

VOLUME SEVEN OF TWELVE

3001 3500

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

Alexander S Macauley, Circuit Judge
2000-CP 01-212

JOHN KENNEDY HUGHEY, #5055
Respondent/Petitioner,

V

STATE OF SOUTH CAROLINA,
Petitioner/Respondent,

APPENDIX

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1 Q WHEN DID HE DIE?

2 A '92

3 Q SO HE DIED THE NEXT YEAR?

4 A YES

5 Q AND AFTER THAT, WHERE'D JOHN LIVE?

6 A IN MOM'S HOUSE

7 Q SO HE CONTINUED TO LIVE AT 300 MAPLE STREET?

8 A YES

9 Q NOW, DURING THE YEARS, DID JOHN HAPPEN TO
10 BEGIN DATING MS SHEKA JACKSON?

11 A THEY WERE ALREADY DATING

12 Q THEY WERE ALREADY DATING?

13 A YES

14 Q APPROXIMATELY WHEN DID THEY START DATING?

15 A APPROXIMATELY '87-'88

16 Q NOW DURING THE PERIOD OF THEIR RELATIONSHIP,
17 DID YOU HAVE OCCASION TO OBSERVE THEM TOGETHER?

18 A YES

19 Q WOULD YOU SAY THAT YOU SAW THEM TOGETHER
20 OFTEN?

21 A YES

22 Q AND DESCRIBE SOME OF THE SETTINGS UNDER WHICH
23 YOU SAW THEM TOGETHER

24 A WELL, I COULD IT AS WHERE MY BROTHER, HE WAS
25 TRYING TO LIVE THE ROLL OF WHAT ME AND MY HUSBAND

1 DID HE WAS TRYING TO BE LIKE US THAT'S WHAT THEY
2 WERE TRYING TO DO

3 Q HE WAS WHERE DID YOU SEE THEM TOGETHER?

4 A EVERYWHERE AT MY HOUSE, MY MOM'S, AT THE
5 STORE

6 Q WOULD THEY COME TO GAINESVILLE?

7 A UH-HUH

8 Q TOGETHER?

9 A UH-HUH

10 Q AND LATER ON IN THE '90S, THEY HAD CHILDREN
11 TOGETHER, DID THEY NOT?

12 A YES

13 Q WHAT WERE THEIR NAMES?

14 A NIKKEL

15 Q TWO LITTLE BOYS?

16 A YES

17 Q AND DURING THE PERIOD THAT THE CHILDREN WERE
18 BORN, DID YOU OBSERVE SHEKA AND JOHN WITH THEIR
19 BABIES?

20 A YES

21 Q AND HOW WAS THEIR RELATIONSHIP AT THAT TIME?

22 A THEY WERE DOING FINE

23 Q DID YOU EVER SEE THEM ARGUING?

24 A YES

25 Q DID YOU EVER SEE THEM FUSS?

1 A YES

2 Q CAN YOU DESCRIBE THE NATURE OF THEIR
3 RELATIONSHIP THROUGH THE YEARS?

4 A LIKE I SAID, THEY WERE TRYING TO LIVE LIKE THE
5 WAY WE WERE TO ME THEY WERE JUST LIKE TYPICAL
6 HUSBAND AND WIFE

7 Q BUT THEY -- THEY HAD TWO KIDS TOGETHER BUT
8 THEY NEVER WENT TO CHURCH AND GOT MARRIED, DID THEY?

9 A NO WELL, NOT YET

10 Q WHAT DO YOU MEAN BY THAT?

11 A BECAUSE BEFORE THIS ALL HAPPENED, THAT'S WHAT
12 THEY WERE GOING TO DO

13 Q WHEN THEY CAME DOWN TO GAINESVILLE, DID THEY
14 STAY AT Y'ALL'S HOUSE?

15 A YES

16 Q DID THEY SPEND THE NIGHT SOMETIMES?

17 A YES

18 Q AND SOMETIMES WHEN YOU WERE UP IN ABBEVILLE
19 VISITING, WOULD SHEKA STAY WITH JOHN OVER AT 300
20 MAPLE STREET?

21 A YES

22 Q NOW, DURING THE YEARS THAT THEY WERE TOGETHER,
23 DO YOU RECALL IF THEY WERE CONTINUOUSLY TOGETHER OR
24 DID THEY BREAK UP FROM TIME TO TIME? TELL US

25 A IT WAS WHERE THEY WERE TOGETHER BUT THEN WHEN

1 THEY'D FALL OUT, THEY'D BE AWAY FROM EACH OTHER FOR
2 A WHILE THEN THEY'D GET BACK TOGETHER IT'S LIKE
3 THEY HAD A BOND THAT WOULDN'T LET GO

4 Q DID THE TWO CHILDREN -- DID JOHN TRY TO HELP
5 HIS TWO CHILDREN?

6 A HE DID

7 Q HOW DID HE FEEL ABOUT THEM?

8 A HE LOVES HIM HE WAS AN ALMIGHTY FATHER TO
9 HIS KIDS

10 Q HOW DID HE APPEAR TO FEEL ABOUT HIS COMMON-LAW
11 WIFE, MS SHEKA JACKSON?

12 A HE LOVED HER

13 Q AND THEY HAD A VOLITILE RELATIONSHIP?

14 A YES

15 Q MS HARRISON, HOW DID YOU FEEL TOWARDS SHEKA
16 JACKSON?

17 A SHE WAS LIKE A SISTER-IN-LAW TO ME

18 Q SHE WAS LIKE A SISTER-IN-LAW TO YOU?

19 A YES

20 Q SO HOW DID YOU FEEL ABOUT HER?

21 A I LOVED HER, TOO

22 Q SO HER DEATH IS -- MADE YOU FEEL HOW?

23 A HURT

24 Q NOW, YOU ALSO KNOW AND KNEW THROUGH THE YEARS
25 MS LUEVINIA HARRIS, DID YOU NOT?

1 A YEAH

2 Q HOW DID YOU KNOW HER?

3 A SHE'S MY GODMOTHER

4 Q SHE WAS YOUR GODMOTHER?

5 A YES

6 Q DESCRIBE YOUR RELATIONSHIP WITH HER

7 A SHE WAS JUST LIKE A MOM TO ME SINCE I WAS A
8 LITTLE GIRL WE USED TO GO OVER THERE ALL THE TIME
9 BECAUSE MY MOM WAS SO CLOSE

10 Q BECAUSE WHAT?

11 A HER AND MY MOM WERE SO CLOSE

12 Q MS LUEVINIA AND MS DOLLY WERE VERY CLOSE?

13 A YES (CRYING)

14 THE COURT WE'LL TAKE A SHORT BREAK
15 AND LET THE WITNESS COMPOSE HERSELF LET ME ASK THE
16 MEMBERS OF THE JURY TO PLEASE GO TO YOUR JURY ROOM
17 AND WE'LL BRING YOU BACK IN A FEW MOMENTS
18 (JURY EXITS THE COURTROOM AT 12 25 O'CLOCK P M)

19 (OFF THE RECORD)

20 MR GARRETT YOUR HONOR, WE'VE SENT
21 FOR MS HARRISON'S HUSBAND, MR SCOTT HARRISON, WHO
22 IS A SEQUESTERED PHASE TWO WITNESS WE DON'T INTEND
23 TO CALL HIM IN PHASE ONE AND, IN FACT, WE WERE
24 WONDERING, UNDER THE CIRCUMSTANCES, IF THERE WOULD
25 BE AN OBJECTION TO HIM SITTING THROUGH HER TESTIMONY

1 AND HER TESTIMONY ONLY IN THIS PHASE?

2 THE COURT TODAY?

3 MR GARRETT YES

4 MR JONES HER HUSBAND, YOUR HONOR?

5 THE COURT YES, SIR

6 MR JONES HE'S SUBPOENAED AS A

7 STATE'S WITNESS AND WE MAY CALL HIM IN REPLY BASED
8 ON WHAT SHE SAYS HE'S ALSO BEEN VIDEOTAPED IN HALL
9 COUNTY, GEORGIA CONCERNING HIS STATEMENTS OF
10 OBSERVATIONS OF THE DEFENDANT AT THE TIME OF HIS
11 ARREST AND JUST PRIOR TO THAT HE HAS SOME PRETTY
12 CRITICAL ---

13 THE COURT IF HE'S GOING TO BE A
14 FACTUAL WITNESS IN SOME FASHION, THEN HE'LL HAVE TO
15 ---

16 MR GARRETT HE'S NOT FOR US IF
17 THE STATE WANTS TO CALL HIM IN REPLY ---

18 MR JONES WE MAY OR MAY NOT IT
19 DEPENDS ON WHAT MS HARRISON SAYS AND THAT'S THE KEY
20 REASON THAT WE THINK HE OUGHT TO BE EXCLUDED FROM
21 THE COURTROOM DURING HER TESTIMONY

22 THE COURT DO YOU HAVE HIS TESTIMONY
23 OR SWORN STATEMENT?

24 MR JONES I HAVE A VIDEOTAPE -- WAS
25 HE UNDER OATH WHEN HE GAVE THE VIDEOTAPE IN HALL

1 COUNTY, MIKE? WE DON'T KNOW IF HE WAS UNDER OATH
2 THE COURT I'M JUST THINKING, IF YOU
3 ALREADY KNOW WHAT HE'S GOING TO SAY, HE'S PREVIOUSLY
4 GIVEN A STATEMENT, SWORN TO OR NOT FOR THAT MATTER,
5 IT'D BE DIFFICULT FOR HIM TO CONTRADICT IT, WOULD IT
6 NOT?

7 MR JONES WELL, JUDGE, LET ME
8 EXPLAIN THIS TO YOU I'M NOT SURE WHAT HE'S GOING
9 TO SAY BECAUSE WHEN I MET WITH HIM LAST MONDAY, HE
10 INDICATED TO ME THAT HE WANTED ME TO HELP HIM WITH
11 MONEY FOR HIS WORK AND MONEY FOR HIS TRAVEL WHILE HE
12 WAS GOING TO BE OVER HERE I SAID YOU GO ON BACK TO
13 WORK AND HE DIDN'T, HE'S BEEN HERE EVER SINCE

14 THE COURT HE REMAINS SEQUESTERED
15 THEN

16 MR GARRETT HE HAS GONE BACK TO
17 WORK SEVERAL DAYS THAT'S NOT A BIG THING

18 THE COURT MS HARRISON, IF YOU'LL
19 PLEASE COME BACK AND RESUME YOUR SEAT ON THE STAND
20 BRING THE JURY IN, PLEASE

21 (WITNESS PRESENTED AGAIN)

22 (JURY RE-ENTERS COURTROOM AT 12 45 O'CLOCK P M)

23 THE COURT MR TINSLEY

24 EXAMINATION CONTINUED

25 BY MR TINSLEY

1 Q THANK YOU SO MUCH, YOUR HONOR MAY IT PLEASE
2 THE COURT MS HARRISON, HAVE YOU HAD AN
3 OPPORTUNITY TO COMPOSE YOURSELF?

4 A YES

5 Q ARE YOU OKAY NOW?

6 A YES

7 Q I ASK YOU, MS HARRISON, TO SEE IF YOU CAN
8 IDENTIFY THESE MATERIALS THAT I'M GOING TO PRESENT
9 TO YOU ONE AT A TIME

10 MR JONES YOUR HONOR, SHE'S NOT THE
11 PROPER PERSON TO PUT IN AN ALLEGED LETTER --
12 OBJECTION TO THIS -- IS A LETTER FROM OUTSIDE THE
13 JURY'S PRESENCE, YOUR HONOR

14 MR TINSLEY I HAVEN'T OFFERED IT
15 YET

16 THE COURT LET ME SEE WHAT HE'S
17 GOING TO DO WITH IT BEFORE WE ADDRESS IT LAY A
18 FOUNDATION, IF YOU CAN

19 EXAMINATION CONTINUED

20 BY MR TINSLEY

21 Q MS HARRISON, CAN YOU IDENTIFY THIS?

22 A YES

23 Q HAVE YOU SEEN IT BEFORE?

24 A YES

25 Q WHEN DID YOU FIRST SEE IT?

1 A LATE YESTERDAY EVENING

2 Q LATE YESTERDAY EVENING?

3 A YES

4 Q AND WHAT DOES IT APPEAR TO BE?

5 A IT'S THE LETTER TO JOHN FROM TESHEKA

6 MR COULTER OBJECTION, YOUR HONOR

7 THE COURT LADIES AND GENTLEMEN,

8 I'LL HAVE TO TAKE THIS MATTER UP OUTSIDE THE

9 PRESENCE OF THE JURY I'M SORRY, PLEASE GO BACK TO

10 YOUR JURY ROOM AND I'LL BRING YOU BACK IN JUST A

11 MINUTE

12 (JURY EXITS COURTROOM AT 12 46 O'CLOCK P M)

13 THE COURT THE CUSTODIAN IS TELLING

14 THAT THE JURY'S LUNCH HAS ARRIVED SO THIS MIGHT BE A

15 GOOD OPPORTUNITY FOR THEM TO SIMPLY EAT AND THEN

16 WE'LL DISCUSSED THESE PROPOSED EXHIBITS WHILE THE

17 JURY'S EATING LUNCH

18 MR TINSLEY, I SEE YOU HAVE A NUMBER

19 OF DOCUMENTS --

20 MR TINSLEY I'VE GOT A TOTAL OF

21 FIVE

22 THE COURT WHAT ARE THEIR NUMBERS?

23 MR TINSLEY THE NUMBERS ARE TWELVE,

24 IN HER HAND, FOURTEEN, FIFTEEN, TWENTY-ONE AND

25 TWENTY-TWO

1 THE COURT SOLICITOR, YOU --

2 MR TINSLEY TWELVE IS THE LETTER
3 FROM TESHEKA JACKSON TO JOHN HUGHEY, FOURTEEN IS A
4 NATIONSBANK LETTER TO SHEKA JACKSON, FIFTEEN IS A
5 STATEMENT TO MS JACKSON FROM NATIONSBANK, TWENTY-
6 ONE IS A JOINT NCNB STATEMENT TO TESHEKA JACKSON AND
7 JOHN HUGHEY AS IS TWENTY-TWO

8 THE COURT SOLICITOR

9 MR COULTER YOUR HONOR, I --

10 THE COURT LET'S GET THE JURY
11 SETTLED BEFORE WE ADDRESS -- ARE THEY ALL IN THERE?

12 MR COULTER YOUR HONOR, I HAVE TWO
13 BASIS FOR THE OBJECTION FIRST OF ALL, UNDER RULE
14 FIVE THESE ITEMS WERE PROVIDED TO US THIS MORNING AT
15 10 30 SECONDLY, I HAVE -- I SEE NO WAY THAT THIS
16 WITNESS COULD PROVIDE A PROPER BASIS FOR THE
17 INTRODUCTION OF THESE PARTICULAR DOCUMENTS THE
18 LETTER, THE NATIONSBANK STATEMENTS, HOW IN THE WORLD
19 COULD SHE ---

20 THE COURT DON'T ASK ME ANY
21 QUESTIONS, JUST TELL ME WHAT YOUR OBJECTION IS

22 MR COULTER MY OBJECTION IS
23 IMPROPER FOUNDATION FOR THIS WITNESS

24 THE COURT MR TINSLEY, ADDRESS RULE
25 FIVE, PLEASE

1 MR TINSLEY RULE FIVE THESE WERE
2 BROUGHT TO ME LAST NIGHT AT APPROXIMATELY NINE
3 O'CLOCK AT THE GREENWOOD COUNTY JAIL BY MS HARRISON
4 FOR THE FIRST TIME IT'S AN ON-GOING DISCOVERY
5 REQUIREMENT SHE WAS LUCKY ENOUGH TO FIND THESE IN
6 A BOX OVER ON 300 MAPLE THAT WE HAD PREVIOUSLY
7 OVERLOOKED IN OUR ATTEMPTS TO LOCATE RELEVANT
8 DOCUMENTS THAT'S THE RULE FIVE RESPONSE, YOUR
9 HONOR THEY GOT THEM WITHIN, BASICALLY, TWELVE
10 HOURS OF WHEN WE GOT THEM

11 AND AS FAR AS LAYING THE FOUNDATION,
12 I WAS GOING TO ASK HER IF SHE RECOGNIZED THE
13 HANDWRITING, THAT SORT OF THING, ON THIS ONE NOW,
14 AS TO THESE OTHER STATEMENTS ---

15 THE COURT NOW, WHAT ABOUT
16 RELEVANCE? DO YOU OBJECT ON THE GROUNDS OF
17 RELEVANCE SO FAR AS NUMBER TWELVE IS CONCERNED OR
18 ELEVEN?

19 MR COULTER YES, SIR

20 THE COURT ALL RIGHT, WHAT'S THE
21 RELEVANCE?

22 MR TINSLEY THE RELEVANCE HERE IS
23 TO SHOW MS JACKSON HAS TESTIFIED THAT --

24 THE COURT MS HARRISON?

25 MR TINSLEY NO, MS JACKSON

1 THE COURT MS BERNICE JACKSON?

2 MR TINSLEY YES, SIR HAS

3 TESTIFIED THAT THEY WEREN'T TOGETHER AT TIMES AND
4 THAT SORT OF THING AND, BASICALLY, MINIMIZE THEIR
5 RELATIONSHIP AND THIS SAYS "I LOVE YOU, DEAR WIFE,
6 TESHEKA " THIS IS OFFERED TO ESTABLISH THEIR
7 COMMON-LAW STATUS

8 THE COURT WHAT'S THE DATE OF THE
9 LETTER?

10 MR TINSLEY THE DATE OF THE LETTER
11 IS 1990, I BELIEVE IT'S HARD TO READ IF I'M NOT
12 MISTAKEN, IT'S 1990 SO WHAT YOU THINK ON THE
13 POSTMARK THERE, JUDGE IT DOESN'T APPEAR TO BE
14 DATED INSIDE

15 THE COURT EXPLAIN TO ME, IF YOU
16 WILL, MR TINSLEY WHAT YOU PERCEIVE TO BE THE
17 RELEVANCE OF THAT DOCUMENT SO FAR AS THE ISSUES IN
18 THIS PARTICULAR PORTION OF THIS TRIAL IS CONCERNED

19 MR TINSLEY THE ISSUE IS -- THE
20 RELEVANCE, YOUR HONOR, THE FACT THAT SHE CONSIDERED
21 HERSELF HIS COMMON-LAW WIFE THERE WAS NO DIVORCE
22 MS JACKSON TESTIFIED OTHERWISE SO IT'S OFFERED TO
23 PROVE THE RELATIONSHIP IT'S HIGHLY RELEVANT IN THE
24 SENSE THAT THE NATURE OF THEIR RELATIONSHIP AND THE
25 DEGREE OF THEIR CLOSENESS SEEMS TO BE IN DISPUTE

1 MR COULTER YOUR HONOR, I THOUGHT
2 THE DISPUTE WAS BURGLARY AND TWO COUNTS OF MURDER,
3 NOT WHETHER OR NOT THEY WERE MARRIED I DON'T SEE
4 HOW THAT'S RELEVANT IN THIS ISSUE DOMESTIC
5 SITUATION ASIDE, IT HAS NOTHING TO DO WITH THIS

6 THE COURT I SUSTAIN THE OBJECTION
7 TO NUMBER TWELVE

8 MR TINSLEY YOUR HONOR --

9 THE COURT WHAT ELSE HAVE YOU GOT?

10 MR GARRETT WE WOULD SUBMIT THAT IT
11 CERTAINLY COULD BE ENTERED THROUGH THE DEFENDANT

12 THE COURT MAY VERY WELL BE ABLE TO
13 DO THAT

14 MR TINSLEY THE OTHER FOUR THAT ARE
15 THE BANK STATEMENTS THAT I MENTIONED

16 THE COURT HOW DOES THIS WITNESS
17 HAVE ANY KNOWLEDGE OR INFORMATION THAT WOULD BE ABLE
18 TO LAY A FOUNDATION FOR THE ADMISSION OF THESE
19 DOCUMENTS?

20 MR TINSLEY THEY WERE LOCATED AT
21 HER HOME AND, AS SUCH, THEY -- SHE'S THE ONE WHO DID
22 PROVIDED IT TO US AND WE FELT, BECAUSE OF HER
23 KNOWLEDGE OF THE PARTIES AND HER RELATIONSHIP WITH
24 THE PARTIES AND HER BEING THE ONE WHO DISCOVERED
25 THEM FOR US, SHE WOULD BE APPROPRIATE -- AND ALSO

1 HER HISTORY AND KNOWLEDGE OF THEIR TOGETHERNESS, SO-
2 TO-SPEAK, WOULD BE THE PROPER PARTY THROUGH WHICH TO
3 INTRODUCE IT MAYBE THE DEFENDANT WOULD BE THE MORE
4 APPROPRIATE PARTY IN THIS CASE, ALSO

5 THE COURT DO Y'ALL HAVE AN
6 OBJECTION TO THIS, THE BANK STATEMENTS? LOOK AT THE
7 ONES I'M TALKING ABOUT

8 MR COULTER I'VE SEEN THOSE COPIES
9 THE OTHER DAY THROUGH THIS WITNESS, WE DON'T HAVE
10 ANY OBJECTION

11 THE COURT OKAY

12 MR COULTER OTHER THAN RULE FIVE

13 THE COURT MS HARRISON, YOU CAN
14 STEP DOWN THE JURY IS EATING LUNCH SO WE'LL RECESS
15 UNTIL SUCH TIME AS THEY CONCLUDE I WOULD
16 ANTICIPATE THAT WOULD BE WITHIN THE NEXT FORTY
17 MINUTES WE'LL BE IN RECESS FOR FORTY MINUTES

18 MS HARRISON, WE'RE GOING TO RECESS
19 FOR LUNCH YOU'RE NOT TO DISCUSS YOUR TESTIMONY
20 WHILE WE'RE IN RECESS WE'LL BE IN RECESS FOR FORTY
21 MINUTES

22 (OFF THE RECORD)

23 THE COURT MS HARRISON, WE NEED YOU
24 ON THE WITNESS STAND, PLEASE ANY MATTER WE NEED TO
25 ADDRESS BEFORE THE JURY'S BROUGHT IN?

1 MR GARRETT NO

2 MR JONES NONE FOR THE STATE

3 THE COURT BRING THEM IN, PLEASE

4 (JURY RE-ENTERS COURTROOM AT 2 45 O'CLOCK P M)

5 MR TINSLEY MAY I APPROACH, YOUR
6 HONOR, THE WITNESS?

7 EXAMINATION CONTINUED

8 BY MR TINSLEY

9 Q MS HARRISON, I ASK YOU TO LOOK AT THAT
10 DOCUMENT AND SEE IF YOU RECOGNIZE IT

11 A YES

12 Q AND WHAT DOES IT APPEAR TO BE?

13 A IT'S A LETTER FROM NATIONSBANK

14 Q TO?

15 A TESHEKA JACKSON

16 Q AND WHAT ADDRESS?

17 A 300 MAPLE STREET

18 MR TINSLEY AND AT THIS TIME, I WOULD MOVE
19 TO OFFER THIS INTO EVIDENCE AS DEFENSE EXHIBIT
20 FOURTEEN

21 MR JONES WITHOUT OBJECTION, YOUR
22 HONOR

23 THE COURT IT'S ADMITTED

24 EXAMINATION CONTINUED

25 BY MR TINSLEY

1 Q AND FURTHER, DO YOU RECOGNIZE THAT DOCUMENT?

2 A YES

3 Q AND WHAT DOES IT APPEAR TO BE?

4 A A STATEMENT FROM NATIONSBANK

5 Q TO?

6 A TESHEKA JACKSON

7 MR GARRETT AT THIS TIME I'D OFFER

8 THIS INTO EVIDENCE AS DEFENSE EXHIBIT FIFTEEN

9 MR JONES WITHOUT OBJECTION, YOUR

10 HONOR

11 THE COURT IT'S ADMITTED

12 EXAMINATION CONTINUED

13 BY MR TINSLEY

14 Q AND I HAD YOU THIS DOCUMENT AND DO YOU
15 RECOGNIZE IT?

16 A YES

17 Q WHAT DOES IT APPEAR TO BE?

18 A A STATEMENT FROM NCNB NATIONAL BANK

19 Q TO?

20 A JOHN K HUGHEY AND TESHEKA L JACKSON

21 Q WHAT ADDRESS?

22 A 300 MAPLE STREET

23 MR GARRETT AT THIS TIME I OFFER

24 DEFENSE EXHIBIT TWENTY-ONE

25 MR JONES NO OBJECTION

1 THE COURT IT'S ADMITTED

2 EXAMINATION CONTINUED

3 BY MR GARRETT

4 Q FINAL ITEM DO YOU RECOGNIZE THAT DOCUMENT?

5 A YES

6 Q WHAT DOES IT APPEAR TO BE?

7 A A LETTER FROM NATIONS BANK

8 Q TO?

9 A JOHN K HUGHEY AND TESHEKA JACKSON

10 Q AT WHAT ADDRESS?

11 A 300 MAPLE STREET

12 MR TINSLEY I OFFER DEFENSE EXHIBIT
13 TWENTY-TWO INTO EVIDENCE

14 MR JONES WITHOUT OBJECTION

15 THE COURT IT'S ADMITTED

16 EXAMINATION CONTINUED

17 BY MR TINSLEY

18 Q MS HARRISON, NOTICE THAT THE ADDRESS ON A
19 COUPLE OF THOSE DOCUMENTS WAS 300 MAPLE STREET AS TO
20 TESHEKA JACKSON, DO YOU RECALL WHETHER OR NOT HSE
21 LIVED THERE WITH JOHN AT ANY TIME?

22 A SHE DID

23 Q SO SHE STAYED OVER THERE FROM TIME-TO-TIME?

24 A YES

25 Q OR CONTINUOUSLY?

1 A OFF AND ON

2 Q OFF AND ON, OKAY AND I WANT TO ASK YOU, MS
3 HARRISON, WHAT WAS YOUR FATHER'S NAME?

4 A WHICH ONE? HE HAD TWO NAMES

5 Q THE FIRST NAME THE NAME YOU KNEW HIM BY AS A
6 CHILD

7 A JOHN HENRY HUGHEY

8 Q AND DID HE HAVE AN OCCASION LATER ON TO CHANGE
9 HIS NAME?

10 A YES

11 Q AND WHAT DID HE CHANGE IT TO?

12 A JOHN HENRY SMITH

13 Q NOW, MS HARRISON, I'D LIKE TO TAKE YOU UP TO
14 THE DAY OF DECEMBER 3, 1995 DID YOU HAVE OCCASION
15 TO BE IN ABBEVILLE THAT WEEKEND?

16 A YES

17 Q WHERE WERE YOU STAYING?

18 A AT MY MOM'S HOUSE, 300 MAPLE STREET

19 Q AND ON THAT WEEKEND -- DO YOU RECALL THAT
20 WEEKEND?

21 A YES

22 Q YOU WERE STAYING OVER ON MAPLE STREET AND DO
23 YOU RECALL THE DAY DECEMBER THE 3RD?

24 A YES

25 Q AND SOMETIME LATE MORNING DECEMBER 3RD, DID

1 YOU TAKE JOHN KENNEDY HUGHEY ANYWHERE?

2 A YES

3 Q WHERE DID YOU TAKE HIM?

4 A OVER ON BLUE HILL

5 Q BOOT HILL?

6 A BLUE HILL

7 Q BLUE HILL?

8 A YES

9 Q IS THAT A NAME THAT LOCAL FOLKS REFER TO AS
10 SECOND STREET?

11 A YES

12 Q WHAT WAS THE PURPOSE OF Y'ALL GOING OVER
13 THERE?

14 A HE ASKED ME TO TAKE HIM OVER THERE TO GO AND
15 PICK UP HIS KIDS AND I TOOK HIM OVER THERE

16 Q YOU DID?

17 A YES

18 Q AND WHAT HAPPENED?

19 A WELL, WHEN I GOT THERE, IT WAS WHERE SHEKA AND
20 SOMEONE WAS SITTING IN THE CAR IN THE FRONT YARD

21 Q WHAT HAPPENED NEXT?

22 A I PULLED UP IN THE DRIVEWAY TO PARK AND SHE
23 GOT OUT AND SHE MET JOHN AND THEY WERE TALKING

24 Q SHE GOT OUT OF WHAT?

25 A SHE GOT OUT OF THE CAR AND SHE AND JOHN WERE

1 TALKING

2 Q WERE YOU OBSERVING THIS FROM WHAT KIND OF
3 DISTANCE?

4 A I PARKED IN THE DRIVEWAY AND THEY WERE IN THE
5 YARD

6 Q NOW, THERE WAS TESTIMONY THAT JOHN EITHER
7 STRUCK OR PUSHED SHEKA JACKSON THAT MORNING DID
8 YOU OBSERVE THAT?

9 A YES, BUT IT WASN'T WHERE HE -- HE DIDN'T PUSH
10 HER OR HIT HER OR ANYTHING

11 Q WHAT DID HE DO?

12 A HE WENT LIKE THAT HE WAS TELLING HER -- HE
13 SAID, NEVER MIND, I AIN'T WITH IT

14 Q DO YOU MEAN, NEVER MIND, AND HE PUSHED HER
15 LIKE THAT?

16 A NO, HE DIDN'T PUSH HER

17 Q OR DO YOU MEAN NEVER MIND -- WHAT DO YOU MEAN?

18 A HE MOTIONED HIS HANDS LIKE THAT HE DIDN'T
19 PUSH HER

20 Q DID HE HOLLAR OUT ANY THREATS OR ANYTHING
21 RUNNING DOWN THE STREET?

22 A NO, HE DIDN'T

23 Q WHAT DID HE DO?

24 A AFTER HE DID THAT, HE CAME AND GOT BACK IN THE
25 JEEP AND HE SAID, "COME ON, GLORIA, LET'S GO "

1 Q WHERE'D Y'ALL GO?

2 A WENT BACK TO MOM'S HOUSE

3 Q AND DID YOU SPEND ANOTHER NIGHT AT YOUR MOM'S
4 HOUSE?

5 A NO

6 Q WHAT DID YOU DO?

7 A I WENT BACK HOME

8 Q BACK TO?

9 A GAINESVILLE

10 Q AND THAT WAS ON SUNDAY, RIGHT?

11 A YES

12 Q AND ON MONDAY, DID YOU HAVE OCCASION TO SEE
13 YOUR BROTHER JOHN KENNEDY HUGHEY AGAIN?

14 A YES

15 Q WHERE WAS THAT AT?

16 A AT MY HOUSE

17 Q AND DESCRIBE HIS APPEARANCE AT YOUR HOUSE

18 A HE WAS REAL, REAL SHAKEN UP AND I KNEW
19 SOMETHING WAS WRONG, AND I ASKED HIM WHAT WAS WRONG
20 AND HE SAID THAT SOMETHING HAD HAPPENED

21 Q BUT HE DIDN'T TELL YOU WHAT?

22 A NO

23 Q DID HE HAVE ANY INJURIES OR APPEAR TO HAVE ANY
24 INJURIES?

25 A YEAH

1 Q WHAT WERE THEY?

2 A HIS FINGER HAD BEEN CUT

3 Q AND WAS IT WRAPPED OR BANDAGED OR ANYTHING?

4 A YEAH, HE HAD IT WRAPPED UP WITH A COUPLE

5 NAKPKINS AROUND IT

6 Q WHAT HAPPENED NEXT?

7 A WE WALKED IN THE LIVING ROOM --

8 Q I DON'T WANT YOU TO GET UPSET, MS HARRISON,

9 JUST RELAX JUST TELL US WHAT HAPPENED AND TRY NOT

10 TO GET TOO EMOTIONAL

11 A WE WAS SITTING IN THE LIVING ROOM AND I LEFT

12 AND WENT TO THE STORE HE HAD LEFT AND HE WENT TO

13 THE STORE MY SISTER CALLED ME AND WHEN SHE CALLED

14 ME IS WHEN SHE TOLD ME THAT SHEKA AND LUEVINIA

15 WEREN'T LIVING NO MORE

16 Q SHE TOLD YOU THEY WERE DEAD?

17 A YEAH

18 Q AND HOW DID THAT MAKE YOU FEEL? I DON'T WANT

19 YOU TO GET UPSET, I'LL LEAVE THIS AREA IF YOU CAN'T

20 ANSWER IT WITHOUT GETTING UPSET

21 A I DIDN'T BELIEVE HER

22 Q SO WOULD IT BE FAIR TO SAY YOU WERE SHOCKED BY

23 THAT?

24 A YEAH

25 Q WE'RE GOING TO LEAVE THAT AREA, TRY NOT TO GET

1 UPSET DID LATER THE POLICE COME OVER AND CALL INTO
2 YOUR HOME?

3 A YES

4 Q AND, BASICALLY, SPOKE WITH YOU?

5 A ON THE TELEPHONE, YES

6 Q AND DID THEY SPEAK WITH JOHN?

7 A I DON'T REMEMBER IF THEY TALKED WITH HIM ON
8 THE PHONE OR NOT, I DON'T REMEMBER

9 Q EXCUSE ME?

10 A I DON'T REMEMBER IF THEY TALKED TO HIM ON THE
11 PHONE OR NOT

12 Q SUBSEQUENTLY, WHAT HAPPENED?

13 A THE OFFICERS ASKED ME IF HE WAS INSIDE AND I
14 SAID YES AND THEY SAID TO TELL HIM TO SURRENDER
15 AND COME OUT

16 Q WHAT HAPPENED NEXT?

17 A I CAN REMEMBER WHEN ALL OF THEM SURROUNDED THE
18 HOUSE AND WHEN THEY SURROUNDED THE HOUSE, JOHN SAID
19 HE WAS GOING OUT AND WHEN HE GOT INTO THE KITCHEN
20 AREA WAS WHERE I FELT LIKE I COULDN'T TRUST HIM
21 THEN I COULD TELL FROM THE WAY HE WAS REACTING
22 HE WASN'T GOING TOWARDS THE DOOR HE WAS GOING MORE
23 TOWARDS THE KITCHEN HE WAS GOING MORE INTO THE
24 KITCHEN, I WAS SCARED THEN HE WAS GOING TO TRY TO DO
25 SOMETHING TO HIMSELF

1 Q DID HE?

2 A YES, HE DID

3 Q WHAT DID HE DO?

4 A HE GOT THE BOX CUTTER KNIFE I HAD ON THE DRYER
5 AND WE WERE FIGHTING AND HE CUT HIS WRIST

6 Q AND THEN DID HE GO OUT AND THE POLICE
7 APPREHENDED HIM?

8 A NO, IT WAS WHERE I WENT OUT FIRST AND THEN HE
9 CAME OUT BEHIND ME AND BARBARA CAME BEHIND HIM

10 Q I WOULD ASK YOU, BRIEFLY, TO LOOK AT THE DATE
11 ON THIS NATIONSBANK LETTER WHAT IS THAT DATE?

12 THE COURT WHICH EXHIBIT?

13 MR TINSLEY EXHIBIT FOURTEEN I'M
14 SORRY, YOUR HONOR

15 THE WITNESS OCTOBER 13TH OF '95,
16 1995

17 EXAMINATION CONTINUED

18 BY MR TINSLEY

19 Q AND ON NUMBER TWENTY-ONE, WHAT DATE IS THAT?

20 A 5/19/92

21 Q AND BOTH OF THESE SHOW A RESIDENCE OF 300
22 MAPLE STREET?

23 A YEAH

24 Q AT LEAST ONE SHOWS JOINT ACCOUNT, CORRECT?

25 A YES

1 Q DURING THE YEARS OF EARLY '90S, WHAT KIND OF
2 VEHICLE DID THEY HAVE?

3 A THE NEON, THE LITTLE GREEN NEON

4 Q AND WHO DROVE THE NEON?

5 A THEY DID

6 Q WHO IS THEY?

7 A JOHN AND TESHEKA

8 Q AND WHO BOUGHT THE NEON?

9 A JOHN

10 Q LATER ON, DID THEY CHANGE VEHICLES?

11 A YEAH, THEY GOT ANOTHER ONE

12 Q IS THAT THE WHITE MITSUBISHI?

13 A YES

14 Q NOW, MS HARRISON, ARE YOU FAMILIAR WITH THIS
15 SHOTGUN?

16 A YES

17 Q AND WHOSE WAS IT?

18 A MY DADDY'S

19 Q PRIOR TO THIS COURT MATTER, WHEN WAS THE LAST
20 TIME YOU SAW IT?

21 A WELL, I DON'T REMEMBER WHERE IT WAS

22 Q WHERE WAS IT?

23 A IT WAS IN THE BACK OF THE CAR

24 Q THE MITSUBISHI?

25 A YES

1 Q YOU EVER SEE SHEKA HANDLE THAT GUN?

2 A YES

3 Q AND SHE DROVE THE VEHICLE MOSTLY, DIDN'T SHE?

4 A YES

5 Q BUT DID YOU CONSIDER THAT THEY OWNED IT
6 TOGETHER?

7 A YES?

8 MR TINSLEY THAT'S ALL ANSWER ANY
9 QUESTIONS THE SOLICITOR MIGHT HAVE

10 CROSS EXAMINATION

11 BY MR JONES

12 Q GOOD AFTERNOON, MS HARRISON FIRST OF ALL,
13 LET'S TAKE A LOOK AT YOUR DEFENSE EXHIBIT NUMBER
14 FOURTEEN THAT YOU REFERRED TO, THIS LETTER FROM
15 NATIONSBANK, JUNE 13, 1995 YOU FOUND THAT LETTER,
16 RIGHT?

17 A YES

18 Q WHEN?

19 A IT WAS LATE YESTERDAY EVENING

20 Q WHERE?

21 A AT MY MOM'S HOUSE

22 Q WHERE THE DEFENDANT LIVED, RIGHT?

23 A UH-HUH

24 Q HE LIVED THERE IN JUNE OF '95, CORRECT?

25 A UH-HUH

1 Q SO, BASICALLY, IF HE RECEIVED THAT JUNE OF
2 '95, THAT DOCUMENT'S BEEN THERE SINCE JUNE OF '95

3 A I WOULD THINK SO

4 Q WHERE WAS IT WHEN YOU FOUND IT?

5 A AT MY MOM'S HOUSE

6 Q WHERE AT YOUR MOM'S HOUSE?

7 A IN HIS ROOM

8 Q IN HIS ROOM WHERE IN HIS ROOM?

9 A ON THE DRESSER

10 Q ON THE DRESSER?

11 A UH-HUH

12 Q LAYING ON TOP OF THE DRESSER?

13 A UH-HUH

14 Q STATE'S EXHIBIT TWENTY-ONE, YOU FOUND THAT
15 LAST NIGHT, TOO, DIDN'T YOU, ABOUT NINE O'CLOCK?

16 A I FOUND ALL OF THEM, YES

17 Q WHERE WAS STATE'S EXHIBIT TWENTY-TWO?

18 A ALL OF THEM WERE IN THE SAME --

19 Q I'M JUST ASKING YOU ABOUT THAT ONE, STATE'S
20 EXHIBIT TWENTY-ONE

21 A IN MY MOM'S HOUSE IN HIS ROOM

22 Q ON THE DRESSER?

23 A UH-HUH

24 Q ON TOP OF THE DRESSER?

25 A UH-HUH

1 Q AND STATE'S EXHIBIT TWENTY-TWO -- I MEAN,
2 DEFENSE EXHIBIT TWENTY-TWO, WHERE WAS THAT?

3 A AT MY MOM'S HOUSE IN HIS ROOM ON THE DRESSER

4 Q ON THE DRESSER, OKAY AND FIFTEEN, WHERE WAS
5 THAT?

6 A AT MY MOM'S HOUSE IN HIS ROOM ---

7 Q ON TOP OF THE DRESSER?

8 A YES

9 Q PRETTY MUCH IN PLAIN VIEW?

10 A IT WAS IN A BOX ON TOP OF ---

11 Q WHAT TYPE OF BOX?

12 A A BOX

13 Q A CARDBOARD BOX?

14 A IT WAS MADE FROM, I GUESS, A LITTLE BIT
15 LIGHTER

16 Q DID IT HAVE A TOP ON IT, WAS IT A TOP THAT
17 GOES ON IT OR WAS IT --

18 A IT WAS OPEN

19 Q OPEN BOX CAN YOU RECALL WHAT ELSE WAS IN THE
20 BOX?

21 A TAPES, A BUNCH OF PENNIES, INK PENS

22 Q DO YOU KNOW WHO PUT THE THINGS IN THE BOX?

23 A NO, I DON'T

24 Q WHO'S IN CHARGE OF THAT HOME, WHO HAS THE KEYS
25 FOR IN AND OUT ENTRY?

1 A RIGHT NOW, NOBODY

2 Q ONCE YOUR BROTHER, THE DEFENDANT, WAS ARRESTED
3 WAS IN THERE, WHO WAS LIVING THERE, SAY, DECEMBER OF
4 '95?

5 A IN '95, DONNY WAS LIVING THERE

6 Q WHO?

7 A MY BROTHER, DONNY

8 Q YOUR OTHER BROTHER

9 A UH-HUH

10 Q AND WHO LIVED THERE DURING 1996?

11 A DONNA AND DOROTHY OFF AND ON

12 Q WHO STAYED IN THAT BEDROOM WHERE YOU FOUND
13 THOSE THINGS?

14 A IN THIS BEDROOM?

15 Q YES, MA'AM

16 A IT'S JOHN'S BEDROOM

17 Q SO NO ONE WAS STAYING IN THAT BEDROOM IN 1996?

18 A THAT'S JOHN'S BEDROOM

19 Q IS THAT CORRECT?

20 A UH-HUH

21 Q ANYBODY STAYING IN THAT BEDROOM IN 1997?

22 A I DON'T THINK SO

23 Q SO IF YOU HAD WANTED TO LOOK FOR THOSE THINGS,
24 YOU KNOW, EARLIER THIS YEAR, YOU COULD HAVE GONE TO
25 JOHN'S BEDROOM AND LOOKED FOR THEM, RIGHT?

1 A YES

2 Q NOW, LET ME ASK YOU TO SPECIFICALLY LOOK AT
3 THIS LETTER, THAT'S DEFENSE EXHIBIT FOURTEEN LET
4 ME ASK YOU TO FOLLOW ALONG WITH THIS FIRST
5 PARAGRAPH THE FIRST PART, IT'S ADDRESSED TO
6 TESHEKA L JACKSON, IS THAT CORRECT?

7 A YES

8 Q AND THERE'S ADDRESS LISTED THERE FOR 300 MAPLE
9 STREET, RIGHT?

10 A YES

11 Q AND IT'S DATED JUNE 13, 1995, CORRECT?

12 A YES

13 Q "DEAR NATIONSBANK CUSTOMER, YOUR NATIONSBANK
14 SAVINGS ACCOUNT STATEMENT WAS RETURNED TO US BY THE
15 POST OFFICE BECAUSE THE ADDRESS LISTED FOR YOUR
16 ACCOUNT IS NO LONGER CURRENT " IS THAT WHAT THAT
17 SAYS?

18 A YES

19 Q BASICALLY, THEY'RE TELLING HER, YOU DON'T LIVE
20 AT 300 MAPLE STREET --

21 MR GARRETT OBJECTION, YOUR HONOR
22 THE COURT SUSTAINED

23 EXAMINATION CONTINUED

24 BY MR JONES

25 Q YOU UNDERSTAND WHAT THAT SAYS, DON'T YOU?

1 A YES

2 Q "PLEASE NOTE THAT WE NEED TO RECEIVE WRITTEN
3 NOTICE FROM YOU OF YOUR NEW ADDRESS SO THAT WE CAN
4 CHANGE OUR RECORDS " IS THAT WHAT IT SAYS?

5 A YES

6 Q ON THE DEFENSE EXHIBIT TWENTY-ONE AND I HAND
7 IT TO YOU AND SEE IF YOU CAN NOTICE AS TO THE
8 ASSERTION IN THIS STATEMENT THAT JOHN KENNEDY HUGHEY
9 AND TESHEKA JACKSON HAVE AN ACCOUNT TOGETHER, WHAT'S
10 THE DATE OF THAT STATEMENT? WHAT'S THE DATE OF THAT
11 BEGINNING BALANCE?

12 A 4/18/92

13 Q AND WHAT'S THE DATE OF THE ENDING BALANCE?

14 A 5/19/92

15 Q 1992, IS THAT CORRECT?

16 A YES

17 Q DEFENSE EXHIBIT TWENTY-TWO, READ THE MIDDLE
18 PARAGRAPH THERE WHERE IT SAYS TO RECEIVE THIS
19 PROTECTION

20 A SIMPLY COMPLETE THE ENCLOSED ENROLLMENT FORM
21 AND MAIL IT BACK BEFORE NOVEMBER 30, 1992 "

22 Q AND THEN, OF COURSE, DEFENSE EXHIBIT FIFTEEN
23 IS A DEPOSIT STATEMENT FOR A SAVINGS ACCOUNT FOR
24 TESHEKA JACKSON AND THE DATE THERE IS WHAT, INTEREST
25 THROUGH WHAT DATE?

1 A 5/31/95

2 Q MAY OF '95'

3 A SAVINGS ACCOUNT

4 Q CORRECT NOW, AS LONG AS YOU'RE TALKING ABOUT

5 300 MAPLE STREET, I BELIEVE YOU TESTIFIED THAT YOU

6 WERE IN TOWN ON DECEMBER 3RD, THAT SUNDAY, IS THAT

7 CORRECT?

8 A YES

9 Q OF 1995

10 A UH-HUH

11 Q AND WHEN DID YOU ARRIVE IN TOWN?

12 A ON THAT FRIDAY

13 Q AND WHAT WAS THE PURPOSE OF YOUR VISIT?

14 A JUST TO COME HOME

15 Q COME HOME AND TO VISIT WHO?

16 A MY FAMILY

17 Q AT 300 MAPLE STREET?

18 A ALL OF MY FAMILY I HAVE DIFFERENT SISTERS

19 AND BROTHERS

20 Q WHERE DID YOU SPEND FRIDAY NIGHT?

21 A FRIDAY NIGHT? AT MAMA'S HOUSE

22 Q 300 MAPLE STREET?

23 A YES

24 Q WHERE DID YOU SPEND SATURDAY NIGHT?

25 A AT MAMA'S HOUSE

1 Q 300 MAPLE STREET?

2 A UH-HUH

3 Q WHO WAS THERE WITH YOU ON FRIDAY NIGHT AND
4 THEY SPENT THE NIGHT?

5 A I CAN'T REMEMBER

6 Q YOUR HUSBAND WASN'T WITH YOU, WAS HE?

7 A NO

8 Q BUT YOU WERE THERE FRIDAY NIGHT AND YOU CAN'T
9 REMEMBER WHO WAS THERE WHEN YOU WENT TO BED THAT
10 NIGHT?

11 A I'VE BEEN THERE SO MUCH I CAN'T --

12 Q ALL RIGHT, THE NEXT NIGHT, WHO SPENT THE NIGHT
13 THERE SATURDAY?

14 A I DON'T REMEMBER

15 Q HOW MANY BEDROOMS ARE THERE?

16 A THREE BEDROOMS

17 Q AND WHOSE BEDROOM DID YOU STAY IN?

18 A I STAYED IN THE DEN

19 Q IN THE DEN WAS ANYONE IN JOHN'S BEDROOM WHEN
20 YOU WENT TO BED THAT NIGHT?

21 A NO

22 Q WAS THERE ANYONE IN THE OTHER BEDROOM WHEN YOU
23 WENT TO BED THAT NIGHT?

24 A I DON'T REMEMBER WHAT TIME THEY GOT HOME I
25 DON'T REMEMBER

1 Q WHEN YOU WOKE UP SATURDAY MORNING, WHO WAS
2 THERE?

3 A ON SATURDAY MORNING?

4 Q YES, MA'AM

5 A I DON'T REMEMBER THERE ALWAYS IN AND OUT THE
6 HOUSE, I DON'T REMEMBER

7 Q WHO IS ALWAYS IN AND OUT THE HOUSE?

8 A DONNY AND DORTOBY AND JOHN, ALL OF THEM

9 Q JUST GIVE ME THOSE NAMES AGAIN ONE TIME

10 A DONNY

11 Q WHO?

12 A DONNY

13 Q DONNY, THAT'S A BROTHER?

14 A YES

15 Q OKAY

16 A DOROTHY

17 Q ALL RIGHT

18 A ALL OF US ARE IN AND OUT

19 Q JOHN KENNEDY?

20 A UH-HUH

21 Q THEY'RE ACTUALLY MORE IN AND OUT MORE BECAUSE
22 YOU LIVE IN GAINESVILLE, RIGHT?

23 A UH-HUH

24 Q THE THREE OF THEM LIVE THERE? AT 300 MAPLE
25 STREET, DID DOROTHY --

1 A YOU MEAN THEN OR NOW?

2 Q I'M TALKING ABOUT DECEMBER 2ND, DECEMBER 3RD
3 AND DECEMBER 4, 1995

4 A I GUESS THEY LIVED THERE THEN

5 Q WELL, IF YOU DON'T KNOW WHO LIVED THERE TELL
6 US YOU DON'T KNOW WHO LIVED THERE

7 A I DON'T REMEMBER IT'S LIKE I SAID, I'M IN
8 AND OUT OF MAMA'S HOUSE SO MUCH, IT'S A MATTER WHERE
9 WHEN I COME UP HERE THIS WEEKEND NOBODY'S THERE, BUT
10 WHEN I COME UP HERE ANOTHER WEEKEND, EVERYBODY'S
11 THERE

12 Q AND LET ME TRY TO ASK YOU ONE AT A TIME DO
13 YOU KNOW WHETHER OR NOT JOHN KENNEDY HUGHEY WAS
14 LIVING THERE DECEMBER THE 2ND, DECEMBER 3RD,
15 DECEMBER 4, 1995 OR NOT?

16 A THEY WERE THERE

17 Q WAS HE LIVING THERE?

18 A I THINK SO

19 Q WHEN YOU WOULD COME TO ABBEVILLE FROM
20 GAINESVILLE ON YOUR REGULAR VISITS, WHERE WOULD YOU
21 STAY OTHER THAN 300 MAPLE STREET?

22 A WELL, I WENT EITHER MY SISTERS OR MY HUSBAND
23 CAME WITH ME AND WE'D STAY IN A HOTEL

24 Q WHEN YOUR HUSBAND WOULDN'T COME WITH YOU,
25 WHERE WOULD YOU STAY?

1 A EITHER AT MY MOM'S OR WITH MY SISTERS

2 Q WHICH SISTER DOES NOT AT YOUR MOM'S?

3 A ANTHONY AND RUBY, BARBARA

4 Q WHERE DO THEY LIVE?

5 A ANTHONY, SHE LIVES HERE IN ABBEVILLE, RUBY
6 LIVES HERE IN ABBEVILLE, DOROTHY LIVES HERE IN
7 ABBEVILLE

8 Q DOES DOROTHY LIVE AT 300 MAPLE STREET?

9 A NO

10 Q DID SHE ON DECEMBER 2, 1994?

11 A IT'S HARD TO SAY SHE DID OR DIDN'T BECAUSE,
12 LIKE I SAID, SHE'S IN AND OUT

13 Q WELL, YOU DO REMEMBER YOU CAME TO TOWN THAT
14 FRIDAY AFTERNOON, DIDN'T YOU?

15 A YEAH

16 Q WHY DIDN'T YOUR HUSBAND COME WITH YOU?

17 A I DON'T REMEMBER WHY HE WOULDN'T COME

18 Q BUT THE PURPOSE OF YOUR VISIT WAS TO SEE YOUR
19 FAMILY, IS THAT CORRECT?

20 A YES

21 Q IT WAS A FAMLY VISIT THAT YOU CAME HERE FOR,
22 RIGHT?

23 A YES

24 Q NO OTHER BUSINESS REALLY?

25 A NO

1 Q DID YOU KNOW AHEAD OF TIME YOU WERE GOING TO
2 STAY AT 300 MAPLE STREET?

3 A EITHER THERE OR WITH MY SISTERS OR WHEREVER

4 Q HAD YOU CALLED THEM TO TELL THEM YOU WERE
5 COMING?

6 A NO

7 Q DID YOU BRING ANY LUGGAGE, ANY CLOTHES,
8 ANYTHING WITH YOU TO CHANGE FOR THE WEEKEND?

9 A JUST A CHANGE OF CLOTHES

10 Q ONE CHANGE OR TWO CHANGES?

11 A ONE CHANGE BECAUSE USUALLY, WHEN I GOT TO
12 MOM'S HOUSE, YOU KNOW, JUST BRING EVERYTHING YOU
13 CHANGED EVERY DAY WHEN THEY SLEEP ON THE SOFA AND
14 GET UP OR WHATEVER

15 Q AND YOU WEREN'T PLANNING ON GOING TO CHURCH?

16 A NO

17 Q SO YOU GOT HERE FRIDAY AFTERNOON?

18 A UH-HUH

19 Q WHAT DID YOU DO FRIDAY NIGHT?

20 A I DON'T REMEMBER

21 Q MA'AM?

22 A I DON'T REMEMBER

23 Q DO YOU REMEMBER GOING TO BED FRIDAY NIGHT?

24 A NO

25 Q DO YOU REMEMBER SATURDAY?

1 A I REALLY CAN'T REMEMBER

2 Q DO YOU REMEMBER GOING TO BED SATURDAY NIGHT?

3 A NO

4 Q DO YOU REMEMBER SUNDAY?

5 A I REMEMBER SUNDAY

6 Q AND WHAT TIME DID YOUR MEMORY CHECK IN ON
7 SUNDAY?

8 A WHEN JOHN ASKED ME TO COME ON AND GO TAKE HIM
9 TO PICK UP HIS KIDS

10 Q ABOUT WHAT TIME WAS THAT WHEN JOHN ASKED YOU
11 TO GO PICK UP HIS KIDS?

12 A THAT WAS THAT MORNING ABOUT -- IT WAS BEFORE
13 LUNCH

14 Q BEFORE LUNCH, BEFORE TWELVE?

15 A YES

16 Q AND WHO WAS THERE AT THE HOME WHEN JOHN ASKED
17 YOU TO GO HELP -- TAKE HIM TO GO PICK UP HIS KIDS?

18 A DOROTHY WAS

19 Q DOROTHY, WAS ANYONE ELSE THERE?

20 A NO

21 Q DO YOU RECALL WHETHER OR NOT WHAT TIME JOHN
22 HAD WALKED INTO THE HOUSE THAT DAY, WHEN YOU FIRST
23 NOTICED HIM IN THE HOUSE ON THAT SUNDAY WHEN HE
24 ASKED YOU TO GO HELP HIM PICK UP THE KIDS?

25 A I DON'T REMEMBER WHAT TIME HE WAS IN THE

1 HOUSE, I JUST REMEMBER WHEN I WENT IN THERE AND HE
2 CAME AND ASKED ME TO WITH HIM TO PICK UP HIS KIDS

3 Q IS THERE A TELEPHONE THAT WAS WORKING AT THE
4 HOUSE ON DECEMBER THE 2ND?

5 A I DON'T THINK SO BECAUSE MOM HAD A PHONE WHEN
6 SHE WAS LIVING, BUT AFTER THAT SHE DIDN'T

7 Q THE PHONE HAD NOT BEEN KEPT UP?

8 A NO

9 Q THERE WAS NOT A WORKING TELEPHONE AT THAT
10 RESIDENCE ON DECEMBER 2ND, 3RD OR 4TH?

11 A UH-UH

12 Q AND WAS THERE ANY OTHER CARS PARKED OUTSIDE
13 THAT MORNING OTHER THAN YOURS?

14 A I CAN'T REMEMBER BECAUSE MY BROTHER, BETWEEN
15 HIM AND MY COUSIN, THEY ALWAYS HAVE DIFFERENT CARS
16 THAT THEY'RE DETAILING I DON'T REMEMBER

17 Q DO YOU REMEMBER ABOUT WHAT TIME IT WAS THAT
18 YOU DECIDED TO TAKE YOUR BROTHER OVER TO PICK UP HIS
19 KIDS?

20 A IT WAS THAT MORNING, TEN-THIRTY OR ELEVEN

21 Q TEN-THIRTY OR ELEVEN?

22 A IT WAS SOMETIME THAT MORNING IT WAS BEFORE
23 LUNCH

24 Q IT WAS BEFORE LUNCH

25 A UH-HUH

1 Q TEN-THIRTY OR ELEVEN

2 A I CAN'T REALLY REMEMBER THE TIME, I JUST
3 REMEMBER I KNEW IT WAS BEFORE LUNCH

4 Q AND WHERE DID HE WANT YOU TO TAKE HIM?

5 A OVER TO WHERE SHEKA WAS

6 Q WHERE WAS SHEKA?

7 A OVER ON BLUE HILL

8 Q HOW DID HE KNOW SHEKA WAS OVER THERE?

9 A I DON'T KNOW

10 Q SHEKA WASN'T AT THE HOUSE WITH YOU THAT
11 WEEKEND, WAS SHE?

12 A I CAN'T REMEMBER

13 Q YOU CAN'T REMEMBER

14 A I CAN'T REMEMBER

15 Q WHEN YOU GOT OVER THERE, SHEKA WAS THERE,
16 WASN'T SHE?

17 A YES

18 Q AND YOU DROVE YOUR CAR?

19 A YES, I DID, UH-HUH

20 Q HAD YOU DECIDED AT THAT TIME WHAT TIME YOU
21 WERE GOING BACK?

22 A NO

23 Q WHAT TIME WERE YOU GOING BACK?

24 A I DON'T REMEMBER

25 Q DO YOU REMEMBER WHAT TIME YOU WENT BACK?

1 A I DON'T REMEMBER THE TIME

2 Q YOU DON'T REMEMBER WHAT TIME YOU WENT BACK?

3 A NO

4 Q TO GEORGIA I'M TALKING ABOUT, THAT AFTERNOON

5 A I DON'T REMEMBER

6 Q YOU DID GO BACK TO GEORGIA, DIDN'T YOU?

7 A YES

8 Q TO GAINESVILLE?

9 A UH-HUH

10 Q HOW LONG DID IT TAKE YOU TO GET OVER THERE?

11 A ABOUT TWO HOURS

12 Q YOU USUALLY TRY TO GET BACK BEFORE DARK OR
13 DOES THAT MAKE ANY DIFFERENCE?

14 A I USUALLY -- RIGHT AROUND WHEN IT'S GETTING
15 DARK

16 Q SO YOU'D HAVE TO LEAVE AROUND THREE OR FOUR?

17 A SOMETHING LIKE THAT

18 Q YOU THINK THAT'S ABOUT WHEN YOU LEFT?

19 A I REALLY CAN'T REMEMBER

20 Q AND YOU TOOK JOHN OVER TO PICK UP HIS
21 CHILDREN?

22 A YES

23 Q DID HE TELL YOU WHY HE HAD TO PICK UP THE
24 CHILDREN?

25 A HE SAID SHEKA WAS GOING SOMEWHERE WITH HER

1 COUSIN

2 Q AND SHE WAS GOING SOMEWHERE WITH HER COUSIN,
3 WHO WAS GOING TO KEEP THE KIDS?

4 A HE JUST TOLD ME TO TAKE HIM OVER THERE TO GO
5 GET HIM

6 Q TO GO GET HIM?

7 A YES

8 Q WHO WAS GOING TO TAKE CARE OF THEM?

9 A EITHER ME OR HIM, I GUESS IF THEY WANTED ME
10 TO BABYSIT, I WOULD HAVE BABYSITTED

11 Q DID HE MENTION THAT TO YOU?

12 A NO

13 Q HE DIDN'T MENTION THAT HE WANTED YOU TO
14 BABYSIT?

15 A NO, NOT THAT I CAN REMEMBER

16 Q WHEN YOU GOT OVER THERE, YOU SAY YOU NOTICED A
17 DISCUSSION BETWEEN HE AND SHEKA?

18 A YES

19 Q BUT IT WASN'T AN ARGUMENT OR WAS IT?

20 A I COULD JUST TELL THEY WERE HAVING SOME
21 DIFFERENT OPINIONS ABOUT WHATEVER

22 Q WHAT WAS IT ABOUT?

23 A I DON'T KNOW LIKE I SAID, I DON'T KNOW WHAT
24 IT WAS ABOUT

25 Q DIDN'T YOU ASK HIM?

1 A NO

2 Q WHEN HE CAME BACK AND GOT IN THE CAR AND SAID
3 DRIVE, DIDN'T YOU SAY WHERE?

4 A NO

5 Q YOU DIDN'T? YOU KNEW HE WANTED TO GO BACK TO
6 300 MAPLE?

7 A THAT'S WHERE I WENT

8 Q ON THE WAY BACK DIDN'T YOU SAY, JOHN, WHAT
9 HAPPENED, WHY DIDN'T YOU GET THE KIDS?

10 A NO

11 Q DIDN'T YOU SAY, JOHN, WHO'S GOING TO KEEP THEM
12 IF SHE'S GOING OFF SOMEWHERE WITH HER COUSIN, WHY
13 CAN'T WE KEEP THE LITTLE BOYS WITH US?

14 A NO

15 Q YOU DIDN'T ASK HIM THAT?

16 A NO

17 Q WERE YOU YOURSELF CONCERNED ABOUT WHO WAS
18 GOING TO KEEP THEM IF SHE WAS GOING TO GO OFF AND
19 LEAVE THEM?

20 A YES

21 Q DID YOU GO FIND OUT WHO WAS GOING TO KEEP
22 THEM?

23 A NO

24 Q WHY NOT?

25 A BECAUSE IT WAS WHEN I NOTICED THEY WERE HAVING

1 SOME DIFFICULTIES WITH EACH OTHER WHEN THEY WAS
2 TALKING AND HE DID LIKE THAT AND SAID THAT NEVER
3 MIND HE AIN'T WITH IT I COULD TELL FROM HIS
4 EXPRESSION THAT THEY WERE HAVING SOME DIFFICULTIES
5 WITH EACH OTHER AND I WAS SEEING THAT AND I WAS NOT
6 GOING TO GET IN IT

7 Q YOU TOOK HIM BACK HOME?

8 A UH-HUH

9 Q WHAT DID HE DO?

10 A I DON'T KNOW WHAT HE DID

11 Q HOW LONG WOULD YOU SAY YOU WERE GONE FROM THE
12 HOUSE FROM THE TIME YOU TOOK HIM OVER THERE, FROM
13 THE TIME YOU LEFT AND THE TIME YOU BROUGHT HIM BACK?

14 A JUST A FEW MINUTES

15 Q APPROXIMATELY HOW LONG?

16 A ABOUT FIVE, TEN MINUTES JUST A FEW MINUTES

17 Q TEN OR FIFTEEN AT THE OUTSET BE FAIR?

18 A IT WASN'T THAT LONG

19 Q WHEN YOU GOT BACK TO THE HOUSE, HOW LONG WOULD
20 YOU SAY YOU STAYED THERE BEFORE YOU LEFT TO GO BACK
21 TO GEORGIA?

22 A I STAYED THERE A WHILE I CAN'T REMEMBER
23 EXACTLY HOW MUCH TIME BECAUSE I MAKE THE TRIP SO
24 MUCH

25 Q WHEN YOU GOT BACK, WHAT DID YOUR BROTHER DO?

1 A YOU MEAN WHEN I GOT BACK TO MOM'S HOUSE?

2 Q YES

3 A I DON'T KNOW

4 Q I MEAN, HOW WAS HE ACTING WHEN YOU GOT BACK,
5 WHAT WAS HE ACTING LIKE?

6 A I KNEW HE WAS A BIT UPSET BUT I'M SORT OF LIKE
7 A MOTHER TO HIM ALSO AND IT'S NOT WHERE I'M NOT JUST
8 GOING TO GO AND GET IN HIS BUSINESS IF HE WANTS
9 ME, I'LL LET HIM COME TO ME AND TELL ME

10 Q WELL, WHEN YOU GOT BACK, WHAT DID HE DO?

11 A I DON'T REMEMBER WHAT HE DID

12 Q DID HE STAY THERE?

13 A I REALLY CAN'T REMEMBER WHAT HAPPENED AFTER
14 THAT

15 Q DID HE WATCH ANY TV WITH YOU?

16 A IT WAS NO BIG DEAL TO ME I DON'T REMEMBER

17 Q SO HE COULD HAVE LEFT THE HOUSE?

18 A HE COULD HAVE

19 Q DO YOU REMEMBER SOMEBODY COMING BY AND HONKING
20 THE HORN FOR HIM?

21 A NO I DON'T KNOW IF I STAYED THERE OR NOT, I
22 DON'T REMEMBER

23 Q SO, BASICALLY, WERE YOU OR WEREN'T YOU
24 CONCERNED ABOUT WHAT WAS GOING TO HAPPEN TO THE KIDS
25 THAT HE WAS SUPPOSED TO TAKE CARE OF SUNDAY

1 AFTERNOON?

2 A WELL, YEAH, I WAS CONCERNED ABOUT IT BUT IT
3 WAS WHERE I KNEW THEY WERE WITH THEIR MOM SO EVEN IF
4 THEY WOULDN'T HAVE WENT SOMEWHERE OR WHATEVER,
5 THEY'D BEEN TAKEN CARE OF

6 Q AND YOU KNEW THEY WERE WITH THEIR GRANDMOM,
7 TOO, RIGHT?

8 A YES

9 Q THAT'S WHERE SHE WAS OVER AT HER GRANDMOM'S?

10 A YES

11 Q AND THAT'S WHERE SHE WAS STAYING THEN, WASN'T
12 IT?

13 A YES, THAT'S WHERE SHE LIVED

14 Q YOU MENTION NOW ABOUT THE NEXT DAY, DECEMBER
15 4TH YOU'RE AT HOME IN GAINESVILLE

16 A UH-HUH

17 Q DO YOU REMEMBER WHO SPENT THE NIGHT IN YOUR
18 HOME IN GAINESVILLE SUNDAY NIGHT?

19 A I THINK IT WAS JUST ME AND MY FAMILY

20 Q WHICH IS WHO?

21 A MY KIDS AND MY SISTER

22 Q WHO WOULD THAT BE?

23 A ANTHONY, CLAIRE, JERMONDA, JERONDA, PRECIOUS
24 AND SCOOT

25 Q SO YOUR HUSBAND AND YOUR FOUR CHILDREN, IS

1 THAT RIGHT?

2 A UH-HUH

3 Q DO YOU THINK ANYBODY ELSE STAYED THERE?

4 A I DON'T THINK SO

5 Q DO YOU THINK ANY OF THEM WEREN'T THERE?

6 A ANY OF THEM WEREN'T THERE?

7 Q WEREN'T THERE

8 A I THINK THEY WERE THERE

9 Q SO YOU THINK YOU MIGHT KNOW WHO WAS THERE

10 SUNDAY NIGHT AT YOUR HOUSE

11 A UH-HUH

12 Q WHAT ABOUT MONDAY MORNING DURING THE DAY

13 A NO ONE

14 Q AND WHEN DID YOU GET HOME?

15 A MONDAY MORNING NO ONE WAS AT MY HOUSE MONDAY
16 MORNING

17 Q THE KIDS WENT TO SCHOOL

18 A UH-HUH

19 Q YOUR HUSBVAND WENT TO WORK

20 A UH-HUH

21 Q YOU WENT TO WORK

22 A NO

23 Q YOU STAYED AT HOME?

24 A I WASN'T AT HOME BUT I DIDN'T GO TO WORK THAT
25 DAY

1 Q WHEN DID YOU FIRST RUN INTO YOUR BROTHER THAT
2 DAY?

3 A IT WAS ABOUT LUNCH TIME

4 Q WHERE WAS IT THAT YOU RAN INTO HIM ABOUT WHEN?

5 A I RAN INTO HIM -- ON MY WAY HOME, I SAW HIM ON
6 THE TELEPHONE RIGHT BEFORE -- JUST A SHORT DISTANCE
7 FROM WHERE HE WAS ON THE PHONE TO MY HOUSE, THAT'S
8 WHEN I FIRST SAW HIM

9 Q AND WHAT WERE YOU DOING IN THE CAR?

10 A I WAS DRIVING

11 Q WHERE?

12 A ON THE ROAD ON THE WAY TO THE HOUSE

13 Q FROM?

14 A FROM TOWN

15 Q HAVING BEEN DOING WHAT?

16 A WHATEVER I HAD TO DO THAT MORNING

17 Q WHAT HAD YOU BEEN DOING IN THE MORNING?

18 A I HAD SOME BUSINESS I HAD TO TAKE CARE OF

19 Q YOU WERE TAKING CARE OF BUSINESS

20 A UH-HUH

21 Q AND YOU WERE ON YOUR WAY HOME TO LUNCH?

22 A NO, I WAS ON MY WAY HOME TO MEET MY HUSBAND

23 Q TO MEET YOUR HUSBAND?

24 A UH-HUH

25 Q AND YOU SAW YOUR BROTHER ON THE PHONE?

1 A UH-HUH

2 Q AND YOU STOPPED?

3 A NO I COULDN'T STOP BECAUSE WHERE HE WAS AND
4 WITH THE ROAD WHEN I SAW HIM, I HAD ALREADY MADE A
5 RIGHT TURN AND I COULDN'T STOP BECAUSE IF I WOULD,
6 I'D HAVE CRASHED

7 Q SO YOU WENT ON HOME?

8 A YES

9 Q AND THEN YOUR BROTHER CAME IN?

10 A YES

11 Q WAS YOUR HUSBAND THERE?

12 A HE WAS RIGHT IN FRONT OF ME

13 Q WHEN YOU GOT HOME DID YOUR BROTHER HAVE
14 SOMETHING TO EAT?

15 A YOU MEAN DID HE BRING ANYTHING?

16 Q DIDN'T HE WANT TO GET SOMETHING TO EAT?

17 A YOU MEAN -- I DON'T UNDERSTAND YOUR QUESTION

18 Q WHEN YOUR BROTHER ARRIVED AT YOUR HOME ON
19 MONDAY, DECEMBER 4TH, DIDN'T HE TELL YOU HE WANTED
20 SOMETHING TO EAT?

21 A YES, HE SAID HE WAS GOING TO GO GET SOMETHING

22 Q SO HE WAS GOING TO GO GET SOMETHING?

23 A UH-HUH

24 Q AND DID YOU LET HIM GO GET SOMETHING TO EAT?

25 A I REMEMBER HE LEFT

1 Q HE LEFT?

2 A UH-HUH

3 Q SO HE DID GO GET SOMETHING TO EAT?

4 A I DON'T KNOW WHAT HE WENT AND GOT

5 Q SO HE LEFT TO GO GET SOMETHING TO EAT?

6 A YES, THAT'S WHAT HE SAID

7 Q AND THEN YOUR SISTER CALLED YOU, RIGHT?

8 A YES

9 Q WHILE HE WAS GONE

10 A YES

11 Q AND TOLD YOU THAT SHEKA JACKSON AND LUEVINIA
12 HARRIS HAD BEEN KILLED, DIDN'T SHE, OKAY? AND THEN
13 YOU WENT AND GOT YOUR SISTER OFF THE JOB AND BROUGHT
14 HER BACK TO YOUR HOUSE, DIDN'T YOU?

15 A YES

16 Q AND WHEN YOU GOT BACK YOUR BROTHER WAS THERE,
17 WASN'T HE?

18 A YES

19 Q AND THERE WAS SOME CRYING GOING ON, WASN'T
20 THERE?

21 A YES

22 Q AND YOUR BROTHER TOLD YOU IT WAS AN ACCIDENT,
23 HE COULDN'T TAKE IT ANY MORE, DIDN'T HE?

24 A YES

25 Q IS THAT WHAT HE SAID?

1 A SOMETHING LIKE THAT

2 Q HE TOLD YOU HE HAD HIS DAD'S GUN

3 A YEAH

4 Q AND THEN WHEN THE DEPUTIES CAME HE SAID HE WAS

5 GOING TO KILL HIMSELF

6 A YEAH

7 Q HE TOLD YOU HE WAS GOING TO KILL HIMSELF WITH

8 POISON, DRINKING SOME POISON, DIDN'T HE?

9 A NO

10 Q DIDN'T SAY ANYTHING ABOUT POISON?

11 A NO, HE DIDN'T TELL ME ABOUT IT

12 Q BUT HE CUT HIMSELF WITH A BOX CUTTER

13 A YES

14 Q AND YOU SAY HE HAD A CUT ON HIS FINGER BEFORE

15 HAND?

16 A RIGHT

17 Q AND DID YOU SEE THAT CUT?

18 A YEAH

19 Q YOU SAW IT?

20 A YEAH

21 Q WHAT FINGER WAS IT ON?

22 A IT WAS THE LITTLE ONE

23 Q THE LITTLE FINGER?

24 A UH-HUH

25 Q AND WHAT KIND OF CUT WAS IT?

1 A JUST A CUT

2 Q A CUT WHEN YOU TALKED TO THE POLICE OFFICERS
3 IN HALL COUNTY ON THE DAY THAT YOUR BROTHER WAS
4 ARRESTED, YOU DIDN'T TELL THEM ABOUT A CUT ON HIS
5 FINGER, DID YOU?

6 A I DON'T REMEMBER

7 Q DO YOU REMEMBER THE FIRST PERSON YOU TOLD THAT
8 YOUR BROTHER HAD A CUT ON HIS FINGER?

9 A I DIDN'T TELL HIM HE HAD A CUT ON HIS FINGER,
10 I TOLD HIM HE CUT HIS WRIST AND SAID HE WAS GOING TO
11 DIE

12 Q BUT HE HAD CUT HIS WRIST BUT HE DIDN'T ALSO
13 HAVE A CUT ON HIS FINGER, DID HE?

14 A HE HAD ONE

15 Q YOU DIDN'T TELL THEM HE HAD ONE, DID YOU?

16 A I DON'T REMEMBER IF I TOLD THEM OR NOT

17 Q YOU WERE INTERVIEWED BY THE HALL COUNTY POLICE
18 DEPARTMENT THAT DAY, WEREN'T YOU?

19 A THAT NIGHT

20 Q AND YOU SAY THE CUT THAT HE HAD ON HIS FINGER
21 WAS A CUT THAT HAD BLED ENOUGH TO REQUIRE HIM TO
22 WRAP IT IN A BANDAGE, YOU SAID THAT EARLIER, DIDN'T
23 YOU?

24 A YES

25 Q WHAT TYPE BANDAGE DID HE HAVE IT WRAPPED IN?

1 A IT WASN'T A BANDAGE, IT WAS LIKE A NAPKIN
2 THING HE HAD WRAPPED AROUND IT

3 Q OF COURSE YOU SAW THAT CUT BEFORE HE CUT HIS
4 WRISTS, DIDN'T YOU?

5 A YEAH

6 Q AND DID YOU TELL HIM, YOU CUT YOURSELF, WE
7 NEED TO TAKE CARE OF THIS, WE NEED TO TEND TO THIS
8 DID YOU TRY TO GET THE BANDAGE AND FIX IT UP FOR
9 HIM?

10 A NO

11 Q YOU DIDN'T?

12 A I DON'T THINK I DID I REMEMBER I LOOKED AT
13 IT I WAS LIKE, JOHN -- I DIDN'T MAKE NO BIG DEAL

14 Q THAT WAS A BIG ENOUGH CUT FOR YOU TO SEE

15 A WHEN I SAW THE BLOOD I KNEW

16 Q I MEAN AFTER HE TOOK THE BANDAGE OFF, I MEAN,
17 HE SHOWED IT TO YOU, DIDN'T HE?

18 A WHEN HE TOOK IT OFF AND I SAW IT, I DIDN'T
19 THINK IT WAS A BIG DEAL

20 Q HUH?

21 A I DIDN'T THINK IT WAS NO BIG DEAL

22 Q HAD HE CUT HIMSELF ON THE WRIST BEFORE Y'ALL
23 WALKED OUTSIDE AND SAW THE POLICE OFFICERS THERE OR
24 WHILE YOU WERE WALKING OUTSIDE?

25 A LIKE I SAY, HE WAS GOING -- WHEN HE WAS GOING

1 THROUGH THE KITCHEN, INSTEAD OF HIM GOING OUT THE
2 DOORWAY, HE WENT OVER TO THE WASHER WAS AND THE BOX
3 CUTTER WAS ON MY DRYER AND WHEN WE WERE FIGHTING,
4 THAT WAS WHERE HE CUT HIS WRIST

5 Q CUT HIS WRIST

6 A YEAH

7 Q AND THEN YOU PUT SOMETHING ON TOP OF IT?

8 A NO

9 Q YOU DIDN'T PUT ANYTHING ON IT TO STOP THE
10 BLEEDING?

11 A I COULDN'T

12 Q WHO DID?

13 A NOBODY DID UNTIL WHEN THEY GOT HIM OUTSIDE AND
14 WHEN THEY DRUG HIM OVER THERE AND PUT HIM IN THE
15 ROAD, NOBODY DID ANYTHING SO I WENT AND TOLD ONE OF
16 THE OFFICERS, "WILL YOU PLEASE SEE ABOUT HIM SO HE
17 DOESN'T BLEED TO DEATH " SO ONE OF THE OFFICERS
18 DID

19 Q YOU'VE BEEN IN HERE THE WHOLE TRIAL, HAVEN'T
20 YOU, PRETTY MUCH, COME AND GO AS YOU WANT HAVEN'T
21 YOU HAD THE ACCESS TO THE COURTROOM?

22 A YES

23 Q WERE YOU HEAR WHEN THE DOCTOR WHO SEWED UP THE
24 CUT ON HIS WRIST TESTIFIED?

25 A I DON'T KNOW THERE WERE SO MANY, I DON'T

1 KNOW

2 Q DID YOU GO WITH HIM TO THE HOSPITAL FOR HIS
3 SUICIDE ATTEMPT? DID YOU GO WITH YOUR BROTHER TO
4 THE HOSPITAL?

5 A THEY WOULDN'T LET ME

6 Q WOULDN'T LET YOU GO TO THE HOSPITAL?

7 A NO

8 Q DID YOU CHECK ON HIM AT ANY POINT IN TIME?

9 A YOU MEAN --

10 Q YOUR BROTHER

11 A WHEN THEY TOOK HIM TO HALL COUNTY, THEY
12 WOULDN'T LET ME GO

13 Q WHEN WAS IT THAT YOU SAW THE GUN IN THE TRUNK
14 AGAIN, MS HARRISON?

15 A I CAN'T REALLY REMEMBER EXACTLY WHEN

16 Q WHERE WERE YOU SAW THE GUN IN THE TRUNK?

17 A WHERE WAS I, I WAS AT HOME

18 Q 300 MAPLE STREET?

19 A NO, AT MY HOME IN GAINESVILLE

20 Q GAINESVILLE

21 A YEAH

22 Q AND WHO WAS OVER THERE?

23 A IT WAS MY FAMILY, MY SIBLINGS AND MY HUSBAND
24 AND JOHN, SHEKA AND THE BOYS, THEIR BOYS

25 Q AND WHAT WERE Y'ALL DOING?

1 A WE WERE JUST SITTING AROUND THE HOUSE RELAXING
2 AND THEY CAME TO SPEND THE WEEKEND

3 Q STAY THE WEEKEND?

4 A YES

5 Q AND YOU WENT OUT AND HAD A LOOK AT THE TRUNK
6 OF THE CAR?

7 A WELL, NO, I WAS HELPING THEM UNLOAD THE STUFF
8 AND BRING IT INTO THE HOUSE AND THAT'S WHEN I SEEN
9 IT IN THERE

10 Q AND WHAT DID YOU DO ABOUT IT?

11 A I WAS CURIOUS

12 Q BUT YOU DON'T REMEMBER WHEN?

13 A I CAN'T REMEMBER WHEN

14 Q THANKSGIVING MAYBE?

15 A NO

16 Q JULY 4TH?

17 A I DON'T REMEMBER WHEN

18 Q VALENTINE'S DAY?

19 A I DON'T REMEMBER WHEN

20 Q DON'T REMEMBER WHEN THAT HAPPENED?

21 A NO

22 Q I BELIEVE YOU MENTIONED EARLIER THAT SHEKA WAS
23 LIKE A SISTER-IN-LAW HAD YOU TAKED TO HER ABOUT
24 MIKE ADAMS?

25 A NO

1 Q YOU HADN'T TALKED TO HER ABOUT MIKE, THE GUY
2 SHE WAS SEEING?

3 A I DIDN'T KNOW SHE WAS SEEING NOBODY

4 Q YOU DIDN'T KNOW SHE WAS SEEING HIM DID YOU
5 TALK TO HER ON FRIDAY, DECEMBER 2ND?

6 A THAT WAS WHEN WE HAD THE BOYS

7 Q SO YOU TALKED TO HER ON FRIDAY, DECEMBER 1ST -
8 - DECEMBER 2ND, WHEN YOU CAME TO TOWN?

9 A NOT THAT FRIDAY WHEN I CAME TO TOWN I SEEN
10 HER, BUT ---

11 Q BUT WHAT?

12 A BUT AS FAR AS DISCUSSING MICHAEL ADAMS

13 Q YOU DIDN'T YOU DIDN'T DISCUSS MICHAEL ADAMS?

14 A I DIDN'T KNOW MICHAEL ADAMS EXISTED

15 Q WHEN YOU LEFT TOWN ON DECEMBER 3RD, WHEN YOU
16 LEFT ABBEVILLE, WHAT WAS THE LAST IMPRESSION THAT
17 YOU HAD OF YOUR BROTHER'S STATE OF MIND, CONDITION,
18 DEMEANOR?

19 A I KNEW HE WAS A LITTLE UPSET BUT TO ME IT WAS
20 LIKE NOTHING UNUSUAL I FELT LIKE -- ME AND MY
21 HUSBAND, WE ALWAYS HAVE LITTLE DESCRPENACIES WITH
22 EACH OTHER BUT THEY'RE ALWAYS RIGHT BACK WITH EACH
23 OTHER SO I DIDN'T MAKE NO BIG DEAL OUT OF IT

24 Q BASICALLY, YOUR VIEW OF THEN, BASED ON YOUR
25 KNOWLEDGE OF THEIR RELATIONSHIP, CERTAINLY FROM WHAT

1 YOU SAW IN NO WAY WOULD HAVE PROVOKED HIM TO MURDER
2 TO WOMEN, WOULD IT?

3 MR GARRETT OBJECTION, YOUR HONOR
4 THE COURT OVERRULED
5 THE WITNESS SAY AGAIN

6 EXAMINATION CONTINUED

7 BY MR JONES

8 Q WHAT YOU SAW SUNDAY AFTERNOON, WHATEVER TIME
9 IT WAS, IN THE WAY OF INTERACTION BETWEEN SHEKA AND
10 YOUR BROTHER WOULD HAVE IN NO WAY PROMPTED OR
11 PROVOKED SOMEONE INTO COMMITTING TWO MURDERS, WOULD
12 IT?

13 A NO

14 Q WASN'T ANYTHING THAT WOULD CAUSE SOMEBODY TO
15 GET UPSET?

16 A LIKE I SAID, WHEN I LEFT HE WAS UPSET BUT
17 BEING AROUND HIM AS MUCH AS I WAS, I DIDN'T MAKE NO
18 BIG DEAL OUT OF IT BECAUSE THEY'RE ALWAYS FUSSING OR
19 DAH, DAH, DAH, WITH EACH OTHER BUT BOOM RIGHT BACK
20 TO THE OTHER

21 Q YOU WEREN'T AT 201 RICHEY STREET -- 401 RICHEY
22 STREET MONDAY MORNING, DECEMBER 4TH, BETWEEN ELEVEN
23 AND TWELVE WERE YOU?

24 A NO

25 Q SO YOU DON'T KNOW WHAT YOUR BROTHER DID OVER

1 THERE THEN, DO YOU?

2 A NO

3 MR JONES I DON'T HAVE ANY FURTHER
4 QUESTIONS

5 MR GARRETT NO RE-DIRECT

6 THE COURT YOU CAN STEP DOWN

7 MR GARRETT YOUR HONOR, OUR NEXT
8 WITNESS IS JOHN KENNEDY HUGHEY AND WILL REQUIRE SOME
9 CONSULTATION

10 THE COURT LADIES AND GENTLEMEN,
11 LET'S TAKE A SHORT BREAK BEFORE WE GO FURTHER
12 PLEASE GO TO YOUR JURY ROOM, DON'T DISCUSS THE CASE,
13 WE'LL BRING YOU BACK SHORTLY
14 (JURY EXITS COURTROOM AT 2 55 O'CLOCK P M)

15 MR TINSLEY THE SOLICITOR HAS
16 BROUGHT TO MY ATTENTION THE FAILURE TO STOP WE
17 WON'T CONTEST

18 THE COURT WILL NOT? WHAT'S THE
19 DATE?

20 MR TINSLEY IT'S 8/28/95
21 ACTUALLY, THE SENTENCING DATE WAS SEPTEMBER THE 1ST
22 SIGNED ON 8/28

23 MR COULTER THE CONFUSION WAS THERE
24 WAS A '93 CHARGE FOR THE SAME THING

25 MR TINSLEY WE DON'T CONTEST THAT

1 THE COURT DON'T CONTEST USE FOR
2 IMPEACHMENT

3 MR TINSLEY CORRECT, SIR

4 THE COURT MR GARRETT, YOU
5 INDICATED BEFORE WE TOOK A RECESS MR HUGHEY WOULD
6 TESTIFY IN THE TRIAL OF THIS CASE

7 MR GARRETT YES, YOUR HONOR

8 THE COURT HAVE YOU EXPLAINED TO MR
9 HUGHEY THAT HE HAS A RIGHT NOT TO TESTIFY?

10 MR GARRETT I HAVE, YOUR HONOR

11 THE COURT HAVE YOU EXPLAINED TO HIM
12 THE ADVANTAGES AND DISADVANTAGES OF TESTIFYING AND
13 OF NOT TESTIFYING?

14 MR GARRETT I HAVE, YOUR HONOR

15 THE COURT AND HAS HE INDICATED TO
16 YOU THAT HE HAS REACHED A DECISION AS TO WHETHER OR
17 NOT HE WILL TESTIFY

18 MR GARRETT HE HAS, YOUR HONOR

19 THE COURT DO YOU BELIEVE THAT HIS
20 DECISION WAS A DECISION THAT HE HAS MADE FREELY AND
21 VOLUNTARILY CONSIDERING ALL OF THE CIRCUMSTANCES
22 RELATING TO THIS CASE?

23 MR GARRETT YES, YOUR HONOR

24 THE COURT DO YOU AGREE WITH HIS
25 DECISION?

1 MR GARRETT YES, YOUR HONOR

2 BY THE COURT

3 Q MR HUGHEY, I NEED TO ASK YOU SOME QUESTIONS
4 YOUR LAWYER HAS INDICATED THAT YOU ARE INTENDING TO
5 TESTIFY DURING THE TRIAL OF THIS CASE

6 A YES, SIR

7 Q YOU UNDERSTAND THAT WHEN A PERSON IS CHARGED
8 WITH A CRIME THEY ENJOY CERTAIN CONSTITUTIONAL
9 RIGHTS THOSE INCLUDE THE RIGHT TO HAVE A LAWYER
10 ASSIST YOU AS YOU ARE ENJOYING BECAUSE YOU'VE HAD
11 LAWYERS THERE WITH YOU YOU ALSO HAVE THE RIGHT TO
12 HAVE A JURY DECIDE WHETHER OR NOT YOU'RE GUILTY AND,
13 OF COURSE, YOU'RE ALSO ENJOYING THAT RIGHT HAVING
14 PARTICIPATED IN THE JURY SELECTION PROCESS YOU
15 ALSO, WHEN YOU'RE CHARGED WITH A CRIME, HAVE A RIGHT
16 TO REMAIN SILENT THE BURDEN IS ALWAYS UPON THE
17 STATE TO PROVE THAT YOU ARE GUILTY, THE BURDEN IS
18 NEVER UPON YOU TO PROVE THAT YOU ARE NOT GUILTY, DO
19 YOU UNDERSTAND THAT?

20 A YES, SIR

21 Q AND, THEREFORE, WHEN YOU ARE ACCUSED OF HAVING
22 COMMITTED SOME CRIME YOU HAVE AN ABSOLUTE RIGHT TO
23 REMAIN SILENT NOBODY CAN REQUIRE THAT YOU TESTIFY,
24 NOBODY CAN REQUIRE THAT YOU MAKE ANY STATEMENT, NO
25 ONE CAN REQUIRE THAT YOU ANSWER ANY QUESTIONS AS

1 THEY RELATE TO THE CHARGES THAT ARE PENDING AGAINST
2 YOU NOW, DO YOU UNDERSTAND THAT?

3 A YES

4 Q NO ONE CAN MAKE YOU TAKE THE WITNESS STAND, NO
5 ONE CAN CALL YOU TO THE STAND TO ASK YOU ANY
6 QUESTIONS WITHOUT YOUR CONSENT AND WITHOUT YOUR
7 PERMISSION I CAN'T PUT YOU ON THE WITNESS STAND,
8 THE SOLICITOR CAN'T CALL YOU TO THE WITNESS STAND,
9 NOT EVEN YOUR LAWYERS CAN CALL YOU TO THE WITNESS
10 STAND TO TESTIFY UNLESS YOU WISH TO TAKE THE STAND
11 AND TO TESTIFY DURING THE TRIAL OF THIS CASE, DO YOU
12 UNDERSTAND THAT RIGHT?

13 A YES, SIR,

14 Q HAVE YOUR LAWYERS EXPLAINED TO YOU THE
15 ADVANTAGES AND DISADVANTAGES OF TESTIFYING AND OF
16 NOT TESTIFYING?

17 A YES

18 Q DO YOU UNDERSTAND THAT IF YOU CHOSE TO TAKE
19 THE WITNESS STAND AND TESTIFY DURING THE TRIAL OF
20 THIS CASE NOT ONLY WILL YOU HAVE TO ANSWER THOSE
21 QUESTIONS THAT YOUR LAWYERS WILL ASK YOU BUT YOU
22 WILL ALSO HAVE TO ANSWER ANY QUESTIONS THAT THE
23 PROSECUTOR MIGHT ASK YOU EVEN IF THE ANSWERS TO
24 THOSE QUESTIONS MIGHT TEND TO PROVE YOU GUILTY OF
25 ANY OF THESE OFFENSES ALLEGED AGAINST YOU, DO YOU

1 UNDERSTAND THAT?

2 A YES, SIR

3 Q NOW, HAVE YOU HAD PLENTY OF TIME TO THINK
4 ABOUT YOUR DECISION AS TO WHETHER OR NOT YOU'LL
5 TESTIFY?

6 A YES, SIR

7 Q HAVE YOU HAD PLENTY OF TIME TO TALK WITH YOUR
8 LAWYERS ABOUT YOUR DECISION?

9 A YES, SIR

10 Q YOU UNDERSTAND THE ADVANTAGES AND
11 DISADVANTAGES OF TESTIFYING?

12 A YES, SIR

13 Q OF NOT TESTIFYING?

14 A YES, SIR

15 Q DO YOU UNDERSTAND THAT IF YOU DO NOT TESTIFY
16 THAT I WOULD INSTRUCT THE JURY THAT THEY MAY NOT
17 HOLD THAT AGAINST YOU IN ANY FASHION NOR MAY THEY
18 CONSIDER THAT IN ANY WAY IN THEIR DECISION

19 A YES

20 Q DO YOU NEED ADDITIONAL TIME TO TALK WITH YOUR
21 LAWYERS ABOUT YOUR DECISION?

22 A NO, SIR

23 Q HAVE YOU ARRIVED AT YOUR DECISION?

24 A YES

25 Q IS THE DECISION THAT YOU HAVE REACHED FREELY

1 AND VOLUNTARILY MADE?

2 A YES

3 Q HAS ANYONE THREATENED YOU OR FORCED YOU INTO
4 THAT DECISION?

5 A NO, SIR

6 Q IT IS TOTALLY YOUR DECISION

7 A YES

8 Q YOU UNDERSTAND THE CONSEQUENCES OF THAT
9 DECISION?

10 A YES

11 Q WHAT DO YOU WISH TO DO?

12 A TESTIFY

13 THE COURT ANYTHING FURTHER BEFORE
14 WE BRING THE JURY IN? BRING THEM IN
15 (JURY RE-ENTERS COURTROOM AT 3 15 O'CLOCK P M)

16 THE COURT MR GARRETT

17 MR GARRETT I CALL TO THE STAND
18 JOHN KENNEDY HUGHEY

19 THE CLERK THE EVIDENCE YOU SHOULD
20 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE
21 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
22 THE TRUTH, SO HELP YOU, GOD

23 (WITNESS PRESENTED AT 3 16 O'CLOCK P M)

24 DIRECT EXAMINATION

25 BY MR GARRETT

1 Q JOHN, I'D LIKE FOR YOU TO TELL US YOUR NAME
2 FOR OUR COURT RECORD

3 A JOHN KENNEDY HUGHEY

4 Q JOHN, HOW OLD ARE YOU?

5 A TWENTY-EIGHT

6 Q AT THE TIME OF THIS INCIDENT, HOW OLD WERE
7 YOU?

8 A TWENTY-SIX

9 Q TWENTY-SIX YEARS OF AGE?

10 A YES, SIR

11 Q I'D LIKE TO TALK WITH YOU A LITTLE BIT ABOUT
12 YOUR LIFE, JOHN WHERE WERE YOU BORN?

13 A ABBEVILLE

14 Q IN ABBEVILLE

15 A YES, SIR

16 Q AND TELL US THE NAME OF YOUR PARENTS

17 A DOLLY MAY HUGHEY AND JOHN HENRY SMITH

18 Q DID YOUR FATHER ALWAYS GO BY JOHN HENRY SMITH?

19 A NO, SIR, HE WENT BY HUGHEY

20 Q WHEN DID HE CHANGE HIS NAME TO SMITH?

21 A I DON'T RECALL

22 Q DID YOU GO TO GRAMMAR SCHOOL HERE?

23 A YES

24 Q WHERE DID YOU GO TO GRAMMAR SCHOOL?

25 A GREENVILLE STREET

1 Q REMEMBER SOME OF YOUR TEACHERS THERE?

2 A MR EUBANKS, MS FISHER, MS FINLEY, MS
3 POWELL

4 Q WHERE DID YOU GO AFTER YOU GOT OF GRAMMAR
5 SCHOOL, WHAT SCHOOL DID YOU GO TO?

6 A WRIGHT MIDDLE

7 Q WRIGHT MIDDLE?

8 A YES, SIR

9 Q REMEMBER SOME OF YOUR TEACHERS THERE?

10 A MS MEYERS, MS WHITE, MR WARREN, THAT'S ALL
11 I RECALL

12 Q AFTER YOU GOT OUT OF WRIGHT MIDDLE SCHOOL
13 WHERE DID YOU GO?

14 A ABBEVILLE HIGH

15 Q ABBEVILLE HIGH SCHOOL?

16 A YES

17 Q HOW MANY GRADES DID YOU GO THERE?

18 A I WENT TO THE TENTH

19 Q YOU QUIT IN THE TENTH GRADE?

20 A I GOT EXPELLED

21 Q AND AFTER YOU LEFT SCHOOL, WHAT HAPPENED TO
22 YOU? WHAT DID YOU START DOING? WHAT KIND OF WORK
23 DID YOU DO?

24 A I DID CONSTRUCTION WORK

25 Q IS THAT WHAT KIND OF WORK YOUR DADDY HAD DONE

1 BEFORE YOU?

2 A YES, SIR

3 Q CONSTRUCTION WORK WHAT KIND OF CONSTRUCTION
4 WORK DID YOU DO?

5 A I OPERATE HEAVY MACHINERY

6 Q HEAVY MACHINERY?

7 A YES

8 Q WHAT KIND OF MACHINERY WERE YOU OPERATING?

9 A D-9 DOZER

10 Q A D-9 DOZER?

11 A YES

12 Q IS THAT A DIESEL?

13 A YES

14 Q AND WHERE DID YOU GO TO WORK?

15 A SNELLVILLE, GEORGIA

16 Q SNELLVILLE, GEORGIA?

17 A YES, SIR

18 Q HOW LONG DID YOU WORK THERE?

19 A ABOUT TWO YEARS

20 Q THEN WHAT DID YOU DO?

21 A I CAME BACK HOME WITH MY MOM

22 Q CAME BACK HOME TO LIVE WITH YOUR MOM?

23 A YES

24 Q SO WHAT YEAR DID YOU GO DOWN TO GEORGIA AND
25 HOW LONG WERE YOU THERE?

1 A I DON'T KNOW

2 Q YOU DON'T REMEMBER?

3 A NO, SIR

4 Q DO YOU REMEMBER WHEN YOU WERE IN THE TENTH
5 GRADE, WHAT YEAR THAT WAS?

6 A NO, SIR

7 Q DO YOU REMEMBER WHAT YEAR -- YOUR MAMA DIED IN
8 WHAT YEAR?

9 A IN '91

10 Q HOW MANY YEARS DID YOU LIVE WITH HER BEFORE
11 SHE DIED, DO YOU KNOW?

12 A ABOUT TWO OR THREE YEARS

13 Q SO YOU CAME HOME SOME TIME IN '89, '88/'89?

14 A ABOUT '87 OR '88

15 Q PRIOR TO THAT TIME, HAD YOU KNOWN TESHEKA?

16 A YES, SIR, I KNOWN HER

17 Q HOW LONG HAD YOU KNOW TESHEKA?

18 A I SEEN HER AROUND BUT I DIDN'T KNOW HER AT THE
19 TIME

20 Q SO AFTER YOU CAME BACK HOME, YOU AND TESHEKA
21 STARTED HAVING A RELATIONSHIP?

22 A YES

23 Q TELL US ABOUT IT

24 A I MET HER AT THE PLAYGROUND OVER ON BLUE HILL
25 AND WE STARTED TALKING AND GOT TO KNOW EACH OTHER

1 Q HOW OLD WERE YOU?

2 A I CAN'T RECALL I WAS YOUNG

3 Q HOW OLD WAS SHE?

4 A BOTH OF US WERE YOUNG

5 Q WAS SHE STILL IN SCHOOL?

6 A YES, SIR,

7 Q WHAT GRADE WAS SHE IN?

8 A SHE WAS IN HIGH SCHOOL WITH MY BABY SISTER

9 Q SHE AND YOUR BABY SISTER -- WHAT'S YOUR BABY
10 SISTER'S NAME?

11 A DOROTHY MAY HUGHEY

12 Q SO THE TWO OF THEM WERE IN SCHOOL TOGETHER AND
13 YOU MET HER AT THE PLAYGROUND

14 A YES, SIR

15 Q YOU START DATING AT THAT TIME?

16 A YES, SIR

17 Q AND HOW LONG DID Y'ALL DATE BEGINNING IN 1987
18 AND 1988?

19 A HOW LONG WE STARTED DATING? I CAN'T RECALL

20 Q DID Y'ALL BECOME SERIOUS ABOUT ONE ANOTHER?

21 A YES

22 Q WHEN DID THAT OCCUR?

23 A AROUND '89, '90

24 Q AFTER Y'ALL BECAME SERIOUS ABOUT ONE ANOTHER,
25 DID YOU CONSIDER HER YOUR WIFE?

1 A AFTER A WHILE

2 Q YES, SIR

3 Q DID SHE CONSIDER THAT SHE WAS YOUR WIFE?

4 A AS FAR AS I KNOW

5 Q WHEN WAS YOUR FIRST CHILD BORN?

6 A '93

7 Q IN '93 Y'ALL'S FIRST CHILD WAS BORN DID

8 Y'ALL CONSIDER YOURSELF HUSBAND AND WIFE AS EARLY AS

9 1990?

10 A OFF AND ON

11 Q DID SOMETHING HAPPEN BETWEEN SHE AND HER

12 FAMILY THAT KIND OF PUT Y'ALL TOGETHER FOR A LONG

13 PERIOD OF TIME?

14 A AS I RECALL, HER PARENTS WEREN'T GETTING ALONG

15 BECAUSE ME AND HER STARTED TALKING

16 Q SO WHAT HAPPENED?

17 A SHE MOVED AND STARTED STAYING WITH HER

18 GRANDMOM AND THEN SHE WOULD COME OVER TO OUR HOUSE

19 AND START STAYING WITH ME

20 Q AND DURING THIS PERIOD OF TIME, HOW LONG DID

21 TESHEKA STAY WITH YOU?

22 A IT WAS OFF AND ON

23 Q OFF AND ON WHAT'S THE LONGEST PERIOD OF TIME

24 THAT Y'ALL STAYED TOGETHER?

25 A I DON'T KNOW

1 Q WAS IT A WEEK OR A MONTH?

2 A IT WAS MORE THAN WEEK

3 Q SIX WEEKS OR SIX MONTHS OR WHAT, DO YOU KNOW?

4 A IT WASN'T QUITE SIX MONTHS

5 Q IT WASN'T QUITE SIX MONTHS?

6 A NO, SIR

7 Q NOW, CAN YOU IDENTIFY DEFENDANT'S EXHIBIT
8 NUMBER TWELVE?

9 A YES, SIR

10 Q TELL THE JURY WHAT DEFENDANT'S EXHIBIT NUMBER
11 TWELVE IS

12 A IT'S A LETTER FROM TESHEKA JACKSON TO ME

13 Q ALL RIGHT COULD YOU OPEN THAT UP IS IT A
14 LETTER OR A CARD?

15 A A CARD

16 Q DON'T SAY WHAT IT SAYS THERE, BUT DO YOU KNOW
17 ABOUT WHAT TIME OR WHAT YEAR YOU RECEIVED THAT
18 LETTER FROM HER OR THAT CARD FROM HER?

