping tom conviction, maybe the
13 ABHAN too, I'm not sure. But he is a registered sex
14 offender.

15 THE COURT: Ms. Smalls?

16 MS. SMALLS: Thank you, Your Honor. May it please the
17 Court? Your Honor, Mr. Elgin is 35 years old. He has a
18 daughter who is 16 years old, he also has a son who is six
19 years old. His daughter is actually an honor roll student
20 in Lower Richland High School. His son is going into the
21 2nd grade. He comes from a family of nine children, six
22 boys and three girls. His mother is actually 72 years old
23 and she was not able to be here to attend this trial, but
24 during the course of the last four days his oldest sister,
25 Ms. Walker, his youngest sister, his brothers Eric and

SENTENCING HEARING

1 Eddie were present. Mr. Elgin tells me that since
2 April 11th of 2005 that this particular charge has changed
3 both his life and the life of his family. He has been
4 locked up since April 11th of 2005, he actually lost his
5 father, Willie Elgin, while incarcerated. This has had a
6 great impact on the Elgin family. Your Honor, you have
7 heard all of the facts during the course of this trial, I
8 would just respectfully ask you if you will take all of
9 that into consideration in your sentence.

10 THE COURT: Does Mr. Elgin or any of his family wish
11 to speak?

12 THE DEFENDANT: I didn't kill that woman. I didn't
13 have nothing to do with that, only way I got connected to
14 it was the gun. It was his gun, they can't put my hand on
15 the gun, they can't. Had Douglas been a black man they
16 would have locked him up. If they would have been a black
17 man in Winnsboro they would have locked him up. They don't
18 ask him questions, they didn't look into it, they didn't
19 look into it. They was after me from day one. I was the
20 only black man. They harassed me and harassed me. I was a
21 suspect since that woman got killed because I was working
22 with Harold and they harassed me all of the way up to 2005,
23 everyday they were asking the questions, "Did you steal the
24 gun? Who you gave it to you?" They asked me questions
25 like that. Every time they run into me they were asking me

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1 questions. Now they get in here and lie and tell the Court
2 I wasn't no suspect, that's a lie. When I got in jail they
3 put both of those guys in a cell with me, that's how they
4 get the charge. They didn't tell you the whole story, they
5 was telling you part of it. They want you to believe what
6 they want you to believe. They get in here and lied. It
7 don't make no sense, man.

8 THE COURT: All right. Thank you, Mr. Elgin. Of
9 course, the jury has already spoken on the issue of whether
10 you did this or not, Mr. Elgin. Solicitor?

11 MR. BARFIELD: Ms. Gaither would like to come up and
12 speak, or anyone else in the family. State your name for
13 the court reporter and then speak your peace.

14 THE WITNESS: My name is Constance B. Gaither. Your
15 Honor, I would just like to take a few minutes, I would
16 like to thank the law enforcement people and solicitors for
17 all of their hard work that was so much very much needed.
18 I wanted to let you know that this murderer, Curtis Elgin,
19 has destroyed my family. My life has changed completely
20 with my little sister, my baby sister and my best friend.
21 I have lost in more ways than one. I have all of this
22 guilt because I was not there on that night to take some of
23 those bullets from that gun. I always felt if I could have
24 just taken some of those bullets then maybe neither one of
25 us would have died, we both would have still been here. I

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1 would like for you to consider this man's prior record. My
2 sister was a responsible citizen, all she knew was to go to
3 work, work for what she wanted, not to steal, not to rob,
4 not to cause anybody any harm. She went to church, she
5 paid her tithe, she worked on several choirs. Your Honor,
6 all we knew was church, work and family. This has
7 devastated my family. I am not the same person that I once
8 was. I want this man to receive the maximum punishment for
9 destroying my family, for taking my little baby sister's
10 life who by the way was only 35 years old. Thank you.

11 THE COURT: Thank you, ma'am.

12 MR. BARFIELD: Eddie Gaither, Jr. Nephew.

13 THE WITNESS: I'm in agreement with my mother. My
14 aunt was like a second mother because my mother and father
15 always worked and me and her were just super close and she
16 was all we had and we were all she had. We were not a big
17 family, but we were all we had and we loved her. We loved
18 her dearly and she loved us. I beg upon the Court for the
19 maximum you see fit. Thank the Courts.

20 THE COURT: Thank you, sir.

21 MR. BARFIELD: I believe that's all, Your Honor.

22 THE COURT: Mr. Elgin, I sentence you to the
23 department of corrections for a period of 50 years. Good
24 luck to you. Credit for time served.

25 (END OF TRIAL PROCEEDINGS.)

SENTENCING HEARING

1 (9-25-09 HEARING.)

2 THE COURT: Ms. Young, I will be right with you, hang
3 on. This is a hearing in the case of State of South
4 Carolina vs. Curtis Lee Elgin. The matter comes before the
5 court on a motion for a new trial pursuant to the order of
6 the court. I believe we have with us now, is it Rosanna
7 Young?

8 THE WITNESS: Roxanna Young.

9 THE COURT: Ms. Young, let me make sure I have got the
10 right person, I am looking for the Roxanna Young who was a
11 juror in this trial.

12 THE WITNESS: That's correct, that's me.

13 THE COURT: That's you?

14 THE WITNESS: Uh-huh.

15 THE COURT: Okay. I need to ask you a couple of
16 questions, and I probably need to put you under oath. Come
17 right over here and have a seat in this chair.

18 (The witness was sworn at this time.)

19 THE COURT: As I said a moment ago -- as I said, it's
20 my understanding you sat on the case of State of South
21 Carolina vs. Curtis Lee Elgin in Fairfield County,
22 Winnsboro in July of this year?

23 THE WITNESS: Yes, sir.

24 THE COURT: It has been brought to my attention that
25 after the trial was over that you told some people that

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1 you, during the trial or some time that week after you had
2 been called as a juror, selected as a juror and after the
3 trial had begun but before the trial was over you had some
4 discussions with your mother about this case, and I need to
5 ask you if that's true?

6 THE WITNESS: Yes, sir, that is true.

7 THE COURT: Okay. Now, my recollection is that I
8 had -- I was the trial judge and my recollection is I had
9 told all of the jurors, including you, that you were not to
10 have any conversations with anyone about the trial; is that
11 correct?

12 THE WITNESS: Yes, sir, I recall you saying that.

13 THE COURT: Okay. Let me ask you a few more
14 questions. What did your mother tell you that she knew or
15 heard about the case?

16 THE WITNESS: My mother just basically -- she just
17 told me that she had heard that Curtis Elgin -- basically
18 he wasn't the one that did the murder or whatnot, but he
19 was framed for it. And the guy, Harold Douglas or
20 something, he was going with the lady and --

21 THE COURT: The lady that was killed?

22 THE WITNESS: Right, the lady -- what her name is, I
23 don't recall it. But she was going with the owner of the
24 store, or the son was going with her and the father didn't
25 want them together or whatnot. But the thing was he

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1 supposedly had paid her to leave town --

2 THE COURT: Let me make sure I know who you're talking
3 about, slow down a minute. I think I do know, but I want
4 to make sure that I have got the names right. The store
5 owner that you are talking about was Mr. Harold Douglas; is
6 that right?

7 THE WITNESS: The son. The father -- I'm not talking
8 about the father, I'm talking about the son now.

9 THE COURT: All right. The son was going with the
10 lady who was killed.

11 THE WITNESS: Right.

12 THE COURT: The father -- the son's father --

13 THE WITNESS: Didn't want them to go together.

14 THE COURT: He was the one who owned the furniture
15 store?

16 THE WITNESS: Right. And he supposedly paid her to
17 leave town.

18 THE COURT: To leave town?

19 THE WITNESS: And she called and mentioned it to the
20 son and the son told her don't worry about leaving town and
21 keep the money and the father found out about it and the
22 father told her, "If you don't have my money -- return my
23 money my son will still be living but you will be dead."
24 So that's basically what was said about the conversation or
25 whatnot. But it wasn't Curtis that did it, it was

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1 supposedly him.

2 THE COURT: So your mother was telling you that
3 someone else did it --

4 THE WITNESS: Yeah. That she had heard it was someone
5 else that had did it or whatnot, that he had killed her.

6 THE COURT: Do you recall anything else that your
7 mother told you about it, or about that case at all, or was
8 that it?

9 THE WITNESS: I mean, after that there really
10 wasn't -- after that discussion I can't really recall.
11 There's other things that I have heard since the trial.

12 THE COURT: I mean during the trial, I'm just
13 concerned by what you heard during the trial.

14 THE WITNESS: That's all I can recall then. There
15 probably was other things, I can't quite remember
16 everything, but that's the main thing that I remember.

17 THE COURT: I tell you what I'm going to ask you to
18 do, do you remember when you were sitting on that jury
19 before I would ask the jury to go in the jury room while I
20 talk to the lawyers?

21 THE WITNESS: Right.

22 THE COURT: I'm going to ask you to step in the jury
23 room right there while I talk to the lawyers outside of
24 your presence.

25 THE WITNESS: Okay.

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1 THE COURT: It will just be a few minutes.

2 (The witness left the courtroom.)

3 THE COURT: Now, let me ask the State if based on what
4 the Court has elicited from witness if further inquiry
5 needs to be made from the State's perspective?

6 MR. BARFIELD: She was fairly consistent with what the
7 affidavit says, I believe, except she still today under
8 oath does not say that her mother said Elgin -- used
9 Elgin's name or said Elgin did the murder, that's my
10 recollection of what she just said. She opened up by
11 saying Elgin got framed for the murder and then she said
12 her mother didn't say Elgin was the one who did the murder,
13 I believe that's what I heard. If that's the case then, of
14 course, we certainly will need to make some arguments but I
15 don't think there's anything else I need to know unless
16 there's something else she's said that I didn't catch.

17 THE COURT: My recollection is that -- is the same as
18 yours based on what I just heard her say.

19 MS. SMALLS: Your Honor, I agree, I have not heard her
20 testify as to her mother telling her that it was Mr. Elgin
21 that was responsible for the murder, which is actually
22 inconsistent with what's in the affidavit.

23 THE COURT: I never was sure what that statement meant
24 in the affidavit. Before we had a side bar, or I guess it
25 was a side bar, or at least before Ms. Smalls -- or Ms.

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1 Young came in. Solicitor, Ms. Smalls and I had a side bar
2 and I asked Ms. Smalls what in this affidavit she thought
3 was prejudicial to her client and she thought that there
4 was something in here that was potentially prejudicial.
5 But based on what I just heard that juror say it would seem
6 to me that the information she received, while it was
7 improper, was far from prejudicial to the defendant, but in
8 fact was conceivably favorable to him. So my question now
9 is based on what she has told us where is the evidence that
10 your client would have been prejudiced by the fact that
11 that conversation took place even though it may have
12 violated the order of the Court?

13 MS. SMALLS: Your Honor, from a defense standpoint I
14 think there needs to be further inquiry of Ms. Young as it
15 relates specifically whether her mother told her whether
16 Mr. Elgin was indeed responsible for the murder.

17 THE COURT: Didn't she just say that her mother told
18 her that -- the information given to her by her mother was
19 that someone else was responsible for the murder? Isn't
20 that what she said? That is -- which is what I thought the
21 affidavit said to begin with.

22 MS. SMALLS: Your Honor, referring to paragraph 17 and
23 18, the defendant then would argue that the conversation
24 with the mother coupled with the testimony weighed heavily
25 in Ms. Young's decision returning a verdict. If you take

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1 the testimony that she just entered that she did not
2 receive information from the mother that it was actually
3 Mr. Elgin that had actually committed the murder, but she
4 had received information that someone had been hired to do
5 so, then in paragraph 17 and 18 when she had further
6 conversations with her mother after the second day of the
7 trial would seem to suggest that she came to the conclusion
8 that that must be the person that she was talking about
9 after receiving testimony, I guess that would have been
10 Wednesday or Thursday of the trial, that she concluded that
11 it must have been Mr. Elgin that was hired to actually
12 commit this murder. And we would argue that that would
13 definitely be prejudicial, that outside information from
14 her mother that there had been a, I guess, a murder for
15 hire not knowing who the individual was but going back and
16 having a conversation with the mother on day two or day
17 three -- I think the last conversation with her mother was
18 on Wednesday, she concluded that based on her conversations
19 with her mother that the person that her mother had heard
20 had committed the murder for hire must have been Mr. Elgin.

21 THE COURT: Solicitor?

22 MR. BARFIELD: Your Honor, my initial argument is
23 this: Clearly the juror violated your instruction and I
24 think probably there's no way to characterize that other
25 than as juror misconduct, but I think we are beyond that.

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1 The question is prejudice and did it affect the outcome of
2 the trial. I don't see how there's any way that this
3 extraneous information this juror got from her conversation
4 with her mother, which did not in any way implicate the
5 defendant, Curtis Elgin, as being the killer in this case
6 is prejudicial to him. Her mother basically told her that
7 the rumor was that Jimmy Ray and the victim had a
8 relationship and Harold found out about it, that Harold had
9 the victim killed. The victim took his money and didn't
10 leave town as the agreement was. Well, that in and of
11 itself doesn't prejudice Curtis Elgin because it does not
12 implicate him at all in the homicide of Audrey Belton. The
13 fact that she received information of a potential motive
14 for Audrey Belton's murder extraneous to information
15 received during the trial, again, I don't think is
16 prejudicial to Mr. Elgin. Because there was, in fact, some
17 evidence put before the jury during the trial that -- of
18 all of those circumstances. I believe the witness was --
19 I'll tell you in just a second, the witness that that came
20 out from was Virgil Pauling. If you look Virgil Pauling is
21 one of -- I think three people who at one point or
22 another -- four people who at one point or another were
23 with -- in a cell with Elgin. And Virgil Pauling came to
24 court and testified and basically recanted a written
25 statement that he had given but I had him publish the

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1 statement while he was on the witness stand and that
2 statement, in fact, refers to this whole Douglas connection
3 to this case and it being murder because of those
4 circumstances in the background. So she received
5 information that she heard about it at the trial anyway,
6 and the information she received in no way implicated
7 Curtis Lee Elgin and therefore I argue there's simply no
8 prejudice.

9 THE COURT: Ms. Smalls, do you want to respond?

10 MS. SMALLS: Your Honor, if I may just lastly based on
11 Ms. Young's conversations of the police as well as the
12 investigator, she specifically indicated that her decision
13 to vote guilty was not based on the evidence presented, but
14 largely in part based on a conversation that she had with
15 her mother on every evening of the trial. As I recollect
16 she received information prior to -- I don't know whether
17 it was Virgil Pauling or Lindsay Goins testifying that she
18 had already received information from her mother prior to
19 the witness that the solicitor just mentioned, so that was
20 not any information that was already presented in the
21 trial. She had the information from her mother the witness
22 testified and she looked at that as a validation for what
23 her mother had told her in her own words in her affidavit
24 as presented to the Court that she said stuck in her mind.
25 Her decision was not based upon the evidence presented at

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1 trial but largely in part upon the conversations that she
2 had with her mother during the course of the trial.

3 THE COURT: I look at that statement that you are
4 referring to that her decision was based in part upon the
5 information she received from her mother.

6 MS. SMALLS: Largely in part.

7 THE COURT: Largely in part. The information she
8 received from her mother did not implicate Curtis Elgin.
9 And that's what she just told me, isn't it, just a minute
10 ago.

11 MS. SMALLS: Your Honor, it's my understanding based
12 on the conversation that she wasn't sure who her mother was
13 talking about, but based on the fact she was in the middle
14 of this murder trial that she was able to put the name of
15 Elgin based on that information and went back and had a
16 further conversation with the mother about Mr. Elgin. If
17 it was a situation where we're talking about tainting the
18 other jurors, but because the analogy was definitely needed
19 and this one juror's decision was based not on -- solely on
20 the evidence presented during the course of the trial is
21 highly prejudiced to Mr. Elgin because they needed that
22 vote of guilty in order to get a unanimous decision.

23 MR. BARFIELD: She put Elgin's name with it.
24 Concededly for a couple of days the presentation of the
25 evidence in this case didn't have anything to do with

9-25-09 HEARING

1 Curtis Elgin, but at the end of this trial we linked them
2 up. She put Elgin's name with this case because the State
3 presented evidence that Curtis Lee Elgin killed Audrey
4 Belton. She voted guilty as well as did 11 other jurors in
5 that jury room after substantial deliberations. The jury
6 returned its verdict, and I don't recall the specific
7 proceedings, but I'm sure the Court affirmed the verdict
8 from the foreman. I do not recall whether the jury was
9 polled but she had ample opportunity to back out of her
10 verdict before it was rendered, or even right then after it
11 was rendered. I think we're treading on very thin water
12 when we go behind a jury's verdict and look into the mind
13 of one juror and say why she voted one way or why she
14 didn't vote one way. I think it's a done deal. She cannot
15 just come in here now and say, "Well, I feel bad about it,"
16 or, "I'm having second thoughts about it," which is
17 essentially what we read from this affidavit. "I feel bad
18 that I voted to convict that the State presented evidence
19 that he killed Audrey Belton." Nothing that she says her
20 mother told her implicates Elgin and it's not prejudicial
21 and I think it's not proper for this Court now to go behind
22 her vote of guilty in this case and order a new trial.

23 THE COURT: Ms. Smalls, I agree with the position of
24 the State on this case. I find that the -- that while
25 there was juror misconduct in that she received information

9-25-09 HEARING

1 and apparently had a conversation with her mother during
2 the time she was serving on this jury about this case, that
3 the information according to what she just told me was not
4 prejudicial to your client, certainly not to -- even if I
5 accept your argument, certainly not to the extent that the
6 Court would consider granting a new trial. I will deny
7 your motion.

8 MR. BARFIELD: Thank you, Judge.

9 THE COURT: Was there something else we needed to do
10 on the same case, though?

11 MS. SMALLS: Just for the record just so I will have a
12 clear record, also in a motion I think I renewed
13 substantial and circumstantial evidence, I would just like
14 for the Court's ruling on that as well.

15 THE COURT: I did read -- that's my fault, I had read
16 that part of the motion also, and I have reviewed it with
17 that part of the motion as well as the cases and
18 authorities cited in the motion, and I understand the
19 motion and I think there was substantial evidence to
20 substantiate the jury verdict in this case and would deny
21 that portion of the motion, also. So in effect I am
22 denying in its entirety defendant's motion for new trial on
23 all grounds. Thank you so much.

24 (END OF THE HEARING.)

25

1 I, the undersigned Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of
3 South Carolina, do hereby certify that the foregoing is a
4 true, accurate and complete transcript of record of the
5 proceedings had and evidence introduced in the trial of
6 the captioned case, relative to appeal, in the Court of
7 General Sessions for Fairfield County, South Carolina, on
8 the 8th and 9th days of July, 2009, and 25th day of
9 September, 2009.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12

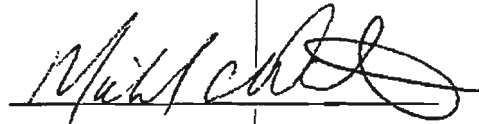
13

February 12, 2010.

14

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Michael C. Watkins
Court Reporter

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FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF FairField

IN THE COURT OF COMMON PLEAS

2012 MAY 31 P 2:28

CURTIS LEE ELGIN #258179
Full name and prison number (if any) of Applicant.FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

2012-CP-20-232

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention FairField County
2. Name and location of Court which imposed sentence FairField County, Winnsboro
3. Name(s) of co-defendant(s) (if any) Robert T Green, Virgil Pauling, Lindsay Goins, Raymond Barnes
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 05-65-20-273
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) July 9, 2009
 - (b) 50 YEARS

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- ☒ (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Fairfield County
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. September 25, 2009 / July 16, 2009
- ii. February 15, 2012
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Opinion No. 4974
- ii. February 15, 2012 - Filed May 16, 2012
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) HEARSAY
- (b) ~~no physical evidence, going into the scene~~
- (c) ~~no~~ Finger prints / Physical evidence
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) ~~no~~ HEARSAY, Raymond, Lindsay, Robert, Virgil ^{with informants} STATEMENTS
- (b) ~~no physical evidence, no~~ Failing to offer ^{Physical evidence}
- (c) My fingerprints did not match prints at the scene ^{of putting me at the scene}
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? yes
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof: July 16, 2009
- i. A New Trial / September 25, 2009
- ii. Oral argument / February 15, 2012
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. Fairfield County
- ii. _____
- iii. _____
- iv. _____
- (c) the disposition thereof:
- i. Denied
- ii. _____
- iii. _____

iv. _____
 (d) the date of each such disposition:

i. September 25, 2009 / July 16, 2009

ii. February 15, 2012

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. February 15, 2012

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

yes

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Juror misconduct / New Trial

ii. Fingerprints

iii. Hearsay / Jail house snitches

(b) the proceedings in which each ground was raised:

i. Juror talk to mother during trial

ii. Fingerprints didn't match appellant

iii. Hearsay / Jail house snitches / ~~case~~ ~~was~~ Solicitor placed the law ~~entirely~~ ~~in~~ the hands of Jailhouse informants

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Gwendolym Smalls / Post Office Box 30 Winnsboro SC 29180
 - ii. Elizabeth Franklin-Best / SCCID. DAD PO Box 11589
 - iii. Columbia, SC. 29211-1589
- (b) the proceedings at which each such attorney represented you:
 - i. Trial From July 6-9 / September 25, 2009 (Gwen Smalls)
 - ii. Initial Brief of Appellant / oral argument (Elizabeth Franklin-Best)
 - iii. _____

19. State clearly the relief you seek in filing this application:

~~Re-sentencing~~ / New Trial / over Turned

20. Are you now under sentence from any other court that you have not challenged?

STATE OF SOUTH CAROLINA)

County of FAIRFIELD)

VERIFICATION

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Curtis J. Edgin

SWORN to and subscribed before me this 30
day of May, 2012

Eugene Beckham (L.S.)
Notary Public

My Commission Expires _____ My Commission Expires April 4, 2018

2012 MAY 31 P 2:28
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Applicant

SWORN or affirmed to and subscribed before me this
_____ day of _____, 2_____.

Notary Public

My Commission Expires: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF FAIRFIELD	)	
	)	
	)	2012-CP-20-0232
Curtis Lee Elgin, #258179,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed May 31, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Fairfield County Clerk of Court. The Applicant was indicted by the Fairfield County Grand Jury at the July 2005 term for murder (05-GS-20-0273). Applicant was represented by Gwendolyn Smalls, Esquire. On July 9, 2009, the Applicant proceeded to trial, where he was convicted of the charge by a jury. Applicant was sentenced by the Honorable Brooks P. Goldsmith to confinement for fifty years.

Upon information and belief, a hearing on the Applicant's Motion for a New Trial was held, but the Motion was denied. A timely Notice of Appeal was then filed and an appeal was perfected. The South Carolina Court of Appeals affirmed the Applicant's conviction and sentence. State v. Elgin, Op. No. 4974 (filed May 16, 2012). The Remittitur was returned on June 1, 2012.

