

Volume I of III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SC Supreme Court

ORIGINAL

Appeal from Richland County

J Michelle Childs, Circuit Court Judge

FRANCIS O CAMPBELL,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) IN THE GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA,)
VERSUS) PRETRIAL MOTIONS
FRANCIS OWENS CAMPBELL,) 82-GS40-0537
DEFENDANT) APRIL 15, 1982
COLUMBIA, SOUTH CAROLINA

B E F O R E

HONORABLE HOWARD BALLENGER, JUDGE

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E GAO CO BA O NE N.J 0702 F

1 THE COURT THE NEXT CASE IS A MOTION
2 I AM GOING TO ENTITLE THIS A BRADY MOTION AND A BERNARD
3 MOTION

4 MR VERMONT IF YOUR HONOR PLEASE,
5 I NEED MY DEFENDANT

6 THE COURT YES, SIR, WE WANT HIM
7 IN HERE

8 MR VERMONT YES, SIR, THEY ARE GOING
9 TO BRING HIM IN (DEFENDANT IS PRESENT IN THE COURTROOM)

10 THE COURT ALL RIGHT, NOW IS
11 EVERYBODY READY IN THE MATTER OF THE STATE OF SOUTH
12 CAROLINA VERSUS FRANCIS OWENS CAMPBELL

13 THE DEFENDANT MADE A BRADY MOTION
14 AND WHAT I NAMED A BERNARD MOTION, WHICH CAME OUT OF
15 THE FIFTH CIRCUIT COURT OF APPEALS NOW, VERY QUICKLY
16 BUT USING FULL TIME, REFERRING TO THE BRADY MOTION,
17 NUMBER ONE, YOU HAVE ANY PROBLEM?

18 MR VERMONT NO, SIR WE HAVE
19 PRETTY MUCH SETTLED ON THAT AND I CAN, AS A MATTER OF
20 FACT WITHDRAW MY REQUEST SO THAT IS REALLY NOT A PRO-
21 ELEM

22 THE COURT ALL RIGHT, NUMBER TWO?

23 MR VERMONT I HAVE BEEN FURNISHED
24 APPROXIMATELY FOURTEEN OR FIFTEEN SWORN STATEMENTS,
25 I BELIEVE, THAT I HAVE THEM OR THEY ASSURED ME THAT

1 I DO AND I AM SURE THERE ARE NO MORE

2 'R ELLIOTT YES, THAT IS RIGHT

3 I'VE DOUBLE CHECKED AND I HAVE PROVIDED ALL I AM AWARE

4 OF

5 THE COURT WELL, THE BRADY MOTION

6 IS A CONTINUING MOTION I UNDERSTAND IT CONTINUES

7 RIGHT UP TO TRIAL AND INTO TRIAL IF YOU DO GET ANY

8 MORE LET ME KNOW

9 MR ELLIOTT YES, SIR

10 THE COURT ALL RIGHT, NUMBER THREE?

11 THAT GOES INTO INFORMATION, MAKE AND MODEL AND SERIAL

12 NUMBER AND OWNER I TAKE IT TO BE NOT ONLY OWNER BUT

13 THE POSSESSOR OF IT?

14 MR VERMONT YES, SIR, THAT IS WHAT

15 I MEAN ABOUT D) LOCATION AT THE TIME OF THE TESTIMONY,

16 WHO HAD IT AT THE TIME

17 THE COURT ACTUALLY NUMBER E, I SEE

18 NO NEED FOR SEARCH WARRANTS, WRITTEN CONSENT AGREEMENTS

19 UNLESS IT HAS SOMETHING TO DO WITH THE BRADY SIDE OF

20 IT

21 MR VERMONT YES, SIR

22 THE COURT I MEAN, THE DISCULPATORY

23 MATTER BUT HE WOULD WANT TO KNOW WHO POSSESSED IT, IF

24 YOU DO KNOW I'M SURE THAT IS ON YOUR REPORT USUALLY

25 THE REPORT CARRIES EVERYTHING OUT IN FULL

1 MR ELLIOTT WE'LL MAKE IT AVAILABLE
2 SO

3 THE COURT END RESULTS, THAT'S WHAT
4 HE WOULD BE ENTITLED TO HE WOULD BE ENTITLED TO THE
5 RESULTS OF THE REPORT SO THE REPORT SHOULD HAVE A
6 RESULT ON IT OR IT IS NOT A REPORT IT WOULD BE AN
7 UNFINISHED REPORT

8 NUMBER FOUR? I UNDERSTAND THERE IS
9 NONE, TO YOUR KNOWLEDGE?

10 MR ELLIOTT WE ARE ADVISED THAT
11 A PRIVATE CITIZEN OFFERED A REWARD, A PRIVATE CITIZEN NAMED
12 BARNEY JORDAN WE ARE NOT AWARE OF ANY MORE IN THE
13 MATTER, OTHER THAN THAT WHETHER OR NOT THE--

14 THE COURT THAT IS ALL YOU ARE
15 FAMILIAR WITH THAT? ALL YOUR INFORMATION IS THAT?

16 MR ELLIOTT YES, SIR

17 THE COURT RIGHT, FINE THAT'S ALL--

18 MR VERMONT COULD I ASK WOULD THAT
19 HAVE BEEN JUNIOR OR SENIOR, DO THEY KNOW? THERE WERE
20 TWO, I'M NOT SURE WHEN THE SENIOR DIED?

21 MR BUFORD THE ONE THEY CALL LITTLE
22 BUBBA, YOUR HONOR

23 MR VERMONT THAT'S JUNIOR

24 THE COURT IS THAT IT? DOES THAT HELP?

25 MR VERMONT YES, SIR

THE COURT ALL RIGHT, NUMBER FIVE?

1 THAT'S BEEN SETTLED I UNDERSTAND THERE HAS BEEN NONE
2 THEY SAID?

3 MR ELLIOTT WE ARE AWARE OF NONE
4 YOUR HONOR

5 MR VERMONT YES, SIR
6 THE COURT ALL RIGHT, NUMBER SIX?

7 MR VERMONT I MAKE THAT MOTION,
8 NUMBER SIX, YOUR HONOR, FOR FINANCIAL RECORDS OR STATEMENTS
9 FINANCIAL TRANSACTIONS BETWEEN MR CAMPBELL AND MS
10 ANNE WILSON BECAUSE OF THE ALLEGATION THAT SHE IN FACT
11 HIRED HIM I JUST WANT TO KNOW ARE THERE ANY TRANSACTIONS
12 JUST FOR THE RECORD, IN BRADY, THAT FALL UNDER BRADY,
13 TRANSACTIONS THAT THEY ARE AWARE OF THAT I MIGHT NOT
14 BE AWARE OF THAT FALL UNDER BRADY?

15 THE COURT WELL, OF COURSE, IF THEY
16 HAVE SOMETHING A RECORD OR KNOWLEDGE, OR SOMETHING THAT
17 WOULD SHOW INNOCENCE, THEY SHOULD GIVE IT TO YOU NOW,
18 OF COURSE, IF THERE IS ANY TRANSACTIONS, CERTAINLY YOUR
19 CLIENT SHOULD KNOW SOMETHING ABOUT THAT

20 MR VERMONT YES, MY CONCERN IS FOR
21 PERHAPS A TRANSACTION THAT THEY MAY CHARACTERIZE AS
22 A GIFT, WHICH THEY MAY BE IN POSSESSION OF SOME MATERIAL
23 THAT SHOWS IT IS A LOAN, A SECURITY OF SOME KIND? THAT
24 IS WHAT I AM INTERESTED IN, THAT IS THE TYPE OF THING
25 I AM INTERESTED IN BECAUSE, OBVIOUSLY I THINK A GREAT

1 DEAL OF THEIR CASE WOULD TURN ON THE CHARACTFRIZATION
2 OF ANY OF THE TRANSACTIONS

3 THE COURT WELL, IF THEY HAVE GOT
4 ANY LET THEM HAVE THEM I DON'T KNOW WHAT IT HAS GOT
5 TO DO WITH IT NO PROBLEM, NOTHING WRONG WITH IT

6 MR BUFORT YOUR HONOR, I DIDN'T
7 UNDERSTAND THE COURT'S RULING ON THAT?

8 THE COURT IF YOU HAVE GOT ANYTHING
9 LET HIM SEE IT

10 MR BUFORT IF IT IS EXCULPATORY,
11 YOUR HONOR?

12 THE COURT YES?

13 MR BUFORT ALL RIGHT, THAT'S WHAT--
14 THANK YOU

15 THE COURT THAT IS WHAT BRADY IS

16 MR BUFORT YES, 'IR

17 THE COURT NUMBER SEVEN?

18 MR FLLIOTT WE HAVE ADVISED COUNSEL
19 THAT THE FOLLOWING SIGNED STATEMENTS, MY FAULT WAS IN
20 THE AMBIT OF NUMBER SEVEN, A STATEMENT SIGNED BY
21 JOHNNY BRADWELL DATED, TWO, ONE DATED 8-7-80, A SECOND
22 DATE OF 7-24-80, A STATEMENT SIGNED BY DELOPES MOCK DATED
23 11-13-81, A STATEMENT SIGNED BY LEWIS MEYERS 11-22-78
24 WE ALSO ADVISED COUNSEL IN CHAMBERS THAT, OF AN ORAL
25 STATEMENT MADE BY TALLY WILSON, BROTHER OF THE VICTIM,

1 THAT THE, AND ANNE WILSON'S BROTHER THAT THEY HAVE
2 THE COURT AND THAT'S ALL YOU HAVE,
3 AS FAR AS YOU KNOW?

4 MR ELLIOTT YES, SIR

5 MR VERMONT THERE WAS A DATE ON
6 THAT, TOO, I THINK? JULY THE FOURTH?

7 MR ELLIOTT WELL, THE RIGHT THERE
8 WAS A FIGHT ON JULY 4, 1978 RESULTING IN A THREAT

9 MR VERMONT BY A JIMMY?

10 MR ELLIOTT THAT'S MY UNDERSTANDING,
11 YES

12 MR VERMONT IT IS NOT HER BROTHER, IT
13 IS THE DECEASED'S BROTHER, ISN'T THAT CORRECT?

14 MR MABRY YOUR HONOR, WE HAVE
15 ADVISED COUNSEL IN CHAMBERS AS TO EXACTLY THE SITUATION
16 I THINK HE UNDERSTANDS THE SITUATION IT WAS THE
17 DECEDANT'S BROTHER WHO HAD THE ALTERCATION

18 MR VERMONT ALL RIGHT, THANK YOU

19 THE COURT NUMBER EIGHT IS A CATCH-
20 ALL, WHICH IF YOU HAVE GOT ANYTHING ELSE THAT FITS
21 UNDER BRADY YOU LET HIM HAVE IT

22 NOW AS TO THE MOTION MADE ON THE
23 BERNARD CASE, WHICH CAME OUT OF LOUISIANA, I THINK IN
24 THE READ THE CASE IT BOILS DOWN TO THIS FUNDAMENTAL
25 FAIRNESS IS VIOLATED WHEN A CRIMINAL DEFENDANT ON TRIAL

1 FOR HIS LIBERTY IS DENIED THE OPPORTUNITY TO HAVE AN
2 EXPERT OF HIS CHOOSING, BOUND BY APPROPRIATE SAFEGUARDS
3 IMPOSED BY THE COURT, TO EXAMINE A PIECE OF CRITICAL
4 EVIDENCE THE NATURE IS SUBJECT TO VARYING EXPERT
5 OPINION

6 OF COURSE, IN THE BRADY RULE, IF YOU
7 HAVE EVIDENCE BY MEANS OF AN EXHIBIT, AND YOU INTEND
8 TO INTRODUCE IT, CERTAINLY THEY SHOULD KNOW YOU'VE GOT
9 IT AND THEN HE CAN DO WHATEVER HE WANTS FROM THERE, FROM
10 THAT POINT ON YOUR REPORTS ON, I TAKE IT, YOU ARE GOING
11 TO THE REPORTS ON GUNS AND SO FORTH?

12 MR. VERMONT WELL, MY BRADY, I THINK,
13 GOES TO ALL THE GUNS I KNOW ABOUT, YOUR HONOR THIS IS
14 CONCERNING GUNS AND ANYTHING ELSE, ANYTHING SUBJECT--

15 THE COURT WELL, WHAT ELSE CAN THEY
16 HAVE?

17 MR. VERMONT I DON'T KNOW THAT IS
18 MY POINT, TO AVOID BEING SURPRISED

19 THE COURT IT SOUNDS LIKE TO ME LIKE
20 YOU ARE JUST FISHING FOR SOMETHING THAT IS NOT THERE?

21 MR. VERMONT NO, SIR, I AM TRYING
22 TO AVOID BEING SURPRISED AND HAVING TO ASK THE COURT
23 FOR A CONTINUANCE WHILE I GO OUT AND HIRE MY OWN EXPERT

24 THE COURT YES, LISTEN, IF YOU ARE
25 ENTITLED TO A CONTINUANCE I WILL BE GLAD TO HAVE IT I

1 AM GOING TO MAKE SURE HE IS GOING TO GET A FAIR AND
2 IMPARTIAL TRIAL IF I CAN THE STATE KNOWS THAT

3 NOW, THEY ARE BOUND BY THIS IF THEY
4 HAVE IT IN REPORTS OF ANY EXPERTS AND HE IS GOING TO HAVE
5 BE AN EXPERT IF HE IS GOING TO COME TESTIFY ABOUT WHAT
6 GUN DID WHAT, BY HIS TESTING HE HAS GOT TO BE AN EXPERT
7 AND YOU ARE GETTING THOSE THROUGH BRADY NOW WHAT YOU
8 DO WITH THEM WILL BE UP TO YOU YOU CAN STUDY THOSE
9 REPORTS, YOU CAN GET YOUR EXPERTS TO STUDY THEM IT
10 COULD END UP THEY DON'T HAVE ANY EXPERTS AND YOU DO
11 I DON'T KNOW WHAT WOULD BE THE RESULTS YOU CAN'T FORCE
12 THE STATE TO PUT A WITNESS UP YOU MIGHT CAN FORCE THE
13 STATE TO GIVE YOU THE NAME OF A WITNESS WHO IS GOING TO
14 SAY SO AND SO THEN YOU'VE GOT TO PUT HIM UP

15 I CAN'T MAKE THE STATE DO THAT

16 MR VERMONT NO, MY QUESTION HERE,
17 AND I GUESS FOR THE RECORD IS, DO THEY HAVE ANY EXPERTS,
18 MAY I HAVE THEIR REPORTS IN ORDER TO AVOID BEING SURPRISED
19 AT TRIAL?

20 THE COURT WELL, I ASKED THEM TO
21 GIVE YOU ALL THE REPORTS DEALING WITH THE GUNS, PERIOD
22 WHETHER THAT IS GOOD FOR YOU OR BAD FOR YOU THEY ARE
23 SUPPOSE TO GIVE THEM TO YOU AND THEN YOU CAN USE THOSE,
24 AND THEN YOU ARE THEN AFFORDED THE OPPORTUNITY TO GET
25 ONE

1 MR VERMONT YES, SIR
2 THE COURT THIS CASE IS BASED ON THE
3 DENIAL OF GETTING ONE
4 MR VERMONT YES, SIR
5 THE COURT AS LONG AS YOU HAVE THE
6 RIGHT TO GET ONE, IT CERTAINLY IS NOT DENIED THEREFORE,
7 THEY WILL TURN OVER EVERY REPORT THEY HAVE, TESTING
8 BY EXPERTS OF THESE WEAPONS, AND THAT IS A CONTINUING
9 THING THEY MIGHT GIVE YOU ALL OF THEM TODAY AND RUN
10 OUT AND GET ANOTHER ONE THEY HAVE TO THEN, UH, THEY
11 KNOW THAT, THEY HAVE GOT TO GIVE THAT TO YOU, TOO THEN
12 YOU WILL HAVE THE OPPORTUNITY OR WHATEVER YOU NEED
13 MR VERMONT YES, SIR BUT MY BARNARD
14 MOTION SPECIFICALLY GOES TO ANYTHING ELSE OTHER THAN
15 THE GUNS I AM ASKING IS THERE GOING TO BE AN EXPERT
16 TESTING ANYTHING OTHER THAN THE GUN? I WASN'T AT THE
17 SCENE, YOUR HONOR, I DIDN'T GET THIS CASE UNTIL THREE
18 AND A HALF, FOUR YEARS AFTER THE ALLEGED MURDER AND
19 THERE IS NOTHING I CAN DO ABOUT THAT I DON'T KNOW
20 THE COURT WELL, IF YOU ARE GOING
21 TO RECALL BARNARD, NOW DON'T EXPAND BARNARD INTO ANOTHER
22 BRADY BARNARD WAS BASED ON THE IDENTIFICATION OF A
23 MURDER BULLET AS BEING FIRED FROM THE SAME GUN SEVENTY-
24 FIVE PERCENT OF THIS BULLET WAS DESTROYED, LEAVING ONLY
25 TWENTY-FIVE PERCENT FOR IDENTIFICATION PURPOSES NOW,

1 I TAKE IT IF IT HAD ONE HUNDRED PERCENT, IN FACT, IT
2 MIGHT HAVE CHANGED THE OPINION THE CASE SAYS, QUOTE,
3 THIS FACT ALONE, SEVENTY-FIVE PERCENT DESTROYED, TWENTY-
4 FIVE PERCENT LEFT, THIS FACT ALONE CHANGES, RAISES THE
5 POSSIBILITY THAT HAD BERNARD BEEN ASSISTED BY A
6 BALLISTICS EXPERT OF HIS OWN, HE MIGHT HAVE BEEN ABLE
7 TO SHAKE THE IDENTIFICATION TESTIMONY NOW, I TAKE IT
8 THAT THIS TESTIMONY WAS BROUGHT IN AND HE DIDN'T HAVE
9 TIME TO GET AN EXPERT I DON'T THINK HE MOVED FOR A
10 CONTINUANCE, BUT THEY DIDN'T ARGUE ABOUT THAT OR IF HE
11 DID, IT WAS DENIED THEY DIDN'T ARGUE ABOUT THAT WHAT
12 THEY WERE SAYING WAS THE STATE SHOULD HAVE FURNISHED
13 THAT REPORT AFFORDING THEM THE RIGHT FOR YOU TO GO AND
14 GET AN EXPERT, OR GET THAT, ON THAT TWENTY-FIVE PERCENT

15 NOW, I TAKE IT IF IT HAD BEEN ONE
16 HUNDRED PERCENT INTACT, NO PLACE TO ARGUE THERE WOULD
17 HAVE BEEN NOTHING ABOUT IT IT BOILS DOWN TO OPINION
18 TESTIMONY, WHICH CAN VARY THE ONLY THING I CAN DO IS
19 TELL THEM, IF THEY HAVE GOT IT, IF THEY HAVE GOT THE
20 REPORT, HAD AN EXAMINATION GIVEN TO YOU AND THEN YOU,
21 IN TURN CAN GET WHATEVER YOU THINK IS NECESSARY

22 MR VERMONT YES, SIR I JUST WANTED
23 TO MAKE SURE THE COURT'S RULING EXTENDED BEYOND FIREARMS

24 THE COURT NO, SIR

25 MR VERMONT I THINK THE PRINCIPLE--

1 THE COURT NO, SIR, MY RULING
2 EXTENDED TO BRADY THEY'VE GOT TO GIVE YOU THE REPORTS
3 OF ANYTHING THEY ARE GOING TO USE

4 MR VERMONT YES, SIR I WANT TO
5 MAKE SURE THE RECORD REFLECTS, YOUR HONOR, THAT MY,
6 MY BELIEF IS THAT BARNARD HAS A DIFFERENT GROUNDING
7 THAN THE--

8 THE COURT IF IT, IT MAY HAVE TO,
9 YOU MAY BE ENTIRELY CORRECT, BUT IF IT ENDS UP THE SAME
10 AS A BRADY MOTION, THEN THERE IS NO NEED FOR ME TO HAVE
11 TWO BRADYS I WANT TO KEEP IT IN THE BRADY MOTION

12 MR VERMONT I MAKE THE MOTION,
13 YOUR HONOR, UNDER BERNARD, DIFFERENT FROM BRADY THIS
14 IS NOT ASKING FOR EXCULPATORY--

15 THE COURT YOU MAY THINK SO, SIR,
16 AND YOU CAN TAKE THAT UP I AM TELLING YOU NOW, EVEN
17 IF THEY AGREE WITH YOU, IF YOU WERE AFFORDED THE SAME
18 THING THAT YOU WOULD HAVE GOTTEN HERE UNDER BRADY MOTION,
19 IT WOULD BE A WASTE OF YOUR TIME I WANT THEM TO FURNISH
20 WHAT THEY SHOULD UNDER BRADY I AM NOT GOING TO MAKE
21 BRADY LARGER THAN IT STATES IT IS

22 MR VERMONT YES, SIR, I JUST WANT--

23 THE COURT THIS COULD HAVE BEEN
24 DONE UNDER BRADY YOUR BERNARD CASE SHOULD HAVE BEEN
25 DONE UNDER BRADY

13

1 MR VERMONT I AM HAPPILY TO ORALLY
2 AMEND IT IF YOUR HONOR IS GOING TO INCLUDE IN THE BRADY
3 MOTION OTHER EXPERT OPINIONS OR REPORTS OTHER THAN FOR
4 JUST FIREARMS

5 THE COURT WELL--

6 MR VERMONT MY POINT, YOUR HONOR--

7 THE COURT I AM GOING TO READ TO YOU
8 YOUR LAST NUMBER EIGHT PARAGRAPH UNDER BRADY

9 MR VERMONT YES, SIR

10 THE COURT QUOTE ANY OTHER INFORMA-
11 TION OR PHYSICAL EVIDENCE WITHIN THE KNOWLEDGE OF OR
12 POSSESSION OF THE STATE WHICH TENDS TO INDICATE THE
13 INNOCENCE OF THE DEFENDANT, SO FORTH YOU HAVE ASKED
14 FOR IT AND I HAVE TOLD THEM TO FURNISH IT

15 MR VERMONT YES, MY POINT, YOUR
16 HONOR, THERE ARE THINGS THAT WOULD FIT UNDER BERNARD
17 THAT DON'T FIT UNDER BRADY

18 THE COURT I DON'T KNOW WHETHER IT
19 IS OR WOULD OR NOT

20 MR VERMONT MAY I EXPLAIN FOR THE
21 RECORD?

22 THE COURT ALL I WANT TO SAY IS
23 BERNARD TACKLED ONE PROPOSITION AND LEFT, AS YOU SAID,
24 THAT YOU SHOULD HAVE AN OPPORTUNITY TO HAVE AN EXPERT OF
25 YOUR CHOOSING EXAMINE A PIECE OF PHYSICAL EVIDENCE,

1 WHETHER IT BE A GUN OR NOT, WHO'S NATURE IS SUBJECT TO
2 VARYING EXPERT TESTIMONY AND YOU HAVE COVERED THAT
3 FULLY UNDER BRADY I DON'T WANT ATTORNEYS HAVING TO
4 BRING TWO MOTIONS WHEN BRADY COVERS IT ALL

5 NOW IT IS NO MORE THAN AN EXTENSION OF
6 BRADY

7 MR VERMONT MAY I BE HEARD ON THAT,
8 YOUR HONOR?

9 THE COURT I WOULD BE GLAD FOR YOU
10 TO PUT ANYTHING IN THE RECORD I HAVE ALRFADY RULED I
11 DON'T NEED ANY MORE ARGUMENT BUT I WOULD BE GLAD TO HAVE
12 YOU PUT IT IN THE RECORD

13 MR VERMONT I WANT TO PUT IT IN
14 THE RECORD BECAUSE IN NO OFFENSE TO THE COURT, I THINK
15 YOUR HONOR MISSES MY POINT

16 THE COURT NO, SIR, LISTEN TO ME
17 CAREFULLY, CLEARLY I HAVE ORDERED UNDER BRADY, I DON'T
18 CARE WHAT IT IS, IF THEY HAVE HAD IT EXAMNED, THEY HAVE
19 A REPORT, AND IT WOULD TEND TO SHOW THE INNOCENCE OF
20 THE DEFENDANT, THEY ARE TO GIVE IT TO YOU I AGREE WITH
21 THE PRINCIPLE OF BERNARD AND IT IS SO ORDERED ON THE
22 GUN WHICH WE TOOK UP, AND IT SAID ALL EVIDENCE BUT I
23 HAVE INCLUDED THAT IN YOUR BRADY MOTION IF YOU FIND
24 THEY HAVEN'T DONE IT, LET ME KNOW YOU WILL BE PROTECTED
25 I DON'T WANT IT TO BE TWO MOTIONS WHICH REALLY TAKE CARE

1 OF EVERYTHING

2 MR VERMONT MAY I EXPLAIN, YOUR
3 HONOR, I FEEL LIKE THAT THE SCOPE OF YOUR HONOR'S RULING
4 IS STRICTLY WITHIN BRADY THAT BERNARD COVERS MATERIAL
5 WHICH IS NOT IN BRADY

6 THE COURT FINE, I TELL YOU WHAT YOU
7 ARE GOING TO, I AM GOING TO DO IF YOU WANT TO TAKE
8 THAT ON UP, TAKE IT ON UP I HAVE AGREED WITH BERNARD
9 BUT I AM NOT GOING ON MY OWN IN THIS STATE TO SET UP
10 TWO BRADYS

11 ALL RIGHT, THIS SHOULD HAVE BEEN
12 UNDER BRADY, THEY JUST CALLED IT THE BERNARD CASE I
13 TERMED IT BERNARD SO WE KNOW WHAT IT IS IT IS A BRADY
14 MOTION BECAUSE THAT CASE WAS NAMED BRADY, OKAY

15 MR VERMONT I GUESS TO--

16 THE COURT I THINK EVERYTHING THAT
17 COMES ALONG THAT IS GOING TO BE IN IT, IS GOING TO BE
18 IN THE BRADY MOTION AS AMENDED BY THE BERNARD BUT
19 REALLY WE DON'T HAVE BUT ONE MOTION, THAT'S BRADY IT
20 COMES FROM THAT AUTHORITY AND LIKE I SAY, IF YOU DON'T
21 GET WHAT YOU ARE ASKING FOR UNDER THE NAME OF ANY MOTION,
22 AND YOU GET IT, THERE IS NO NEED TO ARGUE ANOTHER MOTION
23 UNLESS YOU WANT TO DEPEND UPON IT

24 MR VERMONT I DON'T WISH TO ABANDON
25 BERNARD, YOUR HONOR, BECAUSE I STILL BELIEVE DESPITE

1 YOUR HONOR'S RULING THAT IT COVERS MATERIAL WHICH IS
2 NOT COVERED IN BPADY IF I MAY EXPLAIN THAT INTO THE
3 RECORD BECAUSE I WANT THE SUPREME COURT TO BE CLEAR
4 ON THE DIFFERENT BASIS, OR WHAT I CONSIDER TO BE THE
5 DIFFERENT BASIS BETWEEN BRADY AND BERNARD BRADY COVERS
6 EXCULPATORY MATERIAL ONLY I FEEL LIKE BERNARD COVERS
7 MATERIAL NOT NECESSARILY EXCULPATORY, WHICH IS SUBJECT
8 TO EXPERT OPINION AND ON THE GROUNDS OF FUNDAMENTAL
9 FAIRNESS TO AVOID SURPRISE AND TO AVOID PLAY AS A
10 PRACTICAL MATTER THAT WE SHOULD BE AFFORDED ACCESS TO
11 THOSE REPORTS AHEAD OF TIME IN ORDER TO BE ABLE TO
12 OBTAIN OUR OWN EXPERTS, EVEN IF THE MATERIAL IS NOT--

13 THE COURT ALL RIGHT, YOU ARE GOING
14 TO GET THAT UNDER YOUR PARAGRAPH EIGHT OF BRADY

15 MR. VERMONT FINE, THANK YOU, YOUR
16 HONOR I APPRECIATE IT

17 THE COURT ACTUALLY YOU ONLY HAVE ONE
18 MOTION BEFORE ME WRITTEN AND I TAKE IT TO BE THIS,
19 WHICH I TAKE IT TO BE REALLY A BRADY MOTION WE DON'T
20 ENTITLE THAT, WE PUT UP THERE "DEFENDANT'S MOTION FOR
21 FAVORABLE EVIDENCE" I HAVE A CASE BEFORE ME, ENTITLED
22 BERNARD CASE AND I HAVE RULED IN YOUR BEHALF, I HAVE
23 RULED WITH YOU BUT I HAVE PLACED IT IN THE PROPER MOTION,
24 THAT'S ALL THE ONES I HAVE BEFORE ME

25 MR. VERMONT I UNDERSTOOD, YOUR HONOR,

1 YOUR RULING ONLY COVERED FIREARMS I WANT IT TO BE
2 EVERYTHING

3 THE COURT I SAID BERNARD CASE WAS
4 ON FIREARMS

5 MR VERMONT YES SIR

6 THE COURT THEY EVEN CITED JUSTICE
7 BRANHAM OF THE SUPREME COURT OF LOUISIANA ON DECENT IN
8 UPHOLDING THIS AND IT DEALT SOLELY WITH A GUN I
9 THINK ALSO THEY DIDN'T GIVE THEM ENOUGH INFORMATION
10 IT'S NO MORE THAN IF THE STATE WENT OUT AND THE FIRST
11 MAN THEY WENT TO DIDN'T SATISFY THEM, HE HAD HIS OWN
12 REPORT, THEY WENT TO ANOTHER ONE, AND HIS WAS GOOD YOU
13 ARE ENTITLED TO BOTH OF THEM OR THE ONE THAT WAS BETTER

14 I THINK THIS IS ONLY AN EXTENSION
15 OF, UH, WOULD HAVE TO BE AN EXTENSION OF BRADY, YOUR BRADY.
16 WHAT I AM TRYING TO GET TO YOU, I ONLY HAVE ONE MOTION
17 BEFORE ME AND I AM TRYING TO INCLUDE WHAT YOU WANT IN
18 THAT ONE MOTION AND PROTECT YOU

19 MR VERMONT MAY I ASK THE ATTORNEY
20 GENERAL REPRESENTATIVES ON THE RECORD IF IT IS CLEAR IF
21 WE UNDERSTAND YOUR HONOR'S RULING?

22 THE COURT I HAVE INFORMED THEM
23 TO GIVE YOU THE REPORT OF ANY TESTS, AND IN THAT REPORT
24 THE RESULTS OF IT AND THEN YOU, SIR, MUST INTERPRET
25 THAT REPORT I AM NOT GOING TO MAKE THEM INTERPRET IT

1 I AM NOT GOING TO MAKE THEM SAY THIS IS VARYING THAT
2 IS UP TO YOU TO DECIDE

3 MR VERMONT BUT YOUR ORDER IS NOT
4 LIMITED TO FIREARMS, IS THAT CORRECT?

5 THE COURT WELL IN YOUR OTHER
6 MOTION THAT IS ALL YOU'VE GOT PLUS YOU PUT A NUMBER
7 EIGHT, ANY AND EVERYTHING ELSE

8 MR VERMONT YES, BUT I MAKE THE
9 MOTION ON BERNARD FOR OTHER MATERIALS

10 THE COURT ANYTHING THEY WOULD HAVE
11 THAT WOULD TEND TO INDICATE INNOCENCE, YOU ARE ENTITLED
12 TO

13 MR VERMONT WELL, I MAINTAIN I
14 AM ENTITLED TO IT EVEN IF IT DOESN'T, UNDER BERNARD,
15 IN ORDER TO AVOID SURPRISE

16 THE COURT THEY MAY NOT HAVE IT
17 WE ARE ARGUING ABOUT A LOT OF THINGS, I DON'T KNOW
18 EVEN WHAT WE ARE ARGUING ABOUT, TO TELL YOU THE TRUTH

19 MR VERMONT COULD I ASK ON THE
20 RECORD, DO THEY INTEND TO PRESENT ANY OTHER EXPERT
21 TESTIMONY OTHER THAN FIREARMS? THAT MAY SETTLE THE
22 ISSUE RIGHT THERE?

23 MR LABRY WE DON'T THINK YOU ARE
24 ENTITLED TO KNOW THAT WE ARE GOING TO COMPLY WITH
25 YOUR HONOR'S RULINGS WE ARE FURNISHING HIM THE RESULTS

1 OF ANY TESTS CONDUCTED, WHETHER OR NOT THE INDICATE
2 CULPABILITY OR EXCULPABILITY

3 MR VERMONT IF THEY INTEND TO DO
4 THAT, I THINK THEY ARE SATISFYING WITH WHAT I WANT

5 THE COURT WELL, IT MUST BE CRITICAL
6 EVIDENCE IN THE FIRST PLACE, IF YOU READ THIS CASE
7 CAREFULLY THEY CITE CRITICAL EVIDENCE NOT OPINION
8 EVIDENCE JUST SOLELY BASED ON OPINION OR HYPOTHETICAL
9 IT IS BASED ON CRITICAL EVIDENCE AND WHAT THEY ARE
10 BASING IT ON, AS FAR AS I CAN TELL, THAT IS THAT OPINION
11 TESTIMONY IN THE EVIDENCE INDICATES IT, RESULTS TO THAT
12 IT COULD BE VARYING HE IS ENTITLED TO KNOW THAT SO HE
13 CAN GET HIS OWN

14 I AM NOT GOING TO INCREASE, I DON'T
15 KNOW EXACTLY HOW TO PUT IT, BUT THE BRADY IS VERY CLEAR
16 WHAT IT SAYS YOU'VE GOT TO DO I AM NOT GOING TO CHANGE
17 THAT RULE BUT I RULE WITH YOU THAT IF THEY HAVE
18 ANYTHING THAT IS SUBJECT TO VARYING OPINION TESTIMONY TO
19 LET YOU HAVE IT THAT'S ALL I THINK YOU ARE ENTITLED
20 TO IT

21 MR VERMONT THANK YOU

22 THE COURT WHAT IF IT HAD BEEN ONE
23 PERCENT OF THE BULLET LEFT? YOU KNOW, ANY FOOL COULD'VE
24 LOOKED AT THAT AND SAID ANY OPINION I THINK YOU ARE
25 ENTITLED TO IT THAT'S, SO IF YOU HAVE GOT ANYTHING

1 OF VARYING EVIDENCE, CRITICAL EVIDENCE, CRITICAL
2 EVIDENCE BASED SOLELY ON OPINION TESTIMONY THAT IS IN
3 SUCH CONDITION THAT IT WOULD BRING ABOUT VARYING OPINION,
4 HE SHOULD HAVE IT

5 ANYTHING ELSE?

6 MR MABRY YES, YOUR HONOR I AM
7 NOT CLEAR NOW I UNDERSTOOD YOUR HONOR'S ORIGINAL
8 RULING TO BE THE STATE WAS REQUIRED TO TURN OVER TO THE
9 DEFENSE COPIES OF REPORTS AND TESTS RESULTS

10 THE COURT THAT IS CORRECT

11 MR MABRY AND THAT IS IT

12 THE COURT AS FAR AS GUNS CONCERNED
13 UNDER BRADY MOTION NUMBER EIGHT HE SAYS I ALSO WANT
14 ANY OTHER INFORMATION THAT COULD TEND TO SHOW INNOCENCE
15 ON MY CLIENT HE IS ENTITLED TO IT

16 MR MABRY YES, SIR, I UNDERSTAND
17 THAT HOWEVER, I DON'T WANT TO EXPAND BRADY BEYOND ITS
18 SCOPE NOR GO BEYOND HIS BERNARD

19 THE COURT I AM TRYING TO KEEP
20 EVERYTHING WITHIN BRADY AND I THINK, IF YOU'VE GOT
21 A FINGERPRINT, AND YOU ARE GOING TO USE AN EXPERT, OF
22 COURSE, YOU HAVE TO--AND IN READING THE OTHER CASE, AND
23 I THINK IT IS RIGHT, IT WOULD FIT UNDER BRADY IF
24 THAT FINGERPRINT WAS SUCH THAT THEY COULD ONLY GET
25 SO MANY POINTS, NOT ENOUGH BUT ENOUGH TO GIVE AN

1 OPINION, BUT THAT OPINION COULD VARY I'E WOULD BE
2 ENTITLED TO KNOW THAT ON THE TEST RESULTS SO THAT HE
3 COULD GET HIS OPINION AND SAY THAT MAN IS WRONG

4 AND BASICALLY IT FITS UNDER BRADY
5 I AM NOT TRYING TO JUST ENLARGE THE BRADY RULE, I AM
6 TRYING TO FIT EVERYTHING INTO IT

7 MR MABRY YES, SIR

8 THE COURT AND AS THEY SAID,
9 FUNDAMENTAL FAIRNESS AND I THINK THAT WOULD BE TRUE
10 TO WITHHOLD AN EXPERT TESTIMONY ON A FINGERPRINT WITH
11 ONLY NINE POINTS WERE IDENTIFIED AND YOU NEED AT LEAST
12 FIFTEEN TO MAKE A GOOD OPINION, THE NINE COULD CAUSE
13 VARYING OPINIONS AND YOU KNOW THAT, HE IS ENTITLED
14 TO KNOW IT SO THEN HE COULD, THAT'S NO MORE THAN A
15 WRITTEN STATEMENT, IN A FORM, DIFFERENT FORM IT IS
16 EVIDENCE IF THAT EVIDENCE WOULD TEND TO SHOW HIS
17 INNOCENCE IN ANYWAY, HE IS ENTITLED TO HAVE IT SO
18 THAT FITS UNDER BRADY

19 AND I THINK THAT WOULD BE FUNDAMENTAL
20 FAIRNESS J AM TRYING TO FIT YOUR BERNARD IN BRADY
21 AND MAKE IT WORK

22 MR VERMONT I APPRECIATE THAT
23 CREATIVE READING, YOUR HONOR I HADN'T SEEN IT THAT
24 WAY I DO NOT ABANDON MY--

25 THE COURT WELL, THERE IS NO SUCH

1 THING AS A BERNARD MOTION, HASN'T GOTTEN NAMED YET

2 MR VERMONT WELL, I JUST MADE IT

3 THE COURT WELL, LATER WE WILL HAVE

4 A BERNARD, WE'LL HAVE A BRADY, WE'LL HAVE A SMITH, WE

5 WILL HAVE A THOMPSON ALL KINDS OF MOTIONS AND WE

6 WILL NEVER KNOW WHERE WE ARE LET'S KEEP IT UNDER ONE

7 NAME

8 MR VERMONT WF MAY HAVE A CAMPBELL,

9 YOUR HONOR, IF THIS THING GETS GOING

10 THE COURT WELL, THAT IS ONE WAY

11 TO GET YOUR NAME IN PRINT

12 MR VERMONT THAT IS A LONG WAY I

13 DON'T WANT TO DO IT, YOUR HONOR

14 (AT THAT POINT THIS HEARING IS

15 ADJOURNED)

16

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CERTIFICATION BY THE COURT REPORTER

I, THE UNDERSIGNED SUZANNE J BARCZAK, OFFICIAL
COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE
STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF
RECORD OF ALL PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN
THE TRIAL OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN
THE COURT OF GENERAL SESSIONS FOR THE FIFTH JUDICIAL
CIRCUIT, RICHLAND COUNTY, SOUTH CAROLINA ON FIFTEENTH
DAY OF APRIL, 1982

I FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTIES HERETO

Nov 14, 1982
NOVEMBER 14, 1982

Suzanne J Barczak
SUZANNE J BARCZAK
OFFICIAL COURT REPORTER

COLUMBIA, SOUTH CAROLINA

Vol I

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF RICHLAND) IN THE GENERAL SEESIONS COURT

3
 4 STATE OF SOUTH CAROLINA,)
 5 VERSUS) TRANSCRIPT OF RECORD
 6 FRANCIS OWNES CAMPBELL,) TRIAL
 7 DEFENDANT) 82-GS40-537
 8) APRIL 26,27,28,29,30,31,1982
 9) COLUMBIA, SOUTH CAROLINA

10 B E F O R E

11 HONORABLE WILLIAM HOWARD BALLENGER, JUDGE/JURY

12 A P P E A R A N C E S

13 BUFORD S MABRY, JR, ASSISTANT ATTORNEY GENERAL
 14 SCOTT ELLIOTT, ASSISTANT ATTORNEY GENERAL
 15 APPEARING ON BEHALF OF THE STATE

16 VENABLE VERMONT, JR , ASSISTANT PUBLIC DEFENDER
 17 JOY S GOODWIN, ASSISTANT PUBLIC DEFENDER

18
 19
 20
 21
 22
 23 SUZANNE J BARCZAK
 24 OFFICIAL COURT REPORTER
 25 FIFTH JUDICIAL CIRCUIT

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1 MR VERMONT IF YOUR HONOR PLEASE,
2 A PRELIMINARY MATTER? MR CAMPBELL IS AT WATKINS PRE-
3 RELEASE CENTER, WAS UNTIL FRIDAY FOR PURPOSES OF COURT
4 CONVENING HE WAS TRANSFERRED BY THE SHERIFFS DEPARTMENT
5 ON FRIDAY AFTERNOON TO RICHLAND COUNTY DETENTION CENTER
6 WHERE HE SPENT THE WEEKEND AND WILL BE ALL OF THIS
7 WEEK DURING THE TRIAL I WOULD LIKE THE COURT TO DIRECT,
8 JUST IN CASE THERE IS ANY PROBLEM ABOUT THAT, ABOUT THE
9 RICHLAND COUNTY DETENTION CENTER OFFICIAL MAKE AVAILABLE
10 TO HIM THE NORMAL SHOWER AND SHAVE AND THAT SORT OF THING
11 THAT HE WOULD HAVE AVAILABLE AT WATKINS

12 OF COURSE, THEY DO NOT PROVIDE THAT
13 FOR THE INMATES ON A DAILY BASIS

14 THE COURT WELL, EVEN IF THEY DIDN'T
15 HAVE IT AT WATKINS, I AM NOT GOING TO BASE IT ON WHAT
16 HE HAD AT WATKINS BASE IT ON THE FACT THAT HE IS
17 ENTITLED TO HAVE A GOOD CLEAN APPEARANCE EVERYDAY IN
18 COURT MAKE SURE THAT HE HAS THAT OPPORTUNITY

19 MR VERMONT THEY SAID THAT THEY
20 WILL PASS THE WORD ALONG, THANK YOU

21 THE COURT ALL RIGHT, NEXT CASE
22 NUMBER 82-GS40-0537 I WILL REPEAT THAT WHEN THE JURY
23 COMES IN FOR THE RECORD THE MATTER I AM GOING TO TAKE
24 UP NOW I HAVE GONE THROUGH, BOTH THE STATE'S REQUESTS
25 FOR VOIR DIRE AND THE DEFENSE'S

1 I AM GOING TO ASK THE USUAL QUESTIONS
2 AND WITHIN REASON THE QUESTIONS YOU HAVE REQUESTED MAY
3 BE DIFFICULT IN WHAT YOU ARE ASKING AND, OF COURSE, IF
4 I AM WRONG, EITHER OF YOU HAVE THE RIGHT TO APPEAL
5 THERE ARE SOME IN BOTH THAT I AM JUST NOT GOING TO ASK,
6 ONE, FOR INSTANCE, WHEN I ASK DO YOU KNOW OF ANY REASON
7 WHATSOEVER THAT YOU COULD NOT GIVE BOTH THE STATE AND THE
8 DEFENSE A FAIR AND IMPARTIAL TRIAL, THAT INCLUDES ALL
9 THIS RELIGIOUS, AND EVERYTHING ELSE AS FAR AS I AM
10 CONCERNED ONE, WHAT ARE YOUR PREJUDICES? NOW, WE
11 DON'T NEED ALL THAT I'LL ASK ARE THEY CONSCIOUS OF
12 ANY PREJUDICE OR BIAS FOR OR AGAINST THE STATE, BUT IF
13 I JUST ASK THEM WHAT ARE YOUR PREJUDICES, I MAY BE
14 AN HOUR LISTENING TO SOMEBODY

15 AS TO THE MATTER OF THE FOLLOWING,
16 WHETHER THEY WOULD DO THIS OR THAT, AS TO CIRCUMSTANTIAL,
17 AS TO EVERYTHING ELSE, MY QUESTION IS, WILL THEY FOLLOW
18 THE LAW AS I HAVE CHARGED IT TO THEM WHETHER THEY
19 AGREE TO IT OR NOT I'D RATHER KNOW THAT THAN SOME OF
20 THESE OTHERS AS FAR AS I AM CONCERNED THAT COVERS IT
21 IF THEY CANNOT THEY CAN TELL ME IF THEY CAN, FINE

22 AS TO THE STATE, WHAT IS YOUR
23 OCCUPATION? WELL, THAT IS ON THE INFORMATION SHEET
24 WHEN THEY COME UP THEY USUALLY GIVE THEIR OCCUPATION
25 AGAIN

1 WHETHER THEY ARE MARRIED OR NOT IS
2 AVAILABLE TO YOU SO WE DON'T NEED TO GO INTO THAT NUMBER
3 ELEVEN FOR THE DEFENDANT, I'D BE GLAD TO ASK IT BUT IT
4 IS OF NO CONSEQUENCE I THINK EVERYONE IS IN FAVOR OF
5 LAW AND ORDER, ABOUT IF YOU WANT IT I WILL BE GLAD TO
6 ASK IT, THOUGH, IF YOU WANT ME TO

7 MR VERMONT YES, PLEASE

8 THE COURT NUMBER TWELVE WILL COME
9 OUT IN MY CHARGE WHEN I ASK THEM WILL THEY FOLLOW THE
10 LAW AS A MATTER OF FACT, NUMBER FOURTEEN, I WOULD NOT
11 ASK MY CHARGE SAYS THAT THEY SHALL NOT YOU SEE THE
12 DIFFERENCE I AM TALKING ABOUT? NOW, WHAT ARE SOME OF
13 YOUR PREJUDICES? I DON'T KNOW WHETHER THEY WILL EVER
14 QUIT

15 NUMBER TWENTY, I CHARGE THEM THAT
16 THEY MAY NOT UNDERSTAND THAT THERE IS NO WAY IN THE
17 WORLD TO UNDERSTAND THESE QUESTIONS UNTIL YOU CHARGE
18 THEM THE LAW TWENTY-ONE, THAT IS A CHARGE ON THE LAW
19 TWENTY-TWO, THEY DON'T EVEN KNOW THAT UNTIL I CHARGE IT
20 TO THEM TWENTY-THREE THE SAME

21 MR VERMONT MAY I MAKE A COMMENT
22 ON THAT?

23 THE COURT YES, YOU MAY MAKE ALL
24 THE COMMENTS YOU WOULD LIKE

25 MR VERMONT MY PURPOSE OF ASKING

1 AND HAVING THESE QUESTIONS AT THE BEGINNING IS TO ORIENT
2 THEM AS TO LAW AS EARLY AS POSSIBLE I FEEL IT IS VERY
3 EDUCATIONAL

4 THE COURT YES, BUT I AM NOT GOING
5 INTO ANY GREAT DEGREE IN ANY LAW I WANT TO KNOW WHETHER
6 THEY WILL FOLLOW IT OR NOT, WHETHER THEY LIKE IT OR NOT
7 THAT'S ALL I WANT TO KNOW THEY MIGHT NOT LIKE IT BUT
8 THEY HAVE TO FOLLOW WHAT I CHARGE

9 MR VERMONT THAT IS YOUR CONCERN,
10 BUT MY UNDERSTANDING IS TO HAVE THEM UNDERSTAND WHAT IT
11 IS EARLY ON

12 THE COURT WELL, THERE IS NO WAY FOR
13 THEM TO UNDERSTAND WITH A QUESTION LIKE THAT THEY'D
14 BE ANSWERING WRONG WITHOUT KNOWING WHAT THE LAW IS
15 THAT'S MY THING TO DO

16 NUMBER TWENTY-FIVE, I AM NOT GOING TO
17 ASK THEM THAT IT IS NONE OF MY BUSINESS WHAT THEY DO
18 THEY HAVE GOT A RIGHT TO GO EITHER WAY IF I'M WRONG
19 THEY'LL CORRECT ME AND WE WILL DRAW UP ANOTHER LIST OF
20 QUESTIONS THAT I'M MEANT TO ASK

21 MR VERMONT I AM AFRAID THEY WON'T
22 SAY YOU ARE WRONG, YOUR HONOR, SINCE IT IS MOSTLY
23 DISCRETIONARY BUT I FEEL LIKE WE NEED TO TELL THE JURY
24 HE CAN HOLD ONTO HIS OWN OPINION THAT IS THE PURPOSE
25 OF A QUESTION LIKE THAT

1 THE COURT I JUST DON'T KNOW ABOUT
2 THAT ANYWAY, SIR I WILL DO THE BEST I CAN AND IF I AM
3 WRONG YOU CAN APPEAL

4 MR VERMONT DOES YOUR HONOR INTEND
5 TO ASK THE QUESTIONS I HAVE IN THERE ABOUT THE NEWSPAPER
6 COVERAGE? I FEEL LIKE THAT IS VERY IMPORTANT

7 THE COURT SOME OF IT I AM NOT GOING
8 ON AND ON I AM NOT EVEN GOING TO MENTION A PRELIMINARY
9 HEARING I AM JUST GOING TO ASK IF YOU READ ANY NEWSPAPER
10 ACCOUNT THERE'S NO NEED FOR ME TO GO INTO THESE FACETS
11 AND EMPHASIZE THEM

12 MR VERMONT WELL, THAT IS WHEN IT
13 WAS IN THE PAPER

14 THE COURT IT MAY HAVE BEEN BUT I
15 JUST WANT TO KNOW IF THEY READ ANYTHING ABOUT IT IF
16 THEY DID CAN THEY STILL BE FAIR AND IMPARTIAL JURORS
17 AND RETURN THE VERDICT ON THE SOLE EVIDENCE THAT THEY
18 HEAR I AM GOING INTO THAT BUT I AM NOT GOING INTO
19 THE PRELIMINARY HEARING AND ALL THAT KIND OF--

20 MR VERMONT I TAKE IT, YOUR HONOR
21 IS IMPLICITLY DENYING MY MOTION THAT I BE ALLOWED TO
22 CONDUCT A VOIR DIRE?

23 THE COURT YES, SIR NOT ONLY
24 PHYSICALLY BUT I DON'T KNOW ANY REASON TO GIVE YOU THE
25 RIGHT TO DO THAT THANK YOU, SIR

1 THE ONLY TIME I KNOW THAT IT IS GIVEN
2 AS TO STATUTORY LAW IN CAPITAL PUNISHMENT I DON'T KNOW
3 OF ANY LAW THAT SAYS THE ATTORNEYS WILL IN THIS STATE
4 CONDUCT A VOIR DIRE, EXCEPT IN CAPITAL CASES AND I
5 AM NOT GOING TO CHANGE THAT RULE IF IT NEEDS CHANGING
6 THEY HAVE GOT FIVE OF THEM DOWN THERE TO DO IT

7 MR MABRY IF IT PLEASE THE COURT,
8 THE STATE HAS TWO RESERVATIONS ABOUT DEFENDANT NUMBER
9 THIRTEEN AND ABOUT DEFENDANT NUMBER NINETEEN I INQUIRE
10 OF THE COURT IF THE COURT INTENDS TO ASK THE--

11 THE COURT THAT IS A MATTER OF LAW

12 MR MABRY SIR?

13 THE COURT I AM NOT GOING TO CHARGE
14 THE LAW AT THIS STAGE NUMBER TWENTY-SIX, THAT IS A
15 MATTER OF LAW THEY DON'T KNOW THAT BEFORE YOU KNOW IT
16 I AM GOING TO CHARGE THE ENTIRE CHARGE WHEN I DON'T
17 EVEN KNOW WHAT THE CHARGE WILL BE IF I CHARGE SOMETHING
18 WRONG I WILL GIVE YOU A PERFECT RIGHT TO APPEAL

19 I WILL DO THE BEST I CAN IF YOU DO
20 HAVE ANY EXCEPTIONS COME ON UP HERE BOTH OF YOU AND SEE
21 IF WE CAN DO SOMETHING ABOUT IT

22 MR VERMONT WELL, I WILL NOTE MINE
23 GENERALLY FOR THE RECORD, YOUR HONOR

24 THE COURT I AM GOING TO GIVE THIS
25 TO HER AND YOU WILL HAVE EVERYTHING YOU NEED

1 MR VERMONT YES, THANK YOU

2 THE COURT ALL RIGHT, OTHER THAN THAT
3 ARE WE READY TO PROCEED?

4 MR MABRY THE STATE IS READY, YOUR
5 HONOR

6 THE COURT DEFENSE?

7 MR VERMONT YES, SIR, WE ARE READY

8 THE COURT I MAY GO A LITTLE FURTHER
9 AND PUBLISH THIS TO SOME DEGREE TO THE PANEL SO THEY
10 WILL KNOW WHAT CASE IT IS

11 MR MABRY NOT HAVING BEEN BEFORE
12 YOUR HONOR EXCEPTION MOTION, DO YOU ALLOW BRIEF OPENING
13 STATEMENTS?

14 THE COURT BRIEF OPENING STATEMENTS
15 BRILLIANT, CONCISE, BRIEF OPENING STATEMENTS NOT CLOSING
16 ARGUMENTS

17 MR MABRY YES, SIR

18 THE COURT ANOTHER RULE OF MINE IS
19 BEFORE THEY GET HERE, IF THE ATTORNEYS WILL STAY AWAY
20 FROM THE WITNESSES UNLESS IT IS NECESSARY TO HAVE SOMETHING
21 TO HAND THEM TO SHOW THEM STAND BACK, THAT IS FOR THE
22 STATE AND DEFENSE

23 MR VERMONT THAT GOES FOR THE WITNESSES
24 AND TO THE ATTORNEYS, TOO, I TAKE IT

25 (ROLE CALLED)

1 THE COURT ALL RIGHT, LADIES AND
2 GENTLEMEN, THE FIRST CASE FOR TRIAL THIS WEEK, NUMBER
3 82-GS40-0537, THE STATE VERSUS FRANCIS OWENS CAMPBELL
4 INDICTMENT FOR MURDER TRUE BILL HAVING BEEN RETURNED
5 DURING THE MARCH 1982 TERM OF COURT

6 NOW THIS IS NOT EVIDENCE, AND I WILL
7 CHARGE THAT LATER IT MERELY SETS OUT THE INDICTMENT,
8 ALL IT DOES IS SET OUT THE CHARGES THAT HAVE BEEN MADE
9 AGAINST A DEFENDANT AND I'VE TOLD YOU THIS INDICTMENT
10 SETS OUT THE ALLEGED CHARGE OF MURDER OF AN OLIN DD WILSON
11 CHARGING FRANCIS OWENS CAMPBELL WITH THAT ALLEGED
12 VIOLATION

13 NOW IS THE STATE READY?

14 MR MABRY YES, YOUR HONOR

15 THE COURT AND THE DEFENSE IS READY?

16 MR VERMONT YES, CORRECT

17 THE COURT I AM GOING TO ASK THE
18 FOLLOWING QUESTIONS, IF YOU DO NOT UNDERSTAND THEM JUST
19 TELL ME I DO NOT UNDERSTAND I AM GOING TO ASK YOU
20 THESE QUESTIONS IN SUCH A WAY THAT YOU WILL ANSWER YES OR
21 NO OR YOU WILL EITHER STAND UP OR REMAIN SEATED I
22 WOULD APPRECIATE THAT YOU NOT VOLUNTEER ANY INFORMATION
23 THAT YOU MIGHT HAVE JUST ANSWER THEM PLEASE IN THE
24 MANNER IN WHICH I ASK

25 FIRST, I AM GOING TO ASK YOU IF ANY

1 OF YOU ARE RELATED BY BLOOD OR MARRIAGE OR WERE RELATED
2 BY BLOOD OR MARRIAGE TO THE DECEASED OLIN D WILSON, IF
3 SO I ASK YOU TO PLEASE STAND

4 NOW I ASK YOU IF ANY OF YOU ARE RELATED
5 BY BLOOD OR MARRIAGE TO FRANCIS OWENS CAMPBELL? IF YOU
6 WOULD STAND UP PLEASE, SIR, SO THEY CAN SEE YOU?

7 (DEFENDANT STANDS)

8 THE COURT IF SO PLEASE STAND? THANK
9 YOU, SIR, YOU MAY BE SEATED

10 NOW, I AM GOING TO NAME A LIST OF
11 PROPOSED WITNESSES THAT MAY OR THEY MAY NOT TESTIFY IF
12 YOU ARE RELATED BY BLOOD OR MARRIAGE OR PERSONAL ACQUAINTANCES
13 OF ANY OF THESE PEOPLE I ASK YOU TO PLEASE STAND?
14 DELORES E MOCK, THAT'S M O C K, VIRGINIA ANNE WILSON,
15 JAMES B OWENS, JAMES E HICCOCK

16 THE CLERK YOUR HONOR, WE HAVE A
17 RESPONSE

18 JUROR I AM ACQUAINTED WITH MR
19 HICCOCK

20 THE COURT HOW CLOSE ACQUAINTANCE IS
21 THAT?

22 JUROR WE BOTH WORK IN THE SAME
23 COMPANY AND OCCASIONALLY ATTEND MEETINGS

24 THE COURT WOULD THAT HAVE ANY
25 EFFECT WHATSOEVER ON YOUR BEING ABLE TO BE FAIR AND JUST

1 TO BOTH SIDES?

2 JUROR NOT THAT I KNOW OF

3 THE COURT FINE

4 THE CLERK YOUR NAME, MA'AM?

5 JUROR CYNTHIA JOINER

6 THE COURT THE NEXT NAME IS DEBBIE FAYE
7 HICCOCK AND YOU MAY BE ACQUAINTED WITH HER, TOO? NO
8 THOMAS CAMPBELL, ELAINE C TAYLOR, KENNETH MC CARR,
9 GEORGE CONNELLY, IRA B PARNELL, JOE BE CASSELLS, RICHARD
10 STONE, STEVE HARPER, D I BLACKWELL, DOUG HORNSBY, SUE
11 HORNSBY, JESSE D RAYMOND, THEODORE WILSON, TALLY WILSON,
12 HERBIE POU, THAT'S P O U

13 NOW, THE CHARGE AS I HAVE TOLD YOU
14 BEFORE IS MURDER WOULD THE NATURE OF THE CHARGE OF
15 MURDER AGAINST ANYONE, WOULD THIS AFFECT YOUR ABILITY TO
16 BE FAIR AND IMPARTIAL, AND IF IT WOULD PLEASE STAND?

17 NOW, WOULD THE, SO I WILL INSTRUCT
18 YOU JUST BRIEFLY FURTHER, THE JURORS ALWAYS ARE THE
19 SOLE JUDGES OF THE FACTS IN THE CASE AND EVIDENCE AND
20 THE WEIGHT TO BE GIVEN TO IT, THE TRUTH OR WANT OF
21 TRUTH OF THE TESTIMONY THE COURT HAS NOTHING WHATSOEVER
22 TO DO WITH THAT SO, I AM GOING TO ASK YOU WOULD THE
23 TESTIMONY OF A POLICE OFFICER, BECAUSE OF THE FACT THAT
24 HE IS A POLICE OFFICER, WOULD YOU GIVE IT MORE WEIGHT
25 THAN ANY OTHER WITNESS WHO TESTIFIES ON THE WITNESS

1 STAND, JUST BECAUSE OF THAT FACT NOW, IF SO I ASK YOU
2 TO PLEASE STAND?

3 NOW, ARE YOU OR ANY MEMBER OF YOUR
4 FAMILY OR IMMEDIATE MEMBER OF YOUR FAMILY OR A VERY
5 CLOSE FPIEND, I WILL PUT IN A CLOSE FRIEND, PRESENTLY
6 OR FORMERLY EMPLOYED BY THE COLUMBIA POLICE DEPARTMENT,
7 RICHLAND COUNTY SHERIFF'S DEPARTMENT, STATE LAW ENFORCE-
8 MENT DIVISION, SOLICITORS OFFICE, THE PUBLIC DEFENDERS
9 OFFICE OR THE ATTORNEY GENERALS OFFICE, IF SO PLEASE
10 STAND?

11 NOW, I WILL ASK YOU THIS, HAVE YOU
12 DISCUSSED THIS CASE WITH ANYONE OR LISTENED TO ANY OF
13 THE NEWS MEDIA OR REMEMBER HEARING OF THE NEWS MEDIA
14 WHICH WOULD BE RADIO, TELEVISION OR NEWSPAPER ABOUT THIS
15 CASE? IF SO PLEASE STAND?

16 HAVE YOU DISCUSSED THIS CASE WITH
17 ANYONE AT ALL, LISTEN TO ANYONE DISCUSS IT, IF SO PLEASE
18 STAND?

19 HAVE YOU EVER BEEN THE VICTIM OF A
20 CRIME OR THE COMPLAINANT OR THE VICTIM, YOU MIGHT SAY,
21 IN A CRIMINAL CASE, IF SO I ASK YOU TO PLEASE STAND?

22 JUROR SOMEONE USED SOME CHECKS
23 AGAINST MY NAME ILLEGALLY STOLE SOMETHING OF MINE I
24 WENT TO COURT

25 THE COURT WOULD THE FACT OF ANY OF

16

1 THAT, WOULD THAT IN ANYWAY KEEP YOU FROM BEING A FAIR
2 AND IMPARTIAL AND JUST JUROR IN THIS CASE?

3 JUROR I DON'T THINK SO

4 THE COURT YOUR NAME PLEASE, MA'AM?

5 JUROR DEBRA REED

6 THE COURT THANK YOU VERY MUCH

7 HAVE YOU EVER TESTIFIED AS A WITNESS
8 IN A CRIMINAL CASE, IF SO PLEASE STAND YOU MAY HAVE, I
9 HAVE ALREADY GOT YOUR NAME ANYONE ELSE?

10 ARE YOU A MEMBER OF ANY GROUP ORGANIZED
11 PRIMARILY FOR THE SUPPRESSION OR CONTROL OF CRIME, PLEASE
12 STAND?

13 NOW, I TOLD YOU A WHILE AGO, YOU ARE
14 THE JURORS AND WILL BE THE SOLE JUDGES OF THE FACTS IN
15 THE CASE I CAN'T EVEN INTIMATE ANY OPINION I HAVE ALONG
16 THAT LINE YOU ARE THE SOLE JUDGES OF THE TRUTH OR THE
17 WANT OF TRUTH YOU ARE THE SOLE JUDGES OF THE WEIGHT TO
18 BE GIVEN THE TESTIMONY EVERYONE WHO TESTIFIES IS CALLED
19 A WITNESS AND YOU ARE THE JUDGE OF THAT I AM NOT
20 HOWEVER, I AM THE JUDGE OF THE LAW AND YOU HAVE TO TAKE
21 THE LAW AS I GIVE IT TO YOU WHETHER YOU LIKE IT OR NOT

22 SO, NOW I AM GOING TO ASK YOU EVEN
23 IF YOU MAY NOT AGREE WITH THE LAW THAT I CHARGE YOU,
24 WOULD YOU ABIDE BY THAT LAW? AND IF YOU WOULD NOT I
25 WOULD ASK YOU TO PLEASE STAND?

1 NOW, IF YOU SHOULD, BY ADVERTENCE OR
2 INADVERTENCE DURING THE TRIAL BECOME ACOUAINED WITH
3 ANY OF THE WITNESSES IN THE CASE ON EITHER SIDE, I WOULD
4 ASK YOU TO LET ME KNOW ABOUT THAT DURING THE TRIAL

5 I WILL ASK YOU IF ANY OF YOU ARE
6 CLOSELY ACQUAINTED WITH ANY MEMBERS OF THE DEFENDANT'S
7 FAMILY, IF SO PLEASE STAND?

8 JUROR I WOULD LIKE TO MAKE A STATEMENT
9 I MAY OR MAY NOT HAVE BEEN IN CONTACT WITH THE DEFENDANT
10 AT ONE TIME I KNOW THAT THEY SEND A LOT OF PEOPLE TO
11 THE STATE HOSPITAL FOR EVALUATION

12 THE COURT ALL RIGHT, JUST LET ME
13 KNOW THAT YOU ARE ACQUAINTED WITH HIM, THAT'S ALL WOULD
14 THAT HAVE ANY EFFECT WHATSOEVER ON YOUR VERDICT IN A CASE,
15 MA'AM? JUST SAY YES OR NOT, NOTHING ELSE?

16 JUROR IT COULD .

17 THE COURT ALL RIGHT, FINE, YOUR
18 NAME PLEASE MA'AM?

19 JUROR MARGARFT RICH

20 THE COURT ALL RIGHT, YOU ARE WITHDRAWN
21 AS A JUROR

22 MR VERMONT YOUR HONOR PLEASE, MAY
23 MR MABRY AND I APPROACH THE BENCH?

24 THE COURT YES, SIR, I WOULD BE
25 GLAD FOR YOU TO APPROACH (OFF THE RECORD DISCUSSION, OUT

1 OF HEARING OF VENIRE AND COURT REPORTER)

2 THE COURT NOW I AM GOING TO ASK YOU
3 IF YOU ARE ACQUAINTED WITH OR HAVE YOU RETAINED OR IN _
4 THE PAST OR HAVE NOW RETAINED ANY OF THESE PERSONS WHO
5 WILL GET UP AND GIVE YOU THEIR NAMES? IF YOU WILL, SIR,
6 GET UP AND TELL WHO YOU ARE IF YOU ARE RELATED BY BLOOD
7 OR MARRIAGE LET ME KNOW

8 MR MABRY THANK YOU, YOUR HONOR, MY
9 NAME IS BUFORD MABRY I AM ASSISTANT ATTORNEY GENERAL,
10 I WORK FOR DAN MC CLEOD AND OUR OFFICE IS LOCATED JUST
11 BEHIND THE STATE CAPITOL BUILDING I WILL BE TALKING TO
12 YOU A LITTLE BIT LATER ON TO TELL YOU WHY THE ATTORNEY
13 GENERALS OFFICE IS HANDLING THIS CASE RATHER THAN THE
14 SOLICITORS OFFICE

15 THE COURT ALL RIGHT, HOW MANY DO
16 YOU HAVE IN THE ATTORNEY GENERALS OFFICE?

17 MR MABRY I BEG YOUR PARDON?

18 THE COURT HOW MANY PERSONS DO YOU HAVE
19 IN THE ATTORNEY GENERALS OFFICE?

20 MR MABRY PERSONS OR LAWYERS?

21 THE COURT PERSONS, LAWYERS, TOO? GIVE
22 ME A NUMBER?

23 MR MABRY I THINK WE HAVE ABOUT
24 FIFTY-FIVE LAWYERS WHO HANDLE ALL ASPECTS OF LITIGATION
25 WITH THE STATE AND WE HAVE GOT SOME MORE PERSONNEL,

1 SECRETARIES, SOME INVESTIGATORS AND TRIAL SUPPORTS AND
2 THINGS LIKE THAT

3 THE COURT ALL RIGHT, IF ANY OF
4 YOU ARE RELATED BY BLOOD OR MARRIAGE TO ANYONE WHO WORKS
5 IN THE ATTORNEY GENERALS OFFICE OF SOME FIFTY-FIVE OR
6 SOMEWHERE AROUND THAT NUMBER, OR VERY CLOSELY ACQUAINTED
7 WITH THEM, I ASK YOU TO PLEASE STAND?

8 MR ELLIOTT I AM SCOTT ELLIOTT I
9 AM PRIVATE PRACTICE HERE IN COLUMBIA AND HAVE BEEN FOR
10 THE PAST SIX WEEKS PRIOR TO THAT I WAS WITH THE ATTORNEY
11 GENERALS OFFICE, ALSO

12 THE COURT ALL RIGHT, THANK YOU, SIR
13 NOW, IF YOU ARE RELATED TO THIS YOUNG MAN BY BLOOD OR
14 MARRIAGE OR YOU ARE, HAVE RETAINED HIM I ASK YOU TO PLEASE
15 STAND? ALL RIGHT, SIR? YOU NEXT, MR VERMONT?

16 MR VERMONT OH, I AM SORRY I AM
17 VENABLE VERMONT, JR I AM AN ATTORNEY WITH THE PUBLIC
18 DEFENDERS OFFICE THIS IS JOY GOODWIN, AN ATTORNEY FROM
19 THE PUBLIC DEFENDERS OFFICE WE HAVE TEN ATTORNEYS WE
20 ARE LOCATED DOWNSTAIRS, FIGHT HERE

21 THE COURT THANK YOU NOW IF YOU ARE
22 RELATED BY BLOOD OR MARRIAGE OR CLOSELY ACQUAINTED WITH
23 ANY PERSONNEL IN THE PUBLIC DEFENDERS OFFICE I ASK YOU
24 TO PLEASE STAND

25 NOW, HAVE YOU FORMED OR EXPRESSED AN

1 OPINION AS TO THE GUILT OR INNOCENCE OF THE ACCUSED, IF
2 SO PLEASE STAND?

3 ARE YOU CONSCIOUS OF ANY BIAS OR
4 PREJUDICE FOR OR AGAINST THE STATE OF SOUTH CAROLINA OR
5 THE DEFENDANT, IF SO PLEASE STAND?

6 NOW, ON MY NEXT QUESTION, DO NOT STATE
7 THE REASON WHY, IF ANY YOU HAVE, JUST STAND UP SO I KNOW
8 YOU HAVE A REASON IF YOU SHOULD HAVE ONE, DO YOU KNOW OF
9 ANY REASON WHATSOEVER, REGARDLESS OF WHAT IT IS, THAT YOU
10 COULD NOT GIVE THE STATE OR THE DEFENDANT A FAIR AND
11 IMPARTIAL TRIAL, BOTH OF THEM, IF SO PLEASE STAND?