19 A IT WAS '92

20 Q 1992?

21 A YES

22 Q ARE YOU SURE OF THAT OR CAN YOU TELL?
23 SOMETIME BETWEEN '90 AND '92?

24 A BETWEEN '90 AND '92

25 Q IS THAT THE CARD YOU RECEIVED?

1 A YES, SIR

2 Q OPEN IT UP AND DO YOU RECOGNIZE WHOSE
3 HANDWRITING THAT IS?

4 A YES

5 Q DON'T SAY WHAT IT SAYS

6 MR GARRETT YOUR HONOR, I'LL MOVE
7 AT THIS TIME TO INTRODUCE DEFENDANT'S NUMBER TWELVE
8 INTO EVIDENCE

9 MR JONES JUDGE, NO OBJECTION
10 THE COURT IT'S ADMITTED

11 MR GARRETT THANK YOU, YOUR HONOR

12 EXAMINATION CONTINUED

13 BY MR GARRETT

14 Q NOW, JOHN, I KNOW IT'S DIFFICULT TO READ THE
15 DATE ON HERE BUT THIS MESSAGE, WHAT KIND OF OCCASION
16 IS THIS CARD, A FORGET-ME-NOT CARD, WHAT'S THE
17 OCCASION?

18 A A BIRTHDAY CARD

19 Q I'D LIKE FOR YOU TO READ HER INTERNAL WRITINGS
20 ON THAT TO YOU? CAN YOU READ THAT?

21 A IT SAYS, "HI JOHN, JUST LETTING YOU KNOW I'M
22 THINKING OF YOU ON YOUR BIRTHDAY I LOVE YOU DEARLY
23 AND CHERISH EVERY MOMENT WE SHARE AND JUST DROPPED
24 IN TO LET YOU KNOW THAT I CARE SO MUCH LOVE YOU,
25 YOUR DEAR WIFE, TESHEKA, I LOVE YOU "

1 Q AND SHE, AT LEAST AT THAT POINT IN HER LIFE,
2 CONSIDERED HERSELF TO BE YOUR WIFE?

3 A YES

4 Q NOW, AS YOUR RELATIONSHIP WITH HER GREW, DID
5 Y'ALL AT SOME POINT DECIDE TO HAVE A CHILD TOGETHER?

6

7 A WE HAD PLANNED ON IT BUT NOT THAT EARLY

8 Q AS A RESULT OF THAT RELATIONSHIP, DID Y'ALL
9 HAVE A CHILD?

10 A YES, WE HAD A BOY

11 Q AND HOW OLD'S YOUR SON?

12 A HE'S THREE NOW

13 Q WHAT YEAR WAS HE BORN?

14 A HE WAS BORN IN '94

15 Q BORN IN 1994?

16 A 11/13/94

17 Q AND WHERE WAS HE BORN?

18 A IN GREENWOOD

19 Q GREENWOOD SELF-MEMORIAL HOSPITAL?

20 A YES, SIR

21 Q AND YOU WERE THERE?

22 A YES

23 Q WHO ALL ELSE WAS THERE WHEN YOUR CHILD WAS
24 BORN?

25 A HER MOTHER

1 Q MS BERNICE JACKSON?

2 A YES

3 Q AND YOUR COMMON-LAW WIFE, TESHEKA, AND

4 YOURSELF?

5 A YES

6 Q ANYBODY ELSE THERE?

7 A I THINK HER FATHER CAME OVER

8 Q HER FATHER CAME OVER, OKAY AND THEN WHEN WAS

9 YOUR SECOND CHILD BORN?

10 A 10/30/94 KIVIAS WAS BORN IN '94, DREKCO WAS

11 BORN IN '93

12 Q ONE OF THEM WAS BORN IN '93, WHO WAS THE CHILD

13 BORN IN '93?

14 A THE OLDEST ONE

15 Q WHAT'S HIS NAME?

16 A DEVONTAYE

17 Q DEVONTAYE?

18 A YES

19 Q AND YOUR SECOND CHILD WAS BORN IN '94 AND THAT

20 CHILD'S NAME WHAT?

21 A KIVIAS

22 Q SO WE HAVE DEVONTAYE AND KIVIAS AND WHERE

23 WAS KIVIAS BORN?

24 A HE WAS BORN IN ANDERSON

25 Q IN ANDERSON?

1 A YES

2 Q AT ANDERSON MEMORIAL HOSPITAL THERE?

3 A YES, SIR

4 Q AND ANY UNUSUAL CIRCUMSTANCES ABOUT THAT
5 BIRTH?

6 A NO, SIR

7 Q WHO ALL WAS THERE?

8 A I WAS THERE AND I CALLED HER PARENTS AND THEY
9 CAME OVER

10 Q WHAT TYPE OF RELATIONSHIP DID YOU HAVE WITH
11 HER PARENTS NOW THAT YOU HAD CHILDREN TOGETHER?

12 A WE DIDN'T HAVE NO RELATIONSHIP

13 Q PARDON?

14 A YOU KNOW, I SPEAK TO HIM, AND THAT WAS IT

15 Q DID THEY CARE FOR YOU OR DID YOU CARE FOR THEM
16 OR WHAT WAS YOUR ALL'S RELATIONSHIP?

17 A THERE WASN'T NO CARING

18 Q WHAT ABOUT YOUR RELATIONSHIP WITH HER
19 GRANDMOTHER?

20 A I'D SPEAK TO HER

21 Q DID YOU AND HER GRANDMOTHER HAVE ANY KIND OF
22 ONGOING RELATIONSHIP?

23 A I USED TO GO OVER THERE AND JUST TALK WITH
24 HER

25 Q DID THAT CHANGE IN LATER YEARS OR WHAT?

1 A YEAH, THINGS SORT OF CHANGED

2 Q NOW, WHAT I'D LIKE TO DO IS I'D LIKE TO TAKE
3 YOU -- I'D LIKE TO TALK TO YOU ABOUT THE GOOD TIMES
4 AND THE BAD TIMES DID Y'ALL HAVE BOTH AND GOOD AND
5 BAD TIMES IN YOUR MARITAL RELATIONSHIP?

6 A YEAH

7 Q LET'S FIRST TALK ABOUT THE GOOD THINGS CAN
8 YOU TELL ME THE GOOD THINGS ABOUT YOUR RELATIONSHIP
9 WITH HER?

10 A YOU KNOW, WE USED TO GET IN THE CAR AND TAKE
11 THE KIDS TO THE ZOO AND GO TO THE PARK AND JUST GO
12 SIGHT SEEING

13 Q HOW OFTEN WOULD YOU AND SHE DO THAT?

14 A JUST ABOUT EVERY OTHER WEEKEND

15 Q AND WHAT PERIOD OF TIME ARE WE TALKING ABOUT,
16 IN YEARS, DO YOU KNOW?

17 A AFTER THEY WERE BORN, THROUGHOUT THE YEARS

18 Q AFTER YOUR CHILDREN WERE BORN, THROUGHOUT THE
19 YEARS SO BOTH CHILDREN WERE BORN BY THAT TIME THAT
20 Y'ALL WERE DOING THAT?

21 A YES

22 Q SO THAT WOULD HAVE BEEN SOMETIME AFTER 1994?

23 A YES

24 Q YOUR LAST CHILD WAS BORN WHEN?

25 A 10/30/94

1 Q SO AFTER OCTOBER 1994 YOU AND SHE WOULD TAKE
2 TRIPS TOGETHER WITH THE CHILDREN?

3 A YES

4 Q DID YOU SOMETIMES GO DOWN TO GAINESVILLE TO
5 SPEND TIME WITH YOUR SISTER?

6 A YES, SIR,

7 Q AND HOW OFTEN WOULD YOU SEE YOUR SIDE OF THE
8 FAMILY?

9 A THE ONES THAT LIVE UP HERE I SEE THEM ALL THE
10 TIME THE ONES THAT LIVE DOWN IN GEORGIA, I GO DOWN
11 SOMETIMES LIKE EVERY WEEKEND OR EVERY OTHER WEEKEND

12 Q DURING THIS PERIOD OF TIME SAY AFTER OCTOBER
13 OF 1994 WHEN BOTH OF YOUR CHILDREN WERE BORN WERE
14 YOU WORKING AT THAT TIME?

15 A YES, SIR

16 Q JOHN, WHAT KIND OF WORK WERE YOU DOING AT THAT
17 TIME?

18 A I WAS DETAILING

19 Q WHAT DOES DETAILING MEAN?

20 A I WAS WORKING AT GEORGE BALLENTINE'S,
21 DETAILING CARS, CLEANING UP CARS

22 Q AND THAT'S THE WAY YOU MADE YOUR LIVING?

23 A YES

24 Q AND WHAT KIND OF WORK WAS SHEKA DOING?

25 A SHE WAS WORKING AT KFC SHE LEFT KFC AND WENT

1 TO THE GREENWOOD MILL

2 Q AND DO YOU KNOW ABOUT WHEN SHE DID THAT?

3 A NO

4 Q NOT TOO FAMILIAR WITH WHAT DATE THAT WAS?

5 A NO

6 Q YOU KNOW AT SOME POINT SHE LEFT KFC AND GOT A
7 BETTER JOB THEN?

8 A YES

9 Q PAID A LITTLE BIT MORE MONEY AND WHAT NOT?

10 A YES

11 Q SOME BENEFITS?

12 A YES WELL, HER MOM GOT HER THAT JOB

13 Q HER MOM HELPED HER GET THAT JOB

14 A YES

15 Q NOW, ABOUT THE MONEY, THERE'S BEEN SOME
16 QUESTION ABOUT THE MONEY DID YOU AND SHE SHARE
17 Y'ALL'S MONEY TOGETHER?

18 A YES I USED TO GIVE HER MONEY ANY TIME SHE
19 WANTED

20 Q AND WHY WOULD YOU DO THAT?

21 A SHE ASKED FOR IT, I GAVE IT TO HER

22 Q AND WHEN YOU TAKE HER ON THESE TRIPS -- AND WE
23 WERE TALKING ABOUT THE GOOD TIMES SOME OF THE GOOD
24 TIMES THAT YOU INDICATED WERE TAKING TRIPS TO THE
25 ZOO, WERE THERE ANY OTHER GOOD TIMES THAT YOU HAD

1 WITH HER THAT YOU CAN RECALL?

2 A WE'D JUST RIDE OFF YOU KNOW, WHATEVER SHE
3 WANTED TO DO

4 Q CAN YOU RECALL ANY EXAMPLES TO MIND?

5 A IF SHE WANTED TO GO OUT OF TOWN, WE
6 D GO OUT OF TOWN, JUST WHATEVER

7 Q WHAT KIND OF THINGS DID SHE LIKE TO DO?

8 A GO TO THE PARK, PLAY BALL WITH THE KIDS, GO
9 RIDING, GO SHOPPING, JUST STUFF LIKE THAT

10 Q JUST LIKE MOST FOLKS

11 A YES

12 Q DID Y'ALL HAVE SOME BAD TIMES DURING THIS
13 PERIOD OF TIME?

14 A YES

15 Q LET'S TALK ABOUT THE WORST TIMES THAT YOU AND
16 SHE HAD TOGETHER DURING THIS TIME?

17 A THE WORST TIME WHEN MY SON, HE WAS IN THE
18 HOSPITAL, HE HAD PNEUMONIA I STAYED THERE WITH HIM
19 FOR THIRTY DAYS UNTIL HE CAME HOME

20 Q WAS SHEKA WORKING AT THAT TIME?

21 A NO, I DON'T THINK SO

22 Q WHICH CHILD WAS IT, DEVONTAYE?

23 A YES

24 Q AND DEVONTAYE WAS IN THE HOSPITAL AND YOU
25 STAYED WITH HIM FOR THIRTY DAYS?

1 A YES, SIR

2 Q OF COURSE, SHEKA WAS HELPING YOU AND SHE WAS
3 THERE AS WELL?

4 A YES, SHE WAS THERE

5 Q WAS HER FAMILY THERE?

6 A YES, THEY CAME UP

7 Q WAS YOUR FAMILY THERE, AS WELL?

8 A ONE OF MY OLDER SISTERS CAME BY

9 Q AND THEN WHAT OTHER PROBLEMS DID Y'ALL HAVE
10 DURING YOUR RELATIONSHIP?

11 A JUST WHEN SHE WOULD BE MESSING AROUND AND I'D
12 CATCH HER AND I WOULD BE MESSING AROUND AND SHE'D
13 CATCH ME

14 Q SO BOTH OF YOU HAD MESSED AROUND ON EACH
15 BEFORE?

16 A YES, SIR

17 Q AND YOU CAUGHT HER MESSING AROUND BEFORE?

18 A YES, SIR

19 Q WHEN DID YOU CATCH HER MESSING AROUND?

20 A DIFFERENT TIMES

21 Q WAS IT AFTER YOUR CHILDREN WERE BORN?

22 A YES

23 Q AND AFTER YOUR CHILDREN WERE BORN WERE YOU
24 ALSO MESSING AROUND WITH OTHER WOMEN?

25 A YES AFTER SHE STARTED BREAKING UP WITH ME

1 Q AND YOU WOULD DO THE SAME THING?

2 A YES, SIR

3 Q NOW, ANY OTHER BAD TIMES THAT YOU AND SHE
4 EXPERIENCED DURING THESE YEARS?

5 A OTHER THAN SHE'D BE MESSING AROUND ONE TIME
6 WHEN -- THE DAY MY MAMA HAD PASSED AND WE BURIED
7 HER, I WAS OVER MY OLDER SISTER WHERE THE FAMILY
8 WAS, HER AND HER COUSIN CAME OVER AND SHE LEFT SHE
9 SAID SHE WAS GOING HOME TOLD ME TO CALL HER BUT COME
10 TO FIND OUT SHE WAS WITH ANOTHER GUY

11 Q AND THAT WAS BACK WHEN YOUR MOM DIED?

12 A YES, SIR

13 Q BACK IN '91?

14 A YES

15 Q DID Y'ALL HAVE ANY KIND OF FIST FIGHTS, FIGHT
16 OR ANYTHING LIKE THAT AT THAT TIME?

17 A NO, SIR

18 Q JOHN, HAVE YOU AND SHE EVER, HISTORICALLY IN
19 THE PAST, HAVE Y'ALL EVER GOT VIOLENT WITH ONE
20 ANOTHER?

21 A WE GOT INTO WELL I WOULD STIFF HAND HER AND
22 SHE SLAPPED ME AND I SLAPPED HER BACK

23 Q SO Y'ALL HAVE BOTH BEEN HOSTILE WITH EACH
24 OTHER?

25 A YES

1 Q HAVE YOU EVER PULLED A WEAPON ON HER?

2 A NO, SIR

3 Q DID SHE EVER PULL A WEAPON ON YOU?

4 A YES

5 Q WHEN DID SHE PULL A WEAPON ON YOU?

6 A A KNIFE WHERE SHE STABBED ME ON MY WRIST

7 Q SHE STABBED YOU IN THE WRIST BEFORE?

8 A YES

9 Q DO YOU KNOW THE APPROXIMATE DATE SHE STABBED
10 YOU ON YOUR WRIST?

11 A IT WAS IN '95

12 MR GARRETT YOUR HONOR, MAY I ALLOW
13 HIM TO APPROACH THE JURY AND SHOW A SCAR?

14 THE COURT YOU MAY

15 EXAMINATION CONTINUED

16 BY MR GARRETT

17 Q THE SCAR IS RIGHT HERE AT THE TOP OF YOUR
18 WRIST?

19 A YEAH

20 Q TAKE YOUR TIME SO THEY CAN SEE IT TAKE YOUR
21 TIME AND, JOHN, WHEN SHE STABBED YOU WITH A KNIFE,
22 DID THAT REQUIRE STITCHES?

23 A YES, SIR

24 Q DID YOU MAKE ANY REPORT TO THE GOVERNMENT THAT
25 SHE STABBED YOU OR TAKE OUT ANY WARRANT ON HER OR

1 ANYTHING LIKE THAT?

2 A NO, SIR, I DIDN'T WANT HER TO GO TO JAIL

3 Q AND WHY DID SHE STAB YOU, WHAT WAS IT ABOUT?

4 A ANOTHER GIRL -- SHE HAD GOTTEN OFF WORK AT KFC
5 AND CAME UP BY THE HOUSE AND THESE TWO GIRLS THEY
6 WERE LEAVING MY HOUSE

7 Q AND WHO WERE THOSE TWO GIRLS?

8 A ONE I HAD A LITTLE GIRL BY

9 Q SO YOU HAD TWO GIRLS, ONE OF WHICH YOU HAD A
10 LITTLE GIRL BY

11 A YES, SIR

12 Q AND WHAT IS HER NAME?

13 A LASHINA OFFLEY

14 Q AND WHEN TESHEKA CAME UP, DID YOU AND HER HAVE
15 A CONFRONTATION?

16 A AT THE TIME

17 Q WHAT HAPPENED?

18 A SHEKA GOT MAD AND TOLD ME IT BETTER NOT BE MY
19 BABY AND SHE FOUND OUT SHE WAS GOING TO GET ME SHE
20 JUST GRABBED THE KNIFE AND GOT VIOLENT

21 Q WHERE DID SHE GET THE KNIFE FROM?

22 A OUT OF THE KITCHEN

23 Q WHERE WERE Y'ALL AT?

24 A MY HOUSE

25 Q DID YOU TAKE ANY VIOLENT ACTIONS TOWARDS HER,

1 DID YOU PICK A KNIFE AND CUT HER OR ANYTHING LIKE
2 THAT?

3 A NO, I JUST TOOK THE KNIFE AWAY FROM HER

4 Q TOOK THE KNIFE AWAY FROM HER?

5 A YES

6 Q DID YOU GET HER CALMED DOWN?

7 A YEAH, SHE CALMED DOWN

8 Q DID YOU AND SHE GO TO THE HOSPITAL TOGETHER TO
9 GET STITCHED UP?

10 A NO, IT WASN'T LIKE THAT WE WENT THERE
11 SUNDAY

12 Q WENT THE FOLLOWING DAY TO GET THE STITCHES
13 DID YOU PUT SOME KIND OF BANDAGE OVER IT?

14 A I JUST WRAPPED IT UP AND THOUGHT IT WAS GOING
15 TO STOP BLEEDING

16 Q OTHER THAN THAT TIME, CAN YOU RECALL IT EVER
17 GETTING VIOLENT BETWEEN THE TWO OF YOU?

18 A THERE WAS ONE TIME WE WERE IN GREENWOOD OVER
19 TO HER MOM'S HOUSE, ALL OF US HAD TO GO TO COURT
20 SHE HAD BEEN OUT DRINKING AND EVERYTHING THEN SHE
21 CAME HOME, ME AND HER GOT INTO AN ARGUMENT AND I
22 SLAPPED HER AND THEY CALLED THE POLICE WE HAD TO
23 GO TO COURT AND I PAID THE FINE THEN AFTER I PAID
24 THE FINE, WE WENT BACK OVER TO HER MOM'S

25 Q SO ON THAT OCCASION YOU SLAPPED HER?

1 A YES

2 Q SHE DIDN'T PULL A KNIFE ON YOU OR ANYTHING
3 LIKE THAT?

4 A NO, SIR

5 Q SO Y'ALL HAD SOME GOOD TIMES AND SOME BAD
6 TIMES?

7 A YES, SIR

8 Q I WANT TO TALK WITH YOU A LITTLE BIT ABOUT
9 SOME ITEMS HERE I'D LIKE TO TALK WITH YOU A LITTLE
10 BIT ABOUT THE CAR DID YOU TRY TO HELP HER FROM
11 TIME TO TIME WITH AUTOMOBILES FOR HER AND THE
12 CHILDREN?

13 A AT ONE TIME WE DIDN'T HAVE NO KIND OF
14 TRANSPORTATION SO ONE DAY WE WAS OVER IN
15 GREENWOOD, I TOOK A DAY OFF FROM WORK, AND WE WAS IN
16 HER FATHER'S CAR --

17 Q WHERE WERE YOU WORKING AT AT THE TIME?

18 A I WAS STILL IN GREENWOOD AND SHE SEEN A
19 LITTLE CAR AT THE CHYRSLER PLACE AND I ASKED HER DID
20 SHE WANT IT AND SHE SAID YES I WENT IN AND WE
21 FILLED OUT THE PAPERWORK AND I PAID \$1,000 DOWN ON
22 IT

23 Q WHAT KIND OF CAR WAS IT?

24 A IT WAS A '95 NEON SPORTS COUPE

25 Q IS THAT A CHRYSLER?

1 A YES, SIR

2 Q DID YOU PUT IT IN HER NAME?

3 A YES, SIR, AND HER GRANDMAMA CO-SIGNED

4 Q WHAT WAS HER GRANDMOTHER'S NAME?

5 A MRS RUTH CONNER

6 Q SO THAT OCCURRED IN EARLY '95?

7 A YES, SIR

8 Q WHY DID SHE GO OUT AND GET A NEW '95

9 MITSUBISHI? WHY DID Y'ALL CHANGE?

10 A WE WAS OVER IN ANDERSON ONE DAY, YOU KNOW, WE
11 WAS RIDING, SIGHT SEEING, LOOKING AT CARS AND SHE
12 HAD SEEN IT UP THERE AND SHE SAID SHE WANTED A NEW
13 CAR BECAUSE WE HAD TWO BOYS

14 Q THE NEON, WAS IT A TWO DOOR OR A FOUR DOOR?

15 A IT WAS A TWO DOOR

16 Q AND SHE WANTED A LARGER CAR?

17 A YES

18 Q DID YOU TRY TO HELP HER GET THAT?

19 A YES, SIR I TOLD HER I'D GIVE HER \$300

20 TOWARDS THE DOWN PAYMENT

21 Q DID YOU, IN FACT, GIVE HER \$300?

22 A YES I GAVE IT TO HER ON FRIDAY NIGHT BECAUSE
23 SHE HAD CALLED AND MADE AN APPOINTMENT AND THE LADY
24 TOLD HER TO BE OVER THERE SATURDAY

25 Q SO FRIDAY NIGHT BEFORE SHE WENT TO GET IT ON

1 SATURDAY YOU GAVE HER \$300?

2 A I GAVE IT TO HER FRIDAY NIGHT

3 Q SO FRIDAY NIGHT BEFORE SHE WENT TO GET IT ON
4 SATURDAY, YOU GAVE HER \$300?

5 A I GAVE IT TO HER FRIDAY NIGHT

6 Q AND ON THIS PARTICULAR CAR, THIS MITSUBISHI
7 VEHICLE, DID YOU DRIVE IT?

8 A I DROVE IT OFTEN, PROBABLY EVERY DAY

9 Q PROBABLY EVERY DAY?

10 A JUST ABOUT EVERY DAY

11 Q THERE WAS A TIME YOU HAD YOUR DRIVER'S LICENSE
12 SUSPENDED, WASN'T THERE?

13 A YES, SIR

14 Q I BELIEVE YOU GOT YOURSELF IN SOME TROUBLE
15 DRIVING UNDER SUSPENSION, DIDN'T YOU?

16 A YES, SIR

17 Q LET'S TALK ABOUT THIS VEHICLE DID YOU HELP
18 HER KEEP IT CLEAN?

19 A YES, SIR

20 Q DID Y'ALL WASH IT AND TAKE CARE OF IT?

21 A YES

22 Q DID YOU HAVE A CAR?

23 A I'VE GOT AN '81 CELICA

24 Q '81 CELICA WHERE'S THAT CAR AT?

25 A IT'S AT MY HOUSE

1 Q DID SHE HAVE KEYS TO THAT CAR?

2 A YES, SIR

3 Q DID YOU HAVE KEYS TO HER CAR?

4 A YES, WE HAD KEYS SHE ALSO HAD KEYS TO THE
5 HOUSE

6 Q SHE HAD A KEY TO YOUR HOUSE IN MAPLE STREET?

7 A YES

8 Q JOHN, CAN YOU IDENTIFY DEFENDANT'S EXHIBIT
9 NUMBER THREE, TELL US WHAT THAT IS, IT'S ALREADY IT
10 EVIDENCE

11 A THAT'S A PICTURE OF SOME KEYS

12 Q WHOSE KEYS ARE THEY?

13 A MINE AND HERS

14 Q AND WHO GAVE HER THAT KEY CHAIN?

15 A THAT KEY CHAIN IS A FINGERHUT KEY CHAIN THAT I
16 GAVE TO HER

17 Q WHEN YOU BOUGHT THE CAR?

18 A YES, SIR

19 Q YOU GAVE IT TO HER?

20 A YES, SIR

21 Q THE KEYS THAT ARE ON THERE, ARE YOUR CAR KEYS
22 ON THERE, AS WELL?

23 A THERE SUPPOSED TO BE ON THERE THEY WAS LEFT
24 ON THERE

25 Q TO THE BEST OF YOUR KNOWLEDGE, WERE YOUR CAR

1 KEYS ON HER KEY RING?

2 A YES

3 Q ALSO, YOUR HOUSE KEY IS ON THERE, IS THAT
4 CORRECT?

5 A YES, SIR, AND THE ADDRESS WAS ON IT

6 Q AND NOBODY'S BEEN ABLE TO SHOW US THE KEYS,
7 WE'VE ASKED FOR THEM, BUT NOBODY SHOWED US THEM,
8 HAVE THEY?

9 A NO, SIR

10 Q JOHN, ABOUT THESE PAYMENTS, HOW MUCH WERE
11 THESE PAYMENTS ON THIS CAR?

12 A I THINK \$369 OR \$389

13 Q AND HOW MUCH WERE YOU HELPING HER MAKE THESE
14 PAYMENTS?

15 A SHE HAD ASKED ME TO GIVE HER \$300 A MONTH

16 Q HAVE YOU BEEN GIVEN HER \$300 A MONTH?

17 A I USED TO GIVE HER MONTHLY CAR PAYMENTS AND
18 ALSO GIVE HER MONEY FOR HER GRANDMOM FOR KEEPING THE
19 KIDS

20 Q AND DID YOU EVER MISS ANY TIME ON THAT?

21 A I USED TO GIVE HER MONEY CONSTANTLY

22 Q EVEN WHEN YOU WEREN'T WORKING AND YOU WEREN'T
23 ABLE TO DO IT, DID YOU STILL KEEP PAYING FOR SOME OF
24 THE CAR?

25 A I KEPT MONEY SO EVERY TIME SHE WANTED IT,

1 I'D GIVE IT TO HER

2 Q DID YOU EVER MISS ANY PAYMENTS ON THE CAR?

3 A NOT BY ME GIVING HER MONEY, NO SHE'D PAY
4 WHATEVER'S GOT TO BE PAID

5 Q MY QUESTION IS, WAS THERE EVER A MONTH AFTER
6 YOU AND SHE BOUGHT THIS NEW CAR THAT YOU FAILED TO
7 GIVE HER \$300?

8 A NOT THAT I KNOW OF

9 Q WHEN YOU GAVE HER THAT MONEY, DID YOU GIVE IT
10 TO HER IN A CHECK OR CASH OR HOW DID YOU DO IT?

11 A IT'D BE CASH MONEY

12 Q GOING BACK TO SOME OF THESE EARLIER DOCUMENTS,
13 JOHN IF WE CAN, THESE DOCUMENTS THAT I'M REFERRING
14 TO DEFENDANT'S EXHIBIT FIFTEEN, DEFENDANT'S EXHIBIT
15 TWENTY-TWO, DEFENDANT'S EXHIBIT TWENTY-ONE AND
16 DEFENDANT'S EXHIBIT FOURTEEN JOHN, WHY WOULD YOU
17 HAVE THESE AT YOUR HOUSE, CAN YOU TELL ME WHY THEY
18 WOULD BE AT YOUR HOUSE?

19 A SOME OF THEM -- I'VE GOT MY ADDRESS ON THEM

20 Q THEY HAD YOUR ADDRESS ON THEM?

21 A YES

22 Q DID YOU AT ONE TIME HAVE A LITTLE EXTRA MONEY?

23 A YES

24 Q TELL US WHAT YOU DID WHEN YOU GOT A LITTLE
25 EXTRA MONEY?

1 A WE DEPOSITED IT IN THE BANK

2 Q HOW DID Y'ALL GET A LITTLE EXTRA MONEY, WHAT
3 HAPPENED?

4 A I USED TO DO ODD JOBS

5 Q AND Y'ALL GENERATED SOME MONEY TOGETHER?

6 A YES

7 Q AND DID YOU OPEN UP AN ACCOUNT FOR YOU AND
8 HER?

9 A YES

10 Q DID Y'ALL GET A CHECKING ACCOUNT?

11 A YES

12 Q IS DEFENDANT'S EXHIBIT THIRTEEN SOME OF THOSE
13 CHECKS?

14 A YES

15 Q IS THAT STILL AN ACTIVE ACCOUNT?

16 A NO, SIR

17 Q AT THE TIME THAT THIS INCIDENT HAPPENED, WAS
18 THAT AN ACTIVE ACCOUNT, TO YOUR KNOWLEDGE?

19 A YES

20 Q IT WAS?

21 A YES

22 Q AND WHAT ABOUT THE SAVINGS ACCOUNT, WAS IT
23 STILL AN ACTIVE ACCOUNT?

24 A YES, SIR

25 Q AND WHAT WERE YOU AND SHE SAVING FOR?

1 A JUST SAVING BECAUSE WE HAD PLANNED ON MOVING
2 TO GEORGIA

3 Q YOU HAD WHAT?

4 A PLANNED ON MOVING TO GEORGIA

5 Q PLANNED ON MOVING TO GEORGIA?

6 A YES, SIR

7 Q WHY WERE Y'ALL GOING TO MOVE TO GEORGIA?

8 A BECAUSE SHE SAID THAT'S WHERE SHE WANTED TO
9 GO SHE WAS TIRED OF STAYING AROUND HERE

10 Q I'LL SHOW YOU WHAT HAS BEEN MARKED AS EXHIBIT
11 EIGHTEEN, SEVENTEEN, TWENTY, SIXTEEN AND NINETEEN
12 FOR IDENTIFICATION JOHN, CAN YOU IDENTIFY EACH ONE
13 OF THOSE? LET'S TALK ABOUT ALL OF THEM IN GENERAL
14 FIRST WOULD YOU LOOK THROUGH THEM (WITNESS DOES
15 AS INSTRUCTED) DO YOU RECOGNIZE THOSE PHOTOGRAPHS?

16 A YES, SIR

17 Q ARE THOSE ALL PHOTOGRAPHS OF YOU OR SHE?

18 A YES, SIR

19 Q AND DID YOU HAVE IN YOUR PERSONAL BELONGINGS
20 SOME PHOTOGRAPHS?

21 A YES, SIR

22 Q AND WERE THOSE MADE AVAILABLE TO US YESTERDAY?

23 A YES

24 Q AND YOU CAN IDENTIFY EACH ONE AS BEING
25 SOMETHING THAT WAS THERE?

1 A YES

2 MR GARRETT YOUR HONOR, I'LL MOVE
3 TO INTRODUCE DEFENDANT'S EXHIBIT NINETEEN, SIXTEEN,
4 TWENTY, SEVENTEEN, EIGHTEEN

5 MR JONES YOUR HONOR, WE OBJECT TO
6 EVERY ONE OF THEM THEY BEAR NO RELEVANCE ON WHAT
7 HAPPENED ON DECEMBER 4, 1995 PASS THEM ON FOR THE
8 COURT'S REVIEW

9 THE COURT LET ME SEE ALL OF THEM
10 I'LL SUSTAIN THE OBJECTION ON THE RELEVANCE

11 MR GARRETT BEG THE COURT'S
12 INDULGENCE YOUR HONOR, WE TAKE EXCEPTION TO THIS -
13 - HIS HONOR'S RULING AND WOULD LIKE TO BE ABLE TO
14 ARGUE THAT AT A LATER POINT, NOT RIGHT NOW, AT A
15 LATER POINT

16 THE COURT YOU WILL

17 MR GARRETT THANK YOU

18 EXAMINATION CONTINUED

19 BY MR GARRETT

20 Q JOHN, I'D LIKE TO -- YOU AND SHE DID HAVE
21 PHOTOGRAPHS OF EACH OTHER?

22 A YES, SIR

23 Q SOME GOOD TIMES?

24 A YES

25 Q AND YOU'VE GOT THOSE IN YOUR MATERIALS?

1 A YES

2 Q DID YOU HAVE PICTURES OF YOU AND THE CHILDREN
3 TOGETHER?

4 A YES

5 Q NOW, I'D LIKE TO TALK TO YOU ABOUT CONTENTS OF
6 THAT CAR THERE WAS SOME ITEMS FOUND IN THE REAR OF
7 THAT CAR COULD YOU TELL US YOUR LAST REMEMBRANCE
8 OF WHAT ITEMS WERE IN THE REAR OF THAT CAR?

9 A JUST SOME CLOTHES AND A BABY BAG

10 Q THIS IS ON THE MITSUBISHI?

11 A YES, SIR

12 Q WHAT ELSE?

13 A SOME SHELLS AND A GUN

14 Q HOW LONG HAD THAT BEEN IN THERE?

15 A SINCE THE LAST TIME WE HAD WENT TO GEORGIA, WE
16 HAD PUT IT IN THERE

17 Q WAS IT USED FOR PROTECTION?

18 A YES, SIR

19 Q AND WAS THERE ANYTHING ELSE IN THAT TRUNK?

20 A CLOTHES

21 Q DID YOU AND SHE HAVE A CELL PHONE TOGETHER?

22 A WELL, MY PHONE WAS IN THE TRUNK

23 Q YOUR PHONE WAS IN THE TRUNK?

24 A YES, SIR

25 Q AND THEN WHO'S PAYING FOR THAT PHONE, DO YOU

1 KNOW?

2 A I WAS

3 Q AT THE TIME YOU WERE PAYING FOR THAT PHONE?

4 A YES, SIR

5 Q SO ALONG WITH SOME ADDITIONAL CLOTHING AND
6 SOME BABY CLOTHING, YOU HAD THE SHOTGUN AND SHELLS
7 IN THERE AND YOU HAD A PHONE?

8 A YES, SIR

9 Q WAS THERE A COOLER IN THERE?

10 A YES

11 Q WHOSE COOLER WAS THAT?

12 A IT WAS MY COOLER

13 Q NOW, THE QUESTION OF THIS ATM CARD HAS COME
14 UP COULD YOU TELL US WHAT YOU KNOW ABOUT THAT ATM
15 CAR?

16 A I ALWAYS -- THAT ATM CARD AND MY LICENSE
17 ALWAYS STAYED IN THE ASH TRAY WHEN SHE NEEDED SOME
18 MONEY, SHE'D GO TO THE BANK AND GET IT IF I NEEDED
19 IT, I'D GO TO THE BANK AND GET IT

20 Q AND DID YOU GIVE HER MONEY TO PUT INTO THAT
21 ACCOUNT?

22 A YES, SHE SAID SHE HAD DEPOSITED THERE

23 Q YOU HAD NO REASON NOT TO BELIEVE HER WHEN SHE
24 TOLD YOU THAT, DID YOU?

25 A NO, SIR

1 Q AND DID YOU AND SHE COME UP WITH A UNIQUE PIN
2 NUMBER FOR THAT CARD?

3 A YES, SIR

4 Q WHAT WAS YOUR ALL'S PIN NUMBER?

5 A OUR BIRTHDAYS

6 Q YOUR BIRTHDAYS?

7 A YEAH, THE YEAR?

8 A WHAT WAS THAT NUMBER?

9 A SIXTY-NINE, SEVENTY-THREE

10 Q AND DID YOU ACCESS AND USE HER CARD BEFORE?

11 A YES, SIR

12 Q AND DID YOU USE IT PRETTY INVOLUNTARILY?

13 A YES, SIR

14 Q DID YOU HAVE TO ASK HER TO USE THAT CARD?

15 A NO, SIR

16 Q A JOINT CARD?

17 A YES

18 Q FOR LIKE THE JOINT CHECKING ACCOUNT Y'ALL HAD,
19 BUT IT WAS IN HER NAME ONLY?

20 A YES

21 Q DID YOU EVER ASK HER TO PUT IT IN YOUR NAME?

22 A NO, SIR

23 Q JOHN, WHAT I'D LIKE TO DO IS I'D LIKE TO TALK
24 TO YOU ABOUT YOUR RELATIONSHIP WITH MS HARRIS
25 TELL US A LITTLE BIT ABOUT THAT, WHAT KIND OF

1 RELATIONSHIP DID YOU HAVE WITH MS LUEVINIA?

2 A I KNEW MS LUEVINIA SHE WAS A REAL SWEET
3 WOMAN YOU KNOW, SHE ALWAYS KEPT A SMILE ON HER
4 FACE

5 Q HOW OFTEN WOULD YOU AND TESHEKA GO SEE HER?

6 A LIKE IF WE WERE GOING TO GREENWOOD TO
7 ANDERSON, SHEKA WOULD BE ABLE TO TALK TO HER ON THE
8 PHONE OR WE'D STOP BY AND PICK HER UP

9 Q ON HOW MANY OCCASIONS WOULD YOU SAY Y'ALL WENT
10 UP THERE TOGETHER TO ANDERSON OR GREENWOOD OR
11 WHEREVER YOU WENT?

12 A SEVERAL TIMES

13 Q MORE THAN FIVE?

14 A I USED TO WORK WITH LUEVINIA AT I T FABRICS

15 Q YOU WORKED WITH HER?

16 A YES, SIR

17 Q AND TO YOUR KNOWLEDGE, DID SHE AND YOU HAVE A
18 GOOD RELATIONSHIP?

19 A AS FAR AS I KNOW

20 Q YOU HAD NO REASON TO BELIEVE Y'ALL DIDN'T HAVE
21 A GOOD RELATIONSHIP, DID YOU?

22 A NO, SIR

23 Q DID YOU HAVE ANY HARD WILL OR ANIMOSITY EVER
24 TOWARDS MS HARRIS?

25 A NO, SIR

1 Q NOW, WHAT I'D LIKE TO DO IS, JOHN, IS START
2 TAKING YOU INTO THE WEEK PRIOR TO THIS INCIDENT,
3 OKAY I'D LIKE TO TALK WITH YOU A LITTLE BIT ABOUT
4 WHAT HAPPENED DURING THAT WEEK, THE WEEK PRIOR
5 WERE YOU WORKING THAT WEEK?

6 A THE WEEK --

7 Q THE WEEK PRIOR TO DECEMBER 3RD AND DECEMBER
8 4TH, THE WEEK PRIOR TO THAT

9 A NO, I WASN'T WORKING

10 Q WHAT ABOUT TESHEKA?

11 A SHE WAS OFF

12 Q SHE WAS OFF?

13 A YES

14 Q HOW DID SHE GET OFF FROM WORK?

15 A FOR THANKSGIVING AFTER THANKSGIVING, THEY
16 GAVE HER TWO WEEKS OFF

17 Q SHE HAD A TWO WEEK SHUT DOWN?

18 A YES, SIR, THAT'S WHAT SHE TOLD ME

19 Q WHERE DID Y'ALL STAY DURING THAT WEEK?

20 A WE WAS AT MY HOUSE

21 Q WERE Y'ALL THERE IN THE EVENINGS, TELL US
22 EXACTLY WHAT Y'ALL DID DURING THE WEEK BEFORE SAY
23 LIKE MONDAY, TUESDAY AND WEDNESDAY AND THURSDAY

24 A WE'D MOSTLY JUST RIDE, GO RIDING, GET
25 SOMETHING TO EAT, JUST GO SIGHT SEEING

1 Q WHOSE HOUSE DID SHE SPEND THE NIGHT IN?

2 A MY HOUSE

3 Q OVER ON MAPLE STREET

4 A YES, SIR

5 Q DID THE CHILDREN STAY THERE WITH YOU?

6 A YES

7 Q AND THEN ON TUESDAY, WHAT DID Y'ALL DO?

8 A BASICALLY, THE SAME THING

9 Q DID Y'ALL HAVE OCCASION TO SPEND SOME WITH MR
10 BURTON?

11 MR JONES LEADING, YOUR HONOR I'M
12 GOING TO BEGIN OBJECTING TO THESE QUESTIONS FROM
13 THIS POINT ON BUT I'M OBJECTING TO THAT QUESTION
14 AS LEADING HE ASKED HIM IF HE SPENT SOME TIME WITH
15 MR BURTON ON TUESDAY

16 THE COURT OVERRULE THE OBJECTION
17 EXAMINATION CONTINUED BY MR GARRETT

18 Q DID YOU HAVE AN OPPORTUNITY TO SPEND SOME TIME
19 WITH MR BURTON ON TUESDAY?

20 A YES

21 Q AND WAS LUEVINIA THERE, TESHEKA THERE?

22 MR JONES WHO WAS THERE WOULD BE
23 THE PROPER QUESTION, YOUR HONOR I OBJECT TO HIS
24 LEADING WAS LUEVINIA, WAS TESHEKA?

25 THE COURT OVERRULED

1 THE WITNESS SHEKA CAME DOWN LATER
2 ON

3 EXAMINATION CONTINUED

4 BY MR GARRETT

5 Q SHE CAME OVER A LITTLE LATER ON?

6 A YES

7 Q DID SHE BRING YOU SOME LUNCH?

8 A YES, SIR

9 Q DID Y'ALL GO INTO -- WHERE DID Y'ALL GO TO
10 HAVE YOUR LUNCH?

11 A NO WHERE, WE STAYED DOWN AT CHRIS'S HOUSE

12 Q DID YOU GO INTO HIS HOUSE TO HAVE LUNCH?

13 A WE WAS ON THE INSIDE AND THEN WE CAME ON
14 OUTSIDE BECAUSE I WAS DOING SOME WORK AROUND THE
15 HOUSE WITH THE TRACTOR

16 Q AND WERE YOU WORKING FOR CHRIS?

17 A YES

18 Q WHAT KIND OF WORK WERE YOU DOING FOR CHRIS,
19 FOR WHAT PURPOSE?

20 A I LAID SHINGLES ON CHRIS'S HOUSE AND DID THE
21 YARD WORK FOR CHRIS

22 Q HOW LONG HAD YOU BEEN WORKING FOR CHRIS?

23 A ON THE WEEKENDS WHEN HE HAD TIME TO BE OFF

24 Q AND HOW MUCH WAS HE PAYING YOU FOR DOING THAT
25 WORK?

1 A IT ALL DEPENDED ON WHAT I WAS DOING THAT DAY
2 HE PAID ME BY THE DAY

3 Q BY HOW MUCH TIME YOU SPENT THERE OR WHAT YOU
4 GOT DONE THERE OR -- HOW MUCH WOULD YOU NORMALLY
5 MAKE SAY IF YOU WORKED -- DID YOU WORK FOR TWO DAYS
6 ON THE WEEKEND OR JUST ONE DAY OR HOW DID YOU DO IT?

7 A SOMETIMES ONE DAY, IT MIGHT BE HALF A DAY OR
8 WHATEVER, OR WE MIGHT JUST TAKE OFF AND GO FISHING

9 Q AND HOW MUCH DID HE PAY YOU, DO YOU KNOW?

10 A LIKE IF I WAS WORKING ON THE HOUSE, HE'D GIVE
11 ME \$80 FOR A HALF DAY

12 Q \$80?

13 A YES

14 Q PRETTY GOOD MONEY?

15 A YES, SIR

16 Q AND DID YOU TELL HIM OR DID YOU HAVE A REASON
17 TO TRY AND GET THIS EXTRA MONEY?

18 A NO, SIR, HE JUST ASKED ME DID I KNOW ANYBODY
19 THAT DID IT, I SAID IT WOULD COME OUT CHEAPER IF I
20 DID IT

21 Q WHAT WERE YOU TRYING TO SAVE UP FOR?

22 A NO REASON

23 Q NO REASON, ALL RIGHT AND DID YOU TAKE SOME
24 OF THIS MONEY AND WHAT WOULD YOU DO WITH IT?

25 A I GAVE IT TO TESHEKA

1 Q HOW MUCH OF IT WOULD YOU GIVE TO SHEKA?

2 A WHATEVER SHE WANTED IF SHE SAID SHE WANTED
3 IT ALL, SHE GOT IT ALL

4 Q NOW, SO MONDAY Y'ALL SPENT TOGETHER?

5 A ME AND SHEKA?

6 Q UH-HUH

7 A YES

8 Q TUESDAY?

9 A YES

10 Q WEDNESDAY?

11 A YES

12 Q DID ANYTHING UNUSUAL HAPPEN ON MONDAY OR
13 WEDNESDAY OF THAT WEEK?

14 A NOT THAT I RECALL

15 Q THURSDAY, DID YOU AL SPEND THAT DAY TOGETHER?

16 A YES, SIR, WE DID EVERY DAY

17 Q FRIDAY?

18 A YES, SIR

19 Q WHAT ABOUT SATURDAY?

20 A SATURDAY -- SHE SPENT THE NIGHT THERE FRIDAY
21 SATURDAY MORNING GOT UP AT LIKE QUARTER OF TEN AND
22 ME AND MY OLDEST BOY WENT OUTSIDE AND WASHED THE CAR
23 AND SHE CAME OUTSIDE WE SEEN HER GRANDADDY HE
24 PASSED HER UP THE ROAD AND SHE LEFT ON HOME

25 Q SO HER GRANDDAD PASSED HER AND SHE WENT ON

1 HOME?

2 A YEAH, HER GRANDDADY, HE WAS ON HIS WAY TO
3 WORK

4 Q SO Y'ALL DIDN'T CONSIDER THAT HER HOME AT THAT
5 TIME WHERE WAS HER HOME?

6 A OVER ON BLUE HILL

7 Q WHO'D SHE STAY WITH?

8 A HER GRANDMOTHER

9 Q BUT DURING THAT WEEK, SHE HAD SPENT THE NIGHT
10 WITH YOU AND THE CHILDREN?

11 A YES, SIR

12 Q THEN SATURDAY SHE LEFT?

13 A YES, SIR

14 Q AND WHAT WAS YOUR INFORMATION OF HER AS TO
15 WHERE SHE WAS GOING?

16 A SHE WAS SUPPOSED TO HAVE BEEN GOING HOME, SHE
17 SAID SHE WOULD COME BACK LATER, FOR ME TO CALL HER
18 I GAVE HER ENOUGH TIME TO GET HOME AND I WALKED DOWN
19 TO THE LAUNDROMAT AND I CALL HER --

20 Q HOLD ON A MINUTE DID Y'ALL HAVE A PHONE
21 INSIDE YOUR HOUSE?

22 A NO, SIR

23 Q SO IN ORDER FOR YOU TO MAKE A CALL OUT, YOU
24 HAD TO WALK DOWN THE STREET?

25 A YES, SIR

1 Q GO AHEAD

2 A I WENT OUT AND I CALLED HER, SHE TOLD ME THAT
3 HER AND HER MOTHER WAS TAKING THE KIDS TO A FUN DAY
4 AT HER MOTHER'S JOB AT KEISER ALUMINUM

5 Q SO THEY WERE SUPPOSED TO BE, TO YOUR
6 KNOWLEDGE, TO A FUN DAY AT KEISER ALUMINUM WITH HER
7 MOM?

8 A YES, SIR

9 Q WHAT HAPPENED?

10 A SHE TOLD ME HER MOM WAS OUT AND HER DAD WAS
11 OUT AT THAT TIME I SEEN HER FATHER AND HER BROTHER
12 COME DOWN THE ROAD

13 Q SAY THAT AGAIN, I'M SORRY, I DIDN'T UNDERSTAND
14 YOU

15 A AT THE TIME WE WAS ON THE PHONE, I SEEN HER
16 FATHER AND HER BROTHER COME DOWN THE ROAD

17 Q WHOSE FATHER?

18 A SHEKA'S FATHER

19 Q SO SHEKA'S FATHER AND HER LITTLE BROTHER CAME
20 DOWN THE ROAD DOWN THE ROAD NEAR YOUR HOUSE?

21 A YES, SIR THEY CAME DOWN SEVENTY-TWO

22 Q THEY CAME DOWN SEVENTY-TWO?

23 A YES, SIR

24 Q WHAT DID THAT TELL YOU?

25 A THAT HER MOTHER COULDN'T BE DOWN THERE SHE

1 WASN'T DOWN THERE SHE WASN'T IN ABBEVILLE AT THE
2 TIME

3 Q SO WHAT DID YOU DO?

4 A I WENT ON BACK UP TO THE HOUSE

5 Q SO YOU DIDN'T BELIEVE HER?

6 A I DIDN'T BELIEVE HER

7 Q AS IT RELATES TO THIS MICHAEL ADAMS PERSON,
8 DID YOU KNOW SHE WAS SEEING MICHAEL ADAMS?

9 A NO, SIR

10 Q DID SHE TELL YOU THAT SHE WAS HAVING -- HAD
11 BEEN HAVING AN AFFAIR WITH MR MICHAEL ADAMS --

12 A NO, SIR

13 Q -- SINCE FEBRUARY?

14 A NO, SIR

15 Q WHEN WAS THE FIRST TIME YOU EVER SAW MICHAEL
16 ADAMS?

17 A SUNDAY

18 Q SUNDAY?

19 A YES, SIR

20 Q SO LET'S TALK ABOUT SATURDAY EVENING, WHAT DID
21 YOU DO SATURDAY EVENING?

22 A STAYED AROUND THE HOUSE

23 Q THEN WHAT DID YOU DO SUNDAY? THAT'S DECEMBER
24 THE 3RD, ISN'T IT?

25 A SUNDAY, YES

1 Q WHAT HAPPENED SUNDAY?

2 A SUNDAY I GOT UP, WENT OVER BY A COUPLE FRIENDS
3 HOUSE AND WE CHILLED AND THEN I CAME BACK HOME AND I
4 ASKED MY SISTER TO TAKE ME TO GO GET MY KIDS

5 Q WHAT DID YOU DO?

6 A AND SHE TOOK ME OVER BY THERE

7 Q YOU WENT BY WHERE TO GET THE KIDS?

8 A BLUE HILL

9 Q IS THAT HER GRANDMOTHER'S HOUSE?

10 A YES, SIR

11 Q HOW DID YOU KNOW THEY'D BE THERE?

12 A I JUST ASKED HER TO TAKE ME OVER THERE?

13 Q ALL RIGHT DID YOU GET OVER THERE?

14 A YES

15 Q TELL US WHAT HAPPENED WHAT OCCURRED?

16 A WHEN I GOT OVER THERE, I FOUND SHEKA AND HIM
17 INSIDE A MUSTANG SO I ASKED SHEKA WHO WE WAS I
18 THOUGHT MAYBE HE WAS HER COUSIN OR SOMEBODY BECAUSE
19 THE CAR HAD A PAPER TAG ON IT SO I ASKED HER I
20 SAID, "WHO IS THAT?" LIKE THAT, AND SHE DIDN'T SAY
21 NOTHING AND SO I SAID, "WHO IS THAT, YO NIGGER,"
22 LIKE THAT, AND SO SHE DIDN'T SAY NOTHING I AIN'T
23 WITH THAT

24 Q I AIN'T WITH THAT, WHAT'S THAT MEAN?

25 A SHE WAS SEEING HIM SHE CAN SEE HIM I DON'T

1 CARE

2 Q DID THAT HURT YOUR FEELINGS AT THE TIME, JOHN?

3 A YEAH, AT THE TIME SHE HAD MY BOYS WITH HER
4 COME TO FIND OUT THEY HAD SPENT THE NIGHT TOGETHER
5 AND HAD THE KIDS WITH THEM SHE DID THAT SO MANY
6 TIMES I'D HAD ENOUGH OF IT

7 Q YOU WERE UPSET ABOUT IT?

8 A YES, SIR

9 Q NOW, JOHN, AFTER YOU BECAME UPSET, DID YOU
10 MAKE ANY THREATS TOWARDS TESHEKA AND/OR THIS FELLOW
11 THAT WAS IN THE CAR?

12 A NO, SIR

13 Q DID YOU RUN UP THE ROAD HOLLERING ANYTHING?

14 A NO, SIR, I WALKED AND GOT INSIDE MY SISTER'S
15 JEEP

16 Q WHERE WAS YOUR SISTER'S JEEP AT THE TIME?

17 A PARKED RIGHT THERE BY THE DRIVEWAY

18 Q RIGHT BY THE DRIVEWAY?

19 A YES, SIR

20 Q AND YOU LEFT THERE, WHERE DID YOU GO?

21 A WE CAME BACK TO MY HOUSE

22 Q TELL US WHAT YOU DID

23 A CAME BACK TO MY HOUSE, I JUST GOT OUT, WALKED
24 DOWN TO THE PHONE AND CALLED CHRIS

25 Q WAS CHRIS THERE?

1 A YES, SIR

2 Q WHAT HAPPENED?

3 A I JUST TOLD CHRIS I'M TIRED OF THE WAY SHE'S
4 TRYING TO DO ME

5 Q WERE YOU CRYING?

6 A I WAS UPSET

7 Q WERE YOU CRYING?

8 A PRETTY MUCH, I WAS

9 Q IT EFFECTED YOU DEEPLY THEN

10 A YEAH, IT KIND OF GOT TO ME

11 Q JOHN, DO YOU CRY VERY MUCH IN YOUR LIFE?

12 A ONLY TWICE

13 Q YOU'VE ONLY CRIED TWO TIMES IN YOUR LIFE THAT
14 YOU KNOW OF?

15 A THAT I KNOW OF

16 Q WHEN WAS THAT?

17 A WHEN MY MOTHER -- WHEN SHE GOT KILLED AND
18 WHEN, YOU KNOW, ALL THIS STUFF ME AND SHEKA DONE
19 BEEN THROUGH AND SEEING HER WITH ANOTHER GUY WITH MY
20 KIDS

21 Q THAT HURT YOUR FEELINGS?

22 A YES

23 Q JOHN, STEP DOWN HERE FOR A MINUTE IF YOU WILL
24 TURN AROUND AND FACE THE JURY, IF YOU WILL TELL US
25 ABOUT THESE SCARS THAT GO AROUND YOUR HEAD

1 A THIS ONE?

2 Q YES, SIR

3 A THIS ONE I FELL OUT THE CAR WHEN I WAS ABOUT
4 FOUR OR FIVE YEARS OLD ONE TIME I GOT HIT OVER ON
5 BLUE HILL, SOME GUY WHO WAS SHOOTING A GUN WAS UP
6 THERE WITH MY KID, HE HIT ME IN THE EYE WITH A GOLF
7 CLUB AND ANOTHER TIME I WAS IN A CAR WRECK

8 Q STEP BACK UP THERE DO YOU HAVE SOME HEAD
9 INJURIES?

10 A YES

11 Q JOHN, HAVE YOU EVER SEEN A PSYCHOLOGIST OR A
12 PSYCHIATRIST PRIOR TO THIS SITUATION?

13 A NO, SIR

14 Q AT ALL OF ANY KIND?

15 A NO, SIR

16 Q DO YOU HAVE ANY MEDICAL INSURANCE ON YOURSELF,
17 JOHN?

18 A NO, SIR

19 Q DID Y'ALL HAVE ANY MEDICAL INSURANCE ON THE
20 CHILDREN, TO YOUR KNOWLEDGE?

21 A YES SIR

22 Q YOU DID, THROUGH SHEKA'S WORK?

23 A NO, WE HAD OUR OWN INSURANCE SHE HAD HERS
24 AND I HAD MINE

25 Q HAD IT ON THE KIDS? WAS THAT LIFE INSURANCE

1 OR WAS THAT HEALTH INSURANCE, DO YOU KNOW THE
2 DIFFERENCE BETWEEN THOSE TWO?

3 A IT WAS BOTH

4 Q SO YOU CALLED YOUR FRIEND CHRIS AND YOU WERE
5 UPSET

6 A YES

7 Q WERE YOU SUPPOSED TO MEET CHRIS THAT DAY?

8 A YES, SIR

9 Q TELL US ABOUT THAT

10 A I WAS SUPPOSED TO HAVE BEEN GOING TO HIS
11 HOUSE

12 Q WHAT FOR?

13 A FINISH PUTTING THE SHINGLES ON THE TOP OF HIS
14 HOUSE AND HIS BARN

15 Q WHY DIDN'T YOU GO?

16 A I CHANGED YOUR MIND

17 Q DID HE COME BACK THE HOUSE?

18 A NO, SIR

19 Q DID YOU LEAVE A NOTE?

20 A ON MY DOOR

21 Q I'LL SHOW YOU STATE'S EXHIBIT FOURTEEN, JOHN,
22 AND I WANT YOU TO LOOK AT THAT SIDE FIRST AND TELL
23 ME WHAT THAT WAS ABOUT

24 A THAT'S THE DAY WE WAS SUPPOSED TO HAVE WENT
25 FISHING

1 Q SUPPOSED TO WENT FISHING?

2 A YES

3 Q WHAT'S THAT MEAN?

4 A SIR?

5 Q TELL ME WHAT THAT'S ABOUT?

6 A I HAD WENT OVER BY JABBO'S HOUSE

7 Q WENT OVER BY JABBO'S HOUSE?

8 A YEAH, THAT'S MY FIRST COUSIN

9 Q WAS HE SUPPOSED TO MEET YOU THERE?

10 A NO, SIR, HE WAS SUPPOSED TO MEET ME AT MY

11 HOUSE

12 Q CHRIS IS SUPPOSED TO MEET YOU AT YOUR HOUSE,

13 WERE YOU AT YOUR HOUSE?

14 A NO, SIR

15 Q WHERE WERE YOU AT?

16 A I HAD WENT OVER BY JABBO HOUSE

17 Q AND WHO'S JABBO?

18 A MY FIRST COUSIN, JIMMY TENCH

19 Q JIMMY TENCH?

20 A YES, SIR

21 Q AND WHO WERE YOU LEAVING THAT MESSAGE FOR?

22 A CHRIS

23 Q AND WHAT WAS THAT SUPPOSED TO TELL CHRIS?

24 A IT MEANT WHEN HE COME BY THE HOUSE IF I AIN'T

25 THERE, THAT'S WHERE I'LL BE

1 Q AND DID YOU COME BACK TO THE HOUSE AT SOME
2 LATER TIME?

3 A YES, SIR

4 Q FLIP THAT OVER, WHAT'S THAT ONE ABOUT?

5 A SAME

6 Q READ IT BACK, TELL ME WHAT YOU SAID

7 A IT SAID AFTER THIS MORNING I'LL BE DEAD, LOVE
8 Y'ALL, PLEASE TAKE CARE OF MY KIDS THAT WAS AFTER
9 ME AND SHEKA HAD GOT INTO IT I JUST -- YOU KNOW,
10 TIRED OF WHAT SHE WAS DOING AND GOING THROUGH
11 EVERYTHING

12 Q WERE YOU GOING TO KILL YOURSELF, JOHN?

13 A I GUESS I WAS

14 Q WAS THAT YOUR INTENT AT THAT TIME?

15 A AT THAT TIME BUT THEN MY BROTHER, HE CAME HOME
16 AND TOLD ME I WAS GOING WITH HIM AND I TOLD HIM I
17 DIDN'T WANT TO GO SO HE MADE ME GO WITH HIM SO WE
18 LEFT AND WENT OVER TO GREENWOOD TO THE RACE

19 Q JOHN, THIS IS IMPORTANT, I KNOW YOU WERE MAD
20 AT HER AT ANY TIME, DID YOU INTEND TO KILL HER AT
21 THAT POINT?

22 A NO, SIR, I WASN'T EVEN THINKING ABOUT HER

23 Q YOU WERE THINKING ABOUT KILLING WHO?

24 A SIR?

25 Q WHO WERE YOU THINKING ABOUT KILLING?

1 A MYSELF

2 Q YOU DIDN'T SAY IN THAT LETTER YOU WERE GOING
3 TO GO KILL SOMEBODY ELSE OR ANYTHING LIKE THAT?

4 A NO

5 Q JOHN, I'D LIKE TO PICK YOU UP FROM THERE
6 THIS IS IN THE AFTERNOON NOW, YOU'RE UPSET, MORNING,
7 AFTERNOON, WHATEVER, ABOUT THAT TIME YOU WROTE THAT
8 NOTE, THEN WHAT HAPPENED?

9 A WE LEFT AND WENT TO GREENWOOD

10 Q AND DID GREENWOOD HAVE SOMETHING GOING ON THAT
11 DAY?

12 A THEY HAD A PARADE

13 Q WAS YOUR BROTHER TRYING TO CHEER YOU UP?

14 A HE DON'T REALLY GET IN MY BUSINESS, HE JUST
15 ASKED ME TO GO WITH HIM

16 Q Y'ALL WENT OVER TO GREENWOOD?

17 A YEAH, BECAUSE HE TOOK HIS LITTLE BOY AND HE
18 ASKED ME WHETHER I WAS GOING TO GET MINE AND I TOLD
19 HIM, NO, NOT THIS TIME SO WE JUST WENT ON TO
20 GREENWOOD

21 Q WERE YOU FEELING A LITTLE BIT BETTER ABOUT
22 LIFE AS THE DAY PROGRESSED OR HOW DID YOU FEEL ABOUT
23 LIVING YOURSELF?

24 A AFTER SPENDING A LITTLE BIT OF TIME WITH HIM,
25 YOU KNOW, IT SORT OF LIKE EASED AWAY

1 Q EASED UP SOME?

2 A YES, SIR

3 Q JOHN, PRIOR TO THAT, HAD YOU OVER THOUGHT
4 ABOUT TAKING YOUR OWN LIFE BEFORE?

5 A NO, SIR, AFTER MY MOM DIED, EVERYTHING JUST
6 SEEMED LIKE IT COLLAPSED

7 Q KIND OF COLLAPSED DID YOU AND YOUR MOM HAVE
8 A GOOD RELATIONSHIP?

9 A YES

10 Q AFTER YOUR MOM DIED, DID SOME OF YOUR SISTERS
11 GET SOME PSYCHOLOGICAL TREATMENT?

12 A I REALLY DIDN'T FIND OUT TILL LATER ON

13 MR JONES RELEVANCE, YOUR HONOR

14 THE COURT SUSTAINED

15 EXAMINATION CONTINUED

16 BY MR GARRETT

17 Q AFTER YOUR MOM DIED, DID YOU GET ANY?

18 A NO, SIR

19 Q NOW, LET'S MOVE ON FROM THERE ABOUT WHAT
20 TIME DID YOU GET HOME ON THAT EVENING? SUNDAY
21 EVENING?

22 A SUNDAY, I REALLY DON'T KNOW IT WAS ABOUT A
23 QUARTER TILL TEN

24 Q IS THAT WHEN YOU GOT HOME?

25 A I GOT HOME ABOUT NINE OR NINE-THIRTY, QUARTER

1 TILL TEN

2 Q AND WHAT DID YOU DO WHEN YOU GOT HOME?

3 A WATCHED TV

4 Q YOU WATCHED TV

5 A YES, SIR

6 Q ANYTHING HAPPEN?

7 A I HEARD A KNOCK AT THE FRONT DOOR AND I CAME
8 TO THE DOOR AND SHEKA, SHE WAS OUTSIDE I PEEKED
9 OUT THE WINDOW AND ASKED WHAT SHE WANTED SHE SAID,
10 YOU KNOW, WE'VE GOT TAKE THE CAR TO ANDERSON MONDAY
11 AND I SAID, YEAH SHE SAID OPEN UP I WANT TO TALK
12 TO YOU RIGHT NOW

13 Q SHE CAME BY YOUR HOUSE THAT EVENING?

14 A YEAH, AROUND ABOUT QUARTER TILL TEN SHE CAME
15 BY THE HOUSE

16 Q THEN WHAT HAPPENED?

17 A SHE JUST TOLD ME TO CALL HER AND I SAID YEAH,
18 I'LL CALL YOU LATER ON

19 Q WERE YOU UPSET?

20 A UH-UH, A LOT OF THINGS GOING THROUGH MY MIND

21 Q DID SHE TELL YOU WHERE SHE WAS GOING, WHERE
22 SHE WAS GOING TO STAY OR ANYTHING LIKE THAT?

23 A NO, SIR

24 Q DID YOU ASK HER?

25 A NO, SIR

1 Q THEN WHAT HAPPENED?

2 A I HAD ASKED MY BROTHER, YOU KNOW, LET ME DRIVE
3 HIS TRUCK SO HE GAVE ME HIS TRUCK AND SO I RODE DOWN
4 BY CHRIS'S HOUSE AND CAME THROUGH PROMISED LAND TO
5 GREENWOOD AND HE DIDN'T ANSWER MY CALL

6 Q SO YOU CALLED HER AND WHAT DID YOU TALK TO HER
7 ABOUT? WHERE DID YOU CALL HER, LET ME ASK YOU THAT
8 FIRST?

9 A I CALLED HER AT HER GRANDMOTHER'S HOUSE

10 Q YOU CALLED TO HER GRANDMOTHER'S HOUSE?

11 A YES

12 Q ABOUT WHAT TIME DID YOU CALL YOUR
13 GRANDMOTHER'S HOUSE?

14 A ABOUT ELEVEN, RIGHT BEFORE ELEVEN

15 Q AND YOU LEARNED WHERE SHE WAS AT THAT NIGHT?

16 A WHEN I CALLED HER GRANDMA TOLD ME SHE WAS OVER
17 AT MS HARRIS'S HOUSE

18 Q DID THAT SHOCK YOU, WAS THAT UNUSUAL FOR HER
19 TO BE OVER THERE?

20 A IT KIND OF SURPRISED ME BUT I KNEW THAT SHE
21 WENT INTO GREENWOOD, SHE WAS OVER TO HER GRANDMA'S
22 HOUSE

23 Q SHE WASN'T IN GREENWOOD MEANING THAT SHE WENT
24 TO WORK IN GREENWOOD?

25 A OVER TO HER MOM'S HOUSE

1 Q OVER TO HER MOM'S?

2 A YEAH

3 Q DID YOU KNOW WHETHER SHE HAD TO WORK THAT
4 NIGHT OR NOT?

5 A SHE TOLD ME SHE WASN'T ON YET

6 Q WHEN DID SHE TELL YOU THAT?

7 A THAT FRIDAY

8 Q FRIDAY BEFORE SHE TOLD YOU SHE WASN'T WORKING
9 THAT NIGHT, SUNDAY NIGHT?

10 A SHE TOLD ME SHE DIDN'T WANT TO WORK BECAUSE WE
11 HAD TO TAKE THE CAR ANDERSON

12 Q AND WHAT WAS WRONG WITH THIS CAR?

13 A THE SUNROOF HAD STARTED LEAKING

14 Q WHEREABOUTS WAS IT LEAKING?

15 A IN THE TOP

16 Q WHICH SIDE?

17 A IS WAS RIGHT AT THE TOP OF THE SUNROOF

18 Q WAS IT ONE SIDE OR THE OTHER?

19 A YES, SIR, AROUND THE SEAL

20 Q AROUND THE SEAL?

21 A YES, SIR

22 Q SUNROOF IS SOMETHING THAT SITS INSIDE?

23 A YES, SIR

24 Q WAS IT LEAKING ALL THE WAY AROUND IT OR WHERE
25 WAS IT LEAKING AT?

1 A TOWARD THE DRIVER'S SIDE

2 Q TOWARD THE DRIVER'S SIDE?

3 A YES, SIR

4 Q AND YOU AND SHE DISCUSSED GOING TO HAVE THAT
5 WORKED ON?

6 A YES, SIR

7 Q AND WAS IT CUSTOMARY FOR YOU TO HELP HER DO
8 THINGS WITH THE CAR?

9 A WELL, USUALLY WHEN'S SOMETHING WRONG, I DO
10 WHAT I CAN TO GET IT FIXED

11 Q SO YOU TALKED TO HER AT 10 15, APPROXIMATELY,
12 AND THEN YOU THOUGHT SHE WAS GOING BACK TO HER
13 GRANDMOTHER'S HOUSE?

14 A YES

15 Q YOU CALLED OVER THERE THAT EVENING, SHE WASN'T
16 THERE

17 A YES

18 Q THEN WHAT DID YOU DO?

19 A AFTER SHE WENT OVER TO HER GRANDMA'S HOUSE, I
20 WAS -- WELL, HER GRANDMOTHER TOLD ME SHE WAS OVER
21 MR MACK'S HOUSE SO I SAID, "OH, WELL, SHE'S OVER
22 THERE, THAT'S FINE", AND I SIMPLY LEFT

23 Q DID YOU BELIEVE SHE WAS OVER MR MACK'S HOUSE?

24 A IF HER GRANDMOTHER SAID SHE WAS OVER THERE,
25 SHE WAS OVER THERE

1 Q YOU TRUSTED WHAT SHE SAID?

2 A YES, SIR

3 Q THAT WAS ABOUT WHAT TIME, 11 00?

4 A A LITTLE BIT BEFORE 11 00

5 Q THEN WHAT DID YOU DO?

6 A I LEFT MY HOUSE

7 Q WHERE DID YOU GO?

8 A RODE, RODE AROUND

9 Q RODE AROUND?

10 A YES, SIR

11 Q THEN WHAT DID YOU DO?

12 A THEN I CALLED HER

13 Q YOU CALLED HER?

14 A YES

15 Q WHERE DID YOU CALL HER FROM?

16 A PAY PHONE

17 Q PAY PHONE WHERE?

18 A OVER AT SCOTCHMAN

19 Q DID YOU HAVE SOME MONEY?

20 A I HAD SOME GREEN MONEY BUT NO COINS

21 Q DID YOU REVERSE THE CHARGES?

22 A I CALLED COLLECT

23 Q AND WHO DID YOU TALK WITH WHEN YOU CALLED

24 COLLECT?

25 A MR HARRIS

1 Q DID YOU TALK TO MR HARRIS?

2 A YES, SIR

3 Q WAS SHEKA THERE?

4 A AT THE TIME HE SAID HE DIDN'T KNOW

5 Q HOW DID THAT MAKE YOU FEEL?

6 A EXCUSE ME?

7 Q HER GRANDMOTHER ALREADY TOLD YOU SHE WAS THERE

8 AND NOW YOU TALKING TO MR MACK AND MACK DON'T KNOW?

9 A HE SAID HE DIDN'T KNOW, YOU KNOW HE SAID HE

10 WAS LAYING IN THE BED

11 Q THEN WHAT HAPPENED?

12 A THEN I WAITED -- I CAME BACK HOME AND I WAITED

13 AND I CALLED OVER THERE EARLY THAT MORNING

14 Q SO THE NEXT MORNING YOU CALLED HER EARLY

15 A YES, SIR

16 Q WHAT TIME DID YOU CALL HER?

17 A 6 40, 7 00 O'CLOCK

18 Q 6,40 OR 7 00 O'CLOCK?

19 A YES, SIR

20 Q DID YOU CALL FROM HOME?

21 A NO, SIR

22 Q WHERE DID YOU CALL HER FROM?

23 A RIGHT DOWN BY MY HOUSE AT THE LAUNDROMAT

24 Q DID YOU TALK TO HER?

25 A YES, SIR

1 Q WHAT DID Y'ALL TALK ABOUT?

2 A NOTHING SHE SAID YOU KNOW WE'VE GOT TO TAKE
3 THE CAR DOWN AND I SAID, YEAH, I KNOW IT AND SHE
4 TOLD ME TO CALL HER BACK AT EIGHT O'CLOCK WHEN SHE
5 GOT OUT OF BED I TOLD HER JUST CALL ME BACK, SHE
6 SAID SHE'D CALL ME BACK AT NINE-THIRTY

7 Q AND HAD Y'ALL HISTORICALLY SET UP A PLACE FOR
8 YOU TO CALL YOU BACK AT TIMES?

9 A IF SHE WANTED TO CALL, THEN SHE'D CALL ME AT
10 THE LAUNDROMAT

11 Q IF SHE WANTED TO CALL YOU SHE CALLED YOU AT
12 THE LAUNDROMAT DID SHE KNOW THE NUMBER TO THE
13 NUMBER TO THE LAUNDROMAT?

14 A YES, SIR, SHE'D TELL ME WHAT TIME TO BE DOWN
15 THERE

16 Q AND WERE YOU THERE AT NINE-THIRTY LIKE Y'ALL
17 HAD TALKED ABOUT?

18 A NO, I WAS BACK HOME IN BED

19 Q YOU WERE IN BED, DID YOU EVER SLEEP?

20 A I WAS LAYING THERE WATCHING TV AND I JUST KIND
21 OF OVERSLEPT

22 Q THEN WHAT HAPPENED?

23 A I GOT UP AND I WENT ON OVER THERE

24 Q YOU WENT ON OVER WHERE?

25 A MR HARRIS' HOUSE

1 Q MR HARRIS' HOUSE NOW JOHN, HAVE YOU SEEN
2 SOME OF THESE DIAGRAMS HERE?

3 A YES

4 Q IS THIS -- JOHN, DOES THIS ONE SHOW YOUR HOUSE
5 OVER ON MAPLE STREET, ANYWHERE?

6 A NO, SIR

7 Q I'LL SHOW YOU ONE JUST A LITTLE SMALLER IS
8 THAT A PHOTOGRAPH OF THE AREA OF YOUR HOUSE
9 INCLUDING RICHEY STREET THERE?

10 A YES, SIR

11 Q I'M GOING TO GET YOU A MAGIC MARKER AND I WANT
12 YOU TO DRAW ON THERE, IF YOU WILL, HELP THE JURY
13 UNDERSTAND WHERE YOU LIVE IN RELATIONSHIP TO RICHEY
14 STREET I WANT YOU TO DRAW THE ROUTE THAT YOU TOOK
15 FIRST, WERE YOU IN A CAR WHEN YOU WENT OVER THERE?

16 A NO, SIR, I GOT OUT MY BROTHER'S BICYCLE

17 Q YOUR BROTHER'S BICYCLE?

18 A YES, SIR

19 Q AND WHAT KIND OF BICYCLE IS THAT?

20 A HE'S GOT A TWELVE SPEED

21 Q A TWELVE SPEED?

22 A YES, SIR

23 Q GO AHEAD AND DRAW US THE ROUTE THAT YOU TOOK

24 A THIS IS MY HOUSE RIGHT HERE ON THE CORNER

25 Q IS THAT MAPLE STREET RIGHT THERE?

1 A MAPLE STREET AND THEY CROSS RIGHT HERE --

2 Q DRAW IT ALL THE WAY

3 A OKAY CHURCH STREET ---

4 Q SO JOHN, WHAT YOU'RE TELLING THE JURY IS
5 THAT'S THE ROUTE THAT YOU TOOK ON THE BICYCLE?

6 A YES, SIR

7 Q DOES THAT ROUTE TAKE YOU RIGHT BY THE POLICE
8 DEPARTMENT THERE?

9 A YES, SIR

10 Q NOW JOHN, WERE YOU CARRYING A SHOTGUN ON YOUR
11 BICYCLE?

12 A NO, SIR

13 Q AS YOU WERE YOU RIDING THROUGH TOWN THERE?

14 A NO, SIR

15 Q AND THAT'S THE ROUTE YOU RODE?

16 A YES

17 Q IS THAT THE SHORTEST ROUTE YOU KNOW HOW TO GET
18 THERE?

19 A YES, SIR

20 Q DID YOU GO OVER THERE WITH THE INTENT TO KILL?

21 A NO, SIR, I WENT OVER THERE BECAUSE SHE HAD
22 WANTED TO TAKE THE CAR TO ANDERSON ME AND HER WAS
23 SUPPOSED TO TAKE THE CAR TO ANDERSON

24 Q TELL US WHAT HAPPENED WHEN YOU GOT OVER THERE

25 A WHEN I GOT OVER THERE, THEY WAS ALREADY COMING

1 OUT THE HOUSE

2 Q THEY WERE COMING OUT OF THE HOUSE?

3 A YES, SIR

4 Q WHO WAS COMING OUT OF THE HOUSE?

5 A LUEVINIA, SHEKA AND MY TWO BOYS SO AS I RODE
6 UP MY OLDEST BOY CAME UP TO THE BICYCLE AND HE SAID,
7 "DAD, I WANT TO RIDE "

8 I SAID, "HOLD ON A MINUTE "

9 AND SO I ASKED MISS LUEVINIA, I SAID, "WHERE
10 CAN I PUT THIS BICYCLE BECAUSE I DON'T WANT ANYBODY
11 TO STEAL BECAUSE IT'S MY BROTHER'S BICYCLE " AND
12 SHE TOLD ME TO LAY IT OVER THERE ON THE OTHER SIDE
13 OF THE TRAILER AND SO THAT'S WHEN I GOT OFF OF THE
14 BIKE, I PICKED UP OLDEST LITTLE BOY AND PUT HIM ON
15 THE BIKE AND PUSHED IT OVER THERE OUT THE WAY SO
16 WOULDN'T NOBODY STEAL IT

17 Q ALL RIGHT

18 A AND SO WHEN I CAME BACK AROUND BY THE CAR I
19 TOLD TAYE, MY OLDEST SON, I SAID, "GO ON AND GET IN
20 THE CAR SO WE CAN GO SO HE WAS GOING AROUND THE
21 CAR, SHEKA CAME UP TO ME AND GAVE ME THE KEYS AND
22 SAID, "HONEY, YOU DRIVE " AND THEN SO SHE GAVE ME
23 MY OTHER LITTLE SON, KIVIAS, SO WHEN I WENT TO THE
24 BACK DOOR ON THE DRIVER'S SIDE GETTING READY TO PUT
25 HIM IN, I JUST STARTED LAUGHING AND SHAKING MY HEAD

1 Q WHY WERE YOU LAUGHING AND SHAKING YOUR HEAD?

2 A I WAS JUST THINKING ABOUT WHAT HAD HAPPENED
3 SUNDAY AND SO LUEVINIA SHE SAID, "JOHN-JOHN WHAT
4 YOU LAUGHING AT?"

5 AND I SHOOK MY HEAD AGAIN AND I SAID, "OH YOUR
6 COUSIN DIDN'T TELL YOU, SHE DIDN'T TELL YOU?"

7 AND THEN SHE SAID TELL ME WHAT AND THEN I
8 LOOKED AT SHEKA AND SHE PUT A FROWN ON HER FACE AND
9 LOOKED AT ME AND I JUST STARTED LAUGHING AGAIN

10 SO SHE CAME UP TO ME AND SHE HAD TOLD ME TO BE
11 QUIET, DON'T TELL OUR BUSINESS LIKE THAT I SAID I
12 DON'T THINK TELLING LUEVINIA -- SO LUEVINIA SAID,
13 "JOHN-JOHN, WHAT'S GOING ON, I WANT TO KNOW, I WANT
14 TO KNOW BECAUSE YOU'RE LAUGHING, WHAT'S SO FUNNY?"
15 SO SHE INVITED ME TO COME IN -- ME AND SHEKA, YOU
16 KNOW, TELL HER WHAT'S GOING ON AND SHE ASKED ME DID
17 I WANT SOME COFFEE

18 Q SO AT THAT POINT, THE DECISION WAS MADE TO GO
19 INTO THE TRAILER?

20 A LUEVINIA ASKED US TO COME INSIDE

21 Q WAS THERE ANY FIGHTING ON THE OUTSIDE BETWEEN
22 THE TWO OF YOU?

23 A NOT UNTIL SHEKA, SHE SLAPPED ME FOR FIXING TO
24 TELL LUEVINIA WHAT WAS GOING ON

25 Q SO SHE DIDN'T WANT YOU TO TELL LUEVINIA ABOUT

1 WHAT?

2 A ABOUT I HAD CAUGHT HER AND THAT OTHER GUY
3 TOGETHER

4 Q TO YOUR KNOWLEDGE, DID MS HARRIS HAVE ANY
5 KNOWLEDGE ABOUT THE RELATIONSHIP BETWEEN TESHEKA AND
6 MR ADAMS?

7 A AS FAR AS I KNOW SHE DIDN'T

8 Q WAS SHE THE KIND OF LADY WHO WOULD HAVE LIKED
9 TO HAVE THOUGHT OF HER COUSIN BEING WITH A MAN WITH
10 THE CHILDREN PRESENT OVER NIGHT?

11 A I DON'T KNOW

12 Q YOU NEVER DISCUSSED THAT WITH HER?

13 A NO, SIR

14 Q WHEN Y'ALL WENT IN, WHAT HAPPENED?

15 A WE WENT IN, WE WAS TALKING AND WHEN WE WENT
16 IN, WE WAS TALKING AND THEN THE PHONE RANG

17 Q ALL RIGHT, NOW BEFORE THAT, DID Y'ALL ACTUALLY
18 HAVE SOME COFFEE?

19 A LUEVINIA HAD GAVE ME A CUP OF COFFEE

20 Q SHE HAD?

21 A YES, SIR

22 Q DO YOU REMEMBER, JOHN, HOW LONG YOU HAD BEEN
23 IN THE TRAILER BEFORE THAT CALL HAD COME IN? I WANT
24 YOU TO TRY TO GO BACK AND RECOLLECT AS BEST AS YOU
25 CAN EVERYTHING YOU CAN

1 A WE WAS SITTING THERE ABOUT TEN OR FIFTEEN
2 MINUTES AND THEN THE PHONE CALL CAME IN

3 Q DURING THAT TEN OR FIFTEEN MINUTES, I WANT YOU
4 TO TALK TO THE JURY AND TELL THE JURY WHAT Y'ALL DID
5 WHILE YOU WERE IN THE TRAILER

6 A THEN ME AND MISS LUEVINIA WE WAS TALKING AND
7 SHEKA, SHE JUST STARTED GETTING MAD

8 Q HOLD ON A MINUTE WHERE WAS LUEVINIA AT? MS
9 LUEVINIA, WHERE WAS SHE AT IN THE TRAILER?

10 A BETWEEN THE KITCHEN AND HER CHAIR

11 Q HOLD ON A MINUTE, I'M GOING TO LET YOU LOOK AT
12 THE DIAGRAM JOHN, CAN YOU TAKE THAT STICK PLEASE,
13 SIR, AND POINT TO THE AREA MISS LUEVINIA WAS AT?

14 A (WITNESS DOES AS INSTRUCTED) SHE WAS LIKE
15 THERE'S A COUCH AND THERE'S A CHAIR, SO SHE WAS
16 RIGHT THERE

17 Q THERE'S A CHAIR, IS IT ONE OF THE KITCHEN
18 TABLE CHAIRS?

19 A YES, SIR

20 Q WHERE WAS SHE AT?

21 A SHE WAS STANDING RIGHT THERE

22 Q WHERE WERE YOU AT?

23 A I WAS DOWN HERE SEATED ON THIS CHAIR RIGHT
24 HERE AND SHE COME IN THE DOOR

25 Q AND WHERE WAS THE OTHER CHILDREN, WHERE WERE

1 THE CHILDREN?

2 A MY OLDEST BOY, HE WAS ON THE COUCH WITH HIS
3 TRUCKS AND PLAYING WITH LUEVINIA'S KEYS AND I HAD MY
4 YOUNGEST BOY

5 Q YOU HAD YOUR YOUNGEST LITTLE BOY UP IN THIS
6 CHAIR?

7 A YES

8 Q AND WHERE WAS SHEKA?

9 A SHE WAS RIGHT IN FRONT HERE, STANDING RIGHT
10 THERE AT THE TABLE WITH HER COFFEE CUP RIGHT THERE
11 IN FRONT OF ME

12 Q ALL RIGHT SHE HAD SLAPPED AT YOU OR SLAPPED
13 YOU OUTSIDE?

14 A YES, SIR

15 Q AND HAD Y'ALL GOTTEN IN ANY KIND OF REAL BAD
16 FIGHT OUT THERE?

17 A NO, SIR, JUST A ARGUMENT AND SHE HAD SLAPPED
18 ME

19 Q DID THAT SETTLE DOWN?

20 A IT SETTLED DOWN BECAUSE WE JUST CAME IN AND I
21 WAS HOLDING THE LITTLE ONE

22 Q DID SHE HURT YOU?

23 A NO, SHE JUST STUNG ME REAL GOOD

24 Q WAS THE CHILD IN YOUR ARMS AT THE TIME THAT
25 HAPPENED?

1 A MY YOUNGEST CHILD

2 MR JONES LEADING, YOUR HONOR

3 THE COURT SUSTAINED

4 EXAMINATION CONTINUED

5 BY MR GARRETT

6 Q DID YOU HAVE ANYTHING IN YOUR ARMS AT THAT
7 TIME?

8 A WHEN HE WAS IN MY ARMS?

9 Q NO, OUTSIDE

10 A OUTSIDE, MY BABY

11 Q THEN WHAT HAPPENED?

12 A THEN LUEVINIA ASKED US TO COME IN THE HOUSE

13 Q AND DID SHE ASK YOU TO MAKE -- WHAT DID SHE
14 MAKE FOR Y'ALL?

15 A SOME COFFEE

16 Q HAS LUEVINIA EVER OFFERED COUNSELING TO YOU?

17 A SIR?

18 Q DID MS LUEVINIA EVER OFFER COUNSELING TO YOU
19 OR TESHEKA BEFORE ABOUT YOUR DOMESTIC PROBLEMS?

20 A NO, SIR

21 Q AND SHE WAS INTERESTED IN Y'ALL'S DISPUTE?

22 A YES, SHE WANTED TO FIND OUT WHAT WAS GOING ON

23 Q AND HOW LONG HAD SHE BEEN CALLING YOU JOHN-
24 JOHN?

25 A EVER SINCE SHE KNOW ME, SHE ALWAYS CALL ME

1 JOHN-JOHN

2 Q AND WAS THIS A GOOD-SPIRITED MEETING, A DOWN
3 MEETING OR HOW WOULD YOU DESCRIBE Y'ALL'S DECISION
4 TO TALK ABOUT IT?

5 A I WAS GOING TO TELL HER WHAT WAS GOING ON

6 Q WHAT HAPPENED?

7 A AS I WAS GETTING READY TO TELL HER, THE PHONE
8 RUNG AND SHE SAID, "WAIT A MINUTE, LET ME ANSWER
9 THIS PHONE" AND THAT'S WHEN SHE WENT AND GOT ON THE
10 PHONE

11 Q NOW BEFORE THAT, HAD THERE BEEN ANY
12 DISCUSSIONS ABOUT A GUN?

13 MR JONES LEADING, YOUR HONOR

14 THE WITNESS NO, SIR

15 THE COURT DON'T LEAD HIM

16 EXAMINATION CONTINUED

17 BY MR GARRETT

18 Q DID ANYBODY EVER DISCUSS THAT ISSUE BETWEEN
19 YOU AND SHEKA AND MS LUEVINIA?

20 A NO, NEVER -- WELL, SHEKA WANTED TO KNOW WHAT
21 WAS IN MY POCKET

22 Q WHAT WAS IN YOUR POCKET?

23 A BLACK BRAIDED BELT AND SOME KEYS

24 Q JOHN, DO YOU OWN A PISTOL?

25 A YES, SIR

1 Q WHAT KIND OF PISTOL DO YOU HAVE?

2 A I'VE GOT A NINE MILLIMETER BERETTA I'VE GOT
3 A TWENTY-FIVE

4 Q DID YOU HAVE YOUR NINE MILLIMETER BERETTA WITH
5 YOU THAT DAY?

6 A NO, SIR

7 Q DID YOU HAVE YOUR TWENTY-FIVE WITH YOU?

8 A NO, SIR

9 Q DID SHEKA KNOW ABOUT YOUR PISTOLS?

10 A YES, SIR

11 Q HAD SHE EVER FIRED THEM WITH YOU?

12 A ONCE UPON A TIME

13 Q HOW LONG AGO WAS THAT?

14 A IT WAS RIGHT AT THE END OF '94

15 Q RIGHT AT THE END OF '94?

16 A YES, SIR

17 Q WHICH ONE DID SHE SHOOT?

18 A MY NINE

19 Q YOUR NINE?

20 A YES, SIR

21 Q AND THIS SHOTGUN, DID SHE EVER FIRE THIS
22 SHOTGUN?

23 A ONE TIME, FIRST PART OF '95

24 Q FIRST PART OF '95?

25 A YES

1 Q WHERE WERE Y'ALL AT?

2 A DOWN IN THE COUNTRY

3 Q AND WHAT WAS IT ABOUT? WHAT WERE Y'ALL DOING?

4 A SHE JUST SAID SHE WANTED TO SHOOT

5 Q DID SHE SHOOT IT?

6 A YEAH, SHE SHOT IT I TOLD HER, YOU KNOW, LIKE
7 WHEN YOU SHOOT IT IT'S GOT A LITTLE KICK TO IT, AND
8 SHE KEPT TEASING, "OH, I CAN HOLD IT, I CAN HOLD
9 IT "

10 I SAID, "ALL RIGHT THEN "

11 Q SO SHE KNEW YOU HAD WEAPONS?

12 A YES, SIR

13 Q DID THE QUESTION OF A WEAPON COME UP?

14 A SHE JUST WANTED TO KNOW WHAT WAS IN MY POCKET,
15 SHE THOUGHT I HAD MY PISTOL, BUT I DIDN'T

16 Q AND WHAT DID YOU TELL HER ABOUT WHAT YOU HAD
17 IN YOUR POCKET?

18 A I DIDN'T TELL HER, I SAID, "THINK WHAT YOU
19 WANT TO "

20 Q YOU AND SHE WERE STILL KIND OF ARGUING OR WERE
21 YOU?

22 A AAARGUING? I WASN'T SHE WAS

23 Q THEN WHAT HAPPENED?

24 A AFTER THE PHONE RUNG, IT WAS -- MARK WAS ON
25 THE PHONE

1 Q HOW DO YOU KNOW THAT?

2 A BECAUSE THAT'S WHEN SHEKA SAID, "MARCUS WANTS
3 YOU "

4 I SAID, "YEAH, YEAH, OKAY, I WANT TO TALK WITH
5 HIM", JUST LIKE THAT, "MAYBE HE CAN TALK TO YOU " I
6 WAS GETTING READY TO GO TOWARDS THE PHONE, SHE JUST
7 GOT MAD AT ME AND ME AND HER JUST GOT TO FIGHTING

8 Q WHY DID SHE GET MAD?

9 A BECAUSE I WANTED HER TO TELL HIM WHAT WAS
10 GOING ON

11 Q WHY WOULD THAT MAKE HER MAD?

12 A SHE'S THE TYPE OF PERSON SHE DIDN'T WANT THE
13 FAMILY TO KNOW REALLY WHAT WAS GOING ON SHE TRIED
14 TO PUT ALL THE BLAME ON ME LIKE I'M THE BAD PERSON
15 WHEN SHE WAS OUT DOING WRONG

16 Q SO AS YOU GOT UP TO GO INTO THE KITCHEN, WHAT
17 HAPPENED?

18 A SHE JUST PUSHED ME AGAIN AND I PUSHED HER, I
19 SAID, "MOVE OUT THE WAY ' AND, ME AND HER JUST GOT
20 TO FIGHTING

21 Q THEN WHAT HAPPENED?

22 A AND THEN I REMEMBER HER GOING -- WELL, SHE
23 THREW THE VASE AND I BLOCKED IT WITH A CHAIR AND
24 THEN SHE GRABBED THE KNIFE, SHE THREW ONE KNIFE AND
25 THEN I HEARD THE DISHES RATTLE, I LOOKED UP AND SHE

1 HAD THE OTHER KNIFE

2 Q WHAT HAPPENED?

3 A SHE CAME AT ME WITH THE KNIFE AND I BLOCKED
4 HER AND I PUSHED HER BACK AND THEN SHE JUST CAME
5 BACK AT ME WITH THE KNIFE SO --

6 Q AT THAT POINT IN TIME, JOHN, DID YOU REALIZE
7 SHE HAD BEEN CUT?

8 A I DIDN'T SEE NO BLOOD, NO NOTHING I DIDN'T
9 KNOW SHE WAS CUT

10 Q DO YOU RECOGNIZE STATE'S EXHIBIT THIRTY-TWO?

11 A YES, SIR

12 Q JOHN, DID YOU COME OVER THERE WITH THAT KNIFE?

13 A NO, SIR, I DON'T TOTE A KNIFE ON THE STREET

14 Q HAD YOU EVER SEEN THAT KNIFE BEFORE?

15 A NO, SIR

16 Q YOU HEARD SOME DISHES RATTLING AND THEN WHAT
17 DID YOU SEE?

18 A I SEEN HER WHEN SHE WAS COMING TOWARD ME WITH
19 THE KNIFE

20 Q THIS ONE?

21 A YES, SIR

22 Q IS THAT THE ONE IT WAS?

23 A YES

24 Q HOW DID THAT MAKE YOU FEEL?

25 A SCARED

1 Q JOHN, I WANT TO TALK WITH YOU A MINUTE, COULD
2 YOU STEP DOWN OFF THE STAND IF IT'LL PLEASE THE
3 COURT

4 THE COURT HE MAY

5 MR GARRETT I'M GOING TO ASK HIM TO
6 DEMONSTRATE, YOUR HONOR

7 EXAMINATION CONTINUED

8 BY MR GARRETT

9 Q JOHN, STEP OFF THE STAND AND, OF COURSE, I'M
10 LARGER THAN SHE IS WAS SHE LARGER THAN YOU?

11 A YES

12 Q HOW MUCH LARGER WOULD YOU SAY THAT MISS
13 TESHEKA WAS OVER YOU?

14 A THIRTY POUNDS

15 Q ABOUT THIRTY POUNDS?

16 A YES, SIR

17 Q AND WAS SHE TALLER THAN YOU WERE?

18 A A LITTLE BIT, YES, SIR

19 Q OKAY WHY DON'T YOU FIRST TELL ME -- HOLD
20 THAT KNIFE AND WHY DON'T YOU TELL ME HOW SHE CAME AT
21 YOU

22 A SHE CAME TO ME WITH THE KNIFE

23 Q LIKE THAT?

24 A YEAH

25 Q HOLD IT THE WAY YOU WERE YOU'RE HOLDING IT

1 LIKE THIS RIGHT HERE?

2 A YES, SIR

3 Q WHEN SHE CAME AT YOU LIKE THIS, WHAT DID YOU
4 DO?

5 A I DID IT LIKE THIS SHE DONE WENT LIKE THIS
6 SHE DONE LIKE THAT AND PUSHED HER AWAY LIKE THAT

7 Q SO WHEN SHE CAME AT YOU LIKE THIS, YOU DID
8 WHAT?

9 A WENT LIKE THAT AND TRIED TO KNOCK IT OUT OF
10 HER HAND

11 Q TRIED TO KNOCK IF OUT OF HER HAND?

12 A AND PUSHED HER

13 Q DID YOU KNOW WHETHER OR NOT THAT KNIFE CUT HER
14 AT THAT TIME?

15 A NO, SIR

16 Q NOW, GO AHEAD AND GET BACK ON THE STAND
17 (WITNESS RETAKES STAND)

18 Q DID SHE HOLLER OR SCREAM AT THAT POINT IN
19 TIME?

20 A ONLY THING SHE WAS HOLLERING, SHE WAS GOING TO
21 GET ME

22 Q JOHN, I'M GOING TO SHOW YOU TWO PICTURES ONE
23 IS STATE'S EXHIBIT FORTY-ONE AND THE OTHER IS
24 STATE'S EXHIBIT THIRTY-SEVEN CAN YOU IDENTIFY
25 SOMETHING ON THAT TABLE THAT'S THERE IN STATE'S

1 EXHIBIT FORTY-ONE?

2 A THAT WAS THAT SILVER KNIFE THAT SHE HAD THAT
3 SHE THREW

4 Q THAT'S THE LITTLE SILVER KNIFE THAT SHE THREW?

5 A YES, SIR

6 Q IN WHAT ROOM WERE YOU AT WHEN THAT WAS THROWN?

7 A RIGHT DOWN BY THE KITCHEN AND THE LIVING ROOM

8 Q DO YOU KNOW HOW IT GOT BACK ON THE TABLE?

9 A NO, SIR

10 Q DO YOU HAVE ANY KNOWLEDGE OF HOW IT GOT BACK
11 ON THE TABLE?

12 A NO, SIR

13 Q IS THAT THE KNIFE SHE THREW AT YOU?

14 A THAT'S THE KNIFE THAT I SAW

15 Q THAT'S THE KNIFE THAT YOU SAW?

16 A YES

17 Q AND THEN IS THIS THE VASE?

18 A YES

19 Q IN STATE'S EXHIBIT NUMBER --

20 A THIRTY-SEVEN

21 Q -- THIRTY-SEVEN?

22 A YEAH

23 Q NOW, WHICH ONE DID SHE THROW AT YOU FIRST, THE
24 VASE OR THE KNIFE?

25 A SHE THREW THE VASE FIRST AND THEN SHE THREW

1 THAT LITTLE SILVER KNIFE

2 Q AND YOU SAW YOU BLOCKED IT

3 A I BLOCKED THE VASE

4 Q YOU BLOCKED IT AND YOU BLOCKED IT HOW?

5 A WITH A CHAIR

6 Q YOU BLOCKED IT WITH A CHAIR, ALL RIGHT NOW,
7 HOW MUCH FIGHTING DID Y'ALL DO THERE IN THE KITCHEN
8 AREA?

9 A I DON'T KNOW -- WE FOUGHT

10 Q WAS IT A SERIOUS FIGHT?

11 A IT WAS A FIGHT

12 Q DID SHE STILL HAVE THE KNIFE IN HER HAND?

13 A SHE HAD THAT LARGE KNIFE -- SHE HAD THAT LARGE
14 KNIFE BECAUSE I HIT HER HAND ON THE TABLE TO TRY TO
15 MAKE HER DROP IT

16 Q DURING THIS TIME, DO YOU KNOW WHERE MS
17 LUEVINIA WAS?

18 A SHE WAS DOWN THE HALL SOMEWHERE I DON'T
19 KNOW

20 Q SO WHILE Y'ALL WERE FIGHTING IN THE KITCHEN
21 AREA, SHE WAS DOWN THE HALL?

22 A SHE WAS DOWN THE HALL, I GUESS SHE WAS CALLING
23 THE POLICE

24 Q SO IT GOT TO THE POINT WHERE YOU THOUGHT IT BE
25 GOOD TO CALL THE POLICE

1 A UH-HUH

2 Q DO YOU AGREE WITH THAT?

3 A UH-HUH

4 Q SO Y'ALL WERE FIGHTING IN THIS AREA HERE?

5 A UH-HUH

6 Q AND MS LUEVINIA -- OF COURSE, THIS IS NOT TO
7 SCALE, JOHN DO YOU UNDERSTAND WHAT "TO SCALE"
8 MEANS?

9 A NO, SIR

10 Q WELL, WHICH PHONE WHEN THEY ASKED YOU TO COME
11 IN AND TALK ON IT WHEN MARCUS CALLED, WHICH PHONE
12 WERE Y'ALL TALKING ON, WERE Y'ALL TALKING --

13 A WE WAS TALKING ON THE PHONE RIGHT THERE ON THE
14 WALL

15 Q Y'ALL HAD SOME KIND OF PHONE ON THE WALL
16 THERE?

17 A WE WAS --

18 Q MISS LUEVINIA DID?

19 A YES, SIR

20 Q AND SO WHEN YOU WERE COMING IN, THAT'S THE
21 DIRECTION YOU WERE GOING?

22 A YES, AROUND THAT WAY

23 Q DID YOU HEAR HIM TALKING ON THE SPEAKERPHONE?

24 A I JUST HEARD SHEKA WHEN SHE SAID MARCUS WANTS
25 YOU

1 Q AND WHEN SHEKA SAID MARCUS WANTS YOU, DID YOU
2 COME OVER THERE?

3 A I WAS GOING TO COME IN THE KITCHEN BECAUSE
4 LUEVINIA SAID, "JOHN-JOHN MARCUS WANTS YOU "

5 I SAID, "LET ME TALK TO MARCUS "

6 Q THEN WHAT HAPPENED?

7 A THEN I WENT TO GO IN THERE TO TALK TO MARCUS
8 ON THE PHONE, THAT'S WHEN SHEKA GOT UPSET AND ME AND
9 HER JUST GOT IN A FIGHT

10 Q OH, AND MISS LUEVINIA WAS WHERE AT? WHEN
11 Y'ALL STARTED FIGHTING IN THIS AREA HERE, WHERE WAS
12 MISS LUEVINIA, DID YOU SEE HER?