Attached herewith and incorporated herein are the records of the Fairfield County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, the Appellate records, and the trial transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. Counsel failed to object to hearsay at trial,
 - b. Counsel failed to properly argue that the Applicant's fingerprints did not match those at the scene.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

January 23, 2013.

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

) IN THE COURT OF COMMON PLEAS
) SIXTH JUDICIAL CIRCUIT

Curtis Lee Elgin,

2012-CP-20-0232

Applicant,

v.

CERTIFICATE OF SERVICE BY MAIL

State of South Carolina,

Respondent.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Respondent's Return in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Glenn E. Bowens, Esquire
The Bowens Law Firm, PC
P.O. Box 424
Winnsboro, South Carolina 29180



Anne A. Mueller
Legal Assistant for the Respondent

DATED this 23rd day of January, 2013.

STATE OF SOUTH CAROLINA	)	
County of Fairfield	)	
	)	IN THE COURT OF COMMON PLEAS
	)	
Curtis Elgin	)	AMENDED APPLICATION FOR
	)	POST-CONVICTION RELIEF
v.	)	
	)	2012-CP-20-232
State of South Carolina	)	
_____	)	

[This application conforms to the requirements of South Carolina Rules of Criminal Procedure, Form 5]

1. Curtis Elgin is currently incarcerated at Lee Correctional Institute.
2. He was convicted in the Fairfield County Court of General Sessions, in Winnsboro, South Carolina.
3. Name(s) of co-defendant(s) (if any): N/A
4. He was convicted of murder, 05-GS-20-273
5. He was sentenced on July 9, 2009 to 50 years in prison.
6. Applicant was found guilty after trial.
7. Applicant did appeal from the judgment of conviction or the imposition of sentence.
8. He appealed to the South Carolina Court of Appeals which denied him on May 16, 2012. *State v. Elgin*, Opinion No. 4974.
9. N/A.
10. Applicant alleges the following grounds as the bases upon which he is being held unlawfully:
 - a) The witnesses against him at trial have recanted their testimonies. His conviction and sentence is the denial of his right to due process.
 - b) Violation of the Sixth Amendment; *Massiah v. United States*, 377 U.S.201 (1964).

ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Antes Egeu

SWORN to and subscribed before me this 18th
day of January, 2019.

[Signature]
Notary Public

My Commission Expires: 9/20/21

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

CURTIS ELGIN,)

Applicant,)

v.)

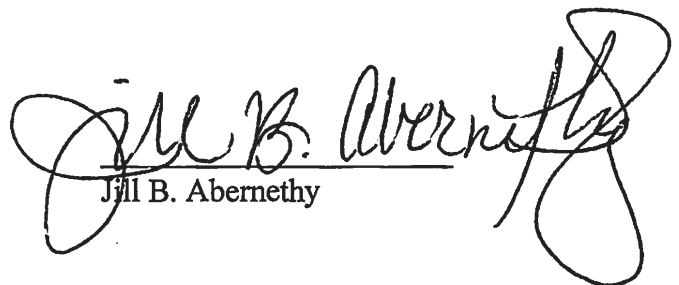
THE STATE OF SOUTH CAROLINA.)

Respondent.)IN THE COURT OF COMMON PLEAS
CA No. 12-CP-20-232

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Amended Application for Post-Conviction Relief for was served by first class United States mail, postage prepaid, this 22nd day of January, 2019, upon the following:

Alan Wilson
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211


Jill B. Abernethy

BLUME FRANKLIN-BEST & YOUNG, LLC**ATTORNEYS AT LAW**

JOHN H. BLUME
ELIZABETH FRANKLIN-BEST
LAURA W. YOUNG
KEIR M. WEYBLE *OF COUNSEL*
DAVID I. BRUCK *OF COUNSEL*

900 Elmwood Avenue, Suite 200
COLUMBIA, SOUTH CAROLINA 29201
PHONE: (803) 765-1044
FAX: (803) 765-1143

January 22, 2019

Honorable Judy M. Bonds
Fairfield County Clerk of Court
P.O. Drawer 299
Winnsboro, SC 29180

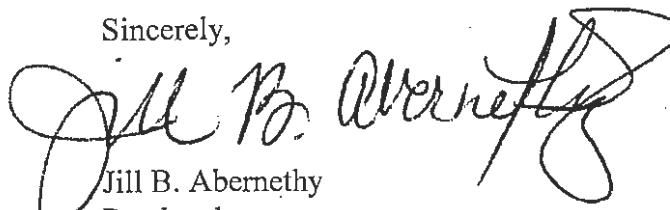
Re: *Curtis Elgin v. State of South Carolina*
2012-CP-20-232

Dear Ms. Bonds:

Please find enclosed for filing, with certificate of service, the original and one copy of Amended Application for Post-Conviction Relief. If you can please clock-in the extra copy and return it to me in the enclosed self addressed stamped envelope.

If you should have any questions, please do not hesitate to contact our office.

Sincerely,


Jill B. Abernethy
Paralegal

Enclosure

cc: Alan Wilson, Esq.

RECEIVED

JAN 24 2019

Referred to Ken IPB
Answered _____

Curtis Lee Elgin v. State of South Carolina – 2012-CP-20-00232

STATE OF SOUTH CAROLINA
FAIRFIELD COUNTY

IN THE GENERAL COURT OF JUSTICE
CIRCUIT COURT DIVISION
2012-CP-20-00232

-----X		
CURTIS LEE ELGIN,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	TRANSCRIPT OF RECORD
	:	
STATE OF SOUTH CAROLINA,	:	
	:	
Defendant.	:	
-----X		

January 24, 2019
Lancaster, South Carolina

B E F O R E

The Honorable Paul M. Burch, Judge Presiding.

A P P E A R A N C E S

SAMUEL KEY, ESQ.
LINDSEY McALLISTER, ESQ.
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

E. CHARLES GROSE, JR., ESQ.
404 Main Street
Greenwood, South Carolina 29646

ELIZABETH FRANKLIN-BEST, ESQ.
900 Elmwood Avenue
Suite 200
Columbia, South Carolina 29201

Kymerlee M. Williams, CSR/RPR
Official Court Reporter
P.O. Box 283
Pineville, North Carolina 28134

I N D E X

PROCEEDINGS	3
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E X H I B I T S

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(2)	Deposition	37
(2) Applicant	CD of recordings	11
(3 - 4)	Documents	73/76

1 P R O C E E D I N G S

2 * * *

3 THURSDAY, JANUARY 24, 2019

4 LANCASTER, SOUTH CAROLINA

5 * * *

6 THE COURT: Good morning, everybody.

7 MS. MCALLISTER: Good morning, Your Honor. This
8 is Curtis V. Elgin v. The State of South Carolina.
9 2012-CP-200232. Your Honor, Mr. Elgin is
10 currently confined in the South Carolina
11 Department of Corrections pursuant to the order
12 of commitment of the Fairfield County Clerk of
13 Court. He was indicted by the Fairfield County
14 Grand Jury at the July 2005 term of murder. He
15 was represented by Gwendlyne Small at the time.
16 On July 9, 2009, Mr. Elgin proceeded to a trial
17 where he is convicted of that murder charge by
18 a jury and was sentenced to confinement for a period
19 of 50 years.

20 I believe that there was then a motion for a new
21 trial, and that motion was denied. A timely notice
22 of appeal was then filed, and the appeal was
23 perfected. He was represented on appeal by
24 Elizabeth Franklin-Best. The South Carolina
25 Court of Appeals affirmed his sentence by order

Curtis Lee Elgin v. State of South Carolina – 2012-CP-20-00232

1 filed May 16, 2012, and remitted and returned
2 on June 1, 2012. He then timely filed his PCR
3 application, actually the day before, on May
4 21, 2012. He is represented in this matter by
5 Mr. Charles Grose and Ms. Franklin-Best. Mr.
6 Elgin is here in the courtroom, and his
7 attorneys are here in the courtroom. I will
8 let Ms. Franklin-Best speak at this time to the
9 allegations.

10 MS. FRANKLIN-BEST: Good morning, Your Honor.
11 May it please the Court. I did file an amended PCR
12 application earlier this week. I communicated with
13 Ms. McAllister's office. Really, it's the same
14 claims that are in Mr. Elgin's initial PCR
15 application, but I did want to clean them up a little
16 bit.

]

17 If I may approach, Your Honor, and hand you a
18 copy.

19 THE COURT: Sure.

20 MS. FRANKLIN-BEST: The substance of the claims
21 are that two witnesses at Mr. Elgin's 2009 trial have
22 recanted their testimonies. Then we also have a
23 Mesiah Claim. This came from one of the witnesses --
24 information that he has provided to us, which is that
25 he was actually placed into the cell for the purpose

1 of extracting incriminating statements from Mr.
2 Elgin. Then also we are claiming that Mr. Raymond
3 Barnes, who was one of the informants in this case,
4 witnesses say he was receiving some benefits while he
5 was in the prison or while he was in the detention
6 center that was not disclosed to trial counsel. That
7 is the sum of the allegations that we are going
8 forward on.

9 We would call Mr. Keith Skidmore as our first
10 witness.

11 THE COURT: All right. Come around to be sworn,
12 please.

13 * * *

14 PETER MATTHEW SKIDMORE,
15 called as a witness by and on behalf of
16 the Defendant to testify, being first duly
17 sworn was examined and testified as follows:

18 * * *

19 DIRECT EXAMINATION

20 BY MR. FRANKLIN-BEST:

21 Q Please state your name for the record.

22 A Peter Matthew Skidmore.

23 Q Can you explain to the Court how you got
24 involved in this case?

25 A I got contacted by yourself to get involved in

1 investigating Raymond Barnes and Lindsay Goins.

2 Q Is that what you were pretty much asked to
3 do; to conduct these interviews?

4 A Yes.

5 Q Did you have an opportunity to interview Mr.
6 Raymond Barnes?

7 A I did on multiple times.

8 Q Do you recall the dates?

9 A Twice in March 2015 and one time in October of
10 2015.

11 Q Do you know what his status is today?

12 A He is deceased.

13 Q Do you recall when he passed away?

14 A 2016 or 2017.

15 Q Let's talk a little bit about Mr. Raymond
16 Barnes. Where did you encounter him?

17 A Durham, North Carolina.

18 Q Is that where he was living at the time?

19 A Yes.

20 Q What was he like?

21 A He was an interesting character. He had gold on
22 all of his hands. I would refer to him as probably old
23 school. He was a likeable guy. Easy to talk to. He was
24 pretty smooth, street smart. You could tell.

25 Q Do you know where he was from?

1 A I believe he is from North Carolina in the
2 Raleigh/Durham area.

3 Q You met him on three different occasions.

4 When you first met with him, did he seem
5 concerned to you about talking about the case?

6 A Very much so.

7 Q Can you describe why he was concerned.

8 A He was concerned about --

9 MS. MCALLISTER: Your Honor, I would object. I
10 think we are getting into hearsay. Based on what Mr.
11 Barnes said.

12 MS. FRANKLIN-BEST: I think it goes to the
13 investigation that we performed in this case,
14 Your Honor. It also goes to the admissibility
15 why we think any of this information is
16 admissible, and we would be very concerned that
17 he would be charged with perjury.

18 THE COURT: I will let you go forward. Just
19 don't get too far off on a tangent.

20 BY MS. FRANKLIN-BEST:

21 Q Did he seem like he was concerned with perjury?

22 A We discussed it numerous times.

23 Q Without getting to the specifics, did you
24 discuss with him what his relationship was with
25 Fraisier Craig?

Curtis Lee Elgin v. State of South Carolina – 2012-CP-20-00232

1 A Yes.

2 Q What did you understand that relationship to be?

3 A A business relationship.

4 Q Can you describe that and explain what that
5 means?

6 A Mr. Barnes told me that Frasier Craig came
7 and got him out of Federal prison and wanted him to
8 talk to certain people to get information.

9 Q Did you understand that Mr. Frasier Craig
10 had offered any benefits or rewards to Raymond
11 Barnes for his cooperation?

12 A Mr. Barnes told me --

13 MS. MCALLISTER: Your Honor, again I will object
14 to the hearsay. I understand that they have
15 statements from Mr. Barnes that they wish to
16 introduce. I think that is the way that Mr. Barnes'
17 statement can come in, not through this witness.

18 THE COURT: Sustained.

19 MS. FRANKLIN-BEST: I would just say, Your
20 Honor, I am trying to establish not exactly what
21 Raymond Barnes said, but what my investigator sort of
22 understood that relationship to be based on that.
23 May we can sort of get into that without actually
24 talking about Raymond Barnes actually stated.

25 BY MS. FRANKLIN-BEST:

1 Q Did you understand, sort of based on those
2 conversations without getting into the
3 substance of these investigations, whether or not
4 Raymond Barnes received benefits from his
5 cooperation with Frasier Craig?

6 A He made it clear that he did receive benefits.

7 Q So the information that you received from
8 Raymond Barnes, how did you memorialize that information?
9 Did you record it?

10 A I did, yes.

11 Q So the sum and substance of your conversations
12 with Raymond Barnes -- are all of your communications on
13 these tapes, or is this like most of them or some of them?

14 A It should be most of them.

15 Q Have you had opportunity to listen to the tape
16 recordings that you have made in this case?

17 A I have.

18 MS. FRANKLIN-BEST: Your Honor, there are three
19 separate recordings in this case. We would like to
20 play one them for the Court as an exhibit.

21 MS. MCALLISTER: Your Honor, I don't object to
22 that recording being played. But under the rule of
23 completeness, I think if they play one recording,
24 they need to play all of the recordings. I
25 understand that it's a lot, but I think it's

1 important that the Court hear everything and not just
2 one snippet of the recording.

3 MS. FRANKLIN-BEST: One thing we had kind of
4 discussed that Your Honor -- we do have this on a
5 flash drive, which we are prepared to submit into
6 evidence. We would ask to play about 13 minutes of
7 the audio recording now. The other two are about an
8 hour apiece. If we move these into evidence, maybe
9 Your Honor would have the opportunity to listen to
10 these at your convenience these additional tapes.

11 THE COURT: That will work, since we have
12 already discussed in chambers about taking it under
13 advisement and allow briefing. Ms. McAllister, will
14 that be sufficient?

15 MS. MCALLISTER: Yes, Your Honor. If that is
16 what you want to do, I leave that decision up to you.
17 The State feels it's very important that you as the
18 fact finder listen to all of the recordings and not
19 just a snippet.

20 THE COURT: Okay. I will do that.

21 MS. FRANKLIN-BEST: I will move this in as
22 Applicant's Number 2.

23 THE COURT: Without objection?

24 MS. MCALLISTER: Your Honor, my understanding is
25 that that exhibit that she is introducing has all of

1 the recordings, not just the one that was played.

2 MS. FRANKLIN-BEST: That's accurate, Your Honor.

3 THE COURT: Admitted.

4 (Whereupon, Applicant's Exhibit 2 admitted
5 into evidence.)

6 MS. FRANKLIN-BEST:

7 Q Did you also make a trip up to New York to
8 interview another inmate, Lindsay Goins?

9 A Yes, I did.

10 Q Talk a little bit about him. Where did your
11 encounter with him happen?

12 A I believe the name of the town is
13 Pharsalia. It's between Rochester and Niagara Falls.

14 Q Where did you encounter him?

15 A At his residence.

16 Q What was he like?

17 A He was also an interesting individual. It was
18 hard to get him to come to the door. He was hesitant. I
19 had to essentially wait hours for him to show up before I
20 was able to talk to him. He was very concerned about me
21 being from South Carolina coming to talk to him about the
22 case.

23 Q He seemed concerned about the case. Talk a
24 little bit more about that.

25 A Yes. He was concerned with safety.

1 MS. MCALLISTER: Your Honor, I have an objection
2 as to the hearsay. As to Mr. Goins, this is a little
3 bit of a different situation. There is a deposition
4 of his testimony. I don't think that Mr. Skidmore
5 can properly testify about what Mr. Goins has said.

6 He is alive and well and available. It's
7 different situation as the Barnes' situation.

8 MS. FRANKLIN-BEST: He is a little beyond our
9 subpoena power, Your Honor. I think I can clean this
10 up so we can get some information without actually
11 getting into what Mr. Goins said.

12 THE COURT: All right.

13 BY MS. FRANKLIN-BEST:

14 Q So he seemed to you to be concerned about
15 discussing the case. Is that accurate?

16 A Yes. He told me --

17 Q Without saying he said.

18 A He was concerned.

19 Q In order to just make him talk to you, without
20 getting into the contents of what he actually said, how
21 did you make a bond with him?

22 A I saw a Masonic Bible in his house. I am a
23 Mason. We talked about that; about being Masonic
24 brothers. He said he would be willing to talk to me.

25 Q He seemed like he would be willing to talk to

1 you based on your being members of the Masons?

2 A Correct.

3 Q Did you make another trip back to New York after
4 that first trip?

5 A I did.

6 Q Did you make that back for purposes of the
7 deposition?

8 A I made a trip up before the deposition to talk
9 to him to see if he would be willing to do the deposition.

10 Q But eventually the deposition occurred up in New
11 York.

12 A Rochester, New York. Yes, ma'am.

13 Q Who all was present for the deposition?

14 A Myself, the attorney Charles Grose, the court
15 reporter and an Assistant AG.

16 Q I am going to hand you what has been marked as
17 Applicant's Number 1. Does this appear to be a copy of
18 the deposition that you attended?

19 A Yes.

20 MS. FRANKLIN-BEST: Your Honor, at this point I
21 would move in this deposition without reading it
22 aloud. This would just be another exhibit for you to
23 review on your own timeframe.

24 MS. MCALLISTER: Your Honor, I do have
25 objections to the deposition. I was not the AA who

1 went to New York. It was my understanding that
2 objections were reserved for trial, other than to the
3 form of the question.

4 I do think that there are objectional hearsay
5 statements and other things in the deposition.

6 So parts of it, I believe, need to be redacted,
7 but I am not sure. Maybe Ms. Franklin-Best and I can
8 work on that before we submit the exhibit to you
9 later this afternoon. I think that a lot of the
10 deposition is hearsay and is objectionable.

11 THE COURT: All right. Let's just hold it in
12 abeyance for right now, and I will let you-all work
13 on that.

14 MS. FRANKLIN-BEST: We can do that, Your Honor.

15 I don't have any additional questions for Mr.
16 Skidmore.

17 THE COURT: Your witness.

18 MS. MCALLISTER: Thank you, Your Honor. I don't
19 want to argue with you about your decision. I do
20 want to say again that I think the rest of the
21 recordings need to be played. I think it
22 affects the cross-examination of Mr. Skidmore.
23 I can ask him about them, but you haven't heard
24 them yet.

25 THE COURT: All right. With that said, let's go

1 ahead and listen to them. It will be easier to do
2 that now than have to come back later on to come back
3 to court for live testimony. Let's go ahead and take
4 care of that now rather than risk the possibility of
5 having to reconvene.

6 (Whereupon, Applicant's Exhibit 2 was published
7 to the Court.)

8 * * *

9 CROSS-EXAMINATION

10 BY MS. MCALLISTER:

11 Q Mr. Skidmore, tell me a little bit about how you
12 got into being a private investigator?

13 A My family started the company. In 2001 I got
14 licensed, and I have been doing it ever since.

15 Q You have never been a law enforcement officer?

16 A No.

17 Q Tell us about your training in investigations.

18 A I had a lot of hands-on experience. I did a lot
19 of going with my father who has worked on many criminal
20 investigation cases.

21 Q Do you typically work for the defendant or
22 inmate, or do you ever work for the State?

23 A I always work for the defense. In this cases,
24 yes, they contacted me to work for them.

25 Q Is this the first PCR criminal case that you

1 have investigated?

2 A No.

3 Q Have you worked on other cases where you were
4 instructed to come up with some evidence to exonerate a
5 defendant?

6 A Yes.

7 Q How did you locate Mr. Barnes?

8 A We use what we call Kilo. It's a research
9 database. There are several names that came up in North
10 Carolina. I went to several different addresses. I think
11 the third or fourth one was his.

12 Q Was he aware that you were recording him at this
13 first recording.

14 A I don't believe so. No.

15 Q So he didn't know that he was being recorded, so
16 he didn't have a reason to say one way or the other at
17 first; correct?

18 A Correct.

19 Q In those recordings, when he is talking to you
20 at first, the first thing that he volunteered is that he
21 didn't say anything that wasn't true and that he didn't
22 believe Elgin, and it was Elgin who said all of these
23 things; correct?

24 A That's correct. My experience has been when you
25 walk up on somebody and catch them out of the blue,

1 usually there is a reservation. It takes some time
2 to build a rapport with the individual you are
3 talking to.

4 Q In fact, on these recordings, he only started
5 saying that he didn't really believe Elgin and that he was
6 pressured and this was put on him until after you tell him
7 that you believe Elgin is innocent and you think you know
8 who did it and that they were just kind of throwing mud at
9 whoever was for the state.

10 A There was a concern of perjury. He mentioned
11 that in the first recording.

12 Q You told him that you could protect or that you
13 could help him with that concern; correct?

14 A I said that I thought there was a reason that if
15 he was bribed that he could possibly have protection to
16 help him. That was a preliminary thought.

17 Q You visited with Mr. Barnes three times; is that
18 correct?

19 A I believe so. Yes.

20 Q Did you talk to him other times on the phone or
21 with letters or anything like that?

22 A Not to my recollection. No.

23 Q So the three visits, the first one was in March
24 of 2015; correct?

25 A Yes, ma'am.

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1 Q You came back a week or so later and took more
2 recordings; correct?

3 A Yes, ma'am.

4 Q Then you went back the third time in October of
5 2015?

6 A I believed October 13. Yes.

7 Q That was the first recording that was placed?

8 A That's correct.

9 Q Was that your whole conversation that day, the
10 12 minutes?

11 A I don't believe so, no.

12 Q There is more that wasn't recorded?

13 A Correct.

14 Q At the same time that you were working on
15 finding Mr. Barnes, you were working on finding Mr. Goins
16 as well; correct?

17 A That is correct.

18 Q Who did you find first?

19 A Mr. Barnes.

20 Q You found Mr. Barnes, I assume, in March of
21 2015. As soon as you found him, that is when you talked
22 to him; is that right?

23 A That's correct.

24 Q When did you find Mr. Goins?

25 A I believe it was possibly February of 2016.

1 Q In those recordings when you tell Mr. Barnes
2 that the other person had recanted their story, that
3 wasn't Goins that you were talking about?

4 A I don't recall.

5 Q You don't remember who you were talking about
6 when you said that?

7 A I may have been referring to Mr. Goins, but I am
8 not sure.

9 Q So you find Mr. Goins around February of 2016;
10 correct?

11 A Correct.

12 Q And he was in Rochester, NY.

13 A Pharsalia, I believe is the name of the town.

14 Q Near Rochester?

15 A It's about an hour away.

16 Q How many times did you talk to Mr. Goins?

17 A Several. The first night that I spoke to him,
18 to my recollection, he wasn't there. I came back the next
19 morning.

