

Volume I of III

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lee County

William Jeffrey Young, Circuit Court Judge

RECEIVED

AUG 23 2013

S.C. Supreme Court

TYRONE SINGLETARY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213528

APPENDIX

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STATE’S EXHIBIT #10 (TAPE),

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
COUNTY OF LEE)

STATE OF S.C.)
) PLAINTIFF)
 VS.) TRANSCRIPT OF RECORD)
)
 JACOB LYNCH AND TYRONE)
 SINGLETARY)
)
) DEFENDANTS)

NOVEMBER 18, 29-DEC 1, 2005
BISHOPVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE THOMAS W. COOPER, JR., JUDGE; AND
A JURY.

A P P E A R A N C E S:

PAUL FATA, ASSISTANT SOLICITOR
ATTORNEY FOR THE PLAINTIFF

CLIFFORD SCOTT, ESQUIRE
BRYAN DOBY, ESQUIRE
ATTORNEYS FOR THE DEFENDANTS

KATHLEEN RICHARDSON, RPR
OFFICIAL COURT REPORTER

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1 THE COURT: MADAM REPORTER, YOU HAVE THE
2 CAPTION. THIS IS A MATTER TO HEAR PRETRIAL MOTIONS
3 FILED INITIALLY BY MR. SCOTT ON BEHALF OF HIS CLIENT,
4 MR. LYNCH. TO SOME EXTENT MR. DOBY WILL PERHAPS JOIN
5 IN THESE MOTIONS ON BEHALF OF HIS CLIENT, MR.
6 SINGLETERARY.

7 MR. SCOTT, SINCE MOST OF THE MOTIONS, I THINK AT
8 LEAST APPEAR TO HAVE BEEN FILED BY YOU AT LEAST
9 INITIALLY, I WILL BE GLAD TO HEAR FROM YOU. YOUR
10 LETTER TO MR. FATA OF OCTOBER 31ST SETS OUT THE
11 MOTIONS TO THE DISPOSED OF TODAY, SO I'LL BE GLAD TO
12 TAKE THEM UP IN THAT ORDER UNLESS THERE'S SOME ORDER
13 THAT YOU WOULD WANT TO PROCEED IN.

14 MR. SCOTT: NO, YOUR HONOR, THAT'S FINE. AND --
15 AND JUDGE, WHAT I HAVE, WHICH I WILL PASS UP TO THE
16 COURT AND I WILL PROVIDE A COPY TO MR. FATA -- JUDGE,
17 THE BULK OF THAT IS THE TRANSCRIPT OF VIDEOTAPE OF
18 WIS TV WHICH ADDRESSES THE CHANGE OF VENUE MOTION AND
19 REFERS TYPICALLY TO MATERIAL CONTAINED ON THIS 24
20 MINUTE VIDEOTAPE.

21 THE COURT: RIGHT.

22 MR. SCOTT: JUDGE, THE FIRST MOTION IS A MOTION
23 FOR A SEPARATE TRIAL. IN A NUTSHELL, JUDGE, WITHOUT
24 ACTUALLY READING THIS, THIS MEMORANDUM INTO THE
25 RECORD, I WOULD APPRECIATE, HOWEVER, THE COURT TAKING

1 THE MEMORANDUM INTO CONSIDERATION AS IT DECIDES HOW
2 TO RULE ON THIS MOTION.

3 MR. LYNCH AND MR. SINGLETARY WERE BOTH INMATES
4 AT LEE CORRECTIONAL INSTITUTION IN OCTOBER 2003 WHEN
5 THIS PRISON DISTURBANCE TOOK PLACE. THEY ARE BOTH
6 CHARGED WITH A NUMBER OF OFFENSES, TAKING HOSTAGES,
7 ASSAULTING A -- CORRECTIONAL OFFICERS, INCITING TO
8 RIOT, BEING IN POSSESSION OF WEAPONS, ET CETERA.

9 THE COURT: RIGHT.

10 MR. SCOTT: BOTH INDIVIDUALS MADE STATEMENTS TO
11 LAW ENFORCEMENT. MR. LYNCH MADE A WRITTEN STATEMENT.
12 MR. SINGLETARY MADE A WRITTEN STATEMENT. IN MR.
13 SINGLETARY'S WRITTEN STATEMENT HE IMPLICATES HIMSELF
14 AND MR. LYNCH IN MR. LYNCH'S STATEMENT HE DOESN'T
15 EVEN MENTION MR. SINGLETARY.

16 JUDGE, THE REASON WE HAVE ASKED FOR A SEPARATE
17 TRIAL, IN TALKING WITH MR. LYNCH ABOUT THIS MONTHS
18 AGO WHEN WE THOUGHT THIS CASE WAS GOING TO BE TRIED
19 THEN, HE INDICATED HE WOULD LIKE ME TO MOVE THAT HE
20 BE TRIED SEPARATELY AND APART FROM MR. SINGLETARY.

21 JUDGE, I HAVE SET OUT WHAT I BELIEVE TO BE THE
22 BASIS -- OR I SHOULD SAY THE LAW IN SUPPORT OF THIS
23 MOTION IN THE MEMORANDUM. BUT IN A NUTSHELL, YOUR
24 HONOR, I CITED THE CASE OF STATE VERSUS SINGLETON,
25 WHICH IS A 1991 SOUTH CAROLINA SUPREME COURT

1 DECISION. AND IN THAT CASE OUR SUPREME COURT
2 ADMONISHES THE COURT, THE TRIAL COURTS TO BE CAUTIOUS
3 ABOUT HAVING JOINT TRIALS.

4 NOW, OF COURSE, THE COURT ACKNOWLEDGES IN THAT
5 CASE THAT THERE ARE SITUATIONS WHERE JOINT TRIALS
6 WERE APPROPRIATE, BUT IT INDICATES THAT WHEN YOU DO
7 THAT, YOU RUN INTO PROBLEMS SUCH AS -- ONE OF THE
8 PROBLEMS I THINK WE'RE GOING TO HAVE IN THIS CASE,
9 JUDGE, AND THAT IS THE REDACTED STATEMENT.

10 THE COURT: RIGHT.

11 MR. SCOTT: AND IN THE SINGLETON CASE THE COURT
12 CITED THE CASE OF STATE VERSUS BELAMY. AND IN THE
13 BELAMY CASE THE COURT GOES TO GREAT LENGTHS TO STATE
14 THAT THE STATE SHOULD CONSIDER ALL AVAILABLE
15 ALTERNATIVES BEFORE DECIDING TO TRY THE DEFENDANTS
16 JOINTLY, AND AGAIN MAKES MENTION OF THE PROBLEMS WITH
17 REDACTED STATEMENTS.

18 FURTHER, YOUR HONOR, I CITED THE CASE OF BRUTON
19 VERSUS UNITED STATES WHICH, OF COURSE, THE SEMINAL
20 CASE IN THIS AREA THAT WAS DECIDED BY THE US SUPREME
21 COURT IN 1968.

22 AND OF COURSE, IN THAT CASE WE HAD A TRIAL, A
23 JOINT TRIAL OF DEFENDANTS, AND THE COURT FOUND IN
24 THAT CASE THAT THE CONFRONTATIONAL CLAUSE WAS
25 VIOLATED AS A RESULT OF ONE DEFENDANT'S STATEMENT

1 BEING INTRODUCED AGAINST ANOTHER.

2 I REALIZE, OF COURSE, SINCE BRUTON A LOT OF
3 CASES HAVE BEEN -- HAVE DEVELOPED THAT ESSENTIALLY
4 ALLOW FOR THE STATE TO COME IN AND REDACT IT. THE
5 POSITION THAT I WOULD HAVE IN THIS CASE, YOUR HONOR,
6 IS THAT EVEN WITH A REDACTED STATEMENT COMING IN, MR.
7 SINGLETARY'S STATEMENT IS WRITTEN IN SUCH A WAY THAT
8 TO ALLOW THIS CASE TO BE TRIED -- OR I SHOULD SAY MR.
9 LYNCH'S CASE TO BE TRIED JOINTLY WITH HIM -- AND LET
10 ME BACK UP JUST A MINUTE, JUDGE, AND SAY I GUESS, YOU
11 KNOW, I MADE A MOTION FOR A SEPARATE TRIAL AND A
12 MOTION TO REDACT THE STATEMENT.

13 WHAT IS PERHAPS NOT CLEAR, YOUR HONOR, IS THAT
14 MY POSITION IS MR. SINGLETARY'S STATEMENT SHOULDN'T
15 COME IN AGAINST MR. LYNCH AT ALL.

16 THE COURT: RIGHT.

17 MR. SCOTT: BUT TO THE EXTENT THAT IT DOES, IT
18 CERTAINLY SHOULD BE REDACTED.

19 THE COURT: RIGHT.

20 MR. SCOTT: SO ALTHOUGH IT PROBABLY ISN'T CLEAR
21 FROM THE READING OF THE LIST OF MOTIONS I SUBMITTED
22 TO MR. FATA, SUBMITTED TO THE COURT, THESE MOTIONS
23 ARE INTERTWINED.

24 AND IT JUST APPEARS, YOUR HONOR, THAT IN VIEW OF
25 THE STATEMENT THAT MR. SINGLETARY MADE WHEREIN HE

1 CLEARLY IMPLICATES MR. LYNCH, HE INDICATES THAT HE
2 AND MR. LYNCH PLANNED THE EVENT, THAT HE STABBED ONE
3 OF THE VICTIMS, MR. LYNCH LATER STABBED THE VICTIM.

4 OF COURSE, I DON'T KNOW HOW IT'S GOING TO BE
5 REDACTED IN SUCH A WAY AS TO MAKE CLEAR THAT HE IS
6 NOT AT SOME POINT IN THAT STATEMENT ACTUALLY
7 REFERRING TO SOMEBODY ELSE. AND OF COURSE, THE
8 LIKELY OCCURRENCE THAT HE BE REFERRING TO BE THE
9 DEFENDANT SITTING AT THE STABLE.

10 THE COURT: RIGHT.

11 MR. SCOTT: I'M BEGINNING TO -- TO THINK THAT I
12 PROBABLY AM BEGINNING TO RAMBLE, JUDGE. AND I HAVE A
13 TENDENCY TO DO THAT, TALK TOO LONG. YOU WANT ME TO
14 STOP, I WILL STOP RIGHT NOW.

15 THE COURT: NO, I'M FOLLOWING YOUR MOTION. AND
16 I'M -- I NEED TO LOOK AT A COPY OF THE -- OF THE
17 SINGLETARY STATEMENT, OF COURSE.

18 MR. SCOTT: YES, SIR.

19 THE COURT: AND IS THAT IN THE MATERIALS THAT
20 YOU HAVE GIVEN?

21 MR. SCOTT: WELL, I HAVE A COPY HERE, YOUR
22 HONOR, WHICH I WILL BE GLAD TO PASS UP TO THE COURT.

23 MR. DOBY: YOUR HONOR, CAN I INTERRUPT FOR A
24 MOMENT AND ASK THAT MY CLIENT BE ALLOWED TO COME INTO
25 THE COURTROOM? I WOULD PREFER TO HAVE MY CLIENT

1 PRESENT DURING ALL MOTIONS THAT ARE BEING HEARD.

2 THE COURT: LET ME CHECK WITH SECURITY AND SEE
3 IF THAT WOULD CREATE A PROBLEM.

4 MR. SCOTT: AS WOULD I, YOUR HONOR.

5 THE COURT: CHECK WITH THEM AND SEE IF SECURITY
6 PROBLEMS EXIST IN THAT REGARD.

7 (WHEREUPON THERE WAS A PAUSE.)

8 THE COURT: THE ATTORNEYS HAVE REQUESTED THE
9 PRESENCE OF THEIR CLIENTS IN THE COURTROOM. ALWAYS A
10 FIRST CONCERN THAT I HAVE IS SECURITY. AND I WILL
11 LEAVE THAT UP TO YOU ALL TO BE IN CHARGE OF IT.

12 IF THERE IS NO SECURITY PROBLEM, THEN I WILL
13 ALLOW THEM IN. IF IT'S A PROBLEM HAVING THEM BOTH IN
14 AT THE SAME TIME, I WILL DO THIS SEPARATELY AND HAVE
15 ONE CLIENT ONE AT A TIME. IF IT'S A PROBLEM HAVING
16 THEM IN THE COURT UNDER ANY CIRCUMSTANCES, THEN THEY
17 WON'T COME IN.

18 OFFICER: WE DON'T HAVE ANY PROBLEM. THE ONLY
19 REQUEST WE ARE ASKING, ASK THAT THEY STAY IN
20 RESTRAINTS DUE TO THE SEVERITY OF THIS.

21 THE COURT: YES. THEY WILL BE IN RESTRAINTS AND
22 YOU CAN A -- YOU ALL CAN PLACE YOURSELVES WHEREVER
23 YOU WISH TO BE PLACED IN PROXIMITY TO -- HOLD THEIR
24 HAND, DO WHATEVER YOU WANT TO DO. THAT'S NOT OUR
25 CONCERN. WE DON'T HAVE A JURY HERE.

1 OFFICER: MAY WE HAVE BOTH -- IS IT POSSIBLE
2 SAME TIME SO--

3 THE COURT: SIR?

4 OFFICER: IS IT POSSIBLE DO THEM AT SAME TIME SO
5 WE DON'T HAVE TO...

6 THE COURT: YES, SIR. THAT'S NO PROBLEM.
7 WHICHEVER IS EASIER FOR YOU. OKAY.

8 OFFICER: THAT'S NO PROBLEM.

9 THE COURT: BOTH HANDS, YOU CAN SEAT THEM
10 WHEREVER---

11 SECOND OFFICER: COUNSEL CONCUR ON THAT, SIR?
12 THEY COUNSEL'S -- THEIR ATTORNEYS?

13 THE COURT: WELL, I'M NOT SURE WHETHER HE HAS AN
14 OBJECTION TO IT OR NOT, BUT I MY UNDERSTANDING OF
15 YOUR QUESTION ARE BOTH IN AT THE SAME TIME?

16 OFFICER: RIGHT.

17 THE COURT: THEY CAN DO THAT AS A MATTER OF LAW.
18 THERE'S NO PROBLEM WITH THAT. MR. FATA, I TAKE IT
19 YOU HAVE NO OBJECTION?

20 MR. FATA: NO, SIR. I DO NOT.

21 THE COURT: THANK YOU, GENTLEMEN. MR.
22 SINGLETARY?

23 MR. SCOTT: AND YOUR HONOR, IF I MAY, WHEN I GOT
24 READY TO COME BACK IN THE COURTROOM, I ACTUALLY
25 INDICATED THEY SHOULD BRING THEM IN. I GUESS THEY

1 DIDN'T HEAR ME OR IGNORED ME.

2 THE COURT: RIGHT. WELL, I NOTICED THAT THEY
3 WERE NOT IN HERE. I ASSUME THAT WAS BY SOME
4 PREARRANGEMENT. WE WILL WAIT A MINUTE TILL THEY GET
5 IN HERE.

6 MR. SCOTT: YES, SIR.

7 (WHEREUPON THERE WAS A PAUSE.)

8 MR. DOBY: YOUR HONOR, I HAVE ALSO WRITTEN MR.
9 FATA WITH THE MOTIONS -- THE INFORMATION THAT I
10 INTENDED TO HAVE ADDRESSED TODAY, AND I DON'T KNOW
11 WHETHER YOU GOT A COPY OF THAT LETTER THAT I HAD SENT
12 TO MR. FATA. THAT'S MY LETTER.

13 THE COURT: I WILL LOOK AT IT. ALL RIGHT.

14 (WHEREUPON THE DEFENDANTS ENTERED THE
15 COURTROOM.)

16 THE COURT: THE STATEMENT OF MR. SINGLETARY I
17 HAVE BEEN PROVIDED WITH AND READ. MR. FATA, LET ME
18 HEAR FROM YOU IN REGARD TO THE MOTION FOR SEVERANCE
19 BASED ON THE CONCERN OF MR. SCOTT THAT THERE MIGHT BE
20 SOME BRUTON ISSUES ARISING FROM THE STATEMENT.

21 MR. FATA: YOUR HONOR, THIS IS -- SINCE
22 MR. SCOTT'S ONLY ARGUMENT IS REGARDING THE
23 ADMISSIBILITY OF MR. SINGLETARY'S STATEMENT, I ASSUME
24 THAT HE IS AGREEING THAT THE CASE AND THE FACT
25 SITUATION IS SO CLOSELY RELATED THAT IT WOULD BE

1 OTHER THAN THAT PROPER TO TRY THESE CASES TOGETHER.

2 IT'S THE STATE'S POSITION, YOUR HONOR, THAT MR.
3 SINGLETARY'S STATEMENT CAN BE EASY TO REDACT
4 ACCORDING TO THE CASES AND THAT A CURATIVE CHARGE, IF
5 NECESSARY, COULD BE GIVEN TO THE JURY TO INSTRUCT THE
6 JURY THAT THEY ARE ONLY TO CONSIDER THAT STATEMENT
7 AGAINST DEFENDANT SINGLETARY AND NO ONE ELSE, NOT
8 DEFENDANT LYNCH.

9 THAT IS THE NORMAL COURSE OF CASE OF CASE, YOUR
10 HONOR, OF DEALING WITH THIS MATTER, THIS SORT OF
11 SITUATION. AND THAT WOULD BE OUR POSITION, THAT THE
12 STATEMENT COULD BE REDACTED SUFFICIENTLY TO -- AND A
13 CURATIVE CHARGE GIVEN THAT IT WOULD NOT HAVE A
14 PREJUDICIAL EFFECT AGAINST MR. LYNCH.

15 THE COURT: ALL RIGHT. THANK YOU. MR. SCOTT,
16 IT DOES APPEAR THAT THE -- THAT THE STATEMENT AS I
17 READ IT NOW IS SUBJECT TO REDACTION. THE COPY THAT
18 YOU HANDED UP, IS THAT YOUR ONLY COPY OR IS THIS A
19 COPY THAT I CAN...

20 MR. SCOTT: JUDGE, I HAD ACTUALLY INTENDED TO
21 HAVE ANOTHER COPY MADE BEFORE WE GOT STARTED THIS
22 MORNING BUT DIDN'T. I CAN GET A COPY FROM THE
23 SOLICITOR.

24 MR. FATA: YOUR HONOR, I CAN PROVIDE MORE COPIES
25 RIGHT NOW.

1 THE COURT: OKAY. THE CLERK CAN -- I THINK BY
2 THE TIME I GET TO THIS, WE ARE GOING TO HAVE MORE
3 COPIES THAN NEEDED.

4 MR. SCOTT: YOUR HONOR, IF I MAY RESPOND JUST
5 BRIEFLY TO MR. FATA'S STATEMENT.

6 THE COURT: SURELY.

7 MR. SCOTT: JUDGE, MY OBJECTION PRIMARILY IS
8 THAT WHETHER MR. SINGLETARY'S STATEMENT IS REDACTED
9 OR NOT, GIVEN THE STRUCTURE OF THAT STATEMENT AND THE
10 WAY HE IMPLICATES MR. LYNCH IN THAT STATEMENT, EVEN
11 WITH THE REDACTION IT'S GOING TO BE OBVIOUS THEN THAT
12 HE'S REFERRING TO SOMEBODY ELSE PARTICIPATING WITH
13 HIM IN THIS INCIDENT -- IN THIS INSTANT.

14 AND THE ONLY OTHER PERSON THAT THE JURY CAN
15 CONCLUDE HE IS ALLUDING TO WOULD BE JACOB LYNCH. SO
16 MY OBJECTION IS THAT THE STATEMENT SHOULD NOT COME IN
17 AT ALL.

18 NOW, I UNDERSTAND THAT THE SOLICITOR HAS A RIGHT
19 TO TRY THE CASES TOGETHER IF IT DOES NOT POSE A
20 PROBLEM FOR THE DEFENDANT UNDER THE SIXTH AMENDMENT
21 CONVERSATION (SIC) CLAUSE ISSUE. I JUST BELIEVE IN
22 THIS INSTANCE, YOUR HONOR, THAT BASED ON THE
23 STRUCTURE OF THAT STATEMENT THAT WE'RE GOING TO --
24 WE'RE NOT GOING TO BE ABLE TO AVOID A PROBLEM LIKE
25 THAT. SO I WANTED TO CLARIFY THAT MY OBJECTION IS

1 NOT JUST TO THE STATEMENT--

2 THE COURT: OKAY.

3 MR. SCOTT: -- PER SAY. IT'S TO THE NATURE OF
4 THE STATEMENT I THINK THAT CAUSES THE PROBLEM, OF
5 COURSE.

6 THE COURT: ALL RIGHT, SIR. THANK YOU.

7 MR. FATA: YOUR HONOR, IF I MAY.

8 THE COURT: ALL RIGHT. ALL RIGHT, GENTLEMEN.
9 HERE'S JUST THE FIRST BLUSH, THE REDACTION THAT I
10 THINK WOULD SATISFY BRUTON AND I THINK ALL --
11 OBVIOUSLY MR. SCOTT IT IS NOT FULL RELIEF THAT YOU'RE
12 SEEKING. I THINK IT WOULD SANITIZE THIS STATEMENT TO
13 THE EXTENT THAT MR. LYNCH WOULD NOT BE PREJUDICED BY
14 IT.

15 ON THE SECOND LINE JUST ELIMINATE THE WORDS,
16 WITH LYNCH, SO THAT THAT SENTENCE READS, INMATE
17 TAKES -- TYRONE SINGLETARY TOOK OFFICER COTTON
18 HOSTAGE, ET CETERA.

19 FURTHER THERE ON THE PAGE THE SENTENCE BEGINS,
20 INMATE THAT WAS NAMED ON THAT LETTER WERE NOT
21 INVOLVED, BUT ONE NAME THERE IS IS LYNCH. TAKE OUT,
22 THE ONE NAME THAT IS IS LYNCH.

23 THEN ABOUT SIX LINES UP FROM THE BOTTOM THE
24 SENTENCE THAT SAYS, LYNCH ALSO STABBED COTTON ONE
25 TIME THIS INCIDENT WAS GOING ON. ELIMINATE THAT

1 SENTENCE ENTIRELY.

2 THERE ARE A NUMBER OF OTHER NAMES THAT ARE
3 THROWN INTO THIS THAT WERE NOT INVOLVED IN THE TRIAL
4 THAT -- WHO HAVE NO RIGHTS TO BE PREJUDICED BY HAVING
5 THEIR NAMES PUBLISHED IN THIS STATEMENT SO THAT
6 THE -- SO THAT A JURY I THINK IS GOING TO UNDERSTAND
7 THAT -- THAT THERE WERE OTHER PEOPLE INVOLVED AND
8 WILL NOT NECESSARILY GAVE WHEN THIS STATEMENT -- A
9 INFERENCE THAT MR. LYNCH WAS ONE OF THEM.

10 THE STATEMENT I THINK CAN SATISFACTORILY BE
11 REDACTED IN THAT FASHION SO AS TO ADDRESS THOSE
12 CONCERNS. SO THE MOTION FOR SEVERANCE ON THE
13 BASIS -- ON THE BRUTON BASIS, MR. SCOTT, WOULD BE
14 RESPECTFULLY DENIED BECAUSE OF THE REDACTIONS WHICH I
15 THINK ARE POSSIBLE IN THIS SCENARIO.

16 ALL RIGHT, SIR. I WILL BE GLAD NOW TO HEAR THE
17 NEXT MOTION IN THAT REGARD.

18 MR. SCOTT: ALL RIGHT. THANK YOU VERY MUCH.
19 JUDGE, THE -- JUDGE, THIS VIDEOTAPE AND THAT
20 TRANSCRIPT, WHICH I INDICATED TO THE COURT EARLIER I
21 WAS HANDING UP, HAVE -- DEAL WITH THE SECOND MOTION
22 WHICH IS THE CHANGE OF VENUE MOTION.

23 THE COURT: ALL RIGHT:

24 MR. SCOTT: WHEN THIS INCIDENT TOOK PLACE, YOUR
25 HONOR, THERE WAS EXTENSIVE NEWS COVERAGE,

1 SPECIFICALLY CHANNEL 10 FROM COLUMBIA CAME OUT, SENT
2 A CREW OUT, AND ONE OF THEIR NEWS REPORTERS, CRAIG
3 MELVIN, ACTUALLY -- AS I UNDERSTAND IT ACTUALLY
4 ENTERED THE PRISON.

5 THE COURT: RIGHT.

6 MR. SCOTT: THE -- WIS TV STATION, PURSUANT TO
7 SUBPOENA WHICH I SERVED AND WHICH MR. FATA SERVED,
8 PROVIDED US A COPY OF THE STORIES THAT WERE PRODUCED
9 AND BROADCAST AS A RESULT OF THIS INCIDENT.

10 THE TRANSCRIPT, JUDGE, AS I READ IT IN TRYING TO
11 PREPARE FOR THIS, THIS HEARING, SET FORTH ON THE TOPS
12 OF SEVERAL PAGES THE NUMBERS OF TIMES -- FORGIVE ME
13 JUDGE -- THE DATES THAT THE -- THE STORIES RAN AND
14 THE NUMBER OF TIMES DURING THOSE DATES.

15 I HAVE SET FORTH IN THE MEMO WHICH I PASSED UP
16 TO THE COURT THE DATES. AND BASED ON WHAT I CAN
17 GLEAM, YOUR HONOR, FROM LOOKING AT THE TRANSCRIPT, IT
18 APPEARS THAT ON OCTOBER 29, WHICH IS THE DAY THAT THE
19 INCIDENT ACTUALLY TOOK PLACE, THEY RAN THREE STORIES,
20 ONE AT 6 P.M, ONE AT 7 P.M. ONE AT 10.

21 AND ON THE FOLLOWING DAY WHICH IS THURSDAY
22 OCTOBER 30 THEY RAN SEVEN STORIES BEGINNING AT 5
23 A.M., ANOTHER AT 6 A.M, ANOTHER AT MID-DAY, ONE AT 5
24 P.M., 6 P.M., 7 P.M. AND AGAIN AT 11 P.M. FOR A TOTAL
25 OF SEVEN STORIES ON THAT DAY.

1 AND ON FRIDAY THE 31ST OF OCTOBER, RAN TWO
2 STORIES. ONE AT 5 A.M. NEWS HOUR, ANOTHER AT 6 A.M.
3 NEWS HOUR. THE -- IT'S REALLY HARD, JUDGE, WITHOUT
4 REALLY SEEING THE VIDEO TO GET A FEEL FOR WHAT THOSE
5 STORIES ACTUALLY WERE ABOUT.

6 BUT WHAT I TRIED TO DO IN MY MEMO IS SET FORTH A
7 SYNOPSIS OF WHAT I CONSIDER TO BE THE SALIENT ISSUES
8 THAT ARE FEATURED IN THESE STORIES. AND THE
9 VIDEOTAPE CONTAINS INTERVIEWS AND PRESS CONFERENCES
10 FOR THE RECORD, THE DEPARTMENT OF CORRECTIONS, DURING
11 WHICH HE NEGLIGENTLY DESCRIBES THE ALLEGED
12 PERPETRATOR, CHALLENGES THE STATE REASONS IN BEING A
13 RING LEADER AS HE'S DESCRIBED IN THE NEWS CAST BY THE
14 REPORTER.

15 THERE IS AN INTERVIEW OF THE REPORTER, CRAIG
16 MELVIN. THERE IS SOME SCENES WHEREBY THEY GO INTO
17 THE PRISON AND ACTUALLY SHOW THE DISARRAY AND SOME OF
18 THE DAMAGE TO THE PROPERTY THAT TAKES PLACE.

19 THERE IS ACTUALLY AN INTERVIEW OF A COUSIN OF
20 ONE OF THE VICTIMS EXPRESSING HER CONCERNS. THERE IS
21 AN INTERVIEW OF PERSONS WHOSE FAMILY MEMBER IS ALSO A
22 CORRECTIONAL OFFICER WITHIN THE DEPARTMENT OF
23 CORRECTIONS EXPRESSING THEIR CONCERNS. THERE ARE
24 INTERVIEWS OF COMMUNITY RESIDENTS EXPRESSING CONCERNS
25 ABOUT THE SECURITY IN PRISON AND THE SAFETY.

1 SO THIS IS A -- AND AGAIN, YOUR HONOR, AS I
2 SAID, I'M NOT SURE IF THE COURT WOULD WANT TO RELY ON
3 THE TRANSCRIPT. THE TAPE IS 24 MINUTES LONG.

4 *THE COURT:* RIGHT.

5 *MR. SCOTT:* AND I DON'T KNOW IF THE COURT WANTS
6 TO VIEW THAT THIS MORNING, BUT I MADE IT AVAILABLE IN
7 THE EVENT THE COURT DID WANT TO LOOK AT IT. IN
8 ADDITION TO THE TAPE, JUDGE, THERE IS A NEWS ARTICLE
9 WHICH I DID ATTACH TO THE MATERIALS WHICH I PASSED UP
10 TO THE COURT.

11 *THE COURT:* RIGHT.

12 *MR. SCOTT:* AND THAT NEWS ARTICLE IS A NEWS
13 STORY WHICH APPEARED ONE WEEK LATER IN THE LEE COUNTY
14 OBSERVER.

15 *THE COURT:* YES, SIR.

16 *MR. SCOTT:* CHRONICLING WHAT HAPPENED. AND AS
17 THE COURT WILL NOTE, IT'S -- IT'S A FRONT PAGE STORY
18 AND THE BOLD-FACED HEADLINE READS, INMATE REVOLT
19 STILL -- AND IT INDICATES TWO GUARDS -- TWO GUARDS
20 BECAME HOSTAGES OR I SHOULD SAY GUARDS BECAME
21 HOSTAGES AND THE TWO WERE HURT.

22 THE STORY DISCUSSES THE EVENT WHICH OCCURRED AT
23 THE PRISON, FEATURES INTERVIEWS OF SOME RESIDENTS,
24 AND AGAIN, YOUR HONOR, SOME OF WHOM ACKNOWLEDGE THAT
25 THEY WEREN'T TOO CONCERNED ABOUT IT, OTHERS WHO --

1 WHO ACKNOWLEDGE THAT THEY WERE CONCERNED ABOUT THE
2 PRISON AND WHAT HAPPENED OUT THERE.

3 JUDGE, OUR POSITION IS, AS I SAID, I -- I HAVE
4 EXPRESSED THIS WITH MR. LYNCH EARLY ON WHEN WE FILED
5 THIS MOTION. OUR POSITION IS THAT BASED ON THE NEWS
6 COVERAGE THAT WAS -- WAS PROVIDED OF THIS EVENT,
7 BASED ON THE VERY PROMINENTLY DISPLAYED NEWS ARTICLE
8 OF THE WEEK LATER, THAT IT IS UNLIKELY THAT IT'S
9 GOING TO BE POSSIBLE TO IMPANEL A JURY OF UNBIASED,
10 IMPARTIAL JURORS IN LEE COUNTY.

11 I DON'T HAVE ANY AFFIDAVITS TO PRESENT TO THE
12 COURT. I WILL ACKNOWLEDGE THAT OPENLY HERE FOR THE
13 COURT. BUT YOUR HONOR, IT JUST APPEARS THAT BASED ON
14 THE NEWS COVERAGE, AND ESPECIALLY SOME OF THE
15 CONCERNS THAT WERE RAISED IN THIS -- OR RAISED BY
16 THIS VIDEOTAPE I SHOULD SAY--

17 *THE COURT:* RIGHT.

18 *MR. SCOTT:* -- THAT WE JUST FELT THAT COME TO
19 MAKE A MOTION FOR CHANGE OF VENUE.

20 *THE COURT:* I UNDERSTAND THAT. MR. SCOTT, I
21 WILL BE GLAD TO LOOK AT THAT, BUT I -- I'VE ALREADY
22 SEEN MOST OF IT. OF COURSE, I FOLLOWED THE STORY
23 MYSELF--

24 *MR. SCOTT:* YES, SIR.

25 *THE COURT:* -- WHEN IT DEVELOPED AND I RECALL

1 MOST OF THOSE STORIES. AND AS IS MOST OFTEN THE
2 CASE, IT'S THE SAME STORY REPEATED SEVERAL TIMES.
3 EVERY ONE SORT OF ELABORATES ON THE OTHER PERHAPS AS
4 A NEW PIECE OF NEWS COMES OUT THEY TACK ONTO IT. BUT
5 I'LL BE GLAD TO LOOK AT IT AGAIN.

6 HOWEVER, I CAN RULE FOR OUR PURPOSES TODAY
7 WITHOUT HAVING TO REFER TO THAT. I HAVE PERUSED
8 THROUGH THE TRANSCRIPT THAT YOU HAVE PROVIDED ME OR A
9 REPORT YOU HAVE GIVEN ME FROM WIS RATHER QUICKLY IN
10 THIS REGARD.

11 THE -- THIS -- OBVIOUSLY ANY PRISON RIOT
12 ATTRACTS NOTORIETY AND HERE IN LEE COUNTY A PRISON IN
13 THE MIDDLE OF THE COUNTY, THE RESIDENTS OF THE COUNTY
14 ARE NECESSARILY AWARE OF IT AND CONCERNED ABOUT IT.
15 AND I UNDERSTAND THAT. AND WE WILL FIND A WAY TO
16 ADDRESS THAT.

17 I'M AWARE OF THE ATTENTION THAT THE PRESENCE OF
18 THE WIS REPORTER WHO WAS CALLED IN AND I THINK -- AND
19 ACTUALLY INTERVIEWED OR TALKED WITH SOME OF THESE
20 PEOPLE. I DON'T THINK THAT THEY WERE NAMED AS SUCH
21 IN ANY OF THE REPORTS NOR AT THE LEE COUNTY OBSERVER.

22 WERE THEY? I CAN'T -- THE LEE COUNTY PAPER IS
23 KIND OF SMALL, TYPE SMALL. I HAVEN'T HAD A CHANCE TO
24 LOOK AT IT.

25 MR. SCOTT: WHAT WAS YOUR QUESTION AGAIN, SIR?

1 THE COURT: WERE THE DEFENDANTS ACTUALLY NAMED?

2 MR. SCOTT: OH, NO, SIR. THE DEFENDANTS
3 WEREN'T. IT'S JUST THAT SOME OF THE -- I THINK ONE
4 OF THE VICTIMS -- MAYBE BOTH OF THE VICTIMS WERE
5 NAMED. THE DEFENDANTS WERE NOT NAMED, YOUR HONOR.
6 THAT'S CORRECT.

7 THE COURT: ALL RIGHT. REFER TO THIS IN MY
8 OFFICE EUPHEMISTICALLY AS THE CRAIG MELVIN RIOT.
9 RIGHT OR WRONG, I'M NOT SURE THERE'S ANY CONNECTION
10 AT ALL WITH THE -- CRAIG MELVIN WAS JUST A REPORTER
11 BEFORE THIS THING HAPPENED. SHORTLY AFTER HE BECAME
12 NEWS ANCHOR.

13 BUT NONETHELESS, THE CONCERN THAT YOU HAVE
14 RAISED IS LEGITIMATE. BUT THE WAY TO ADDRESS IT IN
15 MY VIEW NOT ONLY IN THIS CASE BUT ACCORDING TO THE
16 LAW, IS THAT I MUST FIRST OF ALL TRY TO SEEK A FAIR
17 AND IMPARTIAL JURY FROM THE VENIRE HERE IN LEE
18 COUNTY.

19 THE CASE OF WARREN DOUGLAS MANNING, STATE VERSUS
20 WARREN DOUGLAS MANNING, THIS IS WARREN DOUGLAS
21 MANNING TWO -- THERE WERE FOUR OR FIVE TRIALS
22 INVOLVING WARREN DOUGLAS MANNING. I'M A LITTLE
23 FAMILIAR WITH WARREN DOUGLAS MANNING TWO. I WAS THE
24 TRIAL JUDGE IN THAT CASE.

25 BEFORE I BECAME INVOLVED IN THAT TRIAL A CHANGE

1 OF VENUE HAD BEEN GRANTED BY ANOTHER JUDGE AT THE
2 REQUEST OF THE STATE. AND I BECAME INVOLVED, WENT TO
3 LANCASTER, PICKED A JURY, CAME BACK, AND TRIED IT IN
4 DILLON. MR. MANNING WAS TRIED, CONVICTED, AND
5 SENTENCED TO DEATH.

6 THE SUPREME COURT REVERSED THAT CONVICTION ON
7 THE CHANGE OF VENUE MOTION AND ORDER. NOW GRANTED,
8 THAT WAS A -- A REQUEST BY THE STATE AND NOT BY THE
9 DEFENSE.

10 BUT THE LAW THAT CAME DOWN IN THAT CASE IS -- IS
11 STILL GOOD LAW REGARDLESS OF FROM WHICH SIDE THE
12 CHANGE OF VENUE MOTION COMES. AND THE CASE
13 INSTRUCTED US AS TRIAL JUDGES THAT WE MUST FIRST TRY
14 TO OBTAIN A FAIR AND IMPARTIAL JURY FROM THE LOCAL
15 VENIRE UNLESS THERE IS ADVANCE EVIDENCE TO US THAT
16 INDICATES THAT IT WOULD CLEARLY BE FRUITLESS TO TRY
17 TO DO THAT. AND THERE IS NO SUCH EVIDENCE IN THIS
18 PARTICULAR CASE.

19 WE HAVE REQUESTED AND JUDGE NEWMAN HAS SIGNED AN
20 ORDER SUMMONING ADDITIONAL JURORS TO THIS PARTICULAR
21 TRIAL BECAUSE OF A CONCERN ABOUT PRETRIAL PUBLICITY
22 AND THINGS OF THAT NATURE. AND SO WE WILL INQUIRE OF
23 THOSE JURORS IF THEY HAVE SEEN, HEARD OR READ
24 ANYTHING ABOUT THIS CASE, AND I WOULD IMAGINE THAT
25 MOST OF THEM WILL SAY THAT THEY HAVE.

1 AND THEN WE WILL ASK THEM IF THEY HAVE FORMED OR
2 EXPRESSED ANY OPINION AS TO THE GUILT OR THE
3 INNOCENCE BASED ON WHAT THEY HAVE SEEN OR HEARD OR
4 READ, AND WE WILL ASK THEM WHAT THAT WAS AND IF THEY
5 COULD SET IT ASIDE.

6 NOW -- AND OF COURSE, THOSE ARE JUST THE -- THE
7 BEAR BONES OF THE QUESTIONS THAT WILL BE ASKED. AND
8 DEPENDING UPON WHAT THEIR ANSWERS ARE, AND IF AFTER
9 GOING THROUGH THAT INQUIRY WE ARE NOT ABLE TO -- TO
10 SEAT A FAIR AND IMPARTIAL JURY, THEN CLEARLY YOUR
11 MOTION WILL BE GRANTED.

12 BUT I THINK AS A MATTER OF LAW AND UNDER THE
13 FACTS OF THIS PARTICULAR CASE AND AS IT PRESENTLY
14 STANDS BEFORE ME, WITHOUT SOME CLEAR INDICATION OF
15 TRYING TO DRAW A JURY OF THIS VENIRE WOULD BE
16 FRUITLESS AND A WASTE OF TIME, THE MOTION FOR CHANGE
17 OF VENUE AT THIS TIME MUST RESPECTFULLY BE DENIED.
18 IT CAN BE RE-RAISED, YOU KNOW, DURING THE JURY VENIRE
19 QUALIFICATION PROCESS.

20 MR. SCOTT: THANK YOU, YOUR HONOR.

21 THE COURT: ALL RIGHT.

22 MR. SCOTT: YOUR HONOR, AGAIN, PROCEEDING IN THE
23 ORDER THAT THESE MOTIONS ARE SET OUT IN THE LETTER
24 THAT I SENT TO MR. FATA, THE NEXT MOTION IS A JACKSON
25 V DENO MOTION.

1 THE COURT: OKAY. ALL RIGHT.

2 MR. FATA: YOUR HONOR, WE HAVE THE AGENTS THAT
3 TOOK THE STATEMENTS.

4 THE COURT: OKAY.

5 MR. FATA: AND MAY I INQUIRE IF HE IS -- MOTION
6 INCLUDES THE STATEMENTS MADE BY THE DEFENDANTS DURING
7 THE HOSTAGE NEGOTIATION SITUATION? MENTIONED
8 MR. MELVIN UP HERE.

9 THE COURT: THE MOTION IS AT LEAST INITIALLY TO
10 EXCLUDE ANY STATEMENTS MADE BY MR. LYNCH TO ANY AGENT
11 OR REPRESENTATIVE OF THE STATE OR TO ANYONE WHO WAS
12 ACTING ON BEHALF OF THE STATE INCLUDING STATEMENTS
13 MADE TO THE NEWS REPORTER CRAIG MELVIN. I -- I TAKE
14 IT, ARE THOSE STATEMENTS ALL ON TAPE?

15 MR. FATA: THOSE STATEMENTS, YOUR HONOR, THE --
16 THE STATEMENT TO MR. MELVIN IS ON A CASSETTE
17 RECORDING.

18 THE COURT: RIGHT.

19 MR. FATA: THE STATEMENTS DURING THE NEGOTIATION
20 PROCESS ARE ON THESE SIX VIDEOTAPES WHICH I HAVE
21 HERE. I HAVE THE AUDIOTAPE--

22 THE COURT: RIGHT.

23 MR. FATA: -- CUED UP WHENEVER -- THE VIDEOTAPES
24 ARE ABOUT FOUR OR FIVE HOURS.

25 THE COURT: RIGHT.

1 MR. FATA: AND THE AUDIOTAPE IS ONLY ABOUT 15
2 MINUTES.

3 THE COURT: OKAY.

4 MR. FATA: AND I DON'T KNOW HOW YOU WANTED TO DO
5 THAT, IF YOU WANTED TO TAKE THOSE TAPES WITH YOU, USE
6 MY SET.

7 THE COURT: WELL -- WELL, WHAT THE STATEMENTS --
8 WHAT THE TAPES SAY IS -- IS NOT SO IMPORTANT AS TO
9 WHETHER OR NOT JACKSON V DENO APPLIES. IN OTHER
10 WORDS APPLY IN THIS CASE. I DON'T NEED TO HEAR ALL
11 THE TAPES, I DON'T THINK.

12 I NEED TO DETERMINE WHETHER OR NOT FIRST OF ALL
13 THE STATEMENTS WERE CUSTODIAL, AND SECONDLY WHETHER
14 OR NOT THE STATEMENTS WERE MADE AS A RESULT OF
15 INTERROGATION OR WHETHER THEY WERE JUST SPONTANEOUS
16 STATEMENTS MADE BY THE WITNESSES IN THIS CASE.

17 AN INTERESTING SCENARIO ARISES, OF COURSE, IN A
18 HOSTAGE SITUATION AS TO WHETHER OR NOT THE -- IT IS
19 ACTUALLY A CUSTODIAL INTERROGATION. AND FOR ALL
20 INTENTS AND PURPOSES, I THINK WE CAN PROBABLY ASSUME
21 THAT IT IS FOR PURPOSES OF OUR STATEMENT HERE TODAY.

22 THEN THE QUESTION WOULD BE WHETHER OR NOT THEY
23 WERE ACTUALLY THE RESULT OF QUESTIONS OR WHETHER THEY
24 WERE JUST STATEMENTS THAT WERE MADE SPONTANEOUSLY.

25 NOW, THAT'S A QUESTION THAT I CAN'T ANSWER

1 WITHOUT SOME DIRECTION FROM YOU ALL. BUT LET'S CROSS
2 THESE BRIDGES ONE AT A TIME. LET'S FIRST OF ALL DEAL
3 WITH THE WRITTEN STATEMENTS THAT WERE MADE TO THE
4 OFFICERS AND DEAL WITH THEIR ADMISSIBILITIES OR LACK
5 OF ADMISSIBILITY FIRST, AND THEN WE'LL PROCEED ON.

6 THERE ARE -- MR. DOBY HAS A SIMILAR MOTION, OF
7 COURSE, MADE ON BEHALF OF MR. SINGLETARY TO EXCLUDE
8 ANYTHING -- THE STATEMENTS MADE BY HIM. THE SAME
9 OFFICER MAKE BOTH STATEMENTS?

10 MR. FATA: TWO OFFICERS TOOK BOTH -- THE SAME
11 TWO OFFICERS TOOK BOTH STATEMENTS. AND WE'RE
12 PREPARED TO PRESENT THEM AT THIS TIME. WE WILL DO
13 MR. LYNCH FIRST AND THEN WE WILL DO MR. SINGLETARY.

14 THE COURT: ALL RIGHT.

15 MR. FATA: YOUR HONOR, WE WOULD CALL OFFICER
16 CREECH, MARK CREECH WITH SLED.

17 THE COURT: MR. CREECH, COME FORWARD, PLEASE,
18 AND BE SWORN.

19 MR. FATA: YOUR HONOR, DO YOU WANT TO MARK AND
20 EVERYTHING NOW, THE STATEMENT FOR IDENTIFICATION?

21 THE COURT: MARK THEM FOR IDENTIFICATION.

22 (WHEREUPON, STATE'S EXHIBIT NO. 1 WAS MARKED FOR
23 IDENTIFICATION ONLY.)

24 MARK CREECH, AFTER BEING
25 DULY SWORN, TESTIFIED AS FOLLOWS:

1 Q ALL RIGHT. WHEN YOU TOOK MR. LYNCH'S STATEMENT, WHAT
2 WAS THE FIRST THING THAT YOU DID?

3 A WE READ HIM HIS RIGHTS OFF OF THIS PIECE OF PAPER.

4 Q OKAY. HOW ABOUT READ THAT RIGHTS SHEET.

5 A SAYS, BEFORE WE ASK YOU ANY QUESTIONS YOU MUST
6 UNDERSTAND YOUR RIGHTS. YOU HAVE THE RIGHT TO REMAIN
7 SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU
8 IN A COURT OF LAW. YOU HAVE THE RIGHT TO TALK TO A LAWYER
9 FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO HAVE HIM
10 OR HER PRESENT WITH YOU DURING ANY QUESTIONS.

11 IF YOU HAVE NO MONEY FOR LAWYERS' FEES, THE COURT
12 WILL APPOINT ONE TO REPRESENT YOU WITHOUT COST IF YOU
13 WISH. IF YOU DECIDE TO ANSWER ANY QUESTIONS NOW WITHOUT A
14 LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP
15 ANSWERING QUESTIONS AT ANY TIME.

16 YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
17 AT ANY TIME UNTIL YOU TALK WITH A LAWYER. AND IT SAYS, I
18 HAVE READ THIS STATEMENT OF MY RIGHTS AND UNDERSTAND WHAT
19 MY RIGHTS ARE. AND IT IS SIGNED BY JACOB LYNCH.

20 THEN THERE IS A SECOND PART THAT'S CALLED A WAIVER OF
21 RIGHTS, AND IT SAYS, I AM WILLING TO MAKE A STATEMENT AND
22 ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I
23 UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR
24 THREATS HAVE BEEN MADE TO ME, AND NO PRESSURE OR COERCION
25 OF ANY KIND HAVE BEEN USED AGAINST ME. AND IT IS SIGNED

1 BY JACOB LYNCH AND IT IS WITNESSED BY MYSELF AND JOHNNY
2 ABRAHAM WITH SLED.

3 Q ALL RIGHT. WHEN YOU READ MR. LYNCH HIS RIGHTS AND
4 YOU SAID, YOU HAVE THE RIGHT TO REMAIN SILENT, DID HE
5 UNDERSTAND WHAT THAT MEANT?

6 A YES, SIR.

7 Q DID HE UNDERSTAND THAT HE DID NOT -- THAT MEANT HE
8 DID NOT HAVE TO SAY ANYTHING TO YOU OR WRITE ANYTHING OUT
9 TO YOU OR THE OTHER AGENT?

10 A HE INDICATED HE UNDERSTOOD.

11 Q DID HE -- WHEN YOU TOLD HIM THAT, ANYTHING YOU SAY
12 CAN BE -- CAN AND WILL BE USED AGAINST YOU IN A COURT OF
13 LAW, DID HE UNDERSTAND THAT HE WAS GIVING EVIDENCE AGAINST
14 HIMSELF IF -- MAYBE, MAY BE GIVING EVIDENCE?

15 A HE INDICATED THAT HE UNDERSTOOD.

16 Q ALL RIGHT. AND YOU READ, YOU HAVE THE RIGHT TO TALK
17 TO A LAWYER FOR ADVICE BEFORE YOU -- BEFORE WE ASK YOU ANY
18 QUESTIONS AND HAVE TO HAVE HIM OR HER PRESENT WITH YOU
19 DURING QUESTIONING. DID HE UNDERSTAND THAT HE HAD THE
20 RIGHT TO HAVE A LAWYER LIKE HE HAS WITH HIM TODAY?

21 A HE INDICATED HE DID.

22 Q DID HE ASK FOR A LAWYER?

23 A NO, SIR.

24 Q DID -- AND DID HE UNDERSTAND THAT RIGHT?

25 A YES, SIR.

1 Q YOU UNDERSTAND THAT BEING A PRISONER, HE DIDN'T HAVE
2 THE MONEY, AND YOU TOLD HIM THAT IF YOU HAVE NO MONEY FOR
3 A LAWYERS' FEE, THE COURT WILL APPOINT ONE TO REPRESENT
4 YOU WITHOUT COST TO YOU IF YOU WISH. DID HE UNDERSTAND
5 THAT EVEN THOUGH HE COULDN'T AFFORD ONE, A LAWYER, THAT
6 THE COURT WOULD PROVIDE ONE FOR HIM?

7 A HE INDICATED HE DID.

8 Q ALL RIGHT. AND DID HE UNDERSTAND WHEN YOU TOLD HIM,
9 IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER
10 PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING
11 QUESTIONS AT ANY TIME. DID HE UNDERSTAND THAT?

12 A HE INDICATED HE DID.

13 Q DID HE EVER ASK TO STOP?

14 A NO, SIR.

15 Q YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
16 AT ANY TIME UNTIL YOU TALK WITH A LAWYER. DID HE
17 UNDERSTAND THAT HE COULD STOP AND SAY, I WANT A LAWYER
18 NOW?

19 A HE INDICATED HE DID.

20 Q DID -- AND YOU SAY ON HERE, I HAVE READ THIS
21 STATEMENT AND -- OF MY OWN RIGHT, RIGHTS, AND I UNDERSTAND
22 WHAT MY RIGHTS ARE.

23 A YES, SIR.

24 Q DID HE READ THE STATEMENT?

25 A YES, SIR. WE WENT OVER THIS WITH HIM AND HE SIGNED

1 IT.

2 Q DID YOU -- YOU WENT OVER IT WITH HIM LINE BY LINE?

3 A UH-HUH.

4 Q AND HE READ IT HIMSELF, AND THAT'S HIS SIGNATURE ON
5 THE SIGNATURE LINE?

6 A THAT'S HIS SIGNATURE DOWN THERE, YES, SIR.

7 Q DID APPEAR THAT MR. LYNCH WAS UNDER THE INFLUENCE OF
8 ANYTHING?

9 A NO, SIR.

10 Q ALCOHOL, DRUGS, OR ANYTHING LIKE THAT?

11 A NO, SIR.

12 Q DID IT APPEAR THAT HE WAS IN POSSESSION OF HIS
13 FACULTIES, KNEW WHERE HE WAS, WHAT HE WAS DOING, KNEW WHAT
14 HIS RIGHTS WERE?

15 A YES, SIR.

16 Q DID YOU OR AGENT ABRAHAM DO ANYTHING, MAKE ANY
17 THREATS, MAKE ANY PROMISES TO HIM, COERCE HIM IN ANY WAY
18 TO MAKE HIM GIVE YOU THE STATEMENT ON -- THAT HE -- THAT
19 HE FINALLY DID GIVE YOU?

20 A NO, SIR.

21 Q THE WAIVER OF RIGHTS, HE -- HE SAID THAT, I'M MAKING
22 A -- I'M MAKING THIS STATEMENT, ANSWERING QUESTIONS. AND
23 HE -- AND HE SIGNED THAT HE UNDERSTOOD WHAT HE WAS DOING
24 WHEN HE GAVE UP THOSE RIGHTS?

25 A YES, SIR.

1 Q AT ANY TIME DID HE ASK FOR A LAWYER?

2 A NO, SIR.

3 Q DID AT ANY TIME HE ASK FOR ANY ASSISTANCE FROM ANYONE

4 ELSE?

5 A NO, SIR.

6 Q ALL RIGHT. AND NEITHER YOU OR AGENT ABRAHAM COERCED

7 HIM OR THREATENED HIM OR ANYTHING LIKE THAT?

8 A NO, SIR.

9 Q HOW -- WHAT -- HOW WAS HE DRESSED?

10 A HE WAS IN PRISON CLOTHES.

11 Q AND WAS HE MANACLED AND SHACKLED?

12 A I THINK HE HAD LEG SHACKLES ON AND I THINK HE WAS

13 HANDCUFFED IN THE FRONT.

14 Q OKAY.

15 A IF MY MEMORY SERVES ME CORRECTLY.

16 Q AND WHAT WAS THE ROOM LIKE IN WHICH THE STATEMENT WAS

17 GIVEN?

18 A IT WAS AT KIRKLAND AND I BELIEVE IT WAS AN OFFICE

19 THAT ONE OF THE SUPERVISORS HAS.

20 Q IT WASN'T A CELL OR ANYTHING LIKE THAT?

21 A NO, SIR.

22 Q SO IT WAS IN AN ENVIRONMENT THAT HE WAS USED TO?

23 A HE WAS THERE.

24 Q OKAY. NOW, THE STATEMENT IS -- IS IN HANDWRITING.

25 WHOSE HANDWRITING IS THAT?

1 A THE TOP PART OF THE STATEMENT HIS NAME AND SLED AGENT
2 CREECH AND ABRAHAM, 22 YEARS OF AGE, IN LEE CI, TENTH
3 GRADE, AND DATE OF BIRTH IS MY HANDWRITING. ON THE
4 STATEMENT THAT IS FILLED OUT ON THE LINES IS IN HIS
5 HANDWRITING.

6 Q AND AT THE BOTTOM, WHOSE SIGNATURE IS THAT?

7 A THAT IS HIS.

8 Q OKAY. AND IS WITNESSED BY?

9 A JOHNNY ABRAHAM AND MYSELF, AND WE ALSO -- HE SIGNED
10 IT, HE STATED THAT HE GOT A COPY OF THIS STATEMENT.

11 Q OKAY. WOULD YOU READ THE STATEMENT INTO THE RECORD,
12 PLEASE.

13 A AT OR ABOUT 4:00 OFFICER COTTON CAME AROUND TO FEED
14 ME AND HAD -- AND HIM HAD WORDS AT LUNCH TIME AND ARGUED
15 AT DINNER. I CAME OUT AND REFUSED TO GO IN UNTIL I SAW A
16 WHITE SHIRT OFFICER. COTTON SAID I COULD NOT SEE A WHITE
17 SHIRT AND IF I DIDN'T GO IN, I WOULD GET MY ASS BEAT.

18 I JUMPED AT HIM AND HE SPRAYED ME WITH GAS. I CHASED
19 HIM, HE LOCKED HIMSELF -- HIS SELF INTO 2205 AND CONTINUED
20 TO SPRAY ME WITH GAS AND SWING A HOMEMADE KNIFE AT ME. I
21 LEFT, WENT TO THE NORTH SIDE, SHOWED OFFICER DOZIER A
22 HOMEMADE KNIFE.

23 HE GAVE ME HIS KEYS. THEN I RETURNED TO SOUTH SIDE
24 TO 2205. THERE WERE INMATES ALREADY OUTSIDE. I ENTERED
25 THE ROOM, HANDCUFFED COTTON TO ME. HE WAS ALREADY STABBED

1 AND BRUISED.

2 THIS INCIDENT HAPPENED DUE TO OFFICER COTTON'S
3 ACTIONS TOWARD ME, DISRESPECT, AND VERBAL ABUSE, AND THE
4 OVERALL TREATMENT OF ME AT LEE COUNTY. MY DEMANDS WERE
5 SIMPLY TO SEE AND TALK TO THE MEDIA OR TO GET A CELL PHONE
6 TO CALL THE MEDIA. I NEVER STABBED HIM. I JUST HELD HIM
7 HOSTAGE TO GET MY DEMAND -- DEMANDS MET.

8 Q AND THAT WAS A FREE AND VOLUNTARY STATEMENT MADE BY
9 DEFENDANT LYNCH?

10 A YES, SIR.

11 Q ANSWER ANY QUESTIONS THAT MR. SCOTT MAY HAVE.

12 THE COURT: MR. SCOTT, YOU CAN CROSS-EXAMINE.

13 MR. SCOTT: YOUR HONOR, THANK YOU. MAY IT
14 PLEASE THE COURT.

15 THE COURT: YES, SIR.

16 CROSS-EXAMINATION

17 BY MR. SCOTT:

18 Q MR. CREECH, NOW HOW LONG HAVE YOU SPENT GOING THROUGH
19 THIS WAIVER FORM WITH MR. LYNCH?

20 A WE STARTED AT 3:22 P.M.

21 Q RIGHT. I NOTICE THAT. HOW LONG DID YOU ACTUALLY
22 SPEND ON THE RIGHTS WAIVER FORM WITH HIM?

23 A IN THE TIME AT THE BOTTOM IS 3:24 P.M.

24 Q 3:24. SO YOU SPENT TWO MINUTES GOING OVER THIS WITH
25 HIM?

1 A YES, SIR.

2 Q OKAY. WHAT DO YOU KNOW ABOUT MR. LYNCH'S EDUCATIONAL
3 BACKGROUND?

4 A HE STATED HE COMPLETED THE TENTH GRADE IN SCHOOL.

5 Q OKAY.

6 A ON THE STATEMENT IT SAYS, I CAN READ AND WRITE, AND I
7 COMPLETED THE TENTH GRADE IN SCHOOL.

8 Q SO HE'S NOT A HIGH SCHOOL GRADUATE; RIGHT?

9 A IT SAYS, I CAN READ AND WRITE AND I COMPLETED THE
10 TENTH---

11 Q BUT MY QUESTION IS NOT WHETHER HE CAN READ OR WRITE.
12 MY QUESTION IS, HE'S NOT A HIGH SCHOOL GRADUATE, AND
13 THAT'S---

14 A IT DOESN'T APPEAR HE---

15 Q THAT'S WHAT HE SAID. ALL RIGHT. NOW, YOU INDICATED
16 THAT -- WHERE DID YOU SAY YOU TOOK THIS STATEMENT?

17 A IT WAS AT KIRKLAND CORRECTIONAL INSTITUTE.

18 Q WHERE AT KIRKLAND?

19 A IN ONE OF THE BUILDINGS THERE THAT HE WAS HOUSED.

20 Q OKAY.

21 A AND IT WAS A -- THEY HAVE -- THEIR HOUSING UNIT IS --
22 IS -- THEY HAVE SEPARATE BUILDINGS AND SEPARATE DORMS AND
23 THE INMATES ARE HOUSED IN DIFFERENT BUILDINGS AND IT WAS
24 AN OFFICE.

25 Q IN AN OFFICE OR A BROOM CLOSET?

1 A AN OFFICE.

2 Q OKAY. WHOSE OFFICE?

3 A AT A DESK.

4 Q PARDON?

5 A THERE WAS A DESK AND SOME CHAIRS IN THERE.

6 Q OKAY. DO YOU KNOW WHOSE OFFICE IT WAS?

7 A NO, SIR.

8 Q OKAY. NOW, IN RESPONSE TO MR. FATA'S QUESTION ABOUT
9 WHETHER MR. LYNCH WAS FAMILIAR WITH THE SURROUNDINGS, I
10 DIDN'T HEAR YOUR ANSWER. I WAS TAKING NOTES. WHAT DID
11 YOU SAY?

12 A HE WAS HOUSED THERE.

13 Q OKAY. BUT HE HADN'T BEEN THERE THAT LONG. IN FACT,
14 THE RIOT AS IT'S DESCRIBED TOOK PLACE ON THE 29TH OF
15 OCTOBER. AND YOU QUESTIONED HIM ON THE FOURTH OF
16 NOVEMBER. SO IT'S BEEN ABOUT FOUR OR FIVE DAYS THAT HE
17 MAY HAVE BEEN AT KIRKLAND?

18 A YES, SIR.

19 Q OKAY. SO IT'S NOT AS IF HE HAD BEEN THERE FOR A LONG
20 TIME AND HAD GOTTEN USED TO THE SURROUNDINGS?

21 A NO, SIR. I MEAN, MY UNDERSTANDING IS THEY WERE
22 TRANSPORTED THERE ON THE 29TH.

23 Q OKAY. ALL RIGHT. NOW---

24 A NOW, WHETHER HE HAD BEEN IN THAT FACILITY OR NOT, I
25 DON'T KNOW.

1 Q OKAY. WELL, YOU---

2 A AT SOME PREVIOUS TIME, I DON'T KNOW.

3 Q BUT WHAT EVIDENCE DID YOU HAVE THAT HE WAS AT THERE
4 AT SOME PREVIOUS TIME -- WAS THERE AT SOME PREVIOUS TIME?

5 A I HAVE NONE. THAT'S WHAT I'M SAYING.

6 Q OKAY.

7 A I DON'T KNOW IF THAT WAS THE FIRST TIME HE HAD EVER
8 BEEN THERE OR NOT.

9 Q ALL RIGHT. NOW, YOU -- WHO ELSE WAS WITH YOU?

10 A SPECIAL AGENT JOHNNY ABRAHAM.

11 Q AND WAS THERE ANYBODY ELSE IN THE ROOM WITH YOU?

12 A NO, SIR.

13 Q OKAY. AND -- MR. LYNCH APPEARED NERVOUS TO YOU AT
14 ALL?

15 A NO, SIR.

16 Q OKAY. DID HE APPEAR TO BE UNDER DURESS OR STRESS?

17 A NO, SIR.

18 Q WHO WAS IT THAT TOLD HIM THAT -- OR INDICATED TO HIM
19 YOU KNOW THINGS MIGHT BE HARD FOR YOU FOR -- FOR
20 ASSAULTING A POLICE OFFICER, CORRECTIONAL OFFICER IN
21 PRISON? DID YOU TELL HIM THAT OR DID YOUR PARTNER TELL
22 HIM THAT?

23 A I DON'T RECALL THAT STATEMENT.

24 Q YOU DON'T RECALL THAT?

25 A NO, SIR.

1 Q ARE YOU SAYING IT DIDN'T HAPPEN OR THAT YOU -- YOU
2 DON'T RECALL?

3 A I DID NOT SAY THAT. NO, SIR.

4 Q OKAY. WHAT ABOUT YOUR PARTNER, DID HE SAY THAT?

5 A NOT TO MY KNOWLEDGE HE DIDN'T.

6 Q SO ARE YOU SAYING HE DIDN'T SAY IT OR THAT YOU DON'T
7 REMEMBER THAT HE SAID IT?

8 A SAY THAT -- ASK -- WHAT'S YOUR...

9 Q ALL RIGHT. MY UNDERSTANDING IS THAT ONE OF YOU
10 INDICATED TO MR. LYNCH, YOU KNOW IT CAN BE DIFFICULT FOR
11 YOU IN PRISON FOR ASSAULTING A CORRECTIONAL OFFICER OR
12 POLICE OFFICER. ARE YOU SAYING THAT STATEMENT WAS NOT
13 MADE?

14 A I DO NOT RECALL THAT STATEMENT BEING MADE.

15 Q DID YOU OR DID MR -- YOUR PARTNER TELL HIM, YOU MAY
16 AS WELL TALK TO US SINCE EVERYBODY ELSE HAS TALKED?

17 A I DON'T RECALL THAT.

18 Q YOU DON'T RECALL SAYING THAT?

19 A NO, SIR.

20 Q ARE YOU DENYING THAT IT -- THAT IT HAPPENED OR ARE
21 YOU SIMPLY SAYING YOU DON'T REMEMBER?

22 A I DON'T RECALL THAT.

23 Q HAD ANYBODY ELSE TALKED TO MR. LYNCH ON A PREVIOUS
24 DATE BEFORE YOU OR MR. ABRAHAM MET WITH HIM ON THE FOURTH
25 OF NOVEMBER?

1 A IT'S MY UNDERSTANDING THAT SOME INMATES WERE
2 INTERVIEWED THAT NIGHT AT LEE, AND WE HAVE COPIES OF THOSE
3 IN OUR REPORT. I DO NOT KNOW IF HE GAVE A STATEMENT TO
4 ANYBODY ELSE OR NOT.

5 Q OKAY. MY QUESTION IS, DO YOU KNOW WHETHER ANY OTHER
6 AGENT INTERVIEWED MR. LYNCH BEFORE YOU AND MR. ABRAHAM
7 INTERVIEWED HIM--

8 A NO.

9 Q -- ON THE 4TH OF NOVEMBER? YOU DON'T KNOW?

10 A NO, SIR.

11 Q OKAY. NOW, YOU INDICATED IN RESPONSE TO ONE OF MR.
12 FATA'S QUESTIONS THAT YOU WENT OVER IT LINE BY LINE. YOU
13 WENT OVER WHAT LINE BY LINE, THE STATEMENT OR THE RIGHTS
14 OF WAIVER FORM?

15 A WE READ THE RIGHTS WAIVER FORM LINE BY LINE.

16 Q ALL RIGHT. NOW, ACCORDING TO THE STATEMENT, THE
17 STATEMENT WAS SIGNED AT -- WAS THAT 4:00 OR 4:10 P.M. I'M
18 HAVING DIFFICULTY MAKING THAT OUT.

19 A 4:10.

20 Q OKAY. AND YOU SAID THE RIGHTS WAIVER WAS COMPLETED
21 AT 3:24?

22 A YES, SIR.

23 Q SO Y'ALL SPENT ABOUT, WHAT, ABOUT 40 MINUTES TALKING
24 TO HIM?

25 A THAT APPEARS...

1 Q ABOUT 35, 40 MINUTES? OKAY. WAS HE ABLE TO -- NOW,
2 YOU SAID HE HAD ANKLE SHACKLES ON; IS THAT RIGHT?

3 A YES, SIR.

4 Q LEG IRONS?

5 A YES, SIR.

6 MR. SCOTT: JUDGE, COULD I ASK HIM TO STAND UP
7 FOR JUST A SECOND, PLEASE SIR?

8 THE COURT: ALL RIGHT, SIR. MR. LYNCH, YOU CAN
9 STAND UP RIGHT WHERE YOU ARE.

10 (DEFENDANT LYNCH STOOD).

11 BY MR. SCOTT:

12 Q HE WAS ESSENTIALLY OUT -- ATTIRED LIKE HE IS TODAY
13 WITH THE WAIST CHAIN AND THE HANDCUFFS; WASN'T HE?

14 A I DON'T RECALL THE WAIST CHAIN, AND IT APPEARS THAT
15 THERE IS SOME TYPE OF BOX ON THE HANDCUFFS. I DON'T
16 RECALL THAT. WHAT I RECALL IS LEG IRONS AND THE
17 HANDCUFFS.

18 Q BUT HE WASN'T ABLE TO MOVE ABOUT FREELY, I MEAN,
19 CLEARLY?

20 A I MEAN, HE COULD MOVE HIS HANDS UP AND DOWN. HE
21 COULD WRITE THE STATEMENT. NOW, WE MAY HAVE EVEN TAKEN
22 HIS HANDCUFFS OFF TO WRITE THE STATEMENT.

23 Q PARDON ME?

24 A WE MAY HAVE EVEN TAKEN HIS HANDCUFFS OFF AT SOME
25 POINT IN TIME. HE WROTE THIS STATEMENT OUT.

1 Q NOW, DID -- WAS HE OFFERED A CHANCE TO -- TO TAKE A
2 BATHROOM BREAK OR GET A GLASS OF WATER? DID Y'ALL OFFER
3 HIM ANY OF THAT DURING THE TIME THAT YOU TALKED TO HIM?

4 A I DON'T RECALL OFFERING HIM ANY OF THAT, BUT HAD HE
5 INDICATED HE NEEDED TO DO THAT, WE CERTAINLY WOULD HAVE
6 GIVEN HIM THAT OPPORTUNITY.

7 Q WHO ELSE HAD YOU INTERVIEWED BEFORE -- HAD YOU
8 INTERVIEWED THE CO-DEFENDANT BEFORE YOU INTERVIEWED MR.
9 LYNCH?

10 A WE WERE INTERVIEWING THEM BOTH THE SAME DAY. WE
11 INTERVIEWED SEVERAL PEOPLE THAT DAY.

12 Q MY QUESTION IS---

13 A I'M NOT -- I DON'T RECALL WHO WAS INTERVIEWED FIRST.

14 THE COURT: I BELIEVE THE STATEMENT OF MR.
15 SINGLETARY, ACCORDING TO THE VOLUNTARY STATEMENT, IT
16 WAS COMPLETED BY LOOKING AT THE SAME ONE AT 5:20 P.M.
17 IT WOULD APPEAR MR. LYNCH WOULD BE FIRST, MR.
18 SINGLETARY WAS INTERVIEWED SECOND ACCORDING TO THE
19 TIME IN THE STATEMENT.

20 MR. SCOTT: THANK YOU, YOUR HONOR. THANK YOU.
21 YOUR HONOR, THAT'S ALL I HAVE AT THIS TIME.

22 THE COURT: THANK YOU. YOU CAN STEP DOWN.

23 (WHEREUPON THE WITNESS LEFT THE STAND.)

24 MR. FATA: YOUR HONOR, WE WOULD CALL SPECIAL
25 AGENT JOHNNY ABRAHAM.

1 THE COURT: ALL RIGHT. MR. ABRAHAM, YOU CAN
2 COME FORWARD AND BE SWORN, PLEASE. MR. ABRAHAM.

3 JOHNNY ABRAHAM, AFTER BEING
4 DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE COURT: MR. FATA?

6 MR. FATA: THANK YOU, YOUR HONOR.

7 DIRECT EXAMINATION

8 BY MR. FATA:

9 Q AGENT ABRAHAM, YOU WERE WITH SLED, SOUTH CAROLINA LAW
10 ENFORCEMENT DIVISION?

11 A THAT'S CORRECT.

12 Q HOW MANY YEARS HAVE YOU BEEN WITH THEM?

13 A ALMOST EIGHT. AND PRIOR TO THAT I WAS WITH FLORENCE
14 COUNTY SHERIFF'S DEPARTMENT.

15 Q AS PART OF YOUR DUTIES WITH THE SOUTH CAROLINA LAW
16 ENFORCEMENT DIVISION, DID YOU HAVE AN OPPORTUNITY TO
17 INVESTIGATE A PRISON SITUATION, A HOSTAGE SITUATION, THAT
18 OCCURRED ON OCTOBER THE 29TH, 2003?

19 A YES, I DID.

20 Q AND AS PART OF THAT, DID YOU INTERVIEW A JACOB LYNCH,
21 DEFENDANT JACOB LYNCH?

22 A YES.

23 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
24 EXHIBIT ONE FOR IDENTIFICATION. IT'S MADE UP OF TWO
25 PAGES. AND SEE IF YOU IDENTIFY -- CAN IDENTIFY THAT.

1 A YES, I CAN.

2 Q AND WHAT IS IT?

3 A IT'S A VOLUNTARY STATEMENT THAT WAS WROTE BY MR.
4 LYNCH AND A COPY OF HIS RIGHTS THAT WAS READ TO HIM BY
5 MYSELF AND AGENT CREECH.

6 Q ALL RIGHT. THE SECOND PAGE IS THE SOUTH CAROLINA LAW
7 ENFORCEMENT DIVISION, AND IT'S TITLED, YOUR RIGHTS?

8 A THAT'S CORRECT.

9 Q WOULD YOU PLEASE READ THAT STATEMENT?

10 A OKAY. TOP IT SAYS, SOUTH CAROLINA LAW ENFORCEMENT
11 DIVISION. SAYS, YOUR RIGHTS, GOT THE DATE AND THE TIME.

12 Q AND WHAT IS THE DATE AND THE TIME?

13 A THE DATE IS NOVEMBER THE FOURTH, 2003. THE TIME IS
14 3:22 P.M.

15 THE COURT: IS THAT THE SAME STATEMENT THAT'S
16 ALREADY IN EVIDENCE?

17 MR. FATA: IT'S ALREADY IN. WE'VE ALREADY...

18 THE COURT: ALL RIGHT, SIR. YOU DON'T -- ONCE
19 HE'S IDENTIFIED THIS AS BEING THE SAME STATEMENT AS
20 IDENTIFIED BY AGENT CREECH, WE CAN GO AHEAD.

21 MR. FATA: ALL RIGHT.

22 BY MR. FATA:

23 Q AGENT ABRAHAM, WHEN HE WAS READ -- WHEN DEFENDANT
24 LYNN WAS READ HIS RIGHTS, RIGHT TO REMAIN SILENT, THE
25 RIGHT TO AN ATTORNEY, THE RIGHT TO HAVE ONE APPOINTED IF

1 HE COULDN'T AFFORD IT, THE RIGHT TO STOP ANSWERING
2 QUESTIONS IF HE DECIDED TO ANSWER QUESTIONS, DID HE
3 UNDERSTAND EACH ONE OF THOSE RIGHTS AS IT WAS READ?

4 A YES. HE INDICATED, YES, HE DID UNDERSTAND THEM.

5 Q ALL RIGHT.. DID HE -- DID HE APPEAR TO BE UNDER THE
6 INFLUENCE OF ANYTHING, EITHER DRUGS, ALCOHOL, OR EMOTIONS,
7 SOME -- ANY KIND OF EMOTIONAL STRESS, DISTRESS?

8 A NO, HE DIDN'T.

9 Q WHEN HE WAIVED HIS RIGHTS, WHEN HE SIGNED THAT HE --
10 EXCUSE ME -- WHEN HE SIGNED SAYING THAT HE UNDERSTOOD
11 THESE RIGHTS, DID HE IN YOUR OPINION UNDERSTAND THOSE
12 RIGHTS?

13 A YES.

14 Q ALL RIGHT. NOW, FURTHER DOWN HE SAID IT'S -- WHERE
15 HE WAIVED THE RIGHTS, THE SECOND PARAGRAPH, AND AGREED TO
16 GIVE YOU A STATEMENT.

17 A YES.

18 Q NOW, WHEN HE SIGNED THAT AND AGREED TO GIVE YOU A
19 STATEMENT, WAS THERE ANY PRESSURE, COERCION, OR THREATS,
20 OR PROMISES MADE TO HIM TO GET HIM TO WAIVE HIS RIGHTS AND
21 SIGN THIS AND GIVE A STATEMENT?

22 A NO, THERE WASN'T.

23 Q WAS THE DEFENSE -- WAS THE DEFENDANT LYNCH IN --
24 FULLY AWARE OF WHAT HIS RIGHTS WERE AND VOLUNTARILY GAVE
25 THE STATEMENT WHICH IS ATTACHED THERE?

1 A HE INDICATED TO US THAT HE DID.

2 Q ALL RIGHT. WHERE WAS THE STATEMENT GIVEN?

3 A AT KIRKLAND CORRECTIONAL INSTITUTION.

4 Q AND WAS IT IN A CELL, AN OFFICE, OR WHERE?

5 A IT WAS IN AN OFFICE. THERE WAS A DESK AND SOME
6 CHAIRS IN THE OFFICE. AND THE GUARD THAT BROUGHT HIM TO
7 US INDICATED THAT PRIOR TO OUR ARRIVAL THAT WE COULD USE
8 THIS OFFICE TO TALK TO HIM.

9 Q OKAY. AND AGAIN, DID EITHER YOU OR AGENT CREECH
10 FORCE DEFENDANT ABRAHAM AND -- EXCUSE ME -- FORCE
11 DEFENDANT LYNCH TO GIVE THIS STATEMENT?

12 A NO, WE DIDN'T.

13 Q DID HE WRITE IT OUT HIMSELF?

14 A YES, HE DID.

15 Q AND IT WAS A FREE AND VOLUNTARY STATEMENT?

16 A YES.

17 Q ANSWER ANY QUESTIONS THAT MR. SCOTT MAY HAVE.

18 THE COURT: MR. SCOTT, YOU CAN CROSS-EXAMINE.

19 MR. SCOTT: THANK YOU.

20 CROSS-EXAMINATION

21 BY MR. SCOTT:

22 Q MR. ABRAHAM, HAD YOU MET MR. LYNCH BEFORE THE DATE
23 THAT YOU AND MR. CREECH TOOK THIS STATEMENT FROM HIM?

24 A HAD I MET HIM PRIOR TO THAT?

25 Q YES, SIR.

1 A NOT TO MY KNOWLEDGE, NO.

2 Q ALL RIGHT. TO YOUR KNOWLEDGE HAD ANYBODY ELSE FROM
3 SLED OR ANY OTHER LAW ENFORCEMENT AGENCY QUESTIONED HIM
4 ABOUT THIS INCIDENT THAT TOOK PLACE THAT WEEK?

5 A ANYBODY FROM SLED?

6 Q YES, SIR, BEFORE YOU AND MR. CREECH QUESTIONED HIM.

7 A NOT TO MY KNOWLEDGE, SIR.

8 Q OKAY.

9 A WE WERE CASE AGENT.

10 Q SIR?

11 A WE WERE THE CASE AGENT. WE WAS DOING THE
12 INVESTIGATION.

13 Q OKAY. SO ARE YOU SAYING THAT YOU HAD NOT INTERVIEWED
14 HIM BEFORE THE FOURTH OF NOVEMBER?

15 A NO.

16 Q AND TO YOUR KNOWLEDGE NEITHER HAD YOUR PARTNER,
17 MR. CREECH?

18 A NO.

19 Q OKAY. NOW, YOU -- YOU MENTIONED THAT THIS -- THIS
20 INCIDENT OR THIS STATEMENT WAS TAKEN IN AN OFFICE. HOW
21 BIG AN OFFICE ARE YOU TALKING ABOUT?

22 A MAYBE THE SIZE I SAY ABOUT SIX BY EIGHT, SOMETHING
23 LIKE THAT.

24 Q SIX BY EIGHT. AND WHAT WAS IN IT?

25 A A DESK AND A COUPLE CHAIRS.

1 Q OKAY. AND WAS THERE A WINDOW IN THIS ROOM?

2 A I DON'T RECALL.

3 Q NOW, DID THIS TAKE PLACE AT THE MAXIMUM UNIT,
4 SECURITY UNIT AT THE -- KIRKLAND?

5 A THIS WAS ONE OF THEIR BUILDING BACK THERE, AND I -- I
6 ASSUME IT WAS SOME TYPE OF WASHROOM BECAUSE THERE WAS SOME
7 DRYERS AND STUFF AT -- LOCATED IN THE AREA, TOO.

8 Q OKAY. YOU SAID YOU ASSUMED WHAT WAS A WASH ROOM?

9 A IT WAS A WASH ROOM. THE BUILDING ALSO HOUSE SOME
10 TYPE OF WASH ROOM. I -- I RECALL SEEING SOME DRYERS AND
11 SOME CLOTHES PILED UP WHEN WE CAME IN.

12 Q WAS THAT IN THE ROOM THAT Y'ALL WERE IN?

13 A NO. NO, THAT WAS -- SAME BUILDING BUT A DIFFERENT
14 PART.

15 Q OKAY. WHAT I ASKED INITIALLY, THOUGH, WAS, WAS THIS
16 STATEMENT TAKEN IN THE MAXIMUM SECURITY UNIT AT KIRKLAND?

17 A I HAVE NO IDEA.

18 Q OKAY. YOU KNOW THERE'S A MAIN BUILDING?

19 A YEAH.

20 Q AND THEN, OF COURSE, YOU HAVE TO WALK THROUGH A---

21 A I DON'T KNOW WHAT THEY HAVE IT LABEL. I KNOW THE
22 BUILDING, BUT I'M NOT FAMILIAR WITH HOW THEY HAVE IT
23 LABELED.

24 Q OKAY. ALL RIGHT. NOW, YOU'RE SAYING THAT -- HOW
25 WOULD YOU DESCRIBE MR. LYNCH'S Demeanor?

1 A HE SEEMED TO BE CALM, KNEW WHAT HE WAS DOING. HE
2 DIDN'T SEEM UPSET.

3 Q OKAY. SEEMED TO BE CALM, KNEW WHAT HE WAS DOING.
4 DID YOU ASK HIM WHETHER HE WAS FEELING ALL RIGHT?

5 A I DON'T RECALL ASKING HIM THAT, NO.

6 Q OKAY. DO YOU RECALL--

7 A HE DIDN'T INDICATE THAT HE HAD ANY PROBLEM.

8 Q DO YOU RECALL WHETHER MR. CREECH ASKED HIM WHETHER HE
9 WAS FEELING OKAY?

10 A NO.

11 Q OKAY. WHAT MADE YOU CONCLUDE -- CONCLUDE OR COME TO
12 THE CONCLUSION THAT HE WAS CALM AND SEEMED TO BE DOING ALL
13 RIGHT?

14 A HE WAS TALKING TO US CALMLY AND HE DIDN'T INDICATE HE
15 HAD ANY TYPE OF PROBLEM.

16 Q OKAY. HE WAS TALKING TO YOU CALMLY?

17 A YEAH.

18 Q HE WAS TALKING TO YOU CALMLY. NOW, AS I UNDERSTAND
19 IT, HE'S SHACKLED ON THE FEET, RIGHT?

20 A THAT'S CORRECT.

21 Q HE'S GOT HANDCUFFS ON?

22 A YEAH.

23 Q RIGHT? AND HE'S IN A ROOM WITH TWO SLED AGENTS,
24 RIGHT? I ASSUME THE DOOR WAS SHUT?

25 A I DON'T RECALL IF THE DOOR WAS SHUT OR NOT.

1 Q WELL, DO YOU NORMALLY WHEN YOU TALK TO SOMEBODY LEAVE
2 THE DOOR OPEN WHEN YOU'RE INTERROGATING THEM?

3 A IT ALL DEPENDS. LIKE I SAID, THIS WAS A OFFICE AND I
4 CAN'T RECALL WHETHER OR NOT THE DOOR WAS OPEN OR SHUT.

5 Q WELL, WHAT DO YOU NORMALLY DO?

6 A ALL DEPENDS ON WHERE I'M AT.

7 Q OKAY. HAVE YOU EVER TAKEN A STATEMENT OF AN INMATE
8 AT A PRISON BEFORE?

9 A YEAH.

10 Q IN AN OFFICE?

11 A YEAH.

12 Q DO YOU NORMALLY LEAVE THE DOOR OPEN OR CLOSED?

13 A IT ALL DEPENDS ON WHETHER OR NOT A LOT OF TRAFFIC
14 PASSING BY. IF THERE'S A LOT OF TRAFFIC, WE MIGHT CLOSE
15 IT. WE HAVE A PROBLEM HEARING, THEN WE CLOSE THE DOOR.
16 IF NOT, WE LEAVE IT OPEN.

17 Q WELL, WAS THERE A LOT OF TRAFFIC PASSING BY ON THIS
18 DAY?

19 A THERE WAS SOME PEOPLE IN THE AREA, BUT THERE WAS NO
20 LOUD TALKING THAT WE COULDN'T HEAR WHAT WAS GOING ON.

21 Q AND SO YOU DON'T REMEMBER WHETHER IT WAS OPEN OR
22 CLOSED?

23 A NO, I DON'T.

24 Q OKAY. HOW LONG DID YOU SPEND IN THE -- IN THIS
25 OFFICE THAT YOU DESCRIBED IN TALKING WITH MR. LYNCH?

1 A I WOULD HAVE TO LOOK AND SEE. I GUESS ABOUT 30 OR 40
2 MINUTES.

3 Q OKAY. NOW, DID YOU SPEND ANY TIME TALKING TO HIM
4 BEFORE Y'ALL INITIATE -- INITIALED THIS RIGHTS OF WAIVER
5 FORM?

6 A NO.

7 Q OKAY. DESCRIBE TO ME WHAT HAPPENED AS SOON AS YOU
8 WENT TO THE ROOM, WHAT DID YOU DO?

9 A AS SOON AS HE CAME IN, WE INTRODUCE OURSELVES AS SLED
10 AGENTS AND TOLD HIM WE WANTED TO TALK TO HIM, BUT BEFORE
11 WE TALKED TO HIM, WE HAD TO READ HIM HIS RIGHTS.

12 Q OKAY.

13 A AT THAT TIME HE WAS READ HIS RIGHTS.

14 Q SO YOU READ THAT STATEMENT TO HIM?

15 A YEAH, IT WAS READ TO HIM BY AGENT CREECH, UH-HUH.

16 Q OKAY. AND YOU READ IT TO HIM. HE DIDN'T READ IT.

17 YOU READ IT TO HIM?

18 A YEAH, HE READ IT TO HIM, ASKED IF HE UNDERSTOOD IT.

19 Q OKAY.

20 MR. SCOTT: JUDGE, THAT'S ALL I HAVE. THANK
21 YOU.

22 THE COURT: THANK YOU. REDIRECT, MR. FATA?

23 MR. FATA: NO, SIR, YOUR HONOR.

24 THE COURT: THANK YOU, AGENT ABRAHAM.

25 (WHEREUPON THE WITNESS LEFT THE STAND.)

1 MR. FATA: DO YOU NOW WISH TO GO INTO THE
2 SINGLETARY STATEMENT OR...

3 THE COURT: LET'S FINISH THIS FIRST OF ALL SINCE
4 WE ARE DOING IT SEPARATELY. MR. SCOTT, DOES THE
5 DEFENDANT, MR. LYNCH, WISH TO OFFER ANY EVIDENCE ON
6 THE -- ON THE VOLUNTARINESS OF THE STATEMENT?

7 MR. SCOTT: IF I CAN HAVE JUST ONE MOMENT, YOUR
8 HONOR.

9 THE COURT: ALL RIGHT, SIR.

10 (MR. SCOTT CONFERRING WITH HIS CLIENT).

11 MR. SCOTT: NO, SIR.

12 THE COURT: THANK YOU. ALL RIGHT. PLEASE PASS
13 UP STATE'S ONE FOR IDENTIFICATION, PLEASE MA'AM. I
14 FIND THAT STATE'S EXHIBIT NO. ONE FOR IDENTIFICATION
15 IS ADMISSIBLE IN THE COURT FOR THE JURY'S
16 CONSIDERATION.

17 I FIND THAT MR. LYNCH WAS ADVISED PROPERLY OF
18 HIS MIRANDA RIGHTS, THAT HE HAD THE RIGHT TO REMAIN
19 SILENT, THAT IF HE SAID ANYTHING, IT COULD BE USED
20 AGAINST HIM IN COURT, THAT HE HAD THE RIGHT TO HAVE A
21 LAWYER PRESENT WITH HIM BEFORE OR DURING ANY
22 QUESTION, ONE WILL BE APPOINTED HE DID NOT REPRESENT
23 ONE -- IF HE COULD NOT AFFORD ONE I SHOULD SAY.

24 HE COULD STOP ANSWERING QUESTIONS AT ANY TIME
25 THAT HE HAD A TENTH GRADE EDUCATION, THERE WAS

1 Q OFFICER SCOTT, YOU ARE A -- EMPLOYED BY THE STATE
2 DEPARTMENT OF CORRECTIONS?

3 A YES, SIR.

4 Q AND WHERE -- WHERE ARE YOU EMPLOYED?

5 A KIRKLAND.

6 Q KIRKLAND. DURING YOUR TIME IN KIRKLAND AND ON OR
7 ABOUT NOVEMBER THE FOURTH OF 2003 DID YOU HAVE AN
8 OPPORTUNITY TO TALK WITH TYRONE SINGLETARY?

9 A YES, SIR.

10 Q HOW -- WHAT DID -- DID HE COME TO YOU OR DID YOU GO
11 TO HIM?

12 A I -- WHEN I MAKE ROUNDS AND EVERYTHING, SO I SEE HIM
13 IN THERE BECAUSE I'M ONE OF THEM OFFICERS THAT SERVE THEM
14 THEIR MEALS AND DIFFERENT THINGS, SO I HAD CONTACT WITH
15 HIM ALL DAY.

16 Q OKAY. SO YOU KNEW HIM?

17 A RIGHT.

18 Q DID HE ON THAT DATE, NOVEMBER THE THIRD -- EXCUSE
19 ME -- NOVEMBER THE FOURTH, 2003, MAKE A REQUEST OF YOU?

20 A YES. THEY WANTED TO SEE AN INVESTIGATOR ABOUT THE
21 CASE.

22 Q OKAY. HE -- HE TOLD YOU HE WANTED TO TALK TO AN
23 INVESTIGATOR?

24 A YES.

25 Q DID YOU SAY -- PRIOR TO THAT DID YOU SAY ANYTHING TO

1 HIM ABOUT TALKING TO AN INVESTIGATOR OR ANYTHING LIKE
2 THAT?

3 A NO.

4 Q THAT WAS A VOLUNTARY REQUEST ON HIS PART?

5 A YES.

6 Q ANSWER ANY -- AND DID YOU FACILITATE THAT? DID YOU
7 TELL THE SLED AGENTS?

8 A YES.

9 Q ALL RIGHT.. ANSWER ANY QUESTIONS THAT MR. DOBY MAY
10 HAVE.

11 *THE COURT:* MR. DOBY?

12 CROSS-EXAMINATION

13 BY MR. DOBY:

14 Q MR. SINGLETARY DID NOT APPROACH YOU AND REQUEST TO
15 TALK TO ANY SLED AGENTS; DID HE?

16 A HE COULDN'T APPROACH ME BECAUSE HE'S LOCKED IN THE
17 CELL. THE ONLY WAY HE CAN COMMUNICATE TO ME WHEN I MAKE
18 MY ROUNDS AND STUFF IN THE UNIT.

19 Q OKAY. WERE THE SLED AGENTS PRESENT WHEN YOU TALKED
20 TO MR. SINGLETARY?

21 A YES.

22 Q THE SLED AGENTS REQUEST THAT YOU GO AND ASK MR.
23 SINGLETARY WHETHER HE WAS WILLING TO GIVE A STATEMENT?

24 A WELL, WHEN THEY COME IN, YOU KNOW, THEY GIVE ME A
25 LIST OF PEOPLE WHO THEY WANTED TO SEE, AND I WENT AND

1 ASKED, YOU KNOW, THAT -- INFORM THEM THAT THE SLED AGENT
2 WAS HERE TO TALK WITH THEM AND ARE THEY WILLING TO TALK
3 WITH THEM.

4 Q ALL RIGHT. SO YOU APPROACHED MR. SINGLETARY ABOUT
5 GIVING OR AT LEAST SPEAKING WITH THE SLED AGENTS. AND
6 THAT WOULD BE A FAIR STATEMENT; CORRECT?

7 A YES, SPEAKING WITH THEM.

8 Q ALL RIGHT. WERE YOU AWARE THAT ON OCTOBER THE 30TH
9 OF 2003 MR. SINGLETARY HAD REFUSED TO SPEAK WITH OFFICERS
10 FROM THE DEPARTMENT OF CORRECTIONS? HE REFUSED TO SIGN
11 HIS MIRANDA RIGHTS AND ALSO REQUESTED TO CONSULT WITH AN
12 ATTORNEY?

13 A I DON'T KNOW ANYTHING ABOUT THAT, SIR.

14 Q OKAY. THAT -- THAT WOULD NOT HAVE BEEN SOME
15 INFORMATION YOU'D HAVE BEEN PRIVILEGED TO ANY WAY?

16 A RIGHT.

17 Q OKAY. DO YOU KNOW WHY THE SLED AGENTS -- OR DID THEY
18 INDICATE TO YOU WHY THEY WANTED YOU TO GO AND REQUEST A
19 STATEMENT FROM MR. SINGLETARY?

20 A NO, SIR.

21 Q THE ONLY THING YOU KNOW IS THEY WENT, THEY CAME TO
22 YOU AND SAID, PLEASE GO SPEAK WITH MR. SINGLETARY TO SEE
23 IF HE'S WILLING TO TALK TO US?

24 A YES, SIR.

25 Q OKAY. AND YOU DID THAT?

1 A YES, SIR.

2 Q MR. SINGLETARY'S RESPONSE WAS WHAT?

3 A THAT HE WAS WILLING TO SPEAK WITH THEM.

4 Q OKAY. THANK YOU.

5 MR. DOBY: THAT'S ALL I HAVE OF THIS WITNESS
6 YOUR HONOR.

7 MR. FATA: THANK YOU. REDIRECT, MR. DOBY? I
8 MEAN MR. FATA? I'M SORRY..

9 REDIRECT EXAMINATION

10 BY MR. FATA:

11 Q OFFICER SCOTT, LET'S GET THE SCENARIO THAT'S CORRECT.

12 A OKAY.

13 Q MR. SINGLETARY ASKED YOU TO ASK SLED AGENTS IF THEY
14 WOULD TALK TO HIM. IS THAT CORRECT?

15 A YES.

16 Q YOU -- DID YOU COMMUNICATE THAT TO THE SLED AGENTS?

17 A I CAME BACK AND SAID, YES, THAT THEY WERE WILLING TO
18 TALK.

19 Q NO, WAIT A MINUTE.

20 A I MEAN, MR. SINGLETARY IS WILLING TO TALK.

21 Q YOU WENT TO WHICH ONE, MR. CREECH OR--

22 A MR. CREECH.

23 Q -- MR. ABRAHAM. AND YOU SAID -- YOU TOLD THEM THAT
24 MR. SINGLETARY WANTED TO TALK TO THEM?

25 A YES.

1 Q WHAT DID THEY TELL YOU?

2 A THEY SAID THEY'LL SPEAK WITH HIM.

3 Q AND DID THEY SAY, GO BACK AND ASK HIM IF HE WANTS TO
4 TALK?

5 A RIGHT.

6 Q DID YOU DO THAT?

7 A YES, SIR.

8 Q SO IN FACT, MR. SINGLETARY APPROACHED YOU AND YOU AND
9 COMMUNICATED -- AND ASKED TO TALK, AND YOU TOLD THE SLED
10 AGENTS THAT?

11 A YES.

12 Q AND THEN THE SLED AGENTS SENT YOU BACK AND CONFIRMED
13 THAT?

14 A RIGHT.

15 Q OKAY.

16 THE COURT: WHICH HAPPENED FIRST, OFFICER SCOTT?
17 DID THE SLED AGENTS COME TO YOU FIRST AND SAY, SEE IF
18 MR. SINGLETARY WILL TALK, OR DID MR. SINGLETARY COME
19 TO YOU FIRST AND SAID, I WANT TO TALK WITH THE SLED
20 AGENT? WHICH HAPPENED FIRST?

21 THE WITNESS: OKAY. THE SLED AGENTS CAME INTO
22 THE UNIT BECAUSE THEY NEEDED TO -- I GUESS THEY CAME
23 IN TO INTERVIEW AND DIFFERENT THING, AND I WENT DOWN
24 IN THE UNIT AND TALKED TO WHOEVER HE NEEDED TO SEE.

25 AND DURING THE COURSE, MR. SINGLETARY ASKED ME

1 TO ASK THE -- WHEN HE HEARD ME TALKING ABOUT THE
2 INVESTIGATOR, STATING THAT HE NEEDS TO TALK WITH THE
3 INVESTIGATOR ALSO.

4 THE COURT: WAS MR. SINGLETARY'S NAME ON THAT
5 LIST THAT THE AGENTS GAVE YOU THEY WANTED TO TALK TO?

6 THE WITNESS: I CAN'T RECALL IF HIS NAME WAS ON
7 THERE OR NOT, BECAUSE I MEAN, THAT WAS SO LONG AGO,
8 I -- YOU KNOW, I DON'T HAVE A PHOTOGRAPHIC MEMORY OF
9 WHO ALL WAS ON THE LIST.

10 THE COURT: BUT YOU'RE SAYING THAT BEFORE YOU
11 ACTUALLY CAME BACK TO HIM AND SAID, THE SLED AGENT
12 WANTS TO TALK WITH YOU, HE SAID, I WANT TO TALK WITH
13 THE SLED AGENTS? IS THAT WHAT YOU SAID?

14 THE WITNESS: YES, SIR.

15 THE COURT: ALL RIGHT. THANK YOU. MR. DOBY,
16 ANY CROSS-EXAMINATION ON THAT POINT?

17 RE-CROSS-EXAMINATION

18 BY MR. DOBY:

19 Q WOULD THIS HAVE BEEN A WRITTEN LIST THAT WOULD HAVE
20 BEEN PREPARED BY THE OFFICERS?

21 A NOT NECESSARILY. I MEAN, I -- NOT GIVEN TO ME. I
22 DON'T KNOW IF HE HAD IT WRITTEN DOWN OR WHO ALL HE NEEDED
23 TO SEE OR NOT, YOU KNOW. HE JUST VERBALLY INFORMED ME WHO
24 THEY NEEDED TO TALK WITH.

25 Q AND YOU DON'T RECALL WHETHER OR NOT TYRONE

1 SINGLETARY'S NAME WAS ON THAT -- ON THE LIST OR WAS GIVEN
2 TO YOU AS ONE OF THE INMATES THEY RE-QUESTED TO SPEAK
3 WITH?

4 A LIKE I'M SAYING, THEY DIDN'T GIVE ME A LIST. AND I
5 MEAN, EVERYBODY THAT COMES IN MY UNIT DOESN'T NECESSARILY
6 GIVE ME A LIST. YOU KNOW, THEY JUST PRETTY MUCH CAN ASK
7 FOR WHOEVER THEY NEED TO SEE. AND LIKE I SAID, AND I WILL
8 GO IN AND ASK THE INMATE IF THEY WILLING TO COME OUT AND
9 TALK WITH THE INDIVIDUAL THAT COMES TO SEE THEM.

10 Q WELL, HOW MANY INMATES DID THE SLEDS AGENTS SPEAK
11 WITH THAT DAY?

12 A I CAN'T RECALL OFF THE TOP OF MY HEAD. MAYBE THREE
13 OR FOUR. I'M NOT SURE.

14 Q THANK YOU.

15 MR. DOBY: THAT'S ALL I HAVE, YOUR HONOR.

16 THE COURT: THANK YOU.

17 MR. FATA: NOTHING ELSE, YOUR HONOR.

18 THE COURT: THANK YOU. YOU CAN STEP DOWN,

19 MR. SCOTT.

20 THE WITNESS: THANK YOU.

21 (WHEREUPON THE WITNESS LEFT THE STAND.)

22 MR. FATA: YOUR HONOR, WE WOULD CALL AGENT MARK
23 CREECH.

24 THE COURT: MR. CREECH, IF YOU WILL RESUME THE
25 STAND. YOU'RE STILL UNDER OATH.

1 (WHEREUPON, STATE'S EXHIBIT NO. 2 WAS MARKED FOR
2 IDENTIFICATION ONLY.)

3 MARK CREECH, AFTER BEING
4 DULY REMINDED OF OATH, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. FATA:

7 Q AGENT CREECH, ON NOVEMBER THE FOURTH, 2003 -- I'M
8 GOING TO -- LET ME SHOW YOU THE EXHIBIT FIRST. THIS IS
9 STATE'S EXHIBIT FOR IDENTIFICATION TWO -- AND ASK YOU IF
10 YOU RECOGNIZE THAT.

11 A YES, SIR.

12 Q AND WHAT IS IT?

13 A IT'S A VOLUNTARY STATEMENT WRITTEN BY TYRONE
14 SINGLETARY AND A WAIVER OF RIGHTS FORM.

15 Q AND IS THAT A STATEMENT THAT YOU TOOK?

16 A YES, SIR, MYSELF AND AGENT ABRAHAM.

17 Q TELL ME HOW YOU CAME TO GET THAT, HOW THAT -- HOW
18 THAT YOU CAME TO GET THAT STATEMENT?

19 A WE WERE AT KIRKLAND AND WE WERE INTERVIEWING THE
20 INMATES THAT HAD BEEN TRANSFERRED FROM LEE CORRECTIONAL
21 INSTITUTE. THERE WERE SEVERAL. I DON'T REMEMBER EXACTLY
22 HOW MANY, BUT IT WAS A GOOD NUMBER.

23 AND THROUGH THE PROCESS OF THE DAY OF US INTERVIEWING
24 AGENTS -- I MEAN, EXCUSE ME, INMATES -- ONE OF THE GUARDS
25 CAME -- MR. SCOTT CAME AND SAID, TYRONE SINGLETARY WANTS

1 TO TALK TO Y'ALL.

2 Q ALL RIGHT.

3 A AND AT THAT -- AT THAT POINT AGENT ABRAHAM SAID,
4 WELL, GO BACK AND ASK HIM AGAIN, TELL HIM, YOU KNOW, IF HE
5 WANTS TO SPEAK WITH US. AND THEN HE WENT BACK AND CAME
6 BACK AND SAID, YES, HE DOES.

7 Q ALL RIGHT. DID YOU OR AGENT ABRAHAM INITIATE THE
8 REQUEST FOR A STATEMENT FROM DEFENDANT SINGLETARY?

9 A NO, SIR. WE WERE BASICALLY TELLING THE OFFICERS WHO
10 WE NEEDED, YOU KNOW, IN ORDER WE COULD GET THE ONES THAT
11 WERE ASKED -- IF THIS GUY IS WILLING TO TALK TO US, AND
12 THEY WOULD BRING HIM UP AND WE'D TAKE A STATEMENT AND
13 THEN, WELL, THE NEXT ONE, ASK HIM IF HE'S WILLING TO TALK
14 TO US.

15 WE HADN'T EVEN GOT TO TYRONE SINGLETARY YET. HE CAME
16 AND SAID, TYRONE SINGLETARY WANTS TO TALK TO Y'ALL.

17 Q AND---

18 A I MEAN, IT'S POSSIBLE WE MAY HAVE ASKED AT SOME POINT
19 IN TIME DURING THAT DAY ONCE WE GOT THROUGH INTERVIEWING
20 EVERYBODY, THEN CERTAINLY WE WOULD HAVE ASKED IF HE WISHED
21 TO TALK WITH US. BUT MY RECOLLECTION OF IT, HE CAME
22 BETWEEN INTERVIEWS AND SAID HE'S WANTING TO TALK TO Y'ALL.

23 Q OKAY. AND THEN YOU SENT HIM -- SENT OFFICER SCOTT
24 BACK TO CONFIRM THAT?

25 A YES, SIR.

1 Q AND THEN HE -- YOU GOT SINGLETARY DOWN AND TALKED
2 WITH HIM?

3 A YES, SIR.

4 Q ALL RIGHT. WHAT'S THE FIRST THING YOU DID WHEN
5 INMATE SINGLETARY CAME TO THE -- TO YOU AND AGENT ABRAHAM?

6 A WE WENT OVER HIS RIGHTS.

7 Q ALL RIGHT. WHAT -- HOW ABOUT READ THAT, THOSE
8 RIGHTS?

9 A SAID, BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST
10 UNDERSTAND YOUR RIGHTS. YOU HAVE THE RIGHT TO REMAIN
11 SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU
12 IN A COURT OF LAW. YOU HAVE THE RIGHT TO TALK WITH A
13 LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO
14 HAVE HIM OR HER PRESENT WITH YOU DURING QUESTIONING.

15 IF YOU HAVE NO MONEY FOR LAWYERS' FEES, THE COURT
16 WILL APPOINT ONE TO REPRESENT YOU WITHOUT COST TO YOU IF
17 YOU WISH. IF YOU DECIDE TO ANSWER ANY QUESTIONS NOW
18 WITHOUT A LAWYER PRESENT, YOU STILL HAVE THE RIGHT TO STOP
19 ANSWERING QUESTIONS AT ANY TIME.

20 YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
21 AT ANY TIME TO TALK WITH A LAWYER. I HAVE READ MY
22 RIGHTS -- THIS STATEMENT AND MY RIGHTS AND I UNDERSTAND
23 WHAT MY RIGHTS ARE, AND HE SIGNED IT.

24 Q AND IS THAT HIS SIGNATURE ON THAT LINE--

25 A YES, SIR.

1 Q -- WHERE HE WAIVED -- WAIVED HIS RIGHTS?

2 A YES, SIR. AND THEN THE SECOND WAS A WAIVER. IT
3 SAYS, I'M WILLING TO MAKE A STATEMENT AND ANSWER
4 QUESTIONS. I DO NOT WANT A LAWYER PRESENT AT THIS TIME, I
5 UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR
6 THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION
7 OF ANY KIND HAS BEEN USED AGAINST ME, AND HE SIGNED THAT.

8 Q AND HE SIGNED THAT?

9 A YES.

10 Q HE SIGNED THAT? AND WHO WITNESSED THAT, HIS
11 SIGNATURE ON THAT FORM?

12 A MYSELF AND AGENT ABRAHAM.

13 Q ALL RIGHT. NOW, DID -- WHEN YOU -- WHEN YOU READ
14 THIS, DID YOU READ THIS -- YOU AND AGENT ABRAHAM READ THIS
15 DOCUMENT TO HIM?

16 A YES, SIR.

17 Q DID HE READ IT HIMSELF?

18 A I THINK WE READ IT TO HIM.

19 Q READ IT TO HIM. WHEN YOU READ, YOU HAVE THE RIGHT TO
20 REMAIN SILENT, DID HE AT THAT POINT KNOW IN YOUR OPINION
21 THAT HE DIDN'T HAVE TO SAY ANYTHING, THAT HE CAN WALK OUT
22 OF THE ROOM AND GO BACK TO HIS CELL?

23 A HE INDICATED TO US THAT HE UNDERSTOOD HIS RIGHTS.

24 Q WHEN YOU READ, ANYTHING YOU SAY CAN AND WILL BE USED
25 AGAINST YOU IN A COURT OF LAW, DID HE UNDERSTAND THAT IF

1 HE MADE AN INCRIMINATING STATEMENT, THAT IT WOULD BE USED
2 AGAINST HIM?

3 A HE UNDERSTOOD.

4 MR. DOBY: YOUR HONOR, I'M GOING TO OBJECT. I
5 DON'T KNOW HOW THIS OFFICER CAN TESTIFY THAT SOMEONE
6 UNDERSTOOD SOMETHING. I THINK THE ONLY THING HE CAN
7 SAY IS THAT HE READ IT AND THE MAN SIGNED IT. I
8 DON'T KNOW HOW HE CAN...

9 THE COURT: HE CAN INDICATE WHETHER HE APPEARED
10 TO UNDERSTAND IT, WHETHER OR NOT HE INDICATED TO HIM
11 HE COULD OR COULD NOT UNDERSTAND IT, OF COURSE.
12 THOSE THINGS -- I SUPPOSE IF HE DIDN'T UNDERSTAND
13 WHAT HE WAS DOING, HE SAID IT, THAT WOULD BE -- THAT
14 WOULD BE EVIDENCE THAT HE DID NOT.

15 BUT -- OR THAT HE APPEARED TO HAVE SOME
16 APPREHENSION ABOUT IT, SOME PUZZLE ABOUT IT, HE CAN
17 TESTIFY AS TO THOSE THINGS. GRANTED HE ULTIMATELY --
18 THE UNDERSTANDING OR LACK OF UNDERSTANDING IS
19 SOMETHING BELONGS ONLY TO THE PERSON WHO IS MAKING
20 THE STATEMENT ITSELF. THE OFFICER CAN CERTAINLY
21 TESTIFY TO HIS OBSERVATION.

22 BY MR. FATA:

23 Q DID HE APPEAR TO UNDERSTAND THAT IF HE MADE AN
24 INCRIMINATING STATEMENT THAT HE -- IT COULD BE USED IN A
25 COURT TO -- AS EVIDENCE AGAINST HIM?

1 A HE INDICATED HE DID.

2 Q AND WHEN YOU TOLD HIM -- WHEN YOU READ, YOU HAVE THE
3 RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY
4 QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH YOU DURING
5 QUESTIONING, DID HE APPEAR TO UNDERSTAND THAT HE HAD TO
6 HAVE A RIGHT TO -- HAD A RIGHT TO A LAWYER LIKE HE HAS
7 MR. DOBY AT THIS POINT? DID HE UNDERSTAND THAT?