13 A SHE WAS LIKE DOWN TOWARD THIS WAY WITH THE
14 PHONE

15 Q THEN WHAT DID YOU DO?

16 A I DON'T KNOW SHE GOT IN THE FIGHT AND
17 EVERYTHING SHEKA STILL HAD THE KNIFE I RAN OUT
18 THE HOUSE

19 Q WHY DIDN'T YOU KEEP ON RUNNING, JOHN?

20 A SIR?

21 Q WHY DIDN'T YOU KEEP ON RUNNING?

22 A I WAS MAD SHE HAD A KNIFE RUNNING AFTER ME,
23 TRYING TO KILL ME WITH A KNIFE, AND I RAN OUT TO THE
24 CAR AND GOT THE GUN

25 Q WELL, YOU GOT AWAY FROM HER WHY DIDN'T YOU

1 JUST KEEP RUNNING?

2 A MY KIDS WERE THERE THEY WAS IN THE HOUSE
3 WITH HER

4 Q SHE HADN'T MADE ANY THREATS TOWARDS THE KIDS,
5 HAD SHE?

6 A SHE HAVE IN THE PAST SHE HAVE

7 Q DO YOU WISH YOU HAD KEPT RUNNING, JOHN?

8 A I WISH I HAD I WISH I HAD NEVER WENT OVER
9 THERE

10 Q ALL RIGHT, JOHN LET'S TALK ABOUT WHAT
11 HAPPENED NEXT YOU WENT OUTSIDE AND WHAT DID YOU
12 DO?

13 A I WENT OUTSIDE AND I POPPED THE TRUNK ON THE
14 CAR AND I GOT THE GUN AND SHE WAS STANDING RIGHT AT
15 THE TOP OF THE STEPS WITH THE KNIFE AND SHE STOOD
16 THERE HOLLERING AND CUSSING ME OUT

17 Q SO AT THAT TIME, AT THAT TIME IN YOUR MIND,
18 YOU CAME OUT OF THE HOUSE AND YOU WERE GOING TOWARDS
19 THE CAR

20 A YES, SIR

21 Q WHAT WAS SHE HOLLERING AT YOU?

22 A SHE WAS HOLLERING, "I'M GOING TO GET YOU, I'M
23 GOING TO GET YOU, I'M GOING TO GET YOU "

24 Q AND YOU WENT TO THE CAR?

25 A YES, SIR

1 Q WHAT DID YOU GET OUT?

2 A I GOT THE GUN OUT

3 Q HOW WAS THE GUN IN THE CAR?

4 A IT WAS BROKE DOWN IN THE CAR

5 Q WAS THERE A SHELL IN IT OR OUT OF IT?

6 A IT WAS ALREADY IN IT

7 Q THERE'S A SHELL IN IT ALREADY?

8 A YES, SIR

9 Q IS THAT THE WAY Y'ALL KEPT IT IN THE TRUNK?

10 A IT STAYED LIKE THAT

11 Q BROKE DOWN WITH THE SHELL IN IT?

12 A YES, SIR

13 Q WHAT DID YOU DO?

14 A I JUST GOT OUT THE CAR AND I SAID, " IF YOU
15 WANT TO TALK, LET'S TALK YOU PUT THE KNIFE DOWN,
16 I'LL PUT THE GUN DOWN "

17 Q THEN WHAT HAPPENED?

18 A THEN AS I WALKED TOWARDS HER, YOU KNOW, SHE
19 WAS STILL ON THE STEPS AND STARTED CUSSING, STARTED
20 CUSSING SO THE SCREEN DOOR WAS OPEN AND THE FRONT
21 DOOR WAS OPEN AND SO I GOT UP TO THE DOOR, TO THE
22 MAIN DOOR SHE STARTED CUSSING ME AND SHE SPIT AT ME
23 AND WHEN SHE SPIT ON ME THEN, SHE TRIED TO SLAM THE
24 DOOR AND I DID LIKE THAT

25 Q SHE SPIT AT YOU?

1 A SHE SPIT ON ME SHE DIDN'T SPIT AT ME SHE
2 SPIT ON ME

3 Q SO WHAT HAPPENED THEN?

4 A THEN BACK IN THE HOUSE SHE TOOK OFF SHE RAN
5 UP THAT WAY

6 Q HOLD ON JUST A MINUTE LET ME KIND OF PUT YOU
7 IN THE AREA THIS IS THE FRONT DOOR ENTRANCE RIGHT
8 HERE?

9 A YES, SIR

10 Q WHERE WAS THE CAR IN RELATION TO THE TRAILER,
11 WHERE WAS THE CAR PARKED IN RELATION TO THE TRAILER?

12 A RIGHT OVER HERE BY THERE

13 Q RIGHT HERE?

14 A JUST RIGHT OUT THE DOOR

15 Q WAS IT PARKED -- WAS THE TRUNK BACKWARDS OR
16 WAS IT PARKED FORWARD?

17 A SHE HAD THE CAR LIKE -- HEADED FORWARD, THAT
18 WAY

19 Q HEADING TOWARDS WHICH WAY? POINT WHICH
20 DIRECTION THE CAR'S HEADED

21 A THE CAR WAS RIGHT BACK THERE

22 Q SO THE CAR WAS HEADED IN THAT DIRECTION, THAT
23 WAY?

24 A WITH A SLANT TO IT

25 Q DID Y'ALL FIGHT AT THE DOOR?

1 A JUST SORT OF LIKE TUSSLING

2 Q OKAY NOW, DID Y'ALL FIGHT IN THIS AREA RIGHT
3 INSIDE OF THE FRONT ENTRANCE?

4 A YEAH, LIKE WE CAME THIS WAY AND WAS STILL
5 THERE AND WENT THAT WAY AND THIS DOOR RIGHT HERE
6 AND CAME AROUND -- BECAUSE SHE STILL HAD THE KNIFE,
7 I REMEMBER TUSSLING AND THAT'S WHEN THE SHOT WENT
8 OFF

9 Q DID YOU KNOW WHERE THE SHOT WENT AT THE TIME,
10 JOHN?

11 A SIR?

12 Q AT THIS TIME WHEN YOU WERE IN THIS
13 CIRCUMSTANCE, DID YOU KNOW WHERE THAT SHOT WENT?

14 A NO, I DIDN'T KNOW WHERE THE SHOT WENT

15 Q IT'S IMPORTANT, JOHN, FOR YOU TO DIFFERENTIATE
16 BETWEEN HOW YOU SEE IT NOW AND HOW YOU SAW IT THEN
17 I WANT YOU TO TRY TO GO BACK IN TIME TO YOUR MIND
18 STATE WHAT YOU WERE THINKING AT THE TIME, ALL RIGHT?

19 A YES, SIR

20 Q SO WHEN YOU WENT IN, Y'ALL WERE FIGHTING AT
21 THAT FRONT-DOOR-STEP AREA WHAT WAS GOING ON?

22 A ALL I KNOW WE WAS FIGHTING WE WAS FIGHTING

23 Q WHAT HAPPENED AFTER THE GUN WENT OFF?

24 A I JUST REMEMBER ---

25 Q THERE'S NO QUESTION ABOUT WHO HAD THE GUN IS

1 THERE, JOHN?

2 A NO, THERE AIN'T NO QUESTION ABOUT WHO HAD THE
3 GUN

4 Q WHO HAD THE GUN, JOHN?

5 A I HAD THE GUN

6 Q GO AHEAD

7 A I JUST REMEMBER COMING BACK UP TOWARD LIKE
8 THROUGH THE KITCHEN AND EVERYTHING THEN, YOU KNOW,
9 COMING THROUGH THE KITCHEN I REMEMBER STUMBLING OVER
10 THE CHAIR THAT WAS, YOU KNOW, KNOCKED OVER FROM
11 WHERE WE HAD GOTTEN TO FIGHTING EARLIER AND WHEN I
12 LOOKED UP AND PULLED AGAIN, THAT'S WHEN MISS
13 LUEVINIA WAS COMING OUT THE DOOR AND, YOU KNOW, THE
14 HALLWAY'S KIND OF NARROW ALL I REMEMBER SHEKA WHEN
15 SHE WAS RUNNING DOWN THE HALLWAY AND SOMEHOW MISS
16 LUEVINIA GOT HIT AND SHE FELL I WAS STILL COMING
17 ON DOWN THE HALL

18 WHEN I GOT IN THE BACK BEDROOM, ME AND SHEKA
19 WAS TUSSLING FOR A MINUTE, AND THE NEXT THING I
20 KNOW, SHE WAS GOING ONE WAY AND I AND SHOT AGAIN

21 Q JOHN, WERE YOU TRYING TO SHOOT MISS LUEVINIA?

22 A NO, SIR

23 Q WERE YOU TRYING TO SHOOT AT TESHEKA?

24 A YES, SIR

25 Q WERE YOU MAD AT THE TIME?

1 A AT THE TIME, I WAS MAD AND I DIDN'T KNOW WHAT
2 I WAS DOING

3 Q ALL RIGHT AND SHE PROVOKED YOU?

4 A WHAT YOU MEAN BY THAT?

5 Q SHE COME AFTER YOU WITH A KNIFE?

6 A RIGHT, SHE CAME AT ME WITH A KNIFE, PLUS WHEN
7 SHE HAD STABBED ME EARLIER IT'S LIKE I HAD BEEN
8 THREATENED SO MANY TIMES BY THE KNIFE --

9 Q JOHN, DID YOU KNOW THAT SHE DROPPED THE KNIFE
10 AT OR ABOUT THE FRONT DOOR-AREA? WERE YOU AWARE OF
11 THAT?

12 A AS FAR AS I KNOW, SHE STILL HAD THE KNIFE

13 Q JOHN, DID YOU BREAK OPEN THIS BEDROOM DOOR
14 HERE?

15 A NO, SIR

16 Q DO YOU RECALL WHICH WAY Y'ALL WENT? IF YOU
17 SHOT INTO THE BATHROOM AREA THERE, WHERE WAS SHE AT
18 WHEN YOU SHOT IN THE BATHROOM AREA?

19 A WENT THROUGH THE OTHER DOOR AND CAME AROUND

20 Q SHE WENT THROUGH THIS DOOR?

21 A YES, SIR SHE CAME AROUND BACK THROUGH THE
22 DOOR

23 Q WERE YOU CHASING HER?

24 A YES, SIR, I WAS BEHIND HER

25 Q DID YOU EVER PULL OPEN THAT DOOR OR DID SHE OR

1 DO YOU RECALL?

2 A IT WAS ALREADY SNATCHED OPEN

3 Q WHO SNATCHED IT OPEN?

4 A SHE DID

5 Q DID YOU SNATCH THAT DOOR OPEN?

6 A I DIDN'T TOUCH THE DOOR

7 Q JOHN, WHEN MARCUS CALLED OVER THERE THAT
8 AFTERNOON BEFORE ALL THIS GOT STARTED UP, HAD YOU
9 BURGLARIZED THAT HOME AND BROKE INTO THAT HOUSE?

10 A NO, SIR

11 Q WERE YOU HOLDING ANYBODY HOSTAGE?

12 A NO, SIR

13 Q DID YOU PREVENT ANY OF THESE PEOPLE FROM USING
14 THE TELEPHONE?

15 A NO, SIR

16 Q DID YOU STEAL THAT CAR?

17 A NO, SIR

18 Q WHERE DID YOU GO AFTER THIS THING HAPPENED,
19 AFTER THIS THING WERE OVER, WHAT HAPPENED, WHAT DID
20 YOU DO?

21 A I WENT STRAIGHT DOWN TO MY SISTER'S HOUSE AND
22 I STOPPED BY THE TELLER MACHINE IN ANDERSON

23 Q WHY DID YOU DO THAT?

24 A I DON' KNOW I JUST STOPPED BY TOOK OUT SOME
25 MONEY I DON'T KNOW WHAT I HAD -- I HAD \$400 ON ME

1 STILL I STOPPED BY -- I DON'T KNOW WHAT I WAS
2 THINKING

3 Q THEN WHAT DID YOU DO?

4 A I WENT STRAIGHT DOWN TO MY SISTER'S HOUSE

5 Q WHAT WAS YOUR STATE OF MIND, JOHN, DO YOU
6 REMEMBER? WHAT DO YOU REMEMBER AS YOU WERE RIDING
7 AND YOU WERE THINKING WHAT WAS GOING THROUGH YOUR
8 HEAD?

9 A I DON'T KNOW ONE TIME I WAS THINKING ABOUT
10 JUST RUNNING OFF THE ROAD AND HITTING A TREE

11 Q WHERE'D YOU GO?

12 A I WENT ON DOWN TO GAINESVILLE

13 Q WHY WOULD YOU HAVE WENT TO GAINESVILLE, WHY
14 WAS THAT THE PLACE YOU WANTED TO GO TO?

15 A THAT'S WHERE MY SISTER LIVES

16 Q AND YOU GOT DOWN THERE, WHAT DID YOU DO?

17 A THEN I WENT DOWN THERE AND STARTED TALKING TO
18 HER

19 Q THAT IS YOU AT THAT ATM MACHINE, ISN'T IT?

20 A SIR?

21 Q THAT WAS YOU AT THAT ATM MACHINE, WASN'T IT?

22 A YES, SIR

23 Q AT 12 35?

24 A YES, SIR

25 Q STATE'S EXHIBIT SEVENTY-SIX AND SEVENTY-SEVEN?

1 A YES

2 Q USE Y'ALL'S PIN NUMBER?

3 A YES, SIR

4 Q NOW, AT THIS TIME, JOHN, HAD YOU SUSTAINED ANY
5 INJURIES IN THIS FIGHT, TO YOUR KNOWLEDGE?

6 A WELL, I HAD GOT CUT BUT I DIDN'T REALIZE IT
7 UNTIL I WAS ABOUT HALF WAY TO GEORGIA MY FINGER
8 STARTED STINGING

9 Q YOUR FINGER STARTED STINGING?

10 A YES, SIR

11 Q WHICH FINGER?

12 A MY PINKIE

13 Q YOUR PINKIE FINGER?

14 A YES, SIR

15 Q WOULD YOU DESCRIBE THE CUTS TO THE JURY

16 A JUST A LITTLE MINOR CUT

17 Q A LITTLE MINOR CUT?

18 A YES, SIR

19 Q WAS IT BLEEDING?

20 A YES, SIR

21 Q DO YOU RECALL LOOKING DOWN ON THE ARMREST OF
22 THE CAR?

23 A NO, SIR

24 Q DO YOU KNOW WHETHER OR NOT THERE WAS BLOOD ON
25 THAT ARMREST?

1 A NO, SIR

2 Q JOHN, DID YOU EVER PICK UP ANY BLOOD, TO YOUR
3 KNOWLEDGE, ON YOUR BODY FROM THE DISCHARGE OF THE
4 WEAPON TO MISS HARRIS?

5 A I DON'T KNOW

6 Q WHAT ABOUT TO TESHEKA?

7 A I DON'T KNOW

8 Q YOU AWARE THERE WAS A SPOT OF BLOOD ON THE
9 DRIVER'S DOOR IN STATE'S FIFTY-EIGHT? DO YOU SEE
10 THAT? AT ANY TIME, DID YOU NOTICE THAT YOU WERE
11 BLEEDING?

12 A AFTER I WAS LIKE GOING TO GET A PIECE OF
13 TISSUE GOING OUT TO MY SISTER'S HOUSE

14 Q WHEN YOU NOTICED THAT, WHAT DID YOU DO?

15 A GOT OUT A PIECE OF TISSUE THAT COME FROM
16 HARDEE'S AND WRAPPED IT AROUND MY FINGER

17 Q PIECE OF PAPER FROM WHERE?

18 A HARDEE'S

19 Q DID YOU STOP BY HARDEE'S?

20 A NO, SIR WE ALWAYS KEPT SOME KIND OF TISSUE
21 IN THE CAR

22 Q SO YOU HAD SOME PAPERS FROM A PRIOR HARDEE'S?

23 A YES, SIR

24 Q AND YOU USED SOME OF THAT PAPER?

25 A YES, SIR

1 Q NOW, WHEN YOU GOT DOWN TO GEORGIA, WHAT WAS
2 YOUR INTENTIONS?

3 A I DON'T KNOW I JUST WENT DOWN THERE TO TALK
4 TO MY SISTER AND TRY TO TELL HER WHAT HAD HAPPENED

5 Q WELL, WHAT DID YOU TELL YOUR SISTER HAD
6 HAPPENED?

7 A ME AND SHEKA HAD GOT INTO IT AND IT WAS WHERE
8 A GUN WAS INVOLVED AND I ACCIDENTALLY -- I MADE A
9 MISTAKE BY WHEN I SHOT LUEVINIA SHE WAS JUST IN THE
10 WRONG PLACE AT THE WRONG TIME

11 Q HOW TIGHT WAS THAT HALL, JOHN?

12 A IT WAS REAL NARROW

13 Q DID YOU EVEN KNOW THAT SHE WAS BACK IN THE
14 BACK BEDROOM?

15 A NO, SIR

16 Q AS YOU WENT TO SHOOT, WHO WERE YOU SHOOTING
17 AT?

18 A TESHEKA

19 Q JOHN, ABOUT HOW FAR AWAY FROM YOU -- DO YOU
20 RECALL HOW FAR AWAY YOU WERE OR DO YOU REMEMBER?

21 A NO, SIR

22 Q DID YOU GO OUT, JOHN, AND TRY TO SHOOT
23 SOMEBODY EXECUTION STYLE OR ANYTHING LIKE THAT?

24 A NO, SIR, THAT NEVER CROSSED MY MIND

25 Q DID YOU SHOOT THESE PEOPLE EXECUTION STYLE?

1 A NO, SIR

2 Q DO YOU KNOW WHAT EXECUTION STYLE IS?

3 A PART OF IT

4 Q WHAT'S EXECUTION STYLE?

5 A JUST WALKING UP TO SOMEBODY AND SHOOTING THEM

6 Q YOU DIDN'T DO THAT?

7 A NO, SIR

8 Q YOU GOT DOWN TO GEORGIA AND YOU WERE TALKING
9 TO YOUR SISTER, YOU WERE TALKING TO HER ABOUT WHAT
10 HAD HAPPENED

11 A YES

12 Q WHAT DID YOU DECIDE TO DO?

13 A I WAS JUST GOING TO KILL MYSELF, YOU KNOW

14 Q JUST GOING TO KILL YOURSELF?

15 A YES, SIR

16 Q SO WHAT DID YOU DO?

17 A WHEN I TOLD MY SISTER I WAS GOING TO GO GET
18 SOMETHING TO EAT BUT I LEFT AND WENT TO THE PHARMACY
19 AND BOUGHT POISON

20 Q WENT TO A PHARMACY?

21 A YES, SIR I BOUGHT SOME POISON STUFF AND I
22 CAME BACK DOWN TO MY SISTER'S HOUSE BECAUSE I HAD
23 TOLD HER I WAS GOING TO GET SOMETHING TO ---

24 Q YOU SAID YOU GOT YOU SOME POISON STUFF, WHAT
25 WERE YOU TALKING ABOUT?

1 A SOMETHING LIKE RAT POISON, IODINE, BLEACH,
2 ANYTHING

3 Q THINGS THAT YOU KNOW THAT IF YOU TOOK IT, IT
4 WOULD KILL YOU?

5 A YES

6 Q SO YOU THOUGHT THAT WOULD BE THE WAY YOU'D
7 TAKE YOUR LIFE?

8 A YES

9 Q DID YOU EVER MIX IT UP, DID YOU MIX ANY OF
10 THAT STUFF UP?

11 A I MIXED IT UP BUT I NEVER DID DRINK IT

12 Q YOU NEVER DRANK ANY OF IT BUT YOU MIXED IT UP?

13 A YES

14 Q WHAT HAPPENED AS THAT WAS GOING ON?

15 A I CAME BACK DOWN TO MY SISTER'S HOUSE AND BY
16 THAT TIME SHE HAD RECEIVED A CALL FROM MY OTHER
17 SISTER THEN I WAS TELLING THEM SOME OF WHAT HAD
18 HAPPENED THEN I LOOKED OUT THE WINDOW AND I SEEN,
19 YOU KNOW, THE UNMARKED CAR OUT THERE

20 Q THEN WHAT DID YOU DO?

21 A I JUST WAITED ON THEM TO COME

22 Q YOU WAITED ON THEM TO COME?

23 A YES, SIR

24 Q DID YOU DO ANYTHING THEN?

25 A NO, SIR, JUST WAITED ON THEM TO COME

1 Q WHEN THEY GOT THERE, WHAT DID YOU DO?

2 A WHEN THEY GOT THERE -- WELL, ONE DUDE GOT
3 THERE, I SEEN ONE CAR WHEN HE CAME HISSELF AND I
4 SEEN HIM WHEN HE GOT ON THE PHONE AND HE CALLED UP
5 TO MY SISTER'S HOUSE HER HUSBAND HAD WALKED DOWN
6 WHERE HE WAS AND, YOU KNOW, LET HIM KNOW I WAS IN
7 THERE AND SO WHEN HE CALLED ME AND WE STAYED ON
8 THE PHONE AND TALKED AND HE ASKED ME WOULD I COME
9 OUT AND I TOLD HIM, YEAH, I'D COME ON OUT

10 Q DID YOU?

11 A YES, SIR

12 Q WHAT DID YOU DO BEFORE YOU DID THAT, JOHN?

13 A I CUT MY WRIST

14 Q WHY?

15 A I JUST FELT LIKE KILLING MYSELF I LOST
16 EVERYTHING, MY MOM, MY DAD, SHEKA, THE KIDS,
17 EVERYTHING

18 Q AND YOU CUT YOUR WRISTS?

19 A YES, SIR

20 Q LET ME SEE THEM

21 MR GARRETT MAY WE APPROACH, YOUR
22 HONOR?

23 THE COURT YOU MAY

24 EXAMINATION CONTINUED BY MR GARRETT

25 Q PRIOR TO THAT TIME, JOHN, HAD YOU EVER CUT

1 YOURSELF OR ANYTHING LIKE THAT PURPOSELY?

2 A NO, SIR

3 Q DID YOU REALLY WANT TO DIE?

4 A NO, SIR

5 Q GOT MIXED EMOTIONS ABOUT IT?

6 MR JONES LEADING QUESTION, YOUR
7 HONOR

8 THE COURT SUSTAINED

9 EXAMINATION CONTINUED

10 BY MR GARRETT

11 Q HOW DO YOU FEEL ABOUT IT NOW LOOKING BACK ON
12 IT?

13 A NOW, YOU KNOW, LOOKING BACK ON IT, YOU KNOW,
14 IT'S SOMETHING I HAVE TO GO THROUGH EVERY DAY
15 MISSING SHEKA AND THE KIDS AND SORRY FOR WHAT
16 HAPPENED TO MISS HARRIS AND SHEKA

17 Q HAVE YOU GOT TO TELL THE FAMILIES HOW YOU FELT
18 ABOUT THIS?

19 A WELL, YOU KNOW, I WANTED TO TELL THEM BUT, YOU
20 KNOW, I DON'T KNOW HOW THEY'LL TAKE ME PLUS, YOU
21 KNOW, BY IT COMING FROM ME, YOU KNOW, I JUST STAYED
22 SILENT

23 Q HOW LONG HAVE YOU BEEN IN JAIL, JOHN?

24 A TWENTY-THREE MONTHS

25 Q BEEN IN JAIL ALL THAT TIME?

1 A YES, SIR

2 Q AND, JOHN, AS FAR AS ANY KIND OF A PRIOR
3 RECORD, YOU'VE HAD SOME RECORD IN THE PAST, IS THAT
4 CORRECT?

5 A YES

6 Q AND DID YOU PLEAD GUILTY TO A PETIT LARCENY IN
7 1989?

8 A YES, SIR

9 Q DID YOU PLEAD GUILTY TO THAT AND PAY YOUR
10 FINE?

11 A YES, SIR

12 Q DID YOU PLEAD GUILTY TO A GRAND LARCENY IN
13 1990?

14 A YES, SIR

15 Q DID YOU PLEAD GUILTY TO THAT CHARGE?

16 A YES, SIR

17 Q WERE YOU GUILTY?

18 A YES

19 Q DID YOU PAY YOUR FINE OR PAY YOUR TIME?

20 A YES

21 Q IN 1993, WERE YOU CHARGED WITH MALICIOUS
22 INJURY TO PROPERTY?

23 A YES, SIR

24 Q DID YOU PAY YOUR FINE FOR THAT?

25 A YES, SIR

1 Q IN 1995, DID YOU GET CHARGED WITH FAILURE TO
2 STOP?

3 A YES, SIR

4 Q IS THAT ONE OF THOSE DRIVING UNDER SUSPENSION
5 SITUATIONS?

6 A YES

7 Q DID YOU PLEAD GUILTY TO THAT?

8 A YES

9 Q DID YOU PAY YOUR FINE FOR THAT?

10 A YES

11 Q JOHN, ARE YOU GUILTY OF MURDER?

12 A NO

13 Q DID YOU GO OVER THERE PREMEDITATEDLY WITH AN
14 INTENT TO KILL THESE PEOPLE?

15 A NO, SIR

16 Q ARE YOU GUILTY OF MANSLAUGHTER?

17 A YES, SIR

18 Q ARE YOU?

19 A YES, SIR

20 Q TWO COUNTS OF IT?

21 A YES, SIR

22 Q ARE YOU GUILTY OF BURGLARY?

23 A NO, SIR

24 Q DID YOU BURGLAR THAT HOUSE?

25 A NO, SIR

1 Q ARE YOU GUILTY OF STEALING THAT CAR?

2 A NO, SIR

3 Q WHO OWNS THAT CAR?

4 A AS FAR AS TO MY KNOWLEDGE, ME AND HER BOTH, WE
5 WERE BOTH TAKING CARE OF IT

6 Q WHEN YOU WENT OVER THERE, JOHN, DID YOU GO
7 OVER THERE WITH HATRED IN YOUR HEART?

8 A NO, SIR

9 Q DID YOU GO OVER THERE PLANNING --

10 MR JONES LEADING QUESTION, YOUR
11 HONOR

12 THE COURT OVERRULED

13 EXAMINATION CONTINUED

14 BY MR GARRETT

15 Q DID YOU GO OVER THERE PLANNING TO KILL HER?

16 A NO, SIR

17 Q DID YOU RIDE OVER THERE THROUGH THE MIDDLE OF
18 TOWN, BEHIND THE POLICE DEPARTMENT WITH A SHOTGUN ON
19 YOUR BICYCLE?

20 MR JONES ASKED AND ANSWERED, YOUR
21 HONOR

22 THE WITNESS NO, SIR

23 THE COURT SUSTAINED

24 EXAMINATION CONTINUED

25 BY MR GARRETT

1 Q DID YOU PREMEDITATE MURDER UPON THESE PEOPLE
2 MR JONES ASKED AND ANSWERED, YOUR
3 HONOR

4 THE COURT OVERRULED
5 EXAMINATION CONTINUED

6 BY MR GARRETT

7 Q DID YOU HAVE ANY MALICE AFORETHOUGHT?

8 A NO, SIR

9 Q DID YOU LOVE SHEKA?

10 A TRULY

11 Q DID YOU LOVE MISS HARRIS?

12 A TRULY

13 MR GARRETT JOHN, PLEASE ANSWER ANY
14 QUESTIONS THAT HIS HONOR AND/OR THE SOLICITOR MAY
15 HAVE

16 THE WITNESS YES, SIR

17 THE COURT BEFORE WE GO FORWARD WITH
18 THE CROSS-EXAMINATION, WE'LL TAKE A SHORT BREAK
19 PLEASE GO TO YOUR JURY ROOM AND DON'T DISCUSS THE
20 CASE WE'LL BRING YOU BACK IN A FEW MINUTES DON'T
21 LEAVE YET, I'VE GOT TO ADDRESS ONE MATTER WITH YOU
22 MR HUGHEY, IF YOU'LL STEP DOWN AND HAVE A SEAT WITH
23 YOUR LAWYER

24 WHILE YOU'RE BACK IN THE JURY ROOM,
25 LET ME ASK YOU TO DISCUSS THIS MATTER BEFORE YOU

1 COME BACK SO FAR AS BEING HERE TOMORROW HAVING
2 COURT ON SUNDAY, I NEED TO KNOW WHETHER THERE'S ANY
3 JUROR WHO HAS AN OBJECTION TO PARTICIPATING IN THIS
4 CASE TOMORROW, THAT IS, HAVING COURT TOMORROW IF
5 ANY JUROR DOES OBJECT, MR FOREMAN, YOU'LL LET ME
6 KNOW

7 IF NO JUROR HAS AN OBJECTION TO
8 WORKING TOMORROW, I NEED FOR YOU TO TELL ME, ALSO,
9 WHAT TIME YOU WOULD PREFER TO BEGIN TOMORROW I
10 WOULD SUGGEST 10 00 OR 2 00 IF FOR SOME REASON,
11 THOSE DO NOT SUIT, YOU TELL ME A TIME THAT EVERY ONE
12 WOULD PREFER OR COULD AGREE TO DISCUSS THAT WHILE
13 YOU'RE IN THE JURY ROOM WHEN YOU COME BACK, I'LL
14 DISCUSS IT WITH YOU, MR FOREMAN

15 PLEASE RETIRE TO THE JURY ROOM, WE'LL
16 BRING YOU BACK SHORTLY

17 (JURY EXITS COURTROOM AT 4 55 O'CLOCK P M)

18 MR JONES YOUR HONOR, I UNDERSTAND
19 THE NEED FOR A BREAK AND I WANT ONE, BUT I'D LIKE
20 YOU TO CONSIDER ALLOWING THE DEFENDANT TO REMAIN ON
21 THE STAND DURING THIS TEN MINUTE BREAK HE'S IN THE
22 MIDDLE OF HIS CROSS-EXAMINATION OF A MURDER
23 DEFENDANT AND I JUST ASKED THAT HE NOT BE THERE, YOU
24 KNOW, TO OVERHEAR ANYTHING HIS LAWYERS MIGHT BE
25 DISCUSSING

1 THE COURT I'M GOING TO LET HIM STAY
2 AT THE TABLE MR HUGHEY, YOU UNDERSTAND, YOU'RE
3 NOT TO DISCUSS WITH YOUR TESTIMONY WITH ANYONE I
4 SUGGEST THE LAWYER HAVE ANY CONVERSATIONS, DO IT
5 OUTSIDE

6 THE COURT ARE WE READY FOR THE
7 JURY?

8 MR GARRETT YOUR HONOR, WE HAD
9 INTENDED TO INTRODUCE PHOTOGRAPHS INTO THE RECORD
10 THE PHOTOGRAPHS D-SEVENTEEN, D-SIXTEEN, D-TWENTY, D-
11 NINETEEN AND D-EIGHTEEN, YOUR HONOR --

12 THE COURT DO YOU WANT TO MARK THOSE
13 AS COURT'S EXHIBITS?

14 MR GARRETT I DO AND SPECIFICALLY
15 ON D-EIGHTEEN, YOUR HONOR, IT DOES SHOW THE TWO OF
16 THEM STANDING TOGETHER WE THINK IT'S RELEVANT AS
17 TO THE ISSUE OF SIZE, WE THINK WE SHOULD BE ABLE TO
18 ADMIT THAT ONE PURSUANT TO THEIR --

19 THE COURT OKAY WHAT DO YOU SAY,
20 SOLICITOR? IT SHOWS THEIR RELATIVE SIZES

21 MR JONES OKAY

22 THE COURT IT'S ADMITTED HAND THE
23 COURT REPORTER THAT, PLEASE

24 MR GARRETT I WILL, YOUR HONOR
25 AND AS TO SEVENTEEN, SIXTEEN, TWENTY, WE PROFFER

1 THOSE, YOUR HONOR

2 THE COURT YOU STILL OBJECT TO
3 THOSE, SOLICITOR?

4 MR COULTER WE DO

5 THE COURT LET ME ASK YOU, MR
6 GARRETT, THOSE FOUR OTHER PHOTOGRAPHS, WHAT WERE
7 THOSE -- WHAT WAS THE PURPOSE OF THOSE BEING
8 OFFERED? WHAT ISSUE WERE THEY PROBATIVE ON?

9 MR GARRETT YOUR HONOR, THERE HAS
10 BEEN SOME QUESTION AS TO WHETHER OR NOT THIS WAS
11 COMMON-LAW RELATIONSHIP AND WE WANTED TO SHOW THAT
12 THEY WERE, IN FACT, THERE AT RELATIVE'S HOUSE,
13 JOINTLY RESIDING, SPENDING TIME WITH THEIR FAMILY AS
14 A COUPLE I WOULD BE OUR POSITION THAT IT WOULD GOT
15 THE CREDIBILITY AS TO 401 AND 402 AS RELATES IT'S
16 JUST OUR POSITION IT SHOWS THEIR TOGETHERNESS AS A
17 COUPLE IN VARIOUS AND SUNDRY CIRCUMSTANCES AND MIGHT
18 LEAD TO PROOF THAT THEY WERE, IN FACT, COMMON-LAW
19 HUSBAND AND WIFE

20 ALSO, AS TO THE JOINT RESIDENCE WHERE
21 SHE WAS THERE AT MAPLE STREET WE WOULD WANT TO USE
22 THAT PHOTOGRAPH TO SHOW THAT AT THAT PERIOD OF TIME
23 SHE WAS THERE AND THEY WERE JOINTLY TOGETHER

24 THE COURT THAT DOES NOT CHANGE MY
25 DECISION ANY ARE THERE SOME PEOPLE OUTSIDE THAT

1 WOULD LIKE TO COME IN? THEY'RE WITNESSES?

2 MR TINSLEY THOSE ARE SOME OF OUR
3 PHASE TWO WITNESSES, YOUR HONOR, I'LL GO CHECK

4 THE COURT THEY'RE SUPPOSED TO BE
5 SEQUESTERED INSTEAD OF PEEPING IN THE DOOR ALL
6 AFTERNOON BRING THE JURY IN, PLEASE

7 (JURY RE-ENTERS COURTROOM AT 5 24 O'CLOCK P M)

8 THE COURT MR FULTON, DID YOU AND
9 YOUR FELLOW JURORS MAKE A DECISION ABOUT WORKING
10 TOMORROW?

11 FOREMAN YOUR HONOR, THEY DO NOT
12 HAVE ANY OBJECTION OF GOING FORWARD TOMORROW AND TEN
13 O'CLOCK WAS THE TIME THAT THEY CHOSE

14 THE COURT ALL RIGHT AND AS YOU
15 KNOW, THE DIRECT EXAMINATION HAS BEEN COMPLETED OF
16 THE WITNESS, SO WE'LL CONTINUE WITH CROSS-
17 EXAMINATION

18 CROSS-EXAMINATION

19 BY MR JONES

20 Q DO YOU REMEMBER TALKING TO THREE POLICE
21 OFFICERS IN THE ABBEVILLE CITY POLICE DEPARTMENT ON
22 DECEMBER 5, 1995, THE DAY AFTER THESE SHOTGUN
23 KILLINGS?

24 A YES, SIR

25 Q DO YOU REMEMBER TALKING TO THE POLICE OFFICERS

1 IN THE CITY POLICE DEPARTMENT THE DAY AFTER THESE
2 SHOTGUN KILLINGS?

3 A YES, SIR

4 Q DO YOU REMEMBER WHO YOU WERE TALKING TO IN
5 THAT POLICE DEPARTMENT AFTER THESE KILLINGS?

6 A I REMEMBER THE FACES

7 Q FACES WHICH ONE OF THOSE POLICE OFFICERS
8 THREATENED YOU?

9 A THREE?

10 Q THREATENED WHICH ONE OF THEM THREATENED YOU?

11 A I DON'T RECALL THE THREAT

12 Q DO YOU RECALL TALKING TO THEM?

13 A YES, SIR

14 Q YOU KNEW WHAT THEY WANTED TO TALK TO YOU
15 ABOUT, DIDN'T THEY?

16 A YES

17 Q WHAT DID THEY WANT TO TALK TO YOU ABOUT?

18 A WHAT HAD HAPPENED ON THE 4TH

19 Q DID THEY ASK YOU WHAT YOU DID THAT MORNING?

20 A NO, SIR

21 Q DID THEY ASK YOU WHAT YOU WERE DOING OVER
22 LUEVINIA HARRIS'S?

23 A NO, SIR

24 Q DID THEY ASK YOU WHO KILLED LUEVINIA HARRIS?

25 A NO, SIR

1 Q DID THEY ASK YOU WHO KILLED TESHEKA JACKSON?

2 A NO, SIR

3 Q DID THEY ASK YOU IF YOU WANTED TO TALK ABOUT
4 WHAT YOU KNEW ABOUT THE DEATHS OF TESHEKA JACKSON
5 AND LUEVINIA HARRIS?

6 A NO, SIR

7 Q TELL ME AGAIN WHAT THEY WANTED TO TALK TO YOU
8 ABOUT?

9 A WHATEVER THEY ASSUMED HAPPENED

10 Q THEY WANTED TO TALK WITH YOU ABOUT WHATEVER
11 THEY ASSUMED HAPPENED?

12 A YES, SIR

13 Q DID THEY READ YOU YOUR MIRANDA WARNINGS?

14 A LATER

15 Q LATER?

16 A YES

17 Q WHAT DO YOU MEAN LATER?

18 A AFTER THEY WERE ASKING ALL KINDS OF QUESTIONS

19 Q WHAT KIND OF QUESTIONS WERE THEY ASKING?

20 A THIS AND THAT

21 Q WELL, THIS AND THAT, BE A LITTLE BIT MORE TO
22 THE POINT WHAT KIND OF QUESTIONS WERE THEY ASKING
23 YOU?

24 A THEY WEREN'T ASKING NO QUESTIONS IT'S WHERE
25 THEY ASSUMED

1 Q DID YOU FIGURE THEY KNEW THAT LUEVINIA HARRIS
2 HAD BEEN SHOT TO DEATH IN THE HEAD WITH A SHOTGUN?

3 A I DON'T KNOW

4 Q DID THEY TELL YOU THAT'S WHAT THEY WANTED TO
5 TALK TO YOU ABOUT?

6 A THEY DIDN'T TELL ME WHAT THEY WANTED TO TALK
7 TO ME ABOUT

8 Q AND THEY DIDN'T ASK YOU IF YOU KNEW ANYTHING
9 ABOUT HOW TESHEKA JACKSON GOT SHOT IN THE HEAD WITH
10 A SHOTGUN?

11 A NO, SIR

12 Q DIDN'T THEY THE FIRST TIME ASK YOU, WE WANT TO
13 KNOW IF YOU KNOW ANYTHING ABOUT THAT?

14 A NO, SIR

15 Q WELL, WHY DID YOU FIGURE THOSE POLICE OFFICERS
16 WERE STANDING OUTSIDE YOUR SISTER'S HOUSE OVER THERE
17 IN GAINESVILLE, GEORGIA?

18 A REPEAT THAT NOW?

19 Q WHY DID YOU FIGURE THOSE POLICE OFFICERS WERE
20 STANDING OUTSIDE YOUR SISTER'S HOUSE IN HALL COUNTY,
21 GAINESVILLE, GEORGIA?

22 A BECAUSE ME AND SHEKA HAD GOT INTO

23 Q PARDON ME?

24 A BECAUSE WE HAD GOT INTO IT

25 Q DID YOU FIGURE THEY WERE THERE TO ARREST

1 SOMEBODY FOR THE SHOTGUN KILLINGS OF TESHEKA JACKSON
2 AND LUEVINIA HARRIS?

3 A SAY THAT AGAIN, NOW?

4 Q DID YOU FIGURE THEY WERE THERE TO ARREST
5 SOMEBODY FOR THE SHOTGUN KILLING OF LUEVINIA HARRIS
6 AND TESHEKA JACKSON?

7 A NO, THEY WAS THERE TO ARREST ME

8 Q FOR WHAT?

9 A THERE TO PICK ME UP

10 Q FOR WHAT?

11 A BECAUSE ME AND SHEKA HAD GOT INTO IT

12 Q BECAUSE Y'ALL HAD GOTTEN INTO IT

13 A YES

14 Q IS THAT WHAT YOU'RE GOING TO TELL THIS JURY
15 THEY WERE THERE TO ARREST YOU FOR?

16 A AT THE TIME, ME AND SHEKA HAD GOT INTO IT AND
17 ALL I REMEMBER IS SOMETHING ABOUT THE POLICE

18 Q ALL YOU REMEMBER WHAT ABOUT POLICE?

19 A THAT'S ALL I REMEMBER, POLICE

20 Q DO YOU REMEMBER THEM TAKING YOU TO THE
21 HOSPITAL?

22 A NO, SIR

23 Q DO YOU REMEMBER TELLING THEM AT THE HOSPITAL
24 THAT YOU HAD TAKEN SOME POISON?

25 A I DIDN'T' TELL THEM THAT

1 Q YOU DON'T REMEMBER THE DOCTOR SAYING WE'RE
2 GOING TO HAVE TO PUMP YOUR STOMACH IF YOU'VE GOT
3 POISON DOWN IN YOUR STOMACH?

4 A NO, SIR

5 Q AND YOU DON'T REMEMBER THEN TELLING THEM YOU
6 HADN'T DRANK ANY POISON, IT'S OKAY, THEY DON'T NEED
7 TO PUMP YOUR STOMACH OUT?

8 A NO, SIR

9 Q DO YOU REMEMBER A DOCTOR STITCHING UP YOUR
10 WRISTS THAT YOU WALKED BY AND SHOWED THE JURY JUST A
11 MINUTE AGO?

12 A THAT'S ALL THEY DID

13 Q THAT'S ALL THEY DID?

14 A YES, SIR

15 Q STITCHED UP YOUR WRIST?

16 A YES, SIR

17 Q AND THEN WHAT?

18 A I WENT OVER TO THE JAIL

19 Q YOU WENT OVER TO THE JAIL?

20 A YES, SIR

21 Q WHY DO YOU RECKON YOU WENT OVER TO THE JAIL
22 AFTER THEY STITCHED YOUR WRIST?

23 A PUT ME OVER THERE FOR SUICIDE

24 Q AND HOW LONG DID YOU STAY THERE?

25 A NOT LONG

1 Q HOW LONG?

2 A NOT LONG

3 Q A DAY?

4 A NO

5 Q SEVERAL HOURS?

6 A PROBABLY

7 Q AND THEN THEY CAME FROM ABBEVILLE AND PICKED
8 YOU UP AND BROUGHT YOU BACK UP HERE, DIDN'T THEY?

9 A YES, SIR

10 Q AND THE VERY NEXT DAY, THE POLICE OFFICERS
11 WALKED IN AND TALKED TO YOU ABOUT THE SHOTGUN
12 KILLINGS OF THESE TWO WOMEN, DIDN'T THEY?

13 A NO, SIR

14 Q DID YOU SIT THERE IN THE ROOM WITH THEM?

15 A NO, SIR I FIRST GOT BACK I WAS IN THE
16 HOLDING TANK

17 Q DO YOU REMEMBER SIGNING THAT WAIVER OF RIGHTS
18 FORM THAT YOU UNDERSTOOD WHAT YOUR MIRANDA WARNINGS
19 WERE?

20 A AFTERWARDS

21 Q AFTER WHAT?

22 A THEY ASKED ME ALL KINDS OF QUESTIONS

23 Q DID YOU ANSWER THOSE QUESTIONS?

24 A DID I ANSWER THEM?

25 Q YES

1 A NO, IT'S WHAT THEY ASSUMED

2 Q SO YOU DIDN'T ANSWER THEIR QUESTIONS?

3 A NO, SIR

4 Q WHY NOT?

5 A BECAUSE I TOLD THEM I WASN'T GOING TO ANSWER

6 NO QUESTIONS, YOU KNOW, WRITTEN STATEMENT

7 Q SIR?

8 A I TOLD THEM I WASN'T GOING TO ANSWER NO

9 QUESTIONS OR GIVE NO KIND OF WRITTEN STATEMENT

10 Q YOU WEREN'T GOING TO GIVE NO KIND OF WRITTEN

11 STATEMENT?

12 A NO

13 Q WHAT DID YOU FIGURE THEY WANTED TO TALK ABOUT?

14 A THEY WERE JUST TALKING ABOUT WHAT HAD

15 HAPPENED

16 Q YOU DIDN'T WANT TO GIVE A WRITTEN STATEMENT

17 ABOUT THAT?

18 A NO

19 Q WHY NOT?

20 A BECAUSE I DIDN'T HAVE A LAWYER THERE

21 MR GARRETT OBJECTION, YOUR HONOR

22 MR JONES I WANT TO ASK HIM --

23 THE COURT OBJECTION TO THE QUESTION

24 OR ANSWER?

25 MR GARRETT I OBJECT TO THE

1 QUESTION, YOUR HONOR IT SUGGESTS HE DIDN'T HAVE A
2 WRITE TO DO THAT I MEAN, THAT'S WHAT RIGHTS ARE
3 FOR

4 THE COURT OVERRULE THE OBJECTION
5 I DON'T THINK THAT WAS THE SUGGESTION, BUT I'LL
6 INSTRUCT THE JURY ON THAT

7 EXAMINATION CONTINUED

8 BY MR JONES

9 Q LET ME ASK YOU THIS YOU TOLD THEM YOU WEREN'T
10 GOING TO GIVE A WRITTEN STATEMENT, IS THAT TRUE?

11 A A WRITTEN STATEMENT?

12 Q YES

13 A I TOLD THEM I WASN'T GOING TO GIVE A WRITTEN
14 STATEMENT

15 Q AND YOU DIDN'T TELL ANYTHING ABOUT WHAT
16 HAPPENED?

17 A NO, THAT'S WHAT THEY ASSUMED

18 Q I KNOW

19 A THEY SAID THIS, SO I SAID, WHATEVER YOU THINK

20 Q WHATEVER YOU THINK BUT YOU NEVER TOLD THEM
21 WHAT WENT ON OVER THERE, DID YOU?

22 A SOME PARTS

23 Q TELL ME WHAT PART YOU TOLD THEM WENT ON

24 A ME AND HER HAD GOT INTO IT

25 Q WHAT ELSE?

1 A THAT WAS IT

2 Q THAT WAS IT?

3 A YEAH

4 Q YOU DIDN'T TELL THEM ANYTHING ELSE ABOUT WHAT
5 WENT ON OVER THERE EXCEPT WE HAD GOT INTO IT

6 A NO THEY WAS TRYING TO TELL ME WHAT HAPPENED

7 Q LET ME ASK YOU THIS QUESTION YOU HAVE HAD
8 PLENTY OF TIME SINCE DECEMBER THE 4TH, 1995 TO THINK
9 ABOUT THIS, HAVEN'T YOU?

10 A TO BE HONEST WITH YOU, I'VE BEEN TRYING TO PUT
11 IT BEHIND ME

12 Q WELL, MY QUESTION IS YOU'VE HAD PLENTY OF
13 TIME TO THINK ABOUT IT BETWEEN THEN AND NOW, HAVEN'T
14 YOU?

15 A LIKE I SAY, I'VE BEEN TRYING TO PUT IT BEHIND
16 ME

17 Q WELL, LET ME ASK YOU THIS WHEN DID YOU KNOW
18 YOU WERE GOING TO GO TO TRIAL FOR A DOUBLE MURDER?

19 A WHEN?

20 Q YES, SIR

21 A I DIDN'T KNOW

22 Q SINCE YOU'VE BEEN WORKING WITH YOUR LAWYERS ON
23 THIS CASE, HAVE YOU HAD PLENTY OF TIME TO TALK TO
24 THEM ABOUT WHAT HAPPENED?

25 MR GARRETT YOUR HONOR, I OBJECT

1 IT'S CONFIDENTIAL

2 THE COURT SUSTAINED

3 MR GARRETT HE'S ALREADY TESTIFIED
4 AND CROSS-EXAMINING HERE BUT WHAT WE TALKED ABOUT IS
5 CONFIDENTIAL

6 THE COURT I THINK THE QUESTION WAS,
7 HAVE YOU HAD PLENTY OF TIME TO TALK WITH YOUR
8 LAWYERS NOT WHAT DID YOU DISCUSS

9 MR JONES CORRECT

10 MR GARRETT I OBJECT TO THAT, AS
11 WELL IT'S NOT THEIR CONCERN, THE STATE'S CONCERN
12 AS TO HOW MUCH TIME OR HOW LITTLE TIME WE TALKED
13 WITH THIS DEFENDANT ABOUT THE CASE

14 THE COURT THE ORIGINAL QUESTION
15 CALLED FOR THE QUESTION WAS WHEN DID HE FIND OUT HE
16 WAS GOING TO TRIAL

17 MR GARRETT I HAVE NO OBJECTION TO
18 THAT ONE, IT'S THE OTHER ONE

19 THE COURT OVERRULE THE OBJECTION,
20 GO AHEAD

21 EXAMINATION CONTINUED

22 BY MR JONES

23 Q MY QUESTION FOR YOU IS HAVE YOU HAD PLENTY OF
24 TIME TO TALK TO YOUR LAWYERS ABOUT WHAT HAPPENED AT
25 LUEVINIA HARRIS'S HOUSE BETWEEN 11 00 O'CLOCK AND

1 12 05 ON DECEMBER THE 4TH, 1995'

2 A I SUPPOSE SO

3 Q WELL, DO YOU SUPPOSE YOU'VE HAD TIME -- HAVE
4 THEY BEEN OVER YOUR JAIL CELL AND TALKED TO YOU?

5 MR GARRETT OBJECTION, YOUR HONOR,
6 AGAIN

7 THE COURT OVERRULE IT

8 EXAMINATION CONTINUED

9 BY MR JONES

10 Q I'LL MOVE ON TO ANOTHER QUESTION AND HAVE
11 YOU HAD PLENTY OF TIME TO THINK ABOUT AND TALK ABOUT
12 IT SINCE YESTERDAY? YOU WERE IN HERE WHEN AGENT
13 EDDIE CLARK TOOK THE STAND, WEREN'T YOU?

14 A WHOEVER THAT IS

15 Q OKAY, WHEN THE TWO SLED AGENTS TOOK THE STAND
16 AND CAME IN HERE AND TESTIFIED ABOUT THE INTERVIEW
17 WITH YOU, YOU WERE IN HERE, WEREN'T YOU?

18 A LIKE I SAY, I DON'T KNOW, I'D HAVE TO SEE
19 THEIR FACE I DON'T KNOW THEM BY NAME

20 Q DO YOU REMEMBER THE POLICE OFFICERS TESTIFYING
21 YESTERDAY ABOUT HAVING AN INTERVIEW WITH YOU?

22 A WHICH ONE?

23 Q THE ONE THAT YOU SAID THEY READ YOU YOUR
24 MIRANDA WARNINGS AND YOU TOLD HIM YOU UNDERSTOOD
25 THOSE WARNINGS AND YOU WANTED TO TELL HIM YOUR SIDE

1 OF THE STORY, DO YOU REMEMBER THOSE?

2 A I DON'T REMEMBER SAYING I WANT TO TELL MY SIDE
3 OF THE STORY LIKE I SAID, IT'S WHERE THEY ASSUMED
4 WHAT HAPPENED

5 Q MY QUESTION FOR YOU IS AND I WANT YOU TO
6 UNDERSTAND IT AND WHEN YOU ANSWER IT, TAKE ALL THE
7 TIME YOU WANT THE ONLY THING YOU TOLD THOSE POLICE
8 OFFICERS WAS ME AND SHEKA DONE GOT INTO IT?

9 A I AIN'T TELL THEM NOTHING LIKE I SAID, IT'S
10 WHERE THEY ASSUMED WHAT HAPPENED

11 Q YOU DIDN'T TELL THEM THAT THAT SHOTGUN HAD
12 GONE OFF IN THE BATHROOM AND BLEW A HOLE IN THE
13 WALL, DID YOU?

14 A THEY ASSUMED THAT

15 Q THEY ASSUMED? THEY DIDN'T KNOW THAT WHEN
16 THEY TALKED TO YOU, THEY'D ALREADY LEFT THAT SCENE,
17 DO YOU UNDERSTAND THAT?

18 A NO

19 Q YOU DON'T UNDERSTAND THAT?

20 A HUH-UH

21 Q THEY HAD ALREADY GONE THROUGH THERE AND FOUND
22 TWO SHOTGUN SHELLS AND TWO DEAD BODIES AND LEFT THAT
23 HOUSE AND SEALED IT UP THEY WOULDN'T EVEN LET MR
24 HARRIS BACK IN THERE, DID YOU KNOW THAT?

25 A NO

1 Q NOT UNTIL THEY TALKED TO YOU THE NEXT DAY DID
2 THEY KNOW YOU HAD FIRED A SHOT AT SHEKA AND MISSED
3 HER, BLOWING A HOLE OUT OF THE BATHROOM WALL, DO YOU
4 UNDERSTAND THAT?

5 A (NO RESPONSE)

6 Q DO YOU?

7 A YES, SIR

8 Q SO WHEN DID YOU TELL THEM YOU SHOT AT TESHEKA
9 AND MISSED AND BLEW A HOLE OUT OF THE BATHROOM WALL?

10 A I DIDN'T TELL THEM LIKE I SAID, IT'S WHERE
11 THEY ASSUMED

12 Q ACTUALLY, YOU TOLD THEM SHEKA HAD SHOT AT YOU
13 IN THE BATHROOM, DIDN'T YOU?

14 A THAT WHAT THEY ASSUMED, SO I SAID YEAH

15 Q WELL, BASICALLY, ARE YOU GOING TO SAY THAT YOU
16 DIDN'T TELL THOSE OFFICERS ANYTHING, IS THAT WHAT
17 YOU'RE GOING TO SAY?

18 MR GARRETT OBJECTION, YOUR HONOR
19 MY CLIENT'S ALREADY ANSWERED THAT QUESTION

20 EXAMINATION CONTINUED

21 BY MR JONES

22 Q ABOUT WHAT HAPPENED OTHER THAN YOU AND SHEKA
23 GOT INTO IT

24 THE COURT OVERRULED

25 THE WITNESS YES

EXAMINATION CONTINUED

BY MR JONES

Q BASICALLY, THE ONLY THING YOU TOLD THOSE OFFICERS IS WHERE YOU AND SHEKA GOT INTO IT, IS THAT RIGHT?

A I DON'T REMEMBER

Q LET ME ASK YOU THEN ABOUT DECEMBER 3RD, DO YOU KNOW WHAT DAY THAT WAS?

A IT WAS ON A SUNDAY

Q RIGHT, AND YOUR SISTER HAD COME TO TOWN?

A YES, SIR

Q AND Y'ALL WERE SITTING AROUND THE HOUSE SUNDAY MORNING?

A YES, SIR

Q AND, OF COURSE, YOU HAD ALREADY TALKED TO SHEKA SATURDAY, RIGHT?

A YES

Q BECAUSE YOU HAD SPENT ALL DAY WITH HER AND SHE LEFT SOME TIME IN THE AFTERNOON, RIGHT?

A SATURDAY, NO, SHE LEFT THAT MORNING

Q AND YOU SPENT THAT FRIDAY WITH HER?

A YES, SIR

Q THAT THURSDAY?

A YES, SIR

Q THAT WEDNESDAY?

1 A YES

2 Q THAT TUESDAY?

3 A YES

4 Q THAT MONDAY?

5 A YES

6 Q AND Y'ALL WERE GETTING ALONG FINE, RIGHT?

7 A YES

8 Q HOW MANY TIMES DURING THAT PERIOD DID SHE SLAP
9 YOU AROUND?

10 A ME?

11 Q YES

12 A SHE DIDN'T

13 Q SHE DIDN'T SLAP YOU AROUND?

14 A NOT THAT WEEK

15 Q NOW, BUT ON SUNDAY WHEN SHE KNEW YOU WOULD
16 COME BY AND GET THE KIDS, SHE WAS OVER YOUR
17 GRANDMOTHER'S HOUSE, KNOWING YOU WOULD BE THERE,
18 WITH HER LOVER, RIGHT?

19 A NO, SIR

20 Q WELL, EXPLAIN IT TO ME

21 A SHE DIDN'T KNOW I WAS COMING OVER THERE AND I
22 WENT OVER

23 Q I THOUGHT YOU WERE SUPPOSED TO GO BY AND GET
24 THE CHILDREN BECAUSE SHE HAD SOMEWHERE TO GO THAT
25 AFTERNOON, NO?

1 A NO, SIR I WAS GOING OVER TO GET THE KIDS
2 Q SURPRISE VISIT ON YOUR PART?
3 A I WAS JUST GOING TO GET MY KIDS
4 Q WHAT WERE YOU GOING TO GET YOUR KIDS FOR?
5 A JUST TO GO GET THEM
6 Q TO DO WHAT?
7 A TO GO GET THEM
8 Q AND DO WHAT WITH THEM?
9 A SPEND TIME WITH THEM
10 Q WHERE?
11 A ANYWHERE WERE THEY WANT TO GO
12 Q AND HOW WERE YOU GOING TO GET ANYWHERE THEY
13 WANTED TO GO?
14 A MY SISTER WAS HOME
15 Q AND SHE WAS CARRY YOU?
16 A YES, SIR
17 Q SO YOU WENT OVER THERE TO GET YOUR KIDS, WHY
18 DIDN'T YOU GET THOSE KIDS?
19 A BECAUSE SHEKA HAD HER FRIEND THERE AND I JUST
20 DIDN'T WANT TO BE BOTHERED
21 Q BUT YOU WENT OVER THERE TO GET THE KIDS,
22 DIDN'T YOU?
23 A YES
24 Q WHY DIDN'T YOU GET YOUR KIDS?
25 A BECAUSE SHE WASN'T GOING TO GET THEM GO

1 Q SHE WASN'T GOING TO LET THEM GO?

2 A YES, SIR

3 Q SHE WOULDN'T GIVE THEM TO YOU?

4 A YES, SIR

5 Q WHY WOULDN'T SHE GIVE THEM TO YOU?

6 A BECAUSE SHE WAS MAD BECAUSE I CAUGHT HER

7 Q CAUGHT HER?

8 A YES, SIR

9 Q CAUGHT HER DOING WHAT?

10 A WITH HER NEW FRIEND

11 Q DOING WHAT WITH HER FRIEND? WHAT WAS SHE DOING

12 WHEN YOU GOT OVER THERE?

13 A BEING WITH HER FRIEND

14 Q AND WHERE WAS SHE WITH HIM?

15 A AT HER GRANDMA'S HOUSE

16 Q IN THE FRONT YARD?

17 A YES

18 Q SO THERE WAS SOME GUY OVER THERE IN THE FRONT

19 YARD OF HER GRANDMOTHER'S HOUSE AND YOU FIGURED YOU

20 CAUGHT HER

21 A YES, SIR

22 Q DID YOU ASK HER WHO THE GUY WAS?

23 A YES, SIR

24 Q WHAT DID SHE SAY?

25 A SHE DIDN'T SAY NOTHING

1 Q DID YOU ASK HIM WHO HE WAS?

2 A YES, SIR

3 Q WHAT DID HE SAY?

4 A HE JUST SAID HE WAS HER FRIEND

5 Q AND DID YOU SAY, WELL, I NEVER SEEN YOU AROUND
6 HERE BEFORE, WHAT'S GOING ON?

7 A NO, I JUST ASKED HIM WAS THEY DATING AND HE
8 SAID YEAH, AND SO I SAID, ALL RIGHT, FINE WITH ME

9 Q AND THAT WASN'T FINE WITH YOU, WASN'T IT?

10 A IT WAS FINE WITH ME

11 Q DID HE SAY ANYTHING ELSE ABOUT YOUR DATE?

12 A NO

13 Q THAT'S IT?

14 A NO, I LEFT

15 Q YOU LEFT?

16 A YES, SIR

17 Q WITH WHO?

18 A MY SISTER

19 Q AND YOU LEFT YOUR CHILDREN THERE?

20 A YES, SIR

21 Q AND WHO DID YOU RUN INTO LATER ON THAT DAY
22 THAT TOLD YOU ABOUT MIKE ADAMS, TOLD YOU WHO HE WAS?

23 A NOBODY

24 Q WHO'D YOU RUN INTO LATER ON THAT NIGHT THAT
25 TOLD YOU ABOUT MIKE ADAMS, TOLD YOU WHO HE WAS?

1 A WHO? NOBODY

2 Q DID SHEKA TELL YOU ABOUT WHO HE WAS?

3 A NO, SHE DIDN'T SAY NOTHING ABOUT IT

4 Q HUH?

5 A SHE DIDN'T TELL ME ABOUT HIM

6 Q DIDN'T YOU TALK TO HER LATER ON THAT DAY?

7 A LATER ON

8 Q WHAT TIME?

9 A ABOUT QUARTER TO TEN

10 Q WHAT DID Y'ALL TALK ABOUT?

11 A WE DIDN'T TALK ABOUT NOTHING

12 Q WHO CALLED WHO?

13 A SHE HAD ASKED ME TO CALL HER

14 Q SHE HAD ASKED YOU TO CALL HER? WHEN DID SHE

15 ASK YOU TO CALL HER?

16 A WHEN SHE WAS OVER TO THE HOUSE

17 Q WHEN SHE WAS OVER TO WHOSE HOUSE?

18 A MY HOUSE

19 Q OVER AT YOUR HOUSE?

20 A YES

21 Q OR WHEN SHE CAME BY BEFORE THAT?

22 A NO, WHEN SHE WAS ON THE PORCH AND I WAS IN THE

23 HOUSE

24 Q AND YOU WOULDN'T LET HER IN?

25 A NO, SIR

1 Q SHE ASKED YOU TO CALL HER

2 A YES, SIR

3 Q AND YOU DID CALL HER

4 A LATER

5 Q AND WHAT DID SHE WANT TO TELL YOU?

6 A SHE DIDN'T WANT TO TELL ME NOTHING

7 Q WHY DID SHE WANT YOU TO CALL HER?

8 A SHE JUST WANTED ME TO CALL HER

9 Q WHAT DID SHE TELL YOU?

10 A SHE DIDN'T TELL ME NOTHING

11 Q WHAT DID YOU TELL HER?

12 A I DIDN'T TELL HER NOTHING

13 Q I MEAN, THE PHONE RINGS, SHE PICKS UP SAYS

14 HELLO, WHAT DID YOU SAY?

15 A SHE DIDN'T SAY NOTHING BECAUSE SHE DIDN'T PICK

16 UP THE PHONE

17 Q SHE WASN'T THERE, WAS SHE THERE?

18 A WHERE?

19 Q AT HOME WHEN YOU CALLED HER

20 A SHE WASN'T THERE

21 Q SO SHE WASN'T THERE, RIGHT, IS THAT RIGHT?

22 A YES, SIR

23 Q SO WHAT DID YOU DECIDE TO DO?

24 A I DIDN'T DECIDE TO DO NOTHING

25 Q DID YOU CALL HER LATER ON?

1 A THAT MORNING

2 Q THAT MORNING?

3 A YES

4 Q YOU DIDN'T CALL AT 12 00 O'CLOCK THAT NIGHT?

5 A I CALLED HER GRANDMA'S HOUSE OVER THERE, AND

6 SHE SAID SHE WAS OVER MACK'S HOUSE

7 Q WHAT ABOUT WHILE YOU -- DID YOU TALK TO HER

8 THEN, THAT MORNING ABOUT KNOWING THIS MIKE ADAMS?

9 DID SHE TELL YOU ABOUT MIKE THEN?

10 A NO, I DIDN'T TALK TO HER

11 Q HUH?

12 A I DIDN'T TALK TO HER BOUT MIKE

13 Q AT 6 00 O'CLOCK, 8 00 O'CLOCK THAT MORNING?

14 A NO, WE DIDN'T TALK ABOUT MIKR

15 Q WHAT ABOUT WHEN YOU WENT OVER THERE AND WERE

16 HAVING COFFEE WITH LUEVINIA DID YOU AND TESHEKA

17 TALK ABOUT MIKE THEN?

18 A NO, SHE DIDN'T SAY NOTHING

19 Q SHE DIDN'T?

20 A NO

21 Q WHO DID?

22 A MISS LUEVINIA ASKED ME WHAT WAS GOING ON AND I

23 WAS TRYING TO TELL HER

24 Q RIGHT WHO DID TELL YOU ABOUT MIKE?

25 A I SEEN HIM

1 Q YOU SEEN HIM BUT WHO TOLD YOU ABOUT MIKE?

2 A WHAT DO YOU MEAN WHO TOLD ME?

3 Q WHO TOLD YOU THAT SHE SPENT THE NIGHT AT HIS
4 HOUSE WITH THE KIDS?

5 A I KNOW

6 Q HOW DO YOU KNOW?

7 A BECAUSE LATER ON, SHE TOLD ME

8 Q I JUST ASKED YOU IF SHE TOLD YOU AND YOU SAID
9 SHE AIN'T SAID NOTHING ABOUT MIKE

10 A YOU MIGHT HAVE BEEN MOVING IN TOO FAST FOR ME

11 Q NOW WHEN DID SHE TELL YOU SHE SPENT THE NIGHT
12 AT MIKE'S WITH THE KIDS, IS THAT TOO FAST?

13 MR GARRETT THE QUESTION'S
14 COMPOUND, YOUR HONOR, ONE AT A TIME

15 THE COURT ALL RIGHT, SOLICITOR

16 EXAMINATION CONTINUED

17 BY MR JONES

18 Q WHEN DID SHE TELL YOU THAT SHE SPENT THE NIGHT
19 WITH MIKE AND HAD THE KIDS?

20 A SUNDAY OR MONDAY, IT WAS ONE OF THEM

21 Q WHEN?

22 A SUNDAY OR MONDAY, ONE OF THEM, I DON'T KNOW

23 Q AT WHAT OCCASION?

24 A I GUESS WHEN WE WAS TALKING

25 Q TALKING WHEN AND WHERE?

1 A I DON'T KNOW

2 Q YOU DON'T KNOW YOU CAN'T REMEMBER?

3 A TO BE HONEST WITH YOU, I'VE BEEN TRYING TO PUT
4 IT IN THE PAST

5 Q NOW, LET ME ASK YOU SOMETHING, TALKING ABOUT
6 PUTTING STUFF IN THE PAST, YOU WALKED UP HERE ON
7 YOUR OWN FREE WILL, DIDN'T YOU?

8 A YES, I DID

9 Q ALL RIGHT AND YOU'RE HERE TO ANSWER
10 QUESTIONS, AREN'T YOU?

11 A I'M TRYING

12 Q MY SIMPLE QUESTION IS TO YOU WHY DID SHEKA
13 TELL YOU SHE SPENT THE NIGHT WITH MIKE ADAMS AND
14 TOOK THE TWO KIDS OVER THERE?

15 A I GUESS I ASKED HER

16 Q YOU ASKED WELL, LET ME MOVE ON, IF I CAN
17 DO YOU THINK YOU KNEW SHE HAD SPENT THE NIGHT WITH
18 HIM WHEN YOU LEFT HER HOUSE AROUND ONE O'CLOCK IN
19 THE AFTERNOON AND YELLED AT HER, "I'LL KILL YOU,
20 I'LL KILL YOU BOTH?"

21 A NO, SIR

22 Q YOU DON'T THINK YOU KNEW IT THEN?

23 A NO, SIR, I DIDN'T

24 Q AND DO YOU THINK YOU HAD BEEN WAITING OUT
25 THERE IN HER YARD THERE AT HER GRANDMAMA'S FOR THREE

1 OR FOUR HOURS THAT MORNING JUST STEAMING MAD AT THE
2 DICKENS KNOWING THAT HER CAR HADN'T BEEN HOME ALL
3 NIGHT SATURDAY NIGHT AND SHE HAD BEEN OUT WITH
4 SOMEBODY?

5 A NO, SIR

6 Q YOU DIDN'T THINK THAT'S SO?

7 A NO, SIR

8 Q AND DO YOU THINK THAT WHEN YOU CALLED MACK'S
9 HOUSE THAT SUNDAY NIGHT AROUND TWELVE O'CLOCK
10 LOOKING FOR HER, THAT YOU WERE UPSET THAT SHE HADN'T
11 GONE TO WORK?

12 A NO, SIR

13 Q WELL, BEFORE YOU LEFT HER HOUSE, HER
14 GRANDMAMA'S HOUSE ON SUNDAY, DID YOU KNOW SHE WAS
15 GOING INSIDE TO CALL THE POLICE?

16 A NO, SIR

17 Q YOU DIDN'T KNOW THAT?

18 A NO

19 Q YOU DON'T DENY SHE WENT INSIDE TO CALL THE
20 POLICE, DO YOU?

21 A I DON'T KNOW WHAT SHE DID LIKE I SAY, I
22 LEFT

23 Q SO YOU DON'T KNOW THAT THE POLICE CAME OVER
24 THERE, DO YOU?

25 A I DON'T KNOW

1 Q AND YOU DON'T KNOW THAT THE POLICE TOOK AN
2 INCIDENT REPORT FROM HER TWENTY MINUTES AFTER YOU
3 HAD LEFT --

4 A I DON'T KNOW

5 Q -- THAT YOU HAD THREATENED HER LIFE, DO YOU,
6 RIGHT?

7 A I DON'T KNOW

8 ~~Q WHEN DID SHE TELL YOU -- SHEKA I'M TALKING~~
9 ~~ABOUT NOW -- THAT MONDAY MORNING SHE WAS GOING TO~~
10 ~~TAKE A WARRANT OUT FOR YOUR ARREST FOR STALKING HER~~
11 ~~AND HARASSING HER.~~

12 MR GARRETT OBJECTION, YOUR HONOR
13 NO EVIDENCE IN THE RECORD TO THAT FACT

14 THE COURT SUSTAINED

15 MR GARRETT ASK THE COURT TO STRIKE
16 IT THERE'S NO STALKING IN THIS CASE WHATSOEVER

17 THE COURT THE LAST QUESTION AND ANY
18 PARTIAL RESPONSE IS TO BE STRICKEN THE JURY IS NOT
19 TO CONSIDER IT IN ANY FASHION IN THIS CASE

20 EXAMINATION CONTINUED

21 BY MR JONES

22 Q LET ME ASK YOU THIS THEN HOW DO YOU GET IN
23 AND OUT OF YOUR HOUSE OVER ON 300 MAPLE STREET?

24 A THROUGH THE DOOR

25 Q AND HOW DO YOU GET THE DOOR OPENED AND CLOSED?

1 A THE DOOR KNOB

2 Q WHEN YOU LEAVE, DO YOU LOCK THE DOOR OR NOT?

3 A SOMETIMES

4 Q WHY?

5 A JUST SOMETIMES

6 Q I MEAN, YOU GOT ANYTHING IN THERE YOU WANT TO
7 PROTECT?

8 A A WHOLE LOT OF STUFF IN THERE

9 Q LIKE WHAT?

10 A A BUNCH OF ANTIQUES, MONEY, JEWELRY, A LOT OF
11 STUFF

12 Q KEEP THE BICYCLE INSIDE?

13 A MY BROTHER'S BIKE I DON'T OWN A BIKE

14 Q YOU OWN SOME GUNS, DON'T YOU?

15 A A FEW

16 Q YOU KEEP THE GUNS INSIDE THERE?

17 A SOME

18 Q SO YOU'RE TELLING US YOUR GUNS ON DECEMBER 5TH
19 -- DECEMBER 4TH WERE YOU IN YOUR BEDROOM, IS THAT
20 RIGHT?

21 A WHICH GUNS?

22 Q ANY GUN WHAT GUNS WERE IN YOUR BEDROOM ON
23 DECEMBER 4TH?

24 A MY PISTOL

25 Q HUH?

1 A MY PISTOL

2 Q WHAT PISTOL WOULD THAT BE?

3 A A NINE

4 Q A NINE MILLIMETER?

5 A YES, SIR

6 Q WHAT ELSE?

7 A A TWENTY-FIVE

8 Q SO YOU DO LOCK THE DOOR WHEN YOU LEAVE?

9 A SOMETIMES

10 Q WHEN YOU LOCK THE DOOR, HOW DO YOU GET BACK IN

11 WHEN YOU COME HOME?

12 A WITH THE KEY

13 Q WHAT KEY?

14 A MY HOUSE KEY

15 Q YOUR HOUSE KEY?

16 A YES, SIR

17 Q HOW LONG HAVE YOU HAD THAT HOUSE?

18 A EVER SINCE MY MOM PURCHASED THE HOUSE

19 Q SIX YEARS?

20 A PERHAPS, I DON'T KNOW HOW LONG WE'VE BEEN

21 THERE

22 Q WHEN YOU OWNED THAT GREEN CAR, WHERE DID YOU

23 KEEP YOUR KEYS?

24 A I KEPT A SET AND SHE KEPT A SET

25 Q SO YOU KEPT YOUR KEYS ON YOUR KEY RING, RIGHT?

1 A YES

2 Q HAVEN'T YOU BEEN TELLING US THAT YOUR KEYS WAS
3 ON HER KEY RING?

4 A SOME OF MY KEYS LIKE TO MY HOUSE AND TO MY CAR
5 WAS ON HER KEY CHAIN

6 Q YOUR KEYS WERE ON HER KEY RING?

7 A SHE HAD A SET OF KEYS JUST THE SAME AS I HAD A
8 SET OF KEYS

9 Q LET ME ASK YOU, WHERE WAS YOUR HOUSE KEY,
10 WHOSE KEY RING WAS YOUR HOUSE KEY ON?

11 A BOTH OF THEM LIKE I SAID, SHE GOT A KEY AND
12 I GOT A KEY

13 Q WAS YOUR HOUSE KEY ON YOUR KEY RING?

14 A SHE HAD HERS AND I HAD MINE

15 Q THIS IS A PRETTY SIMPLE QUESTION I'M GOING
16 TO ASK YOU TO ANSWER IT WAS YOUR HOUSE KEY ON YOUR
17 KEY RING?

18 A I HAD MY KEYS AND SHE HAD A KEY

19 Q I'M NOT ASKING ABOUT HER KEYS I'M ASKING
20 ABOUT YOUR KEYS

21 MR GARRETT OBJECTION, YOUR HONOR,
22 HE'S ANSWERED THAT THREE TIMES

23 THE COURT HE'S ANSWERED THAT
24 QUESTION

25 MR JONES JUDGE, THE QUESTION WAS,

1 WAS HIS HOUSE KEY ON HIS KEY RING?

2 THE COURT YES OR NO

3 THE WITNESS I HAD MY KEYS SHE HAD
4 HER KEYS

5 EXAMINATION CONTINUED

6 BY MR JONES

7 Q WAS YOUR CAR KEY ON YOUR KEY RING?

8 A TO WHICH ONE?

9 Q TO THE GREEN CAR

10 A I HAD A KEY AND SHE HAD A KEY

11 Q TO THE MITSUBISHI

12 A I HAD A KEY SHE HAD A KEY

13 Q SO YOU HAD A CAR KEY TO THE MITSUBISHI?

14 A YES

15 Q WHERE IS IT?

16 A ON MY KEYS WHERE I LAID IT

17 Q WHERE ARE THEY?

18 A I DON'T KNOW

19 Q WHAT DID YOU DO WITH THEM ON DECEMBER 4, 1995?

20 A I DON'T KNOW

21 Q WHAT DO YOU MEAN YOU DON'T KNOW, DIDN'T YOU
22 USE THEM TO CRANK THE CAR UP?

23 A I DON'T KNOW

24 Q WHAT?

25 A I DON'T KNOW WHICH SET OF KEYS I HAD

1 Q WHY DIDN'T YOU USE YOUR KEYS TO CRANK THE CAR
2 UP?

3 A I DON'T KNOW WHAT SET OF KEYS LIKE I SAY

4 Q WHAT?

5 A LIKE I SAY, I DON'T KNOW WHAT SET OF KEYS I
6 HAD

7 Q WELL NOW, YOU'VE GOT YOUR HOUSE KEY IN YOUR
8 POCKET, DON'T YOU?

9 A I MIGHT HAVE, I DON'T KNOW

10 Q LET'S SEE IF I CAN REFRESH YOUR MEMORY SEE
11 IF I CAN FIND SOMETHING --

12 MR GARRETT OBJECTION, YOUR HONOR
13 IS HE GOING TO MAKE A SPEECH OR ASK A QUESTION

14 MR JONES I'M ON CROSS-EXAMINATION
15 --

16 THE COURT OVERRULED

17 MR JONES HE HAD HIS CHANCE --

18 THE COURT Y'ALL QUIT ARGUING GO
19 AHEAD AND ASK YOUR QUESTION, PLEASE

20 EXAMINATION CONTINUED

21 BY MR JONES

22 Q LET ME ASK YOU THIS LET ME ASK YOU, STATE'S
23 EXHIBIT FOURTEEN, DO YOU KNOW WHAT THAT IS?

24 A YES

25 Q WHAT IS THAT?

1 A THAT'S A LETTER
2 Q TO WHO?
3 A IT AIN'T TO NOBODY
4 Q IT'S A LETTER TO NOBODY
5 A IT AIN'T ADDRESSED TO NOBODY
6 Q YOU SAID IT'S A LETTER, WHO IS IT TO?
7 A NOBODY
8 Q NOBODY DO YOU KNOW WHO WROTE IT?
9 A I WROTE IT
10 Q DID YOU WRITE IT TO ANYBODY?
11 A NO
12 Q WHEN DID YOU WRITE IT?
13 A SUNDAY
14 Q WHAT TIME SUNDAY?
15 A I DON'T KNOW
16 Q SUNDAY MORNING?
17 A IT WAS IN THE MORNING I GUESS
18 Q BEFORE LUNCH?
19 A IT COULD HAVE
20 Q WHAT WAS WRONG WITH YOU SUNDAY MORNING BEFORE
21 LUNCH THAT YOU'D WRITE A NOTE LIKE THAT?
22 A IT WAS RIGHT AFTER ME AND SHEKA GOT INTO IT
23 Q SO YOU WROTE IT RIGHT AFTER YOU AND SHEKA GOT
24 INTO IT?
25 A YEAH

1 Q WHICH TIME WERE YOU TALKING ABOUT Y'ALL GOT
2 INTO THEN?

3 A WE DIDN'T GET INTO BUT ONE TIME

4 Q OVER AT HER HOUSE?

5 A OVER TO HER GRANDMA'S

6 Q OVER HER GRANDMA'S HOUSE

7 A YES

8 Q SO Y'ALL DID GET INTO IT OVER THERE?

9 A WE DIDN'T GET INTO IT IT WASN'T NOTHING BUT
10 ARGUING, THAT'S WHAT I CALL INTO IT

11 Q INTO IT, AN ARGUMENT NO PUSHING, NO SHOVING,
12 JUST AN ARGUMENT, THAT'S WHAT YOU CALL INTO IT?

13 A THAT'S WHAT I CALL INTO IT

14 Q AND AFTER Y'ALL GOT INTO AN ARGUMENT, YOU CAME
15 BACK AND WROTE THAT?

16 A YEAH

17 Q SO YOU WROTE IT -- WAS IT TEN MINUTES AFTER
18 YOU HAD THE ARGUMENT OR AN HOUR AFTER YOU HAD THE --

19 A I DON'T KNOW

20 Q WAS YOUR SISTER STILL IN TOWN WHEN YOU WROTE
21 IT?

22 A NO, WHEN SHE CAME BACK, SHE DROPPED ME OFF AND
23 LEFT

24 Q SO WHEN SHE CAME BACK, SHE DROPPED YOU OFF AND
25 SHE LEFT, RIGHT?

1 A I DON'T KNOW WHAT SHE DONE

2 Q WELL, IT WAS AT YOUR HOUSE, WASN'T IT?

3 A WHEN WE GOT TO THE STOP SIGN, I GOT OUT THE
4 JEEP

5 Q YOU GOT OUT OF THE JEEP WHEN YOU WENT BACK -
6 - YOU WROTE THIS AT HOME, DIDN'T YOU?

7 A WHEN I GOT OUT THE JEEP, I WALKED AROUND TO
8 THE BACK OF THE HOUSE

9 Q AND?

10 A AND DID NOTHING THEN I WENT INSIDE AND
11 THAT'S WHEN I WROTE IT BECAUSE I DIDN'T WANT TO BE
12 BOTHERED WITH NOBODY

13 Q THAT'S FINE BUT WHEN YOU WENT INSIDE AND
14 WROTE IT, WAS YOUR SISTER STILL THERE?

15 A I DON'T KNOW SHE WAS IN THE FRONT AND I CAME
16 OUT BACK, I DON'T KNOW WHERE SHE WAS

17 Q AFTER YOU WROTE IT, WHAT DID YOU DO WITH IT?

18 A IT WAS ON THE DOOR

19 Q YOU PUT IT ON THE DOOR?

20 A IT WAS ON THE DOOR

21 Q AFTER YOU WROTE IT, DID YOU PUT IT ON THE
22 DOOR?

23 A IT WAS LEFT ON THE DOOR

24 Q BY YOU?

25 A YEAH, IT WAS LEFT ON THE DOOR

1 Q THE FRONT DOOR

2 A YES, SIR

3 Q WHO DID YOU LEAVE IT THERE FOR?

4 A WHOEVER COME BY THE HOUSE

5 Q WERE YOU EXPECTING ANYBODY TO COME BY THE
6 HOUSE?

7 A NO

8 Q YOU WEREN'T?

9 A NO

10 Q AFTER YOU PUT IT ON THE FRONT DOOR, WHERE DID
11 YOU GO?

12 A I DON'T KNOW

13 Q AND WE ARE TALKING ABOUT THE NOTE THAT SAID I
14 WILL BE DEAD, LOVE Y'ALL, TAKE CARE OF MY KIDS,
15 RIGHT?

16 A YES

17 Q THAT'S THE NOTE YOU WROTE

18 A YES, SIR

19 Q SUNDAY AFTERNOON?

20 A YES

21 Q LEFT IT ON THE FRONT DOOR

22 A I DON'T KNOW WHAT TIME IT WAS

23 Q AND WENT TO THE CHRISTMAS PARADE IN GREENWOOD

24 A WENT TO THE PARADE WITH MY BROTHER

25 Q WITH YOUR BROTHER AND THEN CAME BACK AT

1 NINE --

2 THE COURT SOLICITOR, THE COURT
3 REPORTER NEEDS TO SEE THE WITNESS

4 EXAMINATION CONTINUED

5 BY MR JONES

6 Q -- ABOUT NINE-THIRTY OR NINE-FORTY-FIVE,
7 CORRECT?

8 A I DON'T KNOW WHAT TIME IT WAS

9 Q WELL, YOU JUST TOLD THE JURY IT WAS BETWEEN
10 NINE AND TEN, DIDN'T YOU?

11 A AFTER THE PARADE, I JUST CHILLED FOR A LITTLE
12 WHILE

13 Q WHAT TIME DID YOU GET HOME?

14 A I GOT HOME ABOUT NINE-THIRTY OR A QUARTER TILL
15 TEN

16 Q WAS YOUR HOUSE LOCKED OR UNLOCKED?

17 A IT WAS UNLOCKED

18 Q UNLOCKED, WAS THIS ON THE FRONT DOOR?

19 A IT WAS STILL ON THE FRONT DOOR

20 Q STILL ON THE FRONT DOOR, ALL RIGHT AND YOU
21 WENT INSIDE SUNDAY EVENING, RIGHT?

22 A YES

23 Q AND YOU LEFT THIS ON THE FRONT DOOR, RIGHT?

24 A YES

25 Q WELL, YOU KNEW WHAT IT SAID THOUGH, DIDN'T

1 YOU?

2 A YES

3 Q AND THEN WHAT DID YOU DO AFTER TEN SUNDAY
4 NIGHT WITH THIS ON THE FRONT DOOR? WHAT DID YOU DO?

5 A I DIDN'T DO NOTHING

6 Q YES, YOU DO

7 A WHAT I DID?

8 Q WELL, I THOUGHT YOU SAID EARLIER YOU HAD
9 ACCESS TO A TRUCK AND WENT RIDING AROUND IN THE
10 TRUCK A LITTLE BIT

11 A THAT WAS LATER

12 Q THAT'S WHAT I'M ASKING YOU ABOUT AFTER TEN
13 O'CLOCK, WHAT DID YOU DO?

14 A I CHILLED FOR A LITTLE WHILE

15 Q HOW LONG DID YOU CHILL?

16 A I DON'T KNOW

17 Q WELL, WHEN DID YOU GET THE TRUCK?

18 A WHEN MY BROTHER CAME HOME

19 Q AND WHEN YOUR BROTHER CAME HOME, DID HE COME
20 IN THE FRONT DOOR?

21 A THROUGH THE BACK DOOR

22 Q OH, HE CAME IN THE BACK DOOR SO HE DIDN'T
23 GET A CHANCE TO SEE THE NOTE THAT WAS HANGING OUT
24 THERE, DID HE?

25 A I DON'T GUESS

1 Q HE CAME IN THE BACK AND GAVE YOU HIS TRUCK,
2 RIGHT?

3 A I ASKED HIM WAS HE GOING ANYWHERE AND HE SAID,
4 NO

5 Q AND WHAT DID YOU DO WITH THE TRUCK?

6 A RODE AROUND

7 Q ANYWHERE IN PARTICULAR YOU WERE GOING?

8 A NO

9 Q YOU DIDN'T CARRY THAT SHOTGUN OVER THERE AND
10 HIDE IT BEHIND THAT TRAILER THEN, DID YOU?

11 A WHAT?

12 Q YOU DIDN'T CARRY STATE'S EXHIBIT NUMBER FORTY-
13 EIGHT OVER TO THAT TRAILER AND LEAVE IT OUT THERE,
14 DID YOU?

15 A ONLY WAY I WOULD HAVE BEEN ABLE TO GET THAT
16 SHOTGUN OVER TO THE TRAILER, SHE HAD IT IN THE TRUNK
17 OF THE CAR

18 Q AND THE ONLY WAY YOU'D BEEN ABLE TO GET IT OUT
19 OF THE TRUNK OF THE CAR WOULD HAVE BEEN TO PULL UP
20 THERE IN THE YARD, OPEN THE TRUNK, PULL IT OUT OF
21 THE TRUNK, AND STASH IT RIGHT BEHIND THAT OLD EMPTY
22 TRAILER, ISN'T THAT RIGHT?

23 A NO, SIR

24 Q NO, SIR, YOU COULDN'T HAVE DONE THAT?

25 A NO, SIR, I DIDN'T DO THAT

1 Q BUT YOU COULD HAVE DONE THAT?

2 A NO, SIR

3 Q YOU COULDN'T HAVE DONE THAT?

4 A NO, SIR

5 Q WHY COULDN'T YOU HAVE DONE THAT?

6 A FOR WHAT?

7 Q FOR WHAT?

8 A THAT'S RIGHT

9 Q WELL, WHAT I WANT TO ASK YOU IS THIS WHY DID
10 YOU NEED SOMEBODY TO TAKE CARE OF THE KIDS?

11 A BECAUSE AFTER WE HAD GOT INTO IT, YOU KNOW, IT
12 JUST -- I JUST STARTED FEELING KIND OF BAD

13 Q NO, WHY WERE YOU GOING TO NEED SOMEBODY TO
14 TAKE CARE OF YOUR KIDS?

15 A BECAUSE IF I'M GONE, WHO'S GOING TO TAKE CARE
16 OF THEM

17 Q SHEKA

18 A AND?

19 Q SHEKA

20 A THEY'RE GOING TO NEED A FATHER

21 Q SHE CAN'T TAKE CARE OF THEM BUT SHE'S GONE
22 THOUGH, CAN'T SHE?

23 A I DON'T KNOW

24 Q IF SHE'S GONE AND YOU'RE GONE, YOU'RE REALLY
25 GOING TO NEED SOMEBODY THEN, AREN'T YOU?

1 A I WOULD IMAGINE SOMEBODY'S GOING TO TAKE CARE
2 OF THEM

3 Q NOW, WHEN YOU CAME BACK FROM USING YOUR
4 BROTHER'S TRUCK, WAS THE NOTE STILL ON THE DOOR?

5 A YES, SIR

6 Q YOU DIDN'T TAKE IT OFF?

7 A NO, I DIDN'T TAKE IT OFF

8 Q SIR?

9 A I DON'T EVER TAKE NOTHING -- IF ANYTHING'S ON
10 THE FRONT DOOR, I DON'T TAKE IT OFF

11 Q YOU RECOGNIZE WHAT'S WRITTEN ON THE OTHER SIDE
12 OF THAT NOTE?

13 A YEAH

14 Q WHAT'S THAT ABOUT?

15 A NOTHING JUST SO I TOLD CHRIS I WAS RUNNING
16 OVER JABBO'S HOUSE

17 Q WHO TOOK THAT NOTE OFF THE BUILDING?

18 A IT'S STILL ON THE FRONT DOOR

19 Q YOU WEREN'T OUT LOOKING FOR SHEKA IN YOUR
20 BROTHER'S TRUCK, WERE YOU?

21 A NO

22 Q YOU DIDN'T CARE WHERE SHE WAS, DID YOU?

23 A NO

24 Q AND AFTER HER GRANDMAMA SAID SHE WASN'T HOME,
25 WHY DID YOU NEED TO KNOW WHERE SHE WAS?

1 A I DIDN'T NEED TO KNOW

2 Q WHY DID YOU CALL AND FIND OUT WHERE SHE WAS?

3 A SHE ASKED ME TO CALL HER

4 Q AND YOU WERE GOING TO DO THAT, RIGHT?

5 A I GUESS

6 MR JONES ONE MOMENT, PLEASE

7 EXAMINATION CONTINUED

8 BY MR JONES

9 Q DO YOU MAINTAIN THAT SHEKA'S BIGGER THAN YOU
10 ARE?

11 A YES

12 Q AND I BELIEVE YOU'VE GOT A PHOTOGRAPH HERE OF
13 YOU TWO AT PROM TOGETHER BACK WHEN SHE WAS IN HIGH
14 SCHOOL AND SHE'S A LITTLE BIT TALLER THAN YOU YOU
15 DON'T KNOW WHETHER SHE'S GOT ON HIGH HEELS, WHETHER
16 SHE WORE HEELS AT THE PROM OR NOT, DO YOU?

17 A I DON'T KNOW

18 Q I BELIEVE HER HEIGHT, FIVE FOOT THREE IS
19 REPRESENTED ON HER DRIVER'S LICENSE IS TRUE, DO YOU
20 AGREE?

21 A SHE STANDED TALLER THAN ME, JUST A BIT TALLER

22 Q SO YOUR HEIGHT IS?

23 A TO BE HONEST WITH YOU, I DON'T KNOW

24 Q AND YOUR WEIGHT IS?

25 A ONE TWENTY-SIX

1 Q ONE TWENTY-SIX AND HER WEIGHT WAS LISTED AT
2 ONE THIRTY-SIX, YOU FIGURE SHE WAS FUDGING ABOUT
3 THAT? I SAID HER WEIGHT'S LISTED AT ONE THIRTY-SIX,
4 DO YOU AGREE OR DISAGREE WITH THAT? I'M REFERRING
5 TO STATE'S EXHIBIT NUMBER SEVENTY-FIVE

6 A I DON'T KNOW WHEN SHE FIRST GOT A LICENSE

7 Q WELL, A MINUTE AGO YOU SAID SHE WEIGHED ABOUT
8 THIRTY POUNDS MORE THAN YOU WHAT I'M ASKING YOU
9 IS, WOULD YOU AGREE THAT SHE WEIGHED ABOUT TEN
10 POUNDS MORE THAN YOU IF YOU WEIGH ONE TWENTY-SIX AND
11 SHE WEIGHS ONE THIRTY-SIX?

12 A SHE USED TO WEIGH MORE THAN THAT

13 Q SO YOU'RE SAYING SHE WEIGHED A LOT MORE THAN
14 ONE THIRTY-SIX?

15 A I DON'T KNOW WHEN SHE FIRST -- I WENT WITH HER
16 WHEN SHE FIRST GOT HER LICENSE

17 Q YOU DO NOT LIST YOUR HEIGHT AS FIVE FOOT FOUR
18 AND YOUR WEIGHT OF ONE THIRTY POUNDS?

19 A I DON'T KNOW HOW TALL -- I JUST IMAGINE FIVE
20 FOUR, I DON'T KNOW

21 Q SO YOU RODE OVER MS HARRIS'S HOUSE ON YOUR
22 BICYCLE AND WHEN YOU PULLED UP WHEN THEY WERE
23 WALKING OUT OF THE DOOR, IS THAT RIGHT?

24 A YES

25 Q AND, OF COURSE, YOU WERE OVER THERE BECAUSE

1 SHE NEEDED YOU TO GO TO ANDERSON WITH HER TO DO THE
2 CAR'S ROOFING?

3 A YEAH

4 Q AND THEY WERE COMING OUT THE DOOR WITH THE
5 KIDS, RIGHT?

6 A THEY WAS ALREADY OUT THE DOOR

7 Q AND YOUR OLDEST SON WANTED TO RIDE YOUR
8 BICYCLE?

9 A HE WANTED ME TO PUSH HIM ON THE BICYCLE

10 Q YOU DID THAT?

11 A YES, SIR

12 Q AND YOU PUT THE BIKE BACK BEHIND THE TRAILER?

13 A YES, SIR

14 Q AND THEN YOU SAY WHAT HAPPENED? AND THEN YOU
15 SAY WHAT HAPPENED? WHAT HAPPENED NEXT?

16 A NOTHING, ME AND MY SON WALKED OVER BEHIND THE
17 TRAILER

18 Q THEN WHAT HAPPENED?

19 A NOTHING, I TOLD HIM TO GO AROUND AND GET IN
20 THE CAR

21 Q AND THEN WHAT HAPPENED?

22 A SHEKA CAME UP TO ME AND GAVE ME THE KEYS AND
23 MY YOUNGEST SON AND TOLD ME TO DRIVE

24 Q DID YOU TELL HER I'VE GOT MY KEYS YOU CAN
25 KEEP YOURS?

1 A SIR?

2 Q DID YOU TELL HER I'VE GOT MY KEYS YOU KEEP

3 YOURS YOU HOLD ON TO YOURS?

4 A I AIN'T TELL HER NOTHING

5 Q SO YOU PUT THE KIDS IN THE CAR, RIGHT?

6 A TESHEKA PUT THE KIDS IN THE CAR

7 Q THEN WHAT HAPPENED?

8 A NOTHING, I JUST STARTED LAUGHING

9 Q THEN WHAT HAPPENED?

10 A I JUST STARTED LAUGHING

11 Q THEN WHAT HAPPENED NEXT?

12 A LUEVINIA ASKED ME WHAT I WAS LAUGHING AT

13 Q WHAT DID YOU DO?

14 A NOTHING, JUST LOOKED BACK AT SHEKA

15 Q THEN WHAT HAPPENED?

16 A I JUST STARTED LAUGHING AGAIN

17 Q THEN WHAT HAPPENED?

18 A LUEVINIA ASKED ME, SHE SAID, "JOHN-JOHN, WHAT

19 YOU LAUGHING AT?"

20 Q UH-HUH, AND YOU TOLD HER?

21 A I SAID, "YOUR COUSIN DIDN'T TELL YOU "

22 Q AND WHAT SHE SAY?

23 A SHE SAID, " NO, TELL ME WHAT "

24 Q AND THEN WHAT SHE SAY?

25 A I SAID, "SHE'LL TELL YOU "

1 Q AND THEN WHAT SHE SAY?

2 A SHE DIDN'T SAY NOTHING

3 Q WHAT SHEKA DO?

4 A SHE DIDN'T SAY NOTHING

5 Q WHAT HAPPENED THEN?

6 A SHEKA JUST GOT MAD

7 Q SHE GOT MAD?

8 A YEAH

9 Q SO WHAT SHE DO?

10 A SHE SLAPPED ME

11 Q SLAPPED YOU IN THE FACE?

12 A YES

13 Q WITH HER HAND?

14 A YES

15 Q WHAT DID YOU DO?

16 A I DIDN'T DO NOTHING, LAUGHED AT HER

17 Q AND THEN WHAT HAPPENED?

18 A LUEVINIA SAID, "COME ON Y'ALL, LET'S GO IN THE
19 HOUSE SO WE CAN TALK " SHE ASKED ME DID I WANT A
20 CUP OF COFFEE

21 Q DID YOU KNOW LUEVINIA HAD TO BE AT WORK THAT
22 DAY?

23 A NO

24 Q DID YOU KNOW SHE HAD TO GO UP TO ANDERSON TO
25 GET THAT CAR DONE FOR SHEKA AND SHE WAS HELPING DO

1 IT, DID YOU KNOW THAT?

2 A SAY WHAT NOW?

3 Q WHAT I'M ASKING IS WHY DID SHE WANT TO GO
4 BACK INSIDE WHEN SHE HAD TO GET UP TO ANDERSON, GET
5 THE CAR FIXED AND GET BACK? WHY DID SHE WANT TO GO
6 INSIDE WITH YOU?

7 A I GUESS SHE WANTED TO FIND OUT WHAT WAS GOING
8 ON

9 Q AND SO YOU SAID, 'ALL RIGHT, LET'S GO INSIDE "

10 A I DIDN'T SAY NOTHING

11 Q DID YOU GO INSIDE WITH HER?

12 A LUEVINIA ASKED ME TO COME INSIDE

13 Q AND YOU CAME INSIDE

14 A YES

15 Q WHAT DID YOU DO WHEN YOU GOT INSIDE?

16 A SAT DOWN

17 Q WHAT HAPPENED?

18 A WE STARTED TALKING AND THE PHONE RUNG

19 Q WHO TOOK THE KIDS INSIDE?

20 A NOTHING, I HAD MY YOUNGEST SON

21 Q DID YOU TAKE YOUR YOUNGEST SON INSIDE?

22 A YES

23 Q WHAT DID YOU DO WITH YOUR YOUNGEST SON?

24 A I HAD HIM IN MY ARMS

25 Q WHAT DID YOU DO WITH THEM WHEN YOU WENT

1 INSIDE?

2 A PUT HIM TO SLEEP

3 Q IN THE BEDROOM?

4 A NO, I WAS ROCKING WITH HIM

5 Q ROCKING WITH HIM, OKAY LET ME ASK YOU

6 SOMETHING HOW DO YOU FIGURE THOSE POLICE OFFICERS
7 KNEW THAT YOU WERE ROCKING YOUR SON THERE WHEN YOU
8 WERE INSIDE?

9 A LIKE I SAY, I TELL THEM SOMEWHAT AND THEN THEY
10 STARTED ASSUMING THIS AND THAT AND I JUST SAID YEAH,
11 UH-HUH

12 Q DID YOU TELL THEM YOU WERE ROCKING YOUR SON
13 INSIDE?

14 A I WAS TRYING TO

15 Q TRYING TO?

16 A TRYING

17 Q WHAT STOPPED YOU FROM TELLING THOSE POLICE
18 OFFICERS --

19 A THEY WANT ASSUME WHAT HAPPENED, OKAY, YEAH,
20 THAT HAPPENED

21 Q MY QUESTION FOR YOU NOW IS THEN, YOU DID TELL
22 THE POLICE OFFICERS YOU WERE ROCKING YOUR SON

23 A COULD HAVE

24 Q DIDN'T YOU?

25 A SOME PARTS

1 Q LET'S GO ON NOW WHAT HAPPENED NEXT?

2 A FROM WHERE?

3 Q HUH?

4 A FROM WHERE?

5 Q FROM YOU SITTING THERE ROCKING YOUR SON TO

6 SLEEP ON THE COUCH, WHAT HAPPENED NEXT?

7 A I TOLD YOU, THE PHONE RUNG

8 Q SIR?

9 A THE PHONE HAD RUNG

10 Q HAD YOU GOTTEN YOUR COFFEE BEFORE THE PHONE

11 RUNG?

12 A SHE HAD BROUGHT ME A CUP

13 Q SHE HAD BROUGHT YOU A CUP WERE YOU ON THE

14 COUCH DRINKING YOUR COFFEE?

15 A NO

16 Q WHERE WERE YOU DRINKING YOUR COFFEE?

17 A I WAS ON THE CHAIR

18 Q ON THE CHAIR?

19 A YES, SIR

20 Q DO YOU KNOW THE PHONE RANG ABOUT 11 56?

21 A I DON'T KNOW WHAT TIME IT WAS

22 Q YOU'RE NOT GOING TO DISAGREE WITH THAT AT THIS

23 POINT IN TIME, ARE YOU?

24 A LIKE I SAY, I DON' KNOW WHAT TIME IT WAS

25 Q THE PHONE RANG WHO PICKED IT UP?

1 A MISS LUEVINIA PICKED IT UP

2 Q WHEN SHE PICKED UP THE PHONE, WHAT WAS SHEKA
3 DOING?

4 A JUST LOOKING AT ME ROLLING HER EYES

5 Q ROLLING HER EYES

6 A YES, SIR

7 Q WHERE WAS YOUR OLDEST SON?

8 A ON THE COUCH

9 Q WATCHING TV?

10 A THE TV WASN'T ON

11 Q WHAT WAS SHE ROLLING HER EYES ABOUT, WAS SHE
12 STILL MAD AT YOU?

13 A YES, SIR

14 Q HAD SHE SLAPPED YOU AGAIN AT THAT POINT IN
15 TIME?

16 A AT THAT POINT IN TIME, NO, NOT THEN

17 Q WHAT I WANT TO ASK YOU IS, I WANT YOU TO
18 EXPLAIN TO THE JURY WHAT TYPE OF DISPLEASURE SHE WAS
19 EXPRESSING TO YOU EXACTLY HOW WAS SHE SHOWING YOU
20 SHE WAS MAD AT YOU?