20 Q And you made some recordings of him as well?

21 A That's correct.

22 Q Ultimately he was deposed?

23 A That's correct.

24 Q And you were present for his deposition?

25 A Correct.

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1 Q He is alive; correct -- as far as you know?

2 A As far as I know.

3 Q But Mr. Barnes has since died?

4 A Correct.

5 Q Going back to the beginning, did you say in 2001
6 you became licensed as a private investigator?

7 A That's correct.

8 Q It is something that you have to have a license
9 for and it's regulated by the state?

10 A That's correct.

11 Q Do you have to continuing education to maintain
12 your license or --

13 A We are required to have six hours of continuing
14 education a year.

15 MS. MCALLISTER: I think those are all the
16 questions I have for this witness.

17 MS. FRANKLIN-BEST: I have just a couple of
18 questions, Your Honor.

19 * * *

20 REDIRECT EXAMINATION

21 BY MS. FRANKLIN-BEST:

22 Q Did you tell William Barnes to lie?

23 A No.

24 Q Did he ever accuse you of twisting his words?

25 A No.

1 Q Did he ever refuse to meet with you?

2 A No.

3 Q Did he ever refuse to talk to you?

4 A No.

5 MS. FRANKLIN-BEST: No more questions.

6 THE COURT: You may step down.

7 MS. FRANKLIN-BEST: I think I will go ahead and
8 call Judge Jones.

9 * * *

10 JUDGE GWENDLYNE Y. JONES, ESQ.,
11 called as a witness by and on behalf of
12 the Plaintiff to testify, being first duly
13 sworn was examined and testified as follows:

14 * * *

15 DIRECT EXAMINATION

16 BY MS. FRANKLIN-BEST:

17 Q Good afternoon, Judge Jones.

18 Did you represent Curtis Elgin at trial?

19 A I did.

20 Q How did you come to represent him?

21 A I was appointed.

22 Q Did you file a Rule 5 and a Brady motion?

23 A I did.

24 Q At the time did you feel like you received all
25 of the information that you requested?

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1 A At the time, yes.

2 Q Since Mr. Elgin's trial, did you we provide you
3 with audio recordings of Pete Skidmore's meetings with
4 Raymond Barnes?

5 A You have.

6 Q Did you have an opportunity to listen to those
7 recordings?

8 A Yes.

9 Q In listening to those recordings, did you hear
10 information that Raymond Barnes received cigarettes from
11 Frasier Craig?

12 A I did.

13 Q Did you find out that Frasier Craig had
14 allowed Mr. Barnes to have personal interactions
15 with his family members?

16 A Yes.

17 Q Did you find out that Mr. Craig had given him
18 some salami and cheese at Christmastime?

19 A Yes.

20 Q Did you find out that Mr. Craig would buy Mr.
21 Barnes Kentucky Fried Chicken?

22 A Yes.

23 Q Did you find out that he was regularly taken out
24 of his cell to meet with Mr. Craig?

25 A Yes.

1 Q Did you know that Mr. Barnes was placed in the
2 cell to try to extract information from Mr. Elgin?

3 A I did not.

4 Q Do you know what a Messiah Violation is?

5 A I do.

6 Q If you had had information that law enforcement
7 had placed a witness in a cell for purposes of extracting
8 incriminating statements, do you think it would have
9 been appropriate to make an objection under
10 Messiah?

11 A Absolutely.

12 Q If you had known about the benefits that Mr.
13 Barnes received from Frasier Craig, how would you have
14 used that information at trial?

15 A I definitely would have used it to impeach the
16 witness, since that was what the primary evidence that
17 they had against him was.

18 Q So you would have used that to impeach the
19 witnesses. Did you believe that the State has a strong
20 case against Mr. Elgin?

21 A No.

22 Q What did you perceive to be some of the
23 weakness of that case?

24 A The pretty determinate factors were the inmates
25 that were at Fairfield County Detention Center with Mr.

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1 Elgin at that time.

2 Q Do you recall any physical evidence tying Mr.
3 Elgin to the crime?

4 A No.

5 Q Do you recall, aside from the statements from
6 these witnesses, any eyewitness statements?

7 A No.

8 Q Of course law enforcement never got a
9 confession that you are aware of?

10 A No.

11 Q To be clear, the State did not tell you
12 that Raymond Barnes was being treated differently by
13 law enforcement than other inmates at the detention
14 center.

15 A No.

16 Q And the State did not tell you that Mr. Barnes
17 had been intentionally placed in the cell with Mr. Elgin
18 for the purpose of getting statements?

19 A They did not.

20 MS. FRANKLIN-BEST: Those are all the questions

21 I have, Your Honor.

22 THE COURT: All right.

23 * * *

24 CROSS-EXAMINATION

25 BY MS. MCALLISTER:

1 Q Judge Jones, in 1996 when these conversations
2 between Elgin and Barnes occurred, was your client charged
3 with this murder at that time?

4 A Yes.

5 Q He was charged in 1996?

6 A Whenever I was appointed. When I was appointed
7 to represent him, he was already charged.

8 Q So you represented him in 2009 at this trial;
9 correct?

10 A Yes.

11 Q So he wasn't charged until sometime later;
12 correct? Years later, years after the murder?

13 A As far as I know, when I was just assigned that
14 case or appointed to represent him, he was already charged
15 and at the detention center at that time.

16 Q This murder occurred in early 1993; correct?

17 A Correct.

18 Q He wasn't tried until 2009; correct?

19 A That's correct. Yes.

20 Q So he wasn't charged back in the '90s. He
21 wasn't charged until sometime closer to 2009; correct?

22 A No. I think it was considered a cold case.

23 Q You heard on the recordings a couple of times
24 that William Barnes said that he didn't really believe
25 what Mr. Elgin said.

1 He said that nobody asked him about that at
2 trial. Do you recall asking Mr. Barnes if he believed
3 Elgin on cross-examination?

4 A I would think I would not ask belief questions
5 of the witness.

6 Q Do you recall if Mr. Barnes volunteered that he
7 didn't believe Elgin during your cross-examination?

8 A I do not.

9 MS. MCALLISTER: Your Honor, I would just point
10 the Court to the second volume of the transcript,
11 Pages 119 and 120.

12 BY MS. MCALLISTER:

13 Q Judge Jones, he did volunteer that he didn't
14 believe what Mr. Elgin was saying.

15 A Yes.

16 Q You said that these witnesses, the inmates, were
17 the key witnesses against Mr. Elgin; correct?

18 A That's correct.

19 Q You cross-examined them at length; correct?

20 A I did, but not about any favors that he may have
21 received about their testimony.

22 Q Their testimony at trial was that Mr. Elgin had
23 told them these things; correct?

24 A Correct.

25 MS. MCALLISTER: Those are all the questions I

1 have.

2 MS. FRANKLIN-BEST: No further questions, Your
3 Honor.

4 THE COURT: Thank you, Judge. You may step
5 down.

6 (Whereupon, the witness exited the witness
7 stand.)

8 THE COURT: Any other short witness we might
9 could cover?

10 MS. FRANKLIN-BEST: No, Your Honor. That will
11 be it for our case.

12 THE COURT: All right. Let's break until 2:00.

13 (At the hour of 1:10 p.m., a luncheon
14 recess was taken, the proceedings
15 to be resumed at 2:00 p.m.)

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1 PROCEEDINGS RESUMED

2 * * *

3 (Whereupon, the following proceedings were
4 held in open court. The defendant was present with
5 his attorney, along with counsel for the State.)

6 THE COURT: All right. Who is your next
7 witness?

8 MS. FRANKLIN-BEST: Your Honor, we rest our
9 case.

10 THE COURT: All right.

11 MS. MCALLISTER: Your Honor, the State would
12 call, Keith Burris.

13 * * *

14 KEITH BURRIS,

15 called as a witness by and on behalf of
16 the State to testify, being first duly
17 sworn was examined and testified as follows:

18 * * *

19 DIRECT EXAMINATION

20 BY MS. MCALLISTER:

21 Q Good afternoon, Officer Burris. Where do you
22 currently work?

23 A I am the chief investigator for the Sixth
24 Circuit Solicitor's Office now.

25 Q How long have you been in that position?

1 A I started in January of 2015.

2 Q Where did you work prior to that?

3 A Fairfield County Sheriff's Office.

4 Q How long did you work at Fairfield County
5 Sheriff's Office?

6 A Thirty-four years, thirty-three.

7 Q Can you tell me the date -- when did you start?

8 A I started in August of 1977. In 1980 I went to
9 Texas for two years -- three years. I came back and
10 went back into law enforcement in 1984.

11 Q From 1984 to 2015, you were continuously
12 employed by the Fairfield County Sheriff's
13 Department?

14 A Yes, ma'am.

15 Q What was your role there in the office?

16 A I started out as a road deputy. I made it up in
17 the ranks to a sergeant. I came up being the
18 commander of the drug task force in the early '90s.
19 I was a criminal investigator -- which in Fairfield
20 County, your investigators work everything from house
21 break-ins to CSCs. Pretty much all of it.

22 Q At some point, did you become chief deputy?

23 A I did in 2002.

24 Q Do you recall during your time at the Fairfield
25 County Solicitor's office working on the Curtis Elgin

1 case?

2 A I do.

3 Q Can you explain how you became involved in the
4 case?

5 A It was right around the end of 2004. We had a
6 couple of what I would refer to as cold cases, old
7 murders that was never solved. We had one, which was
8 the Audre Belton case. It was committed in 1993. We
9 also had another one that we referred to as Maxie
10 Floyd, which was a convenience store robbery/homicide
11 that occurred in July of 1994.

12 Q So in 2004 when you were chief deputy, you
13 decided to take a look at these lingering cold cases?

14 A Well, I decided to pick one, and I picked the
15 Maxie Floyd case.

16 Q If you picked the Maxie Floyd case, how did that
17 lead you to the Curtis Elgin case?

18 A I got the case file from the Maxie Floyd case
19 and started going through the case file to see if
20 there was anything that I could see that could be
21 done that had not been done.

22 That is when I saw the statement from a Raymond
23 Barnes that was given to Investigator Craig and SLED
24 Agent Reed Long. I think that statement was given in
25 1996.

1 Q The statement from Raymond Barnes you actually
2 found in the Floyd case file?

3 A I did.

4 Q But the statement from Raymond Barnes had to do
5 with the Belton case, or was it the Floyd case?

6 A The Belton case.

7 Q It had to do with the Belton case and Mr. Elgin?

8 A Right.

9 Q So you find the statement, I think you said it
10 was dated from June of 1996.

11 A I think it was June 28, 1996, was the date
12 on the statement?

13 Q It was a typed statement?

14 A It is.

15 Q You said it was given by Mr. Barnes to who?

16 A It was given to Detective Frasier Craig, and
17 there was a SLED agent named Reed Long who passed
18 away maybe two or three years ago. Maybe longer. He
19 has been deceased a couple of years now.

20 Q So you find that statement in the Floyd file,
21 and you read through that statement. Then what
22 happened after that?

23 A When I read the statement -- of course, when
24 both of these murders occurred, I was in narcotics.
25 We assisted the investigators with this case, but I

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1 really didn't work the initial case at all. When I
2 read Raymond Barnes' statement, I noticed that he
3 said there was a guy that was in there with them when
4 Mr. Elgin gave him this information named Lindsay
5 Goins.

6 Q Let's back up just a little bit. You read
7 through the statement from Mr. Barnes. Just
8 generally, what was the content of that statement?

9 A Generally, it was where Raymond Barnes told SLED
10 Agent Long and Detective Craig that he had met a guy
11 in the cell named Curtis, and that he had talked to
12 him about committing a crime. It was involving
13 killing a woman. It gives the description of the
14 woman, the type of gun he used, and things like that.

15 MR. GROSE: Your Honor, I want to object to the
16 hearsay.

17 THE COURT: All right. I will sustain the
18 objection, and I will strike that testimony.

19 BY MS. MCALLISTER:

20 Q Mr. Lewis, do you have a copy of that statement
21 with you here today?

22 A I do.

23 Q This statement that you have handed me, you have
24 reviewed it prior to today?

25 A Yes.

1 Q Do you recognize this statement?

2 A I do.

3 Q Is this the statement that you found in your
4 file?

5 A That is a copy of it.

6 Q A copy of the statement that you found in the
7 Fairfield County police files.

8 A It is.

9 Q At the time that you were a deputy or chief
10 deputy of the Fairfield County Sheriff's Office?

11 A Yes, ma'am.

12 Q You recognize this as being the statement that
13 was given to the officers at the time?

14 A I do.

15 MS. MCALLISTER: Your Honor, I would like to
16 admit this statement as State's Exhibit 1.

17 MR. GROSE: I will still object as hearsay.
18 It's not a sworn statement.

19 MS. MCALLISTER: Your Honor, I think he has
20 authenticated the statement as something that was --
21 it's their investigation. It's what they had in
22 their file at the time. They have raised issues
23 about him changing his statement and all of that kind
24 of stuff. I think this goes to show what the police
25 force and what the State was relying on at the time

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1 of the trial.

2 THE COURT: I will allow it.

3 (Whereupon, State's Exhibit 1 was admitted into
4 evidence).

5 BY MS. MCALLISTER:

6 Q I believe you said that based on the statement
7 from Mr. Barnes, that is when you discovered the
8 existence of Lindsay Goins.

9 A That is correct.

10 Q Once you discovered the existence of Lindsay
11 Goins, what did you do next?

12 A I continued to look through the Maxie Floyd case
13 to see if there was a statement from Lindsay Goins.
14 I could not find one. Then I pulled out the Belton
15 case file to see if there might be one in it from
16 Lindsay Goins, but I did not see one.

17 Q This was around 2004 you were doing this?

18 A That is correct.

19 Q You realized there was no statement from Lindsay
20 Goins, then what do you do?

21 A After I talked with Investigator Craig to see if
22 he did give an interview or if he did talk to Lindsay
23 Goins. He indicated that he had talked --

24 MR. GROSE: Objection; hearsay.

25 THE COURT: Sustained.

1 BY MS. MCALLISTER:

2 Q Did you eventually -- were you eventually able
3 to locate Mr. Goins?

4 A Lindsay Goins was known to me as a local
5 Winnsboro person. I tried to locate his whereabouts,
6 and I was unable to do so. A Captain Dunston Pagett,
7 who works at the Sheriff's office, informed me that
8 he knew Mr. Goins' sister, and he would try to find
9 out from her where Mr. Goins was living.

10 Q Were you eventually able to find out where Mr.
11 Goins was?

12 A Mr. Goins' sister called me. She was concerned
13 that Mr. Goins might be in trouble.

14 MR. GROSE: Object to the hearsay about what her
15 concerns might have been. I understand they have to
16 show a chain of how they got from Mr. Goins to New
17 York, but I think they can do it without going
18 through that kind of testimony.

19 THE COURT: Sustained.

20 BY MS. MCALLISTER:

21 Q Were you eventually able to make contact with
22 Mr. Goins?

23 A I was. I got information that Mr. Goins asked
24 him to contact me.

25 Q So you put your information out there for Mr.

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1 Goins to contact you or not contact you?

2 A That is correct.

3 Q Did Mr. Goins eventually contact you?

4 A He did call me.

5 Q As a result of that call, what happened?

6 A I told him who I was. Of course, he knew me. I
7 told him what I was looking into, and if he
8 remembered any conversations that occurred when he
9 was incarcerated in the Fairfield Detention Center.

10 Q As a result of that phone call, did you -- where
11 was Mr. Goins living at the time?

12 A He informed me that he was in Rochester, New
13 York.

14 Q As a result of that phone call with him, did you
15 go to Rochester, New York to take a statement from
16 him?

17 A I did. I went with Eric Gill, who was a Major
18 at the sheriff's at the time.

19 Q Do you have a copy of that statement with you?

20 A I do.

21 Q This statement that you have handed me, this is
22 a handwritten document; correct?

23 A It is.

24 Q Who wrote this document?

25 A I did.

1 Q Have you reviewed this document?

2 A I have.

3 Q Do you recognize this as the statement that you
4 took from Lindsay Goins in 2004?

5 A That is an exact copy of the original statement.

6 Q Everything is true and correct? This is the
7 statement that he gave at that time?

8 A He did.

9 Q Did he sign it?

10 A He did.

11 Q Did you witness him sign it?

12 A I did.

13 Q Did you sign it as well?

14 A I signed it, and it was notarized by a Notary
15 Public in the state of New York.

16 MS. MCALLISTER: Your Honor, I would ask to
17 admit this Statement as State's Exhibit 2.

18 MR. GROSE: No objection.

19 Just for the, record that is in evidence as part
20 of the deposition of Mr. Goins.

21 (Whereupon, State's Exhibit 2 was admitted into
22 evidence.)

23 BY MS. MCALLISTER:

24 Q That statement by Mr. Goins in 2004, where was
25 that statement taken?

1 A It was taken at a New York State Police
2 substation in Rochester.

3 Q Was Mr. Goins under arrest at the time?

4 A No. He was not.

5 Q Did he come there voluntarily?

6 A He did.

7 Q Was he free to leave at any time?

8 A He was.

9 Q Did you coerce him into giving you a
10 statement?

11 A No.

12 Q Did you tell him what to say in the statement?

13 A No.

14 Q In that statement -- is that statement the same
15 as what Mr. Goins' eventually testified to at trial,
16 substantively?

17 A I am told it is. The reason I say that is that
18 during the trial, we were sequestered. I was not in
19 the courtroom when Mr. Goins testified.

20 Q Have you had a chance to review Mr. Goins'
21 deposition?

22 A No, ma'am.

23 Q Did you in any way alter that handwritten
24 statement?

25 A No, ma'am.

1 Q Did you at any time create a different statement
2 and give it to Lindsay Goins?

3 A No, ma'am. Can I explain how we take
4 statements?

5 Q Sure. How do you take a statement?

6 A It has always been practiced by the Fairfield
7 Sheriff's Office that when you take a statement from
8 a witness, you give the witness the opportunity to
9 write the statement theirselves (sic), or you ask them
10 if they would prefer if someone else wrote it.

11 That was done with Mr. Goins. He
12 indicated he would prefer if I wrote the statement.
13 I wrote it as he told me. After I write the
14 statement, I get him to sit right next to me, and we
15 read the statement word for word together. Then I
16 ask him, is there anything in here that needs to be
17 changed or taken out or is there anything that needs
18 to be added. He indicated there wasn't.

19 Q So you followed that usual practice in taking
20 the statement from Mr. Goins.

21 A Yes, ma'am.

22 Q Did you give Mr. Goins any information to put
23 into the statement?

24 A No, ma'am.

25 Q Did you tell Mr. Goins any details of the murder

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1 or the crime that you were asking him about?

2 A No, ma'am.

3 Q I think you said there was another officer with
4 you. Did the other officer do anything?

5 A No, ma'am.

6 Q At the time in is 2004 when you took that
7 statement from Lindsay Goins' statement in your file
8 from 1996; correct?

9 A That is correct.

10 Q Did the statements match each other?

11 MR. GROSE: Objection. That is speculation, and
12 it also goes to things that are not in evidence.

13 THE COURT: I will overrule that. Go ahead.

14 THE WITNESS: The statement that I took from
15 Lindsay Goins was taken -- I want to say right after
16 Christmas. I think it was like the 28th of
17 December. It was a fast trip put together. It
18 wasn't really planned out well. So when me and Major
19 Gill went to New York, we just took a change of
20 clothing. I did not take the case file with me. I
21 did not take Raymond Barnes' statement with me. I
22 just went up there with paper and a legal pad and a
23 pen and statement forms, and, of course, Mr. Goins'
24 information of his address and stuff like that.

25 BY MS. MCALLISTER:

1 Q I guess that is what I am trying to get at. Did
2 the statement that Mr. Goins gave you in 2004, was it
3 wildly different than the statement he had already
4 given?

5 A No, ma'am.

6 MR. GROSE: Objection. Mr. Barnes' statement is
7 not in evidence. This is the back-door way to get
8 him to testify about that, Your Honor.

9 MS. MCALLISTER: Mr. Goins' statement is in
10 evidence. It's State's Exhibit 1.

11 MR. GROSE: Let's just let the documents speak
12 for themselves, Your Honor.

13 THE COURT: All right.

14 BY MS. MCALLISTER:

15 Q Mr. Lewis, as a result of taking the statement
16 from Mr. Goins in 2004, what did you do next?

17 A When we got back in -- I am not 100 percent
18 sure, but I think Doug Barfield was the Solicitor
19 when this was happening. I think John Justice was
20 the solicitor in the '90s. I think Doug was the
21 solicitor then. I referred everything to Doug in the
22 solicitor's office.

23 Q Mr. Elgin was charged after you took that
24 statement from Lindsay Goins; is that correct?

25 A Sometime later, yes.

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1 Q Did you ever have any contact with Mr. Barnes
2 yourself?

3 A No, ma'am.

4 Q When Mr. Barnes and Mr. Goins came down to
5 testify at the trial, did you have any contact with
6 them then?

7 A No, ma'am.

8 Q Did you provide Mr. Goins with a copy of his
9 statement before you left New York?

10 A I cannot remember. On our statement forms there
11 is a place for him to sign if he received a copy. On
12 this one it says that I certified giving him a copy
13 of this statement consisting of three pages, and
14 Lindsay Goins signed it. So he must have had a copy
15 of it.

16 Q When he came down here to South Carolina, did
17 you give him some other statement to testify about?

18 A No.

19 Q You didn't give him anything, any piece of
20 paper?

21 A Him getting brought down here was done by the
22 solicitor's office.

23 Q So it wasn't done by the Fairfield County
24 Sheriff's Office?

25 A No, ma'am.

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1 Q You never saw or spoke to Mr. Goins?

2 A I saw Goins and Barnes during that trial. I saw
3 them in the courthouse.

4 Q But you never went to the motel room where they
5 were staying?

6 A No, ma'am.

7 MS. MCALLISTER: Those are all the questions I
8 have.

9 THE COURT: All right.

10 * * *

11 CROSS-EXAMINATION

12 BY MR. GROSE:

13 Q You testified that Lindsay Goins was somebody
14 who was known to you?

15 A Yes, sir.

16 Q How was he known to you?

17 A Winnsboro, Fairfield County has about 23,000
18 people in it. There are not many people in Fairfield
19 County that you don't know if you spent 34 years in
20 law enforcement. Just seeing them and knowing the
21 family members.

22 Q Did Mr. Goins ever have charges?

23 A He did. I think he was incarcerated during this
24 time in '96 for CSC.

25 Q Do you know if he had any charges pending when

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1 you went to New York in 2004?