12 ANY FURTHER QUESTIONS, EXCEPT WHAT
13 IS ALREADY ON THE RECORD FOR THE STATE?

14 MR MABRY I THINK THAT IS ABOUT ALL,
15 I THINK, YOUR HONOR

16 MR VERMONT NOTHING FURTHER, YOUR
17 HONOR

18 THE COURT IS THERE ANY OBJECTIONS
19 TO THE CLERK PULLING THE NAMES FROM THE JURY BOX?

20 MR MABRY NONE FOR THE STATE

21 MR VERMONT NO, SIR

22 THE COURT IN JUST A MOMENT THE
23 CLERK WILL INFORM YOU WHAT TO DO BUT JUST TO GIVE YOU
24 SOME IDEA OF WHAT HAPPENS THIS IS DIFFERENT THAN A
25 CIVIL PROCEDURE IF YOU HAVE BEEN IN A CIVIL COURT YOU

1 MAY WONDER WHY A SLIP OF PAPER WILL BE DRAWN FROM THE
2 JURY BOX AND A NAME WILL BE CALLED THE CLERK OF COURT
3 WILL TELL YOU WHAT TO DO THE STATE HAS A RIGHT TO
4 EXCUSE FIVE PEOPLE FOR REASON OR NO REASON THE DEFENSE
5 HAS A RIGHT TO EXCUSE A PERSON, TEN, WITH REASON OR WITHOUT
6 REASON SO DON'T LET YOUR FEELINGS GET HURT IF YOU ARE
7 EXCUSED THAT IS THEIR RIGHT ALL RIGHT, MR CLERK

8 (JURY IS EMPANELLED, THREE ALTERNATES
9 DRAWN AND SWORN AT 12 30 P M)

10 MR VERMONT MAY WE APPROACH THE
11 BENCH? (OFF THE RECORD DISCUSSION)

12 THE COURT NOW, DURING THIS TRIAL
13 AND YOU'RE IN THE COURTROOM, YOU WILL ALWAYS BE IN THAT
14 SEAT AS THE FORELADY AND THE FORELADY IS THE SPOKESMAN
15 FOR THE JURY PANEL AND IN THE END RESULT, ALSO, WOULD
16 WRITE THE VERDICT FOR THE ENTIRE JURY OF COURSE, ALL
17 TWELVE OF YOU HAVE TO AGREE ON WHATEVER VERDICT THAT
18 MAY BE AND AS TO THE ALTERNATES, THE THREE OF YOU
19 IN AND OF ITSELF, HAVE NOTHING ABSOLUTELY WHAT TO DO WITH
20 THIS CASE I UNDERSTAND IT MIGHT TAKE A DAY OR THREE OR
21 FOUR DAYS THAT IS THE ONLY REASON YOU ARE THERE, IN
22 THE EVENT SOME EMERGENCY COMES UP EFFECTING ANY OF THE
23 OTHER JURORS YOU WILL ALWAYS WHILE IN THE COURTROOM IN
24 THIS TRIAL BE SEATED ON THE BACK ROW I CARE NO
25 DIFFERENCE ON HOW YOU SEAT BACK THERE, BUT YOU WILL BE

1 ON THE BACK ROW THE OTHERS MAY CHANGE SEATS AS YOU COME
2 AND GO ANYWAY YOU LIKE

3 I AM GOING TO INSTRUCT YOU NOW THAT
4 ANY STATEMENTS THAT WERE ELICITED FROM THE JURY PANEL
5 A WHILE AGO, OF COURSE, SHOULD BE DISREGARDED IN FULL,
6 AS A MATTER OF FACT ONE STATEMENT, I HAVE BEEN INFORMED
7 BY THE STATE AND THE DEFENSE THAT THE LADY WAS MISTAKEN,
8 ANYWAY THEREFORE, ANYTHING SHE MIGHT HAVE SAID IS NOTHING
9 FOR YOU TO THINK OF, EVEN IT WERE TO BE TRUE YOU
10 WOULD, IT HAS NOT A THING TO DO WITH THIS CASE YOU ARE
11 TO ARRIVE AT A VERDICT THAT SPEAKS THE TRUTH SOLELY
12 FROM THE EVIDENCE THAT YOU ARE TO HEAR FROM THIS WITNESS
13 STAND AND EXHIBITS THAT ARE INTRODUCED AND YOU WILL FIND
14 WHAT THE TRUE FACTS ARE FROM THAT AND THAT ALONE

15 I AM GOING TO THE VERY BASICS TO GIVE
16 YOU WHAT I CALL A PRELIMINARY CHARGE, MADAM FOREMAN,
17 LADIES AND GENTLEMEN OF THE JURY BY THIS INDICTMENT,
18 THIS WHITE SHEET OF PAPER THAT I HOLD IN MY HAND, THE
19 STATE OF SOUTH CAROLINA CHARGES THE DEFENDANT AT THE
20 BAR, SITTING AT COUNSEL TABLE AT MY LEFT, THAT FRANCIS
21 OWEN CAMPBELL DID WITH MALICE AFORETHOUGHT, IN RICHLAND
22 COUNTY ON OR ABOUT THE TENTH DAY OF JULY, 1978 KILL ONE
23 OLIN D WILSON BY MEANS OF LYING IN WAIT AND AMBUSHING
24 OLIN D WILSON WITH A SHOTGUN AND THAT THE SAID OLN
25 D WILSON DID DIE IN RICHLAND COUNTY AS A PROXIMATE

1 RESULT THEREOF, ON OR ABOUT THE TENTH DAY OF JULY 1978,
2 AGAINST THE PEACE AND DIGNITY OF THE STATE

3 NOW, TO THIS INDICTMENT THE DEFENDANT
4 HAS PLED NOT GUILTY AND THAT PLEA OF NOT GUILTY PLACES
5 THE BURDEN OF PROOF UPON THE STATE OF SOUTH CAROLINA,
6 THAT IS REPRESENTED BY THE SOLICITORS AT THE TABLE TO
7 MY RIGHT, TO ESTABLISH HIS GUILT BEYOND A REASONABLE
8 DOUBT

9 IT IS THE LAW OF THIS STATE AND INsofar
10 AS I KNOW, THE LAW OF EVERY STATE OF THIS UNION, THAT
11 EVERY DEFENDANT WHO COMES INTO COURT REGARDLESS OF THE
12 ENORMITY OF THE CHARGES MADE AGAINST HIM IS ALWAYS
13 PRESUMED TO BE INNOCENT OF THAT CHARGE UNTIL OR IF THAT
14 PRESUMPTION OF INNOCENCE IS REMOVED BY EVIDENCE SATISFYING
15 YOU, THE JURY, OF HIS GUILT BEYOND A REASONABLE DOUBT

16 SO, WHAT DOES THE TERM REASONABLE
17 DOUBT MEAN? WELL, IT MEANS EXACTLY WHAT IT IMPLIES
18 REASONABLE DOUBT, IT DOES NOT MEAN ANY SORT OF A DOUBT
19 BECAUSE YOU AND I KNOW FROM OUR EVERYDAY EXPERIENCES IN
20 LIFE ONE CAN HAVE ANY SORT OF A DOUBT ABOUT EVERY MATTER
21 THAT ARISES, REGARDLESS OF HOW SERIOUS THAT MATTER MAY
22 BE OR HOW TRIVIAL THAT MATTER MAY BE

23 NOW, THE CONSTITUTION OF THIS STATE,
24 YOU JURORS ALONE ARE THE SOLE JUDGES OF THE FACTS IN THE
25 CASE I DO NOT KNOW ANYTHING ABOUT THIS CASE EXCEPT

1 WHAT I READ TO YOU OUT OF THE INDICTMENT THIS INDICTMENT
2 IS NOT ANY EVIDENCE WHATSOEVER, IT IS MERELY WHAT THE
3 STATE CHARGES THE DEFENDANT WITH HAVING ALLEGEDLY
4 COMMITTED THE SOLE EVIDENCE FROM WHICH YOU WILL DETERMINE
5 WHAT THE TRUE FACTS ARE IN THIS CASE WILL COME FROM THE
6 TESTIMONY OF THE WITNESSES WHO WILL TESTIFY FROM THE
7 WITNESS STAND TO MY RIGHT, AND SUCH EXHIBITS THAT HAVE
8 BEEN, OR WILL BE INTRODUCED

9 HOWEVER, IF THIS CASE IS LIKE ANY OTHER
10 CASE, LIKE THE USUAL CASE OF THIS NATURE THAT IS TRIED
11 IN THIS COURT, THERE WILL BE CERTAIN CONFLICTING OR
12 CONTRADICTING TESTIMONY NOW, HOW ARE YOU, THE JURY,
13 GOING TO DETERMINE WHAT THE TRUE FACTS ARE FROM THIS
14 CONFLICTING OR CONTRADICTING TESTIMONY YOU WILL DO THAT
15 BY USING YOUR GOOD JUDGMENT AND COMMON SENSE AND BY
16 PASSING UPON THE CREDIBILITY OR BELIEVABILITY, THAT IS
17 WHAT CREDIBILITY MEANS, OF THE WITNESSES AND IN PASSING
18 UPON OR DETERMINING THE CREDIBILITY OR BELIEVABILITY OF
19 THE WITNESSES, YOU HAVE THE RIGHT AS THE JURY TO TAKE
20 INTO CONSIDERATION THE INTEREST OF ANY WITNESS, THE
21 BIAS OF ANY WITNESS, THE PREJUDICE OF ANY WITNESS, THE
22 DEMEANOR OF THE WITNESS UPON THE WITNESS STAND ANYTHING
23 THAT IS IN THE RECORD THAT WILL AID AND ASSIST YOU IN
24 EVALUATING THE TESTIMONY OF THE WITNESSES WHO HAVE
25 TESTIFIED IN THIS CASE

1 SO YOU CAN READILY SEE THAT IT IS YOUR
2 DUTY UNDER THE SWORN OBLIGATION THAT YOU HAVE TAKEN AS
3 JURORS TO PAY CLOSE ATTENTION TO THE WITNESSES, TO LISTEN
4 TO THE WITNESSES AND TO OBSERVE THE WITNESSES GIVE
5 STRICT ATTENTION TO THE TESTIMONY IN THE CASE, TO THE
6 ATTORNEYS AND TO THE COURT SO THAT AT THE CONCLUSION OF
7 ALL THE TESTIMONY OF THE ARGUMENT OF COUNSEL AND CHARGE
8 OF THE LAW BY THE COURT, YOU WILL THEN BE IN A POSITION
9 TO DETERMINE WHAT THE TRUE FACTS ARE AND APPLY THOSE
10 FACTS AS YOU FIND THEM TO BE, TO THE LAW AS I SHALL
11 CHARGE IT TO YOU AT THE CONCLUSION OF THIS TRIAL AND
12 YOU WILL THEREBY ARRIVE AT A TRUE VERDICT IN ACCORDANCE
13 WITH THE OATH THAT YOU HAVE JUST TAKEN

14 THAT IS WHAT THE VERDICT MEANS, IT IS
15 DERIVED FROM THE LATIN PHRASE, VERISDICTO OR VERIDICTO,
16 IT MEANS SPEAK THE TRUTH

17 NOW, I DO NOT INTEND THAT YOU OR
18 ANYONE ELSE SHOULD CONSTRUE THESE REMARKS, WHICH I
19 CALL PRELIMINARY REMARKS AS A CHARGE ON THE LAW OF THIS
20 CASE BECAUSE IT IS NOT THAT I WILL CHARGE YOU THE LAW
21 OF THIS CASE AT THE CONCLUSION OF THE TRIAL THIS IS
22 MERELY AN ATTEMPT ON MY PART TO VERY BRIEFLY EXPLAIN TO
23 YOU WHAT THIS CASE INVOLVES, CERTAIN LEGAL DEFINITIONS
24 AND YOUR DUTIES UNDER YOUR OATH AS JURORS

25 I HAVE FOUND THAT IN MANY INSTANCES

1 JURORS DO NOT UNDERSTAND THESE FACTORS UNTIL THE CONCLUSION
2 OF THE CASE WHEN THE JUDGE CHARGES THEM AS TO THE LAW
3 SO, I HAVE ATTEMPTED TO EXPLAIN THESE FACTORS TO YOU AT
4 THE COMMENCEMENT OF THE TRIAL, RATHER THAN WAITING FOR
5 THE CONCLUSION OF THE TRIAL AND HOW IT WILL BE OF SOME
6 BENEFIT TO YOU IN ARRIVING AT A FAIR, JUST AND TRUE
7 VERDICT IN THIS CASE

8 FAIR TO THE STATE OF SOUTH CAROLINA
9 AND FAIR TO THE DEFENDANT

10 AT THIS TIME I AM GOING ON TO SEND YOU
11 TO LUNCH AND THE OTHER PROCEEDINGS WILL TAKE A GOOD BIT
12 OF TIME OF COURSE, I WOULD LIKE TO, IN A WAY, EXPLAIN,
13 I AM FROM THE MOUNTAINS AND WE USUALLY EAT UP HOME AROUND
14 12 00 WE GOT DOWN HERE IN THE BIG CITY AND I FOUND OUT
15 MOST PEOPLE EAT AT 1 00 AND I EVEN FOUND OUT WE EAT
16 DINNER UP HOME AND THEY EAT LUNCH DOWN HERE IT MEANS
17 THE SAME THING

18 NOW, MY INSTRUCTIONS ARE THAT YOU ARE
19 NOT TO DISCUSS THIS CASE WITH ANYONE EVEN AMONG YOURSELVES
20 AS A MATTER OF FACT YOU ARE TO MAKE NO EFFORT TO ARRIVE
21 AT AN OPINION IN THIS CASE UNTIL YOU HAVE HEARD EVERYTHING,
22 THAT INCLUDES THE CHARGE OF THE LAW AND YOU WOULD NOT
23 DISCUSS IT AMONG YOURSELVES UNTIL YOU DO DELIBERATE

24 YOU WILL NOT LISTEN TO ANYONE DISCUSS
25 IT NOW, YOUR HUSBAND, YOUR WIVES, YOUR FRIENDS DO NOT

1 KNOW THIS RULE AND THEY PROBABLY WILL ASK YOU THIS
2 EVENING AND YOU JUST TELL THEM POLITELY YOU ARE MEMBERS
3 OF THE JURY AND YOU CANNOT DISCUSS IT, YOU DON'T WANT
4 TO HEAR ANYTHING ABOUT IT AND NO ONE WILL, BUT I MUST
5 INSTRUCT YOU THAT IF ANYONE SHOULD INSIST UPON TALKING
6 TO YOU ABOUT IT, YOU INFORM THEM THAT YOU ARE A MEMBER
7 OF THE JURY I WANT YOU TO TELL ME ABOUT THAT SO I
8 WILL KNOW IF YOU KNOW THAT PERSON BY NAME OR CAN
9 OBTAIN THAT NAME WITHOUT DIFFICULTY, I WANT YOU TO GIVE
10 ME THAT NAME, ALSO, BUT IF YOU CAN'T, I STILL WOULD LIKE
11 TO KNOW IF IT DID HAPPEN THAT MEANS NO NEWS MEDIA
12 ABOUT THIS CASE IF THERE SHOULD BE THAT MEANS TELEVISION,
13 RADIO, NEWSPAPER, ANYTHING YOU SEE, YOU ARRIVE AT A
14 VERDICT THAT SPEAKS THE TRUTH ONLY FROM WHAT YOU HEAR
15 FROM THIS WITNESS STAND AND THE EXHIBITS IN THIS CASE THAT
16 IS THE REASON

17 NOW, I WOULD SUGGEST AS WE ARE COMING
18 OUT THIS WEEK, THAT IF YOU GET HERE EARLY YOU GO STRAIGHT
19 TO YOUR JURY ROOM THEY WILL GET COFFEE OR A COLD
20 DRINK FOR YOU IF YOU WANT IT THE MAIN REASON BEING IF
21 YOU STAND IN THE COURTROOM OR HALLWAYS OR SOMEWHERE
22 INVARIABLY YOU WILL HEAR SOMEONE SAY SOMETHING THAT
23 KNOWS NOTHING WHATSOEVER SO IT WOULD BE BEST TO GO TO
24 THE JURY ROOM

25 I HOPE YOU HAVE A NICE LUNCH OR
DINNER, EITHER THAT YOU WOULD LIKE TO HAVE I AM GOING

1 TO SET FIFTEEN MINUTES AFTER TWO IT GIVES YOU PLENTY
2 OF TIME ON YOUR FIRST DAY TO HAVE YOUR LUNCH OR DINNER
3 AND I WILL SEE YOU AT THAT TIME OR AS SOON THEREAFTER
4 THAT I CAN GET YOU BACK IN THE COURTROOM

5 FOLLOW THE BAILIFF, FIND OUT WHERE
6 THE ROOM IS NOW, YOU WOULDN'T KNOW WHERE TO COME BACK TO
7 IF YOU DIDN'T

8 (JURY LEAVES THE COURT ROOM AT 12 40
9 P M)

10 THE COURT THE YOUNG WOMAN HAD A
11 PROBLEM IF SHE HAS TO STAY TOO LATE SHE NEEDS TO MAKE
12 ARRANGEMENTS TO GET SOMEONE TO PICK UP HER CHILD I
13 TOLD HER IF SHE HAS TO STAY LATE THAT SHE WILL HAVE TO
14 GIVE HER MESSAGE TO THE CLERK TO MAKE A CALL AND HAVE
15 HER PICK UP THE CHILD

16 ALL RIGHT, ANY EXCEPTIONS TO MY
17 REMARKS TO THE JURY?

18 MR MABRY NO, SIR

19 THE COURT DEFENSE?

20 MR VERMONT YES, SIR OH, NO

21 THE COURT ALL RIGHT, DO YOU HAVE
22 ANY MATTERS TO TAKE UP? DO YOU HAVE ANYTHING ELSE YOU
23 NEED THE--

24 MR VERMONT HE WILL BE DOWNSTAIRS

25 THE COURT ALL RIGHT, YOU HAVE

1 ALREADY GONE THROUGH THE EXHIBITS, I UNDERSTAND, AGREED
2 UPON ON SOME?

3 MR MABRY MR VERMONT HAS VIEWED
4 EVERYTHING WE HAVE GOT SOME WITH NO QUESTIONS, SOME
5 WE MIGHT HAVE A QUESTION

6 THE COURT FINE, YOU LET US KNOW ANY-
7 THING ELSE YOU NEED, I CAN DO FOR YOU?

8 MR VERMONT NO, SIR, WE ARE READY
9 TO EAT

10 THE COURT ALL RIGHT, WE WILL START
11 BACK AT FIFTEEN MINUTES AFTER TWO

12 (RECESS AT 12 45 P M)

13
14 (RESUME AT 2 30 P M)

15 THE COURT EITHER OF YOU NEED THE
16 INDICTMENT IT WILL BE RIGHT HERE

17 (JURY RETURNS TO THE JURY BOX AT 2 30
18 P M)

19 THE CLERK STATE WAIVE POLLING OF
20 THE JURY?

21 MR MABRY STATE WAIVES

22 THE COURT DEFENSE?

23 MR VERMONT YES, SIR

24 THE COURT ALL RIGHT, NOW, MADAM
25 FOREMAN, LADIES AND GENTLEMEN OF THE JURY, DURING THE

1 TRIAL OR FOR SOME REASON I MISS IT, AND YOU CANNOT HEAR
2 A WITNESS OR THE ATTORNEY, EITHER ONE, JUST HOLD UP
3 YOUR HAND AND LET ME KNOW OR IF YOU HAVE TO BE EXCUSED
4 FOR ANY REASON, YOU JUST HOLD UP YOUR HAND AND LET ME
5 KNOW ORDINARILY IN THIS STATE JURORS DO NOT TAKE NOTES
6 THE REASON WHY, IF ONE JUROR TOOK NOTES AND BE IN ERROR,
7 WHY ALL TWELVE OF YOU WOULD USE THAT ERROR AT THE END
8 OF THE TRIAL, IF YOU CARE TO, YOU MAY HEAR ANY PORTION
9 OR ALL OF ANY WITNESS OR WITNESS' TESTIMONY TO BE REPLAYED
10 FOR YOU, OR ANY CHARGE OF THE LAW SO, YOU REALLY DON'T
11 NEED NOTES ANYWAY

12 NOW, AS A PROCEDURE, WE USED TO YEARS
13 AGO JUST READ THE INDICTMENT TO YOU AND THAT WAS IT IT
14 HAS BEEN CHANGED, WE HAVE NOW WHAT IS CALLED BRIEF,
15 PRECISE OPENING STATEMENTS, NOT CLOSING ARGUMENTS,
16 OPENING STATEMENTS BY ATTORNEYS FOR BOTH THE STATE AND
17 THE DEFENSE AND THAT WILL BE THE NEXT PROCEDURE AND
18 THEN WE WILL GO ON INTO TESTIMONY ALL RIGHT, SIR?

19 MR MABRY OPENS NO OBJECTIONS

20 MR VERMONT OPENS NO OBJECTIONS

21 MR MABRY THE STATE CALLS JOE

22 CASTLES

23 JOE BLAIRE CASTLES, JR.,

24 AFTER BEING DULY SWORN, TESTIFIES AS FOLLOWS

25 DIRECT EXAMINATION

1 BY MR MABRY

2 Q WOULD YOU STATE YOUR FULL NAME FOR THE RECORD
3 PLEASE?

4 A JOE BLAIRE CASTLES, JR

5 Q MR CASTLES, YOU ARE NOW EMPLOYED AT THE NASSAU
6 RECYCLING, IN CHARGE OF SECURITY, IS THAT CORRECT?

7 A THAT'S CORRECT

8 Q PRIOR TO THAT YOU WERE WITH THE RICHLAND COUNTY
9 SHERIFF'S OFFICE?

10 A YES, SIR, FOR TEN YEARS

11 Q YOU WERE AN INVESTIGATOR?

12 A YES, SIR

13 Q YOU WERE WITH THE RICHLAND COUNTY SHERIFF'S
14 OFFICE ON JULY THE TENTH, EARLY MORNING HOURS OF JULY 11TH?

15 A I WAS

16 Q ALL RIGHT, SIR, CAN YOU SPEAK UP A LITTLE BIT
17 SO, IT IS A LITTLE BIT DIFFICULT FOR ME TO HEAR BACK HERE
18 AND I DON'T KNOW IF THE LADIES AND GENTLEMEN OF THE JURY
19 CAN HEAR ANY BETTER THAN I COULD IF YOU WILL SPEAK UP
20 JUST A LITTLE OR USE THE MICROPHONE PLEASE, SIR? MR
21 CASTLES, WERE YOU ONE OF THE OFFICERS WHO RESPONDED TO
22 THE SCENE ON THE NIGHT OF JULY TENTH, EARLY MORNING
23 HOURS OF JULY ELEVENTH IN THIS PARTICULAR CASE?

24 A I WAS

25 Q NOW, MR CASTLES, ARE YOU GENERALLY FAMILIAR

1 WITH THE AREA THAT WE ARE TALKING ABOUT, WHERE THIS
2 THING HAPPENED?

3 A YES, GENERALLY

4 Q WHEREABOUTS IS IT LOCATED JUST GENERALLY?

5 A THE LEESBURG ROAD, HARMON ROAD AREA I DON'T
6 KNOW HOW ELSE TO DESCRIBE IT, EXCEPT I CAN SHOW IT ON THE
7 MAP

8 Q ALL RIGHT, SIR?

9 A BUT IT IS CLOSE TO THE FORT JACKSON RESERVATION
10 MR MABRY YOUR HONOR, HAVING PRE-
11 VIOUSLY SHOWN THIS TO DEFENSE COUNSEL WE HAVE STIPULATED
12 THIS IS AN ACCURATE MAP OF RICHLAND COUNTY AND HAS BEEN
13 INTRODUCED IN EVIDENCE THIS WOULD BE STATES EXHIBIT 1

14 THE COURT ALL RIGHT, DO YOU WANT
15 TO MARK IT AS AN EXHIBIT?

16 MR MABRY IT HAS BEEN PREVIOUSLY
17 MARKED, YOUR HONOR

18 (ENTERED HERE AS STATE'S EXHIBIT NO 1)
19 DIRECT EXAMINATION CONTINUES BY MR MABRY

20 Q NOW, MR CASTLES, I WOULD ASK YOU IF YOU WOULD
21 TO COME DOWN OFF THE WITNESS STAND, STAND, AND SHOW THE
22 LADIES AND GENTLEMEN OF THE JURY ON THAT MAP--YOU CAN USE
23 A PENCIL OR PEN IF YOU WOULD LIKE I WANT YOU TO SHOW
24 THEM THE, SHOW THEM LEESBURG HIGHWAY FIRST, IF YOU WOULD
25 PLEASE?

1 A LEESBURG RUNS FROM, IN THE GENERAL AREA OF THE
2 VETERANS HOSPITAL AND SKIRTS ALONG THE EDGE OF FORT
3 JACKSON TO HIGHWAY 601

4 Q ALL RIGHT, SIR, NOW WOULD YOU SHOULD THE LADIES
5 AND GENTLEMEN OF THE JURY WHERE HARMON ROAD INTERSECTS
6 WITH LEESBURG HIGHWAY PLEASE?

7 A OKAY, HARMON AND LEESBURG INTERSECT RIGHT HERE
8 BY THE RED

9 Q RIGHT UNDER THE RED PEN?

10 A YES, SIR

11 Q CAN YOU TRACE HARMON ROAD OVER TO THE SUMTER
12 HIGHWAY PLEASE FOR THE LADIES AND GENTLEMEN OF THE JURY?
13 CAN YOU ALL SEE ALL RIGHT?

14 A THIS IS SUMTER HIGHWAY RUNNING OUT, THAT IS
15 WHERE IT INTERSECTS THERE THIS IS--

16 Q HARMON RUNS FROM LEESBURG OVER TO THE SUMTER
17 HIGHWAY? YOU CAN SEE THE SUMTER HIGHWAY COMING FROM
18 COLUMBIA THERE IS A DOUBLE BLUE LINE WHERE'S LEESBURG
19 IS AT AND THAT SOLID BLUE LINE IS HARMON

20 Q ALL RIGHT, SIR, ARE YOU FAMILIAR WITH AN AREA
21 KNOWN AS HORRELL HILL TRAILER PARK?

22 A YES, SIR

23 Q ALL RIGHT, WOULD YOU ILLUSTRATE WHERE THAT IS
24 ON THE MAP PLEASE?

25 A OKAY, HORRELL HILL TRAILER PARK IS, IS, UH__

1 Q APPROXIMATELY WHERE IT IS AT?
2 A APPROXIMATELY WHERE THE YELLOW PIN
3 Q APPROXIMATELY WHERE THE YELLOW PIN IS LOCATED?
4 A ON THE COLUMBIA SIDE OF WHERE HARMON AND SUMTER
5 HIGHWAY INTERSECT
6 Q ALL RIGHT, SIR, NOW ARE YOU FAMILIAR WITH THE
7 INTERSECTION OF 378 AND SEVEN MILE ROAD? I DON'T KNOW
8 WHAT THE NUMBER IS?
9 A 764, YES, SIR
10 Q 764? WOULD YOU ILLUSTRATE THAT POSITION?
11 A ALL RIGHT, TRAVELLING AWAY FROM THE CITY OF COLUMBIA
12 THROUGH HORRELL HILL--
13 Q ARE YOU GOING GENERALLY WEST ON 378 BY YOUR
14 ILLUSTRATION?
15 A RIGHT
16 Q ALL RIGHT, SIR?
17 A 764 BRANCHES OFF TO THE RIGHT AND RUNS INTO
18 EASTOVER THERE IS A LITTLE STORE RIGHT ALONG IN THERE,
19 I DON'T KNOW THE NAME OF IT
20 Q EXCUSE ME, YOU SAY THERE IS A STORE RIGHT THERE?
21 A YES, SIR
22 Q RIGHT WHERE THAT BLUE PIN IS AT THE INTERSECTION?
23 A YES, SIR, IN THE GENFRAL AREA THERE
24 Q WOULD YOU TRACE SEVEN MILE ROAD? I'M SORRY, I
25 FORGOT THE NUMBER AGAIN?

1 A 764.

2 Q 764 ALL THE WAY DOWN TO EASTOVER?

3 A 764 FUNS OFF OF SUMTER HIGHWAY ON ALL THE WAY
4 DOWN INTO THE TOWN OF FASTOVER

5 ? AND THAT LITTLE RED PIN DOWN THERE, IS THAT
6 EASTOVER?

7 A THAT IS A CLOSE REPRESENTATION OF WHERE EASTOVER
8 IS

9 Q OKAY, ALL RIGHT, NOW WOULD YOU PLEASE APPROXIMATE
10 IF YOU KNOW, FOR US, GENERALLY WHERE MR OLIN D WILSON
11 LIVED?

12 A ALL RIGHT, LET ME GET MY BEARINGS AND THEN TURN
13 BACK AROUND OKAY, GENERALLY IN THIS AREA RIGHT IN HERE
14 I DON'T KNOW HOW TO SAY IT EXCEPT RIGHT THERE

15 ? WHAT IS THAT ROAD NUMBER?

16 A 69

17 Q ALL RIGHT, SIR, WOULD YOU TRACE 69 BACK TOWARD
18 THE INTERSECTION OR BACK TOWARD HARMON ROAD PLEASE?

19 A OKAY LET'S SAY THAT IS THE GENERAL AREA OF
20 HIS HOME, 69 AND 1790, WHICH IS WHAT I KNOW AS WILSON
21 MILL ROAD, AND IT RUNS BACK TO HARMON ROAD

22 ? WOULD YOU PINPOINT ON THERE, PLEASE SIR, THE
23 INTERSECTION OF HARMON AND WILSON MILL PLEASE?

24 A OKAY, HARMON AND WILSON MILL INTERSECT RIGHT
25 HERE

1 Q RIGHT THERE? THAT'S RIGHT ALSO BELOW THE RED PIN?

2 A THAT'S RIGHT, SURE IT IS

3 Q AND IS THIS ROAD, WHICH IS NUMBER 1790 AS IT
4 CROSSES 86, WHICH YOU'VE IDENTIFIED AS HARMON ROAD, DO YOU
5 KNOW THE NAME OF THAT ROAD AFTER IT CROSSES HARMON ROAD?

6 A IN MY TERMINOLOGY, SOME PEOPLE REFER TO THIS ROAD
7 ALL IN ONE, BUT TO ME, OKAY, WILSON MILL RUNS TO HARMON
8 AND THEN IT BECOMES DEER RIDGE AND TO, AFTER IT CROSSES
9 THERE SOME PEOPLE CALL THAT OTHER END DEER RIDGE DOWN
10 THERE SOMEWHERE I DON'T KNOW IF IT CONNECTS THE OLD
11 LLESBURG HIGHWAY, BUT I KNOW IT AS WILSON MILL AND THEN
12 DEER RIDGE

13 Q ALL RIGHT, SIR, AND THEN IS IT ALSO KNOWN PAST
14 THIS WAY, IS IT ALSO KNOWN AS DEER RIDGE? SOME PEOPLE
15 CALL IT DEER RIDGE, THAT IS THE CLOSE SIDE OF HARMON?

16 A SOME PEOPLE DO, YES, SIR .

17 Q OKAY, ALL RIGHT, FINE, WOULD YOU TAKE YOUR SEAT
18 PLEASE? (WITNESS RETURNS TO THE WITNESS STAND)

19 NOW, I ASK YOU, SIR, DID YOU KNOW WHERE THE
20 DECEASED OLIN D WILSON WORKED, PLEASE?

21 A YES, SIR, I DO NOW I DIDN'T AT THAT TIME

22 Q WHERE DID HE WORK?

23 A IT WOULD BE, IT IS A POWER PLANT ON FORT JACKSON
24 I GUESS IT IS A STEAM GENERATING PLANT OR AN ELECTRICAL
25 GENERATING PLANT, STEAM, I BELIEVE

1 Q I SEE HE IS A RETIRED NAVY MAN?

2 A YES, SIR

3 MR VERMONT YOUR HONOR, I ASK HIM
4 NOT TO GO INTO TOO MUCH HEARSAY RIGHT HERE I UNDERSTAND
5 IT IS NOT DIRECTLY RELEVANT OR CRITICAL BUT I STILL THINK
6 IT IS HEARSAY

7 MR MABRY ALL RIGHT, SIR
8 DIRECT EXAMINATION CONTINUES BY MR MABRY

9 Q NOW, I ASK YOU, ARE YOU FAMILIAR WITH THE INTER-
10 SECTION OF WILSON POND OR DEER RIDGE GOING BACK GENERALLY
11 WEST AND HARMON ROAD? RIGHT OUT HERE OFF OF LEESBURG?

12 A YES, SIR

13 Q AND THE DISTANCE FROM, IF I WERE COMING DOWN
14 WILSON MILL ROAD THIS WAY, WERE GOING TO TURN RIGHT TO
15 GO BACK TOWARDS LEESBURG, RIGHT BACK TOWARD THIS RED
16 PIN, HOW FAR IS THAT DISTANCE, APPROXIMATELY, IF YOU KNOW?

17 A APPROXIMATELY MAYBE ONE HUNDRED AND FIFTY, TWO
18 HUNDRED METERS THE MOST, PROBABLY CLOSER TO ONE HUNDRED
19 FIFTY

20 Q ONE HUNDRED FIFTY METERS TO LEESBURG? AND LEESBURG
21 RUNS ALONG THE SOUTH EDGE OF FORT JACKSON AND DO YOU
22 KNOW IF THERE ARE ANY GATES ALONG THIS WAY?

23 A YES, SIR, THERE ARE SEVERAL THERE IS ONE THAT
24 FORT JACKSON CLOSES THEIR GATES AND OPERATES THEM ON
25 DIFFERENT EFFECT-- I JUST THINK THEY ARE STARTING TO

1 CONTROL ENTERING NOW, BUT I THINK THE ENTRANCE WOULD BE
2 ALL THE WAY DOWN TO WHERE, CLOSER WHERE TROTTER ROAD
3 RUNS OFF OF LEESBURG WOULD BE THE ONE THAT WOULD OPEN
4 AT A LATE HOUR AT NIGHT

5 Q I SEE, AND THOSE ENTRANCES WOULD ALLOW ACCESS TO
6 SOMEONE GOING TO WORK AT THE POWER PLANT?

7 A SURE

8 Q ALL RIGHT, SIR

9 MR MABRY YOUR HONOR, WE HAVE A
10 SECOND EXHIBIT THAT HAS BEEN PREVIOUSLY MARKED, PREVIOUSLY
11 INTRODUCED?

12 THE COURT WHAT IS THE NUMBER ON IT?

13 MR MABRY THIS IS STATE'S EXHIBIT NO
14 2, YOUR HONOR

15 (ENTERED HERE AS STATE'S EXHIBIT NO 2)

16 DIRECT EXAMINATION CONTINUES BY MR LABRY

17 Q ALL RIGHT, MR CASTLES, WE ARE GOING TO ASK YOU
18 IF THAT ARTIST'S RENDITION SUFFICIENTLY ILLUSTRATES THE
19 AREA WE JUST TALKED ABOUT? AND WAS THE SCENE OF THIS
20 PARTICULAR HOMICIDE?

21 A I AM TRYING TO ACCLAMATE MYSELF TO YOUR PICTURE

22 Q ALL RIGHT, SIR?

23 A OKAY, I HAVE IT I'M SORRY, ASK THE QUESTION
24 AGAIN?

25 Q IS THIS ARTIST'S RENDITION SUFFICIENTLY ILLUSTRATE

1 FOR THE JURY THE PARTICULAR AREA THAT WE TALKED ABOUT
2 JUST A MOMENT AGO? THE INTERSECTION OF WILSON MILL ROAD,
3 DEER RIDGE, HARMON ROAD TO LEESBURG, AND THIS GOES BACK
4 TO SUMTER HIGHWAY?

5 A IT DOES

6 Q ALL RIGHT, SIR, AND IS THAT THE SCENE WHERE YOU
7 REMANDED TO THE PARTICULAR HOMICIDE?

8 A YES, SIR

9 Q ALL RIGHT, SIR, NOW WOULD YOU COME DOWN AND SHOW
10 ON THE ARTIST'S RENDITION WHERE YOU FOUND MR WILSON?
11 WELL, FIRST OF ALL, LET ME ASK YOU SOMETHING? WHAT DID
12 YOU FIND WHEN YOU ARRIVED ON THAT SCENE?

13 A ABOUT, I BETTER USE THE MICROPHONE AGAIN, I GUESS?

14 O YES, PLEASE?

15 A WHEN I ARRIVED ON THE SCENE, WE, THE RICHLAND
16 COUNTY DEPUTY, UNIFORM DEPUTY WAS ALREADY THERE UM,
17 THERE WERE SOME CITIZENS THERE AND THERE WAS A PICK UP
18 TRUCK IN THE WOODS, SLIGHTLY OFF THE ROAD TO ME IT
19 APPEARED THAT IT HAD ROLLED INTO THE WOODS AND LODGED
20 AGAINT A TREE THAT IS SOME OPINION THAT I FORMED
21 AND, UM, OF COURSE, IT WAS LATE AT NIGHT I GUESS I
22 ARRIVED THERE 11 30 OR QUARTER TO TWELVE SOME TIME IN
23 THAT AREA BUT, I REMEMBER IT WAS WARM AND THERE WAS
24 A GENTLEMAN IN THE TRUCK WHO APPARENTLY HAD BEEN SHOT
25 Q LATER IDENTIFIED AS?

1 A AS OLIN WILSON

2 O ALL RIGHT, SIR, NOW WOULD YOU COME DOWN AND
3 SHOW ON THE ARTIST'S RENDITION WHERE YOU SAW THE TRUCK
4 THAT CONTAINED THE BODY OF OLIN D WILSON THAT NIGHT?

5 A I GUESS THIS IS MY BEST SIDE TO DO IT FROM UM,
6 WHERE I FOUND THE TRUCK IS YOUR OUESTION?

7 Q YES? THAT IS CORRECT

8 A ALL RIGHT, WELL, I DIDN'T REALLY FIND IT BUT
9 WHERE I OBSERVED IT

10 Q WELL, WHERE YOU SAW IT?

11 A IT WAS IN THESE WOODS, IT HAD ROLLED OFF OF
12 HARMON ROAD, LIKE I SAID, IT MAY BE ONE HUNDRED AND FIFTY,
13 TWO HUNDRED METERS FROM THIS INTERSECTION TO LEESBURG
14 ROAD HERE, IF THERE WERE ANOTHER ONE HERE AND THE
15 TRUCK WAS MAYBE AT A SLIGHT ANGLE IN THE WOODS HERE,
16 LODGED THIS WAY, AS WELL AS I CAN REMEMBER AGAINST A
17 SMALL TREE

18 Q DID YOU LOOK AT THE TREE?

19 A SIR?

20 Q DID YOU LOOK AT THE TREE WHERE THE TRUCK IMPACTED?

21 A I'M SURE I DID I NOTE THAT THERE WAS DAMAGE ON
22 THE TRUCK FROM KNOCKING--IT DIDN'T APPEAR TO BE A
23 TREMENDOUS IMPACT BUT THERE WAS DAMAGE ON THE TRUCK I
24 AM STILL NOT CERTAIN AT THIS TIME WHETHER THE DAMAGE
25 OCCURRED AT THAT TIME OR WHETHER IT WAS PRIOR DAMAGE

1 Q YOU SAID EARLIER YOU THINK IT HAD APPEARED TO HAVE
2 ROLLED ACROSS?

3 A YES, SIR, THE TRACKS, CAN I GO BACK AROUND TO
4 THIS SIDE FOR A MINUTE? THE TRACKS, UM, IF YOU COULD
5 RETRACE APPARENTLY WHERE THE TRUCK HAD BEEN, IT WOULD
6 BE BACK THIS WAY FROM--

7 MR VERMONT YOUR HONOR, PLEASE, I
8 AM GOING TO ASK HIM NOT TO GO BY WHAT HE APPARENTLY
9 SAW I ASK HIM--

10 THE COURT WELL, HE CAN TELL WHAT HE
11 SAW

12 MR VERMONT ONLY WHAT HE SAW THEN
13 THE COURT I DON'T KNOW WHETHER
14 APPARENTLY WHAT HE SAW AND SAW WOULD BE DIFFRENT BUT
15 DON'T GO INTO WHAT YOUR OPINIONS OF HOW IT GOT THERE OR
16 YOU CAN SAY THAT YOU SAW .

17 MR MABRY YOUR HONOR, HE CAN SAY
18 WHAT HIS IMPRESSION WAS, COULD HE NOT?

19 THE COURT NOT NECESSARILY BETTER
20 MIGHT NOT I HAVEN'T GOTTEN TO THAT POINT YET BUT HE
21 CAN DESCRIBE EXACTLY HOW HE SEES SOMETHING

22 MR MABRY YES, SIR
23 DIRECT EXAMINATION CONTINUES BY MR MABRY

24 Q PLEASE TELL US, TELL US THE ANGLE OF THE TRUCK
25 RELATIVE TO THE TREES AND THE ROAD?

1 A APPROXIMATELY AN ANGLE SUCH AS THAT

2 O ALL RIGHT, YOU HAVE GOT IT CANTED WITH THE PEN
3 SORT OF TO THE RIGHT POINTING BACK TOWARDS WILSON MILL,
4 ALSO KNOWN AS DEER RIDGE AND DEER RIDGE ALSO KNOWN AS
5 WILSON MILL?

6 A YES, SIR

7 Q OKAY, WOULD YOU RESUME THE SEAT PLEASE?

8 (WITNESS RETURNS TO THE WITNESS STAND)

9 I WANT TO CALL YOU LT CASTLES, BUT INV CASTLES,
10 WOULD YOU LOOK AT THOSE AND TELL ME WHAT THOSE ARE PLEASE?

11 A THESE ARE PICTURES OF THE TRUCK AS IT WAS WHEN
12 I ARRIVED AT HARMON AND DEER RIDGE OR HARMON AND WILSON
13 AVENUE

14 O ALL RIGHT, THANK YOU, SIR NO OBJECTION?

15 MR VERMONT NO, SIR, NONE

16 (ENTERED HERE AS STATE'S EXHIBITS NOS
17 3, 4)

18 MR VERMONT IS THAT THREE AND FOUR?

19 MR MABRY YES, SIR

20 DIRECT EXAMINATION CONTINUES BY MR MABRY

21 Q MR CASTLES, I HAVE A SERIES OF PHOTOGRAPHS
22 THAT I AM GOING TO SHOW YOU I AM GOING TO ASK YOU IF
23 YOU CAN RECOGNIZE THESE, IF THEY ACCURATELY DEPICT THE
24 SCENE THAT WE ARE TALKING ABOUT? AS YOU RECALL, WOULD
25 YOU LOOK AT THOSE PLEASE FOR ME FIRST?

1 A (HANDED TWO ENLARGEMENTS) YES, THIS IS AN
2 AERIAL PHOTOGRAPH OF, SHOWS LEESBURG, HARMON AND DEER RIDGE/
3 WILSON THAT ONE DOES AND THIS ONE ALSO IS THE SAME
4 PICTURE MAYBE FROM A DIFFERENT ANGLE SHOWING MORE OF
5 LEESBURG

6 (MR MABRY HANDS THEM TO MR VERMONT)

7 MR VERMONT NO OBJECTIONS, YOUR HONOR

8 (ENTERED HERE AS STATE'S EXHIBITS NO
9 5,6)

10 MR MABRY FIVE AND SIX, YOUR HONOR
11 DIRECT EXAMINATION CONTINUES BY MR MABRY

12 O I WANT TO SET THIS ONE ASIDE FOR JUST A MINUTE
13 AND IF YOU WOULD JUST HOLD THAT AND KIND OF ORIENT THE
14 JURY, POINT OUT FOR US IF YOU WOULD PLEASE, THE LEESBURG
15 ROAD?

16 A IT IS LEESBURG, I DON'T KNOW IF YOU CAN HEAR ME
17 LEESBURG WOULD BE THIS HIGHWAY

18 Q OKAY, RIGHT, THAT'S THE HIGHWAY YOU WOULD GO
19 STRAIGHT TO THE TOP OF THE PHOTOGRAPH?

20 A THAT WOULD BE THE MILITARY RESERVATION THAT WOULD
21 START ON THE OTHER SIDE OF THE HIGHWAY

22 O ALL RIGHT, SIR, NOW HARMON ROAD PLEASE?

23 A HARMON ROAD RUNS PERPENDICULAR OFF OF LEESBURG
24 BACK TO THE SUMTER HIGHWAY

25 Q ALL RIGHT, THAT IS THE ROAD IN THE PHOTOGRAPH

1 THAT GOES FROM THE TOP RIGHT, SORT OF, TO THE BOTTOM LEFT?

2 A YES, SIR

3 Q OKAY

4 A AND THIS WOULD BE, AS I STATED BEFORE, AS I KNOW
5 IT, WILSON MILL TO HERE AND DEER RIDGE IN THERE, OR DEER
6 RIDGE BOTH SIDES

7 Q ALL RIGHT, THE ROAD COMING IN FROM THE RIGHT OF
8 THE PHOTOGRAPH KNOWN AS WILSON MILL ROAD TO HERE, AND
9 THAT IS HARMON AND ON PAST THAT GOING TO THE LEFT OF THE
10 PHOTOGRAPH IS KNOWN AS DEER RIDGE?

11 A YES

12 Q OKAY, THANK YOU VERY MUCH AND AGAIN, WOULD YOU
13 DO THE SAME WITH STATE'S EXHIBIT NO 5 PLEASE?

14 A ALL RIGHT, THE UPPER RIGHT HAND CORNER, YOU CATCH
15 JUST A LITTLE TINY BIT OF LEESBURG ROAD OR WITH THE
16 RESERVATION PAST THERE THAT DARKER BLACK TOP RUNNING,
17 STILL CLOSEST TO THE SAME ANGLE FROM THE TOP RIGHT TO
18 THE LOWER LEFT WOULD BE HARMON AND THE ONE RUNNING
19 FROM UPPER LEFT TO LOWER RIGHT WOULD BE WILSON MILL AND
20 DEER RIDGE OR AS I KNOW IT

21 Q ALL RIGHT, SIR, NOW THANK YOU VERY MUCH SHOWING
22 YOU ANOTHER PHOTOGRAPH AND ASKING YOU, DOES THAT
23 REPRESENT THE SCENE? DON'T SHOW IT THAT WAY, WE HAVEN'T
24 INTRODUCED IT YET TELL ME IF, TELL ME IF THAT
25 REPRESENTS THE SCENE PLEASE?

1 A YES, SIR

2 Q ALL RIGHT, SIR

3 (HANDED TO MR VERMONT WHO DISCUSSES
4 IT WITH MR CAMPBELL) (HANDED A FEW MORE PHOTOGRAPHS)

5 MR MABRY YOUR HONOR, NO OBJECTION
6 TO THE NEXT THREE PHOTOGRAPHS I WILL JUST ASK THEM
7 TO BE MARKED PLEASE, MA'AM?

8 (ENTERED HERE AS STATE'S EXHIBITS NOS
9 7, 8, 9)

10 DIRECT EXAMINATION CONTINUES BY MR MABRY

11 Q ALL RIGHT, SIR, I THINK I SHOWED YOU A WHILE
12 AGO STATE NO 8 THAT HAS BEEN OFFERED FOR EVIDENCE CAN
13 YOU JUST TELL THE LADIES AND GENTLEMEN OF THE JURY JUST
14 KIND OF ORIENT THEM WHERE THE PHOTOGRAPHER WAS STANDING
15 WHEN HE SHOT THAT PICTURE, PLEASE, IF YOU KNOW?

16 A SURE, THE PHOTOGRAPHER WOULD BE STANDING IN THE
17 APPROXIMATE AREA OF WHERE I OBSERVED THE TRUCK WHEN
18 I ARRIVED

19 O ON THE ARTIST'S CONCEPTION WOULD IN THAT WOODED
20 AREA RIGHT HERE?

21 A YES, SIR, IF YOU WERE STANDING RIGHT HERE YOU
22 WOULD BE LOOKING RIGHT BACK TOWARD THAT STOP SIGN THAT
23 IS DEPICTED ON THE DRAWING THERE AND THIS IS DEER RIDGE
24 RUNNING BACK OR WILSON MILL AS I KNEW IT, RUNNING BACK
25 DOWN WE ARE LOOKING ACROSS HARMON TO WILSON MILL

1 O ALL RIGHT, SIR, AND STATE'S EXHIBIT NO 7, CAN
2 YOU ORIENT US PLEASE ON THAT?

3 A OKAY, AS--

4 O THE PHOTOGRAPHER WOULD BE STANDING WHEPE?

5 A THE PHOTOGRAPHER WOULD BE STANDING ON DFER RIDGE
6 AT THE TOP OF THE PICTURE?

7 Q OR WILSON MILL? LET'S CALL IT WILSON MILL IF YOU
8 DON'T MIND?

9 A OKAY, I KEEP SAYING DEER RIDGE

10 Q LET'S CALL IT WILSON MILL UP THERE?

11 A WILSON MILL, AS I KNOW IT, LOOKING STRAIGHT
12 ACROSS HARMON ROAD DOWN DEER RIDGE, AS I KNOW IT SO YOU
13 WOULD BE LOOKING FROM TOP TO BOTTOM IN THAT DEPICTION,
14 THAT PICTURE THERE

15 Q OKAY, NOW, LOOKING AT STATE'S EXHIBIT NO 9, CAN
16 YOU TELL US PLEASE WHERE THE PHOTOGRAPHER IS STANDING, IF
17 YOU RECOGNIZE IT?

18 A OKAY, THAT WOULD APPEAR TO ME, ALSO, TO BE LOOKING
19 FROM FURTHER DOWN WILSON MILL

20 Q FURTHER DOWN?

21 A STRAIGHT ACROSS HARMON

22 O FROM?

23 A YES, SIR, ACROSS HARMON, ALSO

24 Q SO THAT IS A LONGER SHOT BACK FROM THE INTERSECTION
25 OF HARMON?

A EXACTLY, EXACTLY, DOWN THE HILL SORT OF

1 Q OKAY, NOW, AGAIN WITHOUT OBJECTION, I AM GOING
2 TO MARK SOME MORE PHOTOGRAPHS THAT'S TEN--

3 (ENTERED HERE AS STATE'S EXHIBITS NOS
4 10,11,12,13,14,15,16 AND 17)

5 DIRECT EXAMINATION CONTINUES BY MR MABRY

6 Q SIR, SHOWING YOU STATE'S EXHIBIT NO 10, NOW WOULD
7 YOU ORIENT US, IF YOU WOULD, WHAT THAT DEPICTS?

8 A OKAY, IN THIS PICTURE THE PHOTOGRAPHER WAS
9 STANDING ON DEER RIDGE LOOKING BACK ON, AS IT IS DEPICTED
10 IN THE DRAWING THERE, HE WOULD BE LOOKING FROM BOTTOM
11 TO TOP

12 Q DO YOU REACH BACK THIS WAY?

13 A UP THE HILL ACROSS HARMON, YES, SIR

14 Q UP HERE LOOKING TOWARD WILSON MILL ROAD?

15 A SURE

16 Q OKAY, THANK YOU AND AGAIN, DOES THAT GENERALLY
17 SHOW THE SAME THING THAT YOU HAVE JUST DESCRIBED?

18 A THAT, THAT IS LOOKING UP DEER RIDGE, OVER ON TO
19 WILSON MILL ACROSS HARMON

20 Q AND DOES THAT GENERALLY SHOW THE SAME SCENE?

21 A YES, SIR, VERY CLOSE TO THE SAME SCENE ACROSS
22 HARMON

23 Q OKAY, SHOWING YOU THIS PHOTOGRAPH, WHERE WAS
24 THE PHOTOGRAPHER STANDING THERE, IF YOU CAN WITH RELATION
25 TO THE--

1 A OKAY, AS RELATED TO THIS

2 Q ARTIST'S RENDITION?

3 A ARTIST'S RENDITION, THAT'S GOOD STANDING ON
4 OR OFF TO, ON THE SHOULDER OF WILSON MILL LOOKING ACROSS
5 HARMON AND DOWN DEER RIDGE LEESBURG WOULD BE OVER HERE

6 Q SHOW ME WHICH SIDE TO POINT TO AS TO WHERE?

7 A OKAY, THIS STOP SIGN WOULD BE THE STOP SIGN
8 DEPICTED THERE

9 Q THIS RIGHT HERE?

10 A YES

11 Q OKAY, SO I GENERALLY, THE, IS HARMON ROAD
12 GENERALLY EAST TO WEST ON THE EASTERN SIDE?

13 A RIGHT

14 O AND SHOOTING ACROSS THE INTERESTION?

15 A DOWN ACROSS

16 Q ALL RIGHT?

17 A EXACTLY

18 O THANK YOU AND--

19 MR MABRY COUNSEL, WITHOUT OBJECTION,
20 CAN I SPEED THIS UP WITH A LITTLE LEADING?

21 MR VERMONT YES, SIR

22 DIRECT CONTINUES BY MR MABRY

23 O DOES THAT NOT SHOW HARMON AS IT APPROACHES
24 LEESBURG AND THE HARMON/DEER RIDGE/WILSON POND INTERSECTION
25 THERE?

1 A EXACTLY

2 Q OKAY, AND THIS PHOTOGRAPH DEPICTS THE STOP SIGN
3 THAT IS DEPICTED AT WILSON MILL ROAD?

4 A YES, SIR

5 Q AND IF YOU WERE LOOKING ACROSS THE TOP OF THE
6 STOP SIGN INTO THE WOODLINE, IS THAT NOT ABOUT WHERE THE
7 TRUCK IMPACTED?

8 A SURF, THE TRUCK WOULD BE IN THE WOODS SOMEWHERE
9 IN THAT AREA THERE WHEN I ARRIVED, OR MAYBE A LITTLE
10 FARTHER TOWARDS LEESBURG

11 Q AND THE SIGN WITH SHADY REST PET RESORT, IS THAT
12 THE SHADY REST PET RESORT WE HAVE DEPICTED?

13 A YES, SIR, RIGHT THERE

14 Q I AM SHOWING YOU STATE'S--EXCUSE ME, IF YOU WILL
15 MARK THAT? SHOWING YOU STATE'S NUMBER 17? I JUST
16 MARKED 18 IF I COULD ASK YOU IF THAT SHOWS HARMON ROAD
17 LOOKING GENERALLY EAST BACK TOWARD SUMTER HIGHWAY AND
18 THE INTERSECTION OF DEER RIDGE?

19 A YES, SIR

20 (ENTERED HERE AS STATE'S EXHIBIT NO 18)

21 Q SHOWING YOU STATE'S 18, THAT GENERALLY SHOWS
22 LOOKING DOWN WILSON MILL ACROSS HARMON UP DEER RIDGE?

23 A EXACTLY

24 Q ALL RIGHT, SIR, NOW--

25 (ENTERED HERE AS STATE'S EXHIBIT NO 19)

Q ALL RIGHT, SIR, I WANT TO SHOW YOU STATE'S

1 EXHIBIT NO 19 AND ASK YOU WHAT THAT DEPICTS PLEASE?

2 A ALL RIGHT, IN THIS PICTURE INVESTIGATOR HARPER
3 OF THE RICHLAND COUNTY SHERIFF'S OFFICE IS SHOWN--

4 Q IS HE IN THE COURTROOM TODAY?

5 A YES, SIR, HE IS

6 Q STAND UP PLEASE? THAT GENTLEMAN RIGHT THERE?

7 A YES, SIR

8 Q OKAY, WHERE IS HE, WHAT IS HE DOING? WHERE IS
9 HE LOCATED?

10 A HE IS IN THE INTERSECTION HE IS REALLY ON
11 WILSON MILL ROAD

12 Q WILSON MILL ROAD?

13 A RIGHT BEFORE YOU COME, BEFORE YOU GET TO HARMON
14 ROAD I, LET'S SAY YOU WERE TRAVELLING WILSON MILL
15 TOWARDS HARMON, HE WOULD BE IN THE LEFT OR, MOVE YOUR
16 HAND TO MY LEFT SOME HE WOULD BE IN THAT HALF OF THE
17 ROAD

18 Q ALL RIGHT, SIR, HE CROSSED AT THE STOP SIGN?

19 A HE CROSSED IN THE MIDDLE OF THF ROAD, YES, SIR,
20 THE STOP SIGN WOULD HAVE BEEN HERE PROBABLY NOT,
21 PROBABLY, IF THE PICTURE HAS DEPICTED THAT STOP SIGN IT
22 WOULD HAVE BEEN HERE

23 Q IS THE STOP SIGN IN THE PICTURE?

24 A THERE IS A STOP SIGN BEHIND HIM

25 Q YES? THIS ONE?

1 A NO, SIR

2 Q IT'S NOT THAT ONE?

3 A WAIT A SECOND, LET ME GET MY BEARINGS STRAIGHT
4 ON THIS? IT IS THAT ONE, I'M SORRY

5 Q IT IS THAT ONE?

6 A EXCUSE ME, IN THIS PICTURE, WILSON MILL RUNS,
7 HARMONE ROAD WOULD BE HERE, WILSON MILL WOULD BE TO THE
8 RIGHT

9 Q OKAY, IS HE NOT STANDING IN THE MIDDLE OF WILSON
10 MILL ROAD?

11 A YES, HE IS

12 Q OKAY, WHAT IS HE POINTING TO, DO YOU KNOW?

13 A HE WAS POINTING TO WHAT HE SHOWED ME A PIECE
14 OF SHOT, PELLET, POSSIBLY, IT LOOKED LIKE ONE THAT WOULD
15 COME FROM A SHOTGUN SHELL

16 Q BUCKSHOT?

17 A YES

18 Q A PIECE OF IT?

19 A WHAT LOOKED TO BE A PIECE OF BUCKSHOT

20 Q ALL RIGHT

21 MR MABRY YOUR HONOR, I AM GOING
22 TO HAVE MARKED WITHOUT OBJECTION THREE MORE PHOTOGRAPHS
23 PLEASE?

24 (ENTERED HERE ARE STATE'S EXHIBITS NOS
25 20, 22 AND 23)

1 DIRECT EXAMINATION CONTINUES BY MR MABRY

2 Q ALL RIGHT, SIR, I WANT TO ASK IN 22, WHEN YOU GOT
3 TO THE SCENE DID YOU INSPECT THE PICKUP TRUCK?

4 A YES, I DID

5 O I AM GOING TO ASK YOU TO LOOK AT STATE'S EXHIBIT
6 20 OFFERED, AND ASK YOU IF THAT IS THE PICKUP TRUCK?

7 A YES, SIR, THAT IS THE PICKUP TRUCK IN THE POSITION
8 IN THE WOODS

9 Q ALL RIGHT, SIR, I WANT YOU TO LOOK AT STATE'S
10 EXHIBIT 22 AND 21 AND ASK YOU IF THAT ALSO IS THE PICKUP
11 TRUCK?

12 A YES, SIR, AGAIN

13 O ALL RIGHT, SIR, WHAT DO THOSE, IS THERE ANYTHING
14 UNUSUAL ABOUT THAT PHOTOGRAPH?

15 A WELL, THE THING THAT BROUGHT IT TO OUR ATTENTION
16 IN THE INVESTIGATION IS THAT EVIDENTLY SOMETHING, WITHOUT
17 SOMETHING THAT STRUCK THE WINDOW THERE, WE THOUGHT IT
18 TO BE PART OF A POSSIBLE, WELL, WE DID THINK IT TO BE
19 WHERE THE PELLET FROM THE SHOTGUN BLAST HAD STRUCK NOT
20 ONLY THE PERSON IN THE TRUCK BUT THE POST OF THE TRUCK
21 ALSO

22 O ALL RIGHT, DID YOU FIND EVIDENCE ON THE INSIDE OF
23 THE TRUCK? I MEAN A SPENT PELLET OR ANYTHING?

24 A I DON'T RECALL FINDING ANY I DIDN'T PROCESS,
25 I DIDN'T FIND ANY VISIBLY THAT NIGHT UPON FIRST INSPECTION

1 Q ALL RIGHT

2 MR MABRY MAY WE APPROACH THE BENCH,
3 YOUR HONOR?

4 (OFF THE RECORD DISCUSSION, ATTORNEYS
5 AND JUDGE OUT OF HEARING OF COURT REPORTER AND JURY)

6 MR MABRY I OFFER YOU ANOTHER
7 PHOTOGRAPH, YOUR HONOR?

8 (ENTERED HERE AS STATE'S EXHIBIT NO 23)
9 DIRECT EXAMINATION CONTINUES BY MR MABRY

10 Q JUST LOOK AT THAT PHOTOGRAPH AND TELL ME WHAT
11 THAT DEPICTS PLEASE?

12 A IT DEPICTS SEVERAL THINGS IT DEPICTS THE POSITION
13 OF THE TRUCK AND THE WOODS UM, IT ALSO SHOWS WHERE
14 A PELLET APPARENTLY HAD STRUCK THE DOOR POST AND IT ALSO
15 SHOWS THE VICTIM INSIDE THE TRUCK

16 Q ALL RIGHT, SIR, IS THAT OLIN D WILSON'S BODY?

17 A YES, SIR

18 Q AS YOU SAW IT THAT NIGHT WHEN YOU ARRIVED ON
19 THE SCENE?

20 A YES, SIR

21 MR MABRY MAY WE APPROACH THE BENCH,
22 YOUR HONOR?

23 (OFF THE RECORD DISCUSSION ABOUT MORE
24 PHOTOGRAPHS, ALL ATTORNEYS)

25 DIRECT EXAMINATION CONTINUES BY MR MABRY

1 Q MR CASTLES, YOU WERE ON THE SCENE THAT NIGHT
2 I ASK YOU IF YOU HAD OCCASION TO HAVE TALKED WITH MR ,
3 THE LATE MR WILSON'S AT THAT TIME WIDOW?

4 A I DID

5 Q SPEAK UP A LITTLE BIT PLEASE?

6 A I DID

7 O TELL US ABOUT THAT PLEASE?

8 A ALL RIGHT, SIR, AFTER MY ARRIVAL ON THE SCENE
9 SEVERAL INVESTIGATORS WHO WERE WORKING THE CRIME SCENE,
10 THE EVIDENCE PEOPLE HAD BEGUN MRS WILSON DROVE UP
11 ON WILSON MILL ROAD AND PROCEEDED UP TO THE STOP SIGN
12 WHERE WE HAD MR HARPER, I DEPICTED A WHILE AGO ON ONE
13 OF THE EVIDENCE PHOTOS OF COURSE THE DEPUTY STOPPED HER
14 AND SAID THAT WE SHOULDN'T, THAT SHE SHOULDN'T COME INTO
15 THAT AREA THAT THEY HAD IT ROPED OFF AND WERE WORKING
16 IN IT AT THAT TIME UM, THE OFFICER CALLED ME OVER TO
17 THE CAR WHEN I DID HAVE OCCASION TO TALK WITH HER AND,
18 UH, I ASKED HER WHO SHE WAS AND SHE INTRODUCED HERSELF
19 TO ME--

20 MR VERMONT YOUR HONOR, PLEASE, I
21 WANT TO CAUTION HIM ABOUT HEARSAY AT THIS POINT

22 MR MABRY YOUR HONOR, IT SIMPLY
23 SHOWS WHY THE INDIVIDUAL WAS THERE

24 THE COURT ARE THEY GOING TO TESTIFY--

25 MR MABRY IT IS NOT OFFERED FOR

1 TRUTH, SIR

2 THE COURT ARE YOU PLANNING TO HAVE
3 HER TESTIFY?

4 MR MABRY IT DEPENDS ON THE COMPLEXITY
5 OF THE TRIAL I WAS HOPING TO SHOW--TO SHORTEN THIS

6 THE COURT OF COURSE, THOSE TWO
7 PEOPLE WHO DISCUSSED THIS THING, THEY BOTH ARE GOING TO
8 TESTIFY THERE WOULDN'T BE NO HEARSAY BUT IT WOULD BE
9 A PROBLEM OF HEARSAY IF THEY ARE NOT

10 MR MABRY YOUR HONOR, I AM NOT
11 TRYING TO PROVE THAT SHE WAS THERE ON ACCOUNT OF WHY
12 SHE SAID SHE WAS THERE, I JUST WANT TO SHOW WHAT SHE
13 SAID

14 THE COURT WELL, THAT IS WHAT THE
15 OBJECTION IS TO, IT MAY BE HEARSAY

16 MR MABRY THAT'S NOT HEARSAY

17 THE COURT I DON'T KNOW WHETHER IT
18 IS OR NOT TO ME IT SOUNDS A LITTLE BIT LIKE HEARSAY IT
19 COULD BE, IT COULD NOT BE BUT, BUT HEARSAY--IT IS, I WOULD
20 BE GLAD TO HEAR IT OUTSIDE OF THE PRESENCE OF THE JURY

21 MR MABRY I WOULD LIKE TO BE HEARD
22 ON IT THEN

23 THE COURT FINE I USUALLY GIVE YOU
24 A BREAK ABOUT EVERY HOUR ANYWAY SO, 'E WILL LET YOU
25 GO OUT AT THIS TIME DON'T DISCUSS THIS CASE AT ALL

1 NOW, IF YOU WANT COFFEE OR COLD DRINKS, MADAM FOREMAN, I
2 WOULD SUGGEST THAT YOU ORDER THEM IMMEDIATELY BECAUSE
3 THEY HAVE GOT TO GO DOWNSTAIRS AND GET IT FOR YOU I
4 DON'T KNOW HOW LONG WE WILL BE AT THESE MATTERS THIS
5 IS NOTHING DIFFERENT FROM ANY OTHER CASE OF THIS NATURE
6 TO TRY IT ACTUALLY, THIS IS OF NO CONCERN OF YOURS,
7 PERIOD NOTHING WRONG WITH THAT AT ALL IT IS JUST THE
8 WAY WE DO IT SO, YOU FOLLOW THE BAILIFF AND I WILL
9 SEND FOR YOU WHEN I CAN

10 (JURY LEAVES THE COURTROOM AT 3 30 P M)

11 MR MABRY IF IT PLEASE THE COURT,
12 THE QUESTION WAS DOES, WE WOULD LIKE NOT TO PROVE WHAT
13 MRS WILSON SAID IS, IN FACT, TRUE IT IS SIMPLY TO
14 DESCRIBE THE SCENE AND SHOW WHY SHE WAS THERE IT IS
15 LIKE "I'LL PAY YOU TEN DOLLARS FOR THAT DOG " SIMPLY THAT
16 I SAID THAT IS NOT HEARSAY IF YOU WERE TRYING TO PROVE
17 THAT I WAS GOING TO PAY TEN DOLLARS FOR THAT DOG, THEN
18 THAT WOULD BE

19 THE COURT WELL, THE EXAMPLE YOU GET
20 IN THE TEXT BOOK IS SOMEBODY FROM ENGLAND CALLED YOU
21 AND TOLD YOU IT WAS POURING DOWN RAINING, YOU CAN'T USE
22 THE FACT THAT HE TOLD YOU IT'S POURING DOWN RAINING IF IT
23 RAIN, ONLY REASON YOU KNEW IS YOU FOUND OUT HE IS ALIVE AT
24 THAT TIME TALKING FINE, BUT ONCE YOU GET INTO ONE
25 QUESTION AND THEN GET INTO THE NEXT, WHICH MIGHT BE OF

1 SOME IMPORTANCE, THE JURY CAN'T UNDERSTAND WHY I LET
2 ONE THING IN AND NOT THE OTHER SO, I JUST WANT TO BE
3 CAREFUL IF IT IS NOT IMPORTANT, WE KNOW SHE WAS THERE
4 BECAUSE HE SAID HE SAW HER THERE AND HE TALKED TO HFP
5 UM, SO IT IS NOT WHAT SHE SAID PARTICULARLY PROVES SHE
6 WAS THERE YOU CAN ASK HIM OUT OF THE PRESENCE OF THE
7 JURY AND LET'S SEE WHAT IT IS I DON'T KNOW, HE MIGHT
8 NOT EVEN OBJECT TO IT

9 DIRECT EXAMINATION CONTINUES BY MR MABRY

10 Q WHAT DID SHE SAY?

11 A SHE TOLD ME THAT, UH, OLIN WILSON'S PLACE OF
12 WORK HAD CALLED HER AND SAID THAT HE WAS LATE GETTING
13 THERE AND THAT SHE WAS TRACING OR RIDING THE WAY HE WOULD
14 HAVE GONE TO WORK TO SEE IF HE WAS THERE SEE IF HE
15 WAS STOPPED ALONG SIDE OF THE ROAD OR IF HE HAD HAD
16 TROUBLE OR SOMETHING

17 THE COURT DO YOU OBJECT TO THAT

18 MR VERMONT YES, SIR

19 THE COURT FINE, HE OBJECTS TO IT
20 NOW, IF YOU SHOULD PUT THE LADY UP, FINE, I'LL LET YOU
21 GO INTO ANYTHING SHE SAID, IF SHE IS GOING TO TESTIFY

22 MR MABRY ALL RIGHT, SIR

23 THE COURT NOW, IF YOU, YOU HAVE TO
24 REMEMBER BECAUSE IF YOU FORGET ABOUT IT I'LL HAVE TO GET
25 ON TO YOU

1 MR VERMONT YOU KNOW I'M GOOD ON
2 THAT JUDGE

3 THE COURT YES, SIR MR VERMONT AND
4 I WILL BOTH KEEP YOU ON THE BALL

5 MR MABRY THE RULING IS THAT I
6 CANNOT GO INTO IT AT THIS TIME, IS THAT CORRECT, SIR?

7 THE COURT THAT IS CORRECT

8 MR MABRY THANK YOU, SIR

9 THE COURT BUT IF SHE, NO, NOW I DIDN'T
10 RULE THAT WAY ALTOGETHER NOW--

11 MR MABRY I UNDERSTAND

12 THE COURT IF SHE IS GOING TO TESTIFY,
13 YOU GO RIGHT ON INTO IT THAT AND ANY OTHER MATTER YOU
14 ARE GOING TO TESTIFY TO

15 MR MABRY WELL, SIR, I HAVE NOT
16 DECIDED EXACTLY HOW WE ARE GOING TO PROCEED WITH OUR
17 STRATEGY, SIR

18 THE COURT WELL, I WILL TELL YOU WHAT
19 WE ARE GOING TO TAKE A LITTLE BREAK AND WE WILL ALLOW
20 YOU TIME TO DO THAT

21 MR MABRY WELL, I AM READY TO GO ON,
22 SIR

23 THE COURT NOW, SIR, BUT THE JURY IS
24 NOT I TOLD THEM TO GET COFFEE AND COLD DRINKS IT IS
25 THE LAST TIME THEY CAN GET IT TODAY

1 MR MABRY ALL RIGHT, FINE, SIR
2 THE COURT SO WE HAVE GOT TO GIVE
3 THEM A LITTLE BREAK I USUALLY GIVE THEM A BREAK IN AN
4 HOUR ANYWAY, AND IT'S AN HOUR SO WE WILL TAKE A SHORT
5 BREAK YOU CAN COME DOWN
6 (RECESS AT 3 35 P N)
7
8 (RESUME AT 4 20 P M)
9 (JURY RETURNS TO THE JURY BOX AT 4 20
10 P M)
11 (MR CASTLES RESUMES THE STAND)
12 DIRECT EXAMINATION CONTINUES BY MR MABRY
13 Q YOUR HONOR, MR CASTLES, BEFORE WE TOOK A BREAK
14 WE ASKED YOU ABOUT MEETING THE WIDOW MRS ANNE WILSON
15 ABOUT WHAT TIME DID MRS WILSON ARRIVE AT THE INTERSECTION
16 OF HARMON ROAD AND WILSON MILL ROAD?
17 A I CAN'T GIVE AN EXACT TIME I WOULD SAY BETWEEN
18 12 00 A M AND 12 30
19 Q BETWEEN MIDNIGHT AND 12 30 A M , WHICH WOULD
20 HAVE BEEN ON THE ELEVENTH ACTUALLY? ABOUT WHAT TIME DID
21 YOU ARRIVE ON THE SCENE THEN?
22 A APPROXIMATELY 11 30 MAYBE PROBABLY 11 30
23 O 11 30 OR QUARTER TO TWELVE?
24 A SURE
25 Q ALL RIGHT, NOW, ABOUT HOW LONG AFTER YOU ARRIVED

1 ON THE SCENE DO YOU RECALL THAT OR DID MRS WILSON ARRIVE?

2 A IT WAS BUSY AND I WOULD SAY THRITY MINUTES,
3 THIRTY, FORTY-FIVE MINUTES, MAYBE AN HOUR, SOMEWHERE IN
4 THAT RANGE

5 Q ALL RIGHT, SIR, I UNDERSTAND YOU WERE BUSY OUT
6 THERE?

7 A YES, SIR

8 Q ALL RIGHT, NOW, FROM WHICH DIRECTION, REFERRING
9 TO STATE'S EXHIBIT NUMBER 2, THE ILLUSTRATION DID MS
10 WILSON COME?