8 A HE INDICATED---

9 Q HE DIDN'T HAVE ANY -- SAY ANYTHING UNTIL HE HAD THAT
10 LAWYER?

11 A HE INDICATED HE DID.

12 Q DID HE UNDERSTAND WHEN YOU TOLD HIM THAT IF -- IF YOU
13 HAVE NO MONEY FOR A LAWYER, IN FACT HE WAS A PRISONER,
14 INMATE AT THE TIME, FOR LAWYERS' FEES, THE COURT WILL
15 APPOINT ONE TO REPRESENT YOU WITHOUT ANY COST TO YOU IF
16 YOU WISH. DID HE APPEAR TO UNDERSTAND THAT -- THAT A
17 LAWYER WAS -- WOULD BE MADE AVAILABLE FOR HIM?

18 A YES.

19 Q DID HE UNDERSTAND, APPEAR TO UNDERSTAND, THAT IF
20 YOU -- IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A
21 LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP
22 ANSWERING QUESTIONS AT ANY TIME. DID HE UNDERSTAND THAT
23 IF HE TALKED FOR FIVE MINUTES, HE COULD QUIT, GO BACK TO
24 HIS CELL?

25 A HE DID.

1 Q DID HE APPEAR TO UNDERSTAND THAT?

2 A YES.

3 Q AND DID HE APPEAR TO UNDERSTAND THAT WHEN YOU READ
4 HIM, YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
5 AT ANY TIME UNTIL YOU'VE TALKED TO A LAWYER, AT ANY TIME
6 DURING THE QUESTIONING, DID HE APPEAR TO UNDERSTAND THAT
7 HE COULD STOP AND DEMAND A LAWYER?

8 A YES, SIR.

9 Q AND WHEN HE SIGNED SAYING HE -- I HAVE READ THIS
10 STATEMENT OF MY RIGHTS AND I UNDERSTAND MY RIGHTS -- AND
11 WHEN HE SIGNS INDICATING THAT HE UNDERSTOOD THOSE RIGHTS,
12 DID HE APPEAR TO YOU TO UNDERSTAND EACH AND EVERY RIGHT
13 THAT YOU READ TO HIM?

14 A YES, SIR.

15 Q NOW, UNDER THE WAIVER OF RIGHTS, YOU -- HE SAYS, I AM
16 WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS, AND I DO
17 NOT WANT A LAWYER AT THIS TIME. WHEN HE MADE -- WHEN HE
18 MADE THAT -- THAT WAIVER, DID IT APPEAR THAT HE MADE THAT
19 WAIVER BASED ON THE KNOWLEDGE THAT HE KNEW HE HAD THE
20 RIGHT TO HAVE THOSE THINGS?

21 A YES, SIR.

22 Q DID -- AND HE SAYS, I UNDERSTAND -- I UNDERSTOOD AND
23 KNOW WHAT I AM DOING. DID HE APPEAR TO UNDERSTAND AND
24 KNOW WHAT HE WAS DOING?

25 A YES, SIR.

1 Q IT SAYS, NO PROMISES OR THREATS HAVE BEEN MADE TO ME,
2 AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED
3 AGAINST ME. DID YOU PROMISE HIM ANYTHING?

4 A NO, SIR.

5 Q DID YOU THREATEN HIM IN ANY WAY?

6 A NO, SIR.

7 Q DID YOU COERCE HIM?

8 A NO, SIR.

9 Q DID YOU DO ANYTHING TO GET HIM TO WAIVE HIS RIGHTS AS
10 READ TO HIM ABOVE?

11 A NO, SIR.

12 Q WAS HE UNDER -- DID HE APPEAR TO BE UNDER THE
13 INFLUENCE OF ANY DRUG OR ALCOHOL?

14 A NO, SIR.

15 Q DID HE APPEAR TO BE IN -- ORIENTED AS TO DATE, TIME,
16 AND PLACE, AND WHAT HIS CIRCUMSTANCES WERE?

17 A YES, SIR.

18 Q NOW, THE ROOM IN WHICH THIS INTERVIEW -- INTERVIEW
19 WAS CONDUCTED, WHAT WAS IT LIKE?

20 THE COURT: IS IT THE SAME ROOM YOU'VE ALREADY
21 DESCRIBED?

22 THE WITNESS: YES, SIR.

23 THE COURT: OKAY. WE KNOW WHAT IT IS.

24 BY MR. FATA:

25 Q OKAY. WHAT WAS HIS CONDITION, WAS HE HANDCUFFED,

1 SHACKLED, MANACLED, WHATEVER?

2 A I BELIEVE HE WAS SHACKLED ON THE FEET AND HANDCUFFED
3 IN THE FRONT.

4 Q OKAY. WAS HE MADE COMFORTABLE, AND IF HE REQUESTED
5 WATER OR REQUESTED TO GO TO THE BATHROOM, WAS HE ALLOWED
6 TO DO THAT?

7 A I DON'T RECALL HIM MAKING THAT REQUEST, BUT IF HE
8 DID, WE ALLOWED HIM TO DO THAT.

9 MR. FATA: YOUR HONOR, AT -- OR THE STATEMENT --
10 LOOK AT THE STATEMENT -- EXCUSE ME, JUDGE. I'M --
11 BY MR. FATA:

12 Q THE STATEMENT ITSELF, WHOSE HANDWRITING IS THAT ON
13 THE STATEMENT.

14 A TOP WHERE IT SAYS, I, TYRONE SINGLETARY, THAT'S HIS
15 HANDWRITING. AND THE STATEMENT STARTING OCTOBER 29TH,
16 2003, THAT IS IN HIS HANDWRITING.

17 Q AND IS IT -- DOES HIS SIGNATURE APPEAR ON THAT
18 STATEMENT?

19 A YES, SIR.

20 Q AND IS IT WITNESSED BY ANYONE?

21 A MYSELF AND AGENT ABRAHAM.

22 MR. FATA: NOW, YOUR HONOR, I HESITATE TO HAVE
23 HIM READ IT IN. YOU HAVE REDACTED THE STATEMENT. I
24 DON'T KNOW YOU -- WHAT YOU...

25 THE COURT: WELL, WE HAVE GOT IT MARKED FOR

1 IDENTIFICATION. IT'S REALLY NOT NECESSARY TO READ
2 IT. THE CONTENTS OF THE STATEMENT ITSELF ARE NOT SO
3 RELEVANT FOR OUR INQUIRY HERE TODAY---

4 MR. FATA: OKAY.

5 THE COURT: FIRST OF ALL, BUT IF -- IF IT'S
6 MARKED FOR IDENTIFICATION, SO WE KNOW WHAT IT SAYS.

7 MR. FATA: YOUR HONOR, EXCUSE ME.

8 BY MR. FATA:

9 Q AGENT CREECH, WAS THAT STATEMENT GIVEN FREELY AND
10 VOLUNTARILY BY THE DEFENDANT SINGLETARY?

11 A YES, SIR.

12 Q IT WAS NOT COERCED, THREATENED, OR ANYTHING?

13 A NO, SIR.

14 Q AND HE KNEW WHAT HE WAS DOING?

15 A YES, SIR.

16 Q ANSWER ANY QUESTIONS THAT MR. DOBY MAY HAVE.

17 THE COURT: ALL RIGHT. MR. DOBY?

18 MR. DOBY: MAY IT PLEASE THE COURT:

19 CROSS-EXAMINATION

20 BY MR. DOBY:

21 Q OFFICER, WHY DID YOU HAVE TO READ THE MIRANDA
22 WARNINGS TO MR. SINGLETARY?

23 A WELL, TECHNICALLY WE DIDN'T HAVE TO. HE WAS NOT
24 UNDER ARREST FOR THIS INCIDENT. BUT HE WAS IN CUSTODY,
25 AND WE HAD ALREADY INTERVIEWED MARCUS COTTON AND MARCUS

1 COTTON HAD INDICATED WHO HAD TAKEN HIM HOSTAGE, WHO HAD
2 STABBED HIM.

3 HE WAS A SUSPECT. AND THEREFORE WE READ HIM HIS
4 RIGHTS ALONG WITH MR. LYNCH. AND I BELIEVE WE READ
5 EVERYBODY THEIR RIGHTS THAT DAY.

6 Q ALL RIGHT. LET ME -- I DIDN'T STATE MY QUESTION
7 CORRECTLY. WHY WAS IT NECESSARY FOR YOU TO READ THE
8 MIRANDA WARNINGS TO HIM AS OPPOSED TO ALLOWING HIM TO READ
9 THE MIRANDA WARNINGS HIMSELF?

10 A I DON'T KNOW IF IT WAS NECESSARY FOR ME TO READ IT.
11 THAT'S JUST WHAT WE DID. WE HAD THE PAPER RIGHT THERE AND
12 WE WENT THROUGH IT LINE FOR LINE.

13 Q COULD HE -- COULD HE READ AND WRITE?

14 A HE STATED IN HIS STATEMENT THAT HE CAN READ AND WRITE
15 AND COMPLETED THE 11TH GRADE.

16 Q OKAY. DID HIS -- DID HE GIVE AN ORAL STATEMENT IN
17 ADDITION TO THIS WRITTEN STATEMENT?

18 A WE -- HE TALKED TO US, HE TOLD US BASICALLY WHAT'S IN
19 THE STATEMENT, AND THEN WE HANDED HIM THE STATEMENT AND
20 ASKED HIM TO WRITE DOWN WHAT HE JUST TOLD US.

21 Q ALL RIGHT. DID HIS ORAL STATEMENT VARY FROM WHAT THE
22 WRITTEN STATEMENT HAS?

23 A ON MY RECOLLECTION OF THE ORAL STATEMENT IS HE WAS
24 TALKING ABOUT -- HE HAD COME OUT THE CELL AND THAT COTTON
25 HAD WENT INTO ANOTHER CELL AND HE HAD UNLOCKED SOME DOORS

1 AND HE HAD PARTICIPATED IN THE HOSTAGE SITUATION.

2 AND HE AT FIRST STATED THAT HE DID NOT HAVE A KNIFE
3 AND HE DID NOT STAB ANYBODY. AND HE ALSO TOLD US THAT HE
4 WAS NOT GOING TO TALK ABOUT ANYBODY ELSE. HE WASN'T GOING
5 TO RAT ANYBODY ELSE OUT.

6 Q DID YOU MAKE NOTES OF ANY ORAL STATEMENT THAT WAS
7 GIVEN BY MR. SINGLETARY?

8 A YES, SIR.

9 Q WHERE ARE THOSE NOTES?

10 A THEY ARE I BELIEVE IN THE TRUNK OF MY CAR IN A FILE.

11 Q ALL RIGHT. AND YOU HANDED THOSE TO THE SOLICITOR'S
12 OFFICE?

13 A NO, SIR.

14 Q THOSE ARE THE -- THAT WOULD BE THE STATEMENT OF MR.
15 SINGLETARY, THOUGH; CORRECT?

16 A THAT IS MY NOTES OF WHAT HE WAS TALKING ABOUT AND
17 THEN WE ASKED HIM TO WRITE IT DOWN AND WE HANDED IT TO HIM
18 AND HE WROTE IT IN HIS OWN HANDWRITING.

19 Q ALL RIGHT. ARE YOU AWARE THAT ON OCTOBER THE 30TH,
20 2003, MR. SINGLETARY WAS INTERVIEWED AT KIRKLAND
21 CORRECTIONAL INSTITUTE BY INVESTIGATOR RUDOLPH TILLMAN AND
22 KENNETH -- AND I'M NOT GOING TO PRONOUNCE HIS NAME
23 CORRECTLY, MOSCHELLA (SIC)?

24 A I'M AWARE NOW THAT SOME INTERVIEWS WERE DONE. AND I
25 BELIEVE WE ENDED UP AT SOME POINT IN TIME PICKING UP

1 COPIES OF THOSE INTERVIEWS. I DON'T RECALL WHETHER AT --
2 ON NOVEMBER THE FOURTH WHETHER I WAS AWARE OF THAT OR NOT.

3 MR. DOBY: MAY I APPROACH THE WITNESS, YOUR
4 HONOR?

5 THE COURT: YES, SIR.

6 BY MR. DOBY:

7 Q DO YOU RECALL SEEING THAT REPORT OF AN INTERVIEW THAT
8 WAS CONDUCTED BY THOSE INVESTIGATORS ON MR. SINGLETARY?

9 A I HAVE SEEN THIS, YES, SIR.

10 Q ALL RIGHT. THAT STATEMENT OR THAT REPORT WAS DONE AS
11 A RESULT OF AN INTERVIEW THAT WAS CONDUCTED PRIOR TO YOU
12 GOING TO THE PRISON AND SPEAKING WITH MR. SINGLETARY;
13 CORRECT?

14 A IT'S DATED OCTOBER 31ST, YES, SIR.

15 Q OKAY. NOW, TELL ME WHAT THE RESULT OF THE REQUEST
16 FOR AN INTERVIEW BY -- BY THOSE OFFICERS AS TO MR.
17 SINGLETARY WAS.

18 A YOU WANT ME TO READ THIS?

19 Q PLEASE.

20 A IT SAYS, INMATE TYRONE SINGLETARY WAS READ HIS
21 MIRANDA RIGHTS AND WAS ADVISED OF THE IDENTITY OF THE
22 INTERVIEWING INVESTIGATORS AND THE NATURE OF THE
23 INTERVIEW. INMATE SINGLETARY REFUSED TO WAIVE HIS RIGHTS
24 AND REQUESTED TO CONSULT WITH AN ATTORNEY.

25 Q OKAY. SO AT THAT TIME PRIOR TO YOUR INTERVIEW, HE

1 HAD ALREADY INVOKED HIS RIGHT TO HAVE AN ATTORNEY PRIOR TO
2 ANY INTERVIEW BEING CONDUCTED; CORRECT?

3 A ACCORDING TO THIS, YES, SIR.

4 Q OKAY. NOW, DID YOU GO TO THE PRISON ON NOVEMBER THE
5 FOURTH WITH THE EXPRESS PURPOSE OF TALKING TO MR.
6 SINGLETARY?

7 A WE WENT TO KIRKLAND AND OTHER AGENTS WENT TO ANOTHER
8 PRISON TO TALK WITH THE INDIVIDUALS THAT HAD BEEN
9 TRANSPORTED. OF COURSE, HE WAS ONE OF THEM. AND WE MAY
10 HAVE AT SOME POINT DURING THE DAY EVENTUALLY GOTTEN TO HIM
11 AND ASKED IF HE WISHED TO SPEAK WITH US, BUT ON --
12 ACCORDING TO, YOU KNOW, ON THIS PARTICULAR DATE HE --
13 MR. SCOTT CAME AND SAID, HE WANTS TO TALK TO Y'ALL, BEFORE
14 WE EVEN HAD A CHANCE TO ASK, YOU KNOW, TO SEND WORD TO
15 HIM.

16 Q OKAY. SO I GUESS MY QUESTION THEN IS, DID YOU GO TO
17 KIRKLAND ON NOVEMBER THE FOURTH WITH THE EXPRESS INTENT OF
18 TALKING TO TYRONE SINGLETARY?

19 A WE WENT TO KIRKLAND TO TALK WITH EVERYONE THAT HAD
20 BEEN TRANSPORTED FROM LEE.

21 Q ALL RIGHT. DID YOU HAVE INFORMATION PRIOR TO
22 NOVEMBER THE FOURTH THAT MR. SINGLETARY WANTED TO GIVE A
23 STATEMENT?

24 A NO, SIR.

25 Q OKAY. IN PREPARATION FOR YOUR TESTIMONY TODAY, DID

1 YOU REVIEW AN INVESTIGATIVE REPORT THAT YOU COMPILED DATED
2 JULY THE 20TH, 2004?

3 A I'M FAMILIAR WITH THAT DOCUMENT, YES, SIR.

4 Q DO YOU HAVE THAT WITH YOU TODAY?

5 A NO, SIR.

6 Q OKAY.

7 A WELL, I -- YES, SIR. I BELIEVE WE DO HAVE IT. THE
8 SOLICITOR HAS A COPY.

9 Q ALL RIGHT.

10 A AND I DO HAVE THAT WITH ME. I DON'T HAVE IT WITH ME
11 ON THE STAND.

12 Q JUST SO I UNDERSTAND WHAT THAT INVESTIGATIVE REPORT
13 IS, IT IS A COMPILATION OR AT LEAST A SUMMARY OF YOUR
14 INVESTIGATION?

15 A A SUMMARY, YES, SIR.

16 Q OKAY. AND YOU DID THAT SUMMARY AS A RESULT OF SOME
17 NOTES THAT YOU CONDUCTED DURING YOUR INVESTIGATION? I
18 MEAN, YOU KEPT A LOG OF WHAT YOU WERE DOING; DIDN'T YOU?

19 A THAT -- THAT SUMMARY OF INTERVIEWS IS DONE BY THE
20 STATEMENTS THAT WE TOOK.

21 Q WELL, LET ME SHOW YOU THIS THEN AND ASK YOU IF YOU
22 CAN IDENTIFY WHAT THIS PARTICULAR DOCUMENT IS. AND I'M
23 GOING TO -- IF YOU WILL, PLEASE DON'T LOSE THAT PAGE.

24 MR. FATA: YOUR HONOR, MAY I REQUEST THAT HE
25 IDENTIFY THE PAGE AND SO WE'LL...

1 THE COURT: RIGHT. WHICH PAGE ARE YOU REFERRING
2 TO, MR. DOBY?

3 MR. DOBY: YOUR HONOR, I DO NOT BELIEVE THAT
4 THOSE -- THAT THAT INVESTIGATIVE REPORT IS...

5 THE WITNESS: PAGE 11.

6 MR. DOBY: I'M SORRY, YOUR HONOR. PAGE 11.

7 BY MR. DOBY:

8 Q THAT INVESTIGATIVE REPORT HAS AT LEAST SOME SUMMARY
9 OF WHAT HAPPENED WHEN YOU WENT TO KIRKLAND ON NOVEMBER THE
10 FOURTH AND SPOKE TO TYRONE SINGLETARY; DOES IT NOT?

11 A YES, SIR.

12 Q IF YOU WILL BEGIN TELLING ME THEN WHAT YOUR SUMMARY
13 SAYS ABOUT THE REASON THAT YOU WENT TO KIRKLAND
14 CORRECTIONAL INSTITUTE ON NOVEMBER THE FOURTH.

15 A SAYS ON NOVEMBER 4TH, 2003, AGENTS ABRAHAM AND CREECH
16 WENT TO KIRKLAND CI IN REFERENCE TO INFORMATION THAT
17 INMATE TYRONE SINGLETARY HAD SENT THAT HE WANTED TO TALK.

18 Q ALL RIGHT. THAT SEEMS TO INDICATE THAT YOU WENT TO
19 KIRKLAND FOR THE EXPRESS PURPOSE OF TALKING TO TYRONE
20 SINGLETARY; DOES IT NOT?

21 A YES, SIR. THAT'S WHAT IT APPEARS TO BE.

22 Q ALL RIGHT. IS THAT SUMMARY CORRECT?

23 A BUT -- BUT, YOU KNOW, WE WENT TO KIRKLAND TO TALK
24 WITH THE INMATES THAT HAD BEEN TRANSPORTED THERE. AND YOU
25 KNOW, MY RECOLLECTION IS BEFORE WE EVEN -- OF COURSE, THE

1 GUARDS WERE COMING WE ASKED, YOU KNOW, THEY ASKED, WHO DO
2 YOU WANT TO SEE? AND WE WOULD GIVE THEM, YOU KNOW, TELL
3 THEM WHO WE WANTED TO SEE. AND BEFORE WE EVEN GOT TO
4 TYRONE SINGLETARY THE GUARD CAME BACK SAID HE WANTED TO
5 TALK TO Y'ALL.

6 Q ALL RIGHT. WHO -- WHO PROVIDED INFORMATION TO YOU
7 THAT TYRONE SINGLETARY WANTED TO SPEAK TO AN INVESTIGATOR
8 PRIOR TO GOING TO KIRKLAND CORRECTIONAL INSTITUTE?

9 A I DON'T RECALL THAT. WHAT I RECALL IS OFFICER SCOTT
10 CAME WHILE WE WERE AT KIRKLAND AND SAID, HE WANTS TO SPEAK
11 TO Y'ALL.

12 Q OKAY. YOU'RE NOT HAVING -- ANY OTHER INVESTIGATIVE
13 NOTES THAT WOULD TELL YOU WHO INDICATED THAT INMATE
14 SINGLETARY WANTED TO TALK TO YOU OR---

15 A NO, SIR, THE ONLY PERSON--

16 Q -- SOME--

17 A -- US THAT HE WANTED TO TALK WAS OFFICER SCOTT WHILE
18 WE WERE AT KIRKLAND.

19 Q ALL RIGHT. THANK YOU.

20 MR. DOBY: THANK YOU. THAT'S ALL I HAVE OF THIS
21 WITNESS, YOUR HONOR.

22 THE COURT: MR. DOBY? I MEAN, MR. FATA?

23 MR. FATA: NOTHING FURTHER, YOUR HONOR. WE --

24 THE COURT: MR. CREECH, YOU CAN STEP DOWN.

25 MR. FATA: WE WOULD CALL SPECIAL AGENT ABRAHAM.

1 THE COURT: MR. ABRAHAM? COME AROUND AND RESUME
2 THE STAND. YOU'RE STILL UNDER OATH.

3 JOHNNY ABRAHAM, AFTER BEING
4 DULY REMINDED OF OATH, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. FATA:

7 Q AGENT ABRAHAM, ON NOVEMBER THE FOURTH, 2003, DID YOU
8 GO TO KIRKLAND CORRECTIONAL INSTITUTE IN COLUMBIA?

9 A YES, I DID.

10 Q ALONG WITH AGENT CREECH?

11 A YES.

12 Q AND DID YOU AND AGENT CREECH INTERVIEW THE DEFENDANT
13 TYRONE SINGLETARY?

14 A YES, WE DID.

15 Q I'M GOING TO SHOW YOU STATE'S NUMBER TWO FOR
16 IDENTIFICATION. SEE IF YOU RECOGNIZE THAT.

17 A YES, I DO.

18 Q ALL RIGHT. AND IT'S WHAT?

19 A IT'S A VOLUNTARY STATEMENT BY MR. SINGLETARY AND A
20 WAIVER OF HIS RIGHTS.

21 Q BEFORE WE GO INTO WHAT YOU DID, HOW DID YOU COME --
22 HOW DID YOU AND AGENT CREECH COME TO TAKE THE STATEMENT OF
23 INMATE SINGLETARY?

24 A MYSELF AND AGENT CREECH WAS AT KIRKLAND CONDUCTING
25 SOME INTERVIEWS. WHILE WE WERE THERE, CORRECTIONAL

1 OFFICER SCOTT CAME OUT AND SAID THAT SINGLETARY REQUESTED
2 TO TALK TO AN INVESTIGATOR.

3 Q AND WHAT DID YOU DO IN RESPONSE? WHAT DID YOU AND
4 SPECIAL AGENT CREECH DO IN RESPONSE TO THAT?

5 A WHEN OFFICER SCOTT INDICATED TO US THAT SINGLETARY
6 WANTED TO TALK TO US, I TOLD HIM MYSELF TO GO BACK TO MR.
7 SINGLETARY AND ASK HIM AGAIN DID HE WANT TO TALK TO US.

8 Q DID -- DID CORRECTIONS OFFICER SCOTT DO THAT?

9 A YES, HE DID.

10 Q DID HE COME BACK TO YOU?

11 A YEAH. HE CAME BACK AND SAID, HE SAID HE DID WANT TO
12 TALK TO THE INVESTIGATORS.

13 Q ALL RIGHT. AND AS A RESULT OF THAT SCENARIO, DID YOU
14 AND SPECIAL AGENT CREECH INTERVIEW INMATE SINGLETARY?

15 A YES, WE DID.

16 Q AND ON NOVEMBER THE FOURTH?

17 A THAT'S CORRECT.

18 Q NOW, DID YOU AND SPECIAL AGENT CREECH -- BORROW
19 THAT -- READ THIS DOCUMENT THAT'S TITLED, SOUTH CAROLINA
20 LAW ENFORCEMENT DIVISION, YOUR RIGHTS. DID YOU READ THIS
21 DOCUMENT TO INMATE SINGLETARY?

22 A YES, WE DID.

23 Q WHEN YOU INFORMED HIM OF ALL HIS RIGHTS -- AND I'M
24 NOT GOING TO GO DOWN THROUGH EACH ONE -- SPECIAL AGENT
25 CREECH WENT THROUGH EACH ONE, BUT DID HE UNDERSTAND HE

1 COULD REMAIN SILENT, DIDN'T HAVE TO TALK TO YOU?

2 A YES, HE INDICATED HE DID.

3 Q DID INMATE SINGLETARY UNDERSTAND THAT WHATEVER HE
4 SAID IN COURT, DID HE APPEAR -- DID HE UNDERSTAND THAT HE
5 SAID ANYTHING THAT WAS INCRIMINATING (SIC), IT COULD BE
6 USED AGAINST HIM IN COURT. DID HE APPEAR TO UNDERSTAND
7 THAT?

8 A YEAH.

9 Q DID HE APPEAR TO UNDERSTAND THAT HE HAD A RIGHT TO
10 HAVE AN ATTORNEY?

11 A YES.

12 Q AND THAT HE COULDN'T AFFORD AN ATTORNEY, THAT THE
13 COURT OR SOMEBODY WOULD APPOINT ONE FOR HIM?

14 A YES, HE DID.

15 Q HE APPEARED TO UNDERSTAND THAT?

16 A YES.

17 Q DID HE APPEAR TO UNDERSTAND THAT WHEN YOU TOLD HIM
18 THAT HE COULD ANSWER QUESTIONS AND THAT IF HE DECIDED TO
19 STOP ANSWERING QUESTIONS HE COULD QUIT AT ANY TIME?

20 A YES, HE DID.

21 Q AND IN THE MIDDLE OF ANSWERING QUESTIONS DID HE
22 APPEAR TO UNDERSTAND THAT HE COULD THEN ASK FOR AN
23 ATTORNEY IF HE HADN'T ALREADY ASKED FOR ONE?

24 A HE INDICATED THAT HE DID.

25 Q NOW, IS THIS HIS SIGNATURE IN THE MIDDLE OF THE PAGE

1 HERE WHERE HE WAIVED THOSE RIGHTS, WHERE HE -- EXCUSE
2 ME -- WHERE HE SAID HE UNDERSTOOD THOSE RIGHTS?

3 A YES, THAT'S HIS SIGNATURE.

4 Q YOU -- DID YOU WITNESS THAT?

5 A YES.

6 Q ALONG WITH WHO ELSE?

7 A AGENT CREECH.

8 Q AND THEN HE -- HE WAIVES THOSE RIGHTS BY -- AND
9 MAKES -- PURSUANT TO THIS STATEMENT, I AM WILLING TO MAKE
10 A STATEMENT. DID HE APPEAR -- AND ANSWER QUESTION DID HE
11 APPEAR TO UNDERSTAND THAT HE WAS DOING THIS VOLUNTARILY?

12 A YES.

13 Q DID IT APPEAR THAT HE UNDERSTOOD, THAT HE KNEW WHAT
14 HE WAS DOING?

15 A YES, SIR.

16 Q DID ANYBODY THREATEN HIM, SPECIFICALLY YOU OR AGENT
17 CREECH, THREATEN HIM IN ANY WAY, PROMISE HIM ANYTHING, PUT
18 PRESSURE ON HIM OR COERCE HIM IN ANY WAY TO GIVE A
19 STATEMENT OR TO WAIVE THESE RIGHTS?

20 A NO, WE DIDN'T.

21 Q WHEN HE -- WHEN HE -- THE STATEMENT WAS GIVEN IN THIS
22 ROOM THAT YOU PREVIOUSLY DESCRIBED--

23 A THAT'S CORRECT.

24 Q -- DID HE APPEAR TO BE UNDER -- DID THE INMATE
25 SINGLETERY APPEAR TO BE UNDER THE INFLUENCE OF ALCOHOL OR

1 DRUGS OF ANY KIND?

2 A NO, HE DIDN'T.

3 Q DID HE APPEAR TO BE UNDER ANY TYPE OF DISTRESS?

4 A NO.

5 Q NOW, THE TWO PAGES THAT YOU'RE HOLDING IN YOUR HAND
6 WHICH IS -- WHICH ARE PART OF STATE'S TWO, WHAT ARE THEY?
7 WHAT ARE THEY?

8 A THIS IS MR. SINGLETARY VOLUNTARY STATEMENT.

9 Q AND WAS -- AND WAS IT GIVEN FREELY AND VOLUNTARILY?

10 A YES, IT WAS.

11 Q WHO WROTE IT OUT?

12 A MR. SINGLETARY DID.

13 Q AND WHO WITNESSED THE STATEMENT?

14 A MYSELF AND AGENT CREECH.

15 Q DID YOU WATCH INMATE SINGLETARY WRITE OUT THE
16 STATEMENT AND SIGN IT?

17 A YES, I DID.

18 Q ANSWER ANY QUESTION MR. DOBY MAY HAVE.

19 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

20 CROSS-EXAMINATION

21 BY MR. DOBY:

22 Q WERE YOU AWARE THAT MR. SINGLETARY APPROXIMATELY FOUR
23 DAYS OR FIVE DAYS BEFORE YOU INTERVIEWED HIM HAD REFUSED
24 TO PROVIDE A STATEMENT AND HAD INVOKED HIS RIGHT TO HAVE
25 AN ATTORNEY PRESENT?

1 A NO, I WASN'T AT THAT.

2 Q ALL RIGHT. AS PART OF YOUR INVESTIGATION IN THIS
3 CASE, DID YOU EVER BECOME AWARE OF THAT?

4 A LATER ON I DID.

5 Q OKAY. DO YOU KNOW WHO PROVIDED INFORMATION THAT MR.
6 SINGLETARY WANTED TO SPEAK WITH INVESTIGATORS THAT
7 RESULTED IN YOU SPECIFICALLY GOING TO PRISON THERE AT
8 KIRKLAND ON NOVEMBER THE FOURTH TO TAKE A STATEMENT FROM
9 HIM?

10 A WE RECEIVED INFORMATION THAT MR. SINGLETARY WANTED TO
11 TALK TO US AT KIRKLAND WHILE WE THERE DOING INTERVIEW.

12 Q SO YOU DIDN'T KNOW PRIOR TO GOING TO KIRKLAND THAT HE
13 WANTED TO SPEAK WITH INVESTIGATORS?

14 A NO, WE DIDN'T.

15 Q OKAY. DID YOU REVIEW THE INVESTIGATIVE REPORT THAT I
16 BELIEVE BEARS AGENT CREECH'S NAME THAT WAS COMPILED I
17 GUESS IN JULY OF '04 ABOUT THIS INCIDENT?

18 A YES, I READ OVER IT.

19 Q DO YOU NEED TO REVIEW THAT?

20 A NO.

21 Q OKAY. DID YOU -- WERE YOU AWARE OR ARE YOU AWARE NOW
22 THAT THAT COMPILATION INDICATES THAT THERE WAS PRIOR
23 COMMUNICATION WITH MR. SINGLETARY AND THAT'S THE REASON
24 THAT YOU WENT TO KIRKLAND ON NOVEMBER THE FOURTH?

25 A WELL, I WAS AWARE OF THE DAY, BUT THAT'S NOT WHAT

1 HAPPENED.

2 Q OKAY. SO THAT INVESTIGATIVE REPORT THEN WOULD BE
3 WRONG ABOUT THAT PART?

4 A THE WAY IT WAS STATED. IS NOT WRONG ABOUT HE WANTED
5 TO TALK TO US, JUST THE WAY IT WAS STATED.

6 Q OKAY. RECEIVING PRIOR INFORMATION OR SOMEONE
7 SPEAKING TO HIM PRIOR TO NOVEMBER THE FOURTH AND FINDING
8 OUT THAT HE WANTED TO GIVE A STATEMENT IS WRONG?

9 A THAT'S CORRECT. WE DIDN'T RECEIVE THAT INFORMATION
10 TILL WE WAS AT THE PRISON.

11 Q OKAY. THANK YOU.

12 MR. DOBY: THAT'S ALL I HAVE OF THIS WITNESS.

13 THE COURT: THANK YOU. MR. FATA, REDIRECT?

14 MR. FATA: NOTHING FURTHER.

15 THE COURT: THANK YOU, MR. ABRAHAM. YOU MAY
16 STEP DOWN.

17 MR. FATA: THAT'S ALL THE STATE HAS..

18 THE COURT: THANK YOU. MR. DOBY, DOES THE
19 DEFENDANT WISH TO OFFER ANY EVIDENCE OF THE
20 VOLUNTARINESS OF THE STATEMENT?

21 MR. DOBY: YOUR HONOR, THE DEFENDANT DOES NOT AT
22 THIS TIME.

23 THE COURT: ALL RIGHT. THANK YOU. I FIND THAT
24 STATE'S TWO FOR IDENTIFICATION IS ENTITLED TO BE
25 ADMISSIBLE UNDER THE RULES. MR. SINGLETARY HAD

1 INDEED INVOKED HIS RIGHT TO COUNSEL AND HIS RIGHT TO
2 REMAIN SILENT ACCORDING TO A STATEMENT ATTACHED TO
3 THESE DOCUMENTS DATED OCTOBER THE 30TH OF 2003, ABOUT
4 3:29 P.M.

5 NOTATION AT THE BOTTOM OF THE MIRANDA RIGHTS AND
6 WAIVER OF RIGHTS FORM SAYS, REFUSE TO WAIVE HIS
7 RIGHTS. HOWEVER, ON OCTOBER THE FOURTH -- EXCUSE
8 ME -- NOVEMBER THE FOURTH THE EVIDENCE IS THAT
9 MR. SCOTT WAS APPROACHED BY MR. SINGLETARY AND SOUGHT
10 AN INTERVIEW WITH OFFICERS.

11 I FIND FOR OUR PURPOSES THAT IT WAS MR.
12 SINGLETARY WHO ACTUALLY INITIATED THIS COMMUNICATION
13 OR RE-INITIATED THE COMMUNICATION. CASE OF EDWARDS
14 VERSUS ARIZONA FOUND AT 451 UNITED STATES 447, A 1981
15 UNITED STATES SUPREME COURT CASE AND OUR OWN STATE
16 VERSUS KENNEDY FOUND AT 510 SOUTHEASTERN SECOND 714,
17 A 1998 SUPREME COURT CASE RECOGNIZES A LONG
18 ESTABLISHED RIGHT OF THE POLICE TO SPEAK WITH A
19 SUSPECT TO RE-INITIATE COMMUNICATION AFTER HE HAS
20 INVOKED HIS RIGHTS TO REMAIN SILENT AND HIS RIGHT TO
21 COUNSEL.

22 I FIND THAT TO HAVE BEEN THE CASE IN THIS
23 INSTANCE WHICH INITIATED THIS INTERVIEW. I ALSO FIND
24 THAT BEFORE THE STATEMENT WAS MADE, MR. SINGLETARY AS
25 IS EVIDENCED BY THE RIGHTS FORM AND WAIVER OF RIGHTS .

1 WAS ADVISED OF HIS RIGHT TO REMAIN SILENT AND THAT
2 ANYTHING HE SAID WOULD BE USED AGAINST HIM, OF HIS
3 RIGHT TO A LAWYER AND ONE TO BE APPOINTED IF HE COULD
4 NOT AFFORD ONE, HIS RIGHT TO HAVE A LAWYER PRESENT
5 WITH HIM, HIS RIGHT TO STOP MAKING A STATEMENT AT ANY
6 TIME WITHOUT -- WITHOUT FEAR OF REPERCUSSION IF HE
7 WISHED TO STOP, HE COULD DO SO.

8 THE INDICATION IS THAT HE UNDERSTOOD THOSE
9 RIGHTS. THE TESTIMONY IS THAT HE WROTE THE STATEMENT
10 IN HIS OWN HAND, CERTAINLY INDICATIVE OF HIS RIGHT,
11 OF HIS ABILITY TO READ AND WRITE, NO PRESSURE OR
12 COERCION, HOPE OF REWARD OR THREATS.

13 THE STATE THEREFORE HAS PROVEN BY THE
14 PREPONDERANCE OF THE EVIDENCE THAT THE STATEMENT
15 ITSELF IS ENTITLED TO BE ADMITTED TO -- FOR A JURY'S
16 CONSIDERATION, AND THE JURY WILL OBVIOUSLY BE
17 INSTRUCTED ON A HIGHER STANDARD OF PROOF BEYOND A
18 REASONABLE DOUBT BEFORE IT CONSIDER THE STATEMENT AS
19 EVIDENCE FOR ANY PURPOSE WHATSOEVER.

20 ALL RIGHT. GENTLEMEN, BACK TO THE -- BACK TO
21 THE STATEMENTS NOW. WHAT OTHER STATEMENTS ARE WE
22 TALKING ABOUT? WE ARE TALKING ABOUT AN INTERVIEW
23 WITH CRAIG MELVIN, AND QUITE FRANKLY BEFORE I RULE ON
24 THAT, I'VE GOT TO KNOW WHAT IT'S ALL ABOUT, I'VE GOT
25 TO EITHER READ THE TRANSCRIPT OR SEE THE VIDEOTAPE OR

1 WHATEVER IT IS.

2 MR. FATA: IT'S A CASSETTE RECORDING, YOUR
3 HONOR, AND I CAN PROVIDE THAT TO YOU. IT'S ABOUT 15
4 MINUTES.

5 THE COURT: ALL RIGHT. THAT WILL BE GOOD.

6 MR. FATA: AND...

7 THE COURT: THAT WAS THE CRAIG MELVIN INTERVIEW?

8 MR. FATA: THAT'S THE CRAIG MELVIN INTERVIEW
9 THAT WAS DONE IMMEDIATELY, AND I THINK IT'S ALREADY
10 CUED UP. BOTH -- BOTH DEFENDANTS HAVE COPIES.

11 THE COURT: ALL RIGHT. WE ARE NOT GOING TO TAKE
12 THE TIME TO PLAY A 30 MINUTE TAPE WHILE EVERYBODY IS
13 SITTING IN HERE LISTENING. THIRTY MINUTES IS HOW
14 LONG IT TAKES TO GET HERE FROM MANNING. I'VE GOT A
15 CASSETTE PLAYER IN MY CAR. I WILL LISTEN TO IT ON
16 THE WAY BACK.

17 AND CERTAINLY I CAN ANNOUNCE MY RULING ON THAT
18 BY LETTER. I WILL BE GLAD TO HEAR ANY ARGUMENT RIGHT
19 NOW WHETHER IT'S ADMISSIBLE OR NOT, BUT ALL OF YOU
20 HEARD IT, YOU KNOW WHAT IT SAYS. SO LET ME HEAR --
21 SINCE THE MOTION HAS BEEN MADE BY BOTH OF YOU, BY MR.
22 SCOTT, MR. DOBY, TO EXCLUDE ANY STATEMENTS MADE TO
23 MR. MELVIN, LET ME HEAR FROM YOU AS FAR AS THE LAW IS
24 CONCERNED ON THAT POINT.

25 AND I WILL BE GLAD TO HEAR FROM EITHER OR BOTH

1 OF YOU IN WHATEVER ORDER YOU WANT TO PRESENT THEM.

2 MR. SCOTT: YOUR HONOR, MAY IT PLEASE THE COURT.
3 JUDGE, MY UNDERSTANDING OF THE FACTS -- AND I'M
4 CERTAINLY SUBJECT TO BEING CORRECTED -- IS THAT
5 MR. MELVIN WAS SUMMONSED BY THE STATE AUTHORITIES
6 THERE TO TRY TO HELP RESOLVE THIS INCIDENT.

7 MY UNDERSTANDING IS THAT -- IN FACT, I THINK
8 DURING ONE OF THE SEGMENTS ON THIS 24 MINUTE VIDEO,
9 THE ONE I ALLUDED TO EARLIER THIS MORNING, CRAIG
10 MELVIN INDICATES THAT IF HIS BEING THERE AND BEING
11 PRESENT CAN HELP RESOLVE THE MATTER, HE'S MORE THAN
12 HAPPY TO OBLIGE. I WOULDN'T SAY MORE THAN HAPPY TO
13 OBLIGE, BUT HE FELT THAT HE COULD -- THAT HE WOULD BE
14 WILLING TO HELP OUT.

15 THE COURT: RIGHT.

16 MR. SCOTT: SO I GUESS NATURE OF OUR ARGUMENT,
17 JUDGE, IS THAT -- AND I RECOGNIZE THIS, YOUR HONOR,
18 ORDINARILY A NEWS REPORTER WOULD HATE TO BE
19 CONSIDERED AN AGENT OF THE STATE. I UNDERSTAND THAT.

20 THE COURT: RIGHT.

21 MR. SCOTT: BUT I THINK THIS IS A LITTLE
22 DIFFERENT FROM THAT AND HE WAS ACTUALLY SUMMONSED TO
23 TRY TO HELP DIFFUSE OR RESOLVE THE SITUATION. I
24 THINK THAT PUT HIM IN A DIFFERENT CATEGORY THAN NEWS
25 REPORTERS TYPICALLY FIND THEMSELVES.

1 THE COURT: MR. SCOTT, MY RECOLLECTION IS
2 SOMEWHAT VAGUE TWO PLUS YEARS AFTER THE EVENT, BUT
3 WAS MR. MELVIN ACTUALLY SUMMONSED BY SLED AT THE
4 REQUEST OF THE INMATES WHO WANTED TO TALK WITH THE
5 POLICE -- WITH THE REPORTERS TO AIR CERTAIN
6 GRIEVANCES? IS THAT WHERE IT ACTUALLY INITIATED?

7 MR. SCOTT: WELL, I DO RECALL, JUDGE, THAT ONE
8 OF THE ALLEGED DEMANDS WAS THAT THEY BE GIVEN ACCESS
9 TO THE NEWS MEDIA. I DO REMEMBER THAT. I'LL BE
10 HONEST, JUDGE, I DON'T REMEMBER WHETHER THERE IS
11 SPECIFIC REQUEST FOR CRAIG MELVIN.

12 THE COURT: OKAY. ALL RIGHT. ALL RIGHT, SIR.
13 I UNDERSTAND. SO THAT THE -- THE -- YOUR POSITION IS
14 HE THEN BECOMES AN AGENT OF THE STATE THEREFORE AND
15 THE NORMAL RULES OF THE DISCLOSURE AND LACK OF
16 DISCLOSURE AND THINGS OF THAT NATURE THAT ATTACH
17 THEMSELVES TO THE ADMISSIBILITY OF THE STATEMENT HAVE
18 TO BE COMPLIED WITH. IS THAT RIGHT?

19 MR. SCOTT: YES, SIR. THAT'S CORRECT, YOUR
20 HONOR.

21 THE COURT: ALL RIGHT, SIR. I UNDERSTAND.
22 MR. DOBY?

23 MR. DOBY: YOUR HONOR, IT'S MY UNDERSTANDING MY
24 CLIENT IS NOT -- DID NOT SPEAK WITH MR. MELVIN, SO I
25 DON'T KNOW THAT I'VE GOT A POSITION IN THAT REGARD.

1 THE COURT: ALL RIGHT. THANK YOU. I WILL
2 REVIEW THE STATEMENT. AND MR. FATA, I WILL BE GLAD
3 TO HEAR FROM -- YOUR ARGUMENT AT THIS TIME IN
4 RESPONSE.

5 MR. FATA: YOUR HONOR, THANK YOU. IT'S OUR --
6 IT'S THE STATE'S POSITION THAT INMATE LYNCH DEMANDED
7 A -- THE NEWS MEDIA BE PRESENT AND IN FACT HE DID
8 NOT -- COTTON -- CORRECTIONS OFFICER COTTON WAS NOT
9 RELEASED UNTIL HE SAW THE NEWSMAN THERE. AND IT WAS
10 SORT OF AN EXCHANGE. HE GOT TO TALK TO CRAIG MELVIN
11 AND CORRECTIONS OFFICER COTTON WAS RELEASED.

12 AND SO YOUR OBSERVATION I THINK IS CORRECT AS
13 FAR AS IT WAS THE INMATES WHO WANTED...

14 THE COURT: ALL RIGHT, SIR. WOULD THAT
15 INFORMATION BE CONTAINED ON EITHER THE AUDIOTAPE OR
16 THE VIDEOTAPE?

17 MR. FATA: IT'S ON THE VIDEO. IT'S ON THIS --
18 THIS ABOUT -- IT'S SIX VIDEOTAPES WHICH I CAN PROVIDE
19 MY CASSETTE FOR YOU TO LOOK AT, BUT IT'S -- IT'S
20 TOWARD THE END OF THE -- EXCUSE ME, YOUR HONOR.
21 TOWARD THE END OF --

22 (CONFERRING WITH AUDIENCE MEMBERS).

23 MR. FATA: IT'S ON THE FIFTH TAPE, I BELIEVE,
24 YOUR HONOR. I CAN LOOK AT IT AND CUE IT UP FOR YOU,
25 BUT HE'S ASKING FOR THE -- FOR THE NEWS MEDIA AND

1 MAJOR FERRARO IS THE NEGOTIATOR AND THE NEGOTIATING,
2 HE DOESN'T BELIEVE THAT CRAIG MELVIN IS A NEWSMAN,
3 AND HE -- AND HE SAYS, OKAY, I WANT TO TALK TO HIM
4 NOW.

5 MAJOR FERRARO SAYS, NO, YOU'VE GOT TO LET
6 CORRECTIONS OFFICER COTTON GO AND THEN YOU CAN TALK
7 TO HIM, AND THAT'S THE WAY IT WENT.

8 THE COURT: NOW, STRAIGHTEN ME OUT ON ALL THESE
9 VIDEOTAPES, ALL THESE VARIOUS TAPES. WE'VE GOT A 24
10 MINUTE OR THEREABOUT VIDEOTAPE, MR. SCOTT, THAT YOU
11 REFERRED TO THAT I TAKE IT IS A COMPILATION OF THE
12 NEWS REPORTS THEMSELVES; IS THAT RIGHT?

13 MR. SCOTT: YES, SIR. THAT'S RIGHT, YOUR HONOR.
14 AND YOUR HONOR, ON THIS VIDEOTAPE THERE IS ACTUALLY
15 AN INTERVIEW BY DAVID STANTON OF CRAIG MELVIN--

16 THE COURT: RIGHT.

17 MR. SCOTT: -- WHEREBY CRAIG MELVIN IS
18 EXPLAINING HOW HE GOT INVOLVED. SO THAT'S ON THERE
19 AND I THINK THAT WILL HELP THE COURT.

20 THE COURT: VERY GOOD. THERE'S A 30 MINUTE
21 AUDIOTAPE?

22 MR. FATA: IT'S ABOUT 15 MINUTES, YOUR HONOR. I
23 HAVE THIS.

24 THE COURT: ALL RIGHT. AND WHAT'S THE -- WHATS
25 THE 15 MINUTE AUDIOTAPE?

1 MR. FATA: THAT IS THE ACTUAL INTERVIEW WITH
2 CRAIG MELVIN AND INMATE LYNCH.

3 THE COURT: OKAY. ALL RIGHT. THEN WE'VE GOT
4 SIX ADDITIONAL VIDEOTAPES. WHAT ARE THEY ABOUT?

5 MR. FATA: THESE VIDEOTAPES ARE TAPES DONE BY
6 THE DEPARTMENT OF CORRECTIONS THAT SHOW THE
7 NEGOTIATION OF THE HOSTAGE CRISIS FROM THE -- ALMOST,
8 NOT QUITE THE BEGINNING, BUT ALMOST THE BEGINNING,
9 AND THEY WERE DONE BY CORRECTIONS OFFICER SNOWDEN --
10 WHO IS IN IRAQ BY THE WAY, WE DON'T HAVE HIM
11 AVAILABLE. BUT MAJOR FERRARO WHO IS THE PRIME
12 NEGOTIATOR CAN IDENTIFY THE TAPES.

13 THE COURT: OKAY. NOW, WILL YOU OFFER THOSE
14 TAPES DURING THE COURSE OF THE TRIAL?

15 MR. FATA: I WILL, YES, SIR.

16 THE COURT: OKAY. AND THOSE TAPES ARE SIMPLY
17 NEGOTIATIONS BACK AND FORTH?

18 MR. FATA: BETWEEN INMATE LYNCH AND INMATE
19 SINGLETARY. AND THERE'S SOME OTHER INMATES ON THERE,
20 THE NEGOTIATIONS ARE BETWEEN -- MAINLY BETWEEN THOSE
21 TWO. ALSO SHOWS CORRECTIONS OFFICER COTTON BEING
22 HANDCUFFED TO EITHER THE -- AT DIFFERENT TIMES ONE OR
23 THE OTHER DEFENDANTS. ALSO SHOWS HIM BEING STABBED.

24 THE COURT: WERE THESE SIX TAPES TAKEN IN A
25 SINGLE SETTING OR WERE THEY--

1 MR. FATA: IN A SINGLE SETTING.

2 THE COURT: WHAT WAS THAT SETTING?

3 MR. FATA: THE CRISIS ITSELF OUT THERE AT -- IN
4 FRONT OF THE CHESTERFIELD UNIT. AND THE PHOTOGRAPH
5 OF THE -- YOU WILL SEE ON THE TAPE THAT THIS -- THIS
6 DOOR, CHESTERFIELD, AND THIS AREA RIGHT HERE WAS
7 TAKEN RIGHT IN FRONT -- RIGHT IN FRONT HERE.

8 THE COURT: OKAY. ALL RIGHT. WERE THESE
9 ONGOING NEGOTIATIONS? WERE THEY OFF AND ON
10 NEGOTIATIONS? WERE THEY CONSTANT? YOU TELL ME.

11 MR. FATA: THEY WERE -- THEY WERE ONGOING. THEY
12 STARTED WITH NEGOTIATOR BLANDSHAW, WENT TO NEGOTIATOR
13 YORK, AND THEN MAJOR FERRARO, WHEN HE GOT THERE, HE
14 TOOK OVER, AND IT JUST CONTINUES ON.

15 THE COURT: THERE IS A CONTINUOUS--

16 MR. FATA: CONTINUOUS INVESTIGATION OR
17 NEGOTIATION.

18 THE COURT: ALL RIGHT. THANK YOU. ALL RIGHT.
19 OKAY. WHAT -- WHAT'S THE DEFENSES' POSITION
20 REGARDING TO THE ADMISSIBILITY OF THE NEGOTIATION
21 TAPES, GENTLEMEN? MR. SCOTT?

22 MR. SCOTT: YOUR HONOR, FIRST, IF I COULD, I
23 HAVE THREE AUDIO TAPES HERE, JUDGE, AND I LISTENED TO
24 THEM. NOW, IT'S POSSIBLE I MAY HAVE MISSED THIS
25 INTERVIEW WITH CRAIG MELVIN ON THE AUDIOTAPE, BUT I

1 DON'T BELIEVE I HEARD THIS.

2 SO I'D LIKE MR -- MR. FATA TO BE ABLE TO LET ME
3 LISTEN TO THIS AUDIOTAPE THAT HE HAS INDICATED
4 CONTAINS THE INTERVIEW OF CRAIG MELVIN.

5 MR. FATA: WE WILL DO THAT BEFORE WE TURN IT--

6 MR. SCOTT: I DO KNOW, JUDGE, EARLIER I DID A
7 SOME PROBLEMS WITH SOME COPIES THAT I RECEIVED. I'D
8 JUST APPRECIATE THAT. JUDGE, MY UNDERSTANDING IS
9 THAT UNDER RULE 403 THESE -- THESE SIX OR -- SIX --
10 NOT THE WHOLE NINE, RIGHT, MR. FATA? THE SIX--

11 MR. FATA: THE SIX, THAT'S CORRECT.

12 MR. SCOTT: MY UNDERSTANDING IS THAT THERE IS A
13 SUBSTANTIAL AMOUNT OF -- I HADN'T LISTENED TO THE
14 TAPES LAST NIGHT. I LISTENED TO THEM TWICE EARLIER,
15 AND I WILL BE HONEST, I COULDN'T LISTEN TO THEM AGAIN
16 LAST NIGHT.

17 THE COURT: RIGHT.

18 MR. SCOTT: BUT I BELIEVE, JUDGE, THERE IS A
19 FAIR AMOUNT OF INADMISSIBLE EVIDENCE ON THESE TAPES.
20 I THINK THEY'RE -- I THINK IN THE BACKGROUND YOU HEAR
21 INMATES SCREAMING AND YELLING ABOUT WHAT MR.
22 SINGLETARY WANTS, WHAT MR. LYNCH SAYS, SO I THINK
23 THERE'S A FAIR AMOUNT OF HEARSAY IN THIS, SOME OF
24 THESE TAPES.

25 IN ADDITION TO THAT, I CERTAINLY THINK THE

1 TESTIMONY OF THE NEGOTIATOR CAN GIVE THE JURY A CLEAR
2 PICTURE OF WHAT HAPPENED AT THE TIME THE
3 NEGOTIATIONS.

4 SO TO THE EXTENT THAT -- AND THESE ARE VERY --
5 THIS -- THESE TAPES ARE VERY GRAPHIC, YOUR HONOR.
6 THEY ARE VERY EMOTION-LADEN FOR LACK OF A BETTER
7 DESCRIPTION.

8 THE COURT: I'M SURE.

9 MR. SCOTT: AND I THINK UNDER RULE 403, IT'S
10 GOING TO DO NOTHING BUT INFLAME THE PASSIONS OF THE
11 JURY. ANY PROBATIVE VALUE THEY HAVE CAN BE
12 ACCOMPLISHED BY THE DIRECT -- BY THE DIRECT TESTIMONY
13 OF THE PARTICIPANTS WHO WERE INVOLVED IN THE
14 NEGOTIATIONS.

15 AND I WOULD CERTAINLY THINK PROBATIVE VALUE IS
16 GOING TO BE OUTWEIGHED BY ANY UNDUE PREJUDICE THAT IT
17 WOULD CLEARLY HAVE OR CREATE. AND AS I SAID, JUDGE,
18 AS I REMEMBER FROM LISTENING TO THOSE TAPES, I THINK
19 THERE'S A FAIR AMOUNT OF INADMISSIBLE HEARSAY
20 EVIDENCE IN SOME OF THOSE TAPES.

21 THE COURT: MR. FATA, DO YOU INTEND TO REDACT
22 THOSE TAPES IN ANY WAY OR ARE YOU OFFERING THEM AS
23 THEY ARE?

24 MR. FATA: I'M OFFERING IT AS -- I'M OFFERING
25 THEM AS THEY ARE. IF -- AND I -- I HATE TO HAVE THE

1 COURT REVIEW THEM IN ADVANCE.

2 THE COURT: NO.

3 MR. FATA: BUT IF YOU FIND ANYTHING ON THERE
4 THAT SHOULD BE REDACTED, I DON'T HAVE A PROBLEM
5 REDACTING.

6 THE COURT: I'M PREPARED TO DO THAT BETWEEN NOW
7 AND THE TRIAL, OBVIOUSLY, TO SEE. A LOT DEPENDS --
8 BEFORE I CAN MAKE A 403 ANALYSIS, MR. SCOTT, AND
9 OBVIOUSLY IT'S A BALANCING TEST -- 403 IS, PROBATIVE
10 VALUE VERSUS PREJUDICIAL IMPACT, AND I CAN'T MAKE
11 THAT ANALYSIS IN A VACUUM.

12 AND SO I NECESSARILY HAVE TO LOOK AT IT TO SEE
13 WHAT THE PROBATIVE VALUE IS. THEY ARE CHARGED WITH
14 RIOTING, WITH TAKING A HOSTAGE, WITH INCITING TO RIOT
15 AND ASSAULTING A CORRECTIONAL OFFICER, OF COURSE, AS
16 WELL AS CARRYING A WEAPON.

17 IF THESE TAPES HAVE SOME EVIDENTIARY VALUE ON --
18 ON THOSE PARTICULAR CHARGES, IT MIGHT WELL BE THAT
19 THAT EVIDENTIARY VALUE OUTWEIGHS THE IMPACT. NO WAY
20 FOR ME TO MAKE THAT ANALYSIS OTHER THAN -- THAN BY
21 LOOKING AT IT.

22 MR. FATA: YES, SIR.

23 THE COURT: I'M NOT SURE HOW SOPHISTICATED WE
24 ARE, BUT SOMEWHERE IN THE DEPARTMENT OF CORRECTIONS
25 OR THE SOLICITOR'S OFFICE THERE IS A WAY TO DOWNLOAD

1 THOSE VIDEOTAPES ONTO A DISK, AND THEY ARE MUCH
2 EASIER TO REDACT ON A DISK -- ON A CD I SHOULD SAY.

3 AND FRANKLY, IF WE HAVE GOT A COMPUTER SCREEN
4 THEY'RE A LITTLE EASIER TO SHOW AS WELL. I WILL
5 LEAVE THAT UP TO YOU, BUT---

6 MR. FATA: YOUR HONOR, I -- I'LL TRY TO DO THAT
7 IF WE CAN GET IT DONE. I MEAN...

8 THE COURT: YES, SIR.

9 (MR. FATA CONFERRING WITH CREECH).

10 MR. FATA: WE WILL CALL AND FIND OUT.

11 THE COURT: SEE IF IT CAN BE DONE. I SAY FOR
12 PURPOSES OF JUST FOR YOUR -- OTHERWISE, YOU KNOW,
13 DURING THE COURSE OF THE TRIAL SOMETIME BETWEEN NOW
14 AND THE TRIAL SOMEBODY HAS TO GO THROUGH THERE AND
15 CUE THAT TAPE UP AND GO ALL THE WAY THROUGH IT AND DO
16 A -- HAVE TO MAKE COPIES. I DON'T WHAT YOU GOT TO
17 DO, I'M NOT MUCH FAMILIAR WITH IT MYSELF.

18 BUT I DO KNOW HAVING HAD A LITTLE EXPERIENCE ON
19 THE OTHER END OF THIS THING THAT WHEN YOU PUT IT ON A
20 CD IT MAKES IT A LOT EASIER TO DO ALL OF THOSE
21 THINGS, DOWNLOAD INTO SOME SORT OF COMPUTER, CAN BE
22 EVEN EASIER THAN THAT.

23 ALL RIGHT. SO GENTLEMEN, NECESSARILY THE RULING
24 ON THE MOTIONS TO EXCLUDE THE OTHER STATEMENTS MADE
25 DURING THE NEGOTIATIONS AND TO MR. MELVIN AND THE

1 VIDEOTAPES OF THE NEGOTIATION PROCESS ITSELF WILL
2 HAVE TO WAIT UNTIL I HAVE REVIEWED THOSE.

3 MR. SCOTT HAS THEN MADE A MOTION TO EXCLUDE ANY
4 STATEMENT MADE BY MR. SINGLETARY TO THE EXTENT THAT
5 IT IMPLICATES MR. LYNCH. I WILL GRANT THAT MOTION.
6 I THINK IT'S CLEAR UNDER THE RULE. MR. SINGLETARY
7 HAS MADE A LIKE MOTION TO EXCLUDE ANY STATEMENTS THAT
8 MR. LYNCH HAS MADE THAT IMPLICATES HIM. I DON'T
9 THINK THAT THERE ARE ANY IN THAT REGARD.

10 NOW, WHAT ABOUT THE LINE-UPS? WERE THESE FOLKS
11 IDENTIFIED BY LINE-UPS, PHOTOGRAPHS? HOW WERE THEY
12 IDENTIFIED?

13 MR. FATA: YOUR HONOR, THERE IS ONE LINE-UP.
14 WELL, ACTUALLY TWO LINE-UPS, ONE FOR EACH DEFENDANT
15 THAT WERE PRESENTED TO CORRECTIONS OFFICER DOZIER.

16 THE COURT: RIGHT.

17 MR. FATA: AND WE ARE PREPARED TO GO FORWARD
18 WITH THAT.

19 THE COURT: OKAY.

20 MR. FATA: UNLESS YOU WANT TO TAKE A BREAK.

21 THE COURT: WELL...

22 MR. FATA: I DON'T KNOW HOW LONG IT WILL TAKE.

23 THE COURT: I DON'T EITHER, BUT LET'S DO THIS.
24 WE'VE GOT THE -- I'M TRYING TO SEE WHAT WE'VE GOT
25 LEFT. SO THE MOTION TO INCLUDE (SIC) ANY

1 IDENTIFICATION OF MR. LYNCH OR MR. SINGLETARY, THAT
2 WILL BE INVOLVING MR. DOZIER? IS THAT RIGHT?

3 MR. FATA: YES, SIR. THAT'S THE ONLY PERSON
4 THAT SAW THE LINE-UP.

5 THE COURT: OKAY. THEN NEXT ON MR. SCOTT'S
6 MOTION LIST, MOTION IN LIMINE TO DETERMINE THE EXTENT
7 TO WHICH THE DEFENDANT LYNCH MAY INTRODUCE EVIDENCE
8 OF PREVIOUS CONDUCT OF MR. COTTON. AND I HAVE BEEN
9 GIVEN A LIST OF THOSE THINGS.

10 OBVIOUSLY WHATEVER EVIDENCE COULD COME IN IN
11 THAT REGARD WOULD BE FOR IMPEACHMENT PURPOSES.
12 CLEARLY NO ONE INDICATES THAT ANY OF THESE THINGS
13 WOULD BE A DEFENSE TO THE CHARGES. IS THAT FAIR TO
14 SAY, MR. SCOTT?

15 MR. SCOTT: YOUR HONOR, THAT'S CORRECT.

16 THE COURT: ALL RIGHT.

17 MR. SCOTT: THAT'S ABSOLUTELY CORRECT. AND
18 JUDGE, THE REASON I -- I INCLUDED THAT IS -- IS THAT
19 THE INDIVIDUALS WHO WOULD PROVIDE TESTIMONY REGARDING
20 THOSE ISSUES WITH REGARD TO THAT ISSUE ARE ALL
21 INMATES THEMSELVES, AND I WOULD PROBABLY NEED TO GET
22 AN ADVANCED RULING FROM THE COURT TO BE ABLE TO
23 DETERMINE WHETHER I CAN ACTUALLY GET SOME ASSISTANCE
24 IN GETTING THEM HERE ON THE DATE OF TRIAL.

25 THE COURT: ALL RIGHT. AND CERTAINLY, YOU KNOW,

1 THERE ARE PARTS OF -- OF THE OFFER OF PROOF THAT MAY
2 WELL BE ADMISSIBLE FOR IMPEACHMENT PURPOSES ONLY IF
3 MR. COTTON TESTIFIES, AND I'M CONFIDENT THAT HE WILL,
4 AND THERE'S SOME THAT WILL NOT.

5 AS A MATTER OF FACT, EVEN THE STATEMENTS
6 THEMSELVES CONTAIN SOME THINGS THAT WOULD BE
7 INADMISSIBLE BECAUSE THEY REFER TO WHAT OTHER FOLKS
8 HAVE TOLD THESE PEOPLE, AND SO I'M NOT PREPARED AT
9 THIS -- AT THIS JUNCTURE TO -- TO RULE ON ALL OF
10 THOSE THINGS.

11 SUFFICE IT TO SAY THAT THERE ARE PARTS OF EACH
12 OF THOSE INMATES' TESTIMONY THAT MAY BE ADMISSIBLE
13 FOR IMPEACHMENT PURPOSES IF HE TESTIFIES. THE MOTION
14 TO EXCLUDE ANY OTHER EVIDENCE WHICH IS IRRELEVANT IN
15 VIOLATION OF HEARSAY RULE, 403, CLEARLY WE WILL APPLY
16 THE HEARSAY RULE AND 403 DURING THE TRIAL.

17 AND I GUESS UNLESS YOU'VE GOT SOMETHING SPECIFIC
18 IN THAT REGARD, MR. SCOTT, I WILL HAVE TO WAIT UNTIL
19 THE EVIDENCE IS OFFERED. IS THAT FAIR TO SAY? OR DO
20 YOU HAVE SOMETHING SPECIFIC IN MIND?

21 MR. SCOTT: YOUR HONOR, I'M SORRY. I WAS TRYING
22 TO LISTEN TO MR. DOBY AT THE SAME TIME.

23 THE COURT: I'M LOOKING AT THE LAST THING THAT
24 YOU HAVE ON YOUR LIST.

25 MR. SCOTT: YES, SIR.

1 THE COURT: TO EXCLUDE ANY OTHER EVIDENCE WHICH
2 IS IRRELEVANT IN VIOLATION OF HEARSAY RULE OR WHICH
3 IS IN VIOLATION OF 403. I TAKE IT FROM THAT THAT
4 WHAT YOU'RE ASKING ME TO DO IS APPLY THE RULES OF
5 EVIDENCE.

6 MR. SCOTT: YOUR HONOR, WHAT I HAD IN MIND QUITE
7 HONESTLY WERE THESE TAPES THAT WE'VE ALREADY TALKED
8 ABOUT. THAT'S THE ONLY OTHER THING THAT I'M AWARE
9 OF. OF COURSE, THERE MAY BE SOMETHING ELSE THAT I
10 DON'T KNOW ABOUT, BUT PRIMARILY HAD IN MIND THOSE
11 TAPES.

12 THE COURT: ALL RIGHT. VERY GOOD. WE WILL DEAL
13 WITH THAT, OF COURSE, AS THEY -- IT COMES UP. THEN
14 AS -- MR. DOBY, AS I LOOK AT YOUR SITUATION TO
15 EXCLUDE IN-COURT IDENTIFICATION OF TYRONE SINGLETARY
16 BY ANY OF THE STATE'S WITNESSES, I'M SURE YOU READ
17 THE RECENT CASES ON THAT THAT TREAT IN-COURT
18 IDENTIFICATION WITH A MUCH LESS STRINGENT REVIEW
19 PROCESS THAN OUT-OF-COURT IDENTIFICATION.

20 AND WHO -- WHAT IN-COURT IDENTIFICATION DO YOU
21 ANTICIPATE OF YOUR CLIENT IN THIS REGARD?

22 MR. DOBY: YOUR HONOR, IN THE READING OF THE
23 MATERIAL THAT I HAVE BEEN PROVIDED, WE WANTED TO HAVE
24 NEGOTIATORS THAT WOULD ALLEGEDLY IDENTIFY MY CLIENT
25 AS WELL AS SOME FIRST RESPONDERS, AND OBVIOUSLY THE

1 TWO VICTIMS IN THIS CASE.

2 YOUR HONOR, AT THIS POINT I'M GOING TO LIMIT MY
3 MOTION TO THE OUT-OF-COURT IDENTIFICATION THAT WAS
4 DONE AS TO MY CLIENT.

5 THE COURT: BY MR. DOZIER?

6 MR. DOBY: YES, SIR. YES, YOUR HONOR.

7 THE COURT: ALL RIGHT. GOOD. OKAY. FOLKS, WHY
8 DON'T WE TAKE THEN A BRIEF BREAK BEFORE WE GO INTO
9 THAT? I SAY BRIEF, TWENTY-FIVE, 30 MINUTES. AND LET
10 US -- I THINK THEY'VE GOT A MEAL THAT I'M KEEPING
11 SOME OF THESE COURT PEOPLE FROM -- FROM ENGAGING IN
12 BACK THERE. I DON'T WANT TO CUT INTO THEIR TIME.

13 I'M AFRAID THAT IT WILL TAKE -- HOW LONG WILL IT
14 TAKE TO GET THROUGH MR. DOZIER'S LINE-UP? GOT TO GET
15 THE PERSON WHO PREPARED IT. GOT TO GET--

16 MR. FATA: GOT A PERSON WHO PREPARED IT, TWO
17 AGENTS, SAME TWO AGENTS WE HAD, AND THEN MR. DOZIER.

18 THE COURT: OKAY. THAT WILL TAKE ABOUT I GUESS
19 30 TO 40 MINUTES TO GET THAT DONE.

20 MR. DOBY: YOUR HONOR, MAY I ADD ONE MOTION THAT
21 I NOW REALIZE THAT IS PART OF AGENT CREECH'S
22 TESTIMONY, THAT THERE ARE HANDWRITTEN NOTES REGARDING
23 A STATEMENT THAT WAS GIVEN BY MY CLIENT.

24 THE COURT: RIGHT.

25 MR. DOBY: I HAVE NOT BEEN PROVIDED WITH ANY

1 SUCH NOTES, CONTENTS OF ANY STATEMENT GIVEN BY MY
2 CLIENT AT THIS POINT.

3 *THE COURT:* AND OF COURSE, THAT -- THOSE WERE
4 THE NOTES THAT WERE IN CONJUNCTION WITH THE STATEMENT
5 THAT HE ACTUALLY GAVE IN THE COURT AS I RECALL IT, SO
6 I THINK IT'S THE SAME STATEMENT. BUT YOU HAVE SEEN
7 THE NOTES?

8 *MR. DOBY:* I HAVE NOT, YOUR HONOR.

9 *THE COURT:* AND HE'S GOT THOSE NOTES AND
10 CERTAINLY THE -- I WILL LET HIM AND MR. FATA CONFER,
11 SEE IF HE OBJECTS TO TURNING THOSE OVER. THE RULE
12 ACTUALLY REFERS TO RULE 5A.A. UPON REQUEST BY A
13 DEFENDANT, A PROSECUTION SHALL PERMIT THE DEFENDANT
14 TO INSPECT AND COPY OR PHOTOGRAPH ANY RELEVANT
15 WRITTEN OR RECORDED STATEMENTS MADE BY THE DEFENDANT
16 OR COPIES THEREOF IN POSSESSION, CUSTODY, OR CONTROL
17 OF THE PROSECUTION. THE EXISTENCE WHICH IS KNOWN, ET
18 CETERA.

19 THE SUBSTANCE OF ANY ORAL STATEMENT TO WHICH THE
20 PROSECUTION CONTENTS TO OFFER IN EVIDENCE AT TRIAL
21 MADE BY THE DEFENDANT BUT ARE -- WHETHER BEFORE OR
22 AFTER ARREST, ET CETERA.

23 THE -- WHAT THAT REFERS TO IS THAT THE ORAL
24 STATEMENT MADE BEFORE THE WRITTEN STATEMENT IS GOING
25 TO BE OFFERED, THEN THEY HAVE THE OBLIGATION TO TURN

1 IT OVER. I REALIZE THAT -- THAT BRADY AND COLLINS
2 VERSUS WHITLEY, OF COURSE, REFERS TO OTHER TYPE OF
3 STATEMENTS AS WELL.

4 BUT I WILL LET MR. CREECH AND MR. FATA CONFER TO
5 SEE WHETHER MR. FATA WISHES TO OBJECT TO THOSE
6 HANDWRITTEN NOTES BEING TURNED OVER TO HIM. IF THEY
7 DO, WE WILL HEAR THE OBJECTION. IF THEY DON'T, THEN
8 I WILL DIRECT THAT THEY BE TURNED---

9 MR. SCOTT: AND YOUR HONOR, I DON'T KNOW IF ANY
10 SUCH NOTES EXIST AS TO MR. LYNCH OR NOT, BUT I WOULD
11 JOIN IN MR. DOBY'S MOTION.

12 THE COURT: ALL RIGHT. MR. FATA, IF YOU WILL
13 CHECK INTO THAT, PLEASE. UNDER KYLE V WHITLEY YOU'RE
14 RESPONSIBLE FOR THAT AS YOU KNOW.

15 MR. FATA: I DO KNOW THAT.

16 THE COURT: ALL RIGHT, FOLKS. LET'S START BACK
17 AT ABOUT 20 MINUTES OF THE HOUR. THANK YOU.

18 (WHEREUPON A LUNCH RECESS WAS TAKEN.)

19 THE COURT: IF YOU WILL ASK THEM TO BRING THE
20 INMATES IN.

21 (DEFENDANTS ENTERED THE COURTROOM.)

22 THE COURT: ALL RIGHT, FOLKS. WE CONTINUE NOW
23 TO CONCLUDE THE MOTION, THE IDENTIFICATION ISSUES.
24 BOTH MR. LYNCH AND MR. SINGLETARY HAVE MOVED TO
25 EXCLUDE ANY OUT-OF-COURT IDENTIFICATION RESULTING

1 FROM THE LINE-UPS SHOWN TO MR. DOZIER, AND WE WILL
2 PROCEED TO A HEARING THAT REGARD.

3 BEFORE WE DO, MADAM REPORTER, THE RECORD SHOULD
4 REFLECT THAT MR. FATA HAS CONFERRED WITH MR. CREECH.
5 THEY HAVE NO OBJECTION TO TURNING OVER THE
6 HANDWRITTEN NOTES OF MR. CREECH'S INTERVIEW IN THAT
7 REGARD.

8 SIMPLY DIDN'T SEE THE NEED TO TURN THEM OVER
9 BECAUSE THEY -- THE WRITTEN STATEMENT EMBODIED
10 LARGELY EVERYTHING THAT THE NOTES CONCERNED
11 CONTAINED. BUT NEVERTHELESS, THE THOSE NOTES WILL BE
12 TURNED OVER TO MR. DOBY TO YOU. MR. FATA WAS GOING
13 TO SEE TO THAT.

14 ALL RIGHT. MR. FATA, YOU CAN CALL YOUR FIRST
15 WITNESS ON YOUR IDENTIFICATION ISSUE.

16 MR. FATA: YOUR HONOR, WE WOULD CALL ALICE
17 SHEALY.

18 THE COURT: COME FORWARD, PLEASE.

19 MR. FATA: YOUR HONOR, THERE ARE TWO LINE-UPS.
20 WOULD YOU LIKE TO MARK THEM FOR IDENTIFICATIONS ONE
21 OR TWO SEPARATE...

22 THE COURT: MARK THEM SEPARATELY.

23 (WHEREUPON, STATE'S EXHIBITS NOS. 3, 4 WERE
24 MARKED FOR IDENTIFICATION ONLY.)

25 ALICE SHEALY, AFTER

1 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION

3 BY MR. FATA:

4 Q MRS. SHEALY, WHAT IS YOUR OCCUPATION?

5 A I'M EMPLOYED WITH THE SOUTH CAROLINA LAW ENFORCEMENT
6 DIVISION CURRENTLY IN THE FORENSIC PHOTOGRAPHY DEPARTMENT.

7 Q OKAY. AND WHAT DO YOU DO IN FORENSIC PHOTOGRAPHY
8 DEPARTMENT?

9 A A VARIETY OF THINGS, PHOTOGRAPH EVIDENCE, PROCESS
10 FILM. AND ONE OF THE -- MY RESPONSIBILITIES IS I WILL
11 SIT, COMPILE PHOTOGRAPHIC LINE-UPS.

12 Q AND YOUR BACKGROUND, EDUCATIONAL BACKGROUND AND OR
13 EXPERIENCE IN COMPILING PHOTOGRAPHIC LINE-UPS IS WHAT?

14 A I HAVE BEEN EMPLOYED WITH SLED FOR ALMOST 22 YEARS
15 AND I'VE BEEN DOING LINE-UPS APPROXIMATELY HALF OF THAT
16 TIME.

17 Q OKAY. HAVE YOU HAD ANY SPECIAL TRAINING IN THAT
18 AREA, EITHER---

19 A MOSTLY ON THE JOB. I HAVE ATTENDED VARIOUS UNSUNDRY
20 SCHOOLS, THE FBI ACADEMY IN QUANICO, VIRGINIA, THE SOUTH
21 CAROLINA CRIMINAL JUSTICE ACADEMY TO NAME A FEW.

22 MR. FATA: YOUR HONOR, WE WOULD OFFER
23 MRS. SHEALY AS AN EXPERT IN THE AREA OF PHOTOGRAPHIC
24 LINE-UP ARRAYS.

25 THE COURT: ALL RIGHT. YOU MAY WISH TO --

1 BEFORE THE JURY, YOU MAY WISH TO HAVE HER QUALIFIED
2 IN THAT REGARD. FOR OUR PURPOSES TODAY IT'S NOT
3 NECESSARY THAT SHE BE QUALIFIED.

4 MR. FATA: OKAY.

5 THE COURT: I CAN APPRECIATE THE -- AS FAR AS
6 THE JURY'S CONCERNED, THAT MIGHT BE -- THAT MIGHT BE
7 SOMETHING YOU WANT TO GET BEFORE A JURY. BUT FOR MY
8 PURPOSES TODAY IT'S SUFFICIENT THAT SHE HAS TRAINING,
9 THE 11 YEARS OF EXPERIENCE IN DOING THIS TO ENABLE
10 HER TO DO IT.

11 AND THE QUESTION, OF COURSE, PROOF IS IN THE
12 PUDDING, THE EXAMINATION OF THE PHOTOGRAPHS ITSELF.
13 ALL RIGHT.

14 BY MR. FATA:

15 Q MRS. SHEALY, I'M GOING TO SHOW YOU STATE'S EXHIBIT
16 NUMBER THREE AND STATE'S EXHIBIT NUMBER FOUR FOR
17 IDENTIFICATION. DO YOU RECOGNIZE THOSE?

18 A YES, I DO.

19 Q WHAT ARE THEY?

20 A THEY ARE TWO WHAT WE CALL SIX PACKS WHICH ARE
21 PHOTOGRAPHIC LINE-UPS, LAYOUTS, THAT I PREPARED.

22 Q YOU PREPARED THOSE?

23 A YES, SIR.

24 Q AND WHAT PROCEDURE DID YOU USE TO PREPARE THOSE
25 LINE-UPS?

1 A ON THESE TWO SPECIFICALLY I HAD TO GO TO THE LEE
2 COUNTY -- DEPARTMENT OF CORRECTIONS, THE INSTITUTION.

3 Q IN LEE COUNTY?

4 A IN LEE COUNTY. I CAN'T THINK OF IF IT'S...

5 Q LEE CORRECTIONAL INSTITUTE.

6 A LEE CORRECTIONAL INSTITUTE -- AND PHOTOGRAPHED
7 NUMEROUS INMATES USING THE SAME BACKGROUND, SAME CAMERA,
8 SAME DISTANCE. I USED A DIGITAL CAMERA TO DO THIS. IN
9 THIS CASE I HAD TO GO AND ACTUALLY PHOTOGRAPH NUMEROUS
10 INMATES TO COMPILE THESE LINE-UPS BECAUSE THE INDIVIDUAL
11 IN QUESTION DID NOT HAVE A SOUTH CAROLINA DRIVER'S LICENSE
12 WHICH IS OUR MOST COMMON WAY OF PREPARING A SIX PACK
13 LINE-UP.

14 Q OKAY. NOW, YOU INDICATED THE SAME BACKGROUND AND --
15 WHAT ELSE -- WHY DID -- WHY DID YOU HAVE THE SAME
16 BACKGROUND?

17 A WHEN YOU'RE DOING -- WHEN YOU'RE PUTTING TOGETHER
18 LINE-UPS, YOU DON'T WANT ANY PHOTOGRAPH IN IT TO STAND OUT
19 FROM THE REST SUCH AS A DIFFERENT COLORED BACKGROUND,
20 DIFFERENT SIZE HEAD.

21 YOU WANT THEM TO -- YOU DON'T WANT A PERSON'S EYES TO
22 BE JUST NATURALLY DRAWN TO ONE INDIVIDUAL BECAUSE THERE IS
23 SOMETHING DIFFERENT ABOUT THEM, AND A DIFFERENT COLORED
24 BACKGROUND WOULD DEFINITELY BE SOMETHING THAT WOULD DRAW
25 ATTENTION.

1 Q SO IN THESE TWO EXHIBITS, IS -- IS THE BACKGROUND THE
2 SAME?

3 A YES, IT IS.

4 Q AND WHAT -- WHAT ELSE DID YOU LOOK OUT FOR OR TRY TO
5 DO TO PREVENT THE LINE-UPS FROM -- ANY ONE PICTURE FROM
6 BEING OVERLY SUGGESTIVE?

7 A WELL, YOU WANT YOUR HEAD SIZES TO BE APPROXIMATELY
8 ALL THE SAME SIZE, THE INDIVIDUALS TO BE SIMILAR IN
9 APPEARANCE AS FAR AS RACE, SIMILAR AGES. YOU LOOK FOR
10 FACIAL HAIR, ANYTHING THAT -- THAT IS -- YOU WANT IT ALL
11 TO BE COMMON WITH ALL OF YOUR SIX INDIVIDUALS.

12 Q THESE TWO EXHIBITS, ARE THEY -- ARE THE -- WHAT IS
13 YOUR OPINION ABOUT THESE TWO? ARE THEY SUGGESTIVE IN ANY
14 WAY?

15 A IN MY OPINION THEY ARE ALL VERY COMMON IN A -- IN
16 APPEARANCE. THERE IS NOTHING ABOUT ANY OF THEM THAT STAND
17 OUT OF -- OF THE OTHER FIVE.

18 Q DID YOU MAKE A -- DOES EACH LINE-UP CONTAIN A
19 PHOTOGRAPH OF EACH -- OF ONE OF THE DEFENDANTS?

20 A CORRECT, IT WILL BE ONE KNOWN AND FIVE UNKNOWNNS.

21 Q OKAY. NOW, STATE'S EXHIBIT NUMBER THREE CONTAINS
22 WHAT, WHICH DEFENDANT, OR DO YOU KNOW?

23 A I DO NOW. I -- I HAD AGENT CREECH REFRESH MY MEMORY
24 THIS MORNING AS TO WHO WAS WHO. PRIOR TO THAT I DIDN'T
25 REMEMBER WHO -- WHO WAS WHO.

1 Q OKAY. AND WHO IS -- WHO IS IN STATE'S EXHIBIT THREE?

2 A NUMBER THREE IS -- THE SUSPECT IS NUMBER THREE AND

3 I'M -- I'M NOT SURE WHERE -- IF THAT'S SINGLETARY OR

4 LYNCH.

5 Q OKAY. AND STATE'S EXHIBIT NUMBER FOUR?

6 A AND NUMBER FOUR, THE SUSPECT IS NUMBER FIVE.

7 Q OKAY. ANSWER ANY QUESTIONS THAT EITHER MR. SCOTT OR

8 MR. DOBY MAY HAVE.

9 THE COURT: MR. SCOTT, ANY QUESTIONS OF MRS.

10 SHEALY?

11 MR. SCOTT: JUST BRIEFLY, YOUR HONOR, IF I MAY.

12 CROSS-EXAMINATION

13 BY MR. SCOTT:

14 Q MRS. SHEALY, DO YOU HAVE THE EXHIBITS UP THERE WITH

15 YOU?

16 MR. SCOTT: YOUR HONOR, MAY I APPROACH?

17 THE COURT: YES, SIR.

18 (WHEREUPON THERE WAS A PAUSE.)

19 BY MR. SCOTT:

20 Q ALL RIGHT. MRS. SHEALY, THIS IS STATE'S EXHIBIT

21 NUMBER THREE FOR IDENTIFICATION. AND YOU INDICATED THAT

22 YOUR UNDERSTANDING -- WELL, YOU HAVE BEEN TOLD BASED ON

23 YOUR DISCUSSION WITH THE OTHER AGENTS THAT ONE OF THE

24 SUSPECTS APPEARS IN STATE'S EXHIBIT NUMBER THREE AS

25 PHOTOGRAPH NUMBER THREE; IS THAT CORRECT?

1 A CORRECT.

2 Q OKAY. AND WHAT -- YOU SAID THAT YOU WENT TO THE
3 CORRECTIONAL INSTITUTION AND ACTUALLY PHOTOGRAPHED THESE
4 INDIVIDUALS; IS THAT CORRECT?

5 A CORRECT. I -- I ENDED UP -- IT'S BEEN TWO YEARS AGO.

6 Q YES, MA'AM. I UNDERSTAND. SURE.

7 A I DON'T REMEMBER. I KNOW I WENT TO THE LEE FACILITY
8 AND THEN I WENT TO I THINK TWO OTHER FACILITIES AND
9 PHOTOGRAPHED SOME -- TOOK SOME OTHER PHOTOGRAPHS.

10 Q OKAY. SO IT'S POSSIBLE THAT SOME OF THESE MAY HAVE
11 BEEN PHOTOGRAPHED AT LEE AND SOME PHOTOGRAPHED AT ANOTHER
12 CORRECTIONAL INSTITUTE?

13 A THEY WERE.

14 Q OKAY. ALL RIGHT. YOU DON'T REMEMBER WHICH WAS
15 WHICH, THOUGH?

16 A I DON'T. I JUST...

17 Q ALL RIGHT. AND YOU SAY THAT WHAT YOU NORMALLY TRY TO
18 DO IS MAKE SURE THAT THE FACIAL HAIR IS SIMILAR. IS THAT
19 CORRECT?

20 A THAT'S CORRECT.

21 Q AND THE SKIN COLORATION AND THE HEAD SIZE. IS THAT
22 CORRECT?

23 A THAT'S CORRECT.

24 Q OKAY. LOOK AT -- AGAIN LOOK AT STATE'S EXHIBIT
25 NUMBER THREE. DOES IT NOT APPEAR TO YOU THAT PHOTOGRAPH

1 NUMBER THREE, WHICH I'LL STATE FOR THE RECORD, YOUR HONOR,
2 IS MR. LYNCH.

3 THE COURT: YOU MAY.

4 BY MR. SCOTT:

5 Q APPEARED -- DOES THAT APPEAR THAT HIS HEAD APPEARS
6 LARGER THAN ALL THE OTHERS IN THESE -- IN THESE SIX
7 PHOTOGRAPHS?

8 A NO, SIR. TO ME THEY ARE ALL VERY, VERY SIMILAR. IF
9 YOU LINE THEM UP CHIN TO CHIN, TOP OF THE HEAD TO THE TOP
10 OF THE HEAD, THEY'RE ALL APPROXIMATELY. I MEAN, THEY'RE
11 NOT GOING TO BE EXACT.

12 Q I UNDERSTAND.

13 A BUT, BUT ON -- MEASURE THEM, BUT THEY ARE -- THEY ARE
14 VERY -- TO ME THEY ARE VERY SIMILAR.

15 Q AND THE REASON I ASK THAT IS THAT LOOKING AT AGAIN
16 STATE'S EXHIBIT NUMBER THREE, PHOTOGRAPH NUMBER FIVE, THAT
17 GENTLEMAN APPEARS TO HAVE A -- WHAT I CONSIDER TO BE AN
18 OVAL-SHAPED HEAD. WOULD YOU AGREE WITH THAT? OR HIS FACE
19 I SHOULD SAY, AN OVAL-SHAPED FACE?

20 A I...

21 Q I JUST WANT YOU TO TELL ME WHETHER YOU AGREE OR NOT.
22 I MEAN, YOU HAVE YOUR OWN OPINION.

23 A I WOULD SAY THAT THAT COULD BE YOUR OPINION. I DON'T
24 KNOW IF I WOULD SAY THAT.

25 Q OKAY. AND I WOULD -- AND I WOULD MAKE THE SAME

1 COMMENT WITH RESPECT TO PHOTOGRAPH NUMBER ONE AND
2 PHOTOGRAPH NUMBER SIX. WOULD YOU AGREE OR DISAGREE WITH
3 THAT, THAT THEIR FACIAL CHARACTERISTICS APPEAR TO BE THAT
4 OF AN OVAL?

5 A TO ME THEY'RE JUST -- THEY'RE SORT OF ALL THE SAME
6 SHAPE, BUT I DON'T KNOW IF I WOULD SAY OVAL OR SORT OF
7 ROUND, MAYBE.

8 Q OKAY. AND PHOTOGRAPHS NUMBER FOUR OR PHOTOGRAPH
9 NUMBER FOUR -- FORGIVE ME -- IS SORT OF -- SORT OF A
10 NARROW RECTANGULAR SHAPE. WOULD YOU AGREE OR DISAGREE
11 WITH THAT?

12 A NUMBER FOUR?

13 Q YES, MA'AM, UNDER STATE'S EXHIBIT NUMBER THREE.

14 A TO ME IT'S ALL...

15 Q OKAY.

16 A JUST A ROUND FACE.

17 Q AND ON NUMBER TWO, OR I SHOULD SAY WITH RESPECT TO
18 PHOTOGRAPH NUMBER TWO ON STATE'S NUMBER THREE, HE IS
19 ACTUALLY DECIDEDLY -- LET'S SEE -- HIS HEAD SIZE I GUESS
20 IS ABOUT APPROXIMATELY THE SAME SIZE AS NUMBER TWO. WOULD
21 YOU AGREE WITH THAT?

22 I'M SORRY. NUMBER ONE AND NUMBER TWO PHOTOGRAPH --
23 PHOTOGRAPH NUMBER TWO AND PHOTOGRAPH NUMBER ONE DEPICT
24 HEAD SIZES THAT ARE ROUGHLY THE SAME?

25 A TO ME THEY ALL -- THEY ARE ALL ROUGHLY THE SAME.

1 Q IT DOESN'T APPEAR TO YOU THEREFORE THAT PHOTOGRAPH
2 NUMBER THREE, WHICH IS AGAIN MR. LYNCH, HAS TO -- APPEARS
3 TO DEPICT SOMEONE WITH A MUCH FULLER OR HEAVIER FACE IN
4 LOOKING AT THESE PHOTOGRAPHS?

5 A NO, SIR. TO ME THEY'RE -- THEY'RE SIMILAR. THEY'RE
6 NOT IDENTICAL, OF COURSE, BECAUSE THEY ARE DIFFERENT
7 PEOPLE.

8 Q RIGHT.

9 A BUT TO ME THEY'RE -- ALL SIX ARE VERY SIMILAR IN
10 APPEARANCE.

11 Q AND IT DOESN'T APPEAR TO YOU THAT PHOTOGRAPH NUMBER
12 FIVE SHOWS SOMEONE WITH A GREATER PORTION OF HIS FACE
13 COVERED -- I'M SORRY, PHOTOGRAPH NUMBER THREE -- A GREATER
14 PORTION OF HIS FACE COVERED WITH HAIR THAN THE OTHER
15 INDIVIDUALS DEPICTED ON THOSE OTHER FIVE PHOTOGRAPHS?

16 A NO MORE SO THAN TWO AND FIVE OF -- THEY ALL HAVE SOME
17 AMOUNT OF FACIAL HAIR.

18 Q I'M JUST CURIOUS NOW. DO YOU RECALL WHETHER YOU TOOK
19 THE PHOTOGRAPH OF THE KNOWN SUSPECT FIRST OR DID YOU TAKE
20 THE PHOTOGRAPHS OF THE OTHER INDIVIDUALS FIRST?

21 A I BELIEVE -- I THINK THE FIRST INSTITUTION I WENT TO
22 WAS LEE. I -- I THINK. I REALLY -- I CAN'T SAY THAT FOR
23 SURE. AND I MEAN, I'VE HEARD THROUGH TODAY HOW THEY WERE
24 TRANSFERRED, SO I KNOW THAT--

25 Q YES, MA'AM?

1 A -- WHEN I WENT TO THE OTHER INSTITUTIONS I WOULD HAVE
2 BEEN PHOTOGRAPHING THE PEOPLE THAT HAD BEEN TRANSFERRED.
3 AND I -- I THINK MY FIRST -- THINK THE FIRST PLACE THAT I
4 WENT WAS LEE.

5 Q OKAY. AND YOU DON'T REMEMBER WHETHER MR. LYNCH --
6 WELL AGAIN, THE GENTLEMAN IDENTIFIED IN NUMBER THREE AS
7 BEING MR. LYNCH, YOU DON'T REMEMBER WHETHER YOU
8 PHOTOGRAPHED HIM AT LEE OR SOMEWHERE ELSE AND YOU DON'T--

9 A NO.

10 Q -- I'M SORRY. GO AHEAD.

11 A I DON'T. I -- I SET MY EQUIPMENT UP IN A ROOM AND
12 THE INDIVIDUALS WERE BROUGHT TO ME SORT OF IN A LINE.
13 THEY JUST -- THEY CAME INTO THE ROOM, THEY STOOD AT A
14 CERTAIN PLACE IN FRONT OF A BACKDROP THAT I HAD. I TOOK
15 THEIR PICTURE AND THEY LEFT.

16 Q DID YOU PARTICIPATE IN SELECTING THESE INDIVIDUALS TO
17 BE PHOTOGRAPHED THEN OR DID--

18 A NO.

19 Q -- SOMEBODY ELSE?

20 A NO.

21 Q WHO SELECTED THE INDIVIDUALS TO BE PHOTOGRAPHED?

22 A I'M -- I KNOW CAPTAIN GAINNEY WAS PRESENT AND AGENT
23 CREECH, AND I -- I THINK WHAT THEY -- I THINK THEY JUST
24 TOOK LIKE AN ENTIRE UNIT.

25 Q YES, MA'AM.

1 A ONE OF THE UNITS AT THE FACILITY, AND I PHOTOGRAPHED
2 EVERYBODY IN THAT UNIT INDIVIDUALLY.

3 Q OKAY. SO AM I TO UNDERSTAND THEN THAT ALTHOUGH THESE
4 TWO SIX PACKS THAT YOU -- AS YOU REFER TO THEM, STATE'S
5 EXHIBIT THREE AND FOUR -- WERE THE PHOTOGRAPHS USED ON
6 THESE -- OR IN THESE TWO LINE-UPS, AM I TO UNDERSTAND YOU
7 TOOK MORE THAN THESE 12 PHOTOGRAPHS?

8 A OH, YES. I TOOK QUITE A BIT MORE.

9 Q OKAY.

10 A AND THEN JUST WENT THROUGH ALL OF THEM AS A WHOLE AND
11 NARROWED IT DOWN UNTIL I HAD WHAT I WAS COMFORTABLE WITH
12 TO MAKE THESE -- THE TWO FINAL PRODUCTS.

13 Q SO THEN WHAT HAPPENED IS AFTER YOU PHOTOGRAPHED ALL
14 OF THE INMATES WHO WERE PRESENTED TO YOU TO PHOTOGRAPH,
15 YOU THEN SELECTED SIX TO PLACE IN EACH SET?

16 A CORRECT.

17 Q BASED ON--

18 A I SELECTED FIVE.

19 Q YOU SELECTED FIVE AND THEN YOU WERE GIVEN...

20 A I WAS TOLD WHICH ONE WAS THE SUSPECT.

21 Q ALL RIGHT. THEN YOU SELECTED FIVE TO ACCOMPANY THE
22 SUSPECT?

23 A CORRECT.

24 Q I'M WITH YOU. OKAY. SO THE PROCEDURE WOULD HAVE
25 BEEN THAT YOU WERE TRYING TO FIND FIVE OTHERS THAT WERE

1 SIMILAR IN APPEARANCE TO THE KNOWN SUSPECT--

2 A CORRECT.

3 Q -- ON HERE. OKAY.

4 MR. SCOTT: YOUR HONOR, THAT'S ALL I HAVE.
5 THANK YOU.

6 THE COURT: THANK YOU, MR. SCOTT. MR. DOBY?

7 MR. DOBY: NO QUESTIONS, YOUR HONOR.

8 THE COURT: THANK YOU. MR. FATA, ANYTHING ELSE?

9 MR. FATA: NOTHING ELSE. MAY THIS WITNESS BE
10 EXCUSED?

11 THE COURT: THANK YOU. YOU CAN STEP DOWN AND BE
12 EXCUSED. THANK YOU, MA'AM.

13 (WHEREUPON THE WITNESS LEFT THE STAND.)

14 MR. FATA: WE CALL SPECIAL AGENT CREECH.

15 THE COURT: SPECIAL AGENT CREECH, COME FORWARD
16 PLEASE, SIR, AND BE SWORN. THE LUNCH BREAK DID NOT
17 ERASE THE OATH. YOU'RE STILL UNDER OATH.

18 MARK CREECH, AFTER
19 BEING DULY REMINDED OF OATH, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MR. FATA:

22 Q AGENT CREECH, LOOK AT DEFENDANT'S -- EXCUSE ME --
23 LOOK AT STATE'S THREE AND FOUR. AND DO YOU RECOGNIZE
24 THOSE?

25 A YES, SIR.

1 Q AND WHAT ARE THEY?

2 A THESE ARE THE LINE-UPS THAT ALICE SHEALY MADE.

3 Q AND DID YOU USE THOSE IN ANY PARTICULAR WAY?

4 A YES, SIR. I WENT TO KENNETH DOZIER ON 12-5-03 AND
5 SHOWED THEM TO HIM.

6 Q ALL RIGHT. AND HE WAS ONE OF THE GUARDS HELD
7 HOSTAGE?

8 A THAT'S CORRECT.

9 Q AND WHY DID YOU HAVE A LINE-UP PREPARED TO SHOW TO
10 KENNETH DOZIER?

11 A BECAUSE IN HIS STATEMENT HE DESCRIBED TWO INDIVIDUALS
12 THAT CAME OVER TO HIS SIDE OF THE DORM. HE DID NOT NAME
13 ANYBODY.

14 Q OKAY. NOW, WITHOUT PICKING OUT WHO THEY ARE OR
15 ANYTHING, YOU SHOWED HIM DEFENDANT'S THREE -- BEEN ON THE
16 OTHER SIDE TOO LONG, JUDGE. WHEN YOU SHOWED HIM STATE'S
17 EXHIBIT THREE AND FOUR, WAS HE ABLE TO PICK OUT THE...

18 A YES, SIR. HE SIGNED THE BACK.

19 Q DEFENDANT? OKAY. HE PICKED OUT--

20 A ON THE CORRESPONDING PICTURE.

21 Q HE PICKED THEM OUT?

22 A THAT'S WHERE HE SIGNED, YES, SIR.

23 Q ALL RIGHT. HOW WERE THEY SHOWN TO HIM?

24 A HOW WERE THEY SHOWN? JUST LIKE THIS.

25 Q RIGHT. WAS ANY SUGGESTION MADE--

1 A NO, SIR.

2 Q -- TO PICK OUT ONE OR THE OTHER?

3 A NO, SIR.

4 Q DID ANYBODY POINT OUT -- BY SUGGESTION, DID ANYBODY
5 POINT TO ONE OF THE PHOTOGRAPHS AND SAY THIS -- DOES THIS
6 LOOK LIKE HIM?

7 A NO.

8 Q ALL RIGHT. DID YOU -- DID YOU SAY ANYTHING TO HIM
9 WHEN YOU SHOWED HIM THE LINE-UP AT ALL, THAT -- THAT'S...

10 A I MAY HAVE SAID, DO YOU RECALL SEEING ANYBODY IN
11 THESE LINE-UPS.

12 Q OKAY.

13 A AS IT RELATES TO THIS INVESTIGATION. I DID NOT TELL
14 HIM WHO TO PICK OUT.

15 Q YOU MADE NO SUGGESTIONS?

16 A NO.

17 Q THEY WEREN'T PRESENTED TO HIM IN A SUGGESTIVE MANNER?

18 A NO, SIR.

19 Q DID HE VIEW THE LINE-UPS BY HIMSELF?

20 A YES, SIR.

21 Q ANSWER ANY QUESTIONS THAT MR. SCOTT OR MR. DOBY MAY
22 HAVE.

23 THE COURT: DID HE IDENTIFY THE -- WHO DID HE
24 IDENTIFY IN STATE'S NUMBER THREE AS BEING THE
25 DEFENDANT IN THE CASE?

1 THE WITNESS: ON STATE THREE (SIC) HE SIGNED THE
2 BACK OF PICTURE NUMBER THREE.

3 THE COURT: ALL RIGHT. AND IS THAT -- WHO IS...

4 THE WITNESS: THAT IS JACOB LYNCH.

5 THE COURT: AND WHAT ABOUT STATE'S FOUR?

6 THE WITNESS: STATE'S FOUR HE SIGNED THE BACK OF
7 PICTURE NUMBER FIVE, AND THAT IS TYRONE SINGLETARY.

8 THE COURT: DID HE INDICATE ANY HESITANCY IN
9 THAT REGARD?

10 THE WITNESS: NOT THAT I RECALL, NO, SIR.

11 THE COURT: HOW LONG DID IT TAKE HIM FROM THE
12 TIME YOU SHOWED HIM THE PHOTOGRAPH BEFORE HE MADE THE
13 IDENTIFICATION?

14 THE WITNESS: IT WAS VERY BRIEF.

15 THE COURT: SECONDS, MINUTES? HOW WOULD YOU
16 DESCRIBE IT?

17 THE WITNESS: I WOULD DESCRIBE IT AS SECONDS.

18 THE COURT: WHEN YOU GAVE HIM THE PHOTOGRAPHS,
19 DID YOU ACTUALLY TELL HIM THAT THE -- THAT A SUSPECT
20 OR A DEFENDANT WAS PRESENT IN EITHER OF THOSE
21 PHOTOGRAPHS?

22 THE WITNESS: MY RECOLLECTION IS I ASKED HIM,
23 DOES HE RECOGNIZE ANYBODY IN THE LINE-UPS.

24 THE COURT: AND THAT'S THE ESSENCE OF WHAT YOU
25 TOLD HIM?

1 THE WITNESS: THAT'S MY RECOLLECTION OF IT.

2 YES, SIR.

3 THE COURT: WAS ANYBODY ELSE PRESENT IN THE
4 LINE-UP PROCEDURE OTHER THAN YOU AND MR. DOZIER?

5 THE WITNESS: NO, SIR.

6 THE COURT: THANK YOU, MR. CREECH. MR. SCOTT,
7 YOU CAN CROSS-EXAMINE.

8 MR. SCOTT: YOUR HONOR, BASED ON YOUR QUESTIONS,
9 I JUST HAVE ONE FOR THIS OFFICER.

10 CROSS-EXAMINATION

11 BY MR. SCOTT:

12 Q DID YOU SHOW HIM ANY OTHER, FOR LACK OF BETTER
13 DESCRIPTION SIX PACKS, OTHER THAN THESE TWO--

14 A NO, SIR.

15 Q -- THAT YOU TESTIFIED TO?

16 A NO, SIR.

17 Q THANK YOU. THAT'S ALL I HAVE.

18 THE COURT: MR. DOBY?

19 CROSS-EXAMINATION

20 BY MR. DOBY:

21 Q YOUR ONLY QUESTION TO HIM WAS, DO YOU RECOGNIZE
22 ANYONE IN THIS LINE-UP THEN? THAT'S WHAT YOUR QUESTION
23 AND THE REASON HE WAS PRESENTED -- PRESENTED THAT PHOTO
24 LINE-UP?

25 A YES, SIR. THAT'S WHAT I RECALL. I DON'T KNOW IF IT

1 WAS EXACT WORD FOR WORD WHAT YOU JUST SAID, BUT THAT WAS
2 BASICALLY IT, YES, SIR.

3 Q ALL RIGHT. THANK YOU. THAT'S ALL I HAVE.

4 MR. FATA: NOTHING FURTHER.

5 THE COURT: YOU CAN STEP DOWN.

6 MR. FATA: YOUR HONOR, WE CALL KENNETH DOZIER.

7 THE COURT: MR. DOZIER, COME FORWARD, PLEASE
8 SIR, AND BE SWORN.

9 KENNETH DOZIER, AFTER
10 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. FATA:

13 Q MR. DOZIER, YOU'RE A FORMER CORRECTIONS OFFICER?

14 A YES, SIR, AND ALSO A POLICE OFFICER ALSO.

15 Q OKAY. AND ON OCTOBER 29TH, 2003, YOU WERE ONE OF THE
16 CORRECTIONS OFFICERS THAT WERE ALLEGEDLY HELD HOSTAGE?

17 A CORRECT.

18 Q NOW, DID YOU IN YOUR STATEMENT MAKE A -- DESCRIBE THE
19 PEOPLE WHO -- TWO OF THE PEOPLE WHO WERE PARTICIPATING IN
20 THIS -- IN THIS SITUATION?

21 A FROM MY PRIOR EXPERIENCE AS BEING A POLICE OFFICER, I
22 WROTE A DESCRIPTION INSTEAD OF NAMES.

23 Q OKAY.

24 A AND LATER TO DO -- ONCE WE DO AN INCIDENT REPORT, YOU
25 ACTUALLY FILL THE INFORMATION OUT AT A LATER TIME.

1 Q OKAY.

2 A OF COURSE, IN THIS -- DUE TO THIS CIRCUMSTANCE I
3 WASN'T ABLE TO PUT THEIR NAMES ON THE REPORT AT THAT TIME.

4 Q ALL RIGHT.

5 MR. SCOTT: YOUR HONOR, I'M SORRY. CAN HE
6 REPEAT THE LAST PART OF HIS QUESTION? HIS ANSWER
7 JUST KIND OF FADED OUT.

8 THE COURT: THE LAST PART OF THE ANSWER,
9 MR. DOZIER, YOUR VOICE KIND OF DROPPED AT THE END.

10 THE WITNESS: I SAID NORMALLY I WOULD JUST ISSUE
11 A -- DO AN INCIDENT REPORT AND FROM PRIOR EXPERIENCE
12 PUT A DESCRIPTION IN, THEN AT THE CONCLUSION I WOULD
13 THEN PUT THE NAMES IN LATER. BUT DUE TO THIS
14 SITUATION, I WASN'T ABLE TO PUT THE NAMES IN THE
15 INCIDENT REPORT AT THAT TIME. I JUST PUT THE
16 DESCRIPTION TO ASSURE CLARIFICATION OF WHO THEY WERE.

17 THE COURT: THANK YOU, SIR.

18 BY MR. FATA:

19 Q NOW LOOK AT STATE'S EXHIBIT THREE AND -- THREE AND
20 FOUR. DID AGENT CREECH PRESENT THOSE TO YOU AT SOME LATER
21 DATE?

22 A YES, HE DID.

23 Q ALL RIGHT. AND HOW DID HE PRESENT THOSE TO YOU?

24 A ALL HE DID WAS SAID, DO YOU RECOGNIZE ANYONE IN THE
25 PICTURES?

1 Q OKAY. HE -- TAKE, FOR EXAMPLE, THE FIRST ONE,
2 STATE'S EXHIBIT NUMBER THREE, WHAT DID HE DO SPECIFICALLY?

3 A HE JUST SAID, YOU KNOW, WE RECOGNIZE ANYONE ON THE
4 PICTURE.

5 Q ALL RIGHT. STATE'S EXHIBIT NUMBER FOUR?

6 A SAID, DO YOU RECOGNIZE ANYONE IN THIS PICTURE.

7 Q DID HE SAY THAT ONE OF THE POSSIBLE SUSPECTS WAS IN
8 EITHER ONE OF THOSE LINE-UPS?

9 A NO.

10 Q DID HE MAKE ANY SUGGESTION AS TO WHO IT MIGHT BE--

11 A NO.

12 Q -- THAT YOU NEEDED TO IDENTIFY?

13 A NO.

14 Q DID ANYBODY COACH YOU BEFOREHAND OR IN ANY -- AT ANY
15 TIME TO PICK OUT ANY ONE PICTURE OR THE OTHER ON THOSE
16 LINE-UPS?

17 A I HADN'T TALKED TO ANYONE BEFORE THAT.

18 Q OKAY. NOW, ON STATE'S EXHIBIT NUMBER THREE, WERE YOU
19 ABLE TO IDENTIFY ANYONE?

20 A YES.

21 Q WHICH PHOTOGRAPH DID YOU IDENTIFY?

22 A NUMBER THREE.

23 Q AND WHO IS THAT?

24 A THAT'S INMATE LYNCH.

25 Q OKAY. AND STATE'S EXHIBIT NUMBER FOUR, DID YOU

1 IDENTIFY ANYONE ON THAT?

2 A YES.

3 Q WHO DID YOU IDENTIFY?

4 A NUMBER FIVE.

5 Q AND WHO IS THAT?

6 A I'M TIRED -- EXCUSE ME -- TYRONE. I FORGOT HIS LAST
7 NAME. I JUST REMEMBER HIS FIRST NAME.

8 Q IS HE IN THE COURTROOM TODAY?

9 A YES, HE IS.

10 Q WHERE IS HE?

11 A RIGHT THERE (INDICATED).

12 Q SITTING NEXT TO MR. DOBY?

13 A CORRECT.

14 Q ALL RIGHT. BUT HE -- BUT YOU IDENTIFIED HIM AS
15 NUMBER FIVE?

16 A CORRECT.

17 Q WOULD THAT BE MR. SINGLETARY?

18 A YES.

19 Q AGAIN, DID AGENT CREECH OR ANYONE ELSE SUGGEST TO YOU
20 TO PICK EITHER ONE OF THOSE PHOTOGRAPHS OUT OF THOSE
21 LINE-UPS?