2 A There was no charges from our department. I
3 don't know if there were any charges anywhere else,
4 but we didn't have any.

5 Q You said that you assisted on this case when you
6 were in the narcotics division?

7 A Yes, sir.

8 Q What did that include?

9 A Cleaning up crime scene, security. If the
10 investigator said they were looking for John Doe to
11 talk to him, they would ask us if we could locate
12 him, stuff like that.

13 Q Who did they ask you to help locate?

14 A Nobody that I know of. I know in the Maxie
15 Floyd case there were several people that we actually
16 tracked down for them.

17 Q I am more interested in Mr. Elgin's case. You
18 did testify that you were involved in the
19 investigation. Then you testified that they asked
20 you to help locate people. Now you are suggesting
21 that that didn't happen?

22 A No. I did not say that.

23 Q Who did you help them locate that ultimately
24 ended up being the prosecution of Mr. Elgin?

25 A I don't understand what you are asking me now.

1 Q Did you or did you not help the investigators
2 locate people?

3 A If I am not mistaken, I think that I said that I
4 was in narcotics, and a lot of times we were asked to
5 assist in cases with the investigators.

6 Q Did you that happen in this case?

7 A I cannot remember. There is a good chance that
8 we did find people. I just can't remember if we did
9 or not.

10 MR. GROSE: Beg the Court's indulgence.

11 That is all, Your Honor. Thank you.

12 THE COURT: Anything else?

13 MS. MCALLISTER: No. Thank you.

14 (Whereupon, the witness exited the witness
15 stand.)

16 MS. MCALLISTER: Your Honor, the State would
17 call Frasier Craig.

18 THE COURT: Come around and be sworn, please.

19 * * *

20 FRASIER CRAIG,

21 called as a witness by and on behalf of

22 the State to testify, being first duly

23 sworn was examined and testified as follows:

24 * * *

25 DIRECT EXAMINATION

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1 BY MS. MCALLISTER:

2 Q Mr. Craig, where are you currently employed?

3 A Fairfield County Sheriff's Office.

4 Q What is your title there?

5 A At the present moment, I am a captain over civil
6 process and several other duties.

7 Q How long have you been with the sheriff's
8 office?

9 A Since 1988.

10 Q What roles did you have there in the office?

11 A Then or now?

12 Q Just kind of briefly.

13 A I started out as a road deputy. I was
14 eventually promoted to investigator. Then I was
15 promoted to chief investigator and then lieutenant of
16 investigations. I am presently a captain at this time.

17 Q How did you come to be involved in the Elgin
18 case, the Curtis Elgin case?

19 A I was assigned to the Maxie Floyd case. Once
20 that took place, I kind of inherited the Audre Belton
21 case.

22 Q When you said you were assigned the Maxie Floyd
23 case, was that back in 1994 when it happened or in
24 2004 when you guys picked it out of a cold case?

25 A When it happened.

1 Q You said that you inherited the Belton case.

2 Were you initially assigned to the Belton case?

3 A No. I was not.

4 Q Did you inherit the Belton case because of
5 information that you developed out of the Floyd case?

6

7 A Once I got into the investigation, I was given
8 that case.

9 Q How did you come to know William Barnes?

10 A I can't exactly remember, I mean, the fine
11 details. We received information from an
12 investigator out of North Carolina. He was asking if
13 we had an open case of a murder. They couldn't get
14 the name right, but eventually, they were calling
15 about Ridgeway.

16 Q Was that the Floyd case that they were talking
17 about?

18 A Yes.

19 Q You got contacted by an officer from the police
20 force in North Carolina about your Ridgeway, Maxie
21 Floyd murder.

22 A That's correct.

23 Q That person is the person who gave you the name
24 of Raymond Barnes?

25 A That is correct.

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1 Q Once you had the name of Raymond Barnes, what
2 did you do?

3 A We eventually went to Durham to meet with the
4 investigator.

5 Q You said, we. Who is we?

6 A Me and SLED agent Reed Long.

7 Q So you and Agent Long went to meet with Mr.
8 Barnes.

9 A We went to North Carolina to meet with the
10 investigator. In turn, that information came back,
11 and I reported it to my superiors. We went the next
12 step. Mr. Barnes was actually incarcerated in South
13 Carolina.

14 Q Was he incarcerated on State charges or Federal
15 charges?

16 A I think Federal charges.

17 Q Do you recall where he was incarcerated?

18 A In Hampton County SL.

19 Q Did you go down to SL to meet with Mr. Barnes?

20 A Several times.

21 Q And you went down there for the purpose of
22 talking to him about the Maxie Floyd investigation?

23 A That's correct.

24 Q How did Mr. Barnes end up in the Fairfield
25 County Jail?

1 A I had to have a writ to have him removed from
2 Federal custody to be transported to our county jail.

3 Q What is a writ? You had to get permission from
4 the Federal Government to bring him here?

5 A That's correct.

6 Q What was the purpose of moving him to Fairfield
7 County?

8 A Hampton County is about three hours from
9 Fairfield County. It's pretty tedious back and
10 forth. To make it more effective, we just had him
11 moved up here so it would be a little more
12 convenient.

13 Q So his assistance to you in this cold case was
14 ongoing; is that correct?

15 A Yes.

16 Q So it wasn't just a one-time meeting with him?

17 A No.

18 Q When he was brought to Fairfield County, did you
19 specifically assign him to a cell with Curtis Elgin?

20 A No, ma'am.

21 Q Did you know he was assigned to a cell with
22 Curtis Elgin?

23 A No, ma'am.

24 Q Did you have anything to do with what cell he
25 got assigned to?

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1 A No, ma'am.

2 Q I don't know if you heard some of the recordings
3 today. Mr. Barnes' statements have been that he was
4 taken out of the Fairfield County jail to go through
5 things. Can you explain that a little bit?

6 A We were trying to approach Mr. Barnes that
7 there was a guy that was in North Carolina. He said
8 that he fit the description of the composite that we
9 had that was done by SLED of the person and his son.
10 So we did a controlled and quiet environment so he
11 could make some phone calls to that person.

12 Q So when you would take Mr. Barnes out of the
13 Fairfield County Jail and take him back to the
14 substation, it was so he could help you on this Floyd
15 case?

16 A That's correct.

17 Q Were you ever just going to take Mr. Barnes out
18 just because?

19 A No. We were not joyriding.

20 Q You didn't take him out as a reward?

21 A No.

22 Q When you took Mr. Barnes out -- I think you have
23 heard some of the testimony about taking him to get
24 fast food and KFC and things like that. Did that
25 happen, or can you explain that?

1 A I can explain. That happened probably on a
2 couple of occasions. Sometimes when we would get
3 contact, it would run past lunch. So he would miss
4 lunch. Naturally, that was not unusual for us to do
5 when we were dealing with people who were
6 incarcerated at different times.

7 Q So you bringing Mr. Barnes Kentucky Fried
8 Chicken or some fast food for lunch, was that a
9 special privilege or special treat?

10 A No, ma'am. It's just a human thing. It's just
11 lunch.

12 Q How did you come to find out Mr. Barnes'
13 information about Curtis Elgin?

14 A I was approached by him when they -- after
15 picking him up from the detention center and bringing
16 him to our Winnsboro substation.

17 Q Do you recall what he said?

18 A He asked me some questions about a case that was
19 still unsolved, open, about a pretty black lady that
20 had been killed in the area that we were in. When he
21 mentioned that to me, I asked him, I said, you tell
22 me?

23 Q So when he mentioned that to you, you didn't
24 tell him, yes, that happened or give him details
25 about what had happened?

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1 A Of course not. No.

2 Q You asked him to tell you what he knew.

3 A That's correct.

4 Q He initiated that conversation?

5 A He did. Yes.

6 Q What did you do once you got that information
7 from him -- once you had that conversation?

8 A Once I got the information, I passed it on to my
9 superiors. And we, Reed Long, reduced that to a
10 statement form. We put it in the case file. I made
11 it known to my superiors.

12 Q So you had an oral conversation with Mr. Barnes.
13 Then you eventually reduced his statement to
14 writing?

15 A Yes, ma'am.

16 Q Did you look into the statement that was
17 given to you to find out if there was any -- if it
18 was worth anything; if there was any veracity to it?

19 A Eventually I did. Yes.

20 Q What was the result of that?

21 A Solicitor Justice was the solicitor at this
22 time. The information was presented by Captain Bird
23 at the time. He deemed that it wasn't enough
24 information.

25 Q So that is why nothing went further in 1996?

1 A That's correct.

2 Q The information that Mr. Barnes gave you, did he
3 provide details to you that you could verify from
4 your case file and your investigation?

5 A Yes. There were several things that was
6 revealed in that particular statement. Some that I
7 was familiar with and some that I was not.

8 Q So Mr. Barnes actually gave you information that
9 you did not know prior to speaking to him about it;
10 is that correct?

11 A That is correct. I had no idea it even existed.

12 Q What was that information?

13 A There was a particular part of the statement
14 about Mr. Elgin saying that he had a sock on his hand
15 when he was doing this crime. The mention of the
16 thermostat in the residence. I had no idea about
17 this. I had no idea.

18 Q So when he mentioned the thermostat, did you
19 take that information to someone else to find out if
20 what he was saying was true?

21 A Yes, ma'am.

22 Q So if Mr. Barnes' statement is that you told him
23 information about the thermostat, you are saying that
24 is not correct?

25 A That is far from the truth.

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1 Q What happened is that Mr. Barnes actually
2 initiated the conversation about the thermostat with
3 you?

4 A That's right.

5 Q He gave you that detail?

6 A That's correct.

7 Q Did you ever give Mr. Barnes any details about
8 the crime or the crime scene?

9 A No, ma'am. I did not.

10 Q Did you ever tell him where the gun was located?

11 A No.

12 Q Did you tell him anything about the gun;
13 caliber, anything like that?

14 A No. He brought all that information to me. I
15 just basically relayed it back to my superiors.

16 Q Mr. Barnes was not from Fairfield County; is
17 that right?

18 A To the best of my knowledge, he wasn't.

19 Q He didn't have any charges pending in Fairfield
20 County at the time?

21 A No, ma'am.

22 Q He was in the Fairfield County Jail only because
23 he was helping you on another case?

24 A Yes, ma'am.

25 Q And he was a Federal prisoner. He was not a

1 State of South Carolina prisoner.

2 A That's correct.

3 Q He was not a Fairfield County person?

4 A No.

5 Q So was there any kind of reward or benefit that
6 you could offer to Mr. Barnes?

7 A No, ma'am.

8 Q Could you help him get his charges reduced?

9 A No.

10 Q Could you help him get less time?

11 A No.

12 Q Did you have any connections to the Federal
13 Government to make that happen?

14 A No, ma'am.

15 Q Did you ever offer Mr. Barnes any kind of
16 rewards or special treatment for giving you
17 information about Curtis Elgin?

18 A I did not.

19 Q There has been some talk in Mr. Barnes'
20 statement about him tape-recording or trying to
21 tape-record. Do you know how that came about?

22 A Yes, ma'am.

23 Q How did that come about?

24 A We talked about it at the office, me and my
25 superiors. We got with a SLED agent. We used their

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1 equipment to see if we could get an audio to shore up
2 the statement.

3 Q Were you able to do so?

4 A No.

5 Q The fact that that was attempted, do you recall
6 if that came out at trial or if that was discussed at
7 trial?

8 A It was discussed.

9 Q When was that done?

10 A I have no idea.

11 Q Was that done in 1996, soon after this first
12 came out, or was that sometime later?

13 A It was done around the proximity of that.

14 Q Around 1996?

15 A Yes, ma'am.

16 Q Mr. Elgin wasn't charged with this crime until
17 sometime in 2005; is that right?

18 A If the paperwork says that, then I will have to
19 agree. I don't have anything here.

20 Q He wasn't charged in 1996 as a result of this
21 information from Mr. Barnes?

22 A No.

23 Q What ended up happening with Mr. Barnes? He
24 gave you this statement on the Curtis Elgin case, and
25 I think you said you passed it on. Did you work

1 anymore on this case, the Belton case?

2 A No.

3 Q You went back to working on the Maxie
4 Floyd case?

5 A That's correct.

6 Q What happened with Mr. Barnes? Did he stay in
7 Fairfield County, or what happened to him?

8 A Eventually his time was served. I don't know
9 how he ended up leaving.

10 Q Did he leave from Fairfield County, or did he go
11 back to Federal prison somewhere to finish his
12 sentence?

13 A I don't know. I didn't deal with him after
14 that.

15 Q How long would you say that you dealt with Mr.
16 Barnes on the Maxie Floyd case?

17 A I have to look at my paperwork.

18 Q Was it months? Was it years?

19 A A couple of months. Yes.

20 Q Did you ever speak to Mr. Barnes after you
21 concluded your involvement with him in the Maxie
22 Floyd case?

23 A No.

24 Q Did you contact Mr. Barnes about coming down
25 here for the trial?

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1 A I didn't.

2 Q Do you recall ever receiving some kind of letter
3 from Mr. Barnes after 1996?

4 A Not to my knowledge. I didn't receive one.

5 Q Did you ever speak with Lindsay Goins?

6 A No, ma'am.

7 Q Either back in 1996 or 2004, you didn't have
8 anything to do with that statement?

9 A No, ma'am.

10 Q When you would come and get Mr. Barnes from the
11 jail and take him to work on the Floyd case, would
12 you have come into contact with his cell mates?

13 A No. They were bringing him to me.

14 Q So you didn't go into the jail, go to the cell
15 and get Mr. Barnes out?

16 A We had an area like a sign-out area. I would
17 actually be in the facility, but I wouldn't go back
18 and get him.

19 Q So you wouldn't have any contact with Mr. Barnes
20 to get him back in his cell or Mr. Elgin?

21 A Not that I remember, no.

22 Q To your knowledge, would there have been any way
23 for Lindsay Goins to overhear the conversations that
24 you were having with Mr. Barnes?

25 A No.

1 Q Back in 1996, did you have an opinion about
2 Elgin as far as him being a suspect in the Belton
3 murder?

4 A No. I didn't have an opinion about it.

5 Q Did you ever pressure Mr. Barnes to give that
6 statement back in June of 1996?

7 A No. I did not.

8 Q When he gave you that statement, where was that
9 statement taken? Do you recall?

10 A At the South Winnsboro substation,
11 Winnsboro, Fairfield County.

12 Q So it was taken when you got him out of the
13 Fairfield County Jail to work on Floyd?

14 A Yess.

15 Q Did you ever pressure Mr. Barnes into coming to
16 South Carolina to testify against Mr. Elgin?

17 A No, ma'am.

18 Q Did you ever tell Mr. Barnes what to say in his
19 testimony at Mr. Elgin's trial?

20 A No. I did not.

21 MS. MCALLISTER: I think those are all the
22 questions I have, Your Honor.

23 THE COURT: Counsel.

24 * * *

25 CROSS-EXAMINATION

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1 BY MR. GROSE:

2 Q This Maxie Floyd case, I take it she was
3 the decedent?

4 A Yes.

5 Q You mentioned somebody named Ridgeway. Was that
6 a suspect?

7 A It's the town.

8 Q Town of Ridgeway?

9 A Right.

10 Q It wasn't clear to me. I am just trying to get
11 a little bit more information to help me out with
12 that.

13 Was anybody ever arrested in the Maxie Floyd
14 case?

15 A No, sir.

16 Q So as I understand it, North Carolina
17 authorities made you aware of Raymond Barnes?

18 A That's correct.

19 Q Mr. Barnes was in his cell; is that right?

20 A Yes.

21 Q I understand you made three trips down there to
22 meet with him; is that right?

23 A How many?

24 Q You made three trips down.

25 A I don't know the exact number, but it was a lot

1 of them.

2 Q Could it have been more than three?

3 A It's possible. It was not often, but it was
4 quite a few times.

5 Q At some point, I guess you determined that he,
6 Mr. Barnes, would be more of a benefit to you if he
7 was in Fairfield County.

8 A That's correct.

9 Q So you got a writ from a Federal Judge, I guess,
10 to be able to take him into Fairfield County custody?

11 A Yes, sir.

12 Q That is when he came to the jail in Fairfield.

13 A Yes.

14 Q At the time you had a brother, didn't you, who
15 worked at the Fairfield County Detention Center?

16 A That's correct.

17 Q All I have is Bo. What was his full name?

18 A Johnny Ray Craig.

19 Q Is the Fairfield County Jail a fairly small
20 jail?

21 A The old jail was.

22 Q Are we dealing with the old jail?

23 A That's correct.

24 Q Can you describe the old jail for me a little
25 bit?

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1 A I don't know the exact schematics of the jail,
2 sir. I can only tell you what I am familiar with.

3 Q That is what I am asking you, what you are
4 familiar with. How many people could it hold, for
5 example?

6 A I can't answer that.

7 Q Do you know how many people that they have
8 working at the jail, other than your brother?

9 A I can't answer that either. It varied from
10 shift to shift.

11 Q Was it what I call a modern jail, or was it a
12 little more old school, old style?

13 A It was in 1996. I will let you make your own
14 determination on that.

15 Q Fair enough. So when you got Mr. Barnes to
16 Fairfield, what were you having him do to help you
17 with the Maxie Floyd case?

18 A When I would take him to the substation, like I
19 said earlier, he would be making phone calls.

20 Q How many times did you take him to the
21 substation?

22 A I don't recollect. It was a lot.

23 Q When you say a lot -- earlier you said that
24 Mr. Barnes was working with you on the Floyd case for
25 months; right?

1 A It was almost every day.

2 Q For how many --

3 A Five days a week. It varied, the days of the
4 week.

5 Q How many months did that go on?

6 A It could have been a couple. It could have been
7 three to four. I can't count it.

8 Q So if I understand your testimony, during this
9 three- to four-month period, you were working with
10 him on a daily basis; maybe not every day, but most
11 days a week?

12 A Yes.

13 Q When you were working with him, you would get
14 him and take him to the substation; right?

15 A That's correct.

16 Q Typically, what time would you go get him to
17 take him to the substation?

18 A It varied 9:00 to maybe 10:30.

19 Q How long would you-all stay there?

20 A Sometimes all day.

21 Q You would spend, I guess, quite a bit of time
22 with him, wouldn't you, if it was all day some days.

23 A I guess. Yeah.

24 Q Was it more often an all-day type of event for
25 you-all?

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1 A Not more often. It would vary.

2 Q So from my understanding, you don't deny taking
3 Mr. Barnes to get Kentucky Fried Chicken and other
4 fast food for lunch; correct?

5 A No. Not other fast food. I took him to KFC and
6 that was it.

7 Q Is that what he liked?

8 A He ate it, so, yes.

9 Q How often did you do that for him?

10 A A couple of times.

11 Q Just a couple of times?

12 A Yes, sir.

13 Q So you are saying that during all these times
14 when you-all would go out on a daily basis, and it
15 could be all day, that only happened a couple of
16 times?

17 A Yes. I would get him back to get lunch at the
18 jail.

19 Q Is there any records that show how often you
20 checked Mr. Barnes out of the jail?

21 A I am pretty sure at the jail, it is.

22 Q How would we go about asking for that?

23 A You can ask the jail administrator.

24 Q And you think they should still have that?

25 A I am not saying that they do. It was the only

1 detention center. I don't know what they are doing
2 with the paperwork.

3 Q I am trying to figure out how many times
4 you talked Mr. Barnes about the Audre Belton case.
5 Earlier you said that there was an initial contact
6 that was an oral conversation between the two of
7 you; is that correct?

8 A Yes.

9 Q It was just the two of you?

10 A No. There was a SLED agent there also. We
11 reduced it to writing, to a statement.

12 Q I thought you said there was a conversation
13 before it was reduced to writing.

14 A There was.

15 Q That is what I am asking about; that first
16 conversation. We will get to the other conversations
17 in a minute. The first conversation, where that did
18 that take place?

19 A At the South Winnsboro substation.

20 Q Other than you and Mr. Barnes, who was there?

21 A I think we were the only two who were there at
22 the time.

23 Q Was there any recording made of that?

24 A No.

25 Q How long did that conversation last?

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1 A Not very long.

2 Q You testified a couple of times now that
3 that there was a conversation involving, I guess,
4 you and Agent Long and Mr. Barnes; is that correct?

5 A Yes.

6 Q That is where it was reduced to writing;
7 correct?

8 A Yes.

9 Q Again, that was at a substation?

10 A Yes, sir.

11 Q How many times did you meet with Mr. Barnes and
12 Agent Long?

13 A I don't know the exact number.

14 Q You don't remember?

15 A I don't remember the exact number, no.

16 Q So that means it was more than one time?

17 A That's correct.

18 Q More than twice?

19 A I don't know the exact number, sir.

20 Q Did you make any contemporaneous documentations
21 of when you met with him?

22 A I didn't. Agent Long probably had it in his
23 case file. He was the note taker.

24 Q Do you know if that was ever turned over to the
25 solicitor's office?

1 A I don't have that information, sir.

2 Q I am familiar with investigations and there
3 being lead sheets sometimes. Did you-all use lead
4 sheets?

5 A Yes. We used the lead sheets that the agency
6 provides.

7 Q I have seen cases where the lead sheets are used
8 to document every contact that you have with a
9 witness about a case. Are you familiar with that
10 being done?

11 A I don't have anything in front of me. If I
12 could look at the case file, I could tell you.

13 Q Did you not bring the case file with you today?

14 A I don't have a case file.

15 Q Did the Attorney General ask you to bring the
16 case file? I think Ms. Franklin-Best asked them to
17 pass that message on to you.

18 A I didn't get it.

19 Q But you knew you were coming here today to
20 answer questions about your involvement with Raymond
21 Barnes; right?

22 A That is what I was told, sir.

23 Q That trial was in 1999; is that right -- 2009?

24 A I have to look at the paperwork. I don't
25 remember.

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1 Q And the arrest was in 2005, the arrest of Mr.
2 Elgin. Do you remember that?

3 A I remember him being arrested, but I don't
4 remember the month, the day, or the year.

5 Q Do you remember the year for the statement with
6 Mr. Barnes and SLED?

7 A I remember because that was what was said
8 earlier. I was told that is when it was.

9 Q But independently you don't have any
10 recollection of what year that was, do you?

11 A No, sir.

12 Q What you are telling me, if I understand it
13 right, is you don't have any recollection of how many
14 times you and Agent Long met with Mr. Barnes about
15 the Audre Belton murder case; is that right?

16 A No. Not without looking at some paperwork.

17 Q What paperwork are you aware of that exists that
18 would show us the number of times that you met with
19 Agent Long and Mr. Barnes about the Audre Belton
20 murder case?

21 A I would have to look at the case file.

22 Q But it was more than just a couple of times. We
23 know that.

24 A Yes, sir.

25 Q Other than the time that it was reduced to

1 writing, the only statement that you are here today
2 to talk about is the time that it was reduced to
3 writing by SLED Agent Long; right?