11 A ALL RIGHT, AS YOU LOOK AT THE ARTIST'S RENDITION
12 HERE, IT WOULD BE FROM TOP TO BOTTOM

13 Q ALL RIGHT, SIR, SHE WAS COMING--

14 A BEFORE THE STOP SIGN

15 Q SHE WAS COMING DOWN WILSON MILL ROAD?

16 A YES, SIR

17 Q DID SHE REACH THE INTERSECTION OF WILSON MILL?

18 A NOT ENTIRELY WE STOPPED HER PRIOR TO COMING INTO
19 THE INTERSECTION BECAUSE WE WERE WORKING IN THAT 'NTER-
20 SECTION LATER WE ASKED THEM TO PULL THE VEHICLE
21 ACROSS HARMON AND DOWN ON DEER RIDGE BUT THIS WAS
22 A LITTLE WHILE LATER I TALKED TO HER, MY MAJOR CONVER-
23 SATION WITH HER WAS ON WILSON MILL, ON THE UPPER SIDE OF
24 HARMON AS YOU LOOK AT IT ON THAT

25 Q IN OTHERWORDS, YOU WERE ON WILSON MILL WHEN YOU

1 HAD YOUR CONVERSATION?

2 A YES, SIR

3 Q WITH MRS WILSON?

4 A YES, SIR

5 Q NOW, I JUST WANT YOU TO ANSWER THIS QUESTION
6 YES OR NO DID SHE TELL YOU WHY SHE WAS COMING DOWN
7 WILSON MILL TOWARD HARMON ROAD AT THAT HOUR OF THE
8 EVENING?

9 A YES

10 Q NOW, I BELIEVE YOU TOLD US WHEN YOU REFERRED TO
11 STATE'S EXHIBIT 1 THAT MR WILSON AND MRS WILSON LIVED
12 SOMEWHERE OFF HIGHWAY CONNECTION OR ROAD 1790? AND THAT
13 BECOMES WILSON MILL ROAD AS IT APPROACHES HARMON, IS
14 THAT CORRECT?

15 A YES, SIR, MAYBE WHERE YOU HAVE YOUR PEN OUT, MAYBE
16 DOWN A LITTLE FARTHER

17 Q DOWN A LITTLE FARTHER?

18 A I'M NOT EXACTLY SURE WHERE IT WOULD BE ON THE
19 MAP BUT I THINK IT IS PAST THE INTERSECTION THERE

20 O DOWN 161, JUST APPROXIMATELY RIGHT THERE?

21 A YES, SIR, THAT GENERAL AREA

22 Q ALL RIGHT, AND THAT IS 1790 WILSON MILL ROAD
23 IS 1790 AS IT APPROACHES HARMON, THAT IS FROM THE
24 DIRECTION FROM WHERE SHE CAME?

25 A YES, SIR, YFS, SIR

1 O ALL RIGHT, WHEN SHE FIRST APPROACHED YOU WOULD
2 YOU PLEASE DESCRIBE FOR THE LADIES AND GENTLEMEN OF THE
3 JURY HER DEMEANOR, HER APPEARANCE, HER STATE OF CONDITION,
4 IF YOU WOULD?

5 A OKAY, I AM TRYING TO THINK OF A GOOD TERM MRS
6 WILSON WAS ANXIOUS AND I, I DON'T KNOW WHETHER I WANT
7 TO QUALIFY WHAT I MEAN BY ANXIOUS OR NOT

8 Q DID SHE APPEAR TO YOU TO BE ANXIOUS, CONCERNED
9 MAYBE?

10 A CONCERNED IS A GOOD WORD, YES, SIR

11 Q AND AFTER YOU HAD A CONVERSATION WITH HER, DID
12 YOU TELL HER WHAT YOU FOUND IN THE TRUCK?

13 A YES, SIR, I DID

14 Q GO AHEAD?

15 A I TOLD HER THAT, MY EXACT WORDS I DON'T RECALL,
16 BUT SOMETHING VERY SIMILAR TO HER HUSBAND, UH, HER HUSBAND
17 WAS DEAD AND THAT IT DIDN'T APPEAR THAT HE HAD DIED AS
18 A RESULT OF AN AUTOMOBILE ACCIDENT, WHICH COULD APPEAR
19 AS YOU LOOKED AT IT FROM WHERE SHE WAS BUT, THAT HE
20 APPARENTLY HAD DIED FROM A GUNSHOT WOUND

21 Q ALL RIGHT, NOW, WHAT WAS HER REACTION TO THAT?

22 A SHE WAS PHYSICALLY UPSET

23 Q DID SHE CRY?

24 A YES, SIR

25 Q DID SHE HAVE TROUBLE STANDING?

1 A I BELIEVE, YES, SIR, WE DID PUT HER BACK IN THE
2 CAR LET HER SIT DOWN AT ONE TIME, I BELIEVE SHE
3 WANTED TO GO TO THE TRUCK AND SEE MR WILSON, BUT OUR
4 TECHNICIANS WERE STILL WORKING AROUND THAT ARFA AND I
5 DIDN'T WANT TO FURTHER CONTAMINATE THE CRIME SCENE SO,
6 I ASKED HER PLEASE TO BEAR WITH US AND TO STAY AWAY IT
7 WAS SOMETIME AFTER THAT WHEN SHE, WHEN WE ASKED, I DON'T
8 KNOW IF SHE PULLED THE CAR OR SOMEONE DID ON HER PART,
9 THEY PULLED THE CAR AROUND AND, WE GOT HER,-I DON'T
10 WANT TO SAY OUT OF THE WAY, THAT IS NOT THE PROPER TERM,
11 BUT WE GOT THE CAR WHERE WE COULD PROCESS THAT ROAD
12 WITHOUT HER BEING IN OUR WAY, BEING IN OUR WAY

13 Q DID SHE SEEM ANXIOUS TO GO DOWN TO THE TRUCK
14 WHEN YOU RESTRAINED HER FROM SO DOING?

15 A YES, SIR, SHE WANTED TO GO TO THE TRUCK SHE
16 WANTED TO SEE, SEE HIM

17 Q DO YOU KNOW HOW SHE GOT BACK TO HER HOME THAT
18 EVENING?

19 A YES, SIR, TO THE BEST OF MY KNOWLEDGE, SOMEBODY
20 THAT RODE UP WITH HER, I THINK SHE HAD A COUPLE OF
21 SMALL CHILDREN AND ANOTHER PERSON IN THE CAR WITH HER,
22 A YOUNG ADULT IF THAT IS A GOOD TERM? AND I BELIEVE THAT
23 PERSON DROVE BACK, I'M NOT SURE I BELIEVE THAT IS THE
24 WAY THEY LEFT THE AREA

25 Q WERE THERE ANY LAW ENFORCEMENT VEHICLES THAT

1 WENT WITH THEIR AUTOMOBILE BACK TO THE HOUSE?

2 A I REALLY DON'T RECALL

3 O ALL RIGHT, SIR, AND IN WHICH DIRECTION DID THEY
4 LEAVE?

5 A I DON'T RECALL

6 Q IF YOU KNOW?

7 A I DON'T RECALL THAT I WAS NOT AT THE CAR WHEN
8 THEY LEFT

9 Q YOU INTERVIEWED THE PERSON, THOUGH, AT THE FORT
10 JACKSON STEAM GENERATOR POWER FACILITY IN REGARD TO THIS
11 INVESTIGATION?

12 A YES, SIR SHORTLY AFTER, WHEN I FINISHED UP AT
13 THE CRIME SCENE, AT THE SCENE, AT HARMON AND WILSON MILL
14 WHEN I LEFT THERE I PERSONALLY WENT TO THE STEAM PLANT
15 AND INTERVIEWED THE PEOPLE THERE

16 Q DID YOU ASCERTAIN WHETHER OR NOT THE PEOPLE AT
17 THE POWER PLANT HAD COMMUNICATED WITH MRS WILSON EARLIER
18 THAT EVENING?

19 MR VERMONT OBJECTION, YOUR HONOR,
20 THAT IS GOING TO OBVIOUSLY CALL FOR HEARSAY

21 MR MABRY I AM NOT ASKING WHAT THEY
22 SAID, I JUST ASKED IF THERE WAS A COMMUNICATION?

23 MR VERMONT HE WOULD NOT KNOW THAT
24 OF HIS OWN KNOWLEDGE YOUR HONOR, THE SAME OBJECTION
25 THE COURT (NODS NO TO MR MABRY)

1 MR MABRY CERTAINLY HE CAN TESTIFY
2 IF THEY TOLD HIM THAT THEY COMMUNICATED

3 DIRECT EXAMINATION CONTINUES BY MR MABRY

4 Q DID YOU ASCERTAIN FROM THE INDIVIDUALS AT THE
5 POWER PLANT WHAT TIME MR WILSON HAD EXPECTED TO ARRIVE
6 THERE?

7 A YES, SIR

8 MR VERMONT OBJECTION

9 Q DON'T SAY WHAT TIME I AM SURE WE HAVE AN
10 OBJECTION DID THE INDIVIDUALS AT THE POWER PLANT APPEAR
11 CONCERNED THAT MR WILSON HAD NOT ARRIVED FOR WORK THAT
12 EVENING?

13 A YES, SIR

14 Q ALL RIGHT, AND AGAIN, THIS WAS ABOUT WHAT TIME?
15 NOW, UH, I GUESS NOW WE HAD ENTERED THE EARLY MORNING
16 HOURS OF JULY ELEVENTH?

17 A I BELIEVED I TALKED TO THE FOLKS THERE, AS WELL
18 AS I REMEMBER, AROUND 2 00

19 O 2 00?

20 A OR MAYBE AFTER THAT, BUT 2 00 CERTAINLY

21 Q ALL RIGHT, ONE LAST TIME, I THINK YOU HAVE
22 IDENTIFIED THESE PINS AGAIN, BUT I WANT TO GO OVER IT
23 AGAIN THE RED PIN, THAT IS AFFIXED TO THE MAP NEAREST
24 THE FORT JACKSON RESERVATION INDICATES THE INTERSECTION
25 OF HARMON AND DEER RIDGE ABOUT?

1 A YES, SIR, IT DOES

2 Q THE YELLOW PIN APPROXIMATES THE POSITION OF
3 HORRELL HILL TRAILER COURT OR TRAILER PARK?

4 A YES

5 Q THE BLUE PIN APPROXIMATELY STANDS FOR THE SECTION
6 OF THE SEVEN MILE ROAD AND HIGHWAY 764 AND THE SUMTER
7 HIGHWAY? AND THE OTHER RED PIN ON STATE'S EXHIBIT NO 1
8 APPROXIMATES THE TOWN OF EASTOVER?

9 A YES, IT DOES

10 Q MR CASTLES, WHEN YOU WERE OUT THERE THAT EVENING,
11 I THINK YOU TOLD US YOU ARRIVED SOMEWHERE BETWEEN 11 30
12 P M AND A QUARTER TO TWELVE WAS THERE MUCH TRAFFIC
13 OTHER THAN THE EMERGENCY VEHICLES AND THOSE WHO ARRIVED
14 ON THE SCENE?

15 A IT WAS, THERE WAS NOT A GREAT DEAL OF TRAFFIC
16 YOU HAVE TO PUT IN PROSPECTIVE WHERE, WHERE THIS IS IT
17 IS OUT A GOOD WAYS, THERE ARE RESIDENCES IN THE AREA
18 IT IS NOT TRAVELLED EXTENSIVELY, ESPECIALLY THAT ARROW
19 THERE WERE LATER ON IN THE NIGHT, AS WE WERE TRAVELLING
20 IN THE COMMUNITY RELATIVES AND FRIENDS WHO DID COME BY
21 THERE

22 Q YES, BUT I MEAN, JUST WHEN YOU FIRST ARRIVED ON
23 THE SCENE?

24 A NOT MUCH TRAFFIC

25 O NOT MUCH TRAFFIC ALL RIGHT, SIR, AND OF COURSE,

1 THE SCENE THAT WE HAVE BEEN TALKING ABOUT WHERE YOU FOUND
2 THE PICKUP TRUCK AND THE BODY, THAT IS LOCATED IN
3 RICHLAND COUNTY, IS THAT CORRECT?

4 A YES, SIR, IT IS

5 Q ALL RIGHT

6
7 CROSS EXAMINATION

8 BY MR. VERMONT

9 Q MR. CASTLES, DID YOU PERSONALLY FIND ANY
10 PHYSICAL EVIDENCE AT THE SCENE, COLLECT ANY EVIDENCE?
11 POINT ANY OUT TO ANYBODY? SAMPLES OR PHOTOGRAPHS OR
12 REPRODUCE THEM?

13 A NO, SIR, I WAS THE SUPERVISOR WORKING WITH THE
14 PLAIN CLOTHES PEOPLE AT THAT TIME

15 Q ALL RIGHT, SIR, SO YOU, YOURSELF, DIDN'T FIND
16 ANYTHING?

17 A NO, SIR, I WAS PRESENT WHEN THEY WERE FOUND

18 Q EVERYTHING WAS POINTED OUT TO YOU?

19 A YES, SIR

20 Q TO YOU, YOURSELF?

21 A I DIDN'T DISCOVER THEM AS OF, NO, SIR

22 Q ALL RIGHT, SIR, SO OTHER PEOPLE ALREADY THERE
23 HAD DISCOVERED OTHER PIECES OF EVIDENCE AND WHEN YOU
24 GOT THERE THEY--

25 A WHEN I ARRIVED ON THE SCENE I DIDN'T HAVE ANY

1 PIECES OF EVIDENCE WHEN I DROVE UP THEY DIDN'T SAY
2 HERE, HERE IS SOMETHING WE CONSIDER TO BE EVIDENCE BUT
3 LATER, AS THE INVESTIGATIVE TEAM WORKED AND THE FORENSIC
4 TEAM WORKED THEY DID FIND THINGS THAT THEY FELT TO BE
5 OF EVIDENTIARY VALUE AND THEY DID POINT THEM OUT

6 Q WERE THOSE FOUND THAT NIGHT OR LATER THE NEXT
7 MORNING IN THE DAYLIGHT?

8 A THAT NIGHT SOME THINGS WERE, YES, SIR

9 Q YES, SIR ALL RIGHT, DO YOU KNOW WHO THOSE
10 OTHER MEMBERS OF THE INVESTIGATIVE TEAM WERE?

11 A INV HARPER

12 O UH HUH?

13 A UH, GEORGE CONNELLY OF THE FORENSIC SCIENCE
14 DIVISION AT THAT TIME INV LOTT ALSO WAS PRESENT THEY
15 ARE THE ONES WHO APPLIED THEMSELVES TO THE TASK OF SAYING
16 THAT THERE WAS EVIDENCE THAT THEY COULD GATHER FROM
17 THAT AREA

18 Q ALL RIGHT, DO YOU KNOW IF THEY FOUND TIRE TRACKS
19 THAT ANYONE THOUGHT MIGHT BE SIGNIFICANT?

20 A TIRE TRACKS WERE SCENE IN THE AREA, YES, SIR

21 O ALL RIGHT, DID ANYBODY MAKE A CAST OF THEM,
22 PHOTOGRAPHS?

23 A TIRE TRACKS WERE CASTED

24 Q ALL RIGHT, WHO DID THAT, DO YOU REMEMBER?

25 A MR CONNELLY DID, TO THE BEST OF MY KNOWLEDGE

1 Q ANYTHING ELSE? FOOTPRINTS?

2 A I AM NOT SAYING HE CAST A TRACK, I'M SAYING HE
3 DID DISCOVER TRACKS WE LOOKED AT A LOT OF THINGS THAT
4 NIGHT

5 Q WHAT WERE SOME OF THE OTHER THINGS YOU LOOKED AT?
6 FOOTPRINTS PERHAPS?

7 A YES, SIR, YOU HAVE GOT TO IMAGINE EVERY FOOTPRINT
8 THERE WAS IN A STONES THROW OF THERE WAS, UH WAS OF
9 INTEREST

10 Q WERE THEY PHOTOGRAPHED?

11 A SOFT DRINK CANS I REALLY DON'T RECALL RIGHT
12 NOW IF, WHETHER FOOTPRINTS WERE PHOTOGRAPHED DRINK CANS,
13 BEER CANS, CIGARETTE BUTTS, ANYTHING

14 Q ANY OTHER PHYSICAL EVIDENCE OF THAT NATURE FOUND?

15 A UH, YES, SIR

16 Q SHELLS, NOW--WAS THERE NOT SOME SHELL FRAGMENTS?

17 A YES, SIR

18 Q ANYTHING ELSE YOU ARE AWARE OF IN THE WAY OF
19 PHYSICAL EVIDENCE THAT WAS ACTUALLY COLLECTED?

20 A WELL--

21 Q EITHER BY PHOTOGRAPHS OR BY CASTING OR BY
22 PHYSICAL COLLECTION OF THE ITEM?

23 A THAT NIGHT ON THE SCENE WHEN I WAS THERE I CAN'T
24 RECALL ANY OTHERS, I CAN'T

25 Q NO STRAY ITEMS OF CLOTHING?

1 A NOT TO MY KNOWLEDGE

2 Q UH, NO, SAY, CUT OR TORN BRANCHES OR DOWNED
3 TREES OR ANYTHING LIKE THAT?

4 A NOT TO MY KNOWLEDGE, NO, SIR

5 Q ANY MARKINGS IN THE GRASS, FOOTPRINTS IN THE
6 GRASS OR ANY IN THE SAND?

7 A FROM THIS NIGHT?

8 Q YES, SIR?

9 A I DON'T HAVE KNOWLEDGE OF ANY

10 Q OR THE NEXT MORNING TO YOUR KNOWLEDGE?

11 A UH, I COULDN'T SAY IF SOMETHING WERE FOUND THE
12 NEXT MORNING THERE

13 Q YOU DIDN'T GO BACK DID YOU?

14 A I WENT BACK BUT I DIDN'T GO BACK AT THE VERY
15 NEXT DAYLIGHT

16 Q ALL RIGHT, FINE, THAT IS ALL I HAVE THANK YOU

17 A SURE

18 MR MABRY COME DOWN, MR CASTLES
19 JAMES OWENS, PLEASE, YOUR HONOR

20 COME AROUND, MR OWENS AND BE SWORN
21 YOUR HONOR PLEASE, MR CASTLES WOULD LIKE TO BE EXCUSED
22 AND NOT STANDBY IF THERE IS ANY OBJECTION?

23 THE COURT ANY OBJECTION?

24 MR VERMONT NO, SIR

25 THE COURT YOU MAY BE EXCUSED

1 THE COURT I WANT YOU TO SPEAK UP
2 LOUDLY SO EVERYBODY CAN HEAR YOU

3 MR OWENS ALL RIGHT

4 JAMES OWENS, AFTER BEING
5 DULY SWORN, TESTIFIES AS FOLLOWS

6 DIRECT EXAMINATION

7 BY MR MABRY

8 Q YOUR FULL NAME IS WHAT?

9 A JAMES BOOZER OWENS

10 Q JAMES BOOZER OWENS?

11 A YES, SIR

12 Q ALL RIGHT, NOW YOU ARE KIN TO THE DEFENDANT
13 FRANCIS OWENS CAMPBELL?

14 A YES

15 Q AND WHAT KIN ARE YOU TO THAT DEFENDANT?

16 A FIRST COUSIN

17 Q FIRST COUSIN ALL RIGHT, NOW, I I WANT YOU,
18 JAMES, IF YOU WILL, IF I MIGHT CALL YOU JAMES, GET
19 CLOSE TO THE MICROPHONE SO THAT EVERYBODY IN THE COURTROOM
20 CAN HEAR WHAT YOU SAY AND HOW OLD ARE YOU NOW?

21 A TWENTY-ONE

22 Q TWENTY-ONE? UM, WHERE WERE YOU BORN?

23 A GREENWOOD

24 Q AND, WHERE DID YOU GROW UP?

25 A UH, ALL OVER, MC CORMICK, GREENWOOD, ORANGEBURG,

1 EASTOVER, COLUMBIA

2 Q YOU MOVED AROUND A LOT WITH YOUR FAMILY?

3 A YES, SIR

4 Q AND, YOU HAVE ANY BROTHERS AND SISTERS?

5 A ONE BROTHER

6 Q WHAT IS HIS NAME?

7 A JOHN CHARLES OWENS

8 Q JOHN CHARLES OWENS HOW MUCH TIME DID YOU SPEND
9 IN ORANGEBURG?

10 A A FEW YEARS

11 Q A FEW YEARS?

12 A ABOUT SIX, SIX YEARS

13 Q SIX JAMES, WHEN DID YOU LAST ATTEND SCHOOL?

14 A HOPKINS JUNIOR HIGH

15 Q AND WHERE WERE YOU LIVING WHEN YOU ATTENDED
16 HOPKINS JUNIOR HIGH?

17 A HERE IN COLUMBIA

18 Q WHEREABOUTS?

19 A OVER BEHIND LOWER RICHLAND SCHOOL

20 Q BEHIND LOWER RICHLAND SCHOOL?

21 A YES

22 Q NOW, WHERE WAS YOUR FATHER?

23 A MY FATHER, I DON'T KNOW, I DON'T KNOW WHERE HE
24 IS AT

25 Q YOU AND YOUR FATHER GET ALONG?

1 A NOT NO MORE
2 Q HOW ABOUT YOUR MOTHER?
3 A MY MOTHER IS IN ORANGEBURG
4 Q DID YOU EVER STAY WITH ANY OF YOUR RELATIVES
5 WHEN YOU WERE GROWING UP?
6 A YES, SIR
7 Q WHICH ONES?
8 A STAYED WITH LOREEN FOR, FOR ABOUT A FEW MONTHS
9 Q LOREEN?
10 A YES, SIR
11 Q NOW WHO IS LOREEN?
12 A OWENS' MOTHER
13 Q OWENS CAMPBELL'S MOTHER?
14 A YES, SIR
15 O WHERE DOES SHE LIVE?
16 A EASTOVER
17 Q ALL RIGHT, AND IN JULY OF 1978 WHERE WERE YOU
18 STAYING?
19 A IN EASTOVER WITH MY FATHER
20 Q WITH YOUR FATHER AT THAT TIME?
21 A (NODS YES)
22 Q WAS YOUR MOTHER THERE?
23 A NO, SIR, SHE STAYS IN ORANGEBURG THEY BEEN
24 SEPARATED SINCE I WAS LITTLE
25 Q HOW FAR DID YOU GO IN SCHOOL?

1 A I FINISHED THE NINTH GRADE AND I QUIT
2 Q YOU QUIT?
3 A YES, SIR
4 Q WHAT IS THE LATEST JOB YOU'VE HAD?
5 A UH, WORKING OUT ON AIRPORT ROAD, SHOWTIME COOK
6 Q YOU WERE A COOK AT SHOWTIME?
7 A YEAH
8 Q NOW WHAT IS SHOWTIME?
9 A A PIZZA RESTAURANT
10 Q IT USED TO BE SHAKEYS?
11 A YES, SIR
12 Q ALL RIGHT, ARE YOU EMPLOYED NOW?
13 A NO, SIR, I QUIT SUNDAY
14 Q SUNDAY?
15 A YEAH
16 Q JAMIE, I WANT TO ASK YOU, WHEN YOU WERE GROWING
17 UP DID YOU EVER GO NIGHT HUNTING?
18 A YES, SIR
19 Q WHAT WERE YOU HUNTING FOR AT NIGHT?
20 A DEER
21 Q NOW, I WANT YOU TO TELL THE LADIES AND GENTLMEN
22 OF THE JURY HOW YOU WOULD GO NIGHT HUNTING?
23 A SHOTGUN AND FLASHLIGHT WELL, WE'D FLASH THE
24 FIELDS AND WE'D SEE A DEER, IT WAS KIND OF TOO FAR AWAY
25 TO SHOOT YOU'D CUT THE CAR OFF, THE LIGHTS AND ALL AND

75

1 EASE OUT ON HIM WITH A FLASHLIGHT AND A SHOTGUN WITH ONE
2 PERSON AND SNEAK UP ON THE DEER AND SHOOT IT

3 Q NOW, WHY DID YOU EASE UP?

4 A SO, WE WOULDN'T SPOOK THE DEER

5 Q SO YOU WOULDN'T SPOOK THE DEER?

6 A YEAH, THE SLAMMING OF THE DOOR

7 Q NOW, YOU WOULD SAY, YOU WOULD FLASH THE FIELDS?
8 WHAT DO YOU MEAN BY FLASH THE FIELDS?

9 A WITH A FLASHLIGHT, YOU CATCH THE EYES OF THE
10 DEER

11 Q YOU MEAN SHINE THE FLASHLIGHT THROUGH THE FIELDS?

12 A UH HUH AND IF HE IS UP CLOSE WE SHOOT HIM

13 Q ALL RIGHT, WHAT TIME OF YEAR WOULD YOU GO NIGHT
14 HUNTING?

15 A WE WENT ALL THE TIME

16 Q ALL THE TIME?

17 A YES, SUMMER AND WINTER WE WENT MOSTLY WINTER

18 Q MOSTLY THE WINTERTIME? SOMETIMES IN THE SUMMERTIME?

19 A YES, SIR

20 Q NOW, IF YOU HAPPENED TO SHOOT A DEER DOWN WOULD
21 YOU GO PICK HIM UP?

22 A NOT RIGHT THEN WE WOULDN'T UNLESS WE SHOOT HIM
23 IN THE ROAD AND HE'D HAVE TO FALL ABOUT TEN YARDS
24 AWAY OR SOMETHING LIKE THAT

25 Q WHY WOULDN'T YOU GO PICK HIM UP RIGHT AWAY IF HE

1 WAS OVER IN A FIELD?

2 A CAUSE SOMEONE MIGHT HEAR US, YOU KNOW, AND SEE
3 THE CAR AND EVERYTHING WE'D COULDN'T PUT HIM IN THE
4 CAR WE'D USUALLY DRIVE AWAY AND THEN WE'D WAIT UNTIL
5 ALMOST DAYBREAK AND GO FIND HIM, PUT HIM IN THE TRUNK

6 Q ALL RIGHT NOW, DO YOU KNOW THE DEFENDANT'S
7 BROTHER, TOMMY CAMPBELL?

8 A YES, SIR

9 Q DID YOU EVER GO NIGHT HUNTING WITH TOMMY CAMPBELL?

10 A YES, SIR

11 Q WHERE?

12 A CALHOUN COUNTY, ALL OVER

13 O CALHOUN COUNTY?

14 A YEAH, AND EASTOVER

15 Q DOWN AROUND EASTOVER?

16 A YES, SIR

17 Q HOW ABOUT THE DEFENDANT, FRANCIS OWENS?

18 A YES, SIR

19 Q BEEN NIGHT HUNTING WITH HIM?

20 A YES, SIR

21 Q WHEREABOUTS?

22 A CALHOUN COUNTY

23 Q ANY PLACE ELSE?

24 A IN EASTOVER GOING DOWN--

25 O BEG YOUR PARDON?

1 A GOING DOWN SEVEN MILE ROAD IN EASTOVER AND DOWN
2 IN THROUGH THERE

3 Q JAMIE, DID YOU KNOW MR OLIN D WILSON?

4 A YES, SIR

5 Q DID OWENS CAMPBELL KNOW OLIN D WILSON?

6 A YES, SIR

7 Q DO YOU KNOW LT LEWIS WITH THE SHERIFF'S OFFICE?
8 THIS GENTLEMAN SEATED OVER HERE NEXT TO MR ELLIOTT?

9 A YES, SIR

10 Q HAVE YOU TALKED WITH MR LEWIS ABOUT THIS PARTICULAR
11 CASE?

12 A YES, SIR

13 Q WHEN DID YOU FIRST TALK WITH MR LEWIS ABOUT
14 THIS CASE?

15 A IN AROUND SEPTEMBER

16 O THIS PAST SEPTEMBER?

17 A YES

18 O JAMIE, WHY DID YOU WAIT SO LATE TO TELL LT
19 LEWIS ABOUT THIS CASE?

20 A I WAS SCARED

21 Q WHERE WAS YOUR COUSIN OWENS CAMPBELL LIVING IN
22 JULY OF 1978?

23 A UH, HE STAYS WITH HIS MOTHER SOMETIMES AND THEN
24 HE JUST, YOU KNOW, HERE AND THERE

25 Q YOU KNOW A LADY NAMED DELORES MOTT?

1 A YES, SIR

2 Q WHO IS THAT?

3 A THAT'S, LORES IS OWEN'S SISTER

4 Q DO YOU KNOW WHERE SHE LIVES?

5 A YES, SIR

6 Q WHERE IS THAT?

7 A UH, ON SUMTER HIGHWAY ACROSS FROM THE GOLF COURSE

8 IN A TRAILER PARK

9 Q DOES SHE LIVE IN THE HORRELL HILL TRAILER PARK

10 RIGHT HERE?

11 A YES, SIR

12 Q SHE DOES?

13 A YES, SIR.

14 Q JAMES, DID YOU AND TOMMY AND OWENS EVER GO TO

15 DELORES MOTTS' HOUSE AND, YOU KNOW, BORROW THINGS, YOU

16 KNOW, ALONG ALONG?

17 A NOT ALL THREE OF US TOGETHER

18 Q BUT SOMETIMES?

19 A OCCASIONALLY

20 Q DID YOU EVER BORROW SHOTGUN SHELLS FROM HER?

21 A YES, SIR

22 Q DO YOU REMEMBER WHEN OLIN D 'WAS KILLED?

23 A YES, SIR

24 Q WHEN WAS THAT?

25 A IT WAS JULY

1 Q OF WHAT YEAR?

2 A 1978

3 Q JAMIE, TELL US ABOUT THAT?

4 A 8 00, ABOUT 8 00 I WAS, UH, OVER IN LOREEN'S
5 HOUSE AND OWENS CAME UP AND CAME THROUGH THE DOOR AND
6 ASKED IF I WANTED TO GO NIGHT HUNTING SO, I SAID, YES,
7 BUT WE WENT, UH, WE FLASHED A FEW FIELDS ON SEVEN MILE
8 ROAD

9 Q NOW, WHEN YOU--

10 A BEFORE WE DID ALL THAT WE WENT DOWN TO LORES'
11 HOUSE AND GOT SOME BUCKSHOT

12 Q ALL RIGHT, WHEN YOU WENT TO DELORES' HOUSE,
13 YOU ARE TALKING ABOUT HER MOBILE HOME?

14 A YES

15 Q ALL RIGHT, WHO WENT IN?

16 A ME AND OWENS BOTH

17 Q ALL RIGHT, WHAT HAPPENED ON THE INSIDE?

18 A OWENS WENT AND MADE A PHONE CALL HE WENT DOWN
19 THE HALLWAY OF THE TRAILER, I BELIEVE HE WENT IN THE
20 BATHROOM I COULDN'T HEAR HIM TALKING OR NOTHING AND
21 THEN HE CAME BACK OUT AND ASKED LORES FOR TWO BUCHSHT
22 SHELLS

23 O IS THERE A GUN CABINET IN THAT TRAILER?

24 A YES, SIR HE WENT, HE WENT LOOKED FOR THE
25 SHELLS LORES HAD TOLD HIM WHERE TO LOOK FOR, RIGHT

1 SHE SAID NEVER MIND, I'LL GET IT, LIKE THAT SHE GAVE
2 HIM TWO SHELLS HE ASKED FOR MORE AND SHE SAID, I ONLY
3 GOT TWO

4 Q SHE DIDN'T HAVE MORE THAN TWO?

5 A THAT'S ALL SHE HAD

6 Q AND THEN WHAT HAPPENED?

7 A AND THEN WE, UH, GOT IN THE CAR AND WE WENT UP
8 SUMTER HIGHWAY AND WE TOOK THAT RIGHT BACK, IT'S LIKE IN
9 A FORK, EASTOVER, AND WE STARTED FLASHING BEAN FIELDS
10 UP IN THERE,

11 ^ ALL RIGHT, NOW YOU ARE TALKING ABOUT, YOU TURNED
12 RIGHT OFF OF SUMTER HIGHWAY IS THAT ON THE SEVEN MILE
13 ROAD?

14 A YEAH, YES, SIR

15 Q ALL RIGHT, WAS THERE A LITTLE GROCERY STORE THERE?

16 A YES, SIR, WE, UH, WELL, WHEN WE GOT UP THERE
17 BY THE STORE OWENS SHOTGUN WAS ALREADY IN THE BACK SEAT
18 AND HE HAD TOLD ME TO GET IT AND I GIVE IT TO HIM AND
19 HE PUTS HIS BUCKSHOT SHELLS IN IT AND PUT IT IN THE
20 FRONT SEAT

21 Q WHAT KIND OF SHOTGUN WAS IT?

22 A IT WAS AN ITHECA

23 Q AN ITHECA?

24 A YES, RED TIP

25 Q RED TIP?

1 A YES, SIR

2 Q YOU TALKING ABOUT THE SITE?

3 A THE SITE, YES, SIR

4 Q AND IS THAT THE LITTLE STORE?

5 A YES, SIR STOP THE CAR AND HE WOULD RELOAD IT

6 Q IS THAT, DID YOU HAVE A FLASHLIGHT WITH YOU?

7 A YES, SIR, IT WAS IN THE MIDDLE OF THE SEAT

8 Q WHO WAS DRIVING?

9 A OWENS

10 Q WHOSE CAR WAS IT?

11 A OWENS'

12 Q DID YOU REMEMBER WHAT KIND OF A CAR IT WAS?

13 A IT WAS A, IT WAS A RED CHEVROLET, I THINK, OR

14 A RED FORD SOMETHING LIKE THAT I DON'T KNOW WHAT

15 TYPE IT WAS, YOU KNOW

16 Q ALL RIGHT, SIR, AFTER YOU LOADED THE SHOTGUN

17 WHAT DID YOU DO?

18 A WE WENT DOWN SEVEN MILE ROAD AND STARTED FLASHING

19 FIELDS AND WHEN WE GOT ALMOST TO EASTOVER

20 Q ALL RIGHT, LET ME JUST STOP YOU, JUST A MINUTE

21 WHEN YOU SAY FLASHING FIELDS I WANT YOU TO DESCRIBE WHAT

22 YOU PHYSICALLY DID? WHAT HAPPENED TO THE CAR WHEN YOU

23 GOT TO A FIELD?

24 A WELL, WE WENT INTO THE FIELDS, SLOWED IT DOWN,

25 FLASHED THE FIELDS SOMETIME THIS ONE, ONE SPOT WHERE

1 WE'D TAKE, AND TAKE THE CAR AND GO IN AT, YOU KNOW, LIKE
2 IT'S HID ACROSS THE FIELD AND TRY TO CATCH THE DEER'S
3 EYES

4 Q SO, SOMETIMES YOU WOULD PULL INTO THE FIELDS?

5 A (NODS YES)

6 AND OTHER TIMES YOU WOULD JUST SHINE THE LIGHT
7 OUT IN THE FIELDS?

8 A YES

9 Q AND YOU WERE DOING THAT AS YOU CAME DOWN SEVEN
10 MILE ROAD TOWARD EASTOVER?

11 A YES AND WE GOT ALMOST TO EASTOVER AND WE TURNED
12 AROUND AND, UH, FLASHED SOME MORE FIELDS AND WHEN WE
13 WENT ON WHERE THE STORE WAS AT AND WE TOOK A RIGHT HAND
14 TURN THERE ON THE SUMTER HIGHWAY AND RIGHT AFTER THAT,
15 HOW WE GOT ON HARMON ROAD, I'M NOT TOO FAMILIAR WITH
16 THE AREA, YOU KNOW, GOT ON HARMON ROAD AND, OWENS SAID
17 HE SEEN A DEER SO HE PULLS THE CAR OVER AND THEN HE
18 TELLS ME TO WAIT YOU KNOW, FLASHLIGHT WAS STILL IN THE
19 SEAT AND HE GOT OUT THE CAR

20 Q HOW DID HE GET OUT THE CAR?

21 A SLAMMING THE DOOR AND HE LEFT THE FLASHLIGHT
22 IN THE SEAT

23 Q NOW, LET ME, LET ME BACK YOU UP JUST A MINUTE?
24 DO YOU REMEMBER THE COLOR OF THE SHELLS HE GOT FROM
25 DELORES HOUSE?

1 A YES, SIR

2 Q WHAT COLOR WERE THEY?

3 A THEY WERE RED WITH COPPER TOPS

4 Q OKAY, DO YOU REMEMBER ANYBODY THAT WAS THERE
5 BESIDES DELORES AND YOU AND OWENS?

6 A LORES WAS THERE, I WAS THERE, OWENS WAS THERE,
7 ED WAS THERE AND I THINK, DEBBI, SHE WENT OUT THE DOOR,
8 SOMETHING LIKE THAT I BELIEVE HER LITTLE KID WAS IN
9 THE BACK

10 Q ED WHO?

11 A ED HICCOCKS

12 Q DOES DELORES HAVE A SON?

13 A YES, SIR

14 Q WHAT IS HIS NAME?

15 A MUSH

16 Q MUSH, AND WHERE WAS HE?

17 A I BELIEVE HE WAS IN THE BACK ROOM BUT LOOKING
18 AT TV, I DON'T KNOW

19 Q OKAY NOW WHAT WAS THE WEATHER LIKE THAT NIGHT?
20 WHAT WAS THE TEMPERATURE?

21 A WARM

22 Q WARM? ALL RIGHT, SO YOU STOPPED THE CAR ON
23 HARMON ROAD AND YOU SAY OWENS SAID HE SAW A DEER?

24 A YEAH, SIR, HE SAID HE MISSED THE LITTLE THING
25 ON THE SIDE OF THE ROAD AND HE HAS TO, I REMEMBER HIM

1 TAKING THE CAR AND BACKING IT UP AND PULLING THE CAR ON
2 A LITTLE PATH LIKE

3 Q ALL RIGHT, LET ME LET YOU LOOK AT PHOTOGRAPHS,
4 ALL RIGHT, I WANT TO SHOW YOU STATE'S EXHIBIT NO 6 AND
5 ASK YOU IF YOU CAN POINT OUT--DO YOU RECOGNIZE THAT?

6 A YES, SIR

7 Q CAN YOU POINT OUT THERE ABOUT WHERE OWENS STOPPED
8 THE CAR?

9 A ABOUT ALONG IN HERE, 'BOUT RIGHT IN THERE

10 Q OKAY, YOU ARE POINTING TO A POSITION ON THE
11 EASTERN PORTION OF HARMON ROAD, WHICH APPEARS TO BE
12 FROM THE PHOTOGRAPH ABOUT AN INCH AND A HALF BACK FROM
13 A LITTLE SANDY SPOT IN THE RIGHT HAND SIDE OF THE ROAD?

14 A YEAH

15 Q OKAY, HE STOPPED THE CAR IN THERE?

16 A RIGHT IN THERE, YES, SIR

17 Q OKAY, NOW, OKAY, NOW, WHEN HE STOPPED THE CAR
18 YOU SAY HE GOT OUT BY THE DOOR?

19 A YES, SIR

20 Q YOU SAID, HE SAID HE SAW A DEER?

21 A YES, SIR, AND HE TOLD ME TO WAIT

22 Q ALL RIGHT, NOW, WERE YOU ON THE PASSENGER'S SIDE?

23 A YES

24 O ALL RIGHT, NOW, I WANT YOU TO TELL US WHICH WAY
25 OWENS LEFT YOU? WHICH SIDE OF THE CAR DID HE GO AROUND?

1 THE BACK OR THE FRONT?

2 A HE LEFT OUT HIS DOOR AND WENT OUT THE FRONT, THE
3 FRONT OF THE CAR AND HE STAYED GONE ABOUT TEN OR FIFTEEN
4 MINUTES

5 O GO AHEAD AND TELL US WHAT HAPPENED?

6 A I HEARD A SHOTGUN BLAST AND A FEW SECONDS AFTER
7 THAT I HEARD ANOTHER ONE AND OWENS CAME RUNNING BACK
8 TO THE CAR

9 Q NOW, TELL ME ABOUT--

10 A I DIDN'T SEE HIM UNTIL HE GOT TO THE DOOR, AND
11 HE THROWS THE SHOTGUN IN THE BACK SEAT AND SAID, LET'S
12 GO I SEEN THE TRUCK ROLL ACROSS THE HIGHWAY AND HIT
13 I ASKED HIM IF IT WAS A WRECK AND HE SAYS NO WE TURNED
14 THE CAR AROUND, GIVE IT A U TURN AND HE GOES UP THE
15 HIGHWAY, ZIG ZAGS AROUND AND CAME BACK ON THE SAME ROAD
16 I SEEN THE SAME TRUCK AND, UH, HE STOPS, HE STOPS THE
17 CAR RIGHT ACROSS FROM THE TRUCK, ALMOST WHERE THE
18 TRUCK HAD CAME FROM, FROM THE RIGHT AND, UH, HE GOES
19 OUT TO THE TRUCK AND LEANS INSIDE THEN HE GETS BACK
20 IN THE CAR, WHEN YOU TAKE THAT RIGHT HAND TURN THERE
21 WHERE THE TRUCK HAD CAME FROM AND WE WAS GOING TO CALHOUN
22 COUNTY BUT I DIDN'T KNOW WHERE WE WAS GOING AT RIGHT
23 THEN AND ON THE WAY THERE HE TELLS ME THAT, I ASKED
24 HIM WAS IT A WRECK HE SAYS NO, AND ON THE WAY THERE
25 HE TELLS ME, HE SAYS, THERE WAS A DEAD MAN IN THE TRUCK

1 Q ALL RIGHT, LET'S GO BACK JUST A FEW STEPS?
2 NOW, WHEN YOU ALL LEFT OUT AND WERE GOING FROM DELORES'
3 HOUSE DOWN HERE ON SEVEN MILE ROAD AND ON TOWARD EASTOVER,
4 DID YOU STOP AT ANY STORES?
5 A NOT, NOT WHEN WE, BUT WHERE WE LOADED THE CAR, THE
6 GUN AT
7 Q I MEAN, DID YOU GO IN AND BUY ANYTHING?
8 A NO, SIR
9 Q DID YOU HAVE ANYTHING TO DRINK THAT NIGHT?
10 A NO, I DIDN'T BUT OWENS WAS DRINKING
11 Q WHAT WAS HE DRINKING?
12 A BROWN LIQUOR
13 Q BROWN LIQUOR?
14 A UH HUH (INDICATING YES)
15 Q HOW MUEH WAS HE DRINKING?
16 A A GOOD BIT
17 Q WAS HE DRINKING WHEN HE STOPPED THE CAR ON
18 HARMON ROAD?
19 A YEAH, HE HAD IT UP UNDER THE SEAT
20 Q AND YOU SAY WHEN HE STOPPED THE CAR ON HARMON
21 ROAD HE GOT OUT WITHOUT THE FLASHLIGHT?
22 A YES, SIR
23 Q AND WENT WHICH WAY?
24 A LEFT OUT IN FRONT OF THE CAR I LOST SIGHT OF
25 HIM THEN IT WAS ABOUT TEN OR FIFTEEN MINUTES HE CAME

1 BACK TO THE CAR LIKE HE HAD BEEN RUNNING, KIND OF BREATH-
2 ING A LITTLE HARD AND HE SAID LET'S GO I ASKED HIM
3 WAS THERE A WRECK AND HE SAID, NO I SEEN THE TRUCK

4 Q LET ME BACK YOU UP A LITTLE BIT NOW? WHEN YOU
5 GOT DOWN TO SAY, OWENS STOPPED THE CAR? AND HE CUT OFF
6 THROUGH THE WOODS? YOU SAID HE WAS GONE FOR A FEW
7 MINUTES, WHAT WERE YOU DOING ALL THE TIME THAT HE WAS
8 GONE?

9 A I WAS WAITING ON HIM I HAD MY HEAD LEANING, YOU
10 KNOW, MY ARM UP AGAINST THE WINDOW LIKE

11 Q SHOW ME HOW?

12 A LIKE THIS (INDICATING) I WAS TIRED CAUSE TOMMY
13 HAD TOOK ME HUNTING ABOUT TWO DAYS AND I, WHEN I WAKED
14 UP I WAS REAL TIRED

15 Q DID YOU SLEEP ANY?

16 A NO, SIR

17 Q DID YOU HAVE ANYTHING TO DRINK THAT NIGHT?

18 A NO, SIR

19 Q ALL RIGHT, NOW, YOU SAID YOU HEARD A SHOT WAS
20 IT A SHOTGUN?

21 A YES, SIR

22 Q NOW, YOU SAID YOU HAD BEEN NIGHT HUNTING BEFORE
23 HAD YOU EVER HEARD SHOTGUNS EXPLODED?

24 A YES, SIR

25 O COULD YOU TELL HOW FAR THAT ONE WAS AWAY FROM
YOU?

1 A YES, SIR

2 Q ABOUT HOW FAR WOULD YOU ESTIMATE?

3 A THIRTY TO THIRTY-FIVE YARDS

4 Q HOW DID IT GO?

5 A BAM, THEN A FEW SECONDS, BAM

6 Q NOW, WHEN DID YOU SEE THE TRUCK?

7 A I SEEN THE TRUCK WHEN IT RUN ACROSS THE HIGHWAY

8 AND HIT AND THE LIGHTS WERE SHINING THROUGH THE WOODS

9 LIKE I SEEN IT

10 Q YOU SAW THE TRUCK ROLL ACROSS THE HIGHWAY?

11 A YES, SIR

12 Q ALL RIGHT, NOW WHAT HIGHWAY ARE YOU TALKING ABOUT?

13 A WENT ACROSS HARMON ROAD, WHICH WE WAS ON

14 Q OKAY, NOW, LOOKING AT STATE'S EXHIBIT 6, YOU SAY

15 YOU WERE ABOUT HERE?

16 A YES, SIR

17 Q NOW, CAN YOU SHOW THE LADIES AND GENTLEMEN OF

18 THE JURY, JUST TAKE YOUR FINGER AND SHOW THEM HOW THAT

19 TRUCK ROLLED?

20 A IT WENT LIKE THIS HERE, IT WENT LIKE THAT TO MY

21 LEFT

22 Q OKAY, IT ROLLED FROM--THIS IS WILSON MILL ROAD,

23 ACROSS HARMON ROAD INTO THE WOODS OVER THERE?

24 A YES, SIR

25 Q ALL RIGHT, AND YOU SHOW ME WHICH WAY OWENS WENT

1 THROUGH THE WOODS WHEN HE LEFT?

2 A I BELIEVE WE TOOK THAT RIGHT PATH BECAUSE I
3 CAN SEE THE WHITENESS OF THE SAND, RIGHT THROUGH HERE

4 Q WHICH WAY WAS HE GOING?

5 A I BELIEVE HE WAS HEADING, JUST OUT THAT WAY

6 Q OKAY, NOW, AFTER, AFTER HE CAME RUNNING BACK
7 TELL ME WHAT HAPPENED?

8 A AFTER HE CAME RUNNING BACK TO THE CAR, HE
9 THREW THE SHOTGUN IN THE BACK SEAT I HAD ASKED HIM
10 WAS IT A WRECK HE SAID NO AND HE TURNED THE CAR, HE
11 MADE A U TURN

12 Q ALL RIGHT, LET ME INTERRUPT YOU NOW, ABOUT WHAT
13 TIME OF NIGHT WAS IT THAT YOU ALL STOPPED THERE ON THE
14 ROAD?

15 A I'D SAY IT'S ABOUT 10 35, SOMETHING LIKE THAT

16 Q 10 35?

17 A UH HUH (INDICATING YES)

18 Q YOU HAVE BEEN OUT THERE, YOU HAD BEEN OUT TO
19 DELORES' ABOUT 8 00, IS THAT RIGHT?

20 A NO, WE GOT TO HER HOUSE ABOUT 8 30

21 O ABOUT 8 30?

22 A YES, SIR

23 Q ALL RIGHT, AND HE MADE A PHONE CALL THERE?

24 A YES

25 Q ALL RIGHT, NOW YOU SAY YOU TURNED THE CAR AROUND

1 AND WHICH WAY DID HE TURN THE CAR AROUND?

2 A IN A U TURN GOING BACK UP HARMON ROAD

3 Q SO, SHOWING YOU AGAIN, STATE'S EXHIBIT NO 6

4 JUST SHOW IN THERE WHICH WAY HE TURNED AROUND?

5 A LIKE THIS

6 Q TURNED TO THE LEFT?

7 A JUST, THERE'S A U TURN THERE, WENT BACK UP HE

8 ZIG ZAG AROUND AND WE CAME BACK OUT THE SAME ROAD I

9 SEEN THE SAME TRUCK

10 Q YOU CAME BACK DOWN HARMON ROAD?

11 A YES, SIR

12 Q WHERE DID YOU STOP THIS TIME?

13 A RIGHT WHERE THE TRUCK HAD WENT ACROSS THE ROAD

14 AT

15 Q SHOW ME ON THE PICTURE?

16 A AT ABOUT RIGHT HERE

17 Q RIGHT AT THE INTERSECTION?

18 A UH HUH

19 Q AND WHAT DID HE DO THEN?

20 A HE STOPPED THE CAR I WAS GOING TO GET OUT

21 WITH HIM BUT HE TOLD ME TO STAY HERE, STAY HERE, LIKE THAT,

22 SOMETHING LIKE THAT AND, HE WENT OVER TO THE TRUCK I

23 SEEN HIM LEAN INSIDE WITH ONE HAND AND THEN HE CAME

24 BACK, YOU KNOW, WITH HALF HIS BODY AND HE CAME BACK TO

25 THE CAR AND GOT IN WE WAS GOING DOWN THE SAME ROAD

91

1 RIGHT HERE, WHERE THE TRUCK CAME FROM WE WENT TO
2 CALHOUN COUNTY THEN BUT ON THE WAY HE HAD TOLD ME
3 THERE WAS A DEAD MAN IN THE TRUCK

4 Q OKAY WHY, WHY DIDN'T YOU GET OUT AND GO OVER
5 THERE?

6 A HE WOULDN'T WANT ME TO

7 Q HE WOULDN'T WANT YOU TO?

8 A NO, HE TOLD ME HE DIDN'T WANT ME TO I WAS FIXING
9 TO I WAS OPENING THE DOOR AND I HAD OPENED THE DOOR AND
10 EVERYTHING BUT HE SAYS, STAY HERE, WAIT HERE, SOMETHING
11 LIKE THAT

12 Q DO YOU KNOW WHETHER OR NOT HE OPENED THE DOOR
13 TO THE TRUCK? DID YOU SEE HIM OPEN THE DOOR?

14 A NO, SIR

15 Q WHAT DID HE DO?

16 A HE LEANED INSIDE

17 Q IN THE WINDOW?

18 A WITH ONE HAND

19 Q ALL RIGHT, NOW YOU SAY YOU CAME UP WILSON MILL
20 ROAD, YOU CAME UP WILSON MILL ROAD AND THEN YOU WENT BACK
21 TO CALHOUN COUNTY?

22 A UH HUH

23 Q WAS THERE ANYMORE DRINKING?

24 A HE WAS DRINKING ALL ALONG THEN

25 Q HE WHAT THE?

1 A HE WAS DRINKING ALL ALONG THEN
2 Q STILL DRINKING BROWN LIQUOR?
3 A YES, SIR
4 Q DID YOU FLASH ANY MORE FIELDS' IN CALHOUN COUNTY?
5 A NOT AS I, WE WEREN'T HUNTING NO MORE
6 O BEG YOUR PARDON?
7 A WE WEREN'T HUNTING NO MORE WE WERE JUST KIND
8 OF RIDING SLOW
9 Q ABOUT WHAT TIME WAS IT WHEN YOU GOT DOWN TO
10 CALHOUN COUNTY?
11 A ABOUT 11 10, SOMETHING LIKE THAT
12 Q DID YOU ASK OWENS, I MEAN, DID YOU ASK OWENS
13 ABOUT THE SHOOTING?
14 A NO, SIR
15 Q YOU DIDN'T?
16 A UT UH (INDICATING NO)
17 Q WHY NOT?
18 A I DIDN'T ASK HIM THEN, I THOUGHT HE HAD SHOT
19 A DEER WHEN I HAD ASKED HIM, WHEN HE WAS TAKING ME
20 BACK TO LOREENS' HOUSE, WE WENT TO, AFTER WE LEFT
21 CALHOUN COUNTY WE WENT TO TOMMY CAMPTELL'S HOUSE
22 Q NOW THAT IS HIS BROTHER?
23 A UH HUH AND WE WENT THERE, WE SIT ON THE, HE
24 WASN'T THERE AND WE SAT ON THE FRONT PORCH AND I SMOKED
25 O WHAT TIME WAS IT, WAS IT THEN?
A IT WAS GETTING IN THE MORNING THEN

1 O IN THE MORNING?

2 A UH HUH (INDICATING YES)

3 Q OKAY, WAS TOMMY THERE?

4 A NO, HE WAS AT HOME

5 Q WAS ANYBODY THERE?

6 A NO

7 O ALL RIGHT, WHAT HAPPENED?

8 A WE SAT ON THE FRONT PORCH AND, UH, OWENS SMOKED

9 THIS CIGARETTE AND WAS STILL DRINKING LIQUOR AND I

10 SMOKED A CIGARETTE AND FROM THERE HE TOOK ME BACK TO

11 LOREEN'S HOUSE ON THE WAY I HAD ASKED HIM ABOUT THE

12 DEER THAT HE HAD SHOT AND HE TELLS ME THEY HAVE TO

13 LOOK FOR IT IN THE MORNING BUT IT'S ALREADY GETTING

14 DAY BREAK BY THEN

15 Q WHAT DID YOU DO WHEN YOU GOT BACK TO YOUR AUNT'S

16 HOUSE?

17 A WENT TO SLEEP

18 Q NOW, THAT IS OWENS' MOTHER, IS THAT RIGHT?

19 A YES, SIR

20 O AND HOW LONG DID YOU SLEEP?

21 A A GOOD WHILE

22 Q I MEAN HOW LONG?

23 A FROM THEN UNTIL ABOUT DARK

24 Q SO YOU GOT TO HER HOUSE ABOUT WHAT TIME IN THE

25 MORNING?

1 A I'D SAY IT'S ABOUT--

2 Q WELL, WAS THE SUN UP?

3 A NO, IT WAS JUST GETTING DAYLIGHT TIME

4 Q JUST GETTING DAYLIGHT? THIS IS IN THE SUMMERTIME?

5 A YES, ABOUT 5 30, SOMETHING LIKE THAT

6 Q WELL, NOW WHAT TIME DID YOU GET UP THAT AFTERNOON

7 OR THAT EVENING?

8 A UH, ABOUT DARK, LIGHT DARK, ABOUT SEVEN, SOMETHING

9 LIKE THAT

10 Q DID OWENS EVER COME BACK AND ASK YOU TO GO

11 PICK UP THE DEER?

12 A NO, SIR

13 Q HOW DID YOU FIND OUT THAT OLIN WILSON HAD BEEN

14 KILLED?

15 A I WAS OVER AT LORES' HOUSE

16 Q WAS THAT DELORES MOTT?

17 A YES, SIR, AND SHE WAS CRYING I ASKED HER WHAT

18 WAS WRONG AND SHE SAID OLIN D HAS BEEN KILLED, YOU KNOW,

19 LIKE THAT BUT I DIDN'T REALLY KNOW, THINK TOO MUCH

20 ABOUT IT

21 Q DID YOU, UH, EVER SEE OLIN D 'S TRUCK AFTER THE

22 SHOOTING?

23 A YES, SIR

24 Q WHO TOOK YOU TO SEE THAT TRUCK?

25 A TOMMY CAMPBELL

1 Q AND WHEN DID YOU SEE THAT TRUCK?

2 A UH, WELL, OWENS, WELL, WHERE THE VETERANS HOSPITAL
3 IS, OUT RIGHT ACROSS FROM THERE THERE'S A GARAGE AND
4 OLIN D , WHO I BELIEVE WAS WORKING THERE OR SOMETHING,
5 DID SOMETHING THERE, AND THE--I WENT THERE, TOMMY AND
6 ME WENT THERE AND I SEEN HIS TRUCK

7 Q DID YOU RECOGNIZE IT?

8 A YES, SIR

9 Q IS THERE A PICNIC TABLE AT YOUR AUNT LOREEN'S
10 HOUSE?

11 A YES, SIR

12 Q DID OWENS EVER TELL YOU ABOUT WHAT HAPPEN THAT
13 NIGHT?

14 A I WAS VERY, UH, ABOUT TWO DAYS AFTER I WAS AT
15 DELORES HOUSE HE TOOK ME ASIDE, OUTSIDE TO THE PICNIC
16 TABLE AND TOLD ME NOT TO SAY ANYTHING ABOUT THE CRASH
17 OF THE TRUCK AND, UH,--

18 Q DID HE SAY ANYTHING ELSE?

19 A HE TOLD ME SOMETHING AS NOW I CAN'T REMEMBER HE
20 TOLD ME NOT TO SAY ANYTHING ABOUT THE CRASH OF THE TRUCK
21 OH, YEAH, AND HE TOLD ME, HE SAYS, UH, IF ANYONE ASKED
22 MY ANYTHING SAY WE WAS NIGHT HUNTING OVER IN CALHOUN
23 COUNTY

24 Q ALL RIGHT, NOW, IN THE LAST, SAY, EIGHT OR NINE
25 MONTHS HAVE YOU TALKED TO OWENS ABOUT WHAT HAPPENED ON

1 JULY TENTH?

2 A NOT, NOT ACTUALLY TALKED TO HIM ABOUT IT, NO
3 BUT I VISIT HIM AT THE RICHLAND COUNTY JAIL AND HE TELLS
4 ME THAT, UH, THE LAW IS STARTING TO ACCUSE HIM OF
5 MURDER AGAIN AND, HE SAID, WELL, ME AND YOU WAS HUNTING
6 OVER IN CAMDEN COUNTY ANYTHING HAPPEN, YOU KNOW, YOU'RE
7 MY ALIBI, LIKE THAT

8 Q HAS OWENS EVER BOUGHT YOU ANYTHING?

9 A YES, SIR

10 Q WHAT'S THAT?

11 A MY SUIT

12 Q WHAT SUIT?

13 A I GOT ON

14 Q ANYTHING ELSE?

15 A YES, SIR, SHOES, A SHIRT AND A TIE

16 Q WHEN DID HE DO THAT?

17 A IN JUNE

18 Q OF '81?

19 A YES, SIR

20 Q WHAT WAS THAT FOR?

21 A HE SAID FOR MY BIRTHDAY

22 Q WHEN IS YOUR BIRTHDAY?

23 A AUGUST THE THIRD

24 Q HAD HE EVER BOUGHT YOU ANYTHING BEFORE?

25 A NO, SIR

1 Q EVER BOUGHT YOU ANYTHING SINCE?

2 A NO, SIR

3 Q DID YOU KNOW OLIN D 'S WIFE ANN?

4 A YES, SIR

5 Q DID YOUR COUSIN OWENS CAMPBELL KNOW ANN?

6 A YES, SIR

7 Q JAMES, ANSWER THE QULSTIONS THE PUBLIC DEFENDER
8 HAS FOR YOU

9 YOU MAY EXAMINE

10 MR VERMONT MAY WE APPROACH THE
11 BENCH, YOUR HONOR?

12 (OFF THE RECORD BENCH CONFERENCE)

13
14 CROSS EXAMINATION

15 BY MR VERMONT

16 MR VERMONT JUST ONE MINUTE, YOUR
17 HONOR?

18 THE COURT OKAY

19 Q MR OWENS, CAN I CALL YOU JAMIE, IS THAT RIGHT?

20 A YES

21 Q IS THAT WHAT EVERYBODY CALLS YOU, YOU GO BY
22 JAMIE?

23 A (NODS YES)

24 Q LET ME GET SOME OF THESE PEOPLE STRAIGHT HERE
25 WHEN YOU SAY LOREEN, THAT IS THIS LADY HERE?

1 A YES, SIR

2 Q THAT IS OWENS' MOMMA?

3 A YES, SIR

4 Q AND WHEN YOU SAY DELORES, THAT IS THIS LADY
5 HERE NEXT TO HER? IS THAT RIGHT?

6 A YES, SIR

7 Q THAT'S HIS SISTER?

8 A YES, SIR

9 Q SHE'D BE YOUR FIRST COUSIN, TOO, IS THAT RIGHT?

10 A YES, SIR

11 Q AND DEBBIE IN THE DARK BLUE JACKET THERE?

12 A YES, SIR

13 Q ANOTHER SISTER, ALSO, YOUR FIRST COUSIN?

14 A YES, SIR

15 Q AND YOU SAY SHE WAS THERE? AND THAT IS HER
16 HUSBAND RIGHT NEXT TO HIM?

17 A YES, SIR

18 Q AND WHEN YOU SAY ALL OF THEM, THEY WERE ALL THREE
19 AT THE TRAILER?

20 A AS FAR AS I COULD REMEMBER

21 Q AND MUSH TOO WAS THERE, DELORES' SON, IS THAT
22 RIGHT?

23 A YES, SIR

24 Q ALL RIGHT HOW LONG HAVE YOU BEEN KNOWING CONNIE
25 LEWIS?

1 A SINCE SEPTEMBER

2 Q UH HUH THERE IS ONE OTHER FELLOW BACK ON THE
3 SECOND ROW, IN THE BROWN JACKET? THAT IS TOMMY?

4 A YES

5 Q THAT'S THE OTHER BROTHER, ONE OF THE PEOPLE
6 YOU MENTIONED, IS THAT RIGHT?

7 A YES, SIR

8 Q ALL RIGHT, YOU HAVE BEEN KNOWING CONNIE LEWIS
9 SINCE SEPTEMBER? IS THAT THE FIRST TIME YOU WENT AND
10 TOLD HIM THIS STORY?

11 A YES, SIR

12 Q DO YOU REMEMBER WHAT DAY THAT WAS WHEN YOU TOLD
13 CONNIE LEWIS THIS STORY?

14 A I CAN'T, I CAN'T RECALL IT

15 Q ALL RIGHT?

16 A THE NINETEENTH OR SOMETHING LIKE THAT

17 Q NINETEENTH OF SEPTEMBER?

18 A PROBABLY SO, I'M NOT SURE

19 O DID YOU, AT THAT TIME, MAKE A WRITTEN SWORN
20 STATEMENT?

21 A JUST A STATEMENT

22 Q JUST A STATEMENT?

23 A YES, SIR

24 Q DID HE TAKE NOTES?

25 A WELL, A STATEMENT

1 Q UH HUH?

2 A YES, SIR

3 Q WHEN DID YOU ACTUALLY MAKE A WRITTEN SWORN
4 STATEMENT? THAT-

5 A THAT SAME DAY

6 O THE SAME DAY? AND WHAT DATE WAS THAT? DO YOU
7 HAVE ANY IDEA?

8 A I BELIEVE IT WAS SEPTEMBER NINETEENTH, SOMEWHERE
9 ALONG IN THERE

10 Q SO SEPTEMBER NINETEENTH?

11 A I KNOW IT WAS IN SEPTEMBER

12 Q OKAY, WHO WAS THERE WHEN YOU MADE THE STATEMENT?

13 A LT LEWIS AND THE POLYGRAPH MAN I DON'T KNOW
14 HIS NAME

15 Q A BUNCH OF PEOPLE?

16 A HUH?

17 Q A BUNCH OF PEOPLE? HOW HAD YOU GOTTEN THERE
18 TO THE SHERIFF'D DEPARMENT?

19 A HOW I GOT THERE?

20 Q UH HUH? DID YOU DRIVE?

21 A I WENT ON MY FREE WILL

22 Q DID YOU WALK OR DRIVE OR TAKE THE CITY BUS?

23 A I CAME DOWN

24 Q HOW DID YOU COME, DO YOU REMEMBER?

25 A WALKED IN

1 Q OKAY, WHERE WERE YOU LIVING AT THE TIME?

2 A I WAS STAYING RIGHT ACROSS FROM THE CAPITAL INN

3 Q THE CAPITAL INN IN COLUMBIA SOMEWHERE?

4 A YES, SIR

5 Q ALL RIGHT, WHERE WERE YOU WORKING AT THE TIME?

6 A SHOWTIME

7 Q SAME PLACE YOU WERE TALKING ABOUT?

8 A YES, SIR

9 Q YOU QUIT LAST SUNDAY, IS THAT RIGHT?

10 A UH HUH

11 Q WHAT WAS THE REASON BEHIND THAT?

12 A UH, THE BOSSMAN, HE JUST, HE GOT IN A PANIC AND
13 HE JUST CUSSED OUT ME AND I JUST GOT MAD AND I JUST
14 WALKED OUT ON HIM

15 Q OKAY? YOU DIDN'T BURN THE PIZZA?

16 A NO, NO, WE GOT HIT WITH A LOT OF PEOPLE

17 Q OKAY, UH, NOW, WHEN YOU FIRST TOLD THE STORY
18 TO CONNIE LEWIS, THIS WAS SEPTEMBER OF 1981, IS THAT
19 CORRECT?

20 A YES, SIR

21 Q AND, A STORY THAT YOU TOLD HAPPENED IN JULY OF
22 1978, IS THAT CORRECT?

23 A YES, SIR

24 Q NOW, IF MY MATH IS RIGHT THAT IS OVER THREE
25 YEARS, IS THAT NOT RIGHT?

1 A THREE--

2 Q THREE YEARS AND SEVEN MONTHS?

3 A ALMOST FOUR

4 Q ALL RIGHT, DID YOU AT ANY TIME DURING THAT

5 INTERVENING PERIOD TELL ANYBODY WHAT YOU HAD SEEN AND

6 WHAT YOU HAD ALLEGED YOURSELF TO HAVE SEEN?

7 A I DIDN'T TELL NO ONE UNTIL MY BROTHER, HE CAME

8 DOWN TO THE PENETENTIARY AND SEEN ME ONE TIME

9 O UH HUH?

10 A AND HE TOLD ME HIM AND OWENS WAS HAVING A LITTLE

11 ARGUMENT OVER SOME KIND OF MONEY OR SOMETHING I TOLD

12 HIM LEAVE OWENS ALONE HE ALREADY KILLED A MAN THE FELLOW

13 WAS DEAD

14 Q WHEN WAS THIS, YOUR BROTHER IS JOHN? RIGHT

15 BACK HERE IN THE GRAY SUIT?

16 A YES

17 Q WHEN WAS THAT HE CAME TO SEE YOU IN THE PENE-

18 TENTIARY?

19 A IT WAS BEFORE I GOT OUT

20 Q YOU GOT OUT IN, WAS IT APRIL OF '81?

21 A YES, SIR, APRIL THE TWENTY-THIRD

22 Q ALL RIGHT, YOU WERE DOING AT THAT TIME A TWO

23 YEAR SENTENCE FOR CONSPIRACY OR SOMETHING LIKE THAT?

24 A YES, SIR

25 Q ALL RIGHT, AT SOMETIME BEFORE THAT HE CAME TO

1 SEE YOU?

2 A YES, SIR

3 Q AND YOU ALL HAD THIS CONVERSATION AND YOU SAID
4 THAT IS THE FIRST TIME YOU EVER TOLD ANYBODY?

5 A I DIDN'T EXACTLY TELL HIM, YOU KNOW

6 Q YOU JUST SAID OWENS KILLED A MAN, LEAVE HIM
7 ALONE?

8 A YES

9 Q WHAT WAS THAT ARGUMENT ABOUT? DO YOU HAVE
10 ANY IDEA?

11 A OWING SOME MONEY

12 Q SOME MONEY THAT WAS ALLEGEDLY OWED BY ONE TO
13 THE OTHER, IS THAT CORRECT?

14 A THAT OWENS BORROWED FROM MY BROTHER

15 Q NOW, YOU HAD BEEN IN THE PENITENTIARY BEFORE,
16 HADN'T YOU? OR RATHER YOU HAVE BEEN THROUGH THE LEGAL
17 PROCESS BEFORE, ANYWAY, HADN'T YOU, BACK IN '78?