22 A NO.

23 Q YOU KNEW THESE TWO INDIVIDUALS -- DID YOU KNOW THESE
24 TWO INDIVIDUALS PRIOR TO THE LINE-UP?

25 A YES, I DO.

1 Q HOW DID YOU KNOW THEM PRIOR TO SEEING THEM IN THE
2 LINE-UP?

3 A THEY WERE ACTUALLY LOCATED ON MY SIDE, THE NORTH SIDE
4 OF CHESTERFIELD. PER MY RECOMMENDATION THEY WERE MOVED
5 OVER TO THE SOUTH SIDE BECAUSE OF BEHAVIOR. I HAVE THE
6 OPPORTUNITY BECAUSE OF BEING A REGULAR OFFICER IN THE UNIT
7 THAT I CAN RECOMMEND ANOTHER -- FOR INMATES TO MOVE TO THE
8 POSITIVE SIDE, WHICH IS FOR GOOD BEHAVIOR.

9 IF THIS INMATE THAT I FEEL THAT'S -- I FEEL
10 UNCOMFORTABLE WITH, I CAN SEND THEM OVER THERE OR IF IT'S
11 AN INMATE I FEEL DESERVES IT, I CAN SEND THEM OVER THERE.
12 SO THAT'S WHY I KNOW BOTH OF THEM.

13 Q OKAY. YOU HAD BEEN OBSERVING THEM HOW -- FOR A
14 PERIOD OF TIME?

15 A SINCE I HAVE BEEN IN THE UNIT, SINCE I WERE ASSIGNED
16 TO THE UNIT. SO I KNOW THEM PRETTY WELL.

17 Q AND YOU SAW THEM ON A DAILY BASIS?

18 A EVERY DAY THAT I WORKED.

19 Q OKAY. AND YOU RECOMMENDED THAT THEY GO OVER TO THE
20 POSITIVE SIDE OF THE UNIT WHICH WAS THE SOUTH SIDE?

21 A CORRECT.

22 Q ANSWER ANY QUESTIONS THAT MR. SCOTT OR MR. DOBY MAY
23 HAVE.

24 THE COURT: MR. DOZIER, DID YOU KNOW THEM BY
25 NAME BEFOREHAND OR JUST KNOW THEM BY -- BY APPEARANCE

1 AND BY FACE?

2 THE WITNESS: APPEARANCE, FACE AND FIRST NAMES.

3 THE COURT: SIR?

4 THE WITNESS: APPEARANCE, FACE AND FIRST NAMES.

5 THE COURT: ALL RIGHT, SIR. AND ON THE DATE
6 THAT THIS INCIDENT, OCTOBER THE 29TH OF 2003, HOW
7 CLOSE WERE YOU TO THEM IN PROXIMITY? HOW FAR AWAY
8 WERE YOU FROM THEM AT THAT POINT IN TIME? ARMS
9 LENGTH?

10 THE WITNESS: YEAH, ARMS LENGTH.

11 THE COURT: OKAY. MR. DOZIER, JUST LIKE A JURY
12 WILL BE HEARING THIS CASE IN A COUPLE OF WEEKS, I
13 HAVE -- I'M NOT FAMILIAR WITH ANY OF THE FACTS OF THE
14 CASE AND THAT'S THE REASON I'M ASKING YOU SOME OF
15 THESE QUESTIONS PROBABLY EVERYBODY ELSE IN THIS
16 COURTROOM US MORE AWARE OF THAN I.

17 AND FOR HOW LONG A PERIOD OF THAT TIME WERE YOU
18 IN CLOSE PROXIMITY TO HIM?

19 THE WITNESS: I WOULD SAY BACK AND FORTH
20 BETWEEN -- MEAN THAT NIGHT OR THAT DAY?

21 THE COURT: THE DAY. DURING THIS EVENT THAT
22 THIS -- THE FOCUS OF THIS CASE.

23 THE WITNESS: BACK AND FORTH, I -- I COULDN'T
24 TELL YOU EXACT TIME, BUT BACK AND FORTH MORE THAN TWO
25 TO THREE HOURS BACK AND FORTH.

1 A YEAH.

2 Q AND WHEN YOU SAY YOU HAD WORKED WITH THEM REGULARLY.
3 IS THAT RIGHT?

4 A YOUR QUESTION WAS AGAIN?

5 Q I SAID, YOU SAID YOU WORKED WITH THEM REGULARLY?
6 A DAILY. I SAW THEM DAILY.

7 Q OKAY. I GUESS THAT'S PRETTY REGULAR. AND YOU SAID
8 THAT THEY WERE TRANSFERRED. DID YOU SAY THEY WERE
9 TRANSFERRED TO THE SOUTH SIDE OR NORTH SIDE? I DIDN'T
10 QUITE GET THAT?

11 A TRANSFERRED FROM THE NORTH SIDE TO THE SOUTH SIDE.

12 Q AND WHY WAS THAT?

13 A BECAUSE I -- I MADE THAT SUGGESTION.

14 Q WHAT'S THE DIFFERENCE BETWEEN THE NORTH AND SOUTH
15 SIDE?

16 A IT'S THE TIME THAT THEY ARE OUT. ON MY SIDE, WHICH
17 IS THE NORTH SIDE--

18 Q YES.

19 A -- THEY ARE ALLOWED OUT TWO HOURS A DAY FOR -- HOUR
20 SHOWERS AND HOUR FOR REC. ON THE SOUTH SIDE THEY'RE
21 ALLOWED -- THEY ARE OUT -- I THINK THEY'RE OUT A LITTLE --
22 ABOUT LONGER THAN THAT. THEY GET MORE PRIVILEGES AND THEY
23 HAVE--

24 Q ALL RIGHT. SO -- I WASN'T SURE. I HAVE READ AND
25 HEARD ABOUT THIS NORTH SIDE AND SOUTH SIDE, BUT I HAVEN'T

1 BEEN -- BE HONEST WITH YOU, I WASN'T SURE WHAT THE
2 DIFFERENCE WAS. SO ONCE -- ON NORTH SIDE THEY'RE CONFINED
3 FOR A GREATER PERIOD OF TIME DURING THE DAY?

4 A CONFINED?

5 Q IN OTHER WORDS, NOT ABLE TO WALK AROUND FREELY?

6 A NO. THEY ARE ABLE TO WALK AROUND FREELY.

7 Q OKAY. AND ON SOUTH SIDE YOU SAID THEY'RE OUT MORE
8 DURING THE DAY?

9 A THE ONLY DIFFERENCE IS THE NORTH SIDE IS TWO HOURS.
10 SOUTH SIDE THEY HAVE MORE PRIVILEGES. THEY HAVE A
11 TELEVISION, THEY ARE ABLE TO GET MORE CANTEEN.

12 Q I SEE.

13 A IF THERE IS NOT A CAGE -- AROUND THE NORTH SIDE,
14 THERE'S A CAGE. THERE'S NOT ONE ON THE SOUTH SIDE.

15 Q AND YOU SUGGESTED THAT THEY BE TRANSFERRED TO WHICH
16 SIDE?

17 A TO THE SOUTH SIDE.

18 Q SOUTH SIDE. OKAY. YOU WOULDN'T HAVE MADE THAT
19 SUGGESTION IF HE WAS A PROBLEM; WOULD YOU?

20 A SOME CASES I HAVE.

21 Q OKAY. ALL RIGHT. BUT YOU MADE THAT SUGGESTION IN
22 THIS CASE. NOW, THE JUDGE ASKED YOU HOW CLOSE YOU WERE ON
23 THE NIGHT OF THIS INCIDENT TO THESE GENTLEMEN, AND YOU
24 SAID ABOUT ARMS LENGTH?

25 A YES, SIR.

1 Q OKAY. HOW LONG WERE YOU IN THIS ARM LENGTHS
2 APPROXIMATE -- ARM LENGTH PROXIMITY TO MR. LYNCH SAY FOR
3 INSTANCE OR THE PERSON YOU HAVE IDENTIFIED AS BEING
4 MR. LYNCH?

5 A THAT VARIES. I CAN'T GIVE YOU AN EXACT TIME BECAUSE,
6 LIKE I TOLD YOU BEFORE, THERE WAS BACK AND FORTH. SO I
7 MEAN, IT WENT ON FROM 4:00 UP UNTIL 10:00, SO I COULDN'T
8 TELL YOU.

9 Q OKAY. WELL, BETWEEN 4:00 AND 10:00 WERE YOU IN CLOSE
10 PROXIMITY TO THEM THE ENTIRE TIME?

11 A YES, SIR.

12 Q OKAY. THAT'S WHY I'M ASKING YOU TO TELL ME HOW
13 CLOSE -- OR I SHOULD SAY DURING HOW --WHAT PERIOD OF TIME
14 THEN WERE YOU WITHIN ARM LENGTH PROXIMITY TO MR. LYNCH,
15 THE PERSON YOU'VE IDENTIFIED AS BEING MR. LYNCH?

16 A I CAN'T GIVE YOU AN EXACT TIME BECAUSE IT WAS BACK
17 AND FORTH, LIKE I SAID. IF YOU WANT ME TO GIVE TIME, I
18 COULDN'T GIVE YOU ONE. BUT HOW MANY TIMES HAVE I SEEN HIM
19 THAT NIGHT THAT HE WAS IN ARMS LENGTH, MAYBE SIX.

20 Q OKAY. AND WHEN -- AS I UNDERSTAND IT, WHEN YOU
21 WROTE -- SO YOU -- HE WAS WITHIN ARM LENGTHS OF YOU
22 APPROXIMATELY SIX TIMES DURING THAT NIGHT.

23 A CORRECT.

24 Q OKAY.

25 A PER TIME PERIODS EXTENDED. I COULDN'T TELL YOU IF IT

1 WAS 15 MINUTES AND SOMETIMES, SOMETIMES 30 MINUTES,
2 SOMETIMES IT WAS A LITTLE BIT LONGER.

3 Q AND YOU MAKE THIS STATEMENT -- I WAS TRYING TO LISTEN
4 TO YOUR TESTIMONY AND TAKE NOTES AT THE SAME TIME, SO I
5 MAY HAVE TO ASK YOU TO REPEAT SOME OF YOUR ANSWERS. WHEN
6 YOU WERE MAKING THE REPORT OF THE INCIDENT, YOU SAID THAT
7 USING YOUR POLICE -- YOU SAID YOU WERE A POLICE OFFICER AT
8 ONE POINT?

9 A CORRECT.

10 Q OKAY. AND USING YOUR POLICE EXPERIENCE YOU GAVE --
11 DOWN A DESCRIPTION BUT NO NAME. IS THAT RIGHT?

12 A THAT'S CORRECT.

13 Q SO ARE YOU SAYING THAT YOU DIDN'T KNOW THEIR NAMES
14 BEFORE OCTOBER 29, 2003?

15 A NO, I KNEW THEIR NAMES.

16 Q OKAY. ALL RIGHT. I THINK YOU SAID YOU WERE IN DAILY
17 CONTACT WITH THEM, TO USE YOUR WORDS?

18 A CORRECT.

19 Q AND YOU SAY THE LIGHTING WAS GOOD.

20 A CORRECT.

21 Q AND BUT YET YOU WEREN'T ABLE TO IDENTIFY HIM ON THAT
22 NIGHT OR WHENEVER YOU GAVE THE STATEMENT OR GAVE YOUR
23 DESCRIPTION.

24 A I DIDN'T SAY THAT.

25 Q WELL, YOU--

1 A IT WASN'T WRITTEN.

2 Q YOU DIDN'T IDENTIFY--

3 A I DIDN'T WRITE THE NAMES. I JUST WROTE A DESCRIPTION
4 OF HIM.

5 Q WELL, WHY DIDN'T YOU WRITE HIS NAME DOWN?

6 A BECAUSE, LIKE I SAID, I WAS TRAINED TO WRITE A
7 DESCRIPTION OF THE PERSON INSTEAD OF WRITING THE NAME.

8 Q OKAY. IF YOU KNOW A PERSON, WHY NOT INCLUDE THE NAME
9 OF THEM?

10 A I WROTE A INCIDENT REPORT TO THE INCIDENT THAT
11 OCCURRED TO THE SITUATION, AND I DETAILED THAT IN THE
12 DESCRIPTION TO ENSURE THAT THERE'S NO DISCREPANCY IN
13 DESCRIBING THE PERSON -- PARTIES WERE.

14 Q SO YOU DIDN'T WRITE A NAME BECAUSE YOU WEREN'T SURE
15 OF WHO IT WAS?

16 A NO, SIR.

17 Q WELL, YOU JUST SAID YOU WANTED TO MAKE SURE THERE WAS
18 NO DISCREPANCY. WHY WOULD THERE BE A CONCERN ABOUT
19 DISCREPANCY IF YOU WERE SURE WHO IT WAS?

20 A MY DESCRIPTION OF THE INDIVIDUALS THAT ATTACKED ME
21 THAT NIGHT WAS WRITTEN IN A REPORT AND I DID INCLUDE A
22 NAME BECAUSE, LIKE I SAID, I WAS TRAINED TO WRITE A
23 DESCRIPTION AND THEN LATER PUT THE INFORMATION IN REGARDS
24 TO THEIR NAME OR INCIDENT, THEIR -- THEIR INMATE ID
25 NUMBER. THAT'S HOW WE WROTE REPORTS.

1 Q WHO TRAINED YOU NOT TO INCLUDE SOMEBODY'S NAME IN AN
2 INCIDENT REPORT IF YOU KNOW WHO IT IS?

3 A AGAIN, A LOT OF TIMES INCIDENTS OCCUR WHERE YOU DON'T
4 DIRECTLY KNOW THEIR NAME, SO TO ENSURE THAT I HAVE THE
5 CORRECT INFORMATION I DO IT CONSISTENTLY AND STANDARDLY
6 AND WRITE A DESCRIPTION OF THE PERSON AND MAKING SURE THAT
7 THAT'S THE INFORMATION I HAVE ON THE REPORT.

8 Q MY QUESTION WAS, WHO TRAINED YOU? YOU SAID BASED ON
9 YOUR TRAINING. WHO TRAINED YOU--

10 A -- THE ACADEMY, POLICE ACADEMY--

11 Q -- LET ME FINISH MY QUESTION--

12 A POLICE ACADEMY AND THE SOUTH CAROLINA DEPARTMENT OF
13 CORRECTIONS ACADEMY.

14 Q SO THEY TRAINED YOU TO NOT INCLUDE A NAME WHEN YOU
15 GIVE A DESCRIPTION IF YOU HAPPEN TO KNOW WHO THE PERSON
16 IS?

17 A YES, SIR.

18 Q AND THE SOUTH CAROLINA POLICE ACADEMY TRAINED YOU TO
19 DO THAT? AND WHO ELSE TRAINED YOU TO DO THAT?

20 A SOUTH CAROLINA DEPARTMENT OF CORRECTIONS TRAINING
21 ACADEMY AND POLICE ACADEMY.

22 Q OKAY. NOW, YOU SAY THE LIGHTING WAS -- HOW DID YOU
23 DESCRIBE THE LIGHTING AS BEING IN RESPONSE TO HIS HONOR'S
24 QUESTION?

25 A I SAID IT WAS GOOD LIGHTING.

1 Q GOOD LIGHTING. WHAT KIND OF LIGHTING WAS IN THAT --
2 IN THAT AREA WHERE THIS TOOK PLACE?
3 A THE NORMAL PRISON LIGHTING.
4 Q OKAY. I'M ASKING YOU TO DESCRIBE WHAT THAT IS.
5 A NORMAL PRISON LIGHTING.
6 Q INCANDESCENT LIGHTS LIKE WE HAVE HERE, FLOURESCENT
7 LIGHTS, WHAT'S KIND OF LIGHTS?
8 A NO, SIR. NORMAL LIGHTS.
9 Q YOU DON'T KNOW WHETHER THEY'RE INCANDESCENT OR
10 FLUORESCENT?
11 A NO, SIR.
12 Q OKAY.
13 A JUST NORMAL LIGHT.
14 Q OKAY. YOU KNOW THE DIFFERENCE BETWEEN INCANDESCENT
15 AND FLOURESCENT LIGHTS, RIGHT?
16 A CORRECT.
17 Q AND I'M ASKING YOU TO TELL ME WHAT KIND OF LIGHTS YOU
18 HAD.
19 A NO, I'M NOT SURE. EXPLAINED BEFORE.
20 Q DO YOU KNOW WHETHER ALL THE LIGHTS WERE ON OR NOT?
21 A TO MY KNOWLEDGE THEY WERE.
22 Q TO YOUR KNOWLEDGE DO YOU KNOW WHETHER ALL OF THEM
23 WERE ON OR NOT?
24 A IT WAS WELL LIT. I COULDN'T TELL YOU ANY MORE THAN
25 WHETHER EACH WERE ON OR NOT. I JUST KNOW IT WAS WELL LIT.

1 Q BUT YOU DON'T KNOW WHAT KIND OF LIGHTS WERE LIGHTING
2 THAT PLACE?

3 A I ASK FOR A DESCRIPTION.

4 Q AND YOU WORKED THERE FOR HOW LONG?

5 A I ASKED FOR A DESCRIPTION OF THE -- DISTINCT -- TO
6 DISTINGUISH WHICH LIGHT YOU'RE TALKING ABOUT BECAUSE I'M
7 NOT AWARE OF THAT---

8 Q I ASKED YOU TO TELL ME WHETHER THEY'RE INCANDESCENT
9 LIGHTS OR FLUORESCENT---

10 A AND WHAT IS THAT?

11 Q YOU DON'T KNOW WHAT AN---

12 A NO. THAT'S WHY I'M ASKING.

13 Q THESE ARE INCANDESCENT LIGHTS WITH A LIGHT BULB. A
14 LIGHT BULB IS AN INCANDESCENT LIGHT.

15 A AND WHAT'S THE OTHER?

16 Q A FLUORESENT LIGHT, THE LONG TUBES, THE LONG WHITE
17 TUBES, THAT'S THE FLUORESCENT LIGHT.

18 A THE INCANDESCENT.

19 Q OKAY. SO THERE WAS INCANDESCENT LIGHTING. OKAY.
20 AND MY QUESTION IS, WERE ALL THE LIGHTS BURNING OR NOT?

21 A YES, SIR.

22 Q THEY WERE ALL ON?

23 A YES, SIR.

24 Q OKAY. AND YOU WERE AT LEAST SIX TIMES WITHIN ARM
25 LENGTH -- WITHIN AN ARMS LENGTH OF THE PERSON YOU'VE

1 IDENTIFIED AS BEING MR. LYNCH?

2 A CORRECT.

3 Q AND GOOD LIGHTING?

4 A CORRECT.

5 Q YET YOU DIDN'T PROVIDE A NAME OF THE PERSON WHEN YOU
6 GAVE A DESCRIPTION OF THEM?

7 A CORRECT, IN MY REPORT.

8 MR. SCOTT: JUDGE, THAT'S ALL I HAVE. THANK
9 YOU.

10 THE COURT: THANK YOU. MR. DOBY?

11 CROSS-EXAMINATION

12 BY MR. DOBY:

13 Q OFFICER, WHEN WAS THE FIRST TIME THAT DAY THAT YOU
14 HAD SEEN MR. SINGLETARY?

15 A THE FIRST TIME THAT I SAW MR. SINGLETARY?

16 Q YEAH. ON OCTOBER THE 29TH, 2003.

17 A THE ONLY TIME THAT I REMEMBER SEEING MR. SINGLETARY
18 IS WHEN HIM AND MR. LYNCH CAME TOGETHER AND WERE STANDING
19 ON MY UNIT BY THE OFFICERS' STATION.

20 Q ALL RIGHT. IS THAT THE ONLY TIME THAT YOU SAW MR.
21 SINGLETARY ON OCTOBER THE 29TH, 2003?

22 A THAT'S THE ONLY TIME THAT I REMEMBER, SIR. YES.

23 Q ALL RIGHT. AT NO OTHER TIME THAT DAY OR NIGHT DID
24 YOU SEE INMATE SINGLETARY?

25 A NOT TO MY KNOWLEDGE. I DON'T REMEMBER SEEING HIM

1 PRIOR TO THAT.

2 Q ALL RIGHT. AND WHEN YOU SAW HIM, HOW FAR WAS HE FROM
3 YOU?

4 A ORIGINALLY WHEN I SAW HIM HE WAS PROBABLY FROM ME --
5 ME TO PROBABLY TO THE -- PROBABLY WHERE -- PROBABLY TO THE
6 DOOR.

7 Q OKAY. AND WAS HE COMING TOWARDS YOU? WAS HE GOING
8 AWAY FROM YOU? WHAT WAS HIS ATTITUDE AT THAT POINT?

9 A HE WAS JUST STANDING THERE. THEY WERE BOTH JUST
10 STANDING, LOOKING AROUND.

11 Q ALL RIGHT. WHEN YOU WERE ASKED, DO YOU RECOGNIZE
12 ANYONE IN THOSE PHOTOGRAPHS, YOU CERTAINLY RECOGNIZED WHO
13 INMATE SINGLETARY WAS?

14 A CORRECT.

15 Q OKAY. WHEN -- WHEN THESE INMATES WERE AT THE DOOR --
16 BECAUSE -- WHEN YOU SAW INMATES RUNNING, I THINK IN YOUR
17 STATEMENT YOU INDICATE SOME INMATES WERE RUNNING AND THEY
18 HAD SHANKS IN THEIR HAND; CORRECT?

19 A CORRECT.

20 Q WHO WERE THOSE INMATES?

21 A THOSE TWO.

22 Q OKAY. AND THEY WERE RUNNING TOWARDS YOU OR AWAY FROM
23 YOU OR JUST STANDING THERE I THINK YOU INDICATED.

24 A THEY RAN IN THE DOOR AND THEY STOPPED AND LOOKED
25 AROUND.

1 Q OKAY. AND THEN YOU LOCKED YOURSELF INTO ONE OF THE
2 CELLS AT THAT POINT; DID YOU NOT?

3 A INCORRECT.

4 Q YOU -- DID YOU LOCK YOURSELF IN A CELL THAT DAY?

5 A NO, I DIDN'T.

6 Q HOW DID YOU END UP IN THE CELL?

7 A I LOCKED MYSELF IN THE CAGE.

8 Q IN THE CAGE?

9 A YES, SIR.

10 Q OKAY. NOW -- AND THAT'S DIFFERENT THAN THE CELL HOW?

11 A THAT'S CORRECT.

12 Q HOW IS IT DIFFERENT?

13 A IF YOU HAVE ONE OF THE BOARDS OVER THERE, YOU CAN
14 TAKE A LOOK AT IT.

15 Q OKAY. TELL ME WHICH ONE -- DOES THIS DEPICT WHICH
16 ONE THAT YOU WERE IN OR WHERE YOU WERE LOCATED ON THE
17 UNIT?

18 A YES, SIR.

19 Q WHICH ONE IS---

20 A RIGHT HERE.

21 Q AND YOU'RE POINTING TO THIS PHOTOGRAPH?

22 A CORRECT.

23 MR. DOBY: OKAY. YOUR HONOR, I DON'T KNOW IF
24 THESE ARE NUMBERED AT THIS POINT.

25 THE COURT: WELL, WE DON'T HAVE THE BIG DIAGRAM

1 NUMBERED IN ANY EVENT, SO FOR RIGHT NOW LET'S JUST
2 PUT A STICKER ON THIS AND MARK IT AS A STATE'S
3 EXHIBITS FOR ID, MADAM REPORTER. JUST JOT SOMEWHERE
4 IN THE CORNER.

5 (WHEREUPON, STATE'S EXHIBIT NO. 5 WAS MARKED FOR
6 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

7 *THE WITNESS:* AND ALSO YOU CAN LOOK AT THE
8 STATION WHERE THEY CAME IN THE DOOR.

9 BY MR. DOBY:

10 Q ALL RIGHT. AND YOU HAVE PICKED OUT A PHOTOGRAPH THAT
11 DEPICTS WHERE YOU WERE LOCATED?

12 A CORRECT.

13 Q IF YOU WILL TELL ME WHERE IN THAT PHOTOGRAPH YOU WERE
14 LOCATED.

15 A RIGHT IN THIS AREA.

16 Q OKAY. AND IN THAT CAGE, IT'S A WIRE MESH? IS
17 THAT---

18 A STEEL. I DON'T--

19 Q STEEL MESH?

20 A YES.

21 Q OF SOMETHING, WIRE OF SOME MANNER?

22 A CORRECT.

23 Q OKAY. SO YOU WERE ABLE TO SEE WHAT WAS GOING ON IN
24 THE UNIT?

25 A CORRECT.

1 Q ESSENTIALLY ALL THE TIME YOUR VISION WAS NOT BLOCKED?

2 A NO, SIR.

3 Q DID YOU STAY IN THAT WIRE CAGE FOR THE ENTIRE TIME
4 THAT THIS SITUATION WAS OCCURRING?

5 A NO, SIR.

6 Q ALL RIGHT. WHAT DID YOU DO AFTER YOU -- WELL, HOW
7 LONG DID YOU STAY IN THE WIRE CAGE?

8 A WELL, I ONLY STAYED IN THE WIRE CAGE UNTIL I WENT
9 INTO THE ACTUAL ROOM OF 1128.

10 Q ALL RIGHT. HOW LONG WERE YOU IN THE WIRE CAGE?

11 A PROBABLY ABOUT MAYBE NOT EVEN -- LET ME -- LET ME GO
12 BACK. THERE WERE INMATES THAT WERE OUT. AND WHEN I SAW
13 THE TWO APPROACHING, THEY WERE STANDING -- LIKE I SAID --
14 AT THE OFFICERS' STATION. THEY HAD SHANKS IN THEIR HANDS.
15 THEY HAD BLOOD OVER THEM, ON THEM.

16 AND I TOLD THE INMATES THAT WERE OUT TO GO IN THEIR
17 CELL BECAUSE I DIDN'T KNOW WHO THEY WERE COMING AFTER. SO
18 I LOCKED THEM IN THEIR CELLS. I TURNED AROUND. AND AS I
19 SAID, THEY WERE STILL STANDING THERE. I TURNED AROUND AND
20 I LOCKED -- AND I ASKED THEM, WHAT'S GOING ON?

21 AND THEN THEY SAID, THERE'S DOZIER. THEN THAT'S WHEN
22 THEY STARTED RUNNING TOWARDS ME. AND THAT'S WHEN I LOCKED
23 THE CAGE TO LOCK MYSELF IN THERE FOR SECURITY.

24 Q ALL RIGHT. HOW MANY INMATES WERE RUNNING TOWARDS
25 YOU?

1 A TWO.

2 Q AND DO YOU KNOW WHO TOLD OR WHO SAID, THERE'S DOZIER,
3 GO GET HIM, I THINK WAS WHAT YOU INDICATED?

4 A CORRECT. I DON'T REMEMBER WHETHER -- WHICH ONE SAID
5 THAT.

6 Q ALL RIGHT. WAS IT ONE OF THESE TWO INDIVIDUALS?

7 A YES, SIR. THEY WERE THE ONLY TWO IN THERE.

8 Q OKAY. AND THEN YOU LOCKED YOURSELF INTO A ROOM?

9 A I LOCKED MYSELF INTO THE CAGE.

10 Q INTO THE CAGE?

11 A YES, SIR.

12 Q ALL RIGHT. AND THEN HOW LONG DID YOU -- YOU STAYED
13 IN THE CAGE THEN FOR HOW LONG?

14 A PROBABLY ABOUT 30 SECONDS TO A MINUTE MAYBE.

15 Q ALL RIGHT. AND THEN AT THAT POINT WHAT DID YOU DO?

16 A THEN MR. LYNCH CRAWLED THROUGH THE -- AT THE BOTTOM
17 OF THE CAGE THERE WAS A HOLD IN THE FENCE, AND HE CRAWLED
18 THROUGH THERE WHILE MR. SINGLETARY STOOD DIRECTLY BY THE
19 DOOR.

20 Q OKAY. WHAT DID MR. SINGLETARY DO? WAS HE -- WAS HE
21 AT YOUR FACE, TO YOU OR AWAY FROM YOU?

22 A TO ME.

23 Q OKAY. AND WHAT DID HE DO THEN? I'M TALKING ABOUT
24 MR. SINGLETARY.

25 A HE JUST STOOD THERE. AND AS MR. LYNCH CRAWLED

1 THROUGH THE CAGE, THAT'S WHEN THE OTHER INMATES SAID,
2 DOZIER, LET US OUT AND GO IN HERE, BLOCK YOURSELF IN. SO
3 WHEN I OPENED THE DOOR REAL QUICK TO LET THEM OUT, I RAN
4 IN. AND BY THAT TIME BOTH WERE AT THE -- AT THE DOOR 1128
5 WITH ME.

6 Q ALL RIGHT. DID YOU GET OUT OF 1128 FOR THE ENTIRE
7 BALANCE OF THE SITUATION?

8 A I STAYED THERE THE WHOLE NIGHT UNTIL I GUESS THE
9 OFFICERS FROM THE DEPARTMENT TOOK ME OUT.

10 Q ALL RIGHT. AND WAS THIS PHOTOGRAPH THAT I'M
11 REFERRING TO HERE, 2218, THAT WOULD HAVE BEEN THE ROOM
12 THAT YOU WERE BARRICADED---

13 A 1128.

14 Q 1128. I'M SORRY.

15 A THAT WOULD BE RIGHT THERE BY THE -- RIGHT BY THE SAME
16 PICTURE I'M REFERRING TO?

17 Q OKAY.

18 A IT WILL BE WHAT IS -- NO, THE NEXT ONE.

19 Q THIS ONE?

20 A NO, SIR. TO YOUR RIGHT. I MEAN, LEFT. RIGHT THERE.
21 THAT PICTURE RIGHT THERE.

22 Q TO THIS ONE?

23 A UH-HUH. IT WILL BE ONE OF THOSE DOORS. AS A MATTER
24 OF FACT, IT'S PROBABLY THE -- THE ONE WHERE THE LIGHT IS.

25 Q ALL RIGHT. DOES -- DOES THAT ROOM 1128, DOES IT

1 DIFFER IN DESIGN IN WHAT IS DEPICTED IN 2218?

2 A YES, IT DOES, BECAUSE THAT'S ON THE SOUTH SIDE.

3 Q OKAY. HOW IS IT'S DIFFERENT THEN?

4 A THE DOORS ON THE NORTH SIDE HAS -- THEY HAD FLAPS ON
5 THEM WHERE YOU CAN FEED FOOD OR PASS THINGS THROUGH. AND
6 THEY HAVE ADDITIONAL LOCKS ON THEM.

7 Q ALL RIGHT. DOES IT HAVE A WINDOW?

8 A YES.

9 Q IS IT -- THE WINDOW IN THE SAME DESIGN OR IS IT
10 BIGGER OR SMALLER?

11 A SAME SIZE.

12 Q WERE YOU ABLE TO IDENTIFY ANY INMATES STANDING
13 OUTSIDE OF YOUR -- OF THE ROOM THAT YOU HAD LOCKED
14 YOURSELF IN FOR THE BALANCE OF THE SITUATION?

15 A I NEVER LOCK MYSELF IN. THAT'S A FIRST THING. YOU
16 COULDN'T LOCK YOURSELF IN THE DOOR ONCE YOU'RE IN THE
17 ROOM.

18 Q ALL RIGHT. WELL, WAS THE DOOR LOCKED?

19 A NO, IT WASN'T.

20 Q WAS THERE ANYTHING TO PREVENT INMATES FROM GOING INTO
21 THE ROOM THEN?

22 A ME.

23 Q ALL RIGHT. WERE YOU ABLE TO STOP INMATES FROM COMING
24 INTO THE ROOM?

25 A KIND OF, YES.

1 Q ALL RIGHT. SO DID YOU SEE ANYONE OR IDENTIFY ANY
2 INMATES THAT WERE OUTSIDE OF THAT DOOR FOR THE BALANCE OF
3 TIME THAT YOU WERE LOCATED IN 1128?

4 A I SAW SEVERAL INMATES.

5 Q ALL RIGHT. WELL, ARE YOU GOING TO IDENTIFY MR.
6 SINGLETARY AS ONE OF THE INMATES THAT YOU SAW OUTSIDE OF
7 THE ROOM?

8 A YES, I WILL.

9 Q ALL RIGHT. HOW MANY TIMES DID YOU SEE HIM OUTSIDE?

10 A LIKE I SAID, IT'S PROBABLY ABOUT SIX TIMES BACK AND
11 FORTH.

12 Q ALL RIGHT. SAME AS MR. LYNCH?

13 A CORRECT.

14 Q OKAY. AND HOW LONG WOULD THEY HAVE -- WOULD MR.
15 SINGLETARY A BEEN AT THE DOOR FOR THOSE SIX OCCASIONS THAT
16 YOU WERE ABLE TO SEE HIM?

17 A IT VARY. THEY VARY FROM FIVE TILL WHATEVER, FIVE,
18 10, 15, 30 MINUTES. I DON'T -- I COULDN'T TELL BECAUSE IT
19 WAS...

20 Q ALL RIGHT. AND THE ONLY WAY THAT YOU WOULD HAVE BEEN
21 ABLE TO IDENTIFY THE INMATES WOULD HAVE BEEN THROUGH THAT
22 WINDOW THAT WAS CONTAINED ON THE DOOR?

23 A CORRECT.

24 MR. DOBY: NO FURTHER QUESTIONS.

25 THE COURT: MR. FATA, ANY REDIRECT?

1 MR. FATA: NO, YOUR HONOR. YOU CAN COME ON
2 DOWN.

3 THE COURT: THANK YOU, MR. DOZIER. YOU CAN STEP
4 DOWN.

5 (WHEREUPON THE WITNESS LEFT THE STAND.)

6 THE COURT: ALL RIGHT. ANY FURTHER EVIDENCE
7 FROM THE STATE ON THE IDENTIFICATION ISSUE, MR. FATA?

8 MR. FATA: NO, SIR.

9 THE COURT: THANK.
10 YOU. DOES EITHER OF THE DEFENDANTS WISH TO
11 OFFER ANY EVIDENCE ON THIS ISSUE? MR. SCOTT?

12 MR. SCOTT: NOT AT THIS TIME, YOUR HONOR.

13 THE COURT: THANK YOU. MR. DOBY?

14 MR. DOBY: NO THANK YOU, YOUR HONOR.

15 THE COURT: THANK YOU. THE TASK OF THE COURT AT
16 THIS JUNCTURE IS TO DETERMINE WHETHER OR NOT THE
17 IDENTIFICATION PROCEDURE HAS BEEN FLAWED TO MAKE IT
18 UNDULY SUGGESTIVE, THAT IS THE LINE-UP ITSELF AND THE
19 IDENTIFICATION PROCEDURE ONCE THE LINE-UP IS
20 PRESENTED.

21 THE LINE-UP IN THIS PARTICULAR CASE APPEARS TO
22 HAVE BEEN PREPARED BY A PROFESSIONAL. THE
23 PHOTOGRAPHS APPEAR TO BE SUFFICIENTLY SIMILAR. THE
24 SAME CHARACTERISTICS ACCOMPANYING PHOTOGRAPHS SO AS
25 THE LINE-UP ITSELF CERTAINLY WAS NOT -- DON'T APPEAR

1 TO BE UNDULY SUGGESTIVE SO AS TO MAKE IT -- AN
2 INACCURATE IDENTIFICATION LIKELY.

3 THE WITNESS WHO MADE THE IDENTIFICATION,
4 MR. DOZIER, FOR A PERIOD OF SEVERAL HOURS HAD THESE
5 PEOPLE IN CLOSE PROXIMITY TO HIM AND A SITUATION
6 WHICH HIS ATTENTION OBVIOUSLY WAS ON, HE KNEW THEM
7 BEFOREHAND BOTH BY NAME AND BY FACE, AND SO THAT
8 MAKES THE SITUATION SOMEWHAT MORE ACCURATE THAN IT
9 WOULD NORMALLY BE.

10 HE IDENTIFIED THEM WITH ACCURACY AND WITHOUT
11 HESITATION FROM THE PHOTOGRAPHIC LINE-UP THAT WAS
12 SHOWN TO HIM. I FIND, THEREFORE, THAT THE PRETRIAL
13 IDENTIFICATION PROCEDURE IN THIS CASE DOES NOT CREATE
14 A SUBSTANTIAL LIKELIHOOD OF IRREPARABLE
15 MIS-IDENTIFICATION AND THAT THE IDENTIFICATION
16 THEREFORE IS ADMISSIBLE FOR THE JURY TO DETERMINE THE
17 WEIGHT THEY'RE GOING TO GIVE TO IT, IF ANY.

18 ALL RIGHT. GENTLEMEN, I THINK I'VE TOUCHED
19 EVERYTHING ON THE LIST. IS THERE ANYTHING FURTHER
20 THAT I NEED TO GO OVER OTHER THAN THOSE MATTERS WHICH
21 ARE HANGING, ASKED FOR ME TO LOOK AT AND LISTEN TO
22 THE TAPES THAT ARE IN QUESTION. AND I AM GOING TO
23 HAVE TO DEPEND ON YOU ALL TO GET THOSE TO ME IN SOME
24 FASHION SO THAT I CAN LOOK AT THEM, GET -- COPY THAT
25 STUFF AND GET IT TO ME OR WHATEVER FASHION YOU GET IT

1 TO ME, BUT I'D LIKE TO HAVE IT SO THAT I CAN REVIEW
2 IT NEXT WEEK OBVIOUSLY BEFORE WE START THE TRIAL OF
3 THIS CASE.

4 OTHER THAN THAT THOUGH, MR. FATA, IS THERE
5 ANYTHING ELSE FROM THE STATE'S PERSPECTIVE WE NEED TO
6 DEAL WITH AS TO THE STATE?

7 MR. FATA: YOUR HONOR, THESE TWO BLOW-UPS ARE
8 DIAGRAMS OF THE UNIT.

9 THE COURT: RIGHT.

10 MR. FATA: THE FIRST AND SECOND FLOOR. DOBY
11 WANTED TO KNOW ABOUT ANYTHING I WANT TO PUT IN
12 EVIDENCE. I WAS WONDERING IF WE COULD PRE-MARK THESE
13 TWO THINGS.

14 THE COURT: CERTAINLY IT WOULD BE PREMARKED AS
15 STATE'S WHATEVER THE NEXT ONE WOULD BE. WE CAN DO IT
16 FOR IDENTIFICATION UNTIL THEY ARE OFFERED AND THEN
17 PUT THEM IN EVIDENCE. THAT'S THE ONLY TWO? ARE
18 THERE GOING TO BE OTHER PHOTOGRAPHS?

19 MR. FATA: OF COURSE, WE CAN'T -- I DON'T
20 BELIEVE THERE ARE ANY OTHER PHOTOGRAPHS. THE
21 VIDEOTAPE AND THAT SORT OF THING WHICH WE HAVEN'T
22 DECIDED ON YET, I MEAN, YOU HAVE -- YOU HAVE TO LOOK
23 AT.

24 THE COURT: I WILL HAVE TO SEE THAT. YES, SIR.
25 GENTLEMEN, INSOFAR AS THESE PHOTOGRAPHS AND DIAGRAMS

1 ARE CONCERNED, MR. SCOTT, DO YOU ANTICIPATE ANY
2 OBJECTION TO THAT ON MR. LYNCH'S BEHALF?

3 MR. SCOTT: EXCUSE ME, YOUR HONOR. WE ALREADY
4 HAVE THAT IN EVIDENCE?

5 MR. FATA: SURE.

6 MR. SCOTT: OKAY. I HAVE TO TAKE A LOOK AT THEM
7 AGAIN, YOUR HONOR, AND CONFER WITH MY CLIENT. IF WE
8 ALREADY HAVE THEM, IT'S JUST A MATTER OF MY GOING
9 OVER THEM EACH ONE OF THEM WITH HIM -- BASIS FOR AN
10 OBJECTION, SO I'M NOT TRYING TO AVOID THE COURT'S
11 QUESTION. I JUST DON'T KNOW AT THIS POINT, YOUR
12 HONOR.

13 THE COURT: ALL RIGHT. NOW, AS LONG AS THEY ARE
14 WHAT THEY APPEAR TO BE, OF COURSE. THAT IS TO SAY,
15 IF THESE ARE THE -- IF THIS IS THE UNIT IN QUESTION
16 AND THE SETTING WHERE THESE EVENTS OCCURRED.

17 MR. DOZIER HAS IDENTIFIED AT LEAST SOME OF THE
18 PHOTOGRAPHS GENERALLY REFERRED TO. THEY WOULD APPEAR
19 TO BE AT LEAST AUTHENTICATED IN THAT REGARD UNLESS
20 THERE'S SOME OTHER REASON TO KEEP---

21 MR. SCOTT: YES, SIR. AND JUDGE, THE ONLY
22 REASON I MENTIONED THAT, MR. LYNCH JUST WHISPERED IN
23 MY EAR ABOUT THE PHOTOGRAPHS. THAT'S WHY I NEED TO
24 CONFER WITH---

25 THE COURT: I UNDERSTAND THAT. OKAY. I WILL

1 GIVE YOU A CHANCE TO -- MR. DOBY? EXCUSE ME. GO
2 AHEAD.

3 MR. SCOTT: I WILL LET MR. DOBY GO AHEAD FIRST,
4 YOUR HONOR.

5 THE COURT: MR. DOBY?

6 MR. DOBY: YOUR HONOR, I'M GOING TO GO BACK
7 THROUGH AND LOOK AT THE INFORMATION I HAVE BEEN
8 PROVIDED. IF I DO NOT RECALL HAVING ANY PHOTOGRAPH.

9 THE COURT: OKAY.

10 MR. DOBY: THEY LOOK -- I MEAN, THEY'RE
11 PHOTOGRAPHS THAT -- WHAT APPEAR TO BE THE SAME THING
12 SHOWN ON THE VIDEOTAPES AND...

13 THE COURT: RIGHT.

14 MR. DOBY: I MEAN, IT'S NOT SURPRISING WHAT THEY
15 LOOK LIKE, BUT I JUST DON'T WANT TO...

16 THE COURT: ALL RIGHT. SO LONG AS Y'ALL CAN
17 SATISFY YOURSELF ABOUT THAT, WE WILL -- WE WILL -- WE
18 CAN STILL -- WE WILL HAVE TIME TO MARK THOSE BEFORE
19 THE JURY HAS TO SEE THEM. WE DON'T HAVE TO DO THAT
20 TODAY. I THINK WE WILL HAVE SOME TIME TO DO THAT
21 UNLESS IT'S SOMETHING...

22 MR. FATA: IS THIS ONE MARKED THEN, JUDGE?

23 THE COURT: I JUST MARKED THAT ONE FOR
24 IDENTIFICATION, SO THAT -- SINCE MR. DOZIER WAS
25 REFERRING TO IT SO THAT THE RECORD WILL REFLECT WHAT

1 HE'S REFERRING TO.

2 MR. FATA: OKAY.

3 THE COURT: DO THAT SOME TIME IN THE FUTURE.

4 MR. DOBY: YOUR HONOR, THE ONLY OTHER ISSUE THAT
5 I KNOW OF FROM THE DEFENDANTS' PERSPECTIVE WOULD BE
6 WOULD THEY BE ALLOWED TO WEAR STREET CLOTHING DURING
7 THE TRIAL AND TO WHAT EXTENT ARE THEY GOING TO BE
8 SHACKLED, HANDCUFFED IN FRONT OF THIS JURY.

9 THE COURT: RIGHT. THAT -- AND FRANKLY THAT'S
10 GOING TO LARGELY BE A MEASURE OF -- OF SECURITY'S
11 CONCERN. I'M GOING TO BE GUIDED IN LARGE MEASURE BY
12 WHAT THE DEPARTMENT OFFICIALS TELL ME. CLEARLY WHILE
13 THE PRESUMPTION OF INNOCENCE CERTAINLY ATTACHES TO IT
14 IN THIS AND EVERY CASE, THEIR STATUS AS INMATES IS
15 NOT A QUESTION.

16 IN OTHER WORDS, IT WILL BE PLAIN TO THIS JURY
17 EARLY ON THAT THESE GENTLEMAN ARE INMATES, THAT THEY
18 WERE INMATES AT THE TIME THIS OCCURRED, AND SO IT'S
19 NOT LIKELY THAT THEY'RE GOING TO BE SURPRISED BY
20 SEEING THEM IN PRISON GARB.

21 NOW, THE EXTENT OF SHACKLING -- I'M AWARE THAT
22 THE DEPARTMENT HAS VARIOUS MEANS OF RESTRAINT THAT IT
23 CAN EXERCISE IN THIS REGARD. AND I'LL BE GLAD TO
24 CONFER WITH WHOEVER IS GOING TO BE IN CHARGE OF THAT
25 SECURITY TO SEE WHAT LEVEL OF SECURITY THEY FEEL

1 COMFORTABLE WITH.

2 I NEVER HAVE AND OF COURSE NEVER WILL REQUIRE
3 THOSE WHO ARE IN CHARGE OF INMATES TO BE PLACED IN A
4 POSITION OF COMPROMISE OF THAT SECURITY. WE TAKE ALL
5 THE STEPS WE NEED TO TO MAKE SURE THAT THEY ARE
6 SECURED.

7 AT THE SAME TIME WE DO ALL WE CAN TO BALANCE THE
8 SCALES SO THAT THE JURY DOESN'T GET AN IMPRESSION
9 THAT THEY ARE SO DANGEROUS THAT THEY HAVE TO BE PUT
10 IN SOME SORT OF A HANNIBAL LECTOR TYPE OUTFIT TO KEEP
11 FROM DOING SOME HARM TO SOMEBODY.

12 I CAN'T ANSWER THAT QUESTION TODAY, BUT I WILL
13 BE ANSWER IT BY THE TIME TRIAL STARTS. AND INSOFAR
14 AS THEIR -- AS THEIR CLOTHING IS CONCERNED, IF THEY
15 HAVE CIVILIAN CLOTHES AND IF THE -- IF THE DEPARTMENT
16 CAN MAKE ARRANGEMENTS FOR THEM TO CHANGE INTO THOSE
17 CLOTHES SO THAT THEY CAN GET HERE DAILY, THERE'S NO
18 PROBLEM WITH THEM WEARING THAT.

19 BY THE SAME TOKEN I SEE NO PREJUDICE IF THEY ARE
20 NOT. THEY -- IT'S NOT GOING TO BE A SECRET WHERE
21 THESE -- WHERE THESE PEOPLE ARE. AND THOSE OF YOU
22 WHO ARE HERE FROM THE DEPARTMENT, IF I COULD JUST ASK
23 WHOEVER IS IN CHARGE -- AND IF YOU DON'T HAVE ANY
24 ANSWER TO THAT, PERHAPS YOU COULD PUT ME IN TOUCH
25 WITH SOMEBODY WHO CAN FURNISH IT, BUT I NEED TO KNOW

1 WHAT LEVEL OF SECURITY YOU ALL FEEL COMFORTABLE WITH.
2 AND YOU CAN TALK TO ME IN CHAMBERS ABOUT THAT SO
3 THAT I CAN ADVISE THESE FOLKS OF THAT IN ADVANCE OF
4 THE TRIAL, OKAY?

5 MR. SCOTT: YOUR HONOR, I DID HAVE ONE OTHER
6 QUESTION, AND IF I CAN -- APPRECIATE THE COURT PLEASE
7 HELPING ME OUT ON THIS ISSUE JUST BRIEFLY. WITH
8 RESPECT TO THE OFFER OF PROOF THAT I SUBMITTED TO THE
9 COURT EARLIER, YOUR HONOR, ALLEGE ACTS OF PRIOR
10 MISCONDUCT.

11 AM I TO UNDERSTAND THE COURT INDICATED THAT IT
12 IS A POSSIBILITY THAT SOME OF THAT MATERIAL MAY BE
13 ADMISSIBLE, SOME MAY NOT FOR, IMPEACHMENT PURPOSES
14 ONLY. IS THE COURT THEN GOING TO SIMPLY AWAIT --
15 WAIT I SHOULD SAY UNTIL THE TRIAL ITSELF TO DETERMINE
16 BASED ON MR. COTTON'S TESTIMONY WHETHER ANY OF THAT
17 INFORMATION WILL BE ADMISSIBLE?

18 AND AGAIN, JUDGE, THE ONLY REASON I RAISE THE
19 ISSUE AGAIN IS THAT THE THREE INMATES WHO WOULD BE
20 WITNESSES ARE HOUSED AT -- I THINK TWO ARE HOUSED AT
21 KERSHAW AND ONE IS HOUSED AT EVANS. I JUST WANT TO
22 BE ABLE TO MAKE SURE THAT I CAN MAKE ARRANGEMENTS
23 WITH SCDC TO TRANSPORT THEM IF IT BECOMES NECESSARY.

24 THE COURT: ALL RIGHT. TO THE EXTENT THAT THEIR
25 TESTIMONY -- LET'S TAKE INMATE NUMBER ONE, FOR

1 EXAMPLE.

2 MR. SCOTT: YES, SIR.

3 THE COURT: TO THE EXTENT THAT HIS TESTIMONY
4 WOULD BEAR ON THE CREDIBILITY OF MR. COTTON TO SHOW
5 SOME BIAS OR SOME PREJUDICE AGAINST MR. LYNCH, THE --
6 THAT TESTIMONY WOULD BE ADMISSIBLE. SOME OF IT
7 WOULD.

8 NOW, HERE'S A STATEMENT THAT COTTON WAS THE
9 WORST CORRECTIONAL OFFICER ON THE YARD, OF COURSE,
10 THAT'S NOT -- DOESN'T HAVE ANYTHING TO DO WITH
11 CREDIBILITY. THAT'S AN OPINION IN ANY EVENT. AND
12 HIS TESTIMONY WOULD HAVE TO BE OF HIS OWN PERSONAL
13 OBSERVATION OBVIOUSLY, NOT WHAT HE HAS SEEN OR HEARD.

14 BUT IF HE WAS AWARE OF SOME BIAS OR PREJUDICE
15 THAT HE CLAIMS COTTON HAD AGAINST LYNCH, THEN THAT
16 CAN BE ADMITTED FOR THE LIMITED PURPOSES OF
17 CREDIBILITY.

18 OBVIOUSLY WE'RE NOT GOING TO SPEND A WHOLE LOT
19 OF TIME GOING INTO THAT BECAUSE I DON'T WANT THIS --
20 THAT IS TO SAY, WE ALL UNDERSTAND THAT REGARDLESS OF
21 WHAT THE SITUATION WAS WITH OFFICER COTTON AND
22 MR. LYNCH, IT'S NOT A DEFENSE TO THESE CHARGES.

23 MR. SCOTT: YES, SIR.

24 THE COURT: AND IT SIMPLY GOES TO THE NARROW
25 ISSUE OF CREDIBILITY. INMATE NUMBER TWO, FOR

1 EXAMPLE, STATEMENTS THAT HAVE TO DO WITH BIAS,
2 PREJUDICE MR. COTTON OR MR. LYNCH MAY VERY WELL BE
3 ADMISSIBLE DEPENDING UPON THE BASIS OF THE KNOWLEDGE
4 OF THE -- OF THE WITNESS.

5 NOT ALL OF THOSE STATEMENTS WOULD BE, BUT SOME
6 OF THEM -- SOME OF THEM WOULD. THE SAME IS TRUE OF
7 NUMBER THREE. AND IT MAY EVEN BE NECESSARY FOR ME TO
8 TAKE SOME OF THIS TESTIMONY EN CAMERA.

9 MR. SCOTT: YES, SIR.

10 THE COURT: TO HEAR IT IN ADVANCE, TO FIND OUT
11 WHAT THE BASIS OF IT IS, AND TO TEST IT IN
12 CROSS-EXAMINATION BEFORE A JURY GETS TO HEAR IT SO
13 THAT I CAN DETERMINE WHETHER OR NOT THESE ARE JUST
14 PEOPLE WHO HAVE A VENDETTA OR NOT.

15 IT COULD WELL BE, FOR EXAMPLE, INMATE NUMBER
16 ONE, TWO AND THREE, THAT THEIR RECORD INDICATES THAT
17 THEY HAVE DISCIPLINARY THINGS OF SOME NATURE PERHAPS
18 INVOLVING MR. COTTON WHICH WOULD INDICATE SOME SORT
19 OF VENDETTA THAT THEY MIGHT HAVE AGAINST HIM. I
20 DON'T KNOW OF ANY OF THOSE THINGS.

21 MR. SCOTT: YES, SIR.

22 THE COURT: ALL I CAN TELL YOU IS I WILL BE GLAD
23 TO -- TO ASSIST YOU IN GETTING THESE PEOPLE HERE TO
24 TESTIFY SHOULD THEIR TESTIMONY BE ADMISSIBLE BEFORE A
25 JURY. AND FRANKLY, AS I SAY, UNTIL I HEAR SOME OF

1 IT, I MIGHT NOT EVEN TELL YOU.

2 MR. SCOTT: AND JUDGE, AGAIN, THAT'S WHY I
3 SUBMITTED THIS SO THAT THE COURT CAN BE AWARE OF
4 EXACTLY WHAT THE TESTIMONY WOULD BE.

5 THE COURT: EXACTLY. AND I APPRECIATE THAT.

6 MR. SCOTT: BECAUSE I DIDN'T WANT TO WASTE THE
7 COURT'S TIME. I CERTAINLY DIDN'T WANT TO REQUIRE
8 THESE GENTLEMEN TO BE TRANSPORTED HERE ONLY TO HAVE
9 THE COURT SAY, MR. SCOTT, YOU CAN'T PUT THIS UP, SO
10 THAT'S PRECISELY WHY I BROUGHT THIS ISSUE UP.

11 THE COURT: AND I APPRECIATE THAT AND IT'S
12 HELPFUL. BUT IN THE MEAN TIME, OF COURSE, MR. FATA
13 CAN LOOK INTO THESE INDIVIDUALS. HE KNOWS WHO THEY
14 ARE AND GOT TO KNOW WHO THEY ARE IN ADVANCE OF TRIAL
15 SO THAT HE CAN DETERMINE WHAT THEIR RECORDS ARE AND
16 WHAT THEIR MOTIVATION TO TESTIFYING MIGHT BE AS WELL.

17 MR. FATA: ALONG THOSE LINES, YOUR HONOR, CAN I
18 HAVE THE NAMES NOW OR...

19 MR. SCOTT: I'LL GIVE IT TO HIM AFTER WE FINISH
20 HERE TODAY, YOUR HONOR.

21 THE COURT: OKAY. THAT WILL BE FINE.

22 MR. DOBY: YOUR HONOR, IN THAT REGARD, I HAD
23 SENT AN ORDER OF TRANSPORT -- I DON'T KNOW IF THE
24 COURT HAD RECEIVED THAT -- BUT I HAVE AN ORDER OF
25 TRANSPORT FOR FIVE THAT I WOULD REQUEST TO BE

1 TRANSPORTED, AND I CAN CERTAINLY GIVE MR. FATA A
2 COPY.

3 THE COURT: ALL RIGHT. IF YOU WOULD, PLEASE.
4 THANK YOU. IT MAY WELL BE IN MY OFFICE IN MANNING.
5 I HAVE BEEN OUT ALL WEEK, AS A MATTER OF FACT. I GOT
6 THERE YESTERDAY AND HAVEN'T EVEN OPENED MY MAIL YET.

7 ALL RIGHT. IS THERE ANYTHING ELSE THEN,
8 GENTLEMEN, BEFORE WE RECESS MATTER UNTIL THE MONDAY
9 FOLLOWING THANKSGIVING?

10 MR. DOBY: NOT FROM THIS DEFENDANT, YOUR HONOR.

11 THE COURT: MR. SCOTT?

12 MR. SCOTT: NO, YOUR HONOR. NOTHING FURTHER AT
13 THIS TIME.

14 THE COURT: ALL RIGHT. MR. FATA, ANYTHING FROM
15 THE STATE?

16 MR. FATA: NOTHING, YOUR HONOR.

17 THE COURT: ALL RIGHT. THANK YOU, GENTLEMEN.
18 THIS MATTER WILL BE IN RECESS THEN UNTIL WHATEVER
19 THAT MONDAY -- IS THE 28TH?

20 MR. FATA: TWENTY-EIGHTH. YOUR HONOR, IT'S MY
21 UNDERSTANDING YOU DO NOT WANT TO TAKE THESE -- YOU
22 WANT TO SEE IF I CAN RE-FORMAT THEM SOME WAY?

23 THE COURT: YES, SIR. WELL, IF THOSE -- ARE
24 THOSE THE ONLY COPIES YOU HAVE?

25 MR. FATA: THE CASE AGENTS HAVE THE ORIGINAL

1 COPIES. THESE ARE THE ONLY ONES I HAVE.

2 THE COURT: OKAY. I'LL BE GLAD TO TAKE ANYTHING
3 THAT I'M NOT TAKING THE ORIGINAL OF. SO---

4 MR. FATA: THIS IS NOT THE ORIGINAL.

5 THE COURT: WHATEVER YOU'VE GOT COPIES OF, I
6 WILL BE GLAD TO TAKE WITH ME.

7 (END OF HEARING.)

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9 THE COURT: ALL RIGHT. GENTLEMEN, IF YOU COULD
10 BRING THE DEFENDANTS IN AT THIS POINT IN TIME,
11 PLEASE.

12 (WHEREUPON, COURT'S EXHIBITS NOS. 1, 2, 3 WERE
13 MARKED FOR IDENTIFICATION ONLY.)

14 (DEFENDANTS ENTERED THE COURTROOM.)

15 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,
16 PLEASE GIVE ME YOUR ATTENTION FOR A FEW MOMENTS.
17 WE'VE GOT TO GO OVER A HOUSEKEEPING MATTER BEFORE THE
18 JURY IS BROUGHT BACK IN AND WE BEGIN THE
19 QUALIFICATION PROCESS FOR THIS CASE.

20 ON FRIDAY OF LAST WEEK WHEN WE WERE HAVING --
21 EXCUSE ME -- FRIDAY A WEEK AGO WHEN WE MET FOR
22 PRETRIAL MOTIONS IN THIS CASE, THE ISSUE OF SECURITY
23 CAME UP. I DISCUSSED AT THAT TIME WITH MEMBERS OF
24 THE TACTICAL SQUAD OF THE SOUTH CAROLINA DEPARTMENT
25 OF CORRECTIONS THE SECURITY PRECAUTIONS WHICH MAY

1 DEEM APPROPRIATE IN THIS INSTANCE WHICH IN THEIR VIEW
2 WAS FULL SHACKLING OF THE DEFENDANTS AND THE PRISON
3 GARB, PRISON SUITS THEMSELVES, THE JUMPSUITS IN WHICH
4 THEY APPEAR TODAY HERE IN COURT.

5 SUBSEQUENT TO THAT MR. SCOTT WROTE ME ON BEHALF
6 OF HIS CLIENT, MR. LYNCH, AND MR. DOBY JOINED IN HIS
7 REQUEST FOR ME TO RECONSIDER THAT AND ASKED IF I
8 COULD NOT MAKE ARRANGEMENTS TO HAVE MR. LYNCH -- AND
9 MR. DOBY, MR. SINGLETARY, DRESSED IN REGULAR CIVILIAN
10 CLOTHES.

11 I WROTE TO MR. DAVID TATARSKY WHO IS THE GENERAL
12 COUNSEL OF THE DEPARTMENT OF CORRECTIONS ON
13 NOVEMBER 23RD. MR. SCOTT'S LETTER TO ME IS COURT'S
14 EXHIBIT NUMBER 1. MY LETTER TO MR. TATARSKY IS
15 COURT'S EXHIBIT NUMBER 2. MR. TATARSKY'S RESPONSE IS
16 COURT'S EXHIBIT NUMBER 3.

17 AND IN COURT'S EXHIBIT NUMBER 3 MR. TATARSKY SET
18 OUT IN SOME DETAIL THE DEPARTMENT'S POSITION IN
19 REQUESTING THAT BOTH MR. SINGLETARY AND MR. LYNCH
20 REMAIN IN THEIR PRISON UNIFORMS THROUGHOUT THE TRIAL
21 OF THIS CASE. THAT LETTER IS MADE A PART OF THE
22 RECORD.

23 I HAVE TAKEN THAT INTO ACCOUNT IN MAKING MY
24 FINAL DECISION IN THIS REGARD. I AM MINDFUL OF THE
25 COURT'S CONCERN EXPRESSED IN THE CASE OF LELAND

1 HUMBERT, H-U-M-B-E-R-T, WHO COINCIDENTALLY WAS ON
2 THIS DOCKET I UNDERSTAND AND I JUST ISSUED A BENCH
3 WARRANT FOR HIM IN ANOTHER CASE EARLIER TODAY --
4 HUMBERT VERSUS THE STATE OF SOUTH CAROLINA WHICH IS
5 FOUND AT 548 SOUTHEASTERN SECOND 862.

6 THAT'S A PCR CASE OBVIOUSLY BECAUSE OF ITS
7 CAPTIONED, YOU CAN SEE THAT. AND IN WHICH THAT
8 INDIVIDUAL WAS TRIED IN PRISON CLOTHES AND RAISED THE
9 INEFFECTIVE ASSISTANCE OF COUNSEL GROUNDS THAT HIS
10 ATTORNEY DID NOT MAKE ADEQUATE PROVISIONS FOR HIM TO
11 BE OUT OF HIS PRISON JUMPSUIT AND TO RAISE THAT ISSUE
12 AT TRIAL.

13 THE COURT IN THAT PARTICULAR INSTANCE INDICATED
14 BOTH IN ITS OPINION AND IN A FOOTNOTE THAT THE BEST
15 COURSE OF ACTION WAS FOR DEFENDANTS TO APPEAR IN
16 REGULAR CLOTHES AND NOT IN READILY IDENTIFIABLE
17 PRISON CLOTHING, AS THEY HAVE SAID.

18 I NOTE, HOWEVER, THAT IN THAT PARTICULAR CASE
19 THE DEFENDANT, MR. HUMBERT, WAS IN PRETRIAL
20 DETENTION. THIS CASE OBVIOUSLY AROSE IN A PRISON
21 SETTING. THE JURY WILL BE INSTRUCTED OF THAT EARLY
22 ON. IT WILL BE SELF-EVIDENT FROM THE CHARGES
23 THEMSELVES.

24 AS A MATTER OF FACT, THE CHARGES WHICH ARE
25 BROUGHT IN THIS PARTICULAR CASE IN MANY INSTANCES BY

1 LAW CAN ONLY BE BROUGHT AGAINST INMATES. AND SO THE
2 FACT THAT THESE PEOPLE WERE INMATES IN THE DEPARTMENT
3 OF CORRECTIONS WILL BE MADE KNOWN AND THE JURY WILL
4 BE INSTRUCTED BY THIS COURT THAT THE PRESUMPTION OF
5 INNOCENCE ATTACHES JUST AS STRONGLY TO THESE CHARGES
6 AS IT DOES TO ANY OTHER AND THAT THE -- THAT THE
7 SECURITY MEASURES BEING USED IN THIS PARTICULAR COURT
8 ARE SIMPLY DEPARTMENT OF CORRECTIONS' PROCEDURE FOR
9 THESE TYPE OF CASES AND THEY'RE NOT TO REACH ANY
10 CONCLUSION OR DRAW ANY ADVERSE INFERENCE FROM THAT.

11 SO THE TRIAL GOES FORWARD OVER OBJECTION OF
12 MR. SCOTT AND MR. DOBY ON BEHALF OF THEIR CLIENTS TO
13 THE PRISON GARB AND THE SHACKLES WHICH THEY HAVE AS
14 WE START THE TRIAL OF THIS CASE.

15 MR. DOBY, DO YOU WISH TO PUT ANYTHING ELSE ON
16 THE RECORD IN THAT REGARD BEFORE WE BRING THE JURY
17 IN?

18 MR. DOBY: NO, SIR, YOUR HONOR.

19 THE COURT: GOOD. MR. SCOTT, DO YOU?

20 MR. SCOTT: NO, SIR. THE COURT HAS ACCURATELY
21 STATED OUR CONCERNS, YOUR HONOR.

22 THE COURT: ALL RIGHT. YOU CAN ASK THE JURY TO
23 COME ON IN, PLEASE.

24 (JURY PANEL ENTERED THE COURTROOM.)

25 THE COURT: LADIES AND GENTLEMEN, THANK YOU VERY

1 MUCH FOR THE INCONVENIENCE WHICH WE IMPOSED UPON YOU
2 BY MAKING YOU STAND OUT THERE WHILE WE GOT SOME
3 PIECES IN PLACE TO BEGIN THE TRIAL OF THIS CASE. ALL
4 OF THE PIECES ARE NOW IN PLACE. AND MR. SOLICITOR,
5 YOU CAN CALL YOUR CASE.

6 MR. FATA: THANK YOU, YOUR HONOR. MAY IT PLEASE
7 THE COURT. THE STATE CALLS INDICTMENT
8 2004-GS-31-135, THE STATE VERSES JACOB LYNCH AND
9 TYRONE SINGLETARY.

10 BOTH DEFENDANTS ARE CHARGED WITH RIOTING, TAKING
11 A HOSTAGE, TWO COUNTS, ASSAULTING A CORRECTIONS
12 OFFICER, CARRYING A CONCEALED WEAPON BY AN INMATE OF
13 A CORRECTIONAL FACILITY AND INCITING TO RIOT. THE
14 STATE IS PREPARED FOR TRIAL, YOUR HONOR.

15 THE COURT: THANK YOU. LADIES AND GENTLEMEN, AS
16 YOU HAVE HEARD, THE CASE OF THE STATE VERSUS TYRONE
17 SINGLETARY AND JACOB LYNCH HAS BEEN CALLED BY THE
18 STATE. MR. SINGLETARY AND MR. LYNCH HAVE BEEN
19 INDICTED BY THE GRAND JURY OF LEE COUNTY AND CHARGED
20 IN COUNT ONE OF THAT INDICTMENT WITH RIOTING.

21 COUNT ONE OF THE INDICTMENT READS THAT TYRONE
22 SINGLETARY AND JACOB LYNCH DID IN LEE COUNTY ON OR
23 ABOUT OCTOBER THE 29TH, 2003, VIOLATE THE LAWS OF
24 THIS STATE IN THAT THEY AS INMATES IN THE DEPARTMENT
25 OF CORRECTIONS AND -- PARTICIPATED IN A RIOT OR OTHER

1 ACTS OF VIOLENCE IN VIOLATION OF THE LAW.

2 COUNT TWO OF THE INDICTMENT CHARGES TAKING OF A
3 HOSTAGE. THAT COUNT OF THE INDICTMENT SAYS THAT MR.
4 SINGLETARY AND MR. LYNCH AS INMATES OF A STATE
5 CORRECTIONAL FACILITY -- EXCUSE ME -- DID IN LEE
6 COUNTY ON OR ABOUT OCTOBER THE 29TH, 2003, EITHER
7 ACTING ALONE OR IN CONCERT WITH OTHERS BY THREATS,
8 COERCION, INTIMIDATION, OR PHYSICAL FORCE, TOOK,
9 HOLD, DECOYED OR CARRIED AWAY MARCUS COTTON AS A
10 HOSTAGE IN VIOLATION OF THE LAW.

11 COUNT THREE OF THE INDICTMENT CHARGES TAKING OF
12 A HOSTAGE ALSO BY MR. SINGLETARY AND MR. LYNCH AT THE
13 SAME TIME AND PLACE. THIS TIME THE HOSTAGE ALLEGED
14 IN THE INDICTMENT IS KENNETH DOZIER UNDER THE SAME
15 CIRCUMSTANCES THAT I READ FOR COUNT TWO.

16 COUNT FOUR OF THE INDICTMENT ACCUSES MR.
17 SINGLETARY AND MR. LYNCH OF ASSAULTING A CORRECTIONAL
18 OFFICER. THAT COUNT OF THE INDICTMENT SAYS THAT MR.
19 SINGLETARY AND MR. LYNCH DID IN LEE COUNTY ON OR
20 ABOUT OCTOBER THE 29TH OF 2003, VIOLATE THE LAWS OF
21 THIS STATE BY ASSAULTING, BEATING, OR WOUNDING ONE
22 MARCUS COTTON WHO WAS A CORRECTIONAL OFFICER IN THE
23 STATE WHILE HE WAS PERFORMING HIS JOB-RELATED DUTIES
24 AS AN EMPLOYEE OF THE STATE CORRECTIONAL FACILITY.

25 COUNT FIVE CHARGES CARRYING OR CONCEALING A

1 WEAPON BY AN INMATE OF A CORRECTIONAL FACILITY. THAT
2 COUNT OF THE INDICTMENT ACCUSES MR. SINGLETARY AND
3 MR. LYNCH AS INMATES OF A STATE CORRECTIONAL FACILITY
4 ON OCTOBER THE 29TH OF 2003, HERE IN LEE COUNTY,
5 CARRYING IN THEIR PERSON A DIRK OR A RAZOR OR SOME
6 OTHER DEADLY WEAPON, HOMEMADE OR OTHERWISE, WHICH IS
7 USUALLY USED FOR THE INFLECTION OF PERSONAL INJURY ON
8 SOMEBODY ELSE, AND UNLAWFULLY CONCEALING A WEAPON
9 WITHIN THE FACILITY OR OTHER PLACE OF CONFINEMENT.
10 SPECIFICALLY A HOMEMADE KNIFE WAS CONCEALED ABOUT
11 THEIR PERSON ACCORDING TO THE INDICTMENT WHILE THEY
12 WERE INMATES AT THE LEE COUNTY -- AT THE LEE
13 CORRECTIONAL INSTITUTE IN VIOLATION OF THE LAW.

14 COUNT SIX OF THE INDICTMENT CHARGES MR.
15 SINGLETARY AND MR. LYNCH WITH INCITING TO RIOT. THAT
16 COUNT OF THE INDICTMENT ACCUSES MR. SINGLETARY AND
17 MR. LYNCH ON OCTOBER THE 29TH OF 2003 AS INMATES OF
18 THE DEPARTMENT OF CORRECTIONS CONSPIRING WITH EACH
19 OTHER AND OTHER INMATES TO INCITE THOSE INMATES TO
20 RIOT OR COMMIT OTHER ACTS OF VIOLATION IN VIOLATION
21 OF THE LAW.

22 NOW LADIES AND GENTLEMEN, THE COUNTS OF THE
23 INDICTMENT THAT I JUST READ TO YOU ARE NOT EVIDENCE
24 NOR ARE THEY PROOF OF ANY OF THE CHARGES THAT THEY
25 CONTAIN. THE INDICTMENT IS SIMPLY A CHARGING PAPER,

1 A PIECE OF PAPER THAT HAS THE CHARGES WRITTEN DOWN ON
2 IT SO THAT YOU OR I OR ANYONE WHO READS THIS
3 INDICTMENT WILL KNOW WHAT THESE CHARGES ARE ALL
4 ABOUT.

5 TO THE CHARGES CONTAINED IN THE INDICTMENT MR.
6 SINGLETARY, MR. LYNCH HAVE ENTERED PLEAS OF NOT
7 GUILTY AND HAVE ASKED FOR A JURY TRIAL AT YOUR HANDS.
8 MR. SINGLETARY AND MR. LYNCH SIT HERE AT COUNSEL
9 TABLE RIGHT HERE IN FRONT OF YOU.

10 MR. SINGLETARY SITS HERE BY MR. DOBY, HIS
11 COUNSEL. MR. LYNCH SITS HERE BY MR. SCOTT, HIS
12 COUNSEL.

13 LADIES AND GENTLEMEN, I NEED TO KNOW NOW IF ANY
14 OF YOU ALL ARE RELATED BY BLOOD OR CONNECTED BY
15 MARRIAGE TO EITHER MR. LYNCH OR MR. SINGLETARY, THAT
16 IS ARE YOU KIN TO THEM OR ARE YOU A FRIEND OF THEIRS
17 OR A BUSINESS ASSOCIATE OF THEIRS OR A CASUAL
18 ACQUAINTANCE OF THEIRS OR A PERSON WHO HAS ANY DIRECT
19 OR INDIRECT CONTACT WITH JACOB LYNCH OR TYRONE
20 SINGLETARY; IF SO, PLEASE STAND. THANK YOU.

21 LADIES AND GENTLEMEN, POTENTIAL WITNESSES WHO
22 MAY TESTIFY IN THE TRIAL OF THIS CASE -- AND I'M
23 GOING TO READ A RATHER LENGTHY LIST OF POTENTIAL
24 WITNESSES. ALL THESE PEOPLE WON'T TESTIFY, BUT THEY
25 ARE POTENTIAL WITNESSES.

1 AND I'M GOING TO ASK YOU THE SAME THING ABOUT
2 THESE POTENTIAL WITNESSES THAT I ASKED YOU ABOUT
3 THESE DEFENDANTS, THAT IS I WANT TO KNOW IF YOU'RE
4 KIN TO THEM, IF YOU'RE RELATED TO THEM BY BLOOD OR BY
5 MARRIAGE, IF YOU'RE A FRIEND OF THEIRS, OR A BUSINESS
6 ASSOCIATE, OR A CASUAL ACQUAINTANCE, A PERSON WHO HAS
7 ANY CONTACT WITH THEM AT ALL.

8 POTENTIAL WITNESSES WHO MAY TESTIFY IN THE TRIAL
9 OF THIS CASE ARE: SERGEANT CEDRICK JUNE OF LEE
10 CORRECTIONAL INSTITUTE, LIEUTENANT ROBERT JOHNSON OF
11 LEE CORRECTIONAL INSTITUTE, ASSOCIATE WARDEN JOHN
12 BROOKS OF THE INSTITUTE, CAPTAIN ORENDA THOMAS OF THE
13 INSTITUTE, SERGEANT WANDA SCARBOROUGH OF THE
14 INSTITUTE, MARCUS COTTON, KENNETH DOZIER, ARE THE TWO
15 NAMED DEFENDANTS -- EXCUSE ME -- TWO NAMED VICTIMS IN
16 THE INDICTMENT.

17 YVONNE BLANDSHAW, CYNTHIA YORK OF THE DEPARTMENT
18 OF CORRECTIONS, MAJOR JOHN FERRARO OF THE DEPARTMENT
19 OF CORRECTIONS, CAPTAIN LARRY GAINNEY OF SLED, AGENT
20 MARK CREECH WITH SLED, AGENT JOHNNY ABRAHAM WITH
21 SLED, GAYLE HEATH OF SLED, CORRECTIONAL OFFICER
22 BERNARD WARD OF LEE CORRECTIONAL, CORRECTIONAL
23 OFFICER RONALD PRATT OF LEE CORRECTIONAL.

24 ARE ANY OF YOU ALL RELATED BY BLOOD OR CONNECTED
25 BY MARRIAGE TO ANY OF THOSE POTENTIAL WITNESSES OR

1 FRIENDS OF THEIRS OR BUSINESS ASSOCIATES OF THEIRS OR
2 CASUAL ACQUAINTANCES OR PEOPLE WHO HAVE ANY DIRECT OR
3 INDIRECT CONTACT WITH ANY OF THOSE POTENTIAL
4 WITNESSES? IF SO, PLEASE STAND. YES, SIR. YOUR
5 NAME, PLEASE SIR?

6 JUROR: VERNON HOLLAND.

7 THE COURT: YOUR LAST NAME?

8 JUROR: HOLLAND.

9 THE COURT: MR. HOLLAND IS JUROR NUMBER 78.
10 MR. HOLLAND, WHO IS THE CONNECTION WITH, PLEASE SIR?

11 JUROR: QUITE A FEW, YOUR HONOR. I WAS A FORMER
12 EMPLOYEE OF LEE CORRECTIONAL.

13 THE COURT: ALL RIGHT, SIR. SO THE EMPLOYEES
14 THAT I JUST READ FROM LEE CORRECTIONAL INSTITUTE, YOU
15 WOULD HAVE BEEN FAMILIAR WITH SOME OF THOSE FOLKS?

16 JUROR: YES, SIR.

17 THE COURT: WHEN WERE YOU EMPLOYED THERE, MR.
18 HOLLAND?

19 JUROR: 1999 TO 2001, SIR.

20 THE COURT: OKAY. ALL RIGHT, SIR. MR. HOLLAND,
21 WOULD THE FACT THAT YOU MIGHT KNOW SOME OF THOSE
22 INDIVIDUALS PERSONALLY AND THAT THEY MIGHT TESTIFY,
23 WOULD THAT MAKE IT DIFFICULT FOR YOU TO BE FAIR AND
24 IMPARTIAL AS A JUROR IN THE TRIAL OF THIS CASE?

25 JUROR: NO, YOUR HONOR.

1 THE COURT: WOULD THE FACT THAT YOU WERE A
2 FORMER EMPLOYEE OF THE SAME INSTITUTE WHERE THE
3 EVENTS DESCRIBED IN THE INDICTMENT ALLEGEDLY TOOK
4 PLACE, WOULD THAT MAKE IT DIFFICULT FOR YOU TO SERVE
5 FAIRLY AND IMPARTIALLY AS A JUROR IN THE TRIAL OF
6 THIS CASE?

7 JUROR: NO, YOUR HONOR.

8 THE COURT: DO YOU KNOW MR. COTTON OR MR.
9 DOZIER?

10 JUROR: MR. COTTON.

11 THE COURT: YOU KNOW MR. COTTON. ALL RIGHT.
12 DID YOU WORK WITH HIM THERE IN THAT---

13 JUROR: NOT IN THE SAME AREA, BUT RIGHT AROUND
14 THE SAME TIME.

15 THE COURT: ALL RIGHT. ALL RIGHT, SIR. AND YOU
16 INDICATED, MR. HOLLAND, THAT NONE OF THOSE
17 ASSOCIATIONS WOULD MAKE IT DIFFICULT FOR YOU TO BE
18 FAIR AND IMPARTIAL AS A JUROR IN THIS TRIAL?

19 JUROR: NO, SIR.

20 THE COURT: THANK YOU, SIR. ADDITIONAL
21 WITNESSES WHO MAY TESTIFY IN THE TRIAL OF THIS CASE
22 ARE: CORRECTIONAL OFFICER LARRY ESTES OF LEE
23 CORRECTIONAL, AGENT CECIL BRADSTREET OF SLED,
24 LIEUTENANT EMILY RHINEHART OF SLED, ANDRIENNE N.
25 RILEY OF SLED, ALICE SHEALY OF SLED, MAUREEN NAGY,

1 JIM GRIFFIN, SERGEANT LUCINDA HODGES OF LEE
2 CORRECTIONAL, JUSTIN SHARP, MAJOR TERRY BRACEY OF LEE
3 CORRECTIONAL, CORRECTIONAL OFFICER CHARLIE SHEPHERD
4 OF LEE CORRECTIONAL, CORRECTIONAL OFFICER R HOOD OF
5 LEE CORRECTIONAL, CORRECTIONAL OFFICER SNOWDEN
6 S-N-O-W-D-E-N, AGENT DAVID MCCLURE OF SLED, AND CRAIG
7 MELVIN OF WIS TV NEWS.

8 ARE ANY OF YOU RELATED BY BLOOD OR CONNECTED BY
9 MARRIAGE TO ANY OF THOSE POTENTIAL WITNESSES OR
10 FRIENDS OF THEIRS OR BUSINESS ASSOCIATES OF THEIRS OR
11 CASUAL ACQUAINTANCES OF THEIRS OR PEOPLE WHO HAVE ANY
12 DIRECT OR INDIRECT CONNECTION, KINSHIP, FRIENDSHIP OR
13 OTHERWISE, WITH ANY OF THOSE POTENTIAL WITNESSES; IF
14 SO, PLEASE STAND. THANK YOU.

15 LADIES AND GENTLEMEN, THE LAWYERS WHO WILL BE
16 INVOLVED IN THE TRIAL OF THIS CASE. ON BEHALF OF THE
17 STATE THE CASE WILL BE PROSECUTED BY SOLICITOR C
18 KELLY JACKSON FROM SUMTER AND MR. PAUL FATA OF HERE
19 IN BISHOPVILLE, LEE COUNTY.

20 THE DEFENDANT TYRONE SINGLETARY IS REPRESENTED
21 BY MR. BRIAN DOBY OF THE JENNINGS FIRM HERE.
22 MR. JACOB LYNCH IS REPRESENTED BY MR. CLIFFORD SCOTT
23 ALSO OF THE LEE COUNTY BAR.

24 I NEED TO KNOW ABOUT YOUR CONNECTION NOW, LADIES
25 AND GENTLEMEN, WITH ANY OF THESE LAWYERS, IF YOU'RE

1 FRIENDS OF THEIRS, OR KIN TO THEM, IF YOU'RE BUSINESS
2 ASSOCIATES OF THEIRS, IF YOU'RE CASUAL ACQUAINTANCES
3 OF THEIRS, FRIENDS OF THEM IN ANY WAY, IF YOU HAVE
4 EVER BEEN REPRESENTED BY ANY OF THEM, OR IF YOU HAVE
5 EVER BEEN SUED BY ANY OF THEM IN THE PAST, WOULD YOU
6 PLEASE STAND?

7 ALL RIGHT. WE WILL START ON THE AISLE AND WE
8 WILL WORK OUR WAY ACROSS. ON THE AISLE, YOUR NAME,
9 PLEASE MA'AM?

10 JUROR: SUSAN G BRUNSON.

11 THE COURT: MRS. BRUNSON IS JUROR NUMBER 27.
12 MRS. BRUNSON, TELL ME ABOUT YOUR ASSOCIATION, PLEASE.

13 JUROR: THEY GO TO MY CHURCH, BETHLEHEM UNITED
14 METHODIST CHURCH.

15 THE COURT: WHO IS THAT?

16 JUROR: MR. FATA AND MR. DOBY.

17 THE COURT: OKAY.

18 JUROR: THAT'S THE ONLY CONNECTION.

19 THE COURT: ALL RIGHT. THANK YOU, MRS. BRUNSON.
20 WOULD THAT ASSOCIATION MAKE IT DIFFICULT FOR YOU TO
21 BE FAIR AND IMPARTIAL AS A JUROR IN THE TRIAL OF A
22 CASE IN WHICH THEY REPRESENT OPPOSITE SIDES OF THE
23 CASE?

24 JUROR: NO, SIR.

25 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT

1 ASSOCIATION THEN AND DECIDE THIS CASE BASED JUST ON
2 THE EVIDENCE THAT YOU WOULD HEAR IN COURT?

3 *JUROR:* YES, SIR.

4 *THE COURT:* WOULD YOU DO THAT PLEASE,
5 MRS. BRUNSON?

6 *JUROR:* YES, SIR.

7 *THE COURT:* THANK YOU, MA'AM. JUROR NUMBER 48.

8 *JUROR:* ANNA DOBY.

9 *THE COURT:* ANNA DOBY. MRS. DOBY, YOU COULD
10 REALLY GET BACK AT YOUR HUSBAND. BUT WE'RE NOT GOING
11 TO PUT YOU OR PERHAPS HIM THROUGH THAT SITUATION. WE
12 ARE GOING TO EXCUSE YOU AS A JUROR IN THE TRIAL OF
13 THIS CASE AND HOPEFULLY WILL SALVAGE YOUR HOME LIFE
14 AS A RESULT.

15 *JUROR:* THANK YOU.

16 *THE COURT:* THANK YOU. JUROR NUMBER 48 WILL BE
17 STOOD ASIDE AS A JUROR IN THIS CASE. THANK YOU.
18 YES, MA'AM. YOUR NAME, PLEASE?

19 *JUROR:* LINDA G. BUTTER. I KNOW MR. FATA AND
20 ALSO MR. DOBY.

21 *THE COURT:* ALL RIGHT. MRS. BUTTER IS JUROR
22 NUMBER 30. HOW WOULD YOU CHARACTERIZE THAT
23 ASSOCIATION, MRS. BUTTER, A CLOSE CASUAL FRIENDSHIP?
24 HOW WOULD YOU...

25 *JUROR:* CASUAL.

1 THE COURT: CASUAL?

2 JUROR: UH-HUH.

3 THE COURT: WOULD THAT RELATIONSHIP MAKE IT
4 DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL AS A JUROR
5 IN THE TRIAL OF THIS CASE?

6 JUROR: NO, SIR. IT WOULD NOT.

7 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
8 ASSOCIATION THEN AND DECIDE THIS CASE BASED JUST ON
9 WHAT YOU WOULD HEAR IN COURT WITHOUT REGARD TO THAT?

10 JUROR: I COULD.

11 THE COURT: WOULD YOU DO THAT, PLEASE MA'AM?

12 JUROR: PARDON?

13 THE COURT: WILL YOU DO THAT? WILL YOU SET THAT
14 ASIDE?

15 JUROR: YES, SIR.

16 THE COURT: THANK YOU, MA'AM. I APOLOGIZE FOR
17 GETTING AWAY FROM THIS MICROPHONE, FOLKS. YES,
18 MA'AM. YOUR NAME, PLEASE, IN YELLOW?

19 JUROR: HENRIETTA TINDAL.

20 THE CLERK: JUROR NUMBER 170.

21 THE COURT: MRS. TINDAL IS JUROR NUMBER 170.
22 MRS. TINDAL, TELL ME ABOUT THE ASSOCIATION, PLEASE
23 MA'AM.

24 JUROR: I AM A LIFE-LONG FRIEND WITH MR. FATA.
25 WE WERE CLASSMATES ALL THROUGH SCHOOL. AND HE IS

1 ALSO MY HUSBAND'S ATTORNEY.

2 THE COURT: MRS. TINDAL, WOULD YOU CHARACTERIZE
3 THAT FRIENDSHIP AS A CLOSE PERSONAL FRIENDSHIP OR
4 CASUAL---

5 JUROR: YES, SIR.

6 THE COURT: MA'AM?

7 JUROR: YES, SIR.

8 THE COURT: CLOSE PERSONAL FRIENDSHIP?

9 JUROR: YES, SIR.

10 THE COURT: WOULD THAT CLOSE PERSONAL FRIENDSHIP
11 MAKE IT DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL AS
12 A JUROR IN A TRIAL OF A CASE IN WHICH HE REPRESENTS
13 ONE OF THE SIDES?

14 JUROR: I HOPE NOT. I'LL TRY.

15 THE COURT: WELL, LET ME TAKE IT ONE STEP
16 FURTHER. IF YOU WERE SELECTED AS A JUROR IN THE
17 TRIAL OF THIS CASE, WOULD YOU BE ABLE TO SET ASIDE
18 THAT ASSOCIATION AND DECIDE THIS CASE BASED ON THE
19 EVIDENCE THAT YOU WILL HEAR IN COURT AND WITHOUT
20 REGARD TO THAT ASSOCIATION?

21 JUROR: YES, SIR.

22 THE COURT: WILL YOU DO THAT?

23 JUROR: YES, SIR.

24 THE COURT: THANK YOU, MRS. TINDAL. YES, MA'AM.
25 IN THE FRONT, YOUR NAME, PLEASE?

1 *JUROR:* JACKIE MCLEOD.

2 *THE COURT:* MRS. MCLEOD IS JUROR NUMBER 123.
3 MRS. MCLEOD, TELL ME ABOUT THE ASSOCIATION, PLEASE
4 MA'AM.

5 *JUROR:* MY OFFICE MANAGER IS MR. DOBY'S
6 BROTHER-IN-LAW.

7 *THE COURT:* OKAY. AND WHERE DO YOU WORK AGAIN?

8 *JUROR:* FARM BUREAU INSURANCE.

9 *THE COURT:* OKAY. MRS. MCLEOD, WOULD THAT
10 ASSOCIATION AS YOU HAVE DESCRIBED IT MAKE IT
11 DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL AS A JUROR
12 IN THE TRIAL OF A CASE IN WHICH MR. DOBY REPRESENTED
13 ONE OF THE PARTIES?

14 *JUROR:* NO, SIR.

15 *THE COURT:* YOU DON'T FEEL LIKE IT WOULD PUT ANY
16 ADDITIONAL PRESSURE ON YOU ONE WAY OR THE OTHER IF
17 YOU -- BECAUSE OF THAT RELATIONSHIP?

18 *JUROR:* I WOULDN'T THINK SO.

19 *THE COURT:* ALL RIGHT. AND YOU'RE THE ONE TO
20 TELL ME. WOULD YOU BE ABLE THEN TO SET ASIDE THAT
21 ASSOCIATION AND DECIDE THIS CASE BASED JUST ON WHAT
22 YOU WOULD HEAR IN COURT WITHOUT REGARD TO THAT?

23 *JUROR:* YES, SIR.

24 *THE COURT:* AND WOULD YOU DO THAT PLEASE, MRS.
25 MCLEOD?

1 JUROR: YES.

2 THE COURT: THANK YOU, MA'AM. YES, MA'AM, IN
3 THE BACK IN THE GREEN, YOU HAVE BEEN STANDING A
4 WHILE. I WILL GET TO YOU FIRST.

5 JUROR: DEBRA CAMPBELL.

6 THE COURT: MRS. CAMPBELL IS JUROR NUMBER 33.
7 MRS. CAMPBELL, TELL ME ABOUT THE ASSOCIATION, PLEASE
8 MA'AM.

9 JUROR: MY SISTER WORKED FOR ATTORNEY FATA FOR
10 YEARS AND THEN MR. DOBY IS MY DAD'S ATTORNEY.

11 THE COURT: OKAY. MRS. CAMPBELL, WOULD EITHER
12 OF THOSE ASSOCIATIONS OR BOTH OF THEM TOGETHER MAKE
13 IT DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL AS A
14 JUROR IN THE TRIAL ON WHICH THEY ARE ON OPPOSITE
15 SIDES OF THE CASE?

16 JUROR: NO, SIR.

17 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
18 ASSOCIATION AND DECIDE THIS CASE BASED JUST ON WHAT
19 YOU WOULD HEAR IN COURT WITHOUT REGARD TO THAT?

20 JUROR: YES.

21 THE COURT: WOULD YOU DO THAT, PLEASE MA'AM?

22 JUROR: YES.

23 THE COURT: THANK YOU. IN THE BACK, YOUR NAME,
24 PLEASE SIR?

25 JUROR: CHARLES KERN.

1 THE CLERK: 106.

2 THE COURT: THANK YOU. MR. KERN, TELL ME ABOUT
3 THE ASSOCIATION, PLEASE SIR?

4 JUROR: MR. DOBY TOOK CARE OF SOME LEGAL AFFAIRS
5 FOR A BUSINESS.

6 THE COURT: HE USED TO REPRESENT YOU?

7 JUROR: YES.

8 THE COURT: ALL RIGHT, SIR. MR. KERN, WOULD
9 THAT PRIOR REPRESENTATION MAKE IT DIFFICULT FOR YOU
10 TO BE FAIR AND IMPARTIAL AS A JUROR IN THE TRIAL OF
11 THIS CASE?

12 JUROR: NO, SIR.

13 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
14 PRIOR REPRESENTATION AND DECIDE THIS CASE BASED JUST
15 ON WHAT YOU WOULD HEAR IN COURT?

16 JUROR: YES, SIR.

17 THE COURT: AND WOULD YOU DO THAT, PLEASE SIR?

18 JUROR: YES, SIR.

19 THE COURT: THANK YOU. YES, MA'AM. YOUR NAME,
20 PLEASE?

21 JUROR: CAROL SCOTT.

22 THE COURT: MRS. SCOTT IS JUROR NUMBER 152.
23 MRS. SCOTT, TELL ME ABOUT THE ASSOCIATION, PLEASE,
24 MA'AM.

25 JUROR: I HAVE A CASUAL ACQUAINTANCE WITH MR.

1 FATA. OUR SONS USED TO PLAY TOGETHER WHEN THEY WERE
2 CHILDREN.

3 THE COURT: ALL RIGHT. MRS. SCOTT, WOULD THAT
4 ASSOCIATION, PRIMARILY THROUGH YOUR CHILDREN -- IS
5 THAT WHAT YOU'RE TELLING ME? WOULD THAT ASSOCIATION
6 MAKE IT DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL AS
7 A JUROR IN THE TRIAL OF THE CASE IN WHICH HE
8 REPRESENTS ONE OF THE SIDES?

9 JUROR: NO, IT WOULDN'T.

10 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
11 ASSOCIATION THEN AND DECIDE THIS CASE BASED JUST ON
12 WHAT YOU WOULD HEAR IN COURT WITHOUT REGARD TO THAT
13 ASSOCIATION? DO YOU UNDERSTAND THAT QUESTION?

14 JUROR: SAY IT AGAIN.

15 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
16 ASSOCIATION THAT YOU HAVE JUST DESCRIBED TO ME WITH
17 MR. FATA AND DECIDE THIS CASE BASED ON THE EVIDENCE
18 THAT YOU WILL HEAR IN COURT AND NOT ON THAT
19 ASSOCIATION?

20 JUROR: YES, I WOULD.

21 THE COURT: WOULD YOU DO THAT, PLEASE MA'AM?

22 JUROR: I WOULD... I'M SORRY.

23 THE COURT: WOULD YOU DO THAT? YOU TOLD ME YOU
24 COULD. WOULD YOU?

25 JUROR: YES. YES.

1 THE COURT: THANK YOU, MRS. SCOTT. LADIES AND
2 GENTLEMEN, I HAVE READ TO YOU THE INDICTMENT AS I
3 HAVE SAID NOT BECAUSE IT'S EVIDENCE NOR IS IT PROOF
4 OF ANYTHING THAT IT CONTAINS, BUT IT'S A PIECE OF
5 PAPER THAT TELLS US WHAT THIS CASE IS ALL ABOUT,
6 BECAUSE I NEED TO KNOW IF YOU KNOW ANYTHING ABOUT
7 THIS CASE.

8 THE ALLEGATIONS IN THE INDICTMENT ARE THAT ON
9 OCTOBER THE 29TH OF 2003 A RIOT TOOK PLACE IN LEE
10 CORRECTIONAL INSTITUTE. THE INDICTMENT ALLEGES THE
11 TAKING OF TWO HOSTAGES. THE INDICTMENT ALLEGES THE
12 ASSAULTING OF ONE OF THOSE HOSTAGES.

13 THE INDICTMENT ALLEGES THE CARRYING OR
14 CONCEALING OF A WEAPON, SPECIFICALLY A HOMEMADE
15 KNIFE, WITHIN THE INS -- WITHIN THE FACILITY. THE
16 INDICTMENT FURTHER ALLEGES INCITING TO RIOT, CHARGING
17 THESE DEFENDANTS WITH THAT CRIME WITHIN THE FACILITY
18 ITSELF.

19 THIS CASE ATTRACTED SOME ATTENTION AT THE TIME.
20 CRAIG MELVIN'S NAME IS LISTED AS A POTENTIAL WITNESS.
21 THE EVIDENCE IN THIS CASE WILL REVEAL THAT HE WAS
22 INVOLVED IN AN INTERVIEW IN THE NEWS CALIBER AND
23 PERHAPS EVEN BEYOND THAT.

24 SO I NEED TO KNOW IF ANY OF YOU ALL KNOW
25 ANYTHING ABOUT THE CASE, IF YOU HAVE SEEN OR HEARD OR

1 READ ANYTHING ABOUT THE CASE, NEWSPAPER, TELEVISION
2 OR OTHERWISE, AND PERSONAL CONVERSATIONS OR
3 OTHERWISE.

4 I NEED TO KNOW IF YOU HAVE SEEN OR HEARD OR READ
5 ANYTHING ABOUT IT. AND THEN IF YOU HAVE, I WILL
6 BRING YOU DOWN INDIVIDUALLY TO INQUIRE OF YOU FURTHER
7 ABOUT WHAT YOU HAVE SEEN AND HEARD AND WHETHER THAT
8 WILL HAVE ANY IMPACT UPON YOUR ABILITY TO BE FAIR AND
9 IMPARTIAL AS JURORS.

10 SO FIRST OF ALL, IF YOU HAVE SEEN OR HEARD OR
11 READ ANYTHING ABOUT THE CASE OR IF YOU HAVE ANY
12 KNOWLEDGE ABOUT THE CASE FROM ANY SOURCE AT ALL,
13 PLEASE STAND. NOBODY ELSE WATCHES TELEVISION IN LEE
14 COUNTY? MRS. SCOTT? ANYBODY ELSE READ THE NEWSPAPER
15 BESIDE MRS. SCOTT AND MRS. MCLEOD?

16 ALL RIGHT, FOLKS. AND WHAT WE ARE GOING TO DO
17 NOW IS GO DOWN, AND AS YOU TELL ME WHO YOU ARE, IF
18 YOU WILL GIVE ME YOUR NAME AND YOUR JUROR NUMBER AND
19 THEN STEP INTO THE AISLE AND FORM A LINE IN THIS
20 CENTER AISLE, AND I WILL BRING YOU DOWN INDIVIDUALLY
21 TO TALK WITH YOU ABOUT THE CASE, OKAY? AND WE WILL
22 START WITH YOU. IF YOU'LL GIVE ME YOUR NAME AND YOUR
23 NUMBER, PLEASE MA'AM.

24 JUROR: BETTY DIXON, 46.

25 THE COURT: ALL RIGHT. MRS. DIXON, IF YOU'LL GO

1 AHEAD AND GET IN LINE, PLEASE. YES, SIR. YOUR NAME,
2 PLEASE?

3 JUROR: RONALD JACKSON, 92.

4 THE COURT: NINETY-TWO, MR. JACKSON. OKAY.

5 JUROR: JACQUELINE MOSLEY.

6 THE COURT: 129? THANK YOU, MA'AM.

7 MRS. MOSELY, IF YOU'LL GET IN LINE. WE WILL START ON
8 THE SECOND ROW AND WORK OUR WAY BACK ACROSS. YOUR
9 NAME, PLEASE MA'AM?

10 JUROR: DEBRA STEPHNEY. I DON'T KNOW MY JUROR
11 NUMBER.

12 THE COURT: OKAY. WE CAN FIND IT.

13 THE CLERK: 164.

14 THE COURT: 164?

15 THE CLERK: YES.

16 THE COURT: ALL RIGHT. IF YOU WILL GET IN LINE,
17 PLEASE. MRS. MCLEOD.

18 JUROR: 123.

19 THE COURT: GOT YOUR NUMBER, 123. THANK YOU.
20 YES.

21 JUROR: MELISSA GRIGGS, 65.

22 THE COURT: SIXTY-FIVE. THANK YOU, MRS. GRIGGS.

23 JUROR: PATRICIA JOHNSON, NUMBER 99.

24 THE COURT: NUMBER 99? THANK YOU, MA'AM. IS
25 THAT EVERYBODY ON THAT ROW? ALL RIGHT. WE WILL

1 START ON THE NEXT ROW AND WORK OUR WAY BACK ACROSS.

2 JUROR: SAMUEL HAWKINS, 71.

3 THE COURT: SEVENTY-ONE? OKAY.

4 JUROR: CAROL SCOTT.

5 THE COURT: 152.

6 JUROR: GARY CAMPBELL, 34.

7 THE COURT: MR. CAMPBELL, 34.

8 JUROR: JEAN MOTTE. NUMBER 130.

9 THE COURT: NUMBER 30?

10 JUROR: LINDA BUTTER. I'M NOT SURE WHAT MY

11 NUMBER IS, BUT I BELIEVE IT'S 30.

12 THE COURT: HAD IT A MINUTE AGO. IT'S NUMBER

13 30, I BELIEVE. YES.

14 JUROR: SUSAN BRUNSON, 27.

15 THE COURT: THANK YOU, MRS. BRUNSON.

16 JUROR: HENRIETTA TINDAL, 170.

17 JUROR: VERNON HOLLAND, 78.

18 THE COURT: THANK YOU.

19 JUROR: HAZEL MIXON. HAZEL MIXON.

20 THE COURT: OKAY. MIXON.

21 THE CLERK: 126.

22 THE COURT: 126?

23 THE CLERK: YES, SIR.

24 THE COURT: THANK YOU.

25 JUROR: ARTHUR GILL, 60.

1 THE COURT: THANK YOU, SIR. ALL RIGHT, FOLKS.
2 WE WILL BRING YOU DOWN ONE AT A TIME AND TALK WITH
3 YOU IN THE PRESENCE OF THE LAWYERS. COUNSEL, YOU CAN
4 APPROACH. (AT SIDE BAR CONFERENCE.)

5 MRS. DIXON, WE WILL START WITH YOU. MRS. DIXON,
6 I WANT YOU TO STAND RIGHT THERE AND SPEAK SO THAT
7 THIS LADY RIGHT HERE CAN HEAR YOU, OKAY? FIRST OF
8 ALL, I NEED TO KNOW WHAT YOU HAVE SEEN OR HEARD OR
9 READ ABOUT THE CASE.

10 JUROR: I HEARD IT -- WELL, I READ IT IN THE
11 PAPER HE HAD -- MARCUS COTTON HAD BEEN HURT INJURED,
12 AND THAT'S ABOUT IT.

13 THE COURT: OKAY.

14 JUROR: SAW SOME ON THE NEWS AND MY BROTHER
15 WORKS AT LEE CORRECTIONAL INSTITUTE. I DON'T KNOW
16 WHETHER THAT MAKES A DIFFERENCE.

17 THE COURT: WELL THAT -- YOU WILL HAVE TO TELL
18 US THAT. YOUR BROTHER -- HE WORKS THERE?

19 JUROR: UH-HUH.

20 THE COURT: DID HE WORK THERE AT THE TIME?

21 JUROR: YEAH, BUT HE WAS OFF.

22 THE COURT: HE WAS OFF AT THE TIME?

23 JUROR: UH-HUH.

24 THE COURT: DID YOU DISCUSS THIS AFTER THE FACT
25 AS YOUR BROTHER WENT BACK TO WORK AND TALKED ABOUT IT

1 THERE WITH HIM OR WITH ANYBODY ELSE AT THE TIME?

2 *JUROR:* NO.

3 *THE COURT:* DID YOU DISCUSS IT AS A RESULT OF
4 WHAT YOU READ IN THE NEWSPAPER?

5 *JUROR:* NO, NOT WITH HIM.

6 *THE COURT:* DID YOU FORM IN YOUR OWN MIND OR DID
7 YOU EXPRESS TO ANYBODY ELSE ANY OPINION THAT YOU
8 MIGHT HAVE AS TO THE GUILT OR THE INNOCENCE OF THESE
9 TWO PEOPLE?

10 *JUROR:* NO, I DIDN'T KNOW THEM.

11 *THE COURT:* YOU DIDN'T. ALL RIGHT. WOULD YOU
12 BE ABLE TO SET ASIDE WHAT YOU HEARD AND WHAT YOU READ
13 AND DECIDE THIS CASE BASED ON THE EVIDENCE THAT YOU
14 WILL HEAR IN THIS COURTROOM WITHOUT REGARD TO WHAT
15 YOU READ IN THE PAPER?

16 *JUROR:* YES.

17 *THE COURT:* AND WILL YOU DO THAT, PLEASE MA'AM?

18 *JUROR:* YES.

19 *THE COURT:* THAT'S ALL WE CAN ASK, MRS. DIXON.
20 YOU CAN GO BACK AND HAVE A SEAT. MR. JACKSON? MR.
21 JACKSON, IF YOU WILL STAND RIGHT THERE AND SPEAK SO
22 THAT THIS LADY CAN HEAR YOU. TELL ME WHAT YOU HAVE
23 HEARD OR READ OR SEEN ABOUT THE CASE.

24 *JUROR:* JUST HEARD IT AND SEEN IT ON TELEVISION,
25 READ IN THE NEWSPAPER ABOUT SOMEBODY TAKING A --

1 SOMEONE HOSTAGE AT THE PRISON.

2 THE COURT: ALL RIGHT. DID YOU PAY ANY
3 ATTENTION TO THE NAMES OF ANY OF THE PEOPLE THAT WERE
4 INVOLVED?

5 JUROR: NO.

6 THE COURT: AT THE TIME DID YOU IN YOUR OWN MIND
7 FORM ANY OPINION OR EXPRESS TO ANYBODY ELSE ANY
8 OPINION THAT YOU MIGHT HAVE AS TO WHETHER THESE FOLKS
9 WERE GUILTY OR NOT GUILTY OF THIS CHARGE?

10 JUROR: NO.

11 THE COURT: IF YOU WERE ASKED TO SERVE AS A
12 JUROR IN THIS CASE, WOULD YOU BE ABLE TO MAKE YOUR
13 DECISION AS A JUROR BASED ON THE EVIDENCE THAT YOU
14 WOULD HEAR IN COURT WITHOUT REGARD TO WHAT YOU READ
15 OR HEARD AT THE TIME?

16 JUROR: YES, SIR.

17 THE COURT: WILL YOU DO THAT?

18 JUROR: YES, SIR.

19 THE COURT: THANK YOU, SIR. MRS. MOSLEY? COME
20 FORWARD, PLEASE. MRS. MOSLEY. IS IT MRS. MOSLEY?

21 JUROR: YES, SIR.

22 THE COURT: THANK YOU, MRS. MOSLEY. I CALLED
23 YOU BY THE WRONG NAME. MRS. MOSLEY, TELL ME WHAT YOU
24 HAVE SEEN OR HEARD OR READ ABOUT THIS CASE.

25 JUROR: JUST THAT IT HAPPENED.

1 THE COURT: DID -- WHERE DID YOU GET THAT
2 INFORMATION?

3 JUROR: FROM MY HUSBAND.

4 THE COURT: OKAY.

5 JUROR: A POLICE OFFICER.

6 THE COURT: WHERE --

7 JUROR: CORRECTIONAL OFFICER THAT GOES TO CHURCH
8 WITH ME AND...

9 THE COURT: OKAY. NOW TELL ME ABOUT YOUR
10 HUSBAND. WHAT DOES HE DO?

11 JUROR: HE WORK FOR THE BISHOPVILLE POLICE
12 DEPARTMENT.

13 THE COURT: OKAY. AND THEN THERE'S A
14 CORRECTIONAL OFFICER THAT GOES TO CHURCH WITH YOU?
15 IS THAT RIGHT?

16 JUROR: YES.

17 THE COURT: IS THAT WHAT YOU SAID?

18 JUROR: TWO OF THEM.

19 THE COURT: TWO OF THEM?

20 JUROR: YES.

21 THE COURT: AND WERE THEY INVOLVED IN THIS THING
22 DIRECTLY THEMSELVES?

23 JUROR: THEY WERE WORKING.

24 THE COURT: THEY WERE WORKING THAT NIGHT?

25 JUROR: YES, SIR.

1 THE COURT: WHAT DID THEY TELL YOU ABOUT IT?

2 JUROR: NOT VERY MUCH.

3 THE COURT: YOU SAY NOT VERY MUCH?

4 JUROR: NOT VERY MUCH, NO.

5 THE COURT: OKAY. DID THEY GIVE YOU ANY NAMES
6 OF ANYBODY WHO WAS INVOLVED IN ANYTHING?

7 JUROR: WELL, I READ.

8 THE COURT: YOU READ---

9 JUROR: MARCUS COTTON.

10 THE COURT: YOU READ MR. COTTON'S NAME?

11 JUROR: YES.

12 THE COURT: DO YOU REMEMBER READING THE NAMES OF
13 THE PEOPLE CHARGED WITH DOING THE THINGS?

14 JUROR: YES.

15 THE COURT: DO YOU REMEMBER THEIR NAME?

16 JUROR: AS YOU CALLED THEM OUT, YEAH.

17 THE COURT: THEY CAME BACK TO YOU?

18 JUROR: YES, SIR.

19 THE COURT: GO AHEAD.

20 JUROR: I'M SORRY -- GETTING READY TO SAY I
21 APOLOGIZE FOR NOT STANDING BEFORE, BUT I DID WENT TO
22 THE ACADEMY WITH MARCUS COTTON AND ALSO WORKING WITH
23 HIM AT THE DEPARTMENT OF CORRECTIONS FROM 2000, 2001.