4 A If that is what you are asking me.

5 Q That is what I am asking you. Is that right?

6 A Yes, sir.

7 Q So we know there was at least one time after
8 that, that you and Agent Long talked with Mr. Barnes;
9 right -- because it happened more than one?

10 A Yes, sir.

11 Q So the second time, if I am understanding your
12 testimony right, you wouldn't be able to tell me what
13 was said in that conversation without looking at a
14 case file.

15 A I don't want to go from memory. I would rather
16 look at notes.

17 Q So if you are not going to go by memory, you
18 don't remember what Mr. Barnes said. Is that fair to
19 say?

20 A I remember some of what he said.

21 Q But you don't remember all of it.

22 A I don't remember verbatim, no.

23 Q Some implies less than all.

24 A Yes.

25 Q So you couldn't tell us what Agent Long said

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1 without looking at something, could you?

2 A I would rather look at the notes.

3 Q If we ask the Judge to take a recess, could you
4 go get those?

5 A I can't, because I don't have them.

6 Q Who has them?

7 A At the office, I guess. I don't have them.

8 Q There is not a procedure where you can go get a
9 case file to familiarize yourself before you come to
10 court.

11 A I wasn't told to look at a case file.

12 Q I am asking could you do it now if the Judge let
13 us take a recess.

14 A It would take probably a couple of hours.

15 Q Why so long?

16 A We are about an hour away from here.

17 Q Fair enough. If I remember right, you said that
18 you have been working for the Fairfield County
19 Sheriff's Office since 1988?

20 A Yes, sir.

21 Q You had heard of the Audre Belton murder before
22 Raymond Barnes brought it up with you, according to
23 your testimony, hadn't you?

24 A Yes, sir.

25 Q It was a pretty high-profile case in Fairfield

1 County, wasn't it?

2 A If you say so.

3 Q Well, I am asking you.

4 A Well, I was a road deputy, and I wasn't working
5 it.

6 Q Was it a case that people talked about?

7 A At some point. Yes, sir.

8 Q Are you aware of the May 1993 Crime Stoppers
9 where there was a white male age 30 to 40?

10 A No, sir.

11 Q Were you aware that an Andrew Williams was a
12 suspect?

13 A No, sir.

14 Q So you are probably not aware that he failed a
15 polygraph?

16 A No, sir.

17 Q Were you aware that Eddie Elgin, who is not
18 Curtis Elgin, was a suspect at some point?

19 A I may have seen that in the case file.

20 Q Are you aware that James Richards was a suspect?

21 A Not off the top of my head, no.

22 Q So you are probably not aware that he failed a
23 polygraph?

24 A No, sir.

25 MR. GROSE: Mark this as Applicant's Exhibit 3.

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1 (Whereupon, Applicant's Exhibit 3 was admitted
2 into evidence.)

3 BY MR. GROSE:

4 Q I will show you what has been marked as
5 Applicant's Number 3, which is a set of documents and
6 ask you if you recall seeing those in the case file.
7 You recall seeing them, but not all of them.

8 A I said I don't remember. I remember
9 seeing these with the prints on them. I remember
10 those. I remember the ones back at the back,
11 because these are some of the things that I
12 submitted that were brought to my attention on the
13 roadway.

14 Q Let's unpack that a little bit. When you were
15 saying that you remembered some of the deep
16 depressions, you were pointing to the front panel.
17 Can you read out these impressions, the names of the
18 people that you recall?

19 A Audre Belton --

20 MS. MCALLISTER: Your Honor, I understand that
21 this is information from the case file. I don't
22 understand how these are relevant to the allegations
23 in the case file.

24 MR. GROSE: We have to establish prejudice. The
25 Attorney General almost always submits and order that

1 says the evidence is overwhelming, even when you have
2 trial counsel. Judge Jones testified that it wasn't.
3 If they are going to concede that this is not a case
4 of overwhelming evidence against Mr. Elgin, we can
5 probably move on.

6 MS. MCALLISTER: Your Honor, there is no order
7 to submit at this point. I don't see how -- whether
8 the evidence is overwhelming or not has to do with
9 whether Mr. Barnes or Mr. Goins are -- I just don't
10 see how individually going over everyone in the case
11 file. What is in the case file is not relevant to
12 what was submitted at trial. These witnesses who
13 testified at trial, are they now changing their
14 stories. That doesn't have anything to do with the
15 evidence that is in the investigative files.

16 MR. GROSE: There still has to be a prejudice
17 inquiry. If I hear that she is not conceding that,
18 then I need to establish that they had multiple other
19 suspects and that this was not a case of overwhelming
20 evidence.

21 THE COURT: Okay.

22 BY MR. GROSE:

23 Q So can you go back and continue reading, please.

24 A (Witness reads names from the case file.

25 Inaudible.)

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1 Q You are looking at Page 5 of that document?

2 A Yes.

3 Q It has the number 300 written on the bottom; is
4 that right?

5 A Yes.

6 Q Is there anything that you recall about that
7 document?

8 A I remember some of the sheets. I don't remember
9 all of the sheets.

10 Q You testified earlier that there were some
11 things that you submitted. Please turn to that
12 exhibit and tell me what things you submitted.

13 A I don't know what page. It has 3-11 at the
14 bottom.

15 Q It looks like in black ink it was handwritten on
16 there.

17 A Yes, sir.

18 Q Items that were submitted: A dress; a
19 waistband; Ziploc bag; blue dress; panties; three
20 bras, giving a description of the three bras; shirt
21 and three shopping bags.

22 A That goes over to Page 314. I think you would
23 agree.

24 Q You know that you submitted those items because
25 the report was addressed to you; is that correct?

1 A Yes, sir.

2 MR. GROSE: I would like to move this into
3 evidence.

4 MS. MCALLISTER: Your Honor, I don't object to
5 moving in the pieces that he said he recognized. I
6 think he was saying he didn't recognize all of those
7 sheets.

8 BY MR. GROSE:

9 Q Do you recognize Page 296; is that correct?

10 A Yes, sir.

11 Q 297?

12 A Yes, sir.

13 Q 298?

14 A Yes, sir.

15 Q 299?

16 A Yes, sir.

17 Q 300?

18 A Yes, sir.

19 Q 301?

20 A No, sir.

21 Q 302?

22 A No, sir.

23 Q 303?

24 A No, sir.

25 Q 304?

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1 A No, sir.

2 Q 305?

3 A No, sir.

4 Q 306?

5 A No, sir.

6 Q 307?

7 A No, sir.

8 Q 308?

9 A No, sir.

10 Q 309?

11 A No, sir.

12 Q I believe you already testified that you

13 recognize 310 and 314.

14 A I recognize 311 through 314.

15 Q At this point the Amended Exhibit 1 would have

16 Page 296, 311 - 314. I would move those into

17 evidence.

18 THE COURT: Without objection.

19 MR. GROSE: I would like to mark Pages 301-310

20 for identification so we know what he wasn't able to

21 identify.

22 Mark that as Applicant's Number 4.

23 (Whereupon, Applicant's Exhibit 4 was marked for

24 identification.)

25 BY MR. GROSE:

1 Q We had some questions earlier about what
2 might or might not be in your file. Do you know
3 whether or not the Fairfield Sheriff's Office
4 complied with its obligation to turn over all of its
5 files to the solicitor's office in this case?

6 A Repeat that, please.

7 Q Usually, the law enforcement agency that makes
8 the arrest -- if it's going to be prosecuted in
9 General Sessions, provides a complete copy of the
10 file to the solicitor's office.

11 A I'm sure that went forward to the solicitor's
12 office.

13 Q Would it have been a complete copy of the file?

14 A I can't intelligently answer that, sir.

15 Q Are there ever times when the Fairfield
16 Sheriff's Office does not turn over a complete copy
17 of the Sheriff's Office file for that case for the
18 solicitor's office.

19 A I can't answer that.

20 Q Why not?

21 A I am not involved in every case.

22 Q Have you ever been involved in a case where that
23 was not done?

24 A Not in my experience, no.

25 Q The reason I am asking is because we have had

1 materials come to us that came from the solicitor's
2 office through the process. Your answers today are
3 suggesting to me --

4 MS. MCALLISTER: Your Honor, there is not a
5 question. This is testimony and argument.

6 MR. GROSE: I will have a question in just a
7 second.

8 BY MR. GROSE:

9 Q You are suggesting to me today that there might
10 be memorandums of interviews with Raymond Barnes that
11 haven't been turned over. I am trying to figure out
12 if that is really a possibly; that your whole file
13 hasn't been turned over in the discovery process.

14 A What I am saying to you is that that is the
15 responsibility of someone else getting that
16 information to him. I don't have the answer, sir.

17 Q So you can't sit here today and say with
18 confidence that that was done?

19 A I am telling you that that is not my
20 responsibility.

21 Q We asked you some questions about the Maxie
22 Floyd case. Was a suspect ever developed in that?

23 A No, sir. Just maybe a person or two of
24 interest.

25 Q Did Mr. Barnes help you develop one of those

1 people of interest?

2 A Yes, sir.

3 Q Was that person of interest ever arrested?

4 A Not to my knowledge. Not by the Fairfield
5 County Sheriff's Office.

6 Q By anybody for Ms. Floyd's death?

7 A Not to my knowledge, no, sir.

8 MR. GROSE: Beg the Court's indulgence.

9 BY MR. GROSE:

10 Q The information we have is that at some point
11 you were the lead investigator in the Audre Belton
12 murder case; is that true?

13 A As I said in my earlier testimony, I inherited
14 this particular case. I wasn't the lead investigator
15 at all times.

16 Q When did you inherit this case?

17 A I don't know the exact year. By estimate would
18 be like '93.

19 Q If I told you that the Ms. Belton's murder
20 occurred between February 8 and February 15 of 1993,
21 would that sound right?

22 A I can't intelligently say, yes. If I was
23 looking at some notes or something like that.

24 Q On Exhibit 3, which you did identify Page 296,
25 James Kitchens at one point was an investigator;

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1 right?

2 A Yes, sir.

3 Q Did he retire?

4 A He moved on to other employment yes.

5 Q So he left the Sheriff's Office?

6 A That's correct.

7 Q Would that be the point that you inherited the
8 case?

9 A I am not 100 percent sure of the time frame. It
10 could have been issued to me at a later time.

11 Q When you had your first conversation with
12 Raymond Barnes about the Audre Belton murder, had you
13 inherited the case at that point?

14 A I don't think I had started working on it per
15 say, but I knew it was in the office.

16 Q Let's unpack that.
17 This was a cold case?

18 A That's correct.

19 Q Do you remember when Mr. Kitchens left for other
20 employment?

21 A No, sir. I don't.

22 Q So when you started talking to Mr. Barnes, you
23 knew that the case was in the office?

24 A Yes.

25 Q At that point, did you know it was in the office

1 because you had become the lead investigator?

2 A No. I mean, the case was there. It wasn't
3 because I was the lead investigator. It was just
4 there. A cold case.

5 Q Was there anybody who was a lead investigator
6 between and you Mr. Kitchens?

7 A No.

8 Q Page 300 from Exhibit 3, you know that you
9 submitted those items because that was addressed to
10 you; is that right?

11 A Not that one.

12 Q Page 311.

13 A Yes. That's correct.

14 Q That report came back to you in January, on
15 January 25, 2005, or at least that is the date of it?

16 A There is no number, but I am pretty sure it's
17 correct.

18 Q Would it be fair to say by January 25, 2005,
19 that you were the lead investigator on this case?

20 A Yes, sir.

21 Q Did you remain the lead investigator through
22 trial?

23 A Yes, sir.

24 Q Getting back to my question as to the lead
25 investigator through the trial, can you tell us

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1 whether or not the entire file of the Fairfield
2 County Sheriff's Office was turned over to the
3 solicitor's office?

4 A As I testified earlier, we have personnel
5 that makes sure that the solicitor gets a complete
6 case file.

7 Q When Mr. Elgin was arrested, who was that
8 person?

9 A What was the person for what?

10 Q To ensure the entire copy of your file got
11 turned over to the solicitor's office?

12 A That was Karen Eisenhower.

13 Q What is her position?

14 A Record keepers.

15 Q Is she still there?

16 A Yes.

17 Q Is she still a records keeper?

18 A Yes.

19 Q Lindsay Goins. You know who he is.

20 A I don't know him. I have heard of him.

21 Q You know that he was in the jail in Fairfield
22 County at the same time that Curtis Elgin was?

23 A Yes, sir.

24 Q You know that he was in there for a criminal
25 sexual conduct charge; right?

1 A I don't know that by myself. Someone else told
2 me that.

3 Q Who told you that?

4 A Keith Lewis.

5 Q Who testified earlier?

6 A That's right.

7 Q You are not in doubt of Keith Lewis when he says
8 that, are you?

9 A I don't have any reason to.

10 Q When I looked for that charge on the judicial
11 department's website, it's not there. Can you tell
12 us why it is not there?

13 A I sure can't.

14 Q Would you infer that if there is not a public
15 record of it, that it was dismissed and expunged?

16 MS. MCALLISTER: Your Honor, I don't believe he
17 can answer that. He already said he doesn't know
18 what happened that charge.

19 MR. GROSE: I am asking if he can draw an
20 inference from that.

21 THE COURT: Sustained.

22 BY MR. GROSE:

23 Q Raymond Barnes was in Federal custody when you
24 met him; is that right?

25 A Yes, sir.

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1 Q You are familiar with the fact that Federal
2 Judges have different sentencing options than State
3 Court Judges; aren't you.

4 A I would imagine so.

5 Q I am sure that in your law enforcement career
6 going back to 1998, that you are aware that in
7 Federal Court they can do a downward departure from
8 a sentence even after somebody had been sentenced
9 and reduce their time.

10 A I guess. I don't know.

11 Q You are not aware of that?

12 A No, sir.

13 Q You are not aware of the fact that that is
14 something that a lot of Federal inmates try to get?

15

16 A I think they would, I guess. I have no any
17 idea.

18 Q You wouldn't think it would be important to know
19 that Mr. Barnes could have had that as a motive when
20 he was working with you?

21 A Known to me?

22 Q When you were the chief investigator, did you
23 ever look for a motive that he might have?

24 A No, sir.

25 MR. GROSE: Thank you, Your Honor. Those are

1 all the questions I have at this time.

2 BY MS. MCALLISTER:

3 Q Captain Craig, let's just go back a little
4 bit to 1996. You testified that Barnes
5 initiated an oral conversation with you about the
6 Belton murder.

7 A That's correct.

8 Q He was asking you about the case and did this
9 happen.

10 MR. GROSE: I'm going to object to the leading.

11 If she wants to direct him to a specific and then ask
12 if there had been a question, then I understand that.

13 THE COURT: Rephrase your question.

14 BY MS. MCALLISTER:

15 Q You testified earlier on direct that Mr. Barnes
16 asked you questions about the case; correct?

17 A Yes.

18 Q That first question that you had with Mr.
19 Barnes, do you recall when that was?

20 A Yes.

21 Q When was that?

22 A If the notes are correct, it was in '96?

23 Q Do you recall what month?

24 A No, ma'am. I don't recall what month.

25 Q So you had this first conversation, and then at

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1 some point that day or a couple days later, do you
2 recall how far in between the oral and conversation,
3 the statement -- like how far the time was?

4 A It wasn't no more than a couple of days.

5 Q Then after the written statement was taken, did
6 you continue to have conversations with Barnes about the
7 Belton case?

8 A No. We went back to working on the Maxie Floyd
9 case.

10 Q I think you just testified earlier that you took
11 this statement from Barnes and passed it on to somebody
12 else.

13 A Tat's correct.

14 Q You were not actively investigating the
15 Belton case yourself at that time; right?

16 MR. GROSE: Object to the leading. He has
17 testified that he was an investigating officer at
18 this time.

19 MS. MCALLISTER: That is what I am trying to get
20 at.

21 BY MS. MCALLISTER:

22 Q Were you yourself investigating the Audre Belton
23 case in June of 1996 when Mr. Barnes gave you this
24 statement?

25 A No.

1 Q You testified that at least by 2005 you had
2 become the lead investigator.

3 A That's correct.

4 Q I think Mr. Grose asked you some questions about
5 other suspects in this case.

6 Are you familiar with the fact that there were
7 other suspects, other than Mr. Elgin at that time?

8 A Only by the names that I saw on the sheets in
9 the case file.

10 Q Does the case file reflect that there were other
11 names in the file other than Mr. Elgin's name?

12 A Yes.

13 Q To your knowledge, did you or someone with the
14 Fairfield County Sheriff's Department investigate
15 people, other than Mr. Elgin?

16 A Yes.

17 Q Ultimately, Mr. Elgin was charged with this in
18 2005; correct?

19 A Yes.

20 Q To your knowledge, has anyone else ever been
21 charged?

22 A No.

23 Q Did you make the decision to charge Mr. Elgin?

24 A No. I did not.

25 Q Who makes that decision?

1 A The solicitor.

2 Q So your office is responsible for gathering the
3 evidence.

4 A We are simply the collectors.

5 Q How do you decide when to pass it on to the
6 solicitor?

7 A When we feel that we have gathered everything
8 that we can get. We present it to him, and he says
9 yay or nay.

10 Q You have been asked a lot of questions about the
11 recordkeeping and turning over a file to the
12 solicitor's office. I believe you gave the name of
13 the woman who is responsible for that in your office;
14 correct?

15 A Yes.

16 Q So you personally don't have any dealings with
17 that. You don't carry the file over to the
18 solicitor's office yourself; right?

19 A No, ma'am.

20 Q To your knowledge, was the entire file turned
21 over in this case?

22 A I don't have that information. I can only tell
23 you that it was put together.

24 Q Do you know who put it together?

25 A The prosecuting officer would put it

1 together.

2 Q Was that you in this case, or who was that?

3 A Yes.

4 Q So you would have put together a copy of
5 the file and given it to someone else to pass on to
6 the solicitor's office.

7 A That's correct.

8 Q To your knowledge, what you put together to pass
9 on to the solicitor's office, was that a complete
10 copy of the file?

11 A Yes.

12 Q I believe you testified to me on direct that you
13 never had any conversations with Lindsay Goins.

14 A No, ma'am.

15 Q Not in 1996; not in 2004?

16 A None.

17 Q Not before trial?

18 A No, other than just seeing him at the
19 courthouse.

20 Q Did you ever offer Barnes or Goins any kind of
21 reward or help or anything for their testimony?

22 A No, ma'am.

23 Q Did Barnes ever ask you to help him in exchange
24 for his testimony?

25 A No, ma'am.

1 Q Did he ever ask you to try to get his Federal
2 sentence or charges reduced or taken care of somehow?

3 A No, ma'am.

4 Q You were also asked a little bit about the old
5 jail in 1996.

6 A Yes.

7 Q Were there multiple cells in that jail?

8 A Yes.

9 Q So when you brought Mr. Barnes from Fairfield
10 County, did you pick out his cell?

11 A No, ma'am.

12 Q Do you know who did?

13 A I have no idea.

14 Q There has been some testimony about your brother
15 working at the jail. Were there also other officers
16 who worked at the jail?

17 A Yes.

18 Q At any time did you direct your brother to put
19 Curtis Elgin and Mr. Barnes together?

20 A No, ma'am.

21 Q Did you know that Curtis Elgin and Mr.
22 Barnes were cellmates before Mr. Barnes brought up
23 the Belton murder?

24 A No. That was the first time I had heard about
25 it.

1 MS. MCALLISTER: Thank you, Your Honor. That's
2 all I have.

3 THE COURT: Anything further?

4 MR. GROSE: May I have just a moment?

5 THE COURT: Yes, sir.

6 MR. GROSE: I just have a few things.

7 * * *

8 RE CROSS-EXAMINATION

9 BY MR. GROSE:

10 Q Do you know if Mr. Elgin was arrested based on
11 an arrest warrant or a direct indictment?

12 A Arrest warrant.

13 Q Did the solicitor's office apply for that arrest
14 warrant?

15 A No. I did.

16 Q So when we look at the arrest warrant, it's
17 going to be your signature on the affidavit?

18 A Yes, sir.

19 Q The Attorney General asked you some questions
20 about conversations that you were involved with, with
21 Mr. Barnes about the Audre Belton murder.

22 Do you remember that?

23 A Yes.

24 Q You are not changing your answer that you gave
25 me earlier; that after the written statement, you and

1 Agent Long continued to have conversations with Mr.
2 Barnes. You are not changing that testimony, are
3 you?

4 A Pertaining to?

5 Q Earlier when I was questioning you, you
6 testified that you couldn't recall the number of
7 conversations that you and Agent Long had with
8 Raymond Barnes about the Audre Belton murder case.

9 Do you remember that testimony?

10 A Yes.

11 Q That those conversations continued after the
12 written statement. Do you remember that testimony?

13 A I remember that I said that we talked a few days
14 after.

15 Q Earlier, you couldn't remember how many
16 conversations there were.

17 A No. I still don't.

18 Q When she was questioning you, it sounded like
19 you were trying to reduce that back down to two
20 conversations. But that is not what you are doing?

21 A No. I said a couple of days.

22 Q There were multiple conversations?

23 A The oral one and the written one.

24 Q But you can't remember the number of
25 conversations between you and Raymond Barnes and

1 Agent Long?

2 A That was what I remember.

3 Q There being multiple conversations?

4 A Yes.

5 MR. GROSE: Thank you.

6 MS. MCALLISTER: Nothing further, Your Honor.

7 THE COURT: You may step down. Thank you.

8 (Whereupon, the witness exited the witness
9 stand.)

10 MS. MCALLISTER: That is the State's case Your
11 Honor.

12 MS. FRANKLIN-BEST: I think, Your Honor, there
13 is just, like, one small piece of housekeeping. I am
14 wondering if we can do this by email so we can end
15 the day. Just pertaining to the deposition, I
16 believe that Ms. McAllister has some objections
17 on the basis of hearsay. We have had a
18 disagreement about that -- we have a copy that
19 has already been made as a Court's exhibit. We
20 can email you with those objections and then
21 you can rule on them by email so you can
22 understand.

23 THE COURT: That is fine.

24 MS. FRANKLIN-BEST: We will do that then, Your
25 Honor. What I would like to ask the Court to

1 allow me to do is to order a copy of the transcript
2 and then submit a briefing to Your Honor with our
3 case.

4 MS. MCALLISTER: I don't have any objection to
5 that, Your Honor. I would just ask for the same; to
6 be able to submit a brief as well.

7 THE COURT: Sure.

8 MS. MCALLISTER: We will do that expeditiously.
9 That is our case, Your Honor.

10 THE COURT: Thank you, all. I appreciate
11 you-all getting the case presented.

12 MS. FRANKLIN-BEST: Thank you.

13 THE COURT: All right. We will put it under
14 advisement and let you-all follow up on the
15 deposition and the briefs.