18 A I CAN'T RECALL

19 Q DIDN'T YOU HAVE A CONVICTION BACK IN '78? YOU
20 GOT A PROBATIONARY SENTENCE ON IT?

21 A YES, SIR

22 Q THAT WAS FOR ACCESSORY AFTER THE FACT OF A FELONY,
23 WAS IT NOT?

24 A THEY DROPPED IT DOWN TO A, YES

25 Q ACCESSORY CHARGE, YOU WERE ORIGINALLY CHARGED

1 WITH RECEIVING STOLEN GOODS AND PERHAPS AND IT WAS KNOCKED
2 DOWN TO ACCESSORY AFTER A FELONY?

3 A YEAH

4 Q WAS THAT YOUR SIGNATURE ON THERE?

5 A YES, SIR

6 Q ALL RIGHT NOW, WHEN YOU GOT OUT IN APRIL, HOW
7 LONG WAS IT BEFORE YOU GOT A JOB, BEFORE YOU STARTED
8 WORKING AT SHOWTIME?

9 A MUST HAVE BEEN ABOUT FOUR MONTHS

10 Q FOUR MONTHS? SO THAT WOULD HAVE BEEN AUGUST,
11 PERHAPS, RIGHT IN THERE?

12 A YES, SIR

13 Q ALL RIGHT, DURING THAT INTERVENING PERIOD YOU
14 STAYED IN VARIOUS PLACES, DID YOU NOT? WITH SOME OF YOUR
15 RELATIVES AND OTHER FOLKS?

16 A YES, SIR

17 Q YOU STAYED WITH DEBBIE FAYE FOR A COUPLE OF
18 MONTHS?

19 A YES, SIR

20 Q DID YOU SPEND ANY TIME AT DELORES?

21 A NO, BUT TO GO OVER THERE AND VISIT

22 Q ALL RIGHT, BUT YOU WERE DOWN THERE WITH YOUR
23 FAMILY? RIGHT, YOU SAW THEM AND YOU WERE IN AND OUT
24 DOWN THERE?

25 A YES, SIR

1 Q OKAY, AND, UH, WHAT WAS THE DATE WHEN OWENS
2 BOUGHT YOU THE SUIT THAT IS THIS SUIT RIGHT HERE, RIGHT?

3 A THAT WAS IN JUNE

4 Q WHAT WERE YOU DOING IN JUNE? DID YOU HAVE A JOB
5 AT THAT TIME?

6 A I WAS DOWN WITH DEBBIE THEN

7 Q OKAY, DID YOU, WERE YOU WORKING ANYWHERE?

8 A NO, SIR, NOT YET

9 Q IN FACT, YOU DIDN'T HAVE A JOB AND YOU WERE JUST
10 MOVING AROUND LOOKING FOR SOMETHING TO DO, RIGHT?

11 A YES, SIR

12 Q WHAT WAS THE, DO YOU REMEMBER THE DATE WHEN
13 OWENS BOUGHT YOU THIS SUIT, SOMETIME IN JUNE?

14 A JUNE, IT WAS JUNE, SOMETIME IN JUNE

15 Q HOW DID THAT COME ABOUT? WHERE DID HE SEE YOU,
16 UPTOWN SOMEWHERE? JUST RAN INTO YOU?

17 A YEAH, DEBBIE SHE WAS IN THE HOSPITAL

18 Q UH HUH?

19 A AND EDDIE WAS THERE AND I WAS THERE AND I
20 REMEMBER OWENS TELLING ME THAT I AM GOING TO BUY YOU
21 A SUIT, LIKE THAT

22 Q UH HUH BUT YOU HAD BEEN OUT JUST ON THE STREET,
23 IS THAT RIGHT? AND HE OFFERED TO BUY YOU A SUIT, GET
24 YO U SOME CLOTHES, CLEAN YOU UP AND ALL THAT KIND OF THING?

25 A YES

1 Q TOOK YOU DOWN TO ONE OF THE LOCAL HOTELS/MOTELS,
2 CHECKED YOU IN, GOT YOU A ROOM AND GOT YOU A SHOWER AND
3 ALL THAT, ISN'T THAT CORRECT?

4 A YES, SIR

5 Q AND THEN TOOK YOU OUT SHOPPING AND GOT YOU ALL
6 THESE CLOTHES AND SHOES AND BELT AND TIE AND EVERYTHING?

7 A (NODS YES)

8 Q IS THAT CORRECT?

9 A YES, SIR

10 Q SO HE WAS DOING YOU A FAVOR AT THAT TIME, WASN'T
11 HE?

12 A (NODS YES)

13 Q AND HE SAID IT WAS FOR YOUR BIRTHDAY?

14 A YES, SIR

15 Q AND WHEN IS YOUR BIRTHDAY?

16 A AUGUST THE THIRD

17 Q WHEN WAS THE NEXT TIME AFTER YOU HAD THIS DISCUSSION
18 WITH YOUR BROTHER JOHNNY THAT YOU TOLD THIS STOPY TO
19 ANYBODY?

20 A TO LT CONNIE LEWIS

21 Q SO, THAT WAS SOMETIME IN SEPTEMBER? IS THAT
22 CORRECT?

23 A YES

24 Q AND YOU HAD THIS DISCUSSION WITH YOUR BROTHER
25 SOMETIME BEFORE APRIL, IS THAT CORRECT?

1 A YES

2 Q THE NEXT THING, CONNIE LEWIS WANTS TO SEE YOU
3 AT THE SHERIFF'S DEPARTMENT TO DISCUSS THIS INCIDENT,
4 IS THAT CORRECT?

5 A UH, NOT EXACTLY

6 Q NOT EXACTLY, WELL, WHAT WOULD BE CORRECT?

7 A UH, ME AND MY BROTHER, WE HAD TALKED IT OVER
8 AND MY BROTHER CONVINCED ME TO GO TO HIM

9 Q AND WHEN WAS THAT DISCUSSION?

10 A GO SEE HIM

11 Q CONVINCE YOU TO GO SEE CONNIE LEWIS?

12 A UH HUH (INDICATING YES)

13 Q WHEN WAS THAT DISCUSSION, DO YOU RECALL?

14 A UH, THIS WAS BEFORE SEPTEMBER

15 Q BEFORE SEPTEMBER, IT WAS JUST A FEW DAYS BEFORE?

16 A I CAN'T, I CAN'T TELL YOU I DON'T EVEN KNOW
17 WHEN I GAVE THE STATEMENT ALL I KNOW IS ABOUT SEPTEMBER
18 NINETEENTY, PROBABLY BE ABOUT FIVE DAYS BEFORE THAT,
19 SOMETHING LIKE THAT?

20 Q ALL RIGHT, SIR, SO JUST WITHIN A WEEK OR SO BEFORE?
21 HOW WAS, HOW WAS YOUR BROTHER AND OWENS GETTING ALONG
22 AT THAT TIME?

23 A THEY WEREN'T SAYING NOTHING TO EACH OTHER

24 Q THEY WEREN'T TALKING TO EACH OTHER, IN FACT, YOU
25 KNOW THEY WERE--

1 A NO

2 Q IN FACT, YOU KNEW THAT WERE HAVING A FIGHT AGAIN,
3 DIDN'T YOU?

4 A NOT EXACTLY, NO BECAUSE I BELIEVE OWENS THEN,
5 HE WAS IN, HE WAS IN JAIL OR SOMETHING LIKE THAT I
6 KNOW THEY WAS APART FROM EACH OTHER

7 Q BUT BEFORE THAT, YOU KNEW OWENS AND JOHNNY HAD
8 GOTTEN IN A LITTLE SCRAP ABOUT SOME GIRLS OUT IN WEST
9 COLUMBIA YOU KNEW ALL ABOUT THAT?

10 A NO, NOTHING ABOUT NO GIRLS THEY WAS FIGHTING
11 ABOUT THE MONEY, A CAR AND SOME CLOTHES AND SOMETHING
12 LIKE THAT

13 Q UH HUH, BUT YOU KNEW THEY WERE ON THE OUTS, IS
14 THAT RIGHT? THEY WEREN'T TALKING?

15 A NO, SIR

16 Q ALL RIGHT, AND SO WHEN JOHNNY CAME TO YOU AND
17 WANTED YOU TO DISCUSS THIS, IS THAT RIGHT?

18 A WELL, NOT RIGHT THEN HE DIDN'T KNOW NOTHING
19 ABOUT IT NOT, NOT UNTIL JOHNNY WAS OVER THERE AT ELAINE'S
20 AND THE LT WENT OVER THERE TO SEE ELAINE AND THEY
21 STARTED TALKING ABOUT THE CASE AND JOHNNY HEARD AND
22 THEN ED WAS OVER THERE ONE DAY AND I CAME OVER AND JOHNNY
23 WAS THERE AND ED HAD STARTED TALKING ABOUT THE CASE
24 AND HE WINDED UP ACCUSING HIM--

25 Q LET ME INTERRUPT YOU FOR JUST A SECOND DO YOU

1 RECALL THE DATE WHEN THAT WAS?

2 A I CAN'T RECALL

3 Q DO YOU REMEMBER WHAT MONTH WAS THIS, WAS IT STILL
4 THE SUMMERTIME?

5 A (LONG PAUSE) NO

6 Q AUGUST, MAYBE, JULY?

7 A PROBABLY, PROBABLY JULY

8 Q PROBABLY JULY, WELL, LET'S GET SOMEBODY STRAIGHT,
9 ELAINE IS WHO? ANOTHER SISTER, IS THAT NOT CORRECT?

10 A YES, SIR

11 O ALL RIGHT, YOU AND JOHNNY WERE AT HER HOUSE
12 SOMETIME IN JULY, IS THAT RIGHT?

13 A YES, SIR

14 Q WHAT WERE YOU DOING OVER AT ELAINE'S, JUST
15 HAPPEN TO BE THERE?

16 A YES, SIR, I HAPPENED TO JUST COME OVER THERE
17 TO SEE HER

18 Q ALL RIGHT, WHO ELSE WAS THERE?

19 A ED HICCOCKS

20 Q NOW, THAT'S THE SAME ED WE POINTED AT BEFORE?

21 A YES, SIR, AND JOHNNY AND ME AND ELAINE

22 Q AND, ALL RIGHT, AND YOU WERE HAVING A DISCUSSION
23 AND THIS WHOLE THING CAMF UP AGAIN, IS THAT YOUR TESTIMONY?

24 A YES, SIR

25 AND HE STARTED ACCUSING ME BEING WITH OWENS THAT

1 NIGHT ON THE NIGHT THAT GUY GOT KILLED, OLIN D HAD
2 GOT KILLED AND HE STARTED SAYING ABOUT LORES HAD GIVEN
3 THE BUCKSHOT TO OWENS THAT NIGHT IN THE TRAILER AND STUFF
4 LIKE THAT

5 Q RIGHT, THIS WOULD HAVE BEEN, WHAT, ABOUT THREE
6 YEARS AFTER THE WHOLE THING HAD HAPPENED, RIGHT?

7 A YES

8 Q THIS WAS 1981 THAT THIS DISCUSSION TOOK PLACE
9 AT ELAINE'S AND THIS KILLING WAS IN '78' SO THAT WAS
10 THREE YEARS, FIGHT?

11 A I BELIEVE SO YES, SIR

12 Q SUMMER OF '78 AND THE SUMMER OF '81, RIGHT ABOUT
13 THREE YEARS? YOU HEARD A LOT OF TALK ABOUT THIS THING
14 IN THE THREE YEARS, HAD YOU?

15 A NO, NO

16 Q YOU NEVER HEARD ANYBODY TALK ABOUT THIS CASE?

17 A NOT NO TALK

18 O - NOBODY EVER TALKED ABOUT THIS CASE IN THREE
19 YEARS?

20 A NO, NO, ONLY WHAT THEY WERE SAYING WAS OLIN D
21 HAD GOT KILLED AND THAT'S ABOUT IT

22 Q PEOPLE TALKED ABOUT IT BUT THEY DIDN'T KNOW WHO
23 DID IT OR WHY OR ANYTHING ELSE, IS THAT RIGHT? IS THAT
24 RIGHT, IS THAT ALL YOU HEARD?

25 A I DON'T KNOW ABOUT THAT I DIDN'T HEAR NO TALK

1 ABOUT IT

2 Q WELL, YOU WERE KIND OF OUT OF CIRCULATION, RIGHT?

3 A YES, SIR

4 Q SO, YOU WEREN'T DOWN IN THAT AREA TOO MUCH?

5 A YES, SIR

6 Q HOW LONG HAD YOU BEEN IN JAIL?

7 A I SPENT NINFTEEN MONTHS IN THERE

8 Q OKAY, AND THAT WAS BETWEEN JUNE OR JULY OF '78
9 AND THE SUMMER OF '81, IS THAT CORRECT?

10 A YES

11 Q ALL RIGHT, LET' MOVE ON THEN HOW DID THIS
12 THING COME UP? YOU SAID ED INITIATED THE CONVERSATION,
13 IS THAT RIGHT?

14 A YES, SIR

15 Q AND, UH, WHAT DID YOU SAY, YOU SAID, YEAH, I
16 WAS THERE AND SAW THE WHOLE THING, DIDN'T YOU?

17 A NO, NOT THEN

18 Q NOT THEN YOU DIDN'T SAY THAT?

19 A NO, I DIDN'T SAY NOTHING

20 Q YOU SAID, YEAH, I WAS THERE AND OWENS RAN THROUGH
21 THE WOODS AND I HEARD TWO SHOTS AND I SAT IN THE CAR?

22 A I DIDN'T SAY NOTHING

23 Q YOU DIDN'T SAY A THING AT THAT TIME?

24 A MY BROTHER ASKED ME, HE QUESTIONED ME ABOUT IT
25 AND I JUST WOULDN'T TALK ABOUT IT

1 Q YOU JUST WOULDN'T TALK ABOUT IT? SO, AT THAT
2 TIME THE ONLY THING YOU EVER SAID TO JOHNNY WAS THE,
3 WASN'T WHAT THE DISCUSSION YOU HAD RELATED YOU HAD BACK
4 IN PRISON, RIGHT?

5 A YEAH, YES, SIR

6 Q ALL RIGHT, SO WHEN WAS THE NEXT TIME YOU TALKED
7 ABOUT IT WITH JOHNNY AGAIN?

8 A OH, THAT'S SEPTEMBER

9 Q ALL RIGHT, YOU TALKED ABOUT IT, LET'S SEE, BETWEEN
10 THE TIME YOU TALKED ABOUT IT WITH CONNIE LEWIS IN
11 SEPTEMBER AND BETWEEN THE TIME OR GOING BACK TO THE TIME
12 YOU TALKED ABOUT IT AT ELAINE'S TRAILER, DID YOU EVER
13 TELL YOUR BROTHER ABOUT IT?

14 A NO, SIR

15 Q YOU NEVER GAVE HIM THE DETAILS?

16 A NOT THEN, NO

17 Q WHEN DID YOU GIVE HIM THE DETAILS, AFTER YOU
18 TALKED TO CONNIE LEWIS?

19 A YES, SIR

20 Q SO, AT THAT TIME YOU WENT TO SEE CONNIE LEWIS
21 YOU HAD NEVER TOLD THE STORY TO ANYBODY, IS THAT RIGHT?
22 IS THAT YOUR TESTIMONY?

23 A YES, SIR

24 O YOU HAD NEVER DISCUSSED IT WITH ANYBODY?

25 A NOBODY

1 Q NEVER DISCUSSED IT WITH TOMMY CAMPBELL?

2 A NO, SIR

3 Q OR WITH JOHNNY?

4 A NO, SIR

5 Q OR WITH ELAINE?

6 A NOBODY

7 Q OR ANYBODY, ED?

8 A NOBODY

9 Q AND THEN YOU WENT DOWN TO SEE CONNIE LEWIS NOW
10 HOW DID YOU KNOW TO GO SEE CONNIE LEWIS?

11 A MY BROTHER HAD TOLD CONNIE SOMETHING AND THEN
12 CONNIE ASKED ME TO COME SEE HIM, SO I WENT IN I TALKED
13 IT OVER WITH MY BROTHER FIRST AND THEN I WENT OVER DOWN
14 TO SEE HIM

15 Q JOHNNY?

16 A AND--

17 Q JOHNNY TELL YOU WHY HE WANTED YOU TO GO SEE
18 CONNIE LEWIS?

19 A YES, IT WAS ABOUT THE CASE

20 Q RIGHT, ABOUT THE CASE, BUT DID HE SAY WHY ABOUT
21 THE CASE? DID HE EXPLAIN WHAT HIS INTEREST WAS IN IT?

22 A NO, SIR

23 Q HE DIDN'T EXPLAIN HOW MUCH MONEY HE HAD COMING
24 IF HE TURNED YOU UP AS A WITNESS?

25 A NO, SIR

1 O HE NEVER TOLD YOU ALL ABOUT MONEY?

2 MR MABPY YOUR HONOR, I OBJECT THERE
3 HAS BEEN NO TESTIMONY ABOUT ANY MONEY, ABOUT ANYTHING
4 ABOUT WHETHER OR NOT--

5 THE COURT DO YOUR CROSS

6 MR VERMONT EXCUSE ME?

7 THE COURT I JUST SAID DO YOUR
8 CROSS EXAMINATION PROPERLY

9 MR VERMONT THANK YOU

10 CROSS EXAMINATION CONTINUES BY MR VERMONT

11 Q DID NOBODY TALK ABOUT MONEY?

12 A NO, SIR

13 Q AT ELAINE'S HOUSE THAT PREVIOUS TIME? NOBODY
14 TALKED ABOUT MONEY?

15 A NOBODY TOLD ME ANYTHING ABOUT MONEY

16 Q JOHNNY NEVER TOLD YOU ABOUT MONEY OR REWARD?

17 A HE SAYS SOMETHING ABOUT A REWARD I DIDN'T, PAY
18 NO ATTENTION

19 Q WHAT AMOUNT DID YOU HEAR, DID YOU HEAR ANYTHING
20 ABOUT IT?

21 A HUH, I CAN'T RECALL IT I DON'T KNOW

22 Q YOU DON'T RECALL?

23 A I CAN'T REMEMBER

24 Q UH HUH, YOU KNOW YOU DIDN'T GET ANY OF IT, IS
25 THAT RIGHT?

1 A NO

2 Q YOU DIDN'T GET ANY REWARD?

3 A I HAVEN'T I AIN'T LOOKING FORWARD TO NONE

4 Q HOW ABOUT JOHNNY, DO YOU KNOW IF HE GOT ANY?

5 A I CAN'T RECALL IT

6 Q YOU DON'T KNOW?

7 A I DON'T, I DON'T THINK SO

8 Q WHEN YOU WENT TO SEE CONNIE LEWIS, DID HE EVER
9 MENTION ANYTHING LIKE, THAT A REWARD--

10 MR MABRY YOUR HONOR, I OBJECT TO
11 THIS AS BEING COLLATERAL

12 MR VERMONT I AM SORRY

13 MR MABRY COLLATERAL, CERTAINLY NOT
14 IMPEACHING HIM HE SAYS HE HAS NOT BEEN OFFERED A
15 REWARD, DIDN'T KNOW ANYTHING ABOUT A REWARD HE DIDN'T
16 GET ANY REWARD THAT IS A COLLATERAL MATTER

17 THE COURT HE WILL QUESTION HIM ABOUT
18 A REWARD IF YOU WANT TO IF NOT, GO TO SOMETHING, WHEN
19 HE ANSWERS THAT GO TO SOMETHING ELSE

20 MR VERMONT WELL, I AM JUST GOING
21 THROUGH THIS

22 THE COURT ALL RIGHT, ASK THE QUESTION

23 MR VERMONT YES, SIR, YES, SIR
24 CROSS EXAMINATION CONTINUES BY MR VERMONT

25 Q ALL RIGHT, HOW DID YOU FIND OUT CONNIE LEWIS

1 WANTED TO TALK TO YOU?

2 A MY BROTHER HAD TOLD ME AND SO I THOUGHT ABOUT IT
3 AND WE HAD TALKED IT OVER, AND I WENT DOWN THERE

4 Q TALKED IT OVER WITH YOUR BROTHER?

5 A YES

6 Q DID YOU TALK IT OVER WITH YOUR FATHER?

7 A NO FATHER

8 Q DIDN'T TALK WITH HIM, YOU WERE ON THE OUTS WITH
9 HIM AT THAT TIME?

10 A JUST DIDN'T TALK TO HIM

11 Q ALL RIGHT, WHAT DID YOU THINK ABOUT IT?

12 A SCARED

13 Q WHAT WERE YOU SCARED OF?

14 A SCARED TO SAY ANYTHING

15 Q WHAT CHANGED YOUR MIND?

16 A IT WAS THE TRUTH AND JUST TO GET IT OFF MY
17 MIND IT HAD BEEN WITH ME

18 Q IS THAT WHY YOU PLED GUILTY TO THOSE TWO OTHER
19 CHARGES, TO GET IT OFF YOUR MIND, YOU HAD GONE TO THE
20 LAW?

21 A PLEAD GUILTY?

22 Q DIDN'T YOU PLEAD GUILTY ON THOSE TWO OTHER
23 CHARGES?

24 A YES

25 Q THAT WAS TO GET THAT OFF YOUR MIND?

1 A NO, BECAUSE I DIDN'T--SECOND CHARGE I PLED GUILTY
2 BECAUSE I DIDN'T WANT THE POSSESSION WITH INTENT TO
3 DISTRIBUTE, THEY GIVE YOU MORE TIME AND THEY DROPPED IT
4 DOWN TO CONSPIRACY THAT'S THE REASON WHY I PLED GUILTY
5 FOR TWO YEARS

6 Q BECAUSE IT WAS THE THREAT OF GETTING MORE TIME,
7 SO YOU TOOK A DEAL, IS THAT RIGHT?

8 A RIGHT

9 Q OKAY, SO WHEN YOU WENT TO SEE CONNIE LEWIS YOU
10 HAD ANOTHER CHARGE HANGING OVER YOU AT THAT TIME, DIDN'T
11 YOU?

12 MR MABRY OBJECT, YOUR HONOR

13 'R VERMONT IT GOES TO HIM MOTIVE
14 AND HIS INTEREST AND HIS BIAS, YOUR HONOR

15 THE COURT WELL, DON'T ARGUE IN FRONT
16 OF THE JURY YOU HAVE ASKED IT, THEY HAVE OBJECTED TO
17 IT GIVE ME A LITTLE TIME TO THINK ABOUT IT HE HAS
18 A RIGHT TO ASK HIM WHATEVER HE WANTS TO ASK ON IT I
19 DON'T CARE

20 MR MABRY YOUR HONOR, HE MAY
21 IMPEACH THE WITNESS ON PRIOR CONVICTIONS, UH, OF CRIMES
22 INVOLVING MORAL TURPITUDE

23 THE COURT YES, SIR, BUT HE IS
24 ASKING IN THIS CASE WAS ANY DEALING MADE AND HE CAN
25 ASK THAT AND HE CAN ANSWER IT IF HE CAN

1 MR VERMONT MAY I PROCEED ON THAT
2 LINE, YOUR HONOR?

3 THE COURT YES, DON'T GO INTO CHARGES
4 AS CHARGES BECAUSE THAT DOESN'T HAVE A THING TO DO AGAINST
5 ANYBODY'S TESTIMONY IF YOU ARE TRYING TO FIND OUT
6 IF THERE WAS ANY REWARD BECAUSE OF THE ISSUES, YOU CAN
7 GO INTO THAT PURPOSE ONLY

8 MR VERMONT THAT IS EXACTLY WHAT I
9 AM GOING FOR

10 THE COURT KEEP IT TO THAT AND
11 PROCEED

12 MR VERMONT YES, SIR
13 CROSS EXAMINATION CONTINUES BY MR VERMONT

14 Q WHEN YOU WENT TO SEE CONNIE LEWIS, DID MATTER
15 MATTER OF THE PENDING CHARGE COME UP?

16 A YES, SIR

17 Q IT DID? CONNIE LEWIS TOLD YOU HE COULD HELP YOU
18 IF YOU WOULD HELP HIM?

19 A NO, SIR

20 O HE DIDN'T, HE NEVER OFFERED TO HELP?

21 A NO, IT GOT THROWN OUT

22 Q IT GOT THROWN OUT?

23 A YES, SIR

24 Q WHEN AND HOW DID IT GET THROWN OUT?

25 THE COURT WELL, NOW, GO TO THIS, FIND

1 OUT IF ANYTHING WAS OFFERED TO HIM

2 Q ANYTHING OFFERED TO YOU ON THAT CHARGE?

3 A NO, SIR

4 Q WELL, IN FACT, THAT CHARGE WAS THROWN OUT AT
5 THE PRELIMINARY HEARING, WASN'T IT?

6 A YES, SIR

7 Q AND THEN REINSTATED, WASN'T IT, BY DIRECT
8 PRESENTMENT TO THE GRAND JURY?

9 A I DON'T KNOW ABOUT THAT

10 Q YOU DON'T KNOW ABOUT THAT? DID YOU HAVE A LAWYER
11 ON THAT CHARGE?

12 A YES, BUT I CAN'T REMEMBER HIS NAME

13 Q MR CASTANES?

14 A I BELIEVE SO

15 Q THE FELLOW THAT WAS HURT IN THE AUTO WRECK?

16 A I BELIEVE SO, I'M NOT SURE

17 Q ALL RIGHT, DID YOU EVER HAVE MR CASTANES TALK
18 TO CONNIE LEWIS ABOUT THAT CHARGE FOR YOU?

19 THE COURT WELL, FOR WHAT PURPOSE?
20 YOU ARE GETTING INTO CONVERSATIONS WITH AN ATTORNEY
21 REPRESENTS A CLIENT NOW, I AM ALLOWING YOU TO PROCEED
22 BUT WITH ONE PURPOSE ONLY

23 MR VERMONT YES

24 CROSS EXAMINATION CONTINUES BY MR VERMONT

25 Q NOW, LET ME ASK YOU--

THE COURT WHATEVER RESULT, IF ANY,

1 THAT YOU GET

2 MR VERMONT YES, SIR

3 Q DID YOU EVER TALK TO CONNIE LEWIS ABOUT THAT CHARGE?

4 A NO, SIR

5 Q YOU NEVER DID? I THOUGHT YOU SAID A MINUTE
6 AGO THAT HE MENTIONED IT TO YOU, IT DID COME UP?

7 A NOT, HE DIDN'T, MY LAWYER DID TOLD ME IT GOT
8 THROWN OUT

9 Q UH HUH OKAY, OKAY WAS THAT BEFORE YOU GAVE
10 THE STATEMENT OR AFTER?

11 A BEFORE, THAT HAPPENED BEFORE I GAVE THAT STATEMENT

12 Q UH HUH, HOW LONG BEFORE? DO YOU KNOW?

13 A NO

14 Q DID IT GET REINSTATED AFTER YOU GAVE THE STATEMENT?

15 A NO I DON'T--

16 Q YOU DON'T KNOW ANYTHING ABOUT IT?

17 A NO

18 Q YOU DON'T KNOW THE STATUS OF THAT CHARGE RIGHT NOW?

19 A ALL I KNOW IT GOT THROWN OUT AT THE PRELIMINARY
20 HEARING

21 Q YOU DON'T KNOW IF IT IS STILL PENDING AGAINST
22 YOU OR NOT?

23 A I DON'T THINK IT IS

24 Q ALL RIGHT, JOHNNY ASKED YOU TO GO SEE CONNIE
25 LEWIS, IS THAT CORRECT?

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1 A YES, SIR

2 O AND YOU WENT TO SEE CONNIE LEWIS SOMETIME IN
3 SEPTEMBER?

4 A YES, SIR

5 Q DON'T KNOW THE DATE, IS THAT CORRECT?

6 A I'D SAY ABOUT SEPTEMBER--

7 Q NINETEENTH?

8 THE COURT I AM NOT TRYING TO FORCE
9 YOU BUT IT IS ABOUT THE THIRD OR FOURTH TIME OF GOING
10 INTO THE DATE BUT HE DOESN'T REMEMBER LET'S CONTINUE
11 ONTO SOMETHING ELSE

12 MR VERMONT YES, SIR, I AM ALLOWED
13 WIDE EXAMINATION, YOUR HONOR

14 THE COURT THIS IS ABOUT THE FOURTH
15 TIME, YOU CAN GO ONTO SOMETHING ELSE I AM NOT GOING
16 TO RESTRICT YOU BUT I WANT HIM TO TELL YOU ONLY IF
17 HE CAN

18 CROSS EXAMINATION CONTINUES BY MR VERMONT

19 Q WHAT WAS THE DATE OLIN WILSON WAS SHOT?

20 A 1978, JULY THE TENTH

21 Q YOU REMEMBER THAT DATE?

22 A YES, SIR

23 O ALL RIGHT, WHO WAS WITH YOU WHEN YOU WENT TO SEE
24 CONNIE LEWIS?

25 A ME, I WALKED, I WALKED UP THERE BY MYSELF

1 Q UH HUH, TO THE SHERIFF'S DEPARTMENT?

2 A YES, SIR

3 Q WHEN YOU GAVE HIM THE STATEMENT WAS JOHNNY THERE
4 WITH YOU?

5 A NOT THEN, NO

6 Q UH HUH, HOW LONG WERE YOU DOWN THERE?

7 A A GOOD WHILE

8 Q AN HOUR?

9 A ABOUT FOUR HOURS, SOMETHING LIKE THAT

10 Q FOUR HOURS, A GOOD WHILE

11 A (NODS YES)

12 Q DID YOU WRITE THIS THING OUT IN YOUR OWN HAND-
13 WRITING OR DID CONNIE LEWIS JUST TAKE NOTES AND HAVE
14 IT TYPED FOR YOU?

15 A UM, NO, THE POLYGRAPH MAN WROTE IT OUT

16 Q UH HUH, OKAY, THEN IT WAS TYPED UP AND YOU SIGNED
17 IT? IS THAT RIGHT?

18 A YES, SIR

19 Q OKAY, AND NOBODY ELSE AROUND, I ASSUME SOMEBODY
20 ELSE WAS DOWN THERE TOO, TO, UH, WITNESS IT, IS THAT
21 CORRECT? HAVE IT NOTARIZED AND ALL THAT SORT OF THING?

22 A YES, SIR

23 Q WERE THERE PEOPLE THAT YOU KNEW?

24 A LT LEWIS AND THE POLYGRAPH MAN--

25 Q HOW ABOUT NADINE FRENCH?

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1 A NADINE, YEAH

2 Q WHAT WAS SHE DOING DOWN THERE?

3 A SHE CAME DOWN THERE

4 Q ALL RIGHT, WHY DID SHE COME DOWN THERE, DO YOU
5 KNOW?

6 A SOMEBODY HAD CALLED HER

7 Q WHO CALLED HER, DO YOU HAVE ANY IDEA?

8 A I DON'T KNOW

9 Q YOU DIDN'T CALL HER YOURSELF?

10 A NO

11 Q TELL ME, WHO WAS NADINE FRENCH?

12 A A FRIEND

13 Q A FRIEND?

14 A (NODS YES)

15 Q SHE IN THE COURTROOM?

16 A NO, SIR

17 Q DO YOU KNOW WHERE SHE IS?

18 A SHE IS PROBABLY OFF WORK NOW

19 O OKAY WHAT KIND OF WATCH WERE YOU WEARING BACK
20 IN SEPTEMBER OF '81, DO YOU KNOW?

21 A NO WATCH

22 Q WHAT KIND OF WATCH WERE YOU WEARING BACK IN
23 JULY OF '78?

24 A NO WATCH

25 Q NO WATCH, THESE TIMES YOU GAVE, WERE YOU JUST

1 GUESSING?

2 A GUESSING?

3 A UH HUH, WHEN YOU SAY 10 35 AS THE TIME YOU ARRIVED
4 AT HARMON ROAD AND DEER RIDGE ROAD INTERSECTION?

5 A IT IS ACCORDING TO MY KNOWLEDGE

6 Q WHAT WAS YOUR KNOWLEDGE BASED ON? THE MON, THE
7 STARS, THE RADIO?

8 A WELL, YOU CAN TELL WHEN YOU LEAVE A PLACE AND
9 YOU GO SOMEWHERE, YOU CAN TELL HOW LONG YOU WERE THERE
10 WHEN AND HOW LONG IT WOULD BE

11 Q ALL RIGHT, OKAY

12 MR VERMONT MAY BE APPROACH THE BENCH,
13 YOUR HONOR? WITH MR MABRY?

14 THE COURT MR MABRY?

15 (OFF THE RECORD DISCUSSION BENCH
16 CONFERENCE)

17 MR VERMONT MR OWENS, THAT IS
18 ALL I AM GOING TO ASK YOU RIGHT NOW, OKAY I AM GOING
19 TO ASK YOU TO COME BACK I MAY WANT YOU TO COME BACK

20 THE COURT YOU MAY COME DOWN NOW
21 NOW, I TOLD YOU ALL AT THE BEGINNING OF THE DAY THAT THE
22 JUDGE THAT YOU WERE BEFORE WOULD LET YOU GO HOME FAIRLY
23 EARLY AND I AM GOING TO DO THAT THIS CHANGE OF TIME
24 HAS ME A LITTLE MIXED UP YET, ANYWAY

25 YOU KNOW MY WATCH, I BRAG ON IT, I

1 USE TO THINK IT WAS PRETTY GOOD I BOUGHT THIS SOMF
2 TEV/TWELVE YEARS AGO IT COST ME \$19 95 IT HAS NEVFR
3 BEEN ACCURATE, BUT AS LONC AS I KNOW HOW FAST IT IS
4 THEN I SUBTRACT SO I WAS TELLING SOMEBODY TODAY TO
5 FIND OUT WHAT TIME IT IS I ADD AN HOUR AND SUBTRACT
6 TEN MINUTES AND THEN I KNOW WHAT TIME IT IS I DON'T
7 KNOW HOW TO CHANGE THE TIME ON IT I JUST LEAVF IT LIKE
8 THAT UNTIL THE TIME CHANGES BACK

9 THE SAME INSTRUCTIONS TO YOU AS BEFORE
10 I USUALLY GET HERE ABOUT 8 30 EVERY MORNING BUT THEY HAVE
11 WORK FOR ME TO DO BACK HERE I AM NOT GOING TO MAKE YOU
12 COME AT 8 30 I AM SURE YOU LADIES MUST CLEAN THE HOUSE
13 A LITTLE AND THE BEDS AND ALL, AND FIX THEM UP AND
14 FIX BREAKFAST AND ALL THOSE THINGS SO, I AM GOING TO
15 LET YOU STAY UNTIL 9 30

16 NOW, BE VERY CAREFUL AND DON'T READ
17 ANYTHING, OR WATCH ANYTHING OR LISTEN TO ANYTHING, IF
18 THERE SHOULD BE ANYTHING AND DON'T LISTEN TO ANYBODY
19 DISCUSS IT

20 SAME INSTRUCTIONS IF YOU GET HERE A
21 LITTLE EARLY, OF COURSE, I THINK IT WOULD BE BEST IF YOU
22 GO STRAIGHT TO THE JURY ROOM THEY'LL GET COFFEE FOR YOU
23 OR A COLD DRINK

24 IN CHECKING EVERYTHING, THE FORELADY
25 WE HAVE IS FROM SENACA, SOUTH CAROLINA, I JUST THOUGHT

1 I'D TELL YOU ALL THAT MRS , USE TO BE MISS WHITE, AM
2 I CORRECT? WHAT WAS YOUR MAIDEN NAME?

3 FOREMAN JACKSON

4 THE COURT JACKSON, I'LL GET IT RIGHT
5 IN A MINUTE BUT I KNOW SHE WAS FROM SENECA AND, WHICH
6 IS VERY CLOSE TO WALHALLA THAT'S THE REASON I TELL YOU
7 IT IS A SMALL TOWN, BECAUSE SHE KNOWS HOW BIG IT IS

8 I HOPE YOU HAVE A NICE EVENING, I'LL
9 SEE YOU IN THE MORNING AT 9 30 OR AS SOON THEREAFTER AS
10 I CAN

11 YOU MAY NOW GO AND EVERYONE ELSE
12 REMAIN SEATED UNTIL THE JURORS ARE GONE

13 (JURY LEAVES THE COURTROOM FOR THE
14 EVENING AT 5 35 P M)

15 THE COURT NOW, IF IT IS POSSIBLE,
16 I WOULD LIKE TO START AT 9 30 SHARP IN THE MORNING

17 MR MABRY YES, YOUR HONOR

18 THE COURT THEY HAVE ANOTHER JUDGE
19 THAT THEY HAVE LOANED US FROM OTHER CRIMINAL MATTERS
20 WITH THE EXCEPTION OF SOME OF THE OTHER MURDER TRIALS, I
21 SHOULD BE PREPARED AT 9 30

22 MR MABRY YOUR HONOR, MAY IT PLEASE
23 THE COURT, THERE IS ONE MATTER THAT I FAILED TO BRING TO
24 THE COURT'S ATTENTION I PERCEIVE THE DEFENSE COUNSEL
25 CROSS EXAMINING MR OWENS IN AN ATTEMPT TO IMPEACH HIM,

1 BROUGHT OUT THE FACT THAT THERE WAS A CHARGE, POSSESSION
2 WITH INTENT TO DISTRIBUTE, WHICH WAS REDUCED TO CONSPIRACY
3 I WONDER IF WE MIGHT KNOW WHAT ARTICLE, WHAT CONTROLLED
4 SUBSTANCE HE WAS TALKING ABOUT

5 THE COURT IN THE INDICTMENT, IT
6 SHOULD BE DO YOU HAVE THE INDICTMENT?

7 MR MABRY I BELIEVE IT IS MARIJUANA,
8 YOUR HONOR IS THAT YOUR INFORMATION?

9 THE COURT WELL, THEY HAVE A RIGHT
10 TO GO INTO IT, YOU OPENED IT THEY HAVE A RIGHT TO GO
11 INTO IT I DON'T KNOW, I HAVE NO IDEA

12 MR VERMONT WELL, YOUR HONOR, HE
13 CAN ASK HIS WITNESS

14 MR MABRY NO, SIR, I WANTED TO KNOW
15 WHAT HE WAS IMPEACHING MY WITNESS ON?

16 THE COURT I HAVE NO IDEA

17 MR MABRY IF HE WAS IMPEACHING HIM
18 POSSESSION WITH INTENT--

19 THE COURT NO, SIR, NOW, NOW, WAIT
20 JUST A MINUTE WHOA I DID NOT ALLOW THEM TO IMPEACH
21 HIM BECAUSE OF POSSESSION OF IT IT WAS NOT THE IMPEACH-
22 MENT, IF THAT IS THE ONE YOU ARE TALKING ABOUT NOW

23 MR MABRY WELL, SIR, HE WAS, HE WAS
24 QUITE FREE WITH HIS COMMENTS AND HIS CROSS EXAMINATION
25 ON IT

1 THE COURT WELL, THE ONLY REASON I
2 ALLOWED HIM TO CROSS ON THE CHARGE AND I MADE IT CLEAR,
3 WAS THE EFFORT ON HIS PART HE'S GOT A RIGHT TO ASK HIM,
4 DID YOU MAKE A DEAL TO GET THAT ONE DROPPED? NOTHING
5 WRONG WITH THAT QUESTION

6 MR MABRY YES, YOUR HONOR, I UNDERSTAND
7 IT IS NOT, THAT WAS NOT THE CHARGE YOU WERE TALKING ABOUT
8 DROPPING IT WAS ANOTHER CHARGE HE ASKED HIM--

9 THE COURT WELL, NOBODY OBJECTED ON
10 THAT I CAN'T RULE UNLESS THERE IS AN OBJECTION

11 MR MABRY YES, YOUR HONOR, BUT I
12 WANT TO KNOW IF IT IS MARIJUANA BECAUSE HE NEVER SAID

13 THE COURT I HAVE NO IDEA

14 MR MABRY ALL RIGHT, SIR, THEN I--

15 THE COURT THEY'VE GOT A RECORD SOME-
16 WHERE DON'T YOU HAVE A RECORD, UH, DID HE PLEA TO SOME-
17 THING?

18 MR MABRY WELL, CERTAINLY THAT IS
19 A BASIS TO CROSS EXAMINE HIM BUT NOT--

20 THE COURT WELL, THE ONLY THING YOU
21 HAVE A RIGHT TO DO, DIDN'T YOU PLEAD GUILTY TO SUCH AND
22 SUCH A CRIME THAT'S IT NOW, IF IT IS SIMPLE POSSESSION
23 OF MARIJUANA, NO THAT IS NOT A CRIME INVOLVING MORAL
24 TURPITUDE THAT'S ALREADY BEEN DECIDED

25 MR VERMONT IF YOUR HONOR PLEASE,

1 HE SAID HE WAS IN JAIL AND I WAS JUST ASKING WHAT FOR
2 AND THAT'S HOW IT CAME UP

3 THE COURT WELL, I HAVE NO IDEA
4 ALL I KNOW IS THEY HAVE RECORDS DOWNSTAIRS AND THEY CAN
5 SHOW THEM TO YOU UH, POSSESSION WITH INTENT TO DISTRI-
6 BUTE, I THINK, IS A CRIME OF MORAL TURPITUDE SALE OF
7 IT IS MORAL TURPITUDE BUT POSSESSION ONLY OF IT, NO

8 MR. MABRY VERY GOOD, YOUR HONOR,
9 THAT CLEARS UP THE POINT

10 THE COURT FINE BUT I THINK IT
11 IS DOWN ON THE RECORD I HAVE NO IDEA WHAT HE IS CHARGED
12 WITH, OR HAD BEEN CHARGED WITH OR ANYTHING ELSE QUITE
13 ORDINARILY YOU CAN'T INCREASE ONE ONCE IT IS IN AN INDICT-
14 MENT, WE ALL KNOW THAT AND, SOMETIMES I HAVE SEEN THEM
15 WHEN THEY FIND OUT THERE WASN'T THAT MUCH MARIJUANA THERE,
16 OF COURSE, IT IS REDUCED TO WHATEVER ELSE THEY HAVE
17 UNDER THE CHARGE BUT THE ONLY REASON HE HAS GOT A RIGHT
18 TO GO INTO IT IS TO CRIMES INVOLVING MORAL TURPITUDE,
19 JUST ASK HAVE YOU BEEN GUILTY OF THIS? YES THAT ENDS IT,
20 PERIOD THE ONLY OTHER ONE HE HAS IS NOT THE PURPOSE OF
21 THE CRIME, IT'S WHETHER OR NOT A DEAL WAS MADE TO GET
22 A STATEMENT TO DROP IT AND I THINK THAT IS LITIGITIMATE
23 PROCEDURE SO HE SAID HE HADN'T, SO THAT, AS FAR AS I
24 KNOW, ENDED THAT ANYTHING ELSE?

25 MR. VERMONT THAT IS ALL, YOUR HONOR

1 NOTHING FROM THE DEFENSE

2 MR MABRY THAT'S ALL

3 THE COURT WELL, NOW, I AM SURE THE
4 CLERK'S OFFICE WOULD BE GLAD FOR YOU TO OR, EVEN HELP YOU
5 FIND THE FILE

6 MP MABRY NO, YOUR HONOR

7 THE COURT HE DID NOT APPEAR BEFORE
8 ME, I KNOW, AT ANYTIME YOU HAVE NEVER BEEN BEFORE ME,
9 HAVE YOU?

10 WITNESS NO, SIR

11 THE COURT SO I HAVE NO KNOWLEDGE OF
12 IT

13 MR MABRY I UNDERSTAND YOUR HONOR'S
14 REASONING ON IT AND I APPRECIATE IT

15 THE COURT WELL, THAT IS THE ONLY
16 REASON IT IS THERE THE CHARGE OF DOING SOMETHING IS
17 NOT BROUGHT ABOUT FOR THE CREDIBILITY HE WAS, THEY
18 WERE TRYING TO SAY HE DROPPED THE CHARGE IF YOU MAKE A
19 STATEMENT

20 MR MABRY YES, I UNDERSTAND THAT
21 MY CONCERN WAS NOT OVER THAT PARTICULAR FRAMING OF THE
22 QUESTION, THAT QUESTION IT WAS POSSESSION OF INTENT
23 CHARGE THAT I WAS INQUIRING OF

24 THE COURT WELL, I THINK A POSSESSION
25 OF INTENT, IF YOU PLED GUILTY IS A MORAL TURPITUDE

1 MR MABRY ALL RIGHT, SIR
2 THE COURT POSSESSION OF IT IS NOT,
3 JUST POSSESSION THAT HAS ALREADY BEEN DECIDED
4 ANYTHING ELSE? I WILL BE HERE ABOUT
5 8 30 ANYWAY OR A LITTLE EARLIER I WILL TAKE UP MATTERS
6 INCLUDING THIS, IF YOU HAVE ANY DIFFICULTY BETWEEN NOW
7 AND 9 30

8 (RECESS FOR THE EVENING AT 5 40 P M)

9
10 (RESUME AT 9 50 A M --APRIL 27, 1982)
11 (HEARING IN CHAMBERS DUE TO PROBLEM WITH
12 JURORS)

13 (ALL ATTORNEYS ARE PRESENT, JUDGE,
14 DEFENDANT JURY FOREMAN BROUGHT INTO CHAMBERS)

15 THE COURT GOOD MORNING, I APPOLIGIZE
16 FOR CALLING YOU MS ORTEGA, IT HAS BEEN BROUGHT TO
17 MY ATTENTION THAT SOMEONE ON THE JURY MAY HAVE READ THE
18 NEWSPAPER THIS MORNING THAT IS ALL I WANT TO ASK, ALL
19 OF YOU ARE UNDER OATH ALL READY HAVE YOU READ THE
20 NEWSPAPER ARTICLE?

21 MS ORTEGA NO, SIR

22 THE COURT DID ANYONE DISCUSS IT IN
23 THE JURY ROOM?

24 MS ORTEGA THERE WAS ONE NEWSPAPER
25 BROUGHT IN AND SHE WAS JUST PICKING IT UP AND SAID, OH,

1 I DON'T THINK YOU SHOULD READ IT SO, SHE FOLDED IT UP
2 AND PUT IT BACK DOWN

3 THE COURT FINE, IT IS ALL RIGHT TO
4 READ THE NEWSPAPER BUT JUST DON'T READ ANYTHING ABOUT THIS
5 CASE IT MAY TURN OUT NO ONE HAS, BUT IT HAS BEEN
6 BROUGHT TO MY ATTENTION, THAT'S NOT THE INCIDENT, BUT ONE
7 MAY HAVE READ IT I SEE THANK YOU VERY MUCH I APPRECIATE
8 YOUR COMING IN I APPRECIATE IT IF YOU JUST DON'T DISCUSS
9 THIS MATTER AT ALL WITH THE JURORS

10 MR MABRY IF I COULD SUGGEST THAT
11 YOU ASK THE FOREMAN IF SHE WOULD ASK THE JURORS TO JUST
12 DON'T BRING NEWSPAPERS TO THE JURY ROOM?

13 THE COURT AS AN ABUNDANCE OF PRE-
14 CAUTION, IF YOU WOULD DO THAT NOW, I AM GOING TO
15 REMIND THEM, TOO I NEED MRS LOIS S NYE, N Y E

16 (MS NYE IN CHAMBERS)

17 THE COURT GOOD MORNING, MS NYE
18 MS NYE GOOD MORNING, HOW ARE YOU

19 THE COURT AS A MEMBER OF THE JURY
20 YOU ARE ALREADY UNDER OATH IT HAS BEEN BROUGHT TO MY
21 ATTENTION THAT SOMEONE ON THE JURY MAY HAVE READ A NEWS-
22 PAPER ARTICLE ABOUT THIS CASE?

23 MS NYE UH HUH

24 THE COURT HAVE YOU READ IT?

25 MS NYE NO, SIR I HAVE NOT

1 THE COURT HAVE YOU DISCUSSED IT WITH
2 ANYONE?

3 MS NYE NO, SIR, I HAVE NOT
4 THE COURT THANK YOU VERY MUCH

5 I NEED A MR RICKENBAKER

6 (MR RICKENBAKER PRESENT)

7 THE COURT GOOD MORNING MR RICKEN-
8 BAKFR BEING A MEMBER OF THE JURY, YOU ARE ALREADY UNDER
9 OATH MY INQUIRY THIS MORNING, I HAVE HEARD SOMEONE ON
10 THE JURY MAY HAVE READ THE ARTICLE IN THE NEWSPAPER ABOUT
11 THIS CASE?

12 MR RICKENBAKER I OPENED THE PAPER
13 AND I SAW THE HEADLINES AND THEN I CLOSED IT I DID NOT
14 GO INTO IT ANY FURTHER THAN THAT BUT LET ME MENTION ONE
15 THING, I AM IN THE RETAIL LIQUOR BUSINESS AND I NOTICED
16 SOME OF THE PEOPLE THAT ARE CONNECTED WITH THE FAMILY IN
17 THE BACK THAT HAS BEEN IN AND OUT OF MY STORE AND I
18 DON'T KNOW WHETHER THAT WOULD BE GOOD FOR ME TO CONTINUE
19 ON THIS CASE OR NOT SINCE I DO RECOGNIZE SOME OF THE
20 FAMILY I DIDN'T REALIZE THIS CASE, UM, I MEAN THE PEOPLE
21 AT THAT PARTICULAR TIME, BUT AFTER SEEING THEM IN THE
22 BACKGROUND

23 THE COURT WOULD THAT HAVE ANY EFFECT
24 IN YOUR BEING ABLE TO BE A FAIR AND IMPARTIAL JUROR?

25 MR RICKENBAKER WELL, I COULD BE

1 FAIR, THAT WOULD HAVE NO EFFECT ON ME AS FAR AS BEING
2 FAIR WITH THEM PERSONALLY BUT I WONDER, IN CASE THERE
3 WAS A--

4 THE COURT THAT COULD HAPPEN ANYTIME

5 MR RICKENBAKER YES, SIR, I JUST
6 WANTED TO CALL THAT TO THE COURT--

7 THE COURT I WANT YOU TO LAY THOSE
8 VIEWPOINTS ASIDE AND RETURN A VERDICT THAT SPEAKS THE
9 TRUTH, WHATEVER THAT VERDICT IS?

10 MR RICKENBAKER I CAN DO THAT I AM
11 JUST WONDERING ABOUT THEIR REACTION TO ME, AFTER, AFTER
12 WE REACH A VERDICT

13 THE COURT WELL, THAT HAPPENS ALL
14 THE TIME WHETHER YOU KNOW IT OR NOT

15 MR RICKENBAKER WELL, I DID WANT
16 COUNSEL AND ALL TO REALIZE THAT, THAT I DO KNOW THOSE
17 PEOPLE I HAVE SEEN THEM IN AND OUT OF MY BUSINESS AND
18 ALL BEFORE

19 THE COURT I WANT TO BE SURE IT
20 WOULDN'T EFFECT YOUR ABILITY TO LISTEN AND BRING BACK
21 A VERDICT THAT SPEAKS THE TRUTH REGARDLESS OF WHAT THEY
22 SAY

23 MR RICKENBAKER I CERTAINLY WOULD
24 GIVE MY TRUE FEELINGS AND THE TRUTH ABOUT ANYTHING THAT
25 IS INVOLVED

1 THE COURT THANK YOU VERY MUCH
2 MR RICKENBAKEP YES, SIR (EXCUSED)
3 BAILIFF HE IS THE ONE I DIDN'T
4 GET A CHANCE TO TELL YOU BEFORE, HIS NAME

5 THE COURT WFL, I JUST WANT YOU ALL
6 TO KNOW THAT THE BAILIFF BROUGHT WORD TO ME THIS MORNING
7 WHEN SHE SAW A NEWSPAPER GOING IN, SHE STOPPED HIM AND,
8 I DON'T KNOW WHETHER THEY MENTIONED THE ARTICLE OR NOT
9 BUT THIS MAN HAD SAID HE HAD READ THE ARTICLE

10 MR ELLIOTT OKAY

11 THE COURT (TO THE BAILIFF) HE COMES
12 IN HERE AND TELLS HER, I DON'T KNOW--

13 'R MABRY MAYBE WE OUGHT TO EXCUSE
14 HIM IN LIGHT OF THE FACT THAT HE IS OBVIOUSLY CONCERNED
15 ABOUT THE FAMILY

16 THE COURT I DON'T KNOW WHICH SIDE
17 OF THE FAMILY I HAVE NO IDEA, SEEMS TO BE A LOT OF
18 FAMILY ON BOTH SIDES

19 MR GOODWIN IT IS ALL ONE BIG FAMILY

20 MR MABRY I DON'T KNOW EITHER, BUT
21 OBVIOUSLY HE IS CONCERNED ABOUT REPERCUSSIONS

22 THE COURT I AM INCLINED, THOUGH,
23 BECAUSE OF WHAT HE SAID, BUT FOR HIM TO TELL MY BAILIFF
24 THAT HE HAD READ THE ARTICLE AND COME IN HERE AND SAY
25 THAT HE HAD NOT REGARDLESS OF WHICH WAY HIS FEELINGS

1 MIGHT BE, I DON'T WHAT HE'S--WHERE IS THE LIQUOR STORE,
2 WHO GOES IN THE LIQUOR STORE I HAVE NO IDEA, IT COULD
3 BE HIS SIDE I'D RATHER NOT KNOW BUT I WOULD BE INCLINED
4 TO EXCUSE HIM

5 MR MABRY I THINK THAT WOULD BE
6 A GOOD PRACTICE

7 MR VERMONT WE COULD MADE THE MOTION
8 TO THE COURT

9 THE COURT ALL RIGHT, DO YOU WANT ME
10 TO GO THROUGH THE REST OF THESE FROM WHAT I THINK IT
11 SHOULD--THIS IS, SINCE IT WAS IN THE PAPER AND I THINK
12 THIS WILL IMPRESS THEM SERIOUS ENOUGH TO

13 SINCE WE BROUGHT OUT THREE OF THEM,
14 WE OUGHT TO BRING OUT THE REST OF THEM

15 MR VERMONT WELL, I WILL MAKE THE
16 MOTION, YOUR HONOR MR MABRY INDICATES THAT HE WILL
17 JOIN US TO EXCUSE MR RICKENBAKER

18 THE COURT ALL RIGHT, ON EITHER OF
19 TWO GROUNDS WELL, LIKE I SAY, I WOULD RATHER NOT KNOW
20 WHICH FAMILY WENT IN AND I JUST DON'T WANT TO KNOW THAT,
21 BUT IF IT WOULD BE, HE SEEMED TO SAY IT WOULDN'T EFFECT,
22 BUT WHEN HE TOLD THE BAILIFF HE DID READ IT ALL AND THEN
23 TELL ME HE DIDN'T I KIND OF WONDER SO HE WILL BE
24 EXCUSED

25 HOW DO YOU DO, SIR?

1 (JUROR MR MONTGOMERY ENTERED)

2 THE COURT MR MONTGOMERY, YOU ARE
3 UNDER OATH ALREADY I WOULD JUST LIKE TO, THERE IS
4 A POSSIBILITY SOMEONE ON THE JURY MAY HAVE READ THE
5 NEWSPAPER ARTICLE THAT WAS IN THE NEWSPAPER LAST NIGHT
6 OR THIS MORNING OR BOTH HAVE YOU READ IT?

7 MR MONTGOMERY NO, SIR

8 THE COURT HAVE YOU DISCUSSED IT
9 WITH ANYBODY?

10 MR MONTGOMERY NO, SIR

11 THE COURT THANK YOU VERY MUCH, SIR,
12 I APPRECIATE IT

13 (NEXT WITNESS ENTERED) I THINK THIS
14 IS A LADY ALEXENA FURGESS

15 GOOD MORNING

16 MS FURGESS GOOD MORNING

17 THE COURT MS FURGESS, YOU ARE UNDER
18 OATH I JUST HAVE ONE OR TWO QUESTIONS I HAVE HEARD
19 THAT THERE IS A POSSIBILITY THAT ONE OF THE JURORS MAY
20 HAVE READ THE NEWSPAPER ARTICLE ABOUT THIS CASE I JUST
21 WONDERED, HAD YOU READ IT?

22 MS FURGESS NO, I HAVEN'T READ A
23 PAPER, DIDN'T HAVE TIME TO DO ANYTHING THIS MORNING

24 THE COURT I APPRECIATE YOUR COMING IN

25 MS FURGESS OKAY

1 THE COURT I WILL EXPLAIN - TO ALL OF
2 YOU AT ONE TIME, THE IMPORTANCE IS NOT LISTENING, WATCHING
3 OR READING THE NEWS MEDIA, ALL OF THEM AT ONE TIME

4 (MR CLIFTON E VEAL ENTERS)

5 THE COURT GOOD MORNING, COME AROUND
6 AND SIT DOWN YOU ARE MR VEAL?

7 MR VEAL YES, SIR

8 THE COURT MR VEAL, YOU ARE ALREADY
9 UNDER OATH AS A JUROR AND I HAD INFORMATION THAT ONE OF
10 THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE THIS
11 MORNING, THE PAPER I HAVE JUST WONDERED, HAVE YOU READ
12 THE ARTICLE?

13 MR VEAL NO, I GOT MINE OFF THE
14 PORCH AND THREW IT ON THE COUCH, THE RUBBER BAND IS STILL
15 AROUND IT

16 THE COURT WELL, YOU DID WHAT I TOLD
17 YOU TO DO, YOU DIDN'T READ ANY OF IT?

18 MR VEAL NO, SIR

19 THE COURT YOU HAVEN'T DISCUSSED THE
20 ARTICLE IN IT?

21 MR VEAL NO, SIR

22 THE COURT THANK YOU VERY MUCH I
23 APPRECIATE YOUR COMING IN

24 (MS CAROLYN C ROBERTS)

25 THE COURT COME IN AND HAVE A SEAT

1 MS ROBERTS, YOU ARE ALREADY UNDER OATH MY INQUIRY THIS
2 MORNING, I HAD HEARD THAT SOMEONE ON THE JURY MAY HAVE
3 READ THE NEWSPAPER ARTICLE ABOUT THIS CASE?

4 MS ROBERTS NO, I HAD THE PAPER BUT
5 SHE TOOK IT I DIDN'T GET A CHANCE TO READ ANY OF IT

6 THE COURT APPARENTLY YOU HAVE BEEN
7 DOING ALL YOU ARE INSTRUCTED TO DO? DON'T READ ANYTHING

8 MS ROBERTS YOU KNOW, I THOUGHT YOU
9 SAID NOT TO READ ANYTHING ABOUT THE TRIAL, BUT I AM SO
10 USE TO GETTING THE PAPER IN THE MORNING AND GOING TO WORK

11 THE COURT WELL, YOU CAN READ THE
12 REST OF IT

13 MS ROBERTS I KNOW, I HAD THE PAPER
14 AND I DIDN'T HAVE A CHANCE TO READ ANYTHING SO SHE TOOK
15 IT

16 THE COURT YOU'RE NOT THE JUROR, SO
17 DON'T WORRY ABOUT IT I APPRECIATE YOUR COMING IN

18 MS ROBERTS OKAY, THANK YOU

19 THE COURT GOOD MORNING, HAVE A SEAT
20 PLEASE MS RAWLS, YOU ARE UNDER OATH AS A JUROR AND I
21 JUST HAVE ONE OR TWO INQUIRY I HAVE LEARNED THAT ONE
22 OF THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE ABOUT
23 THIS CASE IN THIS MORNING'S PAPER AND DID YOU READ IT?

24 MS RAWLS NO, I DON'T EVEN TAKE THE
25 PAPER

1 THE COURT YOU ARE FOLLOWING MY
2 INSTRUCTIONS, AREN'T YOU?

3 MS RAWLS OH, YEAH

4 THE COURT YOU HAVEN'T DISCUSSED IT
5 WITH ANYBODY?

6 MS RAWLS NO

7 THE COURT THANK YOU VERY MUCH MA'AM
8 (KATHY M HAMPE ENTERS)

9 THE COURT HOW DO YOU DO, MA'AM, JUST
10 HAVE A SEAT PLEASE MS HAMPE, YOU ARE ALREADY UNDER
11 OATH, SWORN AS ONE OF THE JURORS I HAD INFORMATION THAT
12 ONE OF THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE
13 THIS MORNING ABOUT THIS CASE AND HAVE YOU READ IT?

14 MS HAMPE I DON'T GET THE MORNING
15 PAPER

16 THE COURT FINE, WELL, YOU ARE FOLLOWING
17 INSTRUCTIONS TO, ANYWAY, AREN'T YOU? NOT TO READ, LISTEN
18 OR WATCH ANYTHING?

19 MS HAMPE RIGHT

20 THE COURT AND YOU HAVEN'T DISCUSSED
21 IT WITH ANYBODY?

22 MS HAMPE NO, SIR

23 THE COURT THANK YOU VERY MUCH

24 (JUROR MICHAEL R BLACKMON ENTERS)

25 THE COURT HAVE A SEAT, SIR HOW ARE

1 YOU DOING THIS MORNING, MR BLACKMON?

2 MR BLACKMON FINE

3 THE COURT YOU ARE ALREADY UNDER OATH
4 AS A JUROR AND I HAVE JUST GOTTEN INFORMATION THAT ONE
5 OF THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE ABOUT
6 THIS CASE THIS MORNING SO, I AM JUST INQUIRING, HAVE YOU
7 READ IT?

8 MR BLACKMON NO, SIR

9 THE COURT YOU ARE FOLLOWING THE
10 INSTRUCTIONS THEN?

11 MR BLACKMON RIGHT

12 THE COURT FINE, YOU HAVEN'T DISCUSSED
13 IT WITH ANYBODY?

14 MR BLACKMON NO, SIR

15 THE COURT THANK YOU VERY MUCH

16 I BELIEVE THE FIRST ALTERNATE WOULD
17 BE VIRGINIA R GORDON IF YOU HAVE TWO MORE JURORS, IF YOU
18 REPLACE--

19 (MR ALLEN E BRYSON ENTERS)

20 THE COURT HOW DO YOU DO, SIR? IF YOU
21 WILL JUST HAVE A SEAT MR BRYSON, YOU ALREADY ARE UNDER
22 OATH NOW AS A JUROR I HAVE ONE OR TWO QUESTIONS I HAVE
23 RECEIVED INFORMATION THAT ONE OF THE JURORS MAY HAVE
24 READ THE NEWSPAPER ARTICLE IN THE PAPER TODAY ABOUT THIS
25 CASE, LAST NIGHT OR TODAY AND I JUST ASK YOU, HAVE

1 YOU READ IT?

2 MR BRYSON NO, SIR, I JUST READ THE
3 SPORTS THAT WAS IN THIS PAPER

4 THE COURT THAT'S FINE, YOU MUST BE
5 THE ONE WHO LIKES SPORTS THAT'S GOOD WELL, YOU ARE
6 FOLLOWING THE INSTRUCTIONS THEN, AREN'T YOU?

7 MR BRYSON YES, SIR

8 THE COURT YOU HAVEN'T DISCUSSED IT
9 WITH ANYBODY?

10 MR BRYSON NO, SIR

11 THE COURT THANK YOU VERY MUCH

12 MR BRYSON THANK YOU, SIR

13 (BARBARA L STRICKLAND ENTERS)

14 THE COURT GOOD MORNING, MS STRICKLAND

15 MS STRICKLAND GOOD MORNING

16 THE COURT YOU CAN HAVE A SEAT THERE,
17 PLEASE YOU ARE ALREADY UNDER OATH AS A JUROR IN THIS
18 CASE I HAVE ONE OR TWO SHORT QUESTIONS

19 MS STRICKLAND OKAY

20 THE COURT OUR INFORMATION THAT ONE
21 OF THE JURORS MAY HAVE READ THE ARTICLE ABOUT THIS CASE
22 IN THE NEWSPAPER LAST NIGHT OR THIS MORNING OR BOTH, SO
23 I AM JUST ASKING, HAVE YOU READ IT?

24 MS STRICKLAND I SAW THE HEADLINE
25 BUT I DIDN'T READ IT ALL

1 THE COURT BUT DID YOU READ ANY OF IT
2 EXCEPT THE HEADLINE?

3 MS STRICKLAND I DIDN'T HAVE TIME,
4 I HAD TO TAKE MY LITTLE GIRL TO SCHOOL

5 THE COURT MY INSTRUCTIONS ARE IF
6 YOU SEE IT YOU DON'T READ IT

7 MS STRICKLAND YES

8 THE COURT BUT YOU DID NOT READ IT,
9 ANOTHER WORD EXCEPT THE HEADLINE?

10 MS STRICKLAND NO, SIR

11 THE COURT HAVE YOU DISCUSSED IT WITH
12 ANYONE?

13 MS STRICKLAND NO, SIR

14 THE COURT THANK YOU VERY MUCH

15 (VIRGINIA R GORDON ENTERS)

16 THE COURT MS GORDON, IF YOU WILL
17 HAVE A SEAT THERE PLEASE? NOW, MS GORDON, YOU ARE UNDER
18 OATH, OF COURSE, AS A JUROR I JUST HAVE ONE OR TWO
19 QUESTIONS I HAVE LEARNED THAT ONE OF THE JURORS MAY
20 HAVE READ THE ARTICLE IN THE NEWSPAPER THIS MORNING
21 ABOUT THIS CASE, LAST NIGHT OR THIS MORNING, BOTH AND
22 I JUST WANTED TO ASK YOU, HAVE YOU READ IT?

23 MS GORDON NO

24 THE COURT FINE, THEN YOU ARE FOLLOWING
25 INSTRUCTIONS THEN, AREN'T YOU? YOU HAVEN'T DISCUSSED

1 THE CASE WITH ANYBODY?

2 MS GORDON NO

3 THE COURT THANK YOU VFRY MUCH

4 (JUROR WILLIE P BROADWATER ENTERS)

5 THE COURT HOW DO YOU DO, SIR, MR
6 BROADWATER, HAVE A SEAT RIGHT THERE MR BROADWATER, YOU
7 ARE UNDER OATH AS ONE OF THF JURORS IN THIS CASE NOW,
8 I DON'T HAVE TO DO ANYTHING LIKE PUT YOU UNDER OATH OR
9 ANYTHING BUT I HAVE LEARNED THAT POSSIBLY THAT ONE OF
10 THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE ABOUT THIS
11 CASE EITHER LAST NIGHT OR THIS MORNING'S ADDITION OR BOTH
12 MY ONLY QUESTION IS HAVE YOU READ THE ARTICLE?

13 MR BROADWATER NO, SIR

14 THE COURT YOU ARE FOLLOWING THE
15 INSTRUCTIONS THEN?

16 MR BROADWATER (NODS YES)

17 THE COURT THEN YOU HAVEN'T DISCUSSED
18 IT WITH ANYBODY?

19 MR BROADWATER NO, SIR

20 THE COURT THANK YOU VERY MUCH

21 (MR THERON D HESTER ENTERS)

22 THE COURT ALL RIGHT, GOOD MORNING,
23 HAVE A SEAT RIGHT HERE MR HESTER, YOU ARE ALREADY UNDER
24 OATH AS ONE OF THE JURORS I HAVE LEARNED THAT POSSIBLY
25 ONE OF THE JURORS MAY HAVE READ THE NEWSPAPER ARTICLE

1 ABOUT THIS CASE THAT WAS IN LAST NIGHT'S NEWSPAPER OR
2 THIS MORNING'S PAPER OR EITHER OR BOTH SO, MY QUESTION
3 TO YOU IS DID YOU READ THE ARTICLE?

4 MR HESTER NO, SIR

5 THE COURT YOU ARE FOLLOWING THE
6 INSTRUCTIONS?

7 MR HESTER YES, I DID

8 THE COURT YOU HAVEN'T DISCUSSED IT
9 WITH ANYONE?

10 MR HESTER NO

11 THE COURT THANK YOU VERY MUCH

12 ALL RIGHT, I DON'T THINK IT NEEDS
13 ANY EXPLANATION TO THE JURY WHY I EXCUSED THIS MAN BECAUSE
14 IT MIGHT MAKE THEM A LITTLE MORE SENSATIVE TO READING
15 THE THING SO, I AM NOT GOING TO, HE SAID HE DIDN'T--
16 I AM NOT GOING TO JUMP ON HIM PUBLICALLY, BUT I DO KNOW
17 WHAT HE SAID AND I THINK I SHOULD EXCUSE HIM NOW IF
18 YOU WILL BRING MR RICKENBAKER BACK IN?

19 (MR RICKENBAKER ENTERS)

20 THE COURT MR RICKENBAKER, I HAVE
21 DISCUSSED IT WITH THE ATTORNEYS AND ALL AND WE HAVE
22 DECIDED TO EXCUSE YOU

23 MR RICKENBAKER ALL RIGHT, SIR

24 THE COURT I WILL RELEASE YOU NOW

25 MR RICKENBAKER VERY GOOD, THANK YOU

1 THE COURT I IMAGINE THEY WANT YOU
2 TO REPORT BACK DOWNSTAIRS IN THE ASSEMBLY ROOM

3 MR RICKENBAKER ALL RIGHT, THANK YOU,
4 SIR

5 THE COURT I THINK THEY JUST ORDERED
6 COFFEE AND DRINKS

7 MR VERMONT DO YOU NEED TO CALL MS
8 GORDON BACK UP WHEN THEY COME BACK IN?

9 THE COURT WHEN THEY COME BACK IN
10 I WILL PROMOTE HER TO THE JURY AND REMIND THEM AGAIN NOT
11 TO READ ANY PAPERS OR LISTEN TO IT I WILL LET THEM
12 KNOW THE ALTERNATIVE TO THAT WHICH WOULD BE TO SEQUESTER
13 THEM WHICH IS A POLITE WAY OF TELLING THEM I AM GOING
14 TO LOCK THEM UP IN A HOTEL UNTIL THE TRIAL IS OVER

15 OF COURSE, A LOT OF THEM LIKE THAT,
16 IF THEY DON'T HAVE TO DO THE HOUSEWORK, ETC .

17
18 (ALL PRESENT BACK IN THE COURTROOM AT
19 10 35 A M)

20 THE COURT ALL RIGHT, NOW I WOULD
21 LIKE INFORMATION TO GET TO THE PRISON AUTHORITIES TO MAKE
22 AVAILABLE FOR THE DEFENDANT TO BE ABLE TO SHAVE I
23 UNDERSTAND THE WORD GOT LOST BETWEEN HERE AND THERE
24 SOMEWHERE YESTERDAY BUT I AM TELLING YOU, YOU ARE GOING
25 TO CALL THE WARDEN?