24 THE COURT: WHO WORKED WITH HIM?

25 JUROR: I DID.

1 THE COURT: YOU WORKED AT THE DEPARTMENT OF
2 CORRECTIONS?

3 JUROR: YEAH, THAT'S WHAT...

4 THE COURT: WHAT DID YOU DO AT THE DEPARTMENT OF
5 CORRECTIONS?

6 JUROR: I WAS A CORRECTIONAL OFFICER IN
7 TRAINING.

8 THE COURT: YOU WERE A CORRECTIONAL OFFICER IN
9 TRAINING?

10 JUROR: YES.

11 THE COURT: AND -- OKAY. AT 2000, 2001?

12 JUROR: YES.

13 THE COURT: DID YOU ACTUALLY EVER WORK AS A
14 CORRECTIONAL OFFICER THERE?

15 JUROR: ON-THE-JOB TRAINING.

16 THE COURT: ON-THE-JOB TRAINING?

17 JUROR: UH-HUH.

18 THE COURT: HOW LONG WERE YOU THERE, JUST DURING
19 THAT PERIOD OF TIME?

20 JUROR: THAT'S ALL.

21 THE COURT: ALL RIGHT. MRS. MOSLEY, WOULD ANY
22 OF THOSE THINGS THAT YOU DESCRIBED -- FIRST OF ALL
23 LET ME BACK UP A MINUTE. BASED ON WHAT YOU HEARD OR
24 READ OR WHAT PEOPLE TOLD YOU AT THE TIME, DID YOU
25 FORM ANY OPINION IN YOUR OWN MIND AS TO WHETHER

1 MR. LYNCH AND MR. SINGLETARY ARE GUILTY OR NOT GUILTY
2 OF THESE CHARGES?

3 JUROR: I HAVE SOME OPINIONS.

4 THE COURT: AND WHAT WOULD THAT OPINION BE?

5 JUROR: WELL, THAT THEY WERE GUILTY.

6 THE COURT: RIGHT. IF YOU WERE ASKED TO SERVE
7 AS A JUROR IN THIS CASE WOULD YOU BE ABLE TO SET
8 ASIDE THOSE OPINIONS, DECIDE THIS CASE BASED ON WHAT
9 YOU WOULD HEAR IN COURT WITHOUT REGARD TO THOSE
10 OPINIONS?

11 JUROR: I MIGHT NOT.

12 THE COURT: OKAY. AND I CAN UNDERSTAND THAT,
13 MRS. MOSLEY. WE WILL STAND YOU ASIDE AS A JUROR FOR
14 THE TRIAL OF THIS CASE. OKAY?

15 JUROR: SO I LEAVE OR...

16 THE COURT: WELL, YOU CAN LEAVE BUT YOU NEED TO
17 CALL THAT NUMBER AFTER 6:00 FOR FURTHER INSTRUCTIONS,
18 OKAY?

19 JUROR: OKAY.

20 THE COURT: THANK YOU. YOU'RE FREE TO GO.
21 JUROR NUMBER 129 WILL BE STOOD ASIDE AS A JUROR IN
22 THIS TRIAL. NUMBER 164. MRS. STEPHNEY, IS IT?

23 JUROR: YES.

24 THE COURT: MRS. STEPHNEY, TELL ME WHAT YOU SEEN
25 OR HEARD OR READ ABOUT THE CASE.

1 JUROR: I SAW IT IN THE NEWS.

2 THE COURT: OKAY.

3 JUROR: ALL I SAW WAS CRAIG MELVIN TALKING ABOUT
4 SOMETHING WHAT HAD HAPPENED AT THE PRISON THAT
5 EVENING.

6 THE COURT: OKAY.

7 JUROR: AND THAT'S BASICALLY IT.

8 THE COURT: THAT'S ABOUT IT?

9 JUROR: THAT'S ABOUT IT.

10 THE COURT: DID YOU FORM IN YOUR OWN MIND OR DID
11 YOU EXPRESS TO ANYBODY ELSE ANY OPINION THAT YOU
12 MIGHT HAVE AS TO WHETHER YOU THINK THESE FOLKS ARE
13 GUILTY OR NOT GUILTY OF THESE CHARGES?

14 JUROR: NO, NOT REALLY, NO.

15 THE COURT: IF YOU WERE ASKED TO SERVE AS A
16 JUROR IN THIS TRIAL, WOULD YOU BE ABLE TO SET ASIDE
17 WHAT YOU SAW ON TELEVISION THAT TIME OR AT ANY OTHER
18 TIME AND DECIDE THIS CASE BASED ON THE EVIDENCE THAT
19 YOU WOULD HEAR IN COURT WITHOUT REGARD TO WHAT YOU
20 SAW OR HEARD OR READ?

21 JUROR: ABSOLUTELY.

22 THE COURT: WOULD YOU DO THAT?

23 JUROR: UH-HUH.

24 THE COURT: THANK YOU. GO BACK AND HAVE A SEAT
25 MRS. MCLEOD? MRS. MCLEOD, TELL ME WHAT YOU SAW HEARD

1 OR READ ABOUT THE CASE.

2 JUROR: I JUST SAW IT ON TV, CRAIG MELVIN WAS,
3 YOU KNOW...

4 THE COURT: OKAY. AND THAT WAS ABOUT IT? YOU
5 WATCHED THE NEWS REPORTS ON TV PRIMARILY?

6 JUROR: UH-HUH.

7 THE COURT: DID YOU DISCUSS WITH IT ANYBODY ELSE
8 OR HAVE ANYBODY ELSE DISCUSS IT WITH YOU?

9 JUROR: NO. JUST GENERAL. YOU KNOW HOW PEOPLE
10 TALK.

11 THE COURT: RIGHT. DID YOU FORM IN YOUR OWN
12 MIND ANY OPINION ABOUT WHETHER THESE FOLKS ARE GUILTY
13 OR NOT GUILTY OF THESE CHARGES BASED ON WHAT YOU HAD
14 SEEN AND HEARD THEM TALK ABOUT?

15 JUROR: YES.

16 THE COURT: AND WHAT WAS THAT OPINION?

17 JUROR: GUILTY.

18 THE COURT: WOULD YOU BE ABLE TO SET ASIDE THAT
19 OPINION IF YOU WERE ASKED TO SERVE AS A JUROR AND
20 DECIDE THIS CASE BASED ON WHAT YOU WOULD HEAR IN
21 COURT WITHOUT REGARD TO THAT OPINION?

22 JUROR: I DON'T THINK SO.

23 THE COURT: ALL RIGHT. MS. MCLEOD, WE WILL
24 STAND YOU ASIDE AS A JUROR IN THE TRIAL OF THIS CASE.
25 YOU ARE FREE TO GO, BUT PLEASE CALL THAT NUMBER AFTER

1 6:00. OKAY? THANK YOU. JUROR NUMBER 123 IS STOOD
2 ASIDE AS A JUROR IN THIS CASE. YES. NUMBER 65 IS
3 MRS. GRIGGS, RIGHT?

4 JUROR: YES, SIR.

5 THE COURT: MRS. GRIGGS, TELL ME WHAT YOU HAVE
6 SEEN OR HEARD OR READ ABOUT THIS CASE.

7 JUROR: I WAS RIDING BY THE PRISON WHEN IT
8 HAPPENED.

9 THE COURT: YOU WERE?

10 JUROR: AND I SAW IT ON THE NEWS, WHICH I DIDN'T
11 SEE NOTHING BUT THE CAR -- THE POLICE CARS IN FRONT
12 OF THE PRISON.

13 THE COURT: RIGHT.

14 JUROR: ON TV.

15 THE COURT: I SEE. WHEN YOU RODE BY IT, COULD
16 YOU TELL SOMETHING WAS HAPPENING OUT THERE?

17 JUROR: YES, SIR.

18 THE COURT: HOW COULD YOU TELL?

19 JUROR: THE POLICE LIGHTS.

20 THE COURT: OKAY.

21 JUROR: SIRENS.

22 THE COURT: I SEE. AND THEN YOU SAW IT ON TV
23 WHEN YOU GOT HOME?

24 JUROR: YES, SIR. BUT I SAW JUST THE CARS IN
25 FRONT OF THE PRISON ON TV. DIDN'T HEAR ANYTHING.

1 THE COURT: I UNDERSTAND. OKAY. DID YOU
2 DISCUSS IT IN THE FUTURE DAY OR IN THE COMING DAYS
3 WHAT YOU HAD SEEN OR HEARD WITH ANYBODY ELSE?

4 JUROR: NO, SIR.

5 THE COURT: DID YOU IN YOUR OWN MIND FORM ANY
6 OPINION AS TO WHETHER THESE PEOPLE WHO ARE ON TRIAL
7 HERE TODAY ARE GUILTY OR NOT GUILTY OF THOSE CHARGES?

8 JUROR: NO, SIR.

9 THE COURT: IF YOU WERE ASKED TO SERVE AS A
10 JUROR, WOULD YOU BE ABLE TO SET ASIDE WHAT YOU SAW
11 AND HEARD AND IN FACT WHAT YOU EXPERIENCED WHEN YOU
12 RODE BY THERE THAT NIGHT?

13 JUROR: RIGHT.

14 THE COURT: AND DECIDE THIS CASE BASED ON WHAT
15 YOU WOULD HEAR IN COURT WITHOUT REGARD TO THAT?

16 JUROR: NO.

17 THE COURT: YOU WOULDN'T BE ABLE TO DO THAT?

18 JUROR: OH, YEAH.

19 THE COURT: YOU WOULD BE ABLE TO DO THAT?

20 JUROR: YES, SIR.

21 THE COURT: YOU COULD MAKE YOUR DECISION AS A
22 JUROR THEN BASED ON THE EVIDENCE HERE IN COURT AND
23 NOT WHAT YOU SAW OR HEARD AT THE TIME?

24 JUROR: YES, SIR.

25 THE COURT: IS THAT WHAT YOU'RE TELLING ME?

1 JUROR: YES, SIR.

2 THE COURT: WOULD YOU DO THAT, MRS. GRIGGS?

3 JUROR: I WILL.

4 THE COURT: THANK YOU SO MUCH. YOU CAN GO BACK
5 AND HAVE A SEAT. MRS. JOHNSON? NUMBER 99.

6 MRS. JOHNSON, IF YOU'LL STAND AND SPEAK SO SHE CAN
7 HEAR YOU. TELL ME WHAT YOU'VE SEEN OR HEARD OR READ
8 ABOUT THE CASE.

9 JUROR: MAINLY THE MAN THAT I'M SEEING NOW HE
10 WAS WORKING AT THE FACILITY WHEN IT HAPPENED, AND
11 THAT'S THE MAJORITY OF WHAT I HAVE HEARD.

12 THE COURT: OKAY.

13 JUROR: I DON'T DO A WHOLE LOT OF NEWS BECAUSE
14 IT'S ALWAYS BAD NEWS.

15 THE COURT: ALL RIGHT. WERE YOU SEEING HIM AT
16 THE TIME IN 2003 WHEN THIS THING HAPPENED?

17 JUROR: NO. NO, SIR.

18 THE COURT: STARTED DATING HIM AFTERWARDS?

19 JUROR: AFTERWARDS, YES, SIR.

20 THE COURT: AND WAS HE ON DUTY THAT NIGHT? DID
21 HE TELL YOU ANYTHING ABOUT THAT?

22 JUROR: NO. HE WORKED DURING THE DAY, SO HE
23 WASN'T ON DUTY.

24 THE COURT: OKAY. DID HE EXPRESS TO YOU ANY --
25 HIS OPINION ABOUT THESE PEOPLE WHO ARE CHARGED IN

1 THIS PARTICULAR -- THESE INDIVIDUALS, MR. SINGLETARY
2 AND MR. LYNCH?

3 JUROR: HE EXPRESSED THAT HE FELT THAT THEY WERE
4 GUILTY.

5 THE COURT: RIGHT. WHAT OPINION DID YOU FORM,
6 IF ANY, BASED ON WHAT HE TOLD YOU AT THE TIME?

7 JUROR: JUST GOING BY WHAT, YOU KNOW, HE TOLD
8 ME.

9 THE COURT: RIGHT.

10 JUROR: THAT I FELT LIKE THE SAME -- THE SAME
11 WAY.

12 THE COURT: RIGHT.

13 JUROR: BUT THEN THERE'S ALWAYS MORE INSIDE THE
14 STORY.

15 THE COURT: WELL, SOMETIMES THERE IS. AND
16 SOMETIMES YOU ONLY HEAR ONE SIDE AND HAVE TO MAKE A
17 DECISION BASED ON WHAT YOU HEAR.

18 JUROR: RIGHT.

19 THE COURT: BUT IF YOU WERE ASKED TO SERVE AS A
20 JUROR IN THIS CASE, MRS. JOHNSON, WOULD YOU BE ABLE
21 TO SET ASIDE WHAT YOU AND YOUR FRIEND DISCUSSED AND
22 DECIDE THIS CASE BASED ON THE EVIDENCE THAT YOU WOULD
23 HEAR IN COURT AND NOT ON WHAT YOU AND HE TALKED
24 ABOUT?

25 JUROR: YES, SIR.

1 THE COURT: WOULD YOU DO THAT, PLEASE MA'AM?

2 JUROR: YES, MA'AM.

3 THE COURT: THANK YOU, MRS. JOHNSON.

4 MR. HAWKINS? SEVENTY-ONE. MR. HAWKINS, TELL ME WHAT
5 YOU HAVE SEEN OR HEARD OR READ ABOUT THE CASE.

6 JUROR: WELL, I WATCHED IT IN THE -- THE NIGHT
7 THAT IT HAPPENED, BUT I CAN'T REMEMBER ANYTHING ABOUT
8 IT, NAMES, ONLY THING I REMEMBER IS MARCUS COTTON.

9 THE COURT: YOU REMEMBER THAT?

10 JUROR: ALL OTHERS ARE GONE.

11 THE COURT: OTHER NAMES DON'T MEAN A THING?

12 JUROR: DON'T MEAN A THING IN THE WORLD.

13 THE COURT: RIGHT. MR. HAWKINS, DID YOU FORM IN
14 YOUR OWN MIND OR DID YOU EXPRESS TO ANYBODY ELSE ANY
15 OPINION THAT YOU MIGHT HAVE AS TO WHETHER YOU THINK
16 THESE FOLKS, MR. LYNCH, MR. SINGLETARY, ARE GUILTY OR
17 NOT GUILTY OF THESE CHARGES?

18 JUROR: TO MY KNOWLEDGE THOSE TWO NAMES DON'T
19 MEAN NOTHING.

20 THE COURT: RIGHT.

21 JUROR: TO MY KNOWLEDGE, I DIDN'T EVEN REMEMBER
22 THAT THEY -- EVEN IN PRISON. ANY PARTICULAR NAMES, I
23 JUST REMEMBER THE RIOT. I DO REMEMBER THAT.

24 THE COURT: IF YOU WERE ASKED TO SERVE AS A
25 JUROR IN THIS CASE THEN, WOULD YOU BE ABLE TO MAKE

1 YOUR DECISION AS A JUROR BASED ON THE EVIDENCE THAT
2 YOU WOULD HEAR IN THIS COURTROOM AND NOT ON WHAT YOU
3 MAY HAVE HEARD OR READ OR SEEN AT THE TIME?

4 JUROR: YES.

5 THE COURT: WOULD YOU DO THAT?

6 JUROR: YES.

7 THE COURT: THANK YOU, MR. HAWKINS. MRS. SCOTT?
8 IS THAT IT? MRS. SCOTT? OKAY. YEAH. MRS. SCOTT IS
9 152. MRS. SCOTT, TELL ME WHAT YOU HAVE SEEN OR HEARD
10 OR READ ABOUT THE CASE.

11 JUROR: BASICALLY THE CHANNEL 10 COVER -- SOME
12 OF THE CHANNEL 10 COVERAGE, CRAIG MELVIN.

13 THE COURT: OKAY. CRAIG GOT FAMOUS.

14 JUROR: UH-HUH.

15 THE COURT: DID -- OTHER THAN THAT, DID YOU HAVE
16 ANY OTHER RECOLLECTION OF TALKING ABOUT IT WITH
17 ANYBODY OR DISCUSSING IT?

18 JUROR: I'M SURE MY HUSBAND AND I TALKED ABOUT
19 IT, BUT I DON'T EVEN REMEMBER DETAILS. I DON'T EVEN
20 REMEMBER THE NAMES OF THE PEOPLE INVOLVED.

21 THE COURT: I SEE. DID YOU FORM IN YOUR OWN
22 MIND OR DID YOU EXPRESS TO ANYBODY ELSE ANY OPINION
23 THAT YOU MIGHT HAVE ABOUT WHETHER THESE FOLKS ARE
24 GUILTY OR INNOCENT OF THESE CHARGES?

25 JUROR: (PAUSE) HARD.

1 THE COURT: OKAY.

2 JUROR: LIKE, I DON'T KNOW NAMES.

3 THE COURT: RIGHT.

4 JUROR: YOU KNOW, I DON'T REMEMBER ANY NAMES.

5 THE COURT: RIGHT.

6 JUROR: SOMEBODY IS GUILTY.

7 THE COURT: YOU THINK SOMEBODY IS GUILTY, BUT
8 YOU DON'T KNOW WHO IT WAS?

9 JUROR: HUH-UH.

10 THE COURT: ALL RIGHT. SO THE NAME SINGLETARY
11 AND LYNCH DON'T MEAN ANYTHING TO YOU?

12 JUROR: NO. NOT TODAY, NO.

13 THE COURT: IF YOU WERE ASKED TO SERVE AS A
14 JUROR IN THIS CASE WOULD YOU BE ABLE TO SET ASIDE
15 WHAT YOU MAY HAVE HEARD AND SEEN AND ANY OPINIONS
16 THAT YOU MIGHT HAVE AND DECIDE THIS CASE BASED ON THE
17 EVIDENCE THAT YOU WOULD HEAR IN THIS COURTROOM, NOT
18 TO WHAT YOU HAVE SEEN OR HEARD OR ANY OPINION THAT
19 YOU MIGHT HAVE?

20 JUROR: YES, SIR. I THINK I COULD.

21 THE COURT: MR. SINGLETARY AND MR. LYNCH UNDER
22 THE LAW ARE PRESUMED TO BE INNOCENT OF THE CHARGES
23 AGAINST THEM. AND THEY'RE PRESUMED TO BE INNOCENT
24 UNLESS THEY ARE PROVEN GUILTY BEYOND A REASONABLE
25 DOUBT. DO YOU UNDERSTAND THAT?

1 *JUROR:* YES, SIR. I DO.

2 *THE COURT:* ALL RIGHT. WOULD YOU BE ABLE TO
3 GIVE THEM THAT PRESUMPTION OF INNOCENCE IN THE EYES
4 OF THE LAW IF YOU WERE ASKED TO SERVE AS A JUROR IN
5 THE TRIAL OF THIS CASE?

6 *JUROR:* I'D DO MY VERY BEST.

7 *THE COURT:* ALL RIGHT. IF YOU ARE NOT CONVINCED
8 BEYOND A REASONABLE DOUBT THAT THEY WERE GUILTY OF
9 THESE CHARGES, WOULD YOU HAVE ANY HESITANCY ABOUT
10 FINDING THEM NOT GUILTY? YOU UNDERSTAND MY QUESTION?

11 *JUROR:* I THINK I --) YEAH. I MAY. I MAY.

12 *THE COURT:* ALL RIGHT. MRS. SCOTT, I'M GOING TO
13 STAND YOU ASIDE AS A JUROR IN THE TRIAL OF THIS CASE.
14 I APPRECIATE YOUR HESITANCY AND YOUR HONESTLY, QUITE
15 FRANKLY, WITH US, AND I UNDERSTAND THAT SOMETIMES
16 IT'S A DIFFICULT STRUGGLE THAT YOU HAVE TO HAVE AND
17 ENGAGE IN A THING AS SUCH.

18 AND I'M SURE THAT YOU WOULD DO YOUR DEAD LEVEL
19 BEST TO BE FAIR AND IMPARTIAL IN THIS TRIAL. AND YOU
20 HAVE BEEN HONEST, YOU SAID YOU MAY AND THAT YOU'D TRY
21 TO DO YOUR BEST. AND I'M SURE YOU UNDERSTAND THE
22 NEED THAT WE HAVE WHEN WE SELECT A JURY TO BE ABLE TO
23 HAVE A JURY OF PEOPLE WHO CAN TELL US UNEQUIVOCALLY
24 THAT THEY CAN BE FAIR AND IMPARTIAL ABOUT THAT.

25 AND YOUR HONESTY IS A IMPORTANT PART OF THIS

1 PROCESS. THANK YOU. WE APPRECIATE THAT. AS A
2 MATTER OF FACT, YOU CAN GO HOME. YOU JUST NEED TO
3 CALL THAT NUMBER AFTER SIX TODAY, OKAY? JUROR NUMBER
4 152 WILL BE STOOD ASIDE AS A JUROR IN THIS TRIAL.

5 MR. CAMPBELL? MR. CAMPBELL, TELL ME WHAT YOU
6 SAW OR HEARD OR READ AT THE TIME.

7 JUROR: JUST NEWS REPORTS, NEWSPAPERS, TV AND
8 RADIO, NOTHING SPECIAL, BUT THAT'S WHAT YOU ASKED.

9 THE COURT: EXACTLY RIGHT. DID YOU IN YOUR OWN
10 MIND FORM ANY OPINION AS TO WHETHER YOU THINK THESE
11 INDIVIDUALS, MR. LYNCH AND MR. SINGLETARY, ARE GUILTY
12 OR NOT GUILTY OF THESE CHARGES?

13 JUROR: THESE TWO? NO.

14 THE COURT: RIGHT. OKAY. BUT IN OTHER WORDS,
15 THEY -- THOSE NAMES DON'T MEAN ANYTHING TO YOU?

16 JUROR: NO.

17 THE COURT: ALL RIGHT. IF YOU WERE ASKED TO
18 SERVE AS A JUROR IN THIS TRIAL, WOULD YOU BE ABLE TO
19 DECIDE THIS CASE BASED ON THE EVIDENCE THAT YOU WOULD
20 HEAR IN THIS COURTROOM WITHOUT REGARD TO THESE NEWS
21 ACCOUNTS THAT WE TALKED ABOUT A FEW MOMENTS AGO?

22 JUROR: YES, SIR.

23 THE COURT: WOULD YOU DO THAT, SIR?

24 JUROR: YES, SIR.

25 THE COURT: THANK YOU, MR. CAMPBELL. YES,

1 MA'AM. IF YOU WILL COME FORWARD, PLEASE. OKAY.

2 YOUR NAME, PLEASE MA'AM?

3 JUROR: JEAN.

4 THE COURT: 130. I HAD 30. I DIDN'T THINK THAT
5 WAS RIGHT. MRS. MOTTE, TELL ME WHAT YOU SAW OR HEARD
6 OR READ ABOUT THE CASE.

7 JUROR: BREAKING NEWS, YOU KNOW. YOU HAVE CRAIG
8 MELVIN, THE HELICOPTER.

9 THE COURT: RIGHT.

10 JUROR: AND HE WAS COMING TO NEGOTIATE.

11 THE COURT: RIGHT.

12 JUROR: UH-HUH.

13 THE COURT: IF -- DID YOU IN YOUR OWN MIND AT
14 THAT TIME OR ANY TIME SINCE THEN FORM ANY OPINION IN
15 YOUR OWN MIND AS TO WHETHER YOU THINK MR. LYNCH AND
16 MR. SINGLETARY ARE GUILTY OR NOT GUILTY OF THESE
17 CHARGES?

18 JUROR: YEAH.

19 THE COURT: AND WHAT IS THAT OPINION?

20 JUROR: GUILTY.

21 THE COURT: AND YOU RECALL THOSE NAMES?

22 JUROR: NO, I DON'T KNOW THE NAMES.

23 THE COURT: SO, BUT---

24 JUROR: THEY WERE IN PRISON.

25 THE COURT: RIGHT.

1 JUROR: AREN'T THEY?

2 THE COURT: EVERYBODY OUT THERE WAS IN THE
3 PRISON---

4 JUROR: I KNOW.

5 THE COURT: -- AT THE TIME, OF COURSE. BUT WHAT
6 I'M TRYING TO DECIDE, MRS. MOTTE, IS WHETHER OR NOT
7 YOU HAVE PREFORMED ANY OPINION ABOUT THE GUILT OR THE
8 INNOCENCE OF THESE PEOPLE ON TRIAL IN THIS PARTICULAR
9 CASE, MR. SINGLETARY AND MR. LYNCH.

10 JUROR: YOU MEAN BEFORE I CAME IN HERE?

11 THE COURT: AT ANY TIME. AT ANY TIME.

12 JUROR: SINCE I HAVE BEEN IN HERE?

13 THE COURT: AT ANY TIME.

14 JUROR: YES.

15 THE COURT: ALL RIGHT. AND WHAT IS THAT
16 OPINION?

17 JUROR: I DON'T -- I THINK THAT, YOU KNOW, THAT
18 THEY WERE WRONG.

19 THE COURT: OKAY.

20 JUROR: OKAY?

21 THE COURT: AND YOU MIND TELLING ME WHAT CHANGED
22 YOUR MIND ONCE YOU GOT HERE THAT MADE YOU -- YOU
23 DECIDE THAT THEY WERE...

24 JUROR: THEY'RE OVER THERE IN CHAINS.

25 THE COURT: RIGHT. THAT'S RIGHT.

1 *JUROR:* I HAD SOME RELATIVES WHO HAVE BEEN IN
2 PRISON OVER IN LEE COUNTY, TOO, AND I KNOW WHAT IT'S
3 LIKE. I MEAN, THAT THEY HAVE BEEN IN THERE. WHEN
4 THEY COME OUT, THEY DON'T -- THAT THEY'RE NOT -- WHAT
5 YOU SAY, THEY'RE NOT GOING TO CHANGE.

6 *THE COURT:* RIGHT. YOU UNDERSTAND THAT THE
7 REASON THEY ARE IN CHAINS AND THE REASON THAT THEY
8 ARE IN -- BECAUSE THEY WERE INMATES AT THE TIME THIS
9 HAPPENED.

10 *JUROR:* YEAH.

11 *THE COURT:* YOU UNDERSTAND THAT?

12 *JUROR:* UH-HUH.

13 *THE COURT:* OKAY. BEFORE THIS HAPPENED THEY
14 WERE ALREADY INMATES.

15 *JUROR:* OH, YEAH. I UNDERSTAND THAT.

16 *THE COURT:* I APPRECIATE YOUR CANDOR,
17 MRS. MOTTE, AND WE WILL STAND YOU ASIDE AS A JUROR IN
18 THIS TRIAL.

19 *JUROR:* THANK YOU.

20 *THE COURT:* JUROR NUMBER 130 WILL BE STOOD ASIDE
21 AS A JUROR IN THIS TRIAL. YES, MA'AM, MRS. BUTTER.
22 IF YOU WILL COME FORWARD, PLEASE. MRS. BUTTER, TELL
23 ME WHAT YOU HAVE SEEN OR HEARD OR READ ABOUT THIS
24 CASE.

25 *JUROR:* WELL, IT WAS VERY HIGH PROFILE AT THE

1 TIME, IT WAS ALL OVER THE MEDIA, AND I REMEMBER AT
2 THE TIME THAT THE REPORTER DID NEGOTIATE WITH THE --
3 THE -- TO GET THE HOSTAGES BACK. BUT ALSO KNOW THAT
4 THE INMATES DID HAVE A REASON FOR RIOTING BECAUSE
5 THERE WAS -- CONDITIONS WEREN'T, YOU KNOW, IN THE
6 PENITENTIARY.

7 THE COURT: SO YOU REMEMBER A RIGHT GOOD BIT
8 ABOUT THE COVERAGE AT THE TIME?

9 JUROR: WELL, MY FATHER IS A LAWYER, MY
10 GRANDFATHER WAS A JUDGE, A DISTRICT COURT JUDGE, SO
11 THINGS LIKE THAT...

12 THE COURT: ATTRACT YOUR ATTENTION?

13 JUROR: EXACTLY.

14 THE COURT: MRS. BUTTER, DID YOU IN YOUR OWN
15 MIND FORM OR EXPRESS ANY OPINION TO ANYBODY ELSE THAT
16 MR. LYNCH AND MR. SINGLETARY WERE GUILTY OR NOT
17 GUILTY OF THESE CHARGES?

18 JUROR: I DIDN'T RECALL THEIR NAMES. I JUST
19 ASSUMED THAT -- THAT THEY WERE GUILTY, THAT THEY HAD
20 HOLD -- THAT THEY HAD HELD TWO HOSTAGES. BUT I, YOU
21 KNOW, JUST FROM -- JUST FROM THE -- THE MEDIA.

22 THE COURT: RIGHT. IF YOU WERE ASKED TO SERVE
23 AS A JUROR IN THIS CASE, WOULD YOU BE ABLE TO MAKE A
24 DECISION IN THIS CASE BASED ON WHAT YOU WOULD HEAR AS
25 A -- AS A JUROR, THE EVIDENCE IN THE COURTROOM?

1 *JUROR:* WELL, I THINK EVERYONE DESERVES A FAIR
2 TRAIL, AND THE EVIDENCE NEEDS TO BE PRESENTED, AND I
3 WAS NOT PRIVY TO THAT EVIDENCE AT THE TIME, THE
4 MEDIA.

5 *THE COURT:* YOU SAID A FEW MOMENTS AGO YOU HAD
6 ASSUMED THEIR GUILT.

7 *JUROR:* JUST FROM THE MEDIA.

8 *THE COURT:* I UNDERSTAND. WOULD YOU BE ABLE TO
9 SET ASIDE THAT ASSUMPTION OR THE PRESUMPTION THAT YOU
10 MAY HAVE HAD AND BASE THAT DECISION JUST ON WHAT YOU
11 WOULD HEAR IN COURT WITHOUT ANY PRESUMPTION THAT YOU
12 MAY HAVE PREVIOUSLY MADE?

13 *JUROR:* YES, SIR.

14 *THE COURT:* WOULD YOU DO THAT?

15 *JUROR:* YES, SIR.

16 *THE COURT:* THANK YOU, MRS. BUTTER.

17 MRS. BRUNSON. MRS. BRUNSON, TELL ME WHAT YOU HAVE
18 SEEN OR HEARD OR READ ABOUT THE CASE.

19 *JUROR:* WELL, FIRST OF ALL, MY HUSBAND IS A
20 VOLUNTEER FIREMAN AND I HAVE FEELING HE WAS CALLED
21 OUT THAT NIGHT TO SET UP A LANDING ZONE IN CASE THEY
22 HAD TO FLY.

23 *THE COURT:* RIGHT.

24 *JUROR:* AND THEN MY FATHER OWNS THE NURSERY, THE
25 PLANT NURSERY THAT IS IN FRONT OF THE PRISON.

1 THE COURT: RIGHT.

2 JUROR: AND SO ANY TIME IT -- ANYTHING HAPPENS,
3 THEY LET HIM KNOW THAT.

4 THE COURT: RIGHT.

5 JUROR: -- SINCE HE OWNS IT.

6 THE COURT: YEAH.

7 JUROR: AND I HAVE A FAMILY MEMBER THAT IS
8 EMPLOYED AT THE PRISON, BUT I DON'T KNOW WHAT HE
9 DOES. I MEAN, HE'S AN OFFICER, BUT I DON'T KNOW WHAT
10 UNIT OR ANY OF THAT.

11 THE COURT: WHAT RELATION IS HE TO YOU?

12 JUROR: HE IS MY BROTHER-IN-LAW.

13 THE COURT: OKAY.

14 JUROR: AND I SEE HIM THREE TIMES A YEAR, MY
15 SON'S BIRTHDAY, THANKSGIVING AND CHRISTMAS.

16 THE COURT: OKAY. ALL RIGHT.

17 JUROR: AND -- BUT I HAVE SEEN IT ON TV AND --
18 BUT MY HUSBAND, I DON'T REMEMBER IF HE -- HE WORKED
19 THIRD SHIFT THEN, SO I DON'T REMEMBER IF HE WENT OUT
20 THAT NIGHT OR NOT.

21 THE COURT: DID YOUR BROTHER-IN-LAW DISCUSS IT
22 WITH YOU ON ANY OF THOSE THREE GATHERINGS THEN THAT
23 YOU---

24 JUROR: NO, NO.

25 THE COURT: MRS. BRUNSON, DID YOU AT THE TIME OR

1 ANY TIME SINCE THEN FORM IF YOUR OWN MIND ANY OPINION
2 AS TO WHETHER YOU THINK THESE GENTLEMEN, MR. LYNCH
3 AND MR. SINGLETARY, ARE GUILTY OR NOT GUILTY OF THESE
4 CHARGES?

5 JUROR: NO, SIR. I HAVEN'T REALLY THOUGHT ABOUT
6 IT.

7 THE COURT: IF YOU WERE ASKED TO SERVE AS A
8 JUROR IN THIS TRIAL, WOULD YOU BE ABLE TO MAKE YOUR
9 DECISION AS A JUROR BASED UPON THE EVIDENCE THAT YOU
10 WOULD HEAR IN THE COURTROOM AND NOT ON WHAT YOU MAY
11 HAVE SEEN ON TELEVISION OR TALKED WITH ANYBODY ABOUT
12 AT THE TIME?

13 JUROR: YES, SIR.

14 THE COURT: WILL YOU DO THAT, PLEASE?

15 JUROR: YES, SIR.

16 THE COURT: THANK YOU, MRS. BRUNSON.

17 MRS. TINDAL?

18 JUROR: YES, SIR.

19 THE COURT: TELL ME WHAT YOU HAVE SEEN OR HEARD
20 OR READ ABOUT THE CASE.

21 JUROR: I READ ABOUT -- I HEARD ABOUT IT ON TV
22 AND I READ IT IN THE NEWSPAPER, AND I REMEMBER THE
23 APPREHENSION I FELT WHEN THE HOSTAGES WERE TAKEN
24 BECAUSE I KNOW SOME OF THE HEALTHCARE WORKERS AT THE
25 INSTITUTE.

1 THE COURT: RIGHT. DID YOU THEN IN YOUR OWN
2 MIND AT THAT TIME OR ANY TIME SINCE THEN FORM ANY
3 OPINION AS TO THE GUILT OR THE INNOCENCE OF MR. LYNCH
4 AND MR. SINGLETARY?

5 JUROR: NO, SIR, I DID NOT.

6 THE COURT: IF YOU WERE ASKED TO SERVE AS A
7 JUROR IN THIS TRIAL, WOULD YOU BE ABLE TO MAKE YOUR
8 DECISION AS A JUROR ON THE BASIS OF WHAT YOU WOULD
9 HEAR IN THIS COURTROOM?

10 JUROR: YES, SIR.

11 THE COURT: AND NOT ON WHAT YOU SAW OR READ IN
12 THE PAST?

13 JUROR: YES, SIR.

14 THE COURT: WILL YOU DO THAT, PLEASE?

15 JUROR: YES, SIR.

16 THE COURT: THANK YOU, MRS. TINDAL. MR.
17 HOLLAND?

18 JUROR: YES, SIR.

19 THE COURT: MR. HOLLAND, TELL ME WHAT YOU SAW,
20 HEARD OR READ ABOUT IT.

21 JUROR: ACTUALLY JUST CONVERSATION THROUGHOUT
22 THE COMMUNITY, DIFFERENT PEOPLE TALKING ABOUT THIS
23 INCIDENT. NO PARTICULAR...

24 THE COURT: OKAY. I'M TRYING TO GET YOUR DATES
25 OF EMPLOYMENT.

1 JUROR: '99 TO 2001.

2 THE COURT: '99 TO 2001?

3 JUROR: YES, SIR.

4 THE COURT: SINCE THAT TIME, HAVE YOU MAINTAINED
5 CONTACT WITH ANY OF YOUR FORMER WORKERS OUT THERE?

6 JUROR: ON AND OFF.

7 THE COURT: RIGHT. IS IT JUST IN PASSING OR DO
8 YOU ALL GET TOGETHER FROM TIME TO TIME?

9 JUROR: JUST PASSING, SEE EACH OTHER TIME TO
10 TIME, NOTHING PERSONAL.

11 THE COURT: YOU DON'T THINK?

12 JUROR: NO, SIR.

13 THE COURT: OKAY. OBVIOUSLY YOU FOLLOWED IT
14 WITH SOME INTEREST BECAUSE YOU USED TO WORK THERE.
15 IS THAT FAIR TO SAY?

16 JUROR: YES, SIR.

17 THE COURT: OKAY. WHEN YOU WERE EMPLOYED,
18 DURING THE TIME THAT YOU WERE THERE, THERE WAS A RIOT
19 IN '99.

20 JUROR: RIGHT.

21 THE COURT: WERE YOU INVOLVED IN THAT?

22 JUROR: I WAS THERE, BUT ACTUALLY WHERE I WAS, I
23 WASN'T INVOLVED DIRECTLY.

24 THE COURT: RIGHT. IT WAS IN A DIFFERENT UNIT?

25 JUROR: RIGHT.

1 THE COURT: WOULD THINK OF THOSE THINGS, THE
2 WHOLE, THE WHOLE, EVERYTHING, YOU KNOW, YOUR
3 EMPLOYMENT, EMPLOYMENT THERE, YOUR KNOWLEDGE OF THESE
4 PEOPLE AND YOUR CONCERN ABOUT THOSE PEOPLE WHO WORK
5 OUT THERE, WOULD ANY OF THOSE THINGS BEAR IN YOUR
6 ABILITY TO BE FAIR AND IMPARTIAL AS A JUROR IN THE
7 TRIAL OF THIS CASE?

8 JUROR: I DON'T THINK IT WOULD. I THINK I COULD
9 STILL BE FAIR AND HONEST AND OPEN.

10 THE COURT: IF YOU WERE ASKED TO SERVE, WOULD
11 YOU BE ABLE TO SET ASIDE ALL OF THOSE THINGS AND
12 DECIDE THIS CASE BASED JUST ON WHAT YOU WOULD HEAR IN
13 COURT WITHOUT REGARD TO THOSE THINGS?

14 JUROR: YES, SIR.

15 THE COURT: WOULD YOU DO THAT?

16 JUROR: YES, SIR.

17 THE COURT: THANK YOU, SIR. THIS IS MRS. MIXON.
18 MRS. MIXON, HOW ARE YOU DOING?

19 JUROR: FINE.

20 THE COURT: MRS. MIXON, TELL US WHAT YOU HAVE
21 SEEN OR HEARD OR READ ABOUT THIS CASE IN THE PAST.

22 JUROR: I JUST HEARD IT ON THE NEWS ON THE TV
23 AND PEOPLE TALKING ABOUT IT IN THE COMMUNITY.

24 THE COURT: AT THE TIME IT -- AT THE TIME THAT
25 IT HAPPENED?

1 JUROR: YES, SIR, THAT'S ALL.

2 THE COURT: MRS. MIXON, DID YOU IN YOUR OWN MIND
3 FORM ANY OPINION AS TO WHETHER YOU THINK THESE FOLKS,
4 THAT IS MR. LYNCH AND MR. SINGLETARY, ARE GUILTY OR
5 NOT GUILTY OF THE CHARGES?

6 JUROR: NO, SIR.

7 THE COURT: IF YOU WERE ASKED TO SERVE AS A
8 JUROR, COULD YOU SET ASIDE WHAT YOU SAW OR HEARD OR
9 READ?

10 JUROR: YES, SIR.

11 THE COURT: AND DECIDE THIS CASE JUST ON WHAT
12 YOU WOULD HEAR IN COURT?

13 JUROR: YES, SIR.

14 THE COURT: WOULD YOU DO THAT, PLEASE?

15 JUROR: YES, SIR.

16 THE COURT: THANK YOU, MA'AM, MRS. MIXON. YOU
17 CAN GO BACK AND HAVE A SEAT. THIS IS MR. GILL.
18 MR. GILL IS IT?

19 JUROR: YES, SIR.

20 THE COURT: MR. GILL, I THINK YOU SAID YOUR WIFE
21 WORKS AT THE DEPARTMENT?

22 JUROR: YES.

23 THE COURT: IS THAT RIGHT? TELL ME WHAT YOU
24 HAVE SEEN OR HEARD OR READ ABOUT THIS CASE.

25 JUROR: I HEARD JUST THE STUFF ON TELEVISION

1 ABOUT WHAT'S GOING ON AND WHAT WAS TAKING PLACE.

2 THE COURT: DID YOUR WIFE WORK OUT THERE AT THE
3 TIME?

4 JUROR: YEAH. EVERY TIME A CASE GOES ON --
5 EVERY TIME SOMETHING LIKE THAT HAPPEN, SHE HAS TO GO
6 AND TAKE -- SHE'S SECRETARY FOR THE WARDEN.

7 THE COURT: OKAY. SO SHE GOT CALLED OUT THAT
8 NIGHT?

9 JUROR: RIGHT.

10 THE COURT: WHAT DID SHE TELL YOU ABOUT IT WHEN
11 SHE GOT BACK?

12 JUROR: VERY LITTLE, NO MORE THAN WHAT I HEARD
13 ON THE TV THAT, YOU KNOW, THERE WAS A HOSTAGE
14 SITUATION AND THAT -- FULL DETAIL AS NOTES, JUST
15 NEVER GOT INTO IT.

16 THE COURT: DID SHE MENTION TO YOU ANY NAMES OF
17 ANYBODY WHO WAS INVOLVED WITH IT?

18 JUROR: NO.

19 THE COURT: DID SHE MENTION THE NAMES OF THE
20 VICTIM, MR. COTTON? SHE DIDN'T MENTION HIS NAME?

21 JUROR: NO, NO NAMES.

22 THE COURT: ALL RIGHT, SIR. IF YOU WERE
23 ASKED -- DOES SHE STILL WORK THERE NOW?

24 JUROR: YEAH.

25 THE COURT: STILL TODAY?

1 *JUROR:* YES.

2 *THE COURT:* MR. GILL, IF YOU WERE ASKED TO SERVE
3 AS A JUROR IN THIS TRIAL, WOULD YOU BE ABLE TO MAKE A
4 DECISION BASED ON WHAT YOU WOULD HEAR IN THIS
5 COURTROOM WITHOUT REGARD TO WHAT YOU MAY HAVE HEARD
6 OR READ OR SEEN ABOUT THIS CASE AT ANY OTHER SOURCE?

7 *JUROR:* YES, I CAN MAKE...

8 *THE COURT:* WOULD YOU DO THAT?

9 *JUROR:* YES.

10 *THE COURT:* THANK YOU, SIR. YOU CAN GO BACK AND
11 HAVE A SEAT. ALL RIGHT, GENTLEMEN. LET ME HEAR FROM
12 YOU IN REGARD TO ANY OF THOSE FOLKS THAT I HAVE
13 EITHER DISQUALIFIED OR NOT DISQUALIFIED.

14 *MR. DOBY:* JUDGE, I CERTAINLY HAVE NO OBJECTION
15 TO THE ONES THAT WERE EXCUSED. YOUR HONOR, I WOULD
16 ALSO REQUEST THAT THE COURT EXCUSE MRS. JOHNSON,
17 JUROR 99. SHE EXPRESSED AN OPINION OF GUILT. AND
18 EVEN THOUGH SHE INDICATED THAT SHE COULD SET THAT
19 ASIDE, I BELIEVE THAT HER EXPRESSION OF OPINION OF
20 GUILT WOULD BE TOO PREJUDICIAL IN THIS CASE.

21 IN ADDITION, YOUR HONOR, JUROR NUMBER 30 ASSUMED
22 GUILT, AND I WOULD ASK THAT THE COURT STRIKE HER FOR
23 THE SAME REASON.

24 IN ADDITION, YOUR HONOR, NUMBER 60, MR. GILL,
25 INDICATED THAT HIS WIFE WAS A SECRETARY FOR THE

1 WARDEN. AND I BELIEVE THAT THERE WAS AN INDICATION
2 THAT THE WARDEN WAS GOING TO BE A WITNESS OR A
3 POTENTIAL WITNESS IN THIS CASE. I WOULD ASK THAT HE
4 BE EXCUSED AS WELL.

5 AND YOUR HONOR, WHILE I BELIEVE ALSO 78 SHOULD
6 BE EXCUSED, MR. HOLLAND, HE INDICATED THAT HE HAD --
7 THAT THOSE WERE SOME OF HIS CO-WORKERS AND THAT HE AT
8 LEAST HAD SOME CONTINUING CONTACT, EVEN THOUGH IT MAY
9 NOT HAVE BEEN PLANNED, BUT THERE WAS SOME CONTINUING
10 CONTACT, AND I BELIEVE THAT THAT WOULD ENTITLE HIM
11 AND REQUIRE THE COURT TO EXCUSE HIM FROM THIS CASE.

12 THE COURT: ALL RIGHT.

13 MR. SCOTT: YOUR HONOR, I'M LOOKING -- I'M
14 LOOKING HERE TO SEE IF I HAVE -- I WOULD JOIN IN MR.
15 DOBY'S REQUEST FOR AN EXCUSAL FOR CAUSE. I DON'T
16 HAVE ANY OBJECTION TO THOSE THE COURT HAS EXCUSED
17 ALREADY. NUMBER 170, DID YOU MENTION---

18 THE COURT: MRS. TINDAL.

19 MR. FATA: 170?

20 THE COURT: YES. SHE'S THE ONE THAT SAID SHE
21 HAD SOME APPREHENSION, BUT OTHER THAN THAT...

22 MR. SCOTT: THAT'S WHY I ASKED THAT SHE BE
23 EXCUSED. SHE INDICATED THAT SHE WAS---

24 COURT REPORTER: I CAN'T HEAR.

25 MR. SCOTT: SHE INDICATED SHE HAD SOME

1 APPREHENSION UPON HEARING WHAT HAPPENED BECAUSE SHE
2 KNEW SOME HEALTHCARE WORKERS OUT THERE.

3 THE COURT: ALL RIGHT.

4 MR. FATA: YOUR HONOR, THE -- I DON'T HAVE ANY
5 OBJECTION TO THE ONES YOU EXCUSED. I THINK IT'S
6 APPROPRIATE. MY -- MY WANT WOULD BE THAT I THINK
7 EVERYBODY ELSE IS QUALIFIED AND WE ASK THEM WHETHER
8 OR NOT -- SET ASIDE ANY OPINIONS THAT THEY HAD FORMED
9 AND GIVE THE STATE AND THE DEFENSE A FAIR AND
10 IMPARTIAL TRIAL, AND EACH ONE OF THEM INDICATED THEY
11 COULD DO THAT AND I THINK THAT MAKES THEM QUALIFIED.

12 THE COURT: ALL RIGHT. I'M GOING TO STAND ASIDE
13 JUROR NUMBER 60, MR. GILL. MY CONCERN IS THAT HIS
14 WIFE WAS CALLED OUT THAT NIGHT TO ACTUALLY TAKE PART
15 IN THIS EXERCISE. I'M NOT SURE HOW THIS TRIAL WILL
16 UNFOLD, AND FRANKLY, I DON'T KNOW HOW THE EVIDENCE
17 MIGHT -- MIGHT INVOLVE THE WARDEN.

18 I'M CONCERNED THAT WITHIN THAT HOUSEHOLD
19 THERE -- THERE WOULD BE A GREAT DEAL OF STRAIN PLACED
20 UPON THE WALL -- THE CHINESE WALL THAT WE WOULD ASK
21 TO BE BUILT BETWEEN A HUSBAND AND WIFE IN A SITUATION
22 LIKE THIS. I WILL STAND ASIDE JUROR NUMBER 60.

23 I WILL DECLINE TO STAND ASIDE THE OTHERS. I
24 THINK THEY HAVE INDICTED THAT THEY COULD BE FAIR AND
25 IMPARTIAL. MR. HOLLAND DID THAT. THE APPREHENSION

1 THAT MRS. TINDAL EXPRESSED, OF COURSE, I THINK WAS
2 UNDERSTANDABLE, THAT SHE UNEQUIVOCALLY INDICATED SHE
3 COULD BE FAIR AND IMPARTIAL.

4 MRS. JOHNSON, WHO INDICATED AN OPINION OF GUILT
5 BASED ON WHAT SHE SAW OR HEARD OR READ SAID THAT SHE
6 COULD SET THAT ASIDE. MRS. BUTTER WHO SAID SHE
7 ASSUMED GUILT, OF COURSE, VERY INTELLIGENTLY, I THINK
8 ANALYZED THAT AS NOT BEING A FINAL OPINION ON HER
9 PART, SO I DECLINE TO SET ASIDE THE OTHERS. I WILL
10 SET ASIDE NUMBER 60. OKAY.

11 MR. SCOTT: THANK YOU, YOUR HONOR.2.

12 MR. FATA: THANK YOU.

13 MR. DOBY: THANK YOU, YOUR HONOR.

14 (WHEREUPON THE COURT RESUMED THE BENCH.)

15 THE COURT: FOLKS, THANK YOU VERY MUCH FOR YOUR
16 PATIENCE, THOSE OF YOU WHO WERE INVOLVED IN THAT --
17 THOSE QUESTIONNAIRES AND THOSE OF YOU WHO WERE NOT,
18 ESPECIALLY THOSE OF YOU WHO WERE NOT. YOU HAVE BEEN
19 VERY PATIENT. I HAVE SOME ADDITIONAL QUESTIONS NOW
20 TO ASK YOU IN THIS REGARD.

21 LADIES AND GENTLEMEN, I NEED TO KNOW IF ANY OF
22 YOU WITH WHOM I HAVE NOT ALREADY TALKED AND ASKED
23 THIS QUESTION HAVE FORMED OR EXPRESSED ANY OPINION AS
24 TO THE GUILT OR THE INNOCENCE OF THESE DEFENDANTS OR
25 EITHER OF THEM; IF SO, PLEASE STAND.

1 I NEED TO KNOW IF ANY OF YOU ALL ARE CONSCIOUS,
2 THAT IS TO SAY BIAS -- EXCUSE ME -- CONSCIOUS, THAT
3 IS TO SAY AWARE, OF ANY BIAS OR ANY PREJUDICE FOR OR
4 AGAINST THESE DEFENDANTS. IF YOU ARE SO AWARE, WOULD
5 YOU PLEASE STAND?

6 LADIES AND GENTLEMEN, OTHER THAN THOSE OF YOU
7 WHO HAVE ALREADY TALKED WITH ME ABOUT THIS AT SIDE
8 BAR, DO ANY OF THE REST OF YOU HAVE ANY FRIENDS,
9 RELATIVES, OR ACQUAINTANCES WHO WERE EMPLOYED WITH
10 THE DEPARTMENT OF CORRECTIONS OR ANY LAW ENFORCEMENT
11 AGENCY THAT WAS INVOLVED IN THE INCIDENT OF OCTOBER
12 OF 2003 AS DESCRIBED IN THE INDICTMENT, THAT IS DID
13 THEY RESPOND TO IT OR WERE THEY INVOLVED IN THE
14 INVESTIGATION OF IT?

15 ANY OF YOU WHO HAVE NOT ALREADY DISCUSSED THE
16 INVOLVEMENT OF YOUR FRIENDS, RELATIVES, AND SO FORTH,
17 DOES ANYBODY ELSE HAVE ANY RELATIVE, ANY FRIEND, OR
18 ACQUAINTANCE, WHO WAS EMPLOYED BY THE DEPARTMENT OF
19 CORRECTIONS AT THE TIME OR BY ANY LAW ENFORCEMENT
20 AGENCY WHICH WAS INVOLVED IN THE INVESTIGATION OR
21 RESPONDING TO THE INCIDENT; IF SO, PLEASE STAND.
22 YES, SIR. YOUR NAME, PLEASE SIR?

23 *JUROR:* GEORGE BRONNER. TWENTY-TWO.

24 *THE COURT:* MR. BRONNER, WHO WAS THE RELATIVE
25 AND THE ASSOCIATION WITH, PLEASE SIR?

1 *JUROR:* I HAVE A NEPHEW WHO WAS WITH THE LEE
2 SHERIFF'S DEPARTMENT.

3 *THE COURT:* ALL RIGHT, SIR. IF YOU WILL COME
4 FORWARD AND TELL US ABOUT THAT IF YOU DON'T MIND
5 MR. BRONNER.

6 (AT SIDE BAR)

7 *THE COURT:* MR. BRONNER, IF YOU'LL STAND RIGHT
8 THERE SO THAT THIS LADY AND THIS MICROPHONE CAN HEAR
9 YOU. YOU HAVE A NEPHEW WHO WAS EMPLOYED WITH THE LEE
10 COUNTY SHERIFF'S DEPARTMENT AT THE TIME?

11 *JUROR:* UH-HUH.

12 *THE COURT:* AND WHO WAS THAT?

13 *JUROR:* DANIEL FREELY (SIC).

14 *THE COURT:* OKAY. AND WHAT WAS HIS ROLE IN
15 THIS?

16 *JUROR:* I DON'T BELIEVE -- I DON'T KNOW IF HE
17 HAD A ROLE IN IT OR NOT. I KNOW HE'S A COUNTY, YOU
18 KNOW, A COUNTY SHERIFF.

19 *THE COURT:* SO YOU DON'T KNOW IF HE WAS INVOLVED
20 IN THE ACTUAL SITUATION OR NOT?

21 *JUROR:* EXACTLY.

22 *THE COURT:* ALL RIGHT. SO HE NEVER DISCUSSED IT
23 WITH YOU AND YOU NEVER DISCUSSED IT WITH HIM?

24 *JUROR:* NO, SIR. I WASN'T EVEN HERE AT THE
25 TIME.

1 THE COURT: THANK YOU, SIR.

2 (WHEREUPON THE COURT RESUMED THE BENCH.)

3 THE COURT: LADIES AND GENTLEMEN, AS THE
4 INDICTMENT ALLEGES THE INDIVIDUALS WHO WERE CHARGED
5 IN THIS CASE, MR. SINGLETARY AND MR. LYNCH, WERE IN
6 THE CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF
7 CORRECTIONS AT THE TIME OF THE EVENTS ALLEGED IN THE
8 INDICTMENT.

9 I NEED TO KNOW IF ANY OF YOU BECAUSE OF YOUR OWN
10 PERSONAL BELIEFS, YOUR OWN EXPERIENCES IN LIFE,
11 BELIEVE THAT THEIR STATUS AS INMATES IN THE
12 DEPARTMENT OF CORRECTIONS WOULD KEEP YOU FROM SERVING
13 AS A FAIR, UNBIASED, IMPARTIAL JUROR IN THIS TRIAL?

14 IF IT WOULD PREVENT YOU FROM SERVING FAIRLY AND
15 IMPARTIALLY, PLEASE STAND. LADIES AND GENTLEMEN, DO
16 ANY OF YOU ALL HAVE ANY RELATIVES OR CLOSE FRIENDS
17 THAT ARE CURRENTLY INCARCERATED IN THE SOUTH CAROLINA
18 DEPARTMENT OF CORRECTIONS OR IN ANY STATE OR FEDERAL
19 PRISON INSTITUTION; IF SO, PLEASE STAND.

20 DO ANY OF YOU BELONG TO ANY PRISON SUPPORT GROUP
21 SUCH AS THE ALSTON WILKES SOCIETY OR A SIMILAR
22 ORGANIZATION; IF SO, PLEASE STAND.

23 MR. SCOTT, MR. DOBY, I BELIEVE I HAVE COVERED
24 THE SENSE OF YOUR REQUESTED VOIR DIRE IN ANY
25 QUESTIONS. I HAVE LOOKED OVER IT. IS THERE ANYTHING

1 THAT YOU CAN THINK OF THAT I NEED TO BRING OUT THAT I
2 HAVEN'T ASKED YOU IN ONE WAY OR ANOTHER?

3 MR. DOBY: NOT FROM THIS DEFENDANT, YOUR HONOR.

4 MR. SCOTT: YOUR HONOR, I DO HAVE ONE. IF I
5 MIGHT APPROACH, SIR.

6 THE COURT: SIR?

7 MR. SCOTT: I WONDER IF I MIGHT APPROACH.

8 THE COURT: SURELY.

9 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

10 THE COURT: LADIES AND GENTLEMEN, ARE ANY OF YOU
11 ALL MEMBERS OF OR CONTRIBUTORS TO ANY LAW ENFORCEMENT
12 SUPPORT ORGANIZATIONS SUCH AS MADD, SADD, CADRE, CAVE
13 OR THE LIKE; IF SO, PLEASE STAND.

14 LADIES AND GENTLEMEN, DO ANY OF YOU THEN KNOW OF
15 ANY REASON OF ANY KIND WHATSOEVER THAT WOULD KEEP YOU
16 FROM GIVING BOTH THE STATE AND THE DEFENDANTS A FAIR
17 AND IMPARTIAL TRIAL? IF YOU KNOW OF ANY SUCH REASON,
18 WOULD YOU PLEASE STAND?

19 THANK YOU. ANY FURTHER QUESTION FROM THE STATE,
20 MR. FATA?

21 MR. FATA: NONE FROM THE STATE, YOUR HONOR.

22 THE COURT: MR. DOBY, FROM MR. SINGLETARY?

23 MR. DOBY: NO, SIR, YOUR HONOR.

24 THE COURT: MR. SCOTT, FROM MR. LYNCH?

25 MR. SCOTT: NO, SIR, YOUR HONOR.

1 *THE COURT:* ALL RIGHT. THANK YOU.

2 MRS. HOLLAND, JUROR NUMBER 81, WE WILL TRANSFER YOU
3 TO A SPRING TERM OF COURT. MR. BARKLEY, JUROR NUMBER
4 SEVEN, WE WILL TRANSFER YOU TO A SPRING TERM.

5 MR. CAMPBELL, JUROR NUMBER 34, WE WILL TRANSFER YOU
6 TO A SPRING TERM. THANK YOU, FOLKS. THE THREE OF
7 YOU ALL ARE FREE TO GO.

8 ALL RIGHT. MADAM CLERK, YOU CAN GIVE US A JURY.
9 LADIES AND GENTLEMEN, AS YOUR NAMES ARE CALLED,
10 PLEASE PAY ATTENTION TO THE INSTRUCTIONS GIVEN TO YOU
11 BY THE CLERK. YOU WILL COME FORWARD. YOU WILL BRING
12 YOUR PERSONAL BELONGINGS WITH YOU. YOU WILL STAND
13 HERE AT THE FRONT FACING THE BACK OF THE COURTROOM
14 UNTIL YOU RECEIVE FURTHER INSTRUCTIONS FROM THE COURT
15 OR FROM THE CLERK. ALL RIGHT? MADAM CLERK?

16 THE STRIKES WILL BE 10 FOR THE STATE, FIVE FOR
17 EACH DEFENDANT. WE WILL SELECT TWO ALTERNATES. AS
18 TO EACH ALTERNATE THE STRIKE WILL BE ONE FOR THE
19 STATE, TWO FOR THE DEFENDANT.

20 *THE CLERK:* JUROR NUMBER 123, JACKIE MCLEOD.

21 *THE COURT:* MRS. MCLEOD WAS EXCUSED AS A JUROR.
22 ALL RIGHT. AM I CORRECT IN THAT, GENTLEMEN? ALL
23 RIGHT. JUROR NUMBER 123 IS STOOD ASIDE.

24 *THE CLERK:* JUROR NUMBER 83, DEBBIE HOPKINS
25 (WHITE FEMALE).

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1 MR. FATA: PLEASE PRESENT THE JUROR.

2 MR. DOBY: SWEAR THE JUROR.

3 THE CLERK: PLEASE HAVE A SEAT---

4 THE COURT: JUST ONE SECOND. MR. SCOTT ALSO HAS
5 A CHANCE.

6 MR. SCOTT: PLEASE SWEAR THE JUROR.

7 THE COURT: NOW YOU CAN HAVE A SEAT,
8 MRS. HOPKINS.

9 THE CLERK: PLEASE HAVE A SEAT, MA'AM.

10 THE COURT: MADAM CLERK, I'M SORRY. MR. DOBY
11 WILL PASS ON THE JUROR FIRST AND THEN MR. SCOTT.
12 OKAY? THANK YOU.

13 THE CLERK: JUROR NUMBER 171, HAZEL TONEY (BLACK
14 MALE).

15 MR. FATA: PLEASE PRESENT THE JUROR.

16 MR. DOBY: PRESENT THE JUROR.

17 MR. SCOTT: PLEASE SWEAR THIS JUROR, YOUR HONOR.

18 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
19 NUMBER 188, TYRONE WILSON.

20 JUROR: YOUR HONOR, I BELIEVE HE WAS
21 DISQUALIFIED.

22 THE COURT: THAT'S RIGHT. MR. WILSON WAS
23 DISQUALIFIED.

24 THE CLERK: JUROR NUMBER 46, BETTY DIXON (BLACK
25 FEMALE).

1 MR. FATA: PLEASE PRESENT THE JUROR.

2 MR. DOBY: PRESENT THE JUROR.

3 MR. SCOTT: PLEASE SWEAR THE JUROR.

4 THE CLERK: HAVE A SEAT IN THE JURY BOX.

5 MR. SCOTT: SORRY, YOUR HONOR. HAD A LAPSE.

6 THE COURT: THAT'S OKAY. WE WILL TRY TO KEEP
7 YOU UP.

8 THE CLERK: JUROR NUMBER 18, MINNIE BRACEY
9 (BLACK FEMALE).

10 MR. FATA: PLEASE PRESENT THE JUROR.

11 MR. DOBY: PRESENT THE JUROR.

12 MR. SCOTT: PLEASE SWEAR THE JUROR.

13 THE CLERK: HAVE A SEAT IN THE JURY BOX.

14 (WHEREUPON THERE WAS A NAME PULLED AND THE CLERK
15 PUT THE NAME ASIDE.)

16 THE COURT: WAS THAT JUROR DISQUALIFIED?

17 THE CLERK: YES, SIR.

18 THE COURT: ALL RIGHT. THANK YOU. JUROR NUMBER
19 135, ELISE OLSON (WHITE FEMALE).

20 MR. FATA: PLEASE PRESENT THE JUROR.

21 MR. DOBY: EXCUSE THE JUROR FROM THE TRIAL OF
22 THIS CASE.

23 THE CLERK: HAVE A SEAT BACK WITH THE JURY
24 PANEL. JUROR NUMBER THREE, PATRICIA ATKINSON (WHITE
25 FEMALE).

1 MR. FATA: PLEASE PRESENT THE JUROR.

2 MR. DOBY: PRESENT THE JUROR.

3 MR. SCOTT: PLEASE SWEAR THIS JUROR.

4 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
5 NUMBER 72, DOUGLAS HAYES (WHITE MALE).

6 MR. FATA: PLEASE EXCUSE THIS JUROR FOR THE
7 TRIAL OF THIS CASE TODAY.

8 THE CLERK: HAVE A SEAT BACK WITH THE JURY
9 PANEL. JUROR NUMBER 170, HENRIETTA TINDAL (WHITE
10 FEMALE).

11 MR. FATA: PRESENT THE JUROR.

12 MR. DOBY: PRESENT THE JUROR.

13 MR. SCOTT: PLEASE EXCUSE THIS JUROR, YOUR
14 HONOR.

15 THE CLERK: HAVE A SEAT BACK IN THE JURY PANEL.
16 JUROR NUMBER 161, LINDA SMITH (BLACK FEMALE).

17 MR. FATA: PLEASE PRESENT THE JUROR.

18 MR. DOBY: PRESENT THE JUROR.

19 MR. SCOTT: PLEASE PRESENT THIS JUROR.

20 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
21 NUMBER 27, SUSAN BRUNSON (WHITE FEMALE).

22 MR. FATA: PLEASE PRESENT THE JUROR.

23 MR. DOBY: EXCUSE THE JUROR FOR THE TRIAL OF
24 THIS CASE.

25 THE CLERK: HAVE A SEAT BACK WITH THE JURY

1 PANEL. JUROR NUMBER 79, DOROTHY HOLLOMAN (BLACK
2 FEMALE).

3 MR. FATA: PLEASE PRESENT THE JUROR.

4 MR. DOBY: PRESENT THE JUROR.

5 MR. SCOTT: PLEASE SWEAR THIS JUROR.

6 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
7 NUMBER 51, JERRY FARMER (WHITE MALE).

8 MR. FATA: PLEASE EXCUSE THE JUROR FOR THE TRIAL
9 OF THIS CASE.

10 THE CLERK: HAVE A SEAT BACK IN THE JURY PANEL.
11 JUROR NUMBER 178, LATOYA WESLEY (BLACK FEMALE).

12 MR. FATA: PLEASE EXCUSE THE JUROR FOR THE TRIAL
13 OF THIS CASE.

14 THE CLERK: HAVE A SEAT BACK WITH THE JURY
15 PANEL. JUROR NUMBER 172, EDDIE WARD (WHITE MALE).

16 MR. FATA: PLEASE PRESENT THE JUROR.

17 MR. DOBY: PRESENT THE JUROR.

18 MR. SCOTT: PLEASE SWEAR THE JUROR.

19 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
20 NUMBER 105, LUETRICIA KENNEDY (BLACK FEMALE).

21 MR. FATA: PLEASE PRESENT THE JUROR.

22 MR. DOBY: PRESENT THE JUROR.

23 MR. SCOTT: PLEASE SWEAR THIS JUROR.

24 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
25 NUMBER FOUR, TONY ATKINSON (WHITE MALE).

1 MR. FATA: PLEASE PRESENT THE JUROR.

2 MR. DOBY: PRESENT THE JUROR.

3 MR. SCOTT: PLEASE SWEAR THIS JUROR.

4 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
5 NUMBER 126, HAZEL MIXON (WHITE FEMALE).

6 MR. FATA: PLEASE PRESENT THE JUROR.

7 MR. DOBY: PRESENT THE JUROR.

8 MR. SCOTT: PLEASE EXCUSE THIS JUROR.

9 THE CLERK: HAVE A SEAT BACK IN THE JURY PANEL.
10 JUROR NUMBER 136, RITA PEELMAN (WHITE FEMALE).

11 MR. FATA: PLEASE PRESENT THE JUROR.

12 MR. DOBY: EXCUSE THE JUROR FOR THE TRIAL OF
13 THIS CASE.

14 THE CLERK: JUROR NUMBER 53, MICHAEL FARMER
15 (WHITE MALE).

16 MR. FATA: PLEASE PRESENT THE JUROR.

17 MR. DOBY: EXCUSE THE JUROR FROM THE TRIAL OF
18 THIS CASE.

19 THE COURT: THE STATE HAS EXERCISED THREE
20 STRIKES, THE DEFENDANT SINGLETARY HAS EXERCISED FOUR
21 STRIKES, THE DEFENDANT LYNCH HAS EXERCISED TWO
22 STRIKES.

23 THE CLERK: JUROR NUMBER 63, VIRGIL GRANTHAM
24 (WHITE MALE).

25 MR. FATA: PLEASE PRESENT THE JUROR.

1 MR. DOBY: PRESENT THE JUROR.

2 MR. SCOTT: PLEASE EXCUSE THIS JUROR.

3 THE CLERK: JUROR NUMBER 34, GARY CAMPBELL.

4 THAT'S ONE THAT WAS TRANSFERRED; WASN'T IT? JUROR
5 NUMBER 65, MELISSA GRIGGS (WHITE FEMALE).

6 MR. FATA: PLEASE PRESENT THE JUROR.

7 MR. DOBY: PRESENT THE JUROR.

8 MR. SCOTT: PLEASE SWEAR THIS JUROR.

9 THE CLERK: HAVE A SEAT IN THE JURY BOX. JUROR
10 NUMBER 99, PATRICIA JOHNSON (WHITE FEMALE).

11 MR. FATA: PLEASE PRESENT THE JUROR.

12 MR. DOBY: EXCUSE THE JUROR FROM THE TRIAL OF
13 THIS CASE.

14 THE CLERK: JUROR NUMBER 92, RONALD JACKSON
15 (BLACK MALE).

16 MR. FATA: PLEASE EXCUSE THE JUROR FOR THE TRIAL
17 OF THIS CASE TODAY.

18 THE CLERK: HAVE A SEAT BACK WITH THE PANEL.
19 JUROR NUMBER 15, PAMELA BOYD (BLACK FEMALE).

20 MR. FATA: PLEASE PRESENT THE JUROR.

21 MR. DOBY: PRESENT THE JUROR.

22 MR. SCOTT: PLEASE SWEAR THE JUROR.

23 THE CLERK: HAVE A SEAT IN THE JURY PANEL.

24 THE COURT: WE WILL SELECT TWO ALTERNATES, MADAM
25 CLERK. THE STRIKES WILL BE ONE FOR THE STATE, TWO

1 FOR THE DEFENSE AS TO EACH OF THE TWO ALTERNATES.

2 THE CLERK: JUROR NUMBER 106, JONAS KERN (WHITE
3 MALE).

4 MR. FATA: PLEASE EXCUSE THIS JUROR FOR THE
5 TRIAL OF THIS CASE.

6 THE CLERK: HAVE A SEAT BACK WITH THE JURY
7 PANEL. JUROR NUMBER 87, TERRY HOPKINS (WHITE MALE).

8 MR. FATA: PLEASE PRESENT THE JUROR.

9 MR. DOBY: PRESENT THE JUROR.

10 MR. SCOTT: PLEASE SWEAR THIS JUROR.

11 THE CLERK: HAVE A SEAT IN THE JURY PANEL.
12 (SIC). JUROR NUMBER 174, STEVEN WATKINS (WHITE
13 MALE).

14 MR. FATA: PLEASE PRESENT THE JUROR.

15 MR. DOBY: EXCUSE THE JUROR FOR THE TRIAL OF
16 THIS CASE, PLEASE.

17 THE CLERK: JUROR NUMBER 143, KATIE ROGERS
18 (BLACK FEMALE).

19 MR. FATA: PLEASE PRESENT THE JUROR.

20 MR. DOBY: PRESENT THE JUROR.

21 MR. SCOTT: PLEASE SWEAR THIS JUROR.

22 THE CLERK: HAVE A SEAT IN THE JURY PANEL.

23 THE COURT: MR. FATA, ARE THERE ANY MATTERS OF
24 LAW REGARDING THE JURY SELECTION PROCESS FROM THE
25 STATE?

1 MR. FATA: NONE FROM THE STATE, YOUR HONOR.

2 THE COURT: THANK YOU. MR. DOBY, FROM MR.
3 SINGLETARY?

4 MR. DOBY: BEG THE COURT'S INDULGENCE JUST A
5 SECOND, YOUR HONOR.

6 (BOTH COUNSEL CONFERRING WITH THEIR CLIENTS.)

7 MR. DOBY: NOTHING FROM DEFENDANT SINGLETARY,
8 YOUR HONOR.

9 THE COURT: THANK YOU. MR. SCOTT, FROM
10 MR. LYNCH?

11 MR. SCOTT: YOUR HONOR, WE HAVE NOTHING TO
12 OFFER.

13 THE COURT: THANK YOU. THANK YOU VERY MUCH,
14 LADIES AND GENTLEMEN, FOR YOUR PATIENCE THROUGHOUT
15 THE AFTERNOON. THOSE OF YOU WHO WERE NOT SELECTED AS
16 JURORS IN THE TRIAL OF THIS CASE, YOU ARE FREE TO GO
17 NOW WITH THE INSTRUCTIONS THAT YOU'RE TO CALL THE
18 NUMBER ON THAT CARD AFTER 6:00 TOMORROW -- NOT
19 TONIGHT, IT'S ALMOST SIX TONIGHT. CALL IT AFTER 6:00
20 TOMORROW FOR FURTHER INSTRUCTIONS.

21 I APPRECIATE VERY MUCH YOUR PATIENCE WITH US
22 THROUGHOUT THE DAY. EVERYBODY -- OR THERE'S NOBODY
23 LEFT BUT JURORS -- YOU ALL WILL LEAVE QUIETLY AT THIS
24 TIME. CALL THAT NUMBER AFTER SIX TOMORROW. THANK
25 YOU VERY MUCH.

1 (REMAINING PANEL LEFT THE COURTROOM.)

2 THE COURT: NOW LADIES AND GENTLEMEN, THOSE OF
3 YOU WHO WERE SELECTED AS JURORS FOR THE TRIAL OF THIS
4 CASE, OBVIOUSLY THE HOUR IS LATE AND WE ARE CERTAINLY
5 NOT GOING TO START ANYTHING THIS AFTERNOON IN THE
6 TRIAL OF THIS CASE.

7 WE WILL START IT TOMORROW MORNING AT 9:30. AND
8 SO YOU WILL LEAVE HERE IN JUST A FEW MOMENTS AND YOU
9 WILL GO RIGHT THROUGH THIS DOOR AND THEY WILL SHOW
10 YOU THE JURY ROOM THAT YOU'RE TO REPORT TO TOMORROW
11 MORNING AT 9:30. THEY WILL ALSO SHOW YOU A BACK WAY
12 THAT YOU WILL COME AND GO DURING THE TRIAL OF THIS
13 CASE.

14 IN OTHER WORDS, YOU WILL NOT COME BACK INTO THE
15 COURTROOM. WHEN YOU COME IN THE MORNING AND WHEN YOU
16 COME AFTER LUNCH, YOU WILL COME UP THE BACK WAY AND
17 YOU WILL COME IN -- OR COME DOWN THE BACK HALL INTO
18 THE JURY ROOM. THAT'S WHERE YOU WILL REPORT.

19 NOW, TOMORROW MORNING BEFORE WE BEGIN THIS
20 TRIAL, I WILL GIVE YOU SOME PRELIMINARY INSTRUCTIONS
21 ABOUT YOUR ROLE AS JURORS AND WHAT YOUR DUTIES WILL
22 BE AND ALSO SOME THINGS THAT YOU WILL BE ALLOWED TO
23 DO AND WILL NOT BE ALLOWED TO DO AS JURORS DURING THE
24 TRIAL OF THE CASE.

25 BUT JUST TO MAKE SURE THAT BETWEEN NOW AND THEN

1 YOU DON'T MISTAKENLY AND INNOCENTLY DO SOME THINGS
2 THAT YOU'RE NOT SUPPOSED TO DO, LET ME TELL YOU THAT
3 AS JURORS, LADIES AND GENTLEMEN, YOU'RE NOT ALLOWED
4 DURING THE TRIAL OF THIS CASE TO TALK ABOUT THIS CASE
5 WITH ANYBODY, NOT EVEN AMONG YOURSELVES.

6 YOU CAN'T DISCUSS IT WHEN YOU'RE IN THE JURY
7 ROOM UNTIL THE TRIAL IS OVER. AFTER THE TRIAL IS
8 OVER, YOU CAN TALK ABOUT IT AS LONG AS YOU WANT TO,
9 BUT YOU CANNOT DO IT UNTIL THEN. YOU ALSO CANNOT
10 DISCUSS THIS CASE WITH ANYBODY ELSE OR LET ANYBODY
11 ELSE TALK WITH YOU ABOUT THIS CASE.

12 OF COURSE, WHEN YOU GO HOME TONIGHT, YOU CAN
13 TELL YOUR FAMILY YOU WERE SELECTED AS A JUROR AND
14 YOU'RE GOING TO BE HERE WITH US FOR A FEW DAYS.
15 THAT'S FINE. BUT YOU CAN'T DISCUSS THE FACTS OF THIS
16 CASE.

17 NOW, SOME OF YOU HAVE READ ABOUT THIS CASE IN
18 THE PAPER. SOME OF YOU HAVE NOT. SOME OF YOU HAVE
19 SOME KNOWLEDGE ABOUT THE BACKGROUND OF THIS CASE.
20 SOME OF YOU DO NOT.

21 BUT YOU'RE STILL NOT ALLOWED TO DISCUSS THOSE
22 THINGS WITH ANYBODY OR TO LET ANYBODY TALK WITH YOU
23 ABOUT IT. YOU'RE NOT ALLOWED TO TRY TO FIND OUT
24 ANYTHING ON YOUR OWN ABOUT THE CASE. YOU'RE NOT
25 ALLOWED TO TRY TO EXPOSE YOURSELF TO ANY PUBLICITY

1 ABOUT THIS CASE, TELEVISION, NEWSPAPER REPORTS, OR
2 ANYTHING ELSE.

3 THIS WHOLE PROCESS THAT WE HAVE BEEN GOING
4 THROUGH ALL DAY SINCE YOU GOT HERE AT 2:30 THIS
5 AFTERNOON -- IT'S NOW ALMOST 6:00 TONIGHT -- IN
6 ASKING ALL THE QUESTIONS THAT WE'VE ASKED ABOUT ALL
7 OF THE ASPECTS OF THIS CASE, THE FACTS OF THIS CASE,
8 WHO THE PARTIES WERE, WHO THE DEFENDANTS WERE, WHO
9 THE VICTIMS ARE, WHO THE WITNESSES ARE, WHO THE
10 LAWYERS ARE, ALL OF THOSE THINGS HAVE BEEN DESIGNED
11 TO ENSURE THAT WE WOULD FINALLY HAVE 12 JURORS AND
12 TWO ALTERNATES IN THIS JURY BOX WHO WOULD BE ABLE TO
13 BE FAIR AND IMPARTIAL JURORS IN THIS TRIAL AND WOULD
14 NOT BASE THEIR DECISION ON ANYTHING OTHER THAN WHAT
15 THEY HEAR IN THIS COURTROOM.

16 SO IF YOU GO OUTSIDE OF THIS COURTROOM AND START
17 TALKING ABOUT THIS CASE OR IF YOU LET ANYBODY ELSE
18 TALK WITH YOU ABOUT IT OUTSIDE OF THE COURTROOM, THEN
19 EVERYTHING THAT WE WILL HAVE DONE WILL HAVE BEEN FOR
20 NOTHING.

21 SO PLEASE ABIDE BY THOSE INSTRUCTIONS THROUGHOUT
22 THE TRIAL OF THIS CASE. IF SOMEONE SHOULD APPROACH
23 YOU ABOUT THIS CASE AND ASK YOU ABOUT IT, JUST TELL
24 THEM YOU'RE A JUROR AND I TOLD YOU NOT TO TALK ABOUT
25 IT, AND I'M PRETTY SURE THAT WILL END THAT DISCUSSION

1 RIGHT THEN.

2 BUT IF IT DOES NOT, AND IF THEY CONTINUE IN
3 EFFORTS TO TRY TO TALK WITH YOU AFTER YOU TOLD THEM
4 THAT YOU CAN'T TALK WITH THEM ABOUT IT, JUST SEPARATE
5 YOURSELF FROM THEM AS DISCRETELY AS YOU CAN AND GET
6 THEIR NAMES AND LET ME KNOW WHO THEY ARE WHEN YOU GET
7 BACK TO COURT. WE WILL TAKE CARE OF THAT MATTER FOR
8 YOU. THEY WON'T BE TALKING WITH YOU ANY MORE ABOUT
9 IT.

10 LADIES AND GENTLEMEN, HAVE A SAFE TRIP HOME.
11 IT'S AFTER DARK. I HATE TO LEAVE YOU -- MOST OF THE
12 TIME WE WILL STOP HERE AROUND 5:15 OR 5:30 IN THE
13 AFTERNOON, BUT WE KEPT ON GOING TODAY TILL WE GOT TO
14 THIS PLACE, BECAUSE WE WANTED TO GET THE JURY
15 SELECTED BEFORE WE STOPPED BEFORE THE END OF THE DAY.

16 IF YOU'LL FOLLOW THE OFFICERS THROUGH THIS DOOR,
17 THEY WILL SHOW YOU THE JURY ROOM TO COME TO IN THE
18 MORNING. I WILL SEE YOU AT 9:30 TOMORROW MORNING.
19 HAVE A SAFE TRIP HOME. THANK YOU.

20 (JURY LEFT COURTROOM AT 5:59 P.M.)

21 THE COURT: MR. FATA, ARE THERE ANY MATTERS FROM
22 THE STATE BEFORE WE BREAK FOR THE DAY?

23 MR. FATA: NO, SIR.

24 THE COURT: MR. DOBY FOR MR. SINGLETARY?

25 MR. DOBY: NO, SIR, YOUR HONOR.

1 THE COURT: MR. SCOTT FOR MR. LYNCH?

2 MR. SCOTT: YOUR HONOR, NONE AT THIS TIME.

3 THANK YOU.

4 THE COURT: ALL RIGHT. GENTLEMEN, IS THERE
5 ANYTHING -- DO WE HAVE ANY PRETRIAL MATTERS THAT WE
6 NEED TO TAKE CARE OF TOMORROW MORNING BEFORE WE START
7 WITH THIS JURY? I DON'T WANT TO COME AT
8 9:15 PREPARED TO START AT 9:30 AND FIND OUT WE'VE GOT
9 AN HOUR OF PRETRIAL STUFF TO DO. IF WE DO, WE WILL
10 COME BACK EARLY TOMORROW MORNING. ANYTHING FURTHER?

11 MR. SCOTT: OTHER THAN WE TALKED ABOUT ABOUT
12 THESE VIDEOS, YOUR HONOR, I'M NOT SURE WHEN MR. FATA
13 WANTS TO TRY TO OFFER THOSE INTO EVIDENCE.

14 MR. FATA: IT WON'T BE TOMORROW.

15 THE COURT: ALL RIGHT.

16 MR. FATA: IT WON'T BE TOMORROW. AND JUDGE, I
17 THINK WE -- AT THAT POINT I THINK THREE OF US NEED TO
18 SIT DOWN WITH YOU AND JUST LOOK AT IT. I HAVE TRIED
19 COMPUTER, AND I HAVE GOT A DVD PLAYER NOW, AND IT'S
20 JUST -- I GUESS MY LACK OF KNOWLEDGE, BUT I'M TRYING
21 TO--

22 THE COURT: ALL RIGHT.

23 MR. FATA: -- ZERO IN ON THE AREA.

24 THE COURT: WELL, WE WILL SEE TOMORROW. IF
25 YOU'VE GOT ALL OF THE MACHINERY IN PLACE, AND

1 MR. WILLIAMS CAN SEE IF WE CAN'T TRY TO HELP YOU THE
2 BEST WE CAN. YOU KNOW.

3 MR. FATA: HE'S ALREADY HELPED ME A GOOD BIT.
4 IT'S JUST GETTING RIGHT TO THE POINT IS MAYBE A
5 LITTLE -- LITTLE MORE DIFFICULT THAN I THOUGHT IT
6 WOULD BE.

7 THE COURT: ALL RIGHT. FOLKS, WE WILL BE IN
8 RECESS THEN UNTIL 9:30 TOMORROW MORNING. MAKE SURE
9 THE HALLWAY IS CLEAR BEFORE THE DEFENDANTS LEAVE SO
10 THE JURY WILL BE OUT OF PLACE, OKAY? THANK YOU.

11 MR. DOBY: THANK YOU, YOUR HONOR.

12 (COURT IN RECESS FOR EVENING.)

13 NOVEMBER 29, 2005

14 THE COURT: ALL RIGHT. IF YOU WILL BRING THE
15 DEFENDANTS IN.

16 (WHEREUPON THE DEFENDANTS WERE BROUGHT INTO THE
17 COURTROOM.)

18 THE COURT: MADAM REPORTER, THE RECORD SHOULD
19 REFLECT BEFORE WE BEGIN THIS TRIAL AND BEFORE THE
20 JURY IS BROUGHT IN THAT THROUGHOUT THE COURSE OF THIS
21 TRIAL, BECAUSE OF THE FACT THAT BOTH MR. SINGLETARY
22 AND MR. LYNCH ARE IN PRISON UNIFORMS AND ARE
23 RESTRAINED BY SHACKLES THAT THE DEFENDANTS WILL BE
24 BROUGHT INTO THE COURTROOM BEFORE THE JURY COMES IN,
25 THEY WILL LEAVE THE COURTROOM AFTER THE JURY GOES OUT

1 SO THAT THE JURY, OTHER THAN THE FACT THAT THEY SEE
2 THEM HERE SEATED AT COUNSEL TABLE, WILL NOT HAVE
3 UNDUE ATTENTION CALLED TO THOSE RESTRAINTS.

4 MOREOVER, IN FRONT OF THE DEFENSE TABLE THERE IS
5 A, A SHEET, A COVER, SHROUD -- I DON'T KNOW WHAT YOU
6 CALL IT -- SKIRT IS THE BEST WORD, I SUPPOSE, TO USE
7 THAT BLOCKS THE VIEW OF THE JURY TO THE LEG
8 RESTRAINTS OF THE DEFENDANTS. ALL RIGHT. MR. FATA,
9 IS THE STATE READY FOR THE JURY?

10 MR. FATA: YES, SIR, YOUR HONOR. THE RECORD
11 REFLECT I HAVE MY -- THE TWO VICTIMS AND TWO CASE
12 AGENTS IN THE COURTROOM AND EVERYBODY ELSE IS
13 SEQUESTERED.

14 THE COURT: THAT'S RIGHT. SEQUESTRATION IS IN
15 EFFECT EXCEPT FOR THE TWO VICTIMS, TWO CASE AGENTS.
16 LIKEWISE ANY SEQUESTRATION OF DEFENSE WITNESSES WOULD
17 ALSO BE IN FORCE. MR. DOBY, IS MR. SINGLETARY READY
18 FOR THE JURY?

19 MR. DOBY: HE IS, YOUR HONOR. YOU HAD INDICATED
20 EARLIER THAT YOU WOULD ALLOW THE DEFENDANT TO HAVE
21 ONE HAND THAT HE COULD MAKE NOTES WITH, ONE HAND THAT
22 WOULD BE UNSHACKLED, AND I WOULD REQUEST THE COURT TO
23 ALLOW THAT.

24 THE COURT: THAT'S RIGHT. AND I HAD DISCUSSED
25 THAT WITH THE OFFICERS A WEEK AGO FRIDAY AND DID NOT

1 GET ANY -- ANY OBJECTION OR -- TO THAT. WHATEVER
2 HAND THEY USE TO WRITE WITH, ONCE THEY'RE IN PLACE, I
3 INDICATED THAT THEY COULD BE -- THAT THAT ONE HAND
4 COULD BE FREE FOR THEM TO USE TO TAKE NOTES DURING
5 THE COURSE OF THE TRIAL.

6 I WOULD ASK THOSE FOLKS WHO ARE IN CHARGE OF
7 SECURITY TO SEE THAT THAT'S DONE AT THIS POINT IN
8 TIME. THANK YOU.

9 MR. DOBY: MY CLIENT IS RIGHT-HANDED, YOUR
10 HONOR.

11 THE COURT: ALL RIGHT.

12 MR. SCOTT: AS IS MR. LYNCH.

13 THE COURT: SERGEANT, IF YOU COULD TAKE CARE OF
14 THAT, PLEASE, SIR. THANK YOU.

15 (PAUSE WHILE DEFENDANTS EACH HAVE ONE HAND
16 UNHANDCUFFED.)

17 THE COURT: THANK YOU. ALL RIGHT. MR. SCOTT,
18 IS MR. LYNCH READY FOR THE JURY?

19 MR. SCOTT: YES, SIR. HE IS, YOUR HONOR.

20 THE COURT: THANK YOU. YOU CAN BRING US THE
21 JURY.

22 (JURY ENTERED THE COURTROOM AT 9:50 AM).

23 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN
24 AND THANK YOU VERY MUCH FOR YOUR PROMPT RETURN. YOU
25 ALL WERE HERE PROMPTLY ON TIME THIS MORNING AND WE AS

1 ALWAYS HAD ONE OR TWO BRIEF MATTERS TO TAKE CARE OF
2 BEFORE WE GET YOU OUT TO START THE TRIAL OF THIS CASE
3 EACH MORNING.

4 I APPRECIATE YOUR PROMPTNESS AND AM ASKING YOU
5 TO CONTINUE TO DO THAT THROUGHOUT THE TRIAL OF THE
6 CASE.

7 MRS. LINDA SMITH, WHO IS MRS. SMITH?
8 MRS. SMITH, IF YOU'LL SWAP PLACES WITH THIS LADY
9 RIGHT HERE BY YOU, PLEASE MA'AM. I WILL TELL YOU WHY
10 IN JUST A MOMENT. THANK YOU.

11 MRS. SMITH, I WANT YOU TO SIT IN THAT CHAIR
12 BECAUSE I WANT YOU TO SERVE AS THE FOREPERSON OF THE
13 JURY. ALL THAT MEANS IS THAT YOU WILL BE THE JURY
14 SPOKESPERSON HERE IN COURT. WHEN THE TRIAL IS OVER
15 YOU'LL BE RESPONSIBLE FOR WRITING THE VERDICT OF THE
16 JURY, BUT I'LL TELL YOU MORE ABOUT THAT BEFORE YOU
17 HAVE TO DO IT. YOU DON'T NEED TO WORRY ABOUT THAT
18 RIGHT NOW.

19 ALL YOU NEED TO WORRY ABOUT IS YOU GET A
20 RESERVED CHAIR. YOU WILL OCCUPY THAT CHAIR
21 THROUGHOUT THE TRIAL OF THIS CASE.

22 MR. HOPKINS AND MRS. ROGERS, AS ALTERNATE
23 JURORS, FOLKS, YOU WILL OCCUPY THOSE TWO CHAIRS
24 THROUGHOUT THE TRIAL OF THE CASE UNLESS SOMETIME
25 DURING THE TRIAL I ASK YOU TO SIT SOMEWHERE ELSE,

1 OKAY?

2 LADIES AND GENTLEMEN, THE REST OF YOU DON'T HAVE
3 RESERVED SEATS. YOU JUST GET THE BEST CHAIR YOU CAN
4 WHEN YOU COME IN FROM TIME TO TIME. IT'S ALWAYS A
5 GOOD IDEA TO MOVE ALL THE WAY DOWN BEFORE YOU SIT
6 DOWN BECAUSE IF YOU LEAVE AN EMPTY CHAIR BEYOND YOU,
7 SOMEBODY'S GOING TO HAVE TO STEP ACROSS YOUR FEET TO
8 GET TO IT AND THAT COULD GET RIGHT PAINFUL DURING THE
9 COURSE OF A TRIAL.

10 LADIES AND GENTLEMEN, YOU'RE GOING TO BE SWORN
11 IN NOW AS JURORS. I WANT YOU TO PAY PARTICULAR
12 ATTENTION TO THE OATH THAT YOU'RE ABOUT TO TAKE. IT
13 DESCRIBES FOR YOU VERY COMPLETELY BUT AT THE SAME
14 TIME VERY CONCISELY WHAT YOUR RESPONSIBILITIES AS
15 JURORS ARE IN THIS CASE. AND I'M GOING TO BE
16 REMINDING YOU DURING THIS TRIAL AND INDEED AFTER THIS
17 TRIAL AS TO EXACTLY WHAT YOU HAVE SWORN TO DO AS
18 JURORS IN THIS TRIAL. PLEASE NOW LISTEN TO THE CLERK
19 AS SHE SWEARS YOU IN. MADAM CLERK?

20 (WHEREUPON THE JURY WAS SWORN.)

21 THE COURT: THANK YOU. NOW LADIES AND
22 GENTLEMEN, BEFORE WE ACTUALLY BEGIN THE TRIAL OF THIS
23 CASE, I WANT TO TAKE JUST A FEW MOMENTS TO TELL YOU
24 WHAT THE PROCEDURE WILL BE THAT WE WILL FOLLOW
25 THROUGHOUT THE TRIAL OF THIS CASE AND WHAT YOUR ROLE

1 WILL BE AS JURORS IN THIS PARTICULAR TRIAL.

2 HOW MANY OF YOU HAVE EVER HAD A CHANCE TO SERVE
3 AS JURORS IN ANY TYPE OF CASE BEFORE? IF YOU HAVE,
4 WOULD YOU RAISE YOUR HANDS? PRETTY GOOD BIT OF
5 EXPERIENCE. YOU DON'T NEED EXPERIENCE TO DO THIS
6 JOB. IT DOESN'T HURT IF YOU HAVE IT, BUT YOU DON'T
7 NEED IT FOR REASONS THAT I'LL EXPLAIN TO YOU IN JUST
8 A MOMENT.

9 WHEN I FINISH TALKING TO YOU IN JUST A FEW
10 MOMENTS, THE FIRST THING THAT WILL HAPPEN IS MR. FATA
11 ON BEHALF OF THE STATE WILL STAND BEFORE YOU AND MAKE
12 A BRIEF OPENING STATEMENT.

13 AND IN THAT OPENING STATEMENT HE'S GOING TO
14 OUTLINE FOR YOU IN SOMETHING OF A PREVIEW FASHION
15 WHAT THIS CASE IS ALL ABOUT FROM THE STATE'S POINT OF
16 VIEW AND MAY ALSO INDICATE TO YOU SOME OF WHAT HE
17 INTENDS TO OFFER BY WAY OF PROOF IN SUPPORT OF THE
18 CHARGES THAT HAVE BEEN BROUGHT IN THIS INDICTMENT.

19 AFTER MR. FATA HAS FINISHED MAKING HIS OPENING
20 STATEMENT ON BEHALF OF THE STATE, THEN MR. DOBY ON
21 BEHALF OF MR. SINGLETARY, MR. SCOTT ON BEHALF OF MR.
22 LYNCH BOTH HAVE A RIGHT TO MAKE OPENING STATEMENTS
23 BUT THEY DO NOT HAVE TO FOR REASONS THAT I WILL
24 EXPLAIN IN JUST A MOMENT.

25 NOW AFTER THE OPENING STATEMENTS HAVE BEEN MADE,

1 THEN YOU WILL ACTUALLY BEGIN TO SEE AND HEAR THE
2 PRESENTATION OF EVIDENCE IN THIS CASE. EVIDENCE WILL
3 TAKE THE FORM FOR THE MOST PART OF TESTIMONY OF
4 WITNESSES WHO WILL TAKE AN OATH AND SIT RIGHT HERE IN
5 THIS CHAIR BETWEEN YOU AND ME AND ANSWER QUESTIONS
6 THAT THE LAWYERS FOR BOTH SIDES WILL PUT TO THEM.

7 EVIDENCE WILL ALSO TAKE THE FORM PERHAPS OF
8 CHARTS AND DIAGRAMS AND PHOTOGRAPHS AND THINGS OF
9 THAT NATURE. THE STATE WILL OFFER ITS EVIDENCE AND
10 TESTIMONY FIRST. AND AFTER THE STATE HAS CONCLUDED
11 ITS CASE IN CHIEF BY PUTTING IN ITS EVIDENCE AND
12 TESTIMONY, THEN MR. SINGLETARY AND MR. LYNCH BOTH
13 HAVE THE RIGHT TO OFFER EVIDENCE AND TESTIMONY BUT
14 THERE ARE UNDER NO OBLIGATION TO DO THAT.

15 AFTER ALL THE EVIDENCE AND TESTIMONY HAS BEEN
16 OFFERED, THEN THE LAWYERS WILL COME BACK BEFORE YOU
17 ONCE AGAIN AND PRESENT THEIR FINAL ARGUMENTS, THEIR
18 CLOSING STATEMENTS WE SOMETIMES CALL THEM, IN WHICH
19 THEY'RE ALLOWED TO SUMMARIZE THE EVIDENCE AND TO
20 SUBMIT TO YOU CONCLUSIONS THAT THEY CLAIM YOU OUGHT
21 TO DRAW FROM THE EVIDENCE THAT YOU HAVE HEARD.

22 AND AFTER THE FINAL ARGUMENTS HAVE BEEN
23 PRESENTED, THEN I WILL INSTRUCT YOU AS TO WHAT THE
24 LAW IS IN THIS CASE. I WILL TELL YOU WHAT THE LAW IS
25 BECAUSE THAT'S MY JOB.

1 AND THEN ONCE YOU HAVE HEARD THE LAW, YOU WILL
2 BE ABLE TO GO BACK ACROSS THE HALL INTO YOUR JURY
3 ROOM AND FINALLY START TALKING ABOUT THIS CASE AMONG
4 YOURSELVES AT THAT TIME.

5 I REMIND YOU AGAIN THAT YOU CANNOT DISCUSS THIS
6 CASE AMONG YOURSELVES AT ANY TIME DURING THIS TRIAL.
7 YOU MAY HEAR SOMEBODY TALK ABOUT SOMETHING FROM THIS
8 WITNESS STAND OUT HERE AND YOU GO BACK IN FOR A
9 BREAK, YOU COME BACK AFTER LUNCH, AND YOU MIGHT BE
10 INTERESTED BY THAT TESTIMONY, YOU HAD SOME QUESTIONS
11 ABOUT IT, YOU WANT TO TALK ABOUT IT WITH EACH OTHER
12 WHILE IT'S STILL FRESH IN YOUR MIND, BUT YOU CAN'T DO
13 IT THEN.

14 BECAUSE AS SOON AS YOU START TALKING ABOUT THIS
15 CASE, YOU'RE GOING TO START TO MAKE UP YOUR MIND
16 ABOUT THIS CASE. AND IT MIGHT VERY WELL HAPPEN THAT
17 LATER IN THE TRIAL OF THE CASE YOU COULD HEAR SOME
18 TESTIMONY THAT IS DIFFERENT FROM THAT THAT YOU'VE
19 ALREADY STARTED TO TALK ABOUT AND DISCUSS AMONG
20 YOURSELVES.

21 BUT IF YOU HAVE ALREADY STARTED TO DISCUSS THIS
22 CASE AMONG YOURSELVES, YOU'RE NOT GOING TO RECEIVE
23 THAT LATER TESTIMONY WITH AN OPEN MIND. YOU WILL
24 ALREADY HAVE STARTED, PERHAPS EVEN SUBCONSCIOUSLY, TO
25 CLOSE YOUR MIND BASED ON THOSE EARLIER DISCUSSIONS.

1 SO PLEASE DON'T TALK ABOUT THIS CASE AMONG
2 YOURSELVES AT ANY TIME UNTIL THE END OF THE TRIAL.
3 WHEN THE TRIAL IS OVER YOU CAN TAKE ALL THE TIME YOU
4 NEED TO TALK ABOUT IT, BUT NOT UNTIL THEN.

5 I REMIND YOU AGAIN THAT YOU'RE NOT TO DISCUSS
6 THIS CASE WITH ANYBODY ELSE AND YOU CAN'T LET ANYBODY
7 ELSE TALK WITH YOU ABOUT IT AND YOU CAN'T EXPOSE
8 YOURSELF TO ANY PUBLICITY IF ANY IS GENERATED AS A
9 RESULT OF THIS TRIAL.

10 IF THERE ARE NEWS REPORTS OR TV REPORTS OR
11 NEWSPAPER REPORTS, DON'T READ THEM, DON'T WATCH THEM.
12 PUT THEM ASIDE.

13 I TELL YOU, LADIES AND GENTLEMEN, THAT YOU DON'T
14 NEED TO READ THOSE THINGS TO FIND OUT WHAT'S
15 HAPPENING IN THIS CASE. YOU'RE GOING TO BE SEATED 10
16 TO 20 FEET AWAY FROM THIS TRIAL. THAT'S HOW CLOSE
17 YOU ARE TO THIS WITNESS CHAIR RIGHT HERE. THAT'S
18 WHERE THE CASE IS GOING TO BE TRIED, RIGHT HERE IN
19 THIS WITNESS CHAIR.

20 SO YOU DON'T NEED TO READ WHAT MIGHT BE IN THE
21 NEWSPAPER ABOUT IT OR WHAT MIGHT BE ON THE TV REPORT
22 IT ABOUT IT. YOU'RE RIGHT HERE. YOU'RE SEEING IT
23 FIRST-HAND.

24 AND MOREOVER IT WOULD BE A VIOLATION OF YOUR
25 OATH IF YOU DID TALK ABOUT IT WITH SOMEBODY ELSE OR

1 READ SOME REPORT OR WATCH A TV ARTICLE ABOUT THIS
2 BECAUSE THE OATH THAT YOU JUST TOOK JUST A MOMENT AGO
3 SAID THAT YOU WOULD WELL AND TRULY TRY THIS CASE AND
4 RENDER A TRUE VERDICT ACCORDING TO THE EVIDENCE.

5 AND THE EVIDENCE IS GOING TO COME TO YOU ONLY
6 FROM THIS WITNESS CHAIR AND FROM THOSE ITEMS AND
7 THOSE DOCUMENTS THAT MIGHT COME INTO EVIDENCE UNDER
8 OUR RULES.

9 IF ANYBODY ELSE TALKS WITH YOU ABOUT THIS CASE
10 OR IF YOU WATCH ANYTHING ON TV ABOUT IT OR READ THAT
11 NEWS REPORT, YOU WOULD GO BEYOND THE EVIDENCE. YOU
12 WOULD VIOLATE THE OATH THAT YOU JUST TOOK TO DECIDE
13 THIS CASE BASED ON THE EVIDENCE WHICH IS WHAT YOU
14 HAVE SWORN TO DO.

15 NOW, IT'S REAL IMPORTANT THAT YOU FOLKS
16 UNDERSTAND THE SPECIAL RELATIONSHIP THAT YOU HAVE TO
17 THE EVIDENCE IN THIS CASE. I'VE ALREADY TOLD YOU
18 WHAT THE EVIDENCE IS. THE EVIDENCE IS THE TESTIMONY
19 AND THOSE ITEMS AND THOSE DOCUMENTS THAT MIGHT COME
20 INTO EVIDENCE UNDER OUR RULES.

21 THE OPENING STATEMENTS THAT THE LAWYERS OFFER
22 ARE NOT EVIDENCE AND THE CLOSING STATEMENTS THAT THEY
23 WILL MAKE ARE NOT EVIDENCE, AND THE QUESTIONS THAT
24 THEY ASK, THEY'RE NOT EVIDENCE.

25 NOW, ALL OF THOSE THINGS ARE A NECESSARY PART OF

1 THIS PROCESS AND WE COULDN'T CONDUCT A TRIAL IN A
2 VERY ORDERLY MANNER WITHOUT THOSE THINGS, BUT THEY
3 THEMSELVES ARE NOT EVIDENCE.

4 IT'S NOT THE QUESTIONS THAT ARE EVIDENCE. IT IS
5 THE ANSWERS TO THOSE QUESTIONS THAT COME FROM WITNESS
6 WHO PURPORTS TO KNOW SOMETHING ABOUT WHAT HE OR SHE
7 IS TELLING YOU ABOUT. THAT'S THE EVIDENCE IN THIS
8 TRIAL.

9 NOW, THE REASON IT'S IMPORTANT THAT YOU
10 UNDERSTAND THAT DISTINCTION, FOLKS, IS BECAUSE YOU
11 LADIES AND GENTLEMEN OF THE JURY ARE THE SOLE AND
12 EXCLUSIVE JUDGES OF THE EVIDENCE.

13 THAT'S RIGHT. WHEN IT COMES TO EVIDENCE, YOU
14 ARE ACTUALLY THE JUDGE. THOSE LABELS YOU'RE WEARING
15 SAY JUROR. BUT I TELL JURORS THAT WHEN IT COMES TO
16 EVIDENCE, THAT LABEL COULD MORE ACCURATELY SAY JUDGE
17 BECAUSE YOU HAVE TO JUDGE THE EVIDENCE IN THIS CASE.

18 YOU HAVE TO DECIDE THE TRUTHFULNESS OF WHAT YOU
19 HEAR ON THIS WITNESS STAND. YOU HAVE TO DECIDE THE
20 IMPORTANCE OF THE THINGS THAT YOU HEAR. NOW, YOU'RE
21 WELL EQUIPPED TO DO THAT.

22 WHETHER YOU HAVE EVER SERVED AS A JUROR IN ANY
23 TYPE OF CASE BEFORE OR NOT, YOU ARE WELL EQUIPPED TO
24 DO THE THINGS THAT WE'RE GOING TO BE ASKING YOU TO DO
25 IN THIS TRIAL AND THE THINGS THAT YOU HAVE JUST SWORN

1 TO DO UNDER YOUR OATH AS JURORS.

2 EVER SINCE YOU HAVE BEEN OLD ENOUGH TO THINK ON
3 YOUR OWN, EVER SINCE YOU HAVE BEEN ABLE TO MAKE UP
4 YOUR MIND FOR YOURSELF AND MAKE DECISIONS ON YOUR
5 OWN, YOU HAVE BEEN DOING EXACTLY THE SAME THINGS THAT
6 WE EXPECT YOU TO DO IN THIS COURTROOM AS JURORS IN
7 THIS TRIAL.

8 WHEN SOMEBODY TELLS YOU SOMETHING THAT MIGHT BE
9 IN DISPUTE OR WHEN YOU READ A NEWSPAPER OPINION ABOUT
10 SOMETHING OR WHEN YOU WATCH A TELEVISION SHOW OR NEWS
11 SHOW ABOUT SOMETHING MORE PARTICULARLY, THE FIRST
12 THING THAT YOU ASK YOURSELF IS WHETHER OR NOT THAT
13 THING SOUNDS LIKE IT'S TRUE TO YOU.

14 BASED ON WHAT YOU KNOW ABOUT LIFE, BASED ON YOUR
15 COMMON SENSE, BASED ON YOUR OWN EXPERIENCES AND YOUR
16 SENSE OF LOGIC AND REASON, YOU SUBCONSCIOUSLY DECIDE
17 WHETHER YOU BELIEVE SOMETHING BASED ON HOW IT SOUNDS
18 TO YOU AND WHETHER YOU THINK IT'S TRUE.

19 I TELL JURORS IF ANY OF YOU'VE GOT MORE THAN TWO
20 CHILDREN, YOU ARE WELL EQUIPPED TO BE JURORS BECAUSE
21 WHEN ONE CHILD COMES AND SAYS, MAMA OR DADDY, HE HIT
22 ME OR HE STOLE MY TOY, AND THE OTHER ONE COMES UP AND
23 SAYS, WELL, SHE HIT ME FIRST OR SHE GOT MY TOY, THEN
24 THERE YOU ARE. YOU'RE IN THAT QUANDARY OF HAVING TO
25 MAKE A DECISION OF WHERE DOES THE TRUTH LIE IN THIS

1 SITUATION.

2 WELL, THAT'S A VERY SIMPLISTIC WAY OF SAYING
3 THAT'S THE ROLE THAT YOU WILL PLAY IN THIS PARTICULAR
4 CASE.

5 NOW, IT MIGHT WELL BE THAT IN THE TRIAL OF A
6 CASE LIKE THIS YOU MAY ONLY HEAR ONE SIDE, BUT THAT
7 DOESN'T MEAN THAT YOU MUST ACCEPT THAT EVIDENCE FROM
8 THAT SIDE AS TRUE. YOU STILL MUST PUT THAT EVIDENCE
9 TO THE TEST OF TRUTH.

10 YOU STILL MUST DECIDE WHETHER IN YOUR OWN COMMON
11 SENSE, YOUR SENSE OF LOGIC AND REASONING AND YOUR OWN
12 EXPERIENCES IN LIFE THAT TESTIMONY HAS A RING OF
13 TRUTH TO IT, WHETHER YOU BELIEVE IT OR NOT.

14 IF YOU DON'T BELIEVE IT, OF COURSE, YOU DON'T
15 GIVE IT ANY WEIGHT AT ALL. YOU SIMPLY DISREGARD IT.
16 BUT EVEN IF YOU DO BELIEVE IT, YOUR ROLE AS JURORS
17 DOESN'T END THERE BECAUSE EVEN IF YOU BELIEVE IT TO
18 BE TRUE, THEN YOU HAVE TO DECIDE HOW IMPORTANT THAT
19 TRUTH IS TO THE DECISION THAT YOU HAVE TO MAKE IN
20 THIS CASE.