21 A THE WAY SHE WAS LOOKING AT ME, THE WAY SHE WAS
22 TALKING TO ME

23 Q LOOKING MEAN AT YOU?

24 A YES

25 Q TALKING MEAN TO YOU?

1 A YES, SIR

2 Q SHE WAS MAD BECAUSE YOU WERE BRINGING UP HER
3 BEING WITH THAT FELLOW THE NIGHT BEFORE, RIGHT?

4 A BECAUSE I WAS BRINGING THAT UP AND TELLING
5 LUEVINIA

6 Q OF COURSE, THIS IS THE SAME PERSON WHO TOLD
7 YOU ABOUT IT, RIGHT? SHE TOLD YOU SHE HAD BEEN OVER
8 AND SPENT THE NIGHT, SHEKA'S THE ONE THAT TOLD YOU
9 THAT, RIGHT?

10 A YES

11 Q THIS IS THE SAME PERSON THAT BROUGHT HIM AND
12 INTRODUCED HIM TO HER MOTHER JUST BEFORE
13 THANKSGIVING THAT IS THE SAME PERSON YOU'RE
14 TALKING ABOUT, ISN'T IT?

15 A I DON'T KNOW WHO SHE BROUGHT IN AND INTRODUCED
16 TO HER MOTHER

17 Q SHE BROUGHT MIKE ADAMS AND INTRODUCED HIM TO
18 HER MOTHER

19 A I DON'T KNOW

20 Q WELL, LET ME ASK YOU, WHEN YOU DECIDED TO --
21 DID YOU SAY LUEVINIA ANSWERED THE PHONE?

22 A YES

23 Q WHAT DID SHE SAY TO HERSELF WHEN SHE ANSWERED
24 THE PHONE?

25 A I GUESS SHE SAID HELLO

1 Q AND WHAT DID SHE SAY NEXT?

2 A I DON'T KNOW

3 Q I MEAN, THINK BACK ON IT, THINK BACK ON IT AND
4 SEE IF YOU CAN REMEMBER WHAT SHE SAID NEXT

5 A I DON'T KNOW SHE WAS ON THE RECEIVER

6 Q WHAT SHE SAID

7 A I DON'T KNOW

8 Q WELL, WHAT'D SHE SAY TO YOU?

9 A SHE WAS ON THE PHONE

10 Q WHAT SHE SAY TO SHEKA?

11 A SHE WAS ON THE PHONE

12 Q SO WHILE SHE WAS ON THE PHONE, SHE DIDN'T TURN
13 TO YOU OR TURN TO SHEKA AND SAY ANYTHING?

14 A I REMEMBER HER SAYING SOMETHING ABOUT MARCUS
15 WAS ON THE PHONE

16 Q YOU DON'T REMEMBER HER SAYING, " MARCUS, HE'S
17 IN HERE WITH A GUN, HE'S GOT A GUN "

18 A NO

19 Q YOU DON'T REMEMBER MISS LUEVINIA AS YOU
20 REFERRED TO HER ON DIRECT EXAMINATION SAYING, "HE'S
21 IN HERE WITH A GUN, HE'S IN HERE WITH A GUN " YOU
22 DON'T REMEMBER HER SAYING THAT TO HERSELF ON THE
23 PHONE?

24 A NO, SIR, I DIDN'T HEAR THAT

25 Q DO YOU REMEMBER HER SAYING, "SHEKA, COME HERE

1 I WANT YOU TO TALK TO MARK," DO YOU REMEMBER HER
2 SAYING THAT?

3 A NO, SIR, I JUST REMEMBER SHEKA GOING IN THE
4 KITCHEN

5 Q THE PHONE WAS RIGHT THERE YOU'VE BEEN IN THE
6 HOUSE, YOU'RE NOT AS FAR FROM ME TO THE PHONE WHEN
7 YOU'RE SITTING ON THE COUCH, ARE YOU?

8 A I WASN'T ON THE COUCH, I WAS ON THE CHAIR

9 Q ON THE CHAIR, YOU'RE EVEN CLOSER, AREN'T YOU?

10 A NO, SIR

11 Q YOU'RE FEET TWO FEET FURTHER WAY IF YOU'RE
12 TALKING ABOUT THE CHAIR ON THE OTHER SIDE OF THE
13 FRONT DOOR, THE WALL AGAINST THE BATHROOM IS THAT
14 THE CHAIR YOU'RE TALKING ABOUT?

15 A TIME YOU COME IN THE HOUSE, THERE'S A CHAIR
16 RIGHT THERE

17 Q THAT'S WHERE YOU WERE SITTING?

18 A YES

19 Q YOU COULD SEE THEM, YOU COULD HEAR THEM?

20 A I WASN'T SITTING LIKE LOOKING TOWARDS THEM I
21 WAS SITTING TOWARDS THE DOOR, LOOKING AT THE DOOR

22 Q LOOKING OUT THE FRONT DOOR?

23 A YES

24 Q I'M GOING TO ASK YOU, YOU DON'T REMEMBER HER
25 SAYING, "SHEKA, MARCUS WANTS TO TALK TO YOU?"

1 A I DON'T RECALL BECAUSE I WAS PLAYING WITH MY
2 SON

3 Q YOU REMEMBER SHEKA SAYING COME TALK TO
4 MICHAEL, JOHN COME TALK TO MICHAEL, HE WANTS TO TALK
5 TO YOU?

6 A I REMEMBER SHEKA SAYING JOHN, MARK SAYING HOW
7 YOU DOING OR SOMETHING LIKE THAT

8 Q HOW YOU DOING

9 A YES

10 Q LET ME ASK YOU THIS DO YOU REMEMBER THAT
11 WITHIN THREE MINUTES OF THE TIME THAT PHONE RANG,
12 MISS LUEVINIA HUNG UP?

13 A I DON'T KNOW

14 Q DO YOU REMEMBER MISS LUEVINIA HANGING UP?

15 A I DON'T REMEMBER

16 Q HUH?

17 A I DON'T REMEMBER

18 Q YOU WERE KIND OF WATCHING WHAT WAS GOING ON,
19 WEREN'T YOU?

20 A TO BE HONEST WITH YOU, NO, SIR

21 Q WELL, DO YOU REMEMBER THAT WITHIN THIRTY
22 SECONDS OF THE TIME SHE HUNG UP, THE PHONE RANG
23 AGAIN AND SHE MASHED THE VOICE BUTTON FOR
24 SPEAKERPHONE?

25 A I DON'T KNOW WHAT SHE MASHED

1 Q DO YOU REMEMBER THE PHONE RINGING AGAIN?

2 A LIKE I SAID, I WAS PLAYING WITH MY KIDS

3 Q SO YOU DON'T REMEMBER THE PHONE RINGING AGAIN?

4 A I REMEMBER ONLY THAT ONE TIME

5 Q ONE TIME AND AFTER IT RUNG THAT ONE TIME,
6 WHAT HAPPENED?

7 A LUEVINIA WAS ON THE PHONE

8 Q AND WHAT HAPPENED NEXT?

9 A SHE WAS ON THE PHONE

10 Q OKAY, AND I'M GOING TO ASK YOU TO TELL THIS
11 JURY WHAT HAPPENED NEXT?

12 A LUEVINIA WAS ON THE PHONE AND ALL I KNOW IS
13 SHEKA WHEN SHE WAS COMING BACK OUT OF THE KITCHEN

14 Q AND WHAT?

15 A AND THAT'S WHEN SHE WAS TELLING ME MARCUS

16 Q WHAT DID SHEKA TELL YOU ABOUT MARCUS?

17 A NOTHING, HE WAS ON THE PHONE ASKING HOW I WAS
18 DOING AND --

19 Q MARCUS ASKED YOU HOW YOU WERE DOING?

20 A SHE ASKED ME

21 Q BUT MARCUS ASKED SHEKA TO ASK YOU HOW YOU WERE
22 DOING?

23 A THAT'S WHAT SHE ASKED ME

24 Q WHAT DID YOU TELL HER?

25 A I SAID, 'I'M OKAY '

1 Q WHAT HAPPENED NEXT?

2 A THEN SHE SAID MARCUS WANTS TO TALK TO YOU I
3 SAID, "YEAH, LET ME TALK TO HIM "

4 Q SO SHE SAID MARCUS WANTS TO TALK TO YOU,
5 RIGHT?

6 A YES, SIR

7 Q AND YOU SAID, OKAY, I'LL TALK TO MARCUS,
8 RIGHT?

9 A YES

10 Q AND THEN WHAT HAPPENED NEXT?

11 A I HEADED TOWARDS THE PHONE AND SHE GOT MAD AND
12 SOMEHOW WE STARTED STRUGGLING AND SHE THREW A VASE
13 AT ME AND I BLOCKED IT AND SHE THREW A KNIFE AND I
14 DUCKED AND SHE CAME AT ME WITH ANOTHER KNIFE

15 Q SO BASICALLY WHAT YOU'RE SAYING IS, YOU WENT
16 TO THE PHONE AND TALKED TO MARK, RIGHT?

17 A I GUESS SHE GOT OFF THE PHONE --

18 Q GOT OFF THE PHONE AND SAID MARCUS ASKED HOW
19 YOU WERE DOING AND YOU SAID TELL HIM FINE AND SHE
20 SAID, BY THE WAY, HE WANTS TO TALK YOU, CORRECT?

21 A I REMEMBER HER SAYING MARCUS WANTS YOU

22 Q AND YOU SAID, OKAY

23 A YES, SIR

24 Q AND WHEN YOU GOT UP TO GO TALK TO HIM, SHE
25 STARTED THROWING A VASE, THREW A KNIFE?

1 A SHE DIDN'T WANT ME TO GET ON THE PHONE

2 Q SHE DIDN'T WHY DIDN'T SHE WANT YOU TO GET ON
3 THE PHONE?

4 A BECAUSE I WAS GOING TO TELL HIM ABOUT WHAT WAS
5 GOING ON

6 Q BECAUSE YOU WERE GOING TO TELL HIM WHAT?

7 A WHAT WAS GOING ON

8 Q WHAT WAS GOING ON, YOU WERE GOING TO TELL HIM
9 YOU HAD A SHOTGUN THERE IN THAT HOUSE AND WERE
10 FIXING TO BLOW HIS MOTHER'S HEAD OFF, IS THAT WHAT
11 YOU WERE GOING TO TELL HIM?

12 A I DIDN'T HAVE NO SHOTGUN AT THE TIME

13 Q SO YOU WERE GOING TO TELL HIM WHAT WAS GOING
14 ON BETWEEN YOU AND SHEKA?

15 A YES, SIR

16 Q IS THAT RIGHT?

17 A YES, SIR

18 Q AND SHE WAS CONCERNED ABOUT YOU TO THE POINT
19 WHERE SHE STARTED THROWING A VASE AND A KNIFE AT
20 YOU, RIGHT?

21 A SHE DIDN'T WANT ME TO SAY NOTHING

22 Q AND THEN YOU SAY SHE GOT A BIG OLD BUTCHER
23 KNIFE AND CAME AFTER YOU, RIGHT?

24 A SHE DID

25 Q NOW, DO YOU KNOW WHETHER OR NOT MARCUS STAYED

1 ON THE PHONE WHEN SHE CAME AFTER YOU WITH A BUTCHER
2 KNIFE?

3 A I DON'T KNOW LIKE I SAY, WE WAS FIGHTING

4 Q WHAT ABOUT MISS LUEVINIA DO YOU KNOW WHAT
5 SHE WAS DOING WHEN SHEKA GOT AFTER YOU WITH THAT
6 BUTCHER KNIFE?

7 A NO

8 Q NOW, YOU MENTIONED THAT SHEKA CAME AT YOU WITH
9 THAT BUTCHER KNIFE AND YOU STOOD UP HERE AND
10 DEMONSTRATED HOW SHE DID, RIGHT?

11 A YEAH

12 Q ARE YOU ASSUMING SHE WAS TRYING TO STICK YOU
13 IN THE CHEST WITH THAT KNIFE?

14 A I DON'T KNOW WHAT SHE WAS TRYING TO STICK

15 Q WAS SHE TRYING TO STICK YOU WITH IT?

16 A I DON'T KNOW ALL I KNOW SHE CAME AT ME

17 Q CAME AT YOU AND YOU TWISTED HER ARM AROUND
18 AND IT GOT TURNED IN AND YOU DON'T KNOW WHETHER IT
19 STABBED HER IN THE CHEST OR NOT?

20 A LIKE I SAID, I DIDN'T SEE NO BLOOD I DIDN'T
21 EVEN KNOW SHE WAS STABBED

22 Q AND AFTER YOU TWISTED HER AROUND, YOU DIDN'T
23 KNOW WHETHER OR NOT SHE WAS STABBED, WHAT DID YOU DO
24 NEXT?

25 A I PUSHED HER BACK

1 Q WHY DID YOU PUSH HER BACK?

2 A TO KEEP HER FROM COMING TOWARDS ME

3 Q I MEAN YOU HAD YOUR HANDS ON HER HANDS THAT
4 HAD THE KNIFE, RIGHT? RIGHT?

5 A YEAH

6 Q AND WHEN DID YOU TAKE THE KNIFE AWAY FROM HER
7 AFTER YOU HAD YOUR HANDS --

8 A I DIDN'T TAKE THE KNIFE AWAY FROM HER

9 Q WHY DIDN'T YOU TAKE THE KNIFE AWAY FROM HER?

10 A SHE GOT THE KNIFE, I PUSHED HER BACK

11 Q EXCUSE ME?

12 A SHE HAD THE KNIFE, I PUSHED HER BACK

13 Q YOU HAD HER HAND, DIDN'T YOU?

14 A NO, I HAD HER HAND, I PUSHED HER BACK LIKE
15 THIS

16 Q I THOUGHT YOU SHOWED YOUR LAWYER HOW SHE CAME
17 AT YOU WITH A KNIFE

18 A YES, SIR

19 Q YOU CAUGHT IT AND IT TURNED IN AND SHE
20 ACTUALLY STUCK HERSELF IN THE CHEST WITH THE KNIFE
21 NOW YOU'RE SAYING YOU DIDN'T HAVE A HOLD OF HER HAND
22 WHEN IT WAY THIS WAY, IS THAT WHAT YOU'RE SAYING?

23 A NO, WHAT I'M SAYING IS, WHEN SHE CAME AFTER ME
24 WITH THE KNIFE, I BLOCKED HER AND PUSHED HER BACK
25 LIKE THAT

1 Q SO YOU NEVER HAD YOUR HAND ON HER HAND?

2 A I DON'T KNOW I PROBABLY DID AND I PROBABLY
3 DIDN'T

4 Q WERE YOU GOING TO TRY TO GET THE KNIFE AWAY
5 FROM HER?

6 A I WAS GOING TO KEEP HER FROM HURTING ME WITH
7 THE KNIFE

8 Q AND WHAT'S THE BEST WAY TO KEEP HER FROM
9 HURTING YOU WITH THE KNIFE?

10 A KEEP AWAY FROM HER

11 Q WHAT'S THE BEST WAY TO KEEP AWAY FROM HER?

12 A I PUSHED HER

13 Q THE BEST WAY TO KEEP AWAY FROM HER IS TO GET
14 OUT OF MISS LUEVINIA'S HOME, ISN'T IT?

15 A I SUPPOSE

16 Q HUH?

17 A I SUPPOSE

18 Q RIGHT

19 A I SUPPOSE

20 Q WOULDN'T THAT BE A PRETTY GOOD TIME TO GET OUT
21 OF HER HOME RIGHT ABOUT THEN?

22 A LIKE I SAID, SHE WAS CHASING ME AND WE WAS
23 FIGHTING CONSTANTLY

24 Q WHAT WAS MISS LUEVINIA SAYING?

25 A I DON'T KNOW

1 Q MISS LUEVINIA WASN'T SAYING NOTHING TO SHEKA?
2 A LIKE I SAID, I DON'T KNOW
3 Q WASN'T SAYING NOTHING TO YOU?
4 A I DON'T KNOW
5 Q YOU DON'T KNOW?
6 A I DON'T KNOW
7 Q WHY DON'T YOU KNOW?
8 A IT JUST HAPPENED SO FAST, I DON'T KNOW
9 Q WHAT HAPPENED FAST?
10 A EVERYTHING
11 Q DID YOU GET OUT OF THE HOUSE FAST?
12 A I DON'T KNOW
13 Q DID YOU GET OUT OF THIS CAR FAST?
14 A LIKE I SAY, I DON'T KNOW
15 Q JUST TELL US WHAT YOU REMEMBERED DOING AFTER
16 YOU PUSHED HER BACK AND SHE HAD STABBED HERSELF IN
17 THE CHEST AND YOU PUSHED HER BACK, WHAT DO YOU
18 REMEMBER DOING NEXT?
19 MR GARRETT OBJECTION, YOUR HONOR,
20 HE HADN'T SAID HE STABBED HER IN THE BACK
21 OBJECTION, YOUR HONOR, THAT'S NOT WHAT HE SAID
22 THAT'S A MISCHARACTERIZATION OF HIS STATEMENT HE
23 SAID HE DIDN'T KNOW WHETHER SHE HAD CUT HERSELF OR
24 NOT OR HAD BEEN CUT IN THAT TRANSACTION
25 THE COURT OVERRULED

EXAMINATION CONTINUED

BY MR JONES

Q TELL THE JURY WHAT YOU DID AFTER YOU PUSHED
HER BACK

A AFTER I PUSHED HER BACK, SHE CAME BACK AT ME

Q WHAT DID YOU DO?

A NOTHING, I WENT TOWARD THE DOOR AND WENT
OUTSIDE

Q WHY DID YOU GO TOWARD THE DOOR AND GO OUTSIDE?

A SHE WAS AFTER ME WITH THE KNIFE AND FOLLOWED
ME ALL THE WAY DOWN TO THE STEPS AND I WAS SCARED
AND EVERYTHING, YOU KNOW WHEN SHE CAME AFTER ME
WITH A KNIFE, SHE WAS HOLLERING AND CUSSING SHE'S
GOING TO GET ME, SHE'S GOING GET TO ME AND SO
THAT'S WHEN I WENT OUTSIDE AND GOT THE GUN

Q WAIT A MINUTE NOW YOU WENT OUT THE STEPS AND
YOU WENT OUT THE BACK

A YES, SHE WAS OUTSIDE, TOO

Q SHE WAS OUTSIDE, TOO

A YES

Q AND SHE'D GONE DOWN THE STEPS?

A SHE WAS RIGHT THERE AT THE STEPS, ON TOP OF
THE STEPS

Q ON TOP OF THE STEPS

A YEAH, HOLLERING AND CUSSING

1 Q HOLLERING AND CUSSING, OKAY WELL, YOU HAD
2 HAD TO PUT UP WITH THAT BEFORE, HADN'T YOU?
3 A PUT UP WITH WHAT?
4 Q HOLLERING AND CUSSING
5 A NO, I DIDN'T
6 Q WAS IT WORSE?
7 A YES, SIR
8 Q WHY WAS SHE HOLLERING AND CUSSING AT YOU?
9 A SHE WAS MAD
10 Q MAD ABOUT WHAT?
11 A I DON'T KNOW
12 Q HUH?
13 A I DON'T KNOW
14 Q YOU TOLD US SHE WAS MAD AT YOU BECAUSE YOU
15 WERE GOING TO TELL EVERYBODY THAT SHE HAD BEEN WITH
16 MIKE ADAMS, RIGHT?
17 A I SUPPOSE SO
18 Q BUT SHE WAS HOLLERING AND CUSSING, OKAY AND
19 YOU DECIDED TO GO INTO THE CAR AND GET A TWENTY
20 GAUGE SHOTGUN?
21 A SHE HAD THE KNIFE SHE WAS GOING TO KILL ME,
22 SOMETHING HAD TO GIVE
23 Q SOMETHING HAD TO GIVE YOU MEAN AT THAT POINT
24 IN TIME, YOU MADE THE DECISION IT WAS EITHER YOU OR
25 HER?

1 A SHE WAS HOLLERING SHE WAS GOING TO KILL ME,
2 SHE WAS GOING TO KILLING ME

3 Q WAIT A MINUTE

4 A AFTER I GOT THE GUN I TOLD HER, "YOU PUT THE
5 KNIFE DOWN, I'LL PUT THE GUN DOWN "

6 Q I WANT TO ASK YOU WHAT YOU DID FIRST YOU
7 HAVEN'T ANSWERED THE QUESTION YOU CAME OUT THE
8 DOOR, YOU OPENED THE TRUNK, RIGHT?

9 A I POPPED THE TRUNK

10 Q HOW DID YOU POP THE TRUNK?

11 A WITH THE SWITCH ON THE INSIDE OF THE TRUNK

12 Q SO WHILE SHE WAS IN THE DOORWAY, YOU WENT TO
13 THE CAR, YOU OPENED THE DRIVER'S SIDE OR THE
14 PASSENGER DOOR?

15 A I DIDN'T OPEN NO DOOR

16 Q HOW DID YOU POP THE SWITCH INSIDE?

17 A JUST LEANED DOWN

18 Q YOU LEANED DOWN AND REACHED AND POPPED THE
19 SWITCH, RIGHT?

20 A YES, SIR

21 Q AND THEN YOU WENT AROUND TO THE TRUNK AND DID
22 WHAT?

23 A GOT THE GUN

24 Q AND DID WHAT?

25 A WHEN I TURNED WHERE SHE WAS I SAID, "YOU PUT

1 THE KNIFE DOWN I'LL PUT THE GUN DOWN WE'LL TALK "

2 Q WHY WOULD YOU GET THIS GUN?

3 A PROTECTION

4 Q PROTECTION? WHERE WAS SHE?

5 A STANDING RIGHT THERE ON THE STEPS

6 Q WHERE WERE YOU?

7 A RIGHT THERE IN THE BIG WALKWAY

8 Q YOU WERE AT THE BACK OF THE CAR, WEREN'T YOU?

9 A NO, I WAS RIGHT THERE AT THE WALKWAY THEN

10 Q WHEN YOU HAD THIS GUN IN YOUR POSSESSION --

11 A RIGHT THERE AT THE WALKWAY

12 Q DIDN'T YOU GET IT OUT OF THE TRUNK?

13 A YEAH

14 Q YOU GOT IT OUT OF THE TRUNK, DIDN'T YOU?

15 A YES

16 Q SO YOU WENT TO IN TRUNK OF THE CAR AND PUT

17 THIS GUN IN YOUR HAND, RIGHT?

18 A AFTER I GOT THE GUN OUT THE TRUNK --

19 Q RIGHT

20 A AFTER I GOT THE GUN OUT OF THE TRUNK --

21 Q AFTER YOU GOT THE GUN OUT OF THE TRUNK WHERE

22 WAS SHE?

23 A STANDING RIGHT THERE ON THE STEPS

24 Q IN THE DOORWAY?

25 A NO, STANDING RIGHT THERE ON THE STEP

1 Q ABOUT AS FAR AS I AM TO YOU, RIGHT?

2 A WE WAS PROBABLY A LITTLE CLOSER

3 Q A LITTLE CLOSER ABOUT THIS CLOSE?

4 A SOMEWHAT

5 Q RIGHT?

6 A SOMEWHAT

7 Q WHERE WAS THE FRONT OF THE CAR, RIGHT UP ON
8 THE STEPS, TOO?

9 A THE CAR WAS JUST RIGHT THERE BEHIND ME

10 Q SO YOU GOT THIS GUN AND SHE'S GOT A KNIFE,
11 RIGHT?

12 A YEAH

13 Q AND YOU DECIDED TO DO WHAT?

14 A DECIDED TO DO NOTHING

15 Q WHERE DID SHE GO?

16 A SHE WAS STILL RIGHT AT THE STEP HOLLERING

17 Q RIGHT AT THE STEPS WHO ADVANCED TOWARDS WHO
18 AT THAT POINT?

19 A LIKE I SAY, I DON'T KNOW

20 Q LET'S THINK ABOUT IT FOR A MINUTE WHO
21 ADVANCED TOWARDS WHO AT THAT POINT IN TIME?

22 A SHE HAD SPIT ON ME FROM WHERE SHE WAS

23 Q SHE SPIT ON YOU --

24 A YEP

25 Q -- FROM THIS DISTANCE?

1 A YEAH, SHE CAN SPIT

2 Q AND YOU HAD THE GUN AND SHE SPIT

3 A YEAH

4 Q WHAT DID SHE DO AFTER SHE SPIT?

5 A SHE DIDN'T DO NOTHING, THAT'S WHERE YOU'RE
6 STANDING AND WHERE I'M AT NOW, I TOLD HER, I SAID,
7 'YOU PUT THE KNIFE DOWN, I'LL PUT THE GUN DOWN " I
8 DIDN'T HAVE THE GUN LIKE YOU'VE GOT IT TOWARDS ME
9 THE GUN WAS LIKE THAT I SAID "YOU PUT THE KNIFE
10 DOWN, I'LL PUT THE GUN DOWN "

11 Q UH-HUH

12 A I SAID, 'YOU WANT TO TALK, WE'LL TALK "

13 Q OKAY

14 A SHE KEPT HOLLERING AND CUSSING AT ME AND
15 SAYING, "COME ON, COME ON "

16 I SAID, "PUT THE KNIFE DOWN, PUT THE KNIFE
17 DOWN, LIKE THAT

18 Q SO WHAT DID YOU DO?

19 A THAT'S WHAT I'M SAYING, I WAS WALKING TOWARDS
20 HER I SAID YOU PUT THE KNIFE DOWN, I'LL PUT THE GUN
21 DOWN

22 Q YOU WERE WALKING TOWARDS HER

23 A YEAH

24 Q AND WHAT HAPPENED?

25 A AND SHE SPIT FOR THE SECOND TIME

1 Q SPIT FOR THE SECOND TIME, THEN WHAT HAPPENED?

2 A WHEN SHE SPIT ON ME THEN I WAS RIGHT THERE AND
3 SHE WENT BACK IN THE HOUSE --

4 Q WAIT A MINUTE WHEN DID SHE GO BACK UP IN THE
5 HOUSE, WHEN DID SHE GET UP IN THE HOUSE?

6 A WHEN I TOLD HER TO PUT THE KNIFE DOWN

7 Q SHE WENT BACK UP THE STEPS AND WENT BACK UP IN
8 THE HOUSE?

9 A SHE WAS RIGHT THERE ON THE STEPS

10 Q WERE YOU WORRIED ABOUT THAT KNIFE?

11 A YEAH, SHE WAS GOING STAB ME WITH IT, YEAH,
12 YEAH, I WAS WORRIED ABOUT THE KNIFE

13 Q WHY DIDN'T YOU TAKE THIS GUN AND WALK BACK
14 DOWN THE STREET AND WALK AWAY?

15 A I WAS MAD

16 Q YOU WERE MAD?

17 A YEAH

18 Q WHAT WERE YOU MAD ABOUT?

19 A MAD, SCARED

20 Q MAD AND SCARED YOU DIDN'T THINK THE POLICE
21 WOULD HAVE BEEN A GOOD IDEA TO HAVE OVER THERE, DID
22 YOU? SHE HAD A KNIFE

23 A I DON'T KNOW

24 Q YOU WENT BACK UP THERE BECAUSE YOU HAD A GUN,
25 DIDN'T YOU?

1 A I THOUGHT MAYBE SHE'D PUT THE KNIFE DOWN

2 Q HUH?

3 A I THOUGHT MAYBE SHE'D PUT THE KNIFE DOWN

4 Q WHY DID YOU WANT HER TO PUT THE KNIFE DOWN?

5 A SO WE CAN TALK

6 Q WHY DID YOU WANT TO TALK WITH HER?

7 A YOU THINK I WAS GOING TO LET HER STAB ME WITH
8 THE KNIFE

9 Q SHE DIDN'T STAB YOU WITH THE KNIFE SHE
10 STABBED HERSELF ACCORDING TO YOU

11 A SHE WAS KEEP TRYING TO CUT ME WITH THE KNIFE
12 SHE CAME AT ME WITH THE KNIFE

13 Q AND THAT'S WHY YOU GOT THE GUN BECAUSE YOU
14 WANTED TO MAKE HER DROP THE KNIFE, IS THAT RIGHT?

15 A THAT'S THE ONLY ONE

16 Q HUH?

17 A YES

18 Q YOU GOT THIS GUN TO MAKE HER DROP THE KNIFE,
19 IS THAT RIGHT?

20 A YEAH

21 Q ALL RIGHT, SIR, AND YOU SAY YOU TOLD HER TO
22 GET BACK INSIDE OR DROP THE KNIFE AND SHE WAS
23 SPITTING AT YOU

24 A I AIN'T TELL HER GET BACK INSIDE

25 Q BUT AT SOME POINT IN TIME, YOU GOT TO THE

1 FRONT DOOR, IS THAT RIGHT?

2 A YEAH

3 Q WHEN DID YOU BREAK THE FRONT DOOR OPEN?

4 A I DID NOT BREAK THE FRONT DOOR

5 Q WHO BROKE THE FRONT DOOR?

6 A I DON'T KNOW HOW THE FRONT -- ALL I KNOW IS ME
7 AND HER TRYING TO SWING THE FRONT DOOR LIKE THIS
8 AFTER SHE HAD SPIT, SWUNG THE FRONT DOOR FORWARD
9 LIKE THAT

10 Q SWUNG IT CLOSED IN YOUR FACE?

11 A SHE TRIED TO SWING THE DOOR LIKE THAT

12 Q CLOSED IN YOUR FACE, DID IT CLOSE?

13 A I DON'T KNOW WHETHER IT CLOSED OR NOT

14 Q WHAT STOPPED IT FROM CLOSING IT?

15 A I DON'T KNOW

16 Q WAIT A MINUTE, I WANT TO ASK YOU SOMETHING
17 IF THE DOOR HAD CLOSED, YOU WOULD HAVE HAD TO OPEN
18 IT, RIGHT?

19 A WHEN THE DOOR CAME, I JUST BLOCKED THE DOOR
20 LIKE THAT

21 Q SO THE DOOR DIDN'T CLOSE?

22 A I DON'T KNOW WHETHER THE DOOR CLOSED OR NOT

23 Q WELL, IF THE DOOR HAD CLOSED, YOU WOULD HAVE
24 HAD TO OPEN IT, RIGHT?

25 A I WOULD IMAGINE

1 Q IF IT WASN'T LOCKED, RIGHT? IF IT WAS LOCKED,
2 HOW WOULD YOU HAVE GOTTEN IN THERE IF IT WAS CLOSED?

3 A IF IT WAS LOCKED, I WOULDN'T HAVE GOT IN
4 THERE

5 Q YOU WOULDN'T HAVE HAVE YOU SEEN THE
6 PHOTOGRAPH OF THAT BUSTED HINGE ON THAT DOOR, HAVE
7 YOU SEEN IT?

8 A I DON'T REMEMBER

9 Q HUH?

10 A I DON'T REMEMBER IF I HAVE OR HADN'T

11 Q NOW, TELL ME THIS, WHEN YOU GOT INSIDE THAT
12 HOUSE WITH THIS GUN, WHY DID YOU SHOOT IT AT HER?

13 A SIR?

14 Q WHEN YOU GOT IN THAT HOUSE WITH THE SHOTGUN,
15 WHY DID YOU SHOOT IT AT HER?

16 A I DIDN'T KNOW WHETHER SHE WAS GOING TO --

17 Q HUH?

18 A I DIDN'T KNOW WHETHER SHE WAS GOING TO STAB ME
19 WITH THE KNIFE OR WHAT SHE WAS GOING TO DO LIKE I
20 SAID, WE WERE JUST FIGHTING AND FIGHTING

21 Q NOW, YOU KNEW WHEN YOU WERE STANDING OUTSIDE
22 WITH THE GUN SHE WASN'T GOING TO STAB YOU WITH THE
23 KNIFE, DIDN'T YOU?

24 A I DON'T KNOW WHAT HER INTENTION WAS

25 Q BUT WHEN YOU GOT BACK INSIDE THE TRAILER, YOU

1 HAD TO SHOOT AT HER BECAUSE YOU DIDN'T KNOW WHETHER
2 SHE WAS GOING TO STAB YOU OR NOT, IS THAT RIGHT?

3 A I DIDN'T KNOW WHAT SHE WAS GOING TO DO

4 Q HUH?

5 A I DIDN'T KNOW WHAT SHE WAS GOING TO DO

6 Q WELL, LET ME ASK YOU THIS AFTER YOU SHOT
7 THIS TWENTY GAUGE SHOTGUN AT HER, WHAT DID SHE DO?

8 A I DON'T KNOW LIKE I SAY, IT HAPPENED SO
9 FAST

10 Q NOW WAIT A MINUTE YOU REMEMBER SHOOTING IT
11 AT HER, DON'T YOU?

12 A I REMEMBER THE GUN GOING OFF

13 Q YOU DON'T REMEMBER SHOOTING AT HER?

14 A I REMEMBER THE GUN, I GOT IN THE HOUSE AND THE
15 FIRST SHOT JUST WENT OFF

16 Q WHY DID THE FIRST SHOT JUST GO OFF?

17 A I DON'T KNOW, I GUESS I WAS SHOOTING

18 Q WHY WERE YOU SHOOTING?

19 A MAN, I DON'T KNOW

20 Q YOU DON'T KNOW?

21 A I DON'T KNOW

22 Q IT WASN'T BECAUSE YOU WANTED TO KILL HER, WAS
23 IT?

24 A NO, SIR, I DIDN'T GO OVER THERE TO KILL HER

25 Q RIGHT, YOU DON'T SHOOT SOME TWENTY GAUGE

1 SHOTGUN AT SOMEBODY BECAUSE YOU WANT TO KILL THEM,
2 DO YOU, RIGHT?

3 A I DON'T KNOW

4 Q THAT WASN'T THE REASON, WAS IT, RIGHT?

5 A REASON FOR WHAT?

6 Q FOR SHOOTING IT AT HER

7 A I WASN'T TRYING TO SHOOT AT HER I WASN'T
8 TRYING TO KILL HER OR NOTHING

9 Q YOU WASN'T?

10 A NO LIKE I SAY, WE WAS JUST FIGHTING AND
11 FIGHTING I AIN'T NEVER BEEN TO THAT POINT BEFORE

12 Q AFTER YOU SHOT THE GUN AT HER, WHAT DID SHE
13 DO?

14 A ALL I KNOW I REMEMBER HER -- AFTER THE FIRST
15 SHOT AND BEYOND, TO BE HONEST, I DON'T REMEMBER TOO
16 MUCH -- REALLY WHAT WENT ON

17 Q SHE RAN OUT THE HALL, RAN OUT THE BATHROOM,
18 AND RAN DOWN THE HALLWAY, DIDN'T SHE?

19 A THAT'S WHEN MY MIND WENT BLANK ALL I KNOW
20 WHEN I --

21 Q YOUR MIND --

22 A I TRIPPED OVER THE CHAIR AND KIND OF GOT
23 FOCUSED I JUST REMEMBER SHOOTING AND MISS LUEVINIA
24 GETTING HIT

25 Q WELL, WHAT I WANT TO ASK YOU, AFTER YOU SHOT

1 THE FIRST SHOT AT SHEKA, SHEKA'S ALL RUNNING DOWN
2 AND WENT AS FAST AS SHE COULD TO THE OTHER END OF
3 THAT TRAILER, DIDN'T SHE?

4 A I WOULD IMAGINE SO

5 Q AND SHE WENT DOWN THERE AND GOT IN THAT CLOSET
6 BACK IN THAT BACK BEDROOM, DIDN'T SHE?

7 A I DON'T KNOW

8 Q WELL, SHE WENT DOWN THAT WAY, DIDN'T SHE?

9 A SHE WENT DOWN THAT WAY

10 Q AND WHAT DID YOU DO WHEN SHE WENT DOWN THERE?

11 A I WAS BEHIND HER

12 Q RIGHT, WHAT DID YOU DO?

13 A NOTHING, LIKE I SAID, I JUST TRIPPED OVER THE
14 CHAIR

15 Q AND THEN WHAT DID YOU DO?

16 A WHEN I TRIPPED OVER THE CHAIR, I WAS GETTING
17 UP, I REMEMBER STILL GOING DOWN THE HALL AND I JUST
18 SHOT

19 Q JUST SHOT AGAIN WHY DID YOU SHOOT -- WAS HER
20 FACE TO YOU OR WAS HER BACK TO YOU WHEN YOU SHOT
21 THAT SECOND TIME?

22 A I DON'T KNOW WHETHER HER FACE OR BACK OR WHAT

23 Q WHEN SHE WAS HEADING TO THE BEDROOM THERE'S A
24 PRETTY GOOD ESTIMATION HER BACK WAS TO YOU, ISN'T
25 IT?

1 A I DON'T REMEMBER SEEING HER

2 Q WERE YOU AIMING FOR THE HEAD OR THE MIDDLE OF
3 THE BACK?

4 A I WASN'T AIMING PERIOD

5 Q YOU WEREN'T?

6 A NO

7 Q YOU SURE WEREN'T AIMING DOWN AT THE FLOOR AT
8 HER LEGS JUST TO TRY TO CRIPPLE HER, WERE YOU?

9 A I WASN'T AIMING PERIOD

10 Q HUH, YOU WEREN'T AIMING?

11 A THE ONLY THING --

12 Q YOU'RE TELLING THIS JURY YOU WEREN'T AIMING?

13 A THE ONLY THING I DID WAS LIKE WHEN I GOT UP
14 OFF THE FLOOR, I JUST DID LIKE THIS, POW'

15 Q POW?

16 A YEAH

17 Q WHICH POW WAS THAT, THE FIRST ONE OR THE
18 SECOND ONE?

19 A YOU JUST ASKED ME AND I SAID, YOU SAID SHE WAS
20 GOING DOWN THE HALLWAY

21 Q WELL, WAS SHE OR WASN'T SHE?

22 A I REMEMBER HER COMING THROUGH THE LIVING ROOM
23 LIKE I SAID, IT HAPPENED SO FAST

24 Q WERE YOU GOING DOWN THE HALLWAY?

25 A I WAS GETTING UP OFF THE FLOOR

1 Q GETTING UP OFF THE FLOOR?

2 A YES, SIR

3 Q WHAT WERE YOU DOING ON THE FLOOR?

4 A LIKE I SAY, I TRIPPED OVER THE CHAIR

5 Q THAT'S AFTER THE FIRST SHOT, RIGHT? THAT'S
6 WHEN YOU TRIPPED OVER THE CHAIR IS AFTER THE FIRST
7 SHOT

8 A YES, SIR

9 Q THE SECOND SHOT, YOU WERE SHOOTING AT WHO?

10 A SHEKA, I SUPPOSE

11 Q AT HER BACK OR HER FRONT?

12 A I DON'T KNOW

13 Q WHY WOULD YOU WANT TO SHOOT HER IN THE BACK
14 WITH A TWENTY GAUGE SHOTGUN?

15 A I DIDN'T WANT TO SHOOT HER

16 Q WHY DID YOU SHOOT TOWARDS HER BACK WITH A
17 TWENTY GAUGE SHOTGUN?

18 A LIKE I SAY WE WERE FIGHTING CONSTANTLY AND I
19 DIDN'T KNOW WHETHER SHE STILL HAD THE KNIFE OR WHAT
20 ALL I KNOW IS WE WAS FIGHTING

21 Q YOU REMEMBER SHOOTING MISS LUEVINIA HARRIS IN
22 THE FACE WITH THIS TWENTY GAUGE SHOTGUN?

23 A NO, SIR, ALL I REMEMBER IS WHEN THE GUN WENT
24 OFF

25 Q THE GUN WENT OFF AND MISS HARRIS FELL, BOOM,

1 STRAIGHT ON THE FLOOR, DIDN'T SHE?

2 A I WOULD IMAGINE SO

3 Q YOU REMEMBER MISS HARRIS SAYING, "DON'T YOU
4 SHOOT THAT GUN IN THIS HOUSE DON'T YOU SHOOT THAT
5 GUN IN MY HOUSE' "

6 A I DIDN'T HEAR HER

7 Q YOU DIDN'T HEAR HER SAY THAT? DIDN'T HEAR HER
8 SAY THAT TO YOU?

9 A SHE MIGHT HAVE SAID IT BUT I DIDN'T HEAR HER

10 Q WERE YOU TOO AFRAID YOU WERE GOING TO GET
11 STUCK WITH THAT KNIFE, IS THAT WHAT YOUR CONCERN WAS
12 THEN THAT YOU WERE SO WORRIED ABOUT THIS KNIFE WHEN
13 MISS HARRIS SAID -- HUH?

14 A I DON'T KNOW WHAT WENT ON I DON'T KNOW WHAT
15 WENT ON ME AND SHEKA WAS FIGHTING CONSTANTLY AND
16 THAT'S IT

17 Q LET ME ASK YOU YOU DON'T REMEMBER MISS HARRIS
18 SAYING, "DON'T SHOOT THAT GUN IN THIS HOUSE, DON'T
19 SHOOT THAT GUN IN THIS HOUSE," RIGHT?

20 MR GARRETT ASKED AND ANSWERED,
21 YOUR HONOR HE'S ALREADY TOLD HIM HE DOESN'T
22 RECALL

23 THE COURT HE'S ANSWERED IT

24 EXAMINATION CONTINUED

25 BY MR JONES

1 Q AND THEN AFTER YOU SHOT MISS HARRIS IN THE
2 FACE, WHAT DID YOU DO?

3 A I DON'T REALLY KNOW

4 Q WHERE WAS SHEKA?

5 A SHE WAS IN THE BEDROOM

6 Q IN THE BEDROOM, HOW DO YOU KNOW SHE WAS IN THE
7 BEDROOM?

8 A BECAUSE WHEN I CAME IN WE SORT OF LIKE GOT TO
9 TUSSLING AGAIN AND --

10 Q YOU GOT TO TUSSLING WHY DID YOU GO BACK IN
11 THAT BEDROOM WITH THIS TWENTY GAUGE SHOTGUN?

12 A LIKE I SAY WE WAS FIGHTING CONSTANTLY AND
13 FIGHTING

14 Q FIGHTING, FIGHTING, FIGHTING SHE WAS HIDING
15 BACK IN THE BEDROOM YOUNG MAN

16 A NO, SIR

17 Q SHE WAS FIGHTING YOU FROM BACK IN THAT
18 BEDROOM?

19 A WE HAD GOT TO TUSSLING IN THE BACK BEDROOM

20 Q HUH?

21 A WE GOT TO TUSSLING --

22 Q NO, YOU WEREN'T TUSSLING BACK THERE UNTIL YOU
23 WENT BACK THERE AFTER HER

24 A I SAY WHEN I GOT IN THE BACK BEDROOM, ME AND
25 HER WERE TUSSLING OVER THE GUN

1 Q WHY DID YOU GO BACK THERE WITH THE GUN?

2 A LIKE I SAY, WE WERE FIGHTING CONSTANTLY I
3 DON'T --

4 Q YOU WENT BACK THERE WITH THE GUN TO SHOOT HER
5 IN THE HEAD WITH IT, DIDN'T YOU?

6 A NO, SIR

7 Q YOU DIDN'T?

8 A NO, SIR

9 Q WELL THEN WHY DID YOU GO BACK IN THE BEDROOM
10 WITH THE GUN?

11 A LIKE I SAID, I DON'T KNOW WHETHER SHE STILL
12 HAD THE KNIFE OR NOT I DON'T KNOW WHAT WENT ON

13 Q OH, YOU JUST COULDN'T TURN AND WALK OUT THEN,
14 SHE MIGHT STILL HAVE THE KNIFE BACK THERE OKAY
15 YOU HAD TO GO SEE IF SHE STILL HAD THE KNIFE, IS
16 THAT WHY YOU WENT BACK IN THERE WITH THE GUN?

17 A I DON'T KNOW

18 Q LET ME ASK YOU SOMETHING DO YOU REMEMBER HER
19 BEING BACK IN THAT BEDROOM, DON'T YOU?

20 A I REMEMBER ME AND HER BOTH BACK THERE

21 Q AND YOU REMEMBER STEPPING OVER MISS HARRIS'S
22 BODY TOO, DON'T YOU?

23 A I DON'T

24 Q YOU DON'T REMEMBER STEPPING OVER THE BODY --

25 A I DON'T KNOW

1 Q -- TO GO KILL TESHEKA? DO YOU REMEMBER AFTER
2 YOU SHOT MISS HARRIS, TELLING THE SHELL OUT OF THIS
3 GUN?

4 A NO

5 Q YOU DON'T?

6 A NO, SIR

7 Q YOU DID, DIDN'T YOU?

8 A I DON'T KNOW

9 Q YOU DON'T?

10 A I DON'T KNOW?

11 Q YOU DON'T WELL NOW, YOU THINK YOU DID?

12 A LIKE I SAID, IT HAPPENED SO FAST, I DON'T
13 KNOW

14 Q IT AIN'T HAPPENING TOO FAST HOW FAST CAN
15 YOU (SOLICITOR BREAKS DOWN SHOTGUN) --

16 MR GARRETT OBJECTION, YOUR HONOR,
17 HE'S ARGUING WITH THE WITNESS, ASKING HIM QUESTIONS

18 THE COURT DON'T TESTIFY

19 EXAMINATION CONTINUED

20 BY MR JONES

21 Q YOU DON'T REMEMBER DOING THAT, HUH? HOW DID
22 THAT OTHER SHELL GET IN THERE TO KILL SHEKA?

23 A LIKE I SAID, IT HAPPENED SO FAST, I DON'T
24 KNOW

25 Q YOU CAN'T TELL THIS JURY HOW THAT OTHER SHELL

1 GOT IN THIS GUN HERE?

2 A IT HAPPENED SO FAST

3 Q I'M ASKING YOU IF YOU CAN TELL THIS JURY HOW
4 THIS OTHER SHOTGUN SHELL GOT IN THIS GUN?

5 A IT HAPPENED SO FAST, I DON'T KNOW

6 Q YOU DON'T KNOW HOW IT GOT IN THERE?

7 A LIKE I SAY, IT HAPPENED SO FAST

8 Q I'M GOING TO ASK YOU THIS QUESTION WHERE DID
9 THAT OTHER SHOTGUN SHELL COME FROM?

10 A LIKE I SAY, THIS STUFF HAPPENED SO FAST

11 Q NO, SIR, NO, SIR

12 MR GARRETT OBJECTION, YOUR HONOR
13 HE'S ARGUING WITH THE WITNESS HE CAN ASK QUESTIONS
14 BUT HE CAN'T COMMENT

15 THE COURT DON'T ARGUE WITH THE
16 WITNESS

17 EXAMINATION CONTINUED

18 BY MR JONES

19 Q WHERE DID THE THIRD SHOTGUN SHELL COME FROM?

20 A I DON'T KNOW I SUPPOSE I HAD THEM IT
21 HAPPENED SO FAST, I DON'T KNOW

22 Q WHERE DID YOU HAVE THE THIRD SHOTGUN SHELL?

23 A I DON'T KNOW

24 Q WAS IT IN YOUR POCKET?

25 A I DON'T KNOW

1 Q WAS IT IN YOUR HAND?

2 A I DON'T KNOW

3 Q WHERE DID IT COME IN YOUR POSSESSION TO ENABLE
4 YOU TO PUT IT IN THIS --

5 A IT HAPPENED SO FAST, I DON'T KNOW

6 Q SIR?

7 A I DON'T KNOW

8 Q YOU REMEMBER GOING AND GETTING THE GUN, DON'T
9 YOU?

10 A I GUESS

11 Q WELL, YOU TOLD THE JURY YOU WENT OUT THERE,
12 YOU POPPED THE TRUNK, YOU WENT TO THE BACK AND YOU
13 GOT THE GUN AND YOU WERE GETTING THE GUN BECAUSE YOU
14 WERE AFRAID SHE WAS GOING TO RUSH YOU WITH THE
15 KNIFE, RIGHT?

16 A I GUESS

17 Q AND WHEN YOU GOT THE GUN, YOU TOLD THEM ON
18 DIRECT EXAMINATION THAT THERE'S ALREADY A SHELL IN
19 THERE, THAT THE GUN WAS BROKE DOWN, I BELIEVE YOUR
20 WORDS, RIGHT?

21 A BROKE DOWN

22 Q BROKE DOWN AND SHELL IN THERE AND YOU GOT IT
23 RIGHT, RIGHT? YOU DID COCK IT, DIDN'T YOU?

24 A I WOULD IMAGINE SO

25 Q WELL, YOU TOLD THEM ON THE RECORD IT WAS BROKE

1 DOWN, THAT'S TRUE, ISN'T IT?

2 A YEAH, IT WAS BROKE DOWN IT ALWAYS WAS BROKE
3 DOWN

4 Q AND YOU COCKED IT, RIGHT?

5 A IT ALWAYS STAYS BROKE DOWN

6 Q WHEN YOU PICKED IT OUT OF THERE AND THE SHELL
7 WAS IN THE GUN, WHY DID YOU GET THE OTHER TWO
8 SHELLS?

9 A LIKE I SAY, IT HAPPENED SO FAST, I DON'T KNOW

10 Q WHY DID YOU GET THE OTHER TWO SHELLS?

11 A LIKE I SAY, IT HAPPENED SO FAST, I DON'T KNOW

12 Q WHERE DID YOU GET THE OTHER TWO SHELLS FROM?

13 A LIKE I SAY, IT HAPPENED SO FAST, I DON'T KNOW

14 Q WHY DID YOU NEED THE OTHER TWO SHELLS?

15 A LIKE I SAY, IT HAPPENED SO FAST, I DON'T KNOW

16 MR JONES I DON'T HAVE ANY FURTHER
17 QUESTIONS, JUDGE

18 MR GARRETT BRIEFLY, YOUR HONOR

19 CROSS EXAMINATION

20 BY MR GARRETT

21 Q JOHN, THE SHELLS YOU WERE REFERRING TO, WHERE
22 WERE THEY NORMALLY KEPT?

23 A THEY WAS IN THE TRUNK OF THE CAR

24 Q THEY WERE IN THE TRUNK OF THE CAR?

25 A YES

1 Q THIS GAME BOX, DO YOU RECALL SEEING THIS GAME
2 BOX?

3 A MY FATHER JUST HAD IT

4 Q DID YOU BUY ANY SHELLS FOR YOUR GUN?

5 A I NEVER BOUGHT SHELLS

6 Q THESE SHELLS WERE FROM YOUR FATHER'S GUN?

7 A YES, SIR

8 Q DO YOU RECALL EVEN SEEING THAT BOX?

9 A MY FATHER WHEN HE HAD IT

10 Q AND THESE SHELLS THAT YOU HAD, WERE THEY IN
11 THE CAR IN THE TRUNK?

12 A THEY WERE WITH THE GUN

13 Q THEY WERE WITH THE GUN HOW MANY WERE BACK
14 THERE?

15 A NO MORE THAN TWO OR THREE

16 Q NO MORE THAN TWO OR THREE

17 A TWO OR THREE

18 MR GARRETT I HAVE NO FURTHER
19 QUESTIONS

20 THE COURT YOU MAY STEP DOWN
21 LADIES AND GENTLEMEN, WE'RE GOING TO RECESS AT THIS
22 TIME FOR THE EVENING WE WILL RESUME AS YOU HAVE
23 REQUESTED AT TEN A M IN THE MORNING HAVE A GOOD
24 EVENING YOUR CUSTODIANS WILL REMIND YOU TO SET
25 YOUR CLOCKS BACK I THINK TONIGHT'S THE NIGHT,

1 THEY'LL WAKE YOU UP IN CASE YOU GET TOO LAZY HAVE
2 A GOOD EVENING, WE'LL SEE YOU IN THE MORNING AT TEN
3 A M

4 (JURY EXITS COURTROOM AT 10 25 O'CLOCK P M)

5 THE COURT ALL THE JURORS OUT OF THE
6 ROOM? ANY MATTERS WE NEED TO ADDRESS BEFORE WE
7 RECESS FOR THE EVENING?

8 MR GARRETT NOT FOR THE DEFENSE,
9 YOUR HONOR

10 MR JONES WE'RE STARTING BACK IN
11 THE MORNING AT TEN?

12 THE COURT TEN A M

13 MR JONES ASSUMING WE MIGHT
14 CONCLUDE AND I DON'T KNOW HOW MUCH THE DEFENSE HAS
15 LEFT, BUT JUST ASSUMING THAT WE DID BEFORE ONE,
16 WOULD IT BE YOUR WISH TO PROCEED AT TWO-THIRTY OR
17 APPROXIMATELY SOME TIME THEREAFTER WITH OPENING
18 STATEMENTS AND CHARGE BY THE JUDGE TO SEND THIS
19 THING TO THE JURY?

20 THE COURT CLOSING

21 MR JONES CLOSING STATEMENTS AND
22 CHARGED BY THE JUDGE AND SEND THIS THING?

23 THE COURT YES, SIR

24 MR JONES AND THE REASON I ASK IT
25 AND MR TINSLEY CAUGHT MY MENTAL ERROR, THERE,

1 BECAUSE I WAS THINKING OPENING BECAUSE I COULDN'T
2 RECALL IN THE GUILT OR INNOCENCE PHASE WHETHER OR
3 NOT THE STATE ALSO LOSES IT'S LAST ARGUMENT I KNOW
4 WE DO THIS IN THE GUILT PHASE

5 THE COURT YEAH, THEY GET THE LAST
6 ARGUMENT

7 MR JONES SO WE WILL HAVE TO OPEN
8 ON THE LAW AND CLOSE IN A OPENING FASHION AND THEY
9 FOLLOW US, CORRECT?

10 THE COURT THEY GET FINAL ARGUMENT
11 IN BOTH PHASES

12 MR JONES CAN WE HAVE TWO
13 ARGUMENTS ONE WITH MR COULTER WITH THE LAW AND
14 ADDRESSING WHATEVER FACTS PERTAIN TO THE LAW AND ME
15 WITH AN ARGUMENT ON THE FACTS AND THE THEORY OF THE
16 CASE PROVIDED YOU GIVE US A TIME FRAME AND WE DON'T
17 GO OVER THAT TIME FRAME, IN OTHER WORDS, A HALF AN
18 HOUR EACH, A HALF HOUR EACH, SOMETIME IN THAT TIME
19 FRAME?

20 THE COURT I DON'T HAVE ANY
21 PARTICULAR OBJECTION OR REASON WHY YOU CAN'T SPLIT
22 YOUR ARGUMENTS

23 MR JONES ALL RIGHT

24 MR GARRETT DEFENSE WOULD OBJECT,
25 YOUR HONOR

1 THE COURT WHAT WOULD BE THE BASIS
2 FOR THE OBJECTION?

3 MR GARRETT WE FEEL LIKE, YOUR
4 HONOR, IT SHOULD BE ONE COUNSEL ON THE CLOSING ON
5 BOTH SIDES

6 THE COURT WELL, IF YOU CAN SHOW ME
7 SOME LAW THAT PROVIDES THAT I DON'T HAVE DISCRETION
8 IN THAT MATTER OR THAT IF I EXERCISE THE DISCRETION
9 IN THAT FASHION IT'S AN ABUSE, I'LL CONSIDER IT

10 MR GARRETT I DON'T HAVE THAT AT
11 THIS TIME, BUT I'LL LOOK INTO THAT

12 THE COURT MR McCALLUM'S GOT HIS
13 COMPUTER OVER THERE I'M SURE DURING THE OVERNIGHT
14 RECESS, HE COULD LOCATE SOME, SHOULD THERE BE SOME
15 PROBABLY WON'T BE UNDER THE LOCAL LAW INDEX

16 MR JONES IN AN EFFORT -- SINCE
17 TOMORROW IS SUNDAY, I'LL TELL YOU, WE'VE GOT AN
18 EXPERT -- FORENSIC EXPERT, CRIME SCENE EXPERT, IF
19 THEY CALL MR GIRNDT TO THE STAND WE WANT TO HEAR IT
20 AND POSSIBLY OBSERVE HIS TESTIMONY NORMALLY, I
21 WOULDN'T ASK THEM TO TRY TO EXPOSE ANY PORTION OF
22 THEIR CASE AND AT THIS POINT IN TIME, I WANT TO
23 ASSURE YOU WE WON'T BE MEETING WITH OUR EXPERT THIS
24 EVENING HE'S ALREADY LEFT HE'LL BE WITH HIS SON
25 UNTIL TWELVE TONIGHT HE SAID HE COULD BE BACK HERE

1 IN THE MORNING AND WE ARE TO CALL HIM I DON'T MIND
2 CALLING HIM I JUST HATE FOR HIM TO DRIVE UP HERE,
3 BE HERE BY TEN O'CLOCK IN THE MORNING AND THEN, YOU
4 KNOW, THE EXPERT NOT TESTIFY AND HIM MOST OF HIS
5 CHURCH AND HIS SUNDAY AND HAVE TO GO BACK

6 THE COURT YOU MEAN THE DEFENSE
7 EXPERT NOT TESTIFY?

8 MR JONES RIGHT IF THEY THINK
9 THAT THEY MAY CALL AN EXPERT IN ANY FORM TOMORROW,
10 THEN I'LL TELL HIM TO COME ON UP

11 THE COURT CAN THE DEFENSE PROVIDE
12 THAT INFORMATION?

13 MR GARRETT YOUR HONOR, MR GIRNDT
14 HAS BEEN WITH US AND IT'S MORE LIKELY THAN NOT HE
15 WILL TESTIFY

16 MR JONES WELL, I APPRECIATE THAT
17 VERY MUCH, JUDGE, AND I'LL JUST HAVE HIM ON UP HERE
18 IN THE MORNING

19 MR GARRETT AS SOON AS WE MAKE OUR
20 FINAL DECISIONS TONIGHT AS WE --

21 THE COURT I UNDERSTAND I'M NOT
22 ASKING YOUR CONSENT, I'M JUST ASKING IF YOU CAN
23 ANSWER THE SOLICITOR'S QUESTION IF YOU CAN, IT
24 WOULD BE WONDERFUL, IF YOU CAN'T --

25 MR JONES WE UNDERSTAND

1 THE COURT -- YOU'LL HAVE TO DO THE
2 BEST YOU CAN ANYTHING FURTHER? COURT'S IN RECESS
3 UNTIL TEN A M

***** END OF DAY 13 *****

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1 (DAY 14, SUNDAY, OCTOBER 26, 1997)

2 (OFF THE RECORD)

3 THE COURT GOOD MORNING, LADIES AND
4 GENTLEMEN AGAIN, I HOPE YOU HAD A GOOD EVENING AND
5 A GOOD MORNING, YOU GOT YOUR CLOCKS PUSHED AHEAD OR
6 BACK AS YOU KNOW, WHEN WE RECESSED YESTERDAY
7 EVENING, THE DEFENSE WAS STILL IN THE MIDST OF
8 PRESENTING THEIR CASE, SO WE'LL CONTINUE WITH THAT
9 THIS MORNING

10 MR GARRETT IF IT'LL PLEASE THE COURT

11 THE COURT MR GARRETT

12 MR GARRETT WE CALL DON GIRNDT TO THE
13 STAND

14 THE CLERK THE EVIDENCE YOU SHOULD GIVE
15 THE COURT AND JURY IN THE TRIAL OF THIS CASE SHALL
16 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
17 TRUTH, SO HELP YOU, GOD?

18 THE WITNESS I DO

19 THE CLERK BE SEATED

20 (WITNESS PRESENTED AT 10 05 O'CLOCK A M)

21 DIRECT EXAMINATION

22 BY MR GARRETT

23 Q WOULD YOU GIVE US YOUR NAME FOR OUR COURT
24 RECORD, PLEASE, SIR?

25 A YES, DONALD C GIRNDT

1 Q AND MR GIRNDT, WHERE IS YOUR RESIDENCE?

2 A IN COLUMBIA

3 Q AND WHAT IS YOUR OCCUPATION

4 A I'M SELF-EMPLOYED AS A FORENSIC CONSULTANT IN
5 THE AREAS OF CRIME-SCENE ANALYSIS, BLOOD STAIN
6 PATTERN INTERPRETATION, AND FINGERPRINT
7 IDENTIFICATION

8 Q AND WHAT BACKGROUND TO YOU HAVE FOR THIS AREA?

9 A I RETIRED FROM THE STATE LAW ENFORCEMENT
10 DIVISION IN DECEMBER OF 1994 AND WHILE I WAS
11 EMPLOYED WITH S L E D UNTIL 1985 UNTIL 1993 MY
12 PRIMARY DUTIES WERE CRIME SCENE INVESTIGATION,
13 FINGERPRINT IDENTIFICATION, CRIME SCENE ANALYSIS

14 IN 1985 TO 1989 I WAS ASSIGNED TO FIREARMS
15 LABORATORY WHICH MY PRIMARY DUTIES WERE CRIME SCENE
16 ANALYSIS AND FINGERPRINT IDENTIFICATION HOWEVER, I
17 DID UNDERGO BASIC FIREARMS TRAINING AND THE DAY-TO-
18 DAY OPERATIONS OF THE FIREARMS OFFICE THERE DOING
19 SUCH THINGS WEIGHING TRIGGER PULLS, RESTORING SERIAL
20 NUMBERS TO WEAPONS, CREATING TEST PATTERNS, TEST
21 FIRING WEAPONS, THAT TYPE THING

22 IN 1989 THAT DIVISION SPLIT SEVERAL AGENTS
23 BECAME REGULAR FIREARMS EXAMINERS AND MYSELF AND
24 SOME OTHER AGENTS MAINTAINED THE CRIME SCENE UNIT
25 AND CONTINUED TO DO CRIME SCENES UNTIL 1993 TILL I

1 WAS ASSIGNED TO ANOTHER OF S L E D AND IT
2 APPROXIMATELY THERE IN 1994 WHEN I RETIRED

3 IN FEBRUARY OF 1995 I BEGAN DOING CONSULTING
4 WORK -- FORENSIC CONSULTING WORK PRIMARILY FOR THE
5 DEFENSE AROUND THE STATE AND SINCE THAT TIME I'VE
6 WORKED APPROXIMATELY TWO HUNDRED AND FIFTY CASES

7 I'VE TESTIFIED FOR THE DEFENSE ABOUT TEN
8 TIMES I CONTINUE TO TESTIFY FOR THE STATE THE LAST
9 TIME BEING OF APRIL OF THIS YEAR I'VE TESTIFIED IN
10 COURTS IN RECORD THROUGHOUT THIS STATE, THE STATE OF
11 NORTH CAROLINA, MARYLAND, AND IN FEDERAL DISTRICT
12 COURT

13 MR GARRETT YOUR HONOR, I MOVE AT THIS
14 TIME TO QUALIFY DON GIRNDT AS AN EXPERT IN THE AREA
15 OF BLOOD STAINS, FIREARMS ANALYSIS, CRIME SCENE
16 ANALYSIS

17 MR JONES YOUR HONOR, JUST A COUPLE OF
18 QUESTIONS

19 EXAMINATION BY MR JONES

20 THE COURT OKAY

21 MR JONES MR GIRNDT, HOW ARE YOU?

22 THE WITNESS FINE, SIR

23 MR JONES HAVE YOU EVER BEEN QUALIFIED
24 AS AN EXPERT IN FIREARMS AND BALLISTICS?

25 THE WITNESS NOT IN FIREARMS, NO I'M

1 JUST FAMILIAR WITH THE PROCESSES THAT WERE INVOLVED
2 IN THIS CASE AND AS THEY PERTAIN TO CRIME SCENE
3 ANALYSIS

4 MR JONES RIGHT, BUT YOU HAVE NEVER --
5 WELL, LET ME MORE SPECIFIC DURING THE TIME THAT
6 YOU WORKED FOR S L E D IN 1985 TO 1993,
7 APPROXIMATELY HOW MANY TIMES DID YOU TESTIFY IN THE
8 CIRCUIT COURTS OF THIS STATE DURING THAT EIGHT-YEAR
9 PERIOD?

10 THE WITNESS APPROXIMATELY ONE HUNDRED
11 AND FIFTY I WAS NEVER OFFERED AS A FIREARMS
12 EXAMINER AND I'M NOT TESTIFYING AS A FIREARMS
13 EXAMINER IN THIS CASE

14 MR JONES I THOUGHT HE WAS OFFERING HIM,
15 WAS HE NOT, IN CRIME SCENE ANALYSIS?

16 MR GARRETT YES

17 MR JONES WAS HE OFFERED AS A FIREARMS?

18

19 MR WITNESS WELL, WE DIDN'T DISCUSS
20 THAT

21 THE COURT HE DID NOT MENTION THAT

22 MR JONES SO AS LONG AS HE'S NOT
23 OFFERED AS A FIREARMS EXPERT I HAVE NO PROBLEMS WITH
24 HIS QUALIFICATIONS

25 THE COURT DO YOU WISH TO QUALIFY HIM ON

1 THE --

2 MR GARRETT I THINK I CAN QUALIFY HIM
3 THERE AS WELL, YOUR HONOR

4 THE COURT ALL RIGHT, IF YOU WISH IF
5 YOU CAN ASK HIM QUESTIONS THEN MAYBE HE'LL BE
6 QUALIFIED

7 EXAMINATION CONTINUED

8 BY MR GARRETT

9 Q DURING THAT PERIOD OF TIME THAT YOU WORKED
10 WITH DAN DeFREEZE, WHAT SECTION OF SOUTH CAROLINA
11 LAW ENFORCEMENT DIVISION WERE YOU WORKING?

12 A FIREARMS

13 Q FIREARMS?

14 A YES, SIR

15 Q AND DURING THE PERIOD OF TIME THAT YOU WERE
16 THERE, DID YOU LEARN THE METHODOLOGIES OF FIREARMS
17 ANALYSIS?

18 A YES

19 Q AND ARE YOU FAMILIAR WITH THOSE?

20 A YES

21 Q DO YOU HAVE KNOWLEDGE THAT IS GREATER THAN THE
22 AVERAGE LAY PERSON IN THIS AREA?

23 A I BELIEVE I DO

24 Q AND IN ALL THE YEARS OF YOUR EXPERIENCE HAVE
25 YOU ALREADY, ALTHOUGH YOU MIGHT NOT HAVE TESTIFIED

1 AS AN EXPERT IN THAT PARTICULAR AREA, DID YOU HAVE
2 THAT KNOWLEDGE IN MIND?

3 A YES, I CONCENTRATED AT THAT DIVISION IN CRIME
4 SCENE AND FINGERPRINTS ALTHOUGH I DO -- I DID HAVE
5 SOME TRAINING IN THAT AREA

6 Q HOW MANY YEARS WAS THAT?

7 A FOUR YEARS

8 Q AND WHO DID YOU WORK UNDER?

9 A I WORKED -- WELL, AT THAT TIME LIEUTENANT
10 DeFREEZE AND LIEUTENANT PARNELL AND LIEUTENANT
11 SPRINGS

12 Q AND DAN DeFREEZE WAS A PERSON WHO'S TESTIFIED
13 IN THIS PARTICULAR CASE, HASN'T HE?

14 A YES

15 Q YOU WORKED UNDER HIM FOR FOUR YEARS?

16 A YES, SIR

17 Q IN FIREARMS?

18 A YES, THAT WAS THE DEPARTMENT

19 THE COURT WELL, HE'LL NEED TO TELL US A
20 WHAT HIS EDUCATION, TRAINING, EXPERIENCE WAS IN
21 RELATION TO FIREARMS, NOT JUST THE FACT THAT HE
22 WORKED WITH DAN DeFREEZE, BUT WHAT TRAINING OR WHAT
23 EXPERIENCE DID HE HAVE IN THAT DEPARTMENT

24 EXAMINATION CONTINUED

25 BY MR GARRETT

1 Q TALK TO US ABOUT YOUR TRAINING AND EXPERIENCE
2 IN THAT AREA

3 A WELL, I RECEIVED EVERY DAY TRAINING AS FAR AS
4 PRODUCING GUNSHOT PATTERNS LIKE I SAID BEFORE,
5 WORKING WITH WEAPONS, RESTORATION OF SERIAL NUMBERS,
6 TEST FIRING WEAPONS, PREPARING WEAPONS FOR
7 DESTRUCTION, COMPARING EVIDENCE OF BULLETS, WEIGHING
8 BULLETS, LOOKING AT COMPONENTS, THAT TYPE OF THING

9 Q AND YOU DID THAT AND YOUR INFORMATION THAT YOU
10 GAINED FROM THAT WAS USED IN COURTS OF LAW THROUGH
11 THE OTHER AGENTS?

12 A WHAT I DID WHAT ASSIST THE OTHER AGENTS WHO
13 WERE GOING INTO COURT TO QUALIFY AS FIREARMS
14 EXAMINERS THERE'S SEVERAL DIFFERENT STEPS AS AN
15 APPRENTICE THAT YOU DO IS -- SOME OF THE WORK IS
16 PRETTY MUNDANE, PREPARING THE WEAPONS, YOU KNOW, TO
17 BE FIRED, GETTING CORRECT AMMUNITION, SHOOTING
18 BULLETS INTO WHAT'S REFERRED TO AS THE BOX, WHICH IS
19 A LONG BOX WITH COTTON IN IT WHERE THE BULLETS WERE
20 RECOVERED, THAT TYPE OF THING AND I DID PRODUCE
21 SEVERAL, YOU KNOW, ASSISTED IN PRODUCING SEVERAL OF
22 THE TEST PATTERNS

23 Q THAT ARE USED --

24 A WELL, WITH YOUR -- I EVEN USE TODAY BECAUSE
25 THAT'S AN INTRICAL PART OF A CRIME SCENE ANALYSIS IS

1 TO, YOU KNOW, LOOK AT THE PATTERNS

2 Q ALL RIGHT, SO IN ADDITION TO THAT, AS A CRIME
3 SCENE ANALYSIS PERSON YOU CAN ALSO COMMENT ON
4 PATTERNS AND DISTANCES AND THAT TYPE OF THING AS
5 WELL?

6 A WELL, YOU HAVE TO KNOW THAT SORT OF THING
7 THE COURT ALL RIGHT, I FIND BASED UPON
8 THIS TESTIMONY THAT HE'S TO BE QUALIFIED AS AN
9 EXPERT IN THOSE FIELDS AND WILL BE ALLOWED TO
10 RENDERS OPINIONS REGARDING THE FACTS OF THE MATTER

11 MR GARRETT THANK YOU, YOUR HONOR

12 EXAMINATION CONTINUED

13 BY MR GARRETT

14 Q NOW LET'S TALK IMMEDIATELY ABOUT THE PATTERNS
15 IN THIS CASE COULD YOU TELL US ABOUT THE DISTANCES
16 IN THIS CASE?

17 A WELL, I LOOKED AT AGENT DeFREEZE'S PATTERNS

18 Q IS THAT IN STATE'S EXHIBIT NUMBER SEVENTY-
19 NINE?

20 A YES

21 Q WE'VE GOTTEN MIXED UP IT LOOKS LIKE

22 A I LOOKED AT THE PATTERNS THAT WERE PRODUCED BY
23 AGENT DeFREEZE AND COMPARED THOSE TO THE AUTOPSY
24 REPORT AND WHAT THE AUTOPSY REPORT SAYS THAT THE
25 SIZE OF THE WOUND FOR MS JACKSON IS ONE-INCH-BY-ONE

1 INCH AND THE PATTERN THAT MOST CLOSELY RESEMBLES
2 THAT IS THE ONE SHOT AT FOUR FEET, WHICH
3 DEMONSTRATES AN APPROXIMATELY ONE-INCH-BY-ONE-INCH
4 HOLE I THINK THERE COULD BE SOME VARIATION TO THAT
5 AT FOUR FEET MAYBE SLIGHTLY MORE, SLIGHTLY LESS

6 AND I ALSO LOOKED AT THE AUTOPSY REPORT
7 FOR MS HARRIS AND ALSO AT FOUR FEET IS THE
8 OPTIMUM DISTANCE GOING BY THE SIZE OF THE WOUND
9 WHICH IS ONE-AND-A-QUARTER-BY-ONE-AND-A-HALF INCHES

10 SO WHAT DOCTOR WOODARD WAS LOOKING AT
11 PRIMARILY FROM WHAT I UNDERSTAND IS LOOKING AT THE
12 RESIDUE PATTERN THAT WAS LEFT ON CLOTH AND WHAT --
13 I KEEP SAYING LIEUTENANT DeFREEZE -- AGENT DeFREEZE
14 WAS LOOKING FOR WAS COMPARING THE HOLE AND THE SIZE
15 -- THE SIZE OF THE HOLE IN THE SHOWER CURTAIN SO
16 WE'RE LOOKING AT TWO DIFFERENT THINGS USING THE
17 SAME TESTS TO LOOK AT TWO DIFFERENT ASPECTS OF THE
18 CASE

19 HAD LIEUTENANT DeFREEZE KNOWN THAT THE
20 DOCTOR WAS GOING TO BE LOOKING FOR THE RESIDUE
21 SPATTER -- YOU'VE HEARD THE TERM BLOTTER PAPER
22 MENTIONED -- WHAT THEY DO THERE IS THEY SHOOT INTO
23 THE BLOTTER PAPER THE POWDER ADHERES TO THE
24 BLOTTER PAPER, AND THEN THE PAPER IS LAMINATED A
25 CLEAR FILM OF PLASTIC IS PUT OVER IT AND THAT WAY IT

1 DOESN'T MATTER WHAT YOU DO WITH

2 YOU CAN SEE HERE AS WE OPEN THESE UP AND
3 FLOP THEM AROUND AND EVERYTHING THE POWDER IS
4 FALLING OFF SO I DON'T KNOW WHAT STAGE OF THE GAME
5 THAT THE DOCTOR WOULD RECEIVE THESE, BUT IT APPEARS
6 THAT THE OPTIMUM DISTANCE IS APPROXIMATELY FOUR FEET
7 FOR THE FIRING DISTANCE

8 Q SO IS THERE ANY WAY, BASED UPON YOUR SCIENCE
9 AND STUDY IN THIS FIELD, THAT A SHOT COULD HAVE BEEN
10 RENDERED AS CLOSE AS TWELVE INCHES?

11 A NO, THAT'S -- I DON'T KNOW WHERE THAT -- THE
12 SOLICITOR GOT THAT TERM

13 Q THERE'S NOTHING IN THE EVIDENCE, IN THE
14 AUTOPSY REPORTS, AND IN THOSE SHOOTING PATTERNS AS
15 TO THE CLOTH THAT WOULD INDICATE A SHOT OF TWELVE
16 INCHES?

17 A NO, THERE'S NO MENTION OF IT IN THE RECORD
18 EVEN DOCTOR WOODARD, ALTHOUGH I DIFFER WITH HIM
19 SLIGHTLY, HE SAID TWO FEET I DON'T SEE ANYTHING
20 THAT INDICATES TWELVE INCHES WHATSOEVER

21 Q SO IF DOCTOR WOODARD SAYS TWO FEET, DO YOU
22 HAVE ANY VARIATION? IN YOUR ANALYSIS YOU SAID FOUR
23 FEET, IS THERE ANY VARIATION IN YOUR ANALYSIS ONE
24 WAY OR THE OTHER?

25 A THERE MAY BE SOME BECAUSE THERE'S A SLIGHT

1 DIFFERENCE IN THE MEASUREMENT IT'S DIFFICULT TO
2 GET IT EXACTLY ONE INCH YOU'RE DEALING WITH CLOTH
3 AND IT TEARS A LITTLE ALSO, SO IT MIGHT BE -- YOU
4 KNOW, IT MIGHT BE A FOOT EITHER WAY BUT I DON'T
5 THINK IT WOULD BE AS CLOSE AS TWO FEET

6 Q THE SCIENCE USED THEN TO DETERMINE MUZZLE
7 DISTANCE TO THE BODY SHOULD BE DONE ON A DIFFERENT
8 PAPER?

9 A WELL, IT NORMALLY IS I JUST -- I THINK IF
10 AGENT DeFREEZE HAD KNOWN THIS, WHICH HE PROBABLY
11 DIDN'T KNOW AT THE TIME HE PRODUCED IT, THAT HE MAY
12 HAVE DONE AN ADDITIONAL TEST FOR THAT PURPOSE

13 Q IN YOUR STUDY OF FIREARMS AS IT RELATES TO
14 SOMETHING COMING BACK TO THE WEAPON ITSELF, WHAT
15 GENERALLY IS THE DISTANCE OF THE BLOW BACK -- THE
16 COMEBACK UPON A WEAPON?

17 A WELL, IT'S REFERRED TO AS BACK SPATTER I
18 BELIEVE DOCTOR WOODARD MENTIONED THAT IT ONLY
19 TRAVELS SIX INCHES BUT THERE'S -- IN MY
20 EXPERIENCE, AND I'M SURE EXPERIENCE WITH OTHER
21 AGENTS, AND REFERENCE MATERIAL INDICATES THAT IT
22 WILL TRAVEL FROM FOUR TO FIVE FEET IN FACT, THERE
23 ARE PHOTOGRAPHS IN THIS CASE THAT INDICATE THAT THE
24 FORWARD SPATTER AND THE BACK SPATTER TRAVELED MUCH
25 GREATER THAN SIX INCHES

1 Q WOULDNT IT BE LOGICAL THEN THAT IT WOULD BE
2 ON THE GUN IF IT WERE AT CLOSE RANGE?

3 A IF IT WERE WITHIN ONE AND FOUR FEET I WOULD
4 GUESS IT DEPENDS ON THE TYPE OF WEAPON, ALSO

5 Q WELL, WE'RE TALKING ABOUT A TWENTY GAUGE
6 SHOTGUN

7 A THERE MAY BE SOME EXPECTATION TO FIND SOME
8 BLOOD ON THERE

9 Q TO YOUR KNOWLEDGE, WAS ANY BLOOD FOUND OR
10 SWABBED ON THE WEAPON ITSELF?

11 A I READ THE SEROLOGY REPORT THERE WAS NO
12 REFERENCE TO ANY BLOOD BEING FOUND ON THE WEAPON

13 Q SO IF THERE WAS NO BLOOD FOUND ON THE WEAPON
14 AND YOUR DISTANCE PATTERN SHOWS FOUR FEET, IS THERE
15 ANY OTHER REASON TO BELIEVE THAT IT WASN'T FOUR FEET
16 OR GREATER?

17 A NO

18 Q NOW GETTING BACK TO THIS VEHICLE ITSELF DO
19 YOU AGREE WITH AGENT BLACK'S POSITION NOT TO PROCESS
20 THE VEHICLE FOR FINGERPRINTS?

21 A YES, IF A PERSON HAS COMMON ACCESS THAT MAY
22 JUST CONFUSE THE ISSUE I MEAN, IT'S NOT NECESSARY
23 TO PROCESS AN ITEM SUCH AS THAT WHEN THEY BOTH HAVE
24 ACCESS TO THE VEHICLE SO -- HE MUST HAVE BEEN
25 INFORMED OF THAT BY SOMEONE WHO WAS WORKING ON THE

1 CASE, BECAUSE I DON'T THINK HE HAD ANY KNOWLEDGE OF
2 THAT SO I AGREE WITH THAT

3 Q OTHERWISE WOULD YOU HAVE PROCESSED THE
4 VEHICLE?

5 A YES

6 Q NOW WHAT I WANT TO SHOW YOU ARE SOME
7 PHOTOGRAPHS, STATE'S EXHIBIT SIXTEEN, STATE'S
8 EXHIBIT EIGHTEEN, STATE'S EXHIBIT NINETEEN, STATE'S
9 EXHIBIT TWENTY AS IT RELATES TO THE FRONT DOOR AREA
10 HAVE YOU STUDIED THE SCIENTIFIC EVIDENCE AND THE
11 PHOTOGRAPHS IN THIS PARTICULAR AREA OF THE HOUSE?

12 A YES

13 Q AND CAN YOU GIVE US AN OPINION OR GIVE US YOUR
14 OPINIONS ABOUT THAT DOOR AND THAT LOCK AND WHAT YOU
15 FOUND IN YOUR ANALYSIS?

16 A STATE'S EXHIBIT NINETEEN IS A PHOTOGRAPH OF
17 THE FRONT DOOR NEAR THE LOCK AREA WHICH DISPLAYS
18 SOME BLOOD AND WHAT APPEARS TO BE A SMALL AMOUNT OF
19 RIDGE DETAIL AND BY RIDGE DETAIL I MEAN WHAT
20 PARTIAL HAND PRINT OR FINGERPRINT

21 STATE'S EIGHTEEN IN BASICALLY THE SAME AREA
22 AFTER IT'S BEEN PROCESSED FOR FINGERPRINTS STATE'S
23 TWENTY IS THE BROKEN DOOR JAMB WHERE THE METAL PLATE
24 IS WHERE THE LOCK WOULD INSERT INTO

25 ADDRESSING THE BLOOD ON THE DOOR -- WE'RE

1 GOING TO BE JUMPING AROUND HERE BUT ADDRESSING THE
2 BLOOD ON THE DOOR, AS I UNDERSTAND THE SCENARIO FROM
3 LISTENING TO THE -- TO THE TESTIMONY, IS THAT AT THE
4 TIME THAT THIS BLOOD WOULD HAVE BEEN DEPOSITED THAT
5 MS JACKSON WAS THE ONLY PERSON IN THE HOUSE THAT'S
6 BLEEDING

7 THERE'S NO EVIDENCE OF MR HUGHEY BLEEDING I
8 DON'T SEE ANY INDICATION IN THE SEROLOGY REPORT
9 THERE WAS NONE OF HIS BLOOD COLLECTED FROM THE
10 SCENE WE ALSO KNOW THAT THERE'S NO BLOOD ON THE
11 WEAPON BUT WE DO KNOW THAT MS JACKSON HAS BEEN
12 CUT, AND WE KNOW THAT SHE'S IN THE VICINITY OF THE
13 DOOR THE THING ABOUT BLOOD ON THE DOOR IS THAT
14 IT'S ON THE OUTSIDE OF THE FRONT DOOR AND NOT ON THE
15 INSIDE OF THE FRONT DOOR

16 Q SO WHAT WOULD THAT MEAN IF THE BLOOD WERE ON
17 THE OUTSIDE OF THE FRONT DOOR AS OPPOSED TO BEING ON
18 THE INSIDE OF THE FRONT DOOR, WHAT DOES THAT TELL
19 YOU AS TO MS JACKSON'S WHEREABOUTS?

20 A OF COURSE, THIS BLOOD -- ACCORDING TO THE
21 SEROLOGY REPORTS WAS AN INSUFFICIENT AMOUNT TO TYPE
22 IT BUT WE KNOW THAT MS JACKSON WAS IN THE
23 IMMEDIATE VICINITY IN THIS AREA, BECAUSE THE
24 BATHROOM -- THE FRONT BATHROOM IS RIGHT BEHIND THIS
25 FRONT DOOR AS YOU COME IN THE FRONT DOOR THERE'S A

1 BATHROOM IMMEDIATELY ADJACENT ALSO THE KNIFE WITH
2 HER TENNIS SHOE PRINT ON IT WAS FOUND RIGHT THERE AT
3 THE DOOR

4 THE OTHER OBSERVATION IN THAT PHOTOGRAPH IS
5 THAT THE LOCK IS -- APPEARS TO HAVE SOME SEVERE OLD
6 DAMAGE TO IT, YOU KNOW, SUCH AS PRY MARKS AND THAT
7 TYPE OF THING ON IT WHICH WOULD APPEAR TO BE
8 UNRELATED TO THIS

9 Q SO IN THE AREA THAT YOU'RE TALKING ABOUT, IS
10 WHAT AREA? (WITNESS INDICATES ON EXHIBITS) OKAY,
11 SO THE BLOOD WAS ON WHICH SIDE OF THE DOOR?

12 A THE OUTSIDE OF THE DOOR

13 Q THE OUTSIDE OF THE DOOR

14 A YES, AND THOSE DROPLETS OF BLOOD THAT WE KNOW
15 FROM TESTIMONY HAVE BEEN FOUND IN THIS BATHROOM
16 WHICH IS ALSO WHERE THE SHOT WAS FIRED THROUGH THE
17 BATHROOM

18 Q NOW TO YOUR KNOWLEDGE, WAS ANY WORKUPS DONE ON
19 THE GROUND AREA RIGHT OUTSIDE THE FRONT STEPS?

20 A I DIDN'T SEE ANY REFERENCE TO ANY EVIDENCE
21 THAT WAS COLLECTED OUT THERE

22 Q LET ME SHOW YOU STATE'S TWENTY-FOUR AGAIN,
23 WE'RE IN THIS HALL -- IN THIS AREA RIGHT HERE IS
24 THIS THE AREA THAT WE'RE IN?

25 A RIGHT THERE IN FRONT OF THE DOOR

1 Q DO YOU SEE THE MAT THERE IN FRONT OF THE DOOR?

2 A YES

3 Q IN YOUR REVIEW OF THE EVIDENCE, DID ANYONE
4 TAKE ANY TESTS OR CHECK ON THAT MAT TO SEE IF THERE
5 WAS ANY BLOOD ON THAT MAT?

6 A I DON'T RECALL SEEING ANY, NO

7 THE COURT EXCUSE ME JUST A MINUTE LET
8 ME ASK THE WITNESS, BE SURE WHEN YOU TURN AWAY YOU
9 HAVE TO SPEAK UP LOUDER

10 THE WITNESS OKAY

11 THE COURT BECAUSE YOU'RE AWAY FROM THE
12 MICROPHONE

13 THE WITNESS YES, SIR

14 THE COURT SO EITHER TURN BACK AND SPEAK
15 INTO THE MICROPHONE OR JUST BE CERTAIN YOU SPEAK
16 LOUDLY SO THAT WE CAN ALL HEAR

17 THE WITNESS OKAY

18 EXAMINATION CONTINUED

19 BY MR GARRETT

20 Q SO, MR GIRNDT, THERE WAS A MAT THAT'S
21 DEPICTED IN THAT PHOTOGRAPH?

22 A YES

23 Q THAT TO YOUR KNOWLEDGE WAS NOT CHECKED FOR
24 BLOOD STAIN?

25 A I DIDN'T SEE ANY INDICATION OF IT

1 Q IS THIS ANOTHER SHOT OF THE MAT, DEFENDANT'S
2 EXHIBIT BY IDENTIFICATION TWENTY FIVE, DO YOU
3 RECOGNIZE THAT?

4 A YES, IT'S TAKEN FROM THE LIVING ROOM AREA
5 LOOKING BACK TOWARDS THE DOOR AND IT DOES SHOW THE
6 MAT

7 MR GARRETT SOLICITOR, ANY OBJECTIONS
8 TO DEFENSE EXHIBIT TWENTY-FIVE?

9 MR JONES NO

10 MR GARRETT MOVE TO INTRODUCE DEFENSE
11 EXHIBIT TWENTY-FIVE INTO EVIDENCE, YOUR HONOR

12 THE COURT IT'S ADMITTED

13 EXAMINATION CONTINUED

14 BY MR GARRETT

15 Q NOW STATE'S EXHIBIT SIXTEEN, CAN YOU IDENTIFY
16 THAT?

17 A IT'S AN EXTERIOR SHOT OF THE FRONT DOOR OF THE
18 -- OF THE HOME AT 401 RITCHIE STREET

19 Q DOES THAT SHOW THE FRONT PORCH AREA?

20 A YES

21 Q TO YOUR KNOWLEDGE, WAS ANY ANALYSIS DONE ON
22 THOSE MATS, THE TWO MATS IN FRONT OF THE DOOR?

23 A I DIDN'T SEE INDICATION THAT THERE WERE

24 Q STATE'S EXHIBIT NINETEEN THAT YOU WERE
25 DISCUSSING AWHILE AGO, WHICH ONE OF THESE IS THE

1 PALMPRINT IDENTIFICATION OR DO YOU THINK IS MOST
2 CLOSELY RELATED TO A PALMPRINT?

3 A WELL, IT'S NOT IDENTIFIABLE AREA OF DETAIL,
4 BUT IT'S JUST ABOVE THE LOCKING MECHANISM

5 Q YES

6 A THERE'S ANOTHER PHOTOGRAPH THAT SHOWS IT A
7 LITTLE BIT BETTER

8 Q THERE IS ANOTHER PHOTOGRAPH THAT SHOWS IT SOME
9 BETTER?

10 A I BELIEVE THERE'S ONE ON THE DEFENSE TABLE
11 THERE'S ONE IN MY BRIEFCASE

12 Q IN YOUR BRIEFCASE?

13 A WHICH ONE DO YOU HAVE?

14 Q I HAVE THIS AND STATE'S EXHIBIT NINETEEN

15 A WHICH WAS THE ONE THAT -- WHAT WAS THE OTHER
16 PHOTOGRAPH THAT MR TINSLEY HAD?

17 Q OH, THAT WAS A FURTHER BACK SHOT DID YOU
18 WANT --

19 A WELL, IT DOESN'T MATTER I CAN DEAL WITH
20 THAT

21 Q LET ME JUST LOOK ONE MOMENT HERE AND I'LL LOOK
22 THROUGH HERE AND SEE IF I CAN FIND ANY CLOSER
23 DETAILS THAN THE ONE YOU HAVE THERE IT WON'T TAKE
24 BUT JUST A SECOND I BELIEVE THAT IS THE CLOSEST
25 DETAILED ONE THAT I HAVE

1 A THIS IS FINE

2 Q ALL RIGHT TELL US ABOUT THAT PHOTOGRAPH

3 A WELL, JUST TO REITERATE THAT IT DOES SHOW SOME
4 -- SOME DETAIL IN IT AND IT IS BLOOD AND IT IS ON
5 THE OUTSIDE OF THE DOOR THE PHOTOGRAPH THAT I WAS
6 LOOKING FOR IS ONE WHERE THIS HAD BEEN PROCESSED
7 WITH A CHEMICAL KNOWN AS AMIDO BLACK WHICH ACTUALLY
8 REACTS WITH BLOOD AND IT TURNS IT A DARK BLUE COLOR
9 AND JUST ALLOWS YOU TO VISUALIZE IT A LITTLE BIT
10 BETTER BECAUSE HERE IT'S LIGHT RED ON A WHITE
11 PEBBLY BACKGROUND TO THIS DOOR

12 Q COULD YOU STEP DOWN AND POINT TO THAT AREA FOR
13 THE JURY AND WALK AND TELL THE JURY WHAT YOU'RE
14 REFERRING TO

15 A THIS IS THE OUTSIDE OF THE FRONT DOOR
16 (EXHIBITING TO JURY) I DON'T BELIEVE IT'S MARKED
17 THERE'S ANOTHER ONE LIKE IT

18 Q NINETEEN, IS THAT THE SAME ONE?

19 A I BELIEVE THAT'S THE SAME ONE

20 Q ALL RIGHT, IT IS IT'S STATE'S NINETEEN SO
21 THAT WAS IN EVIDENCE AS STATE'S NINETEEN THAT'S
22 WAS JUST AN DUPLICATION?

23 A YES

24 Q NOW LET'S -- IN THE -- AS I UNDERSTAND IT IN
25 THIS INVESTIGATION OF THE SCENE NO KNOWLEDGE WAS

1 KNOWN, AT LEAST, OF THE FIGHT IN THE -- THIS AREA
2 HERE AS HAS BEEN TESTIFIED TO, AT LEAST INITIALLY,
3 IS THAT CORRECT? THE FIRST GROUP THAT CAME IN
4 BASICALLY DID THEIR WORK FROM HERE BACK?

5 A THAT'S MY UNDERSTANDING THEY HAD TO RETURN TO
6 THE SCENE TO PROCESS THAT BATHROOM AREA IN THE FRONT
7 OF THE HOUSE

8 Q SO PEOPLE HAVE BEEN COMING IN AND OUT OF THIS
9 FRONT DOOR FOR SEVERAL HOURS ON AT LEAST DAYS?

10 A POLICE PERSONNEL?

11 Q YES

12 A I WOULD IMAGINE, YES I UNDERSTAND THE HOUSE
13 WAS NOT TURNED BACK OVER TO THE OWNER, BUT --

14 Q SO IF THERE WAS NO STEPS LEADING UP TO THE
15 BACK ENTRANCE, THE ONLY ENTRANCE TO THE HOUSE WOULD
16 HAVE BEEN RIGHT ACROSS THERE TO THE FRONT DOOR, IS
17 THAT CORRECT?

18 A YES, TO MY KNOWLEDGE THAT WOULD BE THE ONLY
19 USABLE ENTRANCE

20 Q AS A CRIME SCENE ANALYST AS IT RELATES TO THE
21 QUESTION OF A BURGLARY, DO YOU HAVE AN OPINION AS TO
22 WHETHER OR NOT THERE'S EVIDENCE IN THIS CASE OF
23 BURGLARY?

24 A AFTER LISTENING TO THE TESTIMONY AND REVIEWING
25 THE TIME LINE, WHICH WE KNOW THAT MR HUGHEY WAS

1 ALREADY IN THE HOUSE, THERE WERE THREE PHONE CALLS
2 MADE NONE OF WHICH EVER MENTIONED A BREAK IN OR A
3 BURGLARY OR A STABBING OR ANYTHING LIKE THAT THERE
4 WITH A GUN

5 AND WE KNOW THAT SOMEWHERE ALONG THE LINE
6 THIS CONVERSATION OR WHATEVER DEGENERATED TO THE
7 POINT WHERE MS JACKSON WAS CUT AND SHE'S THE ONLY
8 ONE BLEEDING AND THEN YOU HAVE THE BLOOD ON THE
9 FRONT DOOR AND THE TESTIMONY, AS I RECALL IT, IS
10 THAT THERE WAS A STRUGGLE AT THE FRONT DOOR SEEMED
11 LIKE IT'S MORE CONSISTENT WITH THE STRUGGLE AT THE
12 FRONT DOOR THAN THERE IS WITH A BURGLARY AT THE
13 FRONT DOOR

14 THERE IS SOME PAST EVIDENCE OF A BURGLARY IN
15 THAT THERE'S PRY MARKS ON THE FRONT DOOR IT
16 APPEARS TO BE OLD DAMAGE I THINK HAD IT BEEN --
17 PRY MARKS BEEN NEW DAMAGE THAT THERE IS A WAY
18 AVAILABLE TO ACTUALLY LIFT THE PRY MARKS WITH A
19 SUBSTANCE CALLED MICROSIL WHICH IS A SILICONE GEL
20 WHICH A HARDENER IS PUT IN THERE AND SPRAYED OVER
21 THE PRY MARKS THE PRY MARKS ARE LIFTED OUT AND
22 RETURNED TO THE FIREARMS LABORATORY AND COMPARED
23 WITH WHATEVER TYPE OF TOOL THAT WAS USED

24 BUT IN THIS CASE I THINK I AGREE WITH THE
25 AGENTS THAT WERE PROCESSING THAT, THAT APPEARS TO BE

1 OLD DAMAGE THAT HAS DAMAGED THE SIDE OF THE DOOR I
2 AM AWARE THAT THE STRIKER PLATE IS MISSING OFF OF
3 THE DOOR AND I SUPPOSE THAT COULD HAVE HAPPENED
4 DURING THE STRUGGLE ALSO IF THERE WAS PUSHING AND
5 SHOIVING ON THE DOOR

6 Q IS THERE ANY WAY TO ASCERTAIN OR DETERMINE THE
7 AMOUNT OF PRESSURE IT WOULD TAKE TO CAUSE A BREAK TO
8 A TRAILER DOOR?

9 A NO, TRAILER DOORS ARE TRADITIONALLY NOT THAT
10 WELL MADE WHEN WE WENT OUT TO THE SCENE -- I DID
11 GO OUT TO THIS SCENE TO LOOK IN THE TRAILER, AND I
12 THINK THE DOOR HAD BEEN REMOVED AND REPLACED

13 Q AND TO YOUR KNOWLEDGE WERE THE TWO SCREWS FOR
14 THIS DOOR EVER FOUND IN THE -- I'M SHOWING YOU
15 STATE'S EXHIBIT TWENTY THAT'S WHERE THE STRIKER
16 PLATE WAS OFF?

17 A MY UNDERSTANDING OF THE TESTIMONY THAT JUST ONE
18 SCREW WAS FOUND

19 Q JUST ONE SCREW WAS FOUND?

20 A THAT'S MY UNDERSTANDING, YES

21 Q NOW WHAT I'D LIKE TO TALK ABOUT NOW IS THE
22 HALLWAY AREA DID YOU LOOK AT THE HALLWAY AREA TO
23 DETERMINE ITS WIDTH?

24 A I DIDN'T DETERMINE THE EXACT WIDTH ON IT I
25 WAS ABLE TO ASCERTAIN SOME MEASUREMENTS BASED ON THE

1 SCALE TAPE THAT WAS IN THE -- IN A COUPLE OF THE
2 PHOTOGRAPHS

3 Q YES

4 A BUT THE HALLWAY IS RATHER NARROW I WAS
5 REALLY LOOKING AT MORE THE LENGTH OF THE HALLWAY AND
6 THE PORTION OF THE HALLWAY THAT'S MISSING OFF THE
7 DRAWING

8 Q THERE WAS A PORTION OF THE HALLWAY MISSING OFF
9 THE DRAWING?

10 A THERE'S ABOUT THIRTY-FIVE, THIRTY-SIX INCHES
11 OF HALLWAY THAT SHOULD HAVE BEEN DRAWN THAT'S
12 MISSING OFF OF HERE AND THE WAY I WAS ABLE TO
13 MEASURE THAT WAS BY LOOKING IN THE SCALE TAPE AND
14 PUTTING A SET OF DIVIDERS ON THE SCALE TAPE AND
15 COMPARING THAT WITH THE PHOTOGRAPH -- WHICH I
16 SUPPOSE YOU COULD DO THAT FOR THE WIDTH OF THE
17 HALLWAY BACK THIS WAY IF YOU HAD AN APPROPRIATE
18 PHOTOGRAPH

19 IT'S ABOUT EACH ONE -- IF YOU LOOK AT THE
20 FLOOR, IT'S A -- LIKE A SIMULATED BRICK FLOOR, TWO
21 BRICKS TOGETHER, LIKE THIS IT APPEARS THAT,
22 ALLOWING FOR SOME DISTORTION IN THE PHOTOGRAPHS,
23 THEY'RE ABOUT SEVEN INCHES SQUARE EACH ONE SO
24 THERE'S FIVE SETS OF THEM FROM THE WASHER/DRYER
25 BACK

1 Q THE DRYER/WASHER?

2 A YEAH, BACK TO THIS AREA RIGHT HERE SO THAT'S
3 ABOUT THIRTY-FIVE OR THIRTY-SIX INCHES

4 Q ALL RIGHT, LET ME SHOW YOU DEFENDANT'S EXHIBIT
5 TWENTY-THREE AND DEFENDANT'S EXHIBIT TWENTY-FOUR
6 CAN YOU IDENTIFY THESE PHOTOGRAPHS?

7 A YES, THESE ARE TWO PICTURES THAT SHOW SOME --
8 WELL, THEY APPEAR TO DEFINE BLOOD SPATTER THERE'S
9 NO SCALE IN HERE SO I WOULD SAY IRREGULAR FIND
10 BLOOD SPATTER BUT THIS -- DO YOU HAVE THE OTHER
11 PHOTOGRAPH? THE ONE WITH THE FLOOR?