1 MR VERMONT YES, SIR

2 THE COURT LET ME KNOW WHAT THE
3 RESULTS ARE IS THERE ANYTHING ELSE?

4 MR VERMONT NO, SIR

5 MR MABRY NO, YOUR HONOR

6 THE COURT ALL RIGHT, BRING THE
7 JURY BACK

8 (JURY RETURNS TO THE JURY BOX AT 10 40
9 A M)

10 THE COURT MS GORDON, YOUR BEING
11 THE FIRST ALTERNATE, I WILL ASK YOU TO TAKE YOUR SEAT
12 WITH THE OTHER ELEVEN JURORS AND YOU BE A MEMBER OF THAT
13 PANEL MR BROADWATER, YOU WILL NOW BE THE FIRST ALTER-
14 NATE MR HESTER, YOU WILL NOW BE THE SECOND ALTERNATE
15 NOW, WHO WAS ON THE STAND YESTERDAY?
16 (JAMES B OWENS RESUMES THE WITNESS
17 STAND)

18 THE COURT YOU ARE ALREADY UNDER OATH,
19 SO TAKE THE STAND

20 CROSS EXAMINATION CONTINUES BY MR VERMONT

21 Q MR OWENS, LET'S GO BACK TO THE SUMMER OF 1978?
22 DID YOU DO A LOT OF NIGHT DEER HUNTING THAT SUMMER?

23 A YES, SIR

24 Q WHO DID YOU HUNT WITH MOSTLY?

25 A TOMMY CAMPBELL

1 Q WHOSE CAR WOULD YOU USUALLY TAKE?
2 A TOMMY'S
3 Q WHO WOULD DRIVE AND WHO WOULD SHOOT?
4 A MOSTLY TOMMY AND ME BOTH, WE'D SWITCH AROUND
5 Q YOU'D TAKE TURNS DRIVING AND TAKE TURNS SHOOTING?
6 WHERE DID YOU HUNT, THE SAME AREA THAT YOU ARE TALKING
7 ABOUT DOWN HERE?
8 A CALHOUN COUNTY AND PLACES LIKE THAT
9 Q DID YOU EVER GO NIGHT HUNTING WITH OWENS?
10 A YES, SIR
11 Q HOW MANY TIMES DO YOU THINK YOU DID?
12 A ONCE AND THAT ONCE
13 Q THE TIME THAT YOU TOLD US ABOUT YESTERDAY, ON
14 THE TENTH, IS THAT RIGHT? TWICE IS ALL YOU ARE CLAIMING,
15 IS THAT RIGHT?
16 A YEAH
17 Q WHEN WAS THE OTHER TIME THAT YOU REMEMBER?
18 A A WHILE BACK
19 Q A WHILE BACK, OKAY WHAT WERE YOU DOING ON
20 THE DAY OF THE TENTH BEFORE YOU SAY YOU GOT PICKED UP
21 AT YOUR AUNT LOREEN'S HOUSE?
22 A I WAS AT MY FATHER'S HOUSE
23 Q UH HUH WHAT TIME DID YOU GET TO MS CAMPBELL'S
24 HOUSE?
25 A THAT EVENING

1 O ALL RIGHT, NOW WHAT TIME WAS IT THAT YOU GOT
2 PICKED UP ACCORDING TO YOUR STORY?

3 A 8 00

4 Q ALL RIGHT, NOW YOU SAY YOU WENT TO DELORES, IS
5 THAT CORRECT?

6 A YES, SIR

7 Q OKAY, WHEN DID YOU NOTICE THE SHOTGUN IN THE
8 BACK SEAT?

9 A WHEN I GOT IN AND LOREEN'S

10 Q DID YOU, CAN YOU DESCRIBE THE SHOTGUN FOR US?

11 A YES, SIR

12 Q WHAT DID IT LOOK LIKE?

13 A WELL, IT WAS RED TIP ITHECA SHOTGUN, AUTOMATIC

14 Q HAD YOU SEEN THAT SHOTGUN BEFORE?

15 A I HAD JUST SEEN IT IN THE CAR, I RECOGNIZED IT

16 Q HAD SEEN IT IN WHOSE CAR?

17 A BACK, OWENS' RED CAR

18 Q HAD YOU EVER SHOT IT?

19 A NOT AS I RECALL, NO, SIR

20 Q HAD YOU EVER PICKED IT UP?

21 A YES, SIR

22 Q SO YOU KNEW IT WAS AN ITHECA?

23 A YES, SIR

24 Q WHAT GAUGE WAS IT?

25 A 12 GAUGE

1 Q NOW YOU SAY RED TIP? CAN YOU EXPLAIN WHAT THAT
2 MEANS TO US?

3 A IT'S A RED TIP ON THE SITE

4 Q WHAT KIND OF SITE WAS IT, WAS IT A ROUND ONE OR
5 A NOTCHED V LIKE THAT?

6 A IT WAS A ROUND RED TIP

7 Q UH HUH, ANYTHING ELSE UNUSUAL OR DISTINGUISHING
8 ABOUT THIS GUN?

9 A NO, SIR

10 Q DID YOU EVER FIRE IT, DO YOU REMEMBER?

11 A NO, SIR

12 Q YOU WENT OVER TO DELORES' IN OWENS' CAR, IS THAT
13 CORRECT?

14 A YES, IT WAS A RED CHEVROLET OR FORD

15 O DO YOU REMEMBER WHAT YOU SAID YESTERDAY ABOUT
16 WHAT KIND OF CAR IT WAS?

17 A I DIDN'T GIVE NO NAME BECAUSE I DIDN'T KNOW

18 Q OKAY, DID YOU REMEMBER LAST NIGHT?

19 A NO

~~20~~ Q ALL RIGHT, NOW, WHEN YOU GOT TO DELORES' I THINK
21 YOU TESTIFIED IT WAS ABOUT 8 30?

22 A YES, SIR

23 Q AND YOU SAID THAT DELORES WAS THERE, RIGHT?

24 A YES

25 O AND DEBBIE FAYE?

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1 A (NODS YES)

2 Q AND ED?

3 A (NODS YES)

4 Q YOU THINK MAYBE DELORES' SON WAS IN THE BACK
5 WATCHING TV, YOU DIDN'T SEE HIM?

6 A NOT AS I CAN RECALL

7 Q ALL RIGHT, DID YOU HAVE ANY CONVERSATION WITH
8 ANYBODY THERE?

9 A NO, SIR, WE WERE JUST IN THERE FOR A FEW, FEW
10 MINUTES

11 Q UH HUH, HOW LONG WOULD YOU SAY?

12 A ABOUT THREE, THREE TO FOUR MINUTES

13 Q WHAT WAS EVERYBODY DOING? DO YOU HAVE ANY IDEA?

14 A I BELIEVE, LORES WAS COOKING, OR SOMETHING LIKE
15 THAT, I DON'T KNOW, I CAN'T RECALL

16 Q WHAT HAD YOU DONE ON THE NIGHT OF JULY THE NINTH?
17 DO YOU REMEMBER WHAT YOU DID ON THAT PRIOR EVENING?

18 A NO, SIR

19 Q I THINK YOU TOLD US YESTERDAY, I THINK YOU WOKE
20 UP ON THE ELEVENTH ABOUT DARK, IS THAT RIGHT?

21 A YES, SIR

22 Q AFTER ALL THIS WAS SUPPOSE TO BE OVER, WHAT DID
23 YOU DO THAT NIGHT, DO YOU REMEMBER?

24 A NOTHING BUT LOOK AT TV

25 Q UH HUH AND YOU DIDN'T HAVE ANY CONVERSATION

1 WITH DELORES WHILE YOU WERE AT HER HOUSE, IS THAT RIGHT?

2 A NOT AS I RECALL, NO, SIR

3 Q ACCORDING TO YOU ALL THE CONVERSATION WAS BETWEEN
4 DELORES AND OWENS, IS THAT RIGHT?

5 A I DON'T UNDERSTAND?

6 Q WELL, IF YOU DIDN'T SPEAK TO DELORES AND THEN
7 SOMEBODY OBVIOUSLY DID, IS THAT RIGHT?

8 A OWENS DID

9 Q THAT IS WHAT I SAY, ALL THE CONVERSATION WAS
10 BETWEEN OWENS AND DELORES ACCORDING TO YOU, IS THAT
11 CORRECT?

12 A YES

13 Q OKAY, LET ME ASK YOU ABOUT THAT SHOTGUN, HAVE
14 YOU EVER SEEN IT SINCE THEN?

15 A NO, SIR

16 Q OKAY, NOW ACCORDING TO YOU YOU DROVE AROUND, UH,
17 YOU SAID SEVEN MILE ROAD, THAT'S DOWN FROM THIS BLUE
18 PIN, ON DOWN THAT WAY, IS THAT RIGHT?

19 A YES, SIR

20 Q WENT HUNTING SOME FIELDS DOWN THAT WAY? AND
21 EVENTUALLY WORKED YOUR WAY BACK TO THIS INTERSECTION
22 THAT IS IN ALL THESE PICTURES, IS THAT RIGHT?

23 A YES, SIR

24 Q OKAY, AND YOU SAID YOU THINK IT WAS ABOUT 10 35
25 BY YOUR ESTIMATE WHEN YOU GOT THERE?

1 A YES

2 Q SOMETHING LIKE THAT? AND THEN YOU TELL US AGAIN
3 ABOUT HOW LONG YOU THINK IT WAS THAT OWENS WAS GONE
4 ACCORDING TO WHAT YOU REMEMBER?

5 A ABOUT TEN TO FIFTEEN MINUTES

6 Q DID YOU HAVE THE RADIO ON AT THAT TIME?

7 A NO, SIR, QUIET

8 Q OKAY HOW CAN, CAN YOU GIVE ME AN ESTIMATE--
9 WELL, LET ME GET YOU ORIENTED, AND LET'S GET THE JURY
10 ORIENTED AGAIN NOW ACCORDING TO YOUR STORY YOU STOPPED
11 THE CAR, IT WOULD HAVE BEEN BACK ALONG, OR THE CAR STOPPED
12 BACK ALONG IN HERE SOMEWHERE? IS THAT RIGHT? YOU FOLLOW
13 ME ON THE ROAD? THIS IS, UH, NO, I'M SORRY, THIS IS
14 DEER RIDGE HERE RUNNING THIS WAY OKAY, HARMON ROAD
15 RUNNING THIS WAY, LEESBURG OUT HERE I BELIEVE YOU DID
16 SAY YOU CAME FROM THE SUMTER HIGHWAY SO YOU WERE HERE, IS
17 THAT RIGHT?

18 A NOT AS I REMEMBER, NOT ON THAT SIDE WE WAS UP
19 FROM THE OTHER SIDE

20 Q UH, OVER HERE?

21 A YEAH, UP HARMON ROAD

22 Q WELL, THIS IS HARMON ROAD HERE?

23 A RIGHT

24 Q OKAY, YOU FOLLOW ME AND THIS IS LEESBURG?

25 A WELL--

1 Q MAYBE A COUPLE OF HUNDRED YARDS OVER THERE OR
2 SOMETHING THIS IS SUMTER HIGHWAY, IT'S BACK THIS WAY

3 MR FABRY YOUR HONOR, CAN I SUGGEST
4 WE USE THE AREA PHOTOGRAPHS?

5 MR VERMONT SURE, I'D BE HAPPY TO
6 THE COURT YOU CAN GET BETTER DETAILS,
7 CROSS EXAMINATION CONTINUES BY MR VERMONT

8 Q ALL RIGHT, LET'S LOOK AT STATE'S EXHIBIT NO 5?
9 NOW, DID YOU SEE THAT WHEN, YESTERDAY, DOES THAT LOOK
10 FAMILIAR TO YOU?

11 A YES, SIR

12 Q OKAY, ARE YOU ORIENTED AS TO EVERYTHING? THIS
13 WOULD BE LEESBURG ROAD HERE, IS THAT CORRECT?

14 A YES, SIR

15 Q THIS WOULD BE HARMON ROAD, THE DARKER ONE?

16 A YES, SIR

17 Q THIS WOULD BE DEER RIDGE THAT WAY, IS THAT CORRECT?

18 A YES, SIR

19 Q THIS WOULD BE THE INTERSECTION YOU SAID NEAR
20 WHERE ALL THIS HAPPENED ACCORDING TO YOU?

21 A RIGHT

22 Q OKAY, SHOW ME ON STATE'S NUMBER FIVE AGAIN, WHERE
23 IT WAS WHERE THE CAR WAS SUPPOSEDLY STOPPED?

24 A ABOUT RIGHT THERE

25 Q AND THE SUMTER HIGHWAY IS BACK DOWN, UH, THAT

1 WAY, IS THAT RIGHT?

2 A YES, SIR

3 Q HOW FAR WOULD YOU SAY THAT IS TO THE INTERSECTION?

4 A ABOUT THIRTY-FIVE YARDS

5 O THIRTY-FIVE YARDS? HOW FAR WOULD YOU SAY IT IS
6 TO THE BACK OF THE COURTROOM, TO THOSE DOUBLE DOORS?

7 A THIRTY YARDS

8 Q OH, SO IT WAS A LITTLE BIT FARTHER THAN THAT?
9 FIVE YARDS, TEN OR FIFTEEN FEET, SOMETHING LIKE THAT,
10 WOULD THAT BE FAIR TO SAY?

11 A YES

12 Q ALL RIGHT, NOW YOU SAY YOU HEARD TWO SHOTS, IS
13 THAT CORRECT?

14 A YES, SIR

15 Q HOW FAR APART WERE THE SHOTS IN TERMS OF TIME,
16 DO YOU KNOW?

17 A SECONDS

18 Q JUST, THAT, BOOM--

19 A A FEW SECONDS

20 Q AND BOOM, SOMETHING LIKE THAT, JUST A FEW SECONDS?

21 A YES, SIR

22 Q AND THEN YOU CLAIM OWENS CAME RUNNING BACK TO
23 THE CAR?

24 A I DIDN'T SEE HIM RUNNING BUT I SEEN HIM RUNNING
25 AROUND TO THE DOOR

1 Q OKAY, RAN UP TO THE DOOR--

2 A THEN HE THREW THE SHOTGUN IN THE BACK SEAT AND HE
3 WAS BREATHING HARD

4 Q OKAY, HE GOT IN THE CAR BEFORE OR AFTER YOU SAY
5 YOU SAW THE OTHER TRUCK ROLL THROUGH THE INTERSECTION?

6 A IT WAS DONE ROLLED THROUGH BY THEN

7 Q ALL RIGHT, THE CAR HAD ALREADY ROLLED THROUGH?

8 A UH HUH

9 Q BEFORE OWENS GOT BACK? IS THAT WHAT YOU SAY?

10 A RIGHT

11 Q OR AT THE SAME TIME?

12 A IT'S DONE ALREADY GO THROUGH THE INTERSECTION
13 BY THEN AND HIT

14 Q WHAT KIND OF TIME SEQUENCE ARE YOU TALKING ABOUT?
15 CAN YOU PUT THOSE THINGS IN ORDER FOR US IN THE TIME OR
16 DO YOU KNOW?

17 A WHAT I'M SAYING IS THE TRUCK ALREADY HIT BEFORE
18 HE GOT BACK TO THE CAR

19 Q ALL RIGHT, AND HOW MUCH LATER DID HE COME BACK
20 TO THE CAR ACCORDING TO YOU?

21 A WELL, FIFTEEN MINUTES

22 Q FIFTEEN MINUTES?

23 A UH HUH

24 Q AND YOU SAT THERE AND YOU DIDN'T GO LOOK INTO THE
25 TRUCK OR ANYTHING WAITING FOR OWENS, IS THAT CORRECT?

1 A RIGHT SEE WHEN HE GOT BACK TO THE CAR I ASKED
2 HIM IF IT WAS A WRECK AND HE SAID NO
3 Q BUT YOU DIDN'T, AT THAT TIME GET OUT OF THE CAR
4 AND GO AND INVESTIGATE?
5 A UT UH (INDICATING NO)
6 Q OKAY, NOW YOU SAY YOU ALL GOT BACK, OR ONCE HE
7 GOT BACK IN THE CAR YOU ALL TURNED AROUND AND WENT BACK
8 THE DIRECTION HE HAD, YOU HAD COME, IS THAT CORRECT?
9 BACK INITIALLY DID A U TURN AND WENT BACK TOWARD SUMTER
10 HIGHWAY, I BELIEVE YOU SAID?
11 A YES
12 Q ALL RIGHT, ON STATE'S NUMBER FIVE, THAT WOULD
13 BE BACK OUT THE LEFT SIDE OF THE PICTURE, IS THAT RIGHT?
14 A YES, SIR
15 Q I THINK YOU ALSO SAID HE SWERVED AND ZIG ZAGGED
16 AND THEN YOU CAME BACK AROUND, IS THAT CORRECT? THAT
17 WOULD BE HARMON ROAD RIGHT?
18 A YES, SIR
19 Q HOW FAR DID YOU GO OUT TOWARD THE SUMTER HIGHWAY
20 BEFORE YOU CAME BACK?
21 A WE DIDN'T GO TOO FAR, I DIDN'T--
22 Q YOU MEAN AS FAR AS THE BACK OF THE COURTROOM OR?
23 A I COULDN'T SAY CAUSE I DIDN'T KNOW THE AREA, I
24 DIDN'T KNOW WHERE I WAS AT
25 Q ALL RIGHT, YOU DIDN'T KNOW THIS AREA AT ALL? OKAY,

1 YOU CAME BACK INTO THE INTERSECTION, IS THAT CORRECT?

2 A UH HUH (INDICATING YES)

3 Q NOW, THE TRUCK HAD ROLLED TO A STOP WELL, WHERE
4 IN THIS PICTURE ACCORDING TO YOU?

5 A ON THE OTHER SIDE OF THAT ROAD RIGHT HERE

6 Q ALL RIGHT, ON THE OTHER SIDE OF THE ROAD? ALL
7 RIGHT--TO THE, I GUESS IN THIS PICTURE, STATE'S FIVE,
8 IS THE TOP OF THE INTERSECTION, IS THAT CORRECT?

9 A NOT OUIITE

10 Q JUST A LITTLE BIT, ABOUT 1 00, MAYBE SOMEWHERE IN
11 THERE?

12 A YES, SIR

13 Q OKAY, MAYBE SO SO WHEN YOU CAME BACK BY I THINK,
14 I BELIEVE YOU TOLD THE JURY YESTERDAY THE CAR STOPPED?

15 A YEAH

16 Q OWENS' CAR STOPPED WHERE EXACTLY ON HARMON ROAD?

17 A YES, SIR, IN THE MIDDLE

18 Q OH, RIGHT, AND THAT'S WHEN YOU, ACCORDING TO YOU,
19 WHEN OWENS LOOKED IN THE CAR, REACHED IN THE CAR OR THE
20 TRUCK?

21 A YEAH, HE GOT OUT

22 Q YOU DIDN'T GET OUT?

23 A I WAS FIXING TO, HE TOLD ME STAY HERE, WAIT HERE
24 OR SOMETHING LIKE THAT

25 Q OKAY, AND THEN WHICH WAY DID YOU LEAVE THE SCENE?

1 TELL US AGAIN HOW YOU LEFT?

2 A WHERE THE TRUCK HAD COME FROM

3 Q THAT WAS--

4 THE COURT WAIT, WAIT SLOW DOWN A
5 LITTLE BIT YOU CANNOT RECORD BOTH OF YOU AT ONE TIME
6 SLOW DOWN AND LET UP, LET ONE PERSON AT A TIME TALK
7 CROSS EXAMINATION CONTINUES BY MR VERMONT

8 O GO RIGHT AHEAD, WHICH WAY?

9 A WHERE THE TRUCK HAD CAME FROM

10 Q THAT WOULD BE BACK THIS WAY, IS THAT CORRECT?

11 A YEAH

12 Q WHAT'S CALLED WILSON MILL ROAD OR DEER RIDGE ROAD?
13 IS THAT CORRECT?

14 A RIGHT

15 Q AND WHERE DID YOU GO FROM THERE, YOU SAID YOU
16 WENT TO CALHOUN COUNTY?

17 A RIGHT

18 O AND HOW WOULD YOU GET TO CALHOUN COUNTY GOING
19 BACK? CAN YOU SEE THIS, CAN YOU SEE THE MAP ALL RIGHT?

20 A (NODS YES)

21 Q WELL, THIS WOULD BE 1790, I THINK IT WAS CALLED
22 YESTERDAY YOU AGREE THAT IS THE ROAD WE ARE TALKING
23 ABOUT? DEER RIDGE ROAD?

24 A WE WENT BACK TO CALHOUN COUNTY

25 Q ALL RIGHT, HOW DID YOU GET TO CALHOUN COUNTY?

1 Q DO YOU KNOW?

2 A I DON'T KNOW

3 Q YOU DON'T KNOW THE ROADS OUT THERE?

4 A NO, BUT I KNOW WHERE WE TURNED AT WAS CALHOUN
5 COUNTY

6 Q DID YOU GO TO CALHOUN COUNTY 601? DID YOU CROSS
7 THE CONGAREE RIVER?

8 A THE BRIDGES? NO THERE'S A STORE AND IT'S GOT
9 A LITTLE SIGN AND IT SAY CALHOUN COUNTY AND WE TOOK THAT
10 ROAD RIGHT THERE, RIGHT IN FRONT OF THE STORE

11 Q IS THAT THE SAME STORE YOU ARE TALKING ABOUT ON
12 SEVEN MILE?

13 A NO, SIR

14 Q THAT'S ANOTHER INTERSECTION SOMEWHERE ELSE?

15 A LIKE ON SAM MATTHEWS

16 Q THAT WOULD BE THE MAIN ROAD GOING SOUTH, YOU THINK,
17 601 OR YOU JUST DON'T KNOW?

18 A I DON'T KNOW

19 Q DID YOU CROSS A BIG BRIDGE?

20 A NO THERE IS A BUNCH OF BRIDGES OUT THAT WAY,
21 THOUGH

22 MR MABRY YOUR HONOR, PLEASE, I
23 KNOW IT IS SPRING AND THERE IS A LOT OF PLOWING TO BE
24 DONE BUT I THINK HE SAID HE DIDN'T KNOW HOW HE GOT
25 THERE IN CALHOUN COUNTY AND IT IS OUITE OBVIOUS HE

1 DOESN'T KNOW

2 MR VERMONT ALL RIGHT, ALL RIGHT
3 CROSS EXAMINATION CONTINUES BY MR VERMONT

4 Q ALL RIGHT, LET ME ASK YOU ONE OTHER QUESTION,
5 WHAT COUNTY IS THIS OUT HERE?

6 A I DON'T KNOW

7 Q ALL RIGHT, AND YOU SAY YOU GOT TO CALHOUN COUNTY
8 IN ABOUT FIFTEEN MINUTES?

9 A NOT IN FIFTEEN MINUTES

10 Q YOU DIDN'T SAY THAT YESTERDAY?

11 A NO, I DIDN'T SAY THAT

12 Q WHAT DID YOU SAY? YOU REMEMBER HOW LONG?

13 A I DIDN'T SAY THAT

14 Q YOU DIDN'T GIVE US ANY TIME AT ALL?

15 A NO, SIR

16 Q OKAY, WHERE DID YOU GO IN CALHOUN COUNTY?

17 A RIDING OUT THROUGH THERE

18 Q UH HUH HOW DID YOU GET¹ BACK TO, I BELIEVE YOU
19 SAID YOU WENT TO TOMMY'S HOUSE?

20 A AFTER WE LEFT CALHOUN COUNTY, YES

21 Q HOW DID YOU COME BACK, DO YOU KNOW, TO EASTOVER?

22 A BY THE CAR

23 Q BY WHAT ROUTE, I MEAN, DO YOU HAVE ANY IDEA?

24 A NO, SIR

25 Q ALL RIGHT, NOW, YOU INDICATED YESTERDAY THAT

1 YOU HAD ONE DISCUSSION OF THIS CASE WITH YOUR BROTHER
2 JOHNNY WHILE YOU WERE STILL IN JAIL OR IN PRISON? IS
3 THAT RIGHT?

4 A WE DIDN'T DISCUSS IT HE SAID HE GOT IN AN
5 ARGUMENT WITH OWENS ABOUT SOME MONEY OR SOMETHING

6 Q ALL RIGHT, BUT YOUR FIRST FULL DISCUSSION OF IT
7 ACCORDING TO YOU WAS WHEN YOU GAVE THIS STATEMENT TO
8 CONNIE LEWIS? IS THAT CORRECT?

9 A YES, SIR

10 Q HAVE YOU SEEN THE STATEMENT LATELY? WOULD YOU
11 LIKE TO LOOK AT IT?

12 A NO

13 Q YOU HAVE SEEN IT?

14 THE COURT SLOW DOWN A LITTLE BIT
15 YOU ASKED HIM TWO QUESTIONS AND HE CAN'T JUST ANSWER
16 BOTH OF THEM AT ONE TIME

17 CROSS EXAMINATION CONTINUES BY MR VERMONT

18 Q YES, SIR, HAVE YOU SEEN YOUR STATEMENT?

19 A WHEN I GAVE IT

20 Q HAVE YOU SEEN IT SINCE?

21 A NO, SIR

22 Q YOU HAVE NEVER LOOKED AT IT? WOULD YOU LIKE TO
23 LOOK AT IT?

24 A NAW

25 O ALL RIGHT, CAN I ASK YOU A COUPLE OF QUESTIONS

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1 ABOUT IT?

2 A YES, SIR

3 O DO YOU REMEMBER IT WELL ENOUGH FOR ME TO ASK YOU
4 SOME QUESTIONS ABOUT IT?

5 A (NODS YES)

6 Q IN YOUR STATEMENT THAT YOU GAVE TO CONNIE LEWIS
7 I THINK YOU SAID IT WAS SOMETIME IN SEPTEMBER, CORRECT?

8 A (NODS YES)

9 Q DID YOU EVER AT ANYTIME MENTION GOING BACK BY
10 THE CAR, BY THE TRUCK, BY OLIN D 'ILSON'S TRUCK?

11 A NO, SIR

12 Q HOW DID YOU KNOW THAT?

13 A I LEFT IT OUT

14 Q WHY DID YOU LEAVE IT OUT?

15 A CAUSE I DIDN'T, I DIDN'T WANT TO GO THOUGH WITH
16 THIS HEARING.

17 Q YOU DIDN'T WANT TO HAVE TO COME TO COURT AND
18 TALK ABOUT IT?

19 A RIGHT

20 Q IT DIDN'T SEEM IMPORTANT TO CONNIE LEWIS?

21 A YEAH BUT, UH, I HAD TO TAKE MORE POLYGRAPHS

22 MR VERMONT YOUR HONOR, PLEASE, I
23 HAVE A MATTER OF LAW, WHICH I WOULD LIKE TO DISCUSS?

24 THE COURT NOW, THIS COMES UP IN
25 EVERY CASE YOU DON'T MIND GOING TO THE JURY ROOM DON'T

1 DISCUSS THE CASE I'LL SEND FOR YOU IN A MINUTE

2 (JURY LEAVES THE COURTROOM AT 10 55 A M)

3 MR VERMONT IF YOUR HONOR PLEASE,

4 I AM GOING TO MOVE FOR A MISTRIAL AT THIS TIME THE

5 ANSWER WAS NOT RESPONSIVE WHATSOEVER PLUS HE WAS GOING--

6 THE COURT YES, SIR, FINE I WOULD

7 BE GLAD FOR YOUR MOTION I AM GOING TO DENY IT YOU

8 KEPT PUSHING HIM, WHICH IS YOUR RIGHT WHY HE DID THIS,

9 WHY HE DID THAT AND HE IS TELLING YOU I CAN'T HELP

10 WHAT IS COMING OUT

11 MR VERMONT HIS ANSWER WAS NOT AT

12 ALL RESPONSIVE, YOUR HONOR

13 THE COURT I THINK IT WAS RESPONSIVE

14 YOU ASKED HIM ABOUT THE WHOLE THING, WHY DID HE DO THIS,

15 WHY DID HE DO THAT, WHEN DID HE DO IT, WHY HE LEFT IT

16 OUT? AND HE IS TRYING TO TELL YOU

17 MR VERMONT I DIDN'T MENTION POLYGRAPH

18 YOUR HONOR

19 THE COURT NO, SIR, YOU DON'T HAVE

20 TO I AM JUST PUTTING YOU ON NOTICE NOW, SIR, IT CAME

21 OUT THREE TIMES YESTERDAY, THE WORD NOTHING WAS

22 OBJECTED TO, NOT ANYTHING AND WHEN YOU KEEP CROSS

23 EXAMINING HIM, WHICH YOU HAVE GOT A RIGHT TO DO, IF YOU

24 GO INTO CERTAIN QUESTIONS, HE HAS GOT A RIGHT TO ANSWER

25 THEM I CAN'T HELP THAT

1 MR VERMONT WELL, I NOTE MY EXCEPTION
2 FOR THE RECORD

3 THE COURT YES, SIR, YOUR EXCEPTION IS
4 THERE, BUT I NOTICED THE WORD CAME OUT THREE TIMES YESTER-
5 DAY AND IF YOU KNOWING THAT YOU WANT TO CROSS HIM UP
6 ON IT, YOU HAVE RIGHT TO DO THAT WITHOUT ANY WARNING OR
7 WHAT IS YOUR OBJECTION IF YOU PUSH HIM HARD ENOUGH
8 WHY YOU DID IT, AND THAT IS THE REASON HE DID DO IT,
9 THEN HE HAS GOT A RIGHT TO SAY SO

10 MR VERMONT I WOULD ASK THE COURT
11 TO GIVE INSTRUCTIONS TO THE WITNESS AND THE STATE TO
12 INSTRUCT THEIR OWN WITNESSES?

13 THE COURT I AM GOING TO INSTRUCT
14 YOU, TOO, SIR, WHY HE MADE, OR ASK HIM WHY HE MADE THE
15 STATEMENT OR IF THE REASON HE MADE THE STATEMENT IS
16 CHANGED BECAUSE OF A POLYGRAPH, HE CAN ANSWER IT I
17 PUT YOU ON NOTICE OF THAT

18 MR VERMONT YES, SIR

19 THE COURT I CANNOT RESTRICT HIM
20 ON HIS ANSWERS, IF THE ANSWER WOULD PROPERLY BE WHATEVER
21 REASON HE HAD FOR GIVING IT I CAN'T RESTRICT HIM SO
22 I WANT YOU TO BE CAREFUL.

23 MR VERMONT I THINK YOUR HONOR CAN
24 WARN THE SUBJECT

25 THE COURT I CAN WARN HIM BUT I WANT

1 TO WARN YOU, ALSO, SIR IF IN THE EVENT THAT IT WOULD
2 APPEAR WHY HE DID THIS AND WHY HE DID THAT, AND WHAT
3 THEY MADE HIM DO IF YOU KEEP ON HE IS GOING TO ANSWER
4 AND HE HAS GOT A RIGHT TO

5 MR VERMONT WOULD YOUR HONOR FURTHER
6 INSTRUCT HIM TO BE RESPONSIVE TO THE QUESTIONS?

7 THE COURT YES, SIR, BUT I HAVE BEEN
8 LISTENING TO YOUR QUESTIONS VERY CLOSELY, SIR, AND I
9 THINK IT WAS RESPONSIVE SO, I PUT YOU ON NOTICE, BE
10 CAREFUL WITH YOUR QUESTIONS IF YOU DON'T WANT THE
11 ANSWERS IF IT COME OUT UNRESPONSIVE, FINE, I AM GOING
12 TO WARN HIM BUT FOR INSTANCE YOU ASKED HIM YESTERDAY
13 WHO ALL WAS THERE, WHO ALL WAS THERE, THREE DIFFERENT
14 TIMES HE TOLD YOU THREE DIFFERENT TIMES SO AND SO, SO
15 AND SO AND THE POLYGRAPH MAN FINE, SOMEBODY WAS THERE
16 NOW YOU HAVE ASKED HIM WHY HE DIDN'T DO THIS OR SOMETHING
17 OF THAT NATURE, THE STATEMENT, GOING INTO IT AND HOW HE
18 MADE IT AND WHY HE MADE IT IF THE POLYGRAPH HAD ANYTHING
19 TO DO WITH AND WHY OR HOW OR WHY HE HAD MADE IT, HE HAS
20 GOT A RIGHT TO SO STATE IT I AM WARNING HIM NOW, DON'T
21 GO INTO ANY POLYGRAPH UNLESS THE QUESTION IS SUCH THAT
22 YOU WILL HAVE TO, AND BEFORE YOU DO IT, I'LL SEND THE
23 JURY OUT AND LISTEN DO YOU UNDERSTAND, SIR?

24 MR OWENS YES

25 THE COURT DON'T GO INTO ANY POLYGRAPH

1 TEST, THE POLYGRAPH AT ALL, JUST DON'T MENTION IT

2 MR OWENS AND, YES

3 THE COURT AND IF IT BECOMES NECESSARY
4 FOR YOU TO SAY THAT, YOU OBJECT, SIR, AND I WILL SEND
5 THE JURY OUT YOU SHOULD LISTEN CLOSELY I WILL SEND
6 THE JURY OUT BECAUSE HE CANNOT BE HINDERED IN HIS ANSWERS
7 IF THAT WOULD BE THE ANSWER

8 MR MABRY YOUR HONOR, I WOULD JUST
9 REQUEST THAT THE WITNESS UNDERSTAND THAT HE HAS DONE
10 NOTHING WRONG

11 THE COURT HE HASN'T DONE ANYTHING
12 WRONG HE IS TRYING TO ANSWER THE QUESTION BEST HE
13 CAN, AS FAR AS I CAN TELL IT IS UP TO THE JURY NOW I
14 DON'T HAVE ANYTHING TO DO WITH IT I CAN'T TELL HIM NOT
15 TO ANSWER, AND OF COURSE, THE ANSWER WOULD INVOLVE THAT

16 DO YOU UNDERSTAND, SIR? YOU HAVE DONE
17 NOTHING WRONG BUT JUST DON'T GO INTO ANY POLYGRAPH AT
18 ALL NOW IF THE ANSWER IS SUCH, THE QUESTION IS SUCH
19 THAT YOU WOULD HAVE TO GO INTO IT, THE SOLICITOR WILL
20 OBJECT AND REQUEST TO SEND THE JURY OUT AND I WILL CLEAR
21 THAT UP DO YOU UNDERSTAND?

22 MR OWENS YES

23 MR MABRY YOUR HONOR, LET ME STATE
24 FOR THE RECORD AT THIS TIME, I DID NOT KNOW WHAT THE
25 RESPONSE TO THAT QUESTION WAS GOING TO BE I DIDN'T

1 KNOW WHY HE DIDN'T PUT IT IN THE FIRST TIME

2 THE COURT I DON'T KNOW WHAT THE FULL
3 RESPONSE WOULD HAVE BEEN HE WAS ASKING HIM WHY THIS
4 AND WHY THAT AND WHY HE MADE THAT STATEMENT AND SOME-
5 THING HE WAS TRYING TO EXPLAIN IT, I THINK THE BEST HE
6 CAN BUT BE VERY CAREFUL

7 MR VERMONT YES, SIR

8 THE COURT I AM NOT RESTRICTING YOUR
9 CROSS BUT IF YOU GET TO A POINT WHERE HIS ANSWER WOULD
10 HAVE TO BE WHY HE DID SO AND SO, UH, THEN NECESSARILY
11 THEN THAT IS GOING TO COME OUT NOW, YOU REMEMBER WHAT
12 YOUR LAST QUESTION WAS?

13 MR VERMONT NO, BUT I KNOW WHAT
14 MY ANSWER WAS

15 THE COURT ALL RIGHT ALL RIGHT, ARE
16 WE READY TO PROCEED?

17 MR VERMONT YES, SIR, BUT SUBJECT
18 TO MY OBJECTIONS

19 THE COURT YOU CAN OBJECT ALL DAY
20 LONG, SIR YOU MAY BE RIGHT BUT I AM TELLING YOU NOW, IF
21 YOU FORCE THAT WITNESS INTO THAT BEING THE ANSWER IT IS
22 COMING IN AND YOU CAN OBJECT ALL YOU LIKE AND YOU MAY
23 BE CORRECT AT IT BUT I HAVE TO RULE AND I HAVE TO RULE
24 THAT HE HAS GOT A RIGHT TO TELL THE TRUTH IF THE QUESTION
25 FORCES HIM INTO IT AND WHAT HE SAYS IF THAT BE NECESSARY

1 I DON'T KNOW WHAT HAPPENED, I DON'T KNOW WHETHER HE TOOK
2 ONE OR NOT I DON'T CARE TO KNOW I DON'T THINK IT
3 WOULD BE FAIR TO FORCE HIM INTO AN ANSWER THAT HE WOULD
4 HAVE TO ANSWER IT THAT WAY AND THEN SAY HE CAN'T DO IT
5 SO BE CAREFUL WHEN YOU ASK THE QUESTIONS

6 AND YOU REMEMBER WHAT I SAID, SIR, DON'T
7 GO INTO IT YOU HAVEN'T DONE ANYTHING WRONG BUT DON'T
8 GO INTO THAT UNLESS IT IS NECESSARY TO HAVE THE QUESTION
9 AND YOUR ATTORNEY WILL DO THAT, OBJECT TO THAT

10 (JURY RETURNS TO THE JURY BOX AT 11 00
11 A M)

12 MR VERMONT MAY I PROCEED, YOUR
13 HONOR

14 CROSS EXAMINATION CONTINUES BY MR VERMONT

15 Q JAMIE, YOUR TESTIMONY, AS YOU HAD IT, YOU GAVE
16 A SWORN STATEMENT TO CONNIE LEWIS? IS THAT CORRECT?

17 A YES, SIR

18 O AND WHICH YOU SWORE TO TELL THE TRUTH, IS THAT
19 CORRECT?

20 A YES, SIR

21 Q AND THE STATEMENT WAS NOTARIZED AND SIGNED BY
22 YOU, IS THAT CORRECT?

23 A YES

24 Q AND YOUR TESTIMONY THIS MORNING IS THAT YOU LEFT
25 OUT THE PART ABOUT GOING BY THE TRUCK, IS THAT CORRECT?

1 A YES

2 Q ALL RIGHT, LET ME ASK YOU ABOUT WITHIN A FEW
3 DAYS AFTER THE TIME YOU GAVE THE STATEMENT, DID YOU
4 EVER DID YOU HAVE A PHONE CONVERSATION WITH DEBBIE FAYE
5 HICCOCKS, DID YOU EVER CALL HER?

6 A A FEW DAY BEFORE?

7 Q A FEW DAYS BEFORE THE STATEMENT? I AM ASKING
8 YOU ABOUT A FEW DAYS AFTER?

9 A YES, SIR, I DID CALL HER

10 Q AND IN THE COURSE OF THAT CONVERSATION YOU DISCUSSED
11 HOW AND WHY YOU GAVE YOUR STATEMENT, DID YOU NOT?

12 A NO, SIR, I DIDN'T SAY NOTHING LIKE THAT

13 Q THANK YOU

14 A I TOLD HER--

15 THE COURT WAIT JUST A MINUTE, LET
16 HIM ANSWER THE QUESTION

17 MR MABRY YOUR HONOR--

18 THE COURT I WARN YOU NOW, TWO PEOPLE
19 AT ONE TIME, JUST SLOW DOWN

20 MR MABRY GO AHEAD AND ANSWER, JAMIE

21 A I HAD TOLD HER THAT I HAD TO DO IT MAKE THE
22 STATEMENT

23 CROSS EXAMINATION CONTINUES BY MR VERMONT

24 Q YOU TOLD HER YOU HAD TO MAKE THE STATEMENT?

25 A YES, SIR

1 Q YOU TOLD HER YOU HAD BEEN PRESSURED INTO MAKING
2 THE STATEMENT, DIDN'T YOU?
3 A NOT PRESSURED, I HAD TO
4 Q FORCED?
5 A I HAD TO I DIDN'T HAVE MUCH OF A CHOICE
6 ^ YOU TOLD HER, IN FACT, THAT YOU MADE THE STATEMENT
7 BECAUSE JOHNNY WAS GOING TO GET SOME MONEY, ISN'T THAT
8 WHAT YOU TOLD HER?
9 A NO, SIR
10 Q YOU NEVER MENTIONED THAT?
11 A NO, SIR
12 Q YOU NEVER TALKED ABOUT ANYBODY GETTING ANY MONEY,
13 IS THAT YOUR CONTENTION?
14 A I DON'T KNOW NOTHING ABOUT NO MONEY
15 Q DID YOU TALK TO ED THAT SAME CONVERSATION? WASN'T
16 HE THE ONE THAT ANSWERED THE PHONE OR DO YOU REMEMBER?
17 A I CAN'T RECALL TALKING TO ED
18 Q ALL RIGHT YOU INDICATED YESTERDAY THAT YOU HAD
19 GONE TO THE JAIL TO SEE OWENS IS THAT CORRECT?
20 A YES, SIR
21 Q WHO WENT TO THE JAIL WITH YOU?
22 A ME AND NADINE
23 Q WAS SHE THERE WHEN YOU HAD YOUR CONVERSATION
24 WITH OWENS?
25 A YES, SIR

1 Q THE WHOLE TIME SHE WAS IN THE VISITING AREA
2 THERE, IS THAT CORRECT?

3 A YES, SIR

4 Q ALL RIGHT, DID NADINE COME TO COURT WITH YOU,
5 JAMES?

6 A NO, SIR

7 Q ALL RIGHT DID YOU HAVE ANOTHER CONVERSATION
8 WITH DEBBIE FAYE IN WHICH YOU TOLD HER YOU WEREN'T SURE
9 ABOUT ALL THIS? YOU WEREN'T SURE ABOUT WHEN IT WAS THAT
10 YOU WENT NIGHT HUNTING? YOU WEREN'T SURE YOU, WHEN YOU
11 HAD GONE?

12 A NO, SIR I DIDN'T HAVE ANOTHER CONVERSATION
13 WITH HER

14 Q YOU NEVER TALKED TO HER AT ALL?

15 A NO, SIR

16 Q BUT YOU DID STAY WITH HER A COUPLE OF MONTHS
17 LAST SUMMER, DID YOU NOT?

18 A YES, SIR

19 Q THAT WAS ABOUT THE TIME SHE WAS IN THE HOSPITAL
20 IS THAT RIGHT?

21 A YES, SIR

22 Q IN FACT, THAT WAS WHERE YOU AND OWENS HAD MET
23 UP AGAIN? VISITING HER IN THE HOSPITAL, WASN'T IT?

24 A YES, SIR

25 Q ALL RIGHT I BEG THE COURT'S INDULGENCE A MOMENT,

1 YOUR HONOR

2 Q GROWING UP, JAMIE, YOU SPENT A GOOD AMOUNT OF TIME
3 WITH MS CAMPBELL?

4 A YES, SIR

5 Q HOW LONG WERE YOU WITH HER?

6 A A WHILE

7 O A WHILE, A GOOD WHILE, SHE IS LIKE A SECOND
8 MOTHER TO YOU ALMOST?

9 A (NODS YES)

10 Q AND ANYTIME DID YOU EVER GO AND DISCUSS ANY OF
11 THIS WITH HER?

12 A NO, SIR

13 Q IN FACT, WITH NOBODY ELSE IN THE WHOLE FAMILY
14 BEFORE YOU GAVE YOUR STATEMENT, IS THAT RIGHT?

15 A NO, SIR

16 Q AND NOT EVEN AFTER?

17 A (NODS NO)

18 Q WAS IT YOUR TESTIMONY YESTERDAY THAT YOU DON'T
19 KNOW THE STATUS OF THE CHARGE FROM AUGUST AGAINST YOU?
20 WHAT HAPPENED TO IT?

21 A IT GOT THROWED OUT AT THE PRELIMINARY HEARING

22 Q AND YOU DON'T KNOW ABOUT IT NOW, IS THAT YOUR
23 TESTIMONY?

24 A AS FAR AS I KNOW IT WAS THROWED OUT IN COURT

25 Q ALL RIGHT, THAT IS ALL I HAVE RIGHT NOW, THANK YOU

1 REDIRECT EXAMINATION

2 BY MR MABRY

3 Q JAMIE, ON CROSS EXAMINATION DEFENSE COUNSEL ASKED
4 YOU ABOUT SOME CONVICTIONS THAT YOU HAVE HAD DID YOU
5 HAVE A TRIAL FOR THOSE CONVICTIONS?

6 A YES, SIR

7 Q YOU HAD A TRIAL LIKE WE ARE GOING THROUGH RIGHT
8 NOW?

9 A YES, SIR

10 Q OR DID YOU PLEAD GUILTY?

11 A I PLED GUILTY TO THEM BECAUSE THEY WERE, BECAUSE
12 I WAS GUILTY

13 Q ALL RIGHT, NOW, HE ASKED YOU WERE YOU NOT CON-
14 VICTED OF ACCESSORY AFTER THE FACT OF A FELONY? WHAT
15 DOES ACCESSORY MEAN?

16 A ACCESSORY IS SOMETHING LIKE SOMEBODY STOLE SOMETHING
17 AND YOU WAS WITH THEM WHEN THEY GOT CAUGHT

18 Q OKAY, NOW TELL US EXACTLY WHAT HAPPENED ABOUT THAT
19 ACCESSORY BUSINESS?

20 A ONE OF MY FRIENDS HAD STOLE A MOTOR CYCLE AND
21 I GOT WITH HIM AND I DIDN'T KNOW IT WAS STOLEN AND, UH,
22 AND THEY CAUGHT US WITH IT

23 Q OKAY.

24 A RIDING ON IT

25 Q ABOUT, HOW ABOUT THE OTHER CONVICTION?

1 A CONSPIRACY

2 Q WHAT WERE YOU ORIGINALLY CHARGED WITH?

3 A POSSESSION WITH INTENT TO DISTRIBUTE

4 Q POSSESSION WITH INTENT TO DISTRIBUTE?

5 A YES, SIR

6 Q WHAT?

7 A MARIJUANA

8 Q AND THEY REDUCED IT TO WHAT?

9 A UH, ACCESSORY TO AND AFTER THE FACT

10 O I MEAN THE MARIJUANA CHARGE?

11 A RIGHT

12 Q DIDN'T THEY REDUCE IT TO CONSPIRACY?

13 A CONSPIRACY

14 O CONSPIRACY?

15 A YES, SIR

16 Q AND YOU PLEADED GUILTY TO BOTH OF THOSE?

17 A YES, SIR

18 Q ALSO, NOW, ON CROSS EXAMINATION DEFENSE COUNSEL

19 HAS ASKED ABOUT THIS STATEMENT THAT YOU MADE, UH, YOU

20 TALKED WITH ME ABOUT THIS CASE SEVERAL TIMES, HAVE YOU NOT?

21 A YES

22 Q DID I EVER SHOW YOU A COPY OF THAT STATEMENT

23 WHEN WE TALKED?

24 A NO, SIR YOU HAD IT BUT YOU WOULDN'T LET ME SEE IT

25 I WANTED TO SEE IT

1 Q OKAY, WHEN WAS THE LAST TIME YOU READ THAT
2 STATEMENT?

3 A WHEN I MADE LT , MADE IT TO LT CONNIE LEWIS

4 Q ALL RIGHT, ALTHOUGH YOU HAVE ADMITTED ON CROSS
5 EXAMINATION THAT YOU LEFT SOMETHING OUT IS THERE ANYTHING
6 ABOUT THE STATEMENT THAT IS NOT TRUE?

7 A EVERYTHING IS TRUE

8 Q ALL RIGHT, SIR, THANK YOU

9

10 RECROSS EXAMINATION

11 BY MR VERMONT

12 Q YOU SIGNED AND INITIALED WHERE YOU RECEIVED
13 A COPY OF THAT STATEMENT WHEN YOU MADE IT, DIDN'T YOU?

14 A YES, SIR

15 Q AND YOU DID RECEIVE SUCH A COPY?

16 A YES, SIR

17 Q THANK YOU, THAT'S ALL

18 MR MABRY COME DOWN, JAMIE, THAT IS
19 ALL IF IT PLEASE THE COURT, KENNETH MC KARN, YOUR HONOR?

20 KENNETH MC KARN, AFTER
21 BEING DULY SWORN, TESTIFIES AS FOLLOWS

22 DIRECT EXAMINATION

23 BY MR MABRY

24 THE COURT I WANT YOU TO SPEAK UP
25 LOUDLY SO THAT EVERYBODY CAN HEAR YOU

1 Q YOU ARE KENNETH MC KARN?

2 A YES, SIR

3 Q AND HOW ARE YOU EMPLOYED, MR MC KARN?

4 A SIR, I AM A MASTER SERGEANT IN THE U S ARMY

5 Q MASTER SERGEANT IN THE UNITED STATES ARMY, STATIONED
6 WHERE AT THIS TIME, SIR?

7 A PANAMA CANAL, SIR

8 Q NOW, JULY 10, 1978 WHERE WERE YOU STATIONED?

9 A I WAS STATIONED AT FORT JACKSON, SOUTH CAROLINA

10 Q ALL RIGHT, SIR, AND WHERE WERE YOU LIVING?

11 A ON--

12 Q ON JULY 10, 1978?

13 A ON NUMBER ONE DEER RIDGE ROAD

14 Q ALL RIGHT, JUST FOR THE JURY'S EDIFICATION, I
15 AM GOING TO ASK YOU DO YOU, WELL, FIRST OF ALL,
16 REFERRING TO STATE'S EXHIBIT 2, I ASK YOU IF YOU RECOGNIZE
17 THE DRAWING HERE? IS THAT AN ACCURATE REPRESENTATION OF
18 THE INTERSECTION OF THE ROADS AS YOU KNEW IT THEN?

19 A YES, SIR, I' DAY THAT IS PRETTY ACCURATE

20 Q ALL RIGHT, I AM GOING TO HAND UP STATE'S EXHIBIT
21 NO 2, AND JUST SHOW US IN THE DIRECTION, IF YOU WOULD,
22 WHERE YOU LIVED FROM THAT DRAWING? I REALIZE IT IS NOT
23 ON THERE, BUT YOU SHOULD--

24 A OKAY, I LIVED DOWN HERE

25 Q YOU INDICATED TOWARD THE BOTTOM OF THE PICTURE,

1 ALONG DEER RIDGE ROAD? NUMBER ONE DIER RIDGE?

2 A YES, SIR, ABOUT TWO HUNDRED METERS BY THE
3 INTERSECTION

4 Q TWO HUNDRED METERS, NOW, SGT MC KARN, THERE
5 MAY BE SOME FOLKS ON THE JURY WHO ARE FAMILIAR WITH
6 THE MILITARY TERMINOLOGY BUT CAN YOU GIVE US THE IDEA
7 IN YARDS, FOOTBALL FIELDS?

8 A I'D SAY A LITTLE BIT MORE THAN TWO HUNDRED YARDS

9 Q A LITTLE MORE THAN TWO HUNDRED YARDS, ALL RIGHT,
10 SIR ALL RIGHT, SIR, I AM HANDING YOU STATE'S EXHIBIT
11 NO 7 AND ASK YOU IF YOU CAN POINT OUT ON THAT PHOTOGRAPH
12 ABOUT WHERE YOUR HOUSE IS OR WHERE YOUR DRIVEWAY IS
13 PLEASE, TO THE JURY?

14 A MY HOUSE IS THROUGH THE INTERSECTION ON THE
15 OTHERSIDE, THE FIRST DRIVEWAY IS VERY FAINT PICTURE ON
16 THE LEFT

17 Q THAT IS WHERE YOUR HOUSE IS LOCATED?

18 A YES, SIR

19 Q ALL RIGHT, AND HOW LONG HAD YOU BEEN LIVING
20 THERE, SGT MC KARN, ON JULY 10, 1978?

21 A ABOUT A YEAR

22 Q AND, AFTER JULY 10, 1978 HOW LONG DID YOU LIVE
23 IN THAT AREA?

24 A I LEFT IN OCTOBER 1979, SIR

25 Q AND WENT WHERE?

1 A TO MARYLAND

2 Q DO YOU HAVE ANY CHILDREN?

3 A YES, SIR

4 Q WHAT AGES?

5 A AT THE TIME OR NOW?

6 Q AT THAT TIME?

7 A I HAD A SON, MY DAUGHTER, THE OLDEST WAS TWELVE
8 YEARS OLD AT THE TIME MY OLDER SON WAS TEN YEARS OLD
9 AND MY YOUNGEST SON WAS SIX YEARS OLD

10 Q ALL RIGHT, SIR, YOU HAVE BEEN IN THE ARMY HOW
11 LONG, SIR?

12 A I'VE BEEN IN SEVENTEEN AND A HALF YEARS, SIR

13 Q AND WHERE ARE YOU ORIGINALLY FROM?

14 A NORTH CAROLINA

15 Q WHAT PART?

16 A GASTONIA

17 Q GASTONIA, NORTH CAROLINA? STILL HAVE RELATIVES
18 UP THERE?

19 A YES, SIR

20 Q WHERE DID YOU TAKE YOUR BASIC TRAINING?

21 A FORT JACKSON, SOUTH CAROLINA, SIR

22 Q ALL RIGHT, IN THE COURSE OF YOUR CAREER IN THE
23 ARMY HAVE YOU HAD TRAINING IN FIRST AID?

24 A YES, SIR

25 Q AND HAVE YOU HAD ANY COMBAT EXPERIENCE, SGT

1 MC KARN?

2 A YES, SIR

3 Q WHERE WAS THAT COMBAT EXPERIENCE?

4 A VIET NHAM, SIR

5 Q AND TELL US WHAT YOU DID IN VIET NHAM?

6 A I WAS IN A LONG RANGE RECONNAISSANCE PATROL,
7 NORMALLY THEY CALL ALLERTS

8 Q GENERALLY WHAT DID THEY DO?

9 A WE WERE GROUNDING FIVE MAN TEAMS IN ENEMY TERRI-
10 TORY THEY DROPPED US IN ANYWHERE FROM TWENTY-FIVE TO
11 A HUNDRED MILES OUT AND THERE WAS NOBODY IN THE TERRITORY
12 EXCEPT THE ENEMY AND US AND WE RECOMMED THE AREA AND
13 BROUGHT BACK INFORMATION WE HAVE, MAY HAVE BEEN IN
14 THERE THREE TO TEN DAYS

15 Q DURING YOUR COMBAT EXPERIENCE I DARE SAY YOU
16 HAD OCCASION TO SEE BODIES THAT WERE WOUNDED AND KILLED,
17 IS THAT RIGHT?

18 A YES, SIR, HAVE

19 Q AND YOU HAVE SEEN GUNSHOT WOUNDS, DID YOU NOT?

20 A YES, SIR, I HAVE

21 Q ARE YOU FAMILIAR WITH SHOTGUNS?

22 A YES, SIR

23 Q DO YOU HAVE ONE OR DID YOU OWN ONE THEN?

24 A I OWNED ONE THEN AND I HAVE ONE NOW

25 Q ALL RIGHT, DURING YOUR ARMY CARREER HAVE YOU

1 EVER FIRED A SHOTGUN?

2 A YES, SIR

3 Q ALL RIGHT, HAVE YOU EVER FIRED A SHOTGUN, I'D
4 SAY, AT A METALLIC OBJECT?

5 A YES, SIR, I HAVE

6 Q DID YOU OBSERVE THE PELTS THAT A SHOTGUN MAKES
7 WHEN THEY HIT A METALLIC OBJECT?

8 A YES, I HAVE

9 Q HAVE YOU TRIED IT WITH BUCKSHOT?

10 A YES, SIR

11 Q SGT MC KARN, IF YOU WOULD THINK BACK WITH ME
12 TO JULY 10, 1978 AND IN THE EVENING HOURS PLEASE, SIR?

13 UH, I'D LIKE FOR YOU TO TELL THE LADIES AND
14 GENTLEMEN OF THE JURY WHAT YOU WERE DOING IN THE LATE
15 EVENING HOURS AND YOU PICK THE TIME PLEASE?

16 A I HAD BOUGHT A FIAT SPORTS CAR, TWO SEATER THAT
17 DAY AND I WAS TRYING TO FIX THE WIRING ON IT THE
18 GUY I BOUGHT IT FROM WAS TAKING THE WIRING LOOSE FROM
19 THE HEADLIGHTS AND THE TAILLIGHTS AND REWIRING IT AND I
20 PROMISED MY TWO OLDEST CHILDREN I WOULD TAKE THEM FOR
21 A RIDE AROUND THE BLOCK THEY WERE BUGGING ME ABOUT IT
22 IF I GOT THE HEADLIGHTS WORKING I WAS WORKING ON THE
23 CARPORT AND, UH, I GUESS IT WAS ABOUT, CLOSE TO ELEVEN
24 O'CLOCK THAT EVENING THAT, UH, I FINALLY GOT THE HEADLIGHTS
25 GOING MY TWO OLDEST CHILDREN WHO HAD BEEN WAITING UP,

1 YOU KNOW, I TOLD THEM TO COME ON AND GET IT OUT OF THE
2 WAY SO, WE WENT OUT THE DRIVEWAY AND TOOK A RIGHT

3 O ALL RIGHT, SIR, LET ME STOP JUST A MINUTE I
4 WANT YOU TO ILLUSTRATE, PLEASE, BY USING STATE'S EXHIBIT
5 NO 5, FIRST OF ALL, INDICATE--WELL, NO, LET'S USE STATE'S
6 EXHIBIT NO 6 FIRST OF ALL, INDICATE ON STATE'S EXHIBIT
7 NO 6 WHICH DIRECTION YOUR HOUSE IS?

8 A MY HOUSE IS LOCATED RIGHT UP HERE, JUST OFF THE
9 PICTURE

10 Q JUST OFF THE LEFTSIDE OF THE PICTURE?

11 A YES, SIR, RIGHT

12 Q AND THIS BEING DEER RIDGE ROAD?

13 A YES, SIR

14 Q ALL RIGHT, NOW ILLUSTRATE IF YOU WOULD FOR THE
15 LADIES AND GENTLEMEN OF THE JURY YOUR ROUND OF TRAVEL
16 WHEN YOU LEFT ABOUT 11 00?

17 A OKAY, I CAM OUT OF THE DRIVEWAY, DOWN THE HILL
18 AND I TOOK THE RIGHT TO THIS ROAD, RIGHT HERE ON DEER
19 RIDGE

20 Q ALL RIGHT, SIR, THEN WHAT?

21 A THEN I WENT TO THE INTERSECTION AND STOPPED RIGHT
22 THERE

23 Q AND WHAT HAPPENED AT THE INTERSECTION?

24 A OKAY, AT THE INTERSECTION, AFTER I STOPPED I
25 HEARD A LOUD NOISE TO THE LEFT I LOOKED OVER THERE AND

1 I SAW A TRUCK AGAINST THE TREES IN THE WOODLINE

2 Q NOW, CAN YOU POINT OUT IN THE PICTURE APPROXIMATELY
3 WHERE IT WAS?

4 A YES, SIR, RIGHT HERE

5 Q OKAY ALL RIGHT, CONTINUE PLEASE?

6 A WELL, IT WAS OBVIOUS THAT THE LOUD NOISE WAS THE
7 FAN HITTING THE RADIATOR OF THE TRUCK IT LOOKED TO ME
8 LIKE, YOU KNOW, THE TRUCK HAD JUST RUN OFF THE ROAD INTO
9 THE TREES AND HAD AN ACCIDENT AND, UH, I IMMEDIATELY
10 WENT THROUGH THE STOP SIGN ON THE OTHERSIDE OF THE ROAD
11 AND IN FRONT OF THE TRUCK ACROSS FROM IT AND I PULLED
12 OVER TO THE SIDE AND, UH, I STOPPED

13 Q YES, SIR, ILLUSTRATE IF YOU WILL ON STATE'S
14 EXHIBIT NO 2 WHERE YOU STOPPED?

15 A RIGHT HERE, SIR

16 Q ALL RIGHT, NOW, WHERE WAS THE TRUCK?

17 A THE TRUCK WAS RIGHT OVER THERE

18 Q ALL RIGHT, NOW WHERE IS YOUR HOUSE FROM HERE?

19 A NO, I'M BACKWARDS OKAY, I PULLED OVER HERE
20 AND THE TRUCK WAS IN HERE

21 Q THE TRUCK IS ON AND WHERE DID YOU STOP?

22 A I STOPPED RIGHT OVER HERE, SIR

23 Q OKAY, ON THE RIGHTHAND SIDE OF THE ROAD?

24 A YES, SIR

25 Q AND YOU WOULD HAVE BEEN FACING LEESBURG ROAD?

1 A RIGHT

2 Q ALL RIGHT, SIR, OKAY?

3 A OKAY, AFTER I PULLED UP THE SIDE OF THE ROAD
4 I TOLD THE CHILDREN TO WAIT THERE AND I RAN ACROSS
5 THE STREET AND LOOKED IN THE TRUCK AND I SAW A MAN
6 SLUMPED OVER IN THE SEAT AT THE TIME SO, I IMMEDIATELY
7 RAN BACK TO MY CAR, TURNED AROUND, I BACKED UP, BACKED
8 UP AND TURNED AROUND AND WENT BACK TO THE HOUSE AFTER
9 I GOT IN THE HOUSE I TOLD MY WIFE WHAT HAPPENED AND I
10 IMMEDIATELY CALLED THE OPERATOR AND TOLD HER THE LOCATION,
11 TOLD HER TO SEND AN AMBULANCE OUT RIGHT AWAY

12 Q YOU TALKED TO THE OPERATOR?

13 A YES, SIR

14 Q NOW, WAS THE OPERATOR FAMILIAR WITH THE AREA
15 OUT THERE? DID YOU HAVE TO--

16 A I EXPLAINED WHERE IT WAS UM, IT IS KIND OF
17 A HARD AREA TO FIND

18 O OKAY?

19 A THEN I WENT AND GOT MY FIRST AID KIT AND MY
20 THREE CELL FLASHLIGHT AND I, AT THAT TIME I CHANGED
21 CARS I TOLD MY CHILDREN TO WAIT, TO STAY HOME I
22 GOT MY GRAN TORINO AND I WENT BACK TO THE LOCATION I
23 ~~PULLED THE CAR IN~~ FACING THE TRUCK WHERE THE HEADLIGHTS
24 WOULD HELP ME OUT SEEING

25 Q ALL RIGHT, NOW, AGAIN, ON STATE'S EXHIBIT 2

1 ILLUSTRATE TO THE LADIES AND GENTLEMEN OF THE JURY, IF
2 YOU WILL, WHERE YOU PARKED YOUR GRAN TORINO?

3 A I PARKED IT FACING IN RIGHT HERE, FACING THE
4 TRUCK

5 Q OKAY, SO IT WOULD BE AT AN ANGLE, KIND OF, ON
6 THIS DRAWING KIND OF TOP RIGHT TO THE BOTTOM LEFT, IS
7 THAT CORRECT?

8 A YES, SIR, AND MY FRONT WHEELS WERE ALL THE
9 WAY OFF THE ROAD I PULLED HALFWAY OFF

10 Q ALL RIGHT, SIR, WHAT WAS THE CONDITION OF THE
11 TRUCK WHEN YOU HAD FIRST SEEN IT, SIR?

12 A SIR?

13 Q WHAT WAS THE CONDITION OF THE TRUCK?

14 A WELL--

15 Q I WANT YOU TO DESCRIBE THE TRUCK AS YOU FIRST
16 SAW IT?

17 A WELL, THE TRUCK WAS AGAINST THE, LOOKED LIKE
18 A COUPLE OF PINE TREES AND THE LEFT DOOR WAS OPENED
19 AND THE TAIL LIGHTS WERE ON I REMEMBER VIVIDLY THE TAIL
20 LIGHTS BEING ON AND THE TRUCK RUNNING BUT I CAN'T
21 RECALL IF THE HEADLIGHTS WERE ON

22 Q STILL MAKING THIS NOISE?

23 A YES, SIR

24 Q OKAY, PLEASE CONTINUE OKAY?

25 A OKAY AFTER I GOT THE FIRST AID KIT AND FLASHLIGHT

1 AND GOT BACK DOWN THERE, I IMMEDIATELY WENT TO THE
2 DRIVER'S DOOR, WHICH WAS OPENED AND I LOOKED IN AND THE
3 BODY WAS SLUMPED TO THE RIGHT SO, I FIGURED I COULD
4 PROBABLY GET TO HIM FROM THE OTHERSIDE SO, I RAN AROUND
5 THE BACK OF THE TRUCK AND THE DOOR WAS FORCED, STRONG
6 SHUT SO, I HAD TO FORCE IT OPENED

7 Q DID YOU USE A LOT OF FORCE?

8 A OH, YES, I REALLY HAD TO JERK HARD SEVERAL TIMES
9 TO GET IT OPENED AND I GOT IT OPENED AND I SHINED THE
10 FLASHLIGHT INSIDE AND I SAW THE PUNCTURE MARKS IN THE
11 SIDE OF THE HEAD AND THE NECK AREA I WAS LOOKING AT
12 THE TIME I DON'T KNOW WHY, I JUST LOOKED AROUND FOR
13 SOMETHING THAT WOULD HAVE MADE A PUNCTURE MARKS INSIDE
14 THE TRUCK

15 Q DID YOU ATTEMPT TO COMMUNICATE WITH THE INDIVIDUAL?

16 A YES, SIR, WHEN I, WHEN I JERKED THE DOOR OPENED
17 I HOLLERED CAN YOU HEAR ME VERY, REAL LOUD, YOU KNOW,
18 TRYING TO GET SOME RESPONSE, YOU KNOW, TO SEE IF HE WAS
19 AWAKE OR ALIVE OR WHATEVER AND, UH, AFTER I, I COULDN'T
20 JUST, I COULDN'T DECIDE, YOU KNOW, I COULDN'T SEE ANYTHING
21 THAT WOULD HAVE MADE THE PUNCTURE MARKS I SAID, WELL,
22 THIS GUY MUST BE DEAD BECAUSE THE HOLES WERE COMING
23 THROUGH, YOU KNOW, IN HIS HEAD THERE

24 Q COULD YOU SEE ANY BLEEDING?

25 A THE BLOOD AND, UH, GORE WAS OOZING OUT SLOWLY

1 THE BLOOD HAD NOT COAGULATED YET

2 Q ALL RIGHT, SIR

3 A AND I THINK, I FIGURED AT THE TIME IT PROBABLY
4 WOULD BE HOPELESS TO TRY TO SAVE THE GUY SO, I WENT
5 AROUND, RAN AROUND THE BACK OF THE TRUCK AGAIN TO THE
6 DRIVER'S SIDE AND AT THAT TIME I CHECKED HIS PULSE, USING
7 WITH THE WRIST AND I CHECKED HIS PUPILS AND THEY WERE
8 DILATED AND FIXED AND THEN I PUT MY HANDS ON HIS
9 CHEST TRYING TO LISTEN OR FEEL BREATHING OR MOVEMENT OR
10 ANYTHING AND THERE WAS NOTHING AND AT THAT TIME I
11 DECIDED THAT HE WAS, IN FACT, DEAD

12 SO, I BACKED OFF AND, UH, I STILL WAS WONDERING
13 ABOUT THE PUNCTURE MARKS I STARTED SHINING MY FLASHLIGHT
14 AROUND AND I FINALLY SHOWN IT ON THE FRONT DOOR OF THE
15 TRUCK, THE DOORPOST AND I SAW A PATTERN OF SHOTGUN
16 PELLETS WHICH WAS, YOU KNOW, VERY DISTINCT I COULD TELL
17 THEY WERE SHOTGUN PELLETS

18 Q SHOWING STATE'S 22 OR 21 TO YOU AND ASK YOU IF
19 THAT IS WHAT YOU SAW?

20 A YES, SIR, IT IS

21 Q ALL RIGHT, AND SO YOU BACKED OFF WHEN YOU SAW
22 THAT THEN WHAT DID YOU DO?

23 A I SAW THIS AND I SAID WELL, IT IS NOT AN ACCIDENT
24 AND I SAID, UH, I SAID, DAMN, YOU KNOW, AND I SAID, AND
25 THEN I STARTED LOOKING AROUND BECAUSE I FIGURED, HEY, IF

1 THERE IS SOMEBODY WHO KILLED THIS GUY THEY MIGHT BE
2 STILL LERKING AROUND AND THEY MIGHT NOT WANT TO LEAVE
3 ANY WITNESSES THE FIRST THING I DID, I SAID, WELL, YOU
4 KNOW, I DON'T WANT TO, YOU KNOW, IF HE IS LERKING AROUND
5 I WANT TO HEAR HIM SO, WHAT'S GOING ON SO, I TURNED
6 THE IGNITION OFF TO QUIET THE NOISE AND IT WAS LIKE
7 BACK IN VIET NHAM ALL OVER AGAIN YOU KNOW, JUST ABOUT
8 I WENT UP TO THE ROAD AND MY WIFE CAME DOWN TO
9 THE EDGE OF THE DRIVEWAY AT LEESBURG AND I HOLLERED
10 UP FOR HER TO CALL THE POLICE, THE GUY HAD BEEN KILLED
11 AND, UH, I WAITED THERE UNTIL I THINK THE FIRE DEPARTMNET
12 ARRIVED FIRST AND THE RESCUE SQUAD OR WHATEVER AND
13 THEN EVERYBODY SHOWED, STARTED SHOWING UP
14 Q ALL RIGHT, SGT MC KARN, TELL US A LITTLE BIT
15 ABOUT, DO YOU RECALL WHETHER THERE WAS A MOON OUT THAT
16 NIGHT?
17 A NO, SIR, IT WAS DARK I COULDN'T, IT WAS REAL
18 DARK I HAD TO SHINE THE FLASHLIGHT INSIDE THE TRUCK
19 TO SEE ANYTHING
20 Q YEAH, UM, YOU SAID YOU WERE WORKING YOU WERE
21 WORKING ON YOUR FIAT IN YOUR CARPORT? HOW FAR IS YOUR
22 HOME AGAIN FROM THE INTERSECTION THERE?
23 A I'D SAY A LITTLE BIT MORE THATN TWO HUNDRED
24 YARDS, SIR
25 Q DID YOU HEAR ANY NOISE THAT NIGHT PRIOR TO GOING

1 UP THE INTERSECTION?

2 A I WAS WORKING ON THE CARPORT AND I HAD A WINDOW
3 UNIT AIR CONDITIONER THERE, IT IS A 23,000 BTU'S, WHICH
4 I WAS WORKING RIGHT NEXT TO AND THAT THING WOULD DROWN
5 OUT ANYTHING SO, I DIDN'T HEAR ANYTHING

6 Q ALL RIGHT, SIR, COULD YOU TELL US, SIR, WERE YOU
7 FAMILIAR WITH THE, ARE YOU FAMILIAR WITH THE TERRAIN,
8 THE TOPIGRAPHICAL TERRAIN IN THIS GENERAL AREA?