21 THAT MEANS YOU HAVE GOT TO PAY ATTENTION. YOU
22 HAVE TO KEEP NOT ONLY AN OPEN MIND AS I TOLD YOU A
23 FEW MOMENTS AGO, YOU HAVE GOT TO KEEP AN OPEN EAR AS
24 WELL. YOU HAVE GOT TO PAY ATTENTION.

25 BECAUSE WHEN THE TRIAL IS OVER, IF YOU HAVE NOT

1 PAID ATTENTION, YOU'RE NOT GOING TO BE ABLE TO GO
2 BACK ACROSS THE HALL INTO THAT JURY ROOM AND
3 INTELLIGENTLY DISCUSS THIS CASE AMONG YOURSELVES.

4 SO PLEASE PAY ATTENTION THROUGHOUT THE TRIAL OF
5 THIS CASE. IT'S THE TYPE OF CASE WHICH I THINK WILL
6 COMPEL YOUR ATTENTION, IT SHOULD COMPEL YOUR
7 ATTENTION. I DON'T THINK YOU WILL HAVE ANY PROBLEM
8 WITH PAYING ATTENTION, BUT PLEASE MAKE SURE THAT YOU
9 DO.

10 NOW LADIES AND GENTLEMEN, FINALLY LET ME TELL
11 YOU THAT FEW MOMENTS AGO I TOLD YOU THAT THE
12 DEFENDANTS IN THIS CASE DON'T HAVE TO MAKE AN OPENING
13 STATEMENT AND THEY DON'T HAVE TO OFFER EVIDENCE AND
14 TESTIMONY IN THIS CASE, AND THE REASON FOR THAT IS
15 THIS.

16 AS I INDICATED TO YOU BEFORE WE BEGAN THE TRIAL
17 OF THIS CASE, MR. SINGLETARY AND MR. LYNCH HAVE PLED
18 NOT GUILTY TO THE CHARGES CONTAINED IN THIS
19 INDICTMENT.

20 WHEN SOMEONE PLEADS NOT GUILTY TO THE CHARGES IN
21 A CRIMINAL CASE, THAT MEANS THAT THAT PERSON IS
22 PRESUMED TO BE NOT GUILTY. THAT PERSON IS PRESUMED
23 TO BE INNOCENT OF THE CHARGES CONTAINED IN THE
24 INDICTMENT.

25 WHEN WE SAY THAT SOMEONE IS PRESUMED TO BE

1 INNOCENT, THAT MEANS THAT HE DOESN'T HAVE TO PROVE
2 HIS INNOCENCE. HE DOESN'T HAVE TO TAKE THIS STAND
3 AND TRY TO CONVINCING YOU THAT HE IS NOT GUILTY OF THE
4 CHARGES CONTAINED IN THE INDICTMENT.

5 HE DOESN'T HAVE TO BRING IN OTHER EVIDENCE AND
6 OTHER WITNESSES AND OTHER TESTIMONY TO TRY TO MAKE
7 YOU BELIEVE THAT HE DID NOT DO THE THINGS THAT HE'S
8 ACCUSED OF DOING. HE IS PRESUMED NOT TO HAVE DONE
9 THOSE THINGS.

10 HOW MANY OF YOU HAVE EVER READ THE PHRASE THAT A
11 PERSON IS INNOCENT UNTIL PROVEN GUILTY? EVER HEARD
12 THAT BEFORE? INNOCENT UNTIL PROVEN GUILTY? I HOPE
13 YOU HAVE BECAUSE IT IS ONE OF THE HALLMARKS OF OUR
14 CONSTITUTION. IT'S ONE OF THE FOUNDATIONS OF OUR
15 BILL OF RIGHTS.

16 INNOCENT UNTIL PROVEN GUILTY, THOSE FOUR WORDS.
17 THERE'S NOTHING IN THAT PHRASE THAT SAYS THAT
18 INNOCENCE HAS TO BE PROVEN. INNOCENT UNTIL PROVEN
19 GUILTY MEANS THAT GUILT HAS TO BE PROVEN, NOT BY --
20 NOT INNOCENCE PROVEN BY THE DEFENSE, BUT GUILT PROVEN
21 BY THE STATE NOT JUST IN THIS CASE BUT IN EVERY CASE
22 OF THIS SORT BROUGHT IN OUR COURTS.

23 THE BURDEN IS ON THE STATE TO PROVE THE
24 DEFENDANTS GUILTY BEYOND A REASONABLE DOUBT BEFORE
25 THE STATE IS ENTITLED TO A VERDICT OF GUILTY AT YOUR

1 HANDS.

2 NOW, WHEN THE TRIAL IS OVER, I WILL TELL YOU A
3 LITTLE BIT MORE ABOUT WHAT WE MEAN BY THE BURDEN OF
4 PROOF BEYOND A REASONABLE DOUBT. BUT FOR OUR
5 PURPOSES IN THESE PRELIMINARY DISCUSSIONS LET ME TELL
6 YOU THAT THE BURDEN IS ON THE STATE TO FIRMLY
7 CONVINCE YOU OF THE DEFENDANTS' GUILT IN THIS CASE.

8 NOW, IF THE STATE IS ABLE TO MEET THAT BURDEN,
9 IF IT IS ABLE TO FIRMLY CONVINCE YOU OF THE
10 DEFENDANTS' GUILT, THEN IT IS ENTITLED TO A VERDICT
11 OF GUILTY ON THE CHARGE.

12 BUT AFTER YOU HAVE HEARD ALL OF THE EVIDENCE, IF
13 YOU STILL THINK THERE'S A REAL POSSIBILITY THAT THE
14 DEFENDANT IS NOT GUILTY, THEN THE STATE HAS NOT MET
15 THAT BURDEN OF PROOF AND THE DEFENDANT IN THAT CASE
16 WOULD BE ENTITLED TO A VERDICT OF NOT GUILTY.

17 NOW I TELL YOU, LADIES AND GENTLEMEN, THAT THE
18 DEFENDANTS AS THEY APPEAR BEFORE YOU ARE WEARING
19 PRISON UNIFORMS BECAUSE THEY ARE INMATES. THEY WERE
20 INMATES, OF COURSE, AT THE TIME OF THE EVENTS
21 DESCRIBED IN THE INDICTMENT THAT I READ TO YOU
22 YESTERDAY, ON OCTOBER 29TH OF 2003.

23 AND THEY ARE IN RESTRAINTS BECAUSE OF THEIR
24 STATUS AS INMATES. NOW, THE FACT THAT THEY ARE IN
25 PRISON UNIFORMS TODAY AND THAT THEY ARE IN THOSE

1 RESTRAINTS SIMPLY MEANS THAT THE REGULATIONS THAT THE
2 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ARE BEING
3 CARRIED OUT BECAUSE THAT IS THEIR CUSTOM WHEN INMATES
4 ARE ON TRIAL.

5 THE FACT THAT THEY ARE IN RESTRAINTS AND THE
6 FACT THAT THEY ARE IN PRISON UNIFORM IN NO WAY
7 LESSENS THE PRESUMPTION OF INNOCENCE OR TAKES AWAY
8 FROM THE PRESUMPTION OF INNOCENCE THAT ATTACHES TO
9 THEM THAT I JUST EXPLAINED TO YOU A FEW MOMENTS AGO.

10 THEY ARE PRESUMED INNOCENT OF THESE CHARGES IN
11 SPITE OF THE FACT THAT THEY ARE IN RESTRAINTS AND IN
12 PRISON UNIFORM. THOSE RESTRAINTS HAVE NOTHING TO DO
13 WITH THEIR GUILT OR THEIR INNOCENCE ON THESE
14 PARTICULAR CHARGES.

15 THOSE RESTRAINTS AND THOSE UNIFORMS BEAR SIMPLY
16 ON THE FACT THAT WHEN THESE CHARGES AROSE, THEY WERE
17 ALREADY INMATES IN THE DEPARTMENT OF CORRECTIONS.
18 AND THE POLICY IS THAT THEY MUST BE RESTRAINED WHEN
19 THEY LEAVE THE FACILITY.

20 SO PLEASE DO NOT REACH ANY CONCLUSION OR DRAW
21 ANY INFERENCE WHATSOEVER FROM THE FACT THAT THESE
22 INDIVIDUALS APPEAR BEFORE YOU TODAY IN PRISON GARB OR
23 IN RESTRAINTS. THAT HAS NOTHING TO DO WITH LESSENING
24 THE PRESUMPTION OF INNOCENCE THAT IS THEIRS AND EVERY
25 PERSONS WHO IS CHARGED WITH A CRIME IN OUR STATE.

1 LADIES AND GENTLEMEN, I APPRECIATE VERY MUCH
2 YOUR ATTENTION TO THESE REMARKS. LET ME TELL YOU,
3 WHEN THE TRIAL IS OVER YOU WILL GO BACK ACROSS THE
4 HALL IN YOUR JURY ROOM AND YOU WILL DELIBERATE THE
5 EVIDENCE THAT YOU HAVE SEEN AND HEARD AND YOU WILL
6 REACH A DECISION ON WHETHER OR NOT YOU THINK THE
7 STATE HAS MET THAT BURDEN OF PROOF OF GUILT BEYOND A
8 REASONABLE DOUBT, AND YOU WILL EXPRESS YOUR OPINION
9 IN THAT REGARD BY WRITING A VERDICT OF, WE FIND THE
10 DEFENDANT GUILTY, OR WE FIND THE DEFENDANT NOT GUILTY
11 ACCORDING TO YOUR VIEW OF THE EVIDENCE IN THIS CASE.

12 THANK YOU VERY MUCH, LADIES AND GENTLEMEN, FOR
13 YOUR ATTENTION. NOW PLEASE LISTEN TO THE LAWYERS AS
14 THEY MAKE THEIR OPENING STATEMENTS. MR. FATA?

15 MR. FATA: THANK YOU, YOUR HONOR.

16 OPENING STATEMENT

17 MR. FATA: MADAM FORELADY AND LADIES AND
18 GENTLEMEN OF THE JURY, GOOD MORNING. MY NAME IS PAUL
19 FATA AND I'M AN ATTORNEY HERE IN LEE COUNTY, PRIVATE
20 PRACTICE, BUT I ALSO HELP YOUR SOLICITOR, KELLY
21 JACKSON, DURING TERMS OF CRIMINAL COURT HERE IN LEE
22 COUNTY, WHICH IS WHAT IS GOING ON RIGHT NOW.

23 THANK YOU FOR YOUR PARTICIPATION AND I JOIN THE
24 JUDGE IN HIS REMARK ABOUT YOUR RESPONSIBILITY AND
25 YOUR DUTIES AND SO FORTH.

1 NOW, THE CASE BEFORE YOU TODAY CONCERNS INMATE
2 SINGLETARY WHO IS SEATED RIGHT THERE NEXT TO MR. DOBY
3 AND INMATE LYNCH SEATED NEXT TO MR. SCOTT. HIS HONOR
4 READ TO YOU THE INDICTMENT. AND THEY ARE CHARGED
5 WITH RIOTING, TAKING HOSTAGES, ASSAULTING A
6 CORRECTIONS OFFICER, CARRYING A WEAPON BY AN INMATE
7 ON A -- IN A PRISON FACILITY AND INCITING TO RIOT.

8 NOW, THIS WHOLE -- THESE CHARGES AROSE OUT OF AN
9 INCIDENT THAT OCCURRED HERE IN LEE COUNTY ON OCTOBER
10 THE 29TH, 2003. NOW, THE EVIDENCE IS GOING TO
11 SHOW -- THAT'S GOING TO BE PRESENTED TO YOU -- IS
12 GOING TO SHOW THAT CORRECTIONS OFFICER COTTON, WHO IS
13 SEATED RIGHT HERE IN THE BLUE JACKET, AND CORRECTIONS
14 OFFICER DOZIER, SEATED IN -- IN THE SUIT, WERE
15 WORKING AT THE CHESTERFIELD UNIT AT THE LEE COUNTY
16 CORRECTIONAL INSTITUTE WHICH IS THE STATE PRISON
17 LOCATED OUT ON 341.

18 ONE WAS ON THE NORTH SIDE, AND WE'LL -- WILL
19 TALK ABOUT THESE THINGS LATER. BUT ONE WAS ON THE
20 NORTH SIDE, THAT WAS -- THAT WAS OFFICER DOZIER. ONE
21 WAS ON THE SOUTH SIDE, AND THAT WAS OFFICER COTTON.

22 LATE IN THE AFTERNOON ONE OFFICER ON EACH
23 SIDE -- THIS IS A TWO-STORY BUILDING -- WE WILL GET
24 INTO THIS LATER -- LATE IN THE AFTERNOON THEY WERE
25 FEEDING THEIR INMATES. FOOD COME AROUND, THEY WERE

1 DELIVERING FOOD TO THEM.

2 OFFICER -- THE EVIDENCE WILL SHOW THAT OFFICER
3 COTTON ON THE SOUTH SIDE OPENED THE CELL DOOR OF
4 INMATE LYNCH AND INMATE LYNCH REFUSED TO GO BACK IN.

5 BEING BY HIMSELF, OFFICER COTTON CONTINUED ON
6 AND FED -- KEPT GOING TO EACH DOOR, AND HE WILL
7 DESCRIBE THE PROCEDURE OF HOW HE FED THE INMATES. HE
8 WENT TO INMATE SINGLETARY'S ROOM AND OPENED THE DOOR.
9 INMATE SINGLETARY RUNS OUT.

10 INMATE LYNCH COMES AFTER HIM WITH A -- A SHANK.
11 AND YOU WILL HEAR ABOUT A SHANK. A SHANK IS A
12 HOMEMADE KNIFE IN PRISON. AND AT THAT POINT
13 CORRECTIONS OFFICER COTTON BY HIMSELF IS TRAPPED, IS
14 ASSAULTED, IS BEATEN, STABBED, AND YOU WILL SEE -- ON
15 VIDEOTAPE YOU WILL SEE AND YOU WILL HEAR TESTIMONY AS
16 TO -- FROM HIM AND SOME OTHERS AS TO WHAT HAPPENED TO
17 OFFICER COTTON.

18 IN THE MEANTIME THESE TWO DEFENDANTS, INMATES,
19 THE EVIDENCE WILL SHOW WENT OVER TO THE NORTH SIDE OF
20 THE CHESTERFIELD UNIT. AND THE NORTH SIDE -- AND YOU
21 WILL HEAR ABOUT THIS -- IS CONFIGURED A LITTLE BIT
22 DIFFERENT AS FAR AS THE CHAIN-WIRE FENCING ALONG THE
23 EDGE OF THE HALLWAY.

24 AND THEY PROCEED TO TAKE CORRECTIONS OFFICER
25 DOZIER HOSTAGE. CORRECTIONS OFFICER DOZIER WAS A

1 LITTLE BIT LUCKIER THAN CORRECTIONS OFFICER COTTON.
2 CORRECTIONS OFFICER DOZIER WAS ABLE TO SECURE HIMSELF
3 IN A ROOM, ONE OF THE CELLS, AFTER -- AND STRUGGLE TO
4 MAINTAIN HIMSELF IN THE -- AS INMATE SINGLETARY AND
5 INMATE LYNCH ATTEMPTED TO GET HIM OUT.

6 THESE TWO CORRECTIONS OFFICERS WERE IN THIS
7 SITUATION FOR ABOUT THREE, 4:00 IN THE AFTERNOON TILL
8 ABOUT 10:00 THAT NIGHT, A LONG PERIOD OF TIME TO BE
9 HELD AGAINST YOUR WILL. ALL THEY WERE DOING WAS
10 THEIR JOB.

11 BUT IN THE MEANTIME INMATE SINGLETARY AND INMATE
12 LYNCH WERE MAKING DEMANDS, THEY WERE, ALONG WITH
13 OTHERS, I GUESS, DESTROYING THE CELL, THE CELL BLOCK;
14 CHESTERFIELD UNIT, AND FOR WHATEVER REASON CREATING A
15 MELEE, AND THAT'S WHAT A RIOT IS, A MELEE, JUST A --
16 JUST PEOPLE RUNNING WILD.

17 THEY WERE CREATING -- THEY CREATED A RIOT, THEY
18 PARTICIPATED IN THE RIOT, AND THEY INCITED OTHERS TO
19 JOIN IN THE RIOT. BASICALLY THAT IS WHAT THE STATE
20 INTENDS TO SHOW.

21 AND WE ARE GOING TO PRESENT THE TRIAL HOPEFULLY
22 IN AN ORDERLY FASHION. WE ARE GOING TO PRESENT THE
23 FIRST RESPONDERS. THOSE ARE THE PEOPLE WHO FIRST
24 SHOW UP AT THE INSTITUTION -- EXCUSE ME -- AT THE
25 CHESTERFIELD UNIT IN RESPONSE TO AN ALERT.

1 THEN YOU'RE GOING TO HEAR FROM CORRECTIONS
2 OFFICER COTTON. YOU'RE GOING TO HEAR FROM
3 CORRECTIONS OFFICER DOZIER. THEN I HOPE TO PRESENT
4 THE NEGOTIATORS. THIS IS A TEAM OF THREE PEOPLE.
5 YOU WILL HEAR FROM THEM INDIVIDUALLY.

6 THERE WERE THREE AT -- MRS. BLANDSHAW,
7 MRS. YORK, AND MAJOR FERRARO -- WHO STOOD AT THE
8 FRONT DOOR -- NO, THAT'S NOT IT -- WHO STOOD AT THE
9 FRONT DOOR OF THE CHESTERFIELD UNIT AND NEGOTIATED
10 WITH THESE TWO GUYS WHILE THEY WERE HOLDING
11 CORRECTIONS OFFICER COTTON HANDCUFFED TO ONE OR THE
12 OTHER OF THEM WITH A SHANK IN THEIR HAND.

13 AND YOU WILL HEAR TESTIMONY THAT THE NEGOTIATORS
14 SAW THESE INMATES STAB OFFICER -- CORRECTIONS OFFICER
15 COTTON WITH THE SHANK. BUT THESE -- THESE -- THESE
16 SIX CHARGES BOIL DOWN TO THAT, AND WE HOPE TO PRESENT
17 THE EVIDENCE THAT WILL CONVINCEN YOU BEYOND A
18 REASONABLE DOUBT THAT WHAT THESE TWO INMATES ARE
19 CHARGED WITH IN THE INDICTMENT THEY ACTUALLY DID.
20 THANK YOU.

21 *THE COURT:* THANK YOU, MR. FATA. MR. DOBY?

22 *MR. DOBY:* MAY IT PLEASE THE COURT, YOUR HONOR.

23 *THE COURT:* YES, SIR.

24 OPENING STATEMENT

25 *MR. DOBY:* GOOD MORNING, LADIES AND GENTLEMEN.

1 MY NAME IS BRIAN DOBY. I PRACTICE LAW HERE IN
2 BISHOPVILLE ALSO WITH JACOB AND ROBERT JENNINGS AND
3 WILL WHEELER.

4 I HAVE THE PLEASURE TODAY OF REPRESENTING TYRONE
5 SINGLETARY. TYRONE IS SEATED AT THE TABLE WITH ME.
6 AS IS OBVIOUS, TYRONE IS IN HIS PRISON CLOTHES.
7 EVERYBODY CAN SEE THAT.

8 WHAT YOU CANNOT AND WHAT THE JUDGE WILL INSTRUCT
9 YOU TO DO SO FAR IS TO NOT HOLD THAT AGAINST HIM
10 BECAUSE THAT MEANS ABSOLUTELY NOTHING. WHETHER HE'S
11 WEARING A SUIT LIKE I HAVE ON, KHAKI PANTS AND A KNIT
12 SHIRT, OR WHETHER HE'S GOT ON PRISON CLOTHES MAKES
13 ABSOLUTELY NO DIFFERENCE IN THIS CASE BECAUSE HE IS
14 PRESUMED TO BE INNOCENT.

15 HE COMES IN -- AND THE JUDGE HAS CHARGED YOU
16 ALREADY THAT HE IS INNOCENT OF THESE CHARGES. AND
17 THE ONLY -- AND ONLY IF THE STATE PROVES BEYOND A
18 REASONABLE DOUBT THAT HE IS GUILTY AND YOU FIND HIM
19 GUILTY, AND THAT'S WHAT YOUR JOB IS.

20 I'VE GOT A JOB. THE JUDGE HAS A JOB. THE
21 SOLICITOR HAS A JOB. YOUR JOB IS TO TEST THE
22 EVIDENCE TO SEE WHETHER OR NOT THE STATE CAN PROVE TO
23 YOU BEYOND A REASONABLE DOUBT THE FIVE THINGS THAT
24 THE STATE HAS JUST TOLD YOU THAT THEY INTEND TO
25 PROVE.

1 AND I WROTE THEM DOWN. IT SAID, TAKING
2 HOSTAGES, MAKING DEMANDS, DESTROYING THE DORM,
3 RIOTING, CAUSING OTHERS TO RIOT, AND ASSAULTING OR
4 HITTING A CORRECTIONAL OFFICER.

5 WELL, I'M GOING TO SIMPLIFY YOUR JOB A LITTLE
6 BIT. YOU KNOW, MOST PEOPLE THINK THAT LAWYERS ARE
7 TRYING TO CONFUSE THE ISSUE, THAT WE WANT TO GET UP
8 HERE AND WE WANT TO CLOUD THE ISSUE SO THAT JURORS
9 EITHER DON'T KNOW WHAT'S GOING ON SO YOU WILL BE
10 CONFUSED.

11 I DON'T WANT TO CONFUSE YOU. I WANT TO MAKE IT
12 CLEAR TO YOU FROM THE EVIDENCE, WE WANT YOU TO
13 UNDERSTAND WHAT HAPPENED. TYRONE WANTS YOU TO
14 UNDERSTAND WHAT HAPPENED.

15 AND I'M GOING TO SIMPLIFY IT A LITTLE BIT AND
16 MAKE IT A LITTLE BIT EASIER BECAUSE I'M GOING TO TELL
17 YOU THAT TYRONE STABBED OFFICER COTTON. HE HAD A
18 SHANK. HE STABBED OFFICER COTTON.

19 FROM TYRONE'S PERSPECTIVE AND MY JOB IS TO
20 ESSENTIALLY TEST AND TO HAVE YOU DECIDE WHETHER
21 TYRONE IS GUILTY OF THE REST OF THE THINGS THAT THEY
22 HAVE BEEN CHARGED WITH, BECAUSE THAT'S ALL IT IS
23 RIGHT NOW IS A CHARGE.

24 THE STATE HAS ESSENTIALLY SAID, TYRONE, WE
25 INTEND TO PROVE THESE THINGS AGAINST YOU. AND TYRONE

1 HAS SAID, NO, I DIDN'T DO ALL OF THOSE THINGS. AND
2 NOW YOUR DUTY TO BE A REFEREE, SO TO SPEAK, CALL IT
3 LIKE YOU SEE IT.

4 NOW, YOU ARE GOING TO HEAR A LOT OF TESTIMONY.
5 YOU'RE GOING TO HEAR WITNESSES PROBABLY FOR THE NEXT
6 COUPLE OF DAYS. WHAT YOUR JOB IS TO DO IS TO TEST
7 THAT EVIDENCE, TO SEE WHETHER IT MAKES SENSE, TO SEE
8 WHETHER THE STATE HAS PROVEN WHAT THEY HAVE ALLEGED,
9 WHAT THEY HAVE ACCUSED TYRONE OF DOING.

10 AND LADIES AND GENTLEMEN, THE ONLY WAY TO DO
11 THAT IS USE YOUR GOOD COMMON SENSE, TO LISTEN. YOU
12 DON'T HAVE TO HAVE A TEST, YOU DIDN'T HAVE TO PASS AN
13 EXAM TO BE A JUROR.

14 YOU WERE CHOSEN BY BOTH SIDES BECAUSE WE THOUGHT
15 THAT YOU WOULD BE FAIR, THAT YOU WOULD CALL IT LIKE
16 YOU SEE IT. THAT'S THE REASON ALL THOSE QUESTIONS
17 WERE ASKED.

18 THAT'S THE REASON THAT SOME PEOPLE HAD TO COME
19 UP AND TALK TO THE JUDGE SO THAT WE'LL HAVE JURORS
20 THAT AREN'T GOING TO COME IN WITH AN IDEA THAT JUST
21 BECAUSE TYRONE IS WEARING THIS YELLOW JUMPSUIT FROM
22 THE PRISON THAT HE MUST BE GUILTY, BECAUSE IF WE COME
23 IN WITH THAT IDEA, LADIES AND GENTLEMEN, THERE'S NO
24 NEED FOR A TRIAL. BUT THIS YOUNG MAN IS ON TRIAL AND
25 YOUR JOB IS EXTREMELY SERIOUS, EXTREMELY SERIOUS.

1 I'M GOING TO THANK YOU RIGHT NOW FOR YOUR
2 SERVICE, LIKE YOU HAD A CHOICE TO DO THAT. HOWEVER,
3 I AM ASKING YOU NOW, GIVE TYRONE A FAIR OPPORTUNITY,
4 AN OPPORTUNITY TO QUESTION THESE WITNESSES BECAUSE
5 THIS IS HIS DAY IN COURT, THIS IS HIS OPPORTUNITY,
6 AND YOU ARE HIS JURY. THANK YOU.

7 THE COURT: THANK YOU, MR. DOBY. MR. SCOTT?

8 MR. SCOTT: THANK YOU, YOUR HONOR. MAY IT
9 PLEASE THE COURT.

10 THE COURT: YES, SIR.

11 OPENING STATEMENT

12 MR. SCOTT: I HOPE Y'ALL AREN'T TIRED OF HEARING
13 LAWYERS TALK ALREADY. AS YOU CAN SEE, WE HAVE TWO
14 DEFENDANTS, MR. SINGLETARY AND MR. LYNCH, SO WE HAVE
15 TWO LAWYERS. EACH OF US WILL GET AN OPPORTUNITY TO
16 TALK WITH YOU.

17 MR. DOBY HAS ALREADY INTRODUCED HIMSELF AND HIS
18 CLIENT. I'M CLIFF SCOTT. I HAVE AN OFFICE HERE IN
19 BISHOPVILLE, ALTHOUGH IT'S NOT A FULL-TIME OFFICE.
20 MY OFFICE IS LOCATED OVER ON COUNCIL STREET NEXT TO
21 THE POLICE STATION, Y PRIMARY OFFICE IS IN COLUMBIA,
22 SOUTH CAROLINA.

23 A LOT OF WHAT I'M GOING TO SAY IS GOING TO BE
24 REPETITIOUS TO YOU. THAT'S THE -- THE WAY IT IS.
25 UNFORTUNATELY SOMEBODY HAS TO SPEAK LAST. AND

1 BECAUSE OF THE WAY THESE TWO GENTLEMEN ARE CHARGED,
2 THAT HAPPENS TO BE ME BECAUSE THE WAY THEIR
3 INDICTMENT APPEARS -- FORGIVE ME -- THEIR NAMES
4 APPEAR ON THE INDICTMENT.

5 YOU HEARD FIRST FROM MR. FATA, YOU HEARD FROM
6 MR. DOBY, YOU HEARD FROM THE JUDGE EARLIER, AND NOW
7 YOU'RE GOING TO HEAR FROM ME. MUCH OF WHAT I WILL
8 SAY YOU WILL ALREADY HEARD, BUT IT'S IMPORTANT THAT
9 YOU HEAR IT.

10 WHY IS IT IMPORTANT THAT YOU HEAR IT? IT'S
11 IMPORTANT BECAUSE AS MR. DOBY SAID, THESE TWO
12 GENTLEMEN, ONE OF WHOM IS TYRONE SINGLETARY, THE
13 OTHER OF WHICH IS JACOB LYNCH, ARE ON TRIAL FOR SOME
14 VERY SERIOUS CHARGES.

15 AND IT IS -- IT'S VERY TRUE -- YOU CAN'T PRETEND
16 THAT THEY'RE NOT SITTING THERE IN THOSE BRIGHT YELLOW
17 JUMPSUITS WITH SHACKLES ON. YOU CAN'T IGNORE THAT
18 FACT. AND WE'RE NOT ASKING YOU TO IGNORE THAT FACT.

19 BUT AS THE JUDGE INDICATED AND WHAT MR. DOBY
20 INDICATED, AND AS -- WHAT WE ARE ASKING YOU TO DO AND
21 WHAT YOUR OATH OBLIGATES YOU TO DO IS TO PUT ASIDE
22 THROUGHOUT THE COURSE OF THIS TRIAL THEIR STATUS,
23 THEIR STATUS AS INMATES.

24 THE VERY NATURE OF THE CHARGES MEANS THAT THEY
25 WERE INMATES AT THE TIME THIS TOOK PLACE, BUT THEY'RE

1 NOT ON TRIAL FOR BEING IN PRISON. THEY ARE NOT ON
2 TRIAL FOR BEING IN PRISON. THEY'RE ON TRIAL FOR
3 BEING ACCUSED OF DOING CERTAIN THINGS WHILE THEY WERE
4 IN PRISON. AND I USE THE WORD ACCUSED.

5 EVERYBODY WHO COMES INTO COURT, EVERYBODY, AND I
6 DO MEAN EVERYBODY WITHOUT EXCEPTION IS ENTITLED TO
7 WHAT'S KNOWN AS A FAIR TRIAL. A FAIR TRIAL IS WHAT
8 MAKES OUR SYSTEM OF JUSTICE SO UNIQUE. THAT FAIR
9 TRIAL EMBODIES CERTAIN CONCEPTS WITHOUT WHICH I
10 GUARANTEE YOU OUR SOCIETY WOULD CRUMBLE AND CEASE TO
11 EXIST.

12 NOW, WHAT AM I TALKING ABOUT? WELL, ONE YOU
13 HAVE ALREADY HEARD. PRESUMPTION OF INNOCENCE. AS
14 HIS HONOR TOLD YOU, MR. LYNCH DOESN'T HAVE TO PROVE
15 HE WAS INNOCENT. THE STATE MUST PROVE HE IS GUILTY.
16 THE STATE. AND THE STATE IS REPRESENTED BY MR. FATA
17 WHO HAS A JOB TO DO AS WELL.

18 BUT THE STATE MUST PROVE HE'S GUILTY OF EVERY
19 ELEMENT. MR. FATA MENTIONED SEVERAL OFFENSES THAT
20 MR. LYNCH IS ACCUSED OF COMMITTING WITH MR.
21 SINGLETARY. WELL, EVERY ELEMENT OF THOSE OFFENSES
22 MUST BE PROVED.

23 IN FACT, THE RULES SAY -- AND THIS IS THE NEXT
24 PRINCIPLE THAT'S TIED UP IN OUR SYSTEM OF ENTITLING
25 EVERYONE TO A FAIR TRIAL. THE BURDEN OF PROOF. THE

1 RULES SAY IF THE STATE FAILS TO PROVE ANY ELEMENT,
2 ANY ELEMENT, YOU MUST FIND MR. LYNCH, MR. SINGLETARY
3 NOT GUILTY. THAT'S YOUR DUTY. YOU DIDN'T HAVE ANY
4 CHOICE IN THAT. THAT'S WHAT THE RULE SAYS.

5 SO THE BURDEN OF PROOF GOES ALONG WITH THE
6 PRESUMPTION OF INNOCENCE. EVERYBODY WALKS INTO THIS
7 COURTROOM WHO IS CHARGED WITH A CRIME PRESUMED TO BE
8 INNOCENT. IN FACT, IT'S EVEN LIKENED IT TO WHERE
9 IT'S KIND OF GRAYISH AND CLOUDY DAY, WELL, THEY HAVE
10 A CLOAK OF INNOCENCE, AN OVERCOAT OF INNOCENCE, AND
11 THAT WILL REMAIN AROUND THEM UNTIL SUCH TIME AS THE
12 STATE STRIPS IT AWAY. AND IT CAN ONLY DO THAT BY
13 PROVING EVERY ELEMENT OF THE OFFENSE.

14 NOW, PRESUMPTION OF INNOCENCE, BURDEN OF PROOF.
15 THAT BURDEN OF PROOF REQUIRES THAT THE STATE PROVE
16 EACH OF THOSE ELEMENTS BEYOND WHAT? BEYOND A
17 REASONABLE DOUBT. BEYOND A REASONABLE DOUBT.

18 THEREFORE IF YOU HAVE A REASONABLE DOUBT, THE
19 BENEFIT OF THAT DOUBT LIES -- OR WHO IS ENTITLED TO
20 BENEFIT OF THAT DOUBT I SHOULD SAY? THE BENEFIT OF
21 THAT DOUBT GOES TO JACOB LYNCH, NOT TO THE STATE.
22 THE BENEFIT OF THAT DOUBT GOES TO JACOB LYNCH.

23 AND THESE RULES THAT I HAVE JUST SUMMARIZED FOR
24 YOU, THESE AREN'T CLIFF SCOTT. THESE AREN'T JUDGE
25 THOMAS COOPER'S RULES. THEY AREN'T PAUL FATA'S RULES

1 OR BRIAN DOBY'S RULES. THEY ARE THE RULES THAT ARE
2 THE ABSOLUTE -- AT THE ABSOLUTE CORE OF OUR JUDICIAL
3 SYSTEM. THESE ARE ALSO THE RULES THAT MUST GOVERN
4 YOU.

5 NOW, I WILL TELL YOU RIGHT UP FRONT THAT, YOU
6 KNOW, WE'RE ALL HUMAN. WE ALL HAVE OUR OWN
7 PRECONCEIVED NOTIONS ABOUT PEOPLE WHO COMMIT CRIMES
8 AND PEOPLE WHO ARE IN PRISON, THINGS OF THAT SORT.

9 AND I WILL ALSO TELL YOU THAT THIS IS NOT A
10 PERSONALITY CONTEST. YOU WERE NOT BROUGHT INTO THIS
11 COURTROOM TODAY TO DECIDE WHETHER YOU LIKE OFFICER
12 DOZIER OR OFFICER COTTON OR MR. FATA OR CLIFF SCOTT
13 OR BRIAN DOBY OR TYRONE SINGLETARY OR JACOB LYNCH FOR
14 THAT MATTER.

15 YOU'RE NOT BROUGHT INTO THIS COURTROOM TO DECIDE
16 IT IS YOU LIKE MORE, OR WHO IS MORE LIKABLE. YOU'RE
17 BROUGHT IN HERE TO DETERMINE ONE THING AND ONE THING
18 ONLY, WHETHER THE STATE HAS PROVED THE EVIDENCE IN
19 THIS CASE OF THESE CHARGES.

20 I WILL BE GLAD TO TELL YOU, AND I'M NOT GIVING
21 AWAY ANY SECRETS. IF IT WERE A PERSONALITY CONTEST,
22 I'D PROBABLY LOSE THAT. WE'D PROBABLY LOSE THE
23 PERSONALITY CONTEST. BUT THAT'S NOT WHAT THIS IS
24 ABOUT. THIS IS NOT A PERSONALITY CONTEST. THIS IS
25 NOT A GAME. THIS IS VERY SERIOUS.

1 THIS IS THE ONLY OPPORTUNITY THAT JACOB LYNCH
2 WILL HAVE TO BE TRIED ON THESE CHARGES. IT'S
3 EXTREMELY IMPORTANT THEREFORE IN THAT YOU TAKE YOUR
4 OATH SERIOUSLY, AND WE BELIEVE YOU WILL DO THAT. WE
5 BELIEVE YOU'LL DO THAT.

6 AS THE JUDGE SAID, PLEASE DON'T MAKE UP YOUR
7 MIND ABOUT WHAT HAPPENED IN THIS CASE UNTIL THE VERY
8 END OF THIS CASE BECAUSE ONLY THEN AND ALL -- AND I
9 DO MEAN ONLY THEN -- ONLY THEN WILL YOU HAVE ALL THE
10 EVIDENCE.

11 IT'S JUST LIKE BAKING A CAKE, YOU KNOW. THERE'S
12 A RECIPE THAT YOU HAVE TO FOLLOW. SOME ARE SO GOOD
13 AT COOKING THAT YOU DON'T HAVE TO FOLLOW A RECIPE.
14 BUT A CAKE DOES REQUIRE CERTAIN INGREDIENTS.

15 AND IF YOU PUT ONLY -- ONLY PUT ONE INGREDIENT
16 IN THAT CAKE AND THROW IT IN THE OVEN, IT AIN'T GOING
17 TO TURN OUT RIGHT. IF YOU JUST PUT FLOUR IN THERE,
18 NO WATER, PUT IT IN THE OVEN, THAT'S NOT GOING TO BE
19 A VERY TASTY CAKE.

20 YOU'VE GOT TO PUT FLOUR IN IT, GOT TO PUT EGGS,
21 SHORTENING, MILK, BUTTER, ANYTHING ELSE YOU HAVE TO
22 PUT IN THAT CAKE. THE SAME THING APPLIES TO THIS
23 TRIAL. YOU HAVE TO WAIT UNTIL YOU GET ALL THE
24 INGREDIENTS BEFORE YOU CAN THEN BEGIN TO BAKE THAT
25 CAKE.

1 YOU HAVE TO WAIT UNTIL YOU HAVE ALL THE FACTS,
2 ALL OF THE FACTS BEFORE YOU CAN BEGIN TO DELIBERATE
3 THIS CASE. AND YOU WON'T HAVE THAT UNTIL THE END OF
4 THIS CASE.

5 SO WHAT I ASK YOU TO DO ON BEHALF OF JACOB LYNCH
6 IS TO PLEASE -- AND WE KNOW YOU WILL -- WAIT TILL ALL
7 THE FACTS ARE IN. AND KEEP IN MIND, AS I SAID, IF
8 THERE IS A DOUBT AT THE END OF THIS CASE, THAT DOUBT
9 RESTS -- THE BENEFIT OF THAT DOUBT RESTS WITH JACOB
10 LYNCH.

11 THANK YOU. LIKE I SAID, I'M THE THIRD ONE. I'M
12 SORRY YOU HAVE TO LISTEN TO THREE LAWYERS IN
13 SUCCESSION. THAT'S THE WAY IT IS. THANK YOU VERY
14 MUCH AND WE LOOK FORWARD TO WORKING WITH YOU.

15 *THE COURT:* THANK YOU, MR. SCOTT.

16 *MR. SCOTT:* THANK YOU, YOUR HONOR.

17 *THE COURT:* MR. FATA, YOU CAN CALL YOUR FIRST
18 WITNESS.

19 *MR. FATA:* YOUR HONOR, THE STATE CALLS SERGEANT
20 WANDA SCARBOROUGH.

21 (WITNESS IN COURTROOM.)

22 *THE COURT:* ANY OBJECTION, GENTLEMEN, TO THE
23 DIAGRAMS, THE PHOTOGRAPHS HERE THAT ARE UP IN FRONT?

24 *MR. DOBY:* NO, SIR, YOUR HONOR.

25 *MR. SCOTT:* NO YOUR HONOR.

1 COLUMBIA, SOUTH CAROLINA, FOR FOUR WEEKS. AND I'VE ALSO
2 TAKEN SOME SUPERVISORY CLASSES, ON-THE-JOB TRAINING, AND
3 THE EXPERIENCE THAT I RECEIVED FROM WORKING THERE.

4 Q HOW LONG HAVE YOU BEEN A SERGEANT?

5 A FOR ABOUT A YEAR AND -- ALMOST TWO YEARS.

6 Q OKAY. WERE YOU A SERGEANT AT THE TIME OF THE
7 INCIDENT WE'RE GOING TO TALK ABOUT?

8 A NO, SIR. I WAS AN OFFICER, CORRECTIONAL OFFICER TWO.

9 Q OKAY. WHAT IS YOUR JOB NOW AT THE INSTITUTION?

10 A MY JOB NOW AT THE INSTITUTION IS SHIFT SERGEANT OF A1
11 SHIFT, IS BASICALLY ASSISTING THE LIEUTENANT AND THE
12 CAPTAIN OF THAT SHIFT.

13 Q OKAY. MAKING SURE PEOPLE ARE WHERE THEY ARE SUPPOSED
14 TO BE?

15 A RIGHT. I ASSIST THEM WITH SECURITY PERSONNEL, THE
16 CUSTODY AND CONTROL OF THE INMATES, BASICALLY OVERSEEING
17 THE SHIFT.

18 Q ON OCTOBER 29TH OF 2003 WHAT WERE -- WHAT WAS YOUR
19 JOB?

20 A MY JOB THEN WAS, LIKE I SAID, CORRECTIONAL OFFICER
21 TWO, AND I WAS ASSIGNED TO THE EAST YARD AS THE EAST YARD
22 OFFICER.

23 Q OKAY. NOW, IS A YARD OF OFFICER DIFFERENT FROM A
24 DORM OFFICER?

25 A YES, SIR.

1 Q AND WHAT'S THE DIFFERENCE?

2 A THE DIFFERENCE BETWEEN A YARD OFFICER AND A DORM
3 OFFICER IS THE YARD OFFICER REMAINS OUTSIDE THROUGHOUT THE
4 SHIFTS AND WE BASICALLY CONTROL THE MOVEMENT ON THE YARD.
5 LIKE WHEN IT'S TIME TO GO TO SCHOOL OR FEED, WE CALL THE
6 INMATES OUT OF THE DORM. WE CONTROL THE MOVEMENT FROM
7 EACH DORM.

8 AND IF WE HAVE A CODE, THAT OFFICER IS CALLED FIRST
9 RESPONDER, AND WE SUPPOSED TO LOCATE AND VERIFY THE
10 INCIDENT AND REPORT WHAT IS GOING ON BACK TO THE CONTROL
11 ROOM.

12 Q SO ON OCTOBER 29TH, 2003, YOU WERE WORKING AT LEE
13 CORRECTIONAL INSTITUTE?

14 A YES.

15 Q AS A YARD OFFICER?

16 A RIGHT.

17 Q AND PART OF THAT DUTY WAS AS -- WAS TO BE A FIRST
18 RESPONDER?

19 A YES.

20 Q WHAT DOES A FIRST RESPONDER DO?

21 A A FIRST RESPONDER IS THE OFFICER OR SOMETIMES IT
22 COULD BE A SUPERVISOR, WHOEVER IS ASSIGNED TO FIRST
23 RESPONDING, IS THE PERSON THAT LOCATE AND VERIFY THAT
24 THERE'S A SITUATION BECAUSE SOMETIMES WE HAVE SITUATIONS
25 THAT MAY BE A CODE, BUT IT'S REALLY NOT A CODE.

1 SO AS THE FIRST RESPONDER, WE HAVE TO GO TO THAT AREA
2 AND LET THE CONTROL ROOM KNOW IF WE IN FACT HAVE AN ACTUAL
3 SITUATION.

4 Q OKAY. ON OCTOBER 29TH, 2003, HOW LONG HAD YOU
5 BEEN -- WHAT TIME DID YOU COME TO WORK? EXCUSE ME. WHAT
6 TIME DID YOU COME TO WORK THAT DAY?

7 A AT 6:45 AM.

8 Q ALL RIGHT. AND HOW DID THE DAY GO UP UNTIL THE EARLY
9 AFTERNOON?

10 A UP UNTIL THE EARLY AFTERNOON WE WERE PRETTY MUCH
11 HAVING A NORMAL DAY.

12 Q NO INCIDENTS THAT YOU...

13 A WELL, WE HAD A -- NO, NO CODES. WE DIDN'T HAVE A
14 CODE THAT WOULD REQUIRE A FIRST RESPONDER TO REPORT AND,
15 YOU KNOW, SAY WHAT'S GOING ON IN THAT AREA.

16 Q OKAY. BUT NOW, LATER ON IN THE DAY DID YOU HAVE A
17 CODE?

18 A YES, WE DID.

19 Q DO YOU RECALL WHAT TIME YOU HAD A CODE?

20 A THAT CODE WAS APPROXIMATELY 5:00, 5:05 P.M.

21 Q AND WHAT WAS THE CODE?

22 A THE CODE CAME FROM LEE CONTROL AND THE CONTROL ROOM
23 STATED THAT PHONE WAS OFF THE HOOK IN THE CHESTERFIELD
24 UNIT.

25 Q OKAY. NOW, WHAT IS THE SIGNIFICANCE OF A PHONE BEING

1 OFF THE HOOK IN A -- IN ONE OF THE DORMS?

2 A A PHONE BEING OFF THE HOOK IS A -- IS A WAY THAT THE
3 OFFICER CAN ALERT THE CONTROL ROOM THAT THEY NEED HELP,
4 BECAUSE FOR WHATEVER REASON, IF THEIR EQUIPMENT ISN'T
5 WORKING OR IF THEY MAY NOT BE ABLE TO -- BODY ALERT MIGHT
6 NOT BE WORKING, OR IF AN INMATE ATTACKS AN OFFICER, IT'S
7 JUST A -- BETWEEN THE OFFICER AND THE INMATE, YOU CAN TRY
8 TO KNOCK THE PHONE OFF THE HOOK AND THAT'S AN IMMEDIATE
9 CODE TO LEE CONTROL THAT OFFICER IS IN DISTRESS OR A
10 SITUATION IS IN THAT AREA.

11 Q OKAY. DID YOU RESPOND TO THAT CODE?

12 A YES, I DID.

13 Q WHAT DID YOU DO?

14 A I RAN TO THE CHESTERFIELD UNIT AND I LOOKED IN THE
15 WINDOW.

16 MR. FATA: ALL RIGHT. YOUR HONOR, MAY SHE COME
17 DOWN TO THE EXHIBIT?

18 THE COURT: YOU CAN. MRS. SCARBOROUGH, IF YOU
19 WILL STAND ON THE OTHER SIDE OF THE EXHIBIT FACING
20 THIS DIRECTION SO THAT YOU WILL BE FACING THE COURT
21 REPORTER AND THE JURY, OKAY? IN OTHER WORDS, DON'T
22 TURN YOUR BACK TO THE COURT REPORTER. THANK YOU.

23 BY MR. FATA:

24 Q SERGEANT SCARBOROUGH, THIS IS STATE'S EXHIBIT NUMBER
25 FIVE. AND DO YOU RECOGNIZE---

1 THE COURT: STAND ON THE OTHER SIDE WHERE HE IS.

2 BY MR. FATA:

3 Q STAND OVER HERE WITH ME. DO YOU RECOGNIZE THESE
4 PHOTOGRAPHS?

5 A YES, I DO.

6 Q ALL RIGHT. WHAT -- WHAT DO YOU SEE? AGAIN YOU SAY
7 YOU RAN TO THE FRONT DOOR. NOW, WHAT -- WHAT...

8 A RIGHT. THIS IS THE SIDEWALK WHERE I WAS RUNNING.
9 THIS IS THE DORM, CHESTERFIELD UNIT.

10 Q THIS IS WHAT, THE -- THE FRONT DOOR?

11 A THIS IS THE FRONT DOOR RIGHT HERE WHICH IS LARGE
12 PICTURE RIGHT HERE, THE FRONT DOOR WHICH IS RIGHT HERE.
13 WHEN THEY SAY, PHONE OFF THE HOOK IN THE LIEUTENANT'S
14 OFFICE IN CHESTERFIELD UNIT, THE OFFICE THAT THESE WHO
15 WINDOWS RIGHT HERE WILL LET YOU LOOK INSIDE THE OFFICE
16 WHICH IS ON THIS SIDE OF THE DOOR.

17 SO AS I RAN TO LOOK INSIDE THE OFFICE AND I GOT TO
18 THESE TWO WINDOWS, I SAW PLANTS ON THE FLOOR, THE PHONE
19 WAS LAYING ON THE FLOOR, AND BROKEN GLASS WAS BROKEN FROM
20 THE WINDOW IN THE OFFICE. AND AS I WAS RUNNING TO THE
21 OFFICE, I COULD SEE INMATES STANDING IN THIS AREA, BUT---

22 Q WELL NOW, THIS AREA MEAN -- NOW, WHAT IS THIS AREA?

23 A THE FRONT DOOR. THIS IS THE FRONT DOOR. BUT I
24 DIDN'T GO IN THE FRONT DOOR. I WENT TO LOOK INSIDE THE
25 OFFICE BECAUSE THEY SAY THE PHONE WAS OFF THE HOOK IN THE

1 OFFICE.

2 SO AS I WAS REPORTING TO LEE CONTROL WHAT I SAW,
3 PLANTS KNOCKED OVER, THE TELEPHONE ON THE FLOOR, BROKEN
4 GLASS, THAT'S WHEN ONE OF THE INMATES, EITHER TYRONE LYNCH
5 OR -- TYRONE SINGLETARY OR JACOB LYNCH BROKE THIS WINDOW.
6 THEY BROKE THE GLASS FROM THE FRONT DOOR.

7 AND THAT'S WHEN INMATE JACOB LYNCH TOLD ME, YEAH,
8 TELL LEE CONTROL WE HAVE A FUCKING HOSTAGE SITUATION. AS
9 I WAS TELLING LEE CONTROL WHAT HE SAID, THAT'S WHEN I
10 STEPPED FROM THE WINDOW TO THE FRONT DOOR.

11 Q THIS FRONT DOOR?

12 A THIS FRONT DOOR. AND THEY WERE ON THE OTHER SIDE OF
13 THIS DOOR AND I WAS STANDING ON THE OUTSIDE OF THE DOOR
14 AND INMATE JACOB LYNCH TOLD ME, WE GOT OFFICER COTTON AND
15 WE GOING TO GET OFFICER DOZIER.

16 AND AT THAT TIME INMATE TYRONE SINGLETARY WAS
17 STANDING THERE WITH INMATE JACOB LYNCH AND HE WAS SAYING
18 WHAT -- THE SAME THING JACOB LYNCH WAS SAYING, THAT INMATE
19 JACOB LYNCH SAID, WE GOT A HOSTAGE SITUATION. AND WHEN I
20 WAS STANDING AT THE WINDOW I COULD HEAR ANOTHER VOICE
21 SAYING, YEAH, WE GOT A FUCKING HOSTAGE SITUATION.

22 AND WHEN I STEPPED TO THE DOOR, I WAS FACE TO FACE
23 WITH INMATE JACOB LYNCH WHEN HE TOLD ME, WE GOT OFFICER
24 COTTON, AND INMATE TYRONE SINGLETARY WAS LIKE, YEAH, WE
25 GOT OFFICER COTTON.

1 AND THAT'S WHEN I REPORTED TO LEE CONTROL, YOU KNOW,
2 WHAT THEY WERE SAYING. AND BY THAT TIME THE OTHER
3 RESPONDERS WERE ON THE WAY TO ASSIST ME WITH THE
4 SITUATION.

5 Q OKAY. GO AHEAD AND HAVE A SEAT.

6 A (COMPLIED.)

7 Q NOW, YOU RECOGNIZED INMATES SINGLETARY AND INMATES
8 LYNCH?

9 A YES.

10 Q WHERE -- YOU POINT THEM OUT IN THE COURTROOM? WHICH
11 ONE IS -- WHICH ONE IS INMATE SINGLETARY?

12 A INMATE SINGLETARY IS SITTING RIGHT THERE (INDICATED).

13 Q THIS INMATE?

14 A RIGHT, THAT INMATE TYRONE SINGLETARY.

15 Q AND HOW ABOUT INMATE LYNCH?

16 A THAT'S INMATE LYNCH RIGHT THERE.

17 Q THE ONE ON THE OTHER END OF THE TABLE?

18 A RIGHT.

19 Q HOW DID YOU KNOW INMATE LYNCH AND INMATE SINGLETARY
20 ON THE 29TH OF OCTOBER, 2003?

21 A I KNEW INMATE TYRONE SINGLETARY BECAUSE I HAD WORKED
22 WITH HIM BEFORE AND INMATES IN OTHER AREAS. INMATE TYRONE
23 SINGLETARY, HE IS THE TYPE OF INMATE THAT LIKES ATTENTION.
24 HE LIKES TO BE IN THE OFFICER'S FACE. I HAD WRITTEN HIM
25 UP SEVERAL TIMES FOR DISCIPLINARY---

1 MR. DOBY: YOUR HONOR?

2 THE COURT: YES, SIR. I WILL SUSTAIN THAT
3 OBJECTION.

4 BY MR. FATA:

5 Q DON'T GO INTO THAT. BUT JUST, HE WAS ALWAYS...

6 A I KNEW HIM FROM WORKING...

7 Q WORKING WITH HIM?

8 A RIGHT.

9 Q OKAY. HOW ABOUT LYNCH?

10 A NO, I DIDN'T KNOW INMATE JACOB LYNCH AT THAT TIME.

11 Q AND HOW DID YOU DETERMINE WHO HE WAS?

12 A I DETERMINED WHO HE WAS BECAUSE, AS I -- LIKE I SAID,
13 WHEN I WENT TO THE WINDOW AND HEARD HIS VOICE, THAT VOICE
14 THAT SAID, TELL LEE CONTROL WE GOT A FUCKING HOSTAGE
15 SITUATION, WHEN I STEPPED TO THE FRONT DOOR AND WAS
16 STANDING THERE LOOKING AT THEM, HE -- THAT WAS THE SAME
17 VOICE THAT TOLD ME, YEAH, TELL THEM WE GOT COTTON AND WE
18 GOING TO GET DOZIER, AND THAT WAS INMATE JACOB LYNCH.

19 Q OKAY. NOW, AT THE TIME ON OCTOBER 29TH, 2003, WHAT
20 WAS THE STATUS OF INMATE SINGLETARY AND INMATE LYNCH?
21 STATUS MEANING, WERE THEY INMATES?

22 A YES, THEY WERE BOTH INMATES.

23 Q IN CUSTODY OF THE DEPARTMENT OF CORRECTIONS?

24 A IN THE CLOSE CUSTODY OF THE DEPARTMENT.

25 Q AND THESE THINGS THAT YOU OBSERVED OCCURRED HERE IN

1 LEE COUNTY?

2 A YES.

3 Q OUT AT THE LEE CORRECTIONAL INSTITUTE?

4 A YES.

5 Q ALL RIGHT. DID YOU KNOW OFFICER COTTON AND OFFICER
6 DOZIER?

7 A YES.

8 Q DO YOU NOW THAT THEY ARE -- EXCUSE ME. ON
9 OCTOBER 29TH, 2003, WERE THEY CORRECTIONS OFFICER?

10 A YES, THEY WERE.

11 Q AFTER YOU SAY YOU WENT TO THE FRONT DOOR, WHAT
12 HAPPENED -- AND YOU HEARD THESE STATEMENTS, WHAT HAPPENED
13 NEXT? WHAT -- WHAT -- WHAT, SOME OTHER RESPONDERS CAME
14 UP?

15 A RIGHT. AS I WAS STANDING AT THE FRONT DOOR, INMATE
16 JACOB LYNCH AND INMATE TYRONE SINGLETARY WERE STANDING ON
17 THE OTHER SIDE OF THE DOOR AND I WAS TRYING TO SECURE THE
18 DOOR TO KEEP THEM FROM COMING OUT.

19 Q WERE YOU ABLE TO DO THAT?

20 A YES, I WAS, WITH THE HELP OF SERGEANT JOHNSON AND
21 SERGEANT JUNE BECAUSE THEY WERE COMING TO ASSIST ME. AND
22 BY THE TIME I GOT THE DOOR CLOSED, THEY WERE ALREADY THERE
23 HELPING ME HOLD THE DOOR, AND I SECURED THE DOOR.

24 Q ALL RIGHT. WHEN YOU SAW INMATE SINGLETARY AND INMATE
25 LYNCH AT THE FRONT DOOR IN THIS -- THIS WINDOW AREA, DID

1 YOU SEE OFFICER COTTON AT THAT TIME?

2 A NO, I DID NOT.

3 Q OKAY. DID YOU SEE ANYTHING, ANY TYPE OF WEAPON OR
4 ANYTHING LIKE THAT, IN EITHER SINGLETARY OR LYNCH'S HAND?

5 A NOT THAT I CAN RECALL.

6 Q OKAY. ANSWER ANY QUESTIONS THAT EITHER MR. DOBY OR
7 MR. SCOTT MAY HAVE.

8 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

9 CROSS-EXAMINATION

10 BY MR. DOBY:

11 Q OFFICER SCARBOROUGH, YOU HAD WORKED WITH OFFICER
12 COTTON AND OFFICER DOZIER FOR SOME TIME PRIOR TO THIS
13 INCIDENT; CORRECT?

14 A YES.

15 Q OKAY. AFTER THIS INCIDENT OCCURRED, WERE YOU
16 REQUESTED TO PROVIDE A STATEMENT OF WHAT YOU SAW?

17 A WELL, I WASN'T REQUESTED TO PROVIDE A STATEMENT. YOU
18 MEAN IMMEDIATELY AFTER THE INCIDENT OCCURRED?

19 Q IMMEDIATELY AFTER THE INCIDENT.

20 A WELL, IMMEDIATELY AFTER WE HAVE ANY TYPE OF INCIDENT,
21 ALBEIT MAJOR OR MINOR, WE ALWAYS DO INCIDENT REPORTS, SO I
22 DID--

23 Q OKAY.

24 A -- DID AN INCIDENT REPORT AT THAT TIME.

25 Q ALL RIGHT.. AND HOW LONG AFTER THIS INCIDENT DID YOU

1 WRITE UP THIS REPORT?

2 A I WOULD SAY MAYBE AN HOUR OR SO AFTER THE INCIDENT
3 WAS RESOLVED.

4 Q ALL RIGHT. AND OBVIOUSLY THE QUICKER YOU GIVE A
5 STATEMENT, THE BETTER RECOLLECTION THAT YOU HAVE OF THE
6 THINGS THAT OCCURRED? WOULD YOU AGREE WITH ME OF THAT?
7 IN OTHER WORDS, IF I GIVE A STATEMENT TWO YEARS FROM
8 SOMETHING -- FROM SOMETHING HAPPENING, THEN MY STATEMENT
9 THAT I GAVE AN HOUR AFTER IT HAPPENED IS PROBABLY GOING TO
10 BE A LITTLE BETTER, LITTLE MORE ACCURATE; ISN'T IT?

11 A YEAH, IT SHOULD BE.

12 Q OKAY. HAVE YOU REVIEWED ANY STATEMENT THAT YOU GAVE
13 PRIOR TO YOUR TESTIMONY TODAY?

14 A WELL, I HAD THE STATEMENTS OF -- THE STATEMENT THAT I
15 GAVE SLED, BUT I DON'T THINK I HAVE READ THE STATEMENT
16 THAT I DID IMMEDIATELY AFTER THE INCIDENT.

17 Q ALL RIGHT. WELL, LET ME ASK YOU, SHOW YOU THIS THAT
18 WAS PROVIDED TO ME AND ASK YOU IF THAT IS THE STATEMENT
19 THAT YOU GAVE AT 11:15 P.M. ON OCTOBER THE 29TH OF '03.

20 A YEAH, THAT'S -- THAT'S MY HANDWRITING.

21 Q ALL RIGHT. DID YOU SIGN IT?

22 A YES, I DID.

23 Q OKAY. AND THAT WOULD HAVE BEEN GIVEN THE SAME DAY
24 THAT THIS INCIDENT OCCURRED; CORRECT?

25 A RIGHT.

1 Q ALL RIGHT. IF YOU WILL READ WITH ME THEN. THE
2 STATEMENT ESSENTIALLY SAYS YOU RESPONDED TO A CALL FROM
3 LEE CONTROL, THE PHONE OFF THE HOOK IN CHESTERFIELD
4 LIEUTENANT'S OFFICE. AS I APPROACHED THE UNIT, I NOTICED
5 SEVERAL, APPROXIMATELY THREE INMATES, STANDING AT THE
6 FRONT DOOR.

7 I THEN LOOKED THROUGH THE WINDOW INTO THE OFFICE AND
8 IMMEDIATELY REPORTED TO LEE CONTROL SHATTERED GLASS,
9 WINDOWS TO OFFICE BUSTED, AND THE TELEPHONE ON THE FLOOR.
10 THOSE ARE ALL TRUE STATEMENTS; CORRECT?

11 A CORRECT.

12 Q OKAY. AN UNIDENTIFIED INMATE THEN, AS THE STATEMENT
13 INDICATES, THEN BROKE THE WINDOW FROM THE FRONT DOOR.
14 THAT WOULD BE A TRUE STATEMENT, ISN'T IT, WHAT YOU HAVE IN
15 THE STATEMENT THERE; CORRECT?

16 A YES.

17 Q OKAY. AND IT DOES SAY AN UNIDENTIFIED INMATE; DOES
18 IT NOT?

19 A IT DOES.

20 Q ALL RIGHT. AND THEN WHAT DID THAT INMATE SAY?

21 A ACCORDING TO THIS REPORT THAT I WROTE, IT SAID,
22 REPORT, WE GOT HOSTAGES, TWO.

23 Q AND?

24 A AND -- CONTINUE READING?

25 Q PLEASE.

1 A IT SAID, WE ALREADY GOT COTTON FUCKED UP AND WE GOING
2 TO GET DOZIER, TOO.

3 Q OKAY. AT WHICH TIME SERGEANT JUNE AND SERGEANT
4 JOHNSON THEN ASSISTED ME IN SECURING THE FRONT DOOR;
5 CORRECT?

6 A RIGHT. THAT'S CORRECT.

7 Q ALL RIGHT. YOU KNEW TYRONE SINGLETARY AS YOU
8 DESCRIBED FROM GUARDING HIM IN THE PAST?

9 A THAT'S TRUE.

10 Q OKAY. YOU DIDN'T KNOW TYRONE -- OR YOU DIDN'T KNOW
11 JACOB LYNCH?

12 A NO, I DID NOT KNOW JACOB LYNCH.

13 Q OKAY. AND THAT IS THE STATEMENT THAT YOU SIGNED?

14 A IT IS.

15 Q OKAY.

16 MR. DOBY: YOUR HONOR, I WOULD HAVE THIS
17 STATEMENT THEN ADMITTED AS DEFENDANT SINGLETARY'S
18 EXHIBIT NUMBER ONE.

19 THE COURT: ANY OBJECTION?

20 MR. FATA: YOUR HONOR, THE ONLY THING -- WE GOT
21 HER TESTIMONY AND HE'S HAD AN OPPORTUNITY TO
22 CROSS-EXAMINE HER. I THINK THE BEST EVIDENCE IS THE
23 TESTIMONY.

24 THE COURT: I THINK HE'S ENTITLED TO GET IT INTO
25 EVIDENCE, SO I WILL ALLOW IT INTO EVIDENCE. DEFENSE

1 SINGLETARY'S ONE.

2 (WHEREUPON, DEFENDANT SINGLETARY'S EXHIBIT 1 WAS
3 ADMITTED INTO EVIDENCE.)

4 THE WITNESS: MAY I SAY SOMETHING, PLEASE?

5 THE COURT: YOU WILL GET ANOTHER CHANCE. MR.
6 FATA IS GOING TO ASK YOU SOME MORE QUESTIONS.

7 BY MR. DOBY:

8 Q PLEASE POINT OUT TO ME IN THAT STATEMENT WHERE IT
9 SAYS THAT TYRONE SINGLETARY SAID ANYTHING.

10 A HIS NAME ISN'T MENTIONED IN THIS REPORT.

11 Q ALL RIGHT. PLEASE REPORT OR TELL ME WHERE IN THAT
12 STATEMENT IT INDICATES THAT TYRONE SINGLETARY DID
13 ANYTHING.

14 A IT DOESN'T STATE HIS NAME IN THIS REPORT.

15 Q THANK YOU.

16 THE COURT: MR. SCOTT?

17 MR. SCOTT: YOUR HONOR, THANK YOU. MAY IT
18 PLEASE THE COURT. YOUR HONOR, I WONDER IF I MIGHT
19 TAKE A LOOK AT THIS DEFENDANT'S EXHIBIT NUMBER ONE.

20 THE COURT: IT'S IN EVIDENCE.

21 CROSS-EXAMINATION

22 BY MR. SCOTT:

23 Q YOU ARE SERGEANT SCARBOROUGH NOW; IS THAT CORRECT,
24 MA'AM?

25 A YES, SIR.

1 Q OKAY. AND AS MR. DOBY JUST QUESTIONED YOU REGARDING
2 THIS REPORT, THIS IS AN INCIDENT REPORT THAT YOU MADE ON
3 OCTOBER 29TH, 2003; IS THAT CORRECT?

4 A THAT'S CORRECT.

5 Q AND NOW EARLIER WHEN YOU WERE TESTIFYING -- LET ME
6 BACK UP. YOU ALSO MADE A STATEMENT -- DID YOU NOT ALSO
7 GIVE A SWORN WRITTEN STATEMENT TO SLED SOMETIME LATER?

8 A I DID.

9 Q LET ME JUST SHOW YOU WHAT IS ENTITLED, VOLUNTARY
10 STATEMENT, AND IT'S DATED NOVEMBER 5TH, APPROXIMATELY
11 3:30 P.M. AND ASK IF YOU CAN LOOK AT THIS AND TELL ME IF
12 YOU CAN IDENTIFY THAT STATEMENT AS BEING YOURS.

13 A THAT'S MY STATEMENT.

14 Q ALL RIGHT. AND THIS IS THE STATEMENT YOU GAVE SLED
15 ON THE -- ABOUT THE FIFTH OF NOVEMBER?

16 A OKAY. THIS IS THE STATEMENT THAT I MADE TO THEM ON
17 THE -- WHAT DATE DID YOU SAY IT WAS?

18 Q THE SIGNATURE APPEARS ON -- SECOND PAGE THE FIRST.

19 A OKAY. OKAY. I DID WROTE THIS STATEMENT, BUT -- HOLD
20 ON, SIR. IF YOU WILL LOOK RIGHT HERE ON THIS LINE IT SAYS
21 THAT IN FACT THE CONVERSATION AND EVENT TOOK PLACE EARLIER
22 DURING THAT DAY.

23 Q OKAY. I'M GOING TO LET YOU--

24 A RIGHT.

25 Q -- GO OVER THAT.

1 A YEAH.

2 Q SO THIS IS YOUR STATEMENT?

3 A IT IS.

4 Q ALL RIGHT. AND IN THIS STATEMENT -- LET ME HAVE THIS
5 MARKED?

6 MR. SCOTT: IF I COULD HAVE THIS MARKED, YOUR
7 HONOR, AS JACOB LYNCH, THE DEFENSE EXHIBIT.

8 THE COURT: ANY OBJECTION, MR. FATA?

9 MR. FATA: JUST THE SAME AS BEFORE.

10 THE COURT: ALL RIGHT. I WILL ALLOW IT INTO
11 EVIDENCE.

12 (WHEREUPON, DEFENDANT LYNCH'S EXHIBIT 1 WAS
13 ADMITTED INTO EVIDENCE.)

14 BY MR. SCOTT:

15 Q NOW, IN THIS STATEMENT WHICH I'VE JUST LET YOU TAKE A
16 LOOK AT, YOU ALSO DESCRIBED THE INCIDENT THAT TOOK PLACE
17 THAT RESULTED IN YOU RESPONDING TO IT; IS THAT CORRECT?

18 A REPEAT THAT, PLEASE.

19 Q IN THIS STATEMENT, THE ONE YOU MADE ON NOVEMBER 5TH,
20 YOU ALSO DESCRIBED THE INCIDENT THAT TOOK PLACE THAT YOU
21 RESPONDED TO INVOLVING THE INMATES AT THE DOOR?

22 A LET ME SEE IT AGAIN.

23 Q YOU CAN GO AHEAD AND READ THAT IF YOU'D LIKE.

24 A OKAY. THANKS. YES. THAT'S CORRECT.

25 Q ALL RIGHT. SO WHAT I'M ASKING YOU IS, JUST AS YOU

1 DESCRIBED IN YOUR INCIDENT REPORT WHICH MR. DOBY
2 QUESTIONED YOU ABOUT--

3 A UH-HUH.

4 Q -- JUST AS YOU DESCRIBED WHAT HAPPENED ON THAT
5 AFTERNOON, YOU ALSO DESCRIBE IT IN THIS STATEMENT,
6 DEFENDANT'S EXHIBIT NUMBER, ONE JACOB LYNCH DEFENSE NUMBER
7 ONE; CORRECT?

8 A UH-HUH.

9 Q ALL RIGHT. AND JUST AS MR. DOBY QUESTIONED YOU
10 EARLIER, YOU DON'T MENTION THE NAMES OF ANY INMATES IN
11 EITHER OF THESE STATEMENTS; DO YOU?

12 A NO.

13 Q OKAY. IN FACT, ON DEFENSE EXHIBIT ONE FOR MR.
14 SINGLETARY, YOU DON'T MENTION MR. LYNCH'S NAME; DO YOU?

15 A NO, I DON'T THINK I MENTION IT -- NEITHER OF THEM
16 NAMES IN EITHER--

17 Q RIGHT.

18 A -- EITHER REPORT.

19 Q AND THIS -- OF COURSE, THE FIRST -- THE INCIDENT
20 REPORT WAS ON OCTOBER 29TH, 2003. AND THEN LATER, FOUR OR
21 FIVE DAYS LATER ON NOVEMBER 5TH, 2003, YOU WRITE A SWORN
22 STATEMENT TO SLED AND THIS STATEMENT INDICATES THAT YOU
23 HAVE READ IT AND THAT THE INFORMATION IS CORRECT AND TRUE.
24 YOU UNDERSTOOD THIS WAS A SWORN STATEMENT WHEN YOU MADE
25 IT; CORRECT?

1 A YES, I DID.

2 Q BUT NOWHERE IN THIS STATEMENT DO YOU MENTION JACOB
3 LYNCH'S NAME; IS THAT CORRECT?

4 A THAT'S CORRECT.

5 Q AND I BELIEVE DURING YOUR TESTIMONY EARLIER YOU
6 INDICATED -- AND CORRECT ME IF I'M WRONG, PLEASE -- YOU
7 INDICATED THAT YOU WERE -- DID YOU SAY YOU WERE A YARD
8 OFFICER AT THE TIME?

9 A YES, I WAS.

10 Q AND SO YOU WORKED ON THE YARD, NOT NECESSARILY IN THE
11 DORMS?

12 A I WAS ON THE YARD THAT DAY.

13 Q OKAY.

14 A BUT I ALSO WORK IN THE DORMS A LOT OF TIMES. THAT
15 WAS JUST MY ASSIGNMENT FOR THAT DAY BECAUSE WE HAVE A
16 DIFFERENT POST ASSIGNMENT ALMOST EVERY DAY.

17 Q AND I BELIEVE YOU INDICATED EARLIER THAT -- WELL, ON
18 THIS PARTICULAR DAY YOU WERE NOT IN THE DORM, YOU WERE ON
19 THE YARD?

20 A RIGHT.

21 Q OKAY. AND YOU SAID YOU WENT TO THE DOOR. IN YOUR
22 STATEMENT YOU SAID YOU WENT TO THE DOOR AND YOU SAW
23 SEVERAL INMATES AT THE DOOR; RIGHT?

24 A AS I WAS RUNNING TOWARDS THE BUILDING, I COULD SEE
25 INMATES STANDING AT THE DOOR.

1 Q OKAY. AND IN YOUR STATEMENT YOU ESSENTIALLY SAY YOU
2 SAW INMATES AT THE DOOR, BUT YOU DON'T IDENTIFY ANYBODY
3 SPECIFICALLY -- SPECIFICALLY JACOB LYNCH AS BEING ONE OF
4 THOSE INMATES IN YOUR STATEMENTS; DO YOU?

5 A NO, NOT IN THAT STATEMENT.

6 Q ALL RIGHT. THANK YOU. THAT'S ALL I HAVE.

7 THE COURT: MR. FATA, REDIRECT?

8 MR. FATA: THANK YOU, YOUR HONOR.

9 REDIRECT EXAMINATION

10 BY MR. FATA:

11 Q SERGEANT SCARBOROUGH, WERE YOU ABLE TO IDENTIFY
12 THESE -- THESE INMATES THAT YOU REFER TO IN THESE
13 STATEMENTS?

14 A YES.

15 Q YOU DID THAT LATER?

16 A YES.

17 Q HOW DID YOU DO THAT?

18 A WHEN I STARTED HEARING THAT -- WHO THE INMATES
19 WERE---

20 MR. DOBY: OBJECTION, YOUR HONOR.

21 THE COURT: I WILL SUSTAIN THE OBJECTION IN --
22 ANY SPECIFIC DETAILS. SHE CAN'T TESTIFY AS TO WHO
23 TOLD HER WHAT. IF THIS IS THE BASIS OF HER
24 IDENTIFICATION, I WILL LET HER JUST PUT THAT BRIEF
25 STATEMENT IN THE RECORD IF THAT'S GOING TO BE THE

1 BASIS. BUT BEYOND THAT, SHE CAN'T TESTIFY THAT
2 SOMEBODY TOLD ME THAT SOMEBODY ELSE WAS INVOLVED.

3 BY MR. FATA:

4 Q RIGHT.

5 A I UNDERSTAND. AT THE TIME WHEN THIS -- WHEN THIS WAS
6 HAPPENING, WAS ACTUALLY TAKING PLACE, WE HAD TO LOCK DOWN
7 THE INSTITUTION, AND THERE WERE SO MANY OTHER THINGS
8 THAT -- THAT NEEDED TO BE DONE, YOU KNOW, I WASN'T IN THE
9 IMMEDIATE AREA OF WHERE ALL THIS WAS TAKING PLACE.

10 WHAT I'M TRYING TO SAY IS I KNEW WHO TYRONE
11 SINGLETARY WAS ALL THE TIME. NO ONE HAD TO TELL ME WHO HE
12 WAS OR I -- NO ONE HAD TO POINT HIM OUT TO ME. I ALREADY
13 KNEW WHO HE WAS.

14 AND I ALREADY ADMITTED THAT I DIDN'T KNOW WHO JACOB
15 LYNCH -- JACOB LYNCH WAS. AND WHEN I DID THOSE INCIDENT
16 REPORTS, I WAS WRITING THE REPORT BASED ON THE SITUATION.
17 I DIDN'T THINK AT THE TIME TO PUT THEIR NAMES IN IT
18 BECAUSE THEY -- WHEN I WROTE THE INCIDENT REPORT FOR SLED,
19 THEY TOLD ME TO TELL THEM WHAT HAPPENED.

20 THEY DIDN'T ASK ME WHO THE INMATES WERE. THEY DIDN'T
21 TELL ME TO PUT, DID I KNOW ANY NAMES. I WAS WRITING THOSE
22 REPORTS BASED ON HOW I RESPONDED TO THE CODE AND WHAT HAD
23 HAPPENED.

24 YOU KNOW, I JUST DIDN'T PUT THEIR NAMES IN, BUT AT
25 THE TIME I DID KNOW WHO TYRONE SINGLETARY WAS, AND I'VE

1 ALREADY ADMITTED THAT I DIDN'T KNOW WHO JACOB LYNCH WAS.

2 Q DID YOU LATER DETERMINE WHO JACOB LYNCH WAS?

3 A YES.

4 Q WAS THERE SOMETHING -- SOME CHARACTERISTIC ABOUT
5 JACOB LYNCH THAT LED YOU TO -- TO KNOW IT WAS HIM TALKING?

6 A YES. THE VOICE THAT SAID, WE GOT A FUCKING HOSTAGE
7 SITUATION, THAT I HEARD WHEN I STEPPED TO THE FRONT DOOR,
8 WE WERE FACE TO FACE. I SAW HIM CLEARLY. IT WAS DAYTIME.
9 HE IS THE SAME ONE THAT TOLD ME, WE GOT COTTON AND WE
10 GOING TO GET DOZIER. HE SAID THIS TO MY FACE. I WAS
11 LOOKING EYE TO EYE.

12 Q AND---

13 A SO I KNOW THAT THAT WAS HIM.

14 Q AND WHAT ABOUT HIS VOICE THAT---

15 A HE HAD LIKE A SQUINCH, HIGH PITCH VOICE. IT WAS THE
16 SAME VOICE -- THE FIRST VOICE THAT I HEARD WAS HIM TELLING
17 ME TO TELL LEE CONTROL, WE GOT A FUCKING HOSTAGE
18 SITUATION.

19 Q AND AGAIN, YOU WERE JUST DESCRIBING THE INCIDENT IN
20 THOSE STATEMENTS?

21 A RIGHT. I WAS DESCRIBING THE INCIDENT, WHAT HAD
22 HAPPENED AT THE TIME IT HAPPENED.

23 Q THAT'S ALL.

24 THE COURT: THANK YOU. MR. DOBY, ANY FOLLOW-UP
25 ON THOSE POINTS?

RECROSS-EXAMINATION

1

2 BY MR. DOBY:

3 Q WHEN YOU WERE ASKED TO GIVE THE STATEMENT, YOU DIDN'T
4 FIND IT IMPORTANT ENOUGH TO PUT THE INMATE'S NAME IN THAT
5 YOU KNEW? IS THAT WHAT YOU'RE TELLING -- IS THAT WHAT
6 YOU'RE TELLING THE COURT TODAY?

7 A I'M NOT SAYING THAT I DIDN'T FIND IT IMPORTANT. I'M
8 JUST SAYING THAT THEY TOLD ME TO TELL THEM WHAT HAPPENED,
9 AND THAT'S WHAT I DID.

10 Q SO WE'VE GOT -- WE'VE GOT HOSTAGES AT THE PRISON,
11 WE'VE GOT A RIOT GOING ON, WE'VE GOT INMATES AT THE DOOR
12 SAYING THE THINGS THAT YOU HAVE SAID, BUT YOU DIDN'T FIND
13 IT IMPORTANT ENOUGH TO PUT THE ONE INMATE THAT YOU SAY WAS
14 INVOLVED IN THE INCIDENT THAT YOU WROTE -- INCIDENT REPORT
15 THAT YOU WROTE IMMEDIATELY AFTER THIS OCCURRED?

16 A AT THAT TIME, NO. I GUESS NOT.

17 Q THANK YOU.

18 THE COURT: MR. SCOTT?

19 MR. SCOTT: JUST BRIEFLY, YOUR HONOR.

20 RECROSS-EXAMINATION

21 BY MR. SCOTT:

22 Q SERGEANT SCARBOROUGH, YOU USED SOME VERY EXPLICIT
23 LANGUAGE IN DESCRIBING WHAT THIS INMATE SAID TO YOU TODAY,
24 BUT YOU WROTE TWO STATEMENTS, ONE ON OCTOBER 29 AND YOU
25 DIDN'T PUT THAT LANGUAGE IN THAT STATEMENT; DID YOU?

1 A NO, I DIDN'T.

2 Q AND YOU WROTE ANOTHER ONE ON NOVEMBER 5TH AND YOU
3 DIDN'T USE THESE CURSE WORDS THAT YOU JUST DESCRIBED TO
4 THE JURY IN THAT STATEMENT EITHER?

5 A NO.

6 Q AND YOU WERE GIVEN THE OPPORTUNITY, HOWEVER, TO
7 EXPLAIN EXACTLY WHAT HAPPENED. IN FACT, YOU WERE ASKED TO
8 DESCRIBE EXACTLY WHAT HAPPENED; WEREN'T YOU?

9 A THAT'S WHAT I DID. I DESCRIBED EXACTLY WHAT
10 HAPPENED, AND THAT IS WHAT HAPPENED.

11 Q NOWHERE IN THOSE STATEMENTS DO YOU USE THESE
12 EXPLETIVE WORDS THAT YOU TESTIFIED TO THIS JURY ABOUT.

13 A NO, BUT LIKE, YOU KNOW, I WANTED TO TELL THE WHOLE
14 TRUTH AND NOTHING BUT THE TRUTH. THAT'S WHY I SAID
15 EXACTLY WHAT THEY SAID.

16 Q WELL NOW, THE SWORN STATEMENT THAT YOU GAVE TO SLED
17 ON NOVEMBER 5TH---

18 MR. FATA: YOUR HONOR, I OBJECT TO THE
19 CHARACTERIZATION AS A SWORN STATEMENT. IT'S JUST A
20 WRITTEN STATEMENT SIGNED BY THE WITNESS, NOT -- NOT
21 SWORN TO OR NOTARIZED AND SO FORTH.

22 MR. SCOTT: YOUR HONOR, I BEG TO DIFFER.

23 THE COURT: ALL RIGHT.

24 MR. SCOTT: I WILL BE GLAD TO LET THE COURT
25 EXAMINE IT.

1 THE COURT: OKAY. PASS IT UP. THANK YOU. I'M
2 REFERRING TO DEFENDANT LYNCH'S NUMBER ONE. THE
3 SECOND PAGE INDICATES IT WAS SWORN, SUBSCRIBED BEFORE
4 A NOTARY ON THE 17TH DAY OF NOVEMBER OF '03, SECOND
5 PAGE OF THE STATEMENT, ASSUME THESE TO BE---

6 MR. FATA: YOUR HONOR, I THINK THAT...

7 THE COURT: -- ACTUALLY THE SECOND.

8 MR. FATA: THERE ARE TWO DIFFERENT -- TWO
9 DIFFERENT DATES.

10 THE COURT: RIGHT. THE SECOND PAGE OF THIS
11 DEFENDANT'S NO. ONE, DEFENDANT LYNCH'S NUMBER ONE IS
12 THE STATEMENT THAT WAS DATED NOVEMBER THE 17TH OF '03
13 AT 2:15 IN THE AFTERNOON.

14 THE FIRST PAGE IS A STATEMENT DATED NOVEMBER THE
15 FIFTH OF '03. THAT STATEMENT WAS SIMPLY WITNESSED.
16 THE STATEMENT ON NOVEMBER THE 17TH WAS A SWORN
17 STATEMENT. SO I THINK THERE IS A DISTINCTION THAT --
18 TO BE MADE THERE ON THE BASIS OF THE DOCUMENT ITSELF.

19 MR. SCOTT: THANK YOU, YOUR HONOR.

20 BY MR. SCOTT:

21 Q SO OFFICER -- SERGEANT SCARBOROUGH, SO YOU'RE -- ON
22 NOVEMBER 5TH WHEN YOU MADE THIS STATEMENT, ARE YOU SAYING
23 THAT YOU DIDN'T THINK IT WAS IMPORTANT ENOUGH TO INCLUDE
24 ALL THE DETAILS IN IT?

25 A DID I THINK IT WAS IMPORTANT ENOUGH? I WROTE THE

1 STATEMENT AS TO WHAT HAPPENED AND THAT'S THE WAY I WROTE
2 IT AT THAT TIME.

3 Q BUT YOU DIDN'T INCLUDE THESE F WORDS THAT YOU USED
4 TODAY?

5 A NO, BUT THEY USED THEM AND I AM UNDER OATH AND I DID
6 SWEAR ON THE BIBLE THAT'S -- THAT'S EXACTLY WHAT HE SAID.

7 Q BUT ON TWO SEPARATE OCCASIONS YOU DIDN'T SAY ANYTHING
8 ABOUT THESE F WORDS; DID YOU?

9 A WELL---

10 Q WHEN YOU GAVE THESE STATEMENTS?

11 A NO.

12 Q THANK YOU.

13 THE COURT: MR. FATA, YOU'VE GOT THE LAST WORD.

14 MR. FATA: THANK YOU, YOUR HONOR.

15 REDIRECT EXAMINATION

16 BY MR. FATA:

17 Q DEFENDANT'S EXHIBIT NUMBER ONE WHERE YOU GAVE A
18 STATEMENT ON THE 29TH, YOU USED THE EXPLETIVE, I BELIEVE;
19 DIDN'T YOU?

20 A LET ME SEE.

21 Q IF YOU WILL LOOK IN ABOUT THE -- ABOUT THE MIDDLE OF
22 THE PAGE, YOU USED THE EXPLICATIVE AT THAT -- IN THAT
23 STATEMENT; DIDN'T YOU?

24 A RIGHT.

25 Q THAT'S ALL. THANK YOU.

1 THE COURT: THANK YOU. YOU CAN STEP DOWN,
2 SERGEANT SCARBOROUGH.

3 THE WITNESS: THANK YOU.
4 (WITNESS OFF STAND).

5 MR. FATA: YOUR HONOR, MAY THIS WITNESS BE
6 EXCUSED?

7 THE COURT: WITHOUT OBJECTION, GENTLEMEN,
8 MR. DOBY, MR. SCOTT, ANY OBJECTION TO SERGEANT
9 SCARBOROUGH BEING EXCUSED?

10 MR. DOBY: NO, YOUR HONOR.

11 MR. SCOTT: WE HAVE NONE, YOUR HONOR.

12 THE COURT: THANK YOU. SERGEANT, YOU'RE
13 EXCUSED. THANK YOU FOR COMING.

14 MR. FATA: YOUR HONOR, THE STATE WOULD NOW CALL
15 LIEUTENANT ROBERT JOHNSON.

16 THE COURT: LIEUTENANT JOHNSON.
17 (WITNESS IN COURTROOM.)

18 THE COURT: LIEUTENANT JOHNSON, COME FORWARD,
19 PLEASE, AND BE SWORN.

20 ROBERT JOHNSON, AFTER
21 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION

23 BY MR. FATA:

24 Q LIEUTENANT JOHNSON, WHERE DO YOU LIVE?

25 A I LIVE IN SUMTER.

1 Q SUMTER?

2 A YES, SIR.

3 Q AND YOU WORK HERE IN LEE COUNTY?

4 A YES, SIR. I WORK AT THE STATE PRISON.

5 Q AND WHAT DO YOU DO AT THE STATE PRISON?

6 A I'M A SUPERVISOR THERE. RIGHT NOW I'M A CONTRABAND
7 SUPERVISOR AT THE PRISON NOW.

8 Q AS A CONTRABAND SUPERVISOR, WHAT ARE YOUR DUTIES?

9 A MY JOB IS TO PROTECT AND TO KEEP CONTRABAND FROM
10 COMING INTO THE INSTITUTION, TO FIND ANYTHING ILLEGAL OR
11 ACT LIKE INTELLIGENCE OFFICER FOR THE INSTITUTION, FIND
12 OUT THINGS GOING ON, THINGS LIKE THAT.

13 Q TRY TO KEEP DRUGS OUT AND THAT SORT OF THING?

14 A YES, SIR, DRUGS ALL -- ANYTHING CONSIDERED
15 CONTRABAND.

16 Q ARE YOU A CERTIFIED CORRECTIONS OFFICER?

17 A YES, SIR.

18 Q AND HOW DID YOU BECOME CERTIFIED?

19 A I ATTENDED THE -- AT THE TIME THE FIVE WEEK CLASS. I
20 ALSO ATTEND THE ONGOING CLASSES THROUGH THE ACADEMY. I'VE
21 TAKEN A SUPERVISOR CLASS, TAKEN A ADVANCED SUPERVISOR
22 CLASS, AND WE TOOK A -- ANOTHER HIGHLY ADVANCED
23 SUPERVISORY CLASS.

24 SO IT'S ONGOING THING WE TAKE. WE'RE REQUIRED TO
25 HAVE 40 HOURS A YEAR TRAINING, SO WE TAKE THAT EVERY YEAR.

1 THAT'S A REQUIREMENT.

2 Q AND YOU'VE REACHED THE RANK OF LIEUTENANT?

3 A YES; SIR.

4 Q ALL RIGHT. NOW, WERE YOU ON DUTY ON OCTOBER THE 29TH
5 OF 2003 AT THE LEE CORRECTIONAL INSTITUTE?

6 A YES, SIR.

7 Q AND WHAT WERE YOU DOING THAT -- WERE YOU A LIEUTENANT
8 AT THE TIME?

9 A AT THE TIME I WAS A SERGEANT.

10 Q SERGEANT. AND WHAT WERE YOUR DUTIES THAT DAY?

11 A THAT DAY I WAS THE SUPERVISOR FOR THE DARLINGTON
12 DORM, WHICH IS THE DORM RIGHT NEXT TO CHESTERFIELD. AND
13 AT THAT TIME MY DORM WAS FEEDING IN THE CAFETERIA.

14 Q ALL RIGHT. LET ME ASK YOU ABOUT THE DIFFERENCE IN
15 THE DORMS. NOW, THE PRISON -- HOW IS THE PRISON MADE UP
16 OUT THERE? HOW IS LEE CORRECTIONAL MADE UP?

17 A WE HAVE THE MAIN BUILDING, WHICH IS THE A BUILDING,
18 AND YOU LEAVE THAT AREA AND GO DOWN TO LITTLE PLAZA GATE,
19 AND THEN THE INSTITUTION IS DIVIDED INTO AN EAST AND WEST
20 YARD.

21 Q OKAY.

22 A AND THE DORM I WAS ASSIGNED TO IS ON THE EAST YARD.

23 Q ALL RIGHT. NOW, ARE ALL THE DORMS PRETTY MUCH
24 CONFIGURED THE SAME WAY?

25 A FIVE OF THEM ARE ALMOST EXACT SAME. ONE OF THEM IS

1 DIFFERENT.

2 Q THE DARLINGTON UNIT?

3 A THE DARLINGTON AND THE CHESTERFIELD IS EXACTLY THE
4 SAME.

5 Q EXACTLY THE SAME. I'M GOING TO SHOW YOU EXHIBITS --
6 STATE'S EXHIBIT NUMBER SEVEN, WHICH IS THE SECOND FLOOR.
7 WOULD YOU COME --

8 MR. FATA: MAY HE COME DOWN, YOUR HONOR?

9 THE COURT: YES, SIR. LIEUTENANT JOHNSON, IF
10 YOU WILL STAND ON THE OTHER SIDE OF THE DIAGRAM AND
11 FACE IN THIS DIRECTION, PLEASE SIR.

12 BY MR. FATA:

13 Q THINK THIS IS THE SECOND FLOOR. IS THIS -- IS THIS
14 GENERALLY THE WAY THE DARLINGTON UNIT -- THIS IS THE
15 CHESTERFIELD UNIT. IS THIS THE WAY...

16 A EXACTLY.

17 Q ALL RIGHT. WHAT ARE THESE AREAS ON THIS SIDE? WHAT
18 ARE THESE?

19 A THESE ARE THE CELLS, THE ROOMS WHERE THE INMATES LIVE
20 AT, UP AND DOWNSTAIRS.

21 Q OKAY. AND THIS IS AN UPSTAIRS VIEW?

22 A UH-HUH.

23 Q SOUTH SIDE AND THE NORTH SIDE?

24 A YES, SIR.

25 Q NOW I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER SIX.

1 IS THIS THE SAME THING?

2 A YES, SIR.

3 Q IN WHAT IS THIS, THIS IS THE FIRST FLOOR?

4 A FIRST FLOOR.

5 Q ALL RIGHT. AND AGAIN, WHAT DO WE HAVE ON THIS
6 WING -- ON THESE WINGS?

7 A SAME THING. YOU HAVE THE UP AND DOWN, THE CELL
8 DOORS, CELL ROOM WHERE THE INMATES LIVE AT, AND YOU GOT
9 THE MULTI-PURPOSE ROOMS UP IN HERE.

10 Q OKAY. NOW, WHAT IS THIS ARRANGEMENT IN THE MIDDLE
11 BETWEEN THE TWO WINGS?

12 A THAT'S WHERE THE OFFICER -- YOU HAVE A SUPERVISOR
13 OFFICE, THE CLASSIFICATION OFFICE IS IN HERE, THERE BE
14 ANOTHER ONE FOR THE DORM SERGEANT, AND YOU HAVE DIFFERENT
15 ROOM, STORAGE ROOMS, RIGHT THERE. THAT -- WE CALL THAT
16 THE SALLY PORT AREA---

17 Q THE SALLY PORT AREA.

18 A RIGHT.

19 Q NOW, IS THIS THE FRONT DOOR?

20 A YES, SIR.

21 Q THAT'S HOW YOU GET IN?

22 A RIGHT.

23 Q ALL RIGHT. AND IS THIS THE WAY THE CHESTERFIELD UNIT
24 WAS CONFIGURED ON THE 29TH?

25 A YES, SIR.

1 Q ALL RIGHT. IF YOU WOULD HAVE A SEAT?

2 A (RESUMED THE STAND.)

3 Q WHEN YOU -- WHAT TIME DID YOU COME TO WORK ON THE
4 29TH?

5 A WE HAVE TO BE AT THE GUARD -- MINE BY ABOUT 6:45 IN
6 THE MORNING.

7 Q AND DURING THE DAY DID ANYTHING OCCUR UP UNTIL THE
8 LATE AFTERNOON? WAS EVERYTHING NORMAL?

9 A NO, SIR, JUST A NORMAL DAY.

10 Q OKAY. THAT AFTERNOON, WHERE WERE YOU? YOU STARTED
11 TO TELL ME.

12 A I WAS AT THE CAFETERIA. I WAS FEEDING MY DORM. I
13 HAVE -- WE FEED HALF THE SIDE AT A TIME. AND WE -- THE
14 SUPERVISOR REQUIRED TO GO UP TO THE CAFETERIA TO FEED YOUR
15 DORM. IN CASE THINGS HAPPEN, SOMETHING HAPPEN, YOU ARE
16 THERE ON SCENE BECAUSE THEY LISTEN TO YOU, YOU KNOW,
17 BETTER THAN THEY WOULD SOMEONE ELSE.

18 SO I HAD HALF OF MY SIDE OF MY DORM IN THE CAFETERIA
19 FEEDING AT THAT TIME.

20 Q AND DID YOU HEAR ANYTHING OR WERE YOU ALERTED TO
21 ANYTHING WHILE YOU WERE THERE IN THE CAFETERIA?

22 A OVER THE RADIO I HEARD LEE CONTROL NOTIFY THE EAST
23 YARD, THE FIRST YARD, FIRST RESPONDER, THAT THEY HAD A
24 PHONE OFF THE HOOK IN THE CHESTERFIELD SUPERVISOR'S
25 OFFICE. AND AT THAT TIME, YOU KNOW, I, AS A SUPERVISOR

1 ANOTHER DORM, WE ACT AS A SECOND RESPONDERS.

2 SO WHEN I HEARD THE FIRST RESPONDER BEING DISPATCHED,
3 I IMMEDIATELY MOVED TOWARD THE FRONT DOOR OF THE CAFETERIA
4 IN CASE I NEEDED TO ASSIST. SO THAT'S JUST A SECOND
5 NATURE WHAT WE DO. SO I MOVED TO THE DOOR AND I STOOD BY
6 THE FRONT DOOR OF THE CAFETERIA.

7 Q SO THE FIRST THING IS TO FIND OUT WHAT'S GOING ON?

8 A YES, SIR.

9 Q AND IF YOU NEED HELP, THEN YOU--

10 A THEN YOU CALL.

11 Q -- SHOW UP?

12 A AND I COME HELP.

13 Q WHAT HAPPENED?

14 A THEN SHE SAID SHE SAW GLASS. SOON AS I HEARD GLASS
15 ON THE FLOOR -- SHE SAID A WINDOW WAS BROKEN OUT, THE
16 PLANT WAS KNOCKED OVER AND THE PHONE WAS KNOCKED OVER.
17 SOON AS I HEARD THAT, I STARTED RUNNING TOWARD THE DORM
18 BECAUSE I KNEW IMMEDIATELY THAT WAS NOT NORMAL.

19 Q YOU RAN TO THE -- TO THE DORM?

20 A TO THE FRONT DOOR WHERE SHE WAS AT OF THE UNIT.

21 Q TO THE FRONT DOOR?

22 A YES, SIR.

23 Q WHICH WOULD BE -- WHICH WOULD BE THIS DOOR HERE?

24 A YES, SIR.

25 Q THIS DOOR HERE?

1 A YES, SIR.

2 Q ALL RIGHT. WHEN YOU GOT TO THE FRONT DOOR, WHAT DID
3 YOU SEE?

4 A WHEN I GOT TO THE DOOR, SERGEANT SCARBOROUGH WAS
5 STANDING AT THE DOOR. SHE HAD THE KEY IN THE DOOR AND SHE
6 WAS TURNING IT. ONCE I GOT TO THE DOOR I SAW A NUMBER OF
7 INMATES WERE MILLING -- MILLING AROUND IN THE SALLY PORT
8 AREA. THEY WERE RUNNING BACK AND FORTH.

9 AND THEN I KNEW WE IMMEDIATELY HAD A PROBLEM. THE
10 FRONT DOOR WINDOW WAS ALREADY BROKEN OUT. AND JUST AS I
11 GOT THERE AND I WAS, YOU KNOW, PUSHING AGAINST THE DOOR,
12 TO TRY AND HOLD ANYONE FROM TRYING TO COME OUT AND I WAS
13 TELLING HER, GIVING INSTRUCTIONS, YOU KNOW, LOCK THE DOOR,
14 LOCK THE DOOR.

15 AND THAT DOOR HAS A -- IT'S KIND OF HARD TO LOCK.
16 SHE HAD TO FIND THE RIGHT KEY AND THEN, YOU KNOW, TO LOCK
17 IT.

18 Q WHO WAS IN THE DOORWAY, DO YOU KNOW?

19 A WHEN I GOT TO THE DOOR IT'S -- FIRST THING I SAW A
20 BUNCH OF INMATES RUNNING AROUND. AND THEN INMATE LYNCH
21 RAN UP TO THE FRONT DOOR WHERE I WAS STANDING AT AND HE
22 LIKE RAN RIGHT TOWARD ME AND HE SAID, JOHNSON, WE'VE GOT
23 COTTON.

24 Q DID INMATE LYNCH KNOW YOU?

25 A YES.

1 Q AND DID YOU KNOW INMATE LYNCH?

2 A YES.

3 Q OKAY. WHAT DID HE SAY?

4 A HE SAID, JOHNSON, WE'VE GOT COTTON, WE GOING TO KILL
5 THE MF. AND I THINK -- YEAH, THAT'S ALL HE SAID. THAT'S
6 ALL HE SAID TO ME. AND HE HAD A -- SOME KIND OF WEAPON IN
7 HIS HAND, AND AT THE TIME---

8 Q WHAT DID IT LOOK LIKE?

9 A IT WAS A SHANK.

10 Q A SHANK?

11 A IT WAS A SHANK.

12 Q AND WHAT IS A SHANK?

13 A A SHANK IS A PIECE OF METAL THAT USUALLY INMATES WILL
14 TAKE, THEY WILL SHARPEN THE END OF IT TO MAKE IT HAVE A
15 POINT ON IT, OR SOMETIME THEY SHARPEN THE -- BOTH EDGES,
16 MAKE IT HAVE A LONG POINT, AND THEY HAVE A HANDLE ON IT.

17 THIS WAS A LONG WEAPON THAT HE HAD, YOU KNOW,
18 STANDING AT THE GLASS. HE DIDN'T TRY AND COME OUT. HE
19 WAS JUST STANDING THERE.

20 Q WHAT DO THEY USE THOSE WEAPONS FOR?

21 A THE WEAPONS ARE USED JUST LIKE NORMAL WEAPONS. THEY
22 USE THE WEAPONS TO INTIMIDATE OTHER INMATES, TO ROB FROM
23 THE OTHER INMATES, OR EVEN STAB THE OTHER INMATES, AND
24 THEY HAVE USED THEM TOWARDS STAFF.

25 Q NOW, THE INMATE THAT CAME UP TO YOU AND SAYS, WE GOT

1 COTTON, AND -- DO YOU SEE HIM IN THE COURTROOM TODAY?

2 A YES, INMATE LYNCH SITTING AT THE FAR CORNER THERE.

3 Q AT THE END OF THE TABLE?

4 A YES, SIR.

5 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT
6 HE'S IDENTIFIED INMATE -- THE DEFENDANT LYNCH.

7 THE COURT: YES, SIR.

8 BY MR. FATA:

9 Q WHAT HAPPENED NEXT?

10 A WELL, HE SAID, WE'LL TALK TO YOU, WE NOT TALKING TO
11 JUNE.

12 Q WHO IS JUNE?

13 A SERGEANT JUNE WAS THE OTHER -- HE WAS THE SUPERVISOR
14 OF THAT DORM AT THAT DAY. HE ARRIVED AT THAT TIME A
15 LITTLE AFTER I DID AND HELPED HOLD THE DOOR WHILE SERGEANT
16 SCARBOROUGH WAS SECURING THE DOOR.

17 Q AND AFTER YOU GOT THE DOOR SECURED, WHAT DID YOU DO
18 NEXT?

19 A AFTER THE DOOR WAS SECURED, I KNEW WE WEREN'T HOSTAGE
20 NEGOTIATORS AND IT WASN'T OUR JOB. WE HAD DID OUR JOB.
21 WE HAD RESPONDED. WE CONTAINED IT, SECURED THE DOOR. OUR
22 JOB WAS FINISHED, THEREFORE WE BACKED OFF TO SET UP A
23 PERIMETER AND TO WAIT FURTHER INSTRUCTION FROM THE
24 SUPERVISORS.

25 SO I TOLD THEM, I SAID, BACK OFF, WE'RE NOT HOSTAGE

1 NEGOTIATORS, LET'S GO. SO WE BACKED OFF AWAY FROM THE
2 DOOR.

3 Q AND DID -- DID THE HOSTAGE NEGOTIATORS TAKE OVER?

4 A THAT'S WHEN MAJOR BROOKS CAME AND THEN THE HOSTAGE
5 NEGOTIATOR CAME AND FINISHED.

6 Q ALL RIGHT. AND AGAIN, IT WAS INMATE SINGLETARY --
7 EXCUSE ME -- INMATE LYNCH THAT YOU SAW--

8 A YES, SIR.

9 Q -- IN THE FACE? AND BOTH INMATE LYNCH AND INMATE
10 SINGLETARY WERE INMATES AT THE DEPARTMENT OF CORRECTIONS
11 ON THAT DATE?

12 A ON THAT DAY, YES, SIR.

13 Q ONE OTHER THING. LET ME ASK YOU THIS. IS THERE A
14 DIFFERENCE BETWEEN THE CHESTERFIELD UNIT AND THE
15 DARLINGTON UNIT? YOU SAID YOUR INMATES WERE GOING TO THE
16 CAFETERIA. WHAT IS THE DIFFERENCE BETWEEN CHESTERFIELD
17 AND DARLINGTON?

18 A THERE'S NO DIFFERENCE. THE ONLY WAY YOU CAN TELL THE
19 DIFFERENCE IS THE NAME OVER THE FRONT DOOR.

20 Q WELL, WHAT ABOUT THE CUSTODY STATUS?

21 A THE CUSTODY WE HAD, YOU KNOW, CHESTERFIELD WAS CLOSE
22 CUSTODY. ONCE -- THE NORTH SIDE WAS CLOSE CUSTODY WHICH
23 MEANT THEY STAYED LOCKED DOWN MOST OF THE DAY. THE SOUTH
24 SIDE -- SOUTH SIDE WAS A POSITIVE. SO YOU KNOW, YOU GO
25 IN -- WHEN YOU COME DOWN FROM LOCKUP, YOU GO ON THE NORTH

1 SIDE, CLOSE CUSTODY.

2 THEN WHEN YOU DISPLAY A CERTAIN AMOUNT OF POSITIVE
3 BEHAVIOR AFTER A CERTAIN LENGTH OF TIME, YOU WENT TO THE
4 SOUTH SIDE AS AN INCENTIVE TO ACT GOOD, YOU KNOW, TO BE
5 GOOD, THEN YOUR SOUTH SIDE, YOU WERE, YOU KNOW, AFFORDED
6 MORE PRIVILEGES.

7 Q ANSWER ANY QUESTIONS THAT MR. DOBY OR MR. SCOTT MAY
8 HAVE.

9 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

10 CROSS-EXAMINATION

11 BY MR. DOBY:

12 Q DID YOU KNOW TYRONE SINGLETARY?

13 A YES, SIR.

14 Q YOU HAD SEEN HIM OBVIOUSLY AT THE PRISON MANY TIMES
15 PRIOR TO OCTOBER THE 29TH OF 2003?

16 A YES, SIR.

17 Q THANK YOU. THAT'S ALL I HAVE.

18 THE COURT: THANK YOU. MR. SCOTT?

19 MR. SCOTT: YOUR HONOR, BRIEFLY.

20 CROSS-EXAMINATION

21 BY MR. SCOTT:

22 Q SERGEANT JOHNSON -- I'M SORRY. LIEUTENANT JOHNSON?
23 YOU WERE SERGEANT--

24 A I WAS SERGEANT AT THE TIME.

25 Q THAT'S RIGHT.

1 A YES, SIR.

2 Q HOW IS IT THAT YOU KNEW LYNCH AT THE TIME?

3 A I HAVE -- BEING A SUPERVISOR, SOMETIME THE
4 SUPERVISORS FOR THE DORMS DON'T COME IN OR THEY SICK, SO I
5 HAVE TO -- WE HAVE TO, YOU KNOW, HELP AND COORDINATE WITH
6 EACH OTHER. SO THERE ARE TIMES WHEN I HAVE TO WORK
7 CHESTERFIELD.

8 AND I MAKE IT A POINT TO KNOW INMATES. THE INMATES
9 DO NOT LIKE THE SUPERVISOR OR ANYONE TO KNOW THEIR NAME OR
10 THEIR NICKNAMES. SO AS A SUPERVISOR, ANY DORM I -- I MAKE
11 IT A HABIT TO LEARN AS MANY NAMES AS POSSIBLE BECAUSE THAT
12 REMOVES THEIR ANIMINITY (SIC), THEY ARE NOT ANONYMOUS ANY
13 MORE BECAUSE I CAN PUT A NAME WITH THAT FACE. SO I MAKE
14 IT A POINT TO KNOW NAMES.

15 Q HOW MANY INMATES WERE ON THIS UNIT WHERE MR. LYNCH
16 WOULD BE?

17 A MAYBE 200 SOMETHING ON EACH, THE WHOLE UNIT.

18 Q OKAY. DID YOU MANAGE TO GET TO KNOW ALL OF THEM?

19 A NO, SIR. I KNOW CERTAIN, BUT I MAKE A HABIT I SURE
20 KNOW AS BEST AS I CAN TO TRY TO KNOW ALL OF THEM.

21 Q OKAY. OF THAT 200 SOMETHING, HOW MANY DO YOU THINK
22 YOU GOT TO KNOW?

23 A I DON'T KNOW. I CAN'T -- I CAN'T JUST PICK A NAME,
24 PICK A NUMBER. SOME OF THEM I KNEW BY THEIR NICKNAMES
25 BECAUSE I HEARD OR SOME OF THEM I KNEW BY THEIR NAME. YOU

1 KNOW, AN INMATE COMES TO YOU, THEY HAVE A PROBLEM, THEY
2 HAVE SITUATIONS THEY WANT YOU TO RECTIFY, SO YOU ASK FOR
3 THE NAME.

4 THEY ALL SUPPOSED TO WEAR THEIR ID CARD, SO
5 IMMEDIATELY -- I DON'T DO ANYTHING UNLESS I ASK FOR A NAME
6 BECAUSE I NEED TO KNOW WHO I'M DEALING WITH.

7 Q NOW, YOU EARLIER WERE DISCUSSING OR DESCRIBING THE
8 SOUTH SIDE AND NORTH SIDE. WHAT WAS THE DISTINCTION
9 BETWEEN SOUTH AND NORTH SIDE AGAIN?

10 A THE NORTH SIDE THEY STAY LOCKED DOWN MORE, WHICH MEAN
11 THEY STAY IN THEIR ROOMS MORE THAN THE SOUTH SIDE. THEY
12 ALSO HAD CAGES TO BLOCK OFF THE -- AROUND THE DOORS. THEY
13 WERE ONLY ALLOWED OUT CERTAIN MANY HOURS PER DAY.

14 THE SOUTH SIDE HAVE MORE PRIVILEGES THAN THE NORTH
15 SIDE.

16 Q OKAY. AND MR. LYNCH WAS ON THE SOUTH SIDE; WASN'T
17 HE?

18 A I'M NOT SURE WHICH SIDE HE WAS ON AT THAT TIME. I'M
19 NOT SURE WHICH SIDE HE WAS ASSIGNED TO, BECAUSE LIKE I
20 SAY, IT'S NOT MY DORM.