16 - - -END OF TRANSCRIPT- - -

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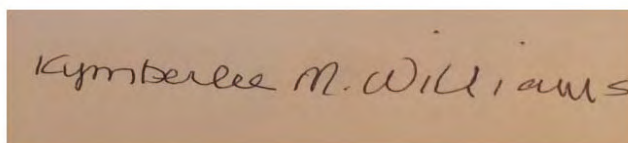
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CERTIFICATE OF REPORTER

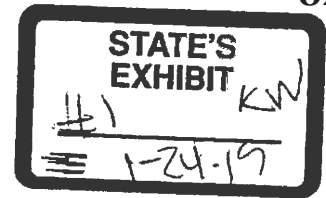
I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 16th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Fairfield County, South Carolina, on the 24 day of January, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

This, the 12 day of April, 2019.

A rectangular box containing a handwritten signature in dark ink. The signature is written in a cursive style and reads "Kymberlee M. Williams".

KYMBERLEE M. WILLIAMS, CSR/RPR



June 28, 1996
Raymond Barnes

Officers: Det. Fraizer Craig
Reid Long

My name is Raymond Barnes. I'm 50 years old. I am currently staying at the Detention Center in Fairfield County, Winnsboro, South Carolina.

On June 27, 1996, at approximately 6 o'clock, I met a young man in the cell with me by the name of Curtis. I don't remember his last name. Anyway we was talking. He was talking to me about a murder that had took place here in Winnsboro, about a lady. The lady was a light skinned lady, black woman, had long black hair, approximately 35 years old. He said the lady, that she was a nice looking lady and that the lady used to come up to the furniture store where he worked and would get furniture from the man who owned the store by the name of Jimmy Ray. Jimmy Ray and this lady he believed-- Curtis believed that Jimmy Ray and the lady had a romantic affair going on. I questioned him more about the murder, and asked him, if he done it what kind of gun was used? He said the gun was a 22 based on a 32 frame. I also asked him where he got the gun from. He said that gun belonged to Jimmy Ray, but the gun was found in the office of the furniture store and not out the truck. He said that the police believed that the gun was stolen out of Jimmy Ray's father's truck, when Jimmy Ray's father's truck was parked at the Winnsboro Detention Center Jail. He is the bail bondsman and he said the gun was not stolen out of the truck at the time. He said by the time they missed the gun, he already had the gun. He said he goes into the lady's house and he found \$1,900.00 in the lady's house. He said he found some more money there also, approximately \$800.00, left in there; that he didn't want to take it all. He said when the lady came in he chased the lady. He chased the lady all around the house and shot the

Raymond Barnes -- Belton Case

Page 2

lady a number of times. He shot the lady one time in her vagina. He shot her again one time in the leg, and he said the bullet that went in her vagina came out about the top part of her shoulder, more close to her back part. I asked him also, "Well if you did all this where is -- what did you do with the gun?" He said he took the gun and got rid of the gun. He threwed the gun over behind trash cans by a place -- I don't know if it is a recycling place or not. The place had something to do with a name of Rex. I don't remember what the place was a recycle place or not. The way he was talking it was some kind recycling place. He said it was close to a place called Uniroyal Tires. He said the lady was a good looking woman, and he had chased the lady all over the house and shot at her a number of times in the house in each room. He said two bedrooms-- He said you could see bullet holes in the walls in both -- in each bedroom or the living room or what part of the house. He said in the walls -- you could find bullet holes in the walls. He said he had spoken to the lady one day prior to that, asking her to let him cut her grass. The lady told him that she already had somebody to cut her grass. He told her that as fine as she looked he would cut the grass for free. The lady smiled and went back in the house. He then saw the lady again when the lady came up to the store and bought furniture. They took, him and a white guy, took the furniture to the lady's house. Took a living room suit to her house. He said they delivered a bedroom suit to the house. He also delivered a dinette set to the house. So he had been to her house on a number of occasions. He also had -- The gun was supposed to be a 22 based on a 32 frame. He said that he shot her a number of times. He said he shot her a number of times and this is why I asked him; I said, "How can you shoot that many times in a house and nobody heard

Raymond Barnes -- Belton Case

Page 3

you?"; you know, would have heard. He said, "Man"; he said at that time he was up set. He was -- He had -- He knowed what he had to do. He had to get rid of her and this is what he done. You know. He didn't say how many times he had shot her. He has a cousin who lives next door to her. He said he would go over to his cousin's and watch -- watch the lady read close. He also said the lady had a sister here and the sister is handling the ladies' house now. Has the house rented out. He said this thing happened around February the eighth. He said by the time the police department found, he said the body was two years -- two weeks old by the time the police department found the body. He said by that time, him and his cousin was out there also that particular day when the police come up and found the body. He said her sister or nephew or something went to the house and went in the house and run back out of the house hollering. He knowed then, you know, that they had found the body. He said you could smell it all over the community. He said also he had -- he thought he had shot her in the ear or behind the ear and also in the back of the head. He said the lady was still running. He was kinda upset because the lady wouldn't die right away. He had shot her a number of times -- I really didn't believe he could shoot somebody that many times and nobody heard it. Then when he goes back to the store and he was picked up in July on this investigation. He said the police department had questioned him a number of times and an Officer Kitchens had questioned him a number of times. He has a cousin: he lives in Winnsboro that's an attorney. He said that his cousin had drawn up some papers for Officer Kitchens to sign. When Officer Kitchens signed those papers, Officer Kitchens could not questioned him any longer pertaining to this matter. He said one time SLED Agents came to him to question him. ~~He was~~ high. He had been smoking marijuana and drinking

Raymond Barnes -- Belton Case

Page 4

some beer. He said he was high and he didn't want to make a mistake and say the wrong thing. He said when the SLED Agent asked him if they could talk to him for about 5 minutes, he told them, no, he had nothing to say, that he was high and that he wouldn't talk to them today. And so the SLED Agents left and said that they would talk to him another day.

[REID LONG-- Why was he talking to you about this particular case or killing?] Well I pretended to be a big time drug dealer that was coming through South Carolina and pretended to give him a job. Him and another inmate that was at the Fairfield County Jail by the name of Lindsey Goings and I was telling him that I could get them some "Keys". That they would be selling "Keys". I said that I needed somebody that -- a strong person that could do anything for some money and he said he was my man. I challenged him to fact that he wasn't strong enough, that he couldn't do it and he was telling me that he could. He said I didn't know him, that he could do these things. And a lot of things he said, I challenged him on it. Like he said that -- The reason -- I asked him if you had been all over the house, why didn't they find no fingerprints. He said that he had socks on his hands. I said how can you shoot a 22 as small as a 22 is with socks on your hands. I said, "You're shooting me a bunch of jive." He said, "No." He said the socks had a hole in the sock where he had just one finger out. I said I don't believe that and I said well what did you do with the gun after? He said he went to the gun and ~~threwed~~ the gun behind a garbage can by a dumpster. I said, "Wait a minute." I said if that's the case then why didn't these guys who go out everyday from the chain gang side, they goes out working all garbage dumpsters and clean up around these dumpsters, why didn't they find the gun? He said he don't know. He

Raymond Barnes -- Belton Case

Page 5

said but he do know later on Officer Kitchens came up to him and a couple more of his home boys and had a gun in a plastic bag. He knew then that they had the gun and Officer Kitchens told him that one of you all shot this woman -- killed this woman and you all are going to have to tell us. He said, "I'm going to find out who done it." He said Officer Kitchens throwed the gun in his lap and he said he jumped and said "Man, don't try and put that gun in my lap." He said that they had their man, but he just don't know how to get him.

[REID LONG- Did he say that the girl was Audry Belton?] Ah, he mentioned name, but I didn't push; I was mainly trying to find out in more detail what happened and how, more so that find out a name.

[REID LONG - When he was telling you this, did anyone else hear it?] Yes, Lindsey Goings.

Before the above interview, Barnes told Fraizer Craig and Reid Long that Curtis Elgin told him that the police should have gotten his fingerprints off of the thermostat because after he killed the woman he pushed the thermostat all the way on high before he left the house.

On July 1, 1996, Raymond Barnes told Fraizer Craig and Reid Long that he had talked to Curtis again over the weekend. He said that he had asked Curtis how he had gotten into the lady's house the night he killed her. He said that Curtis told him that Jimmy Ray had a key to the lady's house when she had bought furniture from their furniture store. He said that he had gotten the key this way, because they had used the key to deliver furniture to her house.

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FAIRFIELD COUNTY SHERIFF'S OFFICE

STATE'S
EXHIBIT

P. 3 PAGES

VOLUNTARY STATEMENT

I, Lindsay Moins am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Keith Lewis and Eric Hill. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 48 years of age, and I live at 4 King St Apt 2 Rochester N.Y.
I (can) cannot read and write and completed the 12th grade in school. DOB: [REDACTED]

I was in jail in 1996 in Fairfield County, I had been arrested for criminal sexual conduct 2nd degree. Curtis Elgin was put in my cell next, and I think he was arrested for assault and battery and some other charges. Next me and Elgin was put in a cell with Raymond Barnes, he was in jail on drug charges.

Sometime around June of 1996 Barnes received a carton of cigarettes and Elgin asked Barnes if he could have a cigarette and Barnes told him yes.

That is when we are started talking to each other. Barnes asked me what I was in for and I told him it was a personal matter, and then he asked Elgin and Elgin told him assault and battery, that's when Barnes told us he was a big time drug dealer and that he moved a lot of drugs.

Elgin told Barnes that he too was a drug dealer, and Barnes told Elgin that he was just small time. Barnes told us that he moved kilo's across state lines and sometimes in the drug business you have to rough up people who don't pay for their drugs. Elgin stated that he had killed a girl not too far from where I was living at the time. I thought Elgin was trying to make Barnes think that he was big time. Barnes asked Elgin "who did you kill" Elgin stated "A girl not too far from Lindsay" Barnes asked Elgin "what was her name?"

I have read each page of this statement consisting of 3 pages(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 11:30 P.M. on the 28th day of Dec, 2004
KELLY GERE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF December, 2004
Notary Public, State of New York
Genesee Co. Reg. No. 01GE6026951
Commission Expires June 21, 2007

Kelly Gere
NOTARY PUBLIC FOR SOUTH CAROLINA - New York

WITNESS:

WITNESS:

MY COMMISSION EXPIRES: 6/21/07

I certify that I have been given a copy of this statement consisting of 3 pages.

Signature of person giving voluntary statement

Lindsay Moins

Keith Lewis

Lindsay Moins

FAIRFIELD COUNTY SHERIFF'S OFFICE

PAGE NO. 2 OF 3 **833**ES

VOLUNTARY STATEMENT

I, LINDSAY MOINIS am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Keith Lewis and Eric Gill. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 48 years of age, and I live at 4 KING ST APT 2 ROCHESTER N.Y.
 I can cannot read and write and completed the 12th grade in school. DOB: [REDACTED]

Elgin stated "Audrey Belton", Elgin said that he was inside the house and looking for money when she came in the house and caught him looking in the drawers in the Bedroom furniture and that she asked him "what are you doing here" and that she tried to run and he grabbed her and they struggled and that he shot her 4 or 5 times and that he also shot into the wall a time or two. he said something about shooting her down low near her groin's area.

BARNES asked him "why did you do it?" and Elgin stated he went in to steal money and she came in and him Elgin first said that he took a screen off a Bedroom window and got into the house through the window, after I got in my Bunk I heard him telling BARNES about a key to the house, but I could not hear the rest of the conversation. But before I went to my Bunk Elgin told us that the gun was a 22 Pistol on a bigger frame something like a 32 Pistol. that he went behind the house and cross the Railroad tracks and threw the gun away behind a trash can near the unroyal Plant.

Elgin also said that the Police thinks the gun was stolen out of MR. Douglas's truck, but he got the gun out of the office when he was getting keys to a delivery truck. The only other thing that I

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 11:30 P.M. on the 28th day of Dec, 2004

SWORN TO AND SUBSCRIBED BEFORE
 ME THIS 28th DAY OF December 2004

KELLY GERE

Notary Public, State of New York
 Genesee Co. Reg. No. 01GE6026951
 Commission Expires June 21, 2007

NOTARY PUBLIC FOR SOUTH CAROLINA New York

MY COMMISSION EXPIRES: 6/21/07

WITNESS:

WITNESS:

I certify that I have been given a copy of this statement consisting of 3 pages.

Signature of person giving voluntary statement

WITNESS:

WITNESS:

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FAIRFIELD COUNTY SHERIFF'S OFFICE

PAGE NO. 1 OF 3 PAGES

VOLUNTARY STATEMENT

I, LINDSAY MOINS, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to KEITH LEWIS & ERIC MILL. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 48 years of age, and I live at 4 KING ST APT 2 ROCHESTER N.Y.
 I can cannot read and write and completed the 12th grade in school. DOB: [REDACTED]

Reminber is THAT ELIGIN made a statement about being in the AREA the day the Police and her sister found her body, and he said something about finding something in a wooded AREA behind his mother's house. off of old Camden Road.

I have read each page of this statement consisting of 3 pages(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 11:30 P M. on the 28th day of Dec, 19 2004

SWORN TO AND SUBSCRIBED BEFORE
 ME THIS 28th DAY OF December, 2004

KELLY GERE
 Notary Public, State of New York
 Genesee Co. Reg. No. 01GE6026951
 Commission Expires June 21, 2007

Signature of person giving voluntary statement

NOTARY PUBLIC FOR SOUTH CAROLINA New York

MY COMMISSION EXPIRES: 6/21/07

WITNESS: Keith Lewis

WITNESS: Eric Mill

I certify that I have been given a copy of this statement consisting of 3 pages.

Lindsay Moins

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

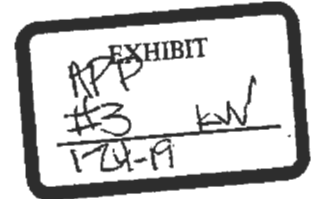
CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Latent Print Department
June 25, 1993
SLED Lab No.: L93-2667
Your Case No.: Not listed
Incident Date: 02-15-93
(V) Belton, Audre

Investigator James Kitchens
Fairfield County Sheriff's Office
P. O. Box 387
Winnsboro, SC 29180



This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

- 9 One (1) set of post mortem inked impressions - Audre Belton.
- 10 One (1) card bearing inked prints - Rogers Brown.
- 11 One (1) card bearing inked prints - Eddie L. Gaither.
- 12 One (1) card bearing inked prints - Constance B. Gaither.
- 13 thru 16 Four (4) cards 8½" x 5½" containing latent prints.
- 17 One (1) plastic bag containing food items.
- 19.1 One black/white photograph containing latent prints.
- 19.2 One black/white photograph containing latent prints.
- 20 One (1) set of major case inked impressions - Robert Boyte.
- 21 One (1) set of major case inked impressions - Randy Sisk.
- 22 One (1) set of major case inked impressions - Robert Bird.
- 23 One (1) set of major case inked impressions - James Joyner.

Continued.

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Page 2 of 4
L93-2667
June 25, 1993

ITEMS SUBMITTED:

- 24 One (1) set of major case inked impressions - James Kitchens.
- 25 One (1) set of major case inked impressions - Joseph Silvia.
- 26 One (1) set of major case inked impressions - Joseph Thompson.
- 27 One (1) set of major case inked impressions - Melvin Lawton.
- 28 One (1) set of major case inked impressions - Andrew Williams.
- 29 One (1) set of inked palm impressions - Eddie Gaither.
- 30 One (1) set of inked palm impressions - Rogers Brown.
- 31 One (1) set of inked palm impressions - Constance Gaither.
- 32 One (1) card bearing inked prints - James Richards, III.
- 33 One (1) card bearing inked prints - Charlie Cason.
- 44 One (1) card bearing inked prints - Kenneth Edwards McDonald, SID #286251, received from SLED Records.
- 45 One (1) set of major case inked impressions - Jerry L. Evans.
- 46 One (1) set of major case inked impressions - Booker T. Wilds, Jr.
- 47 One (1) set of major case inked impressions - James Richards.
- 48 One (1) set of major case inked impressions - James Woodard, Jr.
- 49 One (1) set of major case inked impressions - Joe Thompson.
- 50 One (1) set of major case inked impressions - Michael Chappell.
- 51 One (1) set of inked palm impressions - Regal Ronnell Gadsen.
- 52 One (1) set of major case inked prints - Charlie Cason.
- 53 One (1) set of major case inked prints - John W. Seibles.
- 54 One (1) set of major case inked prints - Herman W. Young.
- 56 Two (2) cards bearing inked impressions - Craig Anthony Boston.

Continued.

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Page 3 of 4
Case No.: L93-2667
June 25, 1993

ITEMS SUBMITTED: (Continued)

- 57 Two (2) cards bearing inked impressions - Eddie Gaither.
- 58 One (1) card bearing inked impressions - Steven White.
- 59 One (1) card bearing inked impressions - Ronald Charles Cathey.
- 60 One (1) card bearing inked impressions - John Anderson.
- 61 Two (2) cards bearing inked impressions - James S. Thompson.
- 62 One (1) card bearing inked impressions - Kenny McDonald.
- 63 One (1) card bearing inked impressions - James M. Wilker.
- 64 Two (2) cards bearing inked impressions - Franklin Eugene Harrison.
- 65 Two (2) cards bearing inked impressions - Charles Sims, Jr.
- 66 One (1) set of major case inked impressions - Andrew Jim Williams, IV.
- 67 One (1) sheet of paper containing inked prints - Joel Richards.
- 70 One (1) set of major case inked impressions - Roberta L. Miller.
- 71 One (1) set of major case inked impressions - Joye C. Miller.
- 72 One (1) set of major case inked impressions - James Chappell.
- 73 One (1) set of major case inked finger and palm impressions - Regal Gadson.
- 76 One (1) set of major case inked finger and palm prints - Furman Coleman.
- 77 One (1) H&R 22 caliber revolver, serial number NB034342.

RESULTS OF EXAMINATION: The Items 13 through 16 latents were examined and compared to the submitted inked impressions with the following results:

- 13 Contains insufficient ridge detail for identification.
- 14 Negative with Items 9, 20 through 31, 45 through 50, 52, 53, 54, 56, 57, 58, 59, 60, 62, 63, 67, 70, 71, 72, 73 and 76. Areas not represented on Items 32, 33, 44, 51, 64, 65, and 66; cannot eliminate.

Continued.

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Page 4 of 4
Case No.: L93-2667
June 25, 1993

RESULTS OF EXAMINATION: (Continued)

15 Negative with Items 9, 20 through 31, 45 through 50, 52, 53, and 54, 56 through 65, 66, 67, 70, 71, 72, 73 and 76. Areas not represented on Items 32, 33, and 44.

16 Contains insufficient ridge detail for identification.

Item 17 was examined and processed for latent prints with negative results; no ridge detail was developed.

The Item 19.1 and 19.2 photographs of latents were examined and compared to the submitted inked impressions with the following results:

19.1 Negative with Items 9, 10 through 12, 20 through 28, 32, 33, 44, 45 through 50, 52, 53, 54, 56 through 65, 66, 70, 71, 72, 73, and 76. Areas not represented on Items 51 and 67; cannot eliminate.

19.2 Duplicate of Item 14.

The latents submitted are not of sufficient quality for entry and search in the South Carolina AFIS data base.

Please submit major case inked finger and palm impressions for further examination and comparison.

Item 77 was examined and processed for latent prints with negative results; no ridge detail was developed.

These examinations and comparisons were conducted by S/A David Black and S/A Larry Gainey, Examiners with this Division.



David W. Black, Special Agent



Lawrence E. Gainey, Special Agent

DWB/LEG/nt

CC: Coroner Joseph A. Sylvia

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Latent Print Department
August 18, 1993
SLED Lab No.: L93-2667
Your Case No.: Not listed
Incident Date: 02-15-93
(V) Belton, Audre

Investigator James Kitchens
Fairfield County Sheriff's Office
P. O. Box 387
Winnsboro, SC 29180

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ADDITIONAL REPORT

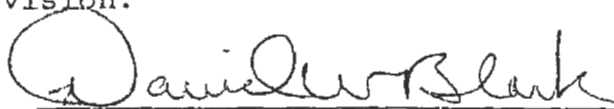
ITEM(S) SUBMITTED:

- 83 One (1) set of major case prints - Jimmy Ray Douglas.
- 84 One (1) set of major case prints - Harold E. Douglas, Jr.
- 85 One (1) set of major case prints - Harold Crocker.
- 86 One (1) set of major case prints - Eddie Elgin.
- 87 One (1) set of major case prints - Mark Edenfield.

RESULTS OF EXAMINATION: The previously submitted Items 14, 15, and 19.1 were compared to the Item 83, 84, 85, 86, and 87 inked impressions with negative results.

Please submit major case inked finger and palm prints for further examination and comparison.

These examinations and comparisons were conducted by Special Agent David Black, Examiner with this Division.


David W. Black, Special Agent

DWB/nt

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



ROBERT M. STEWART
Chief

EVIDENCE PROCESSING DEPARTMENT

Inv. Craig Frazier
Fairfield County Sheriff's Office
350 Columbia Road
Winnsboro, SC 29180

January 25, 2005
SLED Lab No: L93-02667
Your Case No: 93-0919
Incident Date: 02/15/93
(V) Belton, Audre Ann

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item 121: Dress

RESULTS:

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

Item 122: Waist band

RESULTS:

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

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Item 123: Ziplock bag**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

No serological examination performed.

Item 124: Blue dress**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Samples collected and sent to the DNA Department for further analysis.

Item 125: Panties**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

Item 126: Three (3) bras**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Samples collected and sent to the DNA Department for further analysis.

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Item 127: Red bra**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

Item 128: Bra**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

Item 129: Shirt**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Sample collected and sent to the DNA Department for further analysis.

Item 130: Panties**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

No blood detected.

Sample collected and sent to the DNA Department for further analysis.

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Item 131: Two (2) waist bands**RESULTS:**

This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

Samples collected and sent to the DNA Department for further analysis.

Item 132: Three (3) shopping bags**RESULTS:**

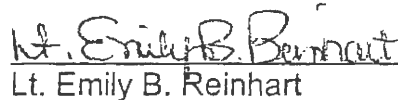
This item was processed for hair. All potential hair evidence collected was preserved. Further analysis will be considered upon completion of other definitive testing.

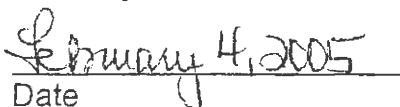
No serological examination performed.

These examinations were conducted by Forensic Technician Patti B. Ruff in the Evidence Processing Department and reviewed by Lt. Emily B. Reinhart, Supervisor.


Patti B. Ruff

Forensic Technician


Lt. Emily B. Reinhart


Date

PBR

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR

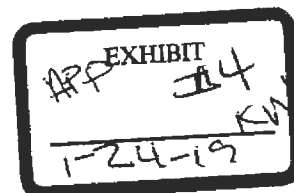


ROBERT M. STEWART
CHIEF

Firearms Department

February 26, 1993
SLED Lab No: L93-2667
Your Case No: 93-0919
Incident Date: 02-15-93
(V) Belton, Audre A.