9 A YES, SIR, I AM

10 Q JUST TELL US HOW THE LAY OF THE LAND IS? START
11 WITH THE TOP SIDE OF THE PICTURE DOES THE LAND RISE OR
12 FALL?

13 A IT IS RISING

14 Q RISING UP TOWARD THE TOP OF THE PICTURE?

15 A YES, SIR

16 Q HOW ABOUT TO THE RIGHT OF THE PICTURE?

17 A IT IS RISING AGAIN

18 Q RISING AGAIN?

19 A YES

20 Q HOW ABOUT TO THE BOTTOM OF THE PICTURE?

21 A IT IS GOING DOWN, IT IS JUST A DECLINE THERE

22 Q A LITTLE DECLINE, HOW ABOUT TO THE BOTTOM LEFT?

23 A THE BOTTOM LEFT IS DROPPING OFF AGAIN

24 Q DROPPING OFF AGAIN, ALL RIGHT, SIR, RISING AND
25 RISING AND DROPPING OFF AND DROPPING OFF?

1 A YES

2 Q OKAY, WHEN YOU LOOKED AT THE PATTERN THAT THE
3 PELLETS HAD OBVIOUSLY MADE, FROM YOUR EXPERIENCE COULD
4 YOU TELL US ABOUT WHAT RANGE THAT WOULD HAVE BEEN FIRED
5 AT?

6 MR VERMONT YOUR HONOR, PLEASE,
7 SGT MC KARN, IN ALL DUE DEFERENCE, HAS NOT BEEN
8 QUALIFIED AS AN EXPERT HE SAID HE HAS HAD SOME
9 EXPERIENCE BUT HE CERTAINLY IS NOT QUALIFIED AS AN
10 EXPERT AND I OBJECT TO IT

11 THE COURT WHAT WAS THE QUESTION?

12 MR MABRY I ASKED HIM IF HE COULD
13 GIVE US HIS BEST ESTIMATE OF RANGE FROM WHICH THE SHOT
14 WAS FIRED AT

15 THE COURT WELL, SEE IF HE CAN DO THAT,
16 SEE IF HE IS QUALIFIED ON THIS

17 MR MABRY I HAD PREVIOUSLY ASKED
18 HIM--

19 THE COURT YES, BUT YOU DIDN'T ASK
20 HIM--I MEAN NO QUESTION AS TO WHETHER OR NOT HE EVER MADE
21 ANY THOUGHTS OF IT OR INVESTIGATION OF IT, OPINIONS BEFORE
22 OF THOSE THINGS ASK THOSE

23 DIRECT EXAMINATION CONTINUES BY MR MABRY

24 Q SGT MC KARN, HAVE YOU FIRED A SHOTGUN AT METALLIC
25 OBJECTS?

1 A YES, SIR

2 Q HAVE YOU OBSERVED THE PATTERN OF VARIOUS RANGES?

3 A YES, SIR, I HAVE

4 Q ARE YOU FAMILIAR WITH THE PATTERN BUCKSHOT MAKES
5 ON METALLIC OBJECTS AT VARIOUS RANGES?

6 A YES, SIR

7 Q ALL RIGHT, SIR, SGT MC KARN--

8 MR VERMONT EXCUSE ME, YOUR HONOR?

9 THE COURT I THINK HE IS ALL RIGHT

10 MR VERMONT I NOTE MY OBJECTION FOR

11 THE RECORD

12 THE COURT YES, SIR, THAT IS ALL RIGHT

13 GO AHEAD

14 DIRECT EXAMINATION CONTINUES BY MR MABRY

15 Q SGT MC KARN, WOULD YOU GIVE US YOUR BEST ESTIMATE?

16 A I WOULD SAY FIVE TO SIX FEET

17 Q FIVE TO SIX FEET?

18 A YES, SIR

19 Q THANK YOU VERY MUCH BE KIND ENOUGH TO ANSWER
20 ANY QUESTIONS THAT COUNSEL WILL ASK

21 MR VERMONT YOUR HONOR, SUBJECT TO
22 OBJECTIONS, I HAVE NO QUESTIONS

23 THE COURT YOU ARE REACHING THAT
24 POINT WHERE YOU MAY MAKE THE OBJECTION DO YOU HAVE
25 ANY QUESTIONS?

1 MR VERMONT NO, SIR
2 THE COURT THANK YOU, SIR, YOU MAY
3 COME DOWN
4 MR MABRY YOUR HONOR, PLEASE, SGT
5 MC KARN IS UP HERE, DO YOU HAVT ANY OBJECTION TO HIS
6 BEING EXCUSED?
7 THE COURT MR VERMONT?
8 MR VERMONT NO, SIR
9 THE COURT WITHOUT OBJECTION, YOU
10 MAY BE EXCUSED
11 MR MABRY YOUR HONOR, THE STATE CALLS
12 DOUG HORNSBY
13 LEWIS D HORNSBY, AFTER BEING
14 DULY SWORN, TESTIFIES AS FOLLOWS
15 DIRECT EXAMINATION
16 BY MR ELLIOTT
17 Q WHAT IS YOUR NAME, SIR?
18 A LEWIS D HORNSBY, SR
19 Q AND WHERE DO YOU LIVE, SIR?
20 A ROUTE 2, BOX 204-A1, HOPKINS, ON HARMON ROAD
21 Q ON HARMON ROAD?
22 A YES
23 Q HOW LONG HAVE YOU LIVED THERE, SIR?
24 A ABOUT ELEVEN YEARS
25 Q ARE YOU FROM THIS AREA?

1 A YEAH, UH HUH

2 Q AND WHERE ARE YOU EMPLOYED NOW, SIR?

3 A GRAYS REFRIGERATION HERE IN COLUMBIA

4 Q HOW LONG HAVE YOU BEEN WITH THEM?

5 A ABOUT TWENTY-TWO MONTHS

6 Q ALL RIGHT, SIR, AND IN JULY OF 1978 HOW WERE YOU

7 EMPLOYED?

8 A I WAS EMPLOYED BY HOWE AND ERWIN COMPANY OUT

9 OF CHARLOTTE, NORTH CAROLINA AT THE TIME IN QUESTION

10 HERE I WAS CHIEF OF THE HORRELL HILL FIRE COMPANY AND

11 COORDINATOR OF LOWER RICHLAND REDCUE SQUAD

12 Q ALL RIGHT, SIR, WAS THAT A PAYING POSITION?

13 A NO, SIR, I WISH IT WAS

14 Q WHAT WERE YOUR DUTIES AS A RESCUE SQUAD?

15 A MORE OR LESS A STANDBY FOR CAROLINA AMBULANCE

16 WE WERE COORDINATING CALLS IN THAT GENERAL AREA FOR

17 CAROLINA AMBULANCE, AS A BACK UP UNIT, YOU MIGHT SAY,

18 FOR CAROLINA AMBULANCE WE WOULD RESPOND TO CALLS THAT

19 THEY HAVE IN THAT GENERAL AREA TO GET THERE, MOBILIZE

20 AND TREAT THE PATIENTS OR VICTIMS BEFORE, OR GET THEM

21 READY FOR TRANSPORT

22 Q ALL RIGHT, SIR, AND WHO ELSE WORKED WITH YOU?

23 A WELL, WE AT THAT TIME, WE HAD ABOUT SIX EMT'S

24 ON DUTY MY CREW CAUGHT IT IN THE DAYTIME AND MY WIFE

25 AND I CAUGHT IT AT NIGHT

1 Q ALL RIGHT, SO YOU WERE ON CALL THAT NIGHT?

2 A YES SIR

3 Q AND YOU REFERRED TO EMT'S?

4 A EMERGENCY MEDICAL TECHNICIANS

5 Q AND WHAT DOES THAT MEAN? DOES THAT INVOLVE
6 ANY TRAINING?

7 A NINETY HOURS PLUS TEN HOURS IN THE HOSPITAL,
8 PLUS A HECK OF A LOT OF EXAMINATIONS, WRITTEN AND ORAL

9 Q ALL RIGHT, SIR, WERE YOU ON CALL ON JULY 10, 1978?

10 A YES, SIR

11 Q DID YOU GET A CALL AND RESPOND TO THIS SCENE?

12 A YES, SIR, ONE AMBULANCE CALLED US APPROXIMATELY
13 AT 11 00 THAT NIGHT STATING THAT WE HAD A 1050, WHICH
14 WAS A WRECK AT HARMON AND LEESBURG AND WE RESPONDED
15 IN LESS THAN, I WOULD SAY SEVEN MINUTES, WE ARRIVED ON
16 THE SCENE THERE I FOUND THE SERGEANT THAT WAS THERE
17 BEFORE ON THE SCENE THERE

18 Q ALL RIGHT, SIR, NOW, AND YOU SAY YOU LIVED ON
19 HARMON?

20 A YES, SIR

21 Q LOOKING AT THIS ILLUSTRATION, STATE'S EXHIBIT NO
22 2, CAN YOU ORIENT YOURSELF TO WHAT THIS DEPICTS? IS THIS
23 HARMON ROAD AS YOU KNOW IT RIGHT ACROSS HERE?

24 A YES, SIR, UH HUH

25 O AND WHAT IS THIS ROAD AS YOU KNOW, WHAT IS THE

1 NAME OF THIS ROAD AS YOU KNOW IT?

2 A THAT ROAD HAS ABOUT FOUR DIFFERENT NAMES IT IS
3 ACTUALLY, IT IS OLD LEESBURG ROAD THERE AND THE DEER
4 RIDGE ROAD IS ABOUT THREE BLOCKS, IT IS CALLED DEER RIDGE
5 ROAD AFTER IT LEAVES HARMON GOING TOWARD ROAD 69 IT'S,
6 I CALL IT ROAD 1790, WHICH IS THE OLD LEESBURG ROAD THAT
7 LEADS INTO, UH, WILSON MILL ROAD

8 Q ALL RIGHT, SIR, NOW YOU KNOW THIS TO BE DEER
9 RIDGE ROAD?

10 A YES, SIR

11 O YOU KNOW THE WHOLE ROAD TO BE OLD LEESBURG HIGHWAY?

12 A OLD LEESBURG ROAD, YEAH

13 Q ALL RIGHT, SIR, IS THIS THE SCENE TO WHICH YOU
14 RESPONDED THAT EVENING?

15 A YES, SIR

16 Q AND WERE YOU ALONE?

17 A I BEG YOUR PARDON?

18 Q WERE YOU ALONE THAT EVENING WHEN YOU RESPONDED?

19 A NO, SIR, MY WIFE WAS BACK UP

20 Q ALL RIGHT, SIR, AND YOU SAID THE SERGEANT WHO
21 JUST TESTIFIED WAS PRESENT AT THE SCENE WHEN YOU ARRIVED?

22 A YES, SIR

23 O ALL RIGHT, NOW, UPON YOUR ARRIVAL WHAT DID YOU DO?

24 A HE STATED WHAT HE HAD FOUND WE THOUGHT IT WAS

25 A WRECK BUT EVIDENTLY HAD RAN OFF THE ROAD, YOU DIDN'T

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1 HE HAD NO HEARTBEAT AND THAT IS WHEN I DECIDED HE WAS
2 DEAD

3 Q ALL RIGHT, SIR, WOULD YOU COME DOWN AND SHOW THE
4 JURY WHERE YOU FOUND THE TRUCK AS YOU ARRIVED ON THE
5 SCENE, IF YOU'LL JUST STEP DOWN AND POINT OUT TO THE
6 JURY WHERE THE TRUCK WAS IN RELATION TO THIS INTERSECTION
7 WHEN YOU ARRIVED?

8 A IT WAS APPROXIMATELY IN THIS--
9 THE COURT ALL RIGHT, YOU ARE GOING
10 TO HAVE TO SPEAK UP GET THE MICROPHONE IT HAS TO
11 BE RECORDED

12 A IN THIS GENERAL AREA RIGHT IN HERE, ABOUT TWENTY
13 YARDS FROM THE INTERSECTION THEREABOUT

14 Q ALL RIGHT, SIR, AND TAKING YOUR HAND WOULD YOU
15 SHOW THE JURY AT WHAT ANGLE THE TRUCK ENTERED INTO THE
16 WOODS AND STOPPED?

17 A SOMETHING SIMILAR TO THAT I WOULD SAY AT ABOUT
18 FIFTEEN DEGREE ANGLE FROM HARMON ROAD THERE, THEREABOUTS

19 Q ALL RIGHT, SIR, THE WAY YOU HAVE YOUR PEN?

20 A YES, SIR, ABOUT THAT ANGLE, YES, SIR

21 Q ALL RIGHT, SIR, IF YOU WILL TAKE YOUR SEAT?

22 (WITNESS RESUMES THE WITNESS STAND)

23 I SHOW YOU STATE'S EXHIBIT NO 20 AND ASK YOU IF
24 THAT ACCURATELY REFLECTS THE TRUCK AS YOU SAW IT THAT
25 EVENING?

1 A YOU MEAN AS I APPROACHED THE WRECK, THE TRUCK?

2 Q THE ANGLE OF ITS ENTRY INTO THE WOODS?

3 A YES, YES, THE ONLY DIFFERENCE IN THIS PICTURE
4 AND THE WAY I FOUND THE TRUCK IS THE PASSENGER'S SIDE
5 DOOR IS OPENED THAT IS THE ONLY

6 Q AND THAT IS THE ANGLE IN WHICH IT ENTERED THE
7 WOODS?

8 A YES, SIR

9 Q NOW, I WILL SHOW YOU STATE'S EXHIBIT NO 6 AND
10 ASK YOU IF YOU RECOGNIZE THAT TO BE AN ACCURATE PHOTOGRAPH,
11 AERIAL PHOTOGRAPH OF THE SCENE OF THE MURDER?

12 A YES, SIR

13 O ALL RIGHT, SIR, IF YOU WILL HOLD, SIR, IF I MAY
14 HOLD THIS UP, WOULD YOU SHOW THE JURY WHERE YOU FOUND THE
15 TRUCK WHEN YOU ARRIVED AT THE SCENE, ON THE SCENE?

16 A THIS WOULD BE HARMON ROAD, THE TRUCK WAS FOUND
17 IN THIS GENERAL, THEREABOUT

18 Q ALL RIGHT, SIR, POINT OUT WILSON MILL ROAD OR
19 OLD LEESBURG HIGHWAY AS YOU KNOW IT?

20 A THIS ONE, THIS ONE IS HARMON, THIS WOULD BE
21 LEESBURG

22 Q ALL RIGHT, WOULD YOU POINT OUT, DO YOU KNOW IF
23 THERE IS A STOP SIGN AT THAT INTERSECTION?

24 A THERE IS A STOP SIGN RIGHT HERE AND I THINK
25 SOMEONE MIGHT HAVE KNOCKED THIS ONE DOWN

1 Q ALL RIGHT, SIR, I SHOW YOU STATES EXHIBIT NO 23
2 AND ASK YOU IF THAT ACCURATELY DEPICTS A VEHICLE, THE
3 TRUCK IN OUESTION?

4 A YES, SIR

5 Q NOW, WHAT SORT OF TRUCK IS THAT, SIR?

6 A I BEG YOUR PARDON?

7 Q WHAT SORT OF TRUCK IS THAT?

8 A A CHEVROLET

9 Q A PICK UP TRUCK?

10 A YES, SIR, I DO BELIEVE IT HAD A FOUR WHEEL DRIVE
11 ON IT WHICH WAS, UH, YOU MIGHT SAY, JACKED UP A LITTLE
12 BIT

13 Q HIGHER OFF THE GROUND THEN?

14 A RIGHT, UH HUH

15 Q ALL RIGHT, ABOUT HOW FAR, SIR? HOW MUCH HIGHER
16 THAN ORDINARY?

17 A I WOULD SAY ROUGHLY MAYBE EIGHT INCHES FURTHER
18 FROM THE GROUND THAN A NORMAL PICK UP

19 Q ALL RIGHT, SIR, (TO THE COURT) I BEG THE COURT'S
20 INDULGENCE? ALL RIGHT, SIR, AND THE WOUNDS ON THE VICTIM
21 AS YOU OBSERVED THEM, ON WHAT PART OF HIS BODY DID THEY
22 APPEAR TO YOU?

23 A THEY WERE A FEW IN, ABOVE THE EAR, AROUND THE
24 EAR, AROUND BELOW THE EAR, AND A COUPLE IN THE CLAVICAL
25 AREA THERE

1 Q ALL RIGHT, SIR, I WOULD HAVE NO FURTHER QUESTIONS
2 DEFENSE COUNSEL MAY HAVE QUESTIONS FOR YOU I ASK THAT
3 YOU ANSWER ANY QUESTIONS THAT HE HAS

4 MR VERMONT I DON'T HAVE ANY QUESTIONS
5 FOR MR HORNSBY, YOUR HONOR

6 THE COURT ALL RIGHT, THANK YOU, SIR
7 MR ELLIOTT HAROLD PARNELL?

8 THE COURT ALL RIGHT, WAIT JUST A
9 MINUTE, NOW, I AM TRYING TO KEEP THE TIME IN THE NEXT
10 BREAK I AM GOING TO LET THEM HAVE A SHORT BREAK WE
11 DON'T WANT TO GO TOO LONG WITHOUT A BREAK SO I HAVE GOT
12 TO GIVE IT TO YOU NOW AND THEN WE WILL STAY TILL 1 00

13 DO NOT DISCUSS THE CASE FOLLOW THE
14 BAILIFF PLEASE

15 (JURY LEAVES THE JURY BOX AT 11 40 A M)

16 MR MABRY IF YOUR HONOR PLEASE,
17 MR HORNSBY WOULD LIKE TO BE EXCUSED IF YOU--

18 THE COURT ANY OBJECTION?

19 MR VERMONT NO, SIR

20 THE COURT YOU MAY BE EXCUSED NOW,
21 I UNDERSTAND THAT WE HAVE A NINTH GRADE CLASS FROM COLUMBIA
22 HIGH SCHOOL SOMEWHERE IN THE COURTROOM, AND MRS BARBARA
23 MARTIN IS THE TEACHER? WHERE IS THE CLASS SO IF YOU
24 STAND UP WE CAN SEE YOU? WELL, THAT'S FINE, THAT IS
25 A NICE LOOKING GROUP OF PEOPLE (OFF THE RECORD AT THIS
POINT)

1 (RECESS AT 11 40 A M)

2 (RESUME AT 12 10 P M)

3 (JURY RETURNS TO THE JURY BOX AT 12 10
4 P M)

5 THE COURT PROCEED

6 MR MABRY HAROLD PARNELL, IF IT
7 PLEASE THE COURT?

8 HAROLD PARNELL, AFTER BEING
9 DULY SWORN, TESTIFIES AS FOLLOWS

10 DIRECT EXAMINATION

11 BY MR MABRY

12 MR MABRY YOUR HONOR, DEFENSE
13 COUNSEL INFORMS ME HE WILL STIPULATE THAT MR PARNELL IS
14 WITH SLED AND HE IS QUALIFIED AS A BALLISTICS EXPERT IN
15 THAT FIELD, AREA

16 MR VERMONT YES, SIR

17 THE COURT PROCEED

18 Q ALL RIGHT, MR PARNELL, WITH PRELIMINARY OUT
19 OF THE WAY, YOU ALL ARE WITH SLED OR IN THE FIREARMS
20 IDENTIFICATION SECTION, IS THAT CORRECT?

21 A THAT'S CORRECT, SIR

22 Q HOW LONG HAVE YOU BEEN THERE?

23 A APPROXIMATELY TEN YEARS, SIR

24 Q ALL RIGHT, SIR, IS IT POSSIBLE TO IDENTIFY FIREARMS
25

1 BY EXAMINING THE SHOT THAT COMES OUT OF A RIFLE?

2 A YES, SIR, BY EXAMINING THE BULLETS, PROJECTILES
3 THAT COME FROM A RIFLE

4 Q HOW ABOUT A SHOTGUN? IS IT POSSIBLE TO IDENTIFY A
5 SPOTGUN WHICH FIRES SPECIFIC PELLETS?

6 A NO, SIR, NOT THE PELLETS THEMSELVES

7 Q ALL RIGHT, WHAT ABOUT THE SHELL, IF YOU FIND A
8 SHELL?

9 A YES, SIR, CERTAIN MARKINGS DO EXIST ON A FIRED
10 CARTRIDGE CASE, WHICH CAN LINK THAT PARTICULAR CARTRIDGE
11 CASE TO A PARTICULAR SHOTGUN

12 Q IS IT POSSIBLE TO DETERMINE THE PATH OF A BULLET
13 OR A GROUP OF PELLETS WHEN YOU EXAMINE THE AREA OR THE
14 POINT OF IMPACT?

15 A YES, SIR, THIS IS SOMETIMES, THIS IS POSSIBLE

16 Q SOMETIMES THIS IS POSSIBLE, ALL RIGHT, SIR,
17 AND YOU HAVE TESTIFIED NOW, AS AN EXPERT IN COURTS OF
18 THIS STATE MANY TIMES, HAVE YOU NOT?

19 A YES, SIR, I HAVE

20 Q ALL RIGHT, AS PART OF YOUR DUTY WITH STATE LAW
21 ENFORCEMENT DIVISION, DO YOU ALSO IN ADDITION TO DOING
22 THESE FIREARMS EXAMINATIONS AND THINGS LIKE THAT, DO YOU
23 ALSO PROCESS CRIME SCENES?

24 A YES

25 Q WOULD YOU GIVE THE LADIES AND GENTLEMEN OF THE

1 JURY A GENERAL IDEA WHEN YOU FINALLY GET TO SCENES LIKE
2 WE HAVE BEEN TALKING ABOUT LIKE HERE, WHAT YOU DO THERE
3 TO PROCESS AND COLLECT EVIDENCE?

4 A GENERALLY UPON ARRIVING AT THE SCENE WE WILL MAKE
5 WHAT WE CALL A VISUAL WALK THROUGH THAT IS TO LOOK
6 OVER THE AREA TO SEE WHAT EQUIPMENT AND/OR SUPPLIES
7 WILL BE NEEDED TO PROCESS THIS SCENE THEN WE WILL GO
8 THROUGH WITH THE CAMERAS PHOTOGRAPHING EACH ITEM IN PLACE
9 AND THEN FINALLY GATHERING AND PRESERVING AND THEN
10 TRANSPORTING ANY AND ALL PIECES OF EVIDENCE OR ITEMS
11 WHICH WE FIND, WHICH WE FEEL POSSIBLY WOULD BE OF
12 EVIDENTIARY VALUE

13 Q ALL RIGHT, HOW DO YOU DECIDE, WE ARE TALKING
14 ABOUT A WOODED AREA, HOW DO YOU DECIDE WHAT TO PICK
15 UP AND WHAT YOU NEED TO DO TO PRESERVE EVIDENCE? HOW
16 DO YOU DECIDE THAT? SAY THAT THIS ROCK HERE MAY BE
17 EVIDENCE?

18 A IT IS A DIFFICULT DECISION, POSSIBLY WHETHER
19 THE ITEM HAD BEEN MOVED IF YOU CAN DETERMINE THAT THERE
20 HAD BEEN SOME MOVEMENT, HAD JUST OCCURRED, WE WOULD
21 NATURALLY PICK UP THIS ITEM AND ANYTHING WHICH MIGHT
22 PERTAIN POSSIBLY TO THE SITUATION HAS OCCURRED WOULD BE
23 PICKED UP AND TRANSPORTED FOR EXAMINATION

24 Q ALL RIGHT, SIR, IS IT POSSIBLY THAT YOU MIGHT
25 OVERLOOK SOMETHING OUT THERE?

1 A YES, SIR, IN AN AREA SUCH AS WE ARE SPEAKING
2 ABOUT HERE

3 Q IS IT POSSIBLE THAT YOU WOULD PICK UP SOMETHING
4 THAT YOU THINK MIGHT HAVE SOME EVIDENTIARY VALUE AND THEN
5 LATER DISCARD THAT?

6 A YES, SIR, THAT IS POSSIBLE

7 Q AND THAT IS NOT AN UNCOMMON OCCURRENCE?

8 A NO, SIR, NOT IN A WIDE OPENED AREA SUCH AS WE
9 ARE TALKING ABOUT THERE

10 Q HOW OFTEN DO YOU EXAMINE FINGERPRINTS?

11 A QUITE OFTEN

12 Q QUITE OFTEN?

13 A YES, SIR, ON A DAILY BASIS

14 Q ON A DAILY BASIS, HOW OFTEN DO YOU FIND FINGER-
15 PRINTS AT A SCENE?

16 A WELL, FINGERPRINTS ARE USUALLY PRESENT ON ANY
17 CRIME SCENE, WHICH WE GO TO, NOW, WE HAVE TO DO WHAT WE
18 CALL ELIMINATION THAT IS GOING THROUGH AND WEEDING OUT
19 THOSE WHICH DO BELONG AS OPPOSED TO THOSE WHICH DO NOT
20 BELONG

21 Q EXPLAIN THAT A LITTLE FURTHER PLEASE?

22 A YOU WILL HAVE TO OBTAIN ELIMINATION FINGERPRINTS,
23 THAT IS FINGERPRINTS OF THE PEOPLE WHO WOULD HAVE A NORMAL
24 RIGHT TO BE IN THAT PARTICULAR AREA IF I WERE TO FINGER-
25 PRINT THIS WITNESS STAND HERE, I MIGHT FIND MY FINGERPRINTS

1 OR ANY OF THE OTHER WITNESSES BUT IF I FOUND A FINGER-
2 PRINTS OF SOMEBODY WHO WERE AN UNIDENTIFIED FINGERPRINTS
3 RATHER THAT DID NOT BELONG TO ANYONE WHO HAD A RIGHT TO
4 BE HERE THEN IT WOULD BE SAFE TO ASSUME THAT THIS PERSON
5 MIGHT POSSIBLY HAVE COMMITTED A CRIME WHICH WOULD BE
6 INVESTIGATED IN THIS AREA

7 Q ALL RIGHT, SIR, SO WHAT YOU ARE TELLING THE JURY
8 IS THAT IN THE CRIME SCENES, IN THE PROCESSING YOU FIND
9 NUMEROUS OF FINGERPRINTS SOME OF WHICH BELONG TO PEOPLE
10 WHO HAD NOTHING TO DO WITH THE CRIME? IS THAT RIGHT?

11 A THAT IS CORRECT, SIR

12 Q HOW OFTEN DO YOU FIND A PRINT THAT IS LATER USED
13 AS EVIDENCE?

14 A NOT NEARLY AS OFTEN AS YOU WOULD EXPECT OR AS
15 DEPICTED ON TELEVISION

16 Q IS THAT RIGHT?

17 A THEY ARE JUST NOT THAT EASY TO FIND

18 Q FBI TV PROGRAM HAS NOT DONE US JUSTICE, IS THAT
19 WHAT YOU ARE TELLING US?

20 A NO, SIR, THAT IS JUST NOT THE WAY IT IS

21 Q DID YOU EXAMINE ANY FINGERPRINTS IN THIS CASE
22 BY THE WAY?

23 A NO, SIR, I DID NOT

24 Q DID YOU EXAMINE ANY PHYSICAL EVIDENCE IN THIS
25 CASE?

1 A YES, SIR, I DID RECEIVE SOME ITEMS OF EVIDENCE

2 Q ALL RIGHT, JUST A MINUTE, MR PARNELL

3 APPROACH THE BENCH, PLEASE, YOUR HONOR?

4 (ATTORNEYS APPROACH THE BENCH, OFF

5 THE RECORD DISCUSSION OUT OF HEARING OF THE COURT REPORTER
6 AND JURY)

7 DIRECT EXAMINATION CONTINUES BY MR ABRY

8 Q ALL RIGHT, MR PARNELL, IF YOU WOULD PRODUCE
9 WHATEVER EVIDENCE YOU EXAMINED? AND IF YOU WOULD PLEASE
10 JUST GIVE US YOUR REPORT, YOUR FINDINGS AND WHERE IT WAS
11 FOUND, THE THINGS LIKE THAT? HAVING PREVIOUSLY SHOWN
12 THESE EXHIBITS TO DEFENSE COUNSEL

13 A NOW, WE ARE REFERRING TO ALL ITEMS OF EVIDENCE,
14 KNOWN AND UNKNOWN SPECIMENS THAT WERE RECEIVED? JUST
15 WHAT'S IN MY REPORT IS JUST WHAT YOU WOULD LIKE FOR ME
16 TO PUBLISH?

17 Q YES, I WOULD LIKE YOU TO, LIKE YOU PREVIOUSLY
18 DISCUSSED WITH ME IN THIS CASE? YOU SAID YOU HAD SOME
19 EXHIBITS LABELLED E-1? I WANT YOU TO START WITH E-1 AND
20 GO THROUGH IT

21 A ALL RIGHT, SIR, I RECEIVED THREE BUCKSHOT PELLETS
22 REMOVED FROM THE BODY OF THE VICTIM, THAT'S WHAT I HAVE
23 LABELLED E-1 THE LABEL E-2, I HAVE TWO BUCKSHOT PELLETS
24 FOUND IN THE TRUCK OF THE VICTIM LABELLED AS E-3 I HAVE
25 TWO LEAD FRAGMENTS THOUGHT TO BE BUCKSHOT FOUND ON THE

1 ROAD AT THE SCENE AND FINALLY, E-4 IS ONE FIRED TWELVE
2 GAUGE 2 3/4 INCH MAGNUM DOUBLE OO BUCKSHOT CARTRIDGE CASING

3 Q DO YOU KNOW WHERE THAT WAS FOUND?

4 A IT WAS FOUND AT THE SCENE

5 Q AT THE SCENE?

6 A YES

7 Q YOU DON'T KNOW THE PHYSICAL LOCATION?

8 A NO, SIR, I DO NOT

9 Q DO YOU HAVE THOSE WITH YOU?

10 A YES

11 Q MAY I SEE THEM? NOW, WHY DON'T YOU IDENTIFY
12 THEY FOR ME? TAKE THEM OUT AND SHOW ME WHAT E-1 IS AND
13 I THINK YOU TESTIFIED THOSE WERE THE PELLETS REMOVED FROM
14 THE BODY?

15 A YES, SIR, THIS IS A VACUTAINER OR A TEST TUBE
16 CONTAINING THREE DISTORTED LEAD PELLETS DETERMINED TO
17 BE A DOUBLE OO BUCKSHOT SIZE

18 Q THAT IS DOUBLE OO BUCKSHOT?

19 A YES

20 (HANDED TO MR VERMONT)

21 Q MR PARNELL, JUST TO CLARIFY SOMETHING, THAT DATE
22 ON THERE 7-10, IS THAT THE DATE THIS THING HAPPENED OR THE
23 DATE THEY WERE REMOVED? OR DO YOU KNOW?

24 A I DO NOT KNOW, SIR, I DID NOT PUT THAT LABEL ON
25 THERE

1 Q OKAY, DO YOU KNOW WHO DID?

2 A NO, SIR, I DO NOT

3 MR MABRY OFFER THIS, YOUR HONOR
4 THE COURT WITHOUT OBJECTION
5 (ENTERED HERE AS STATE'S EXHIBIT NO
6 24)

7 DIRECT EXAMINATION CONTINUES BY MR MABRY

8 Q ALL RIGHT, AND THE NEXT ONE PLEASE?

9 A THE E-2 SPECIMEN CONTAINS THE TWO BUCKSHOT
10 PELLETS FOUND IN THE TRUCK OF THE VICTIM
11 TRUCK FROM MR WILSON?

12 A THAT'S CORRECT, SIR

13 Q DO YOU KNOW WHERE THIS WAS FOUND?

14 A IF IT IS NOT LABELLED--I DO RECALL ONE BEING ON
15 THE DASH THAT IS THE ONLY ONE I HAVE AN INDEPENDENT
16 RECOLLECTION OF

17 MR MABRY OFFERED WITHOUT AN OBJECTION,
18 YOUR HONOR

19 MR VERMONT YES, SIR

20 THE COURT ALL RIGHT, SIR

21 (ENTERED HERE AS STATE'S EXHIBIT NO 25)

22 DIRECT EXAMINATION CONTINUES BY MR MABRY

23 Q AND THE NEXT ONE, PLEASE SIR?

24 A THE E-3 SPECIMEN IS TWO LEAD FRAGMENTS FOUND ON THE
25 ROADWAY AT THE SCENE

1 Q DID YOU DETERMINE WHETHER OR NOT THE LEAD FRAGMENTS
2 WERE BUCKSHOT?

3 A IT IS VERY POSSIBLE, SIR, I COULD NOT DETERMINE
4 POSITIVELY

5 MR MABRY I OFFER THESE TWO AS ONE,
6 YOUR HONOR, WITHOUT OBJECTION?

7 (ENTERED HERE AS STATE'S EXHIBIT NO 26,
8 TWO VIALS)

9 DIRECT EXAMINATION CONTINUES BY MR MABRY

10 Q AND THE LAST ONE, SIR?

11 A E-4 SPECIMEN IS ONE FIRED 12 GAUGE 2 3/4 INCH
12 MAGNUM DOUBLE OO BUCKSHOT SHELL CASING FOUND AT THE SCENE

13 (HANDED TO MR VERMONT)

14 MR VERMONT NO OBJECTION, YOUR HONOR

15 (ENTERED HERE AS STATE'S EXHIBIT NO 27)

16 DIRECT EXAMINATION CONTINUES BY MR MABRY

17 O MR PERNELL, DID YOU, IN CONNECTION WITH THIS
18 CASE, DID YOU HAVE AN OCCASION TO EXAMINE ANY SHOTGUN
19 WEAPONS?

20 A YES, SIR, I DID

21 Q HOW MANY DID YOU EXAMINE?

22 A EIGHT

23 Q DID YOU DETERMINE WHETHER ANY OF THEM FIRED THE
24 SHELL WHICH HAD BEEN LABELLED, WHICH HAD BEEN LABELLED
25 STATE'S EXHIBIT 27?

1 A NONE OF THESE SHOTGUNS FIRED STATE'S EXHIBIT 7

2 Q ALL RIGHT, DO YOU KNOW THE OWNERS OF THESE SHOT-
3 GUNS?

4 A NO, SIR, I DO NOT

5 Q AND MR PARNELL, DID YOU EXAMINE THE PICK UP TRUCK
6 SUCH AS DEPICTED IN STATE'S EXHIBIT 23, STATE'S EXHIBIT 22,
7 AND STATE'S EXHIBIT 21? (PHOTOGRAPHS HANDED TO THE WITNESS)

8 A YES, SIR, I DID

9 Q ALL RIGHT, SIR, FROM EXAMINATION OF THE TRUCK
10 WERE ABLE TO REACH ANY OPINION AS TO THE TRAJECTORY, THAT
11 IS, THE LINE OF FLIGHT OF SHOTGUN PELLETS THAT STRUCK
12 THE DOOR AND ULTIMATELY THE DRIVER?

13 A YES, SIR, THE EVIDENCE INDICATED THAT THE LOAD
14 OF BUCKSHOT WAS APPARENTLY TRAVELLING IN A SLIGHTLY
15 UPWARD ANGLE FROM THE PAVEMENT, PARALLEL TO THE ROAD
16 SURFACE, WOULD HAVE BEEN COMING JUST A SLIGHT UPPER ANGLE

17 Q ALL RIGHT, SIR, AND WAS IT A NINETY DEGREE ANGLE
18 OR WHAT?

19 A I WOULD SAY IT WOULD BE CLOSER TO ABOUT A TWENTY
20 DEGREE ANGLE SLIGHTLY PARALLEL

21 Q TWENTY DEGREE ANGLE WHICH WAY?

22 A IN OTHERWORDS, FROM THE PARALLEL, UPWARDS FROM
23 THE PARALLEL, THAT WOULD BE PARALLEL TO THE ROAD SURFACE
24 I WOULD ESTIMATE APPROXIMATELY TWENTY DEGREES UP

25 Q ALL RIGHT, SIR, GIVING US A DIRECTION FROM THE

1 DRIVER, WOULD IT HAVE COME FROM THE LEFT REAR, LEFT,
2 NINETY DEGREE ANGLE LEFT FRONT OR WHAT?

3 A AS THE DRIVER WAS SITTING IN THE PICK UP TRUCK,
4 THE EVIDENCE INDICATES THAT THE LOAD WOULD HAVE COME
5 SLIGHTLY TO HIS LEFT REAR

6 Q LEFT REAR?

7 A YES

8 Q ARE YOU FAMILIAR WITH MAGNUM SHOTGUN SHELLS?

9 A YES, SIR, I AM

10 Q ALL RIGHT, WHAT IS THE DIFFERENCE BETWEEN A
11 REGULAR SHOTGUN SHELL, A BUCKSHOT SHELL AND A MAGNUM?

12 A THE MAGNUM SHOT, PUCKSHOT SHELL DIFFERS IN TWO
13 WAYS FIRST OF ALL IT HAS SLIGHTLY MORE POWER AND IT
14 HAS USUALLY A NUMBER OF MORE PELLETS IN THIS PARTICULAR
15 CASE WE ARE TALKING ABOUT THREE EXTRA PELLETS, THREE
16 MORE PELLETS THAN A STANDARD DOUBLE OO BUCKSHOT

17 Q YOU SAY SLIGHTLY MORE POWER?

18 A YES, SIR

19 Q DOES THAT MEAN IT HAS A GREATER VELOCITY, GREATER
20 CHARGE OR SOMETHING?

21 A THAT IS CORRECT, SIR

22 Q THAN THESE, AND THESE ARE NORMALLY USED FOR WHAT?

23 A FOR HUNTING DEER

24 Q DO YOU KNOW HOW MANY PELLETS, DID YOU SAY HOW
25 MANY PELLETS WERE IN A MAGNUM LOAD AS VERSUS A REGULAR

1 BUCKSHOT LOAD?

2 A IN A DOUBLE OO, WHICH WE ARE CONCERNED WITH HERE,
3 IN A STANDARD 2 3/4 INCH BUCKSHOT SHELL OF DOUBLE OO SIZE
4 THERE ARE NINE PELLETS IN THE 2 3/4 INCH MAGNUM, WHICH
5 WE ARE CONCERNED WITH HERE, THERE ARE TWELVE PELLETS

6 Q ALL RIGHT, SIR, WERE YOU ABLE TO ACCOUNT FOR ALL
7 TWELVE PELLETS IN THIS PARTICULAR CASE?

8 A NO, SIR

9 Q HOW MANY PELLETS CAN YOU ACCOUNT FOR?

10 A I CAN ACCOUNT FOR ELEVEN TO MY OWN SATISFACTION
11 O ELEVEN?

12 A YES, SIR

13 Q ON THE TRAJECTORY OF THE PLANE, YOU EXAMINED THE
14 PICK UP TRUCK?

15 A YES

16 Q AND DID YOU HEAR MR HORNSBY TESTIFY EARLIER?

17 A YES, SIR

18 Q CAN YOU REMEMBER HOW HIGH THAT PICK UP TRUCK
19 WAS ABOVE ORDINARY PLANE?

20 A I REMEMBER THINKING THAT MR HORNSBY'S ESTIMATION
21 WAS ABOUT THE SAME AS MINE, APPROXIMATELY EIGHT INCHES
22 HIGHER THAN A STANDARD PICK UP TRUCK

23 O IN YOUR EXAMINATION OF THE EVIDENCE, WOULD THE
24 TRAJECTORY, THE PATH OF THE PELLETS THAT YOU DETERMINED,
25 WOULD BE CONSISTENT WITH THE AVERAGE SIZE MAN FIRING

1 IN THE SHOULDER POSITION?

2 A IT WOULD BE CONSISTENT, YES, SIR

3 Q PLEASE ANSWER ANY QUESTIONS DEFENSE COUNSEL MAY
4 HAVE?

5
6 CROSS EXAMINATION

7 BY MR VERMONT

8 Q AGENT PARNELL, DID YOU BRING SOME NOTES WITH YOU
9 WHICH YOUR TESTIMONY IS BASED ON?

10 A I HAVE

11 Q IN YOUR INVESTIGATION CAN I TAKE A LOOK AT
12 THEM?

13 A THIS IS A COPY OF MY REPORT, SIR

14 Q ALL RIGHT, DON'T YOU HAVE ANY OTHER NOTES BASED
15 ON YOUR INVESTIGATION OF THE SCENE OR OF THE SHELLS
16 SUBSEQUENTLY?

17 A NO, SIR, ONLY THING I WAS REFERRING TO WAS THE
18 TAKE IN SHEET WHERE THE EVIDENCE WAS SUBMITTED

19 O ALL RIGHT, THANK YOU YOU INDICATED TO YOUR
20 SATISFACTION YOU HAD ACCOUNTED FOR ELEVEN PELLETS NOW
21 WE ARE TALKING ABOUT FRAGMENTS I GUESS THE JURY HAS
22 THEM, MAYBE THEY ARE AROUND AND E-1 WE HAVE THREE, IN
23 E-2 WE HAVE TWO AND IN E-3 WE HAVE TWO POSSIBLES, IS
24 THAT CORRECT?

25 A THAT IS, SIR

1 O THAT IS FIVE DEFINITES AND TWO POSSIBLES, IS
2 THAT CORRECT?

3 A THAT IS CORRECT, SIR

4 Q DID YOU, HOW DID YOU ACCOUNT FOR THE REST OF
5 THEM, EITHER SIX OR FOUR, HOWEVER MANY? IS THAT BASED
6 ON THE PHOTOGRAPHS?

7 A BASED ON MY EXAMINATION OF THE TRUCK

8 Q OF THE TRUCK, WHICH IS REFLECTED HERE PARTIALLY?

9 A THAT'S CORRECT, SIR THERE ARE APPARENTLY AT
10 LEAST FOUR INDENTIONS, FOUR CLEAR INDENTIONS IN THE DOOR
11 FASTENING

12 Q THIS IS STATE'S NUMBER 22 YOU INDICATE THAT
13 CLUSTER HERE, THAT INDICATES FOUR TO YOU?

14 A AT LEAST FOUR, YES, SIR

15 Q ALL RIGHT, SIR?

16 A THEN I HAVE, I BELIEVE I AM CORRECT IN SAYING
17 THERE WERE SEVEN WOUNDS TO THE BODY, WHICH WOULD INDICATE
18 ELEVEN

19 O ALL RIGHT, AND THESE PELLETS THEN WERE, SOME OF
20 THE ONES THAT WERE RECOVERED IN THE TRUCK WERE THEY NOT?

21 A TWO OF THEM, YES, SIR

22 Q WAS IT SUSPECTED THEN THAT THOSE WERE THE RESULTS
23 OF, THAT CAME THROUGH, THROUGH WOUNDS OR WHAT THEY CALL
24 THROUGH AND THROUGH WOUNDS?

25 A THAT IS VERY POSSIBLE, YES

1 Q ALL RIGHT, CAN YOU TELL LOOKING AT E-4, YOUR
2 E-4 AND THE STATE'S NUMBER 27, THE ONE EMPTY SHOTGUN
3 SHELL HERE, CAN YOU TELL FROM LOOKING AT THAT EITHER
4 STRAIGHT VISUALLY OR UNDER A MICROSCOPE WHETHER THAT
5 CAME FROM AN AUTOMATIC SHOTGUN OR PUMP SHOTGUN?

6 A YOU ARE ASKING WHETHER IT WAS FIRED BY--

7 Q YES, SIR, WITH THIS SHELL?

8 A I CANNOT DETERMINE THAT, NO, SIR

9 Q ALL RIGHT, CAN YOU, IN FACT, YOURSELF PROCESS
10 THE SCENE FOR FINGERPRINTS?

11 A NO, SIR, I DID NOT

12 Q WAS THAT DONE BY OTHERS, IS THAT WHY YOU DIDN'T?
13 YOU WEREN'T ASK TO?

14 A I DO NOT KNOW, SIR

15 Q ALL RIGHT, AND IT IS YOUR TESTIMONY YOU DON'T
16 KNOW ANYTHING ABOUT THE ORIGIN OF THE EIGHT GUNS THAT
17 YOU TESTED, IS THAT CORRECT?

18 A I ONLY HAVE WHAT WAS REPORTED TO ME OR A PERSON'S
19 NAME WHO WAS GIVEN AS A SUBJECT AT THAT THAT TIME I
20 HAVE NO KNOWLEDGE OF THE ORIGIN

21 Q ALL RIGHT, FINE, THANK YOU, AGENT PARNEILL THAT
22 IS ALL I HAVE

23 MR MABRY THANK YOU, COME DOWN I
24 ASK HE MAY BE EXCUSED?

25 THE COURT ANY OBJECTION?

MR VERMONT I AM SORRY?

1 MR MABRY HE NEEDS TO GO BACK TO
2 WORK?

3 MR VERMONT FINE, FINE
4 THE COURT YOU MAY LEAVE

5 MR MABRY RICHARD STONE

6 RICHARD STONE, AFTER BEING
7 DULY SWORN, TESTIFIES AS FOLLOWS

8 DIRECT EXAMINATION

9 BY MR MABRY

10 Q BY YOUR UNIFORM, YOU ARE OBVIOUSLY FROM RICHLAND
11 COUNTY SHERIFF'S DEPARTMENT, ARE YOU NOT?

12 A YES, SIR, I AM

13 Q AND BEFORE YOU WERE WITH RICHLAND COUNTY SHERIFF'S
14 DEPARTMENT WHAT JOB DID YOU HOLD?

15 A DEPUTY CORONER OF RICHLAND COUNTY, SIR

16 Q ALL RIGHT, BEFORE THAT WHAT JOB DID YOU HOLD?

17 A I WAS WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT

18 Q ALL RIGHT, SO YOU HAVE GONE FROM THE SHERIFF'S
19 DEPARTMENT FOR A PERIOD OF TIME WITH THE CORONER'S OFFICE
20 AND NOW BACK TO THE SHERIFF'S DEPARTMENT?

21 A YES, SIR

22 Q IN JULY OF '78 WERE YOU WITH THE CORONER'S OFFICE?

23 A I WAS, SIR

24 Q DEPUTY CORONER?

25 A YES, SIR

1 Q AND DID YOU HAVE OCCASION TO EXAMINE THE BODY
2 OF OLIN D WILSON?

3 A I DID THAT NIGHT AT THE SCENE, SIR

4 Q ALL RIGHT, WERE YOU LATER PRESENT AT WHICH TIME
5 DR HALL MADE EXAMINATION?

6 A I WAS NOT PRESENT AT THE TIME HE DID HIS EXAMINATION

7 Q YOU WERE PRESENT AT THE BUILDING?

8 A NO, SIR

9 Q YOU WERE NOT?

10 A NO, SIR

11 Q I ASK YOU IF YOU RECOGNIZE THAT, PLEASE SIR?

12 A I DO, SIR

13 Q ALL RIGHT, SIR, I ASK YOU IF YOU RECOGNIZE THAT?

14 A YES, SIR

15 Q ALL RIGHT, WITHOUT TELLING US WHAT THE CONTENTS
16 OF THOSE THINGS ARE, TELL US WHAT THEY ARE PLEASE?

17 A THOSE ARE LETTERS FROM DR HALL TO THE CORONER
18 OF RICHLAND COUNTY IN REFERENCE TO THE CAUSE OF DEATH OF
19 OLIN D WILSON

20 Q ALL RIGHT, AND WHAT ABOUT THE YELLOW COPY, WHO
21 IS THAT FROM?

22 A UH, THAT IS DIRECT FROM, TO MS JOAN MEDIC,
23 DIRECTOR OF CLAIMS, OI NATIONAL LIFE INSURANCE COMPANY,
24 WHICH IS A RESPONSE TO A LETTER

25 Q JUST A MINUTE, JUST TELL US WHO IT IS FROM? WHO

1 SIGNED THE LETTER?

2 A CORONER CECIL WILES

3 Q DO YOU KNOW WHAT THAT IS, SIR?

4 A HIS DEATH CERTIFICATE

5 O FOR WHOM?

6 A OLIN D. WILSON

7 O ALL RIGHT, SIR (ALL THREE DOCUMENTS ARE HANDED
8 TO MR VERMONT)

9 MR VERMONT (PAUSE) NO OBJECTION
10 TO THESE, YOUR HONOR

11 MR MABRY I OFFER THEM WITHOUT
12 OBJECTION STATE'S 28, A LETTER FROM DR HALL

13 (ENTERED HERE AS STATE'S EXHIBIT NO 28)

14 MR MABRY STATE'S 29, A COPY OF
15 THE LETTER FROM CORONER CECIL WILES, NOW DECEASED

16 (ENTERED HERE AS STATE'S EXHIBIT NO 29)

17 MR MABRY AND THE DEATH CERTIFICATE
18 IS NUMBER 30

19 (ENTERED HERE AS STATE'S EXHIBIT NO 30)
20 DIRECT EXAMINATION CONTINUES BY MR MABRY

21 Q MR STONE, DID YOU HAVE OCCASION, LET ME ASK
22 FIRST, DID YOU HAVE OCCASION TO SEE OLIN D WILSON AFTER
23 HE HAD BEEN REMOVED FROM THE SCENE?

24 A YES, SIR, ONE TIME

25 O I ASK YOU, WHAT ARE THESE? DON'T TELL US WHAT

1 THEY DEPICT, BUT WHAT ARE THEY?

2 A THEY ARE PICTURES OF OLIN D WILSON

3 Q DID YOU OBSERVE HIM IN THAT CONDITION?

4 A YES, I DID

5 Q ALL RIGHT,

6 MR. MABRY YOUR HONOR, MAY WE APPROACH
7 THE BENCH?

8 (OFF THE RECORD DISCUSSION AT BENCH
9 WITH ALL ATTORNEYS PRESENT)

10 Q ALL RIGHT, MR. STONE, IF YOU WOULD, JUST USING
11 THESE PHOTOGRAPHS AS A REFERENCE BY AGREEMENT WITH
12 COUNSEL, WOULD YOU SHOW THE JURY, USING THOSE PHOTOGRAPHS
13 AS A REFERENCE, DO NOT SHOW THE JURY THE PHOTOGRAPHS,
14 BUT SHOW ON YOUR OWN PERSON WHERE OLIN D WILSON'S
15 WOUNDS WERE PLEASE?

16 A ONE RIGHT HERE ABOVE THE EAR

17 Q NOW, YOU ARE INDICATING--STAND UP PLEASE, SIR?
18 ALL RIGHT, YOU ARE INDICATING THE LEFT SIDE OF YOUR
19 HEAD IN APPROXIMATELY THE TEMPLE AREA?

20 A YES, SIR

21 THE COURT YOU CAN TURN MORE THAT
22 WAY SO THAT THEY CAN SEE YOU?

23 A RIGHT HERE AND THEN THERE WAS ONE IN THIS
24 AREA HERE ONE IN HERE THERE IS A MARK COMING ACROSS
25 THE SHOULDER HERE NOW, AND THERE IS ONE RIGHT IN THE

1 NECK AREA

2 Q ALL RIGHT, SO YOU HAVE INDICATED MARKS ON THE
3 LEFT SIDE OF YOUR FACE IN THE TEMPLE AREA AND THE CHEEK
4 AND JAW AREA, UNDER THE JAW AND THE LEFT SIDE OF THE
5 NECK AND YOU SAID--

6 A A CREASE RIGHT ACROSS THE--

7 Q A CREASE RIGHT ACROSS THE--

8 A RIGHT IN THERE

9 Q NEXT TO THE NECK ON THE LEFT SHOULDER?

10 A YEAH

11 Q AND NOW THE WOUNDS THAT YOU ARE DESCRIBING THAT
12 ARE ON THE LEFT SIDE OF OLIN D WILSON'S HEAD AND FACE,
13 ARE THEY PUNCTURE WOUNDS LOOKING?

14 A YES, SIR

15 Q CONSISTENT WITH GUNSHOT WOUNDS?

16 A YES, SIR

17 Q ALL RIGHT, SIR?

18 THE COURT YOU CAN TESTIFY TO WHAT
19 SIZE THEY ARE, IF HE KNOWS, IF HE DOESN'T, FINE
20 DIRECT EXAMINATION CONTINUES BY MR MABRY

21 Q HAVE YOU EVER SEEN A BUCKSHOT WOUND BEFORE?

22 A YES, SIR

23 Q ARE THOSE WOUNDS CONSISTENT WITH BUCKHOT WOUNDS?

24 A YES, SIR, WHAT I'VE SEEN PREVIOUSLY

25 MR MABRY YOU MAY EXAMINE

1 MR VERMONT YES, SIR

2
3 CROSS EXAMINATION

4 BY MR VERMONT

5 Q OFFICER STONE, YOU SAY YOU WERE AT THE SCENE ON
6 THIS NIGHT?

7 A YES, SIR, I WAS

8 Q WHAT TIME DID YOU GET THERE?

9 A PROBABLY ABOUT TEN MINUTES OF TWELVE, BETWEEN
10 TEN MINUTES OF TWELVE AND MIDNIGHT

11 Q SO TO YOUR KNOWLEDGE THAT WAS FORTY-FIVE MINUTES
12 TO AN HOUR AFTER THINGS STARTED HAPPENING OUT THERE,
13 RIGHT?

14 A YES

15 Q DID YOU YOURSELF TAKE ANY FINGERPRINTS OFF THE
16 TRUCK OR ANYTHING LIKE THAT?

17 A NO, SIR

18 Q DID YOU YOURSELF ATTEMPT TO TEST ANY TIRES
19 TRACKS OR FOOTPRINTS OR ANYTHING?

20 A NO, SIR, I LEFT THAT UP TO THE INVESTIGATING
21 AUTHORITY

22 Q FINE, THAT'S ALL I HAVE THANK YOU

23 MR MABRY COME DOWN, THANK YOU
24 VERY MUCH STEVE HARPER?

25 STEVE HARPER, AFTER BEING

1 DULY SWORN, TESTIFIES AS FOLLOWS

2 DIRECT EXAMINATION

3 BY MR. LABRY

4 Q YOU ARE IN UNIFORM, SIR, YOU ARE ALSO WITH
5 THE RICHLAND COUNTY SHERIFF'S DEPARTMENT, RIGHT?

6 A YES, SIR

7 Q HOW LONG HAVE YOU BEEN AT THE RICHLAND COUNTY
8 SHERIFF'S DEPARTMENT?

9 A SINCE MAY OF 1971

10 Q 1971 JULY OF 1978 WHAT WERE YOUR DUTIES WITH
11 THE RICHLAND COUNTY SHERIFF'S DEPARTMENT?

12 A I WAS AN INVESTIGATOR WITH THE DEPARTMENT

13 Q ALL RIGHT, SIR, DID YOU RESPOND TO THE SCENE OF
14 THE DEATH OF OLIN D WILSON?

15 A YES, SIR, I DID

16 Q AND DID YOU HELP PROCESS THE CRIME SCENE AND
17 HELP COLLECT THE SPECIMENS THAT WE TALKED ABOUT THAT HAVE
18 BEEN INTRODUCED AS EVIDENCE?

19 A YES

20 Q STATE'S EXHIBIT 25, 24, AND STATE'S 27?

21 A SOME OF THOSE ITEMS, YES, SIR

22 Q ALL RIGHT, SIR, NOW ARE ONE OF THOSE, ARE YOU
23 FAMILIAR WITH THE LOCATION WHERE STATE'S 27 WAS FOUND?

24 A YES, SIR, I AM

25 Q ALL RIGHT, NOW, IF YOU WOULD PLEASE, SIR, FIRST

1 OF ALL IS THAT YOU IN STATE'S EXHIBIT NO 19?

2 A YES, IT IS

3 Q AND WHAT ARE YOU POINTING TO THERE?

4 A I AM POINTING TOWARDS THE PAVEMENT WHICH THERE
5 WERE TWO SHELL FRAGMENTS PREVIOUSLY INTRODUCED

6 Q ALL RIGHT, THOSE TWO SHELL FRAGMENTS THAT WE HAVE
7 AS STATE'S 26?

8 A YES, SIR

9 Q ALL RIGHT, NOW, TELL US ABOUT, APPROXIMATELY IF
10 YOU WILL, USING, COME DOWN HERE IF YOU LIKE USING THE
11 ARTIST CONCEPTION, WHERE WERE YOU STANDING APPROXIMATELY?
12 I KNOW IT IS NOT DRAWN TO SCALE BUT WERE YOU STANDING,
13 WHERE WERE YOU STANDING WHEN YOU FOUND THEM?

14 A THIS, OKAY, THIS BEING THE CENTERLINE, IMAGINE
15 THERE IS A CENTER--THERE IS NO CENTERLINE IN THIS PICTURE
16 OR IN THIS PARTICULAR ROAD IF A VEHICLE HAD PULLED,
17 SAY, STOPPING AT THE STOP SIGN, ROUGHLY EVEN WITH THE
18 DIRT AREA, SLIGHTLY OVER IN THE OPPOSITE LANE, MAYBE
19 A FOOT IN THE OPPOSITE LANE BEYOND THAT CENTERLINE IS
20 WHERE I FOUND THESE SHELL FRAGMENTS

21 Q AND SO IF A VEHICLE WAS PROCEEDING THIS WAY?

22 A YES

23 Q GENERALLY GOING IN AN EASTERLY DIRECTION?

24 A TOWARDS COLUMBIA

25 Q YEAH, TOWARDS COLUMBIA AND CAME TO A STOP AND

1 SLOWED DOWN, IT WOULD BE GENERALLY ABOUT THE MIDDLE OF
2 THE VEHICLE?

3 A ABOUT MIDWAY TO THE DOOR AREA

4 Q OKAY, FINE NOW, WOULD YOU SHOW US IN STATE'S
5 EXHIBIT NO 16, IF YOU WILL, SIR, ABOUT WHERE THE SHELL
6 WHICH HAS BEEN IDENTIFIED AS STATE'S 27, ABOUT WHERE--
7 WALK OVER TO THE JURY PLEASE, SIR, IF YOU WOULD--

8 THE COURT KEEP YOUR VOICE UP

9 A YES, SIR OKAY, ROUGHLY RIGHT HERE IS WHERE
10 I AM TALKING ABOUT THE SHELLS WERE FOUND THIS AREA OUT
11 HERE GENERALLY RIGHT THROUGH HERE IT IS A WIDE AREA
12 ABOUT TWELVE FEET WIDE, THIS SANDY STRETCH, ROUGHLY
13 RIGHT IN THROUGH HERE ABOUT FOUR OR FIVE FEET OFF THE
14 PAVEMENT IS WHERE THE SHELL WAS SITTING ON ITS BRASS
15 BASE

16 Q THIS SHELL?

17 A YES, SIR

18 Q STATE'S 27? ALL RIGHT, NOW, AGAIN ILLUSTRATE
19 IN THE DRAWING ABOUT WHERE IT WAS FOUND?

20 A AGAIN, THE CENTERLINE ROUGHLY EVEN WITH THE
21 STOP SIGN ITS PLACEMENT WHICH IS PROBABLY MORE ACCURATELY
22 DEPICTED RIGHT HERE IT WOULD BE ALMOST IN A STRAIGHT
23 LINE DIRECTLY OVER HERE FOUR OR FIVE FEET OFF THE EDGE
24 OF THE PAVEMENT

25 Q OKAY, WOULD YOU HAVE A SEAT? (WITNESS RESUMES

1 THE WITNESS STAND) WOULD YOU, DID YOU LOOK AROUND OUT
2 THERE FOR OTHER SIGNS, PHYSICAL EVIDENCE?

3 A YES, SIR, I DID

4 Q DID YOU DISCOVER OTHER SIGNS THAT WERE INTERESTING
5 TO YOU AS AN INVESTIGATOR?

6 A YES, SIR, OF COURSE, WE PICKED UP MANY, NUMEROUS
7 OBJECTS THAT WERE AT THE SCENE I WALKED THROUGH THE
8 WHOLE AREA MORE OR LESS A PERIMETER SEARCH OCCURRED IT
9 COVERED A LARGE AREA SURROUNDING THE WHOLE SCENE THE
10 WOODLINES AND EVERYTHING AND RIGHT OFF OF THE SUMTER
11 HIGHWAY SIDE OF WILSON MILL ROAD, AS IS DEPICTED IN THE
12 UPPER RIGHT CORNER RIGHT THERE

13 Q IT WOULD BE APPROXIMATELY WHERE ON STATE'S NO 8?

14 A THAT GENERAL AREA, YES, SIR

15 Q SORT OF UPPER RIGHT HAND CORNER?

16 A UPPER RIGHT OF THE TOTAL PICTURE I HAVE TO SHOW
17 YOU

18 Q LET'S FIND A PICTURE THAT WOULD MAYBE ILLUSTRATE
19 IT A LITTLE BIT BETTER? HOW ABOUT ON STATE'S EXHIBIT NO
20 16, IS THAT SUFFICIENT TO ILLUSTRATE WHAT YOU ARE TALKING
21 ABOUT?

22 A YOU GET THE GENERAL IDEA, THESE WOODS WERE NOT
23 AS THICK AS THEY APPEAR RIGHT HERE, THIS GENERAL AREA,
24 FROM THIS ROAD HERE, HARMON ROAD, PROBABLY TWELVE FEET
25 GOING BACK UP TO WILSON MILL THAT'S CLEAR, IS A SLIGHTLY

1 CLEARED AREA, THE WOODS ARE NOT VERY HEAVY IN THERE NO
2 UNDERBRUSH LIKE THAT SMALL BUSHES, SMALL CLUMPS OF GRASS
3 THERE WAS A DISTURBED AREA THAT APPFARFD TO ME AS IF
4 SOMEONE HAD BEEN STANDING, MILLING AROUND

5 Q STANDING, MILLING AROUND?

6 A YES, SIR

7 Q ALL RIGHT, SIR, AND USING STATE'S NO. 6 CAN
8 YOU APPROXIMATE WHERE YOU FOUND THE DISTURBED AREA?

9 A IF I'M CORRECT, LEESBURG ROAD UP HERE, HARMON
10 ROAD THROUGH HERE

11 Q WHY DON'T YOU WALK DOWN IN FRONT OF THE JURY,
12 THEY COULD PROBABLY SEE BETTER?

13 A ALL RIGHT, I HAVE TO GET AN ACQUAINTANCE OF IT,
14 MARK IT

15 Q STAND BACK HERE SO THAT THIS LADY CAN SEE?

16 A OH, I'M SORRY THIS BEING DEER RIDGE, LEESBURG
17 UP HERE, THE TRUCK ROUGHLY RIGHT HERE, THIS CLEARED
18 AREA AS I TOLD YOU THE TREES ARE NOT THAT THICK OUT
19 THERE EVEN THOUGH THERE WAS AN OVERHANG OF TREES GENERALLY
20 RIGHT AROUND THROUGH HERE, ON THIS LITTLE SLIGHT RISING
21 EVEN THOUGH THE GROUND CONTINUES EVEN HIGHER BECAUSE OF
22 A SLIGHT RISE, AND THEN MORE OR LESS A LEVELLED AREA
23 RIGHT THERE

24 Q ALL RIGHT, SIR, THANK YOU DID YOU ALSO FIND
25 ANY FINGERPRINTS THAT YOU DETERMINED TO BE MATERIAL TO

1 THIS CASE?

2 A I ONLY INSTRUCTED THE IDENTIFICATION FORENSIC
3 DIVISION

4 Q DID YOU FIND ANY?

5 A I PERSONALLY, NO, SIR

6 Q DID YOU FIND ANY EVIDENCE THAT YOU SUBSEQUENTLY
7 DISCARDED IN THE INVESTIGATION OF THIS CASE?

8 A YES, SIR

9 Q DO YOU REMEMBER WHAT THAT WAS?

10 A LIKE A TROPICANA BOTTLE, CIGARETTE BUTTS, LITTLE
11 ITSY BITSY THINGS

12 Q IS THERE ANY OTHER TRASH IN THE GENERAL VICINITY?

13 A YES, SIR, IT IS PRETTY THROWN OVER AREA

14 Q IT IS NOT A TRASH DUMP?

15 A NO, SIR

16 Q BUT YOU FIND THE GENERAL, COKE CANS, BOTTLES,
17 THINGS LIKE THAT THAT PEOPLE DISCARD?

18 A YES

19 Q THINGS LIKE THAT ANY EVIDENCE OF ANY, AND I
20 REALIZE THERE WERE A LOT OF CARS OUT THERE THAT NIGHT
21 DID YOU FIND ANY EVIDENCE OF TIRE PRINTS?

22 A YES, SIR

23 Q WHERE DID YOU FIND THOSE?

24 A UH, THIS SAME AREA, RIGHT OFF THE ROAD WHERE THE
25 SHOTGUN SHELL WAS FOUND AND THE DISTURBANCE WAS AT THE

1 WOODLINE YES, SIR, IN THAT SANDY AREA THERE IS A WASH,
2 IT IS A PRETTY GOOD WASH

3 Q DID YOU DETERMINE IN WHICH DIRECTION THE CAR
4 THAT MADE THOSE PRINTS HAD TRAVELLED?

5 A ONE OF THEM I COULD, YES, SIR

6 Q AND WHICH DIRECTION WAS THAT?

7 A GOING BACK UP TOWARDS IN THE DRAWING

8 Q THIS WAY?

9 A YES, SIR

10 Q HOW WERE YOU ABLE TO DETERMINE THAT?

11 A IT WAS SPINNING THE DIRT YOU COULD SEE TOTAL
12 SPIN MARKS BUT NO TREAD DEFINITION AND THE DIRT LIKE
13 COMING TOWARDS ME AND THEN UP HERE WOULD BE TREAD DEFINI-
14 TION AFTER A WHILE

15 Q IN OTHERWORDS, IT APPEARED THE CAR HAD A--

16 A YES, SIR, SPUN OUT

17 Q SPUN OUT FAST? SHOWING YOU STATE'S EXHIBIT 15
18 AND RECOGNIZING IT IS A MORE RECENT PHOTOGRAPH, I ASK
19 YOU TO DEMONSTRATE FOR THE JURY APPROXIMATELY THE AREA
20 WHERE YOU OBSERVED THE SPIN MARKS WERE ON?

21 A UH, PROBABLY RIGHT ABOUT WHERE THE BOTTOM OF THE
22 PICTURE IS HERE THE, APPARENTLY ONE TIRE WAS ON THE
23 PAVEMENT, THE RIGHT TIRE, THE REAR TIRE WOULD BE MY
24 ASSUMPTION, WOULD SEND THE DIRT SPINNING

25 Q SO WOULD HAVE COME THIS WAY TO THE RIGHT OF THE

1 PHOTOGRAPH?

2 A FOLLOWING THIS ROAD

3 O FOLLOWING THE ROAD OVER TO THE RIGHT?

4 A YES, SIR

5 Q ALL RIGHT, MR HARPER, IF YOU WOULD ANSWER ANY
6 QUESTIONS MR VERMONT MIGHT HAVE?

7

8 CROSS EXAMINATION

9 BY MR VERMONT

10 Q OFFICER HARPER, DO YOU KNOW WHEN THIS, WHERE THIS
11 PICTURE WAS TAKEN THE ONE YOU HAVE JUST POINTED OUT,
12 STATE'S 15?

13 A NO, SIR, I, NO, SIR I DON'T

14 O ALL RIGHT, THEY APPEARED, DID THEY NOT TO BE
15 SOME TIRE TRACKS IN THE SAND IN THAT PICTURE?

16 A YES, THERE WAS

17 O THOSE AREN'T THE ONES YOU ARE TALKING ABOUT? THIS
18 PICTURE, AS FAR AS YOU KNOW, WAS TAKEN LATER FOR ILLUS-
19 TRATIVE PURPOSES?

20 A I HAVE NO IDEA WHEN IT WAS TAKEN

21 Q ALL RIGHT, DID YOU TAKE A CAST OF ANY OF THOSE
22 TIRE PRINTS? WERE YOU ABLE TO DO ANYTHING LIKE THAT?

23 A THAT WAS UP TO MY IDENTIFICATION DIVISION THEY
24 WOULD BE THE ONES TO DETERMINE WHETHER IT WAS POSSIBLE

25 Q YOU DON'T KNOW IF THEY DETERMINED THAT OR NOT?

1 A OF MY OWN KNOWLEDGE, NO, SIR

2 Q YOU DIDN'T HAVE ANY WAY OF TELLING WHEN THAT
3 SPIN OUT OR WHATEVER HAD BEEN MADE? WHEN THAT TIRE TRACK
4 WAS THERE?

5 A OH, NO, SIR

6 Q YOU HADN'T BEEN TO THE SCENE BEFORE, RIGHT?

7 A NO, SIR

8 Q SO YOU DIDN'T HAVE ANY IDEA WHEN IT WAS PUT THERE,
9 IS THAT CORRECT? YOU DID FIND TIRE TRACKS, WELL THIS
10 WHOLE AREA APPEARS TO BE FAIRLY SANDY AROUND THE EDGE
11 OF THE ROAD, IS THAT CORRECT?