21 Q BUT YOU SAY THAT YOU KNEW OR DID YOUR BEST TO TRY TO
22 GET TO KNOW THE PEOPLE IN THE DORMS?

23 A RIGHT.

24 Q YOU DON'T KNOW WHICH SIDE HE WAS ON?

25 A WELL, I CAN'T REMEMBER EXACTLY WHERE ALL OF THEM ARE,

1 BUT I TRY AND KNOW THE NAMES, GET TO KNOW THE NAMES.

2 MR. SCOTT: THAT'S ALL I HAVE, YOUR HONOR.

3 THANK YOU.

4 THE COURT: THANK YOU. MR. FATA, REDIRECT?

5 MR. FATA: NOTHING, YOUR HONOR.

6 THE COURT: THANK YOU. LIEUTENANT JOHNSON, YOU
7 CAN STEP DOWN.

8 (WITNESS OFF THE STAND.)

9 MR. FATA: YOUR HONOR, MAY THIS WITNESS BE
10 EXCUSED?

11 THE COURT: WITHOUT OBJECTION LIEUTENANT JOHNSON
12 CAN BE EXCUSED. THANK YOU. MR. FATA, WE WILL TAKE A
13 BREAK AT THIS POINT IN TIME. THIS IS A GOOD TIME, OF
14 COURSE, TO TAKE THE MORNING RECESS.

15 LADIES AND GENTLEMEN, WE ARE GOING TO TAKE THE
16 MORNING RECESS NOW FOR ABOUT 15, NO MORE THAN 20
17 MINUTES. WE WILL GET YOU OUT AT ABOUT 11:30 TO
18 COMPLETE THE MORNING'S WORK.

19 LET ME REMIND YOU NOT TO DISCUSS THIS CASE AMONG
20 YOURSELVES WHILE YOU'RE IN THE JURY ROOM DURING THE
21 RECESS. ALL RIGHT? THANK YOU.

22 (JURY LEFT COURTROOM AT 11:56 AM).

23 THE COURT: ALL RIGHT, FOLKS. WE WILL BE IN
24 RECESS FOR ABOUT 20 MINUTES. WE'LL START BACK AT
25 11:30. THANK YOU.

1 (WHEREUPON A RECESS WAS HAD.)

2

3 THE COURT: ALL RIGHT. WE CAN GET THE INMATES
4 IN.

5 (INMATES BROUGHT INTO COURTROOM.)

6 THE COURT: ALL RIGHT. GENTLEMEN, IS EVERYBODY
7 READY FOR THE JURY?

8 MR. FATA: YES. THE STATE IS, YOUR HONOR.

9 MR. DOBY: YES, YOUR HONOR.

10 MR. SCOTT: YES.

11 THE COURT: THANK YOU. BRING US THE JURY.

12 (JURY ENTERED THE COURTROOM AT 11:42 AM).

13 THE COURT: THANK YOU. LADIES AND GENTLEMEN, WE
14 PICK UP WITH WHERE WE LEFT OFF BEFORE THE RECESS.
15 THE STATE IS CONTINUING TO OFFER EVIDENCE AND
16 TESTIMONY. MR. FATA?

17 MR. FATA: THANK YOU, YOUR HONOR. YOUR HONOR,
18 THE STATE WOULD CALL SERGEANT CEDRICK JUNE.

19 THE COURT: SERGEANT JUNE, COME FORWARD, PLEASE,
20 AND BE SWORN.

21 CEDRICK JUNE, AFTER
22 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION

24 BY MR. FATA:

25 Q SERGEANT JUNE, DO YOU LIVE HERE IN LEE COUNTY?

1 A NO, MA'AM. I MEAN NO, SIR.

2 Q WHERE DO YOU LIVE?

3 A SUMTER.

4 Q SUMTER? AND ARE YOU AN EMPLOYEE WITH THE STATE

5 DEPARTMENT OF CORRECTIONS?

6 A YES.

7 Q ALL RIGHT. AND WHERE ARE YOU STATIONED?

8 A SAY AGAIN.

9 Q WHERE ARE YOU STATIONED? WHERE IS YOUR DUTY.

10 A I WORK AT THE LEE CORRECTIONAL INSTITUTION.

11 Q HERE IN LEE COUNTY?

12 A YES.

13 Q AND WHAT DO YOU DO THERE?

14 A I AM A SUPERVISOR, CORRECTIONS OFFICER.

15 Q AND WHAT DO YOU SUPERVISE, A CERTAIN SHIFT OR...

16 A I'M ON THE B1 SHIFT ASSIGNED TO THE WEST YARD AT THIS

17 PARTICULAR TIME.

18 Q OKAY. SO YOU'RE A YARD SUPERVISOR?

19 A YES.

20 Q AND HOW LONG HAVE YOU BEEN DOING THAT?

21 A APPROXIMATELY TWO YEARS NOW.

22 Q OKAY. AND A YARD OFFICER, WHAT IS A YARD OFFICER AS

23 OPPOSED TO A DORM OFFICER?

24 A A -- YARD OFFICERS MONITOR, CONTROL MOVEMENT OF THE

25 INMATES THROUGHOUT THE DAY.

1 Q OKAY. IN THE YARD?

2 A YES.

3 Q OKAY. AND THEN YOU HAVE SEPARATE OFFICERS THAT ARE
4 INSIDE THE DORMS?

5 A YES.

6 Q ALL RIGHT. ON OCTOBER THE 29TH, 2003, WERE YOU AN
7 EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS AND STATIONED AT
8 LEE CORRECTIONAL INSTITUTE?

9 A YES.

10 Q WHAT WAS YOUR DUTY DURING THAT TIME PERIOD?

11 A AT THAT DAY I WAS ASSIGNED TO THE CHESTERFIELD UNIT
12 AS A SERGEANT OF THE UNIT.

13 Q SERGEANT OF THE CHESTERFIELD UNIT?

14 A YES.

15 Q NOW, LET ME PUT THIS UP. TELL ME, WHAT IS THE
16 CHESTERFIELD UNIT?

17 A THE CHESTERFIELD UNIT AT THAT PARTICULAR TIME WAS A
18 CLOSE CUSTODY UNIT.

19 Q ALL RIGHT. WHAT DO YOU MEAN BY CLOSE CUSTODY?

20 A THAT MEANS THE INMATES HAVE MINIMUM MOVEMENT AND THEY
21 WERE ASSIGNED TO BOTH SIDES OF THE UNIT.

22 MR. FATA: YOUR HONOR, MAY THE WITNESS COME DOWN
23 TO THE EXHIBIT?

24 THE COURT: YES, SIR. SERGEANT, IF YOU WILL
25 STAND ON THE OTHER SIDE OF THE EXHIBIT FACING THIS

1 DIRECTION SO WE CAN HEAR YOUR TESTIMONY ONCE YOU'RE
2 DOWN FROM THE STAND, PLEASE.

3 (WITNESS OFF STAND.)

4 BY MR. FATA:

5 Q THIS SIDE, I THINK. NOW, THIS IS STATE'S EXHIBIT
6 NUMBER SIX, AND IT'S A DIAGRAM. TELL ME WHAT IT IS,
7 DIAGRAM OF THE CHESTERFIELD UNIT?

8 A YES. THIS IS A DIAGRAM OF THE CHESTERFIELD UNIT.

9 Q EXPLAIN WHAT WE'RE LOOKING AT HERE.

10 A WE'RE LOOKING AT THE WHOLE UNIT WITH ALL THE -- FROM
11 THE DIAGRAM THAT'S SHOWING EVERY ROOM IN THE UNIT, WHICH
12 THIS IS THE NORTH SIDE OF CHESTERFIELD AND THIS IS THE
13 SOUTH SIDE OF CHESTERFIELD.

14 Q AND THESE THINGS DOWN THIS WAY, DOWN THE WINGS AND
15 DOWN THE WINGS ON THE OTHER SIDE ARE THE ROOMS?

16 A YES, SIR, ROOMS.

17 Q ALL RIGHT. AND HOW MANY INMATES PER ROOM?

18 A MOST INMATES ARE HOUSED TWO PER -- PER ROOM.

19 Q ALL RIGHT. WHAT IS THE DIFFERENCE BETWEEN THE NORTH
20 SIDE AND THE SOUTH SIDE?

21 A THE NORTH SIDE IS THE NEGATIVE SIDE AND THE SOUTH
22 SIDE IS THE POSITIVE SIDE OF THE UNIT MEANING THE SOUTH
23 SIDE GET MORE ACTIVITIES THAN THE NORTH SIDE.

24 Q OKAY. ALL RIGHT. WHAT IS THE LOCK DOWN STATUS OF
25 THE PEOPLE ON THE NORTH SIDE?

1 A AT THIS PARTICULAR TIME THE WHOLE UNIT WAS LOCKED
2 DOWN, BUT THE NORTH SIDE STAYS LOCKED DOWN MORE THAN THE
3 SOUTH SIDE.

4 Q SO BOTH SIDES WERE LOCKED DOWN?

5 A YES.

6 Q WHICH MEANT WHAT?

7 A NO -- MINIMUM MOVEMENT PERTAINING TO MAYBE A MEDICAL
8 APPOINTMENT OR TAKING SHOWERS.

9 Q ALL RIGHT. AND DID YOU HAVE AN OFFICE IN THE
10 CHESTERFIELD UNIT?

11 A YES, I DID.

12 Q WHEREABOUTS WAS IT?

13 A MY OFFICE WAS RIGHT THERE.

14 Q OKAY. IN THIS, IN THIS FRONT AREA HERE?

15 A YES.

16 Q ALL RIGHT. DID YOU HAVE OFFICERS, OTHER OFFICERS
17 WORKING WITH YOU THAT DAY?

18 A YES, I DID.

19 Q WHO WAS -- WHO WAS WORKING--

20 A I HAD OFFICER DOZIER, OFFICER COTTON, AND OFFICER
21 HALL.

22 Q WHERE WAS OFFICER DOZIER WORKING? WHERE WAS HE
23 ASSIGNED?

24 A OFFICER DOZIER WAS ASSIGNED TO THE NORTH SIDE.

25 Q SO HE WAS ASSIGNED TO THIS WING HERE?

1 A YES.

2 Q AND OFFICER COTTON?

3 A OFFICER COTTON ASSIGNED TO THE SOUTH SIDE.

4 Q WAS THIS -- THIS ENTIRE WING HERE?

5 A YES.

6 Q DO YOU RECALL HOW MANY INMATES YOU HAD ON BOTH SIDES?

7 A NOT -- I COULDN'T TELL YOU HOW MANY WAS THERE.

8 Q WOULD IT BE MORE THAN A HUNDRED?

9 A MAYBE NORTH SIDE WAS LESS THAN A HUNDRED AND SOUTH

10 SIDE WAS ABOUT A HUNDRED, OH, OVER A HUNDRED.

11 Q OKAY. AND IT WAS YOU, CORRECTION OFFICER HALL,

12 CORRECTION OFFICER DOZIER ON THE NORTH SIDE AND

13 CORRECTIONS OFFICER COTTON ON THE SOUTH SIDE ALONG---

14 A YES.

15 Q ALL RIGHT. DID ANYTHING -- UP UNTIL THE EARLY

16 EVENING DID -- WHEN YOU CAME -- WHAT TIME DID YOU COME TO

17 WORK?

18 A APPROXIMATELY 6:45 THAT MORNING.

19 Q ALL RIGHT. DID ANYTHING HAPPEN DURING THE DAY?

20 A DURING THE DAY WE HAD AN INMATE MAY THE NAME OF DAVID

21 JONES, HE WENT TO -- UP TO PAROLE AND HE WAS DENIED

22 PAROLE---

23 Q WHAT SIDE OF THE THING WAS HE ON?

24 A HE WAS ASSIGNED TO NORTH SIDE.

25 Q OKAY. HE CAME BACK, AND DENIED PAROLE?

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1 A YES.

2 Q AND WHAT HAPPENED?

3 A AND HE WAS DENIED PAROLE, HE SAID HE WAS UPSET ABOUT
4 THE SITUATION, AND WHEN HE GOT TO HIS ROOM APPROXIMATELY
5 THAT -- BY MID-DAY THAT DAY HE BUST UP THE TOILET AND
6 STATE -- STATED HE WANTED TO GO TO LOCKUP.

7 Q SO ONE OF THESE ROOMS HE TORE IT UP, AND DID HE
8 INJURE HIMSELF?

9 A YES, HE HAD CUT HIS FINGERS WHEN HE BUSTED UP THE
10 TOILET.

11 Q ALL RIGHT. WHAT DID YOU DO IN RESPONSE TO THAT?

12 A GOT IN CONTACT WITH THE CAPTAIN AND INFORMED HIM OF
13 THE SITUATION, AND HE TOLD ME THAT HE WAS PLACED ON --
14 PLACE IN LOCKUP, AND I TOOK HIM TO MEDICAL TO BE TREATED.

15 Q ALL RIGHT. AND DID CORRECTIONS OFFICER DOZIER STAY
16 ON NORTH SIDE?

17 A YES.

18 Q DID CORRECTIONS OFFICER COTTON STAY ON THE SOUTH
19 SIDE?

20 A YES.

21 Q WHAT HAPPENED TO CORRECTIONS OFFICER HALL?

22 A HE HAD TO GO THAT DAY. HE WAS GOING TO -- HE HAD
23 CLASSES THAT HE HAD -- HE WAS ALREADY AUTHORIZED TO GO TO.

24 Q OKAY. SO THERE WAS JUST TWO OFFICERS CONTROLLING
25 BOTH SIDES OF THIS CHESTERFIELD UNIT--

1 A YES.

2 Q -- WHEN YOU LEFT WITH THE INMATE?

3 A YES.

4 Q ALL RIGHT. GO AHEAD AND HAVE SEAT.

5 A (COMPLIED.)

6 Q WHEN YOU TOOK THE INMATE TO MEDICAL, WHAT HAPPENED

7 THEN? WELL, FIRST OF ALL, WHAT -- ABOUT WHAT TIME WAS IT

8 YOU TOOK HIM TO MEDICAL?

9 A SHOULD BE APPROXIMATELY ABOUT 4:15 IF I'M NOT

10 MISTAKEN.

11 Q OKAY. AND DID ANYTHING HAPPEN AFTER YOU GOT TO

12 MEDICAL OR ON THE WAY FROM MEDICAL?

13 A BY MEDICAL I WAS COMING OUT TO TAKE THE INMATE TO THE

14 HOLDING CELL AND A CALL CAME ACROSS THE RADIO STATING THAT

15 THERE WAS A PHONE OFF THE HOOK IN THE SUPERVISOR OFFICE.

16 Q OKAY. NOW, WHAT DID THAT MEAN TO YOU, PHONE OFF THE

17 HOOK IN A SUPERVISOR'S OFFICE? WAS IT IN CHESTERFIELD

18 UNIT?

19 A YES, IT WAS.

20 Q WHAT DID THAT MEAN TO YOU?

21 A THAT MEAN THAT THERE WAS SOME TYPE OF SITUATION GOING

22 ON DOWN THERE, BUT I DIDN'T THINK IT WAS BECAUSE I HAD THE

23 KEYS TO THE UNIT -- I MEAN TO MY OFFICE.

24 Q AND YOUR OFFICE WAS LOCKED WHEN YOU LEFT?

25 A YES.

1 Q WHAT DID YOU DO IN RESPONSE TO THAT CALL?

2 A I RESPONDED DOWN TO THE UNIT.

3 Q ALL RIGHT. WHEN YOU -- WHEN YOU GOT THERE, WHO WAS
4 THERE? WAS THERE ANY OTHER CORRECTIONS OFFICERS THERE?

5 A OFFICER SCARBOROUGH WAS AT THE DOOR ATTEMPTING TO
6 LOCK THE FRONT DOOR.

7 Q AND WHAT DID YOU OBSERVE ON THE INSIDE?

8 A I OBSERVED THAT THE WINDOWS WERE BROKEN OUT IN MY
9 OFFICE AND THE PHONE WAS OFF THE HOOK.

10 Q WHAT DID -- ANYTHING ELSE?

11 A AT THAT PARTICULAR TIME WE WAS ATTEMPTING TO LOCK THE
12 DOOR I OBSERVED INMATE JACOB LYNCH STANDING AT THE -- AT
13 THE FRONT OF THE DOOR TELLING ME THAT HE HAD -- HE WAS
14 TIRED OF THE BULLSHIT AND THAT HE WAS TIRED OF BEING
15 LOCKED DOWN.

16 Q ALL RIGHT. DID INMATE LYNCH HAVE ANYTHING IN HIS
17 HAND?

18 A INMATE -- YEAH, INMATE JACOB LYNCH HAD TWO SHANKS
19 HOLDING -- HOLDING IN HIS HAND.

20 Q DID YOU SEE INMATE SINGLETARY?

21 A YES. INMATE TYRONE SINGLETARY WAS STANDING BEHIND
22 HIM AND MADE A STATEMENT ABOUT, WE HAVE TWO HOSTAGES AND
23 WE GOING TO KILL THEM.

24 Q DO YOU SEE THE TWO INMATES THAT YOU SAY YOU SAW THAT
25 AFTERNOON AT LEE CENTRAL, DO YOU SEE THEM IN THE COURTROOM

1 TODAY?

2 A YES, I DO.

3 Q ALL RIGHT. WOULD YOU POINT THEM OUT? WHICH ONE IS
4 INMATE SINGLETARY?

5 A INMATE TYRONE SINGLETARY IS STANDING -- SITTING RIGHT
6 THERE.

7 Q AND WHAT -- SITTING RIGHT HERE WHERE NOW?

8 A RIGHT THERE.

9 Q ON THIS END OF THE TABLE?

10 A ON THIS END OF THE TABLE.

11 Q AND WHAT DID HE SAY?

12 A HE SAID THAT HE HAS TWO HOSTAGES AND HE'S GOING TO
13 KILL THEM.

14 Q WHAT ABOUT INMATE LYNCH? DO YOU SEE HIM TODAY?

15 A YES. INMATE JACOB LYNCH IS OVER HERE.

16 Q ON THE OTHER END OF THE TABLE?

17 A YES.

18 Q AND WHAT DID HE SAY?

19 A HE STATED THAT HE WAS TIRED OF THE BULLSHIT OF BEING
20 LOCKED DOWN.

21 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT
22 THAT HE'S IDENTIFIED THE DEFENDANTS AS BEING THE
23 INMATES HE SAW THAT -- THAT DAY ON THE 29TH.

24 THE COURT: YES, SIR.

25 BY MR. FATA:

1 Q TIRED OF BEING LOCKED DOWN. TELL ME ABOUT THE
2 LOCKDOWN.

3 A WELL, THEY WAS -- THE UNIT WAS LOCKED DOWN DUE TO THE
4 FACT OF A SITUATION THAT HAPPENED PRIOR TO THAT DAY.

5 Q AND -- OKAY. DID YOU SEE ANYONE -- OR EXCUSE ME --
6 DID YOU SEE CORRECTIONS OFFICER COTTON?

7 A NOT AT THAT PARTICULAR TIME.

8 Q ALL RIGHT. LATER ON DID YOU SEE CORRECTIONS OFFICER
9 COTTON?

10 A YES, I DID.

11 Q ALL RIGHT. BUT BEFORE YOU TELL ME THAT, AFTER YOU
12 LOOKED THE DOOR, AFTER Y'ALL LOCKED THE DOOR, WHAT DID YOU
13 DO NEXT?

14 A WE -- WE WAITED AND THEN WE GOT MORE FURTHER
15 INSTRUCTION FROM THE MAJOR TO START ADMINISTRATING GAS
16 INTO THE UNIT.

17 Q OKAY. SO YOU BACKED OFF?

18 A YES.

19 Q ALL RIGHT. NOW, YOU SAW CORRECTIONS OFFICER COTTON?

20 A A LITTLE LATER.

21 Q ALL RIGHT. WHAT -- WHAT CONDITION WAS HE IN?

22 A HE CAME TO THE DOOR, HE WAS KIND OF BLOODY UP AND
23 WHATNOT. HE WAS HANDCUFFED TO JACOB LYNCH.

24 Q OKAY. DID YOU SEE ANYTHING HAPPEN TO HIM?

25 A I SAW JACOB LYNCH STAB OR -- COTTON IN THE -- IN THE

1 SHOULDER TWICE.

2 Q AND DID YOU SEE ANYTHING ELSE?

3 A NO, WE JUST STOOD THERE AND JUST WAIT TILL THE
4 NEGOTIATOR CONTINUE TO NEGOTIATE.

5 Q OKAY. AND YOU -- INMATE LYNCH STABBED HIM -- STABBED
6 OFFICER COTTON WITH WHAT?

7 A WITH A HOMEMADE SHANK.

8 Q OKAY. AND WHAT IS A HOMEMADE SHANK? TELL ME WHAT
9 THAT IS.

10 A IS A KNIFE THAT THEY MAKE INSIDE THE INSTITUTION.
11 IT'S LIKE A KNIFE.

12 Q WHO SAID THAT WE'VE GOT TWO HOSTAGES AND WE ARE GOING
13 TO KILL THEM?

14 A TYRONE SINGLETARY.

15 Q ANY DOUBT IN YOUR MIND THAT THAT WAS TYRONE
16 SINGLETARY?

17 A NO DOUBT IN MY MIND.

18 Q ANY DOUBT IN YOUR MIND THAT IT WAS JACOB LYNCH WHO
19 STABBED OFFICER COTTON?

20 A THERE'S NO DOUBT IN MY MIND.

21 Q AND WAS -- WAS -- DID JACOB LYNCH HAVE A SHANK IN HIS
22 HANDS? HE HAD TWO OF THEM?

23 A YES, HE HAD TWO SHANKS IN HIS HAND.

24 Q OKAY. ANSWER ANY QUESTIONS THAT MR. DOBY OR
25 MR. SCOTT MAY HAVE.

1 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

2 CROSS-EXAMINATION

3 BY MR. DOBY:

4 Q SERGEANT, WAS OFFICER SCARBOROUGH AND OFFICER ROBERT
5 JOHNSON PRESENT WITH YOU FOR THE ENTIRE TIME THAT YOU WERE
6 STANDING AT THE FRONT DOOR?

7 A YES.

8 Q OKAY. SO THEY WOULD HAVE SEEN ESSENTIALLY THE SAME
9 THINGS THAT YOU SAW?

10 A PRETTY MUCH AT THAT PARTICULAR TIME.

11 Q BECAUSE Y'ALL WERE BOTH STANDING AT THE DOOR RIGHT
12 THERE TO GO INTO THE CHESTERFIELD UNIT WHICH WOULD HAVE
13 BEEN SHOWN IN THIS PARTICULAR PHOTOGRAPH RIGHT HERE?

14 A YES.

15 Q OKAY. HOW FAR WERE YOU FROM THAT DOOR?

16 A AT THE TIME THAT IT, THAT...

17 Q WELL, LET ME NARROW IT DOWN A LITTLE BIT. WHEN YOU
18 FIRST CAME UP YOU WERE, OF COURSE, ASSISTING OFFICER
19 SCARBOROUGH IN GETTING THE DOOR CLOSED AND LOCKED?

20 A YES.

21 Q ALL RIGHT. HOW LONG DID IT TAKE YOU TO DO THAT?

22 A ONLY A COUPLE OF SECONDS.

23 Q OKAY. AND IS THAT WHEN YOU SAID THAT YOU SAW TYRONE
24 SINGLETARY?

25 A I SAW JACOB LYNCH CAME TO THE DOOR FIRST.

- 1 Q ALL RIGHT. JACOB LYNCH CAME TO THE DOOR FIRST?
- 2 A YES.
- 3 Q ALL RIGHT. BECAUSE YOU NEVER SAW TYRONE SINGLETARY
- 4 HANDCUFFED TO OFFICER COTTON; DID YOU?
- 5 A SAY AGAIN.
- 6 Q YOU NEVER SAW TYRONE SINGLETARY HANDCUFFED TO OFFICER
- 7 COTTON; DID YOU?
- 8 A NO, I DIDN'T.
- 9 Q HOW LONG AFTER YOU FIRST GOT TO THE DOOR DID YOU SEE
- 10 OFFICER COTTON HANDCUFFED TO JACOB LYNCH?
- 11 A IT WAS A WHILE LATER, APPROXIMATELY ABOUT 45 MINUTES
- 12 TO AN HOUR WHEN I -- WHEN THE NEGOTIATOR CAME TO STARTED
- 13 NEGOTIATING.
- 14 Q OKAY. SO IT WAS SOMETIME AFTER THAT THEN?
- 15 A YES.
- 16 Q OKAY. HOW LONG AFTER YOU ARRIVED AT THE FRONT DOOR
- 17 DID YOU SEE TYRONE SINGLETARY?
- 18 A SOON AS I -- JACOB LYNCH MADE HIS STATEMENT, TYRONE
- 19 SINGLETARY WAS STANDING THERE, HE MADE HIS STATEMENT.
- 20 Q OKAY. SEE OTHER INMATES THERE AT THE DOOR?
- 21 A NO, THEY WERE ONLY TWO THAT WERE AT THE DOOR. THE
- 22 OTHER INMATES WERE RUNNING BACK AND FORTH FROM THE NORTH
- 23 SIDE TO THE SOUTH SIDE.
- 24 Q SO IT'S CHAOS IN THE DORM AT THAT POINT?
- 25 A YES.

1 Q OKAY. WERE YOU ABLE TO SEE WHAT THOSE INMATES WERE
2 DOING IN THE DORM WHEN YOU FIRST ARRIVED?

3 A NO, IT'S ONLY HAD LIKE A HALLWAY AND THEY WERE JUST
4 MOVING BACK AND FORTH, THAT WAS IT.

5 Q ALL RIGHT. SO YOU DIDN'T REALLY SEE WHAT WAS
6 HAPPENING IN THERE, YOU JUST SAW MOVEMENT BEHIND THE DOOR?

7 A YES.

8 Q OKAY. DID YOU REVIEW STATEMENTS OF OFFICER
9 SCARBOROUGH OR OFFICER JOHNSON AT ANY POINT?

10 A NO.

11 Q HAVE YOU EVER SEEN THOSE STATEMENTS?

12 A NO, I HAVEN'T.

13 Q DIDN'T -- DIDN'T SEE THOSE STATEMENTS IN REVIEW IN
14 PREPARATION FOR YOUR TESTIMONY TODAY?

15 A NO, I HAVEN'T.

16 Q WOULD THEY HAVE SEEN ANYTHING DIFFERENT THAN YOU SAW?

17 A COULD HAVE.

18 Q WOULD THEY HAVE SEEN MORE THAN YOU SAW?

19 A COULD HAVE.

20 Q OKAY. DID Y'ALL DISCUSS IT? DID YOU DISCUSS GIVING
21 STATEMENTS? DID YOU TALK ABOUT IT AFTERWARDS? DID YOU
22 TALK WITH SOME SLED AGENT, WHAT...

23 A YES, TALKED TO THE SLED AGENTS.

24 Q OKAY. BECAUSE YOU ALL GAVE STATEMENTS?

25 A YES.

1 Q VERY SOON AFTER THIS INCIDENT OCCURRED?

2 A YES.

3 Q OKAY. THANK YOU. THAT'S ALL I HAVE.

4 THE COURT: MR. SCOTT?

5 CROSS-EXAMINATION

6 BY MR. SCOTT:

7 Q SERGEANT JUNE, DO YOU KNOW WHAT SIDE OF THIS FACILITY
8 MR. LYNCH WAS ON, WHETHER HE WAS ON THE SOUTH SIDE OR THE
9 NORTH SIDE?

10 A HE WAS ASSIGNED TO THE SOUTH SIDE.

11 Q OKAY. THAT'S THE SIDE THAT NORMALLY ALLOWS YOU TO
12 HAVE MORE FREEDOM, MORE LIBERTY; CORRECT?

13 A YES.

14 Q OKAY. BUT I UNDERSTAND YOU SAID THEY WERE --
15 EVERYBODY WAS LOCKED DOWN ON THIS PARTICULAR DAY BECAUSE
16 OF THE STABBING THAT HAD TAKEN PLACE?

17 A YES.

18 Q MR. LYNCH WASN'T INVOLVED IN THAT, OF COURSE?

19 A NO, HE WASN'T.

20 Q RIGHT. AND HOW LONG HAD YOU WORKED IN THIS
21 PARTICULAR UNIT?

22 A I BEEN WORKING CLOSE CUSTODY SINCE '97.

23 Q OKAY. SO YOU WERE WORKING IN THAT DORM WHEN MR.
24 LYNCH ARRIVED?

25 A YES.

1 Q OKAY. ALL RIGHT. AND YOU DIDN'T HAVE ANY TROUBLE
2 OUT OF HIM BEFORE THIS; DID YOU?

3 A NO, I HADN'T.

4 Q OKAY. AND I BELIEVE YOU INDICATED THAT AT THE TIME
5 THAT THIS HAPPENED BOTH YOU -- OR I'M SORRY -- YOU,
6 OFFICER SCARBOROUGH AND SERGEANT JOHNSON, NOW LIEUTENANT
7 JOHNSON, WERE ALL THERE AT THE DOOR?

8 A YES.

9 Q RIGHT? OKAY. WHEN THIS WAS GOING ON. OKAY. AND
10 YOU INDICATED THAT YOU HEARD MR. SINGLETARY SAY SOMETHING
11 ABOUT TAKING SOMEBODY HOSTAGE?

12 A YES, YOU HAVE TWO---

13 Q MR. LYNCH DIDN'T SAY ANYTHING ABOUT THAT; DID HE?

14 A NO, HE DIDN'T.

15 Q OKAY. ALL RIGHT. AND I BELIEVE YOU SAID THERE WERE
16 OTHER INMATES RUNNING BACK AND FORTH?

17 A YES.

18 Q OKAY.

19 MR. SCOTT: YOUR HONOR, IF I CAN HAVE THE
20 INDULGENCE FOR JUST A MOMENT, PLEASE SIR.

21 THE COURT: ALL RIGHT.

22 (PAUSE WHILE MR. SCOTT CONFERRING WITH
23 DEFENDANT).

24 BY MR. SCOTT:

25 Q DO YOU RECALL HOW MANY OTHER INMATES YOU SAW BACK AND

1 FORTH AT THE DOOR?

2 A THEY WEREN'T AT THE DOOR. THEY WERE RUNNING BACK AND
3 FORTH. IT'S A SALLY PORT AND THERE'S ALSO A HALLWAY.
4 THEY WAS IN THE HALLWAY. BUT MR. SINGLETARY AND JACOB WAS
5 IN THE SALLY PORT.

6 Q OKAY. HOW FAR FROM THESE OTHER INMATES WOULD YOU
7 HAVE BEEN AT ANY GIVEN TIME?

8 A I'LL SAY THAT WAS APPROXIMATELY ABOUT 15 FEET.

9 Q SIR?

10 A 15 FEET.

11 Q AND THAT COMPARED WITH ABOUT HOW CLOSE OR HOW FAR
12 AWAY YOU WERE FROM MR. LYNCH AND MR. SINGLETARY?

13 A RIGHT THERE AT THE DOOR, NO MORE THAN JUST THE
14 DOORWAY ITSELF.

15 Q ALL RIGHT. THANK YOU, SIR. THAT'S ALL I HAVE.

16 THE COURT: MR. FATA, REDIRECT?

17 MR. FATA: JUST A COUPLE QUESTIONS.

18 REDIRECT EXAMINATION

19 BY MR. FATA:

20 Q SERGEANT JUNE, WHAT IS THE SALLY PORT AND THE
21 HALLWAY? WHAT'S THE DIFFERENCE BETWEEN THE HALLWAY AND
22 THE SALLY PORT?

23 A THE HALLWAY RUNS TO THE DOORS THAT -- THAT GOES INTO
24 THE SUPERVISOR'S OFFICE.

25 Q ALL RIGHT.

1 A AND THE SALLY PORT IS JUST...

2 MR. FATA: MAY HE COME DOWN AGAIN, YOUR HONOR?

3 THE COURT: ALL RIGHT, SIR.

4 BY MR. FATA:

5 Q SHOW YOU STATE'S EXHIBIT NUMBER SIX. AND STAND ON
6 THIS SIDE SO I CAN -- THIS IS THE DOORWAY RIGHT HERE WHERE
7 YOU -- WHERE YOU WERE LOOKING AT. WHERE YOU---

8 A YES, RIGHT HERE IS THE DOORWAY.

9 Q ALL RIGHT. WHERE IS THE SALLY PORT?

10 A THIS IS THE SALLY PORT. IT'S RIGHT HERE. IT'S
11 ANOTHER DOOR RIGHT THERE. IT'S A LITTLE SMALL AREA ABOUT
12 8 FEET.

13 Q OKAY. AND THERE'S A DOORWAY BACK HERE?

14 A YEAH, THAT'S THE DOORWAY RIGHT THERE.

15 Q NOW, WHO WAS IN THE -- IN THE SALLY PORT AREA AT THE
16 FRONT DOOR?

17 A MR. LYNCH AND MR. SINGLETARY WAS RIGHT AT THE DOOR.

18 Q AND WHERE WERE THE REST OF THESE INMATES RUNNING
19 AROUND?

20 A IN THIS HALLWAY RIGHT HERE RUNNING BACK AND FORTH
21 FROM WING TO WING.

22 Q SO THIS HALLWAY GOES -- IS A HALLWAY BETWEEN THE TWO
23 WINGS?

24 A YES.

25 Q AND THE OTHER INMATES WERE BACK HERE?

1 A YES.

2 Q HOW MANY INMATES WERE BACK THERE?

3 A IT'S APPROXIMATELY ABOUT 10.

4 Q OKAY.

5 A THAT I SEEN.

6 Q AND WHAT -- COULD YOU DETERMINE WHAT THEY WERE DOING?

7 A JUST RUNNING BACK AND FORTH. SOME OF THEM HAD RAGS

8 ON THEIR HEAD, LIKE HOODIES AND STUFF.

9 Q OKAY. HAVE A SEAT.

10 A (COMPLIED.)

11 MR. FATA: THAT'S ALL. THANK YOU.

12 THE COURT: THANK YOU. MR. DOBY, ANY FOLLOW-UP?

13 MR. DOBY: NO, SIR, YOUR HONOR.

14 THE COURT: MR. SCOTT?

15 MR. SCOTT: NONE, YOUR HONOR.

16 THE COURT: THANK YOU. SERGEANT JUNE, YOU CAN

17 STEP DOWN. THANK YOU.

18 MR. FATA: YOUR HONOR, MAY THIS WITNESS BE

19 EXCUSED?

20 THE COURT: WITHOUT OBJECTION SERGEANT JUNE CAN

21 BE EXCUSED. THANK YOU. MR. FATA?

22 MR. FATA: YOUR HONOR, THE STATE CALL CAPTAIN

23 ARENDA THOMAS.

24 (WITNESS IN COURTROOM.)

25 THE COURT: CAPTAIN THOMAS, COME FORWARD PLEASE

ARENDA THOMAS - DIRECT BY FATA

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1 AND BE SWORN.

2 ARENDA THOMAS, AFTER BEING DULY SWORN,
3 TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. FATA:

6 Q CAPTAIN THOMAS, DO YOU LIVE IN LEE COUNTY?

7 A NO.

8 Q YOU LIVE IN COLUMBIA?

9 A YES.

10 Q OKAY. YOU WORK HERE IN LEE COUNTY?

11 A YES.

12 Q WORK AT THE DEPARTMENT OF CORRECTIONS?

13 A YES.

14 Q LEE COUNTY CORRECTIONAL INSTITUTE?

15 A YES.

16 Q AND WHAT IS YOUR JOB OUT THERE?

17 A CAPTAIN IN CHARGE OF SMU AT THE PRESENT TIME.

18 Q AND WHAT IS SMU?

19 A LOCK-UP UNIT.

20 MR. SCOTT: YOUR HONOR, EXCUSE ME. I DON'T MEAN
21 TO INTERRUPT. I WONDER IF HE COULD SPEAK UP JUST A
22 LITTLE BIT.

23 THE COURT: MAYBE PULL THAT MICROPHONE TO HIM.
24 YOU MAY NEED TO EVEN PULL THAT CHAIR UP A LITTLE
25 CLOSER TO THE MICROPHONE. THANK YOU, SIR.

1 BY MR. FATA:

2 Q ALL RIGHT. WHAT IS SMU?

3 A IT'S THE LOCK-UP UNIT AT THE PRESENT TIME, LOCK-UP
4 SEGREGATE UNIT FOR INMATE RULE INFRACTIONS.

5 Q THAT'S WHERE THEY ARE LOCKED DOWN 23 HOURS A DAY OR
6 SOMETHING LIKE THAT?

7 A YES.

8 Q OKAY. ARE YOU A CERTIFIED CORRECTIONS OFFICER?

9 A YES.

10 Q HOW DID YOU BECOME CERTIFIED?

11 A BY ATTENDING THE ACADEMY. ATTENDING THE ACADEMY.

12 Q OKAY. AND HAVE YOU HAD ANY ON-THE-JOB-TRAINING OR
13 CONTINUING EDUCATION?

14 A I HAD EMERGENCY PREPAREDNESS TRAINING, SUPERVISORY
15 COURSES. I HAVE BEEN A MEMBER OF THE RR TEAM, RRT TEAM
16 ALSO.

17 Q WHAT IS THE RRT TEAM?

18 A RAPID RESPONSE TEAM.

19 Q AND WHAT IS THEIR FUNCTION?

20 A TRAINED TO ASSIST IN DISTURBANCES IN INSTITUTIONS AND
21 OTHER FUNCTIONS, SHAKING DOWN INSTITUTIONS FOR CONTRABAND.

22 Q OKAY. WERE YOU A MEMBER OF THE RR (SIC) TEAM ON THIS
23 DATE, ON OCTOBER 29TH, 2003?

24 A NO. NO.

25 Q WHAT WAWS -- WHAT WERE YOUR DUTIES THEN?

1 A I WAS THE SHIFT CAPTAIN IN CHARGE OF THE B1 SHIFT,
2 FROM 7AM TO 7 P.M.

3 Q OKAY. AND THAT WAS EVERYBODY WORKING IN THE -- IN
4 THE INSTITUTION?

5 A YES.

6 Q ALL RIGHT. BOTH SIDES, THE EAST AND THE WEST YARD?

7 A YES.

8 Q ALL RIGHT. WHAT TIME DID YOU GET TO WORK THAT DAY?

9 A APPROXIMATELY 6:30.

10 Q AND WAS IT AN EVENTFUL DAY UP UNTIL THE AFTERNOON?

11 A IT WAS A QUIET DAY. WE HAD NO DISTURBANCES OR
12 PROBLEMS OR WHATEVER. I -- WHEN I REPORT TO WORK I FOUND
13 OUT THAT CHESTERFIELD UNIT WAS ON LOCK-DOWN BECAUSE OF A
14 SITUATION WHERE AN INMATE WAS STABBED ON 10-27-03 AND THE
15 INSTITUTION -- WELL, THAT UNIT WAS PLACED ON LOCK-DOWN FOR
16 INVESTIGATION.

17 IT WAS STILL ON LOCK-DOWN, SO WE -- THREE OFFICERS
18 WAS ASSIGNED DOWN TO ASSIST WITH THE SHOWERS IN THAT UNIT.

19 Q OKAY. LATER THAT AFTERNOON WAS THERE AN ALARM OR
20 WHATEVER THAT CAME -- CAME ACROSS?

21 A APPROXIMATELY 5 P.M. THAT AFTERNOON I WAS IN SMU IN
22 FRONT OF THE HOLDING CELL. I HEARD A RADIO TRANSMISSION
23 GO ACROSS THAT THE PHONE WAS OFF THE HOOK IN THE
24 CHESTERFIELD UNIT WHICH MEANS THAT WE MAY HAVE A SITUATION
25 DOWN THERE WHERE OTHER OFFICERS MAY BE REQUIRED TO ASSIST

1 WITH THE SITUATION.

2 Q WHAT DID YOU DO IN RESPONSE TO THAT?

3 A AT THAT TIME I LISTENED TO SEE IF THERE WAS ANOTHER
4 TRANSMISSION COME ACROSS. THE FIRST RESPONDER REPORTED TO
5 THE UNIT AND CALLED BACK TO THE CONTROL ROOM STATING THAT
6 THERE WERE SEVERAL, NUMEROUS INMATES OUT OF THEIR CELLS IN
7 CHESTERFIELD UNIT WEARING MASKS AND HAD WEAPONS AND
8 SCARVES AND STUFF TIED AROUND THEIR FACE.

9 Q WHAT DID YOU DO IN RESPONSE TO THAT?

10 A I RESPONDED TO THE UNIT. AND ONCE I ARRIVED AT THE
11 UNIT, OFFICER SCARBOROUGH AND SERGEANT JOHNSON WAS AT THE
12 SCENE AT THE FRONT DOOR. THEY SECURED THE FRONT DOOR
13 PREVENT INMATES FROM EXITING THE UNIT.

14 Q AND WHAT DID YOU DO NEXT?

15 A AT THAT TIME WE ESTABLISHED THE PERIMETER AROUND THE
16 UNIT, KEEP OTHER INMATES FROM GETTING INVOLVED. I WENT TO
17 THE FRONT DOOR OF THE UNIT, LOOKED INSIDE. I SAW INMATE
18 TYRONE SINGLETARY IN THE FRONT OF THE UNIT.

19 HE HAD A 12-INCH WEAPON IN HIS HAND. AND HE STATED,
20 WE HAVE TWO OF YOUR OFFICERS, YOU ALL ARE GOING TO MEET
21 OUR DEMANDS.

22 Q DID HE MAKE ANY DEMANDS AT THAT TIME?

23 A NONE.

24 Q OKAY. AND DID YOU KNOW INMATE SINGLETARY?

25 A YES.

1 Q EXCUSE ME -- SINGLETARY AT THAT TIME?

2 A YES.

3 Q AND DO YOU SEE HIM, THE INMATE THAT TOLD YOU, WE HAVE
4 TWO OF YOUR OFFICERS AND YOU'RE GOING TO MEET OUR DEMAND,
5 DO YOU SEE HIM TODAY?

6 A YES.

7 Q WHERE IS HE?

8 A RIGHT -- RIGHT THERE.

9 Q IS -- ON THIS END OF THE TABLE?

10 A YES.

11 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT
12 THAT HE'S INDICATED THE DEFENDANT SINGLETARY.

13 THE COURT: ALL RIGHT, SIR.

14 BY MR. FATA:

15 Q WHAT ELSE HAPPENED WHILE YOU WERE THERE?

16 A ONCE -- ONCE INMATE SINGLETARY MADE THAT STATEMENT, I
17 NOTIFIED SOCIAL BOARD PRISON, ON-CALL OFFICIAL, WHO -- LET
18 HIM KNOW THAT WE HAD A HOSTAGE SITUATION. HE MADE THE
19 CALL FOR THE TACTICAL SUPPORT, OR THE RRT MEMBERS, AND
20 NOTIFIED THE WARDEN.

21 THEN MAJOR BROOKS ARRIVED ON THE SCENE AND WE WENT TO
22 THE PORTHOLE OF THE NORTH SIDE OF CHESTERFIELD UNIT
23 LOOKING TO SEE WHAT WE COULD SEE INSIDE.

24 Q AND WHAT DID YOU SEE?

25 A INSIDE THERE WERE INMATES RUNNING AROUND, THERE WAS

1 FLOODING, WATER WAS FLOODING ALL THROUGH THE FLOOR. MAJOR
2 BROOKS AT THAT TIME DIRECTED SERGEANT CARLTON ASHE TO
3 DEPLOY GAS INTO THE UNIT, AND WHICH WE DID. THEN WE WENT
4 BACK TO THE -- THEN AFTER THAT POINT, INMATE SINGLETARY
5 AND LYNCH CAME TO THE DOOR OF -- FRONT DOOR OF
6 CHESTERFIELD UNIT WITH OFFICER COTTON.

7 Q AND WHAT HAPPENED THEN?

8 A AND THEY BEGAN BARKING OUT COMMANDS, DEMANDS, MAKING
9 DEMANDS OF WHAT THEY WANTED. AND THEN INMATE SINGLETARY
10 SAID, YOU THINK WE ARE PLAYING? WE ARE NOT PLAYING. AND
11 HE STABBED OFFICER COTTON IN THE CHEST AREA ONE TIME.

12 Q WITH THE -- WITH THE SHANK?

13 A YES.

14 Q WHAT WAS SOME OF THE DEMANDS THAT THEY WERE MAKING?

15 A AT THAT TIME WE BACKED AWAY FROM THE AREA TO THE
16 SITCOM TEAM ARRIVED. LATER ON INMATE SINGLETARY AND LYNCH
17 CAME BACK TO THE DOOR, OFFICER COTTON. AT THIS TIME
18 OFFICER COTTON WAS ATTACHED, WAS HANDCUFFED TO INMATE
19 LYNCH.

20 AND AT THAT TIME THEY STARTED DEMANDING THEY WANTED
21 CELLPHONE, THEY WANTED MEDIA ATTENTION. I THINK THAT'S...

22 Q ALL RIGHT. DO YOU SEE THE INMATE WHO OFFICER COTTON
23 WAS HANDCUFFED TO IN THE COURTROOM TODAY?

24 A YES.

25 Q AND CAN YOU -- YOU IDENTIFIED HIM AS INMATE LYNCH?

1 A YES.

2 Q WHERE IS HE?

3 A TO THE LEFT.

4 Q AT THE OTHER END OF THE TABLE?

5 A YES.

6 Q DEFENSE TABLE?

7 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT

8 THAT HE'S IDENTIFIED INMATE LYNCH.

9 THE COURT: YES, SIR.

10 BY MR. FATA:

11 Q WHAT HAPPENED NEXT?

12 A THE SIT -- SITCOM MEMBERS CAME AND THEY BEGAN

13 NEGOTIATING. AND LATER INMATES WERE ALLOWED TO EXIT NOT

14 INVOLVED IN THE SITUATION FIVE AT A TIME, AND THEY WERE

15 SECURED AND REMOVED FROM THE UNIT.

16 Q AFTER YOU SECURED THE FRONT DOOR, AFTER THE -- ALL

17 THIS, AND YOU BACKED OFF, DID YOU ACTUALLY HAVE ANY DIRECT

18 INVOLVEMENT AFTER THAT IN -- IN THIS SITUATION?

19 A NO.

20 Q OKAY. SO IT WAS UP TO THE NEGOTIATORS AND THE RAPID

21 RESPONSE TEAM?

22 A YES.

23 Q OKAY. BUT THERE'S NO DOUBT IN YOUR MIND THAT IT WAS

24 INMATE SINGLETARY THAT TOLD YOU THAT THEY'VE GOT TWO

25 OFFICERS HOSTAGE AND GOING TO MEET THEIR DEMANDS?

1 A YES.

2 Q AND THERE'S NO DOUBT IN YOUR MIND THAT YOU SAW HIM
3 STAB OFFICER COTTON?

4 A YES.

5 Q AND THERE'S NO DOUBT IN YOUR MIND THAT YOU SAW
6 OFFICER COTTON HANDCUFFED TO -- TO INMATE LYNCH?

7 A THAT'S TRUE.

8 Q NOW, INMATE LYNCH AND INMATE SINGLETARY ON
9 OCTOBER 29TH, 2003, WERE THEY INMATES IN THE DEPARTMENT OF
10 CORRECTIONS?

11 A YES.

12 Q WERE THEY PRISONERS?

13 A YES.

14 Q AND HOUSED AT LEE?

15 A YES.

16 Q AND THIS EVENT -- THIS EVENT HAPPENED IN LEE COUNTY,
17 SOUTH CAROLINA?

18 A YES.

19 Q ANSWER ANY QUESTIONS THAT MR. DOBY OR MR. SCOTT MAY
20 HAVE.

21 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

22 CROSS-EXAMINATION

23 BY MR. DOBY:

24 Q OFFICER, HOW LONG WERE YOU AT THE FRONT DOOR?

25 A EXCUSE ME?

1 Q HOW LONG WERE YOU AT THE FRONT DOOR?

2 A APPROXIMATELY A MINUTE, TWO MINUTES.

3 Q A MINUTE, TWO MINUTES?

4 A YES.

5 Q WAS OFFICER SCARBOROUGH, JOHNSON, AND JUNE PRESENT AT
6 THAT DOOR ALSO?

7 A WHEN I WAS AT THE DOOR, SERGEANT -- SERGEANT JOHNSON
8 AND OFFICER SCARBOROUGH WERE PRESENT AT THE DOOR.

9 Q OKAY. AND THEY WOULD HAVE SEEN THE SAME THING THAT
10 YOU SAW?

11 A I ONLY KNOW WHAT I SAW.

12 Q I'M SORRY?

13 A I ONLY KNOW WHAT I SAW.

14 Q OKAY. WELL, WERE THEY STANDING THERE NEXT TO YOU?
15 WERE THEY 10 FEET FROM YOU? WERE THEY STANDING
16 SIDE-BY-SIDE?

17 A I STOOD -- I WENT TO THE ENTRANCE DOOR OF
18 CHESTERFIELD, LOOKED INSIDE, AND SAW INMATE SINGLETARY.

19 Q OKAY. AND WHERE WOULD OFFICER JOHNSON AND
20 SCARBOROUGH THEN -- WHERE WERE THEY WHEN YOU WERE LOOKING
21 IN THE DOOR?

22 A BEHIND ME. BEHIND ME AS WELL.

23 Q LOOKING IN THE DOOR AS WELL?

24 A I WAS IN FRONT OF THE -- DIRECTLY IN FRONT OF THE
25 DOOR. I WAS THE ONLY PERSON IN FRONT OF THE DOOR. THEY

1 COULDN'T VIEW WHAT I WAS VIEWING AT THAT TIME.

2 Q OKAY. DID YOU SEE JACOB LYNCH STAB OFFICER COTTON?

3 A YES.

4 Q OKAY. DID YOU PUT THAT IN ANY STATEMENT?

5 A NO.

6 Q DO YOU THINK THAT WAS IMPORTANT TO PUT IN THE
7 STATEMENT?

8 A AT THE TIME THEY TOOK THE STATEMENT, I DIDN'T RECALL
9 THAT AT THAT TIME.

10 Q YOU DIDN'T RECALL THAT THAT OCCURRED AT THAT TIME?

11 A YES. YES.

12 Q ALL RIGHT. YOU HAD JUST SEEN A FELLOW OFFICER
13 STABBED AND YOU DIDN'T FIND THAT IMPORTANT?

14 A I DIDN'T RECALL THAT AT THAT TIME.

15 Q OKAY. BUT YOU'RE SURE THAT OCCURRED?

16 A YES.

17 Q DID YOU REVIEW ANY OTHER STATEMENTS FROM THE THREE
18 OTHER OFFICERS THAT WERE THERE WITH YOU, SERGEANT JUNE,
19 OFFICER SCARBOROUGH AND OFFICER JOHNSON, PRIOR TO YOUR
20 TESTIMONY TODAY?

21 A YEAH, WE TALKED.

22 Q ALL RIGHT. YOU TALKED ABOUT ALL OF THOSE -- DID YOU
23 TALK ABOUT YOUR STATEMENTS?

24 A YES. WE TALKED, YES.

25 Q DID YOU TALK ABOUT THE DIFFERENCES IN THE STATEMENTS

1 THAT Y'ALL HAD GIVEN?

2 A WHEN -- WHEN IT'S A LOT -- IT'S EMERGENCY SITUATION
3 LIKE THAT, DIFFERENT PEOPLE CAN VIEW DIFFERENT THINGS AT
4 THE TIME.

5 Q OKAY.

6 A SO SOMEONE MAY SEE SOMETHING A LITTLE DIFFERENT FROM
7 THE OTHER ONE.

8 Q OKAY. WHEN DID YOU GIVE YOUR STATEMENT, DO YOU
9 RECALL?

10 A 10-31, 10-31-03.

11 Q 10-31?

12 A YES.

13 Q TWO DAYS AFTER THIS OCCURRED?

14 A YES.

15 Q OKAY. DID YOU GIVE ANY OTHER STATEMENT BESIDES THE
16 ONE STATEMENT?

17 A NO.

18 Q WHO WAS HANDCUFFED TO OFFICER COTTON?

19 A INMATE LYNCH.

20 Q DID YOU EVER SEE INMATE SINGLETARY HANDCUFFED TO
21 ANYONE?

22 A NO.

23 Q OKAY. WAS THERE A VIDEO CAMERA THAT WAS RUNNING AT
24 THE TIME THAT YOU WENT TO THE -- TO THE DOOR?

25 A NOT FIRST TIME I WENT TO THE DOOR. WHEN I VIEWED

1 INMATE SINGLETARY WITH THE SHANK IN HIS HAND WHEN HE
2 INFORMED ME THAT WE HAVE TWO OF YOUR OFFICERS--

3 Q UH-HUH.

4 A -- AND Y'ALL ARE GOING TO MEET MY DEMANDS, THERE WAS
5 NOT A VIDEO CAMERA THERE AT THAT TIME.

6 Q OKAY. WAS THERE A VIDEO CAMERA WHEN YOU -- YOU SAID
7 THAT TYRONE SINGLETARY CAME BACK TO THE DOOR?

8 A NO, I DON'T THINK ONE WAS THERE THEN.

9 Q ALL RIGHT. DO YOU KNOW WHETHER THERE WAS EVER A
10 VIDEO DONE OF THIS?

11 A YES, THERE WAS A VIDEO DONE.

12 Q ALL RIGHT. DID YOU REVIEW THAT VIDEO? YOU EVER SEEN
13 THE VIDEO?

14 A I SEEN IT, YES.

15 Q OKAY. ARE THE VIDEO CAMERAS THAT ARE CONTAINED
16 WITHIN THE -- WITHIN THE CHESTERFIELD UNIT, ARE THERE
17 CAMERAS RECORDING WHAT OCCURS?

18 A NOT OF THAT SITUATION, NO, NOT THAT I KNOW.

19 Q SO THE CONTROL UNIT THAT'S -- THAT CONTROLS ALL OF
20 LEE CORRECTIONAL INSTITUTE DON'T HAVE -- DON'T HAVE
21 CAMERAS SET UP IN THE DIFFERENT PLACES FOR THE OFFICERS
22 THAT ARE STATIONED IN THE CONTROL UNIT TO MONITOR WHAT'S
23 GOING ON?

24 A SOME -- SOMETIME THERE ARE CAMERAS PLACED IN UNITS TO
25 MONITOR UNITS THAT'S BASICALLY SUPPOSED TO BE DISRUPTIVE

1 OR HOWEVER.

2 Q ALL RIGHT. WAS THERE NOT ONE PLACED IN CHESTERFIELD?

3 A I THINK THERE WAS.

4 Q DID YOU REVIEW ANY VIDEOTAPE OF THAT?

5 A I DON'T KNOW IF ANY VIDEO CAME WITH THAT -- STORE THE
6 UNIT. I DON'T KNOW IF THE CAMERAS RECORD ANYTHING FROM
7 THERE.

8 Q WELL, DO YOU KNOW WHO WOULD HAVE BEEN MONITORING
9 THOSE UNITS?

10 A THERE CAMERAS ARE MONITORED BY THE CONTROL ROOM AND
11 CAN BE MONITORED BY WARDEN OR ASSOCIATE WARDEN.

12 Q DO YOU KNOW WHETHER THEY WERE MONITORED THAT DAY?

13 A I DON'T KNOW.

14 Q DIDN'T DISCUSS THAT WITH ANYONE?

15 A I KNOW THE CAMERAS WERE BROKEN. THEY WERE BROKEN IN
16 THE UNIT, DAMAGED IN THE UNIT. I DON'T KNOW WHAT TIME
17 THEY WERE BROKEN IN THE UNIT.

18 Q OKAY. THANK YOU. THAT'S ALL I HAVE.

19 THE COURT: THANK YOU. MR. SCOTT?

20 MR. SCOTT: THANK YOU, YOUR HONOR.

21 CROSS-EXAMINATION

22 BY MR. SCOTT:

23 Q CAPTAIN THOMAS, YOU JUST TESTIFIED TO MR. DOBY THAT
24 YOU SAW JACOB LYNCH STAB OFFICER COTTON. AND YOU -- HOW
25 MANY STATEMENTS DID YOU SAY YOU MADE, THAT YOU GAVE AT THE

1 TIME?

2 A ONE.

3 Q ONE STATEMENT?

4 A YES. UNLESS I DID AN INCIDENT REPORT, ONE STATEMENT.

5 Q ALL RIGHT. LET ME LET YOU TAKE A LOOK AT THAT,
6 PLEASE SIR, IF I COULD. ASK THAT -- I ASKED IF YOU COULD
7 IDENTIFY THAT AS BEING THE STATEMENT YOU MADE. CONSISTS
8 OF TWO PAGES.

9 A YES.

10 Q HAVE YOU -- DID YOU HAVE A CHANCE TO REVIEW THAT
11 STATEMENT BEFORE COMING TO COURT TODAY?

12 A YES.

13 Q OKAY. SO YOU KNOW WHAT IT CONTAINS; RIGHT?

14 A YES.

15 Q AND NOWHERE IN THAT STATEMENT DO YOU SEE ANYTHING
16 ABOUT SEEING JACOB LYNCH STAB ANYBODY; DO YOU?

17 A NO.

18 Q OKAY. AND IN FACT, THIS STATEMENT WAS MADE -- MAKE
19 SURE I GET THE DATE RIGHT THIS TIME -- THE STATEMENT WAS
20 MADE ON THE 31ST OF OCTOBER, 2003. AM I CORRECT ABOUT
21 THAT?

22 A YES.

23 Q OKAY. AND DID YOU WRITE OUT THIS STATEMENT YOURSELF?

24 A I GAVE THE STATEMENT TO A SLED AGENT.

25 Q YOU GAVE IT TO SLED. OKAY. AND THEY GAVE YOU AN

1 OPPORTUNITY TO READ IT BEFORE YOU SIGNED IT?

2 A YES.

3 Q OKAY. AND YOU READ IT, THEN YOU SIGNED IT?

4 A YES.

5 Q OKAY. AND NOTHING IN HERE ABOUT JACOB LYNCH STABBING
6 ANYBODY?

7 A NO.

8 Q OKAY. NOW, BY THE WAY, HOW DO YOU KNOW JACOB LYNCH?

9 A I DIDN'T EXACTLY KNOW JACOB LYNCH. HE WAS IDENTIFIED
10 BY THE SERGEANT THAT WORKS THAT UNIT. ONCE HE CAME TO THE
11 DOOR, WE -- I ASKED, DO YOU KNOW THAT INMATE RIGHT THERE?
12 AND HE WAS IDENTIFIED BY A SERGEANT.

13 Q SO YOU DIDN'T ACTUALLY KNOW JACOB LYNCH, AN INMATE
14 NAMED JACOB LYNCH AT THE TIME?

15 A NO, I DIDN'T KNOW JACOB LYNCH.

16 Q OKAY. ALL RIGHT. AND YOU ALSO IN THIS STATEMENT
17 DIDN'T SAY ANYTHING ABOUT JACOB LYNCH SAYING ANYTHING
18 ABOUT TAKING ANYBODY HOSTAGE; RIGHT? THERE'S NOTHING LIKE
19 THAT IN THIS STATEMENT?

20 A THEY MADE DEMANDS.

21 Q OKAY. NOW, ANSWER MY -- MY QUESTION IS, YOU DIDN'T
22 SAY ANYTHING IN THIS STATEMENT ABOUT JACOB LYNCH SAYING HE
23 WAS TAKING ANYBODY HOSTAGE. THAT'S MY QUESTION.

24 A I MADE A STATEMENT THAT BOTH LYNCH AND SINGLETARY
25 CAME TO THE DOOR BARKING DEMANDS.

1 Q OKAY. SHOW ME IN THAT STATEMENT WHERE YOU SAY JACOB
2 LYNCH SAID HE WAS TAKING SOMEBODY HOSTAGE.

3 A THERE'S NO STATEMENT IN HERE SAYING THAT. NO
4 STATEMENT IN HERE SAYING THAT.

5 Q ALL RIGHT. THANK YOU. THIS WINDOW THAT YOU
6 MENTIONED YOU WERE IN FRONT OF AT THE DOOR, HOW -- NOW,
7 WOULD THAT BE -- WE HEARD SOME TESTIMONY ABOUT SALLY PORT.
8 IS THAT -- IS THAT WHERE THE DOOR IS, AT THE SALLY PORT?

9 A IT'S THE EXTERIOR DOOR TO THE UNIT.

10 Q OKAY.

11 A THE FIRST DOOR -- THE FIRST DOOR YOU GET TO PRIOR TO
12 GOING IN THE UNIT.

13 Q HOW TALL -- ABOUT WHAT -- WHAT ARE THE DIMENSIONS OF
14 THAT WINDOW? I MEAN, IS IT -- CAN YOU STAND UP, PLEASE
15 SIR, IF YOU DON'T MIND? WHERE WAS THE WINDOW COME --
16 WHERE WOULD THE BOTTOM OF THE WINDOW COME UP ON YOU?

17 A (INDICATED) PROBABLY RIGHT HERE.

18 Q YOU'RE REACHING ABOUT MIDDLE -- THE MIDDLE LEVEL OF
19 YOUR CHEST. AND THEN WHAT ABOUT THE TOP OF THE WINDOW?

20 A PROBABLY RIGHT HERE.

21 Q RIGHT ABOUT THE TOP OF YOUR HEAD?

22 A YEAH.

23 Q AND ABOUT HOW WIDE IS THIS WINDOW? ABOUT 2 FEET? IS
24 THAT ABOUT RIGHT?

25 A YEAH, SOMETHING LIKE THAT.

1 Q OKAY. THANK YOU. I BELIEVE YOU SAID YOU SAW OTHER
2 INMATES RUNNING AROUND WHEN YOU LOOKED IN THAT WINDOW AS
3 WELL; RIGHT?

4 A I SAW OTHER INMATES RUNNING AROUND LOOKING THROUGH A
5 PORTHOLE.

6 Q YOU SAW OTHER INMATES RUNNING AROUND LOOKING THROUGH
7 A PORTHOLE. WERE YOU LOOKING THROUGH A PORTHOLE WHEN YOU
8 SAW IT OR WERE THEY LOOKING THROUGH A PORTHOLE? I DIDN'T
9 UNDERSTAND YOUR ANSWER. I'M SORRY.

10 A WHEN WE SAW THE INMATES RUNNING AROUND INSIDE THE
11 UNIT, WE LOOKED THROUGH A PORTHOLE ON THE NORTH WING.

12 Q OKAY. ALL RIGHT. I'M WITH YOU. OKAY. AND I
13 BELIEVE YOU SAW SOME OTHER INMATES COMING TO THE DOOR
14 DURING THE TIME YOU WERE AT THE DOOR AS WELL; RIGHT?

15 A YES.

16 Q OKAY. SO IT WASN'T JUST MR. LYNCH AND MR.
17 SINGLETARY?

18 A THEY WERE THE PRIMARY TWO INMATES THAT WERE AT THE
19 DOOR MAKING DEMANDS.

20 Q OKAY. MY QUESTION WAS, THEY WEREN'T THE ONLY ONES
21 COMING BACK AND FORTH TO THE DOOR?

22 A NO.

23 Q ALL RIGHT. THANK YOU, SIR. THAT'S ALL I HAVE.

24 THE COURT: ALL RIGHT. THANK YOU. MR. FATA,
25 REDIRECT?

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REDIRECT EXAMINATION

BY MR. FATA:

Q I'M GOING TO SHOW YOU YOUR STATEMENT AND ASK YOU TO
READ PART OF IT BEGINNING HERE. INMATE LYNCH, TYRONE
SINGLETARY.

A INMATE LYNCH---

Q GO AHEAD. READ THAT.

A INMATE TYRONE LYNCH AND JACOB LYNCH -- I MEAN TYRONE
SINGLETARY AND JACOB LYNCH ESCORTED OFFICER COTTON TO THE
FRONT DOOR AND BEGAN BARKING OUT DEMANDS.

Q WHOSE BARKING THE DEMANDS?

A BOTH OF THEM.

Q BOTH OF THEM. LYNCH AND---

A SINGLETARY.

Q -- SINGLETARY? OKAY. NOTHING ELSE.

THE COURT: THANK YOU. ANY FOLLOW-UP ON THAT
NARROW POINT, MR. DOBY?

MR. DOBY: NO, SIR, YOUR HONOR.

THE COURT: MR. SCOTT?

MR. SCOTT: NO, SIR.

THE COURT: THANK YOU. CAPTAIN, YOU CAN STEP
DOWN. THANK YOU, SIR.

(WITNESS LEFT THE STAND.)

THE COURT: WITHOUT OBJECTION CAPTAIN THOMAS CAN
BE EXCUSED.

1 MR. FATA: YES.

2 THE COURT: MR. FATA?

3 MR. FATA: YOUR HONOR, WE WOULD CALL ASSOCIATE
4 WARDEN BROOKS.

5 THE COURT: WARDEN BROOKS. JOHN BROOKS, PLEASE.

6 (WITNESS IN COURTROOM.)

7 JOHN BROOKS, AFTER
8 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION

10 BY MR. FATA:

11 Q WARDEN BROOKS, YOU ARE NOW A ASSOCIATE WARDEN AT LEE
12 CORRECTIONAL INSTITUTE?

13 A THAT'S CORRECT, SIR.

14 Q ON OCTOBER THE 29TH, 2003, YOU WERE A MAJOR I
15 BELIEVE?

16 A THAT'S CORRECT, SIR.

17 Q WHAT WERE YOUR DUTIES AT THAT TIME?

18 A I WAS IN CHARGE OF THE UNIFORM DIVISION.

19 Q OKAY. AND YOUR RESPONSIBILITIES WERE TO DO -- YOU
20 WERE IN CHARGE OF EVERYBODY THAT WORKED THERE?

21 A THAT'S CORRECT.

22 Q THAT HAD A UNIFORM ON?

23 A RIGHT.

24 Q YOU WERE OVER CAPTAIN THOMAS AND EVERYONE ELSE?

25 A THAT'S CORRECT, SIR.

1 Q ALL RIGHT. WERE YOU WORKING ON THE 29TH OF OCTOBER,
2 2003?

3 A YES, SIR.

4 Q AND WERE YOU THERE WHEN THE PHONE WARNING CAME ACROSS
5 THE RADIO THAT AFTERNOON?

6 A YES, SIR.

7 Q WHAT DID YOU DO IN RESPONSE TO THAT?

8 A IN RESPONSE TO THAT I HEADED TO -- TOWARDS THE AREA
9 THAT NEEDED ASSISTANCE.

10 Q AND DID YOU -- DID YOU AUTHORIZE ANYTHING TO BE DONE?

11 A I AUTHORIZED GAS. AFTER I HEARD ON THE RADIO THAT
12 THE BUILDING WAS TAKEN OVER, HAD BEEN TAKEN OVER, I
13 AUTHORIZED GAS TO BE DEPLOYED.

14 Q AND WAS GAS DEPLOYED?

15 A YES, SIR.

16 Q DID THAT HAVE ANY SORT OF EFFECT ON THE INMATES
17 INSIDE THE UNIT?

18 A YES, SIR. WE GAS THE NORTH SIDE AND THEY ALL FLED TO
19 THE SOUTH SIDE.

20 Q ALL RIGHT. WERE ANY DEMANDS OR ANYTHING MADE IN
21 RESPONSE TO THE GAS BEING DISTRIBUTED IN THE NORTH SIDE?

22 A AS FAR AS... REPEAT YOUR QUESTION.

23 Q WERE ANY DEMANDS MADE BY THE INMATES TO STOP---

24 A WELL, AT THAT TIME NOT TO ME.

25 Q OKAY.

1 A AT THAT TIME, NOT TO ME.

2 Q OKAY.

3 A BECAUSE SOON AFTERWARDS THE NEGOTIATORS -- WELL,
4 ARRIVED ON THE SCENE AND ASKED US TO PULL BACK.

5 Q OKAY.

6 A YEAH.

7 Q SO YOU PULLED AFTER YOUR UNIFORM PEOPLE OUT OF THE
8 SITUATION?

9 A WE PULLED BACK.

10 Q PULLED BACK?

11 A RIGHT.

12 Q WHAT DID YOU DO THEN?

13 A WE WAITED FOR ASSISTANCE TO ARRIVE.

14 Q DID YOU PUT ANY MORE GAS INTO THE---

15 A NO, SIR. WE WERE TOLD NOT TO GAS ANY MORE.

16 Q WHO WAS THE -- WHO WAS THE OFFICER THAT SHOT THE GAS
17 INSIDE THE UNIT?

18 A THAT WAS SERGEANT ASHE.

19 Q OKAY. AND DID HE DO IT FROM -- OR DO YOU KNOW HOW HE
20 DID IT?

21 A YES, SIR. THERE'S A PORTHOLE ON THE BACK OF THE --
22 OF EACH WING, OKAY. IT WAS CUT IN SPECIFICALLY FOR
23 SITUATIONS LIKE THAT, AND THAT'S HOW WE SHOT IT IN.

24 Q OKAY. ANSWER ANY QUESTIONS THAT EITHER MR. DOBY OR
25 MR. SCOTT HAVE.

1 A OKAY.

2 THE COURT: MR. DOBY?

3 MR. DOBY: NO QUESTIONS. THANK YOU.

4 THE COURT: ALL RIGHT. THANK YOU. MR. SCOTT?

5 MR. SCOTT: NO QUESTIONS, YOUR HONOR.

6 THE COURT: THANK YOU. WARDEN BROOKS, YOU CAN
7 STEP DOWN. THANK YOU. WITHOUT OBJECTION WARDEN
8 BROOKS CAN BE EXCUSED.

9 (WITNESS OFF THE STAND.)

10 MR. FATA: YOUR HONOR, WE WOULD CALL -- YOUR
11 HONOR, WE WOULD CALL CARLTON ASHE, SERGEANT ASHE.

12 (WITNESS IN COURTROOM.)

13 THE COURT: COME FORWARD, PLEASE, AND BE SWORN.

14 CARLTON ASHE, AFTER
15 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

16 DIRECT EXAMINATION

17 BY MR. FATA:

18 Q SERGEANT ASHE, ARE YOU AN EMPLOYEE OF THE STATE
19 DEPARTMENT OF CORRECTIONS?

20 A YES, SIR, I AM.

21 Q AND YOU WORK HERE IN LEE COUNTY?

22 A I'M AT TURBEVILLE AT THE MOMENT.

23 Q OKAY. ON OCTOBER THE 29TH, 2003, WERE YOU IN --
24 STATIONED HERE AT LEE COUNTY CORRECTIONAL INSTITUTE?

25 A YES, SIR.

1 Q WHAT WAS YOUR JOB AT THAT TIME?

2 A I WAS THE ARMORY SERGEANT.

3 Q AND AS THE ARMORY SERGEANT, WHAT -- WHAT DID YOU DO?

4 A I TOOK CARE OF THE WEAPONS AND LOCKING DEVICES AT
5 LEE.

6 Q OKAY. WERE YOU ON DUTY AT THE TIME OF -- THE HOSTAGE
7 SITUATION OCCURRED AT THE CHESTERFIELD UNIT ON
8 OCTOBER 29TH, 2003?

9 A YES, SIR. I WAS ON DUTY THAT DAY.

10 Q AND WHAT DID YOU DO IN RESPONSE TO THAT SITUATION?

11 A I HAD -- AFTER HEARING THAT THERE WAS A PROBLEM, WE
12 RAN OUT TO THE AREA AND WE WENT BACK TO THE -- TO THE MAIN
13 BUILDING TO GET SOME GAS. WHEN I GOT BACK TO THE
14 CHESTERFIELD UNIT, MAJOR BROOKS TOLD ME TO GO AHEAD AND
15 ADMINISTER THE CANISTER OF GAS, AND I DID SO.

16 Q AND YOU -- HOW DID YOU ADMINISTER THAT CANISTER OF
17 GAS?

18 A THROUGH THE PORTHOLE, THE ACTUAL GAS PORTHOLE OF THE
19 CHESTERFIELD UNIT, I THREW A CAN OF TRIPLE CHASE IN THERE.

20 Q ALL RIGHT. IS THAT ON THE GROUND LEVEL?

21 A THAT'S ON THE GROUND LEVEL, CORNER OF THE BUILDING,
22 SIR.

23 Q ALL RIGHT. DID YOU AT ANY TIME GO TO THE -- ANY
24 OTHER PART OF THAT BUILDING?

25 A I WAS AT THE FRONT OF THE BUILDING BEFORE THEN WHEN I

1 INITIALLY WENT OUT TO THE BUILDING, BUT WHEN I WENT BACK
2 TO GET THE LADDER END OF GAS, THAT'S WHEN I GOT THE CHASE
3 THAT -- THE GAS TO THROW INTO THE BUILDING.

4 Q WHEN YOU LOOKED IN THE PORTHOLE, DID -- DID YOU SEE
5 ANYTHING?

6 A ONE INMATE WAS BEATING ON THE DOOR, THE FIRST DOOR
7 TOWARD THE PORTHOLE. AND WHEN I ADMINISTERED THE GAS, HE
8 RAN. I DON'T KNOW WHO HE WAS.

9 Q OKAY. YOU SAY YOU GOT A LADDER?

10 A YES, SIR.

11 Q DID YOU GO UP ON THE ROOF?

12 A YES, SIR. I WENT UP ON THE ROOF AND -- BE ABLE TO
13 LOOK DOWN AND SEE MANY OF THE THINGS THAT WERE GOING ON.

14 Q WHAT WAS GOING ON?

15 A WELL, THEY WERE TRYING TO HIT US ON THE ROOF, AND
16 THEY BUST A WINDOW OUT, AND THEY---

17 Q THEY BEING INMATES?

18 A INMATES, YES, SIR. ABLING -- ABLING US TO BE ABLE TO
19 TALK DOWN TO THEM BECAUSE THE WINDOW WAS NO LONGER THERE,
20 AND SO WE TALKED TO THE INMATE WHO WAS HANDCUFFED TO
21 COTTON, THE OTHER INMATE WHO WAS STANDING THERE WITH HIM.

22 AND WE DIDN'T -- I COULDN'T IDENTIFY THEM. I DON'T
23 KNOW WHO THEY WERE. I ONLY KNEW ONE INMATE WHO WAS THERE
24 AT THAT PARTICULAR TIME. I WAS -- SEVERAL ONES OF THEM.
25 AND WE WERE MONITORING EVERYTHING ELSE THAT WAS GOING ON.

1 Q SO YOU SAW OFFICER COTTON HANDCUFFED TO AN INMATE?

2 A YES, SIR.

3 Q WHAT -- HOW WOULD YOU DESCRIBE THE SITUATION IN
4 THERE? WHAT WAS GOING ON? WHAT WAS GOING ON?

5 A CHAOS AT FIRST. AND UNTIL WE STARTED TELLING PEOPLE
6 THAT WE KNEW WHO THEY WERE, EVEN THOUGH WE DIDN'T BECAUSE
7 MANY OF THEM WERE -- HAD THEIR FACES WRAPPED UP, SO THAT
8 PROBABLY SCARED SOME OF THEM, THEY MOVED OUT OF THE WAY,
9 AND THAT LEFT COTTON AND THREE INMATES STANDING IN THE
10 MIDDLE OF THE FLOOR.

11 AND COTTON WAS LEFT BLEEDING. WHEN WE HAD ONE OF THE
12 INMATES GOES TO THE FRONT DOOR, GET SOME GAUZE, THEY CAME
13 BACK. THEY WERE THERE FOR QUITE A WHILE. WE SPOKE TO
14 THEM ASKING THEM NOT TO DO ANYTHING. AND WE DIDN'T KNOW
15 WHAT WAS GOING ON AT THE FRONT DOOR, BUT WE COULD TALK TO
16 THEM THERE.

17 Q ALL RIGHT. BUT NOW, WERE THE INMATES GENERALLY --
18 WHAT WERE THEY DOING? WERE THEY BREAKING THINGS?

19 A OH, YES, SIR, TOTAL CHAOS. EVERYBODY WAS RUNNING
20 AROUND WITH STICKS, SHANKS, OR ANYTHING ELSE THEY COULD
21 GET TO BREAK SOMETHING WITH.

22 Q HOW WOULD YOU CHARACTERIZE THE SITUATION IN THERE?

23 A WELL, I WOULDN'T HAVE WANT TO BEEN THERE DURING THAT
24 TIME, BUT IT WAS -- IT WAS SCARY.

25 Q WAS IT A RIOT?

1 A YES, SIR. IT WAS A RIOT.

2 Q DO YOU RECOGNIZE OR DID YOU KNOW THE INMATES THAT
3 WERE -- THAT WERE AROUND OFFICER COTTON?

4 A I ONLY -- IT WAS THREE INMATES AROUND HIM. ONE WAS
5 HANDCUFFED, ONE WAS IN FRONT OF HIM WITH A SHANK, AND THE
6 THIRD INMATE WAS STANDING THERE, I KNEW HIM, AND I SPOKE
7 TO HIM AND HE ACTUALLY ACTED IN MY BEHALF.

8 Q DID HE -- DID YOU RECOGNIZE ANY OF THEM LATER ON OR
9 WERE YOU ASKED TO IDENTIFY ANY OF THOSE INMATES LATER ON?

10 A NO, SIR. NO, SIR.

11 Q OKAY. BUT YOU DID SEEK (SIC) OFFICER COTTON
12 HANDCUFFED AND YOU SAW HIM BLEEDING?

13 A YES, SIR.

14 Q AND YOU SAW HIM RECEIVE MEDICAL ATTENTION?

15 A YES, SIR.

16 Q FROM ONE OF THE INMATES?

17 A FROM INMATE DEBERRY, YES, SIR.

18 Q AND EVERYBODY WAS BREAKING THINGS AND DESTROYING
19 STUFF INSIDE?

20 A YES, SIR. AND WE ASKED THE REST OF THEM TO MOVE.
21 MOST OF THEM DID AFTER A WHILE, MOVE BACK TO THEIR ROOMS.

22 Q ANSWER ANY QUESTIONS THAT EITHER MR. DOBY OR
23 MR. SCOTT HAVE.

24 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

25 CROSS-EXAMINATION

1 BY MR. DOBY:

2 Q OFFICER, HOW FAR WERE YOU FROM OFFICER COTTON AND THE
3 PERSON THAT HE WAS HANDCUFFED TO?

4 A I GUESS BEST WAY TO EXPLAIN THAT IS IF I WERE
5 UPSTAIRS IN THE BUILDING LOOKING DOWN ON THE SECOND --
6 FROM THE SECOND FLOOR TO THE FIRST FLOOR, ABOUT LIKE THAT.

7 Q WOULD IT HAVE BEEN ABOUT AS TALL AS THIS COURTROOM?

8 A I WOULD SAY RIGHT ABOVE THAT FIRST PILLAR, THAT
9 EMBLEM ON THE PILLAR, ABOUT THAT HIGH.

10 Q SO YOU GOT -- NOT -- REALLY GOT A PRETTY GOOD LOOK AT
11 THAT PERSON; DID YOU?

12 A I DON'T KNOW. I WEAR GLASSES. I DON'T KNOW. I GOT
13 A GOOD LOOK. I KNEW THEY WERE INMATES. THE INMATE WHO I
14 KNEW WAS DOWN THERE THAT I COULD SPEAK TO WAS INMATE
15 DEBERRY. I KNEW HIM PERSONALLY. THE REST OF THEM I
16 DIDN'T KNOW, SO I DIDN'T--

17 Q OKAY.

18 A -- SAY WHO THEY WERE.

19 Q DID YOU HAVE YOUR GLASSES ON THAT DAY?

20 A NO, SIR, I DIDN'T.

21 Q OKAY. BUT YOU WERE ABLE TO RECOGNIZE ONE OF THE
22 INMATES?

23 A YES, SIR.

24 Q AND YOU TALKED WITH THAT INMATE?

25 A YES, SIR.

1 Q ASKED HIM TO DO CERTAIN THINGS?

2 A YES, SIR.

3 Q AND DID HE DO THAT?

4 A YES, HE DID.

5 Q WHAT DID YOU ASK HIM TO DO?

6 A I ASKED HIM TO PICK COTTON UP AND TAKE HIM TO THE
7 DOOR. HE SAID HE DIDN'T KNOW IF HE COULD DO IT. AND THE
8 OTHER TWO INMATES DIDN'T WANT HIM TO DO IT.

9 Q OKAY. BUT WAS HE ABLE TO GET OFFICER COTTON TO THE
10 FRONT DOOR?

11 A CLOSER TO THE CORNER DOOR AT ONE TIME, BUT IT SO MUCH
12 TURMOIL GOING ON. AND THE INMATE WITH THE SHANK SAID, NO,
13 WE'RE NOT GOING TO DO THIS, AND THEN PUT HIM BACK TO THE
14 CENTER OF THE FLOOR.

15 Q OKAY. HOW MANY INMATES WERE RUNNING LOOSE IN THE
16 DORM?

17 A OVER HALF I GUESS IN THE DORM HOLDS -- EACH SIDE
18 HOLDS ABOUT 130, AND I GUESS OVER HALF.

19 Q ALL RIGHT. AND WERE ALL OF THOSE INMATES -- FOR LACK
20 OF A BETTER WORD -- TEARING UP STUFF?

21 A FOR THE MOST PART, YES, SIR.

22 Q OKAY. SO I MEAN, IT'S JUST CHAOS IN THERE. PEOPLE
23 WERE RUNNING EVERYWHERE, THEY WERE BREAKING THE FIRE
24 EXTINGUISHERS, THE THINGS ON THE CEILING?

25 A THE TILE--

1 Q THAT WOULD EXTINGUISH THE FIRES, AND WATERS COMING
2 EVERYWHERE AND IT FLOODED. JUST CHAOS; IS THAT CORRECT?

3 A YES, SIR.

4 Q ALL RIGHT. BUT YOU WERE LOOKING DOWN AT A PRETTY
5 GOOD ANGLE OF THE TWO PEOPLE THAT YOU SAY HAD OFFICER
6 COTTON?

7 A YES, SIR.

8 Q OKAY. AND HOW LONG WERE YOU ABLE TO VIEW THEM?

9 A SEVERAL HOURS, AT LEAST THREE HOURS.

10 Q OKAY. THANK YOU. THAT'S ALL I HAVE.

11 THE COURT: THANK YOU. MR. SCOTT?

12 MR. SCOTT: THANK YOU, YOUR HONOR.

13 CROSS-EXAMINATION

14 BY MR. SCOTT:

15 Q SERGEANT ASHE, IS THAT CORRECT?

16 A YES, SIR.

17 Q ALL RIGHT, SERGEANT ASHE. YOU SAID YOU'RE THE ONE
18 WHO ADMINISTERED THE GAS TO THE UNIT; IS THAT CORRECT?

19 A YES, SIR.

20 Q OKAY. AND YOU MENTIONED SOMETHING EARLIER ABOUT THE
21 LADDER. THAT'S HOW YOU WERE ABLE TO GET ON TOP OF THE
22 BUILDING--

23 A YES, SIR.

24 Q -- AND LOOK DOWN INSIDE THERE? OKAY. AT SOME POINT
25 DURING THAT, DIDN'T SOME OF THE OFFICERS ACTUALLY KICK

1 SOME OF THE WINDOWS OUT? I THINK THEY'RE CALLED KICK-OUT
2 WINDOWS, AREN'T THEY?

3 A THE OFFICERS KICKING OUT THE WINDOW?

4 Q RIGHT. IN THE PROCESS OF ADMINISTERING THE GAS.

5 A NO, SIR, NOT TO MY KNOWLEDGE.

6 Q OKAY. SO YOU WOULDN'T BE AWARE OF ANYTHING LIKE
7 THAT?

8 A NO, SIR.

9 Q OKAY. ALL RIGHT. AND YOU SAID THAT YOU KNEW ONE OF
10 THE INMATES THAT YOU SAW AND THAT WAS INMATE DEBERRY; IS
11 THAT CORRECT?

12 A YES, SIR.

13 Q OKAY. AND I BELIEVE YOU ALSO TESTIFIED THAT YOU WERE
14 ON THE BUILDING FOR AN APPRECIABLE PERIOD OF TIME?

15 A YES, SIR.

16 Q ON TOP OF THE BUILDING FOR AN APPRECIABLE PERIOD OF
17 THE TIME?

18 A YES, SIR.

19 Q AND YOU WERE LOOKING DOWN IN THERE THE ENTIRE TIME?

20 A YES, I WAS.

21 Q HOW LONG AGAIN DID YOU SAY YOU WERE UP THERE?

22 A WHEN WE GOT ON THE BUILDING I GUESS MAYBE ONCE WE
23 THREW THE GAS, WE WERE UP THERE TILL IT WAS OVER. BUT AT
24 FIRST WE COULDN'T SEE EVERYTHING IN THERE LIKE WE WANTED
25 TO.

1 Q YES, SIR.

2 A BUT THE GLASS WAS BROKEN BY THEM TRYING TO HIT US ON
3 TOP OF THE BUILDING. THEY WERE THROWING EVERYTHING UP
4 THERE.

5 Q OKAY.

6 A GLASS BROKEN AND WE COULD SEE PERFECTLY.

7 Q DO YOU RECALL ABOUT WHAT TIME IT WAS THAT THE GAS WAS
8 ADMINISTERED IN THE BUILDING?

9 A NO, SIR, I DON'T.

10 Q OKAY.

11 A I KNOW IT WASN'T -- IT WAS BEFORE THE TEAM GOT THERE
12 TO TALK TO THE INMATES.

13 Q OKAY. YOU HAVE ANY IDEA HOW LONG YOU WERE UP THERE
14 ON THAT BUILDING? ONE, TWO, THREE HOURS? DO YOU HAVE ANY
15 IDEA?

16 A MAYBE FOUR OR FIVE HOURS.

17 Q ABOUT FOUR OR FIVE HOURS? AND YOU WERE ABLE TO LOOK
18 DOWN? I UNDERSTAND YOU SAID INITIALLY YOU COULDN'T SEE
19 BECAUSE THE GAS HAD THINGS OBSCURED.

20 A YES, SIR. IT WAS A LOT OF SMOKE IN THERE AND THEY
21 WERE SHOOTING OFF THE CANISTERS OF FIRE EXTINGUISHERS.

22 Q RIGHT. AND HOW LONG DID THAT OBSCURED VISION OR
23 SITUATION WHICH OBSCURED YOUR VISION LAST?

24 A THE FIRST PART I GUESS ABOUT AN HOUR, HOUR AND A
25 HALF, AND THEN--

1 Q OKAY.

2 A -- ALL OF IT SUBSIDED. THE HOT WATER, ALL THE WATER
3 WAS CUT OFF, SO THERE WAS NO MORE SPEWING.

4 Q AND SO DURING THE REST OF THAT TIME PERIOD YOU WOULD
5 HAVE BEEN ON THE BUILDING BEING ABLE TO LOOK DOWN IN THERE
6 AND OBSERVE WHAT WAS GOING ON?

7 A YES, SIR.

8 Q OKAY. AND I BELIEVE YOU INDICATED YOU SAW -- YOU
9 SAID THAT ABOUT HALF OF THE INMATES WHO WERE IN THERE WERE
10 PRETTY MUCH RUNNING AROUND TEARING THINGS UP?

11 A YES, SIR.

12 Q ALL RIGHT. THANK YOU, SIR.

13 THE COURT: THANK YOU. MR. FATA, REDIRECT?

14 MR. FATA: NOTHING ELSE, YOUR HONOR.

15 THE COURT: THANK YOU. YOU CAN STEP DOWN,
16 SERGEANT ASHE.

17 (WITNESS OFF THE STAND).

18 MR. FATA: MAY HE BE EXCUSED, YOUR HONOR?

19 THE COURT: WITHOUT OBJECTION, SERGEANT ASHE CAN
20 BE EXCUSED.

21 MR. FATA: YOUR HONOR, MY NEXT WITNESS I
22 ANTICIPATE BEING RATHER LENGTHY.

23 THE COURT: OKAY.

24 MR. FATA: AND IT'S 12:30. I DON'T KNOW -- WE
25 CAN START, WHATEVER THE COURT WANTS TO DO.

1 THE COURT: WE CAN STOP NOW AND COME BACK RATHER
2 THAN INTERRUPT THAT WITNESS'S TESTIMONY FOR THE LUNCH
3 HOUR, BE BEST TO STARTER EARLY. LADIES AND
4 GENTLEMEN, WE WILL START OUR LUNCH HOUR NOW AND ASK
5 THAT YOU PLEASE BE BACK IN THE JURY ROOM AT 2:00.
6 THAT'S ABOUT AN HOUR AND 20 MINUTES, 25 MINUTES.

7 IT'S A LITTLE BIT LONGER THAN WE NORMALLY TAKE,
8 BUT THAT'S A CONVENIENT TIME TO GET YOU BACK. I
9 REMIND YOU WHILE YOU'RE OUT OF THE COURTROOM AND
10 WHILE YOU'RE EATING LUNCH NOT TO DISCUSS THIS CASE
11 WITH ANYBODY, DON'T LET ANYBODY TALK WITH YOU ABOUT
12 IT, DON'T TRY TO FIND OUT ANYTHING ON YOUR OWN ABOUT
13 IT.

14 WHEN YOU GET BACK TO THE JURY ROOM AT 2:00 DON'T
15 DISCUSS IT AMONG YOURSELVES AT THAT TIME. WE WILL
16 GET YOU OUT SHORTLY THEREAFTER TO RESUME THE TRIAL OF
17 THIS CASE. ENJOY YOUR LUNCH. I WILL SEE YOU AT TWO.

18 (JURY LEFT COURTROOM AT 12:40 P.M.)

19 THE COURT: ALL RIGHT. MR. FATA, ANYTHING FROM
20 THE STATE BEFORE WE BREAK FOR LUNCH?

21 MR. FATA: NOTHING, YOUR HONOR.

22 THE COURT: WHO WILL YOUR NEXT WITNESS BE?

23 MR. FATA: OFFICER COTTON.

24 THE COURT: ALL RIGHT. THANK YOU. ANYTHING
25 FROM MR. DOBY, MR. SCOTT, GENTLEMEN, BEFORE WE BREAK

1 FOR LUNCH?

2 MR. DOBY: NO, SIR, YOUR HONOR.

3 MR. SCOTT: NO, SIR.

4 THE COURT: THANK YOU. ALL RIGHT, FOLKS. WE
5 WILL BE IN RECESS UNTIL 2:00. THANK YOU.

6 (COURT IN RECESS FOR LUNCH.)

7 THE COURT: ALL RIGHT. IF YOU WOULD BRING THE
8 INMATES IN, PLEASE.

9 (DEFENDANTS BROUGHT INTO THE COURTROOM.)

10 THE COURT: ALL RIGHT, GENTLEMEN. ARE BOTH
11 SIDES READY NOW FOR THE JURY?

12 MR. FATA: YES. THE STATE IS, YOUR HONOR.

13 MR. DOBY: READY, YOUR HONOR.

14 THE COURT: MR. SCOTT, READY FOR THE JURY?

15 MR. SCOTT: YES, WE ARE READY.

16 THE COURT: THANK YOU. YOU CAN BRING US THE
17 JURY.

18 (JURY ENTERED THE COURTROOM AT 2:10 P.M.)

19 THE COURT: THANK YOU. LADIES AND GENTLEMEN, WE
20 PICK UP NOW WITH WHERE WE LEFT BEFORE THE LUNCH
21 BREAK. THE STATE IS CONTINUING TO OFFER EVIDENCE AND
22 TESTIMONY IN THIS CASE. MR. FATA?

23 MR. FATA: THANK YOU, YOUR HONOR. YOUR HONOR,
24 THE STATE WOULD CALL CORRECTIONS OFFICER MARCUS
25 COTTON.

1 A BEEN--

2 Q GO AHEAD.

3 A I BEEN WITH THE DEPARTMENT FOR APPROXIMATELY SIX
4 YEARS NOW.

5 Q ALL RIGHT. AND HOW DID YOU BECOME CERTIFIED
6 CORRECTIONS OFFICER?

7 A WHEN I FIRST STARTED I STARTED AS A CADET. AND WHEN
8 I REACHED THE AGE OF 21, THEN I WENT BACK TO THE ACADEMY
9 AND FINISHED UP MY CERTIFICATION, AND THEN I BECAME
10 CERTIFIED. I WENT TO ACADEMY -- ACADEMY FOR
11 APPROXIMATELY -- APPROXIMATELY SIX WEEKS.

12 Q I WANT TO ASK YOU TO BACK AWAY JUST A LITTLE BIT.
13 AND YOU WENT TO THE ACADEMY AND GOT YOUR CERTIFICATION?

14 A YES, SIR.

15 Q ALL RIGHT. GET A LITTLE CLOSER NOW.

16 A YES, SIR.

17 Q OKAY. AND YOU HAVE BEEN A CERTIFIED CORRECTIONS
18 OFFICER THE WHOLE TIME YOU HAVE BEEN AT LEE OR IN -- WITH
19 THE DEPARTMENT OF CORRECTIONS?

20 A YES, WHEN I REACHED THE AGE OF 21.

21 Q ON OCTOBER THE 29TH OF 2003 WERE YOU WORKING AT THE
22 LEE CORRECTIONAL INSTITUTE?

23 A WHEN I FIRST CAME IN I STARTED ON THE WEST YARD, AND
24 WHEN I LEFT WEST YARD I WENT TO -- TO THE CHESTERFIELD
25 UNIT.

1 Q ALL RIGHT. WELL, LET -- BUT YOU WERE WORKING AT LEE
2 CORRECTIONAL?

3 A YES, SIR.

4 Q AND WHAT WAS YOUR JOB AT THAT TIME ON THE 29TH OF
5 OCTOBER, 2003?

6 A I WAS A CORRECTIONAL OFFICER TWO. I WAS A -- WAS
7 SUPPOSED TO PROVIDE SECURITY, CUSTODY, AND CONTROL OF
8 INMATES AND WATCH OVER INMATES.

9 Q DID YOU HAVE A SPECIFIC AREA THAT YOU WERE ASSIGNED
10 TO?

11 A NO, SIR. I WORKED ALL OVER THE YARD.

12 Q ALL OVER THE YARD?

13 A YES, SIR.

14 Q DID YOU WORK INSIDE THE DORM?

15 A YES, SIR.

16 Q ALL RIGHT. ON THE 29TH OF OCTOBER, 2003, WHAT TIME
17 DID YOU REPORT TO WORK?

18 A AT -- I CAME AT 8:00 IN THE MORNING.

19 Q OKAY. AND WHEN YOU REPORTED TO WORK, WHAT WAS YOUR
20 DUTY ASSIGNMENT?

21 A AT FIRST I WENT TO THE WEST YARD AND THEN SERGEANT
22 STEWART SENT ME TO -- TO CHESTERFIELD UNIT TO RELIEVE
23 OFFICER CATO.

24 Q WHAT OFFICER CATO, WHAT HAPPENED TO HIM?

25 A HE GOT BACK TO THE YARD.

1 Q AND YOU WERE PUT INTO THE CHESTERFIELD UNIT?

2 A YES, SIR.

3 Q WHAT SIDE OF THE CHESTERFIELD UNIT WERE YOU PLACED
4 IN?

5 A CHESTERFIELD SOUTH.

6 Q OKAY. NOW, WE HAVE HEARD TALK ABOUT THE SOUTH AND
7 THE NORTH OF THE CHESTERFIELD UNIT. WHAT IS THE
8 DIFFERENCE IN THE TWO?

9 A CHESTERFIELD NORTH IS A -- A LOCK-DOWN SIDE
10 BASICALLY. AND BASICALLY THAT WHEN THEY COME FROM LOCK-UP
11 THEY GOES TO THE NORTH SIDE FOR NEGATIVE BEHAVIOR. AND
12 WHEN THEY SURE THAT THEY WAS BEING MORE -- MORE POSITIVE
13 OR POSITIVE BEHAVIOR WITHOUT WRITE-UPS, THEN THEY GO TO
14 THE SOUTH SIDE.

15 Q SO IT'S SORT OF A TRANSITION DORM?

16 A I GUESS, SIR.

17 Q BETWEEN...

18 A THE NORTH AND THE SOUTH UNIT.

19 Q OKAY. BUT TO GET TO THE CHESTERFIELD UNIT IN OCTOBER
20 OF 2003 YOU CAME FROM THE LOCK-DOWN?

21 A YOU -- YOU CAME FROM LOCK-UP.

22 Q ALL RIGHT.

23 A BASICALLY---

24 Q WHAT WAS LOCK-UP?

25 A LOCK-UP WAS LIKE WHERE THEY RETAIN THE INMATES THAT

1 GIVE THE OFFICERS TROUBLE OR GOT INTO TROUBLE FOR -- I
2 MEAN, DIFFERENT REASONS.

3 Q OKAY.

4 A SO FOR SECURITY REASONS, SECURITY THREAT.

5 Q ALL RIGHT. AND YOU CAME. AND WHEN YOU WENT TO
6 CHESTERFIELD, WHAT SIDE OF CHESTERFIELD UNIT AFTER YOU
7 LEFT LOCK-UP DID YOU GO TO?

8 A ON CHESTERFIELD NORTH.

9 Q NORTH SIDE?

10 A NORTH SIDE, THAT'S NEGATIVE BEHAVIOR.

11 Q ALL RIGHT.

12 A NEGATIVE BEHAVIOR.

13 Q AFTER YOU'D BEEN TO NORTH SIDE A WHILE, WHERE DID YOU
14 GO?

15 A TO THE SOUTH SIDE.

16 Q AND YOU WOULD STAY---

17 A THAT'S ONLY -- THAT'S ONLY IF THAT YOU SHOWED -- YOU
18 SHOW POSITIVE BEHAVIOR.

19 Q. ALL RIGHT.

20 A THAT'S ONLY IF YOU SHOW THAT.

21 THE COURT: MR. FATA, I'M NOT FOLLOWING. I'M
22 NOT SURE THE JURY IS. ARE WE TALKING ABOUT ALL THIS
23 MOVING ABOUT CHESTERFIELD NORTH, CHESTERFIELD SOUTH
24 LOCK-UP ON ONE DAY, OCTOBER THE 29TH, 2003, OR ARE WE
25 TALKING ABOUT OVER THE PROCESS OF HIS---

1 MR. FATA: IT'S A PROCESS, YOUR HONOR, FROM
2 GOOD -- SHOWING GOOD BEHAVIOR.

3 THE COURT: I UNDERSTAND THAT. THE JURY HAS
4 HEARD THAT FOUR OR FIVE TIMES FROM ALL THE WITNESSES.
5 I THINK THEY ALL KNOW THE DIFFERENCE BETWEEN NORTH
6 AND SOUTH CHESTERFIELD.

7 MR. FATA: OKAY.

8 THE COURT: BUT WHAT I'M TRYING TO FIGURE OUT IS
9 HIS MOVEMENT HE'S DESCRIBING TODAY, YOU HAD ASKED HIM
10 ON OCTOBER THE 29TH OF '03, YOU WERE FOCUSED ON THAT,
11 THEN -- AND I COULDN'T UNDERSTAND WHETHER HIS ANSWER
12 JUST FOCUSED ON THAT DAY OR WHETHER IT WAS OVER THE
13 WHOLE PROCESS OF WHICH HE WAS WORKING. WOULD YOU
14 CLEAR THAT UP FOR US, PLEASE?

15 MR. FATA: OKAY.

16 BY MR. FATA:

17 Q YOU DESCRIBED THE PROCESS OF PROVING FROM ONE SIDE OF
18 CHESTERFIELD UNIT TO THE OTHER SIDE, FROM THE NORTH TO THE
19 SOUTH.

20 A YES, SIR.

21 Q THAT DIDN'T HAPPEN -- THAT -- HOW LONG DID IT TAKE TO
22 DO THAT? WAS THAT A DAILY PROCESS OR WAS IT OVER A PERIOD
23 OF TIME?

24 A IT'S A PERIOD OF TIME. IT'S A PERIOD OF TIME.

25 YOU -- YOU MIGHT STAY OVER THERE 30 DAYS -- TELL 30 DAYS.

1 I DON'T THINK 30 DAYS. THEN THE -- A CLASSIFICATION COME
2 DOWN AND YOU TALK TO THEM AND THEY LET YOU KNOW IF YOU ARE
3 ELIGIBLE TO MOVE OVER TO THE SOUTH SIDE.

4 Q OKAY. ON THE 29TH, WHAT SIDE OF THE UNIT WERE YOU
5 ON?

6 A THE SOUTH SIDE.

7 Q OKAY.

8 MR. FATA: NOW, YOUR HONOR, MAY HE COME DOWN,
9 PLEASE, TO THE EXHIBIT?

10 THE COURT: YES, SIR. MR. COTTON, IF YOU WILL
11 STAND ON THE OTHER SIDE AND FACE THIS DIRECTION, THE
12 COURT REPORTER, AND YOU HAVE TO SPEAK UP BECAUSE YOU
13 ARE SOMEWHAT SOFT-SPOKEN, SO PLEASE KEEP YOUR VOICE
14 UP WHEN YOU ANSWER THE QUESTION. THANK YOU.

15 (WITNESS LEFT THE STAND).

16 BY MR. FATA:

17 Q THIS IS STATE'S EXHIBIT NUMBER FIVE, SERIES OF
18 PHOTOGRAPHS. ARE YOU FAMILIAR WITH WHAT'S DEPICTED IN
19 THOSE PHOTOGRAPHS?

20 A YES, SIR.

21 Q ALL RIGHT. PHOTOGRAPH ON THE -- IF YOU'RE LOOKING AT
22 THE BOARD, AT THIS BOARD ON THE RIGHT -- ON THE RIGHT
23 SIDE, WHAT ARE THOSE PHOTOGRAPHS OF?

24 A THE SOUTH SIDE RIGHT HERE.

25 Q OKAY. AND THE PHOTOGRAPHS ON THE LEFT SIDE ARE WHAT?

1 A THE NORTH SIDE.

2 Q WHAT IS THE DIFFERENCE BETWEEN THE TWO SIDES AS FAR
3 AS HOW THEY ARE CONSTRUCTED OR CONFIGURED?

4 A IT'S JUST THE NEGATIVE SIDE -- THE NEGATIVE SIDE GOT
5 A FENCE AROUND THE BARS RIGHT HERE AND THEY GOT THE FLAPS
6 ON THE BOTTOM, THE BOTTOM OF THE DOORS.

7 THE SOUTH SIDE, IT'S NOT NO CAGES UP THERE, NOT NO
8 FENCE UP THERE. THE INMATE CAN TURN THE KNOB, GO IN AS HE
9 PLEASE ON THE SOUTH SIDE.

10 Q SO THERE'S NO FENCING ALONG THE AISLE-WAY ON THE
11 SOUTH SIDE. THERE IS ON THE NORTH SIDE?

12 A YES, SIR.

13 Q ALL RIGHT. NOW, ON THE 29TH WHEN YOU GOT THERE, WHAT
14 IS -- TO THE SOUTH SIDE -- WHAT TIME DID YOU GET TO THE
15 SOUTH SIDE?

16 A PROBABLY ABOUT -- APPROXIMATELY ABOUT 9:35.

17 Q OKAY. UP UNTIL THE TIME THIS INCIDENT OCCURRED, DID
18 ANYTHING HAPPEN ON THE SOUTH SIDE CREATING THE PROBLEM?

19 A NO, SIR.

20 Q WHAT WAS THE STATUS OF THE SOUTH SIDE ON THAT DAY?

21 A ON THAT DAY THEY WERE LOCKED DOWN.

22 Q WHY WERE THEY LOCKED DOWN?

23 A BECAUSE THE STABBING THAT HAPPENED EARLIER---

24 THE COURT: MR. FATA, IS IT POSSIBLE FOR ONE OF
25 THESE MICROPHONES THAT WE HAVE OVER HERE TO REACH

1 WHERE HE IS, EITHER ON THE STAND, LET HIM HOLD IT.
2 DON'T PUT IT RIGHT UP TO YOUR MOUTH, MR. COTTON, BUT
3 PUT IT CLOSE ENOUGH WHERE WE CAN...

4 *THE WITNESS:* IT'S A STABBING THAT HAPPENED
5 THAT -- SAY TWO DAYS BEFORE THAT, THAT MONDAY, AND
6 STABBING HAPPENED FROM ANOTHER -- ANOTHER INMATE CAME
7 FROM ANOTHER DORM DOWN TO CHESTERFIELD UNIT AND THE
8 MAN GOT STABBED.

9 BY MR. FATA:

10 Q SO THEY LOCKED THE DORM?

11 A THEY LOCKED THE DORM DOWN.

12 Q OKAY. NOW, DID IT CREATE A -- WHAT DID YOU HAVE TO
13 DO DIFFERENTLY WITH THE DORM LOCKED DOWN THAT YOU DIDN'T
14 WOULDN'T ORDINARILY DO---

15 *COURT REPORTER:* I CAN'T HEAR.

16 *THE COURT:* EXCUSE ME. COULDN'T HEAR PAUL?

17 *COURT REPORTER:* I COULDN'T HEAR EITHER OF THEM.

18 BY MR. FATA:

19 Q OH, EXCUSE ME. WHAT DID YOU -- WHAT DID YOU DO
20 DIFFERENTLY THAT -- BECAUSE THE DORM WAS LOCKED DOWN THAT
21 YOU WOULDN'T ORDINARILY HAVE BEEN DOING?

22 A OKAY. WASN'T -- THE DORM WITH BEING LOCKED DOWN, WE
23 STARTED SHOWERS THAT MORNING WHEN I CAME IN. INSTEAD OF
24 GOING THE TOP BLOCK, WE HAD TO GO BACK ON THREE DOORS AT A
25 TIME.

1 Q LET ME SHOW YOU THIS. THIS IS STATE'S EXHIBIT NUMBER
2 SEVEN, SHOWS THE CONFIGURATION OF THE ROOM.

3 A THIS -- WHEN I START MY -- WHEN I START MY SHOWERS, I
4 START ON THE TOP ROCK, AND I START FROM 2205. WE GO DOWN
5 THIS ROW, LIKE THREE ROWS AT A TIME.

6 Q THE TOP BLOCK IS WHAT? WHAT DO YOU MEAN BY THAT?

7 A THE TOP ROCK -- THE TOP ROCK IS THE SECOND FLOOR OF
8 THE TOP TIER.

9 Q OKAY.

10 A IS THE TOP TIER. AND THAT PARTICULAR TIME THE --
11 IT'S ANOTHER OFFICER WAS THERE ASSISTING ME. SO WE GOT
12 THE SHOWER THEM, THE TOP ROCK IN, WE WENT BACK DOWN THE
13 BOTTOM ROCK. THAT'S THE BOTTOM TIER. AND THEN THE BOTTOM
14 TIER SHOWERS, AND THAT WAS WITH ME.

15 BY THEN IT WAS CHOW TIME. CHOW TIME ABOUT 12:30.
16 YOU GO -- YOU DO THE INSTITUTIONAL COUNT. SO THEN BY THEN
17 IT WAS ABOUT -- I GUESS ONE SOMETHING. I GUESS THEY HAD A
18 SITUATION ON THE NORTH SIDE, ANOTHER GUY GOT HURT OR
19 SOMETHING, WAS CUTTING ON HIMSELF, SO AT THAT TIME WAS
20 GETTING CLOSE TO I SAY 2:00, 3:00 COUNT.

21 Q ALL RIGHT. LET ME ASK YOU THIS. HOW MANY OFFICERS
22 WERE ON THE NORTH SIDE?

23 A AT THAT PARTICULAR TIME WAS ONE OFFICER.

24 Q ALL RIGHT. AND HOW MANY OFFICERS WERE ON THE SOUTH
25 SIDE?

1 A AT THAT PARTICULAR TIME WAS -- OFFICER HALL HAD LEFT
2 EARLIER.

3 Q ALL RIGHT. AS THE DAY PROGRESSED, DID YOU BEGIN TO
4 FEED YOUR INMATES?

5 A AT THAT PARTICULAR TIME, I SAY APPROXIMATELY --
6 APPROXIMATELY 10 MINUTES TO 3 WE STARTED FEEDING THEM, I
7 STARTED FEEDING ON THE SOUTH SIDE.