12 Q DEFENSE EXHIBIT THIRTY-ONE?

13 A YES ACTUALLY DEFENSE EXHIBIT THIRTY-ONE IS A
14 BLOOD STAIN PATTERN WHICH SHOWS SOME DRIPPED BLOOD
15 DRIPPING FAIRLY STRAIGHT DOWN IN FRONT OF THE DRYER
16 AND THE TOP OF THE DRYER EXHIBITS THE IRREGULAR FIND
17 SPATTER THESE TWO THINGS CAN BE CORRELATED
18 TOGETHER TO DETERMINE EXACTLY WHERE THE PERSON WHO
19 SHED THIS BLOOD WAS STANDING OR WITHIN SOME DEGREE
20 OF CERTAINTY WHERE SHE WAS STANDING

21 Q NOW MS HARRIS WAS STANDING OUT AND NEAR THAT
22 AREA?

23 A IN THIS CASE IT WOULD BE MS HARRIS, RIGHT

24 Q NOW WOULD SHE BE IN A STANDING POSITION,
25 SQUATTING/KNEELING POSITION, WHAT WOULD HER POSITION

1 BE BASED UPON THE DOCUMENTS AND BASED UPON THE
2 EVIDENCE THAT YOU HAVE THERE IN YOUR HAND?

3 A SHE WOULD BE ABOVE -- THE WOUND WOULD BE ABOVE
4 THE TOP OF THE DRYER I DIDN'T GO TO THE SCENE, AND
5 THERE IS SOME DIRECTIONALITY TO THE SPATTER WHAT
6 CAN BE DONE WITH THIS, IS THAT THE SPATTER CAN BE
7 TAKEN IN THE SHAPE AND SIZES OF THE STAIN AND
8 ACTUALLY CAN COME BACK TO WHAT'S REFERRED TO AS A
9 POINT OF CONVERSION

10 THIS WOULD BE WHERE THE BLOOD ORIGINALLY CAME
11 FROM AND IN THIS CASE I DON'T -- I DIDN'T SEE ANY
12 EVIDENCE THAT WAS DONE BUT I DON'T THINK IT'S
13 PROBABLY NECESSARY THESE TWO PHOTOGRAPHS HERE
14 PRETTY MUCH INDICATE WHERE SHE WAS AT THE TIME

15 MR GARRETT ANY OBJECTIONS, SOLICITOR,
16 TO TWENTY-FOUR, THIRTY-ONE, AND TWENTY-THREE?

17 MR JONES NONE

18 MR GARRETT I MOVE TO INTRODUCE DEFENSE
19 EXHIBITS TWENTY-THREE, TWENTY-FOUR AND THIRTY-ONE
20 INTO EVIDENCE, YOUR HONOR

21 THE COURT THEY'RE ADMITTED WITHOUT
22 OBJECTION

23 EXAMINATION CONTINUED

24 BY MR GARRETT

25 Q WOULD YOU TAKE THIS AND PRESENT THAT TO THE

1 JURY AND JUST LET THEM SEE WHERE THAT WAS ON THE --
2 ON THE ---

3 A (SHOWING TO JURY) NUMBER THIRTY-ONE SHOWS RED
4 BLOOD WHICH APPEARS TO BE FAIRLY STRAIGHT DOWN IN
5 THESE PLACES IN DEFENDANT'S TWENTY-THREE, WHICH IS
6 IRREGULAR BLOOD SPATTER THERE IS NO SKILL IN THIS,
7 BUT SOME OF THIS SPATTER IF SMALL ENOUGH TO BE
8 ASSOCIATED WITH A GUNSHOT WOUND IF YOU TAKE THESE
9 TO THINGS IN CONJUNCTION WITH ONE ANOTHER, OF
10 COURSE, THIS IS THE TOP OF THE DRYER AND THIS IS THE
11 BOTTOM OF THE DRYER WHERE THE SPATTER IS WHAT IT
12 SHOWS IS SEVERAL INDIVIDUAL DROPS OF BLOOD THAT ARE
13 STARTING TO COME TOGETHER

14 Q IF THE LADY AT THE -- MS ANGELA PATTERSON,
15 THE LADY AT DISPATCH WAS ABLE TO LISTEN AFTER MS
16 HARRIS CALLED AT 12 04 AND THAT PHONE LINE REMAINED
17 OPEN THROUGHOUT THE PROCESS, CAN YOU MAKE ANY
18 ASSUMPTIONS OR ANY CONCLUSIONS AS TO THE CONDITION
19 OF THE PHONE THAT WAS IN THE KITCHEN? DO YOU HAVE
20 ANY OPINION ON THAT?

21 A NO, I COULDN'T DETERMINE FROM THE TESTIMONY
22 WHICH PHONE EXACTLY WAS BEING USED AT THE TIME -- I
23 MEAN, OTHER THAN THE SPEAKERPHONE WAS USED IN THE
24 SECOND CONVERSATION WITH HIS SON BUT IN THE ONE
25 WITH THE POLICE, I DON'T KNOW WHICH PHONE WAS IN

1 USE

2 Q SO WE WERE NOT ABLE TO ASCERTAIN WHICH PHONE
3 WAS USED IN THE LAST PHONE CONVERSATION BETWEEN MS
4 HARRIS AND THE DISPATCH?

5 A I WASN'T FROM THE TESTIMONY I WAS -- I KNOW WE
6 WERE IN PURSUIT AT ONE TIME OF IF THERE WAS A 911
7 TAPE AND I WAS HOPING TO TELL FROM THE TAPE AS TO
8 THE SOUND OF THE GUNSHOTS AS TO, YOU KNOW, WHICH
9 PHONE MIGHT HAVE BEEN IN USE BUT WE DIDN'T
10 DETERMINE THAT

11 Q CAN YOU IDENTIFY THIS PHOTOGRAPH AS
12 DEFENDANT'S EXHIBIT TWENTY-NINE?

13 A I BELIEVE THIS IS THE OUTSIDE OF THE BEDROOM
14 DOOR WHERE MS JACKSON WAS FOUND AFTER IT'S BEEN
15 SPRAYED WITH AMIDO ACID, A CHEMICAL THAT REACTS TO
16 THE BLOOD, AND IT SHOWS PERHAPS SOME FABRIC
17 IMPRESSION AND SOME MOVEMENT BUT THAT'S ABOUT ALL
18 I DIDN'T SEE ANY REFERENCE TO -- IN THE SEROLOGY
19 REPORT THAT ANY OF THIS BLOOD WAS TAKEN SO WE
20 DON'T KNOW EXACTLY WHO'S BLOOD THAT IS IT

21 Q IN OTHER WORDS, YOU FOUND NOTHING WHERE THAT
22 PARTICULAR DOOR WAS SWABBED?

23 A I DIDN'T SEE ANYTHING IN THE RECORDS, NO

24 Q IF YOU POINT HERE ON YOUR FORM SO THE JURY CAN
25 IDENTIFY WHICH DOOR YOU'RE REFERRING TO THIS

1 DOOR --

2 A THE DOOR LEADING TO THE BACK BEDROOM

3 Q WOULD THAT HAVE BEEN ON THE INSIDE OF THAT
4 DOOR OR THE OUTSIDE OF THAT DOOR?

5 A IT'S ON THE OUTSIDE OF THE DOOR

6 Q AND DO YOU HAVE AN OPINION AS TO WHETHER OR
7 NOT THAT WOULD BE MORE LIKELY THAN NOT MS HARRIS OR
8 MORE LIKELY THAN NOT SHEKA JACKSON BASED ON COMMON
9 SENSE AND LOGIC?

10 A WELL, BASED ON THE FACT THAT WE KNOW THAT MS
11 JACKSON WAS CUT AND SHE'S ALREADY DEPOSITED BLOOD IN
12 THIS BATHROOM AND IN THE KITCHEN, AND WE HAVE
13 CASTOFF BLOOD IN THIS FRONT BATHROOM WHICH IS
14 INDICATIVE OF PERHAPS SOMEONE HAVING BLOOD ON THEIR
15 HANDS WE KNOW THAT HER BODY WAS FOUND IN THIS BACK
16 BEDROOM I WOULD SAY THAT LOGICALLY IT'S PROBABLY
17 WAS HERS, MS JACKSON'S

18 MR GARRETT ANY OBJECTION TO
19 DEFENDANT'S EXHIBIT TWENTY-NINE?

20 MR JONES NO OBJECTION

21 MR GARRETT SO I INTRODUCE DEFENDANT'S
22 EXHIBIT TWENTY-NINE INTO EVIDENCE

23 THE COURT IT'S ADMITTED WITHOUT
24 OBJECTION

25 EXAMINATION CONTINUED

1 BY MR GARRETT

2 Q NOW, DID YOU REVIEW THE AUTOPSY REPORT IN THIS
3 CASE?

4 A YES

5 Q AND DO YOU RECALL THE WEIGHT AND HEIGHT OF
6 SHEKA JACKSON?

7 A 5'4", 155 POUNDS, I BELIEVE

8 Q AND WHAT ABOUT MS HARRIS?

9 A I'D PROBABLY NEED TO SEE IT, BUT I BELIEVE IT
10 WAS 5'3', 162

11 Q SO THE HEIGHT OF MS JACKSON AND THE HEIGHT OF
12 MS HARRIS WAS THAT ABOUT THE SAME?

13 A YES, SIR

14 Q HOW MANY INCHES -- HOW MANY INCHES TALLER THAN
15 --

16 A SIXTY-THREE AND SIXTY-FOUR

17 Q NOW, HOW DIFFICULT WOULD IT BE FOR TWO PEOPLE
18 TO PASS THROUGH THAT HALL AT ABOUT THAT SIZE AND
19 SHAPE?

20 A A LOT OF US HAVE OBSERVED THE HALLWAY AND IT'S
21 DIFFICULT FOR TWO PEOPLE TO NAVIGATE THROUGH THAT
22 AREA THAT'S RIGHT IN FRONT OF THE WASHER -- RIGHT IN
23 FRONT OF THE WASHER AND DRYER, WHICH IS WHERE MS
24 JACKSON WAS -- EXCUSE ME, MS HARRIS WAS AT TIME
25 THAT SHE WAS SHOT

1 Q AND, OF COURSE, BECAUSE OBVIOUSLY YOU WEREN'T
2 THERE, YOU HAVE NO -- DO YOU HAVE ANY OPINION --
3 THEY WOULD HAVE HAD TO CROSS THE HALL AT SOME POINT
4 THERE IN ORDER FOR MS JACKSON TO GET BACK THERE?

5 A I THINK THAT WOULD BE A LOGICAL ASSUMPTION,
6 YES

7 Q YOU HAVE BEEN OVER TO THE TRAILER -- YOU
8 WEREN'T THERE FOR THE CRIME INVESTIGATION, BUT YOU
9 WERE THERE AFTER THE FACT TO LOOK AT IT?

10 A YES

11 Q GENERALLY, IF PEOPLE PREMEDITATE AN ACT OF
12 MURDER DO THEY LEAVE EVIDENCE OF THEIR CRIME ON THE
13 SCENE? I MEAN, DO THEY LEAVE THE WEAPON IF THEY'RE
14 TRYING TO DO IT, GENERALLY, OR --

15 A THAT -- I DON'T THINK I CAN ANSWER THAT

16 Q HOW WOULD YOU CHARACTERIZE THIS CRIME?

17 A AS A DOMESTIC HOMICIDE

18 Q A DOMESTIC HOMICIDE?

19 A YES

20 Q AND THAT DIFFERS FROM WHAT OTHER TYPES OF
21 HOMICIDE?

22 A WELL, NINETY PERCENT OF ALL HOMICIDES ARE
23 DOMESTIC OR ACQUAINTANCE RELATED YOU'RE MUCH MORE
24 LIKELY TO BE KILLED BY A FAMILY MEMBER OR AN
25 ACQUAINTANCE THAN YOU ARE BY A STRANGER THE OTHER

1 TEN PERCENT ARE ONLY CHARACTERIZED AS STRANGER-
2 RELATED KILLINGS THOSE ARE USUALLY A LITTLE MORE
3 SENSATIONAL, A 7-11 ROBBERY, A TAXI CAB DRIVER, THAT
4 TYPE OF THING

5 BUT ALMOST ALL HOMICIDES ARE -- WHEN YOU'RE
6 DOING A HOMICIDE INVESTIGATION YOU START WITH THE
7 FAMILY AND WORK YOUR WAY OUT SO I THINK IN
8 YESTERDAY'S PAPER THERE WERE THREE INDIVIDUAL CASES
9 OF ACQUAINTANCE RELATED OR DOMESTIC RELATED
10 HOMICIDES

11 Q LOOKING AT THIS TIME LINE, IF THE FIGHT
12 STARTED AT SOME TIME BETWEEN 12 01 AND 12 02 AND
13 YOUR ESTIMATION BASED ON CRIME SCENE ANALYSIS, DO
14 YOU HAVE AN OPINION AS TO WHETHER OR NOT THE EPISODE
15 AS DESCRIBED BY MR HUGHEY COULD HAVE BEEN
16 ACCOMPLISHED IN THE PERIOD OF TIME BETWEEN 12 02 AND
17 12 04 -- THIRTY SECONDS INTO 12 04?

18 A PROBABLY SO THAT'S A RELATIVELY LONG TIME
19 FOR, YOU KNOW, JUST FOR THE AMOUNT OF ACTIVITY -- I
20 MEAN, THE FRANTIC ACTIVITY, BUT THAT'S -- I THINK
21 THERE'S SUFFICIENT TIME THERE

22 Q TO ACCOMPLISH MOVING THROUGH THE VARIOUS
23 PARTS, GETTING THE GUN AND THAT --

24 A I WOULD THINK SO WELL, WE KNOW MS HARRIS
25 WAS ALIVE AT 12 04 AND THEN POLICE ARRIVED A MINUTE

1 LATER SHE WASN'T, SO -- I DON'T KNOW AT WHAT POINT
2 THIS DETERIORATED, BUT APPARENTLY SOME TIME IN THAT
3 TIME FRAME

4 MR GARRETT THANK YOU PLEASE ANSWER
5 ANY QUESTIONS FOR OPPOSING COUNSEL

6 MR JONES YOUR HONOR, CAN I PROCEED AT
7 THIS POINT?

8 THE COURT YOU MAY, SOLICITOR

9 CROSS EXAMINATION

10 BY MR JONES

11 Q WHEN YOU ACT AS A CONSULTANT, BY THE WAY -- DO
12 YOU HAVE A BUSINESS CARD?

13 A I MAY HAVE

14 Q I'D LIKE TO SEE THE CARD FOR STARTERS

15 A (WITNESS PRODUCES A CARD)

16 Q DO YOU HAVE AN OLD COPY OF ONE? I MEAN, I
17 JUST WANT TO ASK YOU --

18 MR GARRETT SOLICITOR, I'LL GIVE YOU
19 ONE I'VE GOT ONE I'VE GOT ANOTHER COPY

20 MR JONES I WANTED HIM TO HAVE ONE

21 EXAMINATION CONTINUED

22 BY MR JONES

23 Q BASICALLY YOU LIST YOURSELF AS DONALD C
24 GIRNDT, A FORENSIC CONSULTANT, IS THAT CORRECT?

25 A RIGHT

1 Q AND THEN YOU GO ON BELOW THAT AND SAY
2 FINGERPRINT, FOOTWEAR IDENTIFICATION?

3 A YES

4 Q IS THAT ONE OF THE SPECIALTIES THAT YOU OFFER
5 AS A FORENSIC CONSULTANT?

6 A YES

7 Q AND THEN YOU SAY CRIME SCENE ANALYSIS?

8 A YES

9 Q IS THAT ONE OF THE SPECIALTIES THAT YOU OFFER
10 AS A FORENSIC CONSULTANT?

11 A YES

12 Q AND THEN YOU SAY BLOOD STAIN PATTERN
13 INTERPRETATION?

14 A YES

15 Q AND IS THAT ONE OF THE SPECIALTIES, BLOOD
16 STAIN PATTERN INTERPRETATION?

17 A OR ANALYSIS, YES

18 Q BUT YOU DON'T LIST AS A SPECIALTY FIREARMS
19 ANALYSIS, FIREARM AND GUNSHOT PATTERN ANALYSIS, DO
20 YOU, SIR?

21 A I DON'T LIST FIREARMS THE GUNSHOT PATTERN
22 ANALYSIS WOULD BE PART OF THE OVERALL CRIME SCENE
23 ANALYSIS

24 Q ALL RIGHT NOW, AS A CONSULTANT, DO YOU WORK
25 AND GET PAID BY THE JOB OR BY THE HOUR?

1 A BOTH

2 Q AND IN THIS CASE?

3 A BOTH

4 Q ALL RIGHT, BOTH? ALL RIGHT, WHEN ARE YOU PAID
5 BY THE HOUR?

6 A IN COURT

7 Q IN THIS CASE I'M REFERRING TO

8 A YEAH, FOR ANY IN-COURT TIME

9 Q IN-COURT ---

10 A BY THE HOUR

11 Q IN COURT TIME IS BY THE HOUR, IS THAT CORRECT?

12 A YES

13 Q AND TRAVEL?

14 A TRAVEL IS ADDITIONAL, YES

15 Q WELL, HAVE YOU BEEN TRAVELING HERE EVERY DAY
16 FROM YOUR HOME IN COLUMBIA?

17 A I CERTAINLY HAVE

18 Q YOU HAVEN'T SPENT THE NIGHT IN ABBEVILLE?

19 A NO SOLICITOR, BEFORE YOU GO ON, ALL THE
20 BILLS ARE PAID BY THE STATE

21 MR JONES WELL, REGARDLESS OF WHO THE
22 BILL IS PAID BY, AND I DIDN'T ASK HIM THAT QUESTION,
23 YOUR HONOR AND I'LL ASK THAT IF HE WOULD PLEASE
24 CONFINE HIS ANSWERS TO MY QUESTIONS

25 THE COURT WELL, PLEASE JUST RESPOND TO

1 THE QUESTIONS YOU'LL HAVE A CHANCE TO EXPLAIN ANY
2 ANSWER THAT YOU NEED TO

3 EXAMINATION CONTINUED

4 BY MR JONES

5 Q REGARDLESS OF WHO PAYS THE BILLS, YOU'RE
6 SAYING WHERE DOES THIS GO?

7 A I DON'T KNOW

8 Q IT GOES -- THE MONEY THAT YOU GET PAID WHOSE
9 POCKET DOES IT GO IN?

10 A PART OF IT GOES FOR TAXES

11 Q WELL, OKAY, TAXES AND I IMAGINE YOU'RE IN A
12 PRETTY HIGH TAX BRACKET AT THIS POINT IN TIME,
13 AREN'T YOU, AS COMPARED TO WHEN YOU WERE WORKING
14 WITH S L E D ?

15 A NOT THAT MUCH GREATER

16 Q WELL, ALL RIGHT REGARDLESS OF WHO PAYS THE
17 BILL, WHERE DOES THE MONEY THAT YOU GET PAID GO?

18 A SAME PLACE YOURS DOES, TO PAY MY BILLS

19 Q ALL RIGHT, SIR WELL, AGAIN, LET ME RETURN
20 TO, IF YOU WOULD TELL ME YOU GET PAID BY THE HOUR
21 FOR COURT TIME AND TRAVEL TIME, IS THAT CORRECT?

22 A YES

23 Q SO YOUR HOURLY BILL DIDN'T START UNTIL
24 DECEMBER 13, 1997 -- I MEAN, OCTOBER 13, 1997, IS
25 THAT CORRECT?

1 A WHATEVER DAY -- TUESDAY

2 Q TUESDAY YOU WEREN'T HERE ON MONDAY OCTOBER
3 THIRTEENTH

4 A NO

5 Q TUESDAY, OCTOBER FOURTEENTH, IS THAT WHEN YOUR
6 HOURLY BILLING BEGAN?

7 A YES

8 Q AND WHAT IS YOUR HOURLY RATE?

9 A FOR IN COURT?

10 Q WELL, I THOUGHT THAT'S -- YOU BILL HOURLY FOR
11 OUT OF COURT, TOO?

12 A NO, YOU JUST SAID HOURLY

13 Q OKAY, FOR IN COURT, YES, ON HOURLY BILLING

14 A FOR IN COURT, SEVENTY-FIVE DOLLARS AN HOUR

15 Q HOW MANY HOURS HAVE YOU SPENT WITH US SINCE
16 OCTOBER FOURTEENTH?

17 A I DON'T KNOW I HAVEN'T FIGURED IT UP

18 Q WELL, YOU'VE BEEN BASICALLY HERE EVERY DAY
19 SINCE THEN WOULD YOU SAY TEN, TWELVE HOURS A DAY?

20 A NO, SIR, THERE WERE SEVERAL DAYS I DIDN'T
21 ARRIVE UNTIL TEN OR ELEVEN PLUS, I DON'T CHARGE
22 FOR THE LUNCH HOUR AND I HAVEN'T HAD TO HANG AROUND
23 FOR ALL THE TESTIMONY, SO ---

24 Q EIGHT HOURS A DAY?

25 A I GUESS A COUPLE DAYS WOULD BE EIGHT HOURS A

1 DAY

2 Q YOU'VE BEEN HERE ABOUT TWELVE DAYS YOUR
3 TRYING TO COUNT --

4 A TWELVE DAYS?

5 Q FOURTEENTH OF OCTOBER, FIFTEENTH, SIXTEENTH,
6 SEVENTEENTH, EIGHTEENTH, NINETEENTH, TWENTIETH,
7 TWENTY-FIRST --

8 A OH, NO, NO, NO, NO, NO, NO, I'M SORRY I
9 DIDN'T GET TO COURT TILL THIS WEEK I'M SORRY, I
10 DIDN'T REALIZE -- YOU ARE TALKING ABOUT TWO WEEKS?

11 Q WELL, JUST TELL ME HOW MANY HOURS THAT YOU'VE
12 GOT THAT YOU'VE BEEN BILLING THEM FOR, YOU KNOW
13 GENERALLY SPEAKING HOW MANY HOURS HAVE YOU BILLED
14 UP TILL NOW?

15 A I'D REALLY HAVE TO LOOK AT IT I DON'T KNOW
16 IT'S -- MIGHT BE TWENTY, TWENTY-FOUR

17 Q HOW MANY WERE YOU HERE YESTERDAY?

18 A WHAT TIME DID WE START YESTERDAY?

19 Q EIGHT-THIRTY, NINE O'CLOCK -- NINE O'CLOCK

20 A NO, I DON'T -- I DON'T START BILLING UNTIL THE
21 COURT STARTS ANYMORE

22 Q ELEVEN O'CLOCK IS WHEN IT STARTED

23 A ELEVEN O'CLOCK

24 Q ELEVEN YESTERDAY WITH AN HOUR BREAK FOR LUNCH,
25 IS THAT CORRECT?

1 A RIGHT

2 Q UNTIL ABOUT SEVEN LAST NIGHT?

3 A SIX, WASN'T IT?

4 Q WELL, DID YOU LEAVE AT SIX-THIRTY? THE
5 DEFENDANT DIDN'T GET OFF THE STAND UNTIL TWENTY
6 MINUTES OF SEVEN BY THAT CLOCK

7 A OKAY, NO, OKAY, SEVEN O'CLOCK WE'LL SAY
8 SEVEN O'CLOCK

9 Q ALL RIGHT, TILL SEVEN AND THEN YOU GOT AN
10 HOUR UP HERE, SO ACTUALLY IT'S TEN O'CLOCK YOU HAD
11 TO LEAVE AN HOUR AND A HALF DRIVE, RIGHT?

12 A RIGHT

13 Q SO YOU LEFT COLUMBIA AT NINE-THIRTY?

14 A ROUGHLY

15 Q NINE-THIRTY, AND THEN YOU GOT BACK AT WHAT
16 TIME LAST NIGHT?

17 A ABOUT EIGHT-THIRTY OR EIGHT-FORTY-FIVE

18 Q SO YOU PUT IN ELEVEN HOURS YESTERDAY

19 A NOT AT SEVENTY-FIVE DOLLARS AN HOUR

20 Q WELL, HOW MUCH WERE YOU CHARGING?

21 A THE COURT ALLOWS ME TO CHARGE THIRTY DOLLARS
22 AN HOUR FOR TRAVELING THIRTY CENTS A MILE

23 Q ON FRIDAY WHEN WE STARTED COURT BACK AT --

24 MR GARRETT YOUR HONOR, I'M GOING TO
25 OBJECT ON THE GROUNDS OF RELEVANCY

1 MR JONES JUDGE, HE -- IT GOES TO
2 WHETHER OR NOT THERE'S ANY BIAS IN THIS WITNESS

3 THE COURT WELL, I UNDERSTAND WHY YOU'RE
4 ASKING, AND I OVERRULE THE OBJECTION BUT LET'S --
5 LET'S MOVE THROUGH IT BECAUSE I THINK WE UNDERSTAND

6 EXAMINATION CONTINUED

7 BY MR JONES

8 Q OKAY, LET ME ASK YOU HOW MUCH, APPROXIMATELY,
9 DOES -- HAVE YOU MADE SINCE YOU ARRIVED AS A
10 CONSULTANT IN THIS COURTROOM?

11 A I HAVEN'T MADE ANYTHING YET YOU MEAN HOW
12 MUCH WOULD I BILL?

13 Q YES, SIR

14 A I CAN GIVE YOU A ROUGH ESTIMATE

15 Q FINE

16 A I REALLY DON'T KNOW IT'S KIND OF JUMBLED UP
17 (LOOKING AT POCKET DATE BOOK)

18 Q LET ME ASK YOU THIS AND ASK YOU IF THIS IS A
19 FAIR -- A FAIR QUESTION YOU'RE HAVING SOME
20 DIFFICULTY GETTING -- AND YOU CAN GO FORWARD WITH
21 THAT IF YOU'D LIKE -- BUT WOULDN'T IT BE FAIR TO SAY
22 THAT SINCE YOU GOT HERE FOR A WEEK YOU'VE BEEN
23 CHARGING ABOUT EIGHT HOURS A DAY AT SEVENTY-FIVE
24 DOLLARS AN HOUR?

25 A THAT'S PROBABLY AN AVERAGE

1 Q OR SIX HUNDRED A DAY?

2 A IS THAT WHAT IT IS?

3 Q YES

4 A THAT'S CORRECT

5 Q ALL RIGHT, SIX HUNDRED A DAY, YES, SIR, FOR
6 THE LAST SIX DAYS -- SEVEN DAYS -- SIX DAYS?

7 A I DON'T KNOW THAT IT'S GOING TO WORK OUT TO
8 EIGHT HOURS A DAY, BUT --

9 Q BUT IF IT DOES -- IF IT DOES, THEN YOU'VE GOT
10 SIX HUNDRED A DAY FOR THE LAST SIX DAYS WHICH IS
11 THREE THOUSAND SIX HUNDRED DOLLARS YOU'RE GOING TO
12 BILL THEM FOR SINCE TUESDAY?

13 A I DON'T THINK IT'S GOING TO BE THAT MUCH,
14 SOLICITOR

15 Q WELL, IF YOU'VE BEEN HERE EIGHT HOURS AND IF
16 YOU'RE CHARGING SEVENTY-FIVE DOLLARS AN HOUR, THEN
17 IT WILL BE THAT MUCH, WON'T IT?

18 A WELL, THE FIRST DAY I DIDN'T GET HERE TILL
19 TWO-THIRTY

20 Q OKAY

21 A TWO-THIRTY TO 6 45, THAT'S FOUR HOURS

22 Q ALL RIGHT

23 A THE SECOND DAY I DIDN'T GET IN HERE TILL 2 30
24 SO THAT'S 2 30 TILL SEVEN THAT'S WHAT? THAT'S
25 FOUR AND A HALF HOURS

1 Q FOUR AND A HALF, ALL RIGHT

2 A OKAY, THURSDAY -- THURSDAY I HAD ABOUT EIGHT

3 HOURS

4 Q SO THURSDAY YOU GOT HERE AT WHAT TIME?

5 A NINE O'CLOCK

6 Q NINE? AND LEFT AT WHAT TIME?

7 A SEVEN WITH AN HOUR OUT FOR LUNCH

8 Q SO THAT'S NINE HOURS, NOT EIGHT

9 A NINE

10 Q FRIDAY?

11 A LET'S SEE

12 Q WE STARTED AT EIGHT-THIRTY FRIDAY

13 A I GOT HERE AT NINE

14 Q OKAY, AND WHAT TIME DID YOU LEAVE?

15 A NINE TO ONE-THIRTY IS FOUR AND A HALF HOURS?

16 Q UH-HUH

17 A AND TWO-THIRTY TO SIX WOULD BE -- WHAT --

18 ANOTHER FOUR AND A HALF HOURS? IT'D BE NINE --

19 Q FROM NINE --

20 A IT WOULD BE NINE HOURS SATURDAY I GOT HERE

21 AT ELEVEN SO THAT'D BE AN HOUR -- ABOUT AN HOUR AND

22 A HALF WE BROKE FOR LUNCH, AND BACK FROM ONE-THIRTY

23 UNTIL -- I GOT SIX-THIRTY YOU SAID SEVEN, BUT --

24 Q WELL, WHAT TIME DID YOU LEAVE THAT DAY?

25 A I LEFT HERE AT SIX-THIRTY

1 Q SO HOW MANY HOURS YOU GOT SINCE YESTERDAY?

2 A FOR YESTERDAY

3 Q UH-HUH

4 A WHAT I JUST SAID, ONE AND A HALF AND FIVE, SO
5 SIX AND A HALF

6 Q TODAY?

7 A OH, TODAY, WELL, WHATEVER TIME I GOT HERE --
8 WHATEVER TIME COURT STARTED, TEN O'CLOCK?

9 Q UH-HUH

10 A AND DEPENDING ON HOW LONG YOU KEEP ME UP HERE

11 Q ALL RIGHT WELL, I'LL TRY TO MOVE IT ALONG
12 AND I'LL TRY AND DO SO BY ASKING YOU THIS QUESTION
13 WHEN WERE YOU HIRED BY THE DEFENSE? WHAT WAS THE
14 DATE THAT THEY HIRED YOU?

15 A I THINK I WAS CONTACTED IN APRIL

16 Q APRIL? AND WHEN DID YOU ENTER INTO THE
17 CONTRACT? YOU SAID YOU'RE PAID HOURLY IN COURT, BUT
18 YOU -- I ASKED YOU IF YOU GET PAID BY THE JOB DID
19 YOU CHARGE THEM FOR THE JOB, TOO?

20 A YES

21 Q ALL RIGHT, WHAT WAS THE FEE FOR THE JOB?

22 A TWENTY-FIVE HUNDRED DOLLARS

23 Q TWO THOUSAND FIVE HUNDRED DOLLARS?

24 A YES

25 Q THAT WAS BEFORE YOU CAME TO COURT?

1 A YES

2 Q ALL RIGHT, WHAT WAS THAT FOR?

3 A THAT IS FOR TO READ ALL THE REPORTS, LOOK AT
4 PHOTOGRAPHS, LOOK AT THE SCENE, THAT REPRESENTS
5 SEVERAL TRIPS BACK AND FORTH TO GREENWOOD WHICH IS
6 WHERE WE MET

7 Q SEVERAL TRIPS BACK AND FORTH TO GREENWOOD?

8 A YES

9 Q WHERE YOU MET WITH THE DEFENSE ATTORNEY?

10 A YES

11 Q TO GO OVER THE PICTURES AND THE REPORTS,
12 RIGHT?

13 A YES

14 Q NOW, WHEN YOU CAME UP TO THE SCENE HERE IN
15 ABBEVILLE AND WALKED THROUGH MR HARRIS'S TRAILER --
16 MACK HARRIS'S TRAILER, HOW LONG DID YOU SPEND THERE?

17 A I THINK I WAS UP THERE LESS THAN A DAY I
18 MEAN, ALTHOUGH WE WEREN'T OVER THERE

19 Q HOW LONG DID YOU SPEND OVER THERE?

20 A OH, OVER THERE?

21 Q YES

22 A I THINK THEY ALLOWED US TO STAY JUST AN HOUR,
23 AND THEN THEY RUN US OUT OR TWO HOURS, WHATEVER IT
24 WAS BECAUSE MR HARRIS WAS ON THE WAY BACK, AND
25 CHIEF RUCKER ASKED US -- SAID WE NEEDED TO GET OUT

1 Q WELL, WHAT WAS IT THAT YOU WANTED TO DO THEN
2 THAT YOU DIDN'T FEEL LIKE YOU HAD TIME TO DO?

3 A I JUST WENT OVER TO LOOK AT THE SCENE TO SEE
4 WHAT IT WAS

5 Q WELL, I'M GOING TO ASK YOU, WHAT WAS IT THAT
6 YOU WANTED TO DO AT THAT CRIME SCENE THAT YOU DON'T
7 FEEL LIKE YOU HAD TIME TO DO?

8 A I WAS SEEING HOW NARROW THE NARROWNESS OF THE
9 HALLWAY, AND WHEN WE GOT BACK IN THE BEDROOM I WAS
10 GOING TO LOOK AT THE FURNITURE ALL THE FURNITURE
11 BEEN'S CHANGED, JUST IN THE ARRANGEMENT OF THE
12 FURNITURE

13 Q WHAT WAS IT THAT YOU DID NOT HAVE TIME TO DO
14 AT THAT CRIME SCENE?

15 A TAKE MEASUREMENTS

16 Q SO YOU TURNED AND SAID, WAIT A MINUTE I NEED
17 TO TAKE SOME MEASUREMENTS YOU GUYS GOT TO LET ME
18 TAKE SOME MEASUREMENTS I CAN'T LEAVE HERE YET
19 THIS IS IMPORTANT IT'S VITAL TO WHAT I DO DID
20 YOU MENTION --

21 A I STARTED TAKING MEASUREMENTS BUT I DIDN'T
22 COMPLETE IT ALL I DID WAS A BRIEF SKETCH OF THE
23 TRAILER JUST TO SEE WHERE EVERYTHING WAS AND HOW
24 THEY RELATED TO THE PHOTOGRAPHS AND I DON'T EVEN
25 THINK I HAVE IT ANYMORE ALL MY DOCUMENTATION HAS

1 BEEN -- THE REPORTS THAT I RECEIVED I DON'T HAVE ANY
2 MORE

3 Q WELL, YOU UNDERSTOOD, CERTAINLY, MR GIRNDT,
4 THAT IF YOU HAD TO DO -- TO GET YOUR JOB DONE, IF
5 YOU HAD TO EITHER STAY IN THAT TRAILER, GO BACK IN
6 THAT TRAILER YOU WOULD HAVE BEEN AFFORDED AN
7 OPPORTUNITY TO DO THAT BY HIS HONOR OR THE DEFENSE
8 ATTORNEYS, DON'T YOU UNDERSTAND THAT?

9 A I DIDN'T FEEL IT WAS NECESSARY BUT YOU ASKED
10 ME HOW LONG WE WERE THERE AND THE REASON WHY WE
11 LEFT, WHICH IS BECAUSE MR MACK WAS COMING BACK HOME
12 AND THEY ASKED US NOT TO BE THERE

13 Q NO, SIR, I ASKED YOU HOW LONG YOU WERE THERE
14 YOU VOLUNTEERED THAT YOU WERE RUN OFF I DIDN'T ASK
15 YOU WHY YOU LEFT

16 A WELL, I THINK IT GOES TO HOW LONG WE WERE
17 THERE

18 Q WELL, ARE YOU SAYING THAT YOU WANTED TO GO
19 BACK, THAT THERE WAS SOMETHING ELSE YOU NEEDED TO DO
20 THERE?

21 A NO, I DIDN'T NEED TO DO ANYTHING ELSE

22 Q ALL RIGHT NOW, DID YOU -- WHO MAINTAINS AND
23 WHO HAS, IF I MIGHT ASK, YOUR HONOR, WHO HAS
24 POSSESSION OF THE PHOTOGRAPHS THAT THE DEFENSE
25 OFFERED FOR MR GIRNDT'S REVIEW IN HIS EFFORTS TO

1 RENDER OPINIONS HERE BEFORE THIS JURY TODAY? ARE
2 THOSE AVAILABLE? I DON'T KNOW THE NUMBERS, I'D JUST
3 LIKE TO HAVE THEM THE NUMBERS ARE STATE'S SIXTEEN,
4 EIGHTEEN, NINETEEN, AND TWENTY, DEFENSE TWENTY-FIVE,
5 DEFENSE TWENTY-THREE, TWENTY-FOUR, THIRTY-ONE, AND
6 TWENTY-NINE

7 THE COURT YOU'RE ASKING ME WHERE THEY
8 ARE? EITHER MR GARRETT HAS THEM ON THAT TABLE OR
9 ARE THEY ON THIS TABLE RIGHT HERE

10 EXAMINATION CONTINUED

11 BY MR JONES

12 Q DID YOU HAVE A CHANCE TO LOOK THROUGH ALL THE
13 PHOTOGRAPHS THAT WERE COLLECTED BY THE S L E D
14 FORENSIC EXAMINATION TEAM THAT WENT TO THE SCENE?

15 A I LOOKED AT ALL ONES THAT WERE PROVIDED TO THE
16 DEFENSE

17 Q DID YOU HAVE A CHANCE TO LOOK AT THIS ONE?

18 A YES

19 Q YOU SAW THAT PHOTOGRAPH?

20 A YES

21 Q AND YOU SEE SOMETHING IN THAT PHOTOGRAPH THAT
22 IS VERY IMPORTANT FORENSICALLY, DO YOU NOT?

23 A I DON'T KNOW SPECIFICALLY WHAT YOU'RE
24 REFERRING TO

25 MR JONES YOUR HONOR, I'D LIKE TO HAVE

1 IT MARKED AS A COURT'S EXHIBIT OR RATHER FOR
2 IDENTIFICATION PURPOSES ONLY -- STATE'S EXHIBIT FOR
3 IDENTIFICATION PURPOSES AT THIS POINT AND TIME

4 THE COURT ALL RIGHT --

5 MR JONES IT'S NOT INTO EVIDENCE

6 THE COURT MARK IT I D

7 EXAMINATION CONTINUED

8 BY MR JONES

9 Q DID YOU SAY -- AND I'M REFERRING NOW TO
10 STATE'S EXHIBIT NUMBER NINETY FOR IDENTIFICATION
11 PURPOSES -- DID YOU SAY PROBABLY NOT, THERE'S
12 PROBABLY NOT ANYTHING IMPORTANT FORENSICALLY
13 CONTAINED IN THAT PHOTOGRAPH?

14 A I DIDN'T SAY THAT I JUST SAID I DON'T KNOW
15 WHAT YOU'RE LOOKING AT SPECIFICALLY

16 Q WELL, DO YOU SEE ANYTHING THAT YOU WOULD FIND
17 FORENSICALLY -- FROM A FORENSIC STANDPOINT REVEALED
18 IN THAT PHOTOGRAPH?

19 A WELL, I SEE TWO OR THREE THINGS I DON'T KNOW
20 WHAT YOU'RE REFERRING TO

21 Q OKAY, YOU DO SEE TWO OR THREE THINGS?

22 A WELL, I MEAN, YEAH, I'M AWARE THAT THERE ARE
23 OTHER PHOTOGRAPHS THAT HAVE TO BE HELD IN
24 CONJUNCTION WITH THIS TOO

25 Q ALL RIGHT, THAT'S FINE LET ME -- LET ME ASK

1 YOU FIRST OFF, YOU STATED ON DIRECT EXAMINATION WHEN
2 YOU GAVE AN OPINION OF THE CRIME SCENE ANALYSIS THAT
3 MORE THAN LIKELY A BURGLARY DID NOT TAKE PLACE IN
4 THIS HOME, IS THAT CORRECT?

5 A TAKING ALL THE EVIDENCE INTO ACCOUNT,
6 LISTENING TO THE TESTIMONY, AND WE KNOW HE'S ALREADY
7 IN THE HOUSE AT ONE POINT --

8 Q MY QUESTION FOR YOU DID YOU STATE OR WAS IT
9 YOUR OPINION MORE LIKELY THAN NOT THERE WAS NOT A
10 BURGLARY COMMITTED IN THAT HOME, IS THAT CORRECT?

11 A TAKING ALL THE EVIDENCE INTO ACCOUNT IT
12 DOESN'T APPEAR THAT ON THIS INCIDENT THERE WAS
13 BURGLARY

14 Q AND YOU GAVE YOUR OPINION AS TO THAT AFFECT,
15 CORRECT?

16 A THERE IS SOME EVIDENCE OF PRIOR BURGLARS

17 Q BUT YOU GAVE YOUR OPINION THAT YOU DIDN'T
18 BELIEVE A BURGLARY TOOK PLACE ON DECEMBER 4, 1995?

19 A NOT LOOKING AT ALL THE EVIDENCE TOGETHER, NO

20 Q WELL, I WANT TO ASK YOU, WHAT IS THE MOST
21 IMPORTANT EVIDENTIARY CONSIDERATION THAT YOU LOOKED
22 AT THAT WOULD LEAD YOU TO CONCLUDE THERE WAS NOT A
23 BURGLARY? THE MOST IMPORTANT PIECE OF EVIDENCE --
24 WHAT'S THE MOST IMPORTANT PIECE OF EVIDENCE?

25 A THERE'S NO SINGLE ONE IMPORTANT PIECE OF

1 EVIDENCE

2 Q WELL, WHAT I'D LIKE TO DO IS I'D LIKE TO TAKE
3 THE ONES THAT YOU CONSIDERED ONE AT A TIME GIVE ME
4 THE FIRST ONE YOU CONSIDERED

5 A THE FIRST THING I CONSIDERED?

6 Q YES, SIR, THE FIRST PIECE OF EVIDENCE YOU
7 CONSIDERED IN DETERMINING THERE WAS NOT A BURGLARY
8 THAT TOOK PLACE IN THIS HOME ON DECEMBER 4, 1995

9 A THE INITIAL PHONE CALL

10 Q THE INITIAL PHONE CALL?

11 A RIGHT

12 Q ALL RIGHT

13 A I BELIEVE MR HUGHEY'S IN THE HOUSE AT THAT
14 POINT

15 Q AND TELL ME WHAT THE SECOND PIECE OF
16 INFORMATION THAT YOU CONSIDERED -- EVIDENCE THAT YOU
17 CONSIDERED

18 A THE SECOND PHONE CALL

19 Q THE SECOND PHONE CALL, ALL RIGHT AND TELL ME
20 WHAT THE THIRD PIECE OF EVIDENCE WAS THAT YOU
21 CONSIDERED?

22 A THE THIRD PHONE CALL

23 Q ALL RIGHT, TELL ME WHAT THE FOURTH PIECE OF
24 EVIDENCE WAS YOU CONSIDERED

25 A THE BLOOD ON THE OUTSIDE OF THE DOOR

1 Q TELL ME WHAT THE FIFTH PIECE OF EVIDENCE WAS
2 YOU CONSIDERED

3 A WELL, THERE WAS SEVERAL THINGS THAT WERE
4 CONSIDERED TOGETHER THE KNIFE ON THE FLOOR IN
5 FRONT OF THE FRONT DOOR, MS JACKSON'S SHOE PRINT ON
6 THE KNIFE, MS JACKSON'S BLOOD IN THE FRONT
7 BATHROOM

8 Q THAT'S FIVE THAT'S SIX SEVEN?

9 A MR HUGHEY'S STATEMENT THAT THERE WAS A
10 STRUGGLE AT THE FRONT DOOR, WHICH IS CONSISTENT WITH
11 THAT

12 Q MR HUGHEY'S STATEMENT? ALL RIGHT, THAT
13 STRUGGLE OKAY, WHAT ELSE?

14 A WELL, I THINK THAT'S PROBABLY ABOUT IT FOR
15 THAT ASPECT OF IT

16 Q NOW -- AND AS FAR AS YOUR DECIDING -- YOU
17 VIEWED THE DAMAGE TO THE FRONT DOOR OF THAT HOME,
18 DID YOU NOT?

19 A YES

20 Q AND I'LL HAND YOU STATE'S EXHIBIT NUMBER
21 TWENTY, IS THAT CORRECT?

22 A YES

23 Q THAT'S IT, RIGHT?

24 A YES

25 Q YOU WOULD AGREE IN SPITE OF THE FACT THAT

1 MOBILE HOMES, THE HOME THAT MR HARRIS HAS LIVED IN
2 FOR SOME TIME, ARE LOOSELY CONSTRUCTED AND EASY TO
3 TEAR UP, THERE STILL TOOK SOME FORCE TO BREAK THE
4 FRAME OF HIS FRONT DOOR, DIDN'T IT?

5 A YES

6 Q I MEAN, THAT WOULD -- ISN'T SO BALSA LIKE THAT
7 IT JUST SPLITS ON ITS OWN, DOES IT?

8 A I DIDN'T LOOK AT THE WOOD THE WOOD HAD BEEN
9 REPLACED

10 Q BUT YOU'RE FAMILIAR WITH THE CONSTRUCTION OF
11 MOBILE HOMES, AREN'T YOU? YOU'VE COMMENTED ON THAT
12 AS AN --

13 A THERE ARE OTHER THINGS -- FACTORS THAT I WOULD
14 LOOK FOR IN A BURGLARY ALSO

15 Q ARE YOU TELLING US THAT YOU'RE GOING TO SAY
16 THAT THIS WOOD COULD HAVE SPLIT BY ITSELF?

17 A NO, I DIDN'T SAY THAT

18 Q ALL RIGHT, SO YOU ARE AT LEAST AGREEING THAT
19 IT TOOK SOME FORCE TO CAUSE THE SPLIT IN THE WOOD ON
20 THE FRAME OF MR HARRIS'S FRONT DOOR?

21 A I SAID THERE WAS AN ALTERNATIVE EXPLANATION,
22 THERE WAS A STRUGGLE AT THE FRONT DOOR I DON'T
23 KNOW WHAT HAPPENED

24 Q WELL, HERE AGAIN, WHAT'S THE MOST IMPORTANT
25 PIECE OF EVIDENCE THAT YOU USED TO DETERMINE THERE

1 WAS A STRUGGLE AT THE FRONT DOOR?

2 A BLOOD ON THE FRONT DOOR

3 Q IT'S NOT MR HUGHEY'S STATEMENT -- IT'S NOT
4 JOHN KENNEDY HUGHEY'S STATEMENT THAT THERE WAS A
5 STRUGGLE THERE? YOU TALKING ABOUT THAT LITTLE SPEC
6 OF BLOOD ON THE FRONT DOOR THAT CAUSED YOU TO
7 BELIEVE THERE WAS A STRUGGLE THERE? THAT'S THE MOST
8 IMPORTANT PIECE OF EVIDENCE YOU USED TO CONCLUDE
9 THERE WAS A STRUGGLE AT THE FRONT DOOR?

10 A THAT PIECE OF WOOD TIES A LOT OF THINGS
11 TOGETHER

12 Q WELL, THE BLOOD ON THE DOOR THAT YOU'RE
13 TALKING ABOUT IS ON THIS SIDE OF THIS DOOR I'M
14 POINTING TO STATE'S EXHIBIT NUMBER FIVE FOR
15 IDENTIFICATION PURPOSES, CORRECT?

16 A YES

17 Q IT'S RIGHT HERE, IS IT NOT?

18 A YES

19 Q AND THERE'S BLOOD ON THE FLOOR HERE, IS THERE
20 NOT?

21 A I DON'T THINK THERE WAS IF I --

22 Q WELL, THERE'S BLOOD IN THE BATHROOM?

23 A YES

24 Q SO WHAT OPINION AND CONCLUSION ARE YOU DRAWING
25 BASED ON THE BLOOD ON THE OUTSIDE OF THIS DOOR THAT

1 WOULD CAUSE YOU TO BELIEVE THAT THERE WAS NOT A
2 BURGLARY THERE? TELL US WHAT -- I DON'T QUITE GET
3 IT

4 A WELL, IT GOES TO THE STRUGGLE THE KNIFE IS
5 ALSO RIGHT HERE WITH BLOOD ON IT

6 Q UH-HUH

7 A AND SHOE PRINT

8 Q RIGHT

9 A HER BLOOD INSIDE THERE

10 Q RIGHT

11 A AND IT MORE OR LESS CONFIRMS THEY HAD A
12 STRUGGLE AT THE FRONT DOOR

13 Q WELL, LET ME AS YOU THIS, IF -- IF AT 11 30 OR
14 QUARTER TO 12 00 ON DECEMBER 4, 1995, JOHN KENNEDY
15 HUGHEY CAME TO THIS FRONT DOOR AND KICKED IT OPEN
16 WITH HIS FOOT AND KNOCKED IT OPEN WITH HIS SHOULDER
17 --

18 A BUT WE KNOW THAT AIN'T TRUE

19 Q -- AND WALKED INTO THAT HOUSE WITH A GUN, ALL
20 RIGHT?

21 A UH-HUH

22 Q THE DOOR IS BUSTED AT THAT POINT IN TIME,
23 ISN'T IT? IF HE DID THAT THE DOOR IS BUSTED, ISN'T
24 IT?

25 A I THINK YOU'RE FANTASYING NOW I MEAN THERE

1 ARE THREE DIFFERENT PHONE CALLS THAT HAVE BEEN MADE
2 NOBODY'S EVER MENTIONED THE FACT THAT HE BROKE INTO
3 THE HOUSE

4 Q ALL RIGHT, WELL, LET ME ADDRESS THAT IN A FEW
5 MINUTES LET'S SAY WE'VE GOT A FORTY-EIGHT YEAR OLD
6 WOMAN IN HER HOME, TWO SMALL CHILDREN, AND A TWENTY-
7 TWO YEAR OLD WOMAN IN THAT HOME LET'S SAY THE
8 FORTY-EIGHT YEAR OLD WOMAN IS TRYING TO PROTECT THE
9 FORTY-TWO YEAR OLD WOMAN AND THE TWO SMALL CHILDREN
10 FROM A GUNMAN IN HER HOME WHO IS BRANDISHING A
11 SHOTGUN

12 LET'S SAY, BY THE GRACE OF GOD, SHE GETS A
13 CALL FROM HER SON SOME THOUSAND MILES AWAY DURING
14 THE COURSE OF HER ATTEMPTING TO PROTECT THAT TWENTY
15 YEAR OLD GIRL AND THOSE TWO CHILDREN AND IN THE
16 FACE OF THE WEAPON THAT'S SHE'S FACED WITH, ON THE
17 FIRST PHONE CALL YOU'RE SAYING BECAUSE SHE DOESN'T
18 SAY WHAT ON THE PHONE YOU DON'T THINK THERE WAS A
19 BURGLARY THERE?

20 A WELL, THERE'S NO MENTION THAT HE BROKE IN THE
21 HOUSE

22 Q WELL, WHAT WAS THERE A MENTION OF?

23 A THE FACT THAT HE HAD A GUN

24 Q WASN'T HE?

25 A AT THAT -- I THINK IS THE FIRST PHONE CALL

1 Q EXCUSE ME? YOUR RIGHT

2 A I BELIEVE IT IS

3 Q IT WAS THE FIRST PHONE CALL, WASN'T IT? WHAT
4 DOES SHE TELL HER SON?

5 A JOHN'S OVER HERE AND HE'S GOT A GUN IN MY
6 HOUSE

7 Q AND? HE WON'T LEAVE NOW SHE'S ON THE PHONE
8 AND SHE'S GOT A MAN IN HER HOUSE WITH A SHOTGUN
9 THREATENING TO KILL BOTH OF THEM AND YOU'RE SAYING
10 SHE SHOULD HAVE GONE INTO MORE DETAIL WITH HER SON
11 AND SAID, OH, BY THE WAY, JOHN, HE KICKED THE DAG-
12 GONE DOOR IN WHEN HE CAME IN WITH THAT SHOTGUN SHE
13 WAS FOCUSING AND -- WASN'T SHE FOCUSING ON THE
14 PRIMARY CONCERN AND THAT IS HOW DO I GET HIM OUT OF
15 HERE, SON --

16 MR GARRETT OBJECTION, YOUR HONOR
17 THAT'S AN IMPROPER -- HE CAN SET UP A HYPOTHETICAL
18 HE'S NOT DOING IT IN HYPOTHETICAL FORM

19 THE COURT OKAY, REPHRASE THE QUESTION

20 EXAMINATION CONTINUED

21 BY MR JONES

22 Q LET ME ASK YOU THIS, YOU DO RECALL HER TELLING
23 HER SON THAT HE WAS IN THERE WITH A GUN, DON'T YOU?

24 A YES

25 Q OKAY AND YOU ARE RELYING ON THAT PHONE

1 CONVERSATION TO DRAW SOME OF THE CONCLUSIONS AND
2 OPINIONS THAT YOU GIVE THIS JURY, AREN'T YOU?

3 A SOMEWHAT

4 Q WELL, TO THE EXTENT THAT THE FIRST TIME THE
5 CALL CAME IN HE HAD THE GUN IN THE HOME?

6 A YES

7 Q WELL, IF HE ALREADY HAD THE GUN IN THE HOME ON
8 THE FIRST PHONE CALL, WHAT'S HE DOING OUT HERE
9 STRUGGLING OUTSIDE AT THE DOORWAY LATER ON, MR
10 GIRNDT?

11 A WELL, SHE GOT CUT SOMEWHERE ALONG THE LINE
12 BEFORE SHE GOT SHOT SO THAT'S WHAT THE OPINION OF
13 THE BLOOD ON THE DOOR IS BASED ON, ALTHOUGH IT'S NOT
14 IDENTIFIABLE BLOOD THERE'S NO BLOOD ON THE GUN
15 WHICH INDICATES MR HUGHEY WAS NOT BLEEDING

16 AND WE KNOW MS HARRIS DIDN'T HAVE ANY WOUNDS
17 OTHER THAN THE GUNSHOT WOUND TO THE HEAD SO THAT'S
18 THE ONLY LOGICAL CONCLUSION I COULD DRAW IN THIS
19 AREA OF ACTIVITY AND WOULD BE INDICATIVE OF A
20 STRUGGLE IT'S AN ALTERNATIVE THEORY

21 Q THAT YOU'RE PRESENTING?

22 A I JUST DID I MEAN, I'M NOT ARGUING WITH YOUR
23 THEORY I'M JUST SAYING THIS IS AN ALTERNATIVE
24 THEORY THAT THERE ARE MORE THAN --

25 Q WELL, THAT'S WHAT I WANT TO ASK YOU

1 A THERE ARE MORE THAN WAYS

2 Q THAT'S WHAT I WANT TO ASK YOU IF YOU THEORY
3 INCLUDES THE FACT THAT HE'S GOT A SHOTGUN -- A
4 LOADED SHOTGUN IN THIS HOUSE WHEN THE FIRST PHONE
5 CALL IS MADE, WHAT ARE THEY DOING STRUGGLING AT THIS
6 DOOR?

7 A I DON'T KNOW WHAT TIME THE STRUGGLE TOOK
8 PLACE

9 Q WELL, WHAT DOES THAT DO TO YOUR THEORY?

10 A WELL, WE STILL GOT A TIME FRAME THERE

11 Q UH-HUH, THAT INCLUDES THE PHONE CALL THAT'S
12 --THAT'S WHAT REALLY GIVES US A TIME FRAME, DOESN'T
13 IT? THAT'S THE ONLY SURE FIRE WAY WE KNOW THAT AT
14 11 56 HE'S IN THAT HOME WITH A SHOTGUN BASED ON WHAT
15 LUEVINIA HARRIS SAID

16 MR GARRETT OBJECTION, YOUR HONOR THE
17 DEFENDANT HAS STATED THAT HE WAS IN THERE WITH A
18 SHOTGUN AND THERE'S BEEN NO EVIDENCE TO THAT
19 WHATSOEVER I OBJECT TO THAT

20 THE COURT OVERRULED

21 THE WITNESS DO WHAT NOW?

22 EXAMINATION CONTINUED

23 BY MR JONES

24 Q TIME FRAME WISE, 11 56, DUE TO THAT PHONE
25 CALL, THAT'S WHAT WE KNOW, RIGHT?

1 A RIGHT

2 Q NOW YOU DON'T SUPPOSE THAT AFTER THIS DOOR HAD
3 BEEN KICKED IN --

4 MR GARRETT OBJECTION, YOUR HONOR, AS
5 TO THE DOOR BEING KICKED IN THERE'S BEEN NO
6 EVIDENCE IF HE'S GOING TO DO IT IN HYPOTHETICAL
7 FORM HE SHOULD DO IT

8 THE COURT DON'T ASSUME A FACT

9 EXAMINATION CONTINUED

10 BY MR JONES

11 Q WELL, LET'S ASSUME THAT AFTER THE DAMAGE HAD
12 BEEN DONE TO THIS DOOR -- AFTER THE DAMAGE HAD BEEN
13 DONE TO THIS DOOR IT DIDN'T CLOSE BACK IT JUST
14 KIND OF STAYED OPEN LIKE THIS AND LET'S ASSUME
15 THAT A BLEEDING TESHEKA HARRIS AT SOME POINT IN TIME
16 WAS RUNNING FROM A GUN-TOTING ASSAILANT DOWN THROUGH
17 THIS BEDROOM WHERE HER ONE YEAR OLD CHILD WAS ASLEEP
18 ON ONE OF THESE BEDS AND LET'S ASSUME THAT SHE
19 TRIED TO GET BY THIS DOOR AS SHE RAN THROUGH THIS
20 BEDROOM SHE COULD HAVE TOUCHED IT AT THAT POINT IN
21 TIME TRYING TO GET BY THIS DOOR INTO THIS BEDROOM,
22 COULDN'T SHE?

23 A SHE COULD HAVE THERE'S ALL KIND OF THEORIES

24 Q RIGHT, SHE COULD HAVE YOU AGREE WITH THAT?
25 AND THEN SHE GOT IN THIS BEDROOM YOU WOULD AGREE

1 THAT THE GUN-TOTING ASSAILANT COULD HAVE COME DOWN
2 AND THEN KNOCKED IN THIS DOOR IN AN EFFORT TO LOCATE
3 HER, DON'T YOU? DO YOU AGREE WITH -- YOU SAW THE
4 DAMAGE ON THIS DOOR, DIDN'T YOU? THIS BEDROOM DOOR
5 A I DID, BUT I DON'T KNOW WHERE THAT OTHER NAIL
6 WENT SO I DON'T KNOW IF THERE'S ONLY ONE NAIL IN
7 IT TO BEGIN WITH

8 Q WERE YOU HERE FOR MR MACK HARRIS'S TESTIMONY?

9 A I BELIEVE HE SAID THE SAME THING

10 Q RIGHT AND HE SAID HE DIDN'T KNOW WHERE THE
11 OTHER NAIL WENT EITHER

12 A RIGHT

13 Q ARE YOU CONCERNED ABOUT THAT NAIL AT THIS
14 POINT IN TIME, MR GIRNDT?

15 A NO, I'M JUST SAYING MOST PEOPLE DON'T USE
16 NAILS INSTEAD OF SCREWS

17 Q ALL RIGHT

18 A SO THERE MUST BE SOME PRIOR DAMAGE TO THE
19 DOOR I DON'T KNOW HOW MUCH OF THE DAMAGE WAS DONE
20 AT THAT TIME

21 Q WELL, I WANT TO ASK YOU THEN, HE COULD HAVE
22 KICKED IN THE DOOR THEN, RIGHT?

23 A I DON'T SEE ANY EVIDENCE OF THAT

24 Q THE ASSAILANT -- THE DOOR WAS DAMAGED -- THE
25 DOOR WAS DAMAGED TO THE EXTENT THAT IT WOULD OPEN

1 AND CLOSE WITHOUT SHUTTING ON THAT HINGE, WAS IT
2 NOT?

3 A I DON'T RECALL

4 Q I WANT TO HAND YOU STATE'S EXHIBIT NUMBER NINE
5 AND ASK YOU IF YOU'VE EVER SEEN THAT BEFORE

6 A YES, OKAY

7 Q YES, OKAY, WHAT?

8 A YES, I'VE SEEN THIS ONE

9 Q AND DO YOU KNOW WHAT IT REPRESENTS?

10 A I BELIEVE THAT'S THE BEDROOM DOOR STRIKER
11 PLATE

12 Q NOW HOW DO YOU THINK IT GOT -- I MEAN, ISN'T
13 THAT AN INDICATION THAT SOMEBODY PUSHED THAT DOOR
14 OPEN, THAT SOMEBODY -- THAT SOME FORCE WAS USED TO
15 DISLodge THIS LOCK FROM THE FRAME OF THE DOOR PANEL?

16 A YEAH, BUT I DON'T KNOW WHEN

17 Q SIR?

18 A I DON'T KNOW WHEN

19 Q RIGHT, YOU DON'T KNOW WHEN

20 A NO

21 Q DID YOU HEAR MR MACK HARRIS TESTIFY THAT WHEN
22 HE LEFT HIS HOME AT 10 55 ON DECEMBER 4, 1995, THAT
23 IT WAS NOT IN THAT CONDITION?

24 A I THOUGHT HE WAS TALKING ABOUT THE FRONT DOOR
25 HE WAS TALKING ABOUT THAT DOOR?

1 Q YES, SIR I MEAN, YOU'RE A FORENSIC
2 CONSULTANT, RIGHT?

3 A YES

4 Q AND YOU WERE LISTENING TO THE TESTIMONY IN
5 THIS TRIAL FOR THE PURPOSE OF CONSULTING THE
6 DEFENSE, WERE YOU NOT?

7 A I HAVEN'T MEMORIZED ALL OF IT, NO

8 Q ALL RIGHT, SO -- WELL, LET ME GET BACK TO
9 WHERE I WAS WITH YOU THEN YOU WOULD AGREE THAT
10 SOME FORCE WAS USED TO BUST IN THIS DOOR?

11 A AT SOME POINT, YES

12 Q AND LET'S ASSUME FOR A MINUTE THAT THE
13 BLEEDING INDIVIDUAL THEN RUSHED, WHEN THIS DOOR IS
14 BROKEN, RUSHES INTO THE BATHROOM AND THE GUN-TOTING
15 ASSAILANT FIRES A SHOT AT THE BLEEDING INDIVIDUAL,
16 OKAY? CORRECT?

17 A OKAY

18 Q YOU'VE HAD A CHANCE TO EXAMINE STATE'S EXHIBIT
19 NUMBER FORTY-EIGHT, HAVEN'T YOU?

20 A YES

21 Q WHAT CAN THE GUN-TOTING INDIVIDUAL DO WITH HIS
22 WEAPON AFTER THIS SHOT IS FIRED INTO THAT BATHROOM?

23 A WHAT CAN HE DO WITH IT?

24 Q WHAT OPTIONS ARE AVAILABLE TO UTILIZE THIS AS
25 A WEAPON?

1 A IT CAN BE USED AS A CLUB

2 Q RIGHT, YOU COULD HIT SOMEBODY WITH IT, OR YOU
3 COULD DO WHAT WITH IT?

4 A RELOAD

5 Q RELOAD, ALL RIGHT NOW IF THE GUN-TOTING
6 ASSAILANT DECIDED TO RELOAD THE WEAPON, WOULD THE
7 BLEEDING VICTIM HAVE AN OPPORTUNITY TO RUN PAST AND
8 RUN THROUGH THE BEDROOM DOWN TO THE OTHER END OF THE
9 TRAILER?

10 A THAT WOULD BE MY THEORY

11 Q AND IF YOU WOULD, SHOW ME HOW THE GUN-TOTING
12 ASSAILANT WOULD RELOAD THIS WEAPON JUST A SECOND
13 USING THIS SHELL, IF YOU WOULD PLEASE, MR GIRNDT,
14 SHOW ME WHAT THE GUN-TOTING ASSAILANT WOULD DO IF
15 THE GUN-TOTING ASSAILANT DECIDED TO RELOAD THE
16 WEAPON NOW WHERE WOULD THE GUN-TOTING ASSAILANT
17 GET THE OTHER BULLET THAT THE GUN-TOTING ASSAILANT
18 IS GOING TO PUT IN THE WEAPON?

19 A HAND TO POCKET

20 Q HAND POCKET?

21 A HAND TO POCKET

22 Q HAND TO POCKET, OKAY LOGIC TELL US THAT,
23 DOESN'T IT? I MEAN, SO THE GUN-TOTING ASSAILANT
24 RELOADS AND THEN LET'S SAY THE GUN-TOTING
25 ASSAILANT DECIDES TO MOVE ON DOWN TOWARDS THE

1 DIRECTION THAT THE BLEEDING VICTIM WAS RUNNING AND
2 WE GET NOW TO THE AREA OF THE PHONE IN THE KITCHEN,
3 DON'T WE? RIGHT?

4 A RIGHT

5 Q NOW BASED ON YOUR FORENSIC ANALYSIS, LET'S SAY
6 AN INDIVIDUAL -- YOU MENTIONED THAT TWO PEOPLE
7 COULDN'T PASS THROUGH THIS HALLWAY THE SIZE OF MS
8 LUEVINIA HARRIS AND THE SIZE OF MS -- TESHEKA
9 JACKSON, DID YOU?

10 A I SAID IT WOULD BE DIFFICULT

11 Q DIFFICULT AND WHAT I WANT TO KNOW IS, IS
12 THAT A FORENSIC OPINION OF YOURS?

13 A THAT'S JUST THE NARROWNESS OF THE HALLWAY I
14 WENT AND LOOKED AT IT AND IT'S A NARROW HALLWAY FOR
15 TWO PEOPLE TO NEGOTIATE, RIGHT

16 Q YES, SIR, BUT I WANT TO ASK YOU IS, ARE YOU
17 TELLING THIS JURY THAT IT WOULD BE DIFFICULT FOR TWO
18 PEOPLE TO PASS IN THAT HALLWAY, AND ARE YOU OFFERING
19 THAT AS A FORENSIC OPINION?

20 A FORENSIC OPINION?

21 Q YES, MR GARRETT ASKED YOU A NUMBER OF TIMES
22 IF YOU HAVE AN OPINION -- AN EXPERT OPINION, OKAY?
23 AND YOU DID GIVE IT ON SEVERAL OCCASIONS BUT I
24 WASN'T SURE WHETHER OR NOT YOU WERE GIVING US A
25 FORENSIC OPINION ON THAT CASE IS THAT YOUR

1 FORENSIC OPINION?

2 A MY FORENSIC OPINION THAT THE HALLWAY IS
3 NARROW?

4 Q NO, SIR, THAT TWO PEOPLE THE SIZES OF TESHEKA
5 JACKSON AND LUEVINIA HARRIS COULD NOT PASS BY ONE
6 ANOTHER IN THE HALLWAY?

7 A I DIDN'T SAY THEY COULD NOT PASS I SAID IT
8 WOULD BE --I THINK THAT WHEN TWO PEOPLE MEET IN THAT
9 HALLWAY ONE PROBABLY HAS TO TURN AND GIVE A LITTLE
10 BIT

11 Q BY THE WAY, YOU ALSO SAID THAT THE SECOND
12 PHONE CALL LUEVINIA DIDN'T SAY HE HAD BURGLARIZED
13 THEIR HOME, BUT YOU DO REMEMBER HER STATING AT THE
14 SECOND PHONE CALL, YES, PLEASE TRY TO GET HIM OUT OF
15 THE HOUSE YOU REMEMBER MARCUS TESTIFYING, MAMA DO
16 YOU WANT ME TO TRY TO GET HIM TO LEAVE, DO YOU
17 REMEMBER THAT?

18 A PUT HIM ON THE SPEAKERPHONE?

19 Q RIGHT TRY TO GET HIM OUT OF THE HOUSE, YOU
20 REMEMBER THAT, DON'T YOU?

21 A YES, SIR

22 Q DID THAT GIVE YOU ANY REASON THE THINK MAYBE
23 SHE DIDN'T WANT HIM IN THE HOUSE? ALL RIGHT, THIRD
24 PHONE CALL

25 A I MEAN, THE POINT WAS HE WAS ALREADY IN THERE

1 Q RIGHT AND THIRD PHONE CALL TO THE DMS, OKAY?
2 SHE WAS BASICALLY CALLING THE ABBEVILLE CITY POLICE
3 DEPARTMENT, WASN'T SHE?

4 A RIGHT

5 Q RIGHT AND SHE CALLED THE ABBEVILLE CITY
6 POLICE DEPARTMENT -- I DON'T SUPPOSE YOU FIGURE THAT
7 HIM HAVING A GUN IN THERE HAD ANYTHING TO DO WITH
8 IT, DO YOU?

9 A PROBABLY

10 Q AND ACTUALLY, WHAT DO WE KNOW HAD ALREADY
11 HAPPENED BEFORE THE YOUNG LADY ON THE DISPATCH CAME
12 ON THE PHONE?

13 A PROBABLY THE FIRST SHOT HAD ALREADY BEEN
14 FIRED

15 Q RIGHT RIGHT SHE DIDN'T GET HIM UNTIL THE
16 FIRST SHOT HAD BEEN FIRED AS A MATTER OF FACT, WE
17 DON'T KNOW THAT SHE CALLED THEM UNTIL THE FIRST HAD
18 BEEN FIRED BUT SOMEWHERE IN THE SAME TIME FRAME,
19 RIGHT?

20 A APPROXIMATELY

21 Q AND THEN AFTER THE FIRST SHOT WAS FIRED, WHAT
22 WAS SHE SAYING ON THE PHONE ACCORDING TO THE
23 DISPATCH LADY?

24 A GET THE POLICE OVER HERE NOW

25 Q UH-HUH, RIGHT, GET THEM OVER HERE NOW BUT

1 YOU SAY THAT BECAUSE SHE DIDN'T TELL THAT DISPATCH
2 LADY THAT JOHN KENNEDY HUGHEY HAD BURGLARIZED HER
3 HOME THAT THAT'S IMPORTANT EVIDENCE THAT YOU USED IN
4 RENDERING A FORENSIC OPINION THAT A BURGLARY WAS NOT
5 COMMITTED, IS THAT CORRECT?

6 A WELL, THERE WASN'T ANY MENTION OF MS JACKSON
7 BEING STABBED EITHER I MEAN, IT JUST SEEMS LIKE
8 ONE OF THOSE THINGS WOULD HAVE BEEN MENTIONED
9 SOMEWHERE ALONG THE LINE

10 Q YES, SIR, BUT YOU TOLD ME WAS THAT YOU USED
11 THE THIRD PHONE CALL AS A BASIS AS AN IMPORTANT
12 FACTUAL BASIS FOR DECIDING THAT A BURGLARY WASN'T
13 COMMITTED AND YOU'RE TALKING ABOUT A PHONE CALL
14 WHERE, MORE THAN LIKELY, ONE SHOTGUN BLAST HAD BEEN
15 BLOWN THROUGH HER WALL SHE DIDN'T SAY ANYTHING
16 ABOUT THAT TO THE DISPATCHER, DID SHE?

17 A NO

18 Q WELL, BECAUSE SHE DIDN'T SAY ANYTHING TO THE
19 DISPATCHER ABOUT IT WE SHOULD CONCLUDE IT DIDN'T
20 HAPPEN, UNDER YOUR THEORY, CORRECT?

21 A NO, THERE'S CLEAR EVIDENCE OF THAT

22 Q BUT THE BROKEN DOOR IS NOT CLEAR EVIDENCE OF A
23 BURGLARY?

24 A WELL, DEPENDS ON HOW YOU WANT TO LOOK AT IT

25 Q AND THE BLOOD ON THE OUTSIDE OF IT IS NOT

1 CLEAR EVIDENCE? AND, OF COURSE, THE KNIFE ON THE
2 FLOOR AND THE SHOE PRINT ON THE KNIFE -- BY THE WAY,
3 IF -- ALL RIGHT, SIR -- NOW, WHAT'S DEPICTED IN
4 STATE'S EXHIBIT NUMBER THIRTY-NINE?

5 A NUMBER THIRTY-NINE, I DON'T KNOW IF YOU'RE
6 REFERRING TO THE TELEPHONE OR THE KNIFE OR THE VASE
7 OR ---

8 Q YES, I'M REFERRING TO THE TELEPHONE

9 A OKAY

10 Q IT SHOWS WHERE THE TELEPHONE WAS LOCATED --
11 THE ONE THAT WAS PULLED OUT OF THE WALL, RIGHT?

12 A YEAH

13 Q AND IT WAS LOCATED, BASED ON THIS PHOTOGRAPH,
14 RIGHT HERE ON THIS WALL, WASN'T IT? IT'S ON THE
15 OUTSIDE OF THE HALLWAY, ISN'T IT, MR GIRNDT?

16 A YEAH

17 Q IT'S NOT LOCATED DOWN IN THE HALLWAY, IT'S ON
18 THE OUTSIDE OF THE HALLWAY, ISN'T IT?

19 A RIGHT

20 Q AND IF ONE'S USING THAT PHONE IT WOULD BE
21 LOGICAL TO ASSUME THAT THEY WERE STANDING ON THE
22 OUTSIDE OF THE HALLWAY, WOULDN'T IT?

23 A STANDING OUT HERE?

24 Q YES

25 A I DON'T KNOW THERE'S A PHOTOGRAPH SHOWING

1 THE PHONE STRETCHED OUT DOWN THE HALL GOING BACK
2 TOWARD THIS WAY, SO --

3 Q IT DOES IT DOES YOU RIGHT BUT WHAT I'M
4 ASKING YOU IS IF WHEN SOMEONE IS USING THAT PHONE TO
5 DIAL A NUMBER --

6 A OH, YEAH, YOU'D PROBABLY --

7 Q YOU'D BE STANDING HERE WHERE YOU GOT IT IF YOU
8 WERE DIALING A NUMBER, WOULDN'T YOU? FOR INSTANCE,
9 IF YOU'RE CALLING THE POLICE AND YOU JUST HEARD A
10 SHOTGUN BLAST AND YOU'RE GOING -- YOU'RE GOING TO
11 STAND HERE AND DIAL IT ON OUTSIDE OF THE HALLWAY,
12 AREN'T YOU?

13 A WELL, I THINK THERE'S ANOTHER PHONE BACK

14 Q RIGHT

15 A AND THAT'S WHY WE WERE HOPING THERE WAS A 911
16 TAPE SO WE COULD DISCERN WHERE THE PEOPLE WERE
17 LOCATED

18 Q RIGHT WELL, WHAT DO YOU KNOW ABOUT THIS
19 PHONE BACK HERE?

20 A ALL I KNOW IS IT WAS OFF

21 Q AND YOU ALSO SEE THE RECEIVER OF THE PHONE OUT
22 HERE RIGHT NEXT TO THE BODY OF LUEVINIA HARRIS,
23 DON'T YOU?

24 A WELL, IT'S NOT RIGHT NEXT TO IT IT IS
25 STRETCHED OUT TOWARD HER

1 Q HOW MANY FEET WOULD YOU SAY IT IS FROM HER?

2 A I'D HAVE TO SEE THE PHOTOGRAPH

3 Q I'LL HAND YOU STATE'S EXHIBIT NUMBER NINETY-

4 FIVE HOW MANY FEET WOULD YOU SAY THAT TELEPHONE IS
5 FROM HER SHOE?

6 A ABOUT A FOOT

7 Q A FOOT FROM HER SHOE, OKAY NOW, BASED ON
8 YOUR EXPERIENCE AS A CRIME SCENE INVESTIGATOR, WHO
9 MANY TIMES DO YOU THINK MS LUEVINIA HARRIS TOOK
10 STEPS AFTER SHE WAS SHOT IN THE FACE WITH THIS
11 TWENTY GAUGE SHOTGUN?

12 A NONE

13 Q NONE SHE DIDN'T MOVE AFTER THAT, DID SHE?

14 A WELL, SHE DIDN'T -- THE BLOOD STAINS DON'T
15 INDICATE THAT SHE TRAVELED ANYWHERE

16 Q HER FEET DIDN'T MOVE HER BODY WENT BACK

17 A WELL, I DON'T KNOW THAT HER FEET DIDN'T MOVE

18 Q WELL, THE PHONE -- IF SHE WAS STANDING WHERE
19 HER FEET ARE WHEN SHE WAS SHOT -- I'M SHOWING YOU A
20 PHOTOGRAPH OF STATE'S EXHIBIT NINETY-ONE ARE THESE
21 INTO EVIDENCE, BOTH OF THESE?

22 MR GARRETT YES, SIR

23 EXAMINATION CONTINUED

24 BY MR JONES

25 Q DO YOU SEE WHERE HERE FEET ARE, RIGHT, IN THAT

1 PHOTOGRAPH? AND IN THIS PHOTOGRAPH YOU SEE WHERE
2 THE PHONE IS, CORRECT ?

3 A RIGHT

4 Q WOULD IT BE LOGICAL TO CONCLUDE THAT SHE WAS
5 STANDING THERE HOLDING THAT PHONE WHEN SHE WAS SHOT
6 IN THE FACE WITH THAT SHOTGUN?

7 A NO

8 Q IT WOULD NOT?

9 A NO

10 Q WHY NOT?

11 A THERE'S NO BLOOD ON THE PHONE SHE HAS
12 CLASSIC OFFENSIVE SPATTERING

13 Q OKAY

14 A AND SHE WAS PROBABLY MORE OVER HERE ON THIS
15 SIDE

16 Q UH-HUH

17 A THIS BLOOD IS DRIPPING AT NINETY DEGREES

18 Q UH-HUH

19 A AND THAT BACK SPATTER IS TRANSFERRED TO THE
20 TOP OF THE DRYER

21 Q SO YOUR THEORY WOULD BE THAT SHE HAD BEEN
22 DISMISSED WITH THE USE OF THE PHONE PRIOR TO BEING
23 SHOT?

24 A SHE WASN'T HOLDING THE PHONE NOW IF SHE HAD
25 DROPPED THE PHONE IN AN ATTEMPT TO DEFEND HERSELF --

1

2 Q UH-HUH

3 A -- YOU KNOW, I WOULD THINK THAT WOULD BE MORE
4 LIKELY5 Q AND MORE LIKELY AND PROBABLY EXACTLY WHAT
6 HAPPENED, ISN'T IT?

7 A POSSIBLY

8 Q BECAUSE NOBODY ELSE DRUG THIS PHONE BACK DOWN
9 THAT HALLWAY RIGHT NEXT TO HER FEET, DEPICTED IN
10 STATE'S EXHIBIT NUMBER NINETY-FIVE THAT PHONE WAS
11 DOWN THE HALLWAY THIS BEING THE BACK BEDROOM, THAT
12 PHONE -- THIS BEING THE VICTIM'S FEET, THE PHONE IS
13 ABOUT A FOOT FROM HER FEET, RIGHT? CORRECT?14 A OH, YES SORRY, I THOUGHT YOU WERE ADDRESSING
15 THE JURY16 Q NO, SIR, I'M ASKING YOU, THE PHONE WAS ABOUT A
17 FOOT FROM HER FEET, RIGHT?

18 A YES

19 Q NOW, I WANT TO ASK YOU A QUESTION IF SHE WAS
20 STANDING IN THAT VICINITY WHEN SHE WAS SHOT, THERE'S
21 NO WAY THE GUN-TOTING ASSAILANT COULD SHOOT HER FROM
22 THIS ROOM IN THIS AREA HERE, IS THERE?

23 A NO

24 Q ABSOLUTELY NO WAY?

25 A I HAVEN'T HEARD THAT --

1 Q THE GUN-TOTING ASSAILANT HAS GOT TO BE RIGHT
2 IN THIS AREA TO SHOOT HER WHERE SHE WAS LOCATED,
3 DOESN'T HE? CAN'T BE STANDING HERE, CAN HE?

4 A HE'D HAVE TO BE IN THE VICINITY OF THE DOOR

5 Q RIGHT HE'D HAVE TO BE STANDING PRETTY MUCH
6 RIGHT OUTSIDE STATE'S EXHIBIT NINETY-THREE, RIGHT?

7 A LET ME SEE I'M JUST TRYING TO GET A BETTER
8 IDEA BASED ON THE SHOT PATTERNS WHICH SHOW ABOUT
9 FOUR FEET THAT WOULD BE -- THE HALLWAY IS THREE --
10 ADD ANOTHER TWENTY-ONE AND FIFTY-SEVEN INCHES -- A
11 LITTLE OVER FOUR AND A HALF FEET SO THAT WOULD
12 CARRY AT THE WIDTH OF THE DRYER PRETTY MUCH -- THE
13 WASHING MACHINE THAT'S BE ABOUT RIGHT STANDING IN
14 -- STANDING RIGHT IN THIS AREA?

15 Q WELL, THIS AREA IS LOOKING INTO THE HALLWAY,
16 RIGHT?

17 A RIGHT, THAT'S WHAT I SAID, IT WOULD BE IN THAT
18 VICINITY

19 Q WELL, I'M ASKING -- THIS AREA DEPICTS LOOKING
20 INTO THE HALLWAY BUT WHAT'S BETWEEN THE GUN-TOTING
21 ASSAILANT AND MS LUEVINIA HARRIS AT THE BEGINNING
22 OF THAT HALLWAY?

23 A THE CURTAIN

24 Q THE CURTAIN AND WHERE IS THE GUNSHOT IN THE
25 CURTAIN? THERE'S NOT A GUNSHOT IN THE CURTAIN, IS

1 THERE, MR GIRNDT?

2 A I DIDN'T SEE ANY WAY -- I SAID THE SHOT CAME
3 FROM WITHIN THAT VICINITY THAT DOESN'T MEAN -- YOU
4 CAN SEE THE CURTAIN IS GAPPED

5 Q EXCUSE ME?

6 A I SAID, YOU CAN SEE THAT THERE IS A GAP IN THE
7 CURTAIN I'M NOT SAYING THAT THE SHOT CAME FROM
8 RIGHT THERE I SAID IT'S IN THAT VICINITY

9 Q RIGHT AND I'M ASKING YOU, ARE YOU SAYING
10 THAT THE GUNSHOT WENT THROUGH THE GAP IN THAT
11 CURTAIN?

12 A I THINK YOU CAN STAND IN THAT AREA AND SHOOT

13 Q WELL, IT'S MORE LIKELY THE GUN-TOTING
14 ASSAILANT HAD ALREADY PASSED THROUGH THE CURTAIN AND
15 THE GUNSHOT WAS FIRED WHILE THE GUN-TOTING ASSAILANT
16 WAS ON THE INSIDE OF THE CURTAIN, ISN'T IT, MR
17 GIRNDT?

18 A THAT'S WHAT I JUST SAID

19 Q THAT THE GUN-TOTING ASSAILANT HAD ACTUALLY
20 PASSED THROUGH THE CURTAIN LOCATED HERE AND WAS
21 APPROACHING AND GETTING CLOSER TO MS LUEVINIA
22 HARRIS?

23 A I DON'T THINK THERE'S ANY QUESTION THAT'S WHAT
24 HAPPENED

25 Q ALL RIGHT AND HOW FAR AWAY ARE YOU SAYING,

1 IN YOUR OPINION, THE GUN-TOTING ASSAILANT WAS FROM
2 MS HARRIS WHEN HE SHOT HER?

3 A BASED ON THE PATTERNS, THE BEST GUESSTIMATE --
4 THE BEST ONE'S FOUR FEET BUT I WOULDN'T DOUBT IF
5 IT WAS A LITTLE LESS THAN THAT

6 Q ALL RIGHT, WOULD YOU GET THE FOUR FEET TOWEL?

7 A WHICH ONE ARE YOU GOING BE LOOKING AT?

8 Q THE FOUR FEET TOWEL FROM MS HARRIS

9 A FOR MS HARRIS?

10 Q YES

11 A OKAY IT'S JUST I WROTE DOWN -- I DIDN'T KNOW
12 WHICH ONE THEY WERE

13 Q IS THERE STIPPLING ON THE FOUR FOOT TOWEL?

14 A THERE'S SOME POWDER RESIDUE ON IT

15 Q BUT THERE'S NOT STIPPLING ON IT, IS THERE?

16 A WELL, THAT'S WHAT POWDER RESIDUE IS

17 Q BURNED ---

18 A POWDER

19 Q BURNED STIPPLING ON IT?

20 A RIGHT

21 Q WHERE IS THE BURNED STIPPLING ON IT?

22 A WELL, SEE THERE'S A PIECE THERE THAT'S THE
23 PROBLEM WITH THIS CLOTH IS THAT EVERY TIME YOU WOULD
24 DO THIS IF THERE WAS EVEN A LITTLE BIT ON IT IT
25 FALLS OFF THAT'S WHY YOU NEED TO USE BLOTTER PAPER

1 AND LAMINATE

2 Q LET ME SEE --

3 A I CAN'T TELL YOU HOW MUCH POWDER WAS ON THERE
4 WHEN HE DID THE INITIAL TEST

5 Q LET ME SEE THE THREE FOOT YOU SEE BURN
6 STIPPLING ON THAT?

7 A WELL, ONCE AGAIN, YOU SEE THESE BLACK FLAKES
8 IN HERE BUT I DON'T KNOW HOW MANY WERE ON THERE
9 WHEN THEY STARTED DOING IT I MEAN, THIS THING HAS
10 BEEN WOUND UP, UNWOUND SO MANY TIMES

11 Q UH-HUH

12 A YOU GOING BY THE DIAMETER OF THE WOUND TO THE
13 MEASUREMENT THAT THE DOCTOR TOOK? AND FOUR FOOT IS
14 -- GIVES THE CLOSEST DIAMETER IT'S TWO DIFFERENT
15 TESTS

16 Q IF YOU WOULD, AFTER THE GUN-TOTING ASSAILANT
17 SHOOTS LUEVINIA HARRIS IN THE FACE FROM FOUR FEET,
18 AS YOU TELL US, WHAT DOES THE GUN-TOTING ASSAILANT
19 HAVE TO DO NOW IN ORDER TO DEFEND HIMSELF FROM THE
20 BLEEDING VICTIM WHO MAY HAVE A KNIFE IN THE BEDROOM?

21

22 MR GARRETT OBJECTION, YOUR HONOR

23 THE COURT OVERRULED

24 THE WITNESS RELOAD

25 EXAMINATION CONTINUED

1 BY MR JONES

2 Q AND DURING THE COURSE OF THE RELOADING, WHAT
3 DO WE KNOW IS TAKING PLACE ON THE TELEPHONE?

4 A DISPATCHER IS LISTENING DISPATCHING THE
5 POLICE

6 Q RIGHT AND WHAT DOES THE DISPATCHER HEAR?

7 A TWO, WHAT ARE DESCRIBED AS GUNSHOTS

8 Q WELL, I MEAN, AFTER THE FIRST GUNSHOT, WHAT
9 DOES THE DISPATCHER HEAR?

10 A FOUR OUR FIVE SECONDS OF SILENCE AND THEN
11 ANOTHER GUNSHOT

12 Q RIGHT SO YOU COULD ASSUME FROM THAT THAT THE
13 BLEEDING KNIFE TOTING BEDROOM HIDING PERSON, WHO WE
14 LATER FIND WITH A HOLE IN HER HEAD IN THERE, WAS NOT
15 CUSSING OR SPITTING AT THE GUN-TOTING ASSAILANT AT
16 THAT POINT AND TIME, COULDN'T YOU?

17 A I DON'T -- THERE'S NO EVIDENCE OF THAT

18 Q AND SO AFTER THE GUN-TOTING ASSAILANT RELOADS,
19 HOW DOES THE GUN-TOTING ASSAILANT PUT THE HOLE IN
20 THE HEAD OF THE BLEEDING BEDROOM DWELLING FLEE-ER?

21 A WITH THE GUN

22 Q WITH THE GUN I MEAN, WHAT DO YOU HAVE TO DO
23 TO DO THAT? GO THROUGH PROCESS

24 A RELOAD

25 Q RIGHT

1 A I MEAN -- DID YOU TAKE THAT, SIR?

2 Q YEAH, I DID YOU HAVE TO COCK IT BACK, DON'T
3 YOU?

4 A UH-HUH

5 Q WHY DO YOU COCK THAT GUN BACK?

6 A WHEN IT HAS AN EXTERNAL HAMMER IT HAS TO BE
7 COCKED IN ORDER TO FIRE?

8 Q YOU HAVE TO COCK IT IN ORDER TO FIRE IT,
9 RIGHT?

10 A RIGHT

11 Q SO YOU EVEN HAVE TO COCK IT BEFORE YOU FIRE IT
12 OR RIGHT BEFORE YOU FIRE IT, CORRECT?

13 A RIGHT

14 Q IT'S GOT TO BE COCKED?

15 A YES

16 Q RIGHT?

17 A YES, SIR

18 Q NOW I HANDED YOU -- AND I BELIEVE THAT IT'S
19 BEEN PICKED UP BY THE DEFENSE, YOUR HONOR, TO REVIEW
20 AND I DON'T KNOW -- I HAD IT I PUT IT -- AND I'VE
21 HANDED YOU FOR IDENTIFICATION PURPOSES ONLY, STATE'S
22 EXHIBIT NINETY AND I ASKED YOU TO LOOK AT IT TO
23 SEE IF THERE WAS ANY EVIDENCE CONTAINED AND I ASK
24 YOU NOW MORE SPECIFICALLY TO LOOK -- TO TELL US WHAT
25 ROOM IS DEPICTED IN THAT PHOTOGRAPH?

1 A THE BEDROOM?

2 Q WHICH BEDROOM? I'LL TAKE THAT

3 A ARE YOU FINISHED WITH THIS?

4 Q YES

5 A THIS BACK BEDROOM

6 Q AND THE PHOTOGRAPH OF A BODY LAYING ACROSS THE
7 BED IN THE BACK BEDROOM, ISN'T IT?

8 A RIGHT

9 Q AND THERE'S A PHOTOGRAPH OF SOME REDDISH
10 COLORED MATERIAL ON THE SHEET OF THE BEDSPREAD JUST
11 TO THE LEFT OF THE BODY'S LEFT ARM, IS THERE NOT?

12 A YES

13 Q AND YOU DID READ THE AUTOPSY OF TESHEKA
14 JACKSON, DID YOU NOT?

15 A YES

16 Q AND SO YOU KNOW THAT THE ENTRY WOUND THAT
17 ENTERED JUST ABOVE THE RIGHT EAR TOWARDS THE FRONT
18 OF THE FACE --

19 A RIGHT

20 Q -- EXITED AND TOOK OFF AND OUT HER LEFT EYE
21 AND HER LEFT OCCIPITAL BONE? IN OTHER WORDS, IT
22 PRETTY MUCH BLEW OFF THE LEFT SIDE OF HER FACE,
23 DIDN'T IT?

24 A YES

25 Q AND THAT'S WHAT'S ON THAT BED SHEET THERE, IS

1 THE LEFT SIDE OF HER FACE, ISN'T IT?

2 A I DON'T KNOW

3 Q WELL, WHAT DOES IT APPEAR TO BE TO YOU?

4 A THERE IS SOME BLOOD ON THE SIDE OF THE BED,
5 SIR

6 Q DOES IT NOT APPEAR TO YOU, BASED ON YOUR
7 EXPERT --

8 A WELL, I CAN'T TELL IT'S THE LEFT OCCIPITAL
9 WHATEVER YOU KNOW, I'M NOT --

10 Q YOU ARE A BLOOD SPATTER EXPERT, ARE YOU NOT,
11 SIR?

12 A YES

13 Q BASED ON THAT PHOTOGRAPH AND WHAT YOU KNOW
14 ABOUT YOUR FORENSIC EXAMINATION OF THIS CRIME SCENE,
15 WHAT IS THAT MOST LIKELY ON THAT BED?

16 A BLOOD

17 Q FROM WHAT PORTION OF HER BODY?

18 A FROM HER FACE THAT'S THAT ONLY PLACE SHE HAD
19 A WOUND

20 Q WELL, BASED ON THE LOCATION OF THAT BLOOD ON
21 THAT BEDSPREAD AND BASED ON THE NATURE OF HER WOUND,
22 WHERE WAS HER FACE WHEN SHE WAS SHOT IN THE RIGHT
23 SIDE OF HER HEAD WITH THAT SHOTGUN?

24 A YOU GOT TO TAKE OTHER -- I KNOW WHERE YOU'RE
25 GOING, BUT YOU'VE GOT TO --

1 Q WELL --

2 A -- SOME OTHER PHOTOGRAPHS WAIT A MINUTE
3 THERE ARE OTHER PHOTOGRAPHS THAT I HAVE TO TAKE INTO
4 CONSIDERATION THERE'S A DRESSER HERE THAT SHOWS
5 SPATTER YOU UNDERSTAND?

6 Q YES, UNDERSTAND

7 A I MEAN, YOU HAVE TO DOCUMENT THE SPATTER

8 Q RIGHT

9 A AND THEN CALCULATE THE ANGLE BACK TO A POINT
10 OF CONVERSIONS WHERE WE --

11 Q THERE'S NO QUESTION

12 A -- THAT THAT'S FROM THE WOUND

13 Q THERE'S NO QUESTION THAT SHE WAS LAYING ON
14 THAT BED FACE DOWN WHEN SHE WAS SHOT IN THE SIDE OF
15 THE HEAD WITH THAT GUN, IS THERE?

16 A WELL, THAT APPEARS TO BE A POSSIBILITY, YES

17 Q WHAT'S THE OTHER POSSIBILITY?

18 A WELL, AS I SAID, WE'D HAVE TO -- IF THIS IS
19 DOCUMENTED IN THE CORRECT MANNER WE'D KNOW EXACTLY
20 WHERE SHE WAS I DO AGREE THAT THAT'S -- WELL, IT
21 MAY HAVE BEEN -- I CAN'T TELL EXACTLY HOLD ON

22 Q THAT SHE WAS LAYING FACE DOWN ON THAT BED WHEN
23 SHE WAS SHOT IN THE SIDE OF THE HEAD WITH THAT GUN,
24 WASN'T SHE? MR GIRNDT, ISN'T IT -- ISN'T IT A
25 PRETTY, RELYING ON THE FACT AND YOUR AREA OF

1 EXPERTISE, THAT THE TISSUE THAT LEAVES THE BODY AS A
2 RESULT OF A GUN BLAST OR A SHOTGUN BLAST WOULD GO IN
3 THE SAME DIRECTION THAT THE FORCE FROM THE GUN IS
4 GOING?

5 A YES

6 Q AND CAN YOU TELL WHAT DIRECTION THAT AREA OF
7 BLOOD AND MATTER IS GOING?

8 A WELL, OF COURSE, IT GOES UNTIL IT STOPS AND
9 THIS WOULD BE THE RIGHT SIDE OF HER HEAD, THAT WOULD
10 BE AN INDICATION THAT SHE WAS LEANING OVER THE SIDE
11 OF THE BED

12 MR JONES YOUR HONOR --

13 THE WITNESS OF COURSE, I WOULD LIKE TO
14 TAKE SOME OF THESE -- YOU KNOW, THERE WOULD BE A
15 BETTER TO DOCUMENT THAT, ALSO

16 MR JONES YOUR HONOR, I WOULD AT THIS
17 TIME OFFER STATE'S EXHIBIT NUMBER NINETY FOR
18 IDENTIFICATION PURPOSES INTO EVIDENCE

19 MR GARRETT WE OBJECT, YOUR HONOR

20 THE COURT ALL RIGHT, LADIES AND
21 GENTLEMEN, I'VE GOT ONE MATTER I'LL NEED TO ADDRESS
22 WE ASK YOU TO PLEASE GO TO YOUR JURY ROOM WE'LL
23 BRING YOU BACK IN JUST A FEW MINUTES

24 (JURY LEAVES COURTROOM AT 11 51 O'CLOCK A M)

25 THE COURT ALL RIGHT, LET ME SEE THE

1 PHOTOGRAPH THAT'S BEING OFFERED AS WELL AS THOSE
2 OTHER PHOTOGRAPHS THAT DEPICT THE SIMILAR SHOTS

3 THE COURT THERE'S ANOTHER ONE Y'ALL
4 OFFERED TWO OF THESE

5 MR JONES ALL RIGHT I DIDN'T THINK WE
6 GOT ONE OF THOSE IN?

7 THE COURT NO, YOU GOT THEM BOTH IN

8 MR JONES FIFTY SOMETHING, I THINK

9 MR COULTER FIFTY-TWO, JUDGE, IT DIDN'T
10 SHOW THE FACE

11 THE COURT WELL, OKAY I THINK, QUITE
12 FRANKLY, I KNOW THAT THERE WERE VARIOUS REASONS FOR
13 THESE TO BE INTRODUCED, BUT I DON'T THINK IT
14 APPROPRIATE TO HAVE, YOU KNOW, JUST ALL THE NUMBER
15 OF DIFFERENT ANGLES YOU CAN GET OF THE VICTIM'S BODY
16 TO BE INTRODUCED INTO EVIDENCE

17 I MEAN, IF THERE WAS A PURPOSE FOR IT I
18 THINK STATE'S EXHIBIT NUMBER NINETY THAT WAS OFFERED
19 WOULD SHOW IT ALL I UNDERSTAND WHAT THAT'S BEING
20 OFFERED FOR I UNDERSTOOD THAT EXHIBITS NUMBER
21 FIFTY-TWO AND EIGHTY-FIVE WERE GOING TO SHOW
22 EVERYTHING THAT NEEDED TO BE SHOWN

23 AND JUST SHOWING EVERY DIFFERENT ANGLE IN
24 THE ROOM OR THAT POSITION OF THAT VICTIM'S BODY ON
25 THE BED I DON'T THINK WOULD BE APPROPRIATE SO I

1 SUSTAIN THE OBJECTION TO THAT I DON'T THINK IT'S -
2 - APPARENTLY IT'S NOT BEEN DISPUTED UP TO THIS POINT
3 WHAT IS DEPICTED IN THE PHOTOGRAPHS

4 MR GARRETT RIGHT

5 THE COURT ALL RIGHT, ANY OTHER MATTERS
6 WE NEED TO ADDRESS BEFORE WE BRING THEM BACK?

7 MR TINSLEY I'D LIKE TO TAKE A REST ROOM
8 BREAK FOR JUST A MINUTE

9 THE COURT OKAY LET'S TAKE FIVE
10 MINUTES WHILE THE JURY IS TAKING A BREAK

11 (COURT IN RECESS)

12 THE COURT ALL RIGHT, ANY MATTERS WE
13 NEED TO ADDRESS BEFORE THE JURY IS BROUGHT IN?

14 MR GARRETT NOT FOR THE DEFENSE, YOUR
15 HONOR

16 THE COURT BRING THEM IN
17 (JURY REENTERS COURTROOM AT 12 12 O'CLOCK P M)

18 THE COURT ALL RIGHT, THE JURY IS
19 PRESENT YOU MAY CONTINUE

20 EXAMINATION CONTINUED

21 BY MR JONES

22 Q ALL RIGHT, WHAT I WAS ASKING YOU IS, THE
23 MATTER THAT'S ON THE BED THERE IN STATE'S EXHIBIT
24 FOR IDENTIFICATION PURPOSED ONLY NUMBER NINETY

25 A YES

1 Q YOU WOULD AGREE THAT THAT IS A SUBSTANTIAL
2 PORTION OF BLOOD THERE, WOULD YOU NOT? BLOOD
3 SPATTER, YES, RIGHT THERE THAT'S A SUBSTANTIAL
4 AMOUNT -- THAT'S ABOUT, WHAT, THE WIDTH OF MY HAND?
5 YOUR HAND COULDN'T COVER THAT UP, COULD IT?

6 A PROBABLY NOT

7 Q AND THERE'S A LOT OF LITTLE WHITE MATERIAL
8 MIXED IN WITH THAT BLOOD IN -- CAN YOU SEE THAT?

9 A YES

10 Q AND THAT'S PROBABLY BONE AND EYEBALL AND TOOTH
11 STUFF, ISN'T IT?

12 A BRAIN TISSUE, PROBABLY

13 Q BRAIN TISSUE, OKAY AND THE STUFF DEPICTED IN
14 THERE IS SPLATTERED ON THAT SIDE OF THAT BEDSPREAD?

15 A RIGHT

16 Q AND IN ORDER FOR IT TO BE THERE, IN YOUR
17 OPINION, WHERE WAS HER HEAD WHEN IT WENT -- HOW FAR
18 FROM -- HOW FAR FORWARD WAS HER HEAD, HER FACE FROM
19 THAT SPOT WHEN THE FORCE AND THE PELLETS THAT TOOK
20 THAT BRAIN MATTER AND THAT BLOOD AND PLACED IT ON
21 THAT BED SHEET? HOW FAR WAS HER FACE FROM THAT BED
22 SHEET WHEN THAT HAPPENED?

23 A FAIRLY CLOSE I MEAN, I THINK IF YOU SLIDE
24 HER BACK UP ON THE BED SOME

25 Q ABOUT A FOOT?

1 A WELL, THAT'S -- YOU'D HAVE TO TRIANGULATE
2 THAT BUT I WOULD AGREE GENERALLY, THAT YES, IF YOU
3 SLIDE HER BACK UP SOME -- WE KNOW THAT THE WOUND IS
4 ON THIS SIDE OF THE HEAD

5 Q RIGHT

6 A AND IT EXITS TO THE FACE

7 Q RIGHT

8 A THAT'S ABOUT RIGHT

9 Q AGAIN, LEAVING CREDENCE AND BELIEVABILITY TO
10 THE ARGUMENT AND THEORY THAT SHE WAS LAYING ACROSS
11 THE BED -- LAYING ON THE BED ACROSS IT IN THE
12 FASHION RIGHT THERE?

13 A NOT IN THAT FASHION BUT UP -- YEAH, I WOULD
14 AGREE SHE WAS LAYING ON THE BED

15
16 Q THE FORCE TOOK HER HEAD ON DOWN AND PUT IT
17 DOWN ON THE FLOOR SHE DROPPED ON DOWN TO THE FLOOR
18 -- HER HEAD DROPPED ON DOWN AFTER SHE WAS SHOT
19 THIS -- SHE WAS SHOT HERE IN THIS POSITION, THEN HER
20 HEAD DROPPED DOWN TO THE FLOOR, RIGHT?