12 A THAT ONE SIDE, YES, SIR

13 Q THE ONE SIDE? YOU FOUND OTHER TIRE TRACKS DID
14 YOU NOT?

15 A THERE WAS ONE OTHER, INCLUDING WHERE ONE OF
16 OUR CARS HAD BACKED OVER ONE SET OF TRACKS

17 Q LET'S LOOK AT STATE'S NUMBER 5, AN ARIAL PHOTO,
18 WOULDN'T YOU SAY THAT A GOOD BIT OF THIS AREA APPEARS TO
19 BE SANDY ON THE SIDES OF THE ROAD?

20 A YES, SIR

21 Q DID YOU EXAMINE TIRE TRACKS IN ANY OF THOSE
22 OTHER SPOTS?

23 A YES, JUST A GENERAL PERIMETER AREA I COVERED

24 Q HOW FAR DID YOU GO DOWN TOWARDS LEESBURG?

25 A TOWARDS LEESBURG?

1 Q RIGHT?

2 A DID A PERIMETER TWENTY-FIVE YARDS INTO THE WOODS
3 ABOUT TURNED BACK IN

4 Q SO YOU DIDN'T ACTUALLY REACH THE INTERSECTION OF
5 HARMON AND LEESBURG ITSELF?

6 A NO, SIR

7 Q TO YOUR KNOWLEDGE DID ANYONE SEARCH THAT AREA
8 DOWN THERE?

9 A IT WAS EXTENSIVELY SEARCHED THE FOLLOWING DAY
10 DURING DAYLIGHT

11 Q JUST VISUALLY, I MEAN PEOPLE JUST WALKED AROUND
12 AND LOOKED? ISN'T THAT CORRECT?

13 A OH, YES, SIR

14 Q ANYBODY FIND ANYTHING LIKE FOOTPRINTS THAT MIGHT
15 HAVE BEEN OF INTEREST?

16 A THE UNDERGROWTH IS MOSSY, IT'S NOT REALLY LOOSE
17 SAND LIKE ON THE SIDE OF THE ROAD THERE TO MY KNOWLEDGE
18 I FOUND NO FOOTPRINTS THAT WERE DEFINABLE

19 Q OKAY LET'S, LET'S LOOK AT NUMBER 5 AGAIN, LET
20 ME ORIENT YOU? THE TRUCK WOULD HAVE BEEN HERE, IS THAT
21 CORRECT?

22 A YES, SIR

23 Q LEESBURG UP HERE IN THE UPPER TOP RIGHT CORNER?

24 A YES, SIR

25 Q THIS APPEARS TO BE A LITTLE BIT OF A SLASH ACROSS

1 HERE WHO WALKED THAT SLASH? DO YOU HAVE ANY IDEA?

2 A I DID NOT PROCEED, I, MYSELF DID NOT PROCEED
3 THAT FAR

4 Q DO YOU KNOW WHO DID?

5 A THE NEXT DAY WE SENT OUT, I WAS ON THE EVENING
6 SHIFT, THE DAY SHIFT TEAM WENT OUT THERE AND COVERED THAT
7 IS MY UNDERSTANDING

8 Q ALL RIGHT, THANK YOU, THAT IS ALL I HAVE

9 MR. MABRY YOUR HONOR, COME ON DOWN
10 YOUR HONOR, THE LUNCH HOUR IS ALMOST UPON US

11 THE COURT I AM GOING TO SAY WHEN IT
12 IS LUNCH THANK YOU

13 MR. MABRY DINNER HOUR

14 THE COURT NOW, THE SAME INSTRUCTION
15 I GIVE THESE TO YOU EACH TIME YOU GO DO NOT DISCUSS THIS
16 CASE WITH ANYONE, DO NOT LISTEN TO ANYONE DISCUSS IT .
17 DO NOT USE ANY NEWS MEDIA, NEWSPAPERS, RADIO, TELEVISION
18 IF YOU ARE WATCHING TV AND SOMETHING SHOULD HAPPEN TO BE
19 ON, TURN IT OFF THE NEWSPAPER YOU READ, THE NEWSPAPER
20 AND RIGHT OFF THE BAT SEE SOMETHING ABOUT THIS CASE, DON'T
21 READ IT I AM LEAVING THAT UP TO YOU ALL THERE IS ONLY
22 OTHER RECOURSE I COULD HAVE, WOULD BE TO SEQUESTER YOU,
23 WHICH IS A POLITE TERM OF SAYING YOU WILL BE KEPT IN A
24 MOTEL SOMEWHERE NOW, I AM SURE WE DON'T PARTICULARLY
25 WANT THAT SO, BE CAREFUL AND FOLLOW MY INSTRUCTIONS

1 AND DON'T READ ANYTHING ABOUT IT I AM NOT TELLING YOU
2 NOT TO READ A NEWSPAPER, BUT DON'T READ ANYTHING ABOUT
3 THIS CASE, PERIOD DON'T WATCH ANYTHING ABOUT THIS OR
4 LISTEN TO ANYTHING AND DON'T DISCUSS IT, AGAIN WHEN
5 YOU COME BACK I WOULD SUGGEST YOU GO STRAIGHT TO YOUR
6 JURY ROOM FOR THE SAME REASON I TOLD YOU BEFORE I HOPE
7 YOU HAVE A NICE LUNCH OR DINNER

8 BY THE TIME YOU GET READY TO GO, I
9 AM GOING TO SAY FIFTEEN MINUTES AFTER TWO WHICH WOULD
10 GIVE YOU SUFFICIENT TIME I WILL SEE YOU THEN

11 EVERYONE ELSE REMAIN SEATED UNTIL THE
12 JURORS ARE GONE

13 (JURY LEAVES THE COURTROOM AT 12 55 P M)

14 THE COURT NOT THAT THERE IS ANYTHING
15 WRONG BUT OUR JURORS HAVE TO WALK ALL THE WAY AROUND AND
16 COME DOWN I'VE INSTRUCTED THE CLERK AND THEY ARE GOING
17 TO LET US KNOW WHEN THEY REMOVE THEMSELVES AND THEY WON'T
18 BE OUT THERE, WE WILL BE HERE UNTIL THEY DO

19 ALL RIGHT, 2 15

20 (RECESS AT 1 00 P M)

21
22 (RESUME AT 2 30 P M)

23 THE COURT ALL RIGHT, THANK YOU, YOU
24 MAY BE SEATED NOW, BEFORE WE CONTINUE I HAVE ALWAYS
25 ADVISED THE SPECTATORS IN THE AUDIENCE IN ANY CASE OF THIS

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1 NATURE ANYWHERE IN THE STATE OR WHEN THERE IS ANY NUMBER
2 OF PEOPLE INTERESTED IN THE CASE, JUST FAILED TO DO IT
3 AT THIS TIME BUT I ALWAYS DO IT I WILL LET YOU KNOW
4 I WILL NOT TOLERATE ANY AUDIENCE PARTICIPATION IN THIS
5 TRIAL OR DIFFICULTIES, ESPECIALLY HERE IN THE COURTROOM
6 I AM NOT SURE THERE WOULD BE BUT I JUST WANTED TO ADVISE
7 EVERYBODY AT THIS TIME DOING IT NOW OR IN THE COURTHOUSE
8 OR ANYWHERE ELSE THERE IS NO PLACE FOR ANY, IF THERE
9 SHOULD BE, AMONG ANYONE BECAUSE OF ANY TRIAL I AM SORRY
10 I HAVEN'T MENTIONED IT I HADN'T HEARD ANYTHING BUT I
11 ALWAYS MENTION THIS IN EVERY CASE

12 I HAD, THE OTHER DAY I HAD ONE, PICKED
13 UP THE PAPER AND SAID THERE HAD BEEN SOME DISTURBANCE
14 IN THE COURTROOM AND THAT IS NOT TRUE I HAVE NEVER HAD
15 ANY DISTURBANCE IN MY COURTROOM I AM SURE I WON'T HAVE,
16 I AM SURE NO ONE WILL, BUT I ALWAYS WARN THIS IN EVERY
17 CASE OF THIS NATURE I JUST FORGOT TO DO IT

18 SO, I WILL BACK UP A LITTLE BIT AND
19 MAKE THAT STATEMENT NOW THAT IS THE REASON I HAVE NEVER
20 HAD ANY DIFFICULTY I AM SORRY I JUST HAVEN'T MENTIONED
21 IT BEFORE BUT I CORRECTED THAT NOW, I MAKE THAT RULING,
22 WHICH MEANS IN THE COURTROOM, COURTHOUSE, OUTSIDE, ANYWHERE
23 NO DISTURBANCE IN THIS CASE AT ALL

24 NOW, WE ARE NOW READY TO PROCEED

25 MR MABRY YES, YOUR HONOR, THE

1 SOLICITOR HAS A MATTER I WOULD LIKE TO TAKE UP AT THIS
2 TIME

3 (OFF THE RECORD DISCUSSION)

4 THE COURT ALL RIGHT, WE ARE NOW
5 READY

6 (JURY RETURNS TO THE JURY BOX AT 2 35
7 P M)

8 THE CLERK DOES THE STATE WAIVE
9 POLLING OF THE JURY?

10 MR MABRY YES

11 THE COURT DEFENSE?

12 MR VERMONT YES

13 MR ELLIOTT YOUR HONOR, THE STATE
14 CALLS D I BLACKWELL

15 D I BLACKWELL, AFTER
16 BEING DULY SWORN, TESTIFIES AS FOLLOWS

17 DIRECT EXAMINATION

18 BY MR ELLIOTT

19 Q STATE YOUR FULL NAME PLEASE?

20 A DONALD I BLACKWELL

21 Q AND WHERE DO YOU LIVE SIR?

22 A IN CAYCE, SOUTH CAROLINA

23 Q AND WHERE ARE YOU EMPLOYED?

24 A NATIONAL SECURITY COMPANY

25 Q HERE IN COLUMBIA?

1 A YES, SIR

2 Q HAVE YOU EVER BEEN EMPLOYED BY THE RICHLAND COUNTY
3 SHERIFF'S DEPARTMENT?

4 A YES, SIR, FOR TWELVE AND A HALF YEARS

5 Q WHEN?

6 A FROM 1966 TO 1979

7 Q AND, WERE YOU SO EMPLOYED ON JULY 10 AND 11, 1978?

8 A YES, SIR, I WAS

9 Q AND WHAT WAS YOUR RANK?

10 A SERGEANT IN CHARGE OF IDENTIFICATION

11 Q AND WHAT WERE YOU, WHAT WERE SOME OF YOUR DUTIES
12 AND RESPONSIBILITIES AS SERGEANT?

13 A TO SUPERVISE THE OVERALL OPERATION OF THE IDENTI-
14 FICATION DIVISION WHICH WE WERE EXPANDED AT THAT TIME
15 AND ALSO, TO WORK CRIME SCENES, MYSELF

16 Q ALL RIGHT, WHAT WOULD THE IDENTIFICATION UNIT
17 DO AT A CRIME SCENE?

18 A THEY WERE RESPONSIBLE FOR PHOTOGRAPHING, COLLECTION
19 OF EVIDENCE AND PRESERVATION OF EVIDENCE AT A CRIME SCENE

20 O DID YOU HAVE AN OCCASION TO EXAMINE A PICK UP
21 TRUCK, THE SUBJECT OF THIS SHOOTING?

22 A YES, SIR, I DID

23 Q WHERE WAS IT?

24 A IT WAS AT NEWMANS GARAGE

25 Q DO YOU REMEMBER WHEN YOU LOOKED AT IT?

1 A IT WAS ON JULY THE ELEVENTH, PROBABLY ABOUT TEN
2 OR ELEVEN, SOMEWHERE IN THAT AREA

3 Q DO YOU KNOW WHEN THE SHOOTING WAS IN THIS CASE?

4 A IT WAS ON THE TENTH OF JULY

5 Q THE NIGHT BEFORE?

6 A YES, SIR

7 Q UH HUH TELL THE JURY WHAT UNUSUAL YOU FOUND
8 ABOUT THE TRUCK WHEN YOU EXAMINED IT?

9 A THERE WAS DAMAGE TO THE LEFT DOOR, DRIVER'S DOOR
10 THERE WAS ALSO AN INDENTATION NEAR THE SUN VISOR ON THE
11 PASSENGER'S SIDE AS IF SOMETHING HAD STRUCK, BEING THE
12 SAME COLOR OF LEAD OR SOMETHING LIKE IT BECAUSE THERE
13 WAS TRACE MARKS IN THERE, INDENTATIONS

14 Q ALL RIGHT, SIR, WHEN YOU, WHEN YOU STATE THERE
15 WAS SOME DAMAGE TO THE DRIVER'S DOOR, I SHOW YOU STATE'S
16 EXHIBIT NO 21 AND ASK YOU IF YOU CAN IDENTIFY WHAT IS
17 IN THAT PICTURE?

18 A YES, SIR, THAT IS THE DRIVER'S DOOR WHERE THE
19 INDENTATION OF DAMAGE WAS TO THE DOOR

20 Q ALL RIGHT, SIR, AND I SHOW YOU STATE'S EXHIBIT NO,
21 23 AND ASK YOU IF YOU RECOGNIZE WHAT'S IN THAT PICTURE?

22 A THAT'S THE SAME TRUCK

23 Q ALL RIGHT, AND THE VISOR IN THERE, WHICH THE
24 DAMAGE THAT YOU FOUND, WHERE IS THAT IN THE PICTURE?

25 A IT WOULD BE ON THE RIGHTHAND SIDE OF THE PASSENGER'S

1 SIDE OF THE VEHICLE

2 Q ALL RIGHT, IN THE INTERIOR?

3 A YES, SIR

4 Q CAN YOU POINT OUT IN THIS PICTURE FOR THE JURY
5 ABOUT WHERE IT WOULD HAVE BEEN?

6 A IT WOULD HAVE BEEN IN THIS AREA HERE, YOU CAN
7 SEE THE PASSENGER'S SIDE VISOR THERE, IT WAS RIGHT NEAR IT

8 Q ALL RIGHT, SIR, WAS IT IN THE METAL?

9 A YES, SIR, IT WAS

10 Q AND, DID YOU EXAMINE THE INTERIOR OF THE TRUCK
11 FOR ANY EVIDENCE?

12 A YES, SIR, WE MADE A THOROUGH SEARCH AND FOUND
13 TWO METAL PELLETS SIMILAR TO BUCKSHOT

14 Q WHERE DID YOU FIND THOSE?

15 A ONE WAS ON THE DASH OF THE VEHICLE AND ONE WAS
16 IN THE RIGHT FLOORBOARD

17 Q I BELIEVE IT IS GOING TO BE THOSE ALL RIGHT,
18 I SHOW YOU STATE'S EXHIBIT NO 25, WOULD YOU RECOGNIZE
19 THAT CONTAINER?

20 A YES, SIR

21 Q ALL RIGHT, HOW DO YOU RECOGNIZE IT, SIR?

22 A THESE ARE OFFICER MC GEE'S HANDWRITING ON IT,
23 PLACED THERE AT MY INSTRUCTIONS

24 Q WAS HE WITH YOU ON THAT MORNING?

25 A YES, SIR, HE WAS I WAS TRAINING HIM HE WAS

1 NEW IN THE ID SECTION

2 Q ALL RIGHT, SIR, AND WHAT DOES THAT CONTAIN?

3 A THIS CONTAINS TWO LEAD PELLETS, ONE FOUND ON THE
4 DASH AND ONE IN THE FLOORBOARD

5 Q ALL RIGHT, SIR, NO OTHER QUESTIONS PLEASE ANSWER
6 ANY QUESTIONS COUNSEL MIGHT HAVE?

7 MR VERMONT I DON'T HAVE ANYTHING

8 THE COURT YOU MAY COME DOWN

9 MR MABRY GEORGE CONNOLLY

10 GEORGE CONNOLLY, AFTER

11 BEING DULY SWORN, TESTIFIES AS FOLLOWS

12 DIRECT EXAMINATION

13 BY MR MABRY

14 Q YOU ARE GEORGE CONNOLLY?

15 A I AM

16 Q AND YOU ARE EMPLOYED HOW AT THE PRESENT TIME?

17 A I AM CLAIMS REPRESENTATIVE WITH SOUTH CAROLINA
18 FARM BUREAU

19 Q WHEREABOUTS?

20 THE COURT YOU ARE GOING TO HAVE TO
21 KEEP YOUR VOICE UP

22 A IN CAMDEN, SOUTH CAROLINA

23 Q LEAN INTO THE MICROPHONE PLEASE? ALL RIGHT, NOW,
24 PRIOR TO JOINING THE FARM BUREAU, THE SOUTH CAROLINA
25 FARM BUREAU INSURANCE COMPANY, HOW WERE YOU EMPLOYED?

1 A I WAS A DEPUTY WITH RICHLAND COUNTY SHERIFF'S
2 DEPARTMENT

3 Q AND WERE YOU A DEPUTY IN JULY OF 1978?

4 A YES

5 Q WERE YOU ONE OF THE OFFICER THAT RESPONDED TO THIS
6 SCENE OR THIS SHOOTING?

7 A YES

8 Q DID YOU ALSO PARTICIPATE IN THE EXAMINATION OF
9 THE GENERAL AREA AND THE COLLECTION OF EVIDENCE AND
10 THINGS LIKE THAT?

11 A YES

12 Q WERE YOU ASSIGNED TO THE ID SECTION AT THAT TIME?

13 A YES, SIR

14 O UNDER SGT BLACKWELL WHO JUST TESTIFIED?

15 A YES, SIR, THAT'S RIGHT

16 Q AND YOU HELPED PROCESS THE CRIME SCENE?

17 A THAT'S RIGHT, YES, SIR

18 O ALL RIGHT, SIR, DID YOU TAKE ANY TIRE CASTS,
19 PLASTER CASTS THERE?

20 A YES, SIR

21 Q ALL RIGHT, SIR, DID YOU ATTEMPT TO MATCH THE
22 IMPRESSIONS THAT YOU GOT IN PLASTER WITH ANY TIRES?

23 A NO, SIR

24 Q ALL RIGHT, DID YOU TRY TO MATCH IT AGAIN OWENS
25 CAMPBELL'S CAR?

1 A NO, SIR

2 Q WHY NOT?

3 A BECAUSE HE WAS NOT A SUSPECT AT THAT TIME

4 Q ALL RIGHT, NOW, ARE YOU FAMILIAR WITH TAKING
5 PLASTER CASTS OR TIRE IMPRESSIONS, ARE YOU NOT?

6 A YES, SIR

7 Q AND HAVE YOU USED THEM AS EVIDENCE BEFORE?

8 A YES, SIR

9 Q ALL RIGHT, TELL US HOW LONG YOU CAN EXPECT TO
10 USE A PLASTER CAST TO SHOW THE SIMILARITY IN A TIRE?

11 A WELL, OPTIMUM USE IS WITHIN A COUPLE OF DAYS,
12 PROBABLY NOT MORE THAN THREE WEEKS OR SO

13 Q ALL RIGHT, WHY IS IT NO LONGER GOOD AFTER THREE
14 WEEKS?

15 A WELL, YOU HAVE GOT DETERIORATION OF THE PLASTER
16 CAST BUT THE MAIN PROBLEM IS THAT THE TIRE RUNNING ON
17 THE ROAD WILL CHANGE A GOOD BIT OVER A PERIOD OF SEVERAL
18 WEEKS OR A THOUSAND MILES, SOMETHING OF THAT TYPE

19 Q SO IF YOU TOOK A TIRE CAST OF AN ORDINARY TIRE
20 TODAY OF MY AUTOMOBILE, LET'S SAY, YOU ARE TELLING THE
21 JURY THAT THREE WEEKS DOWN THE ROAD IT VERY WELL MAY NOT
22 MATCH AGAINST THE TIRE OF MY CAR BECAUSE OF THE WEAR
23 OF THE TIRE, IS THAT RIGHT?

24 A THAT IS PROBABLY TRUE, YES, SIR

25 Q AND IF THE TIRES WERE OUT OF BALANCE THEY WOULD

1 OBVIOUSLY WEAR MORE, IS THAT CORRECT?

2 A THAT IS RIGHT

3 Q DID YOU TAKE ANY FINGERPRINTS?

4 A YES, SIR

5 Q YOU DID? WERE YOU ABLE TO GET A MATCH?

6 A NO, SIR

7 Q OKAY, DO YOU, DID YOU TRY TO MATCH THE FINGERPRINTS

8 THAT YOU TOOK AGAINST OWENS CAMPBELL'S FINGERPRINTS?

9 A NOT THAT I RECALL

10 Q HAVE YOU DONE SO SINCE?

11 A NO, SIR

12 Q IS THERE ANY PARTICULAR REASON WHY OR WHY NOT?

13 A WELL, THERE AGAIN, HE WAS NOT SUSPECT AT THE TIME

14 Q ALL RIGHT, DO YOU HAPPEN TO KNOW WHERE THOSE

15 FINGERPRINTS ARE NOW?

16 A NO, SIR

17 Q YOU ARE NO LONGER WITH THE SHERIFF'S DEPARTMENT?

18 A NO, SIR

19 Q WHEN DID YOU LEAVE?

20 A IN APRIL OF 1979

21 Q APRIL OF 1979?

22 A (NODS YES)

23 Q OKAY, NOT QUITE A YEAR AFTER THIS HAPPENED?

24 A THAT'S RIGHT

25 Q ALL RIGHT, ANSWER ANY QUESTIONS MR VERMONT MAY

1 HAVE?

2 A YES, SIR

3

4 CROSS EXAMINATION

5 BY MR VERMONT

6 O FINGERPRINTS DON'T CHANGE, DO THEY, MR CONNOLLY?

7 A NO, SIR, THEY DON'T

8 Q THAT IS ALL I HAVE, THANK YOU

9 MR MABRY COME DOWN WE ASK HE
10 BE EXCUSED, YOUR HONOR?

11 MR VERMONT NO OBJECTION

12 THE COURT YOU MAY BE EXCUSED

13 MR ELLIOTT THE STATE WILL CALL

14 CONNIE LEWIS

15 CONNIE LEWIS, AFTER BEING

16 DULY SWORN, TESTIFIES AS FOLLOWS

17 DIRECT EXAMINATION

18 BY MR ELLIOTT

19 Q SIR, STATE YOUR FULL NAME?

20 A LT CONNIE LEWIS

21 Q WHERE ARE YOU EMPLOYED, SIR?

22 A RICHLAND COUNTY SHERIFF'S DEPARTMENT

23 Q AND IN WHAT CAPACITY?

24 A I AM SUPERVISOR, INVESTIGATOR DIVISION

25 Q ALL RIGHT, SIR, AND WHAT SORT OF CRIMES DO YOU

1 INVESTIGATE?

2 A CRIME AGAINST PERSONS, SUCH AS ROBBERY, RAPE,
3 KIDNAPPING

4 Q MURDER?

5 A YES, SIR, CRIME AGAINST PERSONS, CRIMINAL CHARGES

6 Q HOW LONG HAVE YOU BEEN AN INVESTIGATOR?

7 A UH, I WAS AN INVESTIGATOR FOR ABOUT SIX AND A
8 HALF YEARS, A UNIFORM OFFICER FOR ABOUT SIX YEARS AND
9 I HAVE BEEN A LIEUTENANT NOW FOR ABOUT FIVE YEARS

10 Q SO, YOU HAVE BEEN WITH THE SHERIFF'S DEPARTMENT
11 FOR ABOUT SEVENTEEN, EIGHTEEN YEARS?

12 A SEVENTEEN AND A HALF YEARS, GOING ON EIGHTEEN YEARS.

13 Q ALL RIGHT, SIR, WHAT SORT OF LAW ENFORCEMENT
14 TRAINING HAVE YOU HAD?

15 A I HAD BASIC LAW ENFORCEMENT TRAINING AT THE
16 SLED, SOUTH CAROLINA LAW ENFORCEMENT DIVISION BACK IN
17 1976 CORRECTION, IN 1967 I HAD FINGERPRINT IDENTIFICA-
18 TION, I HAVE HAD IN SERVICE TRAINING FROM THE FBI, SEARCHES
19 AND SEIZURES, AND HOSTAGE SITUATIONS, BANK ROBBERY AND
20 SO FORTH

21 Q DID YOU HAVE OCCASION BACK IN 1978 TO BEGIN THIS
22 INVESTIGATION OR TO CONTINUE THIS INVESTIGATION THAT LED
23 TO THE ARREST OF THE DEFENDANT HERE?

24 A YES, SIR

25 Q WHEN DID YOU START YOUR INVESTIGATION?

1 A I STARTED MY INVESTIGATION ON WEDNESDAY, JULY 19
2 AFTER I CAME OFF OF VACATION

3 Q NOW, WERE YOU NOT THEN PRESENT AT THE CRIME
4 SCENE THAT NIGHT?

5 A NO, SIR DURING THE TIME ON JULY TENTH I WAS
6 IN THE STATE OF COLORADO VACATIONING WITH MY FAMILY

7 Q SO YOU DID NOT BEGIN WORKING ON THIS MATTER UNTIL
8 SOME SEVEN OR EIGHT DAYS AFTER IT HAPPENED?

9 A CORRECT

10 Q DURING THE COURSE OF YOUR INVESTIGATION DID YOU
11 HAVE AN OCCASION TO TALK WITH THE DEFENDANT?

12 A YES, SIR

13 MR. VERMONT YOUR HONOR, PLEASE, THERE
14 IS A MATTER OF LAW I BELIEVE AT THIS TIME

15 THE COURT THIS HAPPENS IN EVERY CASE
16 OF THIS NATURE IT IS NO DIFFERENT I WILL SEND FOR YOU
17 WHEN I CAN DON'T DISCUSS THE CASE

18 (JURY LEAVES THE COURTROOM AT 2 50 P M)

19 THE COURT ALL RIGHT?

20 MR. ELLIOTT I BELIEVE COUNSEL HAS
21 AN OBJECTION

22 MR. VERMONT CERTAINLY, YOUR HONOR,
23 I THOUGHT IT WAS PRO FORMA THAT WE TAKE A LITTLE BREAK
24 HERE AND WE GO INTO THIS I ASSUME THE COURT KNOWS WHAT
25 IT IS ALL ABOUT?

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THE COURT I DON'T KNOW A THING

MR VERMONT LOOKS LIKE IT IS GOING
TO GO INTO THE STATEMENT TAKEN FROM THE DEFENDANT I
WOULD LIKE TO MAKE SURE ALL GUIDELINES HAVE BEEN FOLLOWED
DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

Q DID YOU HAVE AN OCCASION IN 1978 TO TALK TO THE
DEFENDANT IN YOUR OFFICE?

A NO, SIR, I TALKED WITH HIM BY TELEPHONE IN 1978

Q WELL, SOMETIME AFTER THAT DID HE EVER COME INTO
YOUR OFFICE?

A YES, SIR, IN 1979

Q DID HE OFFER YOU ANY INFORMATION?

THE COURT WHY DID HE COME THERE?
DID YOU SEND FOR HIM?

MR LEWIS NO, SIR, HE JUST WALKED
INTO MY OFFICE AND SAID THAT HE HAD SOME INFORMATION
ON THE WILSON CASE, HE COULD CLEAR IT UP

THE COURT GO AHEAD
DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

Q YOU DIDN'T CALL FOR HIM--

A NO, SIR, I DIDN'T

Q HE WASN'T UNDER ARREST?

A NO, SIR

Q WAS HE AT TARGET OF THE INVESTIGATION?

A NO, SIR

1 Q DID HE COME TO YOUR OFFICE?
2 A YES, SIR, HE DID
3 Q DID HE OFFER TO GIVE YOU ANY INFORMATION?
4 A YES, HE DID
5 Q DID HE GIVE YOU ANY INFORMATION?
6 A NO, SIR
7 Q DID HE THEN LEAVE YOUR OFFICE?
8 A YES, SIR, HE DID
9 Q DID HE, DID YOU EVER HAVE OCCASION TO TALK TO
10 HIM EITHER BY PERSON OR BY TELEPHONE AFTER THAT TIME?
11 A YES, SIR, I DID
12 Q DID YOU HAVE OCCASION TO TALK TO HIM IN YOUR
13 OFFICE IN APRIL OF 1980?
14 A YES, SIR
15 Q ALL RIGHT, SIR, WOULD YOU EXPLAIN FOR THE COURT
16 THE CIRCUMSTANCES SURROUNDING THIS CONVERSATION? DID YOU
17 CALL HIM?
18 A NO, SIR, I GOT A CALL FROM ONE OF THE GUARDS AT
19 THE DETENTION CENTER WITH THE INMATES OWENS CAMPBELL
20 WANTED TO TALK TO ME
21 Q DO YOU REMEMBER, WHERE WERE YOU WHEN YOU GOT THE
22 CALL?
23 A I WAS AT THE SHERIFF'S DEPARTMENT
24 Q IN YOUR OFFICE?
25 A I AM NOT SURE I WAS IN MY OFFICE BUT I WAS

1 AT THE SHERIFF'S DEPARTMENT

2 Q DID YOU KNOW OWENS CAMPBELL WAS AT THE JAIL?

3 A NO, SIR, I DIDN'T KNOW HE WAS INCARCERATED AT
4 THAT TIME

5 O ALL RIGHT, DID YOU SUBSEQUENTLY LEARN WHEN HE
6 CAME TO YOUR OFFICE THAT HE WAS IN JAIL?

7 A YES, SIR

8 Q WAS HE IN JAIL AS A RESULT OF HIS ARREST FOR THIS
9 CRIME?

10 A NO, SIR

11 Q WAS HE IN JAIL AS A RESULT OF AN ARREST AND
12 CONVICTION OF A SEPARATE CRIME?

13 A IT WAS A SEPARATE CRIME, YES, SIR

14 Q ALL RIGHT, SIR, SO AFTER, UPON RECEIVING THE
15 MESSAGE THAT THE DEFENDANT WANTED TO TALK WITH YOU ABOUT
16 THE MATTER, WHAT DID YOU DO?

17 A I WENT OVER TO THE JAIL AND CHECKED HIM OUT AND
18 BROUGHT HIM OVER TO MY OFFICE AT THE SHERIFF'S DEPARTMENT

19 Q ALL RIGHT, SIR, DID YOU HAVE ANY CONVERSATION
20 WITH HIM PRIOR TO YOUR GETTING HIM TO YOUR OFFICE?

21 A JUST A GENERAL CONVERSATION WE DIDN'T GO INTO
22 WHAT HE WANTED TO TALK TO ME ABOUT

23 Q ALL RIGHT, SIR, WHEN HE GOT TO YOUR OFFICE DID HE
24 SPEAK TO YOU FIRST OR DID YOU SPEAK TO HIM FIRST?

25 A WHEN WE GOT TO MY OFFICES I WENT TO SIT BEHIND

1 MY DESK AND HE SAT DO'WN AND HE ASKED ME DID I WANT TO
2 CLEAR UP THE OLIN WILSON CASE AND I ASKED HIM, I SAID,
3 YOU'RE RIGHT, OR YOU'RE DARN RIGHT

4 Q ALL RIGHT, DID YOU READ HIM HIS RIGHTS?

5 A NOT AT THAT TIME BECAUSE HE WAS NOT A SUSPECT
6 HE SAID HE HAD INFORMATION THAT SOMEONE ELSE WAS INVOLVED

7 Q ALL RIGHT, SIR, THIS WAS IN APRIL OF 1980?

8 A YES, SIR

9 Q WHEN WAS HE ARRESTED?

10 A WHEN WAS HE ARRESTED?

11 Q YES, SIR? FOR THIS CRIME?

12 A OH, BACK IN '81

13 Q IN OCTOBER OF '81?

14 A YES, SIR

15 Q A YEAR AND A HALF LATER?

16 A YES, SIR BUT I WANT TO GO BACK AND ANSWER YOUR
17 QUESTION I WAS VERY CAREFUL WHEN MR CAMPBELL WAS TALKING
18 TO ME THAT IF HE HAD IMPLICATED HIMSELF FOR THIS CRIME,
19 THAT I WAS GOING TO STOP HIM AND THEN ADVISE HIM OF HIS
20 RIGHTS BUT AT NO TIME DID HE IMPLICATE HIMSELF, THAT
21 HE WAS INVOLVED IN THE CRIME HE WAS ONLY A WITNESS AND
22 I DIDN'T ADVISE HIM OF HIS RIGHTS AT THAT PARTICULAR TIME
23 BUT LATER HE WAS

24 Q AFTER YOU TALKED WITH THE DEFENDANT IN YOUR OFFICE
25 IN APRIL OF 1980, DID YOU COMMIT HIS STATEMENT, HIS ORAL

1 STATEMENT TO YOU, TO WRITING?

2 A YES, SIR, I DID

3 Q WHO WROTE IT OUT?

4 A I DID

5 Q DID HE SIGN THAT STATEMENT?

6 A YES, SIR, HE DID

7 Q WAS THIS STATEMENT THEN TYPEWRITTEN?

8 A IT WAS TYPED THE NEXT DAY

9 Q ALL RIGHT, DID HE SIGN THAT STATEMENT?

10 A YES, SIR

11 Q I SHOW YOU A STATEMENT PURPORTING TO BE ONE OF
12 FRANCES OWENS CAMPBELL AND ASK YOU IF YOU RECOGNIZE IT?

13 A YES, THIS IS THE TYPED STATEMENT AND, OF COURSE,
14 I SIGNED DOWN HERE AS A WITNESS AND I ALSO NOTARIZED IT
15 AND PUT MY NOTARY BUT NOT MY SEAL BUT I NOTARIZED IT
16 WHEN MY COMMISSIONED EXPIRED IN 1985

17 Q AND WHERE DID HE SIGN IT?

18 A MR OWENS SIGNED IT RIGHT HERE, AND ALSO HE SIGNED
19 IT RIGHT HERE HE RECEIVED A COPY OF THE STATEMENT

20 Q HE SIGNED IT TWO PAGES ON PAGE ONE, I WOULD LIKE
21 YOU TO FLIP TO PAGE TWO, PLEASE? DID HE SIGN OR INITIAL
22 THE STATEMENT ON THAT PAGE?

23 A YES, SIR, HE INITIALED IT ON PAGE TWO

24 Q HOW MANY PLACES?

25 A ONE, TWO, THREE PLACES

1 Q OKAY, TURN TO PAGE THREE, PLEASE? IS THAT THE
2 LAST PAGE OF THIS STATEMENT?

3 A YES, THIS IS THE LAST PAGE, LAST PAGE OF THE
4 TYPED COPY AND OF COURSE HE SIGNED IT AT THE BOTTOM

5 Q AND DID YOU SIGN IT?

6 A YES, SIR, THAT IS MY SIGNATURE

7 Q AND DID YOU READ THAT TO HIM BEFORE HE SIGNED IT?

8 A I GAVE HIM A COPY OF IT AND HE READ ALONG WITH ME
9 AS I WAS READING, HE WAS READING ALSO

10 MR ELLIOTT YOUR HONOR, AT THIS TIME
11 WOULD YOU HAVE ME PUBLISH IT OR WE WOULD THEN AT THIS
12 POINT MOVE TO INTRODUCE IT

13 THE COURT ANY OBJECTIONS?

14 MR VERMONT TO THE PUBLICATION OR
15 INTRODUCTION?

16 MR ELLIOTT WE WOULD MOVE TO INTRODUCE
17 IT AT THIS TIME

18 MR VERMONT I WOULD LIKE TO ASK HIM
19 A FEW QUESTIONS FIRST, IF I MIGHT?

20 THE COURT FINE

21 CROSS EXAMINATION

22 BY MR VERMONT

23 Q - INV LEWIS, WHEN WAS THIS EXACTLY THAT YOU FIRST
24 MADE CONTACT WITH OWENS AND HE WAS IN THE JAIL? LET US
25 CONFINE IT TO THIS APRIL OF 1982? DO YOU REMEMBER THE DAY?

1 A IT WOULD BE APRIL THE 27TH, THE DAY I TALKED TO
2 HIM

3 Q NOW, THE DATE ON THE STATEMENT, IS THAT THE 27TH?

4 A YES, SIR

5 Q SO, YOU SAID WHEN YOU TYPED IT UP THE NEXT DAY
6 IT WAS BACK DATED OR WHEN HE SIGNED IT, IS THAT RIGHT?

7 A WELL, IT WAS TYPED UP HE SIGNED IT THE DAY
8 IT WAS TYPED, BUT YOU WILL FIND APRIL 27TH ON THE
9 STATEMENT

10 Q HAVE YOU GOTTEN YOUR HANDWRITTEN COPY WHERE HE
11 SIGNED IT AND YOU WROTE IT OUT AND IT WAS TYPED FROM THAT?

12 A YES, SIR, IT SHOULD BE IN THE CASE JACKET

13 Q DO YOU HAVE THAT WITH YOU?

14 A I DON'T HAVE IT WITH ME BUT IT IS PROBABLY IN
15 THE CASE JACKET

16 Q MAY I LOOK AT IT, IF YOU HAVE THAT AVAILABLE
17 PLEASE? WHILE THEY LOOK FOR IT CAN I GO AHEAD WITH A
18 COUPLE OF QUESTIONS, YOUR HONOR? OKAY DID YOU MAKE, PRIOR
19 TO WRITING OUT THIS STATEMENT, DID YOU MAKE SOME HAND-
20 WRITTEN NOTES OF THE CONVERSATION YOU HAD WITH HIM?

21 A NO, SIR.

22 Q ALL RIGHT, SIR, SO ALL THAT EXISTS IS A MEMORANDUM
23 OF THIS ENCOUNTER BETWEEN YOU AND OWENS CAMPBELL IS THE
24 HANDWRITTEN COPY AND THE TYPED COPY?

25 MR MABRY YOUR HONOR, EXCUSE ME, IS

1 THIS GOING INTO THE VOLUNTARINESS OF THE ADMISSION? YOUR
2 HONOR, I BELIEVE THAT HE IS CROSS EXAMINING ON THE TAKING
3 OF THE STATEMENT I WOULD LIKE TO GET TO THE VOLUNTARINESS
4 ISSUES, AS I UNDERSTAND IT THIS IS A JACKSON VERSUS DENO
5 HEARING, OR AT LEAST I THOUGHT THAT IS WHAT IT WAS

6 MR VERMONT YES, SIR, THIS GOES
7 DIRECTLY TO VOLUNTARINESS

8 THE COURT WELL, I DON'T KNOW ACTUALLY
9 THIS HEARING IS FOR PURPOSES OF VOLUNTARINESS

10 MR VERMONT YES, SIR

11 THE COURT ALL RIGHT

12 CROSS EXAMINATION CONTINUES BY MR VERMONT

13 O ALL RIGHT, YOU KNEW AT THE TIME, I'M SORRY, DID
14 YOU COME UP WITH THE OTHER COPY OF IT?

15 MR ELLIOTT NOW, I HAVEN'T BEAR
16 WITH ME, YOUR HONOR

17 MR VERMONT ALL RIGHT

18 CROSS EXAMINATION CONTINUES BY MR VERMONT

19 Q AT THE TIME, INV LEWIS, YOU KNEW HE WAS IN THE
20 COUNTY, UH, ON SOME PENDING CHARGES, BAD CHECK CHARGES,
21 ISN'T THAT CORRECT?

22 A WELL, I LEARNED AFTER I HAD GONE AND GOTTEN HIM
23 HE WAS IN JAIL ON BAD CHECKS I DIDN'T KNOW HE WAS IN
24 JAIL AT FIRST

25 Q NOW, IT IS YOUR CONTENTION THAT YOU HEARD FROM

1 THE GUARD THAT HE WANTFD TO SEE YOU, IS THAT CORRECT?

2 A YES, SIR

3 Q YOU NEVER WENT OVER THERE ASKING HIM?

4 A NO, SIR

5 Q PRIOR TO THAT TIME HAD YOU BEEN CONTACTING HIM
6 BY PHONE TO SEE IF YOU COULD GET A STATEMENT FROM HIM?

7 A NO, SIR

8 O ALL RIGHT, WOULD THIS BE YOUR HANDWRITTEN VFRSION?

9 A (HANDED TO INV LEWIS) YES, SIR, THIS IS IT

10 Q ALL RIGHT (HANDED BACK TO MR VERMONT) DID
11 YOU EVER DISCUSS AT THE TIME THAT YOU TALKED WITH OWENS
12 ABOUT THIS INFORMATION ABOUT WHAT YOU MIGHT BE ABLE TO
13 DO FOR HIM IF HE WERE TO BE ABLE TO HELP YOU IN COOPERATION
14 FOR HELPING YOU WITH THIS INVESTIGATION?

15 A NO, SIR, I DID NOT

16 O YOU NEVER TOLD HIM YOU MIGHT BE ABLE TO HELP
17 HIM OUT WITH ANY OF THE BAD CHECK CHARGES?

18 A NO, SIR, I DIDN'T

19 Q NEVER OFFERED TO DO ANYTHING FOR HIM WITH ANY
20 OF THE MAGISTRATES ON THIS BAD CHECKS?

21 A NO, THAT CAME IN BEFORE US WHEN I CALLED SOLICITOR
22 HARPOOTLIAN DOWN HERE

23 Q UH HUH? AND SOLICITOR HARPOOTLIAN MADE THOSE
24 PROMISES TO HIM OR MADE THOSE EFFORTS ON HIS BEHALF?

25 A WELL, SOMEHOW SOME OF THESE CHECKS WAS PAID OFF

1 TO GET HIM OUT OF JAIL BECAUSE SOME OF THE MAGISTRATES
2 SENTENCED HIM TO A PARTICULAR TIME OR A FINE, AND THIS
3 FINE HAD TO BE PAID BEFORE WE GOT HIM OUT OF JAIL

4 Q ALL RIGHT, SO THE RICHLAND COUNTY SHERIFF'S
5 DEPARTMENT PAID THOSE FINES TO GET HIM OUT OF JAIL IN
6 RETURN FOR HIS STATEMENT, IS THAT CORRECT?

7 A NO, MR CAMPBELL TOLD US THAT IF WE GOT HIM OUT
8 OF JAIL THAT HE COULD GO TO THE DECEASE'S WIFE AND
9 PROBABLY GET THE TRUTH, TRUE VERSION OF WHAT HAPPENED

10 Q ALL RIGHT, SO YOU ALL DID THAT?

11 A YES, SIR

12 Q HOW MUCH DID YOU PAY ON HIS BEHALF? DO YOU KNOW?

13 A I BELIEVE IT WAS \$75 00 TO GET HIM OUT OF JAIL

14 Q WHO FURNISHED THAT MONEY, DO YOU HAVE ANY IDEA?

15 A THE SOLICITOR'S OFFICE

16 Q DO YOU HAVE ANY IDEA ANYMORE DIRECTLY WHERE THAT
17 MONEY CAME FROM OTHER THAN THAT, EXACTLY HOW IT WAS
18 TRANSFERRED, THE CASE? CHECK SIGNED BY JIM ANDERS, ANY
19 IDEA?

20 A I'M NOT SURE BUT I BELIEVE IT WAS CASH

21 Q ALL RIGHT, AND DID YOU EVER CONTACT ANY MAGISTRATES
22 DIRECTLY ON HIS BEHALF?

23 A I BELIEVE I DID I THINK I CONTACTED MAGISTRATE
24 DAVIS OR MAGISTRATE HILL, IF IT WERE

25 Q AND THEY DID WHAT AS A RESULT OF YOUR CONTACTING

1 THEM?

2 THE COURT LET ME FIND OUT? DID THIS
3 HAPPEN BEFORE HE MADE THIS WRITTEN STATEMENT OR AFTER?

4 MR LEWIS WELL, THIS WAS AFTER

5 THE COURT WELL, WHAT I WANT TO KNOW
6 IS ABOUT THE VOLUNTARINESS OF THE WRITTEN STATEMENT
7 MAKE THAT DETERMINATION I AM NOT TRYING TO HOLD YOU UP
8 WHEN YOU GET READY TO GO BEFORE THE JURY BUT WHAT I
9 NEED TO KNOW AS THIS STATEMENT MADE FREELY AND VOLUNTAR-
10 ILY OR WAS HE ACCUSED OR ANYTHING LIKE THAT?

11 MR VERMONT WELL, I THINK THIS IS
12 DIRECTLY RELEVANT, YOUR HONOR

13 THE COURT NO, IT WAS MADE AFTER IT HAD
14 NOTHING TO DO WITH IT IT HAD NOTHING TO DO WITH THE
15 VOLUNTARINESS OF THE STATEMENT YOU CAN GO INTO THAT
16 MATTER BEFORE THE JURY THE ONLY REASON I SENT THEM
17 OUT WAS TO DETERMINE WHETHER OR NOT A STATEMENT WAS MADE
18 WAS IT MADE FREELY AND VOLUNTARILY? WAS IT NECESSARY
19 TO ADVISE HIM OF HIS RIGHTS? WAS HE ACCUSED? THAT IS
20 ALL WE HAVE HIM HERE FOR

21 MR VERMONT YOUR HONOR IS NOT GOING
22 TO LET ME GO INTO WHAT THEY DID?

23 THE COURT NOT AT THIS TIME YOU
24 CAN BEFORE THE JURY

25 MR VERMONT YOUR HONOR, MY CONTENTION

1 IS THIS IS A RESULT, DIRECT RESULT--

2 THE COURT NOW, DID YOU HEAR ME, SIR?

3 MR VERMONT YES, SIR, I HEARD YOU

4 THE COURT IF YOU CAN SHOW ANY PRO-
5 MISES MADE PRIOR TO THE SIGNING OF THE STATEMENT, FINE
6 THE WAY THIS IS TOLD WAS TOLD ME THERE WAS NONE WHATSOEVER
7 THIS HAPPENED AFTER AND OF COURSE, IT HAD NOTHING TO DO
8 WITH THE WRITTEN STATEMENT

9 MR VERMONT IF YOUR HONOR PLEASE,
10 IT IS MY CONTENTION THAT THESE THINGS WERE DIRECTLY
11 RELATED

12 THE COURT YOU MAY HAVE ALL THE
13 CONTENTIONS YOU WANT, SIR YOU PLACE THEM IN THE RECORD
14 I AM TELLING YOU NOW, IF YOU CAN HEAR I AM HOLDING
15 THIS HEARING TO SEE IF THIS STATEMENT WAS PROPERLY MADE,
16 THAT'S ALL

17 MR VERMONT IS YOUR HONOR GOING TO
18 DENY ME THE OPPORTUNITY OF CROSS EXAMINATION AS TO THESE
19 THINGS AS WERE DONE AS THE DIRECT RESULT OF TAKING--

20 THE COURT NO, SIR, BEFORE THE JURY
21 AT THIS TIME I NEED NOT HEAR IT UNLESS IT REFLECTS UPON
22 THE VOLUNTARINESS OF THE STATEMENT

23 MR VERMONT I CAN'T SEE HOW IT CANNOT
24 HELP BUT REFLECT ON THE VOLUNTARINESS

25 THE COURT YOU MAY NOT BE ABLE TO

1 THE SUPREME COURT MAY DISAGREE WITH ME BUT I AM HERE
2 ONLY TO DETERMINE IF THE WRITTEN STATEMENT WAS MADE
3 PROPERLY, FREELY AND VOLUNTARILY

4 MR VERMONT YOU ARE GOING DENY ME
5 THE RIGHT AT THIS TIME?

6 THE COURT CAN YOU HEAR ME?

7 MR VERMONT YES, SIR, I AM ASKING--

8 THE COURT FINE I AM TELLING YOU
9 NOW, UNLESS YOU CAN TIE IN THAT WITH THE ORIGINAL WRITTEN
10 STATEMENT, YES, I AM PRECLUDING YOU FROM IT

11 MR VERMONT MAY I MAKE AN OFFER
12 OF PROOF CONTINUING EXAMINING THE WITNESS, YOUR HONOR?

13 THE COURT YES, SIR, IF YOU DON'T,
14 IF YOU CAN RELATE IT BACK, FINE BUT I AM NOT GOING TO
15 WASTE TOO MUCH TIME ON SOMETHING THAT IS NOT PROPER AT
16 THIS TIME I GIVE YOU THE OPPORTUNITY TO RELATE IT,
17 DO SO QUICKLY

18 CROSS EXAMINATION CONTINUES BY MR VERMONT

19 Q INV LEWIS, DID YOU EVER DISCUSS WHAT YOU MIGHT
20 DO FOR MR CAMPBELL IN RETURN FOR HIS COOPERATION IN
21 INVESTIGATING THE CASE?

22 A NO, SIR

23 Q YOU NEVER DID?

24 A NOT BEFORE HE GAVE THE STATEMENT, AFTER I CONTACTED
25 SOLICITOR HARPOOTLIAN AND HE MADE THE PROPOSAL

1 Q ALL RIGHT, WHEN DID YOU CONTACT SOLICITOR HAR-
2 POOTLIAN IN RELATION TO THE TIME THE STATEMENT WAS SIGNED?

3 A I BELIEVE IT WAS THE NEXT DAY OR EITHER LATE
4 THAT AFTERNOON

5 Q LATE IN THE AFTERNOON OF THE 27TH OR ON THE
6 28TH?

7 A AFTER I HAD WROTE THIS STATEMENT OUT

8 Q YOUR CONTENTION IS YOU DID THESE THINGS OUT
9 OF THE GOODNESS OF YOUR HEART AND NOT RELATED TO WHAT YOU
10 TOLD HIM CONCERNING THIS STATEMENT, IS THAT CORRECT?

11 A IT WASN'T FROM THE GOODNESS OF MY HEART

12 Q YOU GOT HIM OUT BECAUSE YOU WANTED TO AND NOT
13 FOR WHAT YOU TOLD HIM IN RETURN FOR THE STATEMENT, IS
14 THAT CORRECT?

15 THE COURT YOU HAVE GONE INTO THIS
16 A LITTLE BIT I AM NOT GOING TO STOP YOU, BUT I AM TELLING
17 YOU AGAIN, RELATE IT BACK

18 MR VERMONT I AM ATTEMPTING TO DO
19 THAT AT THIS VERY MOMENT, YOUR HONOR

20 THE COURT I HAVEN'T SEEN IT YET,
21 BUT GO RIGHT AHEAD

22 MR VERMONT I AM TRYING TO FIND OUT
23 HIS MOTIVE

24 THE COURT I AM NOT GOING INTO
25 MOTIVE, SIR

1 MR VERMONT MY CONTENTION IS IT GOES
2 WITH THE VOLUNTARINESS

3 THE COURT I DON'T, I AM NOT CONCERNED
4 WITH WHAT YOUR CONTENTIONS WERE, I WANT TO SEE IT
5 PLACED ON THE RECORD AS PROPERLY HEARD BUT I AM TELLING
6 YOU KNOW, I WILL GO TO WHETHER OR NOT THIS WRITTEN
7 STATEMENT WAS FREELY AND VOLUNTARILY GIVEN

8 MR VERMONT YOUR HONOR, PLEASE,
9 I DON'T SEE HOW A WRITTEN STATEMENT CAN BE FREELY AND
10 VOLUNTARILY GIVEN IN RETURN FOR OTHER FAVORS

11 THE COURT HAVE YOU HEARD THE TESTIMONY
12 SO FAR?

13 MR VERMONT YES, SIR, I HAVE
14 THE COURT FINE, ALL RIGHT, I WOULD
15 BE GLAD TO PUT THE DEFENDANT, IF YOU CARE TO ON THIS
16 ONE

17 MR VERMONT I AM GOING TO, YOUR
18 HONOR

19 THE COURT FINE, BUT WHAT I AM
20 TRYING TO TELLING YOU IS QUIT GOING INTO MATTERS THAT
21 ARE NOT RELATED AS TO WHETHER THIS WAS GIVEN FREELY
22 AND VOLUNTARILY?

23 MR VERMONT YOUR HONOR WILL NOT
24 ALLOW ME TO PROCEED ON MY CROSS EXAMINATION

25 THE COURT I HAVE ALLOWED YOU TO
GO INTO IT AND I HAVEN'T HEARD ANY CHANGE YET IF YOU
HAVE GOT SOMETHING, FINE

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1 MR VERMONT I CAN'T GET IT, YOUR
2 HONOR, UNLESS I ASK HIM

3 THE COURT WELL, ASK HIM THAT AND
4 LET'S GO ON

5 MR VERMONT THAT IS WHAT I AM
6 ATTEMPTING TO ASK HIM, YOUR HONOR

7 THE COURT WELL, YOU ARE MAKING A
8 WRONG ATTEMPT

9 MR VERMONT SIR?

10 THE COURT WHO, SIR, WHO CONTACTED
11 YOU? THE DEFENDANT OR DID YOU CONTACT HIM

12 MR LEWIS WELL, THE GUARD TOLD ME,
13 SIR, THAT THE DEFENDANT WANTED TO TALK TO ME AND I WENT
14 OVER THERE AND SIGNED HIM OUT AND HE INDICATED TO ME
15 THAT HE WANTED TO TALK TO ME HE HAD SOME INFORMATION
16 ON THE OLIN D WILSON CASE I TOOK HIM BACK TO THE
17 SHERIFF'S DEPARTMENT I DIDN'T KNOW THAT THIS MAN WAS
18 IN THE COLUMBIA JAIL OR IN NEW YORK OR WHERE HE WAS AT

19 THE COURT WAS HE ACCUSED OF ANY
20 CRIME IN THIS CASE AT THAT TIME?

21 MR LEWIS NO, SIR

22 THE COURT DID YOU HAVE ANY IDEA OF
23 YOUR OWN THAT HE WAS TO BE A DEFENDANT?

24 MR LEWIS NO, SIR

25 THE COURT NOW WAS ANY PROMISE MADE

1 TO HIM ON ANYTHING ELSE PRIOR TO GETTING THIS WRITTEN
2 STATEMENT?

3 MR LEWIS NO, SIR, I LISTENED TO WHAT
4 HE HAD TO SAY AND I WROTE THIS STATEMENT DOWN MYSELF AND
5 I WENT OVER IT AND THEN AFTER I WENT OVER THE STATEMENT
6 THEN THAT'S WHEN I CONTACTED SOLICITOR HARPOOTLIAN

7 THE COURT ALL RIGHT, DID MR HARPOOT-
8 LIAN HAVE ANYTHING TO DO WITH IT PRIOR TO THAT TIME?

9 MR LEWIS NO, SIR, I HAD ALREADY
10 TAKEN HIS STATEMENT BY THE TIME MR HARPOOTLIAN GOT DOWN
11 THERE

12 THE COURT DID ANYONE ELSE PROMISE
13 HIM ANYTHING IN YOUR PRESENCE OR ANYTHING ELSE FOR THE
14 STATEMENT?

15 MR LEWIS IT WAS JUST THE THREE OF
16 US, NO, SIR

17 THE COURT ALL RIGHT, SIR, YOU MAY
18 PROCEED FROM THERE BUT THAT IS WHAT I HAVE TO HEAR, SIR
19 CROSS EXAMINATION CONTINUES BY MR VERMONT

20 Q WAS ANYBODY ELSE PRESENT, MR LEWIS, WHEN MR
21 CAMPBELL GAVE THE STATEMENT?

22 A NO, SIR, JUST ME AND HIM WAS IN MY OFFICE

23 Q HAD HE BEEN CONTACTED BY ANYONE ELSE, THE SOLICITOR'S
24 OFFICE, OTHER WITNESSES, FAMILY MEMBERS OR ANYTHING?

25 A BEFORE HE GAVE THE STATEMENT?

1 Q YES, SIR? AND DURING THE TIME HE WAS GIVING
2 THE STATEMENT?

3 A NOT TO MY KNOWLEDGE

4 Q AND YOU NEVER MENTIONED AT ANYTIME WHAT YOU MIGHT
5 DO FOR HIM IN RETURN FOR WHAT YOU MIGHT DO--

6 THE COURT PRIOR TO THE A--

7 MR LEWIS PRIOR TO, NO, SIR

8 MR VERMONT ALL RIGHT

9 MR ELLIOTT STEP DOWN PLEASE

10 THE COURT NO, WAIT A MINUTE, WAIT
11 TO SEE IF HE IS THROUGH

12 MR ELLIOTT I BEG YOUR PARDON

13 MR VERMONT THAT IS ALL I HAVE

14 INV LEWIS I WOULD LIKE TO CALL MR CAMPBELL, YOUR
15 HONOR

16 THE COURT SIR?

17 MR VERMONT I WOULD LIKE TO CALL MR
18 CAMPBELL IF THEY DON'T HAVE ANYTHING ELSE?

19 THE COURT FINE, BUT LET ME MENTION
20 THIS IF HE CLAIMS TO BE A WITNESS OR HAS KNOWLEDGE,
21 ANY DEFENDANT, I AM NOT TALKING ABOUT THIS DEFENDANT, HE
22 HAS NOT BEEN ACCUSED, THEY HAVE NO IDEA THAT HE WOULD BE
23 ACCUSED, IF THAT BE TRUE THERE IS NO SIXTH OR FIFTH
24 AMENDMENT INVOLVED IF HE WANTS TO MAKE A STATEMENT HE
25 CAN, A WITNESS CAN THERE IS NO FIFTH AND SIXTH INVASION

1 OF RIGHTS IF THOSE MATTERS BE TRUE EVEN IF LATER THE
2 MAN HAVING BEEN IN JAIL AND HE SAYS, I WANT TO BE RELEASED
3 BECAUSE A STATEMENT WAS MADE IT DOES NOT EFFECT HIS
4 FIFTH AND SIXTH RIGHTS THAT I KNOW OF HE'S STILL NOT
5 AN ACCUSED. THERE IS NO WAY IN THE WORLD TO SAY, YOU
6 BETTER BE CAREFUL WE MIGHT GET YOU NOT AT ALL, NOW,
7 THAT IS WHAT I'VE GOT TO LOOK AT A MATTER OF FACT, IF
8 HE DID MAKE THE WRITTEN STATEMENT, NO PROMISES MADE, AND
9 IF THAT BE TRUE, HE CAN SAY LATER, SAY, WE'LL HELP YOU
10 WITH YOUR CASE IF YOU'LL TESTIFY ACCORDING TO YOUR
11 STATEMENT HE'S NOT ACCUSED NOW, NOTHING ELSE INVOLVED
12 THERE IS STILL NO VIOLATION OF THE FIFTH AND SIXTH
13 AMENDMENTS

14 NOW, I DON'T KNOW WHAT THE STATEMENT
15 SAID, NOW IF IT IMPLICATED HIM, YOU'RE RIGHT IF IT DOES
16 NOT IMPLICATE HIM, DOES NOT MAKE HIM A PARTY TO ANYTHING,
17 I'D JUST LIKE TO HEAR FROM YOU, SIR, HOW YOU THINK HIS
18 FIFTH AND SIXTH RIGHTS HAVE BEEN VIOLATED?

19 MR. VERMONT I THINK YOUR HONOR,
20 IT IS CLEAR, THE FIFTH AND SIXTH AMENDMENT RIGHTS COME IN
21 THE COURT WHERE WERE THEY VIOLATED?

22 MR. VERMONT BY HIS SUBSEQUENT, BY
23 HIS SUBSEQUENT ARREST AND CHARGE FOR THE CRIME

24 THE COURT FINE, IF AT THAT TIME THEY
25 COME IN WHEN HE BECOMES ACCUSED WHETHER HE IS UNDER

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1 ARREST OR NOT IF HE'S ACCUSED THEY DON'T HAVE A RIGHT
2 TO ARREST HIM WITHOUT ADVISING HIM OF HIS RIGHTS, THAT
3 WOULD BE A VIOLATION OF FIFTH AND SIXTH WHAT I AM
4 SAYING AT THIS POINT, THAT YOU CAN PUT YOUR MAN UP, I
5 AM NOT GOING TO DENY THAT AND YOU CAN QUESTION HIM IF
6 YOU'VE GOT SOMETHING DIRECTLY SHOWING THAT HIS FIFTH
7 AND SIXTH WERE VIOLATED AT THE TIME THIS WRITTEN STATEMENT
8 WAS MADE FINE, I WOULD BE GLAD TO HEAR IT BUT THERE
9 IS NO NEED TO GO INTO A WHOLE LOT OF MATTERS UNLESS IT
10 DOES

11 NOW, WHERE, LET'S JUST ASSUME FOR A
12 MINUTE THAT A PERSON DID TELL SOMEBODY TO CALLED, CALLED
13 AND SAID I WANT TO MAKE A STATEMENT OR I'M A WITNESS OR
14 I KNOW SOMETHING NO IDEA OF BEING ACCUSED AT ALL AND
15 HE GOES IN AND TELLS THEM I'VE GOT INFORMATION I AM GOING
16 TO GIVE, I WANT TO GIVE YOU AND IT DOES NOT IMPLICATE
17 HIM I CAN'T UNDERSTAND WHERE HIS RIGHTS ARE VIOLATED
18 THAT IS THE PROBLEM I'M HAVING NOW, LATER IF HE BECOMES
19 AN ACCUSED, FINE, THEY MUST ADVISE HIM OF HIS RIGHTS
20 AND THEN IF YOU CAN TIE THAT IN, FINE I WOULD BE GLAD
21 TO HEAR IT IF YOU CANNOT, THEN THAT IS THE REASON I'M
22 SAYING WE DON'T WANT TO GO INTO SOMETHING THAT IS NOT
23 NECESSARY AT THE TIME IF YOU CAN TIE IT IN, FINE

24 MR. VERMONT YOUR HONOR, PLEASE,
25 CAN WE TAKE ABOUT A TEN MINUTE BREAK HERE?

1 THE COURT YES, SIR, WE'D BE GLAD
2 TO MAKE A DECISION I AM NOT GOING TO RESTRICT YOU HERE
3 IF YOU TELL ME THAT YOU THINK YOU HAVE A, SOME REASON
4 TO TIE IT IN BUT IF THERE IS NOT ANY AND HE HAS MADE
5 IT VOLUNTARILY AND THERE IS NO VIOLATION OF HIS RIGHTS,
6 THERE IS NO NEED FOR HIM TO TAKE THE STAND UNLESS HE
7 WANTS TO

8 WE WILL TAKE A BREAK, LET ME KNOW
9 WHEN YOU ARE READY

10 (RECESS AT 3 10 P M)

11
12 (RESUME AT 3 40 P M)

13 THE COURT ALL RIGHT, MR VERMONT,
14 LET ME MAKE IT CLEAR I AM NOT TRYING TO HINDER YOU INTO
15 GOING INTO SOMETHING AS LONG AS IT IS PROPER TO GO INTO
16 IF YOU CAN SHOW ME A VIOLATION OF THE RIGHTS, FINE BUT
17 IF THE FACTS IS SUFFICIENTLY CLEAR THAT A DEFENDANT, NOT
18 JUST THIS ONE, BUT VOLUNTARILY CALLED AND SAID I WANT TO
19 MAKE, I AM A WITNESS, I WANT TO MAKE A STATEMENT, AND
20 HE ALSO ASKS HIM--AND THE OFFICER ASKS HIM WHY AND HE
21 TELLS HIM AND THE OFFICER TESTIFIED, I LISTENED CLOSELY
22 BECAUSE THE VERY SECOND HE IMPLICATED HIMSELF I WOULD
23 HAVE ADVISED HIM NOW, I HAVEN'T SEEN THE STATEMENT IF
24 IT WOULD HAVE MADE HIM AN ACCUSED, REGARDLESS OF WHAT THE
25 OFFICER SAID, I WOULD AGREE WITH YOU FULLY SHOULD HAVE

1 RECOGNIZED IT BUT IF IT DOES NOT NOW, I'M JUST SAYING
2 IF THAT BE TRUE, THERE IS NO THRESHOLD THAT YOU HAVE TO
3 GET ACROSS, NONE WHATSOEVER THERE IS NOTHING LATER
4 YOU CAN PROMISE IN ORDER TO GET THAT STATEMENT BECAUSE
5 IT HAS ALREADY BEEN MADE I DON'T CARE WHAT YOU PROMISE
6 SOMEBODY LATER AFTER THE STATEMENT IS MADE IT CAN'T BE
7 MADE IN ORDER TO GET THE STATEMENT, THE STATEMENT IS
8 ALREADY THERE

9 NOW, I AM NOT PRECLUDING YOU FROM
10 GOING INTO SOMETHING THAT WOULD GO INTO THE FIFTH AND
11 SIXTH, NOW, I WANT YOU TO KNOW THAT UH, YOU HAVE GOT
12 A RIGHT TO GO INTO THEM IF IT RELATES BACK SHOWING
13 THAT THIS STATEMENT WAS A VIOLATION OF ANY FIFTH, FIFTH
14 AND SIXTH RIGHTS PROMISES LATER, LIKE I SAID, WON'T
15 EFFECT THEM BECAUSE IT HAS ALREADY BEEN MADE WITHOUT THEM,
16 IF THAT BE TRUE SECONDLY, YOU HAVE THE RIGHT TO PUT
17 THE DEFENDANT UP WELL, WHY PUT A DEFENDANT UP UNLESS
18 YOU WANT TO, OR UNLESS THERE HAS BEEN SOME VIOLATION OF
19 THE FIFTH AND SIXTH AT THE FIRST FINE BE GLAD TO
20 HEAR IT I WANTED TO MAKE IT CLEAR, I AM NOT TRYING TO
21 RESTRICT YOU FROM GOING INTO WHAT SHOULD GO, WHETHER THIS
22 STATEMENT WAS FREE AND VOLUNTARILY MADE AND WHETHER
23 HE WAS ACCUSED OR NOT, FINE I WOULD BE GLAD TO PUT
24 THE LAST WITNESS BACK UP THERE FOR THAT PURPOSE

25 BUT UNLESS YOU CAN TIE IT IN I WOULD

1 SEE NO NEED TO GO INTO THESE OTHER MATTERS NOW, LATER,
2 IF WHATEVER THEY DID TO HIM, AND THEY SHOULD KNOW THAT
3 HE IS AN ACCUSED, THAT SHOULD COME UP AGAIN NOT AGAIN,
4 BUT THAT IS WHEN IT WOULD COME UP THEN THE THRESHOLD
5 WOULD BE THERE NO MORE THAN A SEARCH WARRANT, YOU LEFT
6 SOMETHING IN MY LIVING ROOM, POLICE COME AND ASK ME CAN
7 THEY SEARCH IT, FINE, COME RIGHT ON IN, I'M THE OWNER OF
8 THE HOUSE, YOU NOT THERE, IT IS IN MY LIVING ROOM THERE
9 IS NO THRESHOLD, YOU DON'T HAVE TO WORRY ABOUT IT

10 NOW, I WILL BE GLAD TO HEAR FROM YOU,
11 SIR

12 MR VERMONT YES, SIR, I WOULD LIKE,
13 IF YOUR HONOR WOULD, COULD CONNIE LEWIS BE RECALLED? I
14 HAVE ONE MORF OUESTION I WOULD LIKE TO ASK HIM

15 THE COURT I BE GLAD FOR YOU TO ASK
16 ANYTHING BUT MAKE IT CONCERNED TO THIS

17 MR VERMONT YES, SIR

18 THE COURT NOW, YOU UNDERSTAND MY
19 THINKING ON IT IF I'M WRONG, LET ME KNOW I WOULD BE
20 GLAD TO HEAR YOU

21 MR VERMONT I UNDERSTAND YOUR THINKING,
22 YOUR HONOR, BUT MY PROBLEM IS THAT YOU ACCEPT ON THE
23 FACE OF IT THAT INV LEWIS' TESTIMONY IS TRUE AND IT MAY
24 OR MAY NOT BE IT IS UP TO YOU TO JUDGE CREDIBILITY AND
25 YOU HAVEN'T HEARD ONE SIDE OF THE STORY AT THIS POINT

THE COURT IF YOU ARE GOING INTO IT
FOR THAT PURPOSE, I AM NOT GOING TO HAMPER YOU FROM GOING
INTO SOMETHING AS LONG AS IT RELATES BACK TO THIS MATTER
NOT WHAT THEY PROMISED HIM LATER UNLESS PROMISES LATER
WON'T EFFECT IT, IT'S ALREADY BEEN MADE, YOU SEE
A PROMISE LATER AFTER IT IS DONE DOESN'T EFFECT IT BECAUSE
IT IS DONE WITHOUT HIS PROMISE DO YOU UNDERSTAND WHAT I
AM SAYING TO YOU? I WOULD BE GLAD FOR YOU TO GO IN AND
RELATE IT BACK

MR VERMONT I UP MY REQUESET TO TWO
QUESTIONS? IS THAT ALL RIGHT?

THE COURT I'LL EVEN GIVE YOU MORE
THAN THAT

MR VERMONT IT MIGHT BE MORE IF I
HIT A NERVE I THINK THIS MIGHT, TWO WILL DO IT
CROSS EXAMINATION CONTINUES BY MR VERMONT

Q INV LEWIS, I THINK THE STATEMENT IS DATED
APRIL 28TH, IS THAT CORRECT?

A YES, SIR

Q PRIOR TO THAT AND BEFORE THAT TIME WAS OWENS
CAMPBELL A SUSPECT IN YOUR MIND?

A NOT REALLY, SIR

Q CAN YOU RELATE THE NOT REALLY?

A I NEVER PROVED THAT HE WAS INVOLVED IN THIS
THING AT ALL I HAD NEVER REALLY TALKED TO MR OWENS AT

1 ANY LENGTH WITH HIS CONNECTION IN THIS THING UNTIL HE
2 STARTED TELLING ME WHAT GIFTS AND SO FORTH HE HAD RECEIVED
3 FROM THE DEFENDER SO, NO, SIR, HE WAS NOT REALLY A
4 SUSPECT

5 Q YOU HAD NEVER TRIED TO CONTACT HIM ON THIS CASE?

6 A RIGHT, HE CONTACTED ME SEVERAL TIMES ON IT, YES,
7 SIR

8 Q DID YOU EVER TRY TO CONTACT HIM?

9 A YES, SIR

10 Q ALL RIGHT, AND IN FACT, YOU HAD WIRED HIS BROTHER
11 AND SENT HIS BROTHER TO TALK TO HIM ABOUT THIS CASE,
12 HADN'T YOU, HAD YOU NOT?