8 Q OKAY. AND WHERE DID YOU START?

9 A I START -- I STARTED AT 22 -- 2205.

10 Q AND WHAT DID YOU DO?

11 A TOP BLOCK. WE HAD -- SINCE THE BUILDING WAS LOCKED
12 DOWN, WE HAD TO GO CELL BY CELL AND FEED.

13 Q AND WHAT DID YOU -- HOW -- WHAT WAS THE PROCESS?

14 A THE PROCESS, I GOT OUT INMATES WORKERS FROM OUTSIDE,
15 THE TRUSTEE INMATES, AND I USED THEM. WE TOOK THE FOOD,
16 THEY GOT THE FOOD TOGETHER, THEY FIX IT, AND PUT THEM ON
17 THE TRAYS. THEY FIX THE TRAYS, WE -- FOR WE TO PASS THEM
18 OUT.

19 SO WHEN THEY CARRY THEM UP THE STAIRS, WE CAME
20 UPSTAIRS HERE AND WE CAME UP TO 2205. WHEN THEY BRING THE
21 TRAYS, I HAD TO UNLOCK THE DOOR, PUT THE TRAY IN AND GIVE
22 THEM THE MAN -- THE MAN HIS TRAY, CLOSE THE DOOR, AND
23 SECURE IT BACK.

24 Q SO THEN WHAT DID YOU DO NEXT?

25 A WE WENT DOOR BY DOOR UNTIL WE GOT TO INMATE LYNCH

1 ROOM, THAT'S 22 -- 2218. INMATE LYNCH---

2 Q WAS IT YOU OPENED THE DOOR?

3 A I HAD POPPED THE DOOR FEED HIM. I GAVE HIM THE
4 ROOMMATE THE TRAY AND HE TOOK BOTH TRAYS. LYNCH, HE RAN
5 OUT THE DORM. I CAME -- I GAVE LYNCH A DIRECTIVE TO COME
6 BACK TO THE CELL. HE HAD REFUSED. SO I LOCKED THE DOOR
7 BACK. SO THEN---

8 Q WHAT HAPPENED TO LYNCH?

9 A LYNCH STATED THAT THE -- HE WASN'T GOING BACK IN HIS
10 CELL BECAUSE THAT -- WE LOCK-DOWN FOR NO REASON. SO THEN
11 I SAID, LYNCH, YOU GO BACK INTO THE CELL. HE SAID, NO.
12 SO THEN WE ARE TOLD NOT -- NOT TO TAKE ON A SITUATION BY
13 OURSELVES.

14 SO -- SO I -- I HAD LEFT LYNCH OUT. I LEFT HIM OUT
15 AND I KEPT ON FEEDING BECAUSE LYNCH WAS STANDING ON
16 THIS -- THIS CORNER RIGHT HERE WHERE AT THE RAILWAY ON THE
17 END RIGHT HERE.

18 Q BACK UP SO THE JURY CAN SEE.

19 A STANDING ON THE CORNER RIGHT THERE WHERE THE RAIL,
20 IT'S A RAIL RIGHT THERE, LIKE A -- THE RAIL FORM BY THE
21 TOP TIER, AND HE WAS STANDING THERE. SO I KEPT ON FEEDING
22 DOWN TILL I GOT TO 2226, THAT SINGLETARY ROOM. I HAD
23 UNLOCKED THE DOOR, THAT PUT THE TRAYS IN. SINGLETARY RAN
24 OUT.

25 Q SINGLETARY RAN OUT OF THE ROOM?

1 A HE -- HE RAN OUT OF HIS CELL. WHEN HE RAN OUT OF HIS
2 CELL, HE CAME OUT HERE AND RAN DOWN THE STEPS.

3 Q ALL RIGHT.

4 A THE CELL---

5 Q JUST A MINUTE. WHERE ARE THE STEPS?

6 A THE STEPS? THE STAIRS WAS HERE.

7 Q THESE ARE THE STAIRS?

8 A YES, SIR.

9 Q ALL RIGHT.

10 A SO SINGLETARY, HE RAN DOWNSTAIRS. I DON'T KNOW WHERE
11 HE WENT. SO THEN WHEN I SEEN -- WHEN I SEEN HIM RAN
12 DOWNSTAIRS THEN, I JUST SO HAPPENED I HAD LOOKED BACK DOWN
13 AND I SEEN LYNCH REACHING DOWN, PICKING UP A SHANK, THE
14 SHANK FROM OFF OF THE FLOOR RIGHT THERE FROM 2218 FROM OFF
15 THE FLOOR, REACHING DOWN, PICKING IT UP.

16 SO ONE OF THE INMATE WORKERS SAID THAT, DON'T DO
17 THIS. SO THEN I TOLD -- I TOLD LYNCH -- I GAVE LYNCH A
18 DIRECTIVE TO PUT DOWN THE SHANK AND HE REFUSED. SO THEN I
19 THEN PULL OUT MY GAS. SO HE WAS COMING TOWARDS ME AND I
20 GASSED HIM. SO THEN WE BE HAVING LOCKED UP---

21 Q WHEN DID YOU MEET -- WHERE DID YOU MEET---

22 A I MET LYNCH ABOUT HERE AND WE HAD START TUSSLING HERE
23 TO HERE. SO THEN AT THAT PARTICULAR TIME HE HAD PULLED
24 AWAY. AND HE ON THE TOP TIER. HE PULLED AWAY. HE WENT
25 THIS WAY AND I WAS WALKING ON THIS WAY TO COME DOWN THE

1 CELL ROW.

2 BUT BY THEN SINGLETARY WAS COMING BACK FROM OVER
3 HERE, WAS COMING BACK, COMING UP THIS STAIRWAY. AND LYNCH
4 WAS HERE AND THEY SAID, CORNER -- THEY SAID, CORNER HIM
5 OFF.

6 Q THEY WHO?

7 A LYNCH AND SINGLETARY SAID TO CORNER ME OFF. SO
8 SINGLETARY WAS COMING UP THIS WAY. I WAS -- LYNCH WAS
9 COMING UP THIS WAY AND COMING AROUND. AN INMATE FROM OUT
10 OF 2205, HE PULLED ME IN THE ROOM AND SHUT THE DOOR AND
11 BARRICADE THE DOOR.

12 SO THEN THE -- LYNCH -- LYNCH AND SINGLETARY, THEY
13 CAME BACK TO 2205, WERE BEATING ON THE DOOR TRYING TO BUST
14 THE WINDOW WITH THE SHANKS. AT THAT PARTICULAR TIME THE
15 INMATES LEFT, THEY LEFT ON THE DOOR. LYNCH AND SINGLETARY
16 KNOCK ON THE DOOR AND THEY WENT SOMEWHERE. I CAN'T TELL
17 YOU WHERE THEY WENT.

18 BUT THAT PARTICULAR TIME THE INMATE THAT BEFORE -- HE
19 PULLED ME -- HE PULLED INSIDE -- INSIDE OF THE ROOM, HE
20 LEFT OUT. HE LEFT OUT. AND I SHUT THE DOOR BACK AND
21 BARRICADE THE DOOR BACK.

22 SO BY THEN I SAID -- IT WASN'T EVEN 20 MINUTES, 30
23 MINUTES LATER -- THAT SINGLETARY AND LYNCH AND A GROUP OF
24 MORE GUYS CAME UP FROM UP THE NORTH SIDE BECAUSE THEY CAME
25 BACK TRYING TO GET INTO 220 -- 2205, BEATING ON THE GLASS

1 THAT I LOCKED INSIDE.

2 THAT WAS LYNCH BEATING ON THE GLASS. I WAS LOCKED
3 INSIDE. SO THEN IT WAS THEIR TURN -- STEADY TRYING TO
4 BUST THE GLASS, I'M GOING TO GET YOU, I'M GOING TO GET
5 YOU, I'M GOING TO KILL YOU, I'M GOING TO KILL YOU.

6 SO THEN THEY LEFT OFF -- THEY LEFT OFF AGAIN BECAUSE
7 THEY WAS STILL TRYING TO BEAT ON THE GLASS. SO THEN BY
8 THAT TIME ANOTHER INMATE -- UNDER THE TRUSTEE ROOMS, THE
9 ROOMS ARE OPEN OVER HERE SOMEWHERE, LIKE THE THIRD ROOM
10 HERE, AND THAT WAS INMATE JOHNSON ROOM, AND HE CAME DOWN
11 THERE AND HE SAID, MAN, LET ME IN, LET ME IN, I'M LIKE,
12 NO, NO.

13 AT FIRST I BEEN LIKE, NO, BECAUSE THAT -- I DIDN'T
14 KNOW WHO TO TRUST. SO THEN I FINALLY DECIDED TO UNLOCK
15 THE DOOR. LYNCH THEM WASN'T THERE. SO THEN I LET INMATE
16 IN, JOHNSON, AND CLOSE THE DOOR BACK.

17 AND SO THEN INMATE LYNCH, SINGLETARY, AND WAS MORE
18 GUYS OFF THE NORTH SIDE THERE, IT WAS A LOT OF THEM THEN,
19 THEY CAME UP TO THE ROOM STEADY TRYING TO PUT -- COME
20 INSIDE THE DOOR. I HAD TO KEEP PUSHING THE DOOR BACK,
21 PUSHING THE DOOR BACK, PUSHING THE DESK BACK.

22 SO THEN THE INMATES TRIED TO -- TO STAB AT ME. THEY
23 THROW A SHANK IN THERE AT ME. WAS STABBING AT ME. INMATE
24 SINGLETARY CAUGHT MY HAND WHEN I WAS PUSHING THE DOOR BACK
25 AND STABBED ME ON MY RIGHT HAND.

1 Q IS THAT -- DO YOU HAVE A MARK THERE?

2 A YEAH.

3 Q ON YOUR RIGHT HAND. WHAT INJURIES DID YOU RECEIVE TO
4 YOUR RIGHT HAND?

5 A TORN -- TORN TENDONS AND NERVES. GOT TO DO SURGERY
6 ON IT TWO TIMES.

7 Q AND WHO DID THAT TO YOU?

8 A SINGLETARY.

9 Q OKAY.

10 A SO THEN AT THAT PARTICULAR TIME THE INMATES STARTED
11 RUSHING IN AT THE SAME TIME PUSHING ON THE DOOR. SO THEN
12 THE MAN SAID, WELL, IF YOU DON'T LET US IN, I'M GOING TO
13 KILL YOU BOTH -- BOTH. THAT'S WHAT LYNCH WAS TALKING
14 THERE. IF YOU DON'T LET US IN---

15 Q OKAY. THAT WAS LYNCH?

16 A LYNCH STATED THAT, I WILL KILL YOU BOTH. AND HE WAS
17 TALKING ABOUT MYSELF AND JOHNSON -- OR INMATE JOHNSON. SO
18 THEN THEY BURST THE DOOR IN. SO THEN THEY SAID THAT --

19 Q LYNCH?

20 A LYNCH STATED -- LYNCH STATED THAT IF YOU DON'T GIVE
21 ME THE KEYS, I WILL KILL YOU. IF YOU GIVE US SOME, THEN I
22 WON'T HURT YOU NO MORE. SO THEN INMATE JOHNSON STATED, GO
23 GIVE HIM THE KEYS, GO GIVE HIM THE KEYS, MAN, I'M NOT --
24 I'M NOT GOING TO LET THEM HURT YOU. SO THEN I REACHED
25 DOWN IN MY RIGHT SIDE, MY SIDE POCKET AND GOT THE KEYS

1 FROM MY POCKET.

2 BUT AS THEY WAS COMING IN BEFORE THAT HAPPENED, THEY
3 HAD TO TUSSLE WITH ME TO COME IN. THAT'S WHEN I GOT
4 STABBED, WHICH I DIDN'T KNOW I GOT STABBED AT FIRST UNTIL
5 JOHNSON SAID YOU GOT A -- I GOT STABBED. BUT---

6 Q WHO STABBED YOU?

7 A THAT -- THAT WAS SINGLETARY AND LYNCH THAT CAME IN
8 AND GRABBED ME. WHEN THEY CAME IN AND GRAB ME SWINGING,
9 SWINGING, SWINGING A KNIFE, THAT'S CAUGHT ME IN MY RIGHT
10 SHOULDER ABOVE MY -- MY -- UM -- SHOULDER FROM -- AND MY
11 NECK RIGHT HERE IN THE BACK.

12 Q AND WHEN WAS THAT, OFFICER COTTON?

13 A RIGHT OUT HERE INSIDE THE ROOM.

14 Q OKAY.

15 A IN 2205 WHEN THEY BURST INSIDE THE ROOM. WHEN THEY
16 BURST INSIDE THE ROOM---

17 Q WERE YOU INJURED BEFORE THEN? DID YOU GET INJURED IN
18 THE TUSSLE WITH LYNCH OVER HERE ON THE -- WHEN YOU WERE ON
19 THE---

20 A NOT THAT I CAN RECALL.

21 Q OKAY.

22 A BECAUSE I DIDN'T EVEN KNOW THAT I WAS BLEEDING UNTIL
23 THE INMATE JOHNSON STATED THAT I WAS BLEEDING. SO THEN
24 THEY GOT THE KEYS.

25 Q THEY WHO?

1 A SINGLETARY AND LYNCH GOT THE KEYS. THEY WALKED BACK
2 OUT THE ROOM. THEY SHUT THE DOOR AND LOCKED US INSIDE THE
3 ROOM. INSIDE THE ROOM, THAT WAS LYNCH, SINGLETARY AND THE
4 REST OF THE GUYS FROM UP NORTH SIDE, BECAUSE THE SOUTH
5 SIDE WAS LOCKED DOWN SO THEY COULDN'T OPEN THE DOORS
6 UNLESS THAT THEY HAD -- THEY HAD THE SOUTH SIDE KEYS
7 THAT -- WHICH THAT I HAD THE SOUTH SIDE KEYS UNTIL LYNCH
8 AND THEM GOT THE KEYS FROM ME. SO THEY START OPENING ALL
9 THE DOORS.

10 SO THEN THEY START TERRORIZING THE -- THE ROCK. THEY
11 WERE PICKING UP THE DESKS, THROWING AGAINST THE WINDOW,
12 BREAKING THE WINDOWS. THEY PICKED UP THE -- LIKE A DESK
13 LIKE THIS RIGHT HERE, BUT IT'S TALLER, AND THEY -- THEY
14 WAS HITTING IT, BEATING IT, AND KICKING IT TO WHERE THAT
15 PIECES OF---

16 Q IS IT -- IS IT HERE IN THIS PHOTOGRAPH?

17 A RIGHT HERE, IN THIS PHOTOGRAPH HERE. THEY PICKED THE
18 DESK UP THAT WAS BREAKING INTO PIECES SO THAT THEY HIT IT,
19 AND IT WAS -- THE PIECES OF IT THEY STARTED THROWING IT,
20 AND THEY START THROWING IT, THEY START BREAKING ALL THE
21 WINDOWS AND THEY START SHOOTING OFF THE FIRE EXTINGUISHER
22 AND MAKING FIRES, SO THEN FIRE EXTINGUISHER CAME ON.

23 SO THEN AT THAT PARTICULAR TIME LYNCH AND SINGLETARY,
24 THEY MUST HAVE WENT OVER TO THE NORTH SIDE. I DON'T KNOW
25 WHAT HAPPENED ON THE NORTH SIDE. BUT THEN WHEN THEY CAME

1 BACK, THEY CAME UP TO THE ROOM, THE 2205 HERE, AND PULLED
2 ME OUT OF HERE. THEY PULLED ME OUT OF HERE AND THEY TOOK
3 ME DOWN TO 2218, AND THAT WAS LYNCH (SIC) ROOM.

4 SO INMATE JOHNSON, HE FOLLOWED US DOWN THAT BECAUSE
5 HE SAID HE'S NOT GOING TO LET THEM STAB -- STAB ME NO
6 MORE. SO THEY FOLLOW ME DOWN -- THAT BEEN 2218, AND SIT
7 ON THE BED.

8 AND LYNCH STATED THAT -- THAT THE -- HE HAD TO GET
9 ALL OF THE CLOTH -- THE CLOTHES FROM OFF OF ME, BECAUSE
10 THEY HAD A LOT OF BLOOD ON THEM. SO HE SAID -- HE SAID HE
11 HAD TO GET THE CLOTHES FROM OFF OF -- OFF OF HIM. THAT
12 WAS LYNCH---

13 Q OFF OF HIM OR OFF OF YOU?

14 A OFF OF HIM. THERE WAS A LOT OF BLOOD.

15 Q HE WAS TAKING HIS CLOTHES OFF?

16 A YES, SIR. SO SINGLETARY AND LYNCH -- AND LYNCH LEFT
17 OUT. AT THAT PARTICULAR TIME WE STARTED SMELLING GAS. WE
18 STARTED SMELLING GAS, SO THEN LYNCH -- LYNCH AND
19 SINGLETARY, THEY RAN BACK DOWN, THEY RAN BACK DOWN TO THE
20 ROOM, 22 OR 2218, THEY PULLED ME OUT OF THE ROOM AND THEY
21 TOOK ME -- THE TOP TIER, DOWN THE STAIRWAY THROUGH THE
22 SALLY PORT DOOR INTO THE HALLWAY, AND WE LEFT OUT THE
23 HALLWAY AND WENT UP TO THE FRONT.

24 Q THAT WENT TO THIS DOOR?

25 A SAY THE DOOR RIGHT HERE, AND HERE WAS THE MAN THAT

1 START THROWING THE GAS.

2 Q ALL RIGHT. GO AHEAD AND HAVE A SEAT NOW. NOW,
3 WHO -- WHO TOOK YOU TO THE FRONT DOOR?

4 A LYNCH AND SINGLETARY.

5 Q ALL RIGHT. WERE YOU HANDCUFFED TO ANYONE?

6 A I WAS HANDCUFFED TO LYNCH.

7 Q ALL RIGHT. WHEN YOU GOT TO THE FRONT DOOR, WHAT
8 HAPPENED?

9 A THEY'S BARKING AT DEMANDS TELLING THEM--

10 Q THEY WHO?

11 A LYNCH. LYNCH WAS BARKING OUT DEMANDS TELLING THEM TO
12 STOP, STOP THROWING THE GAS, STOP THROWING THE GAS. IF
13 YOU DON'T STOP THROWING THE GAS, THEN I WILL KILL YOU.
14 SINGLETARY WAS BASICALLY MARKING -- MARKING THE SAME WORDS
15 WHAT THAT LYNCH WAS STATING.

16 SO AT THAT PARTICULAR TIME THAT THEY WERE TELLING
17 THEM TO STOP THROWING THE GAS AND THAT THEY WERE SAYING
18 THAT THEY WANTED TO SEE THE WARDEN AT FIRST -- AT FIRST
19 THEY SAID THE WARDEN, THEN TURNED AROUND, THEY SAID THEY
20 WANTED -- THEY WANTED SOMETHING TO EAT, THEY WANT THE NEWS
21 PEOPLE, AND THEY WANTED TO BE HEARD.

22 Q AND THIS IS LYNCH AND SINGLETARY?

23 A LYNCH AND SINGLETARY TALKING.

24 Q ALL RIGHT. DID THEY DO ANYTHING TO YOU AT THE FRONT
25 DOOR?

1 A YES, SIR. THEY STABBED -- WELL, LYNCH STABBED ME,
2 STABBED ME IN MY RIGHT SHOULDER BECAUSE HE STATED AT THE
3 DOOR, YOU THINK I'M PLAYING? Y'ALL THINK I'M PLAYING?
4 AND HE STABBED ME IN MY RIGHT SHOULDER.

5 Q AND HOW DID HE STAB YOU? WHAT -- WHAT WAS THE --
6 WHAT WAS THE MOTION? DID HE TAKE A LUNGE AT YOU? TELL
7 ME, WAS IT A...

8 A AT THAT PARTICULAR TIME IT WAS -- FIRST IT WAS
9 CAPTAIN -- CAPTAIN NAME -- BUT IT BEEN A SUPERVISOR THERE
10 AT THAT FIRST, THE BEGINNING. SO THEN HE WAS STABBING ME
11 THERE.

12 Q WAS IT A CAPTAIN THOMAS?

13 A NO. NO, NOT AT FIRST. THAT WAS LYNCH STABBED ME.
14 THAT WAS WHEN BLANDSHAW AND THEM WAS THERE.

15 Q OKAY.

16 A AND THE BLANDSHAW WAS THERE. AND LYNCH STABBED ME
17 BECAUSE HE WAS TELLING HER WHAT, TO LOOK, YOU THINK I'M
18 PLAYING, YOU BETTER TELL THEM TO STOP THROWING THE GAS.
19 AND SHE TURNED AROUND AND TOLD SOMEBODY TO STOP THROWING
20 THE GAS.

21 SO -- SO INMATE LYNCH WAS ASKING FOR A PHONE, A CUFF
22 KEY, THE NEWS, AND THE WARDEN. SO AND HE SAID THAT -- HE
23 SAID, Y'ALL THINK I'M PLAYING, Y'ALL THINK I'M PLAYING,
24 I'M GOING TO KILL YOU.

25 Q KILL WHO, KILL YOU?

1 A YEAH. YEAH. HE'S GOING TO KILL ME. HE WAS ALWAYS
2 SAYING THAT. SO AT THAT PARTICULAR TIME THAT THEY PULL --
3 THEY PULLED ME BACK FROM THE DOOR, THEY TOOK ME BACK TO
4 THE SOUTH SIDE TO 2218.

5 Q BACK TO LYNCH'S ROOM?

6 A BACK TO LYNCH'S ROOM.

7 Q OKAY.

8 A SO IF THE MAN GAVE HIM A KEY, I DON'T KNOW, BUT HE
9 TOOK -- HE TOOK THE CUFFS OFF OF ME.

10 Q HE WHO?

11 A LYNCH -- LYNCH TOOK THE CUFF FROM OFF OF HIS ARM AND
12 CUFF IT TO THE BED. SO AT THAT PARTICULAR TIME HE LEFT --
13 LYNCH LEFT OUT THE ROOM. IT WAS SINGLETARY, JOHNSON,
14 CHESTNUT AND DOZIER IN THE ROOM THERE, AND THERE WAS --
15 DOZIER WAS TRYING TO MESS WITH HIMSELF TRYING TO GET THE
16 PHONE TO WORK, SO THEY WERE SAYING THAT THE CELL PHONE
17 WOULDN'T WORK, THE CELL PHONE WOULDN'T WORK.

18 AND SO THEN HE KEPT TRYING TO DIAL AGAIN AND THEN THE
19 PHONE HAD REACHED 911. AND THE LADY -- THE LADY MUST BE
20 THOUGHT THAT HE WAS PLAYING, SO HE TOOK -- HE TOOK THE
21 CELL PHONE AND HE HAND IT BACK TO -- HE HAND IT -- HAND IT
22 TOWARDS ME AND TOLD ME TO TELL THEM THE TRUTH, TELL THEM,
23 TELL THEM, SO THEN I TOLD THEM. SO THEN THAT WHEN LYNCH
24 AND THEM CAME BACK IN THE ROOM.

25 Q LYNCH AND THEM?

1 A LYNCH AND -- LYNCH AND SOME MORE PEOPLE CAME BACK,
2 GOT BACK INSIDE THE ROOM, AND HE WAS SAYING THAT THEY WERE
3 STILL THROWING GAS, WAS STILL -- WAS STILL THROWING GAS,
4 SO HE TOOK ME BACK DOWN TO---

5 Q WHO HE?

6 A LYNCH, SINGLETARY, AND JOHNSON, THEY TOOK ME BACK
7 DOWN TO THE FRONT, THE FRONT OF THE BUILDING.

8 Q THE FRONT DOOR?

9 A THE SOUTH SIDE DOOR TO THE FRONT DOOR WHERE IT WAS
10 ANOTHER PERSON, ANOTHER NEGOTIATION OR NEGOTIATOR THERE
11 THAT WITH -- WITH MRS. BLANDSHAW. AND THEY WAS TALKING,
12 WAS SAYING, LOOK, BROTHER, LOOK THE GAS -- THE GAS---

13 Q THEY WHO?

14 A BLANDSHAW STATED THAT THE GAS WOULD STOP THROWING --
15 I MEAN, THERE AIN'T NO MORE GAS BEING THROWN. BUT LYNCH
16 STATED THAT THE -- IT'S STILL MORE GAS, STILL MORE GAS
17 COME IN THE DOOR. SO THEN HE SAID, Y'ALL JUST -- Y'ALL --
18 Y'ALL REALLY THINK I'M PLAYING, AND HE STABBED ME AGAIN.
19 LYNCH STABBED ME AGAIN.

20 SO THEN HE WAS TELLING THEM THAT -- HE SAID THAT
21 THE -- HE WAS MAKING OUT MORE DEMANDS. AND THEN AT THAT
22 PARTICULAR TIME HE WAS TELLING ME, WHISPERING IN MY EAR.

23 Q HE WHO?

24 A LYNCH. LYNCH WAS -- LYNCH WAS WHISPERING, WHISPERING
25 INSIDE MY EAR TELLING ME TO SAY THINGS TO MRS. BLANDSHAW

1 TO THE---

2 Q WHAT WAS HE TELLING YOU TO TELL MRS. BLANDSHAW?

3 A THAT, TELLING THEM TO BACK UP, TELL THEM TO BACK UP
4 FROM BEHIND -- BEHIND HER.

5 Q WHO WAS BEHIND HER?

6 A HE WAS TELLING THE OFFICERS TO BACK UP.

7 Q WHO WAS BEHIND HER?

8 A I GUESS SOME MORE OFFICERS.

9 Q ALL RIGHT. DID HE SAY ANYTHING ABOUT THE PEOPLE ON
10 THE OTHER SIDE OF THE BUILDING, THE RED TEAM?

11 A AT THAT PARTICULAR TIME, NO, HE DIDN'T, AT THAT
12 PARTICULAR TIME. I MEAN, NOT AT THAT PART HE DIDN'T.

13 Q ALL RIGHT. WHAT DID HE TELL YOU TO TELL THEM IF THEY
14 DIDN'T BACK UP?

15 A THAT HE WAS GOING TO KILL ME. AND AT THAT PARTICULAR
16 TIME, I MEAN, ME -- I AIN'T NEVER BEEN IN THAT KIND OF A
17 PREDICAMENT, SO I MEAN, WHEN A MAN SAYS HE'S GOING TO KILL
18 YOU AND THAT IS STILL LONG -- IT'S STILL TAKING LONG AND
19 YOU -- YOU CUFFED TO THIS MAN AND HE'S STILL STABBING YOU,
20 THEN, WELL, YOU DON'T KNOW WHAT TO THINK.

21 SO I'M STEADY DOING WHAT HE'S SAYING TO DO OR TRYING
22 TO COMPLY. THEY TOLD US IN ACADEMY IF YOU EVER TAKE A
23 HOSTAGE, COMPLY, COMPLY WITH WHAT THEY SAY DO. AND SO I
24 WAS TRYING TO.

25 BUT THAT -- IT WAS STILL WAY THAT LYNCH -- LYNCH WILL

1 HIT ME WITH THE SHANK, WILL STICK THE SHANK UP TO MY NECK
2 AND TELL ME, BUDDY, YOU BETTER TELL THEM -- YOU BETTER
3 TELL THEM TO BACK UP OR YOU BETTER TELL THEM TO GO HERE,
4 YOU GOT 15 MINUTES TO DO THIS. SO THEN THEY TOOK ME,
5 LYNCH---

6 Q WAS THERE A PROBLEM WITH THE TELEPHONE? WAS THERE A
7 PROBLEM WITH THE TELEPHONE?

8 A YES, SIR.

9 Q WHAT WAS THE PROBLEM WITH THE TELEPHONE?

10 A IT WOULDN'T DIAL OUT. IT WOULDN'T DIAL OUT NOWHERE
11 ELSE BESIDES -- BESIDES 911.

12 Q DID LYNCH AND SINGLETARY TELL YOU TO TELL THE
13 NEGOTIATORS ANYTHING RELATED TO THE TELEPHONE?

14 A THEY TOLD ME TO TELL -- THEY TOLD ME TO TELL THEM TO
15 GET THEM ANOTHER PHONE, THAT THAT WORK, GIVE THEM ANOTHER
16 PHONE -- A PHONE THAT WILL WORK, AND I WAS GOING TO KILL
17 HIM, I WAS GOING TO KILL YOU. AND THEY KEPT SAYING IT.
18 THEY KEPT SAYING IT.

19 SO IT'S LIKE THAT -- WHEN YOU GET -- WHEN YOU GET ON,
20 SEE NOTHING HAPPENING, AND DECIDE IT'S TAKING IT THAT LONG
21 FOR SOMETHING TO GET OVER WITH, THEN YOU REALLY START TO
22 BELIEVE THAT.

23 Q AFTER YOU HAD -- HOW MANY TIMES DID THEY BRING YOU TO
24 THE FRONT DOOR, DO YOU RECALL?

25 A I SAY ABOUT EIGHT OR NINE TIMES AT DIFFERENT TIMES

1 BECAUSE THAT -- THE NEXT TIME WE CAME TO THE DOOR
2 SINGLETARY WAS DOING THE TALKING AND SINGLETARY STABBED ME
3 AND---

4 Q WHAT WAS SINGLETARY TALKING ABOUT THE SECOND TIME HE
5 WENT TO THE DOOR?

6 A THEY WERE TALKING ABOUT TELLING THEM THAT THEY --
7 THAT THEY THINK WE PLAYING, WE SERIOUS THOUGH AND THEY
8 DON'T WANT TO GET THE NEWS PEOPLE HERE OR THEY DON'T WANT
9 TO GET THE WARDEN DOWN THERE.

10 AND SINGLETARY STABBED ME AT THAT -- THAT WAS AT THE
11 TIME THAT CAPTAIN -- CAPTAIN THOMAS WAS -- WAS AT THE
12 DOOR.

13 Q SO EACH TIME THEY WANTED A PHONE, THEY WANTED A
14 WARDEN, THEY WANTED PEOPLE TO BACK UP?

15 A AND THE NEWS.

16 Q AND THE NEWS MEDIA. WHEN YOU WEREN'T AT THE DOOR,
17 WHERE WERE YOU IN -- IN THE CELL BLOCK?

18 A ON -- THEY KEPT TAKING ME BACK TO 2218. THAT WAS --
19 AND THAT WAS LYNCH ROOM. BUT IT BEEN SO MANY INMATES
20 STANDING OUT IN THE SALLY PORT IN THE HALLWAY, AND LIKE
21 THEY WERE -- WAS -- WAS LIKE AN AUDIENCE, AN AUDIENCE, OR
22 THEY ALL HAD SHANKS.

23 I MEAN, THEY FACE -- FACE WAS COVERED UP, AND THAT --
24 AND JUST DON'T KNOW, ANY ONE OF THEM WOULD HAVE STABBED
25 YOU. AND SO THEN I WALKED UPSTAIRS AND I WALKED UP TO THE

1 SOUTH SIDE WITH LYNCH, LYNCH, SINGLETARY, AND JOHNSON AND
2 THEY WAS -- WELL, JOHNSON MOSTLY WAS ON MY -- ON MY SIDE
3 SO -- TO MAKE SURE THAT NOBODY DIDN'T ACTUALLY TRY TO HIT
4 ME OR SOMETHING.

5 AND THEY -- I MEAN, THE INMATES WANTED TO. SOME OF
6 THEM WANTED TO AND -- BUT THEY DIDN'T.

7 Q NOW, WHO WERE THE ONLY INMATES THAT DID STAB YOU?

8 A SINGLETARY AND LYNCH.

9 Q AND WHO -- ALL THIS TIME WHO WAS CONTROLLING YOU?
10 WHO HAD CUSTODY OF YOU?

11 A MOST OF THE TIME WAS LYNCH.

12 Q OKAY. WHAT ABOUT SINGLETARY?

13 A SINGLETARY, HE DIDN'T REALLY CUFF ME TO HIM BECAUSE
14 THAT -- MY FENCE, WHEN THEY TOOK ME OVER TO THE NORTH
15 SIDE, THAT'S A DIFFERENT SIDE FROM THE SOUTH SIDE. THEY
16 TOOK ME OVER TO THE NORTH SIDE BECAUSE I'M THINKING
17 SOMEBODY TOLD THEM TO BRING ME OVER THERE TO THE NORTH
18 SIDE, AND THAT THEY WAS TOLD TO BRING ME SO THAT THEY CAN
19 SEE AND TALK TO ME.

20 Q SO WHO COULD SEE YOU?

21 A THE MAJOR OVER THE SWAT TEAM, I'M THINKING WHAT IT
22 WAS. AND HE WAS TALKING TO ME AND HE SAID, ARE YOU OKAY?
23 AND I SAID I WAS BLEEDING, I WAS BLEEDING REAL BAD. AND
24 THAT PARTICULAR TIME LYNCH MUST BE SAW THE GUN OR
25 SOMETHING COME THROUGH, WAS POINTED AT THE WINDOW, AND HE

1 THREW ME IN FRONT OF IT AND LIKE THAT -- IT'S A TRAP, IT'S
2 A TRAP.

3 AND THEY HAVE TO PULL ME BACK AND THEY STUCK -- THEY
4 STUCK THE SHANK UP TO MY NECK AND HE TOLD THEM THAT THE --
5 HE TOLD THEM GET THAT -- TRY TO TRAP ME, Y'ALL BE TRYING
6 TO TRAP ME OFF. THAT WHEN -- THEY PULLED ME BACK OVER TO
7 THE SOUTH SIDE, TOOK ME BACK UPSTAIRS.

8 Q WHEN YOU WERE ON THE NORTH SIDE, DID YOU SEE
9 CORRECTIONS OFFICER DOZIER?

10 A NO, SIR. I NEVER SAW HIM.

11 Q DID YOU KNOW WHERE HE WAS?

12 A NO, SIR.

13 Q ALL RIGHT. WHAT WAS THE -- WHAT WAS THE CONDITION?
14 YOU WERE EITHER ON THE SOUTH SIDE UPSTAIRS, DOWNSTAIRS,
15 YOU WERE ON THE NORTH SIDE. WHAT WAS THE CONDITION OF
16 THE -- OF THE CELL BLOCK?

17 A IT WAS MESSED UP. IT HAD WATER ON THE FLOOR, YOU
18 SEEN -- SEEN A LOT OF SHANKS ON THE FLOOR, STUFF BEEN
19 BURNING, FIRE EXTINGUISHERS BEEN ON THE FLOOR, THE TOP --
20 THE TOP ONE WAS BROKEN. THE OFFICER DESK WAS MESSED UP,
21 THE WASHING MACHINES WAS -- WAS TURNED OVER, TRASH CANS
22 WAS TURNED OVER, AND JUST TOTAL CHAOS, TOTAL CHAOS.

23 AND THEY TOOK ME BACK OVER TO THE SOUTH SIDE, THEY
24 TOOK ME BACK UP TO THE ROOM AND -- AND WAS TALKING ABOUT
25 THAT---

1 Q THEY WHO?

2 A LYNCH AND SINGLETARY WAS TALKING, WAS SAYING THAT THE
3 STUFF NOT RUNNING RIGHT, NOT RUNNING RIGHT, BECAUSE
4 THAT---

5 Q WHAT WASN'T RUNNING RIGHT?

6 A WELL, I GUESS THE RIOT. I GUESS THE RIOT, WHAT THEY
7 PLANNED TO DO BECAUSE THEY SAY THAT PEOPLE NOT PULLING
8 TOGETHER, NOTHING, THAT THEY PULLING APART, THAT THEY WAS
9 TRYING TO LEAVE OUT---

10 Q WHAT DID THEY THINK -- WHY DID THEY THINK THAT PEOPLE
11 WERE PULLING APART?

12 A BECAUSE SOME OF THE INMATES WAS GOING OUT THE FRONT
13 DOOR I GUESS. I HEARD THEM SAY THAT, SOME OF THE INMATES
14 WERE LEAVING FROM OUT THE FRONT DOOR.

15 Q SITUATION WAS BREAKING DOWN?

16 A YES, SIR.

17 Q ALL RIGHT. DID THEY -- YOU SAID THEY CARRIED YOU TO
18 THE FRONT DOOR ABOUT EIGHT TIMES. EACH TIME WAS IT THE
19 SAME THING?

20 A THE SAME THING WHERE THEY KEPT ASKING FOR -- UNTIL --
21 TILL MR. FERRARO CAME UP THERE TO THE DOOR.

22 Q AND WHAT WAS DIFFERENT ABOUT THAT SITUATION WHEN MR.
23 FERRARO ARRIVED?

24 A TELLING -- LYNCH STATED THAT THE -- THAT THE REST OF
25 THE PEOPLE DON'T KNOW WHAT THEY DOING OR -- OR THEY THINK

1 I'M PLAYING, AND I TOLD THEM THAT I WANTED -- I -- I
2 WANTED THE NEWS PEOPLE HERE, I WANT THE NEWS PEOPLE HERE
3 AND I WANTED SOMETHING TO EAT.

4 MR. FERRARO SAID THAT, I CAN'T GET YOU NOTHING TO
5 EAT. BUT THAT THE NEWS PEOPLE -- I GOT TO ASK MY
6 SUPERVISOR FIRST, FIRST TO SEE WHAT HE SAY. AND THEN
7 LYNCH STATED -- HE STATED TO ME THAT -- HE SAID THAT
8 THE -- THAT THEY GOT 15 MINUTES TO GET THE NEWS PEOPLE
9 HERE.

10 THEY -- IF THEY DON'T GET -- THEY DON'T GET THE NEWS
11 PEOPLE HERE, HERE TO IN 15 MINUTES THOUGH, I'M GOING TO
12 KILL YOU.

13 Q DID YOU BELIEVE HIM WHEN HE SAID THAT? DID YOU
14 BELIEVE HE WAS GOING TO KILL YOU?

15 A AT THAT PARTICULAR TIME, YES, SIR.

16 Q YOU BELIEVED THAT SINGLETARY WOULD HAVE KILLED YOU?

17 A AT THAT PARTICULAR TIME, YEAH.

18 Q WERE YOU IN FEAR OF YOUR LIFE?

19 A YES, SIR.

20 Q SO YOU -- YOU WERE BACK AND FORTH, BACK AND FORTH.
21 AND FINALLY HOW DID YOU GET -- HOW DID YOU GET OUT OF THIS
22 SITUATION?

23 A WELL, THEY TOOK ME BACK OVER.

24 Q THEY WHO?

25 A LYNCH, SINGLETARY, JOHNSON, DEBERRY, AND A VERNON --

1 TRAVIS VERNON, THEY TOOK ME BACK OVER TO THE NORTH SIDE,
2 AND LYNCH -- LYNCH WAS GETTING VERY, VERY AGITATED.

3 Q WHY WAS HE AGITATED?

4 A BECAUSE THAT STUFF WASN'T RUNNING RIGHT, THE RIOT
5 WASN'T RUNNING RIGHT BECAUSE THEY -- HE WAS SAYING THAT
6 THE -- THE INMATES WON'T STAND UP FOR THEIR RIGHTS.

7 AND SO THEN LYNCH TOOK THE CUFF OFF MY RIGHT ARM,
8 CUFFED ME TO SINGLETARY. AND SO THEN SINGLETARY STATED
9 THAT THAT -- THAT THIS GOING TOO FAR AND THAT THE -- I
10 DIDN'T REALLY WANT TO HURT YOU, I JUST WANTED TO BE HEARD.

11 AND THEN HE -- HE TURNED AROUND, LYNCH TOLD -- TOLD
12 SINGLETARY AND JJ TO TAKE ME BACK TO THE SOUTH SIDE. BUT
13 WHEN -- WHEN WE WENT -- WHEN WE WAS GOING THROUGH THE
14 HALLWAY, LYNCH WENT UP AND TALKED TO SOMEBODY AT THE FRONT
15 DOOR, AND WE WAS BOTH WALKING TOWARDS -- TOWARDS THE SOUTH
16 SIDE.

17 Q AND YOU DON'T KNOW WHAT HAPPENED AT THE FRONT DOOR---

18 A NO---

19 Q -- YOU WERE JUST HAVING A CONVERSATION?

20 A I DON'T KNOW WHAT HAPPENED. HE WAS JUST TALKING TO
21 SOMEBODY.

22 Q OKAY.

23 A SOMEBODY ON THE ROOF THAT -- THAT WAS ASHE, ASHE I
24 GUESS, WAS TALKING TO ME AND HE WAS SAYING, ARE YOU OKAY?
25 AND THAT -- HE'S POINTING AT THE EXIT DOOR, WAS POINTING

1 AT THE EXIT DOOR ON THE SIDE, AND HE WAS TRYING TO TELL
2 THEM TO TAKE ME TO -- TO TAKE ME TO THE EXIT DOOR.

3 Q AND DID THEY EVER TAKE YOU THERE?

4 A WAS TRYING TO. SINGLETARY TOOK THE CUFFS -- THE
5 CUFFS FROM OFF OF ME, FROM OFF MY RIGHT ARM AND CUFF ME TO
6 INMATE JOHNSON. AND HE SAID THAT, LOOK WELL, I AIN'T SEEN
7 THAT.

8 SO THAT HE -- JJ WAS TRYING TO PUSH ME TO THE SIDE,
9 THE SIDE DOOR, BUT THEN LYNCH CAME IN. THEN LYNCH STATED
10 THAT -- HE STATED TO SINGLETARY, YOU PROBABLY WORKING WITH
11 ME, YOU PULLING APART FROM ME NOW? AND THEN LYNCH AND
12 SINGLETARY HAD GOT INTO IT ABOUT THAT LITTLE -- IT GONE
13 TOO FAR, GONE TOO FAR, LET'S GO ON, GET THIS FINISHED
14 WITH, STOP THIS.

15 THEN HE SAID THAT THE NEWS PEOPLE NOT HERE, HERE
16 THOUGH, WHEN I WALK OUTSIDE THAT DOOR, THAT I'M GOING TO
17 KILL YOU AND THEN I'M GOING TO KILL MYSELF.

18 Q WHEN YOU WALKED TO THE FRONT DOOR -- DID HE TAKE YOU
19 TO THE FRONT DOOR THEN? DID LYNCH TAKE YOU TO THE FRONT
20 DOOR?

21 A NO, SIR.

22 Q WELL, WHEN DID YOU GET TO THE FRONT DOOR?

23 A I SAY ABOUT 10 MINUTES AFTER THAT.

24 Q ALL RIGHT. AND WAS THE NEWSPAPER THERE OR WAS THE
25 PRESS THERE OR THE MEDIA?

1 A NO. NO, SIR. THEY WEREN'T THERE. SO THEY --
2 LYNCH -- LYNCH WAS SAYING THAT, OKAY, THEN, WELL Y'ALL --
3 WELL, Y'ALL WOULD HAVE THOUGHT I WAS PLAYING, SO HE STUCK
4 THE KNIFE BACK UP TO MY NECK AND HE PULLED ME BACK FROM
5 OUT -- OUT THE DOOR, TELL ME GO BACK TO THE NORTH SIDE.

6 AND SO THEN THAT WHEN -- THAT WHEN DEBERRY AND
7 JOHNSON AND THEM AND SINGLETARY WAS TALKING ABOUT -- THAT
8 HE SAID THAT WE CAN DO THIS, WE CAN DO THIS, GO AND TAKE
9 HIM, HE AIN'T NOTHING BUT ONE PERSON, BUT WE CAN TAKE
10 THIS.

11 Q ALL RIGHT. WELL, LET ME ASK YOU THIS. YOU
12 EVENTUALLY GOT OUT?

13 A YES, SIR.

14 Q YOU EVENTUALLY WERE RELEASED. AND IT WAS, WHAT,
15 ABOUT 10:00, SOMETHING AFTER 10 WHEN YOU WERE RELEASED?

16 A IT BEEN AFTER 10:00.

17 Q OKAY. AND THEY -- WHO TOOK YOU TO THE FRONT DOOR AT
18 THAT -- THAT LAST TIME?

19 A THE LAST TIME IT WAS LYNCH, DEBERRY, JOHNSON,
20 SINGLETARY.

21 Q AND WAS THE NEWSPAPER THERE? WAS THE PRESS THERE?

22 A IT WAS -- I THINK IT WAS COMING DOWN THE SIDEWALK. I
23 NEVER SAW THEM.

24 Q AND WERE YOU THEN RELEASED?

25 A I WAS ALREADY FROM OUT THE CUFFS FROM OUT OF -- FROM

1 OFF OF LYNCH, AND JOHNSON -- INMATE SINGLETARY TOOK THE
2 CUFFS FROM OFF OF MY ARMS PERIOD. AND WHEN LYNCH WAS
3 TALKING TO MR. FERRARO, THEN THEY WAS TRYING TO TELL HIM
4 GET THAT -- THE CUFFS BEEN OF ME ON JUST -- ON JUST POPPED
5 THE DOOR, THAT'S WHEN -- THAT'S PUSH THEM OUT THE DOOR.

6 Q AND DID THEY DO THAT?

7 A NO. MR. FERRARO SAID THAT THE -- SAID THAT THE NEWS
8 MAN WAS COMING, SO WITH THAT SAID, WELL, OKAY, WELL THEN,
9 WHEN I SEE THE MAN, THE MAN, THEN I WILL LET COTTON GO.

10 Q AND DID THE NEWS MAN COME UP?

11 A HE CAME UP.

12 Q AND THAT WAS CRAIG MELVIN? OR YOU DON'T KNOW WHO IT
13 WAS?

14 A I DON'T KNOW.

15 Q AND WERE YOU RELEASED AT THAT TIME?

16 A YES, SIR.

17 Q AFTER YOU WERE RELEASED, WHERE DID YOU GO?

18 A BACK AT -- I REALLY CAN'T TELL YOU.

19 Q WELL, DID THE--

20 A WHEN I WOKE UP -- WHEN I WOKE UP, I BEEN AT THE
21 HOSPITAL.

22 Q ALL RIGHT. DO YOU RECALL THE AMBULANCE, THE EMS
23 WORKERS COMING TO PICK YOU UP, CARRY YOU TO THE HOSPITAL?

24 A I COULDN'T. I -- I REALLY COULDN'T REMEMBER BECAUSE
25 I PASSED OUT WHEN I CAME TO THE DOOR.

1 Q ALL RIGHT. YOU WENT TO THE HOSPITAL. NOW
2 DESCRIBE YOUR INJURIES. YOU ALREADY TALKED ABOUT YOUR
3 HAND. WHAT TELL US ABOUT YOUR HAND, WHAT HAPPENED TO YOUR
4 HAND?

5 A INMATE SINGLETARY STABBED ME MY RIGHT HAND.

6 Q AND HAVE YOU HAD TO HAVE SURGERY ON THAT?

7 A I HAD SURGERY -- SURGERY ON IT TWICE.

8 Q AND WHAT WAS THE -- WHAT WAS THE PROBLEM WITH YOUR
9 HAND?

10 A TORN LIGAMENTS AND A -- TENDONS IN IT, AND I GOT NO
11 STRENGTH IN MY -- IN MY RIGHT HAND.

12 Q WHAT ABOUT -- WHAT ABOUT THE STAB WOUNDS?

13 A MY STAB WOUNDS, I HAD STAB WOUNDS IN MY SHOULDER AND
14 I HAD A PUNCTURE MARK IN MY -- UP UNDER MY CHIN HERE AT
15 WHERE THE SHANK WAS GETTING POKED, WOULD POKE RIGHT HERE
16 AND POKING IT REAL HARD SO IT BROKE -- IT BROKE THE SKIN,
17 AND I HAD A -- I HAD STAB MARKS FROM RIGHT HERE IN MY HEAD
18 IN THE CORNER.

19 MY SHOULDER -- MY SHOULDER, IT TOOK THEM THREE YEARS
20 OR TWO YEARS TO FIND THAT THAT -- THAT THAT GOT TORN, TORN
21 MUSCLES INSIDE MY SHOULDER. AND I DON'T HAVE NO RIGHT --
22 NO RIGHT STRENGTH. I HAD SEVERE HEADACHES NOW. I HAVE
23 EMOTIONAL PROBLEM NOW BECAUSE THAT'S -- AFTER BEING --
24 LIKE BEING REAL SHAKEN.

25 Q YOU HAVE ANY SCARS ON YOUR CHEST?

1 A NO, NOT ON MY---

2 Q JUST ON YOUR SHOULDER?

3 A ON MY SHOULDER.

4 MR. FATA: NOW, YOUR HONOR, MAY HE COME DOWN AND
5 SHOW HIS HANDS TO THE JURY AND...

6 THE COURT: YES, SIR. JUST KEEP YOUR VOICE UP.
7 IF YOU SAY ANYTHING WHILE YOU'RE OFF THE STAND,
8 MR. COTTON, PLEASE KEEP YOUR VOICE UP SO WE CAN HEAR
9 YOU.

10 BY MR. FATA:

11 Q NOW THIS -- THIS IS THE WOUND TO YOUR HANDS?

12 A YES, SIR (SHOWING JURY).

13 Q NOW, THE WOUND TO YOUR SHOULDER IS UP IN HERE?

14 A YES, SIR, RIGHT THERE.

15 Q NOW, DID IT LEAVE A SCAR SIMILAR TO THAT OR--

16 A YOU CAN SEE A SCAR THERE.

17 Q -- IT'S SORT OF A DARK SPOT?

18 A YEAH.

19 Q I DON'T KNOW IF THAT CAN BE SEEN OR NOT. ARE YOU
20 STILL BEING TREATED FOR THOSE INJURIES?

21 A YES, SIR.

22 Q HAVE A SEAT.

23 A (COMPLIED.) YES, SIR.

24 Q ALL RIGHT. AND ARE YOU STILL WORKING WITH THE
25 DEPARTMENT OF CORRECTIONS? I SEE YOU GOT THE UNIFORM ON.

1 A YES, SIR.

2 Q ARE YOU WORKING FULL-TIME?

3 A NO, SIR. I WORK LIKE FOUR HOURS -- FOUR HOURS A DAY,
4 WHICH THEY GOT ME ON C CARD SO THAT'S LIKE -- WHEN I WORK
5 FOUR HOURS, THAT KIND OF -- THEY KIND OF BREAKING UP THE
6 CYCLE.

7 Q HAVE YOU BEEN ABLE TO GO BACK FULL-TIME?

8 A NO. NO, SIR, NOT -- NO, SIR, NOT YET.

9 Q ALL RIGHT. NOW, DO YOU SEE THE PEOPLE, THE INMATES
10 THAT DID THIS TO YOU ON OCTOBER 29TH, 2003, IN THE
11 COURTROOM TODAY?

12 A YES, SIR.

13 Q INMATE SINGLETARY, DO YOU SEE HIM?

14 A YES, SIR.

15 Q WHERE IS HE?

16 A HE'S SITTING ON THE RIGHT HAND SIDE BESIDE MR. DOBY.

17 Q HE ON THIS END OF THE TABLE?

18 A YES, SIR.

19 Q AND DO YOU SEE THE OTHER INMATE, LYNCH?

20 A YES, SIR, SITTING ON THE SIDE OF MR...

21 Q SCOTT?

22 A SCOTT.

23 Q ON THE OTHER SIDE?

24 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT
25 THAT HE HAS IDENTIFIED THE DEFENDANTS AS THE

1 INDIVIDUALS WHO INFLECTED THESE WOUNDS AND TOOK HIM
2 HOSTAGE.

3 THE COURT: YES, SIR.

4 BY MR. FATA:

5 Q NOW, WE HAVE HEARD PEOPLE TALK ABOUT BODY ALERTS,
6 RADIOS, AND CAMERAS INSIDE THE DORM, INSIDE THESE UNITS.
7 WHAT ABOUT THE BODY ALERTS? WERE THERE BODY ALERTS INSIDE
8 THE UNIT?

9 A NO, SIR.

10 Q WHAT HAPPENED? WERE THERE SUPPOSED TO BE?

11 A IT WAS SUPPOSED TO BE, BUT THE BODY WAS BROKEN WE
12 DIDN'T HAVE NONE SINCE -- WELL, A WHILE. A WHILE.

13 Q DIDN'T HAVE ANY? OKAY.

14 A WELL, WE HAD THE RADIO. MOST OF THEM WAS BROKEN,
15 NOTHING BUT ONE RADIO FOR THE WHOLE DORM.

16 Q ALL RIGHT. NOW RADIO, THAT'S A HAND-HELD RADIO?

17 A YES, SIR.

18 Q WHERE WAS -- YOU TALKING ABOUT ONE RADIO FOR THE
19 NORTH AND THE SOUTH SIDE?

20 A YES, SIR.

21 Q AND WHERE WAS IT?

22 A INSIDE THE OFFICE. IT WAS DEAD, WOULDN'T WORK.

23 Q ALL RIGHT.

24 A AND THEN YOU CALL THE PATROL ROOM, THEY SAY THAT
25 WASN'T NO MORE BATTERIES TO FIT THEM RADIOS.

1 Q WHAT ABOUT THE CAMERAS? ARE THE VIDEO CAMERAS --
2 DON'T HAVE ANY IN HERE, BUT ARE THEY THOSE SURVEILLANCE
3 VIDEO CAMERAS INSIDE THE DORMS?

4 A LIKE A SQUARE VIDEO CAMERA THAT SIT ON THE CORNER OF
5 A -- THE OFFICER DESK, THAT ONE ON THE RIGHT SIDE, ONE ON
6 THE LEFT SIDE, BUT THEY WEREN'T WORKING.

7 Q THEY WERE NOT WORKING?

8 A NO, SIR. THEY JUST PUT THEM IN -- THEY JUST PUTTING
9 THEM IN, WAS TRYING TO GET THEM -- TRYING TO GET THEM
10 RUNNING, BUT THEY WEREN'T RUNNING.

11 Q SO THERE WERE NO BODY ALERTS, NO RADIOS, AND NO
12 SURVEILLANCE CAMERAS?

13 A NO, SIR.

14 Q DID THEY -- WERE THE INMATES AWARE OF THIS?

15 A YES.

16 Q THE INMATES KNEW THAT YOU COULDN'T WARN ANYBODY IF
17 THEY DECIDED TO TAKE OVER?

18 A YES, SIR.

19 Q NOW, YOU SAID THAT WHEN INMATE LYNCH CAME OUT OF HIS
20 CELL HERE WHEN YOU WENT TO FEED HIM AND REFUSED TO GO BACK
21 IN, THAT YOU DIDN'T DO ANYTHING ABOUT THAT?

22 A NO. NO, SIR. AT THAT PARTICULAR TIME, NO, SIR,
23 BECAUSE AT THAT POINT I GAVE HIM A DIRECTIVE TO GO BACK TO
24 HIS CELL AND HE DIDN'T GO TO HIS CELL THAT -- I HAD LEFT
25 HIM BE.

1 Q WHAT IS THE TRAINING -- WHAT IS THE TRAINING THAT YOU
2 RECEIVE IN A -- FOR A SITUATION LIKE THAT?

3 A YOU NEVER TAKE ON A SITUATION -- YOU NEVER TAKE ON A
4 SITUATION BY YOURSELF AND YOU GET SOMEBODY ELSE TO ASSIST
5 YOU, ANOTHER OFFICER TO ASSIST YOU, ASSIST YOU WITH THE
6 SITUATION.

7 Q AND YOU DIDN'T -- YOU DIDN'T -- YOU JUST KEPT ON
8 FEEDING, YOU DIDN'T RUN DOWNSTAIRS AND GET SOMEBODY OR
9 CALL SOMEBODY?

10 A NO, SIR.

11 Q WHY NOT?

12 A BECAUSE AT THAT PARTICULAR TIME IT -- AT THAT
13 PARTICULAR TIME IT WOULD HAVE SLOWED THE PROCESS BECAUSE
14 WE HAD TO FEED AND HE WASN'T NO THREAT AT THAT PARTICULAR
15 TIME BECAUSE HE WAS JUST STANDING -- HE JUST SAID THAT
16 DOOR, I'M TIRED OF THIS. USUALLY THOUGH, USUALLY THOUGH,
17 IF AN INMATE SAY THAT, THEY SAY WELL---

18 Q SLOW DOWN.

19 A I'M NOT GOING BACK IN.

20 Q SLOW DOWN. YOU NEED TO WHAT?

21 A USUALLY IF AN INMATE SAY THAT I'M NOT GOING BACK
22 INSIDE A CELL, THEN THAT -- THEY USUALLY WILL RUN AROUND
23 TRYING TO GET SOAP OR SOMETHING FROM ANOTHER ROOM. AND
24 THEN WHEN YOU COME BACK, PUT THEM IN, THEY JUST WALK
25 INSIDE THE CELL AND YOU POP THE DOOR.

1 Q WHEN YOU GOT TO THE -- TO SINGLETARY'S ROOM AND HE
2 CAME OUT, DID THAT CHANGE THE SITUATION THAT YOU FACED
3 WHEN -- WITH LYNCH BEING OUT?

4 A YES, SIR, BECAUSE THAT WHEN I LOOKED BACK TO THE
5 RIGHT, I SAW LYNCH BENDING DOWN, PICKING UP A SHANK, AND
6 THEN WHEN -- WHEN THE INMATE WORKERS STATE THAT -- THIS
7 AIN'T WORTH IT, THEN I KNOW, I KNOW WAS SOMETHING SERIOUS
8 THEN. I KNEW IT WAS SOMETHING SERIOUS BECAUSE HE CAME --
9 HE CAME RUNNING TOWARDS ME.

10 MR. FATA: BEG THE COURT'S INDULGENCE, PLEASE
11 SIR.

12 THE COURT: ALL RIGHT, SIR.

13 (PAUSE WHILE SOLICITOR CONFERS WITH TABLE.)

14 BY MR. FATA:

15 Q DO YOU RECALL HOW MANY INMATES WERE ON THE SOUTH SIDE
16 ON THAT DATE, THE 29TH OF OCTOBER, 2003?

17 A I SAY APPROXIMATELY, APPROXIMATELY 123, 124.

18 Q 123 OR 124? HOW MANY INMATES DO YOU RECALL ON THE
19 NORTH SIDE? YOU DON'T KNOW?

20 A I REALLY DON'T KNOW BECAUSE DOZIER DO THAT COUNT OVER
21 THERE.

22 Q I CAN'T UNDERSTAND YOU.

23 A DOZIER DO THAT COUNT OVER THERE.

24 Q ALL RIGHT. SO IT WAS YOU TO GUARD ABOUT 123, 124
25 INMATES BY YOURSELF?

1 A YES, SIR.

2 Q WITHOUT A BODY ALERT, WITHOUT A RADIO, AND WITHOUT
3 ANY SURVEILLANCE CAMERAS?

4 A YES, SIR.

5 Q AND THE INMATES KNEW THAT?

6 A YES, SIR.

7 Q ANSWER ANY QUESTIONS THAT EITHER MR. DOBY OR
8 MR. SCOTT MAY HAVE.

9 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

10 CROSS-EXAMINATION

11 BY MR. DOBY:

12 Q OFFICER, AT SOME POINT YOU DESCRIBED TYRONE
13 SINGLETARY AS TRYING TO STOP JACOB LYNCH; CORRECT?

14 A AT THE END.

15 Q AT THE END. BECAUSE TYRONE SINGLETARY WAS TRYING TO
16 GET JACOB LYNCH TO RELEASE YOU; CORRECT?

17 A AT THE END.

18 Q OKAY. HE TOOK STEPS LIKE HAVING YOU UNCUFFED;
19 CORRECT?

20 A OKAY.

21 Q TOOK YOU TO THE FRONT DOOR, TRIED TO HAVE MR. LYNCH
22 STOP WHAT HE WAS DOING?

23 A THAT'S AT THE LAST FIVE MINUTES.

24 Q OKAY. WHEN WAS IT THAT TYRONE SINGLETARY WAS
25 HANDCUFFED TO YOU?

1 A WITHIN THE LAST -- THE LAST -- LAST 20 MINUTES OF
2 THAT TIME WHEN I BEEN ON THE NORTH SIDE.

3 Q ALL RIGHT.

4 A AND LYNCH -- WHEN LYNCH TOLD -- LYNCH TOOK CUFFS OFF
5 ME, CUFF ME TO SINGLETARY.

6 Q ALL RIGHT. AND THAT'S WHEN THE PROCESS STARTED FOR
7 TYRONE TO HAVE YOU RELEASED BECAUSE THERE WAS AN ARGUMENT
8 BETWEEN TYRONE AND MR. LYNCH AND THERE WERE SOME OTHER
9 INMATES THERE, TOO, TRYING TO GET TYRONE -- I'M SORRY --
10 MR. LYNCH TO RELEASE YOU; CORRECT?

11 A YES, SIR.

12 Q OKAY. DID TYRONE SINGLETARY GET IN A FIGHT WITH MR.
13 LYNCH? THEY SWING AT EACH OTHER?

14 A NO, SIR. NOT IN FRONT OF ME, NO, SIR.

15 Q ALL RIGHT. DID THEY ARGUE?

16 A THEY ARGUED IN FRONT OF ME, YES, SIR.

17 Q OKAY. DID MR. LYNCH ARGUE WITH OTHER INMATES ABOUT
18 RELEASING YOU?

19 A YES, SIR.

20 Q BECAUSE THERE WERE REALLY A LOT OF INMATES THAT WERE
21 AROUND. IT WASN'T JUST THESE TWO THAT WERE AROUND YOU;
22 CORRECT?

23 A IT WAS A LOT OF INMATES, BUT -- BUT THAT ONES THAT
24 STABBED ME, THE ONES THAT I WAS CUFFED TO, THE ONES THAT
25 WERE MAKING DECISIONS WAS LYNCH AND SINGLETARY.

1 Q OKAY. AND TYRONE, AGAIN, THE ONLY TIME HE WAS CUFFED
2 TO YOU WAS THE LAST FEW MINUTES OF THIS ORDEAL?

3 A CUFFED TO ME, YES, SIR.

4 Q OKAY. AS A MATTER OF FACT, YOU HAVE THINGS THAT WERE
5 STOLEN FROM YOU BY OTHER INMATES; DID YOU NOT?

6 A YES, SIR.

7 Q I BELIEVE THAT YOU TOLD SLED THAT INMATE CHESTNUT
8 TOOK SOME JEWELRY AND WATCH THAT YOU WERE WEARING FROM YOU
9 AT SOME POINT?

10 A YES, SIR.

11 Q WHERE DID THAT HAPPEN?

12 A THAT HAPPENED WHEN WE WAS WALKING BACK UP THE
13 STAIRS -- THE STAIRS BACK TO 22 -- BACK TO 2218. THAT WAS
14 LYNCH.

15 Q OKAY. AND WHO WAS THERE WHEN THIS JEWELRY AND A
16 WATCH WERE STOLEN FROM YOU?

17 A WELL, MY GLASSES GOT TOOK THE WHOLE -- WHEN THE CHAIN
18 AND MY WATCH GOT TOOKEN (SIC), JOHNSON WAS THERE,
19 CHESTNUT, AND I'M THINKING SINGLETARY WAS WALKING IN THE
20 DOOR AT THAT TIME.

21 Q ALL RIGHT.

22 A BECAUSE HE TOOK THE SHANK -- THE SHANK AND POKING IT
23 AT MY ARM TRYING TO -- TRYING TO BREAK THE -- THE LUG --
24 THE PIN IN IT.

25 Q OKAY. NOW, DID YOU REVIEW ANY STATEMENT THAT YOU

1 GAVE IN PREPARATION FOR YOUR TESTIMONY TODAY?

2 A YOU SAY DID I WHAT?

3 Q DID YOU REVIEW ANY STATEMENTS THAT YOU GAVE TO
4 SOMEONE AT SLED OR TO THE DEPARTMENT OF CORRECTIONS IN
5 PREPARATION FOR YOUR TESTIMONY TODAY?

6 A MY STATEMENT.

7 Q YES, SIR.

8 A YES, SIR, MY STATEMENT.

9 Q HOW MANY STATEMENTS DID YOU GIVE?

10 A ONE.

11 Q ALL RIGHT. WHO DID YOU GIVE THAT TO?

12 A MR. CREECH AND MR -- HIS PARTNER OVER THERE SITTING
13 ON THE SIDE.

14 Q OKAY. DID YOU ACTUALLY GIVE TWO STATEMENTS TO
15 OFFICER CREECH?

16 A NO, SIR, BECAUSE I COULDN'T WRITE. I COULDN'T WRITE
17 AND I WAS -- BEEN ON MEDICINE.

18 Q OKAY. WELL, LET ME ASK YOU IF YOU RECALL THIS
19 STATEMENT WHICH IS APPARENTLY DATED I BELIEVE MARCH THE
20 17TH OF 2004. LET ME ASK YOU IF YOU RECOGNIZE THAT?

21 A YES, SIR.

22 Q ALL RIGHT. DID YOU SIGN THAT STATEMENT?

23 A YES, SIR.

24 Q IS IT A TRUE STATEMENT?

25 A YES, SIR.

1 Q ALL RIGHT. AND IN THAT STATEMENT YOU WERE DESCRIBING
2 WHEN THE PROPERTY THAT YOU HAVE JUST TOLD US ABOUT WAS
3 TAKEN OFF OF YOU, AND IT SAYS ESSENTIALLY -- AND I'M GOING
4 TO READ ALONG. IF I SAY SOMETHING INCORRECT, PLEASE STOP
5 ME.

6 IT SAYS THAT YOU HAD SOME VALUABLES TAKEN AWAY FROM
7 YOU -- I'M STARTING ABOUT ON THE THIRD LINE -- AWAY FROM
8 ME AS I WAS CUFFED TO INMATE LYNCH.

9 A UH-HUH.

10 Q IS THAT WHAT YOUR STATEMENT SAYS?

11 A UH-HUH.

12 Q INMATE LYNCH WAS WALKING ME UPSTAIRS FROM OFF THE
13 NORTH SIDE, TOOK MY GLASSES OFF MY FACE, INMATE LYNCH TOOK
14 ME TO A CORNER ROOM UPSTAIRS WHERE THERE WERE NINE MORE
15 INMATES.

16 A UH-HUH.

17 Q IS THAT CORRECT?

18 A APPROXIMATELY, YES, SIR.

19 Q OKAY. WELL, IS THAT WHAT YOUR STATEMENT---

20 A APPROXIMATELY.

21 Q APPROXIMATELY?

22 A YEAH.

23 Q OKAY. IT COULD HAVE BEEN MORE, COULD HAVE BEEN LESS,
24 BUT IT WAS FAIR NUMBER OF INMATES FOR---

25 A YEAH.

1 Q -- FOR THAT SIZE ROOM?

2 A YES.

3 Q CROWDED IN THE ROOM?

4 A YES, SIR.

5 Q OKAY. BECAUSE NORMALLY THIS ROOM ONLY HOUSES TWO --
6 TWO INMATES; CORRECT?

7 A YES, SIR.

8 Q OKAY. CHESTNUT TOOK MY CHAIN OFF MY NECK.

9 A YUP.

10 Q THE CHAIN HAD A MEDALLION ON IT, ON THE CHAIN WORTH
11 OR SOME AMOUNT OF MONEY, AND ALSO THAT YOUR WATCH WAS
12 TAKEN.

13 A YES, SIR.

14 Q CORRECT?

15 A YES.

16 Q ALL RIGHT. YOU INDICATE ANYWHERE IN THERE THAT MR.
17 SINGLETARY HAD ANYTHING TO DO WITH TAKING ANY OF YOUR
18 PROPERTY?

19 A I CAN SAY THAT. I DIDN'T SAY THAT HE HAD NOTHING TO
20 DO WITH IT.

21 Q OKAY.

22 A I SAID THAT AT THAT PARTICULAR TIME HE WAS WALKING IN
23 THE ROOM.

24 Q WALKING INTO HIS ROOM?

25 A INTO THE ROOM THAT WE WAS IN, IN 2218.

1 Q OKAY. BUT -- BUT MR. SINGLETARY DIDN'T HAVE ANYTHING
2 TO DO WITH TAKING ANY OF YOUR PROPERTY?

3 A NO, SIR.

4 Q OKAY.

5 MR. DOBY: YOUR HONOR, I WOULD ASK THAT THAT BE
6 THEN ADMITTED AS -- I BELIEVE IT WILL BE DEFENDANT
7 SINGLETARY'S EXHIBIT NUMBER TWO.

8 MR. FATA: MAY I LOOK AT THAT? I DON'T RECALL.
9 LET ME SEE THAT A SECOND.

10 (SOLICITOR REVIEWING DOCUMENT).

11 MR. FATA: WE DON'T OBJECT TO THAT, YOUR HONOR.

12 THE COURT: ALL RIGHT. MR. SCOTT?

13 MR. SCOTT: YOUR HONOR, I HAVE SEEN THAT. I
14 DON'T HAVE AN OBJECTION.

15 THE COURT: ALL RIGHT. WHAT'S THE DATE OF THAT
16 STATEMENT?

17 MR. DOBY: YOUR HONOR, IT IS MARCH THE 17TH OF
18 2004.

19 THE COURT: OKAY. ALL RIGHT. SINGLETARY'S
20 NUMBER TWO.

21 (WHEREUPON, DEFENDANT SINGLETARY'S EXHIBIT 2 WAS
22 ADMITTED INTO EVIDENCE.)

23 BY MR. DOBY:

24 Q YOU ALSO GAVE A STATEMENT ON MARCH THE 31ST OF 2003
25 AND THAT WAS GIVEN TO SLED AGENTS ABRAHAM AND CREECH;

1 CORRECT?

2 A THAT'S NOT IN MARCH.

3 Q OCTOBER THE 31ST OF 2003.

4 A YES, SIR.

5 Q I BELIEVE IS WHERE THAT STATEMENT -- WHEN THAT
6 STATEMENT WAS TAKEN; CORRECT?

7 A YES, SIR.

8 Q OKAY. AND THAT STATEMENT, YOU WERE REQUESTED TO
9 RELAY WHAT HAPPENED IN THIS INCIDENT; CORRECT?

10 A THAT -- THAT I -- I COULD REMEMBER WHAT HAPPENED,
11 YES, SIR.

12 Q ALL RIGHT. WERE -- WAS THERE SOME THINGS THAT YOU
13 DID NOT REMEMBER THAT YOU--

14 A I WAS SEDATED.

15 Q -- LATER TOLD---

16 A I WAS SEDATED AT THAT TIME, SIR.

17 Q I'M SORRY?

18 A I WAS SEDATED AT THAT TIME.

19 Q OKAY. WELL, YOU GAVE APPROXIMATELY A FIVE PAGE
20 STATEMENT.

21 A THAT STILL DON'T MEAN THAT, SIR. LIKE I'M TELLING
22 YOU NOW, THAT I WAS SEDATED AT THAT TIME. I BEEN ON
23 MEDICINE. I COULDN'T WRITE. I WAS IN PAIN. THEY JUST
24 CAME IN. I EVEN HAD -- HAD THE OFFICER THAT'S SITTING
25 OVER TO THE -- THE RIGHT HERE, THE RIGHT OVER THERE, WRITE

1 IT DOWN FOR ME.

2 I WAS TALKING TO HIM. I WAS TELLING HIM WHAT
3 HAPPENED, YEAH. BUT THAT -- AS I LOOK AT -- THAT'S MY
4 FIRST TIME LOOKING BACK AT THIS REPORT WITHIN THE LAST --
5 THE LAST COUPLE OF DAYS BECAUSE I HAVEN'T TALKED TO NOBODY
6 ELSE ABOUT IT BECAUSE I COULDN'T TALK ABOUT IT WITH
7 NOBODY.

8 AND THEN NOT LIKE NOW, IT STILL HURTING ME NOW TO
9 TALK ABOUT IT, BUT -- BUT I'M DOING IT.

10 Q OKAY.

11 A IT'S A LOT OF STUFF THAT THAT WAS SUPPOSED TO BE
12 HERE IS -- MOST OF THE STUFF HERE, BUT THAT -- IT IS A LOT
13 OF STUFF THAT -- THAT HAPPENED THAT THE -- IT SHOULD -- IT
14 SHOULD HAVE BEEN HERE. IT'S HERE, BUT -- BUT THAT THEY
15 JUST -- IT JUST IN DIFFERENT PLACES.

16 Q OKAY. WELL, YOU HAD RELAYED SEVERAL THINGS THAT MR.
17 SINGLETARY HAS SUPPOSEDLY DONE AS PART OF THIS INCIDENT.
18 I AM GOING TO ASK YOU JUST A FEW THINGS IN YOUR STATEMENT
19 HERE. TELL ME WHERE IN THE STATEMENT THAT YOU GAVE ON
20 OCTOBER THE 31ST OF 2003 THAT TYRONE SINGLETARY STABBED
21 YOU IN THE CHEST OR THE BACK?

22 A STABBED ME IN THE ARM, SIR.

23 Q ALL RIGHT. STABBED YOU IN THE HAND?

24 A STABBED ME -- INMATE SINGLETARY AT FIRST HE STABBED
25 ME IN MY HAND.

1 Q OKAY.

2 A AT THE DOOR HE STABBED ME IN MY SHOULDER.

3 Q TELL ME WHERE IN THE STATEMENT YOU INDICATE THAT YOU
4 WERE STABBED TWICE BY INMATE SINGLETARY?

5 A LIKE I JUST TOLD YOU, THAT'S SOME OF THE STUFF NOT IN
6 HERE, SIR.

7 Q OKAY.

8 A I'M THE ONE THAT WAS THERE. YOU WASN'T THERE, SO YOU
9 DON'T KNOW HOW IT WAS.

10 Q ALL RIGHT. DID YOU RELAY THAT INMATE SINGLETARY HAD
11 STABBED YOU IN THE HAND AS PART OF THIS STATEMENT?

12 A I DON'T KNOW BECAUSE I REALLY, BE HONEST WITH YOU, I
13 AIN'T READ IT.

14 Q DO YOU -- DO YOU NEED A MOMENT TO REVIEW THAT?

15 A NO. NO, BECAUSE I ALREADY KNOW WHAT HAPPENED, SIR.

16 Q OKAY. WOULD YOU AGREE WITH ME THEN THAT YOUR
17 STATEMENT---

18 A NO, I'M NOT GOING TO AGREE WITH YOU BECAUSE THAT -- I
19 KNOW WHAT HAPPENED. I'M NOT.

20 THE COURT: MR. COTTON, LET HIM FINISH THE
21 QUESTION, PLEASE SIR, IF YOU DON'T MIND. HE MIGHT BE
22 ASKING A QUESTION YOU CAN AGREE WITH. I DON'T KNOW
23 WHETHER HE WAS OR NOT. LET HIM FINISH THE QUESTION
24 FIRST AND THEN YOU CAN ANSWER IT, OKAY?

25 BY MR. DOBY:

1 Q WOULD YOU AGREE WITH ME THAT YOUR STATEMENT DOES NOT
2 SAY THAT TYRONE SINGLETARY STABBED YOU BUT ONE TIME, AND
3 THAT WAS IN THE HAND?

4 A (PAUSE WHILE WITNESS REVIEWING STATEMENT.) NO, SIR.
5 I AGREE WITH YOU, IT'S NOT IN THERE.

6 Q OKAY. JUST FROM MY LISTENING TO YOUR TESTIMONY
7 EARLIER, IT APPEARS TO ME -- AND WOULD YOU AGREE WITH
8 ME -- THAT LYNCH WAS THE ONE THAT REALLY WAS THE LEADER OF
9 THIS?

10 A THE LEADER?

11 Q YES.

12 A YES, SIR.

13 Q BECAUSE FOR MOST OR THE MAJORITY OF TIME YOU WERE
14 HANDCUFFED TO MR. LYNCH?

15 A YES, SIR.

16 Q CORRECT? AND AS A MATTER OF FACT, EXCEPT FOR THE
17 TIME THAT YOU DESCRIBED YOU BEING HANDCUFFED TO THE BED AS
18 MR. LYNCH DID, THE ONLY OTHER TIME THAT YOU WEREN'T
19 HANDCUFFED TO HIM WAS THE LAST FEW MINUTES PRIOR TO YOUR
20 RELEASE?

21 A YES, SIR.

22 Q OKAY. NOW, YOU WERE ALSO HANDCUFFED TO INMATE
23 JOHNSON FOR A SMALL PERIOD OF TIME?

24 A ABOUT -- I'D SAY APPROXIMATELY THREE MINUTES, FIVE
25 MINUTES.

1 Q ALL RIGHT. WHO REQUESTED THAT YOU BE HANDCUFFED TO
2 INMATE JOHNSON?

3 A SINGLETARY TOOK THE -- THE CUFF OFF HIM, PUT IT ON
4 JOHNSON BECAUSE THAT WHEN LYNCH CAME IN BECAUSE LYNCH
5 WAS -- THAT WHEN -- THAT WHEN THE ARGUMENT STARTED WITH
6 LYNCH AND -- LYNCH AND SINGLETARY.

7 Q ALL RIGHT.

8 A BECAUSE HE SAID THAT, YOU TURNED ON ME, YOU BACKING
9 OUT ON ME?

10 Q BECAUSE LYNCH WAS THAT SINGLETARY WAS TRYING TO GET
11 YOU RELEASED?

12 A YES, SIR.

13 MR. DOBY: THANK YOU. THAT'S ALL I HAVE, YOUR
14 HONOR.

15 THE COURT: MR. SCOTT, YOU CAN CROSS-EXAMINE.

16 MR. SCOTT: YES, SIR. THANK YOU, YOUR HONOR.

17 MAY IT PLEASE THE COURT.

18 CROSS-EXAMINATION

19 BY MR. SCOTT:

20 Q MR. COTTON, YOU HAD ALREADY INDICATED TO MR. DOBY
21 THAT THIS STATEMENT THAT HE TALKED TO YOU ABOUT ON
22 OCTOBER 31ST, YOU DIDN'T WRITE THAT, RIGHT? YES, YOU
23 DICTATED IT TO THE OFFICER; IS THAT RIGHT?

24 A YES, SIR.

25 Q OKAY. AND IN FACT---

1 A I ASKED HIM TO WRITE IT FOR ME.

2 Q YES, SIR. AND I BELIEVE IT EVEN SAYS HERE -- WELL, I
3 WILL LET YOU LOOK AT IT. SAY HERE, YOU ASKED OFFICER
4 ABRAHAM I BELIEVE TO ACTUALLY WRITE THIS STATEMENT FOR
5 YOU.

6 A YES, SIR.

7 Q IS THAT BECAUSE YOU WERE UNDER SEDATION AT THE TIME--

8 A I COULDN'T WRITE. I'M RIGHT-HANDED.

9 Q OKAY. AND I BELIEVE YOU ALSO INDICATED THAT -- DID
10 YOU SAY YOU DID OR DIDN'T READ THIS STATEMENT BEFORE
11 TODAY? I DIDN'T GET...

12 A NO. THAT'S WHAT I SAID. AT THAT TIME HE WROTE IT
13 FOR ME, HE READ IT BACK TO ME, I READ IT. AT THAT --
14 THAT'S THE LAST TIME I SIGNED IT. THAT LAST TIME I SEEN A
15 REPORT UNTIL THIS COURT -- COURT TIME NOW.

16 Q OKAY. SO AS I UNDERSTAND WHAT YOU'RE SAYING -- I'M
17 NOT TRYING TO CONFUSE YOU, OKAY? I JUST WANT TO MAKE SURE
18 I UNDERSTAND YOUR TESTIMONY. YOU'RE SAYING THAT YOU TOLD
19 HIM WHAT HAPPENED, HE WROTE IT DOWN, HE READ IT BACK TO
20 YOU. DID YOU READ IT AT THE TIME OR WERE YOU TOO DAZED TO
21 READ IT?

22 A I READ IT AFTER---

23 Q YOU READ IT, AND THEN YOU SIGNED IT?

24 A YES, SIR.

25 Q BUT FROM THAT DAY UNTIL, WHEN, I GUESS SOMETIME

1 DURING THE LAST FEW DAYS OR WHENEVER YOU GOT READY TO COME
2 TO COURT---

3 A YES, SIR.

4 Q -- YOU HADN'T READ THE STATEMENT; IS THAT RIGHT?

5 A UH-HUH.

6 Q OKAY. WHEN WAS THE LAST TIME YOU READ IT?

7 A PROBABLY ABOUT AT LUNCH TIME.

8 Q OKAY. SO BUT BETWEEN OCTOBER OF 2003 AND LUNCH TIME
9 TODAY---

10 A I'M TRYING NOT TO THINK ABOUT IT, SIR.

11 Q I UNDERSTAND.

12 A TRYING TO GET PAST IT.

13 Q I'M TRYING TO FIGURE OUT WHEN YOU READ IT.

14 A LET ME GET FINISHED.

15 Q WELL, I HAVEN'T FINISHED MY QUESTION.

16 MR. FATA: GIVE HIM A CHANCE TO FINISH ANSWERING
17 THE QUESTION.

18 THE COURT: YES, SIR. HE SAID HE WAS TRYING NOT
19 TO THINK ABOUT IT AND -- AND I THINK THAT THAT WAS
20 THE ANSWER. NOW, MR. SCOTT CAN ASK HIS NEXT
21 QUESTION, CERTAINLY HE CAN ANSWER COMPLETELY AS HE
22 WANTED TO, BUT I THINK THAT -- THAT HE SAID I WAS
23 TRYING NOT TO THINK ABOUT IT, AND MR. SCOTT SAID, I
24 UNDERSTAND, AND I THINK -- YOU PROBABLY DON'T
25 UNDERSTAND BECAUSE YOU WEREN'T IN THE SAME POSITION.

1 BUT NONETHELESS, HE HAD ANSWERED IT. YOU CAN
2 FOLLOW IT UP ON REDIRECT.

3 MR. SCOTT: THANK YOU, YOUR HONOR.

4 BY MR. SCOTT:

5 Q WHAT I WAS TRYING TO DETERMINE IS HOW MANY TIMES YOU
6 READ THE STATEMENT. AND YOU SAID THAT YOU READ IT ON
7 OCTOBER 31ST AND YOU READ IT AGAIN TODAY; IS THAT CORRECT?

8 A SHOULDN'T HAVE TO READ THE STATEMENT BECAUSE I KNOW
9 WHAT HAPPENED BECAUSE I WAS THERE.

10 MR. SCOTT: YOUR HONOR, I REALLY AM JUST TRYING
11 TO ASK THE CLIENT -- I DON'T MIND HIM EXPLAINING THE
12 ANSWER, BUT I REALLY WOULD APPRECIATE IT IF HE'D JUST
13 ANSWER THE QUESTION FIRST.

14 THE WITNESS: WHAT DO YOU WANT TO KNOW?

15 THE COURT: YOU DO HAVE TO ANSWER. IF YOU'LL
16 ANSWER THE QUESTION FIRST, MR. COTTON, THEN YOU CAN
17 EXPLAIN IT.

18 THE WITNESS: WHAT DO YOU WANT TO KNOW?

19 BY MR. SCOTT:

20 Q I'M TRYING TO DETERMINE WHEN YOU READ THE STATEMENT.
21 YOU SAID YOU READ IT ON OCTOBER 31ST, 2003, AND YOU READ
22 IT AGAIN TODAY.

23 A UH-HUH.

24 Q THAT'S WHAT I'M TRYING TO DETERMINE. THAT'S THE ONLY
25 TWO TIMES YOU READ THIS STATEMENT; CORRECT?

1 A YES, SIR.

2 Q OKAY. GOOD TO GO. AND IT'S NOT EVEN WRITTEN IN YOUR
3 HANDWRITING?

4 A NO. I DIDN'T WRITE THAT.

5 Q RIGHT? NOW, AT THE TIME THAT YOU -- THIS STATEMENT
6 IS 8:15 P.M. WERE YOU STILL IN THE HOSPITAL ON...

7 A YES, SIR.

8 Q OKAY. SO THIS WAS TAKEN OF YOU AT THE HOSPITAL?

9 A YES, SIR.

10 Q OKAY. AND DID YOU TELL OFFICER CREECH OR ABRAHAM
11 THAT YOU WOULD RATHER THEY COME BACK AND TALK TO YOU AT
12 SOME OTHER TIME WHEN THEY CAME TO THE HOSPITAL TO TALK TO
13 YOU?

14 A NO.

15 Q OKAY. DID YOU INDICATE TO THEM THAT YOU WERE SEDATED
16 AND COULDN'T REALLY KIND OF -- YOU WERE KIND OF OUT OF IT?
17 DID YOU TELL THEM ANY OF THAT?

18 A NO.

19 Q OKAY. NOW, YOU INDICATED THAT MR. LYNCH WAS -- I
20 BELIEVE MR. DOBY ASKED YOU AND YOU INDICATED MR. LYNCH
21 WAS -- I THINK THE TERM YOU USED WAS RING LEADER. IS THAT
22 RIGHT?

23 A YES, SIR.

24 Q BUT THE FIRST PERSON WHO STABBED YOU WASN'T MR.
25 LYNCH; WAS IT?

1 A NO.

2 Q IN FACT, THAT WAS MR. SINGLETARY ACCORDING TO YOUR
3 TESTIMONY; IS THAT RIGHT?

4 A ACCORDING -- ACCORDING TO -- TO THE WHOLE THING, THAT
5 STARTED WITH LYNCH.

6 Q OKAY. BUT NOW MY QUESTION WAS, THE FIRST PERSON THAT
7 STABBED YOU---

8 A STABBED ME WAS THE SINGLETARY.

9 Q WAS NOT MR. LYNCH; CORRECT?

10 A UH-HUH.

11 Q AND YOU INDICATED THAT -- AND YOU CORRECT ME IF I'M
12 WRONG -- YOU INDICATED THAT AT THE DOOR -- DID YOU
13 INDICATE MR. SINGLETARY STABBED YOU AGAIN?

14 A AT THE FRONT DOOR?

15 Q YES, SIR.

16 A YES, SIR.

17 Q THAT WASN'T PURSUANT TO ANY DIRECTION THAT HE HAD
18 GOTTEN FROM MR. LYNCH; WAS IT?

19 A NO.

20 Q OKAY. AND CERTAINLY HIS STABBING YOU IN THE HAND
21 WASN'T PURSUANT TO ANY DIRECTIONS HE HAD GOTTEN FROM MR.
22 LYNCH?

23 A NO, SIR.

24 Q NOW, YOU INDICATED THAT -- HOW LONG HAD YOU BEEN
25 WORKING AT -- AT LCI AT THE TIME THIS HAPPENED?

1 A AT -- AT THAT PARTICULAR TIME IT WAS FOR THREE --
2 THREE YEARS.

3 Q ABOUT THREE OR FOUR YEARS? OKAY. BECAUSE I THINK
4 YOU SAID EARLIER WHEN YOU STARTED TESTIFYING YOU HAD BEEN
5 WORKING FOR SCDC---

6 A NOW---

7 Q -- FOR A TOTAL OF SIX YEARS; RIGHT? OKAY. AND THIS
8 WAS TWO YEARS AGO, SO ABOUT FOUR YEARS. WOULD THAT BE
9 ABOUT RIGHT?

10 A YES, SIR..

11 Q YOU HAVE TO SAY YES OR NO. SHE'S TAKING DOWN
12 EVERYTHING.

13 A OH, YES.

14 Q OKAY. ALL RIGHT. AND HOW LONG HAD MR. LYNCH BEEN
15 THERE, IF YOU RECALL?

16 A HOW LONG HAD HE BEEN?

17 Q HOW LONG HAD HE BEEN AT LEE IN OCTOBER OF 2003? DO
18 YOU REMEMBER?

19 A NO, SIR, BECAUSE THAT -- I REALLY DIDN'T KNOW LYNCH.

20 Q OKAY. SO YOU DIDN'T REALLY KNOW HIM?

21 A BECAUSE I HAVEN'T WORKED IN THAT DORM CONSTANT.

22 Q I'M SORRY?

23 A AT THAT PARTICULAR YEAR -- AT THAT PARTICULAR YEAR I
24 WASN'T WORKING IN THAT DORM.

25 Q OKAY. HOW OFTEN HAD---

1 A NOT LIKE THAT. I WAS -- WORK IN THAT DORM LIKE ONCE
2 A WEEK.

3 Q ONCE A WEEK? OKAY. WHERE WOULD YOU PRIMARILY WORK?

4 A ON THE YARD, PLAZA GATE, ANOTHER -- ANOTHER DORM.

5 Q OKAY. SO HOW OFTEN WOULD YOU -- AND HOW OFTEN WOULD
6 YOU HAD ENCOUNTERED MR -- HAVE ENCOUNTERED MR. LYNCH
7 DURING THAT TIME PERIOD WHEN YOU WERE WORKING THERE?

8 A AT THAT PARTICULAR TIME?

9 Q YES, SIR.

10 A WITH LYNCH? PROBABLY NONE.

11 Q NONE?

12 A NONE, BECAUSE THAT -- BECAUSE THAT BEEN WEARING
13 THAT -- WHEN -- WHEN I WAS ASSIGNED THERE, LYNCH -- LYNCH
14 WASN'T ON THE SOUTH SIDE. I NEVER WORKED THE NORTH SIDE.

15 Q OKAY. SO YOU SAY WHEN YOU WERE ASSIGNED THERE LYNCH
16 WAS WHERE? I JUST DIDN'T UNDERSTAND YOUR ANSWER.

17 A WHEN -- WHEN I USED TO WORK -- WORK IN CHESTERFIELD
18 UNIT, LYNCH WAS ASSIGNED TO THE NORTH SIDE. AT THAT
19 PARTICULAR TIME, THE LAST -- THE LAST TWO TIMES THAT --
20 THAT I WAS DOWN THERE, LYNCH WAS ON THE SOUTH SIDE.

21 Q OKAY. AND SO WHEN YOU WORKED IN THE DORM, DID YOU
22 PRIMARILY WORK NORTH OR SOUTH SIDE?

23 A SOUTH.

24 Q SOUTH SIDE. OKAY. SO YOUR TESTIMONY IS YOU REALLY
25 DIDN'T HAVE A CHANCE TO SEE MUCH OF MR. LYNCH?

- 1 A NO, SIR.
- 2 Q OKAY.
- 3 A UNTIL -- UNTIL HE CAME OVER TO THE SOUTH SIDE.
- 4 Q OKAY. AND DO YOU REMEMBER WHEN HE CAME OVER TO THE
5 SOUTH SIDE?
- 6 A YEAH. YEAH. I DO REMEMBER.
- 7 Q WHEN WAS THAT?
- 8 A THAT WAS PROBABLY LIKE A MONTH BEFORE--
- 9 Q SO---
- 10 A -- BEFORE THE INCIDENT.
- 11 Q SO IF THIS HAPPENED ON OCTOBER 31ST, WOULD IT HAVE
12 BEEN AROUND THE LAST PART OF SEPTEMBER OR EARLY OR LATER
13 THAN THAT?
- 14 A I DON'T KNOW. I CAN'T TELL YOU THAT BECAUSE OF
15 THAT -- I DON'T EVEN WORK. LIKE I JUST TOLD YOU, I USED
16 TO WORK DOWN THERE A LOT, BUT NOT -- AT THAT PARTICULAR
17 TIME THAT YEAR I DIDN'T. I JUST WAS LIKE A FILL-IN.
- 18 Q WELL, ALL I'M TRYING TO DO IS YOU SAID YOU THOUGHT IT
19 WAS ABOUT A MONTH. I'M TRYING TO DETERMINE WHETHER---
- 20 A I CAN'T TELL YOU THAT BECAUSE, I MEAN, I HAVEN'T BEEN
21 DOWN THERE.
- 22 Q WELL, IS IT ACCURATE TO SAY THAT YOU THINK HE'D BEEN
23 OVER THERE FOR ABOUT A MONTH, OR DO YOU KNOW?
- 24 A I DON'T KNOW. CAN'T TELL YOU THAT.
- 25 Q OKAY. BUT YOU'RE SAYING YOU DIDN'T HAVE MUCH

1 INTERACTION WITH HIM?

2 A NO, SIR.

3 Q NOW, YOU INDICATED THAT -- AND HOW MANY INMATES DID
4 YOU SAY WERE ON -- I THINK YOU INDICATED ABOUT 123 ON
5 SOUTH SIDE?

6 A APPROXIMATELY.

7 Q OKAY. AND I'M NOT SURE WHAT YOUR ANSWER WAS ABOUT
8 NORTH SIDE. DID YOU KNOW HOW MANY WERE ON NORTH SIDE?

9 A I DON'T KNOW. I CAN'T TELL YOU THAT BECAUSE I DON'T
10 KNOW.

11 Q OKAY. YOU DON'T KNOW. AND YOU AT THE TIME WERE
12 WORKING ON SOUTH SIDE; CORRECT--

13 A YES, SIR.

14 Q -- WHEN THIS HAPPENED. HOW LONG HAD YOU WORKED ON
15 NORTH SIDE?

16 A HUH?

17 Q HOW LONG HAD YOU WORKED ON NORTH SIDE?

18 A I NEVER WORKED ON THE NORTH SIDE.

19 Q YOU NEVER WORKED ON NORTH SIDE. OKAY. ALL RIGHT.
20 NOW, AS I UNDERSTAND IT, MR. FATA WAS ASKING YOU ABOUT
21 WHAT YOU COULD HAVE DONE TO RESPOND TO THE SITUATION WHEN
22 MR. LYNCH DIDN'T GO BACK INTO HIS CELL.

23 A UH-HUH.

24 Q NOW, YOU SAY -- YOU SAID YOU DID OR DID NOT HAVE A
25 RADIO?

1 A I DID NOT HAVE A RADIO.

2 Q OKAY. WHO DID YOU RELIEVE WHEN YOU CAME ON DUTY

3 THAT -- THAT DAY?

4 A WHEN I FIRST CAME ON WAS CATOE.

5 Q OKAY. DID CATOE HAVE A RADIO?

6 A NO, SIR.

7 Q OKAY. AND YOU SAID WHEN YOU FIRST CAME ON WAS CATOE.

8 WERE YOU ON DUTY FROM THE TIME YOU RELIEVED CATOE UNTIL

9 THIS INCIDENT HAPPENED IN THAT AFTERNOON?

10 A YES, SIR. YES, SIR.

11 Q DID ANYBODY IN THAT SIDE HAVE A RADIO?

12 A NO, SIR.

13 Q OKAY. SO IN THE ENTIRE SOUTH SIDE DURING YOUR SHIFT,

14 NOBODY WOULD HAVE HAD A RADIO?

15 A NO, SIR.

16 Q OKAY. DID YOU HAVE ANY KIND OF BUZZER OR ANYTHING

17 ELSE ON YOU?

18 A NO, SIR.

19 Q WERE YOU SUPPOSED TO HAVE THAT?

20 A YEAH. YEAH. YEAH, WE SUPPOSED TO.

21 Q BUT YOU DIDN'T HAVE ONE. THEY DIDN'T GIVE YOU ONE?

22 A NO, SIR. IT WAS BROKEN.

23 Q OKAY. AND YOU SAID SOMETHING, TOO, ABOUT THE CAMERAS

24 NOT WORKING.

25 A YES, SIR, BECAUSE THEY JUST PUT THEM IN.

1 Q OKAY. HOW LONG BEFORE THIS HAPPENED HAD THEY BEEN
2 INSTALLED? DO YOU REMEMBER?

3 A I CAN'T TELL YOU.

4 Q OKAY. ALL RIGHT. NOW, WAS IT TYPICAL FOR YOU NOT TO
5 HAVE A RADIO OR A BUZZER?

6 A WHEN YOU GO AROUND THERE FOR THE LAST -- PAST TIMES I
7 HAVE BEEN THERE, YEAH.

8 Q I DIDN'T UNDERSTAND THAT, MR.---

9 A YEAH. YEAH.

10 Q OKAY. SO IT WAS TYPICAL FOR YOU NOT TO HAVE A RADIO
11 OR A BUZZER?

12 A UH-HUH.

13 Q OKAY. NOW, HOW MANY -- IF YOU RECALL, HOW MANY
14 INMATES DID YOU SEE, YOU KNOW, RUNNING ABOUT, CAUSING A
15 RUCKUS AND WHAT HAVE YOU WHEN YOU WERE -- WHEN THIS
16 HAPPENED?

17 A I SAY THE WHOLE BUILDING.

18 Q THE WHOLE BUILDING? OKAY. THEY WERE KIND OF JUST
19 BEING ROWDY, TEARING THINGS UP?

20 A YOU KNOW HOW PEOPLE ACT WHEN THEY BE IN A CLUB? WHEN
21 YOU TELL THEM TO TURN THE CLUB UP, AND THAT'S HOW THEY
22 ACT.

23 Q TEARING THE CLUB UP. AND THAT WOULD BE EVERYBODY?

24 A YEAH, MOSTLY EVERYBODY.

25 Q NOT JUST MR. LYNCH AND MR. SINGLETARY?

1 A MR. LYNCH AND MR. SINGLETARY MAINLY -- MAINLY WAS --
2 DID THE DICTATING, TELLING PEOPLE WHAT TO DO, HOW TO DO
3 IT, WHEN TO DO IT, THAT THEY'RE MAINLY GIVING THE --
4 GIVING THE DEMANDS ON TELLING THEM -- TELLING -- TELLING
5 THE NEGOTIATION ON WHAT THEY WANT.

6 Q I'M FOLLOWING YOU THERE. YOU DIDN'T SEE MR. LYNCH OR
7 HEAR MR. LYNCH TELL ANYBODY FOR INSTANCE, GO IN THERE AND
8 TRASH THAT PARTICULAR CELL OR PULL THINGS DOWN OR SET THE
9 SPRINKLERS OFF OR ANYTHING LIKE THAT; DID YOU?

10 A NOT -- NOT IN THEM PARTICULAR WORDS, NO.

11 Q OKAY.

12 A BUT WHAT HE DID SAID WAS THAT THE -- YOU WANT TO BE
13 HEARD, IT'S YOUR CHANCE NOW TO BE HEARD. YES, HE WAS --
14 HE WAS MAINLY THAT -- YES, HE WAS MAINLY THE INFLUENCE OF
15 THE WHOLE BUILDING, YES.

16 Q NOW, HAD YOU EVER -- HAD YOU EVER LOCKED DOWN MR.
17 LYNCH BEFORE FOR -- FOR ANY REASON AT ALL?

18 A NO, SIR.

19 Q NEVER DONE THAT?

20 A NO, SIR, BECAUSE -- BECAUSE THAT WAS -- NO, SIR,
21 BECAUSE THAT -- I WASN'T DOWN THERE LONG ENOUGH TO DO
22 THAT.

23 Q OKAY. AND YOU NEVER HAD ANY ALTERCATION WITH THEM
24 WHERE YOU CALLED HIM OUT OF HIS NAME OR ANYTHING?

25 A NO, SIR.

1 MR. SCOTT: IF I CAN HAVE YOUR INDULGENCE, YOUR
2 HONOR.

3 THE COURT: CERTAINLY.

4 (PAUSE WHILE MR. SCOTT READS OVER HIS OWN
5 NOTES.)

6 BY MR. SCOTT:

7 Q AT SOME POINT YOU TESTIFIED EARLIER, MR. COTTON, THAT
8 ALL THE INMATES HAD SHANKS AND SOME HAD THEIR FACES
9 COVERED UP; IS THAT RIGHT?

10 A YES, SIR.

11 Q OKAY. YOU DIDN'T SEE MR. LYNCH GIVE ANY INMATE ANY
12 SHANKS; DID YOU?

13 A NO.

14 Q OKAY. AND YOU DIDN'T SEE---

15 A HE HANDED ONE TO SINGLETARY.

16 Q YOU DIDN'T SEE MR. LYNCH OR HEAR MR. LYNCH TELL ANY
17 INMATES TO PUT MASKS OR COVERINGS ON THEIR FACES; DID YOU?

18 A YOU DON'T HAVE TO---

19 Q WELL, MY---

20 A INMATES NOT DUMB. I MEAN, THEY PEOPLE, TOO, NOW.

21 Q NOW, YOU CAN -- YOU CAN EXPLAIN YOUR ANSWER. BUT MY
22 QUESTION IS, DID YOU SEE OR HEAR MR. LYNCH TELL INMATES TO
23 PUT MASKS OR COVERINGS ON THEIR FACE?

24 A NO.

25 Q OKAY.

1 MR. SCOTT: YOUR HONOR, THANK YOU. IF I COULD
2 HAVE ONE MORE MOMENT.

3 THE COURT: ALL RIGHT.

4 (MR. SCOTT CONFERRING WITH CLIENT).

5 MR. SCOTT: THANK YOU, YOUR HONOR.

6 THE COURT: MR. FATA, REDIRECT?

7 MR. FATA: JUST SHORTLY, YOUR HONOR.

8 REDIRECT EXAMINATION

9 BY MR. FATA:

10 Q THE UNIFORM THAT YOU WERE WEARING THAT DAY, WAS IT
11 LIKE THE SHIRT YOU HAVE ON?

12 A NO, SIR.

13 Q WHAT WAS IT?

14 A IT WAS A BLUE, A BLUE SHIRT THAT BUTTON UP.

15 Q JUST A REGULAR BLUE BUTTON UP SHIRT?

16 A YES, SIR.

17 Q LIGHT BLUE?

18 A YES, SIR.

19 Q ALL RIGHT. NOW, HOW DID THIS INCIDENT START, WHO
20 ATTACKED YOU?

21 A INMATE LYNCH WHEN IT FIRST STARTED.

22 Q AND WHO ELSE?

23 A AND INMATE SINGLETARY.

24 Q AND BOTH OF THEM STABBED YOU?

25 A YES, SIR.

1 Q NOW, YOU SAID YOU SAW INMATE SINGLETARY -- LYNCH HAND
2 SINGLETARY, INMATE SINGLETARY, A KNIFE?

3 A YES, SIR.

4 Q SHANK? WHEN WAS THAT?

5 A THAT WAS AT THE END, THE END WHEN HE TOLD HIM TO
6 GUARD ME.

7 Q WHEN HE TOLD THEM TO GUARD YOU? DID YOU SEE EITHER
8 INMATE LYNCH OR INMATE SINGLETARY GIVE ANY ORDERS TO
9 ANYONE ELSE?

10 A YEAH.

11 Q WHO?

12 A TO THE REST OF THE INMATES, IF Y'ALL GOING TO
13 REPRESENT, AND IF YOU WANT TO BE HEARD, IT'S YOUR CHANCE
14 NOW TO BE HEARD BECAUSE THAT -- WE DONE CAME THIS FAR, WE
15 DONE STARTED IT.

16 Q STARTED WHAT?

17 A THE RIOT.

18 Q AND WHAT -- HOW WERE THEY GOING TO BE HEARD?

19 A BECAUSE THAT -- IF THEY WOULD HAVE MOST OF THE PEOPLE
20 HEARD. ONCE THE NEWS MAN WOULD HAVE CAME, THE NEWS MAN
21 COULD HAVE TALKED TO ALL OF THEM.

22 Q ALL RIGHT. BUT WERE THEY DOING ANYTHING INSIDE THE
23 INSTITUTION TO BE HEARD? WERE THEY TEARING THE PLACE---

24 A YEAH. I MEAN, YEAH. YEAH, LYNCH WAS MAKING
25 STATEMENTS.

1 Q WERE THEY TEARING THE PLACE UP?

2 A SIR?

3 Q WERE THEY TEARING THE PLACE UP?

4 A YES, SIR.

5 MR. FATA: THAT'S ALL.

6 THE COURT: MR. DOBY, ANY FOLLOW-UP?

7 MR. DOBY: NO FURTHER QUESTIONS. THANK YOU.

8 THE COURT: THANK YOU. MR. SCOTT?

9 MR. SCOTT: NOTHING FURTHER, YOUR HONOR. THANK
10 YOU.

11 THE COURT: THANK YOU. MR. COTTON, YOU CAN STEP
12 DOWN. THANK YOU.

13 MR. FATA: ARE YOU READY FOR THE NEXT WITNESS OR
14 DO YOU...

15 (WITNESS LEFT THE STAND.)

16 THE COURT: WE WILL TAKE A BREAK RIGHT NOW.
17 LADIES AND GENTLEMEN, THE HOUR IS UPON US NOW FOR THE
18 AFTERNOON RECESS AND SO WE'LL HAVE THE AFTERNOON
19 RECESS FOR 15 MINUTES. WE WILL GET YOU OUT HERE TO
20 CONCLUDE THE AFTERNOON'S WORK AT ABOUT 3:45. PLEASE
21 REMEMBER NOT TO DISCUSS THIS CASE AMONG YOURSELVES
22 WHILE YOU'RE IN THE JURY ROOM. THANK YOU.

23 (JURY LEFT COURTROOM AT 3:37 P.M.)

24 THE COURT: ALL RIGHT, FOLKS. WE WILL BE IN
25 RECESS FOR 15 MINUTES. THANK YOU.

1 (COURT WAS IN RECESS.)

2 THE COURT: ALL RIGHT, FOLKS. IS EVERYBODY
3 READY FOR THE JURY?

4 MR. FATA: YES, SIR, YOUR HONOR.

5 MR. DOBY: YES, YOUR HONOR.

6 THE COURT: GOOD. BRING US THE JURY, PLEASE.

7 (JURY ENTERED THE COURTROOM AT 3:56 P.M.)

8 THE COURT: FOLKS, WE CAN -- GOT ONE MORE. WE
9 PICK UP NOW AS THE STATE OFFERS ADDITIONAL EVIDENCE
10 AND TESTIMONY. MR. FATA?

11 MR. FATA: THANK YOU, YOUR HONOR. THE STATE
12 CALLS FORMER CORRECTIONS OFFICER KENNETH DOZIER.

13 THE COURT: MR. DOZIER, COME FORWARD, SIR, AND
14 BE SWORN.

15 KENNETH DOZIER, AFTER
16 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MR. FATA:

19 Q MR. DOZIER, YOU'RE A FORMER CORRECTIONS OFFICER;
20 AREN'T YOU?

21 A CORRECT.

22 Q WHEN DID YOU BECOME A CORRECTIONS OFFICER?

23 A 2002.

24 Q OKAY. AND WERE YOU CERTIFIED?

25 A YES, I WAS.

1 Q ALL RIGHT. AND WHERE DID -- WHERE WERE YOU STATIONED
2 OR WHERE DID YOU WORK OR...

3 A I WORKED IN THE CHESTERFIELD UNIT OF LEE COUNTY
4 CORRECTIONAL CENTER.

5 Q YOU BECAME CERTIFIED BY GOING TO THE CORRECTIONS
6 OFFICERS' ACADEMY?

7 A YES, SIR. I WAS CERTIFIED WITH THE SOUTH CAROLINA
8 DEPARTMENT OF CORRECTIONS ACADEMY. I WAS -- PRIOR TO THAT
9 I WAS A CERTIFIED POLICE OFFICER FROM 1998 NOW.

10 Q ALL RIGHT. AND YOU WERE ASSIGNED TO CHESTERFIELD
11 UNIT?

12 A YES. I WAS THE ONLY PERSON THAT WAS ASSIGNED TO
13 CHESTERFIELD THAT WAS ACTUALLY THERE IN THE UNIT, YES.

14 Q ON THAT DATE, OCTOBER---

15 A NO. THAT WAS MY PERMANENT ASSIGNMENT. I WAS THE
16 ONLY ONE THAT WAS ASSIGNED TO THAT UNIT EVERY DAY.

17 Q EVERY DAY?

18 A EVERY DAY.

19 Q WHEN YOU CAME INTO WORK, YOU WENT TO CHESTERFIELD?

20 A CHESTERFIELD.

21 Q ALL RIGHT. WHAT SIDE OF CHESTERFIELD DID YOU
22 NORMALLY WORK ON?

23 A I NORMALLY WORKED THE NORTH SIDE.

24 Q ALL RIGHT. NOW, WE TALKED ABOUT NORTH SIDE AND SOUTH
25 SIDE AND -- I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER

1 FIVE AND ASK YOU IF YOU COULD EXPLAIN THE DIFFERENT
2 CONFIGURATION OF THE NORTH AND THE SOUTH SIDE.

3 A THE NORTH SIDE -- THE DIFFERENCE BETWEEN THE NORTH
4 AND THE SOUTH SIDE WAS THERE WERE FENCE, THE DOORS WERE
5 DIFFERENT IN REGARDS TO THE LOCKS.