21 A RIGHT

22 Q AND WHERE WAS THE SHOTGUN TOTING ASSAILANT
23 WHEN SHE WAS SHOT?

24 A SOMEWHERE TO HER RIGHT

25 Q TO HER RIGHT? AND MOST PROBABLY, BASED ON

1 YOUR THEORY, WHERE TO HER RIGHT?

2 A WELL, JUST IN THIS SECTION OF THE ROOM TO THE
3 RIGHT BY THE HEAD OF THE BED OR SOMEWHERE UP THERE
4 LIKE THAT

5 Q WELL, WHAT'S AT THE HEAD OF THE BED?

6 A IN THIS PHOTOGRAPH?

7 Q UH-HUH

8 A PILLOWS

9 Q IS THERE A WALL THERE?

10 A OH, PROBABLY

11 Q AND HOW FAR IS HER HEAD FROM THE WALL?

12 A I DON'T KNOW THERE'S NO SCALE HERE

13 Q IF YOU WOULD HOLD THAT PHOTOGRAPH YOU WENT
14 IN THE BEDROOM, DIDN'T YOU, MR GIRNDT? I MEAN, I
15 KNOW THERE'S NOT A SCALE I'M GOING TO ASK YOU TO
16 GIVE ME AN APPROXIMATE I'M GOING TO HAND YOU THIS
17 PHOTOGRAPH STATE'S EXHIBIT NUMBER EIGHTY-FIVE I'M
18 GOING TO ASK YOU ABOUT HOW FAR YOU THINK THERE IS
19 FROM HER HEAD TO THAT WALL OVER THERE

20 A ABOUT FOUR FEET

21 Q FOUR FEET, OKAY NOW, BASICALLY, WHAT YOU'RE
22 SAYING HERE IS THAT -- LET'S ASSUME THIS IS A SIX
23 FOOT BED, AND SHE'S LAYING RIGHT HERE ON IT I
24 MEAN, TAKE A LOOK AND SEE IF YOU THINK SHE'S IN THE
25 MIDDLE OF THE BED OR CLOSER TO THE FOOT OF THE BED?

1 CLOSER TO THE FOOT?

2 A PROBABLY A LITTLE CLOSER TO THE FOOT WHICH
3 WOULD PUT HER NEAR THE CLOSET DOOR

4 Q SHE'S LAYING RIGHT HERE, IS THAT CORRECT?
5 RIGHT OVER HERE? THIS IS HER HEAD RIGHT HERE,
6 RIGHT?

7 A UH-HUH

8 Q AND YOU SAY THERE'S FOUR FEET TO THIS WALL,
9 RIGHT?

10 A WELL, IT'S -- YES

11 Q AND YOU SAY THE ASSAILANT WAS TO HER RIGHT
12 BECAUSE OF THE PATTERN OF THE BLOOD THAT WENT OUT,
13 RIGHT?

14 A WELL, THE WOUND IS TO THE RIGHT SIDE OF HER
15 HEAD

16 Q RIGHT, THE WOUND IS TO THE RIGHT SIDE, AND THE
17 BLOOD IS SPATTERED ON THE LEFT SIDE SO THE GUNSHOT
18 WAS FIRED FROM THIS SIDE, WASN'T IT? BASED ON THE
19 BLOOD SPATTER? BASED ON--

20 A THIS IS A PARTIAL EXAMINATION SEE WHAT I'M
21 SAYING ?

22 Q WHERE IS THE BLOOD SPATTER ON THIS BED FROM
23 HER HEAD -- THE BRAIN TISSUE AND BLOOD SPATTER ON
24 THIS BED, WHERE IS IT? COME AND MARK IT WITH THIS
25 PEN APPROXIMATELY

1 A SOMEWHERE IN THIS AREA

2 Q RIGHT THERE? THAT'S THE BLOOD SPATTER FROM
3 HER BRAIN AND HER HEAD ON THE BEDSPREAD, ISN'T IT?

4 A RIGHT

5 Q RIGHT THERE, ALL RIGHT AND WHERE ARE YOU
6 SAYING HER HEAD WAS WHEN THAT WOUND -- WHEN THAT
7 FORCE, THOSE PELLETS WENT INTO HER -- THE RIGHT SIDE
8 OF HER HEAD FORCING THE BRAIN AND BLOOD OUT OF THE
9 OTHER SIDE OF HER HEAD?

10 A PROBABLY SOMEWHERE IN THIS VICINITY?

11 Q RIGHT IN HERE? AND WHERE WOULD BE THE SHOOTER
12 HAVE BEEN?

13 A WELL, WE'VE ALREADY POINTED OUT THAT THIS
14 THING'S NOT TO SCALE I MEAN, YOU --

15 Q BUT -- BUT I JUST ASKED YOU, THERE'S FOUR FEET
16 BETWEEN HER HEAD AND THIS WALL, RIGHT?

17 A I DON'T KNOW THAT FOR SURE

18 Q WELL ---

19 A AND I'M NOT SURE WHERE THIS CLOSET DOOR IS I
20 DON'T KNOW IF THIS CLOSET DOOR GIVES YOU ENOUGH ROOM
21 OR NOT

22 Q IF THE SHOOTER IS BACKED UP TO THE WALL AND
23 HOLDING THE GUN, HOW FAR IS THE BLAST GOING TO BE
24 FROM HER HEAD WHEN THE BLAST IS SHOT?

25 A WHERE WAS THE PHOTOGRAPH TAKEN FROM?

1 Q THE PHOTOGRAPH WAS TAKEN FROM RIGHT HERE
2 RIGHT HERE

3 A WHERE?

4 Q RIGHT HERE THIS IS HER HEAD RIGHT HERE
5 RIGHT HERE RIGHT HERE

6 A I DON'T BELIEVE IT WAS

7 Q WHERE DO YOU SAY IT WAS TAKEN?

8 A IT LOOKS LIKE THE PHOTOGRAPHER IS BACKED UP
9 INTO THE CLOSET WHICH IS -- PUTS HIM A FEW FEET
10 AWAY

11 Q RIGHT BUT IT DOESN'T CHANGE HER POSITION,
12 DOES IT?

13 A NO, BUT, I MEAN, THE PHOTOGRAPHER IS IN ALMOST
14 THE SAME SPOT IF YOU LINE THIS UP THAT'S WHAT I'M
15 SAYING, THIS DRAWING IS --

16 Q WELL, LET ME ASK YOU SOMETHING DO YOU WANT
17 TO CHANGE HER POSITION OR DO YOU WANT TO LEAVE HER
18 WHERE SHE IS ON THE BED ?

19 A DO I WANT TO CHANGE IT?

20 Q YES, SIR

21 A NO, I JUST ASKED WHERE THE PHOTOGRAPH WAS
22 TAKEN IT'S CLEARLY NOT TAKEN FROM THE HEAD OF THE
23 BED

24 Q ALL RIGHT WELL, I'M GOING TO ASK YOU
25 SOMETHING IF SHE'S LOCATED ON THE BED -- I JUST

1 WANT TO ASK YOU FOR YOUR OPINION -- IF SHE'S LOCATED
2 ON THE BED AND SHE'S FOUR FEET FROM THE BACK WALL OF
3 THIS BEDROOM AND THE SHOOTER IS TO HER RIGHT, HOW
4 FAR AWAY WOULD THE BARREL OF THIS GUN BE FROM HER
5 HEAD WHEN SHE WAS SHOT?

6 A I DON'T BELIEVE THAT'S WHERE THE SHOOTER WAS

7 Q WHERE DO YOU BELIEVE THE SHOOTER WAS?

8 A PROBABLY SOMEWHERE IN THE VICINITY OF WHERE
9 THAT PHOTOGRAPH WAS TAKEN FROM

10 Q STANDING OVER HERE?

11 A DID YOU TAKE IT?

12 Q NO, I DIDN'T TAKE THE PHOTOGRAPH

13 A WELL --

14 Q AND YOU SHOULD KNOW FROM ALL THE TIMES THAT
15 YOU TOOK THE WITNESS STAND YOU DON'T ASK THE
16 EXAMINER QUESTIONS YOU'RE HEAR TO ANSWER
17 QUESTIONS

18 A WELL, I DON'T KNOW --

19 MR JONES YOUR HONOR, I'D ASK YOU TO
20 INSTRUCT THE WITNESS NOT TO ASK ME ANY MORE
21 QUESTIONS THAT'S NOT HIS ROLE

22 THE COURT ALL RIGHT, PLEASE JUST
23 RESPOND TO THE QUESTIONS ASKED AND SOLICITOR, LET
24 ME ASK YOU JUST TO ASK THE QUESTION AND DON'T DIRECT
25 THE WITNESS

1 MR JONES ALL RIGHT, SIR

2 THE COURT IF IT'S A QUESTION, DIRECT IT
3 TO ME

4 MR JONES YES, SIR, AND I ASK YOU TO
5 HELP ME THERE IN THAT REGARD

6 THE COURT I DID

7 MR JONES YES, SIR

8 EXAMINATION CONTINUED

9 BY MR JONES

10 Q AND I ASK YOU, YOU'RE STATING THAT YOU BELIEVE
11 THE SHOOTER WAS ON THIS SIDE OF THE ROOM?

12 A NO, I --

13 Q THEN THE SHOOTER WAS ON THE RIGHT SIDE OF THE
14 ROOM, CORRECT?

15 A THE PHOTOGRAPH IS TAKEN FROM THE RIGHT SIDE OF
16 HER AND IT'S CLEARLY SEVERAL FEET AWAY I DON'T
17 KNOW WHERE THE PHOTOGRAPHER WAS STANDING AND I
18 DON'T THINK ANYBODY HERE DOES EITHER AGENT DERRICK
19 DIDN'T WORK THE SCENE

20 Q AND I DIDN'T ASK YOU ABOUT THE PHOTOGRAPHER
21 I ASKED YOU ABOUT THE BODY AND THE BODY IS LOCATED
22 ON THE BED, ISN'T IT?

23 A YES

24 Q AND THE BODY -- AND TO THE RIGHT OF THE BODY'S
25 HEAD IS AT THE HEAD OF THE BED, ISN'T IT?

1 A YES

2 Q SO THE SHOOTER WAS ON THE BED TO THE RIGHT OF
3 THE BODY, WASN'T IT?

4 A ON THE BED?

5 Q STANDING ON THE BED SHOOTING INTO THE RIGHT
6 SIDE OF THE HEAD OF THE BED

7 A NOW WE'RE STANDING ON THE BED?

8 Q I'M ASKING YOU IS THAT INCONSISTENT WITH THE
9 FORENSIC EVIDENCE THAT YOU FOUND?

10 A I STILL NEED TO KNOW WHERE THE PHOTOGRAPH WAS
11 TAKEN FROM

12 Q YOU KNOW WHERE THE BRAIN TISSUE IS, DON'T YOU?

13 A YES

14 Q IT'S ON THE BED, ISN'T IT? IT'S ON THE BED?

15 A YES

16 Q ALL RIGHT AND IT'S GOING IN THAT -- IT'S
17 GOING IN THIS DIRECTION IN THIS DIRECTIONS, ISN'T
18 IT? THE SPATTER IS GOING --LOOK -- AT THAT ANGLE,
19 ISN'T IT? THE BLOOD SPATTER AND BRAIN TISSUE ON THE
20 BED IS AT THAT ANGLE, ISN'T IT? NO? YOU'RE SAYING
21 IT'S AT THAT ANGLE? THAT'S THE ANGLE YOU'RE SAYING
22 IT IS?

23 A WELL, IN THE FIRST PLACE, I THINK WE'VE
24 ALREADY ESTABLISHED THAT THIS IS NOT A TRUE AND
25 ACCURATE REPRESENTATION OF THE LAYOUT OF THE

1 TRAILER

2 Q JUST GIVE ME WHAT ANGLE YOU FEEL THE BLOOD
3 SPATTER IS GOING JUST USE MY PEN TO SHOW ME THE
4 ANGLE YOU CAN TAKE WHATEVER ANGLE YOU WANT TO, BUT
5 YOU SHOW ME WHAT ANGLE YOU THINK THAT BLOOD SPATTER
6 IS GOING

7 A WELL, WE KNOW IT'S PROJECTED TO THE DRESSER,
8 BECAUSE THERE ARE OTHER PHOTOGRAPHS SHOWING --
9 CLEARLY SHOWING BLOOD ON THE DRESSER

10 Q I'M JUST ASKING YOU TO SHOW ME WHAT ANGLE YOU
11 THINK THAT BLOOD SPATTER IS GOING

12 A I JUST DID

13 Q SHOW IT TO ME I JUST WANT TO HOLD IT YOU
14 JUST PUT IT THERE I WANT TO HOLD IT FOR A SECOND
15 JUST GIVE ME THE ANGLE ---

16 A WELL, YOU CAN'T USE THIS

17 Q YOU CAN SHOW ME WHAT ANGLE THE BLOOD SPATTER
18 IS GOING

19 A LET ME SEE THE PHOTOGRAPH YOU CAN'T PROJECT
20 AT AN ANGLE FROM THIS PARTICULAR PHOTOGRAPH I
21 THINK YOU CAN SAY THE BLOOD IS OVER HERE ON THIS
22 END, HER HEAD IS ABOVE IT HERE, SHE'S GOT A WOUND TO
23 THE RIGHT SIDE OF HER HEAD BUT IT'S FAIRLY CLEAR
24 THAT SHE COULD HAVE BEEN SHOT FROM WHERE THE
25 PHOTOGRAPHER WAS STANDING THAT'S WHY I NEED TO

1 KNOW WHERE THE PHOTOGRAPH WAS TAKEN

2 Q YOU NEED TO KNOW WHERE THE PHOTOGRAPHER
3 WAS ---

4 A I CANNOT -- I'M NOT GOING TO RENDER A
5 CONCLUSION WITHOUT KNOWING WHERE THE PHOTOGRAPHER
6 WAS

7 Q I'M GOING TO ASK YOU TO LOOK AT STATE'S
8 EXHIBIT NUMBER EIGHTY-NINE

9 A YES

10 Q WHAT'S DEPICTED IN THAT PHOTOGRAPH?

11 A MS HARRIS

12 Q AND?

13 A SOME BLOOD STAIN AND THE TELEPHONE

14 Q NOW I WANT TO ASK YOU WHAT DOES LOGIC TELL YOU
15 ABOUT HOW THE TELEPHONE GOT WHERE IT IS ON THE
16 FLOOR?

17 A SHE PROBABLY PULLED IT DOWN THE HALLWAY

18 Q SO IF SHE PROBABLY PULLED IT DOWN THE HALLWAY,
19 SHE WAS PROBABLY ON THAT PHONE, WASN'T SHE?

20 A SHE WAS, BUT NOT AT THE TIME THAT SHE WAS
21 SHOT

22 Q SHE HAD DROPPED THE PHONE WHEN SHE WAS SHOT
23 WHY DID SHE PULL IT DOWN THAT HALLWAY? WHAT DOES
24 LOGIC TELL YOU ABOUT WHY SHE PULLED THAT PHONE DOWN
25 THAT HALLWAY?

1 A I'M SAYING SHE WAS TRYING THE GET AWAY FROM
2 MR HUGHEY

3 Q THAT'S RIGHT SHE WAS BACKING DOWN THE
4 HALLWAY BECAUSE HE WAS MARCHING TOWARDS HER WITH A
5 FORTY-GAUGE SHOTGUN, WASN'T SHE? AND SHE FINALLY --
6 THE LAST THING SHE ASKED HIM TO DO WAS NOT TO SHOOT
7 THAT PHONE -- THAT GUN IN THIS HOUSE, WASN'T IT,
8 ACCORDING TO THE DISPATCHER?

9 A THAT STATEMENT WAS MADE I DON'T KNOW EXACTLY
10 WHEN

11 Q AND THEN THE DISPATCHER HEARD A BLAST BUT
12 DIDN'T HEAR ANYTHING ELSE FROM MS LUEVINIA HARRIS,
13 DID SHE?

14 A NO

15 Q NOW ARE YOU SAYING THAT FROM WHAT YOU HAVE
16 SEEN IN ALL THE PHOTOGRAPHS YOU LOOKED AT AND ALL
17 THE EXHIBITS YOU'VE EXAMINED AND ALL THE TESTS THAT
18 YOU'VE CONDUCTED ALL THE REPORTS YOU'VE WRITTEN, YOU
19 CAN'T RENDER AN OPINION AS TO WHERE THE DEFENDANT
20 WAS STANDING WHEN HE SHOT TESHEKA HARRIS IN THE HEAD
21 WITH THAT GUN?

22 A WELL, CLEARLY HE'S NOT STANDING AT THE HEAD OF
23 THE BED THAT'S WHY I NEED TO KNOW WHERE THE
24 PHOTOGRAPHER WAS

25 Q CAN YOU TELL US WHERE HE WAS STANDING?

1 A THE PHOTOGRAPHER?

2 Q NO, SIR, JOHN KENNEDY HUGHEY?

3 A NO, I CAN'T

4 Q SO BASED ON EVERYTHING YOU'VE EXAMINED YOU
5 CAN'T TELL US WHERE HE WAS STANDING?

6 A WELL, IT'S NOT DOCUMENTED CORRECTLY

7 Q OKAY AND WHAT'S NOT DOCUMENTED CORRECTLY?

8 A IF THEY REALLY WANTED TO KNOW EXACTLY WHERE
9 SHE WAS, THERE IS A FORMULA TO FIGURING THAT OUT
10 BUT YOU HAVE TO HAVE THE INDIVIDUAL BLOOD STAIN
11 THE BEST TIME TO DO IT IS WHEN YOU'RE AT THE CRIME
12 SCENE

13 Q I SEE

14 MR JONES ALL RIGHT THANK YOU

15 RE-DIRECT EXAMINATION

16 BY MR GARRETT

17 Q YOU HAD ASKED IN THE PROCESS OF DISCUSSING THE
18 TESHEKA JACKSON THAT YOU WANTED TO SEE SOME
19 PHOTOGRAPHS -- OTHER PHOTOGRAPHS CONCERNING THE
20 BLOOD SPATTER?

21 A YES

22 Q THERE ARE NUMEROUS OF THOSE, ARE THERE NOT?

23 A OH, YES

24 Q AND ARE THEY -- IN YOUR SCIENCE AS A EXAMINER,
25 THERE IS A METHODOLOGY FROM BEING ABLE TO

1 TRIANGULATE THE EXACT LOCATION OF THE HEAD AND THE
2 EXACT LOCATION OF THE MUZZLE AT THE TIME OF THE
3 IMPACT?

4 A YES

5 Q TO YOUR KNOWLEDGE, HAS THAT BEEN DONE BY
6 S L E D ?

7 A I DIDN'T SEE ANY INDICATION OF IT, NO

8 Q BASED UPON THE PHOTOGRAPHS, ARE YOU ABLE TO DO
9 THAT WITHOUT HAVING THOSE -- THE ACCURATE DATA FROM
10 THAT?

11 A NOT WITH THAT LIMITED AMOUNT OF INFORMATION

12 Q ALL RIGHT

13 A I MEAN, I CAN LOOK AT THE STAINS AND TELL YOU
14 APPROXIMATE ANGLES AND THINGS LIKE THAT, BUT NOT AN
15 EXACT ANGLE

16 Q SHOW YOU WHAT HAS BEEN MARKED DEFENDANT'S
17 EXHIBIT THIRTY-NINE FOR IDENTIFICATION CAN YOU
18 IDENTIFY THAT PHOTOGRAPH?

19 A I BELIEVE THAT'S THE MASTER BEDROOM TAKEN FROM
20 ANOTHER ANGLE

21 Q HOW HIGH IS THE BED IN RELATIONSHIP TO THAT
22 CHEST OF DRAWERS?

23 A THE CHEST SEEMS TO BE SLIGHTLY HIGHER THAN THE
24 BED

25 Q SO CAN WE ASSUME THAT IN -- IF SOMEONE WAS

1 SHOOTING DOWN TOWARDS SOMEONE THAT THAT SPATTER
2 WOULD BE GOING THAT DIRECTION?

3 A WELL, I'M -- SAME THING WITH WHAT THE
4 SOLICITOR ASKED ME IT'S A LIMITED AMOUNT OF
5 INFORMATION TO TRY TO MAKE AN ASSESSMENT

6 Q ALL RIGHT, BUT THE CHEST OF DRAWERS -- THE
7 CHEST OF DRAWERS IS HIGHER THAN THE BED, IS THAT
8 CORRECT?

9 A IT APPEARS TO BE SLIGHTLY HIGHER

10 Q IF SOMEONE'S SHOOTING DOWN, IT WOULD HAVE TO
11 GO UP ON TOP OF THE DRESSER, WOULDN'T IT?

12 A WELL, THAT'S WHY YOU NEED TO DO THIS WHEN THE
13 SCENE IS FRESH

14 Q AND TO YOUR KNOWLEDGE HAS S L E D OR ANYBODY
15 FROM S L E D DONE THIS ANALYSIS?

16 A NOT THAT I'M AWARE OF

17 Q AND IN FACT THE BLOOD SPATTER IN DEFENDANT'S
18 EXHIBIT FORTY FOR IDENTIFICATION WENT UPON THE
19 MIRROR

20 A YES

21 Q WHAT WOULD THAT TELL YOU? GENERALLY, AGAIN,
22 WITHOUT HAVING THE FIGURES TO DO THE ANALYSIS, IS
23 THAT -- WHAT DOES THAT TELL YOU?

24 A IT APPEARS TO BE HIGH SPEED SPATTER WHICH IS
25 NORMALLY ASSOCIATED WITH A GUNSHOT WOUND

1 Q ALL RIGHT, BUT FROM THAT CAN YOU IDENTIFY
2 LOCATIONS?

3 A NOT JUST FROM THIS

4 Q SO TELL THE JURY WHAT IT WOULD TAKE FOR US TO
5 BE ABLE TO KNOW PRECISELY WHERE THE HEAD WAS IN
6 RELATIONSHIP TO THE MUZZLE, THIS TRIANGULATION
7 METHOD, WHAT IS THAT?

8 A WELL, AT THE TIME THAT THIS WAS DONE WHAT YOU
9 CAN TO IS MEASURE COMPONENTS OF THE STAINS, WHICH I
10 MEAN YOU MEASURE THE LENGTH AND THE WIDTH OF THE
11 STAINS, DIVIDING THE LENGTH INTO THE WIDTH THEN
12 YOU COME WITH A -- YOUR ANSWER THERE AND THEN YOU
13 TAKE A SIGN CHART WHICH CONVERTS INTO DEGREES

14 AND ONCE YOU GET THE DEGREE THEN YOU CAN TAKE
15 A STRING -- NORMALLY STRINGS ARE USED -- AND PUT ONE
16 END OF THE STRING AT THE STAIN AND PUT ANOTHER END
17 OF THE STRING BACK TO -- YOU KNOW, YOU PROJECT IT
18 BACK UNTIL IT STOPS AND YOU TAKE SEVERAL OF THESE
19 DIFFERENT ANGLES AND WHERE THEY MEET OR THE POINT
20 OF -- WHAT'S REFERRED TO AS THE POINT OF CONVERSION
21 IS USUALLY WHERE YOUR BLOOD STARTED

22 Q SO THEN THAT'S --

23 A WOULD BE THE SOURCE OF THE BLEEDING

24 Q ALL RIGHT

25 A SO THERE IS A METHOD, YES

1 MR GARRETT ANY OBJECTION, SOLICITOR,
2 TO DEFENDANT'S EXHIBIT THIRTY-NINE AND FORTY?

3 MR JONES NO

4 MR GARRETT MOVE TO ENTER THESE INTO
5 EVIDENCE, YOUR HONOR

6 THE COURT THEY'RE ADMITTED WITHOUT
7 OBJECTION

8 MR GARRETT ALL RIGHT

9 EXAMINATION CONTINUED

10 BY MR GARRETT

11 Q SO AS TO THE MATTER OF PROOF BEYOND A
12 REASONABLE DOUBT AND THERE'S NO WAY TO PROVE THAT IN
13 THIS COURTROOM TODAY AS TO THE EXACT LOCATION BASED
14 ON THE SCIENCE BECAUSE YOU DON'T HAVE THOSE FIGURES?

15 A I WOULDN'T ATTEMPT TO MAKE AN ANALYSIS BASED
16 ON THAT

17 Q ALL RIGHT NOW, DOES THAT MEAN, HOWEVER, THAT
18 THERE WAS NO STRUGGLE IN THE BEDROOM?

19 A NO, ALL THOSE ARE IS EVIDENCE OF -- OF
20 GUNSHOT

21 Q IS IT NECESSARY TO TALK, CUSS, OR SPIT IN THE
22 PROCESS OF A STRUGGLE?

23 A NO

24 Q DID YOU RECALL MR HUGHEY INDICATING THAT HE
25 WAS CUSSING OR SHE WAS CUSSING OR SPITTING IN THE

1 BEDROOM AREA?

2 A NO

3 Q NOW IF THIS 911 OPERATOR WAS NOTICING OTHER
4 OFFICERS THAT SHE HEARD WHAT THOUGHT SOUNDED LIKE A
5 GUNSHOT, DO YOU RECALL HER TESTIMONY?

6 A A MAJORITY OF IT

7 Q IF YOU'RE LISTENING IN ON THE PHONE AND YOU'RE
8 TALKING TO SOMEBODY ELSE ABOUT "I THINK I HEAR WHAT
9 SOUNDS LIKE A GUNSHOT", YOU HAVE TO GET AWAY FROM
10 THE PHONE A LEAST A SECOND OR TWO, DON'T YOU, TO BE
11 ABLE TO TALK TO SOMEBODY ELSE AND TELL THEM, "I HEAR
12 WHAT SOUNDS LIKE A GUNSHOT TELL THE OFFICER WHO'S
13 ON HIS WAY OVER THERE TO PROTECT HIM "? WOULD THAT
14 BE LIKE --

15 A I DON'T KNOW WHAT KIND OF PHONE SET UP THEY
16 HAVE, SIR

17 Q NOW WHEN THE SOLICITOR WAS TALKING ABOUT WHAT
18 THE YOUNG -- MS LUEVINIA SAID TO HER SON -- IN
19 FACT, IT WAS THE SON WHO SAYS, "WELL, IF HE'S OVER
20 THERE WITH A GUN HE'S GOT TO LEAVE " IT WASN'T MS
21 LUEVINIA WHO SAID THAT DO YOU RECALL THAT FROM
22 THAT TESTIMONY?

23 A AS I SAID, I DON'T -- I KNOW THE GENERAL GIST
24 OF THE TESTIMONY I DON'T KNOW EXACTLY --

25 Q THE SPECIFICS OF THE TESTIMONY

1 A I DON'T KNOW EXACTLY WHAT WAS SAID

2 Q NOW YOU'VE HEARD THE CROSS EXAMINATION OF THE
3 SOLICITOR NOW, ALL RIGHT? AND DO YOU SUBSCRIBE TO
4 HIS VIEW OR HIS THEORY OF THE CASE THAT JOHN WAS
5 ALREADY IN THERE WITH A GUN AND THEN THE FIGHT CAME
6 BACK IN THROUGH THIS DIRECTION? AGAIN, BASED UPON
7 ALL THE EVIDENCE IN THE CASE, THE TOTALITY OF THE
8 CASE, ALL THE PHONE CALLS, AND THOSE NINE THINGS
9 THAT YOU LISTED THERE, HAVE YOU CHANGED YOUR OPINION
10 ON WHAT YOU BELIEVE OCCURRED IN THE HOUSEHOLD?

11 A WELL, NO, NOT REALLY BASED ON THE FIRST
12 PHONE CALL THAT SAYS THAT JOHN HAS THE GUN AND NOT
13 THAT JOHN'S OVER HERE SHOOTING THE GUN IN THE HOUSE,
14 I WOULD THINK THAT THE SHOOTING AND THE CUTTING TOOK
15 PLACE AFTER THAT, ALTHOUGH HE IS IN THE HOUSE WITH
16 THE GUN ALREADY

17 Q NOW YOU DON'T RECALL HER SAYING THAT HE WAS
18 THERE WITH A SHOTGUN?

19 A I THINK IT'S JUST GUN

20 Q OKAY, GUN AND REFERRING TO MR HUGHEY'S
21 EXPLANATION OF THAT IS THAT AT SOME POINT THE
22 DISCUSSION BETWEEN HE AND TESHEKA AND SHE ASKED HIM
23 DID HE HAVE A GUN DO YOU RECALL THAT IN HIS
24 TESTIMONY?

25 A YES

1 MR JONES JUDGE, I OBJECT TO THIS
2 QUESTION HE'S TRYING TO GET THE WITNESS TO BOLSTER
3 MR HUGHEY'S TESTIMONY BY ASKING THIS

4 THE COURT I SUSTAIN THE OBJECTION

5 EXAMINATION CONTINUED

6 BY MR GARRETT

7 Q SO WE KNOW -- SHE DIDN'T SAY SHOTGUN, DO YOU
8 RECALL THAT? NO ONE SAID SHOTGUN?

9 A I DON'T RECALL THAT

10 Q ALL RIGHT NOW, THIS DOOR IN ORDER FOR IT TO
11 HAVE BEEN BROKEN OPEN -- I'M TALKING ABOUT NOW THIS
12 BEDROOM DOOR -- IT WOULD HAVE HAD TO GO SWING INTO
13 THAT DIRECTION, IS THAT CORRECT? IN OTHER WORDS, IT
14 WOULD HAVE TO SWING BACK?

15 A I BELIEVE IT WOULD SWING IN, YES

16 Q OKAY, IF YOU'VE GOT FIGHTING IN AND ABOUT THIS
17 AREA, IF SOMEBODY FALLS UP OR HITS AGAINST THAT DOOR
18 IS THAT SUFFICIENT TO BREAK THAT OPEN?

19 A I DON'T KNOW I WOULDN'T WANT TO PUT
20 CONJECTURE ON THAT

21 Q BUT IF SOMEBODY'S FIGHTING OR TUSSLING WITH A
22 GUN OR A KNIFE AND THEY HIT THE DOOR, I MEAN --

23 A I DON'T THINK IT WOULD BE OUT OF THE QUESTION,
24 BUT I COULDN'T SAY FOR SURE

25 Q OR IS SOMEONE'S CHASING SOMEONE THROUGH THERE

1 AND SOMEONE GETS OUT OF THAT AND WANTS TO GET
2 THROUGH THAT DOOR REAL QUICK THEY PULL THAT DOOR?

3 A I SUPPOSE

4 Q I MEAN, BOTH OF THOSE ARE LOGICAL EXPLANATIONS
5 FOR HOW THAT DOOR GOT BROKEN OPEN?

6 A COULDN'T BE DISCOUNTED, NO

7 Q IS THAT RIGHT? WELL, LET ME ASK YOU THIS TO
8 FOLLOW THE SOLICITOR'S THEORY OF THE CASE, IF SHE
9 WAS IN HERE HIDING THEN IF HE CAME THROUGH HERE HE
10 WOULD HAVE HAD TO HAVE THE GUN WITH HIM, WOULDN'T
11 HE?

12 A IT SEEMS THAT HE WOULD, YES

13 Q WELL, THEN HE WOULD BE CHASING HER IN THAT
14 DIRECTION, WOULDN'T HE?

15 MR JONES JUDGE, THAT'S A LEADING
16 QUESTION I MEAN, WHAT IS HE TRYING TO DO? I
17 OBJECT I OBJECT

18 THE COURT NO LEADING

19 MR GARRETT ALL RIGHT, I WON'T LEAD
20 HIM

21 EXAMINATION CONTINUED

22 BY MR GARRETT

23 Q YOU HEARD WHAT THE SOLICITOR'S THEORY IN THE
24 CASE WAS, DIDN'T YOU, ABOUT GOING INTO THIS BEDROOM?

25 MR JONES JUDGE --

1 MR GARRETT DO YOU RECALL THAT?

2 MR JONES YOUR HONOR, I OBJECT THAT
3 WASN'T MY QUESTION HE'S ASKING HIM ABOUT MY
4 QUESTION

5 THE COURT ALL RIGHT, LET'S DO THIS
6 REMEMBER THE PURPOSE THAT THIS WITNESS WAS CALLED,
7 AND LET'S SIMPLY NOT JUST RECAP THE TESTIMONY OF THE
8 WITNESSES THROUGH THIS WITNESS LET'S ASK HIM ANY
9 QUESTION YOU'D LIKE TO SO FAR AS HIS OPINION ON THE
10 MATTERS CONCERNED

11 EXAMINATION CONTINUED

12 BY MR GARRETT

13 Q YOU HAVE HEARD THE SOLICITOR'S OPINION OR HIS
14 THEORY OF THE CASE, HAVE YOU NOT? WHEN HE ASKED YOU
15 QUESTIONS A MOMENT AGO ABOUT IS IT POSSIBLE IT
16 HAPPENED THIS WAY

17 A YES

18 Q ALL RIGHT AND MY QUESTION TO YOU IS, IF THE
19 EVENTS TRANSPIRED THE WAY HE SUGGESTED THEM TO YOU,
20 DO YOU AGREE WITH THOSE OR DISAGREE WITH THOSE BASED
21 UPON THE PHYSICAL EVIDENCE THERE?

22 A WELL, BASED ON THE GUNSHOT TO THE TUB AREA AND
23 THE PHOTOGRAPHS TAKEN BY S L E D WHICH SHOW THE
24 TRAJECTORY BACK TO THE DOOR, IT WOULD SEEM --

25 Q BACK TOWARDS WHICH WAY? BACK TOWARDS HERE?

1 A WELL, HERE THE GUNSHOT IS IN THIS AREA
2 THEY PROJECTED A STRING BACK TO THIS AREA --

3 Q HERE TO HERE

4 A -- SO IT WOULD BE GOING THIS WAY BECAUSE IT
5 EXITED OUT THE SIDE OF THE TRAILER IT WOULD SEEM
6 MORE LOGICAL SEQUENCE TO BE THAT SHE RAN IN THE
7 BATHROOM AND THEN BACK AROUND THIS WAY

8 Q ALL RIGHT AND IN THE PROCESS OF COMING BACK
9 AROUND THERE IS THAT DOOR WERE LOCKED OR UNLOCKED,
10 SOMEONE WOULD HAVE TO GET THAT DOOR OPEN, WOULDN'T
11 THEY?

12 A YES

13 Q I MEAN, IF THAT DOOR WERE CLOSED THEN IT --

14 A THE BEDROOM DOOR?

15 Q YES, YES, IF IT WERE IN A LOCKED POSITION
16 WHOMEVER WOULD HAVE TO OPEN THAT DOOR IN SOME
17 FASHION

18 A RIGHT

19 Q ALL RIGHT AND THERE IS NO QUESTION BUT -- OR
20 IS THERE ANY QUESTION THAT THE SHELL OF THE SHOT --
21 IF IT WENT FROM THE ENTRANCE OF THE BATHROOM, THIS
22 TUB WAS IN THAT ANGLE?

23 A NO

24 Q IF THERE WAS A SHOT IN ANY OTHER DIRECTION --
25 IF THEY FOLLOWED THAT DIRECTION THAT THE SOLICITOR

1 SUGGESTED, WHICH DIRECTION WOULD THE SHOT HAVE BEEN?

2 A BACK TOWARDS THIS DOOR

3 Q BACK TOWARDS THE DOOR THAT'S NOT WHAT
4 HAPPENED, BASED ON YOUR SCIENTIFIC EXAMINATION?

5 A (NO RESPONSE)

6 Q QUESTIONS WERE ASKED, NUMEROUS QUESTIONS,
7 CONCERNING YOUR PAYMENT, IS THAT CORRECT?

8 A YES

9 Q AND HOW MANY YEARS DID YOU WORK FOR S L E D ?

10 A THIRTEEN

11 Q AND WERE YOU PAID FOR COMING TO COURT AND
12 TESTIFYING IN THOSE CASES?

13 A YES

14 Q DO PEOPLE DO THIS FOR FREE?

15 A NO

16 Q THE NUMEROUS S L E D AGENTS THAT HAVE CAME
17 INTO THIS COURTROOM TO TESTIFY, DO YOU KNOW THEM?

18 A YES

19 Q DID YOU WORK WITH THEM?

20 A YES

21 Q AND ARE THEY PAID A SALARY?

22 A YES

23 Q DO THEY HAVE TO COME DO THIS FOR FREE OR DO
24 THEY GET PAID?

25 A THEY GET PAID, AS FAR AS I KNOW

1 Q AND DO YOU REMEMBER HOW MANY STATE'S WITNESSES
2 CAME TO THIS COURT TO TESTIFY FOR THE STATE THAT
3 CAME FROM S L E D ?

4 A HALF A DOZEN

5 Q SIX?

6 A WELL, NOT EXACTLY -- JUST GENERALITIES, YEAH

7 Q AND EACH OF THOSE SIX PEOPLE WOULD HAVE GOT
8 PAID, WOULDN'T THEY?

9 A TWO RETIRED AGENTS, TWO FIELD AGENTS, MS
10 SKRABA, AGENT DeFREEZE -- SIX OR SO

11 Q SIX OR SO? AND ARE THEY PAID FOR TRAVELING
12 TIME?

13 A I WOULDN'T KNOW I HAVEN'T FILLED OUT A DAILY
14 IN SO LONG, I DON'T KNOW

15 Q WELL, WHEN YOU WERE IN S L E D 'S DID YOU GET
16 PAID FOR YOUR DAILY TIME?

17 A YOU GET PAID BY THE HOUR AND IF IT GOES ON
18 INTO OTHER HOURS, YOU GET PAID

19 Q ALL RIGHT, NOW, DO YOU RECALL THE TESTIMONY OF
20 MARCUS HARRIS RELATING TO WHAT WAS SAID ON THE
21 TELEPHONE IN THE FIRST CALL OF CIRCUMSTANCE?

22 A BASICALLY, WHAT ARE -- WHAT ARE YOU REFERRING
23 TO?

24 Q WELL, WHETHER THEY WERE TALKING, HOW YOU DOING
25 CUZ AND GENERAL CONVERSATION LIKE THAT

1 A RIGHT

2 Q DOES THAT SOUND LIKE PEOPLE WHO ARE UNDER
3 THREAT OF A GUN, AN OPEN GUN, ONE THAT'S BEEN
4 DISPLAYED, IN YOUR ESTIMATION AS A CRIME SCENE ---

5 A WELL, NO, I REALLY COULDN'T SAY, BECAUSE I
6 DON'T KNOW WHAT THE TONE IN THE VOICE WERE OR
7 ANYTHING LIKE THAT

8 Q WELL, HOW YOU DOING CUZ? I'M OKAY

9 MR JONES ASKED AND ANSWERED, YOUR
10 HONOR, ON RE-DIRECT

11 THE COURT SUSTAINED

12 EXAMINATION CONTINUED

13 BY MR GARRETT

14 Q IN SITUATIONS WHERE SOMEBODY'S HOLDING
15 SOMEBODY HOSTAGE, IS IT CUSTOMARY FOR THEM TO LET
16 PEOPLE HAVE OPEN PHONE COMMUNICATION, BASED ON YOUR
17 SCIENCE AND STUDY?

18 A I'M NOT A HOSTAGE NEGOTIATOR, SIR.

19 Q DO YOU HAVE KNOWLEDGE OF THAT?

20 A NOT TO THAT EXTENT

21 Q WERE YOU HERE WHEN THE SOLICITOR MADE HIS
22 OPENING STATEMENT IN THE CASE?

23 A YES

24 Q WAS ANYBODY SHOT IN THE BACK OF THE HEAD?

25 A NO

1 Q WAS ANYBODY SHOT EXECUTION STYLE?

2 A NO

3 Q WAS ANYBODY SHOT WITHIN AN INCH -- EXCUSE ME,
4 TWELVE INCHES OF THEIR HEAD?

5 A NO

6 Q IS THERE ANY PROOF OF THAT, MUCH LESS BEYOND A
7 REASONABLE DOUBT IN THIS CASE?

8 A I HAVE NOT SEEN ANY OTHER OR HEARD ANY
9 TESTIMONY TO THAT AFFECT

10 Q HAVE YOU EVER SEEN A FORENSIC PATHOLOGIST
11 TESTIFY IN A COURT OF LAW --

12 MR JONES JUDGE, IS THIS RESPONSIVE TO
13 MY CROSS EXAMINATION? I OBJECT I DON'T SEE THAT IT
14 IS WE'RE GETTING INTO AN AREA HERE THAT HAS
15 NOTHING TO DO WITH --

16 MR GARRETT I CAN CONNECT IT UP

17 THE COURT LET ME HEAR THE QUESTION
18 BUT I'LL DETERMINE ONCE I HEAR IT

19 EXAMINATION CONTINUED

20 BY MR GARRETT

21 Q FORENSIC PATHOLOGIST TESTIFIED INITIALLY THAT
22 MS TESHEKA JACKSON WAS SHOT IN THE BACK OF THE
23 HEAD, DO YOU RECALL THAT?

24 A YES

25 Q HAD YOU EVER SEEN THAT HAPPEN IN A COURTROOM

1 BEFORE WHERE A DOCTOR SAYS SOMEBODY WAS SHOT IN THE
2 BACK OF THE HEAD WHEN CLEARLY THE AUTOPSY REPORT AND
3 ALL THE FINDINGS SHOW OTHERWISE?

4 A I HAVE NOT SEEN THAT I HAVE SEEN ONE OTHER
5 CASE WHERE I HAD TO CALL THE AUTOPSY REPORT TO THE
6 DOCTOR'S ATTENTION PRIOR TO COURT THAT IT WAS
7 INCORRECT

8 Q ALL RIGHT BUT YOU'VE NEVER SEEN THEM GIVE
9 LIVE TESTIMONY WHERE THEY TESTIFIED TO SOMETHING
10 CONTRARY TO THEIR OWN WORK?

11 A WELL, USUALLY IT'S NOT CALLED INTO QUESTION,
12 SO NOT THAT I'M AWARE OF

13 Q ALL RIGHT THE FORENSIC FACTS AND EVIDENCE IN
14 THIS CASE CONSISTENT WITH HEAT OF PASSION?

15 MR JONES OBJECTION, YOUR HONOR

16 THE COURT SUSTAINED

17 MR JONES GOD

18 MR GARRETT OBJECT TO THAT COMMENT BY
19 THE SOLICITOR

20 THE COURT YES, SOLICITOR, LET'S DON'T
21 HAVE ANY COMMENTS WE'LL HAVE AN OBJECTION AND I'LL
22 RULE ON IT WE'RE NOT GOING TO COMMENT UPON THE
23 QUESTIONS OR MY RULING, OKAY?

24 MR JONES YES, YOUR HONOR

25 EXAMINATION CONTINUED

1 BY MR GARRETT

2 Q IN YOUR DISCUSSION OF THE SHOT TO MS HARRIS,
3 DO YOU FEEL LIKE FOUR FOOT IS THE AREA OF SHOT?

4 A I THINK BASED ON LOOKED AT THE CLOTH THAT'S
5 THE OPTIMUM -- FOUR FOOT IS THE OPTIMUM FOR THE
6 WOUND THAT WAS DESCRIBED --

7 Q ALL RIGHT

8 A -- IN THE PATHOLOGY REPORT BUT, I MEAN, I
9 WOULD NOT ARGUE IF IT WAS A LITTLE MORE OR A LITTLE
10 LESS

11 Q IN THAT DISCUSSION THAT YOU HAD IN YOUR CROSS
12 EXAMINATION WITH THE SOLICITOR, YOU WERE DISCUSSING
13 MS HARRIS AND MS JACKSON POTENTIALLY PASSING IN
14 THE HALL, WAS THAT CORRECT?

15 A YES

16 Q ALL RIGHT, DID YOU -- ARE YOU INDICATING THAT
17 THEY COULDN'T HAVE PASSED IN THE HALL?

18 A NO

19 Q AND WHAT IS YOUR OPINION AS TO WHETHER OR NOT
20 THEY PASSED IN THE HALL?

21 A WELL, AT THE TIME MS HARRIS WAS SHOT SHE WAS
22 APPARENTLY TURNED SLIGHTLY TO THE RIGHT WITH THE
23 LEFT SIDE OF HER FACE FACING DOWN THE HALL, WHICH
24 WOULD NOT BE INCONSISTENT WITH SOMEONE PASSING HER
25 ON HER OTHER SIDE HEADED BACK TO THE -- TO THE

1 BEDROOM AND IT WOULD ALSO PLACE HER IN LINE WITH
2 THIS DOOR -- THE EDGE OF THIS DOOR

3 THIS DOOR OPENS, THE DOORKNOB WOULD BE HERE
4 AND MS HARRIS WAS FOUND RIGHT THERE AT THE DOOR
5 SO YOU WOULD ASSUME THAT WHOEVER PASSED HER HAD TO
6 BE OPENING -- IF THIS DOOR WAS CLOSED, WHICH IT DOES
7 HAVE INDICATIONS THAT IT HAS BLOOD ON IT, TO OPEN
8 THIS DOOR WOULD PUT HER IN LINE WITH MS HARRIS --
9 EXCUSE ME, WITH MS JACKSON

10 Q SO THEY'D BE LINED UP?

11 MR GARRETT IN FRONT OF THE DOOR
12 THAT'S IT THANK YOU

13 THE COURT YOU MAY STEP DOWN

14 THE WITNESS THANK YOU

15 THE COURT LADIES AND GENTLEMEN, YOUR
16 LUNCH HAS ARRIVED, SO WE'RE GOING TO SEND YOU BACK
17 TO THE JURY ROOM SO THAT YOU MAY EAT YOUR LUNCH
18 AND ONCE YOU'RE CONCLUDED WITH THAT WE'LL COME BACK
19 WITH THE BALANCE OF THE CASE PLEASE RETIRE TO YOUR
20 JURY ROOM DO NOT DISCUSS THE CASE IN ANY FASHION
21 (JURY LEAVES COURTROOM AT 12 46 O'CLOCK P M)

22 MR JONES JUDGE, I APOLOGIZE FOR THE --
23 MY--WHEN I WENT, "GOD" IT WAS AN INVOLUNTARY
24 RESPONSE IN THIRTEEN YEARS AS A SOLICITOR I HAVE
25 NEVER EVER HEARD A LAWYER IN ANY MURDER CASE ASK A

1 WITNESS THE QUESTION, "ARE THESE FACTS CONSISTENT
2 WITH SUDDEN HEAT OF PASSION MANNER?" IT JUST
3 ABSOLUTELY --

4 THE COURT ALL RIGHT

5 MR JONES -- IT WAS ABSOLUTELY SO
6 SHOCKING TO ME THAT MY RESPONSE WAS INVOLUNTARY I
7 APOLOGIZE TO YOU AND TO MR GARRETT AND TO EVERYBODY
8 IN HERE, BECAUSE THAT'S THE FIRST TIME I'D EVER DONE
9 ANYTHING LIKE THAT

10 THE COURT ALL RIGHT WHAT OTHER
11 WITNESSES DOES THE DEFENSE HAVE?

12 MR GARRETT YOUR HONOR, WE'RE GOING TO
13 TALK ABOUT THAT AT BREAK

14 MR TINSLEY WE'LL PROBABLY REST AT THIS
15 POINT

16 THE COURT ALL RIGHT, WE'LL --

17 MR JONES JUDGE, I THINK BECAUSE THE
18 STATE IS THE MOVING PARTY THAT HAD TO ARGUE FIRST IN
19 THIS CASE, WE'RE BEING PUT AT AN UNFAIR ADVANTAGE TO
20 BE TOLD AT THIS JUNCTURE WE'RE NOT GOING TO TELL YOU
21 UNTIL WE COME BACK AT TWO-THIRTY WHETHER WE'RE
22 PUTTING ANYMORE WITNESSES UP OR NOT AND I'D ASK
23 YOU, IN AN EFFORT TO BE FAIR, TO FIND OUT NOW, I
24 MEAN, IF THE CASE WENT FORWARD

25 THE COURT I WANT YOU TO BE CERTAIN THAT

1 I'M -- HOPEFULLY THAT I HAVE MADE EVER EFFORT TO BE
2 FAIR FROM THE BEGINNING OF THIS TRIAL AND UNTIL THE
3 END OF THE TRIAL AND, OF COURSE, I DIDN'T SAY WE'D
4 BE BACK AT TWO-THIRTY YOU MIGHT HAVE ASSUMED THAT

5 MR JONES ALL RIGHT --

6 THE COURT I WILL, HOWEVER, GIVE BOTH
7 THE STATE AND THE DEFENSE A FAIR AND ADEQUATE AND
8 REASONABLE TIME TO PREPARE ANY ARGUMENT I
9 UNDERSTAND THE POSITION THAT BOTH ARE IN AND IT
10 WILL NOT BE THAT WHEN WE COME BACK FROM LUNCH THAT
11 YOU IMMEDIATELY HAVE TO GO INTO ANY TYPE OF
12 ARGUMENT, DEPENDING UPON WHAT WE DETERMINE

13 SO FAR AS FURTHER WITNESSES ARE
14 CONCERNED, I'M HOPING THAT THAT WAS NOT THE INTENT
15 OR THE WISH OF THE DEFENSE THAT THEY WAIT UNTIL WE
16 COME BACK FROM LUNCH TO TELL US IF ANY WITNESSES ARE
17 GOING TO BE CALLED I WAS EXPECTING THAT THEY WOULD
18 DISCUSS THAT AND LET ME KNOW SO THAT WE CAN,
19 OBVIOUSLY, MAKE SCHEDULING ARRANGEMENTS FOR FINAL
20 ARGUMENT OR ANY REQUIRED WITNESS THAT THE STATE
21 MIGHT HAVE SO LET ME ASK THAT YOU DISCUSS THAT --

22 MR GARRETT GIVE ME A FEW MINUTES,
23 JUDGE

24 THE COURT OKAY LET ME ASK THAT YOU
25 DISCUSS THAT AND LET ME KNOW SO THAT WE CAN MAKE

1 THOSE ARRANGEMENTS OBVIOUSLY IT'S IMPORTANT NOT
2 ONLY FOR US BUT FOR THE JURY'S CONSIDERATION

3 MR GARRETT TWO MINUTES, YOUR HONOR

4 MR TINSLEY YOUR HONOR, LET ME MAKE ONE
5 POINT IT'S MR HUGHEY THAT'S ON TRIAL IT'S MR
6 HUGHEY THAT MR JONES IS TRYING TO GET THE DEATH
7 PENALTY FOR HE DOESN'T HAVE TO SAY WHETHER HE'S
8 GOING TO PUT UP ANY WITNESSES AT ANY POINT IN THIS
9 MATTER AND I THINK THE SOLICITOR KNOWS THAT AND
10 TO SAY THAT IT'S AN UNFAIR ADVANTAGE AFTER HE WENT
11 "HUH" EARLIER, I RESENT THAT I OBJECT AND I MOVE
12 FOR A MISTRIAL RIGHT AT THIS TIME

13 THE COURT MOTION FOR MISTRIAL IS
14 DENIED ALL RIGHT, LET'S TAKE A SHORT BREAK AND
15 Y'ALL LET ME KNOW WHAT YOU DECIDE

16 (COURT IN RECESS)

17 THE COURT THANK YOU BE SEATED ALL
18 RIGHT NOW, AS I UNDERSTAND IT -- AND, OF COURSE,
19 WE'LL DO THIS IN THE PRESENCE OF THE JURY -- THE
20 DEFENSE WILL REST THE STATE HAS NO REPLY?

21 MR JONES THAT IS CORRECT, YOUR HONOR

22 THE COURT AND THEY WILL BEGIN WITH THE
23 FINAL ARGUMENTS MR GARRETT, HAVE YOU AND MR
24 TINSLEY DISCUSSED WITH YOUR CLIENT HIS RIGHT TO HAVE
25 YOU AND/OR HE HAVE FINAL ARGUMENT IN THE CASE?

1 MR GARRETT YES, YOUR HONOR, WE HAVE
2 THE COURT OKAY AND HAS HE INDICATED
3 TO YOU THAT HE WISHES TO HAVE A FINAL ARGUMENT IN
4 THE CASE?

5 MR TINSLEY HE WANTS A FINAL ARGUMENT,
6 HE'LL DO SO THROUGH MR GARRETT

7 THE COURT MR HUGHEY, LET ME ASK YOU
8 SOME QUESTIONS HERE WITH REFERENCE TO THAT YOU'VE
9 HEARD MR TINSLEY INDICATE TO ME THAT YOU HAVE
10 DISCUSSED WITH YOUR LAWYERS YOUR RIGHT TO HAVE A
11 FINAL ARGUMENT IN THE CASE DO YOU UNDERSTAND WHAT
12 THAT MEANS?

13 THE DEFENDANT YES, SIR

14 THE COURT THE ARGUMENTS WHERE THE
15 LAWYERS ADDRESS THE JURY AND TALK ABOUT THE
16 EVIDENCE YOU UNDERSTAND THAT?

17 THE DEFENDANT YES, SIR

18 THE COURT DO YOU UNDERSTAND THAT YOU
19 AND YOUR LAWYER HAVE THAT RIGHT?

20 THE DEFENDANT YES

21 THE COURT YOU UNDERSTAND THAT EVEN
22 THOUGH YOUR LAWYER MIGHT ARGUE, YOU ALSO, YOURSELF,
23 ALSO HAVE A RIGHT TO ADDRESS THE JURY IF YOU WISH
24 TO?

25 THE DEFENDANT YES

1 THE COURT AND HAVE YOU TALKED WITH YOUR
2 LAWYERS ABOUT THAT RIGHT?

3 THE DEFENDANT YES, SIR

4 THE COURT. DO YOU HAVE ANY QUESTIONS
5 ABOUT IT?

6 THE DEFENDANT NO, SIR

7 THE COURT HAVE YOU DECIDED HOW YOU WANT
8 THE ARGUMENTS TO BE FASHIONED OR WHO YOU WANT TO
9 HANDLE THEM?

10 THE DEFENDANT YES, SIR

11 THE COURT AND WHAT IS YOUR WISH?

12 THE DEFENDANT MR GARRETT

13 THE COURT YOU WANT MR GARRETT TO
14 ADDRESS THE JURY?

15 THE DEFENDANT YES, SIR

16 THE COURT DO YOU WISH TO ADDRESS THE
17 JURY YOURSELF?

18 THE DEFENDANT NO, SIR

19 THE COURT OKAY

20 MR TINSLEY YOUR HONOR, FOR THE SAKE OF
21 TIME, AFTER WE REST WE WOULD, OF COURSE, BE RENEWING
22 ALL OUR PRIOR MOTIONS AND I'LL JUST GO AHEAD AND
23 DO SO NOW BECAUSE WE'D THERE'S NO NEED TO GET THE
24 JURY IN AND THEN SEND THEM RIGHT BACK OUT

25 THE COURT ALL RIGHT, DO YOU HAVE ANY

1 ADDITIONAL MOTIONS THAT YOU'D LIKE TO MAKE --

2 MR TINSLEY NO, SIR, YOUR HONOR, WE
3 RENEW --

4 THE COURT -- DIFFERENT THAN THOSE
5 PREVIOUSLY MADE?

6 MR TINSLEY -- OUR PRIOR MOTIONS AND
7 LETTING THE COURT KNOW THAT I BELIEVE WE'VE GIVEN
8 YOU A COPY OF OUR REQUEST, YOUR HONOR, WITH THE
9 EXCEPTION OF ONE IT SHOULD BE FORTHCOMING SHORTLY
10 THE COURT NOW I DON'T HAVE ANY RIGHT
11 NOW, BECAUSE MR McCALLUM TOOK THEM BACK

12 MR TINSLEY HE'S MAKING COPIES OF THEM
13 NOW. WE'LL GIVE THEM ALL TO YOU --

14 THE COURT OKAY

15 MR TINSLEY -- AS QUICKLY AS WE CAN
16 AND A COPY FOR THE SOLICITOR, A COPY FOR THE COURT,
17 AND A COPY FOR US

18 THE COURT OKAY SOLICITOR?

19 MR McCALLUM I JUST HAVE ONE QUICK
20 QUESTION, YOUR HONOR, ABOUT YOUR CHARGE ON MALICE
21 I'M JUST CURIOUS AS TO IF THERE IS ANY WORDING IN
22 YOUR CHARGE OF MALICE REGARDING PREMEDITATION?

23 THE COURT NO, SIR

24 MR McCALLUM THANK YOU

25 THE COURT DO Y'ALL WANT TO LOOK AT IT?

1 MR McCALLUM I WOULDN'T MIND LOOKING AT
2 THAT ASPECT OF IT

3 THE COURT OKAY
4 (OFF THE RECORD)

5 MR TINSLEY OF COURSE, NOW, YOUR HONOR,
6 MR McCALLUM IS IN THE COURTROOM AND YOU SHOULD HAVE
7 A COPY OF THE REQUEST, YOUR HONOR, AS WELL AS THE
8 SOLICITOR

9 THE COURT OKAY, STATE ONE ANY
10 OBJECTION TO IT? YOU HAVE NOT SEEN?

11 MR TINSLEY YOUR HONOR, WE WOULD SIGN
12 OUR REQUEST TO CHARGE NUMBER SEVEN, AND ASK THAT IT
13 BE ADDED TO THE STATE'S REQUEST TO CHARGE NUMBER ONE
14 IN THIS CASE

15 THE COURT WELL, LET ME SEE Y'ALL JUST A
16 -- Y'ALL COME UP HERE A SECOND, PLEASE
17 (COUNSEL APPROACH THE BENCH)

18 THE COURT ALL RIGHT, DEFENDANT'S NUMBER
19 ONE, ANY OBJECTION?

20 MR COULTER JUDGE, I'M SURE YOUR HONOR
21 HAS A CHARGE -- I'M CERTAIN YOUR HONOR HAS A
22 CHARGE ---

23 THE COURT I INSTRUCT -- I INSTRUCT THE
24 MANNING INSTRUCTION

25 MR COULTER ALL RIGHT

1 THE COURT ALL RIGHT, NUMBER TWO?

2 MR COULTER AGAIN, I THINK YOUR HONOR

3 I'M SURE HAS A GENERAL CHARGE TO THIS

4 MR McCALLUM YOUR HONOR, I BELIEVE THIS

5 ADDS TO A TYPICAL GENERAL CHARGE THAT IT INDICATES

6 THAT THE JURY MEMBER SHOULD HAVE OBTAINED THEIR

7 INDIVIDUAL JUDGEMENT AND CONSCIOUS

8 MR COULTER I THINK IT'S A LITTLE

9 PREMATURE TO BE GIVING AN ADAGE, YOUR HONOR

10 THE COURT I UNDERSTAND I'M NOT GOING

11 TO CHARGE THAT ONE

12 MR COULTER IT'S JUST A PORTION OF THAT

13 ONE

14 THE COURT I UNDERSTAND I'M NOT GOING

15 TO INSTRUCT THAT NUMBER THREE?

16 MR GARRETT PLEASE NOTE OUR EXCEPTION,

17 YOUR HONOR

18 THE COURT WELL, WHAT YOU'LL NEED TO DO

19 IS YOU'LL NEED TO LISTEN TO MY INSTRUCTION AND BE

20 CERTAIN THAT YOU DON'T FEEL THAT IT'S ADEQUATELY

21 COVERED EVERYTHING YOU'VE REQUESTED IF IT DOESN'T

22 THEN YOU CAN CITE THE SPECIFIC INSTRUCTION THAT YOU

23 BELIEVE I HAVE FAILED TO COVER NUMBER THREE IS A

24 PRESUMPTION OF INNOCENCE

25 MR GARRETT I WOULD REFER TO YOUR

1 HONOR'S CHARGE

2 THE COURT IT WILL BE COVERED NUMBER
3 FOUR IS A CIRCUMSTANTIAL EVIDENCE CHARGE
4 CIRCUMSTANTIAL EVIDENCE WILL BE COVERED NUMBER
5 FIVE IS SIMPLY A LESSER INCLUDED OFFENSE INSTRUCTION
6 RESOLVING IN ANY LESSER INCLUDED OFFENSE OR DAMAGE
7 TO THE GREATER RESOLVING IN FAVOR OF THE LESSER, IS
8 THAT WHAT THAT IS?

9 MR TINSLEY YES, SIR, JUDGE, YES

10 THE COURT NUMBER SIX IS SIMPLY A
11 LARCENY INSTRUCTION

12 MR COULTER I DON'T KNOW, JUDGE I
13 HADN'T SEEN THIS LANGUAGE IN HERE ABOUT THE MISTAKEN
14 BELIEF THAT THE PROPERTY BELONGED TO HIM AND I'M
15 REFERRING TO THE ---

16 THE COURT I GIVE MY GENERAL INSTRUCTION
17 ON LARCENY I BELIEVE THIS ONE TO BE INCUMBENT UPON
18 THE FACTS OF COURSE, THE DEFENSE CAN COMMENT UPON
19 IT ALL THEY'D LIKE TO IN THEIR ARGUMENT, BUT I
20 BELIEVE IT TO BE A COMMENT FROM THE FACTS AS
21 WRITTEN SEVEN WAS TRANSFERRED INTENT EIGHT IS
22 BURGLARY FIRST DEGREE

23 MR COULTER YOUR HONOR, WE DID REMOVE
24 SOME LANGUAGE FROM THE STANDARD CHARGE WE FELT
25 THIS WAS ENTIRELY INAPPROPRIATE TO THE FACTS OF THE

1 CASE SUCH A DEFINITION OF BUILDING AND THINGS OF
2 THAT NATURE DOESN'T SEEM TO BE THE ISSUE WHATSOEVER

3 THE COURT WELL, OF COURSE, THE
4 DEFINITION OF BUILDING WOULDN'T BE APPLICABLE TO
5 BURGLARY IN THE FIRST DEGREE

6 MR COULTER YES, JUDGE, BUT YOU DIDN'T
7 SAY THAT THERE WAS AN ISSUE

8 THE COURT THERE'S NOT ALL RIGHT,
9 NUMBER NINE, DEFINING MALICE Y'ALL SIMPLY HAVE TO
10 PAY ATTENTION TO MY MALICE INSTRUCTION NUMBER TEN
11 IS THE MANSLAUGHTER INSTRUCTION REQUEST

12 MR COULTER I ONLY GOT NINE

13 MR McCALLUM I APOLOGIZE I THOUGHT
14 THE COURT HAS THE NUMBER TEN

15 MR TINSLEY OF COURSE, WE CONCLUDE THAT
16 ALL OF THESE BE ENTERED AS COURT EXHIBITS AT THIS
17 TIME

18 THE COURT OKAY

19 MR TINSLEY AND IF MS KING WANTS TO
20 SEE THESE

21 MR COULTER YOUR HONOR, I'M NOT QUITE
22 DONE WITH TEN, BUT I CERTAINLY WOULD OBJECT TO ONE,
23 TWO, THREE, FOUR, FIVE, SIX, SEVEN -- THE SEVENTH
24 PARAGRAPH ON PAGE TWO WHICH GIVES OUT EXAMPLES LOOKS
25 TO ME ABOUT EIGHT OF WHICH, MAYBE NINE, CLEARLY

1 COMMENT ON THE FACTS OF THIS CASE

2 THE COURT I'LL NOT GIVE ANY INSTRUCTION
3 THAT'S INCUMBENT UPON THE FACTS

4 MR COULTER THANK YOU, YOUR HONOR

5 THE COURT THAT'S THE ONLY PARAGRAPH
6 THAT YOU'RE OBJECTING TO IN THAT?

7 MR COULTER IT APPEARS THAT'S THE REST,
8 IF I'M NOT MISTAKEN, IS PRETTY MUCH A STANDARD
9 CHARGE OTHER THAN THAT NO, OTHER THAN THOSE
10 SPECIFIC REFERENCES, NO, WE DON'T HAVE AN OBJECTION

11 THE COURT ALL RIGHT, ANYTHING FURTHER
12 BEFORE WE BRING THE JURY IN?

13 MR JONES YOUR HONOR, BRIEFLY I'D JUST
14 LIKE TO ASK THE COURT TO RULE ON A COUPLE OF ISSUES
15 THAT MR GARRETT BROUGHT UP IN HIS OPENING STATEMENT
16 THAT I RECALL THAT I WOULD ASK NOT TO BE ALLOWED TO
17 RETURN TO THEM IN THE FORM OF ARGUMENTS ONE IS
18 WHEN HE ARGUED -- YOU KNOW, THIS IS BASED ON MY
19 RECOLLECTION -- HE ARGUED MURDER AND THEN HE ARGUED
20 MANSLAUGHTER AND HE LIKENED THAT MANSLAUGHTER WAS
21 SECOND DEGREE MURDER I BELIEVE HE EVEN USED THE
22 WORDS, SECOND DEGREE MURDER WE DON'T HAVE SECOND
23 DEGREE MURDER IN THIS STATE MANSLAUGHTER IS NOT
24 SECOND DEGREE MURDER AND IT WOULD BE AN IMPROPER
25 STATEMENT OF THE LAW AND A STATEMENT CALCULATED ONLY

1 TO CONFUSE THE JURY INTO THINKING THAT MANSLAUGHTER
2 IS SECOND DEGREE MURDER BECAUSE WE'RE TALKING
3 ABOUT THE DIFFERENCE BETWEEN MURDER AND
4 MANSLAUGHTER SO I WOULD ASK THAT YOU ADMONISH HIM
5 NOT TO MAKE THAT REFERENCE CONCERNING THIS CASE --
6 THE LAW IN THIS CASE

7 SECONDLY, I RECALL HIM ARGUING, YOUR
8 HONOR, THAT -- WOULD YOU RULE ON THE FIRST ONE
9 FIRST?

10 THE COURT I WILL IF YOU QUIT TALKING

11 MR JONES ALL RIGHT

12 MR GARRETT MAY I RESPOND, YOUR HONOR?

13 THE COURT YES, SIR

14 MR GARRETT YOUR HONOR, YOU KNOW, I
15 THINK IT'S VERY CLEAR THAT THAT'S NOT THE LAW OF
16 THIS STATE YOU KNOW, THERE ARE DEGREES OF MENS REA
17 EXHIBITED IN THE SOUTH CAROLINA STATUTES AND I
18 LIKEN THAT TO OTHER JURISDICTIONS JUST TO HELP THEM
19 UNDERSTAND, BECAUSE ALL THE TIMES FROM THEIR COMMON
20 KNOWLEDGE AND EXPERIENCE THEY KNOW THAT THERE ARE
21 HEIGHTENED AND LOWER LEVELS OF MALICE, OF MENS REA
22 NECESSARY, AND EACH OF THOSE HAS SOME SIGNIFICANCE

23 I MEAN, IF THAT WEREN'T THE CASE THEN WE
24 WOULDN'T HAVE THE DIFFERENCE BETWEEN MURDER AND
25 MANSLAUGHTER IF YOU KILL SOMEBODY YOU'RE GUILTY OF

1 MURDER PERIOD

2 THE COURT WELL, THAT'S WHAT THE
3 SOLICITOR'S ARGUING THAT IS WHAT WE HAVE WE
4 DON'T HAVE FIRST, SECOND, THIRD DEGREE --

5 MR GARRETT RIGHT

6 THE COURT -- MURDER I THINK THAT'S
7 CONFUSING FOR THE JURY TO CONSIDER THAT THINKING
8 THAT'S WHAT WE DO HAVE WE DON'T SO I WILL NOT
9 ALLOW YOU TO ARGUE DIFFERENT DEGREES OF MURDER
10 YOU, OBVIOUSLY, WILL BE ABLE TO ARGUE AS MUCH AS
11 YOU'D LIKE TO ON THE --

12 MR GARRETT ALTHOUGHT IT'S A LESSER
13 DEGREE OF MURDER? VOLUNTARY MANSLAUGHTER IS A
14 LESSER DEGREE BASED ON MENS REA THAN ----

15 THE COURT WELL, OF COURSE, YOU CAN
16 ARGUE IT'S A LESSER OFFENSE BASED ON THE INTENT OR
17 MENTAL CULPABILITY OF THE DEFENDANT AND THAT IS
18 THE CASE

19 MR GARRETT JUDGE, NOT A LESSER DEGREE
20 OF MURDER ON LESSER INCLUDED OFFENSE

21 THE COURT WHAT DID I SAY? IF I SAID
22 IT'S A LESSER DEGREE, AND I DON'T THINK I DID, THEN
23 THAT IS, OBVIOUSLY, INCORRECT IT'S A LESSER
24 INCLUDED OFFENSE, BUT IT'S BASED UPON THE LESSER --
25 IT IS A LESSER INCLUDED OFFENSE BASED UPON THE

1 ELEMENT OF INTENT YOU'D AGREE WITH THAT, WOULDN'T
2 YOU?

3 MR GARRETT MALICE IF THE INTENT OF THE
4 DEFENDANT

5 THE COURT WELL, THE INTENT OF THE
6 DEFENDANT PRESENCE OF MALICE IN THE CASE OF MURDER
7 BUT ABSENCE OF MALICE IN THE CASE OF MANSLAUGHTER
8 DO YOU AGREE THAT'S A DIFFERENT INTENT?

9 MR JONES WELL, THEY BOTH WOULD HAVE TO
10 INCLUDE AN INTENT TO KILL I THINK ONE INTENT TO
11 KILL INVOLVES THE EXISTENCE OF MALICE IN THE HEART
12 AND THE OTHER IS THE ABSENCE OF MALICE

13 THE COURT RIGHT

14 MR JONES THEY BOTH INTEND TO KILL
15 IT'S JUST ONE DOES NOT HAVE THE EXISTENCE OF MALICE

16 THE COURT THAT'S RIGHT

17 MR GARRETT MALICE BEING THE
18 DISTINCTION OF INTENT

19 THE COURT THAT'S RIGHT

20 MR JONES BUT THE LACK OF MALICE --

21 THE COURT WELL, WHEN I SAY INTENT I'M
22 TALKING ABOUT CRIMINAL INTENT, NOT NECESSARILY
23 ACTUAL INTENT

24 MR JONES BUT IN THIS STATE THE ABSENCE
25 OF MALICE PREVENTS A CONVICTION OF MURDER AND SO

1 ANY REFERENCE TO MANSLAUGHTER BEING EQUATED TO SOME
2 FORM OF MURDER IS NOT RIGHT

3 THE COURT I AGREE I AGREE I THINK I
4 MADE THAT CLEAR DID I?

5 MR GARRETT I THINK I UNDERSTAND

6 THE COURT OKAY OF COURSE, YOU CAN
7 ARGUE MURDER AND MANSLAUGHTER YOU CAN'T ARGUE
8 MANSLAUGHTER AS BEING SOME LESSER DEGREE OF MURDER
9 BECAUSE IT'S NOT

10 MR GARRETT IT'S A LESSER INCLUDED
11 OFFENSE, IS IT NOT?

12 THE COURT IT'S A LESSER INCLUDED
13 OFFENSE THAT'S IS ABSOLUTELY CORRECT

14 MR GARRETT IT'S LESSER INCLUDED
15 OFFENSE

16 THE COURT OKAY ALL RIGHT, NOW WHAT'S
17 NEXT, SOLICITOR?

18 MR JONES WELL, JUDGE, I CAN'T
19 REMEMBER I MEAN I HAD IT WHEN WE WALKED IN HERE
20 AND I JUST FLAT FORGOT ABOUT IT I CAN'T REMEMBER
21 WHAT THE OTHER POINT WAS I APOLOGIZE BECAUSE I
22 BROUGHT IT UP

23 THE COURT IT HAD SOMETHING TO DO WITH
24 MR GARRETT'S ARGUMENT, I KNOW THAT

25 MR JONES YES, SIR, IT HAD TO WITH HIS

1 OPENING STATEMENT AND SOMETHING THAT I HEARD DURING
2 THE COURSE OF IT THAT I FELT WAS IMPROPER ARGUMENT
3 I DIDN'T OBJECT TO IT THEN I GUESS IF HE REMEMBERS
4 IT HE'LL SLIDE IT THROUGH AND I'LL HAVE THE OBJECT
5 AT THAT POINT IN TIME

6 MR GARRETT YOUR HONOR, THERE'S A RULE
7 THAT SAYS WE SHOULDN'T OBJECT DURING CLOSING
8 ARGUMENTS IN A CRIMINAL CASE THERE'S A SPECIFIC
9 CRIMINAL RULE THAT SAYS THAT

10 THE COURT WELL, IT SHOULD --

11 MR GARRETT I HOPE THE SOLICITOR'S NOT
12 GOING TO GET INTO THAT

13 THE COURT WELL, I'M SURE THERE'S A
14 PREFERENCE, AS ALWAYS, NOT TO INTERRUPT LAWYERS'
15 ARGUMENTS, BUT OBVIOUSLY, YOU HAVE A RIGHT TO OBJECT
16 TO SOMETHING THAT IF YOU BELIEVE THAT IT WAS
17 IMPROPER UNDER THE RULE -- IN FACT, YOU'D HAVE TO IF
18 YOU WANTED TO PRESERVE IT

19 MR GARRETT I UNDERSTAND

20 THE COURT DO YOU KNOW WHAT IT WAS,
21 SOLICITOR?

22 MR JONES I'M TRYING TO REMEMBER,
23 JUDGE

24 MR GARRETT CAN I GO AHEAD AND TALK
25 ABOUT MY PROBLEM WITH HIM THEN?

1 THE COURT I DON'T KNOW IF WE'LL HAVE
2 ENOUGH TIME BUT I'LL BE GLAD TO TRY

3 MR GARRETT I JUST ASK THE COURT, YOU
4 KNOW, IN THE CASE THE STATE VERSUS REED --

5 THE COURT REED?

6 MR GARRETT YEAH, REED

7 THE COURT OKAY

8 MR GARRETT STATES, YOU KNOW, THE
9 SOLICITOR IS A GREAT ORATOR HE LIKES TO TELL THE
10 FACTS AND THE PREJUDICE THE JURY AND THE SUPREME
11 COURT DOESN'T LIKE IT, SO I JUST ASK HIM TO REMEMBER
12 THAT IN THE PROCESS OF GIVING HIS POSITIONS IN THIS
13 CASE

14 MR JONES YOU'LL SEE AN IMPASSIONED BUT
15 CONTROLLED SOLICITOR IN FRONT OF THIS JURY

16 THE COURT ALL RIGHT, THANK YOU
17 ANYTHING FURTHER?

18 MR GARRETT ALSO, I ASSUME HE CAN'T
19 ARGUE THE FACTS THAT AREN'T IN EVIDENCE LIKE SHEKA
20 BEING SHOT IN THE BACK OF THE HEAD EXECUTION STYLE
21 AND THAT TYPE OF THING?

22 THE COURT WELL, OF COURSE, I HOPE THAT
23 NEITHER ONE OF YOU WILL ARGUE FACTS THAT ARE NOT IN
24 EVIDENCE BUT, OF COURSE, EACH OF YOU WILL BE
25 PERMITTED TO ARGUE REASONABLE INFERENCES FROM THE

1 FACTS THAT HAVE BEEN ESTABLISHED BY THE EVIDENCE IN
2 THE CASE ANYTHING FURTHER BEFORE WE BRING THE JURY
3 IN?

4 MR GARRETT NO

5 THE COURT OKAY, BRING THEM IN, PLEASE
6 (JURY REENTERS COURTROOM AT 2 55 O'CLOCK P M)

7 THE COURT GOOD AFTERNOON, LADIES AND
8 GENTLEMEN ANYTHING FURTHER TO BE OFFERED BY WAY OF
9 THE DEFENDANT?

10 MR GARRETT NO, SIR, YOUR HONOR YOUR
11 HONOR, THE DEFENDANT AT THIS TIME, YOUR HONOR,
12 RESPECTFULLY RESTS

13 THE COURT ANY EVIDENCE TO BE OFFERED IN
14 REPLY?

15 MR JONES NONE FOR THE STATE IN REPLY,
16 YOUR HONOR

17 THE COURT LADIES AND GENTLEMEN, THAT IS
18 ALL OF THE TESTIMONY OR OTHER EVIDENCE TO BE OFFERED
19 IN THE TRIAL OF THE CASE AND AS I TOLD YOU AT THE
20 BEGINNING OF THE TRIAL THAT MEANS THAT THE BALANCE
21 OF THE TRIAL WILL CONSIST OF THE FINAL ARGUMENTS
22 WHICH WILL BE ACCOMPLISHED BY THE LAWYERS, AFTER
23 WHICH I WILL GIVE YOU THE INSTRUCTION AS TO THE LAW
24 SO I'M GOING TO ASK YOU AS THIS TIME TO PLEASE GIVE
25 THE LAWYERS YOUR CAREFUL ATTENTION AS THEY GIVE YOU

1 THEIR FINAL SUMMATIONS WE'LL BEGIN WITH THE STATE
2 FOLLOWED BY THE DEFENDANT'S LAWYERS

3 MR COULTER MAY IT PLEASE THE COURT

4 THE COURT MR COULTER

5 MR COULTER LADIES AND GENTLEMEN OF THE
6 JURY, GOOD AFTERNOON I WANT TO START TODAY BY
7 THANKING YOU ON BEHALF OF THE STATE WE CERTAINLY
8 APPRECIATE EVERYTHING YOU'VE DONE I KNOW THAT YOU
9 HADN'T VOLUNTEERED TO BE HERE I KNOW Y'ALL HAVE
10 OTHER PLACES YOU'D RATHER BE

11 BUT I ALSO KNOW FROM WATCHING YOU THAT
12 YOU UNDERSTAND HOW IMPORTANT IT IS TO HAVE YOU IN
13 HERE AS THE JURORS ON THIS CASE I KNOW YOU
14 RECOGNIZE THE DUTY THAT YOU HAVE AS A JUROR AND AS
15 CITIZENS OF ABBEVILLE COUNTY I APPRECIATE YOU
16 BEING HERE I KNOW THAT YOU RECOGNIZE THAT BECAUSE
17 I'VE SEEN HOW HARD YOU HAVE WORKED

18 I'VE SEEN HOW HARD YOU'VE WORKED IN
19 LOOKING AT THE EVIDENCE, IN CONSIDERING THE
20 TESTIMONY I'VE SEEN HOW INTENTLY YOU FOLLOW
21 EVERYTHING THAT'S BEEN PROCEEDING FROM THIS WITNESS
22 STAND YOU'VE WORKED HARD AND FROM THAT I KNOW
23 YOU'LL BE SUCCESSFUL SUCCESSFUL IN RETURNING A
24 VERDICT

25 AND, OF COURSE, VERDICT COMES FROM A

1 LATIN PHRASE, WHICH IS TO SPEAK THE TRUTH SO IN
2 ESSENCE WHEN YOU TALK ABOUT RETURNING A VERDICT YOU
3 TALK ABOUT SPEAKING THE TRUTH FINDING THE TRUTH
4 WHAT IS THE TRUTH AS TO WHAT HAPPENED ON DECEMBER 4,
5 1995 AND FROM AS HARD AS YOU'VE WORKED HERE IN
6 THIS COURTROOM, I KNOW THAT YOU WILL CONTINUE TO
7 WORK HARD AT YOUR DELIBERATION TO FIND THE TRUTH I
8 KNOW YOU'LL BE SUCCESSFUL

9 NOW I HAVE A SHORT OPPORTUNITY TO TALK TO
10 YOU ABOUT THE LAW JUST A VERY BRIEF TIME TO TALK
11 TO YOU ABOUT THE LAW AND DISCUSS HOW THE LAW IN THIS
12 CASE AND APPLY SOME OF THE FACTS SHORT TIME
13 SHOULDN'T BE LONG

14 THEN SOLICITOR JONES WILL COME UP BEFORE
15 YOU AND PRESENT STATE'S PRESENTATION OF THE
16 EVIDENCE AND THE DEFENSE WILL COME UP HERE TO
17 PRESENT TO YOU THE DEFENDANT'S STORY AND THEY WILL
18 HAVE THE LAST OPPORTUNITY TO TALK TO YOU

19 BUT IN REGARDS TO THE LAW, I WANT TO
20 FIRST START WITH WHAT YOU'VE HEARD A NUMBER OF
21 TIMES, PRETTY MUCH FROM THE BEGINNING AND THAT IS
22 THE BURDEN OF PROOF IN THIS CASE THE BURDEN OF
23 PROOF OF THE STATE THE BURDEN OF PROOF THAT AFFECTS
24 GUILT BEYOND A REASONABLE DOUBT THAT'S THE BURDEN
25 THAT'S A LOT DIFFERENT THAN ANOTHER

1 PHRASE, WHICH IS BEYOND A SHADOW OF A DOUBT IT'S
2 NOT THE SAME THING PROVING SOMETHING BEYOND A
3 SHADOW OF A DOUBT SUGGESTS SOMETHING IMAGINARY
4 THAT'S NOT WHAT WE'RE TALKING ABOUT WHEN WE TALK
5 ABOUT A REASONABLE DOUBT WE TALK ABOUT A A DOUBT
6 FOR WHICH YOU GIVE A REASONABLE, SUBSTANTIAL DOUBT

7 THE QUESTION IS WHETHER THE STATE'S HAS
8 PROVEN THE DEFENDANT IS GUILTY BEYOND A REASONABLE
9 DOUBT DO YOU HAVE A SUBSTANTIAL DOUBT IN YOUR
10 MIND? IF SO, THEN IT WOULD BE YOUR DUTY TO FIND THE
11 DEFENDANT NOT GUILTY BUT IF THE STATE HAS PROVEN
12 THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT, A
13 DOUBT FOR WHICH YOU COULD GIVE A REASON, YOU HAVE
14 THE SAME DUTY TO RETURN A VERDICT OF GUILTY THAT'S
15 WHAT WE TALK ABOUT IN REGARDS TO THE VERDICT

16 LET ME MENTION TO YOU, LADIES AND
17 GENTLEMEN, THAT THE JUDGE IS ALSO GOING TO CHARGE
18 YOU ON THE LAW AT THE END OF THESE STATEMENTS BY THE
19 ATTORNEYS AND IF FOR SOME REASON IF WHAT I SAY IS
20 CONTRARY TO WHAT THE JUDGE SAYS, OF COURSE,
21 DISREGARD WHAT I SAY THE JUDGE IS MUCH MORE
22 CAPABLE AT INSTRUCTING YOU ON THE LAW THAN ME I
23 ASSURE YOU IF I WERE TO SAY SOMETHING DIFFERENT,
24 PLEASE, TAKE WHAT THE JUDGE SAYS

25 I BELIEVE THAT THE JUDGE WILL ALSO CHARGE

1 YOU ON THE TYPES OF EVIDENCE IN THIS CASE THE
2 TYPES OF EVIDENCE STATED IS TO PROVE THE DEFENDANT'S
3 GUILT BEYOND A REASONABLE DOUBT, AND THAT'S TWO
4 KINDS DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE

5 DIRECT EVIDENCE IS THE KIND OF EVIDENCE
6 THAT YOU HEAR FROM A WITNESS STAND THAT A PERSON HAS
7 PERCEIVED THROUGH THEIR SENSES, WHAT THEY'VE SEEN,
8 WHAT THEY'VE HEARD, SMELLED, OR TASTE THAT'S
9 DIRECT EVIDENCE

10 CIRCUMSTANTIAL EVIDENCE IS EVERYTHING
11 ELSE THAT THE STATE HAS RELIED UPON TO PROVE THE
12 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT ALL
13 OTHER TYPES OF EVIDENCE

14 NOW AN EXAMPLE OF DIRECT EVIDENCE IN THIS
15 CASE IS WHAT WAS HEARD BY MARCUS HARRIS AND ANGELA
16 PATTERSON THEY PERCEIVE THAT THROUGH THE SENSES
17 THEY QUOTE WHAT HAPPENED JUST BEFORE THESE MURDERS

18 OF COURSE, IN THIS TYPE OF CASE YOU DON'T
19 HAVE EYEWITNESSES YOU DON'T HAVE EYEWITNESSES
20 BECAUSE THE DEFENDANT MADE SURE OF THAT, THAT THERE
21 WOULD BE NO EYEWITNESSES

22 AN EXAMPLE OF CIRCUMSTANTIAL EVIDENCE,
23 LADIES AND GENTLEMEN, AND I TELL YOU, YOU KNOW, YOU
24 MAY HAVE WATCHED THE POLICE SHOWS IN THE PAST WHERE
25 AN OFFICER MIGHT SAY, OH, THAT CASE IS PURELY

1 CIRCUMSTANTIAL AND MAY TREAT IT DIRTY WORD BUT I
2 CAN TELL YOU THAT CIRCUMSTANTIAL EVIDENCE IS SOME OF
3 THE BEST EVIDENCE CIRCUMSTANTIAL EVIDENCE IS LIKE
4 PUTTING TOGETHER PIECES OF A PUZZLE WHERE THE RESULT
5 IS A CLEAR PICTURE OF WHAT HAPPENED THAT'S
6 CIRCUMSTANTIAL

7 LET ME GIVE YOU AN EXAMPLE LET'S SAY
8 YOU GO TO A CLEARING IN THE WOODS JUST AFTER A FRESH
9 SNOW HAS FALLEN YOU GO INTO THAT CLEARING AND YOU
10 SEE DEER TRACKS IN THE SNOW NOW YOU CAN'T SEE THE
11 DEER, AND YOU CAN'T HEAR THE DEER, BUT YOU KNOW A
12 DEER HAD BEEN THERE WITHIN THE LAST FEW HOURS
13 BECAUSE OF THE FRESH SNOW IMPRINTS AND YOU SEE THE
14 TRACKS THAT'S WHAT I'M TALKING ABOUT AS FAR AS THE
15 CIRCUMSTANTIAL EVIDENCE IT POINTS TO THE FACT THAT
16 THE DEER IS THERE SO THAT'S AN EXAMPLE OF
17 CIRCUMSTANTIAL EVIDENCE

18 I WANT TO TALK TO YOU KNOW ABOUT SOME OF
19 THE CHARGES AND I'LL START FIRST WITH GRAND LARCENY
20 OF THE MOTOR VEHICLE YOU'VE HEARD THE TESTIMONY IN
21 THIS CASE YOU'VE HEARD ALL THE EVIDENCE THAT'S
22 GOING TO BE INTRODUCED IN REGARDS TO THE GRAND
23 LARCENY OF THE MOTOR VEHICLE AND THAT'S BASICALLY
24 JUST STEALING A CAR

25 AND YOU'VE SEEN THE EVIDENCE AND ALL THE

1 DOCUMENTATION IN THIS CASE EVERY SINGLE BIT OF
2 DOCUMENTATION, PROOF IN THIS CASE SHOWS THE CAR
3 BELONGED TO SHEKA JACKSON THAT'S IT SHEKA
4 JACKSON OWNED THIS CAR

5 NOW THE DEFENSE WANTS TO MAKE SOME SORT
6 OF CLAIM SUCH AS COMMON LAW MARRIAGE BUT DOES THAT
7 HAVE ANYTHING TO DO WITH THE OWNERSHIP OF THAT CAR?
8 THE DEFENSE'S OWN WITNESS, CHRIS BURTON, CAME UP
9 HERE AND TOLD YOU HE HAD NO CAR HE HAD TO PICK
10 THEM UP TO GET THEM AROUND HE HAS NO KEY TO THE
11 CAR NOW THIS CAR IS SHEKA JACKSON'S CAR

12 YOU ALSO HAVE THE CHARGE OF BURGLARY IN
13 THE FIRST DEGREE AND I POINT OUT TO YOU NOW,
14 BURGLARY IN THE FIRST DEGREE IS A LITTLE BIT
15 DIFFERENT THAN WHAT YOU MAY HAVE THOUGHT IT WAS WE
16 USUALLY REGARD TO BURGLARY AS BREAKING INTO
17 SOMEBODY'S HOUSE TO STEAL SOMETHING THAT'S NOT
18 WHAT'S REQUIRED IN PROVING A BURGLARY BURGLARY IS
19 GOING INTO SOMEBODY'S HOUSE WITHOUT CONSENT WITH THE
20 INTENT TO COMMIT A CRIME THEREIN GOING INTO
21 SOMEBODY'S HOUSE WITHOUT CONSENT TO COMMIT A CRIME
22 THEREIN THAT'S BURGLARY

23 AND I SUBMIT TO YOU, LADIES AND
24 GENTLEMEN, FOR EXAMPLE, YOU'RE SITTING IN YOUR HOUSE
25 AND SOMEBODY COMES RUNNING THROUGH YOUR HOUSE WITH

1 THE INTENTION TO BEAT YOU UP, THAT WOULD BE A
2 BURGLARY HE CAME IN THERE WITHOUT CONSENT
3 THAT'S WHAT YOU HAVE, LADIES AND
4 GENTLEMEN, ESSENTIALLY IN THIS CASE ALL OF THE
5 EVIDENCE, REGARDLESS OF WHAT THEIR EXPERT WANTS TO
6 TELL YOU ABOUT THAT FORCED ENTRY NOT BEING THERE,
7 SHOWS GAINED ENTRY FORCED ENTRY AND THERE'S ONLY
8 ONE PERSON THAT WASN'T INVITED IN THAT HOUSE THE
9 DEFENDANT THE BROKEN DOOR FRAME, THE BROKEN
10 BEDROOM DOOR GOING INTO THAT SECOND BEDROOM BOTH
11 SHOW BURGLARY AND THE FACT THAT HE WAS UNINVITED
12 MACK TELLS YOU THE CONDITION OF BOTH OF THOSE LOCKS
13 BEFORE HE LEAVES AT ELEVEN O'CLOCK AND WHEN HE GETS
14 BACK THEY'RE BROKEN NOT ONE PERSON, THE PERSON
15 UNINVITED, THE DEFENDANT

16 NOW, IT'S AWFULLY HARD SOMETIMES HAVING
17 TO SIT HERE AND JUST LISTEN TO SOME OF THE THINGS
18 THAT ARE PRESENTED HERE IN COURT SOME OF THE
19 THINGS THAT ARE -- IT'S AWFULLY HARD JUST TO SIT
20 THERE AND SAY -- I UNFORTUNATELY -- I'VE GOT TO
21 APOLOGIZE I WEAR MY EMOTION OUT ON MY SLEEVE I
22 CAN GET A LITTLE BIT AGITATED WHEN I HEAR THINGS
23 THAT JUST HAVE NO PLACE IN COURT

24 DURING THE DEFENDANT'S OPENING STATEMENT
25 TALKING ABOUT HOW SHEKA IS SLEEPING AROUND THE

1 DEFENDANT GETS ON THE STAND AND TALKS ABOUT SHE
2 CHEATED ON HIM OF COURSE, HE CHEATED ON HER, BUT
3 NOT UNTIL SHE DID IT FIRST? EVEN GOES SO FAR AS TO
4 SAY SHE THREATENED HER OWN KIDS AT SOME POINT
5 YOU'VE GOT TO SIT AND LISTEN TO THOSE KINDS OF
6 THINGS

7 I MEAN, THE ONLY THING SHEKA JACKSON HAS
8 LEFT IN THIS WORLD IS A MEMORY AND A REPUTATION
9 AND THEY CONTINUE TO CUT AND STAB AND SLICE AT THE
10 ONLY THING SHE'S GOT LEFT AND WHAT CAN SHE DO?
11 SHE JUST SITS THERE SIX FEET UNDER IN THE DAMP, COLD
12 EARTH AND CAN ONLY LAY THERE AND THEY CONTINUE TO
13 ATTACK HER TODAY

14 AND YOU'VE GOT TO SIT THERE AND LISTEN TO
15 THAT KIND OF THING AND THE ONLY THING SHE DID IN
16 HER LIFE WAS BE A GOOD MOTHER, A LOVING DAUGHTER,
17 AND TRY TO TAKE CARE OF HER KIDS THE BEST A SINGLE
18 PARENT COULD AND THEY CONTINUE TO ATTACK HER TODAY
19 BECAUSE THERE'S NOTHING SHE CAN SAY

20 AND YOU ALSO HEARD THE DEFENDANT TAKE THE
21 STAND AND TALK ABOUT MS HARRIS AND WHAT DID HE
22 SAY, BOTTOM LINE, ABOUT MS HARRIS? SHE WAS IN THE
23 WRONG PLACE AT THE WRONG TIME SHE WAS IN HER OWN
24 HOME

25 MR GARRETT OBJECTION, YOUR HONOR, HE

1 COMMENTED ON FACTS THAT ARE NOT IN EVIDENCE HE'S
2 DONE IT TWICE ALREADY I ASK THE COURT TO INSTRUCT
3 HIM NOT TO COMMENT ON WHAT'S NOT INTO EVIDENCE

4 THE COURT ALL RIGHT

5 MR JONES I WROTE THAT DOWN

6 SPECIFICALLY, YOUR HONOR THERE'S NO QUESTION THE
7 DEFENDANT SAID THAT DURING HIS STATEMENT

8 THE COURT OVERRULED YOU MAY PROCEED

9 MR JONES IF THERE'S A QUESTION, LADIES
10 AND GENTLEMEN, AS TO ANYTHING THAT'S BEING SAID,
11 THIS COURT REPORTER HAS BEEN TAKING DOWN WHAT'S BEEN
12 SAID AND I THINK YOU REMEMBER YESTERDAY EVENING
13 WHEN HE SAT HERE ON THAT STAND THAT'S EXACTLY WHAT
14 HE SAID SHE WAS IN THE WRONG PLACE AT THE WRONG
15 TIME IN HER OWN HOME ON A SUNDAY -- MONDAY AT NOON

16 NOW THEY BRING UP THINGS LIKE HAVE NO
17 CHARACTER BRING UP THINGS LIKE -- PUT INTO
18 EVIDENCE LIKE PROM PHOTOGRAPHS FOR WHAT PURPOSE?
19 TO CREATE THAT MOUNTAIN, A MOUNTAIN OF IMAGINARY
20 ISSUES A MOUNTAIN OF IMAGINARY ISSUES TO SHIFT
21 YOUR FOCUS AWAY FROM WHAT IS THE BOTTOM LINE AND
22 THE BOTTOM LINE, WITHOUT QUESTION, IS THE DEFENDANT
23 KILLED TWO PEOPLE TWO PEOPLE ON DECEMBER FOURTH
24 BUT THEY WANT TO BRING IN SUCH THINGS AS DOMESTIC,
25 AS IF AGAIN, DOMESTIC IS SOME SORT OF BAD WORD --

1 FOUR LETTER WORD

2 YOU WON'T HEAR THE JUDGE CHARGE YOU THAT
3 MURDER -- THIS IS THE DEFINITION, UNLAWFUL KILLING
4 ANOTHER WITH MALICE AFORETHOUGHT EITHER IMPLIED OR
5 INFERRED HE'S NOT GOING TO ADD THAT IF IT'S
6 DOMESTIC IT ISN'T MURDER HE'S NOT GOING TO SAY
7 THAT THAT'S NOT THE LAW IT MAKES NO DIFFERENCE
8 IT'S THIS IMAGINARY SHIFT OF FOCUS AWAY FROM THE
9 BOTTOM LINE

10 THE BOTTOM LINE IN THIS CASE, LADIES AND
11 GENTLEMEN, IS THAT THE DEFENDANT KILLED BOTH SHEKA
12 AND LUEVINIA WITH MALICE THAT'S THE BASIC ISSUE IN
13 THIS CASE IS IT MALICE OR IS IT WITHOUT MALICE
14 THEY CLAIM IT'S WITHOUT THEY CLAIM IT'S WHAT'S
15 CALLED VOLUNTARY MANSLAUGHTER THAT'S THEIR
16 OPINION

17 NOW, OF COURSE, THE STATE'S POSITION IN
18 THIS CASE IS THIS THAT THE DEFENDANT IS LIKE A
19 BOMB WITH A SHORT FUSE, AND WHEN HE SAW CHRIS ADAMS
20 -- MICHAEL ADAMS WITH SHEKA ON DECEMBER THIRD, THAT
21 FUSE STARTED TO BURN IT STARTED TO BURN AND WHEN
22 HE FINALLY TRACKED SHEKA DOWN TO LUEVINIA'S HOUSE,
23 HE SAT OUT THERE AND WAITED WITH THAT SHOTGUN IN THE
24 WOODS AND THAT FUSE CONTINUED TO BURN

25 AND WHEN MACK LEFT THAT BOMB WENT OFF

1 HE BUSTED IN THE DOOR AND CHASED SHEKA DOWN
2 LUEVINIA GOT IN THE WAY TRYING TO PROTECT HER SO HE
3 BLEW HER AWAY IN THE FACE, AND THEN CHASED SHEKA
4 DOWN ON THE BED AND BLEW HER FACE RIGHT OFF IF
5 THAT ISN'T MALICE I DON'T KNOW WHAT IS

6 MALICE IS ACTING WITH EVIL THOUGHTS
7 WITH AN EVIL PURPOSE WITH EVIL INTENT WAS HIS
8 EVIL INTENT, HIS EVIL PURPOSE TO KILL HER? NO
9 QUESTION ABOUT IT BUT I'LL TELL YOU THIS, EVEN --
10 EVEN IF YOU WANT TO BUY THE STORY OF THE DEFENSE,
11 IT'S STILL MURDER IT IS STILL MURDER

12 HE CHASED -- BY THEIR STORY, HE CHASED
13 SHEKA DOWN THE HALL WITH A GUN TRYING TO SHOOT HER,
14 TO KILL HER HOW MUCH MORE MALICE CAN A PERSON BE
15 ACTING WITH?

16 AND I POINT OUT THAT REGARDLESS OF
17 WHETHER HE INTENDED TO KILL LUEVINIA OR NOT, WHETHER
18 YOU WANT TO BUY THE STORY HE WAS JUST TRYING TO
19 SHOOT SHEKA, THERE'S AN ASPECT OF THE LAW CALLED
20 TRANSFERRED INTENT IF HIS INTENT WAS TO KILL HER
21 AND MISSES AND KILLS SOMEBODY ELSE WITH MALICE,
22 THAT'S MURDER TOO TRANSFERRED INTENT SO IF YOU
23 BUY THEIR STORY, IT'S STILL MURDER

24 LADIES AND GENTLEMEN, AGAIN, YOUR JOB IS
25 TO FIND THE TRUTH FIND THE TRUTH AND YOUR DUTY IS

1 TO RETURN A TRUTHFUL VERDICT AND I TELL YOU,
2 LADIES AND GENTLEMEN, A TRUTHFUL VERDICT IN THIS
3 CASE, THE TRUE VERDICT IN THIS CASE A VERDICT OF
4 GUILT FOR GRAND LARCENY OF THE MOTOR VEHICLE,
5 BURGLARY, THE MURDER OF SHEKA JACKSON, THE MURDER OF
6 LUEVINIA HARRIS AND NOTHING LESS

7 DON'T REWARD HIM WITH A VERDICT OF
8 MANSLAUGHTER THAT IS NOT THE TRUTH MURDER IS THE
9 TRUTH, AND THAT'S THE VERDICT THAT SPEAKS THE TRUTH

10 MR JONES IF IT PLEASE THE COURT, YOUR
11 HONOR

12 THE COURT SOLICITOR

13 MR JONES LADIES AND GENTLEMEN, I HAVE
14 A NUMBER OF AREAS THAT I WANT TO TALK TO YOU ABOUT,
15 AND I'LL TRY TO ADDRESS THEM IN AN ORDERLY FASHION
16 FIRST OF ALL, AN AREA OF THE LAW MR COULTER WAS
17 JUST TALKING ABOUT, THE VERDICT I SUGGEST TO YOU
18 THE PROPER VERDICT IN THIS CASE IS MURDER AND THIS
19 IS WHY

20 THE JUDGE IS GOING TO CHARGE YOU THAT
21 MURDER IS THE KILLING OF ONE HUMAN BEING BY ANOTHER
22 HUMAN BEING WITH MALICE AFORETHOUGHT AND THAT MALICE
23 AFORETHOUGHT MUST BE EXPRESSED OR IMPLIED LET ME
24 BREAK THAT DEFINITION DOWN FOR YOU

25 YOU SEE, IN SOUTH CAROLINA MURDER AND THE

1 DEFINITION THEREOF HAS NO MENTION OF THE WORD
2 "PREMEDITATION" AS MAY BE A COMMON MISCONCEPTION
3 AMONG FOLKS AND WAS MINE BEFORE I STARTED THIS
4 DEFINITION THERE'S NO ELEMENT OF PREMEDITATION OF
5 MURDER TO EXIST IN SOUTH CAROLINA

6 SO LET ME EXPLAIN TO YOU WHY YOU DON'T
7 HAVE TO HAVE PREMEDITATION FOR A MURDER TO EXIST IN
8 SOUTH CAROLINA BECAUSE WHEN THE JUDGE SAYS MALICE
9 AFORETHOUGHT, THAT'S SOUTH CAROLINA'S VERSION OF
10 PREMEDITATION MALICE AFORETHOUGHT

11 YOU SEE, MALICE IS A LEGAL WORD IT
12 CONNOTES WICKEDNESS, EVIL, AND ILL WILL IN THE HEART
13 OF THE PERPETRATOR IN THE HEART AND MIND OF THE
14 MURDERED, MALICE CONNOTES WICKEDNESS, EVIL, ILL WILL
15 IN THE HEART AND MIND OF THE PERPETRATOR MALICE,
16 EVIL, WICKEDNESS, ILL WILL IS THE LEGAL DEFINITION
17 OF MALICE AFORETHOUGHT

18 YOU SEE, THE KILLING ONE HUMAN BEING BY
19 ANOTHER HUMAN BEING BY MALICE AFORETHOUGHT EITHER
20 EXPRESS OR IMPLIED THE UNLAWFUL KILLING OF ONE
21 HUMAN BEING BY ANOTHER HUMAN BEING THE UNJUSTIFIED
22 KILLING OF ONE HUMAN BEING BY ANOTHER HUMAN BEING
23 WITH MALICE AFORETHOUGHT

24 NOW THE JUDGE WILL TELL YOU THAT THE
25 MALICE THAT MUST EXIST IN THE HEART AND MIND OF THE

1 PERPETRATOR MUST EXIST FOR HOW LONG? AND AT
2 FORETHOUGHT MALICE AFORETHOUGHT MALICE
3 AFORETHOUGHT IT MUST EXIST FOR AN AFORETHOUGHT
4 AND HE WILL TELL YOU -- I SUBMIT TO YOU THAT IN
5 SOUTH CAROLINA AN AFORETHOUGHT IS AN INSTANT PRIOR
6 TO THE COMMISSION OF THE CRIME

7 IN OTHER WORDS, IF A PERPETRATOR OF THE
8 KILLING HAS -- YOU FIND HAS MALICE IN THE HEART, ALL
9 YOU HAVE TO FIND IS THAT THAT MALICE EXISTS AN
10 INSTANCE BEFORE AND DURING THE TIME OF THE
11 COMMISSION

12 IN OTHER WORDS, YOU DON'T HAVE TO LIE AND
13 WAIT YOU DON'T HAVE TO SIT UP AND PLAN OVERNIGHT
14 YOU DON'T HAVE TO DO THAT IN SOUTH CAROLINA YOU
15 CAN WALK INTO A SITUATION AND FOR WHATEVER REASON
16 YOU DEVELOP THE MEANNESS AND THE EVILNESS AND THE
17 WICKEDNESS NECESSARY TO FORM MALICE IN YOUR HEART,
18 WHICH IS ALSO TO SAY THAT IT COULD BE ABSENCE OF THE
19 FEELINGS THAT A HUMAN BEING HAS THAT ALLOWS ANOTHER
20 HUMAN BEING THE RIGHT TO LIVE

21 IN OTHER WORDS, IF YOU'RE ABSENT THE
22 FEELINGS THAT OTHER HUMAN BEINGS HAVE THE RIGHT TO
23 LIVE, YOU CAN FIND THAT MALICE EXISTS AND THAT'S
24 WHAT MALICE MIGHT BE AND YOU ONLY HAVE TO FIND
25 THAT MALICE IS THERE FOR -- IN AN AFORETHOUGHT

1 THE JUDGE WILL TELL YOU AFORETHOUGHT IS
2 AN INSTANT PRIOR TO THE KILLING SO WE DON'T HAVE
3 PREMEDITATION IN SOUTH CAROLINA SO YOU MIGHT SAY,
4 SOLICITOR, IF WHAT THIS CASE REALLY BOILS DOWN TO --
5 IF WHAT MR COULTER SAID THAT THIS CASE BOILS DOWN
6 TO IS TO WHETHER YOU'VE GOT TWO MURDERS HERE OR
7 WHETHER YOU'VE GOT TWO MANSLAUGHTERS HERE, WHAT IN
8 THE WORLD IS MANSLAUGHTER?