Investigator James Kitchens
Fairfield County Sheriff's Dept.
400 Washington Street
Winnsboro, SC 29180



This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

- 5 One bullet - "from back BR under window".
- 6 One bullet - "from back BR next to inside wall".
- 35.1 One bullet fragment - from "Audre A. Belton, Bullet #2".
- 35.2 One bullet fragment - from "Audre A. Belton, Bullet #3".
- 35.3 One bullet - from "Audre A. Belton, Bullet #4".
- 43 One North American Arms model NAA22-S revolver, 22 Short caliber, serial number 22782, in leather pouch.
- 43.1 thru 43.5 Five unfired 22 Short caliber cartridges - received with Item 43.

RESULTS OF EXAMINATION: Item 43 was examined, test fired, and found to be in working order, except that it would occasionally fail to index the cylinder properly.

Test bullets fired by Item 43 were compared with the submitted evidence, and it was concluded that Items 5, 6, and 35.3 were not fired by Item 43. Comparison with Item 35.1 was inconclusive. Item 35.2 was unsuitable for comparison.

Continued.

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Page 2 of 2
Case No.: L93-2667
February 26, 1993

RESULTS OF EXAMINATION: (Continued)

Intercomparison of Items 5, 6, 35.1, and 35.3 revealed that Items 6 and 35.1 had been fired by the same weapon. Comparisons with Items 5 and 35.1 were inconclusive.

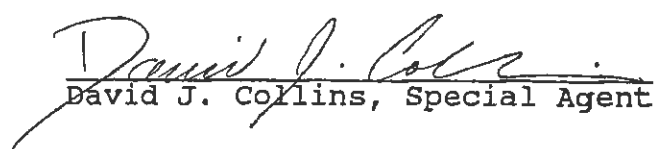
Examination of Items 5, 6, and 35.3 revealed them to be copper-plated lead bullets consistent with bullets found in 22 Long Rifle caliber ammunition. Item 35.1 was consistent with bullets found in 22 Short, Long, or Long Rifle caliber ammunition. Possible makes of weapons which may have fired Items 5, 6, 35.1, and 35.3 include, but are not limited to, the following:

Omega	Hi-Standard	Savage
Herbert Schmidt	Gecado	H&R
Ruger	Browning	Revelation
Higgins	Regent	Clerke
Ithaca	Iver Johnson	Garcia Rossi
F.I.E.	Arms Corp of Amer.	CDM
Buddie Arms	Llama	Western Arms Corp.
Geco	Rigarmi	Madison Import
Star	L. A. Dist.	Gabilondo
Eig	Arcadia Mach. & Tool	Walther
Noble	Herteris	Garcia
Mossberg	Hy Hunter	North American Arms
Hawes	Roland	HJS Industries
FTL Marketing	Wilkinson Arms	Smith & Wesson
Sterling Arms	Astra	Etienne
Liberty	Gevarm	Thompson Center
Kassnar	Whitney Arms	Hamilton Rifle
American Indust.	Taurus	Talon
Unique	Western Field	Imperial Products
Titan		

The Item 43.1 through 43.5 cartridges were the proper caliber ammunition to be fired in Item 43.

Items 5, 6, 35.1, 35.2, and 35.3 are being retained in the open files of this office for possible future comparisons.

These examinations and comparisons were conducted by Special Agent David J. Collins, Firearms Examiner with this Division.


David J. Collins, Special Agent

DJC/nt
CC: Coroner Joseph A. Sylvia

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Firearms Department
April 6, 1993
SLED Lab No: L93-2667
Your Case No: 93-0919
Incident Date: 02-15-93
(V) Belton, Audre

Investigator James Kitchens
Fairfield County Sheriff's Dept.
P. O. Box 387
Winnsboro, SC 29180

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ADDITIONAL REPORT

ITEM(S) SUBMITTED:

- 68 One Gecado revolver, 22 Short caliber, serial number 663090 - in cloth bag.
- 69.1 thru 69.4 Four 22 Short caliber cartridges - in bag with Item 68.

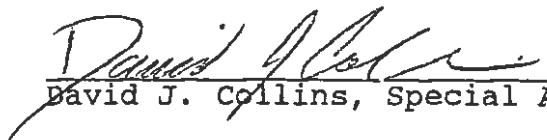
RESULTS OF EXAMINATION: Item 68 was examined, test fired, and found to be in working order. However, it was noted that the rebound mechanism on Item 68 did not function properly.

Test bullets fired by Item 68 were compared with Items 5, 6, 35.1, 35.2, and 35.3 (all previously submitted), and it was concluded that Items 5, 6, 35.1 and 35.3 were not fired by Item 68. Item 35.2 was not suitable for comparison purposes.

Items 69.1 through 69.4 were the proper caliber ammunition to be fired in weapons such as Item 68.

Items 5, 6, 35.1, 35.2, and 35.3 will continue to be retained for possible future comparisons.

These examinations and comparisons were conducted by Special Agent David J. Collins, Firearms Examiner with this Division.


David J. Collins, Special Agent

DJC/nt
CC: Coroner Joseph A. Sylvia

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Firearms Department

May 14, 1993
SLED Lab No: L93-2667
Your Case No: 93-0919
Incident Date: 02-15-93
(V) Belton, Audre A.

Investigator James Kitchens
Fairfield County Sheriff's Dept.
400 Washington Street
Winnsboro, SC 29180

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Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ADDITIONAL REPORT

ITEM(S) SUBMITTED:

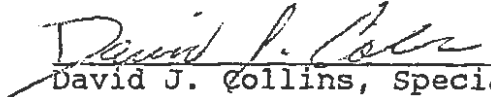
74 One CDM revolver, 22 Short caliber, serial number 313948.

RESULTS OF EXAMINATION: Item 74 was examined, test fired, and found to be in working order. However, it was noted that the rebound mechanism did not function properly and that the cylinder would not index when the hammer was manually cocked (single action).

Test bullets fired by Item 74 were compared with the previously submitted Items 5, 6, 35.1, and 35.3. Comparisons with Items 5 and 35.1 were inconclusive. Items 6 and 35.3 were not fired by Item 74.

Items 5, 6, 35.1 and 35.3 will continue to be retained in the open files of this office for possible future comparison.

These examinations and comparisons were conducted by Special Agent David J. Collins, Firearms Examiner with this Division.


David J. Collins, Special Agent

DJC/nt

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Firearms Department
July 2, 1993
SLED Lab No.: L93-2667
Your Case No.: 93-0919
Incident Date: 02-15-93
(V) Belton, Audre Ann

Sergeant James Kitchens
Fairfield County Sheriff's Office
400 W. Washington Street
Winnsboro, SC 29180

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ADDITIONAL REPORT

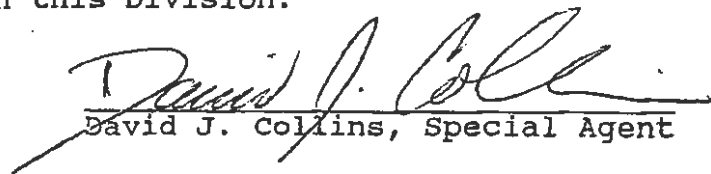
ITEM(S) SUBMITTED:

- 75 One Rohm Model RG10S revolver, 22 Long Rifle caliber, serial number 72750.
- 77 One New England Firearms (NEF) Model R92 revolver, 22 Long Rifle caliber, serial number NB034342.
- 77.1-77.6 Six fired cartridge cases - from cylinder of Item 77.

RESULTS OF EXAMINATION: Items 75 and 77 were examined, test fired, and found to be in working order.

Test bullets and cartridge cases fired by Item 75 and 77 were compared with Items 77.1 thru 77.6 and the previously submitted evidence (Items 5, 6, 35.1, and 35.3). Individual identifying characteristics were found and it was concluded that Items 6, 35.3 and 77.1 thru 77.6 were fired by Item 77. Comparisons between Items 5 and 35.1 with test bullets fired by Item 77 were inconclusive. Items 5 and 35.1 were not fired by Item 75.

These examinations and comparisons were conducted by Special Agent David J. Collins, Firearms Examiner with this Division.


David J. Collins, Special Agent

DJC/TSR

cc: Sergeant Fay C. Lane

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

TOXICOLOGY DEPARTMENT

March 17, 1993

SLED Lab No: L9302667

Your Case No: 93-0919

Incident Date: February 15,

(V) Belton, Audre

(S) Boyte, Robert

(S) Sisk, Randy

(S) Bird, Robert

James Kitchens
Fairfield County Sheriff's Department
P.O. Box 387
Winnsboro, SC 29180

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item 36: Vitreous fluid from victim.

RESULTS:

Negative ocular fluid ethanol found.

Item 37: Grey top tube of blood from victim.

RESULTS:

0.026 % blood alcohol found.

Negative screen for Barbiturates.

(Secobarbital et al.)

Urine threshold 0.2 mg/L; blood threshold 2.0 mg/L.

Negative screen for Benzodiazepines.

(Oxazepam, nordiazepam, et al.)

Urine threshold 0.2 mg/L; blood threshold 0.05 mg/L.

Negative screen for Cocaine and/or Cocaine metabolites.

(Cocaine, benzoylecgonine, et al.)

Urine threshold 0.3 mg/L; blood threshold 0.3 mg/L.

Negative screen for Opiates.

(Morphine, codeine, et al.)

Urine threshold 0.2 mg/L; blood threshold 0.2 mg/L.

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Page 2 of 2
SLED Lab #L9302667
(V) Belton, Audre
March 22, 1993

Negative screen for Tricyclic Antidepressants.
(Imipramine, amitriptyline, et al.)
Urine threshold 0.075 mg/L; blood threshold 0.075 mg/L.

Negative screen for Propoxyphene.
Blood threshold 0.3 mg/L; urine threshold 0.3 mg/L.

Forensic Toxicologist

William E. Brewer

William E. Brewer, Ph.D.

3/25/93

Date Signed

SLED

Location

Date Completed: 3-15-93

WEB/dhb

cc: Fairfield County Coroner Joe Silvia

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Trace Department
June 7, 1993
SLED Lab No: L93-2667
Your Case No: 93-0919
Incident Date: 2-15-93
(V) Andre A. Belton

Inv. James Kitchens
Fairfield Co. Sheriff's Department
4008 Washington Street
Winnsboro, SC 29180

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED

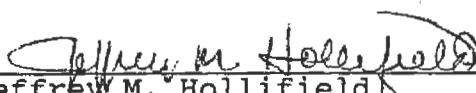
- 7. Army jacket
- 8. Atomic Absorption Kit from Victim
- 34. Victim's Clothing:
 - 34.1 Pink bra
 - 34.2 Green panties
 - 34.3 White shoes
 - 34.4 White slip
 - 34.5 Blue jeans
 - 34.6 Yellow shirt
- 42. Three (3) envelopes containing hair from the victim

RESULTS OF EXAMINATION(S)

- 7. No gunpowder residue found.
- 8. Elevated levels of lead were found on the right palm of Audre Belton.
- 34.2 One (1) hole found corresponding to location of bullet hole in blue jeans.
- 34.5 One (1) bullet hole found.
Gunpowder residue found around bullet hole.
Lead residue found around edge of bullet hole indicating the passage of a bullet.
- 42. Hair standards from victim.

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These examinations were conducted by S/A Jeffrey M. Hollifield, Forensic Trace Evidence examiner with this Division.



Jeffrey M. Hollifield
Special Agent

6/10/93
Date

JMH/lgk

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

July 1, 1993

Inv. James Kitchins
Fairfield County Sheriff's Office
PO Box 387
Winnsboro, SC 29180

SEROLOGY DEPARTMENT

SLED Case Number: L93-2667
Your Case Number: Not Listed
Incident Date: 02-15-93
Date Submitted: 02-17-93
Victim(s): Audre Belton

Dear Sir:

The evidence in the above referenced case was received from your agency and has been inventoried and processed for biological stains. These stains have been frozen and will be preserved. No further analysis will be conducted until blood samples from the subject(s) are submitted.

If serological analysis is needed prior to submission of subject(s) samples, please contact the SLED Forensic Serology Laboratory at 896-7383. Any decisions regarding these exceptions will be made on a case by case basis.

Please call the SLED Forensic Serology Laboratory if additional information becomes available (such as the need for DNA analysis or if the case is no longer active).

The evidence has been repackaged for return to your agency.

I appreciate your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Robin A. Whitmire".

Robin A. Whitmire
Special Agent

kmd

cc: Fairfield County Solicitor's Office

Joe Silver, Fairfield County Coroner

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Nov 29 2021

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)
Curtis Lee Elgin, #258179,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

Case No.: 2012-CP-20-0232

ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 31, 2012. Respondent made its Return on January 23, 2013. After a lengthy discovery process, Applicant, through counsel, amended the application on January 22, 2019. An evidentiary hearing into the matter was convened on January 24, 2019, at the Lancaster County Courthouse before the undersigned. Elizabeth Franklin-Best, Esquire, and E. Charles Grose, Jr., Esquire, represented Applicant. Lindsey A. McCallister of the South Carolina Attorney General's Office represented Respondent.

At the hearing, Applicant presented testimony from a private investigator, Pete Skidmore, Jr., and the Honorable Gwendlyne Y. Jones, Applicant's original trial counsel. Keith Lewis and Frazier Craig, the investigating officers from the Fairfield County Sheriff's Department,¹ testified for the State.

At the close of all the evidence, the Court indicated it would take this matter under advisement, and the parties requested the opportunity to submit post-trial briefs. After a review of the testimony and evidence presented at the hearing, along with the arguments of counsel, this

¹ At the time of the hearing, Mr. Lewis was no longer employed as a law enforcement officer, and instead worked as an investigator for the Sixth Circuit Solicitor's Office.

Court finds Applicant has failed to meet his burden of proof as to newly discovered evidence. Relief is denied, and the application is dismissed with prejudice.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections. The Fairfield County Grand Jury indicted Applicant at the July 2005 term for murder (2005-GS-20-0273). Gwendlyne Young Smalls (now Jones) represented Applicant. Then-Assistant Solicitor Douglas Barfield prosecuted the case for the State.

Applicant's case was called for trial on January 6-9, 2009, before the Honorable Brooks P. Goldsmith and a jury. The jury found Applicant guilty as indicted. On July 9, 2009, Judge Goldsmith sentenced Applicant to fifty years' imprisonment. Applicant filed a motion for a new trial on July 16, 2009. A hearing was held on the motion before Judge Goldsmith on September 15, 2009, after which Judge Goldsmith denied the request by written order.

Applicant then filed a timely notice of appeal, which was perfected by then-Appellate Defender Elizabeth Franklin-Best, who now represents Applicant in this PCR action. Ms. Best raised a single issue in Applicant's brief: whether the trial court erred in denying Applicant's motion for a new trial on the basis that a juror allegedly improperly discussed the case with her mother. The Court of Appeals affirmed in a published opinion filed May 16, 2012. State v. Elgin, 398 S.C. 39, 726 S.E.2d 231 (Ct. App. 2012). The remittitur was issued June 1, 2012.

SUMMARY OF TESTIMONY AT TRIAL

The victim in this case, Audre Belton (Belton), was shot to death in her home on or about February 8, 1993. Applicant was convicted of her murder on July 9, 2009.

Belton was last seen on February 1993, her birthday, leaving her job. (R. p. 34, line 12-p. 35, line 23; p. 42, lines 2-11). Co-workers recalled she was wearing jeans, a yellow shirt, and

an army jacket. (R. p. 32, line 22- p. 33, line 5; p. 34, lines 1-6; p. 45, line 22 - p. 46, line 6). One week later, on February 15, 1993, Constance Gaither (Gaither), Belton's sister, stopped by Belton's home to check on her because she was concerned and had not heard from Belton. Belton's car was in the carport with workbag in the back seat. (R. p. 60, line 4 - p. 61, line 14). Gaither felt "like something wasn't right," so she left and returned with her husband before entering Belton's home with a key. (R. p. 62, line 24 - p. 63, line 23). Gaither and her husband eventually found Belton's body in the back bedroom, still clad in jeans and a yellow shirt. (R. p. 63, lines 6-21; p. 68, line 23 - p. 69, line 23; p. 84, lines 1-25). Belton's army jacket was found splashed with blood in a separate bedroom. (R. p. 34, lines 7-11; p. 179, line 17 - p. 180, line 19).

Gaither ran next door and called for help. (R. p. 70, lines 2-8). By the time Gaither discovered the body, Belton had already been dead "for several days." (R. p. 126, line 18 - p. 127, line 2). Gaither later determined Belton's purse was missing, and in fact, neither the purse, nor any of its presumed contents - such as a driver's license - was ever found. (R. p. 74, lines 20-25; p. 75, lines 16-18; p. 76, lines 16-23).

Initially, the evidence and leads in the case were slim. Investigation of the site revealed an outside screen to a window was on the ground, though there was no sign of actual forced entry (R. p. 144, line 7 - p. 145, line 2); a lunch bag had been dropped in the kitchen (R. p. 145, lines 5-24); a .22 bullet, a bullet fragment, and bullet holes were located in the bedroom where the army jacket was found (R. p. 180, line 23 - p. 181, line 8); additional bullets holes were found near the attic access area in the hallway and another in the hallway (R. p. 169, line 21 - p. 180, line 18; p. 175, lines 1-11); there was blood on a light switch, an electrical outlet and an air vent near one of the bullet holes in the second bedroom (R. p. 177, lines 15-21; R. p. 188, line 4 - p. 189, line 17); there were "bloodstain patterns" on "the wall and doorframe, the door jamb

area” of the second bedroom and evidence of “dripping blood” on the baseboard (R. p. 189, line 23 - p. 190, line 8); the thermostat was set at 52 degrees (R. p. 175, lines 6-10); and, in the master bedroom where Belton was found, there were “drag marks” in blood indicating Belton “was drug from another location” (R. p. 192, lines 2-7). Also, one finger print and two palm prints suitable for evaluation were recovered; however, none matched Applicant or any of the other initial suspects or known samples. (R. p. 158, line 3 - p. 159, line 6). Footwear prints were also recovered but discounted as likely matching emergency personnel. (R. p. 162, line 13 - p. 163, line 22).

Approximately four months later, on June 16, 1993, an officer with the Winnsboro Police Department, happened upon a discarded gun near the Uniroyal plant in Winnsboro. (R. p. 235, lines 1-13). Golf Course Road, where Belton lived, is approximately a “five minute walk maybe, three minutes” from the area where the gun was found. (R. p. 238, lines 13-19). The gun was located near two dumpsters. (R. p. 239, lines 3-6). Aware of the ongoing murder investigation, (R. p. 236, lines 6-20), officers secured the weapon and turned it over to the Fairfield County Sherriff’s Department. (R. p. 242, lines 2-7). SLED analyst David Black then took receipt of the gun from a Fairfield County officer on June 23, 1993. (R. p. 185, lines 4-7). Agent Collins determined the bullet fragment recovered from Belton’s abdomen as well as one of the bullets recovered in the home were both fired by the .22 caliber gun recovered behind the Uniroyal plant. (R. p. 272, line 22 - p. 273, line 9; p. 328, lines 20-24; p. 337, lines 6-9 p. 334, line 16 - p. 335, line 9; p. 337, line 23 - p. 338, line 8).

SLED traced the gun to Kenneth Wayne Haney, Sr. and Kenneth Wayne Haney, Jr. The elder Mr. Haney purchased the gun for his son on January 20, 1989, from Jimmy Ray Douglas at Carolina Furniture. (R. p. 222, lines 6-22). His son returned the gun to Jimmy Ray Douglas

approximately six to eight months later on trade. (R. p. 227, line 10 - p. 228, line 13).

Jimmy Ray Douglas testified that he took over Carolina Furniture from his father, Harold Douglas. Harold Douglas (who was unavailable at trial due to Alzheimers), not only sold furniture, but also sold firearms at the store, rented houses, and ran a bail bond business. (R. p. 201, lines 3 - p. 202, line 6; p. 207, lines 12-16). Jimmy Ray Douglas testified Applicant was employed by Carolina Furniture around the time of the murder, assigned to stock work and deliveries. (R. p. 202, line 18- p. 203, line 6). Jimmy Ray Douglas confirmed his father purchased the .22 pistol on January 20, 1989. (R. p. 204, line 10 - p. 206, line 8). He also confirmed the pistol was taken back from the younger Haney on trade. (R. p. 206, line 15 - p. 207, line 3). Jimmy Ray Douglas testified he then gave the pistol to his father, Harold, who put the pistol in a cabinet in the office. (R. p. 207, lines 4-8).

According to Jimmy Ray Douglas, his father apparently took the gun at some point and put it in the glove compartment of his father's personal truck (which he also used in his bail bond business). (R. p. 207, line 17 - p. 208, line 13). Jimmy Ray testified no one had "missed" the gun "[b]ecause daddy lost the key to his glove box... So he just didn't think anything about it." (R. p. 209, lines 16-24). After investigators inquired about the gun, Jimmy Ray Douglas requested the glove box be opened and discovered that gun was not there. (R. p. 209, line 9 - p. 210, line 9). Jimmy Ray testified he did not recall who Belton was until he saw her picture in a newspaper, but Carolina Furniture sold her a kerosene heater sometime prior to her death. (R. p. 210, line 25 - p. 211, line 10).

The store did not, however, deliver kerosene heaters, and Jimmy Ray Douglas testified there were no store records that indicated any deliveries had been made to Belton's home. (R. p. 217, line 5 - p. 218, line 8). In fact, the address Belton gave as her residential address at the

time of the heater's purchase was different than the Golf Course Road address where her body was discovered. (R. p. 218, lines 13-15). Jimmy Ray Douglas recalled, however, that delivery personnel at the store definitely had access to his father's personal truck and would "dr[ive] daddy's truck around from the back to the front each night when we were closing up." (R. p. 219, line 24 - p. 220, line 8). He did not recall whether Applicant ever accompanied his father on any bail bonding business. (R. p. 212, lines 12- 16).

On July 14, 1993, approximately one month after discovery of the gun, as part of a general investigation running down any and all leads, officers stopped Applicant on the street close to Belton's home and asked to question him. Officers were aware the rifle had been recovered and that Applicant had worked at Carolina Furniture. (R. p. 488, line 21 - p. 489, line 11). Applicant agreed to speak with the officers and told them he did not know Belton but knew who she was. He told them "his girlfriend lived about five doors down from her and that he would see her from time to time as he would walk back and forth to the house." (R. p. 494, lines 7-19; R. p. 112, line 22 - p. 113, line 5). He stated he walked by every afternoon, but had never been inside Belton's home. (R. p. 496, lines 3-4). Applicant also told the officers he had delivered furniture to a house Belton had lived in previously. (R. p. 495, lines 12-21). When asked about the .22, Applicant told officers he saw the gun when he accompanied Harold Douglas to a home about a surety bond. (R. p. 497, lines 22-25). Applicant recalled Harold unlocked the glove compartment to retrieve the gun. (R. p. 498, lines 1-4). Applicant stated, though, that he did not know where the glove compartment key was kept. (R. 498, lines 10-11).