6 Q ALL RIGHT. FIRST OF ALL --

7 MR. FATA: YOUR HONOR, MAY HE COME DOWN?

8 THE COURT: YES, SIR. MR. DOZIER, IF YOU WILL
9 STAND ON THE OTHER SIDE AND FACE THIS DIRECTION, THAT
10 IS FACE THE COURT REPORTER SO WE CAN HEAR YOU. THANK
11 YOU.

12 BY MR. FATA:

13 Q ALL RIGHT. NOW, LOOKING AT THE PICTURES OF THE NORTH
14 SIDE, YOU SAY THERE WAS A FENCE. WHAT ABOUT THE FENCE?

15 A IT WAS GATED IN AROUND THE UNIT WHERE ON THE SOUTH
16 SIDE THERE WAS NO FENCE AROUND IT.

17 Q AND WHAT WAS THE PURPOSE OF THAT FENCE?

18 A THE FENCE WAS TO CONTROL IMPROVEMENT IN REGARDS TO
19 SHOWERS, EATING, OR DISCIPLINARY ACTION.

20 Q ALL RIGHT. NOW, YOU ALSO MENTIONED -- I DON'T THINK
21 YOU CAN SEE IT IN HERE, SOME SORT OF -- SPECIAL ABOUT THE
22 DOOR ITSELF?

23 A THE DOORS ON THE NORTH SIDE WERE DIFFERENT FROM THE
24 SOUTH SIDE. ON THE SOUTH SIDE DOORS YOU CAN OPEN THE DOOR
25 AND GO IN. ON THE NORTH SIDE DOOR YOU HAD TO HAVE A KEY

1 TO GO IN OR AN -- INMATES WILL HAVE TO LET THEMSELVES OUT
2 FROM THE OTHER SIDE.

3 SO YOU JUST COULDN'T -- IF AN INMATE DIDN'T WANT TO
4 COME OUT, THEY DIDN'T HAVE TO.

5 Q AND -- AND YOU WERE -- ALSO FENCED IN THE DOOR, TOO?

6 A CORRECT. THERE WERE ACTUAL -- THERE'S SLOTS ON THE
7 DOORS WHERE YOU CAN FEED AND THERE ARE ACTUAL LOCKS ON
8 HERE. THERE -- THAT'S A KEY, LIKE A REGULAR DOOR YOU PUT
9 IN THE KEY. ON THIS SIDE THERE IS IS A DEAD BOLT AND THEN
10 THERE IS A DEAD BOLT LOCK AT THE TOP, SO IT'S ACTUALLY TWO
11 LOCKS ON THAT DOOR.

12 Q ALL RIGHT. ON OCTOBER 29TH, 2003, YOU WERE WORKING
13 IN CHESTERFIELD UNIT?

14 A CORRECT.

15 Q DID ANYTHING HAPPEN THAT -- WHAT TIME DID YOU COME TO
16 WORK?

17 A 6:45 THAT MORNING.

18 Q DID ANYTHING HAPPEN DURING THE DAY BEFORE THIS
19 INCIDENT THAT WE'VE BEEN TALKING ABOUT OCCURRED?

20 A YES. THERE WAS AN INMATE -- THINK INMATE JONES -- HE
21 TORE HIS CELL UP BY DESTROYING THE COMMODE AND THE SINK,
22 CUTTING HIS HAND. AND THE UNIT WAS ON LOCKDOWN BECAUSE
23 SOMEBODY HAD GOT STABBED ON THE NORTH SIDE OF OUR UNIT A
24 COUPLE OF DAYS PRIOR.

25 Q ALL RIGHT. IN RESPONSE TO INMATE JONES CUTTING

1 HIMSELF, TEARING UP THE ROOM, WHAT HAPPENED?

2 A I ADVISED SERGEANT JUNE THAT I HAD INMATE ON MY WING
3 THAT WAS INJURED. WE HAD A -- AN INMATE THAT WAS INJURED
4 PRIOR. HE CUT HISSELF UP AND WE HAD TO RUSH HIM TO THE
5 HOSPITAL. SO NORMALLY LIKE THAT -- YOU CAN'T GO INTO A
6 CELL OR DO ANY ACTIVITY LIKE THAT BECAUSE OF THE BLOOD,
7 FIRST OF ALL, AND THE SECURITY RISK, SO I WENT AND
8 NOTIFIED SERGEANT JUNE.

9 Q ALL RIGHT. DID SERGEANT JUNE TAKE THIS -- THIS GUY
10 TO THE INFIRMARY?

11 A YES, SIR.

12 Q HOSPITAL? ALL RIGHT. LATER THAT DAY -- OF COURSE
13 EVERYBODY, STAYED LOCKED DOWN DURING THE DAY?

14 A NO. WE -- ACTUALLY MYSELF AND SERGEANT JUNE WORKED
15 THE NORTH SIDE, AND SERGEANT -- I MEAN OFFICER COTTON AND
16 OFFICER HALL WORKED THE SOUTH SIDE GIVING SHOWERS OUT TO
17 ALL THE INMATES BECAUSE THEY HADN'T HAD SHOWERS IN A
18 COUPLE OF DAYS, SO WE GAVE THEM SHOWERS.

19 Q ALL RIGHT. AND AT THE TIME THIS INCIDENT OCCURRED,
20 HOW MANY OFFICERS WERE IN THE NORTH SIDE AND IN THE SOUTH
21 SIDE?

22 A WHEN THIS INCIDENT OCCURRED, I WAS BY MYSELF ON
23 THE -- THE NORTH SIDE. AND I GUESS OFFICER COTTON WAS BY
24 HIMSELF, TOO, BECAUSE I -- OFFICER HALL WILL PASS OUT MAIL
25 WHEN WE LEFT. SO I REALLY DON'T KNOW WHAT HE DID BECAUSE

1 WE WERE GETTING FOOD PREPARED.

2 SO ALL I KNEW WAS THAT I WAS GETTING BRING MY FOOD ON
3 THE WING TO FEED.

4 Q ALL RIGHT. WHAT TIME DID YOU BEGIN TO FEED?

5 A AROUND 3:45 OR SOMEWHERE LIKE THAT.

6 Q WHERE DID YOU START?

7 A I STARTED AT THE -- THE TOP HERE, THAT WAY I CAN WORK
8 MY WAY ALL AROUND AND DO ALL OF THE CELLS. THERE WAS ONLY
9 ONE DOOR THAT I HAD TO OPEN, WHICH WAS 1128.

10 Q ALL RIGHT. AND IS IT ON -- IT'S DOWN HERE?

11 A ROOM 1128 OF CORRECTIONAL---

12 Q UNDERNEATH THESE STEPS?

13 A RIGHT.

14 Q ALL RIGHT. NOW, WHAT IS -- WHAT IS THIS RIGHT HERE?

15 A THAT'S A -- THE DOOR TO THE GATE.

16 Q ALL RIGHT. WHEN YOU OPENED 1128 AND WERE FEEDING
17 PEOPLE IN THERE, WAS THAT DOOR SHUT THAT?

18 A THAT DOOR WAS OPEN.

19 Q ALL RIGHT. WHAT HAPPENED WHEN YOU OPENED THE DOOR TO
20 1128 AND BEGIN -- AND WERE BEGINNING TO GIVE THOSE INMATES
21 THEIR FOOD?

22 A I GAVE THEM THEIR FOOD. THEY TOOK THEIR TRAYS, THEN
23 WENT BACK IN THEIR ROOM. I TURNED AROUND. AND WHEN I
24 TURNED AROUND I SAW INMATE SINGLETON (SIC) AND INMATE
25 LYNCH COME INTO THE UNIT, RAN THROUGH THE DOOR, AND THEY

1 CAME RIGHT HERE BY THE OFFICERS' BOOTH AND STOOD THERE.
2 AND THAT---

3 Q THE OFFICERS' BOOTH?

4 A YES, SIR.

5 Q WANT TO HOLD THIS UP. YOU WERE AT 1128, WHICH IS
6 HERE?

7 A CORRECT.

8 Q UNDERNEATH -- THERE IS A GATE HERE, SO -- WAS THE
9 FENCE AROUND THAT UNIT, RIGHT?

10 A CORRECT.

11 Q YOU SAW LYNCH AND SINGLETARY COME IN AND STAND BY
12 THIS?

13 A STOOD RIGHT BY ME.

14 Q ALL RIGHT. WHEN THEY STOOD THERE, WHAT HAPPENED?

15 A I NOTICED THAT BOTH INMATE SINGLETARY AND LYNCH HAD
16 BLOOD ON THEM AND ALSO THAT INMATE LYNCH DIDN'T HAVE A
17 SHIRT ON, AND THEY BOTH HAD SHANKS OR KNIVES IN THEIR
18 HANDS.

19 Q OKAY. AND A SHANK, YOU MEAN A HOMEMADE KNIFE?

20 A RIGHT.

21 Q WHAT HAPPENED NEXT?

22 A THEY STOOD THERE AND THEY LOOKED -- LOOKED AROUND. I
23 GUESS THEY WERE LOOKING FOR -- BECAUSE I GUESS THEY
24 COULDN'T SEE ME OR THEY WERE LOOKING FOR EITHER MYSELF OR
25 SERGEANT JUNE. I'M JUST ASSUMING. I DON'T KNOW WHAT THEY

1 WERE LOOKING FOR.

2 BUT THEN FINALLY I TURNED AROUND BECAUSE I DIDN'T --
3 I ASKED THEM, WHAT'S GOING ON? AND THEY LOOKED AT ME
4 THEN. AND I TOLD THE OTHER INMATES THAT I DIDN'T KNOW WHO
5 THEY WERE AFTER. SO I LOCKED -- I TOLD THE INMATES TO GET
6 IN THE ROOM AND I LOCKED THE DOORS.

7 Q YOU LOCKED WHAT DOOR?

8 A I LOOKED 1128 AND I LOCKED ANOTHER ROOM, ONE OF THE
9 WORKERS' ROOM.

10 Q AND WHAT ABOUT THIS GATE?

11 A AND WHEN THEY RAN TOWARDS ME, I GRABBED THE GATE AND
12 I LOCKED THE GATE. INMATE SINGLETARY, HE RAN TO THE OTHER
13 GATE WHICH I HAD LOCKED ALREADY.

14 Q THE GATE ON THE OTHER SIDE?

15 A RIGHT. HE RAN TO THAT OTHER ONE.

16 Q SO YOU LOCKED THIS GATE AND -- YOU LOCKED THIS GATE?

17 A YES.

18 Q AND WHO RAN TO THIS GATE OVER HERE?

19 A SINGLETARY RAN OVER TO THIS GATE.

20 Q AND IT WAS ALREADY LOCKED?

21 A RIGHT.

22 Q ALL RIGHT. WHAT HAPPENED NEXT?

23 A AND LYNCH -- THEY SAW IT WAS A HOLE IN THE GATE AT
24 THE BOTTOM BACK HERE.

25 Q IT---

1 A AND YOU CAN SEE HERE WHERE IT'S BEEN MENDED, BUT IT
2 WAS A HOLE BACK HERE.

3 Q RIGHT BACK HERE?

4 A RIGHT.

5 Q SO WHAT HAPPENED?

6 A SO INMATE LYNCH START COMING, RUNNING TOWARDS THAT
7 WAY. INMATE SINGLETARY STOOD RIGHT IN FRONT OF THAT DOOR.
8 SO BASICALLY I WAS TRAPPED IN, DIDN'T HAVE A BODY ALERT,
9 DIDN'T HAVE A RADIO, THERE IS NO FIRE ALARM TO PULL TO LET
10 SOMEBODY KNOW YOU'RE IN TROUBLE, SO I HAD NO WAY OF
11 INFORMING ANYBODY.

12 Q OKAY. WHAT HAPPENED NEXT?

13 A INMATE LYNCH CRAWLED THROUGH HERE AND THE INMATES IN
14 1128 SAID, DOZIER, COME OUT, MAN, LET US OUT AND THEN YOU
15 CAN GO IN THE ROOM AND BARRICADE YOURSELF IN THERE.

16 Q AND WHAT DID YOU DO?

17 A I UNLOCKED THE GATE. I MEAN, I UNLOCKED THEIR DOOR
18 AND I LET THEM OUT, AND THEY RAN OUT AND I WENT IN THE
19 ROOM.

20 Q 1128?

21 A YES.

22 Q HERE, IN -- RIGHT HERE, JUST DOWN FROM THE...

23 A CORRECT.

24 Q ALL RIGHT. HAVE A SEAT.

25 A (COMPLIED.)

1 Q SO YOU WENT INTO 1128 AND WHAT HAPPENED?

2 A BOTH INMATE LYNCH AND BOTH SINGLETARY -- SINGLETARY
3 HAD CRAWLED THROUGH IT BY THAT TIME AND THEY BOTH WERE AT
4 THE DOOR KNOCKING AND KICKING TELLING ME TO OPEN THE DOOR,
5 OPEN THE DOOR. I DIDN'T OPEN THE DOOR.

6 AND INMATE LYNCH SAID, OPEN UP AND WE'RE NOT GOING
7 HURT YOU BECAUSE WE -- WE ARE BOTH OF THE SAME -- JUST --
8 FAITH. AND HE SAID, YOU KNOW, DON'T -- I'M NOT GOING TO
9 HURT YOU, I'M NOT GOING TO HURT YOU.

10 Q THAT'S LYNCH?

11 A LYNCH SAID THAT. SO SINGLETARY LEFT AND HE CAME
12 RIGHT BACK AND THEY BUST THE GLASS IN THE CELL. SO THE
13 CELL IS PROBABLY ABOUT -- THE DOOR -- THE GLASS ABOUT THIS
14 TALL, SO THE GLASS CAME THROUGH AND THEY CALLED ME, I
15 TURNED AWAY FROM THEM.

16 Q ALL RIGHT. BACK JUST A LITTLE BIT FROM THE
17 MICROPHONE. OKAY. YOU'RE DOING OKAY. YOUR VOICE CARRIES
18 PRETTY GOOD. JUST A LITTLE BIT MORE. ALL RIGHT.

19 A ALL RIGHT.

20 Q HOW -- YOU SAY THE WINDOW IS, WHAT, ABOUT 2 FEET
21 LONG, TALL?

22 A YES.

23 Q HOW WIDE IS IT?

24 A PROBABLY ABOUT THIS WIDE. (INDICATING.)

25 Q WHAT'S THAT, ABOUT 6 INCHES?

1 A SOMEWHERE ALONG THERE.

2 Q ALL RIGHT. AND THEY BUSTED THAT OUT?

3 A CORRECT.

4 Q WHAT HAPPENED NEXT?

5 A THEN THAT'S WHEN INMATE LYNCH PUT HIS HAND IN THE

6 DOOR TO TRY TO TURN THE LOCK. THE DOOR WASN'T LOCKED, SO

7 AS LONG AS THE DOOR WAS CLOSED, THEY COULDN'T GET IN.

8 Q ALL RIGHT. WELL, LET'S EXPLAIN THE LOCKING SYSTEM ON

9 THAT DOOR. YOU SAY THAT YOU CAN'T OPEN IT FROM THE

10 OUTSIDE--

11 A NO.

12 Q -- BY THE KNOB, BUT AN INMATE CAN OPEN IT FROM THE

13 INSIDE?

14 A CORRECT.

15 Q BUT IT CAN BE LOCKED WHERE NOBODY CAN OPEN IT WITHOUT

16 A KEY?

17 A YES. NO, NOT WITHOUT A KEY. IT CAN'T BE LOCKED

18 WITHOUT A KEY.

19 Q RIGHT.

20 A BUT IF AN INMATE -- WELL, LIKE MYSELF, I WAS IN THE

21 ROOM. AS LONG AS THE WINDOW WASN'T BROKE OR NO ONE HAD

22 ACCESS TO THE INSIDE, THAT DOOR COULDN'T BE OPENED.

23 Q ALL RIGHT. SO THE -- NOW THE WINDOW IS BROKE AND

24 WHAT -- AND YOU SAY LYNCH REACHED IN?

25 A HE REACHED IN. SINGLETARY IS -- WAS SWINGING TRYING

1 TO STAB ME. AND LYNCH WAS TRYING TO GET THE DOOR OPEN.
2 SO I'M KICKING AND I'M HITTING HIM AND THEN I PULLED OUT
3 MY SPRAY TO MACE THEM. THEY PULLED BACK, AND THEY CAME
4 BACK AGAIN.

5 SO AT THAT POINT IN TIME I DROPPED MY MACE CAN, TOOK
6 MY KEYS OFF AND STARTED SWINGING MY KEYS.

7 Q ALL RIGHT. SO LYNCH AND SINGLETARY ARE STICKING
8 THEIR HANDS IN THE WINDOW?

9 A RIGHT.

10 Q SWINGING AT YOU WITH SHANKS?

11 A CORRECT.

12 Q TRYING TO GET THE DOOR KNOB OPEN?

13 A CORRECT.

14 Q YOU'RE SWINGING AT THEM WITH A KEY. ALL RIGHT. WHAT
15 HAPPENS NEXT?

16 A LYNCH CAUGHT MY WATCH AND I THOUGHT HE HAD MY
17 HANDS -- I MEAN MY ARM.

18 Q HE CAUGHT IT WITH WHAT?

19 A WITH A SHANK. HE CAUGHT MY WATCH AND I THOUGHT IT
20 WAS MY ARM. AND HE PULLED AND IT WAS MY WATCH POPPED OFF.
21 SO I KEPT SWINGING WITH THE KEYS TO BACK THEM BACK. AND I
22 DON'T KNOW WHICH ONE CAUGHT ME, BUT ONE OF THEM CAUGHT THE
23 KEYS AND THEY STARTED PULLING THEM TOWARD THEM.

24 AND AS WE WERE TRAINED, NOT TO LET YOUR KEY GO. SO I
25 TRY TO HOLD ON TO MY KEYS TILL I GOT TO A POINT WHERE THEY

1 WERE ABLE TO REACH ME AGAIN, SO I LET THE KEYS GO.

2 Q WHAT WERE YOUR KEYS ON?

3 A THEY WERE ON A CHAIN PROBABLY ABOUT THIS LONG.

4 (INDICATING.)

5 Q AND WERE THE KEYS AT ONE END OR...

6 A IT WAS KEYS ON BOTH SIDES.

7 Q ON BOTH ENDS. SO THEY ARE PULLING THE KEYS TO THE
8 DOOR AND THEN THEY START SWINGING AT YOU WITH A SHANK?

9 A CORRECT.

10 Q THIS IS BOTH LYNCH AND SINGLETARY DOING THIS?

11 A CORRECT.

12 Q WHAT HAPPENS NEXT?

13 A I LET THE KEYS GO. AND WHEN I LET THE KEYS GO, THEY
14 SAID, WE GOT YOU NOW, AND THEY LOCKED THE DOOR.

15 Q FROM THE OUTSIDE?

16 A FROM THE OUTSIDE TO LOCK ME IN.

17 Q OKAY. NOW, LET ME ASK YOU ABOUT THAT. NOW, WHEN
18 THEY LOCKED THE DOOR FROM THE OUTSIDE, DID THAT PREVENT
19 YOU FROM GETTING OUT?

20 A YES.

21 Q ALL RIGHT. THEY WERE THE ONLY ONES WHO COULD GET IN
22 WITH THE KEY?

23 A CORRECT.

24 Q SO THEY HAD YOU IN -- IN PRISON AT THAT POINT?

25 A CORRECT.

1 Q WHAT HAPPENED NEXT?

2 A THEY LEFT. AND WHEN THEY LEFT, THEY START OPENING
3 ALL THE CELLS IN THE UNIT, SO THEY STARTED LETTING
4 EVERYBODY OUT.

5 Q WHEN THAT HAPPENED, WHAT -- WHAT DID YOU NOTICE --
6 WHAT STARTED GOING ON IN THE UNIT?

7 A IT BECAME NOISY, THE FIRE -- THINK FIRE FAUCET,
8 WHATEVER, OUTLETS, THEY WERE -- THEY START BREAKING THOSE,
9 SO THE UNITS STARTED -- THEY START FLOODING THE UNIT,
10 EVERYBODY WAS SCREAMING, YELLING, AND THEN I -- THEY
11 .DISAPPEARED. I DON'T KNOW WHERE THEY WENT.

12 Q ALL RIGHT. DID THEY COME BACK?

13 A YEAH, THEY CAME BACK.

14 Q DID LYNCH AND SINGLETARY COME BACK?

15 A LYNCH AND SINGLETARY CAME BACK WITH THE KEYS.

16 Q AND WHAT HAPPENED THEN?

17 A THEY SAID, NOW, IT'S YOUR TURN, WE ALREADY GOT
18 COTTON. SO THEY WENT TO PUT THE KEYS IN TO UNLOCK THE
19 DOOR. WHEN THEY UNLOCKED THE DOOR, ALL I COULD DO IS
20 FIGHT AND KICK THE DOOR AND PUSH THE -- THE BARRICADES,
21 WHAT -- IT'S TWO BIG STEEL DESKS THAT'S -- THAT'S IN THERE
22 THAT I WAS ABLE TO PUT IT BETWEEN THE DOOR.

23 AND THEY HAD BOLTED LOCKS (SIC) ON THE WALL. I WAS
24 ABLE TO PUT THOSE BETWEEN THERE AND PUT MY CUFFS ON TOP OF
25 THOSE TO KIND OF HOLD IT IN PLACE. SO DURING THAT TIME

1 THEY -- LYNCH GOT HIS HAND IN THE DOOR WHERE THEY GOT IT
2 OPENED, AND I KICKED THE DOOR, AND THEN THAT'S ALL I COULD
3 DO IS KEEP KICKING AND KICKING.

4 SO IT WAS -- BY THIS TIME IT WAS SEVERAL INMATES AT
5 THE DOOR AND THEIR FACES WERE COVERED. BUT THOSE TWO WERE
6 STILL THERE AND PEOPLE WAS TRYING TO STAB AT ME OR REACH
7 AT ME. AND EVENTUALLY I GOT TO THE POINT WHERE I WAS BENT
8 OVER AND I WAS HOLDING THE BARRICADES IN PLACE.

9 AND THAT'S WHEN SOMEONE WAS COMING ACROSS AND HITTING
10 ME ACROSS THE HEAD AND THEY JUST KEPT HITTING ME ACROSS
11 THE HEAD, AND HEAD, YOU KNOW, UNTIL I JUST WENT TO LIKE A
12 SLIGHT DAZE, AND I CAME OUT I WAS IN WATER AND I--

13 Q YOU WERE IN WHAT?

14 A I WAS IN WATER.

15 Q WATER. OKAY.

16 A YEAH. SO I CAME UP OFF THE GROUND TO HOLD MY
17 RESISTANCE. DURING THAT TIME THAT'S WHEN ALL OF A SUDDEN
18 THE GAS CAME.

19 Q THE GAS?

20 A THE GAS, BECAUSE I DIDN'T HAVE ANY MORE ENERGY LEFT
21 AT THAT POINT IN TIME, JUST FELT LIKE IT WAS THE RIGHT
22 TIME.

23 Q THAT WAS THE GAS FROM THE CORRECTIONS OFFICERS FROM
24 THE OUTSIDE?

25 A CORRECT. AND WHEN THAT GAS HIT, THEY ALL -- SO

1 THAT'S PRETTY MUCH THE ONLY THING THAT SAVED ME AT THAT
2 POINT.

3 Q ALL RIGHT. AFTER THE GAS HIT AND THEY RUN OFF, WHAT
4 HAPPENED NEXT?

5 A THEN TWO INMATES COME AND BRING ME THE KEYS. THEY
6 LOCK THE TOP LOCK AND SAID, DOZIER, HIDE THE KEYS. AND
7 THEY GAVE -- THEY THREW THE KEYS INTO ME.

8 Q ALL RIGHT. NOW, SO THIS IS A DIFFERENT LOCK THAN THE
9 OTHER LOCK?

10 A YEAH, IT'S THE TOP. THERE'S THE DEAD BOLT AT THE
11 TOP.

12 Q ALL RIGHT. AND WHAT DOES THAT DO?

13 A THAT -- IT DEAD BOLTS THE DOOR CLOSED, SO...

14 Q AND HOW CAN YOU GET IT OPEN?

15 A WITH THAT KEY.

16 Q THE KEY THAT THEY GAVE YOU?

17 A RIGHT.

18 Q DO YOU RECALL THE INMATES WHO DID THAT FOR YOU?

19 A YES.

20 Q WHO WERE THEY?

21 A JABAR DOZIER AND TRAVIS VERNON.

22 Q ALL RIGHT. DID INMATES SINGLETARY AND LYNCH COME
23 BACK?

24 A THEY CAME BACK. AND AT THIS TIME THEY CAME BACK
25 SAYING, GIVE US THE KEYS, WE KNOW YOU GOT THEM, IF YOU

1 DON'T GIVE THEM UP, WE ARE GOING TO KILL COTTON, YOU NEED
2 TO COME OUT, WE WANT YOU TO TALK FOR US.

3 Q NOW, WHO IS SAYING THIS? NOW TELL, WHO IS SAYING
4 THIS, BOTH---

5 A INMATE LYNCH---

6 Q OKAY.

7 A -- IS SAYING, WE ARE NOT GOING TO HURT YOU, WE ARE
8 GOING TO LET YOU OUT, WE ARE GOING TO TAKE CARE OF YOU,
9 JUST COME OUT, WE KNOW YOU GOT THE KEYS.

10 Q AND HE'S REFERRING TO HIM HIMSELF AND SINGLETARY?

11 A RIGHT.

12 Q WHAT HAPPENED?

13 A I -- I WOULDN'T. SO THEY START KICKING THE DOOR. SO
14 LIKE I SAID, IT'S A LOT OF INMATES AT THIS TIME AND
15 EVERYBODY IS KICKING THE DOOR TRYING TO GET IN. AFTER
16 THAT THEY WENT AND GOT FIRE EXTINGUISHERS AND TRY TO KNOCK
17 THE DOOR DOWN.

18 THEY START THROWING STUFF AT ME ON THE INSIDE, START
19 THROWING LIQUIDS ON ME. IT'S ALL KIND OF STUFF THAT
20 OCCURRED FROM THAT POINT IN TIME.

21 Q DID YOU EVER SEE COTTON?

22 A I SAW COTTON PROBABLY LATER THAT NIGHT. I DON'T KNOW
23 IF IT WAS AFTER WHAT TIME -- IT WAS TOWARDS WHATEVER THE
24 END WAS.

25 Q WHAT DID HE LOOK LIKE?

1 A WHEN I SAW HIM, HE WAS -- HE HAD SOMETHING WRAPPED
2 AROUND HIM AND BLOOD ON HIM.

3 Q DID HE LOOK -- DID HE LOOK WELL?

4 A NOT -- NOT TO ME.

5 Q DID HE LOOK WEAK?

6 A I REALLY KIND OF GOT IN THAT CORNER BECAUSE THE
7 OFFICERS OUTSIDE -- I FINALLY LOCATED BEING THEY BUSTED
8 THE WINDOW, AND THEY TOLD ME TO STAY IN THE CORNER.

9 Q OKAY.

10 A SO I ONLY SAW HIM IN A BRIEF MOMENT WHEN THEY KIND OF
11 PASSED.

12 Q AND WHO WAS HE WITH?

13 A HE WAS WITH -- AT THAT TIME HE WAS WITH LYNCH.

14 Q OKAY. AS THE NIGHT PROGRESSED, DID EITHER LYNCH OR
15 SINGLETARY GET IN THE ROOM WITH YOU?

16 A NOBODY WAS ABLE TO GET IN THE ROOM, BUT THEY CAME
17 BACK AGAIN WITH COTTON KEYS, AND EVERY TIME THAT THEY
18 OPEN -- THE KEY IN THE DOOR, I JUST KNEW IT WAS OVER, AND
19 ALL I CAN DO IS LIKE, YOU KNOW, I DON'T HAVE NO OTHER
20 FIGHT LEFT.

21 AND THEY KEPT TRYING THE KEYS. AND I'M LIKE, EVERY
22 TIME THEY TURN, I JUST KNEW THAT THEY WAS COMING IN. THEN
23 AFTER THEY COULDN'T GET THOSE KEYS, THEY WENT AWAY AND
24 CAME DOWN -- I DON'T KNOW WHO CAME NEXT, BUT SOME --
25 SOMEBODY, I DON'T KNOW WHO IT WAS, I'M NOT SURE. IT

1 WASN'T THEM OR NOT BECAUSE I DIDN'T SEE THEM -- THEY HAD
2 ALL THE FIRE EXTINGUISHERS AND THEY UNLOADED THE FIRE
3 EXTINGUISHER IN THE ROOM TO TRY TO SUFFOCATE ME.

4 Q OKAY. THE CARBON DIOXIDE?

5 A RIGHT. SO I HAD ALREADY DEALT WITH THE GAS AND THEN
6 I HAD TO DEAL WITH THAT, AND THAT SUCKED UP ALL MY AIR, SO
7 PRETTY MUCH THEY THOUGHT I WAS DEAD BECAUSE THEY DIDN'T
8 HERE ANYTHING ELSE FROM ME.

9 Q YOU THINK THEY WERE TRYING TO KILL YOU?

10 A YEAH. AND LIKE I SAID, THESE -- IT WASN'T THEM, BUT
11 SOMEBODY ELSE THREW A -- SOME KIND OF LIT RAG IN THERE,
12 TRY TO SET ME ON FIRE.

13 Q NOW, WERE YOU INJURED?

14 A I WAS. MY NECK IS FROM THE TRAUMA TO MY HEAD AND MY
15 BACK FROM TRYING TO RESIST, YEAH.

16 Q YOU'RE NOT WORKING AS A CORRECTIONS OFFICER ANY MORE?

17 A NO. THE STATE RETIRED ME FOR MENTAL REASONS.

18 Q OKAY. DID YOU EVER GO BACK TO WORK AT THE DEPARTMENT
19 AFTER THAT?

20 A NO, I CAN'T WORK IN LAW ENFORCEMENT ANY MORE.

21 Q ALL RIGHT. LET ME ASK YOU THIS. THIS DAY ON THE
22 NORTH SIDE, IT WAS JUST -- YOU WERE THE ONLY OFFICER
23 THERE?

24 A CORRECT.

25 Q YOU DID NOT -- DID YOU HAVE A BODY ALERT?

1 A NO.

2 Q DID YOU HAVE A RADIO?

3 A NO.

4 Q OR WHAT -- WAS EVEN A RADIO IN THE UNIT?

5 A IT WAS, BUT THE PREVIOUS SHIFT USED IT, SO IT THE

6 BATTERY WAS DEAD.

7 Q WERE THERE VIDEO CAMERAS INSIDE THE UNIT?

8 A THEY WERE THERE -- PLACED UP THERE FOR THEM, BUT I

9 DON'T KNOW IF THEY WORKED OR NOT.

10 Q OKAY. NOW, DO YOU SEE THE INMATES IN THE COURTROOM

11 TODAY WHO SAW YOU AT THE GATE HERE, THE NORTH SIDE, CHASED

12 YOU INTO ROOM 1128, BROKE THE GLASS, AND CAME AT YOU AND

13 ALL OF THAT, DO YOU SEE THEM IN THE COURTROOM TODAY?

14 A YES, SIR.

15 Q WHERE ARE THEY?

16 A RIGHT THERE (INDICATED).

17 Q ALL RIGHT. POINT THEM OUT TO ME. SINGLETARY?

18 A THAT'S LYNCH AND THAT'S SINGLETARY (INDICATED).

19 Q LYNCH AT THE FAR END OF THE TABLE?

20 A YES.

21 Q SINGLETARY AT THIS END OF THE TABLE?

22 A CORRECT.

23 MR. FATA: YOUR HONOR, LET THE RECORD REFLECT HE

24 HAS INDICATED THE DEFENDANTS AS THE INDIVIDUALS WHO

25 HELD HIM HOSTAGE.

1 THE COURT: ALL RIGHT, SIR.

2 BY MR. FATA:

3 Q LET ME GET THIS STRAIGHT NOW. THEY NEVER WERE ABLE
4 TO GET YOU OUT?

5 A NO.

6 Q AND YOU WERE -- YOU WERE LOCKED IN A ROOM, BUT YOU
7 DIDN'T REALLY KNOW THAT THEY COULDN'T GET TO YOU?

8 A NO, I DIDN'T, NOT AT ANY TIME.

9 Q OKAY.

10 A BECAUSE I -- THEY CONTINUED TO KICK AT THE DOOR AND
11 KNOCK AT THE DOOR. YOU KNOW, IT WAS VARIOUS INMATES
12 TRYING TO GET TO ME, AND SEVERAL THREATS OF KILLING ME,
13 SEVERAL THREATS OF -- HEARING THAT THEY SAID THEY WERE
14 GOING TO RAPE PEOPLE AND STUFF LIKE THAT, AND...

15 Q AND COULD YOU HEAR OUTSIDE YOUR -- OUTSIDE THE CELL?

16 A I HEAR EVERYTHING AND I STILL HEAR TODAY.

17 Q WHAT -- WHAT DID YOU HEAR?

18 A WATER SPLASHING, RUCKUS, DESTRUCTION, PEOPLE
19 HOLLERING, THINGS OF THAT NATURE, JUST NOISES.

20 Q DID YOU SEE EITHER INMATE LYNCH OR INMATE SINGLETARY
21 DIRECT OTHER PEOPLE TO DO THINGS?

22 A NO, I DIDN'T.

23 Q OKAY. DID YOU SEE THEM ACTING TOGETHER?

24 A YES, I DID.

25 Q THEY WERE ACTING TOGETHER TO KEEP -- GET TO YOU; IS

1 THAT CORRECT?

2 A CORRECT.

3 Q AND OF COURSE, YOU WERE WORKING THAT DAY PERFORMING
4 YOUR DUTIES AS A CORRECTIONS OFFICER?

5 A THAT'S CORRECT.

6 Q AND OFFICER COTTON WAS WORKING THAT DAY PERFORMING
7 HIS DUTIES AS A CORRECTIONS OFFICER?

8 A THAT'S CORRECT.

9 Q ONE OTHER THING. YOU SAID YOU SAW SHANKS?

10 A YES.

11 Q WHO HAD SHANKS?

12 A BOTH SINGLETARY AND LYNCH.

13 Q AND A SHANK BEING A HOMEMADE KNIFE?

14 A CORRECT.

15 Q PRISON-MADE KNIFE? ANSWER ANY QUESTIONS THAT
16 MR. DOBY OR MR. SCOTT MAY HAVE.

17 *THE COURT:* MR. DOBY, YOU CAN CROSS-EXAMINE.

18 CROSS-EXAMINATION

19 BY MR. DOBY:

20 Q OFFICER, JUST SO I'M CLEAR, DID INMATE SINGLETARY
21 TOUCH YOU AT ALL THAT NIGHT?

22 A NO.

23 Q ALL RIGHT. WHO GOT THE KEYS FROM YOU AS YOU -- I
24 THINK DESCRIBED USING THE KEYS AS WEAPON TO KEEP THE
25 INMATES FROM COMING IN THE DOOR. WHO GOT THE KEYS FROM

1 YOU?

2 A I'M NOT SURE WHICH ONE GRABBED THEM.

3 Q OKAY. WERE YOU STANDING BACK AWAY FROM THE DOOR
4 AFTER THE KEYS WERE TAKEN FROM YOU OR -- OR WERE YOU STILL
5 AT THE WINDOW?

6 A I WAS---

7 Q HOW WERE YOU POSITIONED IN THE ROOM?

8 A SWINGING LIKE THIS AND GETTING PULLED TOWARDS THE
9 DOOR.

10 Q OKAY. YOU WEREN'T ABLE TO SEE WHO HAD THE KEYS AT
11 THAT POINT?

12 A BOTH. I MEAN, I WAS BEING PULLED, SO I DON'T
13 THINK -- NOT JUST ASSUMING THAT BOTH COULDN'T JUST PULL ME
14 LIKE THAT.

15 Q OKAY. WELL, YOU THINK IT WAS MORE THAN TWO THEN?

16 A IT WAS THEM TWO, YES.

17 Q MORE THAN TWO?

18 A IT'S POSSIBLY BOTH OF THEM.

19 Q WELL, YOU DESCRIBED OTHER INMATES AS COMING TO THE
20 DOOR---

21 A NOT AT THAT TIME.

22 Q -- BESIDES---

23 A THEY DIDN'T HAVE KEYS AT THAT TIME, SO HOW COULD --
24 NO OTHER INMATES WERE OUT.

25 Q OKAY. WHO THEN LOCKED THE DOOR THAT YOU DESCRIBED AS

1 BEING DEAD BOLTED?

2 A LYNCH DID.

3 Q ALL RIGHT. AND WHEN THAT DOOR WAS DEAD BOLTED---

4 A IT WASN'T DEAD BOLTED.

5 Q I'M SORRY, LOCKED. THINK YOU DESCRIBED THE DEAD BOLT
6 AS OCCURRING SOMETIME LATER?

7 A AFTER THE OTHER INMATES CAME AND GIVE THEM KEYS.

8 Q ALL RIGHT. SO THE DOOR WAS THEN LOCKED?

9 A IT WAS LOCKED.

10 Q SO YOU WERE NOT ABLE TO GET OUT OF THE ROOM?

11 A CORRECT.

12 Q THE ONLY WAY THAT THEY WOULD HAVE BEEN ABLE TO GET IN
13 THE ROOM, OF COURSE, WOULD HAVE BEEN TO UNLOCK IT AGAIN?

14 A CORRECT.

15 Q AND AT SOME POINT OTHER INMATES CAME BACK WITH KEYS
16 AND THE DEAD BOLT WAS PLACED ON THE DOOR; CORRECT?

17 A NO. INMATE LYNCH AND SINGLETARY CAME BACK AND
18 UNLOCKED THE DOOR TO COME GET ME OUT. THAT WAS PRIOR TO
19 THE GAS BEING DROPPED.

20 Q ALL RIGHT. BUT YOU WERE NEVER TAKEN FROM THAT CELL
21 BY TYRONE SINGLETARY; WERE YOU?

22 A I WAS NEVER TAKEN BY ANYONE FROM THAT CELL.

23 Q AS A MATTER OF FACT, YOU USED THAT CELL AS
24 PROTECTION; CORRECT?

25 A I BELIEVE YOU WOULD HAVE DID THE SAME THING, TOO.

1 Q I'M NOT DISAGREEING WITH YOU.

2 A CORRECT.

3 Q BUT YOU USED IT AS PROTECTION?

4 A I USED IT TO SAVE MY LIFE. A ROLE OF A POLICE
5 OFFICER IS TO GO HOME, AND I WAS GOING HOME.

6 Q RIGHT. SO IT KEPT YOU FROM ESSENTIALLY BEING TAKEN
7 BY WHATEVER INMATES WERE RUNNING AROUND IN THE
8 CHESTERFIELD UNIT AT THAT TIME?

9 A IT -- IT KEPT ME FROM WHATEVER. I SURVIVED.
10 THAT'S -- THAT'S THE WORD YOU WOULD LOOK FOR.

11 Q SO TO SOME EXTENT YOU WERE LUCKY THAT YOU WERE ABLE
12 TO BARRICADE YOURSELF IN THE ROOM?

13 A I WAS LUCKY THAT SOME INMATES WERE THOUGHTFUL ENOUGH
14 TO CONSIDER MY SAFETY.

15 Q OKAY. AND YOU PLACED THEN SOME DESKS IN FRONT OF THE
16 DOOR AND SOME OTHER---

17 A YES.

18 Q -- ITEMS THAT ESSENTIALLY KEPT THE INMATES OUT OF
19 YOUR -- OUT OF 1128 AT THAT POINT.

20 A CORRECT.

21 Q AND BECAUSE THERE WERE OTHER INMATES THAT CAME UP TO
22 THE DOOR THAT ATTEMPTED TO GAIN ENTRY TO THAT CELL AS WELL
23 OTHER THAN MR. SINGLETARY AND MR. LYNCH; CORRECT?

24 A AT POINTS IN TIME DURING THAT NIGHT, YES.

25 Q ALL RIGHT. BECAUSE I THINK YOU DESCRIBED THERE WERE

1 SOME OTHER INMATE WHO CAME AND SPRAYED FIRE EXTINGUISHERS
2 IN THE ROOM?

3 A CORRECT.

4 Q SOME OTHER UNKNOWN INMATE CAME IN AND THREW A RAG IN
5 YOUR ROOM TO TRY TO SET YOU ON FIRE OR TO SET THE ROOM ON
6 FIRE?

7 A CORRECT.

8 Q ALL RIGHT. BUT YOU WERE ABLE TO KEEP ALL OF THOSE
9 INMATES OUT OF THE ROOM; CORRECT?

10 A AFTER IT WAS LOCKED AND I WAS GIVEN THE KEYS I WAS
11 ABLE TO DO THAT.

12 Q OKAY. THANK YOU. THAT'S ALL I HAVE.

13 THE COURT: THANK YOU. MR. SCOTT?

14 MR. SCOTT: JUST BRIEFLY, YOUR HONOR.

15 CROSS-EXAMINATION

16 BY MR. SCOTT:

17 Q MR. DOZIER, SOME OF THE QUESTIONS I WAS GOING TO ASK
18 MR. DOBY HAS ALREADY ASKED YOU, SO THIS SHOULDN'T TAKE TOO
19 LONG. YOU MENTIONED THAT AN INMATE MENTIONED RAPE. WAS
20 THAT INMATE JOHNSON WHO MENTIONED SOMETHING ABOUT RAPING
21 SOMEBODY?

22 A I DON'T KNOW INMATE JOHNSON.

23 Q OKAY. SO YOU DON'T KNOW WHO IT WAS WHO MADE THAT
24 COMMENT?

25 A NEVER SAID JOHNSON.

1 Q ALL RIGHT. OKAY. SO YOU WEREN'T ABLE TO IDENTIFY
2 THE PERSON WHO SAID THAT?

3 A SAID WHAT?

4 Q YOU SAID DURING YOUR DIRECT TESTIMONY OR YOUR
5 CROSS-EXAMINATION OR DIRECT THAT YOU HEARD OUTSIDE THE
6 DOOR WHERE YOU COULD HEAR EVERYTHING, SOMEBODY SAYING
7 SOMETHING ABOUT RAPING, OR WANTING TO RAPE SOMEONE, TRYING
8 TO DETERMINE WHETHER YOU---

9 A I'M NOT SURE WHO THAT WAS. I JUST SAID I HEARD IT.

10 Q OKAY. ALL RIGHT. AND I BELIEVE YOU ALREADY
11 TESTIFIED THAT IN RESPONSE TO MR. DOBY'S QUESTIONS THAT
12 THIS FIRE EXTINGUISHER AND THIS RAG I THINK YOU SAID THAT
13 WAS LIT WAS THROWN INTO THE ROOM BY SOMEONE ELSE, SOME
14 UNKNOWN INMATES?

15 A THAT'S CORRECT.

16 Q AND...

17 MR. SCOTT: YOUR HONOR, MAY I HAVE YOUR
18 INDULGENCE JUST A MOMENT, PLEASE?

19 THE COURT: YES, SIR.

20 (MR. SCOTT CONFERRING WITH CLIENT.)

21 BY MR. SCOTT:

22 Q MR. DOZIER, YOU MENTIONED SOMETHING ABOUT THE --
23 THERE BEING A HOLE IN THE FENCE, I BELIEVE?

24 A SAY THAT AGAIN.

25 Q I SAID YOU MENTIONED SOMETHING ABOUT THERE BEING A

1 HOLE IN THE FENCE THAT YOU DESCRIBED EARLIER?

2 A YES.

3 Q ABOUT WHAT SIZE DIAMETER WAS THAT HOLE? DO YOU
4 REMEMBER?

5 A IT WAS ENOUGH FOR SOMEBODY TO CRAWL THROUGH.

6 Q OKAY. AND EARLIER DURING YOUR TESTIMONY YOU HAD
7 INDICATED THAT MR. LYNCH WAS TRYING TO UNDO THE DOOR AND
8 SINGLETARY WAS TRYING TO STAB AT YOU. IS THAT CORRECT?

9 A YES.

10 Q AND I BELIEVE YOU ALSO INDICATED THAT AT SOME POINT
11 THERE WERE A LOT OF INMATES OUT THERE TRYING TO KICK THE
12 DOOR AND TRYING TO GET IN. IS THAT CORRECT?

13 A THAT'S CORRECT.

14 Q IN ADDITION TO THESE -- IN FACT, YOU DON'T KNOW WHO
15 THEY WERE, JUST A LOT OF INMATES OUT THERE; RIGHT?

16 A THAT'S CORRECT.

17 Q OKAY. ALL RIGHT. THANK YOU, SIR.

18 THE COURT: MR. FATA, REDIRECT?

19 REDIRECT EXAMINATION

20 BY MR. FATA:

21 Q JUST TWO QUESTIONS. YOU SAY ONE OF THE DEFENDANTS
22 STABBED YOUR WATCH?

23 A CORRECT.

24 Q AND WHO WAS THAT? SINGLETARY?

25 A I BELIEVE IT WAS SINGLETARY, YES.

1 Q AND WHO LET THE INMATES OUT?

2 A LYNCH HAD THE KEYS, SO I PRESUME HE LET THEM OUT.

3 Q THAT'S ALL.

4 THE COURT: ANY FOLLOW-UP, MR. DOBY, ON THOSE
5 POINTS?

6 RE-CROSS-EXAMINATION

7 BY MR. DOBY:

8 Q DO YOU RECALL BEING ASKED WHO HAD STABBED AT YOU IN
9 YOUR DIRECT EXAMINATION BY MR. FATA?

10 A YES.

11 Q ALL RIGHT. ARE YOU REALLY SURE WHO STABBED AT YOU?

12 A I REALLY -- I REALLY DON'T. I MEAN, BOTH STABBED AT
13 ME, BUT I'M NOT SURE WHICH ONE CONNECTED TO -- TO TAKE MY
14 WATCH OFF.

15 Q THANK YOU.

16 THE COURT: MR. SCOTT?

17 MR. SCOTT: NOTHING FURTHER, YOUR HONOR. THANK
18 YOU.

19 THE COURT: THANK YOU.

20 MR. FATA: OKAY. COME ON DOWN.

21 THE COURT: YOU CAN STEP DOWN, MR. DOZIER.

22 (WITNESS LEFT THE STAND.)

23 THE COURT: MR. FATA, YOU CAN CALL YOUR NEXT
24 WITNESS.

25 MR. FATA: THANK YOU, YOUR HONOR. YOUR HONOR,

1 WE WOULD CALL AGENT MARK CREECH.

2 THE COURT: AGENT CREECH, STEP FORWARD, PLEASE
3 SIR, AND BE SWORN.

4 MARK CREECH, AFTER
5 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. FATA:

8 Q AGENT CREECH, WHAT IS YOUR OCCUPATION?

9 A I'M AN AGENT WITH THE SOUTH CAROLINA LAW ENFORCEMENT
10 DIVISION.

11 Q AND IT'S COMMONLY CALLED SLED?

12 A YES, SIR.

13 Q AND AS PART OF YOUR DUTIES AS A SLED OFFICER, DID YOU
14 INVESTIGATE THE INCIDENT THAT WE'VE BEEN TALKING ABOUT
15 TODAY?

16 A YES, SIR, MYSELF ALONG WITH SOME OTHER AGENTS.

17 Q ALL RIGHT. DID YOU INTERVIEW THE TWO DEFENDANTS?

18 A YES, SIR, I DID.

19 Q ALL RIGHT.

20 A MYSELF AND AGENT ABRAHAM.

21 Q IN FACT, DID YOU TAKE A STATEMENT FROM THEM?

22 A YES, SIR.

23 Q DO YOU HAVE THOSE STATEMENTS WITH YOU?

24 A YES, SIR.

25 Q WHERE ARE THEY?

1 A THEY'RE ON THE DESK.

2 Q OH, EXCUSE ME. I'M GOING TO SHOW YOU --

3 MR. FATA: LET'S MARK THIS ONE FOR
4 IDENTIFICATION. THIS IS STATE'S EXHIBIT -- ALREADY
5 MARKED FOR IDENTIFICATION AS STATE'S EXHIBIT FOR
6 IDENTIFICATION ONE. AND LET'S DO THIS ONE AS -- THIS
7 IS ONE. THIS ONE WAS TWO -- AS -- FOR
8 IDENTIFICATION.

9 (REFERRING TO STATE'S 1 AND 2 FOR ID PREVIOUSLY
10 MARKED.)

11 BY MR. FATA:

12 Q OKAY. LET ME SHOW YOU STATE'S EXHIBIT ONE FOR
13 IDENTIFICATION AND SEE IF YOU RECOGNIZE THAT.

14 A YES, SIR, I DO.

15 Q AND WERE -- WHAT IS IT?

16 A IT IS A STATEMENT OF JACOB LYNCH IN HIS HANDWRITING.

17 Q AND WERE YOU -- WERE YOU PRESENT WHEN THAT WAS TAKEN?

18 A YES, SIR.

19 Q ALL RIGHT. THAT'S PAGE ONE. WHAT IS PAGE TWO?

20 A THAT IS A SOUTH CAROLINA LAW ENFORCEMENT DIVISION
21 RIGHTS FORM. IT IS DATED 11-4-03, TIME 3:22 P.M., IT---

22 Q AND -- GO AHEAD.

23 A IT STATES, BEFORE WE ASK YOU ANY QUESTIONS YOU MUST
24 UNDERSTAND YOUR RIGHTS. YOU HAVE THE RIGHT TO REMAIN
25 SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU

1 IN A COURT OF LAW. YOU HAVE THE RIGHT TO TALK WITH A
2 LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO
3 HAVE HIM OR HER PRESENT WITH YOU DURING QUESTIONING.

4 IF YOU HAVE NO MONEY FOR LAWYERS' FEES, THE COURT
5 WILL APPOINT ONE TO REPRESENT YOU WITHOUT COST TO YOU IF
6 YOU WISH. YOU CAN DECIDE AT ANY -- TO ANSWER QUESTIONS
7 NOW WITHOUT A LAWYER PRESENT. YOU STILL HAVE THE RIGHT TO
8 STOP ANSWERING QUESTIONS AT ANY TIME.

9 YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
10 AT ANY TIME UNTIL YOU TALK WITH A LAWYER. AND THE LAST
11 SENTENCE SAYS, I HAVE READ THIS STATEMENT OF MY RIGHTS AND
12 I UNDERSTAND WHAT MY RIGHTS ARE. AND IT IS SIGNED BY
13 JACOB LYNCH.

14 Q NOW---

15 A THERE'S ALSO--

16 Q I'M SORRY. EXCUSE ME. GO AHEAD.

17 A ALSO A CALL -- SECTION CALLED A WAIVER OF RIGHTS.
18 AND IT SAYS, I AM WILLING TO MAKE A STATEMENT AND ANSWER
19 QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I
20 UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR
21 THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION
22 OF ANY KIND HAS BEEN USED AGAINST ME.

23 AND THEN THERE'S ALSO SIGNED BY JACOB LYNCH AND
24 WITNESSED BY MYSELF AND JOHNNY ABRAHAM.

25 Q ALL RIGHT. NOW, WHERE WAS THIS STATEMENT TAKEN?

1 A AT KIRKLAND CORRECTIONAL INSTITUTE.

2 Q AND WHERE IS THAT?

3 A THAT IS IN COLUMBIA.

4 Q AND IN -- AND A CORRECTIONAL INSTITUTE IS A PRISON?

5 A YES, SIR.

6 Q ALL RIGHT. WAS IT TAKEN IN A CELL OR IN A ROOM?

7 A IT WAS TAKEN IN A ROOM.

8 Q ALL RIGHT. AND YOU AND AGENT ABRAHAM WERE IN THE

9 ROOM TOGETHER?

10 A THAT'S CORRECT.

11 Q WHEN YOU READ TO INMATE LYNCH, YOU HAVE THE RIGHT TO

12 REMAIN SILENT, DID HE APPEAR TO UNDERSTAND THAT?

13 A YES, SIR.

14 Q KNOWING THAT HE DIDN'T HAVE TO SAY ANYTHING?

15 A YES.

16 Q DID -- WHEN YOU SAID, WHEN YOU READ TO HIM, ANYTHING

17 YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF

18 LAW, DID HE UNDERSTAND -- OR DID HE APPEAR TO UNDERSTAND

19 THAT IF HE SAID ANYTHING AND IT WAS INCRIMINATING, THAT IT

20 COULD SHOW UP HERE TODAY?

21 A YES.

22 Q YOU READ, YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR

23 ADVICE BEFORE YOU ASK -- BEFORE WE ASK YOU ANY QUESTIONS

24 AND TO HAVE HIM PRESENT OR HER PRESENT WITH YOU DURING

25 QUESTIONING.

1 DID HE UNDERSTAND -- APPEAR TO UNDERSTAND THAT HE HAD
2 A RIGHT TO TALK TO A LAWYER BEFORE HE ANSWERED ANY
3 QUESTION IF IN FACT HE ANSWERED ANY QUESTIONS AT ALL?

4 A YES, SIR.

5 Q AND THEN YOU READ, IF -- IF YOU HAVE NO MONEY FOR A
6 LAWYER'S FEE, THE COURT WILL APPOINT ONE TO REPRESENT YOU
7 WITHOUT COST TO YOU IF YOU WISH. DID HE UNDERSTAND THAT
8 HE HAD A RIGHT TO A PUBLIC DEFENDER IF HE COULDN'T AFFORD
9 A -- AN ATTORNEY?

10 A HE APPEARED TO, YES.

11 Q IF YOU DECIDE -- YOU READ, IF YOU DECIDE TO ANSWER
12 QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU STILL HAVE THE
13 RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. YOU ALSO
14 HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME
15 UNTIL YOU TALK TO THE LAWYER.

16 DID HE APPEAR TO UNDERSTAND THAT IF HE STARTED MAKING
17 A STATEMENT AND DECIDED TO QUIT AND ASK FOR A LAWYER, THAT
18 HE COULD DO THAT?

19 A YES, SIR.

20 Q AND THAT ONE WOULD BE APPOINTED FOR HIM?

21 A YES.

22 Q AND DID HE -- AND HIS SIGNATURE APPEARS THERE WHERE
23 HE SIGNED IT SAYING THAT HE UNDERSTOOD HIS RIGHTS?

24 A YES, SIR.

25 Q AND THEN UNDER THE WAIVER OF RIGHTS IT SAYS, I AM

1 WILLING TO MAKE THE STATEMENT AND ANSWER THE QUESTIONS. I
2 DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW
3 WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO
4 ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED
5 AGAINST ME.

6 DID HE UNDERSTAND THAT THIS WAS A VOLUNTARY STATEMENT
7 HE WAS MAKING?

8 A YES, SIR.

9 Q DID YOU PROMISE HIM ANYTHING, COERCE HIM IN ANY WAY,
10 OFFER HIM ANY REWARD TO MAKE THIS STATEMENT?

11 A NO, SIR.

12 Q IN YOUR OPINION THE STATEMENT MADE BY INMATE LYNCH
13 WAS FREE AND VOLUNTARILY MADE?

14 A YES, SIR.

15 Q ALL RIGHT. OKAY. LET ME SHOW YOU WHAT'S BEEN MARKED
16 AS EXHIBIT -- STATE'S EXHIBIT NUMBER TWO FOR
17 IDENTIFICATION. AND DO YOU RECOGNIZE THAT?

18 A YES, SIR. IT IS A VOLUNTARY STATEMENT WRITTEN BY
19 TYRONE SINGLETARY IN HIS HANDWRITING.

20 Q AND WHERE WAS THAT STATEMENT GIVEN?

21 A AT KIRKLAND PRISON IN COLUMBIA.

22 Q ALL RIGHT. DID YOU READ -- LET ME BACK UP. IS THAT
23 THE SAME SETTING THAT THE STATEMENT FOR INMATE LYNCH
24 WAS -- WAS TAKEN?

25 A YES, SIR.

1 Q IN A ROOM--

2 A YES, SIR.

3 Q -- AT KIRKLAND?

4 A YES, SIR.

5 Q DID YOU READ INMATE SINGLETARY HIS RIGHTS?

6 A YES, SIR.

7 Q AND WHAT WERE THOSE RIGHTS?

8 A BEFORE WE ASK YOU ANY QUESTIONS YOU MUST UNDERSTAND
9 YOUR RIGHTS. YOU HAVE THE RIGHT TO REMAIN SILENT,
10 ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A
11 COURT OF LAW. YOU HAVE THE RIGHT TO TALK WITH A LAWYER
12 FOR ADVICE BEFORE WE ASK YOU -- ASK YOU ANY QUESTIONS AND
13 TO HAVE HIM OR HER PRESENT WITH YOU DURING QUESTIONING.

14 IF YOU HAVE NO MONEY FOR LAWYER'S FEES THE COURT WILL
15 APPOINT ONE TO REPRESENT YOU WITHOUT COST TO YOU IF YOU
16 WISH. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A
17 LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP
18 ANSWERING QUESTIONS AT ANY TIME.

19 YOU ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS
20 AT ANY TIME UNTIL YOU TALK WITH A LAWYER. I HAVE READ
21 THIS STATEMENT OF MY RIGHTS AND UNDERSTAND WHAT MY RIGHTS
22 ARE, AND IT'S SIGNED TYRONE SINGLETARY.

23 Q AND DID HE -- AND THERE IS A WAIVER OF RIGHTS?

24 A YES, SIR. I AM WILLING TO MAKE A STATEMENT, ANSWER
25 QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I

1 UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR
2 THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION
3 OF ANY KIND HAS BEEN USED AGAINST ME, AND IT IS SIGNED,
4 TYRONE SINGLETARY.

5 Q ALL RIGHT. AND THAT WAS TAKEN IN YOUR PRESENCE AND
6 WHO ELSE'S PRESENCE?

7 A SLED AGENT JOHNNY ABRAHAM.

8 Q ALL RIGHT. AND I'M NOT GOING TO GO THROUGH LIKE I
9 DID. BUT DID INMATE SINGLETARY APPEAR TO UNDERSTAND THAT
10 HE DID NOT HAVE TO SAY ANYTHING, THAT HE COULD REMAIN
11 SILENT?

12 A YES, SIR.

13 Q DID INMATE SINGLETARY APPEAR TO KNOW THAT IF HE MADE
14 AN INCRIMINATING STATEMENT, SAID ANYTHING AGAINST HIS
15 INTEREST, COULD BE USED IN COURT AGAINST HIM?

16 A YES, SIR.

17 Q HE APPEARED TO UNDERSTAND THAT?

18 A YES, SIR.

19 Q DID HE APPEAR TO UNDERSTAND THAT HE HAD A RIGHT TO AN
20 ATTORNEY BEFORE ANY QUESTIONING IF HE DECIDED TO ANSWER
21 QUESTIONS?

22 A YES.

23 Q AND DID HE UNDERSTAND -- DID HE APPEAR TO UNDERSTAND
24 THAT IF HE COULDN'T AFFORD A LAWYER, THAT A LAWYER WOULD
25 BE APPOINTED FOR HIM?

1 A YES.

2 Q DID HE APPEAR TO UNDERSTAND THAT IF HE STARTED
3 ANSWERING QUESTIONS, WANTED TO TALK WITH A LAWYER, HE
4 COULD STOP ANSWERING QUESTIONS AND GET THAT ADVICE FROM AN
5 ATTORNEY?

6 A YES.

7 Q AND HIS SIGNATURE THERE WAS MADE FREELY AND
8 VOLUNTARILY --

9 A YES.

10 Q -- WAIVING THOSE RIGHTS. HE APPEARED TO UNDERSTAND
11 EVERY ONE OF THEM?

12 A YES.

13 Q NOW, UNDER THE WAIVER, THAT WAS -- HE ALSO SIGNED A
14 WAIVER OF RIGHTS AND THAT WAS VOLUNTARILY DONE?

15 A YES, SIR.

16 Q DID YOU PROMISE HIM ANYTHING IN -- THREATEN HIM IN
17 ANY WAY, COERCE HIM IN ANY WAY OR PROMISE HIM SOME KIND OF
18 REWARD TO GET HIM TO GIVE THAT STATEMENT?

19 A NO, SIR.

20 Q IN YOUR OPINION WAS THE STATEMENT FREELY AND
21 VOLUNTARILY MADE?

22 A YES, SIR.

23 Q OKAY.

24 MR. FATA: YOUR HONOR, I'M GOING TO -- I'M GOING
25 TO PUT THE OTHER CASE AGENT UP. I'M GOING TO LET

1 THEM ANSWER ANY QUESTIONS THAT THEY MAY HAVE.

2 *THE COURT:* THE -- THE STATEMENTS HAVE ALREADY
3 BEEN DEEMED TO BE---

4 *MR. FATA:* WELL THEN I WILL MOVE THEM IN THEN.

5 *THE COURT:* YES, SIR. I --

6 *MR. FATA:* I WILL MOVE THEM IN.

7 *THE COURT:* YES, SIR. WE'VE ALREADY DEALT WITH
8 THEM.

9 *MR. FATA:* OKAY.

10 *THE COURT:* LADIES AND GENTLEMEN, IN PRETRIAL
11 CONFERENCES I HAVE MADE A DETERMINATION THAT THESE
12 STATEMENTS COULD BE ADMITTED FOR YOUR CONSIDERATION.
13 ULTIMATELY YOU AS A JUROR WILL HAVE TO DECIDE WHETHER
14 THE STATE HAS PROVEN BEYOND A REASONABLE DOUBT THAT
15 THE WARNINGS WHICH WERE JUST IN FACT RECITED INTO THE
16 RECORD WERE GIVEN AND THAT THESE STATEMENTS ARE
17 FREELY AND VOLUNTARILY MADE BY THESE INDIVIDUALS.

18 THAT'S A DECISION THAT YOU WILL HAVE TO MAKE
19 YET. I AS THE JUDGE OF THE LAW HAVE SIMPLY DECIDED
20 THAT THEY'RE ADMISSIBLE FOR YOUR CONSIDERATION AND
21 YOU HAVE THE RIGHT TO CONSIDER THEM AND GIVE THEM THE
22 WEIGHT THAT YOU THINK THEY SHOULD RECEIVE UNDER THE
23 EVIDENCE AND THE LAW. THANK YOU. ALL RIGHT. MR.
24 FATA?

25 *MR. FATA:* YOUR HONOR, MAY WE PUBLISH THE

1 STATEMENTS?

2 THE COURT: YES.

3 BY MR. FATA:

4 Q OKAY. THE STATEMENT FIRST OF TYRONE SINGLETARY.

5 A YOU WANT ME TO READ IT?

6 Q YES, SIR. PLEASE.

7 A STATES AT THE TOP, I TYRONE SINGLETARY -- AND IT'S
8 GOT MY NAME AND SLED AGENTS ABRAHAM AND CREECH, AND IT
9 SAYS 23 YEARS OLD, LIVE AT LEE CI, CAN READ AND RIGHT,
10 COMPLETED THE 11TH GRADE, DATE OF BIRTH IS 2-20-80.

11 ON OCTOBER 29TH, 2003, OFFICER COTTON WAS FEEDING IN
12 CHESTERFIELD UNIT. INMATE TYRONE SINGLETARY TOOK OFFICER
13 COTTON HOSILTY, H-O-S-I-L-T-Y, IN CHESTERFIELD UNIT. I
14 DID STAB OFFICER COTTON, BUT I DO NOT KNOW WHERE. THIS
15 INCIDENT WAS NEVER TO GET OUT OF HAND.

16 THE REASON WHY THIS HAPPENED BECAUSE OFFICER COTTON
17 WAS DOING THINGS THAT WAS NOT JUSTIFIED AS A OFFICER ALONG
18 WITH OTHER THINGS. INMATES THAT NAME WAS ON THOSE LETTER
19 WAS NOT INVOLVED. EVERYBODY ELSE HAD NOTHING TO DO WITH
20 THIS INCIDENT.

21 THERE WAS ALSO TWO INMATE THAT WAS HELPING COTTON
22 STAY ALIVE. THEIR NAME IS CHESTNUT AND JOHNSON. THEY
23 WERE HELPING COTTON. ALSO ROBINSON AND CLARK AND DICKS
24 HAD NOTHING TO DO WITH THIS INCIDENT AND SHOULD BE LET GO.

25 THIS INCIDENT WOULD NOT HAVE COME TO THIS IF

1 SOMETHING WAS DONE ABOUT COTTON WAYS AND ACTION. OFFICER
2 COTTON WAS BRING IN DRUGS TO DIFFERENT INMATES AND ALSO
3 GOT ANOTHER INMATE STABBED IN CHESTERFIELD AS WELL AS HE.

4 OFFICER COTTON ALSO IS INTO GAY INMATE AND THINGS AND
5 BRING THEM DRUGS, WATCH, MONEY, SUNGLASS AND ET CETERA.
6 THIS IS THE END OF MY STATEMENT.

7 HE ALSO WENT ON TO ADD, I HAVE ADDITIONAL WHICH I
8 HAVE WRITTEN ON PAGE TWO. I PLAN THIS INCIDENT ABOUT 12
9 P.M. BUT DID IT AT 4:30 P.M. THE LETTER WAS NEVER PASSED
10 OUT. THE NOTES WERE WRITTEN BY ME ON THE SAY DATE OF THE
11 INCIDENT, OCTOBER THE 29TH, 2003.

12 Q AND THAT'S SIGNED BY WHO?

13 A IT'S SIGNED BY TYRONE SINGLETARY. WRITTEN IN HIS
14 HANDWRITING AS WITNESSED MY MYSELF AND JOHNNY ABRAHAM.

15 Q ALL RIGHT. WOULD YOU PLEASE PUBLISH STATE'S EXHIBIT
16 NUMBER ONE?

17 A TOP IS THE NAME JACOB LYNCH, SLED AGENTS CREECH AND
18 ABRAHAM, 22 YEARS OF AGE, LEE CI. I CAN READ AND WRITE,
19 COMPLETED THE TENTH GRADE IN SCHOOL, DOB IS 4-27-81. AT
20 ABOUT 4:00 OFFICER COTTON CAME AROUND TO FEED ME AND HIM
21 HAD WORDS AT LUNCH TIME AND ARGUED AT DINNER.

22 I CAME OUT AND REFUSED TO GO IN UNTIL I SAW A WHITE
23 SHIRT OFFICER. COTTON SAID I COULD NOT SEE A WHITE SHIRT
24 AND IF I DIDN'T GO IN I WOULD GET MY ASS BEAT. I JUMPED
25 AT HIM. HE SPRAYED ME WITH GAS. I CHASED HIM. HE LOCKED

1 HIMSELF IN 2205 AND CONTINUED TO SPRAY ME WITH GAS AND
2 SWING A HOMEMADE KNIFE AT ME.

3 I LEFT, WENT TO NORTH SIDE, SHOWED THE OFFICER DOZIER
4 HOMEMADE KNIFE THAT -- HE GAVE ME HIS KEYS. THEN I
5 RETURNED TO SOUTH SIDE TO 2205. THERE WERE INMATES
6 ALREADY OUTSIDE. I ENTERED THE ROOM, HANDCUFFED COTTON TO
7 ME. HE WAS ALREADY STABBED AND BRUISED.

8 THIS INCIDENT HAPPENED DUE TO OFFICER COTTON'S
9 ACTIONS TOWARDS ME, DISRESPECT AND VERBAL ABUSE AND THE
10 OVERALL TREATMENT OF ME AT LEE COUNTY. MY DEMANDS WERE
11 SIMPLY TO SEE AND TALK TO THE MEDIA OR TO GET A CELL PHONE
12 TO CALL THE MEDIA.

13 I NEVER STABBED HIM. I JUST HELD HIM HOSTAGE TO GET
14 MY DEMANDS MET. WRITTEN JACOB LYNCH'S HANDWRITING, SIGNED
15 BY HIM AND WITNESSED BY MYSELF AND AGENT ABRAHAM.

16 Q ALL RIGHT. OKAY. ANSWER ANY QUESTIONS THAT EITHER
17 MR. DOBY OR MR. SCOTT MAY HAVE.

18 THE COURT: MR. DOBY, YOU CAN CROSS-EXAMINE.

19 CROSS-EXAMINATION

20 BY MR. DOBY:

21 Q OFFICER, JUST SO I GOT A CORRECT PICTURE OF WHERE
22 THIS STATEMENT TOOK PLACE, IT WAS IN A PRISON IN COLUMBIA?

23 A THAT'S CORRECT.

24 Q MY CLIENT WAS ALREADY THERE?

25 A YES.

1 Q YOU AND OFFICER ABRAHAM WENT TO THAT PRISON TO TAKE A
2 STATEMENT?

3 A ALL OF THE INMATES -- THERE WERE ABOUT 15 INMATES
4 THAT WERE TRANSPORTED FROM LEE TO COLUMBIA. SOME OF THEM
5 WENT BROAD RIVER CORRECTIONAL INSTITUTE, SOME OF THEM WENT
6 TO KIRKLAND. I DON'T RECALL HOW MANY WENT TO KIRKLAND,
7 BUT THERE WAS A GOOD NUMBER.

8 WE WENT THERE TO SEE IF THOSE INMATES WERE WILLING TO
9 TALK WITH US. WHILE WE WERE THERE INTERVIEWING OTHER
10 INMATES, A GUARD CAME TO US AND TOLD US THAT TYRONE
11 SINGLETARY WANTED TO SPEAK WITH US. JOHNNY ABRAHAM ASKED
12 THE GUARD, GO BACK AND ASK HIM AGAIN. THE GUARD LEFT, HE
13 CAME BACK AND SAID, YES, MR. SINGLETARY WANTS TO SPEAK
14 WITH Y'ALL.

15 WE THEN HAD THE GUARD BRING MR. SINGLETARY TO THE
16 ROOM WE WERE AT. WE ASKED HIM AGAIN, DO YOU WISH TO TALK
17 WITH US? HE SAID YES. AND THEN WE WENT THROUGH THE
18 RIGHTS.

19 Q ALL RIGHT. AND HE WROTE OUT THE STATEMENT; CORRECT?

20 A HE WROTE IT OUT IN HIS OWN HANDWRITING, YES.

21 Q ALL RIGHT. THIS STATEMENT ADMITS TO STABBING OFFICER
22 COTTON, DOES IT NOT?

23 A I BELIEVE IT DOES. IF YOU WANT ME TO LOOK AT IT
24 AGAIN, I WILL BE GLAD TO.

25 Q IF YOU NEED TO REVIEW IT AGAIN, I BELIEVE THAT

1 THIS -- THAT IS WHAT'S BEEN ENTERED INTO EVIDENCE. BUT
2 THAT SAYS THAT I STABBED OFFICER COTTON; CORRECT?

3 A YES, SIR. I WANTED TO MAKE SURE I GOT DOWN TO THE
4 LINE. YES, SIR. ON LINE ONE, TWO, THREE, FOUR, IT DOES
5 SAY THAT.

6 Q ALL RIGHT. AND NOWHERE IN THIS STATEMENT DOES IT SAY
7 THAT HE TOOK ANYONE HOSTAGE, THOUGH; DOES IT?

8 A I'M JUST GOING TO READ WHAT HE'S GOT WROTE DOWN. IT
9 SAYS ON OCTOBER 29TH, 2003, OFFICER COTTON WAS FEEDING IN
10 CHESTERFIELD UNIT, INMATE TYRONE SINGLETARY TOOK OFFICER
11 COTTON AND THE WORD THAT IS SPELLED IS H-O-S-I-L-T-Y.

12 Q HOSTILY?

13 A THAT'S WHAT IT LOOKS LIKE TO ME.

14 Q LIKE MAD, I WAS ANGRY, AND I STABBED SOMEONE?

15 A I CAN'T SAY WHAT HE MEANT BY THAT. WE GAVE HIM THIS,
16 HE WROTE IT DOWN IN HIS OWN HANDWRITING.

17 Q ALL RIGHT. ARE YOU CONTENDING THAT HE ADMITS IN THIS
18 STATEMENT THAT HE TOOK ANYONE HOSTAGE?

19 A HIS STATEMENT IS WHAT IT IS.

20 Q ALL RIGHT. AND HIS STATEMENT NEVER INDICATES THAT HE
21 TOOK ANYONE HOSTAGE?

22 A THE ONLY---

23 Q HOSTILY IS THE WORD THAT---

24 A THAT'S THE WORD THAT'S IN THE STATEMENT, YES.

25 Q ALL RIGHT. NOW, DID YOU -- WERE YOU PRESENT WHEN

1 OFFICER COTTON GAVE A STATEMENT ON OCTOBER THE 31ST OF
2 2003?

3 A YES, SIR.

4 Q OKAY. AND AS A MATTER OF FACT, YOU WERE ONE OF THE
5 WITNESSES TO THAT STATEMENT; CORRECT?

6 A THAT'S CORRECT.

7 Q IS THIS THE STATEMENT?

8 A YES.

9 Q ALL RIGHT. DID YOU WRITE THE STATEMENT?

10 A NO, SIR, AGENT ABRAHAM WROTE THE STATEMENT, ACTUAL --
11 AT OFFICER COTTON'S REQUEST. I BELIEVE HE -- RIGHT HAND
12 WAS BANDAGED UP AND THAT'S WHY HE ASKED HIM TO DO THAT.

13 Q OKAY. THE STATEMENT THAT IS CONTAINED THERE ON THOSE
14 I BELIEVE FIVE PAGES IS WHAT YOU WERE TOLD BY OFFICER
15 COTTON ON OCTOBER THE 31ST OF 2003; CORRECT?

16 A YES, SIR.

17 Q OKAY. HE SIGNED THE STATEMENT?

18 A YES, SIR.

19 Q YOU WOULDN'T HAVE TAKEN THE STATEMENT FROM SOMEONE
20 WHO WAS UNABLE TO GIVE A STATEMENT BECAUSE THEY WERE --
21 THEY WERE UNDER MEDICATION, WOULD YOU?

22 A NO, SIR.

23 Q OKAY.

24 MR. DOBY: YOUR HONOR, I'M GOING TO ASK THIS
25 STATEMENT BE MOVED INTO EVIDENCE, AND I BELIEVE I'M

1 UP TO EXHIBIT NUMBER THREE.

2 THE COURT: ALL RIGHT. IS THAT...

3 MR. DOBY: THIS IS THE STATEMENT DATED
4 OCTOBER 31ST, 2003, FROM OFFICER COTTON.

5 THE COURT: ALL RIGHT, SIR. HAS THAT -- THAT'S
6 NOT ALREADY BEEN...

7 MR. DOBY: IT WAS NOT ADMITTED INTO EVIDENCE
8 EARLIER, YOUR HONOR.

9 THE COURT: ALL RIGHT, SIR. THAT'S RIGHT.
10 THERE WAS SOME TESTIMONY ABOUT IT AND HE READ FROM
11 IT. IT WAS NOT ADMITTED INTO EVIDENCE.

12 MR. DOBY: YES, SIR.

13 MR. SCOTT: YOUR HONOR, JUST FOR THE RECORD, I
14 OBJECT BASED ON THE ANSWERS GIVEN BY MR. COTTON AS TO
15 THE ADMISSION AT THE TIME.

16 THE COURT: ALL RIGHT. I WILL ALLOW IT. THE
17 JURY CAN TAKE ALL THE THINGS INTO ACCOUNT AND GIVE IT
18 THE WEIGHT THAT IT THINKS IT SHOULD RECEIVE, HEARD
19 THE CIRCUMSTANCES SURROUNDING THE STATEMENT.

20 I WOULD LIKE TO READ IT BEFORE IT'S PUBLISHED IN
21 FULL TO THE JURY. I WANT TO MAKE SURE THERE AREN'T
22 ANY BRUTON PROBLEMS AND I DON'T NEED TO---

23 MR. FATA: YOUR HONOR, WHAT NUMBER IS THAT?
24 EXHIBIT NUMBER?

25 MR. DOBY: THAT WOULD BE MY EXHIBIT NUMBER 3.

1 A YES, SIR. I BELIEVE IT HAD A DESK AND MAYBE A FEW
2 CHAIRS IN IT.

3 Q YES.

4 A BUT IT WAS VERY SMALL ROOM.

5 Q AND MR. LYNCH WAS, OF COURSE, HE WASN'T FREE TO GET
6 OUT -- GET UP AND LEAVE THAT ROOM. HE WAS RESTRAINED.

7 A HE MAY HAVE BEEN HANDCUFFED IN FRONT. BUT AT ANY
8 TIME IF HE DECIDED NOT TO TALK WITH US, HE COULD HAVE
9 CALLED THE GUARD TO GO PUT HIM BACK WHEREVER HE CAME FROM.

10 Q OKAY. WHEN I SAY HE WAS RESTRAINED, YOU MENTIONED
11 SOMETHING ABOUT HIM BEING HANDCUFFED.

12 A I THINK HE MAY HAVE BEEN HANDCUFFED IN THE FRONT.

13 Q RIGHT.

14 A I MEAN, IT WAS STILL IN THE INSTITUTION.

15 Q RIGHT.

16 A IT WAS NOT IN HIS CELL WHERE HE RESIDED.

17 Q RIGHT.

18 A IT WAS IN AN OFFICE.

19 Q AND WHEN YOU TALKED TO THE OTHER INMATES THERE ON
20 THAT DAY, WERE THEY ALSO RESTRAINED AT -- IT'S BEEN MY
21 EXPERIENCE THAT THEY SHACKLE INMATES AT THE ANKLES WHEN
22 THEY COME OUT THEIR CELLS, DO YOU RECALL?

23 A I CAN'T TELL YOU FOR A HUNDRED PERCENT WHERE -- BUT
24 I'M PRETTY SURE THEY WERE, BECAUSE LIKE I SAID, IT WAS IN
25 A PRISON.

1 Q YES.

2 A I MEAN, HOWEVER SCDC WANTS TO DO THEIR SECURITY IS
3 FINE WITH ME.

4 Q ALL RIGHT.

5 A I MEAN, WE TELL THEM, DO WHATEVER YOU NEED TO DO.

6 Q FULLY UNDERSTAND. AND AT SOME POINT DURING THIS
7 INTERVIEW YOU INDICATED THAT YOU READ THE STATEMENT TO HIM
8 AND ASKED HIM IF HE UNDERSTOOD IT, AND YOU INDICATED THAT
9 HE ACKNOWLEDGED THAT HE DID. IS THAT CORRECT?

10 A TALKING ABOUT HIS STATEMENT?

11 Q YES.

12 A HE WROTE HIS STATEMENT OUT. WE WENT OVER IT.

13 Q OKAY. WHAT I'M ASKING YOU IS, AT SOME POINT DURING
14 THE INTERVIEW YOU ASKED HIM IF HE UNDERSTOOD HIS RIGHTS,
15 YOU READ THEM TO HIM, AND HE ACKNOWLEDGED THAT HE---

16 A YES, SIR.

17 Q OKAY. NOW, YOU HAD TALKED TO A NUMBER OF OTHER
18 WITNESSES SLASH INMATES IN THIS CASE AT THAT TIME, HAD YOU
19 NOT?

20 A YES, SIR. WE HAD CONDUCTED INTERVIEWS AT LEE ON
21 THE -- WELL, LET ME BACK UP. THIS INCIDENT HAPPENED THE
22 29TH OF OCTOBER. I DID NOT GET A PHONECALL THAT I WAS
23 SUPPOSED TO INVESTIGATE IT TILL THE AFTERNOON OF THE 30TH,
24 WHICH WAS A THURSDAY.

25 AND WE WENT THERE ON FRIDAY THE 31ST. WE CONDUCTED

1 SOME INTERVIEWS. WE INTERVIEWED THE VICTIM, MR. COTTON,
2 THAT NIGHT AT THE HOSPITAL. MYSELF AND AGENT ABRAHAM WENT
3 BACK TO THE PRISON, LEE PRISON, ON SATURDAY AND CONDUCTED
4 SOME MORE.

5 Q AND SO ON THE -- I BELIEVE THIS STATEMENT WAS GIVEN
6 BY MR. LYNCH ON THE FOURTH OF NOVEMBER. SO Y'ALL HAD BEEN
7 IN, WHAT, YOUR THIRD OR FOURTH DAY OF INTERVIEWS AT THAT
8 POINT?

9 A AT LEAST THE THIRD. AND WE HAD -- I BELIEVE WE HAD
10 INTERVIEWED SOME MORE PEOPLE AT KIRKLAND AT THAT TIME.

11 Q OKAY. AND IN FACT, DURING THE COURSE OF THE
12 INTERVIEW WITH MR. LYNCH, DIDN'T YOU OR AGENT CREECH --
13 I'M SORRY, EIGHT ABRAHAM -- TELL HIM THAT YOU MAY AS WELL
14 GO AHEAD AND TALK TO US SINCE WE'VE ALREADY TALKED TO A
15 NUMBER OF OTHER PEOPLE AND THEY'VE TOLD US WHAT HAPPENED?

16 A I DON'T RECALL. YOU KNOW, IT'S POSSIBLE WE MAY HAVE
17 TOLD HIM THAT WE HAD TALKED TO THE VICTIMS AND THEY HAD
18 GIVEN US STATEMENT. I DON'T RECALL.

19 Q YES.

20 A WORD FOR WORD.

21 Q AND DIDN'T AT SOME POINT DURING THIS DISCUSSION OR
22 THIS INTERVIEW OF -- INTERROGATION REALLY OF MR. LYNCH,
23 WASN'T SOME STATEMENT MADE TO HIM TO ACKNOWLEDGE TO HIM OR
24 TO MAKE SURE HE UNDERSTOOD THAT THINGS DON'T GO TOO WELL
25 FOR PEOPLE WHO ARE IN PRISON WHO ARE ACCUSED OF HARMING

1 INMATES?

2 A NO, SIR. I DON'T RECALL THAT.

3 Q NOW, YOU SAY YOU DON'T RECALL THAT BEING SAID. DO --
4 YOU SAYING IT WASN'T SAID TO HIM OR YOU DON'T RECALL--

5 A I DID NOT SAY THAT TO HIM.

6 Q DO YOU KNOW WHETHER YOUR PARTNER SAID IT TO HIM?

7 A I DON'T BELIEVE SO, NO, SIR.

8 Q DID YOU OR AGENT CREECH -- I MEAN AGENT ABRAHAM --
9 SAY ANYTHING TO MR. LYNCH ABOUT THE CONDITION OF THE
10 INJURIES OR THE NATURE OF THE INJURIES TO OFFICER COTTON
11 DURING THIS -- THIS SESSION?

12 A NO, SIR. I -- NO, SIR.

13 Q SO YOU SURE YOU DIDN'T? YOU SURE THE OTHER---

14 A I'M PRETTY SURE I DIDN'T AND I DON'T REMEMBER THAT
15 BEING BROUGHT UP.

16 Q AND I BELIEVE YOU'VE ALREADY ANSWERED THIS QUESTION.
17 YOU SAID THIS TOOK PLACE AT KIRKLAND CORRECTIONAL
18 INSTITUTION?

19 A YES.

20 Q WHICH IS ANOTHER PRISON IN COLUMBIA?

21 A THAT'S CORRECT.

22 Q AND HE WAS CERTAINLY STILL AN INMATE IN CUSTODY AT
23 THAT TIME?

24 A THAT'S CORRECT. YES, SIR.

25 Q AND I BELIEVE YOU INDICATED THAT HE WAS WEARING

1 CUFFS, HANDCUFFS?

2 A I BELIEVE SO.

3 Q AND AS FAR AS YOU CAN RECALL, HE WAS PROBABLY
4 SHACKLED AT THE ANKLES?

5 A AS FAR AS I CAN RECALL.

6 Q ALL RIGHT.

7 A WE WERE IN THE PRISON ENVIRONMENT.

8 Q THANK YOU.

9 A THANK YOU.

10 THE COURT: MR. FATA, REDIRECT?

11 MR. FATA: NOTHING ELSE, YOUR HONOR.

12 THE COURT: THANK YOU. AGENT CREECH, YOU CAN
13 STEP DOWN.

14 (WITNESS OFF THE STAND.)

15 MR. FATA: YOUR HONOR, MAY WE APPROACH A SECOND?

16 THE COURT: YES.

17 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

18 MR. FATA: YOUR HONOR, THE STATE HA NO OTHER
19 WITNESSES TODAY. I BELIEVE -- I THINK -- WE DIDN'T
20 THINK WE'D BE DONE THIS QUICK. BUT IT IS 5:00. I
21 CAN SCROUNGE SOMEBODY UP HERE IF YOU WISH TO GO
22 FORWARD.

23 THE COURT: NO. I APPRECIATE THAT INFORMATION.
24 AND YOU'VE MADE GOOD TIME -- ALL OF YOU HAVE MADE
25 GOOD USE OF THE COURT'S AND THE JURY'S TIME TODAY,

1 AND WE APPRECIATE THAT.

2 LADIES AND GENTLEMEN, WE ARE STOPPING A LITTLE
3 EARLY TODAY, BUT WE KEPT YOU LATE YESTERDAY, SO WE
4 TRY TO EVEN THESE THINGS OUT I SUPPOSE. AND WE HAVE
5 MADE GOOD TIME GOING THROUGH WITNESSES TODAY. WE
6 APPRECIATE THE EFFICIENCY THAT ALL OF THE LAWYERS
7 HAVE WORKED WITH TO ACCOMMODATE THAT.

8 I'M GOING TO SEND YOU HOME NOW. NEED YOU BACK
9 TOMORROW AT 9:30. I REMIND YOU AGAIN, OF COURSE, NOT
10 TO DISCUSS THIS CASE WITH ANYBODY WHILE YOU'RE OUT OF
11 THE COURTROOM, NOT TO DISCUSS IT AMONG YOURSELVES
12 WHEN YOU GET BACK INTO THE JURY ROOM TOMORROW MORNING
13 AT 9:30.

14 THERE WILL BE AN ARTICLE IN THE SUMTER DAILY
15 ITEM -- THINK IT'S CALLED THE ITEM NOW -- TOMORROW
16 MORNING ABOUT THIS CASE. DON'T READ IT. PUT IT ON
17 THE SHELF TILL AFTER THE TRIAL IS OVER, AND THEN YOU
18 CAN READ IT IF YOU WANT TO.

19 I REMIND YOU AGAIN, YOU REALLY DON'T HAVE TO
20 READ THE PAPER TO FIND OUT WHAT HAPPENED IN THIS
21 COURTROOM TODAY. YOU HAVE BEEN RIGHT HERE. YOU HAVE
22 BEEN RIGHT HERE ALL DAY LONG AND YOU KNOW EXACTLY
23 WHAT HAPPENED, SO YOU DON'T NEED TO READ ANOTHER
24 ACCOUNT OF IT.

25 BUT IF YOU'RE INTERESTED ABOUT AN ACCOUNT, JUST

1 PUT IT ON THE SHELF TILL THIS TRIAL IS OVER AND YOU
2 CAN TAKE IT DOWN AND READ IT. PLEASE NOT UNTIL THEN.

3 HAVE A SAFE TRIP HOME, LADIES AND GENTLEMEN. I
4 WILL SEE YOU ALL TOMORROW MORNING AT 9:30. THANK
5 YOU.

6 (JURY LEFT COURTROOM AT 4:58 P.M.)

7 THE COURT: ALL RIGHT, FOLKS. JUST A MINUTE
8 WHILE WE -- BEFORE WE RECESS FOR THE DAY, PLEASE.
9 MR. FATA, IS THERE ANYTHING FURTHER FROM THE STATE
10 BEFORE WE BREAK FOR THE DAY?

11 MR. FATA: NO, SIR, YOUR HONOR.

12 THE COURT: MR. DOBY, MR. SCOTT, GENTLEMEN, FROM
13 EITHER OF THE DEFENDANTS?

14 MR. DOBY: NO, SIR, YOUR HONOR.

15 MR. SCOTT: YOUR HONOR, NOT AT THIS TIME, NO,
16 SIR.

17 THE COURT: ALL RIGHT. GOOD. AS SOON AS THE
18 HALLWAY IS CLEARED, THE SECURITY CAN GET THE INMATES
19 OUT. LET'S MAKE SURE THE HALLWAY IS CLEARED OF THE
20 JURORS FIRST, OF COURSE. I FEEL WE CAN DO THAT.
21 9:30 TOMORROW.

22 (COURT IN RECESS FOR EVENING.)

23 NOVEMBER 30TH, 2005.

24 (WHEREUPON THE DEFENDANTS WERE BROUGHT INTO THE
25 COURTROOM.)

1 THE COURT: MR. FATA, IS THE STATE READY FOR THE
2 JURY?

3 MR. FATA: YES, SIR. THERE'S JUST ONE MATTER WE
4 NEED TO TAKE UP I THINK WITH MR. SCOTT.

5 THE COURT: OKAY.

6 MR. FATA: ON THE VIDEO THAT WE WANT TO SHOW
7 EXCERPTS OF--

8 THE COURT: RIGHT.

9 MR. FATA: -- THERE IS A PORTION OF THE VIDEO
10 THAT SHOWS THE INSIDE OF THE DORMITORY AFTER THE
11 INCIDENT IS OVER WITH.

12 THE COURT: RIGHT.

13 MR. FATA: AND IT SHOWS OFFICER DOZIER BEING LET
14 OUT OF HIS ROOM -- OUT OF THE ROOM HE WAS HELD IN.
15 IT ALSO GOES TO INMATE LYNCH'S ROOM AND VIDEOS THE
16 INSIDE OF THAT ROOM AND IT SHOWS THE BLOODY RAG ON
17 THE FLOOR.

18 AND INITIALLY TOLD MR. SCOTT THAT WASN'T GOING
19 TO ASK TO SHOW THAT, BUT I REVIEWED THIS THING LAST
20 NIGHT, AND I DIDN'T REALIZE AT FIRST THAT IT WAS
21 LYNCH'S ROOM. AND THE TESTIMONY IS -- FROM OFFICER
22 COTTON THAT HE WAS HELD IN THAT ROOM, HANDCUFFED TO
23 THAT BED, AND THAT HE RECEIVED TREATMENT THERE IN THE
24 ROOM.

25 SO I THINK THAT I REALLY NEED TO SHOW THAT IF I

1 CAN.

2 THE COURT: ALL RIGHT. MR. SCOTT, LET ME HEAR
3 FROM YOU IN THAT REGARD.

4 MR. SCOTT: YES, SIR, JUDGE. AND YOUR HONOR, SO
5 THAT I CAN MAKE CLEAR FOR THE RECORD WHAT MY
6 OBJECTION TO ANY OF THESE VIDEO -- WHAT I UNDERSTAND,
7 I OBJECT TO ANY OF THESE VIDEOS COMING IN UNDER RULE
8 403.

9 THE COURT: RIGHT.

10 MR. SCOTT: WE HAVE HEARD TESTIMONY FROM A
11 NUMBER OF WITNESSES ABOUT THEIR PERCEPTION OF WHAT
12 HAPPENED ON OCTOBER 29, 2003. SO THERE'S PLENTY OF
13 EVIDENCE FROM THE STATE'S POINT OF VIEW ABOUT WHAT
14 HAPPENED.

15 MY POSITION, THERE -- THERE'S ABSOLUTELY NO NEED
16 FOR THESE TAPES TO COME IN. THEY WILL SERVE ONLY ONE
17 PURPOSE AND THAT IS INFLAMING THE PASSIONS OF THE
18 JURY BECAUSE OF WHAT THEY DEPICT.

19 THE COURT: RIGHT.

20 MR. SCOTT: AND ANY PROBATIVE EVIDENCE WHICH I
21 WOULD ARGUE, YOUR HONOR, IT MIGHT HAVE OR THEY MIGHT
22 HAVE IS CLEARLY SUBSTANTIALLY OUTWEIGHED BY THE
23 PREJUDICIAL EFFECT. AND THAT'S ESPECIALLY TRUE WITH
24 RESPECT TO THE BLOODY RAG.

25 I MEAN, THERE'S -- I CAN'T THINK OF ANY REASON

1 THAT THE JURY NEEDS TO SEE A BLOODY RAG. BUT JUST TO
2 MAKE CLEAR FOR THE RECORD AS I SAID, YOUR HONOR, MY
3 OBJECTION IS THAT NONE OF THESE VIDEOS SHOULD BE
4 SHOWN TO THE JURY.

5 *THE COURT:* ALL RIGHT. THANK YOU. MR. DOBY?

6 *MR. DOBY:* YOUR HONOR, I WOULD JOIN IN THE
7 MOTION OF MR. SCOTT IN REGARDS TO THAT BLOODY RAG.

8 *THE COURT:* ALL RIGHT. THE BURDEN THAT IS ON
9 THE STATE OF COURSE TO -- TO PROVE THESE CHARGES
10 BEYOND A REASONABLE DOUBT AS WE KNOW IS JUSTIFIABLY A
11 HEAVY BURDEN.

12 AT LEAST ONE DEFENDANT, MR. SINGLETARY THROUGH
13 COUNSEL, HAS ACKNOWLEDGED ACTUALLY ASSAULTING A
14 CORRECTIONAL OFFICER, BUT DENIES THE REMAINING
15 CHARGES IN THE INDICTMENT. OF COURSE, MR. LYNCH
16 DENIES ALL OF THE CHARGES IN THE INDICTMENT.

17 AND THE EVIDENCE THAT HAS BEEN PLACED BEFORE THE
18 JURY BY TESTIMONY DOES NOT NECESSARILY PRECLUDE THE
19 STATE FROM OFFERING ADDITIONAL EVIDENCE IN THE FORM
20 OF THE VIDEO WHICH IT HAS.

21 IT IS RARE, OF COURSE, THAT IF -- IN THE
22 PROSECUTION THAT THEY HAVE A VIDEOTAPE OF A CRIME
23 THAT'S BEING COMMITTED. MOST TIMES THE OFFICER IS
24 NOT THERE.

25 NONETHELESS, EVEN THOUGH IT IS PREJUDICIAL,

1 CLEARLY, THE REASON IT'S BEING SHOWN BY THE STATE, IT
2 STILL HAS SUBSTANTIAL PROBATIVE VALUE. THESE TWO
3 DEFENDANTS ARE ACCUSED OF NOT ONLY TAKING A HOSTAGE
4 AND ASSAULTING AN OFFICER, BUT ALSO RIOTING AND
5 INCITING TO RIOT.

6 THE VIDEO WHICH -- PARTS OF WHICH I HAVE SEEN
7 CERTAINLY WOULD BE PROBATIVE AS TO THOSE PARTICULAR
8 CHARGES AT THE VERY LEAST. AND IF THEY SHOW THE
9 ACTUAL PROXIMITY OF THESE DEFENDANTS TO MR. COTTON,
10 THEN THAT COULD BE EVIDENCE ON THE HOSTAGE CHARGE AS
11 WELL.

12 THE CELL OF MR. LYNCH FROM THE TESTIMONY, THAT'S
13 WHERE MR. COTTON WAS HELD FOR SOME PERIOD OF TIME,
14 AND THE -- THE BLOODY RAG, WHATEVER IT HAPPENS TO BE,
15 WHETHER IT'S A GARMENT OR A RAG THAT IS THERE, WHILE
16 IT IS SOMEWHAT CUMULATIVE FROM TESTIMONY THAT HAS
17 ALREADY BEEN OFFERED, CERTAINLY IS PROBATIVE ON THE
18 HOSTAGE SITUATION.

19 THE TAKING, HOLDING, CARRYING AWAY OF
20 MR. COTTON, HOLDING HIM THERE IN A CELL THAT IS
21 PROBATIVE TO THAT, THEN IT IS ADMISSIBLE ON THAT
22 POINT AS WELL.

23 I NOTE YOUR EXCEPTION, GENTLEMEN, BUT I MUST
24 RESPECTFULLY OVERRULE THEM AND ALLOW THE VIDEOS TO BE
25 ADMITTED INTO EVIDENCE SUBJECT TO OBJECTION. ALL

1 RIGHT.

2 IS THERE ANYTHING ELSE, GENTLEMEN, BEFORE THE
3 JURY IS BROUGHT IN, MR. DOBY, MR. SCOTT?

4 MR. DOBY: NOTHING FROM THIS DEFENDANT, YOUR
5 HONOR.

6 THE COURT: ALL RIGHT. MR. SCOTT?

7 MR. SCOTT: YOUR HONOR, AND I REALIZE THAT THIS
8 IS LOGISTICALLY KIND OF NOT VERY NEW, BUT IF OR SINCE
9 THE COURT HAS INDICATED THAT THIS TAPE IS GOING TO BE
10 ALLOWED TO BE SHOWN TO THE JURY, AND I KNOW IT NEEDS
11 TO BE CLOSE ENOUGH FOR THE JURY TO SEE, BUT MY CLIENT
12 ALSO WOULD LIKE TO BE ABLE TO SEE.

13 AND I REALIZE THAT'S LOGISTICALLY A PROBLEM,
14 YOUR HONOR, BUT I'M NOT SURE HOW WE CAN SOLVE THAT
15 PROBLEM.

16 THE COURT: WELL, I DON'T KNOW WHERE THE SCREEN
17 IS GOING TO BE. WHERE IS THE SCREEN GOING TO BE?

18 MR. FATA: YOUR HONOR, I'M GOING TO USE THE BACK
19 OF THIS THING HERE MOUNTED ON THAT EASEL.

20 THE COURT: RIGHT.

21 MR. FATA: AND JUST PLAY IT IN THAT DIRECTION,
22 AND...

23 THE COURT: CAN YOU PUT IT A LITTLE FARTHER OVER
24 THERE?

25 MR. FATA: WE CAN -- WE CAN PUT IT...

1 THE COURT: HOW FAR WOULD THE PROJECTOR GO?

2 MR. FATA: I WILL JUST HAVE TO MOVE THAT CLOSER
3 OVER HERE. I DON'T KNOW IF THE JURY CAN SEE IT FROM
4 THERE.

5 THE COURT: WELL, OF COURSE, THE LARGER SCREEN,
6 THE FARTHER AWAY, THE LARGER THE SCREEN. I'M NOT
7 SURE...

8 MR. FATA: WELL, YOUR HONOR, FOR THIS WE COULD
9 PLACE THE WHITE CARDBOARD AROUND THAT TABLE AND LET
10 THEM SIT OVER THERE?

11 THE COURT: NO, SIR. WE WON'T -- AT THE VERY
12 LEAST WE MIGHT MOVE -- TURN THAT PROJECTOR ON AND
13 LET'S SEE HOW FAR OUT IT WILL SHOW AND WHERE WE HAVE
14 TO SET IT TO BEGIN WITH SO WE KNOW WHAT WE HAVE TO
15 WORK WITH.

16 (WHEREUPON THERE WAS A PAUSE.)

17 THE COURT: LET ME ASK THE SECURITY FOLKS.
18 GENTLEMEN, HOW MUCH TROUBLE WOULD IT BE TO SEAT MR.
19 SINGLETARY AND MR. LYNCH ON THE -- EITHER THE FIRST
20 OR THE SECOND ROW OVER HERE WHILE IT'S BEING DONE?
21 CAN YOU LOOK AT THAT AND SEE IF THAT CREATES A
22 PROBLEM FOR YOU?

23 OFFICER: THAT WILL BE FINE.

24 THE COURT: ALL RIGHT, SIR. WE CAN CLEAR
25 THAT -- WE CAN CLEAR THAT SIDE THEN? LET'S JUST MOVE

1 THEM INTO THAT POSITION BEFORE WE START.

2 OFFICER: YES, SIR.

3 THE COURT: AND COUNSEL CAN SIT BACK THERE WITH
4 THEM IF THEY NEED TO FOR THIS PERIOD OF TIME.
5 THERE'S NO OTHER WAY TO GET IT DONE.

6 MR. DOBY: JUDGE, I--

7 THE COURT: WHATEVER SECURITY WANTS TO SECURE
8 THE FIRST OR THE SECOND ROW FOR THESE INMATES TO SIT
9 ON, I WILL LET THEM DECIDE.

10 OFFICER: RIGHT HERE SIR OR RIGHT HERE?

11 THE COURT: IT WILL BE BACK BE BEHIND THE RAIL,
12 EITHER THE FIRST OR SECOND PEW, WHATEVER IS FINE WITH
13 YOU.

14 (OFF-THE-RECORD DISCUSSION.)

15 THE COURT: THE IDEA, GENTLEMEN, IS TO GET THEM
16 WHERE THEY CAN SEE THE SCREEN HERE FROM WHEREVER THEY
17 ARE SEATED.

18 (WHEREUPON THERE WAS A PAUSE).

19 THE COURT: ALL RIGHT. NOW MR. FATA, IS THE
20 STATE READY FOR THE JURY?

21 MR. FATA: YES, SIR. I'M JUST SHUTTING THIS
22 DOWN.

23 THE COURT: ALL RIGHT. THAT'S THE FIRST THING
24 YOU'RE GOING TO DO THOUGH; RIGHT?

25 MR. FATA: NO, SIR.

1 THE COURT: IT'S NOT?

2 MR. FATA: NO, SIR. THE FIRST THING I'M GOING
3 TO DO IS CALL MY WITNESSES.

4 THE COURT: YES, SIR.

5 MR. FATA: AND THEN I WAS GOING TO SHOW THIS
6 AFTER MY THIRD WITNESS TESTIFIES.

7 THE COURT: OKAY.

8 MR. FATA: THE ONLY REASON I -- I'M SORRY. I
9 DIDN'T MEAN TO MISLEAD THE COURT, YOUR HONOR.

10 THE COURT: NO, YOU DIDN'T. I JUST
11 MISUNDERSTOOD. AND WHO ARE THE FIRST TWO WITNESSES
12 GOING TO BE?

13 MR. FATA: THE FIRST TWO WITNESSES ARE THE FIRST
14 TWO NEGOTIATORS, YVONE BLANDSHAW AND CYNTHIA YORK.

15 THE COURT: OKAY.

16 MR. FATA: THE THIRD WITNESS IS JOHN FERRARO WHO
17 WAS THE MAIN NEGOTIATOR WHO AP -- HE APPEARS IN THIS
18 VIDEO.

19 THE COURT: RIGHT.

20 MR. FATA: AND HE'S GOING TO AUTHENTICATE IT AND
21 DISCUSS THE VIDEO AND THEN PLAY IT WHILE HE'S A
22 WITNESS.

23 THE COURT: AND HOW LONG---

24 MR. FATA: AND I APOLOGIZE FOR MISLEADING THE
25 COURT. I DIDN'T...

1 THE COURT: YOU DIDN'T. YOU DIDN'T MISLEAD ME.
2 I JUST MISUNDERSTOOD. I JUST DREW THE WRONG
3 ASSUMPTION. HOW LONG WILL THE FIRST TWO WITNESSES
4 TAKE?

5 MR. FATA: THE FIRST TWO WITNESSES WILL TAKE
6 ABOUT -- WITH ME ABOUT 15 MINUTES. I DON'T KNOW
7 ABOUT THE...

8 THE COURT: OKAY. THE WHEN MR. FERRARO TAKES
9 THE STAND, OBVIOUSLY WE NEED TO HAVE THESE FOLKS
10 WHERE THEY ARE NOW BECAUSE THAT'S WHEN YOU'RE GOING
11 TO SHOW THIS TAPE?

12 MR. FATA: YES, SIR. HE WILL TESTIFY FIRST, AND
13 THEN WE WILL SHOW THE TAPE, OR PARTS OF THE TAPE.

14 THE COURT: ALL RIGHT.

15 OFFICER: WE CAN MOVE -- MOVE THE TABLE SO WE
16 AIN'T GOT TO MOVE, SWAP...

17 MR. FATA: IF YOU PREFER, I WILL SHOW THE TAPE
18 NOW.

19 THE COURT: NO. I'M NOT TRYING TO CHANGE THE
20 ORDER OF THINGS. I'M JUST TRYING TO FIGURE OUT THE
21 BEST WAY LOGISTICALLY TO HANDLE THIS, WHETHER TO
22 LEAVE THE FOLKS THERE WHILE THE WITNESSES TESTIFY,
23 BRING THEM BACK UP WHILE THE FIRST TWO WITNESSES
24 TESTIFY, THEN HAVE A BREAK AND MOVE THEM BACK UNTIL
25 THE THIRD WITNESS TESTIFIES, WHICH IS PROBABLY WHAT

1 WE ARE GOING TO HAVE TO DO.

2 LET'S PUT THEM BACK IN PLACE. AFTER THE FIRST
3 TWO WITNESSES TESTIFY, WE WILL DECLARE A RECESS, WE
4 WILL MOVE THEM OUT, MOVE THE JURY OUT, THEN WE'LL PUT
5 THEM BACK IN PLACE WHERE THEY ARE NOW BEFORE MR.
6 FERRARO TESTIFIES. I'M SORRY, GENTLEMEN. I
7 MISUNDERSTOOD. ALL RIGHT.

8 (WHEREUPON THERE WAS A PAUSE).

9 THE COURT: ALL RIGHT, FOLKS. BRING IN THE
10 JURY, PLEASE SIR.

11 (JURY ENTERED THE COURTROOM AT 9:57 AM).

12 THE COURT: MADAM FORELADY AND MEMBERS OF THE
13 JURY, THANK YOU FOR BEING SO PROMPT THIS MORNING.
14 AND WE WERE NOT ABLE TO GET YOU OUT RIGHT AT
15 9:30 BECAUSE AS YOU CAN SEE, SOME THINGS ARE GETTING
16 INTO PLACE TO SHOW YOU SOME PORTIONS OF THE
17 VIDEOTAPES THAT WILL BE OFFERED INTO EVIDENCE BY THE
18 STATE, SO WE HAD TO MAKE SOME LOGISTICAL MOVES TO GET
19 THAT IN PLACE AND WILL ALSO HAVE TO MAKE ONE MORE
20 BEFORE THOSE TAPES ARE ACTUALLY SHOWN, SO I WILL HAVE
21 TO SEND YOU OUT VERY BRIEFLY TO ACCOMMODATE THAT.

22 IT TOOK SOME TIME FOR US TO FIGURE OUT HOW WE
23 WERE GOING TO HAVE EVERYBODY IN PLACE AND WE WERE
24 GOING TO HAVE EVERYBODY SO THAT THEY CAN SEE THE
25 TAPES AND SEE THE SCREEN. AND I APOLOGIZE FOR THE

1 DELAY.

2 NONETHELESS, WE WON'T DELAY IT ANY LONGER. WE
3 WILL PICK UP WITH WHERE WE LEFT OFF YESTERDAY. THE
4 STATE IS CONTINUING TO OFFER EVIDENCE IN THIS CASE.
5 MR. FATA?

6 MR. FATA: THANK YOU, YOUR HONOR. THE STATE
7 WOULD CALL MRS. YVONNE BLANDSHAW. SHE IS IN THE
8 GRAND JURY ROOM.

9 (WITNESS IN COURTROOM).

10 THE COURT: MRS. BLANDSHAW, COME FORWARD, PLEASE
11 MA'AM, AND BE SWORN.

12 YVONNE BLANDSHAW-BROWN,
13 AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION

15 BY MR. FATA:

16 Q MRS. BLANDSHAW, YOU ARE A FORMER EMPLOYEE OF LEE
17 CORRECTIONAL INSTITUTE HERE IN LEE COUNTY?

18 A YES.

19 Q AND YOU HAVE TO SPEAK UP.

20 A OKAY.

21 Q AND YOU WERE AN EMPLOYEE OUT AT THAT INSTITUTION ON
22 OCTOBER THE 29TH OF 2003?

23 A YES, THAT'S CORRECT.

24 Q CAN YOU HEAR OKAY? AND WHAT WERE YOUR DUTIES OUT
25 THERE AT THAT TIME?