9 WELL, THE LAW SAYS THAT MANSLAUGHTER IS
10 ALSO THE KILLING OF ONE HUMAN BEING BY ANOTHER HUMAN
11 BEING BUT GUESS WHAT AIN'T PRESENT? MALICE
12 THERE'S NO MALICE HERE THERE'S NO WICKEDNESS IN
13 THE HEART OF THE PERPETRATOR THERE'S NO ILL WILL
14 IN THE HEART OF THE PERPETRATOR THERE'S NO HEART
15 DEVOID OF THE RIGHT OF OTHER HUMAN BEINGS TO LIVE
16 AND BREATHE THAT'S WHAT MANSLAUGHTER IS

17 WELL, HOW DO YOU GET RID OF THAT MALICE,
18 SOLICITOR? HOW DO YOU WE KNOW WHETHER MALICE WAS
19 PRESENT IN THAT PERPETRATOR'S HEART AND MIND OR NOT
20 WHEN HE COMMITTED THOSE ACTS? WELL, YOU NOTICE THE
21 DEFINITION SAYS INFERRED OR IMPLIED, EXPRESSED OR
22 INFERRED MALICE AND CAN BE EITHER EXPRESSED OR
23 IMPLIED

24 YOU KNOW HOW MALICE IS EXPRESSED? DO YOU
25 KNOW HOW MALICE IS -- DO YOU KNOW WHAT EXPRESSED IS?

1 YOU EVER HEARD AN EXPRESSION? THAT'S AN EXPRESSION?
2 WE EXPRESS THINGS WHEN WE SAY THEM NOW IF IT'S
3 EXPRESSED IF I SAY, "I'M GOING TO KILL YOU" I'VE
4 EXPRESSED MY INTENT I'VE EXPRESSED MY DESIRE YOU
5 KNOW WHAT'S IN MY HEART BECAUSE IT'S EXPRESSED NOW
6 I'LL KILL YOU I'LL KILL YOU BOTH YOU CAN FIND
7 THAT MALICE EXISTS IF YOU HAVE AN EXPRESSION THAT IS
8 THERE, ALL RIGHT?

9 NOW, MALICE IS INFERRED HOW DO WE INFER
10 MALICE IN THIS STATE WHAT'S THE LAW SAY ABOUT HOW
11 YOU AS A JURY CAN DETERMINE THAT MALICE EXISTS EVEN
12 IF THE PERPETRATOR DOESN'T HAPPEN TO TELL THE VICTIM
13 I'M FIXING TO BLOW YOUR HEAD WIDE OPEN WITH A
14 SHOTGUN HOW DO YOU DECIDE?

15 THE LAW SAYS YOU CAN SAY MALICE IS
16 INFERRED IF SOMEONE USES A DEADLY WEAPON IN OTHER
17 WORDS, THE LAW IN THIS STATE HAS COMMON SENSE ENOUGH
18 TO KNOW THAT IF YOU TAKE THIS GUN HERE AND YOU PUT
19 IT AT AN ANGLE THAT'S GOING TO INCLUDE IT'S GOING
20 OFF IN SOMEBODY'S HEAD, THAT YOU JURY CAN INFER THAT
21 THAT PERSON THAT DID THAT AND THE USE OF A WEAPON
22 LIKE THIS IS VERY LIKELY GOING TO RESULT IN THE
23 DEATH OF SOMEBODY ELSE YOU CAN INFER THAT THEY HAD
24 MALICE IN THEIR HEART WHEN THEY TAKE THIS GUN AND
25 SHOOT SOMEBODY YOU CAN INFER THAT

1 NOW, ALL RIGHT, SOLICITOR, WE CAN INFER
2 MALICE, WE CAN INFER MALICE AND WE CAN DETERMINE
3 THAT IT EXISTED, BUT WHEN DOES THE LAW SAY MALICE
4 DOESN'T EXIST? WHEN DOES THE LAW SAY THAT MALICE IS
5 ABSENT? THAT'S UP FOR YOU FOLKS TO DECIDE

6 BUT WHAT THE LAW DOES DO IS IT DEFINES
7 MANSLAUGHTER AND IN SOUTH CAROLINA MANSLAUGHTER IS
8 THE KILLING OF ONE HUMAN BEING BY ANOTHER HUMAN
9 BEING WITHOUT MALICE HOW DOES THE MALICE GET A
10 WAY? I'M GOING TO CARRY IT FURTHER THE KILLING
11 ONE HUMAN BEING BY ANOTHER HUMAN BEING IN A SUDDEN
12 HEAT OF PASSION A SUDDEN HEAT OF PASSION

13 THE LAW ALONE PROVIDES THAT IF THAT
14 SUDDEN HEAT OF PASSION IS BROUGHT ON BY SUSPICION
15 SUFFICIENT ENOUGH LEGAL -- LEGAL PROVOCATION I
16 PROVOKED HIM THAT'S WHY I KILLED HIM HE PROVOKED
17 ME HE CAME UP TO ME AND HE SLAPPED ME AND THEN HE
18 HIT ME AND THEN HE SPIT ON ME AND I'D HAD ENOUGH OF
19 THAT SO I PULLED MY GUN AND I SHOT HIM AND THAT'S
20 MANSLAUGHTER

21 IF YOU FIND THAT WHAT HAPPENED TO THE
22 SHOOTER WAS SUFFICIENT LEGAL PROVOCATION, AND THAT
23 SUFFICIENT LEGAL PROVOCATION BROUGHT ON WHAT? A
24 SUDDEN HEAT OF PASSION ON THE PART OF THE
25 PERPETRATOR THE PERPETRATOR BECAME SO INFLAMED BY

1 THE PROVOCATION THAT THE SUDDEN HEAT OF PASSION
2 RESULTED IN THE KILLING -- ABSENT OF MALICE

3 THEY WEREN'T MAD AT THAT PERSON THEY
4 DIDN'T HAVE A HEART BENT ON A MISSION OR A HEART
5 FULL OF EVIL A HEART DEVOID OF THE RIGHT OF
6 OTHERS SO THE MIND AND THE HEART WAS INFLAMED AND
7 DEVOID OF THE EVIL WAS JUST REACTING IN A SUDDEN
8 HEAT OF PASSION BROUGHT ON BY THE PROVOCATION

9 THERE'S ONE OTHER THING ABOUT
10 MANSLAUGHTER THAT'S APPROPRIATE TO THIS CASE THE
11 LAW ALSO SAYS THAT YOU CAN EVEN PROVOKE SOMEBODY BY
12 HITTING AND BY SPITTING ON THEM, BUT IF THERE IS A
13 SUFFICIENT PERIOD OF TIME BETWEEN THE PROVOCATION
14 AND THE KILLING FOR A REASONABLE PERSON TO COOL
15 DOWN, COLLECTED THEIR SENSES, NOT GONE FORWARD WITH
16 THE COMMISSION OF THEIR KILLING

17 IN OTHER WORDS, I HOPE I'M BEING CLEAR
18 ENOUGH IN TRYING TO EXPLAIN THIS LAW TO YOU
19 REALIZING IT'S THE FIRST TIME YOU'VE HEARD IT, FOR
20 ALL PRACTICAL PURPOSES YOU REALIZE THAT
21 MANSLAUGHTER YOU'VE FIRST GOT TO FIND A SUFFICIENT
22 LEGAL PROVOCATION BY THE PERSON THAT WOUND UP DEAD
23 AND THEN YOU'VE GOT TO FIND THAT THE PERSON WHO WAS
24 PROVOKED WAS IN A SUDDEN HEAT OF PASSION AND THEN
25 YOU'VE GOT TO FIND THAT A REASONABLE PERSON UNDER

1 THE SAME CIRCUMSTANCES WOULD NOT HAVE HAD TIME TO
2 COOL DOWN THAT THE ONLY REACTION REASONABLE WAS TO
3 REACT AS THEY DID IN THE KILLING

4 AND YOU SEE, THAT AIN'T SO IN THIS CASE
5 WHAT I'M SUGGESTING TO YOU HERE, AND I'M GOING TO
6 TALK BRIEFLY ABOUT A LOT OF THINGS THAT'S FACTUAL
7 BUT IN THIS CASE, YOU HAD TO RELOAD THIS GUN THREE
8 TIMES AND THERE AIN'T NOTHING GOING ON -- NOTHING
9 GOING ON TO PROVOKE YOU AFTER YOU'VE FIRED THAT
10 FIRST SHOT IN THE TOP OF THAT BASKET AIN'T NOTHING
11 GOING BUT SOME POOR LITTLE GIRL IN THE FORM OF SHEKA
12 JACKSON RUNNING FOR HER LIFE TO THE OTHER END OF
13 THAT TRAILER AIN'T NOTHING GOING ON BUT MS
14 LUEVINIA JACKSON ON THAT TELEPHONE TRYING TO GET THE
15 POLICE OVER THERE TO GET THIS MAN OUT OF HER HOUSE

16 WHAT'S GOING ON TO PROVOKE HIM?
17 NOTHING'S GOING ON ALL HE'S DOING IS BREAKING THIS
18 GUN DOWN, TAKING THAT SHELL OUT, AND GETTING THAT
19 OTHER SHELL OUT OF HIS POCKET OR IN HIS HANDS, AND
20 PUTTING IN HERE WHY? HE'S GOING TO SHOOT HER IN
21 THE HEAD AGAIN TO KILL HER THAT'S WHY HE PUT IT IN
22 THERE

23 AIN'T NOBODY PROVOKING HIM THEN AIN'T
24 NOBODY DOING ANYTHING TO HIM THEN AND HE MARCHES
25 DOWN THAT HALLWAY AND HE GETS TO MS HARRIS AND

1 SHE'S ON THE PHONE SAYING, "DON'T SHOOT THAT GUN IN
2 THIS HOUSE PLEASE SEND THE POLICE OVER HERE " AND
3 HE SHOOTS HER IN THE FACE FOR DOING THAT

4 AND WHAT'S HE DO AT THAT POINT IN TIME?
5 HE BREAKS IT DOWN AGAIN WHERE IS LITTLE SHEKA?
6 SHE'S IN THAT BEDROOM HIDING SHE'S IN THAT BEDROOM
7 KNOWING SHE'S NEXT AND WHAT'S HE DOING? WHO'S
8 PROVOKING HIM THEN? WHAT'S STOPPING HIM FROM
9 TURNING RIGHT AROUND? WHAT'S STOPPING HIM AT ANY
10 POINT IN TIME FROM TURNING RIGHT AROUND AND LEAVING
11 THOSE POOR LADIES ALONE? NOTHING NOTHING
12 NOTHING NOTHING NOTHING NOTHING

13 NOTHING WAS STOPPING HIM FROM TURNING
14 AROUND AND LEAVING THOSE LADIES ALONE NOT ONE
15 THING NOT ONE THING ON THIS EARTH, BUT HIS INTENT
16 TO KILL HIS INTENT TO KILL WOULD NOT ALLOW HIM TO
17 STOP AND TURN AROUND AND LEAVE AFTER HE SHOT HER
18 DEAD ON THAT FLOOR, HE BROKE IT DOWN -- BROKE HIS
19 GUN DOWN AND HE TOOK THAT SHELL OUT AND PUT THE
20 THIRD SHELL THAT HE HAD IN HIS HAND OR HIS POCKET,
21 AND HE PUT IN THIS GUN

22 HE COCKED IT HE PULLED IT BACK AND HE
23 WENT THERE AND WHAT DID HE DO TO HER? WHAT DID HE
24 DO TO SHEKA? WHAT DID HE DO TO HER THEN? WELL, I
25 ASKED HIM HE SAID AT FIRST HE JUST COULDN'T

1 REMEMBER HE SAID THEY EVEN GOT IN A STRUGGLE OVER
2 THIS SHOTGUN HE EVEN HAD THE AUDACITY AND THE
3 SELFISHNESS TO TELL Y'ALL HE THOUGHT SHE MUST STILL
4 HAVE THAT KNIFE IN THE BEDROOM THAT'S WHY HE HAD
5 TO GO IN THERE BECAUSE SHE STILL MIGHT HAVE THAT
6 KNIFE IN THERE HAD TO GO IN THERE AND TAKE CARE OF
7 HER SHE HAD THAT KNIFE THAT'S WHY HE WENT IN
8 THERE THAT'S WHAT HE TOLD Y'ALL BUT HE COULDN'T
9 REMEMBER WHAT HAPPENED

10 AND I'M GOING TO TELL YOU WHY HE COULDN'T
11 REMEMBER WHAT HAPPENED I'M GOING TO SUGGEST YOU HE
12 KNOWS HE TOLD YOU HE COULDN'T REMEMBER HE CAN'T
13 -- HE CAN'T ADMIT TO IT ON THIS WITNESS STAND HE
14 CAN'T TELL YOU THAT HE CAN'T TELL YOU WHAT HE DID
15 IN THERE HE CAN'T COME IN HERE AND TELL YOU WHAT
16 HE DID IN THAT BEDROOM HE DIDN'T FORGET AND IT
17 DIDN'T HAPPEN SO FAST THAT HE CAN'T REMEMBER HE
18 KNOWS EXACTLY WHAT HE DID

19 AFTER HE SHOT HER IN THE HEAD IN THE
20 BEDROOM -- AND I DON'T WANT -- LET ME SAY THAT THE
21 LAWYER IS GOING TO GET UP, ONE OR TWO OF THEM, AND
22 THEY'RE GOING TO TALK ONE OF THEM'S BEEN UPSET
23 BECAUSE I TOLD Y'ALL IN THE BEGINNING THAT SHE GOT
24 SHOT IN THE BACK OF HEAD WELL, I WAS WRONG AND I
25 APOLOGIZE SHE DIDN'T GET SHOT IN THE BACK OF HEAD

1 SHE GOT SHOT, ACCORDING TO THE DOCTOR, RIGHT THERE,
2 OKAY?

3 AND I'M GOING TO TELL YOU SOMETHING
4 THOUGH, IF THAT SHOT HAD BEEN RIGHT THERE I'D
5 STILL BE MAINTAINING SHE WAS SHOT IN THE BACK OF THE
6 HEAD, BECAUSE BY GOLLY THAT'S IN THE BACK OF THE
7 HEAD TO ME, FOLKS ALL RIGHT? BUT SHE DIDN'T --
8 SHE GOT SHOT RIGHT HERE AND IT AIN'T THE BACK
9 BUT I'LL TELL YOU WHERE IT WAS IT WAS IN THE SIDE
10 OF THE HEAD AIN'T IN THE FRONT OF THE HEAD IT'S
11 JUST ABOVE THE EAR AND THE HOLE IN HER FACE CAME
12 OUT ON THIS SIDE IS IN THE FRONT OF THE HEAD

13 IT AIN'T IN THE BACK OF THE HEAD THE
14 HOLE THAT CAME OUT OF HER FACE ON THIS SIDE WAS LEFT
15 -- SHE'S ON THAT BED IN THESE PICTURES -- AND YOU
16 CAN LOOK AT THEM -- AND IN THAT BEDROOM SHE WAS
17 CRAWLING ACROSS THAT BED, THAT BEING THE DOOR OUT OF
18 THAT BEDROOM -- SHE'S CRAWLING ACROSS THAT BED, AND
19 THE HOLE IN HER HEAD, THE ENTRY WOUND GOES IN RIGHT
20 HERE THAT COMES OUT RIGHT HERE

21 NOW EVEN THOUGH THE EXPERT WOULD NOT TELL
22 ME OR SAY THAT THERE'S INSUFFICIENT MATERIAL FOR HIM
23 TO DISPUTE -- TO GIVE AN OPINION AS TO WHERE THE
24 SHOOTER WAS THAT SHOT SHEKA IN THE HEAD I THINK
25 Y'ALL CAN FIGURE THIS ONE OUT I REALLY DO EVEN

1 THOUGH THE EXPERT COULDN'T EVEN THOUGH THE EXPERT
2 IN CRIME SCENE EVALUATION -- I THINK Y'ALL CAN
3 FIGURE IT OUT

4 LET ME TELL YOU WHAT YOU'VE GOT YOU'VE
5 GOT A HOLE IN SHEKA'S HEAD, ENTRY WOUND RIGHT HERE
6 AND YOU'VE GOT THE DOCTOR SAYING THE LEFT SIDE WAS
7 BLOWN OUT AND YOU'VE GOT HER ON THE BED FACE DOWN
8 AND YOU'VE GOT A BUNCH OF BLOOD RIGHT HERE ON THE
9 CORNER OF THE BED

10 NOW I WANT TO ASK YOU DO YOU THINK THE
11 GUN THAT SHOT HER WAS SOMEWHERE RIGHT OVER HERE THAT
12 WENT AND BLEW OUT LIKE THIS? AND WHAT'S OVER HERE?
13 THE HEAD OF THE BED AND THE WALL AND YOU LOOK ON
14 THAT BED AND YOU SEE THAT THE SHOOTER WASN'T
15 SHOOTING HER RIGHT DOWN INTO THE HEAD FROM THIS
16 ANGLE AGAINST THAT WALL YOU LOOK AT THAT
17 PHOTOGRAPH AND YOU SEE IF THIS MAKES SENSE, THAT HE
18 DIDN'T SHOOT HER RIGHT LIKE THAT AND THEN WALK OFF
19 THAT BED, THROW THAT GUN DOWN, RIP THAT PHONE OFF
20 THE WALL, AND GO GET IN THAT CAR AND DRIVE OFF

21 THAT -- THAT IS WHAT THEY WANT TO
22 MAINTAIN WAS A SUDDEN HEAT OF PASSION WELL, THERE
23 WAS A LOT OF HEAT AND IT DIDN'T TAKE A LONG TIME
24 TO HAPPEN BUT WHAT HE DID WAS NOTHING MORE THAN
25 TWO BRUTAL, VICIOUS MURDERS TWO SENSELESS,

1 NEEDLESS, TRAGIC, UNJUSTIFIED MURDERS THAT'S WHAT
2 HE DID

3 AND IT DON'T MATTER WHY HE DID IT OR
4 REALLY HOW HE DID IT HE HAD NO EXCUSE HE HAD NO
5 REASON HE HAD NO JUSTIFICATION HE HAD NO BASIS
6 FOR KILLING THOSE TWO WOMEN IN THAT HOME ON THAT
7 DAY NONE

8 YOU TALK ABOUT IT YOU FIND ME ONE
9 BASIS, ONE REASON, ONE JUSTIFICATION THAT HE HAD FOR
10 GUNNING THEM DOWN WITH THIS SHOTGUN WHEN YOU COME
11 BACK OUT HERE AND YOU TELL THESE FOLKS ABOUT IT
12 YOU TELL MS LUEVINIA HARRIS'S HUSBAND, MACK HARRIS,
13 WHAT SHE DID WRONG

14 THAT LADY DIED TRYING TO PROTECT A
15 TWENTY-TWO YEAR OLD COUSIN, SHEKA, BY CALLING THE
16 POLICE SHE GOT ON THE TELEPHONE AND CALLED THE
17 POLICE AND DO YOU KNOW WHAT ELSE SHE COULD HAVE
18 DONE? SHE COULD HAVE GOTTEN ON THE FLOOR AND SLID
19 UNDERNEATH THE KITCHEN TABLE AND HE PROBABLY
20 WOULDN'T HAVE SHOT HER MAYBE NOT SHE COULD HAVE
21 JUMPED OUT THE BACK DOOR EVEN THOUGH IT WAS SIX FOOT
22 TALL

23 BUT WHEN SHE HEARD THAT FIRST SHOT GO OFF
24 IN THE BATHROOM SHE COULD HAVE JUMPED OUT THAT BACK
25 DOOR AND SHE HEARD -- SHE KNEW HE HAD BEEN IN

1 THERE WITH HIS SHOTGUN FOR AWHILE ALREADY BUT SHE
2 DIDN'T JUMP OUT THE BACK DOOR, DID SHE? SHE WENT
3 AND GOT ON THE PHONE TO CALL THE POLICE? WHY? FOR
4 HERSELF? TO PROTECT HERSELF? NO, SHE WAS TRYING TO
5 PROTECT SHEKA AND THOSE CHILDREN FROM BEING
6 MURDERED SHE DIDN'T RUN SHE STOOD HER GROUND IN
7 HER OWN HOME ON THE PHONE TRYING TO DO WHAT WAS
8 RIGHT

9 AND I'M GOING TO SUGGEST SOMETHING TO YOU
10 RIGHT HERE, CLEARLY, WITH NO QUESTION WHATSOEVER
11 THE VERDICT OF MANSLAUGHTER AND LUEVINIA HARRIS DIED
12 IN VAIN IN VAIN IN VAIN' IF SHE HAD TO GIVE HER
13 LIFE WHERE IT COULD BE TERMED A MANSLAUGHTER IN THIS
14 COURTROOM, THEN TAKE IT AGAIN' TAKE IT AGAIN!

15 MR GARRETT OBJECTION, YOUR HONOR, IT'S
16 HIGHLY IMPROPER

17 THE COURT I SUSTAIN THAT OBJECTION

18 MR GARRETT HIGHLY IMPROPER

19 MR JONES LET ME EXPRESS TO YOU --

20 MR GARRETT REQUEST THAT YOU INSTRUCT
21 THE JURY

22 THE COURT THE JURY'S ASKED TO DISREGARD
23 THE LAST COMMENT MADE BY THE SOLICITOR YOU ARE NOT
24 TO CONSIDER THAT IN ANY FASHION WHATSOEVER IN YOUR
25 DECISION IN THIS CASE

1 MR JONES LADIES AND GENTLEMEN, I'VE
2 BEEN WITH YOU NOW ABOUT FIFTEEN MINUTES WHAT I'D
3 LIKE TO SUGGEST TO YOU NOW THAT THE FACTS -- THE
4 FACTS -- THE FACTS OF THIS CASE INDICATE THAT
5 LUEVINIA HARRIS WAS MURDERED THE FACTS INDICATE
6 THAT LUEVINIA HARRIS WAS MURDERED BY THE DEFENDANT
7 IN THIS CASE THE FACTS INDICATE THAT SHE WAS SHOT
8 DOWN IN HER KITCHEN/LIVING ROOM/HALLWAY FROM ABOUT
9 FOUR FEET AWAY WITH STATE'S EXHIBIT NUMBER FORTY-
10 EIGHT

11 I WANT TO ASK YOU SOMETHING WHEN I ASK
12 THE DEFENDANT, WERE YOU GOING TO SHOOT TESHEKA IN
13 THE BACK AS SHE WAS RUNNING DOWN THE HALLWAY, WHY
14 DIDN'T HE ANSWER MY QUESTION? WHY WOULD -- WHY DID
15 HE TELL ME HE DON'T KNOW, IT ALL HAPPENED SO FAST?
16 HE TRIED TO SAY HE TRIPPED OVER A CHAIR OR SOMETHING
17 IN THE LIVING ROOM TRYING TO TELL YOU THE GUN WENT
18 OFF ACCIDENTALLY THEN HE'S TRYING TO TELL YOU
19 THAT, WELL, SHEKA WAS IN THE WAY AND LUEVINIA GOT IN
20 THE WAY, AND SHE WAS IN THE WRONG PLACE AT THE WRONG
21 TIME BUT I ASKED HIM, I SAID, WERE YOU GOING TO
22 SHOOT HER IN THE BACK OR NOT?

23 WHAT DID HE TRIP OVER IN THAT HALLWAY?
24 NOTHING AND IF HE DIDN'T TRIP OVER ANYTHING --
25 LET'S SAY HE DID LET'S JUST SAY, FOR EXAMPLE, YOU

1 BELIEVE HIM AND HE WAS SHOOTING AT SHEKA WHERE WAS
2 HE TRYING TO SHOOT? DO YOU RECKON HE'S TRYING TO
3 HIT HER IN THE HEAD, THE FACE, THE BACK OF THE HEAD?
4 HE HIT HER IN THE BACK OF THE HEAD -- LUEVINIA, AND
5 THEN HE WENT IN THAT BEDROOM AND HE GOT TESHEKA IN
6 THE HEAD HE SHOT THEM BOTH IN THE HEAD

7 AND I HAD ANOTHER QUESTION FOR HIM THAT
8 HE COULD HAVE ANSWERED WHY DID YOU GO OUT THERE?
9 IF YOU SAY HE RAN OUT THERE TO GET THAT GUN TO
10 PROTECT YOURSELF FROM THAT, WHICH YOU KNOW HE DID
11 NOT, HE HAD THE GUN ON THE FIRST PHONE CALL BUT HE
12 TOLD YOU HE DID WHY DID HE PICK UP THOSE OTHER TWO
13 SHELLS IF THERE'S ALREADY A SHELL IN THE GUN AND
14 ALL YOU NEED THIS GUN FOR IS TO PROTECT YOURSELF
15 FROM A BUTCHER KNIFE, WHY ARE YOU GOING TO PICK UP
16 THE OTHER TWO SHELLS IN THE TRUNK AND TAKE THEM WITH
17 YOU AND GO BACK INSIDE CARRYING THEM?

18 YOU KNOW WHAT HE TOLD Y'ALL AND TOLD ME?
19 I DON'T KNOW I CAN'T REMEMBER IT HAPPENED SO
20 FAST I DON'T KNOW I CAN'T REMEMBER IT HAPPENED
21 SO FAST I'M GOING TO SUGGEST TO YOU WHY HE GOT THE
22 OTHER SHELLS YOU CAN'T KILL TWO PEOPLE WITH ONE
23 BULLET THAT'S WHY HE GOT THE OTHER BULLETS AND
24 HE KNOWS AND THAT'S WHY HE WOULDN'T TELL YOU
25 YOU KNOW, WE'RE GETTING TO A PRETTY LOW

1 POINT IN THE EVOLUTION OF OUR SYSTEM WHEN SOMEBODY
2 CAN TAKE A GUN LIKE THIS AND GO INTO SOMEBODY ELSE'S
3 HOUSE AND TO KILL THEM BOTH AND THEY COME IN HERE
4 AND ASK YOU TO FIND HIM GUILTY OF MANSLAUGHTER AND
5 I TELL YOU, WE HAVE REALLY GOTTEN TO WHERE WE ARE ON
6 AN INTERESTING POINT IN THE DEVELOPMENT OF EVOLUTION
7 OF OUR SYSTEM WHEN SOMEBODY COULD GO IN THERE AND DO
8 THAT AND THEN COME IN HERE -- AND NOT ONLY IN AN
9 AUDACIOUS FASHION YOU ARE ABOUT TO HEAR AN
10 IMPASSIONED ARGUMENT FOR THAT

11 AND THIS -- HE'S GOING TO COME IN HERE
12 AND HIS CLIENT JUST WALKED IN WITH THIS GUN AND
13 KILLED TWO DEFENSELESS WOMEN SHOT THEM BOTH IN THE
14 HEAD I DON'T CONCEIVE HE WAS FROM FOUR FEET AWAY
15 I DON'T BELIEVE IT BUT THE EXPERT PUT AT THREE OR
16 FOUR

17 THAT'S ANOTHER THING I APOLOGIZE TO YOU
18 ABOUT YOU KNOW, IF I'M LOOKING AT THE THING AND I
19 SAW WHERE THIS HOLE WENT IN IN SHEKA'S HEAD HERE ON
20 THAT BED AND I KNEW IT HAD TO BE SHOT RIGHT ON THIS
21 SIDE HERE, I JUST COULDN'T SEE HOW YOU COULD GET --
22 SHE'S NOT BUT THREE AND A HALF OR FOUR FEET FROM THE
23 WALL I DIDN'T SEE HOW HE COULD GET UP AGAINST THIS
24 WALL AND BE ANY FARTHER THAN ABOUT A FOOT FROM HER
25 HEAD WHEN HE SHOT HER

1 BUT THESE EXPERTS COME IN HERE AND TELL
2 Y'ALL, OH, NO, IT'S GOT TO BE FOUR FEET OR THREE
3 FEET OR WHATEVER WELL, YOU KNOW, IT DON'T MATTER
4 IT DON'T MATTER WHETHER IT WAS FOUR FEET OR THREE
5 FEET OR TWO FEET OR ONE FOOT WHEN HE SHOT TESHEKA IN
6 THE HEAD THE BOTTOM LINE WAS SHE WASN'T WRESTLING
7 WITH THE GUN SHE WAS LAYING FACE DOWN ON THE BED
8 BEGGING TO SPARE HER LIFE

9 THAT'S ANOTHER ONE OF THOSE DIVERSIONARY
10 THINGS THEY'RE TRYING TO DO IS COME IN HERE AND STIR
11 UP THE WATER AND TALK ABOUT THIS AND THAT THE
12 BOTTOM LINE WAS HE JUST SHOT HER DOWN DEAD

13 AND YOU KNOW WHAT? I'VE GOT ONE OTHER
14 THING THAT I WANT TO TELL YOU RIGHT NOW YOU WORK
15 ON A CASE LIKE THIS, YOU WORK WITH THE FACTS IN A
16 CASE LIKE THIS AND YOU CALL WITNESSES, AND I CALLED
17 MACK HARRIS TO THE STAND AND YOU KNOW, WE HAD TO
18 MAKE A DECISION WHETHER TO CALL MACK HARRIS TO THE
19 STAND, BUT HE TESTIFIED TO YOU ABOUT WHAT HE KNEW
20 ABOUT THIS CASE AND ABOUT WHAT HE DID, OKAY?

21 AND IN ORDER TO CALL HIM TO THE STAND YOU
22 GOT TO TALK TO HIM AND YOU'VE GOT TO MEET HIM AND
23 YOU GO BY HIS HOUSE AND YOU TALK TO HIM OVER THERE
24 AND YOU ASK HIM A FEW THINGS, ALL RIGHT? AND ANY
25 EMOTION THAT I HAD IN THIS CASE IS NOT FOR YOU

1 IT'S FOR HIM AND I'M PROUD OF IT AND I'M
2 THROUGH

3 THE COURT LADIES AND GENTLEMEN, I'M
4 GOING TO YOU BETWEEN THE ARGUMENTS OF THE LAWYERS IF
5 YOU WISH TO TAKE A BREAK, IF YOU'LL LET ME KNOW,
6 OTHERWISE WE'LL CONTINUE WITH THE ARGUMENT BY THE
7 DEFENSE DOES ANYONE NEED TO TAKE A BREAK? OKAY,
8 WE'LL PROCEED THEN MR GARRETT?

9 MR GARRETT IF IT PLEASE THE COURT
10 LADIES AND GENTLEMEN OF THE JURY, PASSION AND
11 EMOTION RUN RAMPANT THROUGH THIS COURTROOM I FEEL
12 SORRY FOR THIS MAN IF THERE WAS SOME WAY THAT I
13 COULD TRADE HIS LIFE TO BRING THOSE TWO PEOPLE BACK,
14 I'D CERTAINLY TRY TO DO THAT DEAL FOR HIM

15 BECAUSE HE KILLED -- I DIDN'T GET UP HERE
16 IN FRONT OF YOU, LADIES AND GENTLEMEN, IN THE
17 OPENING STATEMENT, AND I DID NOT TELL YOU HE DID NOT
18 KILL THOSE PEOPLE BUT TRYING TO KILL HIM WITH
19 FALSE EVIDENCE IS JUST AS BAD AS HIM KILLING THEM
20 IT'S GOT TO STOP THAT -- THAT'S ENOUGH -- THAT'S
21 ENOUGH DEATH IN THIS COUNTY IT'S JUST ENOUGH

22 AND TO SAY SHE BEGGED FOR HER LIFE WHILE
23 SHE WAS ON THE BED WAS RIGHT IN THE FACE OF THE
24 EVIDENCE AGAIN IT'S THAT KIND OF EVIDENCE, LADIES
25 AND GENTLEMEN, THAT I DON'T APPRECIATE THE STATE OF

1 SOUTH CAROLINA TRYING TO PUT A MAN TO DEATH WITH I
2 DON'T APPRECIATE THAT

3 I DO NOT APPRECIATE SOLICITORS, THESE MEN
4 WHO HAVE BEEN TO SCHOOL ALL OF THEIR LIVES, EDUCATED
5 MEN, INTELLIGENT MEN, COMING BEFORE YOU AND TELLING
6 YOU THAT THESE PEOPLE WERE KILLED IN THE FASHION
7 THAT THEY DID WHY? AND THEY WANT TO FORGET ABOUT
8 SEVERAL THINGS DURING THE TRIAL OF THIS CASE

9 YOU KNOW, WHEN THE SOLICITOR MADE HIS
10 OPENING STATEMENT, YEAH, HE MADE SOME REAL BAD
11 STATEMENTS THAT HE WOULD LIKE NOW TO APOLOGIZE FOR
12 I'M SORRY, I DIDN'T MEAN TO SAY SHE WAS SHOT IN THE
13 BACK OF THE HEAD SORRY, I DIDN'T MEAN TO SAY THAT
14 THEY SHOT HER AT THE FOOT

15 AND MAYBE Y'ALL WILL FORGIVE HIM FOR
16 THAT BUT Y'ALL BETTER LOOK AND SEE WHAT'S COMING
17 Y'ALL BETTER UNDERSTAND IT FOR WHAT IT IS WHEN YOU
18 PUT A DOCTOR -- A DOCTOR WHOSE BEEN TO SCHOOL ALL OF
19 HIS LIFE -- AND YOU PUT IN HIM UP ON THE STAND AND
20 YOU GET HIM TO GO ALONG WITH THIS STATEMENT OF FACT

21 OH, YES YEAH, HE CLIMBED UP ON THIS
22 STAND HE GOT UP HERE, DOCTOR SO-AND-SO AND I'M A
23 SPECIALIST IN THE AREA AND I'VE BEEN TO SCHOOL AND
24 I'VE DONE ALL THIS WORK OH, YES, SHE WAS SHOT IN
25 THE BACK OF THE HEAD

1 AND I'M SITTING OVER AT THAT TABLE WITH
2 MY CLIENT AND THOSE OTHER LAWYERS OVER THERE, AND
3 I'M SAYING TO MYSELF, AM I IMAGINING THINGS? AM I
4 REALLY IN THIS COURTROOM? I HAVE NEVER HEARD OF
5 SUCH IN MY LIFE AND I WAS SITTING THERE AND I WAS
6 THINKING TO MYSELF, WHY ARE THEY SAYING THAT?

7 AND THEN I GOT TO THINKING ABOUT AN OLD
8 LAWYER THAT I TALKED WITH WHEN I FIRST BECAME A
9 LAWYER HE SAID, "BILLY," HE SAID, "YOU KNOW, THE
10 STATE DOESN'T HAVE A CASE OF PROOF BEYOND A
11 REASONABLE DOUBT, YOU'D BETTER WATCH HIM BECAUSE
12 THEY'LL STRETCH IT ON YOU "

13 NOW THEY SAY THAT US, IN THE DEFENSE OF
14 THIS CASE, HAVE TRIED TO MIX UP OR MUDDY UP THE
15 WATER, SO TO SPEAK WELL, I DIDN'T GET UP HERE AND
16 ASK YOU TO FIND MY CLIENT NOT GUILTY I DIDN'T ASK
17 FOR THAT I TOLD YOU RIGHT UP HE'S NOT GUILTY OF
18 MURDER, BECAUSE YOU SEE, THEY WANT TO SIMPLY FORGET
19 -- THEY WANT TO TOTALLY FORGET ABOUT THE LAW OF
20 MANSLAUGHTER IN THIS STATE AND THE LAW HASN'T
21 EVOLVED TO THE POINT WHERE A PERSON'S ENTITLED TO A
22 MANSLAUGHTER CHARGE THAT'S BEEN THE LAW OF SOUTH
23 CAROLINA FOR AS LONG AS SOUTH CAROLINA'S BEEN IN
24 EXISTENCE IT'S NOT SOMETHING THAT'S EVOLVED
25 OUT LEGISLATURE UNDERSTANDS THAT PEOPLE

1 CAN DO BAD THINGS IN A SUDDEN HEAT OF PASSION BASED
2 UPON LEGAL PROVOCATION AND IT CANCELS MALICE AT THAT
3 POINT -- AT THAT TIME IT CANCELS IT YES, YOU CAN
4 INTENTIONALLY HURT SOMEBODY IN A SUDDEN HEAT OF
5 PASSION BASED UPON A LEGAL PROVOCATION AND IT'S NOT
6 MURDER IT DOESN'T GET UP THERE THAT HIGH

7 NOW I WANT TO TELL Y'ALL THIS MS
8 HARRIS -- TO SAY THAT WE HAVE BROKEN A LAW IN ORDER
9 FOR -- TO COME BACK WITH A MURDER IS IN VAIN, THAT
10 WOMAN WAS A GOOD WOMAN AND I HAVE NOT, AND I DID
11 NOT SAY, AND I WILL NOT ALLOW ANYBODY THAT I KNOW
12 SAY IN MY PRESENCE THAT MS HARRIS WAS NOT A
13 FANTASTIC AND A GREAT PERSON

14 SHE TOOK THESE PEOPLE INTO HER HOUSE, SHE
15 TOOK THEM IN TO SIT THERE AND TALK WITH YOU SHE
16 WAS TRYING TO WORK WITH THIS FAMILY THE SOLICITOR
17 DON'T WANT TO CALL IT A FAMILY OH, NO, THEY DON'T
18 WANT TO TALK ABOUT COMMON LAW MARRIAGE WHY? WHY
19 DO THEY WANT TO KEEP THESE PEOPLE SO FAR APART THAT
20 THESE PEOPLE -- THEY REALLY DIDN'T HAVE A LIFE
21 TOGETHER WHY DO YOU THINK HE WANTS TO KEEP THEM
22 APART?

23 WHY DO YOU THINK THEY WENT THROUGH ALL
24 THAT GREAT TROUBLE TO TRY TO KEEP THOSE PEOPLE
25 APART? YOU THINK IT WAS THE DEFENSE TRYING TO DO

1 THAT? NO, IT'S THE STATE TRYING TO CONVINCE YOU
2 THAT THEY WERE COMMON LAW HUSBAND AND WIFE WELL,
3 MR HARRIS, HE'S COMMON LAW WITH HIS WIFE THEY'VE
4 GOT CHILDREN TOGETHER HE'S GOT CHILDREN BY THIS
5 WOMAN AND THEY DON'T WANT TO CALL IT COMMON LAW,
6 WELL, WHY? BECAUSE IT THEY'RE TRYING TO STRETCH IT
7 BEYOND WHAT IT IS

8 LISTEN, LADIES AND GENTLEMEN, Y'ALL LOOK
9 AT THIS -- THIS CARD IN HERE IN 1990 SHE DESCRIBES
10 HERSELF AS HIS WIFE NOW SEE, ONCE YOU BECOME A
11 COMMON LAW HUSBAND AND WIFE -- MAYBE YOU DON'T KNOW
12 THIS -- BUT YOU CAN'T JUST STOP BEING THAT WAY
13 ONCE YOU'RE A COMMON LAW HUSBAND AND WIFE YOU ALWAYS
14 ARE YOU'VE GOT TO COURT AND GET A DIVORCE TO
15 BECOME AN UNCOMMON LAW WIFE, AN UNCOMMON LAW
16 HUSBAND I DIDN'T SEE ANY DIVORCE IN THIS CASE
17 AND MAYBE SOME OF YOU IN SOME OF YOUR
18 LIFE MAYBE YOU'RE MARRIED, MAYBE YOU'RE NOT I
19 DIDN'T ASK WHETHER YOU WERE NOT MAYBE YOU KNOW
20 SOME PEOPLE -- MAYBE YOUR BROTHERS OR SISTERS ARE
21 MARRIED OR NOT MARRIED
22 AND I WOULD SUGGEST TO YOU FROM TIME TO
23 TIME, I BET YOU USE YOUR WIFE'S STUFF AND I BET
24 YOU YOUR HUSBANDS USE YOUR WIFE'S STUFF, AND THE
25 WIVES USE YOUR HUSBAND'S STUFF AND IT MIGHT BE IN

1 THE WIFE'S NAME AND IT MIGHT BE IN THE HUSBAND'S
2 NAME, BUT IF YOU UTILIZE AND YOU USE THAT STUFF THAT
3 AIN'T STEALING DO Y'ALL CALL THAT STEALING?

4 TAKING AN ASSERTATION OF THE PERSONAL
5 PROPERTY OF ANOTHER WITH AN INTENT TO PERMANENTLY
6 DEPRIVE IF IT'S YOURS AND HERS, IF THE BONDAGE OF
7 MARRIAGE IS ONE, WHAT'S ONE'S IT IS ALL'S IT'S
8 ALL YOU CAN'T TAKE SOMETHING THAT ALREADY BELONGS
9 TO YOU

10 YOU KNOW, THEY WANT TO FORGET ABOUT THE
11 FACT THAT THE COOLER IN THERE, THE CAR PHONE IN
12 THERE, THE SHOTGUN IN THERE, THE SHELLS IN THERE,
13 AND THE KEYS BELONGED TO JOHN THEY WANT TO FORGET
14 ABOUT THAT WHY DO THEY WANT TO FORGET ABOUT THAT?
15 IT DOESN'T FIT THEIR THEORY IN THE CASE OH, THEY
16 WANT MURDER WE WANT DEATH WE WANT MURDER THIS
17 IS EXECUTION STYLE SHOT IN THE BACK OF HEAD, CLOSE
18 RANGE THAT'S WHAT THEY WANT BUT THEY'RE
19 STRETCHING THE EVIDENCE TO GET THERE, AND THAT'S
20 WRONG THAT'S WRONG TODAY IT WILL BE WRONG
21 TOMORROW AND BE WRONG FOREVER

22 AND I ASK YOU, LADIES AND GENTLEMEN OF
23 THIS JURY, TO USE YOUR COMMON SENSE IN THIS CASE AND
24 NOT BE TAKEN DOWN THAT ROAD THAT'S MISLEADING

25 NOW I WANT TO KIND OF GET BACK INTO THE

1 FACTS OF THIS CASE JUST A LITTLE BIT EVEN -- EVEN
2 IN THE PRESENTATION OF THE STATE'S EVIDENCE -- LET
3 ME GIVE YOU AN EXAMPLE OF THAT WHEN A -- WHEN I
4 SAW THIS PHOTOGRAPH, IT'S INTO EVIDENCE AS STATE'S
5 EXHIBIT NUMBER ONE, FIRST PIECE OF EVIDENCE THAT
6 THEY PRESENTED, I LOOKED AT IT AND I THOUGHT ABOUT
7 IT

8 I'M JUST GOING TO KIND OF SIT IT UP HERE
9 AN OVERHEAD VIEW OF THE SCENE AND I WAS THINKING
10 ABOUT IT AND I LOOKED, BECAUSE YOU KNOW AS A LAWYER
11 YOU'RE TRYING TO FIGURE OUT WHAT THE OTHER SIDE IS
12 UP TO -- AND I SAID, YOU KNOW, I WONDER WHY -- I
13 WONDER WHY THEIR PICTURE -- THEY DIDN'T HAVE A
14 PICTURE WHERE JOHN LIVES BECAUSE THEY KNEW JOHN
15 CAME OVER THERE ON HIS BICYCLE I WONDER WHY THEY
16 DIDN'T DO THAT? WHY DIDN'T THEY DO THAT? BECAUSE
17 IT WOULD HAVE SHOWN WHAT WE HAD TO SHOW -- IT'S NOT
18 INTO EVIDENCE -- BUT YOU SAW -- I PUT UP A MAP OF
19 ABBEVILLE

20 AND WHY DID I PUT UP THE MAP OF
21 ABBEVILLE? BECAUSE THE MAP OF ABBEVILLE SHOWS WHERE
22 HE LIVED IN RELATIONSHIP TO WHERE SHE LIVED YOU
23 SEE, THAT THEORY OF THE CASE IS SUCH THAT, OH, HE
24 GOT ON HIS BICYCLE THAT MORNING AND HE DONE DECIDED
25 HE WAS GOING TO GO AND HE WAS GOING TO KILL MISS

1 TESHEKA THAT'S WHAT HE WAS GOING TO DO

2 WELL, HE PROBABLY WANTS YOU TO BELIEVE,
3 OH, I'M GOING TO GO IN AND KILL MISS TESHEKA AND I'M
4 GOING TO GO OVER THERE AND KILL MS HARRIS, SO I'M
5 GOING TO CARRY AT LEAST TWO BULLETS TO DO THAT WITH
6 KEEP IN MIND THERE WERE THREE OH, THEY WANT YOU TO
7 BELIEVE THAT WHEN HE LEFT THERE ON HIS BICYCLE HE
8 WAS GOING TO GO OVER THERE AND KILL POOR MS HARRIS,
9 AND HE WAS GOING TO GO OVER THERE AND KILL TESHEKA
10 THAT'S WHAT THEY WANT YOU TO BELIEVE

11 NOW, HE'S ON HIS BICYCLE, ALLEGEDLY, AND
12 HE'S RIDING ALL THE WAY FROM HIS HOUSE TO THIS HOME
13 THROUGH TOWN WITH A SHOTGUN? AND IT BECAME CLEAR TO
14 THE SOLICITOR YESTERDAY -- MIGHT HAVE BEEN YESTERDAY
15 -- MY DAYS ARE STARTING TO RUN TOGETHER -- THE FIRST
16 TIME I HEARD, WELL, MAYBE -- WELL, MAYBE -- UH -- UH
17 -- WELL, MAYBE -- MAYBE THE NIGHT BEFORE HE GOT IN
18 HIS TRUCK AND HE WENT OVER THERE AND HE HAD THE GUN
19 AND MAYBE HE HID IT IN THE BUSHES AND THEN HE CAME
20 BACK THE NEXT MORNING AND THAT'S THE WAY HE GOT
21 THE GUN DOWN THERE AW, I FOUND OUT NOW I KNOW
22 I KNOW HE GOT THE GUN THERE NOW

23 IN A CAPITAL CASE? IN A CASE WHERE THE
24 STATE IS TRYING TO ALLEGE TWO MURDERS AND THEIR
25 THEORY OF THE CASE IS THAT HE RIDES HIS BIKE AND HE

1 BRINGS THE GUN AND WOULD THAT LOOK SO LUDICROUS TO
2 HIM FINALLY TO THE STATE'S CASE, BECAUSE WE SHOWED
3 ON THE MAP THAT THE ONLY HE COULD HAVE WENT WAS
4 RIGHT BY THE POLICE DEPARTMENT THEY DECIDED TO
5 CHANGE THEIR THEORY OF HOW THE GUN GOT THERE

6 LADIES AND GENTLEMEN, THEY CHANGED THEIR
7 STORY IN THE MIDDLE OF THE CASE THEY'RE CHANGING
8 THE EXECUTION-STYLE KILLING THEY'RE CHANGING THE
9 LOCATION THEY'RE CHANGING EVERYTHING WHY ARE
10 THEY CHANGING IT? BECAUSE IT DON'T FIT IT DON'T
11 FIT DON'T FIT THEIR VERSION OF THE FACTS, SO
12 THEY'VE GOT TO CHANGE AS THEY GO

13 LET'S GET BACK INTO THIS CASE A LITTLE
14 BIT IT'S NOT ENOUGH THAT THIS IS A CASE OF DOUBLE
15 MANSLAUGHTER IT'S NOT ENOUGH FOR THEM THAT'S
16 JUST NOT ENOUGH IT'S NOT ENOUGH, THAT'S WHY THESE
17 STRETCHES IN THE CASE ARE GOING ON AND LADIES AND
18 GENTLEMEN, IF THAT DOESN'T CONCERN YOU, THE FACT
19 THAT YOUR STATE WOULD STRETCH ITS CASE IN ORDER TO
20 TRY TO GET A MURDER CONVICTION, WELL, THEN IT BETTER
21 START IT HAD BETTER START

22 YOU KNOW, THE JURY IN HERE -- DO YOU KNOW
23 WHY THE JURY'S HERE? YOU KNOW, YOU'RE BETWEEN YOUR
24 GOVERNMENT AT THE LITTLE PERSON AND YOU'RE MAD AT
25 MY CLIENT, AND YOU OUGHT TO BE WHEN I HEARD THE

1 STORY I WAS MAD BUT IN THE SCHEME OF THINGS YOU'VE
2 GOT TO SEE THE CASE YOU'VE GOT TO UNDERSTAND IT
3 YOU CAN'T BE FILLED WITH PASSION AND PREJUDICE AT
4 THE TIME THAT YOU'RE LOOKING AT THE FACTS YOU'VE
5 GOT TO BE COOL, CALM, AND COLLECTED, GET DOWN AND
6 LOOK AT THE FACTS IF YOU DO THAT YOU SEE IT AS IT
7 WAS YOU SEE IT HAPPENS

8 IN MY OPENING STATEMENT I TALKED WITH YOU
9 ABOUT THIS TIME LINE AND I SUGGEST TO YOU THE TIME
10 LINE IS THE MOST IMPORTANT PART OF THIS CASE
11 BECAUSE IT IS IMPORTANT, IT IS SO IMPORTANT, HOW DO
12 WE KNOW THAT AT 11 56 TO 11 59 THERE WAS A
13 DISCUSSION BETWEEN MARCUS HARRIS AND HIS MOTHER AND
14 TESHEKA? AND I WAS VERY SLOW AND METICULOUS IN MY
15 CROSS EXAMINATION AND I ASKED HIM DURING THAT
16 VISIT, DID JOHN, IN ANY WAY, ATTEMPT OR PREVENT HIS
17 MAMA FROM TALKING TO YOU

18 NOW LET ME ASK YOU THIS UNDER THE
19 THEORY OF THE SOLICITOR WHICH THEY SUGGESTED MR
20 COULTER GOT UP HERE OPEN THE DOOR HE'S IN THERE
21 WITH A SHOTGUN AND IT JUST DOESN'T MAKE ANY COMMON
22 SENSE HOW THIS YOUNG MAN COULD HAVE THAT
23 CONVERSATION WITH HIS MAMA ON THE TELEPHONE THIS
24 DOESN'T MAKE ANY SENSE

25 NOW ALLEGEDLY I GUESS THE STATE'S

1 POSITION WOULD BE SHE'S ALREADY CUT WHEN HE CALLED
2 SHE GETS CUT WELL, THEY DIDN'T WANT TO TALK THAT
3 I WONDER WHY DURING THE STATE'S CASE I DIDN'T HEAR
4 NOTHING ABOUT A KNIFE WHEN THEY WERE TALKING ABOUT
5 THEIR CASE JUST NOW, I LISTENED -- I LISTENED
6 INTENTLY I WAS HOPING THE SOLICITOR AND I WAS HOPING
7 THE OTHER SOLICITOR WOULD TALK A LITTLE BIT ABOUT
8 THE KNIFE YOU SEE WHY THEY DON'T WANT TO TALK
9 ABOUT THE KNIFE? PROVOCATION

10 IF SOMEBODY COMES AT YOU WITH A KNIFE, I
11 DON'T CARE WHETHER YOU ARE AT AUNT BESSIE EARLE'S
12 HOUSE OR MS LUEVINIA HARRIS'S HOUSE OR YOUR HOUSE
13 OR MY HOUSE, IF SOMEBODY COMES AFTER YOU WITH A
14 KNIFE YOU CALL THAT LEGAL PROVOCATION THEY DIDN'T
15 WANT TO TALK ABOUT THAT THAT'S KILL SPORT

16 LET'S NOT TALK ABOUT THE FACTS LET'S
17 GET TO OTHER THINGS LET'S GET ALL HYPED UP LET'S
18 TALK ABOUT MURDER YEAH, YEAH, LET'S FORGET ABOUT
19 THE FACTS PUT THEM UNDER THE RUG DON'T SHOW THEM
20 -- DON'T SHOW THEM THE WHOLE THING GOD, DON'T DO
21 THAT, YOU'D GO TOWARDS THE MANSLAUGHTER THAT WOULD
22 BE IN VAIN CONVICT SOMEBODY THAT WASN'T GUILTY
23 HERE, THAT WOULD BE IN VAIN

24 NOW, JOHN TESTIFIED JOHN KENNEDY HUGHEY
25 GOT UP ON THIS STAND AND HE TESTIFIED AND HE WAS

1 CROSS EXAMINED BY ONE OF THE MOST SKILLED CROSS
2 EXAMINERS IN THIS STATE HE GOT UP THERE -- I'M
3 GOING TO TELL YOU SOMETHING JOHN KENNEDY TOLD THEM
4 DOWN IN GEORGIA HE KILLED THESE TWO PEOPLE

5 AND THEY CAN BRING HIM UP HERE AND THEY
6 CAN PUT HIM IN THAT ROOM WITH THOSE THREE OFFICERS,
7 AND THEY CAN SAY HE SAID ANYTHING, AND THERE'S
8 NOTHING THAT THAT LITTLE MAN WILL EVER BE ABLE TO DO
9 TO SAY OTHERWISE AND I ASKED THEM WHY DIDN'T YOU
10 HAVE A TAPE RECORDER ON? AND I TOLD YOU IT WORKED,
11 DIDN'T IT

12 THEY WANTED TO COME IN HERE AND SAY HE'S
13 MADE UP A BUNCH OF STUFF THAT MAN GOT UP ON THE
14 STAND AND HE TOLD YOU WHAT HAPPENED HE TOLD YOU
15 WHAT HAPPENED SUBJECT TO CROSS EXAMINATION HE TOLD
16 YOU WHAT HAPPENED HE DIDN'T SAY SHEKA WENT OUT AND
17 GOT THE GUN THAT AIN'T WHAT HE SAID

18 BUT WHEN THOSE OFFICERS WERE IN THERE
19 PICKING ON HIM, THEY DON'T SAY ANYTHING ABOUT,
20 "WELL, I GUESS YOU MEAN SHE WENT OUT AND GOT THE GUN
21 AND SHOT Y'ALL " WELL, YOU ASSUME WHATEVER YOU MAY
22 SO THEY WRITE IT DOWN YOU KNOW, HE SAID SHEKA WENT
23 OUT AND GOT THE GUN THAT'S NOT WHAT THAT MAN SAID
24 HE HAS ACCEPTED HIS RESPONSIBILITY FOR THESE
25 KILLINGS

1 AND THAT JUDGE NEEDS TO SENTENCE HIM
2 ACCORDING TO THE LAW HE NEEDS TO SENTENCE HIM TO
3 MANSLAUGHTER WHEN HE'S GUILTY OF IT -- BOTH OF THEM
4 AND IF YOU PUT THE CONSECUTIVE ONE ON TOP OF THE
5 OTHER THAT'S FINE THAT'S WHAT HE OUGHT TO DO I'M
6 NOT ASKING FOR ANY MERCY ON THAT POINT HE'S GUILTY
7 OF THAT THAT'S WHAT HE OUGHT TO GET

8 I WANT TO GO BACK THE STATEMENT, 11 56
9 PHONE RINGS THEY'RE HAVING A CONVERSATION
10 SOMETHING ABOUT JOHN HAS A GUN NOW HE TESTIFIED
11 UNDER OATH THAT DURING THE CONVERSATION WITH SHEKA
12 WHILE THEY WERE IN THE HOUSE, SHE SAID, "DO YOU HAVE
13 A GUN?"

14 HE SAID, "AIN'T NONE OF YOUR BUSINESS "
15 SO APPARENTLY -- I WANT YOU TO FOLLOW THE LOGIC OF
16 THIS -- APPARENTLY SOME DISCUSSION WAS GOING ON
17 BETWEEN HER AND MS HARRIS HE'S GOT A GUN HE
18 CALLED -- PHONE CALL WAS 11 56 AND THEY'RE HAVING A
19 DISCUSSION I ASKED IF SHE WAS OKAY, SHE SAID,
20 "NO " THEN I ASKED HER WHAT WAS WRONG JOHN HUGHEY
21 IS HERE WITH A GUN THEN WHEN I SAID HE'S GOT TO
22 LEAVE THAT WAS MARCUS SAYING, "WELL, I SAID HE'S GOT
23 TO LEAVE " I DON'T BLAME HIM IF I CALLED AND
24 SOMEBODY SAID SOMEBODY HAD A GUN IN MY MOTHER'S
25 HOUSE I'D BE WANTING THEM TO LEAVE RIGHT THEN, TOO

1 SO THEN THEY HAD A CONVERSATION HE HAD A
2 CONVERSATION WITH SHEKA THEY DON'T HAVE A
3 SPEAKERPHONE ON, BECAUSE I UNDERSTOOD THE TESTIMONY
4 OF MR HARRIS THE SPEAKERPHONE SHOULD WORK WITHOUT
5 ANY PROBLEM, JUST AUTOMATICALLY IT'S NOT SOMETHING
6 THAT REQUIRES A LOT OF WORK I'M NOT EXACTLY SURE
7 HOW THAT GOES BUT FOR WHATEVER REASON, THE SON
8 CALLS THEM BACK AND THEN NOW THEY'RE ALL ON THE
9 SPEAKERPHONE CAN EVERYONE HEAR ME, HE SAID THEN
10 I CALLED JOHN HUGHEY NOW BEFORE THAT HE'S TALKING
11 TO HIS COUSIN, HOW YOU DOING, CUZ? YOU HEARD HIM ON
12 THE STAND YOU KNOW, I ASKED HIM, I SAID, YOU ASKED
13 HIM HOW YOU DOING, CUZ? YOU KNOW, I'M DOING OKAY
14 NOW IF SHE'D BEEN HIT WITH A GUN IN HER
15 FACE, IF SHE HAD BEEN STABBED IN HER CHEST WITH A
16 KNIFE, IF SOMEBODY HAD KNOCKED IN THE DOOR AND WAS
17 HOLDING A GUN ON THESE TWO PEOPLE, DO YOU THINK
18 THEY'RE GOING TO HAVE THIS KIND OF CONVERSATION?
19 Y'ALL'VE GOT TO LISTEN TO THAT "HOW YOU DOING,
20 JOHN?"

21 "I'M OKAY "

22 THEN AFTER CALLING BACK SOMEWHERE BETWEEN
23 TWELVE -- IT'S REALLY INTERESTING TOO, THEY DIDN'T
24 WANT ME TO TALK ABOUT THAT TIME AND PUT THOSE TIMES
25 IN THERE THE STATE DIDN'T WANT ME TO DO THAT

1 DIDN'T WANT ME TO TALK ABOUT THOSE SPECIFIC TIMES
2 BECAUSE THE EVIDENCE IS CLEAR, 11 56 TO 11 59 AND
3 THEN 12 00 TO 12 02 WHY IS THAT? BECAUSE THE
4 FIGHT IN THIS CASE DIDN'T GET STARTED TILL SOMETIMES
5 BETWEEN 12 00 AND 12 02, OKAY?

6 NOW, YOU KNOW, IN THIS CASE I -- I WAS
7 MAD AND I BECAME REAL INCENSED AS TO WHAT HAPPENED
8 TO MR HARRIS ON THIS STAND TO MAKE HIM RECOUNT
9 HAVING TO CLEAN UP THE BLOOD OF HIS WIFE IS THE
10 CRUELEST THING I THINK I'VE EVER SEEN DONE BEFORE

11 MR JONES YOUR HONOR, MR GARRETT'S
12 PERSONAL OPINIONS IS NOT THE FACTS OF THIS CASE
13 MR HARRIS'S LIFE ARE INADMISSIBLE I OBJECT

14 THE COURT LET'S NOT MAKE INAPPROPRIATE
15 COMMENTS --

16 MR JONES I OBJECT

17 THE COURT -- ON EITHER THE STRATEGY OF
18 THE DEFENSE OR THE STATE, MR GARRETT

19 MR GARRETT WHAT I WOULD HAVE LIKED TO
20 HAVE HEARD WAS QUESTIONS LIKE MR HARRIS, WHO OWNED
21 THAT BUTCHER KNIFE? IS THAT Y'ALL'S BUTCHER KNIFE?
22 WHO OWNED THAT PARING KNIFE? WONDER WHY THEY DIDN'T
23 ASK HIM THOSE QUESTIONS I COULDN'T ASK HIM THOSE
24 QUESTIONS THE MAN WAS IMPOTENT I WASN'T GOING TO
25 -- I WASN'T GOING TO ASK HIM ANYTHING THIS MAN'S

1 SUFFERED ENOUGH, BUT IT BOTHERED ME

2 I ASKED IF SOMEBODY USED A KNIFE TRYING
3 TO GET IN THE DOOR, BECAUSE I WANTED TO KNOW WHO
4 BROUGHT THE KNIFE OVER THERE NOBODY PRIED THAT
5 THING OPEN WITH A KNIFE THE KNIFE WAS THERE
6 SOMEBODY THREW THAT VASE ANY FINGERPRINTS ON THE
7 VASE? NO DID Y'ALL EVEN GET THE FINGERPRINTS ON
8 THE PARING KNIFE? NO WHERE DID SOMEBODY GET CUT?
9 IN THE KITCHEN

10 WELL, I GUESS THEY WON'T TRY TO TELL YOU
11 NOW THAT JOHN WENT IN THERE IN THE KITCHEN CABINETS
12 HE CAME OVER THERE WITH A SHOTGUN BUT HE DECIDED TO
13 LAY IT DOWN AND HE WENT IN THERE IN THE KITCHEN AND
14 STARTED FUMBLING AROUND IN THE DISHWASHER THERE AND
15 GOT HIM A BUTCHER KNIFE HE AND WANTED TO GO
16 TOWARDS HER

17 I GUESS THAT'S WHAT THE STATE WANTS YOU
18 TO BELIEVE THEY DIDN'T EVEN WANT TO TALK ABOUT
19 THAT KNIFE BECAUSE THAT'S PROVOCATION THAT'S A
20 LEGAL PROVOCATION SOMEBODY COMES AT YOU WITH THAT,
21 YOU'VE GOT A RIGHT TO DEFEND YOURSELF SHE GOT CUT
22 IN THE FIGHT I'M SORRY, YOU BRING SOMETHING UP
23 LIKE THAT AND THAT'S WHAT HAPPENS

24 YOU SEE, THEY HAD YOU BELIEVE THAT HUMAN
25 BEINGS ARE PERFECT AND MS TESHEKA JACKSON, REST

1 HER SOUL, WAS NOT PERFECT SHE WASN'T PERFECT
2 NOBODY'S PERFECT JOHN KENNEDY HUGHEY CERTAINLY
3 ISN'T PERFECT I'M NOT SUGGESTING TO YOU THAT BUT
4 I'M NOT GOING TO LET THEM PAINT THIS WOMAN AS THE
5 MOST PERFECT WOMAN THAT'S EVER WALKED ON EARTH
6 BECAUSE SHE HAD PROBLEMS SHE CAME AT HIM WITH THAT
7 KNIFE AND HE DEFENDS THAT

8 AND SHE WAS SO UPSET THAT HE WAS NOT ONLY
9 TELLING LUEVINIA HE WAS ABOUT TO TELL MARCUS
10 MARCUS SAID IT HAPPENED WHEN WHAT? I ASKED HIM TO
11 COME TO THE PHONE JOHN GOES TO THE PHONE AND GOES
12 TO TELL HIM WHAT WAS GOING ON, AND THEN WHAT
13 HAPPENED? SHEKA LOSES IT SHE LOSES IT SHE'S
14 DONE IT BEFORE SHE'S LOST IT BEFORE AND CUT HIM
15 SHE'S CUT HIM BEFORE Y'ALL SAW THE SCAR I DIDN'T
16 HEAR ANY CONTRARY EVIDENCE FROM THE STATE ABOUT
17 THAT

18 HE SUPPOSE TO JUST SIT AROUND WHEN
19 SOMEBODY PULLS A KNIFE THAT SIZE ON HIM? NO
20 12 02, 12 04, THEY'RE FIGHTING THEY'RE FIGHTING IN
21 THE KITCHEN SHE GETS CUT AND THERE'S BLOOD
22 THERE'S BLOOD SPATTER IN THE PHOTOGRAPHS IN THE
23 KITCHEN AREA DOES IT STOP THERE? NO NO SHE'S
24 CHASING HIM

25 NOW DURING THIS PERIOD OF TIME JOHN

1 KENNEDY HUGHEY IS NOT LISTENING TO WHAT MISS
2 LUEVINIA'S SAYING, I WOULDN'T THINK I THINK HE'D
3 BE PAYING ATTENTION TO WHO HAD THE KNIFE AND WHO'D
4 BE RUNNING AFTER HIM WITH THAT KNIFE IS WHAT JOHN
5 KENNEDY HUGHEY WAS DOING AND HE RAN OUT OF THE
6 HOUSE AND HE WENT AND GOT THE GUN

7 AND I'M THE ONE WHO ASKED HIM WHY HE
8 DIDN'T JUST LEAVE, JOHN? WHY DIDN'T YOU JUST LEAVE?
9 AND LOOKING BACK ON IT NOW, ALL THIS TIME REMOVED, I
10 CAN ASSURE YOU HE WISHES HE'D HAVE LEFT BUT HE
11 DIDN'T BUT THAT'S SUPPOSING -- ALL OF A SUDDEN
12 MISS TESHEKA'S SITTING IN THE HOUSE NOT DOING
13 ANYTHING OH, SHE'S STILL AT THAT FRONT DOOR
14 THERE'S BLOOD ON THAT FRONT DOOR FROM HER

15 SHE'S AT THAT FRONT DOOR BUT SHE'S
16 TAUNTING HIM SHE'S TAUNTING HIM NOW SHE'S
17 TAUNTING TO HIM, SPITTING AT HIM, WAVING THAT KNIFE
18 AT HIM AND A MAN WITH REASONABLE SENSIBILITY GOT
19 THE GUN -- WE'LL PUT AN END TO THIS YOU DROP THE
20 GUN YOU DROP THE KNIFE, I DROP THE GUN, WE'RE
21 GOING TO TALK ABOUT THIS OH, NO, NO, NO, AND THE
22 FIGHT HAPPENS THE FIGHT BEGINS THEY FIGHT THEY
23 FIGHT AND THEY FIGHT IN A SUDDEN HEAT OF PASSION
24 AND THEY FIGHT

25 THIS WHOLE TIME THEY'RE FIGHTING THE

1 GUN'S GOING OFF AND THEY'RE FIGHTING AND, OH,
2 YEAH, BETWEEN 12 02 AND 12 04 THE FIRST SHOT IS
3 FIRED WHAT IS MISS LUEVINIA SAYING, DON'T SHOOT
4 THAT GUN IN HERE WAS THE FIRST THING SHE SAID THE
5 SECOND THING SHE SAID, DON'T SHOOT THAT GUN, IF
6 YOU'LL REMEMBER THE TESTIMONY

7 NOW, LADIES AND GENTLEMEN OF THIS JURY, I
8 WANT YOU TO UNDERSTAND WE'RE TALKING ABOUT KILLING
9 AND WE'RE TALKING ABOUT MURDER KILLING ANOTHER
10 PERSON WITH MALICE AND FORETHOUGHT OUR LAW SAYS
11 YOU CAN INTENTIONALLY KILL SOMEONE DURING A SUDDEN
12 HEAT OF PASSION AFTER LEGAL PROVOCATION AND IT'S NOT
13 MURDER DOESN'T RISE TO THAT LEVEL

14 EVEN THOUGH YOU INTENDED TO KILL THAT
15 PERSON -- EVEN THOUGH YOU INTENDED TO KILL THAT
16 PERSON DURING THAT HEAT OF PASSION CAUSED BY LEGAL -
17 - LEGAL PROVOCATION BY THE WAY, THAT WAS HER BLOOD
18 ON THAT KNIFE AND ALSO HER FOOTPRINTS ON THAT KNIFE
19 AT THE FRONT OF THE DOOR LEGAL PROVOCATION YOU
20 HAVE A RIGHT

21 AND THE LAW DOES NOT FORGIVE YOU FOR
22 THAT OH, NO BUT IN THE SCHEME OF CRIME, IT IS
23 ONE STEP BELOW MURDER AND IN THE PROCESS OF TRYING
24 TO SHOOT TESHEKA -- AND I'M SURE HE WAS TRYING -- HE
25 INTENDED TO SHOOT SHEKA AT THAT TIME WHEN HE SHOT,

1 HE INTENDED TO KILL HER IN HIS SUDDEN HEAT OF
2 PASSION WHILE THEY WERE IN THIS FIGHT, MS HARRIS,
3 SHE CROSSED AND HE SHOT HER

4 AND THERE'S SOMETHING IN OUR LAW CALLED
5 TRANSFERRED INTENT OUR LAW SAYS THAT IF HE
6 INTENDED TO KILL SHEKA IN HIS SUDDEN HEAT OF PASSION
7 AFTER THE LEGAL PROVOCATION, THEN THE INTENT THAT HE
8 HAD AT THAT MOMENT TRANSFERRED TO THE PERSON THAT HE
9 ACTUALLY KILLED SO HE'S GUILTY OF MANSLAUGHTER
10 AGAINST MISS LUEVINIA

11 CERTAINLY, CERTAINLY, THE SOLICITOR'S
12 OFFICE IS NOT TRYING TO ARGUE, I HOPE, THAT HE WENT
13 OVER INTENDING TO KILL MISS LUEVINIA BUT MAYBE
14 THEY ARE MAYBE THEY SAY, OH, YEAH, WHY DID HE TAKE
15 TWO BULLETS THEN?

16 THE ONLY EVIDENCE IN THIS CASE IS THAT HE
17 LOVED LUEVINIA SHE CALLED HIM JOHN-JOHN SHE WAS
18 A NICE PERSON THEY HAD A GOOD RELATIONSHIP HE'D
19 BEEN TO HER HOUSE BEFORE ON OTHER OCCASIONS HE
20 DIDN'T INTEND TO KILL THAT WOMAN HE INTENDED TO
21 KILL SHEKA, YES, BUT ONLY DURING A SUDDEN HEAT OF
22 PASSION

23 THIS IS A VERY TRAGIC -- THIS IS A VERY
24 TRAGIC CASE YOU KNOW, WHAT'S REALLY TRAGIC, IS
25 IT'S TRAGIC TO THIS FAMILY IT'S TRAGIC FOR THESE

1 TWO LITTLE BOYS THIS IS A HORRIBLE CASE IT'S
2 HORRIBLE

3 IF JOHN KENNEDY HUGHEY INTENDED TO KILL
4 TESHEKA THAT MORNING, WHY DIDN'T HE TAKE HIS PISTOL
5 OVER THERE? IF YOU OWNED A PISTOL, DO YOU THINK HE
6 WOULD GO RIDE YOUR BICYCLE WITH A SHOTGUN? HE OWNED
7 A PISTOL A NINE MILLIMETER PISTOL, BUT IF HE
8 REALLY INTENDED TO GO KILL SOMEBODY THAT DAY YOU
9 GOING TO GO PICK UP A SHOTGUN TO DO THAT AND THEN
10 RIDE IT THROUGH TOWN?

11 AND IF YOU KNOW ANYTHING ABOUT WEAPONS,
12 IF YOU GOT A SEMI-AUTOMATIC PISTON -- AND I KNOW HE
13 HAD A SEMI-AUTOMATIC PISTOL -- LOADED WITH A CLIP,
14 YOU'VE GOT A NUMBER OF ROUNDS IN THERE, IF YOU
15 INTEND TO GO KILL SOMEBODY DO YOU THINK YOU'RE GOING
16 TO GO TAKE A SHOTGUN? LET'S GO GET IT DONE QUICK
17 HE DIDN'T EVEN TAKE THE PISTOL OVER THERE HE
18 DIDN'T TAKE A SHOTGUN OVER THERE THE SHOTGUN WAS
19 IN HER CAR ALONG WITH THE BULLETS

20 MR COULTER WANTS YOU TO BELIEVE HE RODE
21 THROUGH MAIN STREET WITH THE SHOTGUN ON THE BIKE I
22 DON'T KNOW, MAYBE YOU BELIEVE THE SOLICITOR'S LATEST
23 ARGUMENT IS THAT HE GOT IN HIS BROTHER'S TRUCK THAT
24 NIGHT AND WENT OUT AND PLANTED IT I GUESS IT'S
25 KIND OF INTERESTING, BUT THERE'S ABSOLUTELY NO PROOF

1 WHATSOEVER THAT HE WAS OVER THERE IN A TRUCK AT MS
2 HARRIS'S HOUSE THE NIGHT BEFORE PLANTING A GUN

3 THAT'S WHAT I CALL SPECULATION YOU
4 DON'T CONVICT -- YOU DON'T EVEN CONSIDER SPECULATION
5 EVIDENCE IN A TRIAL OF A CRIMINAL CASE YOU DON'T
6 EVEN RISE TO PROOF BEYOND A REASONABLE DOUBT

7 HIS HONOR WILL TELL YOU THAT IN THE STATE
8 OF SOUTH CAROLINA A PERSON IS PRESUMED TO BE
9 INNOCENT BUT AS I TOLD YOU IN THE BEGINNING OF
10 THIS CASE, HE'S PRESUMED TO BE INNOCENT OF MURDER,
11 BUT HE'S NOT PRESUMED TO BE INNOCENT OF MANSLAUGHTER
12 BECAUSE HE'S GUILTY OF MANSLAUGHTER I TOLD YOU
13 THAT TO START WITH HE'S GUILTY OF MANSLAUGHTER THE
14 DAY HE WALKED IN THE COURTROOM THE LAW PRESUMES
15 HIM TOTALLY INNOCENT HE'S NOT HE'S GUILTY OF
16 MANSLAUGHTER, BUT HE'S NOT GUILTY OF MURDER HE'S
17 SIMPLY NOT NOTHING'S GOING TO CHANGE THAT FACT

18 WHAT THE LAW SAYS IS IF YOU HAVE A
19 REASONABLE DOUBT BETWEEN THE HIGHER CRIME, THE MORE
20 SERIOUS CRIME AND THE LESSER CRIME AND, AGAIN,
21 THIS IS NOT BECAUSE I'M SAYING SO THE LAW SAYS IN
22 SOUTH CAROLINA IF YOU BELIEVE AND HAVE REASONABLE
23 DOUBTS BETWEEN THE MOST SERIOUS CRIME OF MURDER AND
24 THE LESSER INCLUDED OFFENSE OF MANSLAUGHTER, IT IS
25 YOUR DUTY AND YOUR RESPONSIBILITY AS JURORS TO GIVE

1 HIM THE BENEFIT OF ANY DOUBT AND FIND HIM NOT GUILTY
2 OF MURDER AND FIND HIM GUILTY OF MANSLAUGHTER

3 FURTHER, OUR LAW SAYS THE JURY VERDICT IN
4 SOUTH CAROLINA MUST BE UNANIMOUS AND THAT HAS A
5 STRONG RING TO ME A STRONG RING IN THE SENSE THAT
6 OUR FOUNDING FATHERS DIDN'T THINK THAT THE MAJORITY
7 RULE WOULD BE SUFFICIENT YOU KNOW, WE'RE A COUNTRY
8 OF DEMOCRACY AND MAJORITY RULES BUT NOT SO IN
9 AMERICA ON THE QUESTION OF THE JURY VERDICTS IN A
10 CRIMINAL CASE IT MUST BE BY UNANIMOUS VERDICT

11 THAT MEANS THAT IF ONE, TWO, THREE, FOUR,
12 FIVE, SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN DON'T
13 AGREE THAT THE STATE HASN'T PROVEN TO THE
14 SATISFACTION OF ALL TWELVE BEYOND A REASONABLE
15 DOUBT AND THAT'S SIMPLY NOT ENOUGH ALL TWELVE
16 HAVE TO BE CONVINCED BEYOND ALL THE MANY REASONABLE
17 DOUBTS AND IF EVEN ONE PERSON IS NOT CONVINCED
18 BEYOND A REASONABLE DOUBT THE STATE SIMPLY HASN'T
19 MET ITS BURDEN AND THERE'S A REASONABLE DOUBT
20 ABUNDANCE IN THIS CASE

21 LET'S GET INTO THE QUESTION OF THE
22 BURGLARY JUST A MOMENT BURGLARY, AND THEY'RE
23 TALKING ABOUT CIRCUMSTANTIAL EVIDENCE IT IS MORE
24 CONSISTENT WITH THE FACTS OF CIRCUMSTANCES IN THIS
25 CASE, LADIES AND GENTLEMEN, THAT JOHN WAS ALREADY IN

1 THE HOUSE IT IS MORE CONSISTENT WITH THE FACTS AND
2 CIRCUMSTANCES IN THIS CASE THAT THEY WAS A FIGHT AT
3 THAT FRONT DOOR IT IS MORE CONSISTENT WITH THE
4 FACTS AND CIRCUMSTANCES IN THIS CASE THAT SHE
5 DEPOSITED HER BLOOD ON THE OUTSIDE OF THAT DOOR,
6 MEANING THAT THEY WERE FIGHTING AT THAT DOOR WHILE
7 THE DOOR WAS OPEN

8 AND, YES, CERTAINLY THAT DOOR COULD HAVE
9 GOT CLOSED DURING THE FIGHTING EVENT, AND COULD HAVE
10 GOT BROKEN UP IN THE STRUGGLE, BUT THIS IS NOT A
11 CIRCUMSTANCE WHERE JOHN CAME OVER THERE, BROKE INTO
12 THE HOUSE AN INTENT TO COMMIT A CRIME ONCE THERE
13 INSIDE THERE NEVER WAS AND NEVER WILL BE INTENT
14 AND HE SUGGESTS -- THE SOLICITOR SELECTIVELY
15 SUGGESTS TO YOU THAT THIS DOOR WAS KICKED OPEN

16 BUT I'VE SEEN NO DOOR PICTURES WHERE THAT
17 DOOR WAS KICKED IN SEEMS LIKE THEY'D BE A
18 FOOTPRINT SEEMS LIKE THEY'D HAVE A FOOT SEEMS
19 LIKE THEY WOULD HAVE HAD SOMETHING ON THAT DOOR
20 SHOWING THAT THE DOOR WAS KICKED IN, IF THE DOOR
21 KICKED IN, AND I HAVEN'T SEEN IT MAYBE I MISSED
22 IT IT'S BEEN A LONG TWO WEEKS, BUT I HAVEN'T SEEN
23 IT

24 DO YOU CONVICT JUST UPON CIRCUMSTANTIAL
25 EVIDENCE THE SOLICITOR SAYS? I HOPE NOT I HOPE

1 WHEN WE'RE TALKING ABOUT HOW OUR SOCIETY HAS GOTTEN,
2 I HOPE WE'RE NOT SO SCARED THAT WE DECIDE TO CONVICT
3 EVERYBODY -- JUST BECAUSE THE SOLICITOR SAYS WE
4 OUGHT TO IT'S VERY IMPORTANT THAT OUR SYSTEM OF
5 JUSTICE HAS THAT JURY BETWEEN THE POWER OF
6 GOVERNMENT AND THE LITTLE MAN WITHOUT IT WE'D BE
7 NOTHING WITHOUT IT WE'D A TYRANNY IT'S
8 FRIGHTENING IT'S SCARY THAT'S WHY YOU'RE HERE
9 GRAND LARCENY OF AN AUTOMOBILE, USE OF AN
10 ATM CARD LORD, HE KNEW THE PIN NUMBER IT WAS ON
11 THEIR OWN BIRTHDAY THAT WOULD SUGGEST THESE PEOPLE
12 DIDN'T HAVE A RELATIONSHIP THEY HAD A
13 RELATIONSHIP THEY WERE IN LOVE WITH EACH OTHER
14 LOVERS QUARREL LOVERS QUARREL CAN GET OUT OF HAND
15 HAVE YOU EVER SAID SOMETHING IN ANGER TO
16 SOMEBODY AND REGRETTED IT? I'LL TELL YOU A STORY
17 WHEN I WAS A LITTLE BOY AND MY BROTHER AND I GOT IN
18 A FIGHT MY BROTHER WAS RUNNING OFF I TOOK A B B
19 GUN AND SHOT HIM IN THE BACK AND AFTER THAT BULLET
20 WENT OUT OF THAT B B GUN AND BEFORE IT HIT HIM, I
21 WAS ALREADY THROWING THE GUN DOWN AND I WAS RUNNING
22 AFTER HIM IT'S NOT SO MUCH BECAUSE MY MOM WAS
23 GOING THE TEAR MY TAIL UP, WHICH SHE, IN FACT, SHE
24 DID, BUT BECAUSE I WAS SO MAD AT MY BROTHER I DID
25 THAT AND I JUST THANK GOD I DIDN'T HAVE A GUN ON

1 ME I MEAN A REAL GUN

2 HE AND I TALK ABOUT THAT TODAY THE
3 HUMAN -- THE HUMAN PERSON, THE HUMAN SPIRIT
4 SOMETIMES CAN GET PUSHED BEYOND WHERE THEY WOULD BE
5 NORMALLY THEY CAN DO THINGS -- THE HUMAN PERSON
6 CAN DO THINGS IN A HEAT OF PASSION THAT WOULD NEVER
7 BE DONE REGULARLY BUT IT HAPPENS AND WHEN THAT
8 KIND OF THING HAPPENS, YOU LOOK AT IT AND YOU'VE GOT
9 TO BE PUNISHED FOR IT YOU'VE GOT TO ACCEPT THAT
10 RESPONSIBILITY BUT IT DOESN'T NECESSARILY RISE TO
11 THAT CRIME OF MURDER IT JUST DOESN'T DO IT

12 I DON'T KNOW IF YOU'VE EXPERIENCED THAT
13 IN YOUR OWN LIFE IF YOU'VE SLAMMED A DOOR OR YOUR
14 CURSE SOMEBODY OR YOU'VE DOING SOMETHING THAT YOU
15 FELT LIKE YOU SHOULDN'T HAVE, BUT YOU DID IT ALL THE
16 SUDDEN IN AN HEAT OF PASSION

17 YOU KNOW WHEN THEY WERE TALKING ABOUT
18 TRIANGULATION OF THIS BLOOD ON THIS BED, THERE WAS A
19 MAN SITTING AT THIS TABLE -- ANOTHER MAN, SOMEBODY
20 YOU HAVEN'T SEEN TODAY -- THERE WAS A MAN SITTING AT
21 STATE'S TABLE, AN EXPERT, AND IT'S INTERESTING TO ME
22 THAT THEY DIDN'T PUT HIM UP IN THIS TRIAL TO DEAL
23 WITH THIS QUESTION OF THIS BLOOD TRIANGULATION AS IT
24 RELATED TO TESHEKA JACKSON

25 AS TO THE LOCATION OF THE SHOOTER, AS TO

1 THE LOCATION OF THE GUN, AS TO -- IT'S JUST
2 INTERESTING TO ME THAT THAT WASN'T DONE WHEN DON
3 GIRNDT -- AND BY THE WAY, YOU KNOW, I REALLY CAN'T
4 BELIEVE THEY WERE SO PICKING ON HIM BECAUSE HE WAS
5 GETTING PAID FOR WORKING BECAUSE HE GETS PAID BY THE
6 STATE, AND YOU KNOW, AND THEY'VE PUT UP, YOU KNOW,
7 FIVE MORE PEOPLE THAN HIM AND THEY'RE KIND OF UPSET
8 BECAUSE HE GETS PAID TO WORK

9 THANK GOD HE WAS HERE, BECAUSE HE HELPED
10 US UNDERSTAND THINGS LIKE SHOOTING SOMEBODY IN THE
11 BACK OF THE HEAD, WHAT THE FORWARD REGION VERSUS THE
12 FRONTAL REGION MEANS CAN YOU IMAGINE TRYING TO
13 TRYING TO TRY A CASE LIKE THIS AND NOT HAVING
14 SOMEBODY TO UNDERSTAND THOSE EXPERT WORDS AND ALL
15 THAT STUFF? I MIGHT BE A LAWYER, BUT I'M SURE NOT A
16 BALLISTICS EXPERT AND I'M SURE NOT A KNIFE EXPERT
17 AND I'M SURE NOT A FOOTPRINT EXPERT AND I DON'T
18 KNOW THE FIRST THING ABOUT BLOOD TRIANGULATION OR
19 THOSE THINGS BUT IF I DIDN'T HAVE THAT MAN TO HELP
20 US, WHAT KIND OF DEFENSE WOULD JOHN HAVE HAD

21 WE'VE BEEN FORTHRIGHT IN THIS DEFENSE,
22 LADIES AND GENTLEMEN OF THE JURY WE PUT JOHN UP ON
23 THE STAND AND JOHN HAS TOLD HIS SIDE OF THE STORY
24 WE'VE MET THE BURDENS WE'VE FOUGHT THE EXPERTS THE
25 SOLICITOR HAS PUT IN HERE WE'VE MET THEM WE'VE

1 MET THE CHALLENGE SOLICITOR PROMISED YOU VARIOUS
2 THINGS -- VARIOUS THINGS IN HIS OPENING STATEMENT
3 HE HASN'T COME THROUGH WITH

4 MR JONES OBJECTION, YOUR HONOR, I
5 ABSOLUTELY, UNEQUIVOCALLY MADE NO PROMISE TO THIS
6 JURY IN ANY FORM OR FASHION AND THAT'S A
7 MISSTATEMENT AND I OBJECT

8 THE COURT ALL RIGHT, PLEASE CONFINE
9 YOUR ARGUMENT TO THE FACTS AS SHOWN DURING THE TRIAL
10 OF THE CASE

11 MR GARRETT BUT IN SPITE OF IT ALL
12 THAT, THE BURDEN OF PROOF CONTINUES TO REST AND WILL
13 ALWAYS REST WITH THE STATE I ASK YOU TO CONSIDER
14 ALL THIS EVIDENCE, LADIES AND GENTLEMEN OF THE JURY
15 AND I WANT YOU TO CONSIDER THE WAY THE EVIDENCE WAS
16 PRESENTED TO YOU, WHAT YOU WERE TOLD IN OPENING
17 STATEMENT AND OTHERWISE, WHAT YOU'VE BEEN SHOWN IN
18 THIS CASE IN DEFENSE

19 AND I WANT YOU TO GO BACK AND I WANT YOU
20 TO COME BACK WITH A VERDICT WHICH SPEAKS THE TRUTH
21 I WANT YOU TO HAVE A VERDICT THAT SPEAKS THE TRUTH
22 BECAUSE THAT'S WHAT YOU ARE HERE FOR AND IF YOU
23 HAVE A REASONABLE DOUBT, AND THAT'S A DOUBT TO WHICH
24 YOU KNOW -- YOU CAN GIVE A REASON IT'S NOT -- YOU
25 KNOW, THE SOLICITOR WANTS IT TO LOOK LIKE

1 SUBSTANTIAL DOUBT

2 HIS HONOR WILL FIND -- I WANT YOU TO
3 LISTEN TO WHAT HIS HONOR TELLS YOU ABOUT REASONABLE
4 DOUBT IT'S A TYPE OF DOUBT THAT WOULD CAUSE A
5 PERSON TO HESITATE TO ACT IN THE MOST IMPORTANT
6 AFFAIRS THERE WILL NEVER BE A MORE IMPORTANT
7 AFFAIR IN YOUR LIVES THAN THIS SENTENCE --
8 ESPECIALLY IN THE CASE WHERE THE STATE IS SEEKING
9 THE DEATH PENALTY BECAUSE YOU SEE, LADIES AND
10 GENTLEMEN, IN THE EVENT THAT YOU COME BACK TO
11 MANSLAUGHTER --

12 MR JONES YOUR HONOR, THIS IS A
13 PENALTY-PHASE ARGUMENT, NOT A GUILT-PHASE ARGUMENT

14 THE COURT SUSTAINED

15 MR GARRETT IF THE STATE DOES NOT PROVE
16 TO YOUR SATISFACTION MURDER, THEN HIS HONOR WILL
17 SENTENCE THE DEFENDANT ON MANSLAUGHTER THANK YOU

18 THE COURT ALL RIGHT, LADIES AND
19 GENTLEMEN, BEFORE I GIVE YOU THE INSTRUCTION, I'M
20 GOING TO ASK YOU TO GO TO YOUR JURY ROOM WE SHOULD
21 BE ONLY TAKING ABOUT TEN MINUTES FOR A BREAK SO
22 PLEASE DO SO DO NOT DISCUSS THE CASE IN ANY
23 FASHION I'LL BRING YOU BACK SHORTLY
24 (JURY LEAVES COURTROOM AT 4 20 O'CLOCK P M)

25 THE COURT LET'S TAKE ABOUT TEN MINUTES

1 BEFORE WE CONCLUDE WITH THE INSTRUCTIONS

2 (COURT IN RECESS)

3 THE COURT ALL RIGHT, THE SOLICITOR, MR
4 GARRETT, AND MR TINSLEY, EACH OF YOU HAVE SEEN THE
5 VERDICT -- THE PROPOSED VERDICT FORMS DO EITHER OF
6 YOU HAVE ANY OBJECTIONS TO IT?