Several years passed before additional information was obtained. Then, a federal inmate, Raymond Barnes (Barnes), who was serving a sentence for drug charges was transferred to the Fairfield County Detention Center to provide information and leads on an unrelated case. (R. p.

357, lines 1-25; p. 365, lines 1-12; p. 398, line 1 - p. 399, line 25; p. 411, lines 23-25). Applicant was also in the Fairfield County Detention Center at that time on a charge unrelated to either the case Barnes was originally brought there for or for the Belton murder. Barnes testified at trial he knew nothing about Belton's murder or Applicant at the time he was transferred to Fairfield County. (R. p. 400, line 3 - p. 401, line 24). Barnes, Applicant, and another man named Lindsay Goins were housed together in a cell. (R. p. 403, lines 1-8). Barnes testified he contacted a local officer, Frazier Craig, about information Applicant had given him about the murder. (R. p. 403, lines 9-16).

Barnes testified that sometime around June 27, 1996, Applicant told him "he did it," and gave the following additional details: (1) the murder occurred in February; (2) "the body was discovered a week or two later;" (3) the victim was Audre Belton; (4) Belton "was light skinned with long pretty black hair... a beautiful lady;" (5) Belton "was shot with a .22 pistol;" (6) Applicant worked in a furniture store; (7) Applicant "talk[ed] about a family with the last name of Douglas;" (8) Applicant used a ".22 based on a .32 frame" that "he stole... out of the office at the furniture store;" (9) Applicant had taken the pistol from the store, "but they thought that Mr. Douglas had it in his truck and that somebody at the detention center had stole[n] it;" (10) the murder occurred inside Belton's home; (11) Applicant had a key to the house from a delivery of furniture; (12) Applicant went into the home to rob Belton, and Belton was not there when he first entered the home; (13) Applicant wore socks on his hands to prevent leaving fingerprints; (14) Belton returned, surprised him, and began "hollering;" (15) Applicant shot Belton multiple times, including in the groin area, in the back, and in the back of the head; (16) Applicant also left bullet holes in the walls; (17) the shooting occurred in two bedrooms in the home; (18) Applicant recalled shooting multiple times and becoming "upset because she wouldn't die" and

“that’s when he shot her in the back of the head;” (19) Applicant “turned the thermometer up” and was concerned his fingerprint may have been on there; and (20) Applicant “said he [threw] the gun behind a dumpster up by the Uniroyal Tire Company.” (R. p. 404, line 7 - p. 410, line 3; p. 424, line 22 - p. 426, line 5; p. 427, line 17- p. 429, line 1).

Barnes further testified Applicant had additional contact with Belton in that he had offered to cut her grass. (R. p. 437, lines 8-9). Applicant further stated to Barnes that he was in Belton’s neighborhood because “[h]is cousin lived next door.” (R. p. 437, lines 10-12). Barnes wore a wire and attempted to get the conversation(s) on tape; however, the tapes were inaudible. (R. p. 402, lines 8-25; p. 426, line 15 - p. 427, line 16; p. 516, line 10 - p. 517, line 2). Barnes testified the he had never before been to Winnsboro, or even heard of Winnsboro, and he had no relatives or friends there. (R. p. 410, lines 7-20). Further, Barnes, who was from North Carolina, received no assistance on his federal sentence, and he testified he was a “free man” at the time of trial. In fact, he had returned to North Carolina after his release from federal custody in 2002. (R. p. 396, lines 5-17; p. 397, lines 5-21; p. 410, line 21 - p. 411, line 22).

This information stayed in the case file until November 2004, when investigators reopened the case. (R. p. 555, line 22 - p. 556, line 25). Investigators discovered Lindsey Goins (Goins), the third cellmate, had never been interviewed. (R. p. 557, lines 6-9). By that time, Goins had been released and was living in New York State. After making initial contact by telephone, investigators flew to New York and obtained a statement from Goins in December 2004. (R. p. 558, line 15; p. 449, lines 7-18; p. 461, lines 12-23). Goins testified at trial in 2009.

Goins testified he mostly overheard the conversations between Barnes and Applicant concerning the victim, but Applicant also told him directly that he killed a girl “that don’t stay too far from [him].” (R. p. 441, line 8 - p. 442, line 6; p. 442, line 25 - p. 443, line 4). Goins was

from Winnsboro and had lived on Golf Course Road. (R. p. 442, lines 4- 17). According to Goins, Applicant told him the murder occurred in Belton's home, and Applicant said "something about a screen" when explaining how he had entered the home. Specifically, Goins heard Applicant tell Barnes that he "took the screen off the back window." (R. p. 443, lines 5-20; p. 444, lines 5-11). Goins further recalled Applicant told Barnes that "he had got in the house relative to steal some money or something." (R. p. 444, lines 1-4). According to what Goins heard, "[Applicant] was in the house going through the drawers and when she came in, she asked him what he was doing, she tried to run and he ran in the hall and caught her.... He said he shot her four or five times" with a .22 (R. p. 444, line 18 - p. 445, line 8; p. 445, lines 20-21). Goins also recalled Applicant stating that he used a ".22 on a .32 frame." (R. p. 446, lines 5-6). Goins heard Applicant tell Barnes he shot the victim in the "upper body and somewhere down in the lower torso area," and he also shot the wall twice. (R. p. 445, lines 13-19). He also overheard Applicant say he obtained the gun through his work at Harold Douglas' furniture company. (R. p. 446, line 7 - p. 447, line 19). Goins testified Applicant "stated that he went to the back of the house and threw [the gun] across the railroad tracks behind the Uniroyal near by a dumpster somewhere." (R. p. 448, lines 1-3).

Two other inmates, Robert Green and Virgil Pauling, who had previously given statements implicating Applicant also testified at trial. However, both Green and Pauling disavowed their previous statements on the witness stand during trial and claimed not to know who killed Belton. (R. p. 470, line 9 - p. 471, line 18; p. 474, line 2); (R. p. 528, line 4-p. 529, line 4; p. 530). However, Captain Frazier Craig of the Fairfield County Sheriff's Office testified Barnes' statement was taken before Applicant's arrest, while Green's and Paulings's statements were taken after Applicant was arrested. (R. p. 355, lines 1-20; p. 571, lines 13-22). Moreover,

according to Craig, only Barnes' statement offered details that matched the evidence produced by the investigation. (R. p. 572, lines 15-22).

ALLEGATIONS

Applicant's original application alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that:
 - a. Counsel failed to object to hearsay;
 - b. Counsel failed to properly argue Applicant's fingerprints did not match those found at the scene.

Applicant, through counsel, filed an amended application on January 22, 2019. At the evidentiary hearing, Applicant ultimately went forward on the following allegations:

1. "The witnesses against him at trial have recanted their testimonies. His conviction and sentence is the denial of his right to due process."
2. "Violation of the Sixth Amendment; Massiah v. United States, 377 U.S. 201 (1964)."
3. "Raymond Barnes... was receiving some benefits while he was in prison or while he was in the detention center that was not disclosed to trial counsel."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has heard the testimony and evidence presented at the evidentiary hearing, observed the witnesses and evaluated their credibility, considered the arguments of counsel, and weighed these factors accordingly in its discussion below. Further, this Court has reviewed the Clerk of Court records regarding the subject conviction, the appellate records, Applicant's original and amended applications, the trial transcript, and, most importantly, the audio recordings entered as exhibits at the evidentiary hearing. This Court finds the combined record from the criminal case and the testimony and evidence presented the evidentiary hearing establishes Applicant has failed to meet his burden of proof regarding newly discovered evidence

or that his constitutional rights were violated in any way. The Court denies relief and dismisses application with prejudice. Set forth below are the relevant findings of fact and conclusion of law as required by section 17-27-80 of the South Carolina Code of Laws:

Newly Discovered Evidence

The Uniform Post-Conviction Relief Act states a person may institute a post-conviction relief action if “there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

“Traditionally, in South Carolina, to obtain a new trial based on after discovered evidence, the party must show that the evidence: (1) would probably change the result if a new trial is had; (2) has been discovered since trial; (3) could not have been discovered before trial; (4) is material to the issue of guilt or innocence; and (5) is not merely cumulative or impeaching.” Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 128 (2014) (internal citations and quotations omitted); see also Hayden v. State, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983) (citing State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979) (setting forth the five factors to be analyzed when considering a newly discovered evidence claim). The granting of a new trial based on after-discovered evidence is disfavored. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011).

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRCP; Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

Recantation

In his amended application, Applicant alleges newly discovered evidence that “the witnesses against him recanted their testimonies” entitles him to a new trial. In support of this argument, Applicant introduced into evidence an audio recording, dated October 13, 2015, and approximately fourteen minutes long, of trial witness Raymond Barnes giving a statement to Applicant’s private investigator, Pete Skidmore, Jr, which Applicant argues constitutes a recantation of Barnes’ trial testimony. However, the State played for the Court additional audio recordings taken, apparently surreptitiously, of additional interviews with Barnes on March 3, 2015, and March 15, 2015.²

This Court finds the October 13, 2015, audio recording, taken alone, is misleading. In the March recordings, Barnes repeatedly affirmed his trial testimony that Applicant had confessed to Belton’s murder; denied being pressured by law enforcement to fabricate testimony; and denied receiving any special treatment in exchange for his cooperation or testimony. Tellingly, Barnes only began to change his statements several months later, during the October interview, after Skidmore implied he knew with certainty Applicant had been wrongfully convicted, and he offered to “protect” Barnes from any repercussions of recanting his testimony.

When all of the recordings are reviewed together, this Court finds it is clear Barnes did not recant his trial testimony. In the initial interviews, Barnes repeatedly told Skidmore Applicant had voluntarily brought up his involvement in the murder to Barnes. Barnes also

² All of the recordings at issue were played for the Court during the evidentiary hearing and entered into evidence as Applicant’s Exhibit 2.

repeatedly denied Craig “put [him] up” to eliciting a confession from Applicant or asked for a “favor” with his testimony. Barnes told Skidmore multiple times that he had no motive to lie as he had already been released from custody at the time of trial, and in any event, Craig was not a federal agent, so Craig had no power to help him with his charges. Although Barnes eventually told Skidmore he did not believe Applicant “did it,” and he did not like that Applicant received “a life sentence,” Barnes only offered these statements after Skidmore told him there was no evidence Applicant had committed the crime and law enforcement conducted the investigation by “throwing mud” to “see[] what sticks.” Barnes repeatedly asserted he could not be charged with perjury because all he testified to was what Applicant said to him. Tellingly, even after Skidmore explicitly offered Barnes “protection,” Barnes expressly denied ever lying in his testimony at trial.

This Court finds the statements by Barnes, over the course of all the recordings, are entirely insufficient to support Applicant’s request for relief as newly discovered evidence of recantation. As discussed above, in order for Applicant obtain a new trial based on newly discovered evidence, he must show that the evidence: (1) would probably change the result if a new trial is had; (2) has been discovered since trial; (3) could not have been discovered before trial; (4) is material to the issue of guilt or innocence; and (5) is not merely cumulative or impeaching.” Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 128 (2014) (internal citations and quotations omitted); see also Hayden v. State, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983) (citing State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979) (setting forth the five factors to be analyzed when considering a newly discovered evidence claim). In this case, the Court

finds Applicant has failed to meet the first prong – the alleged “recantation” of Barnes’³ trial testimony is so unreliable and incredible there is no reasonable probability it would change the result at a new trial.

The granting of a new trial based on after-discovered evidence is disfavored. State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011). Moreover, “[w]here a motion for a new trial is based on recantation of testimony given at the trial, such recantation is looked upon with utmost suspicion.” United States v. Johnson, 487 F.2d 1278, 1279 (4th Cir. 1973) (internal quotation omitted); see also State v. Porter, 269 S.C. 618, 239 S.E.2d 641 (1977) (“Recantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial.”) (internal quotation omitted). “Where the circumstances surrounding the recantation suggest it is the result of coercion, bribery, or misdealing, the court... is justified in disregarding it.” Johnson, 487 F.2d at 1279 (explaining trial court properly found recantation testimony not credible when it was given years after the defendant’s conviction and “there was reason to suspect [the defendant] had exerted substantial pressure on [the witness] to withdraw his incriminating testimony”).

The Court finds the recantation testimony in this case is wholly incredible and, like in Johnson, there is reason to suspect Barnes was improperly pressured or influenced by the investigator working on behalf of the applicant. Taking the recordings as a whole, this Court finds Skidmore exerted undue influence and inappropriate pressure to convince Barnes to change his story. Moreover, Barnes’ new statements were given some twelve years after the trial and nearly twenty years after the events in question took place. Additionally, Barnes did not

³ Applicant also alleges another witness, Lindsey Goins, recanted his testimony. However, Goins was not present at the hearing, and his testimony is not properly before the Court. Although he was deposed and the deposition marked for identification, the State objected to its admission, and it was not entered into evidence.

approach the Court, law enforcement, or Applicant's attorneys; instead, Applicant's investigator sought Barnes out and met with him repeatedly, finally convincing Barnes to change his story after he repeatedly asserted to Barnes that he could "protect" him, but "the lawyers just need to know what to protect [him] from." Despite this, Barnes immediately thereafter again denied he had lied in his trial testimony.

The Court finds these alleged "recantations" are so unreliable and not credible such that it is not reasonably likely they would change the result if a new trial were had. Because Applicant has failed to meet his burden as to newly discovered evidence, this Court denies relief and dismisses the allegation with prejudice.

Special treatment of Barnes

Applicant also asserts there is newly discovered evidence "Raymond Barnes was receiving preferential treatment. . . while he was assisting law enforcement with its investigation of Curtis Elgin. . ." and this information was not disclosed to the defense in violation of Brady. However, as discussed above, this Court finds the alleged recantation of Barnes' testimony is not credible. Thus, the Court finds, even if true, it would not have changed the result at trial. Moreover, based on the credible testify of Craig, the Court finds the information that Barnes was being taken from his cell to work with investigators on another case and occasionally receiving fast food for lunch when he was out of his cell during jail mealtimes was information that could have been discovered at the time of trial, and in fact, Craig testified at trial that Barnes "had the privilege" of being taken out of the detention center nearly every day to work as an informant on an unrelated case. Trial Tr. Vol. 2 p. 52. Applicant has therefore failed to meet his burden of proving this information is newly discovered evidence and/or constitutes a Brady violation.

Brady requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). A Brady claim is based upon the requirement of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Impeachment or exculpatory evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. Clark, 315 S.C. at 388, 434 S.E.2d at 268 (citing United States v. Bagley, 473 U.S. 667 (1985)). “The question is not whether petitioner would more likely have been acquitted had this evidence been disclosed, but whether, without this impeachment evidence, he received a fair trial ‘resulting in a verdict worthy of confidence.’” Riddle v. Ozmint, 369 S.C. 39, 45, 631 S.E.2d 70, 73 (2006).

As discussed above, the alleged new evidence that Barnes received a series of privileges in return for his cooperation with law enforcement in making a case against Applicant is highly suspect. In the March recordings, Barnes repeatedly denied receiving any benefit from his cooperation with Craig in obtaining Applicant’s statements about his involvement in the murder or from his testimony at trial. Additionally, this Court finds Craig’s testimony credible, and Craig testified Barnes did not receive special treatment. As Craig explained, when he was working with Barnes on the unrelated murder case – not the Belton case for which Applicant was convicted – Barnes sometimes needed to be out of the jail during meal times, so Craig bought him fast food instead. Additionally, Craig testified his interaction with Barnes regarding Applicant’s case was limited to a few conversations around the time Barnes approached him with

information, and Craig was not assigned to investigate Applicant's case at the time. He testified once he passed Barnes's information on to his supervisors, he went back to working with Barnes on the other case. Thus, the Court finds Applicant has failed to prove, even if occasionally receiving fast food meals when out of the jail during meal times constitutes "special treatment," that it was related to Barnes's role in *this* case sufficient to require the State to turn over the information in Applicant's case.

Moreover, although Jones testified at the evidentiary hearing she was unaware of this "special treatment," and she would have used the information to impeach Barnes at trial, Jones was clearly aware Barnes was routinely being taken out of the jail to work with Craig as an informant on another case, and she cross-examined Craig on this issue at trial. Trial Tr. Vol. 2, p. 52. Additionally, Solicitor Barfield asked Craig if he had promised Barnes any help with his federal sentence or "to get pizza every night while he's in jail" in exchange for information related to Applicant. Trial Tr. Vol. 2 p. 65. Craig then, as now, denied Barnes received any such benefit, and this Court finds that testimony credible. It defies logic to believe Barnes – who at the time of trial had been released from custody, did not have any pending charges, and did not even live in South Carolina – would falsely testify against a person he knew to be innocent because Craig occasionally bought him fast food and cigarettes some *twelve years* earlier, in connection with his work on an entirely unrelated case.

Thus, the Court finds this information, even if newly discovered, is of limited impeachment value. Moreover, the Court finds there is no reasonable probability the result of the proceeding would have been different had this information been known to the defense at the time

of trial.⁴ Applicant has failed to prove this information is newly discovered evidence that could not have been known at the time of trial or that it would change the result. As Brady information, Applicant has failed to prove the information was known to and suppressed by the prosecution, or that it was material to a determination of Applicant's guilt. This Court therefore denies relief as to this claim.

Massiah claim

Applicant also claims the testimony used against him at trial was obtained in violation of his Sixth Amendment rights, when investigators "placed Raymond Barnes in the cell with [Applicant] so [Barnes] could elicit incriminating statements from [Applicant]." In support of this claim, Applicant relies on Massiah v. United States, in which the government improperly obtained incriminating statements from the defendant and introduced them at trial. 377 U.S. 201 (1964). However, this Court finds Applicant has failed to meet his burden of proof as to this issue, and denies relief.

This Court finds Massiah is clearly and easily distinguishable from Applicant's case. Specifically, the key fact in Massiah was that the challenged statements in that case were obtained *after* the defendant was indicted and his right to counsel had attached. 377 U.S. at 205 (explaining precedent supported reversal of the conviction because "the confession had been deliberately elicited by the police *after the defendant had been indicted*, and therefore, at a time when he was clearly entitled to a lawyer's help") (emphasis added). Here, it is undisputed the

⁴ This Court finds credible Jones's assertion she did not know this information. However, as discussed above, this Court is not convinced this information is true, and even if it is, whether it was relevant to Applicant's case in order to trigger a duty to disclose it. Craig's testimony, which this Court also finds credible, is he bought the meals for Barnes while they were working together on the other case, not Applicant's case, and it was not special treatment or something that was promised to Barnes in exchange for information; it was simply Craig providing lunch to an inmate in his custody while away from the jail.

statements testified to by Barnes were obtained years before Applicant was indicted for Belton's murder and at a time when he had no right to counsel in this case.

Moreover, Applicant did not introduce any evidence to support the assertion Barnes was placed in a cell with Elgin specifically for the purpose of eliciting incriminating statements. Craig testified Barnes approached him about this case while he and Barnes were working on an unrelated investigation. Craig stated Barnes gave him some information about Applicant's involvement, which was eventually recorded as a written statement and turned over to the assigned investigators. Although Craig acknowledged he was aware Barnes then attempted to record Elgin talking about the Belton murder, Craig stated this occurred after his initial conversation with Barnes, which Barnes initiated. Additionally, Craig testified the attempt at recording Applicant occurred in 1996; Applicant was not arrested for this crime until 2004. Craig also testified he was not assigned to investigate this case at the time Barnes offered the information about Elgin; he did not assign Barnes to Elgin's cell or have influence or control over Barnes's cell assignment; and he did not even know Elgin was in the jail at the time Barnes came to Fairfield to work with him on the other case. Applicant presented no evidence to contradict Craig's testimony, which this Court finds credible.

Because Applicant has failed to meet his burden of proof, and in any event, Massiah is plainly inapplicable to Applicant's case, the Court denies relief as to this ground and dismisses it with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not proven the existence of newly discovered evidence such that would likely change the result at trial, nor has he established any constitutional violations or deprivations which would require this Court to

grant relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR (providing the appropriate procedure to perfect an appeal). Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Further, Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for the appropriate procedures for appealing a judgment in a PCR action.

IT IS THEREFORE ORDERED:

1. the Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

AND IT IS SO ORDERED.


PAUL M. BURCH
Presiding Judge
Sixth Judicial Circuit

November 4th 2021

WITNESSES

Frazier Craig-FSD ✓

DOCKET NO. 2005-GS-20-273

The State of South Carolina

County of Fairfield

2005 JUL 19 P 4: 55

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

ARREST WARRANT NUMBER/DOA

H839493 (DOA-4-11-05)

COURT OF GENERAL SESSIONS

JULY TERM 2005

THE STATE

vs.

Curtis Lee Elgin

ACTION OF GRAND JURY

TRUE BILL 07-19-05 20j

Foreperson of Grand Jury

Date: 7-19-05 Michael R. Arnold

VERDICT

Indictment for

Murder

Foreperson of Petit Jury

Date:

SC Code: §16-3-10,20

CDR Code: 0116

Class: Felony, EXM

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

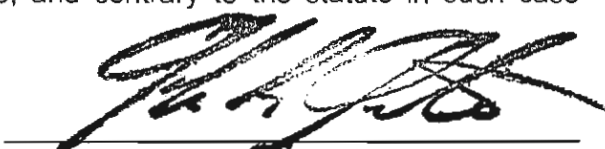
INDICTMENT

At a Court of General Sessions, convened on July 19, 2005, the Grand Jurors of
Fairfield County present upon their oath:

MURDER

That Curtis Lee Elgin did in Fairfield County on or about February 15, 1993,
feloniously, willfully and with malice aforethought kill the victim, Audre Belton by means
of shooting him and that the said victim died as a proximate result thereof, in violation
of the common law of South Carolina and §16-3-10, *Code of Laws of South Carolina*,
(1976), *as amended*.

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.



John R. Justice, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FAIRFIELD
STATEINDICTMENT/CASE#: 2005 -GS- 20 - 273VS.
Curtis Lee ElginA/W#: H 839493Race: B Sex: M Age: 35Date of Offense: 2/8/93DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-3-10Address: [REDACTED]CDR Code #: 0116City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Murder☒ CONVICTED OF or ☐ PLEADSIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor [REDACTED] SC Bar # 514 Defendant Attorney for Defendant SC Bar # [REDACTED]WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by-reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____
Substance Abuse Counseling ☐

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§47.12 (Public Def/Prob)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$100	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
§90.7(SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel
\$47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/Deputy Clerk Betty J. Buckner
Court Reporter: Mike W. [REDACTED]Presiding Judge _____
Judge Code: 139
Sentence Date July 9, 2009