7 MR JONES NONE FROM THE STATE, YOUR
8 HONOR

9 MR GARRETT NONE FROM THE DEFENSE, YOUR
10 HONOR

11 MR TINSLEY BRIEFLY, YOUR HONOR, I JUST
12 POINT OUT ON OUR REQUEST CHARGE NUMBER TEN THAT OUR
13 EXAMPLES CAME RIGHT OUT OF ERWIN'S BOOK SECTION 29-9
14 PAGES 224 AND 25, OF COURSE, THE SOLICITOR COULTER
15 OBJECTED TO OUR PARAGRAPH SEVEN WE FURTHER POINT
16 THEY ARE EXAMPLES RIGHT OUT OF THE BOOK, AND
17 SOLICITOR JONES ACTUALLY ARGUED A COUPLE OF THOSE

18 THE COURT WELL, OF COURSE, THERE'S
19 NOTHING WRONG WITH ARGUING THE FACTS I JUST DON'T
20 FEEL COMFORTABLE WITH GIVING THE INSTRUCTION ON THE
21 FACTS OF THE CASE IF THE JURY COMES BACK AT SOME
22 POINT NEEDING SOME FURTHER EXPLANATION, THEN I'LL
23 CONSIDER GIVING THEM SOME TYPE OF EXPLANATION BUT
24 UNTIL THAT TIME, I HAVE A GENERAL INSTRUCTION THAT I
25 PROVIDE THAT I THINK WITH BE CLEAR

1 MR TINSLEY I'LL LISTEN TO IT, AND THEN
2 IF I CAN JUST POINT OUT THAT THOSE WEREN'T OUR
3 EXAMPLES, THEY WERE JUDGE

4 THE COURT OH, I UNDERSTAND ALL RIGHT,
5 BRING THE JURY IN, PLEASE

6 (JURY RE-ENTERS COURTROOM AT 4 40 O'CLOCK P M)

7 THE COURT ALL RIGHT, LADIES AND
8 GENTLEMEN, YOU, OF COURSE, HAVE HEARD OR SEEN ALL
9 THE EVIDENCE TO BE RECEIVED IN THE TRIAL OF THIS
10 CASE YOU'VE NOW LISTENED PATIENTLY TO THE FINAL
11 SUMMATIONS OF THE LAWYERS THAT HAVE NOW BE
12 ACCOMPLISHED

13 IT NOW BECOMES MY DUTY OR CHARGE YOU OR
14 TO INSTRUCT YOU AS TO THE LAW THAT IS APPLICABLE IN
15 THE CASE OF THIS NATURE YOU'LL THEN AFTER
16 RECEIVING THAT INSTRUCTION BE ASKED TO GO BACK INTO
17 YOUR JURY ROOM AND TO BEGIN YOUR DELIBERATION

18 THROUGH THAT PROCESS YOU WILL EXAMINE THE
19 EVIDENCE YOU WILL DECIDE THE CREDIBILITY AND
20 BELIEVABILITY OF ANY WITNESS AS WELL AS THEIR
21 TESTIMONY YOU WILL DECIDE WHAT EVIDENCE TO EXCEPT,
22 WHAT EVIDENCE TO REJECT IN SO DOING YOU WILL
23 DETERMINE WHAT YOU BELIEVE THE TRUE FACTS TO BE AS
24 THEY RELATE TO THIS PARTICULAR CASE YOU WILL THEN
25 APPLY THE LAW AS I WILL HAVE GIVEN IT TO YOU IN

1 ORDER TO ARRIVE AT YOUR FAIR AND JUST VERDICT IN
2 THIS CASE

3 NOW AS JURORS SELECTED FOR THAT PURPOSE,
4 IT IS YOUR SOLE AND EXCLUSIVE DUTY TO DETERMINE WHAT
5 THE FACTS ARE YOU DO THAT THROUGH YOUR OWN
6 EXAMINATION AND YOUR OWN EVALUATION OF ALL THE
7 TESTIMONY AND OTHER EVIDENCE RECEIVED DURING THE
8 COURSE OF THIS TRIAL

9 YOU WILL DECIDE WHAT WEIGHT, VALUE, AND
10 AFFECT YOU GIVE TO ANY PARTICULAR WITNESS'S
11 TESTIMONY OR TO ANY PARTICULAR PORTION OF A
12 WITNESS'S TESTIMONY YOU WILL ALSO DECIDE WHAT
13 WEIGHT, VALUE, AND AFFECT, IF ANY, TO GIVE TO ANY
14 OTHER TYPE OF EVIDENCE THAT HAS BEEN RECEIVED DURING
15 THE COURSE OF THE TRIAL

16 IN SO DOING YOU ARE CALLED UPON THE REACH
17 THE TRUTH THE MATTER AND BY DOING THAT YOU WILL
18 HAVE FULFILLED YOUR OBLIGATIONS AS JURORS, AND THAT
19 IS TO SIMPLY GIVE BOTH THE STATE AND THE DEFENDANT A
20 FAIR AND IMPARTIAL TRIAL BASING YOUR DECISIONS
21 SOLELY UPON THE EVIDENCE RECEIVED DURING THE COURSE
22 OF THIS TRIAL AND THE LAW THAT I WILL PROVIDE TO
23 YOU

24 NOW IN THIS CASE, AS YOU ARE AWARE, THE
25 DEFENDANT IS CHARGED IN AN INDICTMENT WITH FOUR

1 SEPARATE AND DISTINCT CRIMINAL OFFENSES THAT
2 INDICTMENT IS THE DOCUMENT THAT I EXPLAINED TO YOU
3 AT THE BEGINNING OF THIS TRIAL IN THAT INDICTMENT
4 ARE SET FORTH FOUR SEPARATE AND DISTINCT CRIMINAL
5 OFFENSES

6 YOU WILL BE CALLED UPON TO ARRIVE AT A
7 DECISION AND THE RENDER A VERDICT AS TO EACH OF
8 THOSE SEPARATE AND DISTINCT OFFENSES YOU WILL DO
9 THAT BASED UPON THE EVIDENCE THAT RELATES TO EACH OF
10 THOSE OFFENSES AND THE LAW THAT IS APPLICABLE TO
11 SUCH OFFENSE AS I WILL PROVIDE IT FOR YOU

12 MR FOREMAN, YOU WILL HAVE THIS
13 INDICTMENT -- YOU AND YOUR FELLOW JURORS WILL HAVE
14 THIS INDICTMENT IN THE JURY ROOM WITH YOU AS I
15 INDICATED TO YOU AT THE BEGINNING OF THIS TRIAL,
16 THIS INDICTMENT IS NOT EVIDENCE IN THE CASE YOU
17 WILL NOT CONSIDER THIS INDICTMENT AS BEING ANY
18 EVIDENCE AGAINST THE DEFENDANT

19 THE ONLY EVIDENCE THAT YOU WILL CONSIDER
20 IS ARRIVING AT YOUR DECISION IS THE EVIDENCE WHICH
21 HAS BEEN RECEIVED DURING THE COURSE OF THE TRIAL,
22 EITHER BY WAY OF TESTIMONY FROM WITNESSES OR BY THE
23 INTRODUCTION OF SOME OTHER TYPE OF AN EXHIBIT
24 WHETHER IT BE A DOCUMENT OR PHOTOGRAPH OR A PHYSICAL
25 OBJECT

1 THAT IS THE EVIDENCE THAT YOU WILL
2 CONSIDER AT ARRIVING AT YOUR DECISION BUT YOU WILL
3 HAVE THIS INDICTMENT IN THE JURY ROOM WITH YOU IT
4 WILL ASSIST YOU IN UNDERSTANDING THE VERDICT FORM
5 THAT I WILL PROVIDE FOR YOU AT THE CONCLUSION OF THE
6 TRIAL ON WHICH YOU, MR FOREMAN, WILL ACTUALLY WRITE
7 THE DECISION OF THE JURY

8 THE INDICTMENT WILL BE IN THE JURY ROOM
9 FOR THAT PURPOSE SO THAT YOU WILL UNDERSTAND WHICH
10 VERDICT FORM APPLIES TO WHICH INDICTMENT, AND SO
11 THAT YOU AND YOUR FELLOW JURORS CAN ARRIVE AT YOUR
12 DECISIONS THE INDICTMENT WILL SERVE NO OTHER
13 PURPOSE IN THE CASE, AND IT IS NOT EVIDENCE WHICH
14 WILL BE CONSIDERED BY YOU IN ARRIVING AT YOUR
15 DECISION

16 NOW AS YOU ARE AWARE, THE DEFENDANT IS
17 CHARGED WITH FOUR SEPARATE AND DISTINCT CRIMINAL
18 OFFENSES THE STATE ALLEGES THAT EACH OF THOSE
19 AROSE OUT OF ONE SINGLE COURSE OF CONDUCT WHICH THEY
20 ALLEGE OCCURRED ON OR ABOUT DECEMBER 4, 1995

21 IN THE INDICTMENT THE STATE IS ALLEGING
22 IN COUNT ONE THAT THE DEFENDANT COMMITTED THE CRIME
23 OF MURDER IN COUNT TWO THEY FURTHER ALLEGE THE
24 DEFENDANT COMMITTED THE CRIME OF MURDER IN COUNT
25 THREE OF THE INDICTMENT THEY ALLEGE THAT THE

1 DEFENDANT COMMITTED THE CRIM OF BURGLARY IN THE
2 FIRST DEGREE AND IN COUNT FOUR OF THE INDICTMENT
3 THEY ALLEGE THAT THE DEFENDANT COMMITTED THE OFFENSE
4 OF GRAND LARCENY

5 AS TO EACH OF THOSE CHARGES SET FORTH IN
6 THE INDICTMENT, THE DEFENDANT HAS ENTERED A PLEA OF
7 NOT GUILTY THAT PLEA OF NOT GUILTY, AS I HAVE
8 INDICATED TO YOU EARLIER, PLACES UPON THE STATE THE
9 BURDEN OF PROVING ALL OF THE ALLEGATIONS SET FORTH
10 IN THE INDICTMENT, THE BURDEN OF PROVING ALL OF THE
11 ESSENTIAL ELEMENTS OF EACH OF THOSE OFFENSE AS SET
12 FORTH IN THE INDICTMENT, AND THEREFORE, THE BURDEN
13 HAS BEEN UPON THE STATE TO ESTABLISH THE GUILT OF
14 THE DEFENDANT TO YOUR SATISFACTION BY EVIDENCE WHICH
15 CONVINCES YOU OF THAT GUILT BEYOND A REASONABLE
16 DOUBT

17 THE BURDEN IS NEVER UPON THE DEFENDANT OR
18 A PERSON ACCUSED OF HAVING COMMITTED SOME CRIMINAL
19 OFFENSE TO PROVE THAT THEY ARE NOT GUILTY OR TO
20 PROVE THAT THEY ARE INNOCENT BECAUSE IN MANY
21 INSTANCES THAT WOULD NOT BE POSSIBLE

22 I CHARGE YOU THAT IT IS A VITAL,
23 IMPORTANT, AND CARDINAL RULE OF LAW THAT EVERY
24 DEFENDANT IN A CRIMINAL TRIAL, NO MATTER HOW GREAT,
25 NO MATTER HOW SERIOUS MIGHT BE THE OFFENSE FOR WHICH

1 THAT PERSON STANDS CHARGED, THAT PERSON SHALL ALWAYS
2 BE PRESUMED INNOCENT OF THAT CHARGE AND THAT
3 PRESUMPTION OF INNOCENCE REMAINS WITH EVERY
4 DEFENDANT AND IT REMAINS WITH THIS DEFENDANT FROM
5 THE MOMENT OF HIS ARREST THROUGHOUT THE COURSE OF
6 THE CRIMINAL PROCESS, AND EVEN THROUGHOUT THE COURSE
7 OF THIS TRIAL

8 THAT PRESUMPTION OF INNOCENCE WILL REMAIN
9 WITH THIS DEFENDANT EVEN WHEN YOU GO BACK INTO YOUR
10 JURY ROOM TO BEGIN YOUR DELIBERATIONS AND IT WILL
11 REMAIN WITH HIM THERE AND ALWAYS UNLESS YOU TWELVE
12 JURORS DETERMINE THAT HE IS NO LONGER ENTITLED TO
13 THAT PRESUMPTION OF INNOCENCE THAT IS BASED UPON
14 YOUR OWN EXAMINATION OF ALL OF THE EVIDENCE IN THE
15 CASE AND YOUR APPLICATION OF THE LAW YOU DETERMINE
16 THAT HIS GUILT HAS BEEN PROVEN BEYOND A REASONABLE
17 DOUBT

18 NOW AS I'VE STATED, THE STATE IS REQUIRED
19 TO PROVE THE GUILT OF THE DEFENDANT BEYOND A
20 REASONABLE DOUBT THEY ARE NOT REQUIRED TO PROVE
21 THE GUILT OF THE DEFENDANT BEYOND ALL DOUBT OR
22 BEYOND ALL POSSIBLE DOUBT, BUT THE STATE IS REQUIRED
23 TO PROVE THE GUILT OF THE DEFENDANT BEYOND A
24 REASONABLE DOUBT

25 THE TERM REASONABLE DOUBT SHOULD BE

1 GIVEN IT'S PLAIN AND ORDINARY MEANING A
2 REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD
3 CAUSE A REASONABLE PERSON TO HESITATE TO ACT THE
4 DEFENDANT IS ENTITLED TO EVERY REASONABLE DOUBT THAT
5 ARISES FROM THE EVIDENCE OR LACK OF EVIDENCE IN THE
6 CASE

7 AND IF UPON ANY FACTUAL ISSUE ESSENTIAL
8 TO A FINDING OF A VERDICT OF GUILTY YOU HAVE SOME
9 REASONABLE DOUBT AS TO HOW THAT ISSUE SHOULD BE
10 RESOLVED, IT WOULD BE YOUR DUTY TO RESOLVE THAT
11 REASONABLE DOUBT IN FAVOR OF THE DEFENDANT

12 NOW WHERE YOU HAVE BEEN INSTRUCTED, AND
13 IN THIS CASE YOU WILL BE INSTRUCTED AS TO THE LAW
14 WHICH RELATES TO THE CHARGE SET FORTH IN AN
15 INDICTMENT AS WELL AS ANY LESSER INCLUDED OFFENSE,
16 WHICH IS NECESSARILY INCLUDED IN THE GREATER
17 OFFENSE, THEN SHOULD YOU HAVE A REASONABLE DOUBT AS
18 TO WHETHER OR NOT THE DEFENDANT IS GUILTY OF THE
19 GREATER OFFENSE OR OF THE LESSER OFFENSE, IT WOULD
20 BE YOUR DUTY TO RESOLVE THAT REASONABLE DOUBT IN
21 FAVOR OF THE DEFENDANT AND TO FIND HIM GUILTY OF
22 ONLY THE LESSER OFFENSE

23 THEREFORE, IF UPON YOUR CONSIDERATION OF
24 THE WHOLE CASE YOU HAVE A REASONABLE DOUBT AS TO THE
25 DEFENDANT'S GUILT, IT IS YOUR DUTY TO RESOLVE THAT

1 REASONABLE DOUBT IN HIS FAVOR AND TO RETURN A
2 VERDICT OF NOT GUILTY ON THE OTHER HAND, WHERE YOU
3 ARE ALLOWED TO CONSIDER LESSER INCLUDED OFFENSES, IF
4 YOU HAVE A REASONABLE DOUBT AS TO WHETHER THE
5 DEFENDANT HAS BEEN PROVEN GUILTY OF THE GREATER OR
6 OF THE LESSER, IT IS YOUR DUTY TO RESOLVE THAT
7 REASONABLE DOUBT IN FAVOR OF THE DEFENDANT AND TO
8 RETURN A VERDICT OF GUILTY ONLY AS TO THE LESSER

9 AND, OF COURSE, THAT COULD ONLY BE DONE
10 IF YOU HAVE BEEN SATISFIED BEYOND A REASONABLE DOUBT
11 THAT THE EVIDENCE HAS ESTABLISHED EACH OF THE
12 ESSENTIAL ELEMENTS OF THAT LESSER INCLUDED OFFENSE
13 BEYOND A REASONABLE DOUBT

14 NOW AS YOU ARE THE SOLE JUDGES OF THE
15 FACTS IN THIS CASE, YOU ARE ALSO NECESSARILY THE
16 SOLE JUDGES OF THE CREDIBILITY, THAT IS THE
17 BELIEVABILITY OF EACH OF EACH OF THE WITNESSES THAT
18 HAVE TESTIFIED DURING THE COURSE OF THIS TRIAL IT
19 IS YOUR SOLE DUTY TO DETERMINE WHAT THE FACTS ARE
20 BASED UPON YOUR EXAMINATIONS OF EACH OF THOSE
21 WITNESSES AS THEY TESTIFIED AND YOUR DETERMINATION
22 AS TO THAT PARTICULAR WITNESS'S CREDIBILITY OR
23 BELIEVABILITY

24 NOW THERE ARE A NUMBER OF FACTORS WHICH
25 YOU SHOULD CONSIDER IN ARRIVING AT YOUR DECISION AS

1 TO A PARTICULAR WITNESS'S BELIEVABILITY I WILL
2 LIST SOME OF THOSE FACTORS FOR YOU

3 YOU MAY CONSIDER THE DEMEANOR OF THE
4 WITNESS AS THAT WITNESS TESTIFIED WHAT WAS THAT
5 PARTICULAR WITNESS'S MANNER AND APPEARANCE DID THE
6 WITNESS APPEAR TO YOU TO BE STRAIGHT FORWARD IN
7 RESPONDING TO QUESTIONS, OR WAS THE WITNESS HESITANT
8 OR EVASIVE IN RESPONDING TO THE QUESTIONS THAT WERE
9 ASKED OF THE WITNESS

10 YOU MAY ALSO CONSIDER HOW THE WITNESS
11 CAME TO KNOW THE FACTS TO WHICH THAT WITNESS
12 TESTIFIED WHAT WAS THAT PARTICULAR WITNESS'S
13 ABILITY TO PERCEIVE THE EXISTENCE OF THOSE FACTS BY
14 MEANS OF THEIR SENSES AND THEN TO COME INTO COURT
15 AND TO TESTIFY AS TO WHAT THEY HAVE SEEN OR HEARD

16 YOU MAY ALSO CONSIDER ANY BIAS OR
17 PREJUDICE THAT YOU FIND A WITNESS HAS, IF ANY THAT
18 IS DO YOU FIND SOME REASON WHY A PARTICULAR WITNESS
19 WOULD COME INTO COURT AND WOULD TESTIFY ONE WAY OR
20 ANOTHER TO HELP OR HURT ONE SIDE OR THE OTHER

21 YOU MAY ALSO CONSIDER WHETHER OR NOT A
22 WITNESS'S TESTIMONY IS CONSISTENT OR IS IT
23 INCONSISTENT WITH THAT WITNESS'S OWN TESTIMONY OR
24 OTHER EVIDENCE RECEIVED DURING THE COURSE OF THE
25 TRIAL

1 YOU MAY ALSO CONSIDER WHETHER OR NOT THE
2 TESTIMONY OF A WITNESS IS STRENGTHENED OR IS IT
3 WEAKENED BY OTHER TESTIMONY OR OTHER EVIDENCE
4 RECEIVED DURING THE COURSE OF THE TRIAL

5 NOW DURING THE COURSE OF THIS TRIAL YOU
6 HAVE HEARD CERTAIN EVIDENCE RELATING TO THE
7 DEFENDANT'S HAVING BEEN CONVICTED OF SOME PREVIOUS
8 CRIMINAL OFFENSE AND I CHARGE YOU THAT WHILE
9 ORDINARILY EVIDENCE OF SUCH A CONVICTION IS NOT TO
10 BE ADMITTED IN THE TRIAL OF THIS CASE, NOR IS IT
11 ORDINARILY ALLOWED FOR A JURY TO CONSIDER DURING THE
12 TRIAL OF A CRIMINAL CASE, WHEREIN A PERSON HAS BEEN
13 CONVICTED OF CERTAIN TYPES OF CRIMINAL OFFENSES THE
14 EVIDENCE OF THOSE CONVICTIONS MAY BE ADMITTED DURING
15 THE TRIAL OF THE CASE, BUT THEY ARE ADMITTED ONLY
16 FOR A VERY LIMITED PURPOSE, AND THAT IS FOR THE JURY
17 TO CONSIDER, IF YOU DEEM IT APPROPRIATE, ON THE
18 ISSUE OF THE CREDIBILITY OR BELIEVABILITY OF THAT
19 PARTICULAR WITNESS

20 YOU MAY ONLY CONSIDER EVIDENCE OF SUCH
21 CONVICTIONS, IF AT ALL, AS IT RELATES TO THE ISSUE
22 OF CREDIBILITY AND YOU ARE NOT TO CONSIDER IT FOR
23 ANY OTHER PURPOSE YOU MAY NOT CONSIDER THOSE
24 CONVICTIONS AS EVIDENCE THAT THE DEFENDANT HAS
25 COMMITTED ANY CRIME ALLEGED AGAINST HIM THAT YOU ARE

1 TO CONSIDER AND RENDER A VERDICT AS TO

2 ALSO DURING THE TRIAL OF THIS CASE YOU
3 HAVE HEARD CERTAIN TESTIMONY FROM CERTAIN PERSONS
4 WHO HAVE BEEN QUALIFIED AS AN EXPERT IN A PARTICULAR
5 FIELD ORDINARILY LAY WITNESSES ARE NOT GENERALLY
6 PERMITTED TO TESTIFY AS TO OPINIONS, BUT ARE ONLY
7 ALLOWED TO TESTIFY AS TO FACTS WITHIN THEIR OWN
8 KNOWLEDGE CERTAIN WITNESSES, HOWEVER, WHO HAVE
9 BEEN QUALIFIED AS EXPERTS BECAUSE OF SPECIAL
10 EDUCATION OR TRAINING OR EXPERIENCE IN A PARTICULAR
11 FIELD ARE PERMITTED TO GIVE OPINIONS IN THAT FIELD
12 BASED UPON THE FACTS OF A MATTER AND THE JURY MAY
13 CONSIDER THOSE OPINIONS JUST AS YOU DO OTHER
14 EVIDENCE IN THE CASE

15 YOU MAY ACCEPT THOSE OPINIONS IF YOU FIND
16 THEM TO BE CREDIBLE, OR YOU MAY REJECT THEM SHOULD
17 YOU FIND THEM NOT TO BE CREDIBLE IT IS FOR YOU,
18 THE JURY, TO DETERMINE THE CREDIBILITY OF AN EXPERT
19 WITNESS'S TESTIMONY JUST AS YOU DO ANY OTHER WITNESS
20 THAT TESTIFIES DURING THE TRIAL OF THE CASE

21 IF YOU SHOULD DECIDE THAT THE OPINION OF
22 ONE OR MORE OF THE EXPERTS THAT HAVE TESTIFIED
23 DURING THE TRIAL OF THE CASE IS NOT BASED UPON
24 SUFFICIENT QUALIFICATIONS, EDUCATION, TRAINING,
25 SKILLS, KNOWLEDGE, EXPERIENCE, OR A CONSIDERATION OF

1 THE FACTS THAT RELATE TO THIS MATTER, THEN YOU MAY
2 DISREGARD THAT OPINION IN ITS ENTIRETY, OR YOU MAY
3 CHOOSE TO BELIEVE ONLY SOME PORTION OF IT

4 YOU MAY CONSIDER THE OPINIONS OF EXPERT
5 WITNESSES JUST AS YOU DO OTHER TESTIMONY RECEIVED
6 FROM OTHER WITNESSES IN THE CASE AND IT FOR YOU,
7 THE JURY, TO DETERMINE WHAT WEIGHT, IF ANY, TO GIVE
8 TO THOSE EXPERT'S OPINIONS JUST AS YOU DO WITH ANY
9 OTHER WITNESS THAT HAS TESTIFIED DURING THE COURSE
10 OF THE TRIAL SIMPLY PUT, YOU MAY ACCEPT THE
11 OPINION OF AN EXPERT IF YOU FIND IT APPROPRIATE, OR
12 YOU MAY REJECT IT IF YOU FIND IT NOT TO BE
13 APPROPRIATE

14 NOW YOU, AS THE FINDERS OF THE FACTS IN
15 THIS CASE, AND YOU, AS THE SOLE JUDGES OF THE
16 CREDIBILITY -- THAT IS THE BELIEVABILITY OF EACH OF
17 THE WITNESSES THAT HAVE TESTIFIED DURING THE COURSE
18 OF THIS TRIAL, ARE PERMITTED TO BELIEVE AS MUCH OR
19 AS LITTLE OF WHAT A WITNESS HAS TESTIFIED TO AS YOU
20 DEEM IS APPROPRIATE YOU MAY BELIEVE EVERYTHING
21 THAT A WITNESS HAS TESTIFIED TO YOU MAY CHOOSE TO
22 BELIEVE NONE OF WHAT A WITNESS HAS TESTIFIED TO
23 YOU MAY BELIEVE SOME PORTION OF A WITNESS'S
24 TESTIMONY AND TO REJECT SOME OTHER PORTION OF THAT
25 SAME WITNESS'S TESTIMONY YOU MAY BELIEVE ONE

1 WITNESS AS OPPOSED TO SEVERAL OR SEVERAL AS OPPOSED
2 TO ONE

3 WHATEVER YOUR GOOD JUDGEMENT AND COMMON
4 SENSE TELLS YOU IS THE MOST BELIEVABLE TESTIMONY IS
5 THAT WHICH YOU SHOULD ACCEPT AND REJECT THAT
6 TESTIMONY WHICH YOU FIND NOT TO BE CREDIBLE OR
7 BELIEVABLE

8 YOUR SOLE OBJECTIVE, AS I HAVE STATED, IS
9 TO REACH THE TRUTH IN THE MATTER, AND IT SHOULD NO
10 MATTER FROM WHAT SOURCE THAT TRUTH MAY COME, WHETHER
11 IT BE FROM A WITNESS FOR THE STATE OR A WITNESS FOR
12 THE DEFENSE OR A COMBINATION OF TESTIMONY AND
13 EVIDENCE FROM BOTH SIDES PRESENTING EVIDENCE IN THE
14 CASE

15 NOW THE SAME LAW THAT PROVIDES THAT YOU
16 ARE THE JUDGES OF THE FACTS ALSO PROVIDES THAT I AM
17 THE JUDGE OF THE LAW THAT SIMPLY MEANS THAT NO ONE
18 IS GOING TO TELL YOU HOW TO ARRIVE AT YOUR
19 DETERMINATION OF FACT IN THIS CASE YOU DO THAT
20 EXERCISING YOUR OWN GOOD JUDGEMENT AND COMMON SENSE
21 IN ORDER THE ACCOMPLISH THAT PURPOSE

22 YOU MUST, HOWEVER, ACCEPT THE LAW AS I
23 GIVE IT TO YOU AS BEING THE LAW THAT IS APPLICABLE
24 IN A CASE OF THIS NATURE YOU ARE NOT TO CONCERN
25 YOURSELF WITH WHAT YOU THOUGHT THE LAW WAS OR WHAT

1 YOU THINK IT OUGHT TO BE OR WHAT YOU WISH IT WERE
2 YOU MUST ACCEPT THE LAW AS I GIVE IT TO YOU AS BEING
3 THE LAW THAT IS APPLICABLE IN THE CASE OF THIS
4 NATURE AND THEN YOU SIMPLY TAKE THAT LAW AND YOU
5 APPLY IT TO THE FACTS AS YOU TWELVE JURORS DETERMINE
6 THOSE FACTS TO BE IN ORDER TO ARRIVE AT YOUR
7 DECISION IN THIS PARTICULAR CASE

8 NOW WHILE THERE ARE VARIOUS FORMS OF
9 EVIDENCE SUCH AS TESTIMONY OF A WITNESS, SUCH AS
10 PHYSICAL EXHIBITD, SUCH AS DOCUMENTS OR PHOTOGRAPHS
11 AND THE LIKE -- CHARTS, PERHAPS -- THERE ARE REALLY
12 ONLY TWO TYPES OF EVIDENCE AND EITHER OR BOTH OF
13 THOSE TYPES OF EVIDENCE MAY BE USED TO PROVE A FACT
14 IN ISSUE THOSE TWO TYPES OF EVIDENCE ARE DIRECT
15 EVIDENCE AND CIRCUMSTANTIAL EVIDENCE

16 DIRECT EVIDENCE IS THE TESTIMONY OF A
17 PERSON OR PERSONS WHO HAVE PERCEIVED THE EXISTENCE
18 OF A FACT BY MEANS OF THEIR SENSES AS WHERE A
19 PERSON VIEWS THE COMMISSION OF AN ACT AND THEN COMES
20 INTO COURT AND TESTIFIES AS TO WHAT THEY HAVE SEEN

21 CIRCUMSTANTIAL EVIDENCE, ON THE OTHER
22 HAND, IS PROOF OF SOME OTHER FACT OR FACTS WHICH
23 TAKEN EITHER SINGLY OR COLLECTIVELY MAY PROVE THE
24 EXISTENCE OF A FACT IN QUESTION AS A NECESSARY
25 CONSEQUENCE, THAT IS BY INFERENCE

1 THE COMMISSION OF A CRIME MAY BE PROVEN
2 BY CIRCUMSTANTIAL EVIDENCE AS WELL AS DIRECT
3 EVIDENCE, OR IT MAY BE PROVEN BY A COMBINATION OF
4 BOTH TYPES OF EVIDENCE

5 NOW TO THE EXTENT THAT THE STATE RELIES
6 UPON THE EVIDENCE WHICH IS CIRCUMSTANTIAL IN NATURE,
7 THE STATE HAS THE BURDEN OF PROVING ALL OF THE
8 CIRCUMSTANCES RELIED UPON BEYOND A REASONABLE DOUBT
9 YOU MAY NOT CONVICT A DEFENDANT BASED UPON
10 CIRCUMSTANTIAL EVIDENCE ALONE UNLESS EVERY
11 CIRCUMSTANCE RELIED UPON BY THE STATE IS PROVEN
12 BEYOND A REASONABLE DOUBT, AND ALL OF THE
13 CIRCUMSTANCES SO PROVEN ARE CONSISTENT WITH EACH
14 OTHER AND POINT CONCLUSIVELY TO THE GUILT OF THE
15 ACCUSED TO THE EXCLUSION OF ANY OTHER REASONABLE
16 EXPLANATION

17 I FURTHER CHARGE YOU THAT ALTHOUGH IT IS
18 ORDINARILY A FUNCTION OF THE COURT TO DETERMINE THE
19 ADMISSIBILITY OF EVIDENCE, IT IS ALWAYS THE JURY'S
20 DECISION AS TO WHAT WEIGHT, IF ANY, TO GIVE TO ANY
21 EVIDENCE WHICH HAS BEEN RECEIVED DURING THE COURSE
22 OF THE TRIAL

23 THERE HAS BEEN ADMITTED INTO THE EVIDENCE
24 OF THIS CASE DURING THIS TRIAL CERTAIN STATEMENTS
25 WHICH ARE ATTRIBUTED TO THE DEFENDANT THAT IS THEY

1 WERE ALLEGED TO HAVE BEEN MADE BY THE DEFENDANT
2 PURSUANT TO SOME INTERROGATION OR SOME QUESTIONING
3 BY A LAW ENFORCEMENT OFFICER SUBSEQUENT TO THE
4 DEFENDANT HAVING BEEN TAKEN INTO CUSTODY

5 I INSTRUCT YOU THAT IN REGARDS TO ANY
6 STATEMENT THAT IS ALLEGED OR THAT HAVE BEEN MADE BY
7 THE DEFENDANT THAT YOU JURORS, AS THE TRIAL IN FACT
8 IN THIS CASE, MUST MAKE YOUR OWN DETERMINATION AS TO
9 WHETHER OR NOT ANY STATEMENT WAS MADE BY THE
10 DEFENDANT AND IF SUCH A STATEMENT WAS MADE,
11 WHETHER OR NOT ANY SUCH STATEMENT MADE BY THE
12 DEFENDANT WAS FREELY AND VOLUNTARILY GIVEN BY THE
13 DEFENDANT

14 NOW I FURTHER INSTRUCT YOU THAT BEFORE
15 YOU MAY CONSIDER ANY STATEMENT THAT IS ALLEGED OR
16 HAVE BEEN MADE BY THE DEFENDANT AGAINST HIM, YOU
17 MUST BE SATISFIED BEYOND A REASONABLE DOUBT THAT ANY
18 STATEMENT GIVEN BY THE DEFENDANT WAS FREELY AND
19 VOLUNTARILY MADE AFTER CONSIDERING THE TOTALITY OF
20 THE CIRCUMSTANCES SURROUNDING THE GIVING OF THAT
21 STATEMENT

22 IN MAKING YOUR DETERMINATION AS TO THE
23 VOLUNTARINESS OF ANY STATEMENT, YOU MUST CONSIDER A
24 NUMBER OF FACTORS RELATING TO THE CHARACTERISTICS OF
25 THE ACCUSED AS WELL AS THE CIRCUMSTANCES SURROUNDING

1 THE INTERROGATIONS SOME OF THE FACTORS THAT YOU
2 MUST CONSIDER ARE WHETHER OR NOT THE ACCUSED WAS
3 ADVISED OF AND UNDERSTOOD HIS CONSTITUTIONAL RIGHT
4 TO REMAIN SILENT, THAT ANYTHING HE SAID MAY BE USED
5 AGAINST HIM IN COURT, THAT HE HAD A RIGHT TO THE
6 PRESENCE OF A LAWYER, AND IF COULD NOT AFFORD A
7 LAWYER ONE WOULD BE APPOINTED FOR HIM BEFORE ANY
8 QUESTIONING WOULD TAKE PLACE, AND THAT IF HE WISHED
9 TO ANSWER QUESTIONS HE COULD STOP WITH QUESTIONING
10 AT ANY TIME

11 YOU MUST ALSO CONSIDER EVIDENCE RELATING
12 TO THE AGE, INTELLIGENCE, EDUCATION, CAPACITY, AND
13 EXPERIENCE OF THE DEFENDANT AS WELL AS THE NATURE OF
14 THE INTERROGATION ITSELF INCLUDING WHETHER OR NOT
15 THERE WERE ANY THREATS, COERCION, OR PROMISES MADE
16 DURING THE COURSE OF THAT INTERROGATION

17 IF, AFTER YOU CONSIDER ALL THE TOTALITY
18 OF THE CIRCUMSTANCES RELATING TO ANY STATEMENT YOU
19 FIND TO HAVE BEEN MADE, IF YOU ARE NOT SATISFIED
20 BEYOND A REASONABLE DOUBT THAT ANY STATEMENT WAS
21 FREELY AND VOLUNTARILY MADE, THEN YOU MUST NOT
22 CONSIDER ANY SUCH STATEMENT IN ANY WAY AS EVIDENCE
23 AGAINST THE DEFENDANT

24 SHOULD YOU FIND, HOWEVER, BEYOND A
25 REASONABLE DOUBT THAT ANY STATEMENT MADE BY THE

1 DEFENDANT WAS FREELY AND VOLUNTARILY MADE, THEN YOU
2 MAY CONSIDER SUCH STATEMENT AS YOU DEEM APPROPRIATE
3 AND YOU MAY ACCEPT IT OR REJECT IT IN ITS ENTIRETY
4 OR ANY PART THEREOF JUST AS YOU DO ANY OTHER
5 EVIDENCE RECEIVED DURING THE TRIAL OF THE CASE

6 NOW, I'M GOING TO BE INSTRUCTING YOU AS
7 TO THE FOUR OFFENSES THAT ARE SET FORTH IN THE
8 INDICTMENT DO NOT CONCERN YOURSELF WITH THE ORDER
9 IN WHICH I GIVE YOU THE INSTRUCTION I SIMPLY MUST
10 GIVE YOU THEM IN SOME ORDER AND I'M SIMPLY
11 FOLLOWING THE ORDER AS THEY ARE SET FORTH IN THE
12 INDICTMENT ITSELF

13 IN COUNT ONE AND IN COUNT TWO OF THE
14 INDICTMENT THE DEFENDANT IS CHARGED WITH THE CRIME
15 OF MURDER MURDER IS DEFINED IN CODE SECTION 16-3-
16 10 CONTAINED IN THE CODE OF LAWS OF SOUTH CAROLINA
17 IT IS DEFINED AS FOLLOWS MURDER IS THE KILLING OF
18 ANY PERSON WITH MALICE AFORETHOUGHT EITHER EXPRESSED
19 OR IMPLIED

20 IN ORDER FOR YOU TO FIND THE DEFENDANT
21 GUILTY OF THE CRIME OF MURDER, IT IS NECESSARY THAT
22 THE EVIDENCE HAS ESTABLISHED BEYOND A REASONABLE
23 DOUBT THAT THE DEFENDANT DID KILL THE DECEDENT AND
24 THAT THE KILLING WAS DONE WITH MALICE AFORETHOUGHT
25 MALICE AFORETHOUGHT IS AN ESSENTIAL ELEMENT OF THE

1 CRIME OF MURDER MURDER IS A MALICIOUS TAKING OF
2 HUMAN LIFE WHICH IS NOT JUSTIFIABLE OR EXCUSABLE OR
3 COMMITTED IN SUDDEN HEAT OF PASSION PROVOKED BY A
4 SUFFICIENT LEGAL PROVOCATION

5 IN ORDER THAT YOU CAN UNDERSTAND THE TERM
6 OF THE DEFINITION OF MURDER, I'M ALSO GOING TO
7 DEFINE FOR YOU THE TERM MALICE MALICE IS A TERM
8 CONNOTING AN ILL WILL AND AN EVIL INTENT TO DO
9 SERIOUS BODILY HARM IT IS A TECHNICAL TERM
10 IMPORTING WICKEDNESS AND EXCLUDING JUST CAUSE OR
11 EXCUSE IT IS SOMETHING WHICH SPRINGS FROM
12 WICKEDNESS OR DEPRAVITY FROM A HEART DEVOID OF
13 SOCIAL DUTY AND FATALLY BENT ON MISCHIEF

14 UNDER THE STATUTE MALICE MAY BE EXPRESSED
15 OR IMPLIED THE WORDS EXPRESSED OR IMPLIED MALICE
16 DO NOT MEAN DIFFERENT KINDS OF MALICE, BUT MERELY
17 THE MATTER IN WHICH MALICE MAY BE SHOWN TO EXIST
18 THAT IS TO SAY BY EITHER DIRECT EVIDENCE OR BY
19 CIRCUMSTANTIAL EVIDENCE INFERRING THE EXISTENCE OF
20 MALICE

21 MALICE MAY BE EXPRESSED AS WHERE THERE IS
22 AN EXPRESSED THREAT TO KILL OR A LYING IN WAIT, OR
23 WHERE THE CIRCUMSTANCES SHOW DIRECTLY THAT AN INTENT
24 TO KILL WAS ENTERTAINED MALICE MAY BE INFERRED
25 THOUGH NO EXPRESSED INTENT TO KILL IS PROVED BY

1 DIRECT EVIDENCE, WHERE THE FACTS AND THE
2 CIRCUMSTANCES WHICH HAVE BEEN PROVEN BY THE EVIDENCE
3 IN THE CASE SATISFIE YOU BEYOND A REASONABLE DOUBT
4 THAT MALICE WAS PRESENT IN THE MIND OF THE SLAYER AT
5 THE TIME OF THE KILLING

6 MALICE MAY BE INFERRED FROM THE
7 CIRCUMSTANCES THAT HAVE SHOWN -- BEEN SHOWN TO HAVE
8 EXISTED AT THE TIME OF THE EVENT AND YOU MAY INFER
9 MALICE FROM THE UNLAWFUL INTENTIONAL KILLING OF
10 ANOTHER WITHOUT JUSTIFICATION OR LEGAL EXCUSE

11 YOU MAY INFER MALICE FROM A WRONGFUL
12 INTENT TO INJURE ANOTHER THROUGH INFLECTION OF
13 SERIOUS BODILY HARM INDICATING A WICKED OR DEPRAVED
14 SPIRIT

15 YOU MAY INFER MALICE FROM THE INTENTIONAL
16 USE OF A DEADLY WEAPON YOU MAY INFER MALICE FROM
17 THE INTENTIONAL COMMISSION OF AN ACT WHICH IS
18 INHERENTLY DANGEROUS TO HUMAN LIFE YOU MAY INFER
19 MALICE FROM THE INTENTIONAL KILLING OF ANOTHER
20 DURING THE COMMISSION OF A FELONY WHICH IS DANGEROUS
21 TO HUMAN LIFE OR WHERE THE CIRCUMSTANCES OF THAT
22 CRIME CREATE A SUBSTANTIAL FORESEEABLE RISK TO HUMAN
23 LIFE

24 NOW EVEN IF THE FACTS PROVED ARE
25 SUFFICIENT TO RAISE AN INFERENCE OF MALICE, THIS

1 INFERENCE WOULD SIMPLY BE AN EVIDENTIARY FACT TO BE
2 CONSIDERED BY YOU, THE JURY, ALONG WITH ALL OF THE
3 OTHER EVIDENCE RECEIVED DURING THE TRIAL OF THE
4 CASE AND YOU MAY GIVE THOSE INFERENCES SUCH
5 WEIGHT, IF ANY, AS YOU DETERMINE THAT IT SHOULD
6 RECEIVE, IF ANY

7 SIMPLY STATED, YOU ARE PERMITTED TO INFER
8 MALICE FROM THE PROOF OF ANY ONE OR MORE OF THOSE
9 CIRCUMSTANCES THAT I HAVE DESCRIBED BUT YOU ARE IN
10 NO WAY REQUIRED TO DO SO YOU MUST DETERMINE
11 WHETHER OR NOT MALICE EXISTED BASED UPON YOUR
12 CONSIDERATION OF THE EVIDENCE AND ANY REASONABLE
13 INFERENCES WHICH MAY BE DRAWN THEREFROM

14 THE STATE IS REQUIRED TO PROVE MALICE
15 JUST AS IT MUST PROVE ANY OTHER ELEMENT OF A
16 CRIMINAL OFFENSE, AND IT IS FOR YOU TO DETERMINE
17 WHETHER OR NOT THE EVIDENCE IN THE CASE ESTABLISHES
18 MALICE BEYOND A REASONABLE DOUBT IT IS ALSO
19 ESSENTIAL THAT MALICE BE AFORETHOUGHT THE LAW DOES
20 NOT REQUIRE THAT MALICE MUST EXIST FOR ANY
21 APPRECIABLE LENGTH OF TIME BEFORE THE COMMISSION OF
22 THE ACT PRODUCING THE FATAL RESULT INDEED, IT MAY
23 BE CONCEIVED AT THE VERY MOMENT THAT THE FATAL ACT
24 IS COMMITTED IT IS SUFFICIENT IN THE LAW IF THERE
25 IS A COMBINATION OF MALICE AND THE ACT WHICH

1 APPROXIMATELY CAUSES THE FATAL RESULT

2 NOW WHILE THE STATE IS REQUIRED TO PROVE
3 BEYOND A REASONABLE DOUBT THAT A KILLING OCCURRED
4 ACCOMPANIED BY MALICE AFORETHOUGHT, IT IS NOT
5 REQUIRED THAT THE STATE PROVE A MOTIVE FOR ANY SUCH
6 KILLING

7 NOW AS I INDICATED TO YOU EARLIER, I WILL
8 BE INSTRUCTING YOU ON A LESSER INCLUDED OFFENSE
9 THAT LESSER INCLUDED OFFENSE IS THAT OF VOLUNTARY
10 MANSLAUGHTER I FURTHER INSTRUCT YOU THAT AN
11 INDICTMENT FOR MURDER MAY ALSO INCLUDE THE LESSER
12 OFFENSE OF VOLUNTARY MANSLAUGHTER EVEN THOUGH THAT
13 LESSER CRIME IS NOT ACTUALLY SET FORTH IN THE
14 INDICTMENT

15 IN OTHER WORDS, THE DEFENDANT WHO HAS
16 BEEN CHARGED WITH THE CRIME OF MURDER MAY BE
17 CONVICTED OF THE LESSER INCLUDED OFFENSE, THAT BEING
18 THE CRIME OF VOLUNTARY MANSLAUGHTER, IF YOU JURORS
19 DETERMINE THAT THE EVIDENCE WARRANTS SUCH A FINDING

20 MANSLAUGHTER IS DEFINED AS THE UNLAWFUL
21 KILLING OF A HUMAN BEING WITHOUT THE ELEMENT OF
22 MALICE, EITHER EXPRESSED OR IMPLIED, BEING PRESENT
23 WHILE THE ELEMENT OF MALICE MUST BE PROVEN IN ORDER
24 FOR YOU TO FIND THE DEFENDANT GUILTY OF THE CRIME OF
25 MURDER, MALICE NEED NOT BE PROVEN IN ORDER FOR YOU

1 TO FIND THE DEFENDANT GUILTY OF THE OFFENSE OF
2 VOLUNTARY MANSLAUGHTER

3 THE PRESENCE OF MALICE IN THE CASE OF
4 MURDER AND THE ABSENCE OF MALICE IN THE CASE OF
5 VOLUNTARY MANSLAUGHTER IS WHAT DISTINGUISHES THESE
6 TWO OFFENSES VOLUNTARY MANSLAUGHTER IS THE
7 FELONIOUS TAKING OF THE LIFE OF ANOTHER HUMAN BEING
8 IN SUDDEN HEAT OF PASSION PROVIDED IT IS BASED UPON
9 A SUFFICIENT LEGAL PROVOCATION

10 THE LAW RECOGNIZES THAT SUDDEN HEAT OF
11 PASSION MAY FOR THE TIME BEING AFFECT THE SELF
12 CONTROL OF AN INDIVIDUAL TEMPORARILY DISTURBING THE
13 SWAY OF REASON AND HENCE REDUCES THE CRIME FROM THAT
14 OF MURDER TO THAT OF MANSLAUGHTER WHERE THE KILLING
15 WAS DONE IN SUDDEN HEAT OF PASSION PROVIDED THERE
16 WAS A SUFFICIENT LEGAL PROVOCATION

17 SUDDEN HEAT OF PASSION AROUSED BY
18 SUFFICIENT LEGAL PROVOCATION WHICH MAY REDUCE A
19 FELONIOUS KILLING FROM THAT OF MURDER TO THAT OF
20 MANSLAUGHTER NEED NOT DETHRONE REASON ENTIRELY OR
21 SHUT OUT KNOWLEDGE AND VOLITION, BUT IT REFERS TO AN
22 UNLAWFUL KILLING PROVOKED BY SUCH CIRCUMSTANCES THAT
23 WOULD NATURALLY DISTURB THE SWAY OF REASON AND
24 RENDER THE MIND OF AN ORDINARY, REASONABLE, AND
25 PRUDENT PERSON INCAPABLE OF COOL REFLECTION AND TO

1 PRODUCE WHAT, ACCORDING TO HUMAN EXPERIENCE MAY BE
2 CALLED AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE

3 NOW IN ORDER FOR A FELONIOUS KILLING TO
4 BE REDUCED FROM THAT OF MURDER TO THAT OF
5 MANSLAUGHTER IT MUST HAVE OCCURRED IN SUDDEN HEAT OF
6 PASSION AROUSED BY SUFFICIENT LEGAL PROVOCATION
7 THE KILLING OF A HUMAN BEING, EVEN IN THE HEAT OF
8 PASSION, IS MURDER IF THERE WAS NO SUFFICIENT LEGAL
9 PROVOCATION THAT IS THE SLAYER HAD NO REASONABLE
10 CAUSE FOR HIS ANGER

11 NOW IN CONNECTION WITH WHAT I HAVE JUST
12 INSTRUCTED YOU REGARDING A COOL REFLECTION, THAT IS
13 WHETHER OR NOT A REASONABLE TIME FOR COOLING OFF HAD
14 ELAPSED, YOU SHOULD CONSIDER THE WHOLE CIRCUMSTANCES
15 SURROUNDING THE EVENT YOU SHOULD CONSIDER THE
16 NATURE OF THE PROVOCATION, SHOULD YOU FIND SOME TO
17 EXIST, THE DEFENDANT'S MENTAL AND PHYSICAL
18 CONSTITUTION AS WELL AS THE CIRCUMSTANCES AND
19 RELATIONSHIPS BETWEEN THE PARTIES, THE TIME IN WHICH
20 AN ORDINARY PERSON UNDER LIKE CIRCUMSTANCES WOULD
21 HAVE CALLED -- COOLED OFF IS CONSIDERED TO BE THE
22 REASONABLE TIME

23 EVEN WHEN A PERSON'S PASSION WERE
24 SUFFICIENTLY AROUSED BY A LEGALLY ADEQUATE
25 PROVOCATION, IF AT THE TIME OF THE KILLING THOSE

1 PASSIONS HAD COOLED OR A SUFFICIENTLY REASONABLE
2 TIME HAD ELAPSED SO THAT THE PASSIONS OF THE
3 ORDINARY REASONABLE PERSON WOULD HAVE COOLED, THEN
4 THE KILLING WOULD BE MURDER AND NOT MANSLAUGHTER

5 IN DETERMINING WHETHER AN ACT WAS
6 ENTAILED BY A HEAT OF PASSION OR BY MALICE, ALL OF
7 THE CIRCUMSTANCES AND CONDITIONS ACCOMPANYING THE
8 EVENT SHOULD BE CONSIDERED, INCLUDING ANY PREVIOUS
9 RELATIONS OR DIFFICULTIES EXISTING BETWEEN THE
10 PARTIES

11 I FURTHER INSTRUCT YOU THAT WHERE A
12 PERSON WITH MALICE AFORETHOUGHT OR IN SUDDEN HEAT OF
13 PASSION BASED UPON A SUFFICIENT LEGAL PROVOCATION
14 ATTEMPTS TO UNLAWFULLY KILL A CERTAIN PERSON, BUT BY
15 MISTAKE OR MISADVENTURE IN SUCH ATTEMPT KILLS A
16 DIFFERENT PERSON FROM THE ONE WHOM HE INTENDED TO
17 KILL, THE LAW NEVERTHELESS HOLD THE ASSAILANT
18 RESPONSIBLE FOR HIS FELONIOUS INTENT MERELY
19 TRANSFERRING HIS DIRECTION FROM THE ORIGINAL OBJECT
20 OF THE INTENT TO THE PERSON ACTUALLY KILLED

21 THE HOMICIDE SO COMMITTED IS STILL MURDER
22 OR VOLUNTARY MANSLAUGHTER THE DEGREE OF GUILT IS
23 THE SAME AS IT WOULD HAVE BEEN IF THE ATTEMPT HAD
24 RESULTED IN THE DEATH OF THE PERSON AT WHOM IT WAS
25 ACTUALLY AIMED IT DOES NOT MATTER UNDER THE LAW

1 THAT A PERSON OTHER THAN THE INTENDED VICTIM WAS
2 KILLED

3 NOW IN THIS CASE THE DEFENDANT IS ALSO
4 CHARGED WITH A CRIME OF BURGLARY IN THE FIRST
5 DEGREE BURGLARY IN THE FIRST DEGREE IS ALSO A
6 STATUTORY CRIMINAL OFFENSE SIMPLY MEANING THAT
7 THERE IS A STATUTE WHICH PROHIBITS THE CONDUCT
8 ESTABLISHING BURGLARY IN THE FIRST DEGREE

9 THAT PARTICULAR STATUTE IS CONTAINED IN
10 16-11-311 OF THE CODE OF LAWS OF SOUTH CAROLINA
11 AND IT PROVIDES AS FOLLOWS A PERSON IS GUILTY OF
12 BURGLARY IN THE FIRST DEGREE IF THAT PERSON ENTERS A
13 DWELLING WITHOUT CONSENT AND WITH THE INTENT TO
14 COMMIT A CRIME THEREIN, AND WHEN IN AFFECTING THE
15 ENTRY OR WHILE IN THE DWELLING OR IN IMMEDIATE
16 FLIGHT THEREFROM HE IS ARMED WITH A DEADLY WEAPON,
17 OR CAUSES PHYSICAL INJURY TO ANOTHER PERSON, OR USES
18 OR THREATENS THE USE OF A DANGEROUS INSTRUMENT, OR
19 DISPLAYS WHAT IS OR APPEARS TO BE A PISTOL,
20 REVOLVER, RIFLE, SHOTGUN, OR OTHER FIREARM

21 EACH OF THE ELEMENTS OF THE OFFENSE OF
22 BURGLARY IN THE FIRST DEGREE MUST BE PROVEN BEYOND A
23 REASONABLE DOUBT BEFORE THE DEFENDANT COULD BE
24 GUILTY OF THAT OFFENSE

25 NOW WITHIN THE MEANING OF THIS PARTICULAR

1 STATUTE, I CHARGE YOU THAT DWELLING MEANS A BUILDING
2 WHICH IS USED OR NORMALLY USED FOR SLEEPING, LIVING,
3 OR LODGING BY ANY PERSON THE PHRASE "ENTERS A
4 DWELLING WITHOUT CONSENT" IS DEFINED IN THE LAW AS
5 THE ENTERING OF A DWELLING WITHOUT THE CONSENT OF
6 THE PERSON IN RIGHTFUL OR LAWFUL POSSESSION OF THE
7 PREMISES

8 AND I CHARGE YOU THAT WITH RESPECT TO THE
9 PHRASE "INTENT TO COMMIT A CRIME" THERE MUST BE
10 INTENT TO COMMIT A CRIME WHETHER THE CRIME IS
11 COMMITTED OR NOT MERE ENTERING A DWELLING IS NOT A
12 VIOLATION OF THIS STATUTE IT IS ONLY WHERE THERE
13 IS AN ENTERING WITH THE INTENT TO COMMIT A CRIME
14 THEREIN THAT THE CRIME OF BURGLARY IS COMPLETE THE
15 ENTRY MUST BE CARRIED OUT WITH AN INTENT TO COMMIT A
16 CRIME, AND A CRIME OF ANY GRADE IS SUFFICIENT

17 IT IS ESSENTIAL THAT THE FELONIOUS INTENT
18 EXIST AT THE TIME OF THE ENTERING AND IT IS NOT
19 SUFFICIENT THAT THE FELONIOUS INTENT IS FORMED AFTER
20 THE ENTRY CRIMINAL INTENT IS A STATE OF MIND WHICH
21 OPERATES JOINTLY WITH AN ACT IN THE COMMISSION OF A
22 CRIME CRIMINAL INTENT IS A MENTAL STATE OF
23 CONSCIOUS WRONGDOING

24 AND THEREFORE, AGAIN, BURGLARY IN THE
25 FIRST DEGREE IS DEFINED AS -- OR A PERSON IS GUILTY

1 OF BURGLARY IN THE FIRST DEGREE IF THAT PERSON
2 ENTERS A DWELLING WITHOUT CONSENT AND WITH THE
3 INTENT TO COMMIT A CRIME THEREIN, AND WHEN AFFECTING
4 THE ENTRY OR WHILE IN THE DWELLING HE IS ARMED WITH
5 A DEADLY WEAPON, OR CAUSES INJURY TO ANY PERSON, OR
6 THREATENS TO USE A DANGEROUS INSTRUMENT, OR DISPLAYS
7 WHAT IS OR APPEARS TO BE A FIREARM

8 THE DEFENDANT IN THIS CASE IS ALSO CHARGE
9 WITH THE OFFENSE OF LARCENY THE STATE IS ALLEGING
10 GRAND LARCENY LARCENY IS DEFINED AS THE TAKING,
11 STEALING, AND CARRYING AWAY OF THE PERSONAL PROPERTY
12 OF ANOTHER WITHOUT THEIR CONSENT, AND WITH THE
13 INTENT TO PERMANENTLY DEPRIVE THE OWNER OF HIS OR
14 HER PROPERTY, AND WITH THE INTENT OF CONVERTING THAT
15 PROPERTY TO THE TAKER'S OWN USE

16 THERE ARE TWO GRADES OF LARCENY THERE
17 IS PETIT LARCENY AND GRAND LARCENY WHERE THE VALUE
18 OF THOSE GOODS SO TAKEN IS GREATER THAN ONE THOUSAND
19 DOLLARS IT IS CONSIDERED GRAND LARCENY WHERE THE
20 VALUE OF THOSE GOODS IS ONE THOUSAND DOLLARS OR LESS
21 IT IS CONSIDERED PETIT LARCENY

22 SO, AGAIN, LARCENY IS THE TAKING,
23 STEALING, THE CARRYING AWAY OF PERSONAL PROPERTY
24 BELONGING TO ANOTHER WITHOUT THEIR CONSENT AND WITH
25 THE INTENT TO CONVERT THAT PROPERTY TO THE TAKER'S

1 OWN USE PERMANENTLY

2 NOW MR FOREMAN AND LADIES AND GENTLEMEN
3 OF THE JURY, I'M NOT IN ANY WAY CONCERNED WITH WHAT
4 YOUR VERDICT IS, BUT I TELL YOU THAT THE VERDICTS OF
5 THE JURY MUST BE UNANIMOUS THAT IS ALL TWELVE OF
6 YOU MUST AGREE AS TO WHAT YOUR VERDICT IS

7 MR FOREMAN, I HAVE PREPARED A VERDICT
8 FORM THAT YOU WILL HAVE IN THE JURY ROOM WITH YOU
9 ALONG WITH THE ACTUAL INDICTMENT THE PURPOSE OF
10 THE VERDICT FORM IS FOR YOU TO SET FORTH THE
11 DECISION THAT YOU AND YOUR FELLOW JURORS REACH AS
12 I INDICATED TO YOU BEFORE ANY VERDICT MAY BE
13 RENDERED IT MUST BE A UNANIMOUS DECISION OF ALL
14 TWELVE JURORS ALL TWELVE MUST AGREE

15 I'VE SIMPLY SET FORTH IN THE VERDICT
16 FORM, AND I REALIZE THAT YOU CAN'T SEE IT FROM WHERE
17 YOU ARE, BUT FOR THE PURPOSE OF EXPLANATION LET ME
18 SAY THAT THE FIRST ITEM CONTAINED ON THE VERDICT
19 FORM RELATES TO COUNT ONE OF THE INDICTMENT IN
20 THAT PARTICULAR VERDICT FORM YOU WILL SEE TWO WORDS
21 -- OR THREE WORDS BUT TWO POSSIBLE VERDICT FORMS
22 THOSE ARE GUILTY AND NOT GUILTY

23 YOU WILL CONSIDER THE EVIDENCE AS IT
24 RELATES TO MURDER IF YOU HAVE A REASONABLE DOUBT
25 AS TO WHETHER OR NOT THE DEFENDANT HAS BEEN PROVEN

1 TO BE GUILTY OF THE CRIME OF MURDER, THEN AS I
2 INDICATED YOU WOULD RESOLVE THAT DOUBT IN FAVOR OF
3 THE DEFENDANT AND TO RETURN THE VERDICT OF NOT
4 GUILTY

5 YOU MAY ALSO BE PERMITTED AND ARE
6 PERMITTED TO CONSIDER THE LESSER INCLUDED OFFENSE OF
7 MURDER, THAT BEING VOLUNTARY MANSLAUGHTER AS I HAVE
8 DEFINED THAT FOR YOU IF YOU HAVE A REASONABLE
9 DOUBT AS TO WHETHER OR NOT THE DEFENDANT IS GUILTY
10 OF THE GREATER OR IS ONLY GUILTY OF THE LESSER, AS I
11 INDICATED TO YOU, YOU MUST RESOLVE THAT REASONABLE
12 DOUBT IN FAVOR OF THE DEFENDANT AND TO RETURN A
13 VERDICT OF GUILTY ONLY AS TO THE LESSER OFFENSE,
14 THAT LESSER OFFENSE BEING VOLUNTARY MANSLAUGHTER
15 IF YOU HAVE A REASONABLE DOUBT AS TO WHETHER THAT
16 OFFENSE HAS BEEN PROVEN BEYOND A REASONABLE DOUBT
17 THEN YOUR VERDICT WOULD BE NOT GUILTY

18 NOW WITH RESPECT TO THAT PARTICULAR
19 VERDICT FORM, YOU HAVE AS TO COUNT ONE OF THE
20 INDICTMENT MURDER, GUILTY OR NOT GUILTY AS TO THE
21 LESSER INCLUDED OFFENSE BEING VOLUNTARY
22 MANSLAUGHTER, GUILTY OR NOT GUILTY YOU, OF COURSE,
23 COULD FIND THE DEFENDANT NOT GUILTY OF EACH BUT
24 YOU MAY FIND THE DEFENDANT GUILTY OF ONLY ONE OR THE
25 OTHER, NOT FOR BOTH MURDER AND VOLUNTARY

1 MANSLAUGHTER

2 COUNT TWO OF THE INDICTMENT WOULD BE THE
3 SAME IT'S ALSO A COUNT ALLEGING MURDER YOU WOULD
4 CONSIDER THE EVIDENCE RELATING TO THAT OFFENSE AND
5 THE LAW APPLICABLE TO IT YOUR RESPONSE WOULD BE
6 WHATEVER YOU AND YOUR FELLOW JURORS DETERMINE AS TO
7 BE THE APPROPRIATE VERDICT

8 WITH RESPECT TO COUNT THREE IT RELATES TO
9 COUNT THREE OF THE INDICTMENT BEING BURGLARY IN THE
10 FIRST DEGREE YOU HAVE TWO POSSIBLE VERDICT FORMS
11 IF YOU FIND THE STATE HAS PROVEN ALL THE ESSENTIAL
12 ELEMENTS OF THE CRIME OF BURGLARY IN THE FIRST
13 DEGREE BEYOND A REASONABLE DOUBT YOUR VERDICT WOULD
14 BE GUILTY IF YOU HAVE A REASONABLE DOUBT AS TO
15 THEIR PROVING ANY ONE OR MORE OF THOSE ESSENTIAL
16 ELEMENTS THEN YOUR VERDICT WOULD BE NOT GUILTY
17 WHATEVER YOUR DECISION IS, WRITE IT IN THE SPACE
18 PROVIDED

19 AND ALSO AS TO COUNT FOUR OF THE
20 INDICTMENT GRAND LARCENY IF YOU FIND THE STATE HAS
21 PROVEN ALL THE ESSENTIAL ELEMENTS OF THAT OFFENSE
22 BEYOND A REASONABLE DOUBT YOUR VERDICT WOULD BE
23 GUILTY IF THE STATE HAS FAILED TO SATISFY YOU AS
24 TO ANY ONE OR MORE OF THE ESSENTIAL ELEMENTS OF THAT
25 OFFENSE BEYOND A REASONABLE DOUBT YOUR VERDICT WOULD

1 BE NOT GUILTY

2 IN CONSIDERING THE VERDICT FORM AND IN
3 CONSIDERING EACH OF THE CHARGES THAT YOU HAVE TO
4 CONSIDER, YOUR VERDICTS MAY ALL BE THE SAME, THEY
5 MAY BE DIFFERENT YOU MAY FIND THE DEFENDANT GUILTY
6 AS TO COUNT ONE, TWO, THREE, AND FOUR YOU MAY FIND
7 HIM NOT GUILTY OF ONE, TWO, THREE, AND FOUR YOU
8 MAY FIND HIM GUILTY OF A LESSER INCLUDED OFFENSE AS
9 SET FORTH IN THE VERDICT FORM RELATING TO COUNTS ONE
10 AND TWO OR YOU MAY FIND HIM NOT GUILTY YOU MAY
11 FIND HIM GUILTY OF SOME OFFENSES, NOT GUILTY OF
12 OTHERS, GUILTY OF ALL, OR NOT GUILTY OF ALL THAT
13 WOULD DEPEND UPON THE JURY'S DETERMINATION OF FACT
14 AND THE APPLICATION OF LAW IN THE CASE

15 MR FOREMAN, I WOULD SIMPLY REQUEST THAT
16 AFTER YOU AND YOUR FELLOW JURORS HAVE CONSIDERED THE
17 CASE, AFTER YOU HAVE ARRIVED AT YOUR UNANIMOUS
18 DECISION, I WOULD SIMPLY ASK THAT YOU WRITE THAT
19 DECISION ON THE VERDICT FORM AS INDICATED SIGN
20 YOUR NAME AS THE FOREPERSON AND PLACE THE DATE OF
21 THE VERDICT ON THE VERDICT FORM

22 I'M GOING TO ASK YOU AT THIS TIME TO
23 PLEASE RETIRE TO YOUR JURY ROOM I WILL ASK THAT
24 YOU NOT BEGIN YOUR DELIBERATIONS I'VE GOT SOME
25 MATTERS I'LL NEED TO ADDRESS WITH THE LAWYERS IF I

1 DO NOT NEED TO BRING YOU BACK FOR ANY REASON I WILL
2 SIMPLY SEND WORD BY WAY OF THE BAILIFF THAT YOU MAY
3 BEGIN YOUR DELIBERATIONS AND HE WILL BRING TO THE
4 JURY ROOM ALL THE EXHIBITS WHICH HAVE BEEN ADMITTED
5 DURING THE TRIAL OF THE CASE AND TO YOU, MR
6 FOREMAN, HE WILL BRING THE VERDICT FORM AND THE
7 INDICTMENT

8 SO PLEASE RETIRE TO YOUR JURY ROOM, BUT
9 DO NOT BEGIN YOUR DELIBERATIONS UNTIL I SEND YOU
10 WORD TO DO SO

11 RIGHT NOW I'M GOING TO ASK THAT THE
12 ALTERNATE JURORS ALSO GO WITH THE PANEL, BUT I'LL BE
13 BRINGING YOU BACK SHORTLY
14 (JURY LEAVES COURTROOM AT 5 20 O'CLOCK P M)

15 THE COURT ANY EXCEPTIONS OR ADDITIONS
16 TO MY INSTRUCTION BY THE STATE?

17 MR JONES NONE FROM THE STATE, YOUR
18 HONOR

19 THE COURT BY THE DEFENDANT?

20 MR TINSLEY YES, YOUR HONOR, I WOULD
21 POINT OUT THAT OUR REQUEST FOR CHARGE NUMBER TEN, AS
22 I PREVIOUSLY STATED, THE EXAMPLES IN PARAGRAPH SEVEN
23 AND ON THE NUMBER FOUR CIRCUMSTANTIAL EVIDENCE
24 CHARGE, I REFER TO PARAGRAPHS SIX AND SEVEN THERE
25 IT IS NOT SUFFICIENT AND CIRCUMSTANCES CREATE A

1 PROBABILITY, THOUGH A STRONG ONE, ASSUMING THE FACTS
2 BE TRUE AND THEY BE ACCOUNTED FOR UPON ANY
3 REASONABLE HYPOTHESIS IT DOES NOT INCLUDE THE
4 GUILT OF THE ACCUSED, THE PROOF HAS FAILED, STATE
5 VERSUS EVINS

6 AND FURTHER ON DOWN IT'S NOT ENOUGH THAT
7 THE FACTS CREATED THE POSSIBILITY, THOUGH A STRONG
8 ONE, AND ASSUMING ALL THE FACTS, THE EVIDENCE TENDS
9 TO ESTABLISH TO BE TRUE, THEY ARE YET TO BE
10 ACCOUNTED FOR ANY THEORY WHICH DOES NOT INCLUDE
11 GUILT OF THE DEFENDANT, AGAIN THE PROOF FAILS

12 AND FURTHER ON THE COUNT FOR BURGLARY,
13 THE COURT READ THE STATUTE TWICE I WAS A LITTLE
14 BIT CONCERNED IN THE SECOND READING THERE WAS NO
15 REFERENCE TO CONSENT AND THE -- WOULD NOT BE GUILTY
16 IN REFERENCING CRIMINAL INTENT AT THE TIME OR PRIOR
17 TO THE ENTRY AND AS TO COUNT --

18 THE COURT EXCUSE ME JUST A MINUTE
19 YOU'RE SAYING I DID NOT TELL THEM IT HAD TO BE
20 WITHOUT CONSENT

21 MR TINSLEY JUST WHEN YOU WERE RE-READ
22 IT A SECOND TIME THE FIRST TIME YOU POINTED OUT
23 THAT IF HE HAD CONSENT YOU SHOULD FIND HIM NOT
24 GUILTY AND THE FIRST TIME YOU POINTED OUT THAT THE
25 ENTRY -- THAT THE STATE OF MIND HAD TO BE FORMED AT

1 ENTRY THEN YOU JUST WENT BACK AND RE-READ THE
2 STATUTE ITSELF

3 THE COURT BUT I READ IT CORRECTLY

4 MR TINSLEY YES, SIR

5 THE COURT OKAY

6 MR TINSLEY AND THEN COUNT -- GRAND
7 LARCENY, COUNT FOUR, I REQUEST NUMBER SIX,
8 PARAGRAPHS SIX AND EIGHT REFERRING TO THE DEFENDANT
9 HAVING OWNERSHIP OF THE PROPERTY IN HIS MIND OWNING
10 THE PROPERTY AS RELATES TO GRAND LARCENY THE COURT
11 DIDN'T CHARGE THAT WE'RE OF THE OPINION THAT THAT
12 WOULD BE A DEFENSE TO THE CHARGE OF LARCENY IF HE
13 HAD PARTIAL INTEREST IN IT OR ANYTHING LIKE THAT
14 AND THERE WAS EVIDENCE SUBMITTED THAT WOULD
15 CERTAINLY RAISE THAT ISSUE ON THAT FACT

16 AND OTHER THAN THAT, YOUR HONOR, I'VE GOT
17 -- OF COURSE, WE'RE CONCERNED THAT YOU HAVE A CLEAN
18 COPY OF THE INDICTMENT WITHOUT FIVE AND SIX ON IT?

19 THE COURT WELL, LET ME LET YOU LOOK AT
20 THE INDICTMENT I BELIEVE IT TO BE CORRECT BUT
21 YOU'LL LOOK AT IT BEFORE I SEND IT BACK

22 MR JONES MAY WE, YOUR HONOR?

23 THE COURT SURE

24 MR TINSLEY AND, OF COURSE, YOU CITED
25 OUT EARLIER ON THAN THE TWO, THE END OF NUMBER TWO,

1 THAT I THINK YOU BASICALLY COVERED THAT AND
2 FINALLY AT THIS TIME WE RENEW ALL PRIOR MOTIONS IN
3 THAT REGARD

4 THE COURT ALL RIGHT NOW WHAT I
5 BELIEVE THE INSTRUCTION AS GIVEN IS CORRECT
6 STATEMENT OF THE LAW AND WHILE I PERHAPS DID NOT
7 GIVE THE JURY SPECIFIC REQUEST INSTRUCTIONS, I
8 BELIEVE THAT THE INSTRUCTION I HAVE GIVEN DOES
9 SUFFICIENTLY COVER THE APPROPRIATE LAW TO PERMIT THE
10 JURY TO ARRIVE AT A -- THE APPROPRIATE DECISION
11 PURSUANT TO THE FACT AND THE LAW, AND THEREFORE I DO
12 NOT INTENT TO BRING THEM BACK FOR ANY ADDITIONAL
13 INSTRUCTION

14 MR TINSLEY I UNDERSTAND, YOUR HONOR
15 AND, OF COURSE, WE MOVE FOR DIRECTED VERDICT ON
16 THREE AND FOUR AT THE END OF OUR CASE AND ALSO
17 REQUEST THAT THOSE NOT BE SUBMITTED AT THIS TIME

18 THE COURT AS TO YOUR MOTION FOR
19 DIRECTED VERDICT, IT IS DENIED OKAY, ANY OTHER
20 MATTERS THAT WE NEED TO ADDRESS BEFORE WE ALLOW THE
21 JURY TO BEING DELIBERATING?

22 MR GARRETT YOUR HONOR, WE'VE REVIEWED
23 THE INDICTMENT IT DOES APPEAR TO BE CLEAN IT
24 DOES NOT HAVE ANY MENTIONS OF THE OLD COUNT FIVE AND
25 COUNT SIX THAT WERE PREVIOUSLY ON THERE

1 THE COURT OKAY NOW I NEED TO ASK THE
2 LAWYERS TO LOOK AT THE ITEMS OF EVIDENCE AND BE
3 CERTAIN THAT THEY ARE ALL ACCOUNTED FOR BEFORE WE
4 SEND THOSE BACK

5 (OFF THE RECORD)

6 MR TINSLEY THE EXHIBITS ARE IN ORDER
7 THEY WERE REVIEWED BY BOTH SIDES WE'VE LOOKED

8 THE COURT Y'ALL STAY WITH ME NOW I'VE
9 GOT TO BRING THE ALTERNATES OUT AND HAVE THEM TAKEN
10 TO ANOTHER LOCATION ALL RIGHT, NOW I UNDERSTAND
11 WE'VE HAD THE OPPORTUNITY TO REVIEW ALL THE EXHIBITS
12 AND THAT THEY ARE ALL PRESENT AND ACCOUNTED FOR'

13 MR TINSLEY YES, YOUR HONOR

14 MR JONES YES, YOUR HONOR

15 THE COURT MR TINSLEY, I HAVE MARKED
16 YOUR REQUEST TO CHARGE AS A COURT'S EXHIBIT IT'S
17 ONE EXHIBIT

18 MR TINSLEY YES

19 THE COURT THEY'RE STAPLED TOGETHER
20 THEY ARE REQUESTS ONE THROUGH TEN

21 MR TINSLEY YES, THAT'S FINE

22 THE COURT ANY OTHER MATTERS WE NEED TO
23 DISCUSS BEFORE I BRING THE ALTERNATES BACK TO EXCUSE
24 THEM

25 MR JONES NO, SIR, NOT FOR THE STATE

1 THE COURT EACH OF YOU HAS SEEN THE
2 VERDICT FORM AND THE INDICTMENT?

3 MR JONES YES, YOUR HONOR

4 MR GARRETT YES, YOUR HONOR, WE HAVE

5 THE COURT ALL RIGHT, BRING MY

6 ALTERNATES BACK, PLEASE

7 (ALTERNATE JURORS ENTER COURTROOM)

8 THE COURT LET ME ASK Y'ALL IF YOU'LL
9 JUST COME -- YOU CAN JUST HAVE A SEAT IN THOSE FIRST
10 THREE CHAIRS THERE, IF YOU WILL AS YOU THREE KNOW,
11 YOU ARE ALTERNATE JURORS AND YOU ARE NOT PERMITTED
12 TO ENGAGE IN DELIBERATIONS

13 BUT YOU MAY BE CALLED UPON IF DURING THE
14 COURSE OF DELIBERATIONS OR DURING THE COURSE OF THE
15 TRIAL AT ANY TIME THAT ONE OF THE ORIGINAL JURORS
16 ARE UNABLE TO CONTINUE THEN YOU WOULD BE CALLED UPON
17 TO TAKE THAT PERSON'S PLACE AS I INDICATED TO YOU AT
18 THE BEGINNING OF THE TRIAL

19 YOU ARE NOT, HOWEVER, PERMITTED TO ENGAGE
20 IN DELIBERATIONS UNLESS ONE OF THOSE ORIGINAL TWELVE
21 IS UNABLE TO PERFORM THAT FUNCTION WE STILL,
22 HOWEVER, NEED FOR YOU TO REMAIN SEQUESTERED SO THAT
23 IN THE EVENT ONE OF THE ORIGINAL TWELVE JURORS
24 CANNOT CONTINUE TO SERVE THEN ONE OF YOU WOULD BE
25 CALLED UPON TO TAKE THAT PERSON'S PLACE

1 SO RIGHT NOW YOU'RE GOING TO BE GOING
2 WITH MR BROWN BACK HERE HE WILL TAKE YOU TO
3 ANOTHER ROOM HERE IN THE COURTHOUSE WHERE YOU WILL
4 REMAIN UNTIL FURTHER NEEDED WHEN THAT TIME
5 ARRIVES, OF COURSE, WE WILL BRING YOU BACK FOR THAT
6 PURPOSE

7 SO PLEASE GO WITH MR BROWN AGAIN, YOU
8 ARE STILL NOT PERMITTED TO DISCUSS THE CASE IN ANY
9 FASHION AND WE'LL BRING YOU BACK WHENEVER WE NEED
10 YOU

11 ALSO UNDERSTAND THAT IF THE OTHER JURORS
12 INDICATE ABOUT EATING SUPPER, IF YOU'D LIKE TO EAT
13 THE SAME TIME THEY DO WE'LL INFORM YOU OF THAT FACT,
14 OR IF YOU PREFER TO GO AHEAD AND EAT THEN YOU'LL LET
15 YOUR CUSTODIAN KNOW THEY'LL MAKE THOSE
16 ARRANGEMENTS FOR YOU ALSO, OKAY?

17 SO, THANK YOU PLEASE GO WITH MR BROWN
18 AND WE'LL BE IN TOUCH WITH YOU AND LET US KNOW IF
19 YOU HAVE ANY DIFFICULTY
20 (ALTERNATE JURORS LEAVE COURTROOM)

21 THE COURT ALL RIGHT, MR BAILIFF, IF
22 YOU WILL PLEASE TAKE THE EXHIBITS AND THE VERDICT
23 FORM AND THE INDICTMENT TO THE JURY ROOM AND ASK
24 THEM TO BEGIN WITH THEIR DELIBERATIONS GIVE THAT
25 TO THE FOREMAN THERE SHOULD BE ONE CHARGE THAT

1 DOES NOT GO BACK DO WE HAVE THAT HERE?

2 PROTECTIVE CUSTODIAN YOUR HONOR, THEY'D
3 LIKE TO TAKE A LITTLE BREAK AND WALK OUTSIDE AND GET
4 A LITTLE FRESH AIR BEFORE THEY START WOULD THAT BE
5 OKAY?

6 THE COURT YEAH, THAT'S PERMITTED LET
7 ME HAVE THE BAILIFF TAKE THOSE ITEMS IN TO THE JURY
8 ROOM AND THEN WE'LL HAVE EVERYONE REMAIN SEATED
9 WHILE YOU ESCORT THEM OUTSIDE

10 THE COURT NOW WE'LL BE AT EASE WHILE
11 THE JURY IS DELIBERATING BUT UNDERSTAND THAT WHEN
12 THE JURY COMES BACK, THEY'RE GOING TO BE BROUGHT
13 BACK THROUGH THESE DOORS SO I'M SURE THE AGENTS
14 WILL BE TAKING CARE OF THAT, BUT NEVERTHELESS, WHEN
15 THE JURY COMES BACK WE NEED TO BE CERTAIN EVERYONE
16 IS STILL WHILE THE JURY COMES THROUGH THE COURTROOM
17 IF THERE ARE ANY OTHER SPECTATORS IN THE COURTROOM
18 AT THAT TIME

19 (JURY BEGINS DELIBERATIONS AT 5 20 O'CLOCK P M)

20 THE COURT THANK YOU BE SEATED ALL
21 RIGHT, BRING THE JURY IN PLEASE

22 (JURY RE-ENTERS COURTROOM AT 9 22 O'CLOCK P M)

23 THE COURT I NEED MY THREE ALTERNATES,
24 PLEASE ALL RIGHT, LADIES AND GENTLEMEN, I HAVE
25 YOUR REQUEST WHICH HAS BEEN MADE BY THE FOREMAN

1 INDICATING THAT YOU WOULD LIKE TO BE RE-INSTRUCTED
2 AS TO THE DEFINITION OF MURDER AND ALSO AS TO THE
3 DEFINITION OF VOLUNTARY MANSLAUGHTER THE ALTERNATE
4 JURORS HAVE BEEN BROUGHT BACK FOR THE PURPOSE OF
5 ALSO HEARING THAT EXPLANATION IN THE EVENT THAT YOU
6 MAY BE CALLED UPON AT SOME POINT TO SERVE IN THE
7 EVENT THAT ONE OF THE ORIGINAL JURORS CANNOT
8 CONTINUE

9 AS I INDICATED TO YOU EARLIER, MURDER IS
10 SET FORTH IN A CODE SECTION THAT CODE SECTION
11 BEING 16-3-10, AND IT DEFINES MURDER AS THE KILLING
12 OF ANY PERSON WITH MALICE AFORETHOUGHT EITHER
13 EXPRESSED OR IMPLIED IN ORDER FOR YOU TO FIND THE
14 DEFENDANT GUILTY OF THE CRIME OF MURDER IT IS
15 NECESSARY THAT THE EVIDENCE ESTABLISH BEYOND A
16 REASONABLE DOUBT THAT THE DEFENDANT DID KILL THE
17 DECEDENT, AND THAT THE KILLING WAS DONE WITH MALICE
18 AFORETHOUGHT MALICE AFORETHOUGHT IS AN ESSENTIAL
19 ELEMENT OF THE CRIME OF MURDER

20 MURDER IS A MALICIOUS TAKING OF HUMAN
21 LIFE WHICH IS NOT JUSTIFIABLE OR EXCUSABLE OR
22 COMMITTED IN SUDDEN HEAT OF PASSION PROVOKED BY
23 SUFFICIENT LEGAL PROVOCATION MALICE IS A TERM
24 CONNOTING AN ILL WILL AND AN EVIL INTENT TO DO
25 SERIOUS BODILY HARM IT IS A TECHNICAL TERM

1 IMPORTING WICKEDNESS AND EXCLUDING JUST CAUSE OR
2 EXCUSE IT IS SOMETHING WHICH SPRINGS FROM
3 WICKEDNESS OR DEPRAVITY FROM A HEART DEVOID OF
4 SOCIAL DUTY AND FATALLY BENT ON MISCHIEF

5 MALICE MAY BE EITHER EXPRESSED OR
6 IMPLIED THE WORDS EXPRESSED OR IMPLIED DO NOT MEAN
7 DIFFERENT KINDS OF MALICE, BUT MERELY THE MANNER IN
8 WHICH MALICE MAY BE SHOWN TO EXIST THAT IS TO SAY
9 BY EITHER DIRECT EVIDENCE OR CIRCUMSTANTIAL EVIDENCE
10 INFERRING MALICE

11 MALICE MAY BE EXPRESSED AS WHETHER IT IS
12 AN EXPRESSED THREAT TO KILL OR A LYING-IN-WAIT OR
13 WHERE THE CIRCUMSTANCES SHOW DIRECTLY THAT AN INTENT
14 TO KILL WAS ENTERTAINED MALICE MAY BE INFERRED,
15 THOUGH NO EXPRESSED INTENT TO KILL IS PROVED BY
16 DIRECT EVIDENCE, WHERE THE FACTS AND THE
17 CIRCUMSTANCES WHICH HAVE BEEN PROVEN BY THE EVIDENCE
18 IN THE CASE SATISFY YOU BEYOND A REASONABLE DOUBT
19 THAT MALICE WAS PRESENT IN THE MIND OF THE SLAYER AT
20 THE TIME OF THE KILLING

21 MALICE MAY BE INFERRED FROM THE
22 CIRCUMSTANCES SHOWN TO HAVE EXISTED AT THE TIME OF
23 THE EVENT AND YOU MAY INFER THE EXISTENCE OF
24 MALICE FROM THE UNLAWFUL INTENTIONAL KILLING OF
25 ANOTHER WITHOUT JUSTIFICATION OR LEGAL EXCUSE YOU

1 MAY INFER MALICE FROM A WRONGFUL INTENT TO INJURE
2 ANOTHER THROUGH THE INFLICTION OF SERIOUS BODILY
3 HARM INDICATING A WICKED OR DEPRAVED SPIRIT YOU
4 MAY INFER MALICE FROM THE INTENTIONAL USE OF A
5 DEADLY WEAPON

6 YOU MAY INFER MALICE FROM THE INTENTIONAL
7 COMMISSION OF AN ACT WHICH IS INHERENTLY DANGEROUS
8 TO HUMAN LIFE AND YOU MAY INFER MALICE FROM THE
9 INTENTIONAL KILLING OF ANOTHER DURING THE COMMISSION
10 OF A FELONY DANGEROUS TO HUMAN LIFE OR WHERE THE
11 CIRCUMSTANCES OF THE CRIME CREATE A SUBSTANTIAL
12 FORESEEABLE RISK TO HUMAN LIFE

13 NOW EVEN IF THE FACTS PROVED ARE
14 SUFFICIENT TO RAISE AN INFERENCE OF MALICE, THIS
15 INFERENCE WOULD SIMPLY BE AN EVIDENTIARY FACT TO BE
16 CONSIDERED BY YOU THE JURY ALONG WITH ALL OF THE
17 OTHER EVIDENCE RECEIVED DURING THE TRIAL OF THE
18 CASE AND YOU MAY GIVE IT SUCH WEIGHT, IF ANY, THAT
19 YOU DETERMINE THAT IT SHOULD RECEIVE, IF ANY

20 SIMPLY STATED, YOU ARE PERMITTED TO INFER
21 THE EXISTENCE OF MALICE FROM THE PROOF OF ANY ONE OR
22 MORE OF THE CIRCUMSTANCES THAT I HAVE DESCRIBED FOR
23 YOU, BUT YOU ARE IN NO WAY REQUIRED TO DO SO YOU
24 MUST DETERMINE WHETHER OR NOT MALICE EXISTED BASED
25 UPON YOUR CONSIDERATION OF THE EVIDENCE AND ANY

1 REASONABLE INFERENCE THAT MAY BE DRAWN FROM THAT
2 EVIDENCE

3 THE STATE IS REQUIRED TO PROVE MALICE
4 JUST AS IT MUST PROVE ANY OTHER ELEMENT OF THE
5 OFFENSE IT IS FOR YOU THE JURY TO DETERMINE
6 WHETHER OR NOT THE EVIDENCE ESTABLISHES MALICE
7 BEYOND A REASONABLE DOUBT

8 IT'S ALSO ESSENTIAL THAT THE MALICE BE A
9 FORETHOUGHT THE LAW DOES NOT REQUIRE THAT MALICE
10 MUST EXIST FOR ANY APPRECIABLE LENGTH OF TIME BEFORE
11 THE COMMISSION OF THE ACT PRODUCING THE FATAL
12 RESULT IN DEED, IT MAY BE CONCEIVED AT THE VERY
13 MOMENT THAT THE FATAL ACT IS COMMITTED IT IS
14 SUFFICIENT IN THE LAW IF THE COMBINATION OF THE
15 MALICE AND THE ACT ITSELF APPROXIMATELY CAUSED THE
16 FATAL RESULT

17 WHILE THE STATE IS REQUIRED TO PROVE
18 BEYOND A REASONABLE DOUBT THAT A KILLING OCCURRED
19 ACCOMPANIED BY MALICE AFORETHOUGHT, IT IS NOT
20 REQUIRED THAT THE STATE PROVE ANY MOTIVE FOR SUCH A
21 KILLING

22 THAT IS THE LAW DEFINING MURDER NOW
23 WITH REGARD TO THE LAW DEFINING VOLUNTARY
24 MANSLAUGHTER VOLUNTARY MANSLAUGHTER IS THE
25 UNLAWFUL KILLING OF A HUMAN BEING WITHOUT THE

1 ELEMENT OF MALICE, EITHER EXPRESSED OR IMPLIED,
2 BEING PRESENT WHILE THE ELEMENT OF MALICE MUST BE
3 PROVEN IN ORDER FOR YOU TO FIND THE DEFENDANT GUILTY
4 OF MURDER, MALICE NEED NOT BE PROVEN IN ORDER FOR
5 YOU TO FIND THE DEFENDANT GUILTY OF THE OFFENSE OF
6 VOLUNTARY MANSLAUGHTER

7 THE PRESENCE OF MALICE IN THE CASE OF
8 MURDER AND THE ABSENCE OF MALICE IN THE CASE OF
9 VOLUNTARY MANSLAUGHTER IS WHAT DISTINGUISHES THESE
10 TWO OFFENSES

11 VOLUNTARY MANSLAUGHTER IS DEFINED AS THE
12 FELONIOUS TAKING OF THE LIFE OF ANOTHER HUMAN BEING
13 IN SUDDEN HEAT OF PASSION BASED UPON SUFFICIENT
14 LEGAL PROVOCATION THE LAW RECOGNIZES THAT SUDDEN
15 HEAT OF PASSION MAY, FOR THE TIME BEING, AFFECT THE
16 SELF CONTROL OF AN INDIVIDUAL, TEMPORARILY
17 DISTURBING THE SWAY OF REASON, AND THEREFORE,
18 REDUCES THE CRIME FROM MURDER TO MANSLAUGHTER WHERE
19 THE KILLING WAS DONE IN SUDDEN HEAT OF PASSION
20 PROVIDED THERE WAS A SUFFICIENT LEGAL PROVOCATION

21 SUDDEN HEAT OF PASSION AROUSED BY
22 SUFFICIENT LEGAL PROVOCATION, WHICH MAY REDUCE A
23 FELONIOUS KILLING FROM THAT OF MURDER TO THAT OF
24 MANSLAUGHTER, NEED NOT DETHRONE REASON ENTIRELY OR
25 SHUT OUT KNOWLEDGE AND VOLITION, BUT IT REFERS TO AN

1 UNLAWFUL KILLING PROVOKED BY SUCH CIRCUMSTANCES THAT
2 WOULD NATURALLY DISTURB THE SWAYING OF REASON AND
3 RENDER THE MIND OF AN ORDINARY, REASONABLE, AND
4 PRUDENT PERSON INCAPABLE OF COOL REFLECTION AND
5 PRODUCE WHAT ACCORDING TO HUMAN EXPERIENCE MAY BE
6 CALLED AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE

7 IN ORDER FOR A FELONIOUS KILLING TO BE
8 REDUCED FROM THAT OF MURDER TO THAT OF MANSLAUGHTER,
9 IT MUST HAVE OCCURRED IN SUDDEN HEAT OF PASSION
10 AROUSED BY A SUFFICIENT LEGAL PROVOCATION THE
11 KILLING OF A HUMAN, BEING EVEN IN THE HEAT OF
12 PASSION, IS MURDER IF THERE WAS NO SUFFICIENT LEGAL
13 PROVOCATION THAT IS, THE SLAYER HAD NO REASONABLE
14 CAUSE FOR HIS ANGER

15 IN CONNECTION WITH WHAT I HAVE INSTRUCTED
16 YOU REGARDING COOL REFLECTION, THAT IS WHETHER OR
17 NOT A REASONABLE TIME FOR COOLING OFF HAD ELAPSED,
18 YOU SHOULD CONSIDER THE WHOLE CIRCUMSTANCE
19 SURROUNDING THE EVENT YOU SHOULD CONSIDER THE
20 NATURE OF THE PROVOCATION SHOULD YOU FIND SOME TO
21 HAVE EXISTED, THE DEFENDANT'S MENTAL AND PHYSICAL
22 CONSTITUTION AS WELL AS THE CIRCUMSTANCES AND
23 RELATIONSHIPS EXISTING BETWEEN THE PARTIES, THE TIME
24 IN WHICH AN ORDINARY PERSON UNDER LIKE CIRCUMSTANCES
25 WOULD HAVE COOLED OFF IS WHAT IS CONSIDERED TO BE A

1 REASONABLE TIME

2 EVEN WHEN A PERSON'S PASSIONS WERE
3 SUFFICIENTLY AROUSED BY A LEGALLY ADEQUATE
4 PROVOCATION, IF AT THE TIME OF THE KILLING THOSE
5 PASSIONS HAD COOLED, OR A SUFFICIENTLY REASONABLE
6 TIME HAD ELAPSED SO THAT THE PASSIONS OF THE
7 ORDINARY, REASONABLE PERSON WOULD HAVE COOLED, THEN
8 THE KILLING WOULD BE MURDER AND NOT VOLUNTARY
9 MANSLAUGHTER

10 IN DETERMINING WHETHER AN ACT WAS
11 ENTAILED BY HEAT OF PASSION OR BY MALICE, ALL OF THE
12 SURROUNDING CIRCUMSTANCES AND CONDITIONS
13 ACCOMPANYING THE EVENT SHOULD BE CONSIDERED
14 INCLUDING ANY PREVIOUS RELATIONS OR DIFFICULTIES
15 EXISTING BETWEEN THE PARTIES

16 THAT IS THE DEFINITION, AGAIN, DEFINED AS
17 IT RELATES TO MURDER AND AS TO VOLUNTARY
18 MANSLAUGHTER I'VE ALSO BEEN REQUESTED TO EXPLAIN
19 AND TO DEFINE COMMON LAW MARRIAGE I SIMPLY STATE
20 THAT A COMMON LAW MARRIAGE IS THE CREATION OF A
21 MARITAL RELATIONSHIP BY AGREEMENT OF THE PARTIES
22 WITH THE INTENT THAT SUCH A RELATIONSHIP BE CREATED
23 SUCH A RELATIONSHIP AS WITH ANY OTHER FACT IN THE
24 CASE MAY BE PROVEN BY DIRECT EVIDENCE OR
25 CIRCUMSTANTIAL EVIDENCE OR A COMBINATION OF BOTH OF

1 THOSE TYPES OF EVIDENCE

2 NOW MR FOREMAN, BEFORE I SEND YOU BACK
3 TO YOUR JURY ROOM TO -- SO YOU AND YOUR FELLOW
4 JURORS TO CONTINUE WITH YOUR DELIBERATIONS, LET ME
5 SAY THAT SO FAR AS THE DURATION OF YOUR
6 DELIBERATIONS, THOSE, OF COURSE, WILL BE UP TO YOU
7 AND YOUR FELLOW JURORS SO FAR AS HOW LATE YOU WISH
8 TO GO THIS EVENING, THAT WILL ALSO BE UP TO YOU AND
9 YOUR FELLOW JURORS

10 IF AT ANY TIME YOU AND YOUR FELLOW JURORS
11 DETERMINE THAT YOU WOULD PREFER TO RETIRE FOR THE
12 EVENING, OF COURSE, YOU WOULD GO BACK TO THE MOTEL
13 IN THAT EVENT AND WE WOULD RESUME WITH DELIBERATIONS
14 IN THE MORNING SHOULD THAT BE THE WISH OF THE JURY
15 AT ANY TIME

16 SO IF YOU HAVE ANY FURTHER DIFFICULTIES,
17 ANY FURTHER QUESTIONS OR REQUESTS, PLEASE SIMPLY
18 WRITE THOSE DOWN ON A PIECE OF PAPER AS YOU HAVE
19 DONE THIS TIME AND I WILL TRY TO RESPOND TO THOSE
20 REQUESTS OR QUESTIONS AS BEST THAT I CAN

21 SO PLEASE RETIRE TO YOUR JURY ROOM AND
22 CONTINUE WITH YOUR DELIBERATIONS

23 (JURY EXITS COURTROOM TO CONTINUE DELIBERATIONS)

24 THE COURT ANY EXCEPTIONS TO THAT
25 ADDITIONAL INSTRUCTION REQUESTED BY THE JURY?

1 MR JONES NONE FROM THE STATE, YOUR
2 HONOR

3 MR TINSLEY NO ADDITIONAL ONES, YOUR
4 HONOR I DO RE-MENTION PARAGRAPH SEVEN OF OUR
5 DEFENDANT'S REQUEST CHARGE NUMBER TEN AS PREVIOUSLY
6 STATED AND CITED EARLIER WITH THOSE EXAMPLES GIVEN
7 UNDER THAT PARAGRAPH

8 THE COURT ALL RIGHT

9 MR TINSLEY IT'S ALREADY BEEN CHARGED
10 THAT WE PREVIOUSLY DISCUSSED

11 THE COURT ALL RIGHT, WE'LL REMAIN AT
12 EASE WHILE THE JURY IS DELIBERATING
13 (COURT IS IN RECESS)

14 THE COURT THANK YOU BE SEATED THE
15 JURY HAS SENT A NOTE BY WAY OF THE BAILIFF
16 INDICATING THEY WOULD LIKE TO RETIRE FOR THE EVENING
17 AND RESUME DELIBERATIONS IN THE MORNING SO I'M
18 GOING TO EXCUSE THEM AT THIS TIME WE'LL BEGIN IN
19 THE MORNING AGAIN AT 9 30 ANY OBJECTION TO THAT
20 TIME?

21 MR GARRETT NONE FROM THE DEFENSE, YOUR
22 HONOR

23 MR JONES NONE FROM THE STATE

24 THE COURT ALL RIGHT, BRING THE JURY IN,
25 PLEASE

1 (JURY RE-ENTERS COURTROOM AT 10 22 O'CLOCK P M)

2 THE COURT ALL RIGHT, MR FOREMAN,
3 LADIES AND GENTLEMEN, I HAVE THE NOTE SENT BY WAY OF
4 THE FOREMAN THAT THE JURY HAS DECIDED TO RETIRE FOR
5 THE EVENING AND TO RESUME DELIBERATIONS IN THE
6 MORNING, IS THAT RIGHT?

7 MR FOREMAN? THAT'S RIGHT

8 THE COURT WOULD YOU LIKE TO RESUME
9 THOSE DELIBERATIONS BEGINNING AT NINE-THIRTY IN THE
10 MORNING?

11 MR FOREMAN? THAT'S FINE

12 THE COURT IS THAT SUITABLE WITH
13 EVERYONE? OKAY WE'LL DO THAT THEN HAVE A GOOD
14 EVENING AND WE'LL BRING YOU BACK IN THE MORNING
15 YOU WILL BEGIN WITH YOUR DELIBERATIONS AGAIN AT
16 NINE-THIRTY

17 NOW BEFORE I EXCUSE YOU, LET ME CAUTION
18 YOU AND REMIND YOU, YOU ARE STILL NOT TO DISCUSS
19 THIS CASE IN ANY FASHION WHILE YOU'RE AT THE MOTEL
20 YOU MAY ONLY DELIBERATE THE CASE WHILE ALL TWELVE
21 JURORS ARE IN THE JURY ROOM ENGAGED IN THOSE
22 DELIBERATIONS SO DO NOT DISCUSS THE CASE AT ANY
23 TIME WHEN YOU ARE OUTSIDE OF THE JURY ROOM OR WHEN
24 ANY ONE OF YOU TWELVE MEMBERS ARE OUTSIDE OF THE
25 JURY ROOM

1 DELIBERATIONS MAY ONLY TAKE PLACE WHEN
2 ALL TWELVE JURORS ARE PRESENT IN THE JURY ROOM TO
3 ENGAGE IN THOSE DELIBERATIONS SO KEEP THAT IN MIND
4 ANY TIME WHEN YOU ARE EXCUSED OR WHEN YOU ARE TAKEN
5 BACK TO THE MOTEL THIS EVENING

6 WITH THAT, HAVE A GOOD EVENING WE'LL
7 SEE YOU AT NINE-THIRTY IN THE MORNING MR FOREMAN,
8 LET ME ASK YOU IS THAT THE VERDICT FORM AND THE
9 INDICTMENT? IF YOU WILL LEAVE THAT IN THE JURY
10 ROOM, THEN WE WILL SECURE THAT ROOM ALL RIGHT,
11 HAVE A GOOD EVENING WE'LL SEE YOU IN THE MORNING
12 AT NINE-THIRTY

13 (JURY LEAVES COURTROOM AT 10 25 O'CLOCK P M)

14 THE COURT COURT IS IN RECESS UNTIL
15 NINE-THIRTY IN THE MORNING LET ME SEE THE LAWYERS
16 FOR JUST A MOMENT BEFORE YOU LEAVE

17 (COURT IN RECESS)

18 ***** END OF DAY 14 *****
19 (DAY 15, MONDAY, OCTOBER 27, 1997, 9 30 O'CLOCK
20 A M)

21 THE COURT I'M GOING TO LET THE RECORD
22 REFLECT THAT ALL ARE PRESENT LET THE RECORD
23 REFLECT ALSO THAT THE JURY HAS RETURNED TO THE
24 COURTROOM THE JURY IS NOW IN THE JURY ROOM I
25 INSTRUCTED THEM BY WAY OF THE BAILIFF THAT THEY MAY

1 CONTINUED WITH THEIR DELIBERATIONS THE THREE
2 ALTERNATE JURORS ARE IN A SEPARATE LOCATION

3 MR TINSLEY WHERE IS THAT LOCATION,
4 YOUR HONOR?

5 THE COURT IT'S IN THE ROOM BEHIND THE
6 COURTROOM IN THE --

7 MR TINSLEY WHERE'S THAT?

8 THE COURT I'M NOT SURE -- WHAT DO YOU
9 CALL THAT MADAM CLERK?

10 THE CLERK IT IS THE UPPER LEVEL OF THE
11 CLERK'S SIDE THE ROOM IS VACANT AND THE S L E D
12 AGENTS ARE IN THERE WITH THEM RIGHT OUTSIDE THE
13 COURTROOM TO THE RIGHT AND THE DOOR IS CLOSED

14 MR TINSLEY GOOD I JUST WANTED TO BE
15 SURE

16 THE COURT ALL RIGHT, WE'LL BE AT EAST
17 WHILE THE JURY IS DELIBERATING

18 (COURT IN RECESS)

19 THE COURT THANK YOU BE SEATED ALL
20 RIGHT, THEY TELL ME THAT THE JURY HAS REACHED A
21 VERDICT ARE WE READY TO RECEIVE THAT VERDICT?

22 MR JONES THE STATE IS, YOUR HONOR

23 MR GARRETT THE DEFENSE IS, YOUR HONOR

24 THE COURT ALL RIGHT, BRING THE JURY IN,
25 PLEASE

1 (JURY RE-ENTERS THE COURTROOM AT 10 22 O'CLOCK A M)

2 THE COURT MR FOREMAN, HAVE YOU AND
3 YOUR FELLOW JURORS REACHED A UNANIMOUS VERDICT AS TO
4 EACH OF THE COUNTS CONTAINED IN THE INDICTMENT?

5 MR FOREMAN YES, WE HAVE, YOUR HONOR

6 THE COURT IF YOU WOULD, PLEASE HAND
7 THAT VERDICT FORM UP BY WAY OF THE BAILIFF ALL
8 RIGHT, YOU MAY PUBLISH THE INDICTMENT MADAM CLERK

9 THE CLERK THE STATE VERSUS JOHN KENNEDY
10 HUGHEY VERDICT OF THE PETIT JUROR JURY, CASE NUMBER
11 96GS01-220, AS TO COUNT ONE OF THE INDICTMENT
12 MURDER, GUILTY AS TO COUNT TWO OF THE INDICTMENT
13 MURDER, GUILTY COUNT THREE, AS TO COUNT THREE OF
14 THE INDICTMENT BURGLARY FIRST DEGREE, GUILTY AS TO
15 COUNT FOUR OF THE INDICTMENT GRAND LARCENY, GUILTY
16 SIGNED FOREMAN, JAMES S JONES, JR DATED OCTOBER
17 27, 1997

18 MR FOREMAN, LADIES AND GENTLEMEN OF THE
19 JURY, IF THIS BE YOUR VERDICT THUS SAY SAY YOU ALL?

20 THE COURT MADAM CLERK, POLL THE JURY,
21 PLEASE, MA'AM

22 THE CLERK I'M GOING TO ASK THE JURORS
23 BY POLLING THE QUESTION, AND IF THIS IS YOUR -- THE
24 ANSWER TO THE QUESTION IF YOU WOULD SIGNIFY BY
25 SAYING YES, AND IF IT IS NOT IF YOU WOULD SAY NO

1 MR FOREMAN, JAMES S JONES, JR , IS THAT
2 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

3 MR JONES YES

4 THE CLERK ROBERT ASH, IS THIS YOUR
5 VERDICT AND IS IT STILL YOUR VERDICT?

6 MR ASH YES

7 THE CLERK SANDRA J LOTHERIDGE, IS THAT
8 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

9 MS LOTHERIDGE YES

10 THE CLERK BARBARA P THOMAS, IS THAT
11 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

12 MS THOMAS? YES

13 THE CLERK SUSAN L WILLIAMS, IS THAT
14 YOUR VERDICT, IS IT STILL YOUR VERDICT?

15 MS WILLIAMS YES

16 THE CLERK FRANCES P COWART, IS THAT
17 YOUR VERDICT, IS IT STILL YOUR VERDICT?

18 MS COWART YES

19 THE CLERK BRIAN DALY, IS THAT YOUR
20 VERDICT, IS IT STILL YOUR VERDICT?

21 MR DALY YES

22 THE CLERK ANDREA B BRAMLETT, IS THAT
23 YOUR VERDICT, IS IT STILL YOUR VERDICT?

24 MS BRAMLETT YES

25 THE CLERK WILLIAM R BOWIE, IS THAT

1 YOUR VERDICT, IS IT STILL YOUR VERDICT?

2 MR BOWIE YES

3 THE CLERK HAROLD D FREESE, IS THAT
4 YOUR VERDICT AND STILL YOUR VERDICT?

5 MS FREESE YES

6 THE CLERK LINDA F CANFIELD, IS THAT
7 YOUR VERDICT AND IT'S STILL YOUR VERDICT?

8 MR CANFIELD YES

9 THE CLERK WILLIAM J JONES, IS THAT
10 YOUR VERDICT AND IT'S STILL YOUR VERDICT?

11 MR JONES YES

12 THE CLERK OKAY, THESE ARE ALTERNATES
13 YOUR HONOR, THE JURY HAS BEEN POLLED AND THEY'VE ALL
14 ANSWERED IN THE AFFIRMATIVE

15 THE COURT THANK YOU, MA'AM ANY OTHER
16 MATTERS THAT NEED TO BE ADDRESSED WITH THIS JURY
17 PRESENT?

18 MR JONES NOT FROM THE STATE, YOUR
19 HONOR

20 MR GARRETT NONE FROM THE DEFENSE, YOUR
21 HONOR

22 THE COURT ALL RIGHT, LET ME ASK YOU, IF
23 YOU WILL, PLEASE GO BACK TO YOUR JURY ROOM AND I'LL
24 BRING YOU BACK SHORTLY

25 (JURY EXITS THE COURTROOM)

1 THE COURT ALL RIGHT, MR GARRETT, ANY
2 MATTERS THAT NEED TO BE ADDRESSED BEFORE WE EXCUSE
3 THIS PANEL?

4 MR TINSLEY YOUR HONOR, ON BEHALF OF
5 MR HUGHEY I WOULD MOVE FOR A NEW TRIAL BASED UPON
6 THE FACT THAT THE VERDICT'S NOT SUBSTANTIATED BY THE
7 EVIDENCE THAT'S BEEN PRESENTED IN THE CASE AND, OF
8 COURSE, RENEW ALL PRIOR MOTIONS AT THIS TIME AND
9 RESERVE THE RIGHT TO MAKE ADDITIONAL MOTIONS AS WE
10 ENTER PHASE TWO OF THE CASE, INCLUDING THE FACT THAT
11 THE GRAND LARCENY OF THE VEHICLE OCCURRED AFTER THE
12 HOMICIDE

13 THE COURT ALL RIGHT, YOUR MOTIONS ARE
14 DENIED OF COURSE, THE LAW PROVIDES THAT WE MUST
15 CONDUCT A SEPARATE PROCEEDING THE PURPOSE OF THAT
16 PROCEEDING WILL BE FOR THE JURY TO CONSIDER
17 ADDITIONAL EVIDENCE THAT WILL BE OFFERED AND BASED
18 UPON THAT EVIDENCE MAKE A RECOMMENDATION AS TO
19 SENTENCE

20 THE LAW PROVIDES THAT THAT HEARING SHALL
21 BE CONDUCTED AS NEAR AS POSSIBLE TO THE GUILT PHASE
22 OF THE TRIAL, BUT NOT BEFORE TWENTY-FOUR HOURS HAS
23 PASSED UNLESS THE DEFENDANT WAIVES THAT PERIOD
24 DOES THE DEFENDANT WISH TO ADHERE TO THE STATUTORY
25 REQUIREMENT OR WAIVE THE TWENTY-FOUR HOUR PERIOD?

1 MR TINSLEY HE ADHERES TO THE STATUTORY
2 REQUIREMENT

3 THE COURT ALL RIGHT IN OTHER MATTERS
4 THAT WE NEED TO ADDRESS BEFORE I BRING THE JURY BACK
5 TO BE EXCUSED?

6 MR JONES NONE FROM THE STATE, YOUR
7 HONOR

8 MR TINSLEY NONE

9 THE COURT BRING THE JURY BACK, PLEASE
10 ALSO, PLEASE BRING THE ALTERNATE JURORS IN

11 MR GARRETT YOU DO INTEND TO KEEP THE
12 ALTERNATES SEQUESTERED?

13 THE COURT YES, SIR
14 (JURY RE-ENTERS COURTROOM)

15 THE COURT LET ME INFORM THE ALTERNATE
16 JURORS THAT THE JURY HAS ARRIVED AT A VERDICT WE
17 HAVE RECEIVED THAT VERDICT THE JURY HAS FOUND THE
18 DEFENDANT TO BE GUILTY IN COUNT ONE OF THE
19 INDICTMENT AS TO THE CRIME OF MURDER THE JURY HAS
20 ALSO FOUND THE DEFENDANT TO BE GUILTY OF COUNTY TWO
21 OF THE INDICTMENT THAT IS THE CRIME OF MURDER THE
22 JURY HAS ALSO FOUND THE DEFENDANT GUILTY OF COUNTY
23 THREE OF THE INDICTMENT THAT BEING FOR BURGLARY IN
24 THE FIRST DEGREE AND THE JURY HAD FOUND THE
25 DEFENDANT TO BE GUILTY OF COUNT FOUR OF THE

1 INDICTMENT THAT BEING THE OFFENSE OF GRAND LARCENY
2 THE LAW PROVIDES THAT WHEN A PERSON IS
3 FOUND GUILTY OF MURDER, AS YOU HAVE PREVIOUSLY BEEN
4 EXPLAINED, IT'S NECESSARY FOR A SUBSEQUENT HEARING
5 BE HELD AS SOON AS PRACTICABLE AFTER THIS FIRST
6 GUILT PHASE OF THE TRIAL IN ORDER FOR THE JURY TO
7 CONSIDER ADDITIONAL EVIDENCE THAT WILL BE OFFERED
8 AND IN ORDER FOR THE JURY TO MAKE A DECISION AS TO A
9 RECOMMENDATION AS TO PUNISHMENT

10 THE LAW PROVIDES THAT THAT SENTENCING
11 PROCEEDING SHALL BE HELD AS SOON AS PRACTICABLE
12 AFTER THE JURY HAS ARRIVED AT A VERDICT DURING THE
13 GUILT PHASE, BUT NOT SOONER THAN TWENTY-FOUR HOURS
14 AFTER THAT VERDICT HAS BEEN RECEIVED AND THEREFORE
15 IT WILL BE NECESSARY THAT YOU BE EXCUSED FOR A
16 PERIOD OF TWENTY-FOUR HOURS PRIOR TO US BEING ABLE
17 TO BEGIN WITH THAT SENTENCING PHASE

18 I ANTICIPATE THAT WE WILL DO THAT
19 BEGINNING AT ELEVEN O'CLOCK TOMORROW MORNING SO WE
20 ARE GOING TO EXCUSE YOU AT THIS TIME YOU WILL BE
21 TAKEN BACK TO THE MOTEL WHERE YOU WILL BE -- OR
22 WHERE YOU WILL REMAIN UNTIL YOU ARE BROUGHT BACK
23 HERE TOMORROW MORNING AT ELEVEN A M AT WHICH TIME
24 WE WILL BEGIN WITH THAT SENTENCING PROCEEDING

25 SO YOU ARE EXCUSED KEEP IN MIND THAT