13 A I DO REMEMBER HIS BROTHER BEING WIRED BUT NOT
14 NECESSARY BECAUSE HE WAS A SUSPECT TO SEE IF HE HAD
15 ANY INFORMATION AS TO HIS RELATIONSHIP WITH THE DECEASE'S
16 WIFE

17 Q IN OTHERWORDS, YOU WIRED MR CAMPBELL'S BROTHER
18 TO GO TO MR CAMPBELL TO FIND OUT WHETHER MR CAMPBELL
19 MIGHT BE A WITNESS OR KNEW SOMETHING ABOUT IT, IS THAT
20 YOUR TESTIMONY?

21 A IT'S A POSSIBILITY, YES, SIR

22 Q ALL RIGHT, THANK YOU

23 THE COURT ANYTHING FURTHER FROM
24 THIS WITNESS?

25 MR VERMONT NOT FROM THIS WITNESS,

1 YOUR HONOR THANK YOU

2

3 REDIRECT EXAMINATION

4 BY MR ELLIOTT

5 Q WHEN DID YOU WIRE THE DEFENDANT'S BROTHER?

6 A I'M NOT SURE, SIR, I DON'T HAVE THE DATE

7 Q BEFORE OR AFTER THE STATEMENT?

8 A I'M NOT SURE, IT COULD HAVE BEEN BEFORE OR IT
9 COULD HAVE BEEN AFTER, I'M NOT SURE UH--

10 Q DO YOU EVEN REMEMBER WIRING THE BROTHER'S DEFENDANT,
11 UH, THE DEFENDANT'S BROTHER TO TALK TO THE DEFENDANT?

12 A WE PROBABLY COULD GET THAT INFORMATION FROM MR
13 DON SULLIVAN OR MIKE BROWN AS TO EXACTLY WHAT DAY I'M
14 NOT CERTAIN TO BE HONEST WITH YOU I'M NOT SURE

15 Q THANK YOU

16 THE COURT BUT YOU ARE SAYING, THE
17 WIRING, YOU SAY HE WAS NOT AN ACCUSED IN YOUR MIND?

18 MR LEWIS SIR?

19 THE COURT HE WAS NOT AN ACCUSED IN
20 YOUR MIND WHEN YOU SENT THE WIRE?

21 MR LEWIS NO, SIR

22 THE COURT OH

23 RECROSS EXAMINATION

24 BY MR VERMONT

25 Q INV LEWIS, ISN'T IT TRUE THAT IT WAS PROBABLY

1 BEFORE OWENS GAVE THE STATEMENT, THAT ONCE YOU HAD THE
2 STATEMENT YOU DIDN'T NEED TO FIND ANYTHING ELSE OUT FROM
3 HIM?

4 A NOW, I'M NOT GOING TO SAY IT WAS PROBABLY BEFORE,
5 I DON'T REMEMBER

6 Q YOU JUST DON'T REMEMBER

7 A NO, SIR

8 Q ALL RIGHT, ALL RIGHT

9 MR VERMONT I HAVE A COUPLE OF
10 WITNESSES I WOULD LIKF TO CALL, YOUR HONOR?

11 THE COURT ALL RIGHT, SIR THANK YOU
12 SIR, YOU MAY COME DOWN

13 MR LEWIS THANK YOU, SIR

14 MR VERMONT I WOULD LIKE TO CALL
15 DEBBIE FAITH HICCOCKS, YOUR HONOR?

16 DEBBIE FAITH HICKOX, AFTER
17 BEING DULY SWORN, TESTIFIES AS FOLLOWS

18 DIRECT EXAMINATION

19 BY MR VERMONT

20 THE COURT I WANT YOU TO SPEAK LOUD
21 ENOUGH SO EVERYBODY CAN HEAR YOU

22 Q WOULD YOU SPELL YOUR LAST NAME FOR THE COURT
23 REPORTER SO SHE CAN GET THAT RIGHT?

24 A HICKOX, H I C K O X

25 Q AND YOU ARE WHAT RELATION TO OWENS?

1 MS HICKOX CONNIE LEWIS WAS TALKING
2 TO ME

3 THE COURT IS THAT THE WITNESS THAT
4 JUST GOT OFF THE STAND?

5 MR ELLIOTT YES, SIR

6 THE COURT WELL, HE HAS TESTIFIED AND
7 I THINK SHE CAN GO INTO MATTERS, IF ANYTHING HE MIGHT
8 HAVE SAID TO HER

9 MR ELLIOTT YES, SIR, FINE

10 THE COURT ALL RIGHT, FINE, GO AHEAD
11 DIRECT EXAMINATION CONTINUES BY MR VERMONT

12 O ALL RIGHT, FINE, WHAT DID HE SAY TO YOU PLEASE?

13 A HE SAID THAT HE DID NOT THINK OWENS KILLED OLIN
14 D WILSON

15 Q UH HUH?

16 A BUT HE SAID HE WANTED TO TALK TO HIM, HE WANTED
17 OWENS TO TAKE A LIE DETECTOR TEST

18 Q UH HUH?

19 A THAT OWENS COULD HELP HIM OUT

20 O DID HE SAY ANYTHING ELSE?

21 A HE SAID THAT IF I SEEN OWENS TO TELL HIM THAT
22 HE WAS LOOKING FOR HIM

23 O OKAY WERE YOU EVER AROUND ANY OTHER OCCASION
24 INV LEWIS WAS LOOKING FOR YOUR BROTHER?

25 A HE HAD CAME DOWN TO MY MOTHER'S HOUSE, YES

1 Q ALL RIGHT, WERE YOU THERE? DID YOU KNOW ANY DETAILS
2 OF THAT?

3 A I KNOW THAT HE WAS LOOKING FOR OWENS

4 Q ALL RIGHT, THAT IS ALL THE QUESTIONS I HAVE
5 PLEASE ANSWER ANY QUESTIONS MR ELLIOTT OR MR MABRY
6 MIGHT HAVE

7
8 CROSS EXAMINATION

9 BY MR MABRY

10 Q MS HICKOX, YOU SAID THAT THIS HAPPENED BEFORE
11 APRIL OF 1980?

12 A YES, SIR

13 Q WHEN DID IT HAPPEN?

14 A THIS HAPPENED BEFORE APRIL THE 27TH

15 Q WHEN?

16 A I CANNOT GIVE YOU THE EXACT DATE BUT IT WAS
17 BEFORE OWENS WAS FIRST ARRESTED ON THE FIRST ACCOUNT OF
18 BAD CHECKS

19 Q AND THAT, WHEN WAS THE ARREST ON THE FIRST COUNT
20 OF BAD CHECKS?

21 A ON THE LATTER PART OF APRIL, 1979

22 Q THE LATTER PART OF APRIL 1979 HE WAS ARRESTED FOR
23 THE FIRST COUNT OF BAD CHECKS? AND CONNIE LEWIS, YOU
24 SAID, CAME LOOKING FOR HIM BEFORE?

25 A BEFORE HE WAS ARRESTED

1 Q BEFORE HE WAS ARRESTED?

2 A FOR THE BAD CHECKS

3 Q SO THAT WAS BETTER THAN A YEAR BEFORE APRIL OF
4 1980?

5 A IT WAS IN '79, RIGHT

6 Q YES, BUT BETTER THAN A YEAR BEFORE 1980 AND YOU
7 SAID, AGAIN HE SAID THAT HE DID NOT THINK THAT OWENS
8 HAD KILLED OLIN D WILSON?

9 A THAT'S RIGHT

10 Q AND THAT HE WANTED HIM TO TAKE A LIE DETECTOR
11 TEST TO HELP HIM OUT?

12 A YES, HE SAID HE WANTED OWENS TO TAKE A LIE DETECTOR
13 TEST HE DID NOT THINK THAT OWENS KILLED THE MAN BUT
14 HE SAID OWENS COULD HELP HIM OUT

15 Q AND WHERE WAS THAT AT THAT TIME?

16 THE COURT NOW, LET ME GET THIS
17 STRAIGHT? NOW HE SAID THAT OWENS, THE DEFENDANT COULD
18 HELP THE OFFICER OUT?

19 MS HICKOX YES, SIR

20 THE COURT ALL RIGHT AND WHERE WAS
21 OWENS AT THE TIME THAT HE CAME TO SEE YOU?

22 MS HICKOX I DON'T KNOW WHERE OWENS
23 WAS AT THEN

24 THE COURT HE WAS NOT IN JAIL, WAS HE?

25 MS HICKOX OWENS WAS NOT AT LOIS'

1 WHENEVER CONNIE LEWIS CAME THERE, NO, SIR
2 CROSS EXAMINATION CONTINUES BY MR MABRY
3 O YES, MA'AM, I UNDERSTAND THAT, BUT WHAT I AM
4 SAYING IS, I'M NOT SAYING THAT WHAT I AM SAYING IS THAT
5 DURING THAT PERIOD OF TIME HE WAS NOT IN JAIL?
6 A HE WAS NOT IN JAIL, NO, SIR
7 Q HE WAS A FREE MAN?
8 A YES, SIR
9 Q DID YOU TELL CONNIE LEWIS WHERE OWENS WAS LIVING
10 AT THE TIME?
11 A NO, SIR
12 Q DID YOU VOLUNTEER TO HELP HIM FIND HIM?
13 A I HAD CALLED DOWN TO MY MOTHER'S
14 Q NO, MA'AM, THAT IS NOT THE QUESTION DID YOU
15 VOLUNTEER TO HELP HIM FIND OWENS?
16 A DID I VOLUNTEER TO HELP HIM FIND OWENS?
17 Q YES, MA'AM?
18 A YES, SIR, I WAS GOING TO GIVE HIM THE MESSAGE
19 O OKAY, DID YOU VOLUNTEER TO HELP CONNIE LEWIS
20 TO FIND OWENS?
21 A YOU MEAN, WOULD I GIVE OWENS THE MESSAGE FROM
22 CONNIE LEWIS?
23 Q WELL, OWENS WAS NOT AT THE PLACE CONNIE LEWIS
24 CAME--
25 A RIGHT

1 O LOOKING FOR HIM AND HE WAS OBVIOUSLY LOOKING
2 FOR HIM?

3 A YES, SIR

4 Q NOW, MY QUESTION IS, DID YOU VOLUNTEER TO HFLP
5 CONNIE LEWIS LOCATE OWENS SO THAT HE COULD GIVE HIM
6 THIS POLYGRAPH?

7 A I DID NOT VOLUNTEER TO DO WHAT YOU SAY, VOLUNTEER
8 I SAID, IF I SEEN OWENS OR KNEW WHERE OWENS WAS, YOU KNOW,
9 THAT I WOULD TELL OWENS, YES, SIR, THAT IS CORRECT

10 O YOU'D TELL HIM?

11 A YES, YES, I WOULD

12 Q AND DID YOU SEE OWENS AFTER THAT?

13 A I DON'T KNOW I MEAN--

14 Q WELL, NOW, LET'S SEE HOW OFTEN DID YOU SEE
15 OWENS BACK IN 1979? BEFORE HE WAS ARRESTED ON THE BAD
16 CHECK CHARGES?

17 A HE WOULD COME AROUND OCCASIONALLY

18 Q WELL, DOES THAT MEAN ONCE A DAY, ONCE A WEEK,
19 ONCE A MONTH?

20 A WELL, ONCE A WEEK, SOMETHING LIKE THAT

21 O ONCE A WEEK?

22 A YEAH

23 Q OKAY NOW, AFTER YOU TALKED WITH CONNIE LEWIS
24 DID YOU HAVE OCCASION TO SEE OWENS?

25 A TO THE BEST OF MY KNOWLEDGE, YES, SIR, I DO BELIEVE

1 I DID TELL OWENS

2 Q YOU DID TELL OWENS--

3 A YES, SIR, I BELIEVE SO

4 Q --ABOUT CONNIE LEWIS' OFFER TO LET HIM TAKE THE
5 POLYGRAPH TEST?

6 A TO THE BEST OF MY KNOWLEDGE, YES, I TOLD OWENS
7 THAT CONNIE LEWIS WAS LOOKING FOR HIM

8 Q FOR WHAT REASON?

9 A HE DID NOT THINK THAT HE KILLED OLIN D WILSON
10 BUT HE WANTED HIM TO TAKE A POLYGRAPH TEST

11 Q WHAT WAS OWENS' RESPONSE TO THAT?

12 A I CAN'T REMEMBER NONE, I DON'T THINK

13 Q BUT HE WAS A FREE MAN AT THAT TIME?

14 A YES, SIR

15 Q YOU DON'T KNOW WHETHER HE WENT DOWN AND TRIED
16 TO CONTACT CONNIE LEWIS ABOUT THAT, DO YOU?

17 A NO, SIR, I DON'T

18 Q AND YOU, OF COURSE, WEREN'T PRESENT WHEN THIS
19 STATEMENT WAS GIVEN IN, UH, APRIL OF 1980, WERE YOU?

20 A NO, SIR, I WAS NOT

21 Q OKAY, YOU WERE NOT PRESENT WHEN HE WAS ARRESTED
22 IN OCTOBER OF 1981 FOR THIS PARTICULAR MURDER UNDER WHICH
23 YOU HAVE, HE IS ON TRIAL NOW FOR, WERE YOU?

24 A UH, NO, SIR, OWENS WAS DOING TIME ON BAD CHECKS
25 AT THIS TIME THAT HE WAS CHARGED WITH MURDER

1 MR MABRY I DON'T HAVE ANYTHING FURTHER

2 MR VERMONT I DON'T HAVE ANYTHING

3 FURTHER FOR THIS WITNESS

4 THE COURT THANK YOU, MA'AM, YOU

5 MAY COME DOWN

6 MR VERMONT I WOULD LIKE TO PUT

7 UP MR CAMPBELL, YOUR HONOR

8 THE COURT MR CAMPBELL, LET ME

9 ADVISE YOU THIS, SIR YOU HAVE THE RIGHT TO TAKE THE

10 STAND, YOU HAVE THE RIGHT NOT TO TAKE IT THE PURPOSE

11 OF YOU TAKING THIS STAND IS FOR THE SOLE PURPOSE OF THE

12 VOLUNTARINESS OF THIS STATEMENT THAT HAS BEFN BROUGHT UP

13 THEY CAN'T GO INTO ANYTHING ELSE AND, OF COURSE, YOUR

14 ATTORNEY HAS TOLD YOU NOT TO GO INTO ANYTHING ELSE, I'M

15 SURE

16 YOU UNDERSTAND THAT, SIR?

17 MR CAMPBELL YES, SIR

18 THE COURT ALL RIGHT, TAKE THE STAND

19 FRANCES OWENS CAMPBELL,

20 AFTER BEING DULY SWORN, TESTIFIES AS FOLLOWS

21 DIRECT EXAMINATION

22 BY MR VERMONT

23 Q ALL RIGHT, OWENS, WHERE WERE YOU, UH, FROM ABOUT

24 FEBRUARY TO ABOUT APRIL OF 1980?

25 A I WAS SORT OF RUNNING FROM THE LAW

1 Q UP UNTIL WHAT POINT, WHEN DID YOU GET ARRESTED?

2 A UH, ABOUT THE MIDDLE PART OF MARCH, THE FIRST OF
3 APRIL

4 Q ON BAD CHECKS, IS THAT RIGHT?

5 A YES, SIR

6 Q AND YOU WERE IN THE COUNTY JAIL FOR HOW LONG ON
7 THOSE BAD CHECKS?

8 A APPROXIMATELY A MONTH, A MONTH AND A HALF

9 O ALL RIGHT, AT THAT TIME DID YOU HAVE ANY CONTACT
10 WITH INVESTIGATOR WITH CONNIE LEWIS FROM THE SHERIFF'S
11 DEPARTMENT?

12 A YES, SIR

13 Q DESCRIBE THAT CONTACT, HOW DID IT COME ABOUT?

14 A EVERYDAY CONNIE LEWIS WOULD COME OVER TO THE
15 JAIL HOUSE AND CHECK ME OUT AND TAKE ME OVER TO THE OTHER
16 BUILDING DOWNSTAIRS

17 Q INVESTIGATION?

18 A YES, SIR

19 Q ALL RIGHT?

20 A AND HE WAS TELLING ME THAT HE COULD WIPE MY
21 RECORD CLEAN, HE COULD PUT A WHITE SHEET IN MY FOLDER
22 IF I COULD JUST HELP HIM WITH THE SOLVING OLIN D WILSON
23 MURDER CASE

24 Q WHY DID HE THINK YOU KNEW ANYTHING ABOUT IT, DID
25 HE SAY?

1 A NO, SIR, AT THE TIME HE DIDN'T SAY HE SAID THAT
2 I HAD TO KNOW SOMETHING ABOUT IT BECAUSE I HAD BEEN
3 SEEING ANN WILSON PREVIOUS TO THIS HERE

4 Q AND THAT'S WHY HE WANTED TO TALK WITH YOU?

5 A YES, SIR

6 Q HOW MANY COUNTS OF BAD CHECKS DID YOU HAVE AGAINST
7 YOU AT THE TIME?

8 A APPROXIMATELY ABOUT SIXTY, ABOUT \$10,000 00 WORTH

9 Q AND WHAT DID THEY, WHAT DID CONNIE LEWIS SAY
10 ABOUT THOSE CHECKS?

11 A THAT HE COULD HAVE THEM ALL DISSOLVED

12 Q DID HE SAY HOW?

13 A YES, SIR, IF I WOULD JUST HELP HIM SOLVE THE
14 OLIN D WILSON MURDER CASE

15 O UH HUH WHAT DID HE WANT FROM YOU, DID HE SAY?
16 DID HE INDICATE? DID HE INDICATE EXACTLY WHAT HE WANTED?

17 A YES, SIR

18 Q WHAT DID HE WANT?

19 A HE WANTED A STATEMENT FROM ME, FOR ME TO TELL HIM
20 WHO KILLED OLIN D WILSON OR DID ANN WILSON HAVE OLIN
21 D WILSON KILLED AT THE TIME?

22 Q DID YOU AGREE TO TALK TO HIM ABOUT THAT?

23 A NO, SIR, NOT AT THAT TIME

24 Q ALL RIGHT, WHEN DID YOU FINALLY AGREE? LET ME
25 ASK YOU THIS, HOW MANY TIMES DID YOU TALK TO INV LEWIS

1 ABOUT THAT?

2 A SEVERAL TIMES

3 Q ALL RIGHT, WHO INITIATED EACH OF THOSE CONTACTS?

4 A CONNIE LEWIS, MR CONNIE LEWIS

5 Q WHERE WERE YOU AT THE TIME?

6 A I WAS AT THE RICHLAND COUNTY DETENTION CENTER

7 Q THAT IS RIGHT ACROSS FROM THE SHERIFF'S DEPARTMENT?

8 A YES, SIR

9 Q AND, DID YOU EVER SEND WORD OVER TO HIM THAT YOU
10 WANTED TO SEE HIM?

11 A NO, SIR

12 Q HOW DID WORD REACH YOU THAT HE WANTED TO SEE YOU?

13 A MR CONNIE LEWIS CAME OVER AND CHECKED ME OUT

14 Q ALL RIGHT, AND TOOK YOU NEXT DOOR?

15 A YES, SIR

16 Q ALL RIGHT, NOW, YOU FINALLY DID TALK TO HIM
17 SOMETIME IN LATE APRIL, IS THAT CORRECT?

18 A YES, SIR

19 Q WHAT WERE THE CIRCUMSTANCES THERE, DO YOU RECALL?

20 A YES, SIR, THE CIRCUMSTANCES OF THAT WAS THAT IF
21 I WOULD MAKE A STATEMENT OR TO HELP HIM IN ANYWAY, AND
22 HE HAD THE CHECKS OR HE HAD THE WARRANTS BEFORE HIM THAT
23 HE WOULD DISPOSE OF ALL OF THOSE WARRANTS AND HELP ME

24 Q UH HUH WERE YOU ACTUALLY DOING SENTENCE AT THAT
25 TIME ON SOME OF THE CHECKS?

1 A YES, SIR

2 Q AND SOME OF THE OTHERS WERE PENDING?

3 A YES, SIR, ABOUT FORTY-FIVE OR FIFTY WARRANTS WAS
4 PENDING AGAINST ME

5 Q ALL RIGHT, SO WHAT THE ARRANGEMENT AS YOU UNDER-
6 STOOD IT, WITH INVESTIGATOR LEWIS?

7 A MR CONNIE LEWIS TOLD ME THAT HE WOULD DISSOLVE
8 ALL OF THOSE OTHER WARRANTS AND HE WOULD GET ME OUT OF
9 JAIL IF I WOULD HELP HIM, IF, WHEN, AFTER I MADF THIS
10 STATEMENT

11 Q ALL RIGHT, AND DID THAT COME ABOUT?

12 A YES, SIR

13 Q DID YOU GIVE THE STATEMENT IS THAT CORRECT?

14 A YES, SIR, I GAVE A STATEMENT TO LT CONNIE LEWIS
15 ON APRIL 27TH

16 Q ALL RIGHT, AND IN RETURN FOR THAT STATEMENT WHAT
17 DID HE DO FOR YOU?

18 A MR CONNIE LEWIS LET ME OUT OF JAIL

19 Q HOW DID HE DO THAT?

20 A UH, MR CONNIE LEWIS, WELL, I HAD SOME FINES ON
21 ME ALSO AND AT THE TIME I WAS PENDING NINETY DAYS FOR
22 ATTEMPT OF COURT (SIC) AND I HAD \$75 00 WORTH OF NO FACE
23 SHIELD FINES ON ME AT THE TIME AT, WITH RICHLAND COUNTY
24 SHERIFF'S DEPARTMENT

25 Q NO FACESHIELD, THAT'S, THAT'S A MOTORCYCLE OFFENSE

1 FOR DRIVING--

2 A YES, SIR

3 Q AND THOSE FINES WERE PENDING? DID THEY GET PAID?

4 A YES, SIR

5 Q HOW DID THEY GET PAID?

6 A CAPTAIN MC CAULEY AND, UH, MR LT CONNIE
7 LEWIS GAVE ME \$75 00, CAPTAIN MC CAULEY REACHED IN HIS
8 POCKET AND GAVE ME \$75 00 AND RETURNED ME AND MR CONNIE
9 LEWIS WENT TO JUDGE JONES' OFFICE AND I PAID THE \$75 00
10 FOR NO FACESHIELDS AND WALKED OUT

11 Q AND SO THE NINETY DAYS YOU WERE DOING, CONTEMPT
12 OF COURT, WAS THAT FOR NOT SHOWING UP FOR A BAD CHECK
13 HEARING?

14 A YES, SIR, NO, SIR, THAT WAS FOR, UH, SPEEDING
15 VIOLATIONS AND NO FACESHIELDS

16 Q ALL RIGHT, ALL RIGHT, FOR NOT SHOWING UP FOR THAT
17 HEARING?

18 A YES, SIR

19 Q OKAY, ALL RIGHT, WHAT HAPPENED TO THAT NINETY DAYS?

20 A IT DISAPPEARED SOME KIND OF WAY

21 Q WHAT HAPPENED TO THE REST OF THE PENDING BAD
22 CHECKS ARREST WARRANTS?

23 A ABOUT FORTY OF THEM, SOME OF THEM DISAPPEARED
24 SOMEWHERE BECAUSE I ONLY DONE SIX MONTHS OUT OF ABOUT
25 \$10,000 00 WORTH OF CHECKS

1 Q WHAT WAS YOUR POTENTIAL LIABILITY FOR THOSE
2 CHECKS IN TERMS OF TIME?

3 A TO SAVE MYSELF ABOUT FOUR AND A HALF, FIVE YEARS
4 OF TIME IN THE PENITENTIARY

5 Q ALL RIGHT, AND THAT WAS ALL DONE IN RETURN FOR
6 YOUR STATEMENT, IS THAT CORRECT?

7 A YES, SIR

8 Q ALL RIGHT, PLEASE ANSWER ANY QUESTIONS MR MABRY
9 OR MR ELLIOTT MIGHT HAVE ABOUT THAT?

10

11 CROSS EXAMINATION

12 BY MR ELLIOTT

13 Q YOU ARE DOING FOUR OR FIVE YEARS IN THE RICHLAND
14 COUNTY JAIL IN APRIL OF 1980, WAS THAT YOUR SENTENCE?
15 FOUR OR FIVE YEARS?

16 A NO, SIR, IF I HAD BEEN CHARGED ON THOSE CHECK
17 CHARGES THAT WOULD HAVE EQUALLED UP TO FOUR OR FIVE
18 YEARS

19 Q YOU WERE NOT CHARGED AT THE TIME?

20 A NO, SIR, I HAD THEM PENDING AGAINST ME

21 Q WELL WERE YOU CHARGED OR NOT?

22 A NO, SIR, I WAS NOT CHARGED AT THE TIME

23 Q SO, CONNIE LEWIS TOLD YOU HE WAS GOING TO DISSOLVE
24 SOME CASES YOU WEREN'T EVEN CHARGED WITH?

25 A HE SAID THAT HE WAS GOING TO DISSOLVE THE CHECK

1 WARRANTS THAT WAS PENDING AGAINST ME, YES, SIR

2 Q THEN YOU WERE CHARGED?

3 A YES, SIR, I WASN'T DOING ANY TIME FOR THEM I
4 HADN'T BEEN TRIED FOR THEM

5 Q SO YOU WERE FACED WITH FOUR OR FIVE YEARS
6 INPRISONMENT & A MAGISTRATE LET YOU OUT UPON PAYMENT
7 OF A \$75 00 FINE?

8 A YES, SIR

9 Q IS THAT YOUR SIGNATURE?

10 A YES, SIR

11 Q IS THAT YOUR SIGNATURE?

12 A YES, SIR

13 Q WHAT DOES THAT SAY RIGHT THERE?

14 A FRANCES OWENS CAMPBELL, P O BOX 141, EASTOVER,
15 SOUTH CAROLINA

16 Q WHAT DOES THAT SAY?

17 A A STATEMENT OF--

18 Q YOU SIGNED THAT?

19 A YES, SIR

20 Q WHEN WERE YOU ARRESTED FOR THIS MURDER?

21 A THE WARRANT WAS SERVED ON ME IN OCTOBER

22 Q OF WHAT YEAR?

23 A OF 1981 I WAS DOING TIME IN KIRKLAND INSTITUTION

24 Q AND WHEN DID YOU SIGN THIS STATEMENT?

25 A I SIGNED THAT STATEMENT ON APRIL 27, 1979, '78 OR
'79

1 Q DID YOU EVER TALK TO CONNIE LEWIS ABOUT THIS CASE
2 BEFORE YOU WERE IN JAIL IN APRIL OF 1980 FOR THE BAD
3 CHECK CHARGES?

4 A NO, SIR, THE ONLY TIME THAT ME AND MR CONNIE
5 LEWIS HAD A RUN IN WAS WHENEVER HE WIRED MY BROTHER IN
6 EASTOVER AND HE SENT MY BROTHER TO MY HOUSE AND MY
7 BROTHER WAS ASKING ME ALL TYPE QUESTIONS DID I KNOW
8 WHO KILLED OLIN D WILSON, DID I THINK THAT ANN WILSON
9 PAID SOMEONE TO KILL OLIN D WILSON, AND THINGS LIKE THAT
10 AND ME AND MR CONNIE LEWIS AND OFFICER CALHOUN CAME BACK
11 AROUND TO MY MOTHER'S HOUSE AND I FOUND OUT THAT MY
12 BROTHER WAS WIRED AND ME AND MR CONNIE LEWIS HAD AN
13 ARGUMENT IN MY MOTHER'S YARD

14 Q SO, YOU NEVER WENT TO CONNIE LEWIS' OFFICE PRIOR
15 TO APRIL 1980 AND TALKED WITH HIM ABOUT THIS CASE?

16 A NO, SIR, I HAD NEVER CALLED CONNIE LEWIS AND I
17 HAD NEVER SEEN CONNIE LEWIS, TALKED TO HIM ON THE TELEPHONE.
18 HE CALLED ME ONE TIME IN AUGUST AND I SAID I DID NOT HAVE
19 ANYTHING TO SAY TO HIM

20 Q AND YOU DIDN'T GO BY HIS OFFICE LATER?

21 A NO, SIR, I NEVER WENT TO HIS OFFICE, ONLY PRIOR
22 TO BEING IN JAIL

23 Q AND CONNIE LEWIS CAME OVER TO THE JAIL EVERYDAY
24 AND CHECKED YOU OUT IN APRIL OF 1980, IS THAT RIGHT?

25 A YES, SIR, WE WAS HAVING DISCUSSIONS EVERYDAY

1 AND ON OLIN D WILSON'S MURDER

2 Q AND FORTY BAD CHECK CHARGES JUST DISAPPEARED, IS
3 THAT YOUR TESTIMONY?

4 A I'M SAYING SOME THING HAPPEN TO THEM, YES, SIR
5 I DIDN'T GET THE TIME FOR THEM

6 Q BEG THE COURT'S INDULGENCE? (PAUSE) I SHOW YOU
7 THE FIRST PAGE OF THIS STATEMENT YOU HAVE ALREADY
8 TESTIFIED THAT YOU SIGNED IT WOULD YOU READ RIGHT THERE
9 STARTING WITH "I FRANCES OWENS CAMPBELL"?

10 A READ IT?

11 Q PLEASE?

12 A "FRANCES OWENS CAMPBELL, AFTER BEING ADVISED THAT
13 I HAD THE RIGHT TO REMAIN SILENT, THAT ANYTHING THAT I
14 SAY CAN AND BE, MAY BE USED AGAINST ME IN MATTER OF THE
15 COURT OF LAW THAT I HAVE A RIGHT TO A LAWYER AND HAVE
16 HIM TO BE PRESENT WITH ME WHILE I'M BEING QUESTIONED THAT
17 IF I CANNOT HIRE A LAWYER ONE WILL BE APPOINTED TO REP-
18 RESENT ME BEFORE QUESTIONING IF I WANT ONE I DO MAKE THE
19 FOLLOWING STATEMENT "

20 Q THANKS NOW, WHEN, PRIOR TO YOUR, DID YOU READ
21 THIS BEFORE YOU SIGNED IT? DID YOU READ THIS?

22 A TO BE HONEST WITH YOU, NO, SIR

23 Q WHEN, PRIOR TO SIGNING THIS DID CONNIE LEWIS
24 YOU OF BEING A MURDERER IN THIS CASE THEN?

25 A LT CONNIE LEWIS NEVER ACCUSED ME OF THE MURDER

1 THE ONLY THING HE EVER SAID IS THAT HE KNEW THAT I DID
2 NOT KILL OLIN D WILSON BUT HE THOUGHT THAT I HAD SOMETHING
3 TO DO WITH IT, THAT I KNEW SOMETHING ABOUT IT

4 Q AND SO YOU TOLD HIM WHAT YOU KNEW?

5 A YES, SIR

6 Q SUPPOSEDLY?

7 A I TOLD HIM THE HONEST TRUTH OF WHAT I KNEW ABOUT
8 IT

9 Q (PAUSE) I WANT YOU TO READ THAT FOR THE JUDGE,
10 STARTING "I HAVE"?

11 A "I HAVE MADE THE FOLLOWING STATEMENT FREELY AND
12 VOLUNTARILY, WITHOUT FEAR, THREAT, PROMISES OF REWARD OR
13 HOPES OF REWARD OF ANY KIND "

14 O WHOSE SIGNATURE IS THAT?

15 A FRANCES OWENS CAMPBELL

16 Q IS THAT YOU?

17 A YES, SIR

18 O NOTHING FURTHER, YOUR HONOR

19 MR VERMONT CAN I ASK HIM ONE MORE
20 QUESTION, YOUR HONOR?

21 THE COURT YES, SIR

22 REDIRECT EXAMINATION

23 BY MR VERMONT

24 O OWENS, DID YOU FEEL YOU WERE SUSPECT AT THE TIME
25 THAT CONNIE LEWIS WAS TALKING TO YOU ABOUT THIS?

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YES, SIR

MR VERMONT THAT IS ALL, THANK YOU

MR ELLIOTT NOTHING ELSE, YOUR HONOR

MR VERMONT COME ON DOWN THAT

IS ALL WE HAVE ON THIS ISSUE. YOUR HONOR

THE COURT ANY REPLY TO IT?

MR MABRY NO, SIR, WE JUST OFFER THE COURT THE STATEMENT WITH THE RIGHTS AND LET THE COURT LOOK AT IT

THE COURT WELL, THE OFFICER SAID HE
DIDN'T GIVE HIM THE RIGHTS

MR MABRY NO, SIR, THEY WERE ON THERE
WHEN HE SIGNED IT

THE COURT YES, SIR, I KNOW THAT BUT HE SAID HE DIDN'T READ IT WHY DIDN'T ANYBODY ASK IF ANYBODY READ IT TO HIM THE ONLY PROBLEM I HAD WAS HE ACCUSED AT THAT TIME IF HE HAD BEEN ACCUSED OR WAS ACCUSED OR DOING IT TO TRY TO TRICK HIM, KNOWING HE WAS BEING ACCUSED, FINE I WOULDN'T LET IT IN BUT, IF HE IS NOT ACCUSED, WHATSOEVER, OF THE CRIME THEN THERE IS, THERE WOULD BE NO VIOLATION OF FIFTH AND SIXTH I HAVEN'T SEEN THE STATEMENT, I DON'T KNOW WHETHER IT IMPLICATES HIM AT ALL IN IT I DON'T KNOW WHETHER THERE IS ANYTHING IN THERE THAT'S, WOULD INDICATE HE IS, WAS GUILTY OF ANY-THING I HAVE NO IDEA WOULD IT BE ALL RIGHT IF I SEE

1 THE STATEMENT?

2 MR VERMONT CERTAINLY, YOUR HONOR
3 ALTHOUGH WE TRUST YOUR HONOR'S JUDGMENT WOULD NOT BE
4 BASED ON, NOT BE BASED ON ITS CONTENT BUT ONLY ON HOW
5 IT WAS TAKEN AND THE EVIDENCE YOU HEARD

6 THE COURT WELL, IT WOULD BE BASED
7 ON BOTH

8 MR ELLIOTT THE STATE CERTAINLY
9 WOULD BE RATHER ON THE TESTIMONY

10 MR MABRY WELL, ACTUALLY, MAY WE
11 APPROACH THE BENCH?

12 THE COURT WELL, IF ALL OF YOU COME
13 UP HERE AT THIS TIME, THAT WOULD BE FINE

14 (ALL ATTORNEYS APPROACH THE BENCH,
15 OFF THE RECORD DISCUSSION)

16 MR MABRY YOUR HONOR, FOR THE RECORD,
17 DURING THE SIDEBORD CONFERENCE YOUR HONOR DECIDED NOT
18 TO READ THIS STATEMENT

19 THE COURT I AM NOT GOING TO RULE
20 ON WHAT'S IN THE STATEMENT I AM GOING TO RULE ON WHAT'S
21 BEEN HEARD COME BACK AROUND HERE, PLEASE

22 FRANCES OWENS CAMPBELL,
23 PREVIOUSLY HAVING BEEN SWORN, TESTIFIES AS FOLLOWS

24 THE COURT SIR, I AM JUST GOING TO
25 ASK YOU A FEW QUESTIONS DEALING SOLELY ON THIS MATTER OF

1 THE STATEMENT THAT WAS GIVEN BY YOU?

2 MR CAMPBELL YES, SIR

3 THE COURT HAD ANYONE ACCUSED YOU
4 OF VIOLATION OF THE LAW AT THAT TIME?

5 MR CAMPBELL OF THE CRIME? MR
6 CONNIE LEWIS HAD TOLD MY BROTHER THOMAS HAYNES CAMPBELL,
7 WHICH HAS WORKED FOR MR CONNIE LEWIS ON SEVERAL OCCASIONS,
8 MY BROTHER SAID THAT MR CONNIE LEWIS THOUGHT THAT I
9 KNEW SOMETHING ABOUT THIS CASE AND HE FIGURED THAT I
10 COULD HELP HIM

11 THE COURT AND IN DOING SO HE DID NOT
12 ACCUSE YOU OF ANYTHING?

13 MR CAMPBELL NO, SIR, NOT AT THE
14 PRESENT

15 THE COURT HAD ANY POLICE OFFICER
16 ACCUSED YOU OF BEING INVOLVED IN THIS MURDER AT THE
17 TIME YOU SIGNED IT?

18 MR CAMPBELL NO, SIR

19 THE COURT AND DID YOU, YOURSELF,
20 CONSIDER YOURSELF TO BE ACCUSED?

21 MR CAMPBELL I DON'T UNDERSTAND
22 THIS QUESTION, SIR

23 THE COURT DID YOU THINK THEY WERE
24 ACCUSING YOU?

25 MR CAMPBELL YES, SIR

1 THE COURT WHY?

2 MR CAMPBELL BECAUSE AT THE TIME I
3 WAS GOOD FRIENDS WITH ANN WILSON I HAD BORROWED SOME
4 MONEY FROM HER AND THEY THOUGHT THAT I KNEW SOMETHING
5 ABOUT IT

6 THE COURT AND HOW WOULD YOU THINK
7 THAT THEY WOULD THEN ACCUSE YOU OF THE MURDER?

8 MR CAMPBELL IT WAS BECAUSE OF WHAT
9 MY BROTHER HAD SAID WITH CONNIE LEWIS

10 THE COURT WELL, THAT IS NOT AN
11 ACCUSATION AGAINST YOU?

12 MR CAMPBELL NO, IT IS NOT AN
13 ACCUSATION BUT IT IS, WHENEVER HE SENT MY BROTHER
14 DOWN THERE, WIRED MY BROTHER AND HE WAS ASKING ME ALL
15 THESE QUESTIONS AND ALL

16 THE COURT I KNOW THEY ASKED YOU
17 QUESTIONS AND I'M SURE THE OFFICER ASKED QUESTIONS, BUT
18 WHAT I AM TRYING TO GET AT, I WANT TO KNOW WHEN ANYBODY
19 EVER ACCUSED YOU OF BEING INVOLVED OR VIOLATING THE
20 LAW IN THIS CASE?

21 MR CAMPBELL WHENEVER I MADE THE
22 STATEMENT, RIGHT AFTER I MADE THIS STATEMENT THE DAY
23 MR CONNIE LEWIS SAID THAT HE KNEW THAT I KNEW SOMETHING
24 ABOUT THE CASE AND I WAS HOLDING BACK ON IT

25 THE COURT BUT WAS THAT AS A WITNESS

1 AND KNOWING OR AS A DEFENDANT INVOLVED IN THE CASE?

2 MR CAMPBELL A WITNESS AND KNOWING
3 THE COURT WELL, DO YOU, WHAT DO YOU
4 THINK YOU WERE ACCUSED OF WHEN YOU MADE THIS STATEMENT?

5 MR CAMPBELL I WAS ACCUSED OF
6 NOTHING I DONE IT ON MY OWN FREE WILL AFTER MR CONNIE
7 LEWIS HAD PROMISED ME THOSE THINGS

8 THE COURT BUT YOU HAD NOT BEEN
9 ACCUSED OF ANYTHING AT THAT TIME THAT YOU KNOW OF, IS
10 THAT WHAT YOU ARE TELLING ME? OF BEING A WITNESS?

11 MR CAMPBELL OF THE MURDER, NO, SIR
12 THE COURT UH HUH WOULD IT
13 APPEAR THAT THEY THOUGHT YOU MIGHT KNOW SOMETHING ABOUT
14 THE CASE, NOT INVOLVED BUT KNOW SOMETHING ABOUT IT?

15 MR CAMPBELL WOULD YOU MIND REPEATING
16 THAT QUESTION?

17 THE COURT DID IT APPEAR TO YOU THAT
18 THEY THOUGHT YOU MIGHT KNOW SOMETHING ABOUT THE CASE
19 BUT NOT BEING INVOLVED IN IT?

20 MR CAMPBELL YES, SIR

21 THE COURT DID HE INTERROGATE YOU
22 IN ANYWAY WHEN YOU MADE THIS WRITTEN STATEMENT OR DID
23 YOU WRITE IT OUT? YOU SAID YOU DID IT FREELY AND VOLUN-
24 TARILY, BUT DID HE ASK YOU ANY QUESTIONS?

25 MR CAMPBELL ABOUT TWO WEEKS PRIOR

1 TO THAT, HE DID, JUST ABOUT EVERYDAY

2 THE COURT BUT WHEN YOU MADE THIS
3 STATEMENT DID HE, DID HE QUESTION YOU AT THAT TIME? OR
4 DID YOU JUST VOLUNTEER TO MAKE THIS STATEMENT?

5 MR CAMPBELL NO, SIR, HE WAS QUESTION-
6 ING ME AS I WAS MAKING THIS STATEMENT

7 THE COURT DID HE IN HIS QUESTIONING
8 YOU, ACCUSE YOU OF ANYTHING OR ASK YOU IF YOU WERE
9 INVOLVED PERSONALLY, YOURSELF?

10 MR CAMPBELL NO, SIR, HE ONLY SAID
11 THAT I KNEW MORE ABOUT IT THAN I WAS TELLING HIM

12 THE COURT THE OFFICER SAID THAT HE
13 HAD READ IT TO YOU AND THAT YOU APPARENTLY, HE THOUGHT,
14 READ IT AT THE SAME TIME HE READ IT TO YOU NOW, DID THE
15 OFFICER READ IT TO YOU?

16 MR CAMPBELL NO, SIR, NOT TO MY
17 KNOWLEDGE HE DID NOT READ IT BACK TO ME

18 THE COURT HOW DID YOU KNOW WHAT WAS
19 IN IT?

20 MR CAMPBELL AS HE WAS WRITING, AS
21 I WAS TALKING HE WAS WRITING AND AFTER, AFTER I DONE
22 MADE THE STATEMENT HE SAID, WOULD YOU SIGN HERE, AND SIGN
23 HERE AND SIGN HERE, AND THERE, AND I DID

24 THE COURT YOU DIDN'T EVEN LOOK AND
25 SEE IF IT WAS THE STATEMENT YOU MADE?

1 MR CAMPBELL TO BE HONEST WITH YOU,
2 NO, SIR

3 THE COURT I BELIEVE THE OFFICER SAID
4 HE TOOK IT DOWN AND THEN YOU SIGNFD IT THE NEXT DAY, IS
5 THAT TRUE?

6 MR CAMPBELL NO, SIR, IT WAS THE
7 SAME DAY THAT I SIGNED IT

8 THE COURT BUT HE WROTE IT DOWN TO
9 GIVE TO SOMEBODY TO TYPE UP?

10 MR CAMPBELL HE GOT IT TYPED UP
11 THE SAME DAY

12 THE COURT NOW, THESE OFFERS YOU SAY
13 THEY MADE, WERE THOSE OFFERS MADE BECAUSE THEY THOUGHT
14 YOU WOULD BE A WITNESS TO SOMETHING OR AN ACCUSED?

15 MR CAMPBELL WAS OFFERED, WHAT MADE
16 THE COURT THE OFFER, YOU TELL ME
17 THEY OFFERED YOU SOME BENEFITS?

18 MR CAMPBELL YES, SIR, THEY OFFERED
19 TO HAVE ALL THE CHECK WARRANTS AND ALL DISPOSED ON ME
20 IF WOULD MAKE A STATEMENT TO HELP THEM IN THIS CASE

21 THE COURT BUT NOT TO ACCUSE YOURSELF,
22 THOUGH?

23 MR CAMPBELL NO, SIR

24 THE COURT AND YOU WERE MAKING THIS
25 EFFORT TO HELP THEM OUT IN THE CASE?

1 MR CAMPBELL YES, SIR

2 THE COURT AND FOR NO REASON TO
3 ACCUSE YOURSELF?

4 MR CAMPBELL NO, SIR

5 THE COURT ALL RIGHT, THAT'S ALL
6 I WANT TO KNOW I APPRECIATE IT VERY MUCH UNLESS YOU
7 HAD ANYTHING FURTHER YOU WANTED TO ASK HIM I DON'T
8 KNOW WHETHER YOU DID OR NOT

9 MR VERMONT NO, SIR, I DON'T HAVE
10 ANY FURTHER QUESTIONS

11 THE COURT ANYTHING FROM EITHER SIDE?

12 MR MABRY NOTHING FROM THE STATE,
13 YOUR HONOR WE THINK IT IS A VOLUNTARY STATEMENT, YOUR
14 HONOR, WE THINK IT'S PERFECTLY ADMISSIBLE NOT THE
15 PRODUCT OF CUSTODIAL INTERROGATION WITH A PROMISE OF
16 REWARD OR ANYTHING LIKE THAT OFFERED WE CITE STATE
17 VERSUS DOBIE, THIS CASE S E 2d 896, FOR OUR POSITION

18 MR VERMONT MY SIDE OF THAT IS,
19 YOUR HONOR, I FEEL LIKE YOU SHOULD LOOK AT WHAT I FEEL
20 ARE THE OPERATIVE FACTS, THE REAL MOTIVE, THE REAL MOVING
21 FORCE THAT IS BEHIND THE SURFACE FACTS IN THIS CASE I
22 THINK IT IS OBVIOUS THAT INV LEWIS SUBTLE TECHNIQUES
23 WERE INVESTIGATING THIS MAN I THINK IT IS CLEAR THAT
24 HE FELT HE WAS A SUSPECT AND HE WAS TRYING TO FIND OUT
25 WHAT HE KNEW ABOUT IT YOU CAN LOOK THROUGH THE SURFACE

1 FACTS TO THE OPERATIVE FACTS AND THAT IS WHAT IS CLEAR
2 TO ME THAT HE GOT A STATEMENT FROM A MAN, WHO AT THE
3 TIME WAS A SUSPECT IN HIS MIND, AND HE, IN FACT, LATER
4 BECAME THE PRIME SUSPECT AND THE ONE WHO IS NOW BEING
5 ARRESTED AND INDICTED WITH THE CHARGE

6 AND, OF COURSE, I THINK IT BACKS UP
7 MR CAMPBELL'S ASSERTIONS THAT, IN FACT, THESE OTHER
8 THINGS DID HAPPEN, THESE PROMISES WERE MADE AND KEPT
9 HE GOT OUT OF JAIL AND EFFECT WORKED FOR THEM, TRIED
10 TO HELP THEM OUT

11 THE COURT ALL RIGHT, WELL, I DO FIND
12 THE FACT THAT HE TESTIFIED ON THE STAND, THE DEFENDANT,
13 THAT HE DID MAKE THE STATEMENT FREELY AND VOLUNTARILY,
14 THAT IS WHAT HE TESTIFIED TO I FURTHER FIND THAT HE
15 WAS NEVER ACCUSED DURING ALL THAT TIME AS A PARTICIPANT
16 IN ANY VIOLATION OF CRIME THAT HE WAS ASKED IF HE
17 KNEW ANYTHING ABOUT IT AS A WITNESS HE APPEARS TO HAVE
18 KNOWN WHAT HE WAS DOING AND HE DID IT FREELY AND
19 VOLUNTARILY AND, IN FACT, HE HAD FROM THE TIME HE MADE
20 THEM TO THE TIME THEY TYPED THEM UP LATER IN THE DAY
21 TO GIVE THEM CONSIDERATION BUT, I CAN'T FIND ANY
22 EVIDENCE THAT HE WAS EVER ACCUSED FOR PARTICIPATING IN
23 ANY VIOLATION OF THE LAW

24 NOW, IF IT IS TRUE, THE PURPOSE IS
25 TO TRY TO GET A WITNESS, PERIOD, NOT THE ACCUSED IN ANYWAY,

1 A WITNESS TO MAKE STATEMENTS, WHICH DO NOT INVOLVE HIM
2 AT ALL AND I DON'T KNOW WHETHER THEY DO OR DON'T AS
3 I UNDERSTOOD HE WAS ARRESTED A YEAR LATER OF COURSE,
4 THERE WOULD BE NO VIOLATION OF THE FIFTH AND SIXTH
5 AMENDMENT RIGHTS

6 I FIND AS A FACT BEYOND A REASONABLE
7 DOUBT THE STATEMENT WAS FREELY AND VOLUNTARILY GIVEN HE
8 KNEW HE WAS MAKING IT AND HE WAS NOT BEING HELD ON THIS
9 CRIME AT ALL, THAT HE HAD NEVER BEEN ACCUSED OF BEING
10 A PARTICIPANT IN THE CRIME AND THEREFORE, EFFORT
11 APPARENTLY WAS MADE TO GET FROM HIM ANY INFORMATION
12 HE MIGHT HAVE AS A WITNESS AND I SO RULE

13 AND I WOULD JUST FIND THAT IT IS
14 ADMISSIBLE

15 GENTLEMEN, ANOTHER THING THAT BOTHERS
16 ME ABOUT THIS IS THE, THERE HAS BEEN A GOOD BIT OF TESTI-
17 MONY WHICH SHOULD NOT BE INVOLVED REALLY IN THE VOLUNTARI-
18 NESS OF THIS, AND THAT WAS THE TIME THE DEFENDANT WAS
19 IN JAIL AND WHAT PURPOSE NOW, THAT IS WHAT IS WORRYING
20 ME MORE REALLY THAN RULING BECAUSE WHEN THE DEFENDANT
21 TOLD ME THAT HE DID IT FREELY AND VOLUNTARILY, OF COURSE
22 HE KNEW WHAT HE HAD DONE, AND HE HAD NOT BEEN ACCUSED
23 OF VIOLATING THE LAW WELL, I HAD TO RULE THE WAY I DID
24 BUT I THINK YOU ARE GOING TO HAVE TO FIND OUT A SYSTEM
25 TO DO THIS WITHOUT GOING INTO HIS EXTENT OF BEING IN

1 JAIL FOR WHATEVER REASON NOW, HAVE YOU GOT ANY COMMENTS
2 ON THAT PROBLEM?

3 MR VERMONT WFL, I THINK IF WE
4 COULD JUST HAVE A DIRECTIVE FROM THE COURT TO THE WITNESSES
5 TO STAY AWAY FROM THAT ISSUE WE WILL BE ALL RIGHT

6 THE COURT I DON'T THINK IT HAS GOT
7 ANYTHING TO DO WITH THE VOLUNTARINESS OR THE UNVOLUNTARINESS
8 OF IT AS TO THE CHECKS, FINE, IF YOU WANT TO GO INTO
9 THAT, WITH THAT TO THE JURY, FINE THAT MAKES NO
10 DIFFERENCE

11 MR VERMONT I DON'T INTEND TO GO
12 INTO THAT WITH THE JURY AT THIS TIME

13 THE COURT I WOULD RATHER STAY OUT
14 OF ANYTHING, I WANT TO STAY OUT OF ANY RESIDENCY HE HAD
15 HAPPENED TO BE IN AT THAT TIME

16 MR MABRY YOUR HONOR, I THINK IT
17 SHOWS THE SITUATION IN WHICH CONNIE LEWIS FOUND HIMSELF,
18 THAT HE HAPPEN TO BE IN THE SHERIFF'S OFFICE THIS MAN
19 HAPPENED TO BE IN THE COUNTY JAIL, SENT WORD TO CONNIE
20 LEWIS THAT HE WANTED TO SEE HIM NOW THE FACT THAT HE
21 WAS IN JAIL ON A BAD CHECK CHARGE WOULD NOT--

22 THE COURT YOU DON'T HAVE TO GO INTO
23 THAT I DON'T KNOW WHY HE MIGHT GO TO JAIL, I DON'T
24 KNOW WHY HE WAS THERE BUT IF THAT IS WHAT HE WANTS TO
25 TESTIFY TO THAT, ONE OF THE PERSONS NOW, AT THE COUNTY

1 JAIL MIGHT WANT, I DON'T KNOW, WANT TO GO INTO THAT

2 MR MABRY YES, SIR, I UNDERSTAND

3 THE COURT HE CALLED AND WANTED TO
4 TALK TO HIM, IF THAT IS HIS TESTIMONY, FINE, BUT DON'T
5 GET INTO IT THAT HE WAS SERVING TIME IN JAIL FOR ANY
6 REASON

7 MR MABRY WE DON'T WANT TO GO INTO
8 THE FACT THAT HE WAS IN JAIL FOR BAD CHECK CHARGES, BUT
9 WE DO WANT TO ALLOW LT LEWIS TO SAY THAT HE GOT A CALL
10 FROM A RICHLAND COUNTY DETENTION CENTER GUARD TO SAY
11 THAT OWENS CAMPBELL WAS IN JAIL

12 THE COURT CAN'T YOU JUST USE THE
13 COUNTY JAIL HOUSE, ISN'T THAT WHAT IT IS?

14 MR MABRY YOUR HONOR, IT HAS ALREADY
15 COME IN THROUGH JAMES OWENS HE SAID HE WENT DOWN TO
16 SEE HIS COUSIN IN THE JAIL

17 THE COURT I JUST DON'T WANT TO GO
18 TO FAR INTO HIS STAY THERE

19 MR MABRY IT HAS ALREADY BEEN BEFORE
20 THE JURY THAT HE HAS BEEN IN JAIL SO I DON'T SEE ANY
21 RESIDENCE WOULD MAKE ANY MATTER

22 MR VERMONT MY POINT ON THAT, I DIDN'T
23 BRING IT UP AT THE TIME BECAUSE I DIDN'T WANT THE JURY
24 TO FOCUS ON IT I THINK AT LEAST IN POINT IN TIME IT
25 WAS RELATED SO CLOSELY TO THE ARREST THAT IT PROBABLY

1 APPEARED TO THE JURY THAT HE WAS ARRESTED ON THIS
2 CHARGE AND I DIDN'T WANT TO GO INTO IT, THIS MORE CLEARLY
3 I THINK THEY WILL UNDERSTAND LATER THAT IT IS NOT RELATED
4 TO THIS ARREST SINCE THIS HAPPENED AT THE TIME PREVIOUSLY

5 THE COURT I JUST WANT HIM TO STAY
6 OUT OF THE OTHER THING

7 MR VERMONT WE WILL SORT OF STAY
8 AWAY FROM IT AND MINIMIZE IT I WILL APPRECIATE IT

9 THE COURT I WANT TO STAY AWAY FROM
10 IT AS MUCH AS I CAN BECAUSE IT IS NOT AN ELEMENT OF THIS
11 CASE

12 MR MABRY ALL RIGHT, SIR, WE WOULD
13 THEN BE PERMITTED TO SAY THAT CONNIE LEWIS GOT A CALL
14 FROM THE RICHLAND COUNTY DETENTION CENTER GUARD?

15 THE COURT PERSONNEL

16 MR MABRY PERSONNEL, WHO SAID THAT
17 OWENS CAMPBELL WANTED TO SEE HIM

18 THE COURT OWENS CAMPBELL WANTED TO
19 SEE HIM

20 MR MABRY AND THAT CONNIE LEWIS
21 WENT AND PICKED UP OWENS CAMPBELL AND TOOK HIM TO HIS
22 OFFICE

23 THE COURT THAT'S ALL RIGHT, HE COULD
24 HAVE GONE DOWN THERE LOOKING FOR HIM

25 MR VERMONT I WOULD HAVE SOME

1 HEARSAY PROBLEMS WITH THAT, YOUR HONOR, AS TO THE
2 SUBSTANCE OF IT HE SAID HE GOT A CALL AND AS A RESULT
3 HE WENT TO SEE HIM

4 MR MABRY IT IS NOT HEARSAY
5 THE COURT WELL, IF YOU ARE GOING TO
6 PUT THE OFFICER UP TO TESTIFY IT WOULDN'T BE HEARSAY

7 MR MABRY IT WOULDN'T BE HEARSAY
8 THAT IS NOT OFFERED FOR THE TRUTH CONNIE LEWIS SIMPLY
9 EXPLAINED HIS ACTION, HE WENT THERE BECAUSE HE GOT A
10 CALL FROM THE INDIVIDUAL, WENT OVER AND PICKED HIM UP
11 JUST LIKE THE STATE VERSUS RUE WHERE THE POLICE OFFICER
12 SAID I WENT TO THE, TO THE--

13 THE COURT WELL, I THINK IT'S--

14 MR MABRY YOUR HONOR, LET ME OFFER
15 A SOLUTION TO THIS PREDICAMENT I PERCEIVE IF THE COURT
16 MAY HAVE, CAN WE INQUIRE FROM LT LEWIS, GET HIM TO SAY
17 THAT HE RECEIVED A CALL FROM A RICHLAND COUNTY DETENTION
18 CENTER PERSONNEL WHO INFORMED LT LEWIS THAT OWENS
19 CAMPBELL WANTED TO SEE LT LEWIS LT LEWIS ARRANGED
20 FOR OWENS CAMPBELL TO COME SEE HIM IN HIS OFFICE

21 MR VERMONT I DON'T HAVE ANY PROBLEM
22 WITH THAT IF YOU LEAVE OUT THE FACT THAT IT IS A DETENTION
23 CENTER AT ALL JUST SAY GOT A--

24 THE COURT IF YOU SAY PERSONNEL, IF
25 I WERE LOOKING FOR ONE OF THESE OFFICERS I'D JUST GO TO

1 THE JAIL AND SAY WHERE IS HE, I WANT TO TALK TO HIM

2 MR VERMONT JUST LEAVE OUT THAT HE
3 GOT THE CALL TO TALK TO HIM ALTOGETHER

4 THE COURT HE HAS GOT TO TELL HE
5 WENT TO GET HIM

6 MR VERMONT HE DIDN'T SAY THAT, HE
7 JUST SAID HE ARRANGFD IT IN HIS OFFICE THAT SUITS OUR
8 NEEDS

9 MR MABRY HOW ABOUT THIS, IF WE CAN
10 AGREE ON THIS, HE GOT A CALL FROM ANOTHER LAW ENFORCEMENT
11 OFFICER WHO SAID THAT OWENS CAMPBELL WANTED TO SEE CONNIE
12 LEWIS AND CONNIE LEWIS ARRANGED FOR OWENS CAMPBELL TO
13 COME TO HIS OFFICE AT THE SHERIFF'S DEPARTMENT AND THEY
14 HAD A CONVERSATION HOW ABOUT THAT? THAT'S TRUTHFUL

15 THE COURT WELL, I DON'T KNOW IF THE
16 GUARD IS A LAW ENFORCEMENT OFFICER

17 MR MABRY I WOULD JUST AS SOON SAY
18 GUARD, I WAS JUST, YOUR HONOR, TRYING TO BE HELPFUL

19 MR VERMONT HE COULD JUST SAY HE
20 HAD A CALL, YOUR HONOR

21 THE COURT WELL, I THINK IF HE JUST
22 SAID, WELL, I GOT A CALL AND I WENT TO GET HIM AND I
23 BROUGHT HIM BACK IS NOT COMPLETE ENOUGH THE ONLY THING
24 THERE WAS OTHER MENTION OF OTHER SAYINGS OF SERVICE AND
25 TIMES AND ALL THIS AND I WOULD JUST RATHER NOT GET INTO

1 THOSE IF IT HAS NOTHING TO DO WITH IT LIKE I SAY, THE
2 ONLY THING I CAN DETERMINE WAS HE ACCUSED AT THE TIME
3 HE MADE IT IN ANYWAY, DID HE MAKE IT FREELY AND VOLUNTARILY
4 THEN THAT IS THE ONLY THING I HAD TO DECIDE, AT THE
5 TIME IT WAS SIGNED HE SAID, HE TESTIFIED HE DID IT
6 FREELY AND VOLUNTARILY WITH THE PROMISE OF HELPING HIM
7 ON WHAT ELSE HE'D DONE BUT THAT DIDN'T AFFECT HE WAS
8 NOT ACCUSED

9 MR VERMONT WELL, HOW ABOUT HIM
10 JUST SAYING HE WANTED TO SEE HIM?

11 MR MABRY NO, SIR, THAT IS NOT
12 ACCURATE LT LEWIS' TESTIMONY IS THE DEFENDANT SENT
13 WORD TO HIM

14 MR VERMONT THAT IS WHAT I AM SAYING
15 THE COURT THAT IS WHAT HE IS SAYING
16 ALL HE GOT TO DO IS SAY I GOT A PHONE CALL AND TO THE
17 EFFECT THAT MR OWENS WANTED TO TALK TO ME AND I WENT
18 AND GOT HIM AND BROUGHT HIM BACK

19 MR MABRY NO, SIR, THAT IS NOT WHAT
20 HAPPENED, THOUGH

21 THE COURT ALL RIGHT, THEN YOU GO
22 RIGHT AHEAD AND GO INTO IT ANYWAY YOU LIKE

23 MR MABRY NO, SIR, I AM TRYING TO
24 BE HELPFUL TO THE COURT

25 THE COURT NO, SIR, IT DOESN'T BOTHER

1 ME IF I GET REVFRSED IT DON'T BOTHER ME A BIT I AM
2 TRYING TO HELP THIS CASE TO BE FAIR, IMPARTIAL AND EVERY-
3 THING ELSE NOW, IF I CAN'T DO IT YOU GO RIGHT INTO ANY-
4 THING YOU LIKE THAT WOULD BE FINE WITH ME

5 MR MABRY MY SOLUTION, YOUR HONOR,
6 IS FOR LT LEWIS TO SAY HE GOT A CALL FROM A LAW ENFORCE-
7 MENT OFFICER

8 THE COURT I JUST WANT HIM TO TELL
9 WHATEVER YOU ASK HIM

10 MR MABRY THANK YOU, YES, SIR

11 THE COURT THANK YOU, AND FINE, AND
12 IF IT IS NO GOOD IT IS NO GOOD I AM NOT ONE TO MESS
13 AROUND WITH THE TRUTH BUT EVERYBODY OBJECTS, THEY ARE
14 TRYING TO GET IT, SMOOTH IT OUT AND WE WILL PROCEED
15 WITH IT

16 MR VERMONT IF YOUR HONOR PLEASE,
17 IF IT COMES OUT IN ONF OF THESE MANNERS WHICH WE DISCUSSED
18 WHICH WE DON'T FIND ACCEPTABLE, CAN I ENTER MY OBJECTION
19 NOW SO WE DON'T HAVE TO INTERRUPT AGAIN AND DRAW ATTENTION
20 TO THAT FACT?

21 THE COURT WELL, YOU CAN, I CAN'T
22 SEE THAT IT WOULD BE TOO HARMFUL EXCEPT HE WAS UNDER
23 CHARGE I DON'T THINK HE WAS, HE MAY HAVE BEEN SERVING
24 SOME TIME ON IT, I DON'T KNOW BUT HE, IT WAS ALREADY
25 BROUGHT OUT THAT THEY WENT DOWN AND SEEN HIM AT THE JAIL

1 MR VERMONT YES, BUT THAT WAS A
2 SEPARATE OCCASION THEN

3 THE COURT AND, UH, I AM NOT GOING--
4 I WAS JUST TRYING TO HELP OUT A LITTLE BIT IF IT COMES
5 OUT BAD YOU HAVE GOT A RIGHT TO APPEAL

6 MR VERMONT ALL RIGHT, SIR

7 THE COURT I WILL GIVE YOU A GOOD
8 OPPORTUNITY I HAVE NO IDEA ALL RIGHT, ARE WE READY
9 TO PROCEED?

10 MR ELLIOTT THE STATE IS READY

11 MR VERMONT YES, SIR

12 (LT LEWIS RESUMES THE WITNESS STAND)

13 (JURY RETURNS TO THE COURTROOM AT 4 35

14 P 1')

15 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

16 Q LT LEWIS, DID YOU TALK TO THE DEFENDANT AT YOUR
17 OFFICE IN 1979?

18 A YES, SIR

19 Q WHEN YOU TALKED TO THE DEFENDANT HAD YOU CALLED
20 HIM AND ASKED HIM TO COME DOWN OR DID HE COME TO YOUR
21 OFFICE?

22 A NO, SIR, HE JUST CAME TO MY OFFICE

23 Q DID YOU EXPECT HIM?

24 A NO, SIR

25 Q DID HE HAVE AN APPOINTMENT?

1 A NO, SIR

2 Q WAS HE UNDER ARREST FOR THIS OFFENSE AT THAT TIME?

3 A NO, SIR

4 Q AND WAS HE ARRESTED FOR THIS OFFENSE?

5 A IN OCTOBER, I BELIEVE, OCTOBER 20, 1981

6 O ALL RIGHT, SIR, HAD YOU PROMISED HIM ANYTHING TO

7 COME TO YOUR OFFICE TO TALK TO YOU?

8 A YOU MEAN IN '79?

9 Q IN '79?

10 A NO, SIR

11 Q DID YOU OFFER ANY REWARD TO COME FORWARD AND TALK

12 TO YOU AT THAT TIME?

13 A NO, SIR

14 Q DID HE OFFER TO GIVE YOU INFORMATION ABOUT THIS

15 CASE AT THAT TIME?

16 A YES, HE DID

17 Q DID HE GIVE YOU ANY?

18 A NO, SIR

19 Q DID YOU HAVE AN OCCASION AFTER THAT TO TALK TO

20 HIM BY PHONE?

21 A IN '79 OR--

22 O AFTER THAT IS ALL? AFTER THE PRESENT?

23 A WELL, I TALKED TO HIM IN '78 BY TELEPHONE, AUGUST

24 OF '78

25 Q DID YOU TALK TO HIM BY TELEPHONE AT ANY OTHER TIME?

1 A NOT TO MY KNOWLEDGE, NO, SIR

2 Q DID YOU HAVE AN OCCASION TO TALK WITH HIM IN
3 APRIL OF 1980?

4 A YES, SIR

5 Q ALL RIGHT, WAS HE UNDER ARREST FOR THIS MURDER
6 IN APRIL OF 1980?

7 A WAS HE UNDER ARREST?

8 Q TRUE?

9 A IN APRIL FOR THIS MURDER? NO, SIR

10 Q WHERE DID YOU TALK TO HIM?

11 A AT MY OFFICE

12 Q HOW DID HE COME ABOUT GETTING TO YOUR OFFICE TO
13 TALK TO HIM?

14 A I RECEIVED A CALL THAT MR CAMPBELL WANTED TO
15 TALK TO ME AND I MADE ARRANGEMENTS FOR HIM TO COME TO MY
16 OFFICE

17 Q YOU DID NOT CALL HIM AND ASK HIM TO COME TO YOUR
18 OFFICE?

19 A NO, SIR

20 Q YOU DID NOT GO OUT UNANNOUNCED AND PICK HIM UP
21 AND BRING HIM TO YOUR OFFICE?

22 A NO, SIR

23 Q DID YOU PROMISE HIM ANYTHING TO GET HIM TO COME
24 TO YOUR OFFICE AND TELL YOU ABOUT THIS CASE?

25 A NO, SIR, I DID NOT

1 Q DID YOU OFFER HIM ANY REWARD TO GET HIM TO COME
2 TO YOUR OFFICE AND TELL YOU ABOUT THIS CASF?

3 A NO, SIR

4 Q DID YOU THREATEN HIM IN ANYWAY TO GET HIM TO COME
5 TO YOUR OFFICE AND TELL YOU ABOUT THIS CASE?

6 A NO, SIR

7 Q IN FACT, WERE YOU NOT SURPRISED OR SHOCKED TO FIND
8 HIM CALLING UPON YOU TO TALK TO YOU ABOUT THIS CASE?

9 A I DEFINITELY WAS

10 Q WHEN HE ARRIVED AT YOUR OFFICE WHAT DID HE SAY
11 TO YOU?

12 A UH, HE ASKED ME DID I--

13 THE COURT WAIT JUST A MINUTE BEFORE
14 YOU GO MUCH FURTHER WAS HE ACCUSED IN ANYWAY IN THIS
15 CASE AT THAT TIME? IN YOUR MIND WAS HE GUILTY OF ANY
16 VIOLATION AT ALL IN THIS CASE?

17 MR LEWIS NO, SIR, DEFINITELY NOT

18 THE COURT WOULD HE, IN YOUR MIND
19 BE AN ACCUSED AT THAT TIME?

20 MR LEWIS NO, SIR

21 THE COURT FINE

22 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

23 Q WAS HE THE TARGET OF THIS INVESTIGATION AT THAT
24 TIME?

25 A NO, SIR, HE WAS NOT

1 Q ALL RIGHT, SIR, WHEN HE ARRIVED AT YOUR OFFICE
2 WHAT IF ANYTHING DID HE SAY TO YOU AT FIRST?

3 A HE ASKED ME DID I WANT HIM TO HELP ME CLEAR UP
4 THE OLIN WILSON CASE AND I SAID TO HIM YOU ARE DARN
5 RIGHT I DO

6 Q ALL RIGHT, AND THEN WHAT DID HE SAY?

7 A THEN HE GOT TO TELLING ME AS TO WHAT HE KNEW
8 ABOUT THE CASE

9 O ALL RIGHT, SIR, AFTER HE TOLD YOU ABOUT WHAT HE
10 SAID HE KNEW, DID HE, DID HE ADMIT THE KILLING AT THAT
11 TIME?

12 A NO, SIR

13 Q HAD HE ADMITTED THE KILLING AT ANYTIME WHEN YOU
14 CONTINUED TALKING TO HIM?

15 A NO, SIR

16 Q WHAT WOULD YOU HAVE DONE?

17 A I WOULD HAVE STOPPED IMMEDIATELY AND WOULD HAVE
18 GOT A FORM OUT THAT WE HAVE PREPARED FOR THE ADVICE OF
19 RIGHT FORM I WOULD HAVE FILLED THE FORM OUT, READ IT
20 TO HIM AND HAD HIM SIGN IT IF HE WOULD REFUSE TO SIGN
21 IT I WOULD HAVE ADVISED HIM OF HIS RIGHTS AND IF HE
22 WOULD HAVE REFUSED TO SIGN IT THEN I WOULD HAVE QUIT
23 QUESTIONING HIM IMMEDIATELY IF HE EVER IMPLICATED HIMSELF
24 THAT HE WAS INVOLVED IN THIS CASE

25 Q DID YOU WRITE DOWN WHAT HE TOLD YOU?

1 A I LISTENED TO HIM FIRST AND THEN WE WENT OVER IT
2 AND I WROTE IT DOWN, YES, SIR

3 O ALL RIGHT, WHAT DATE WAS THIS?

4 A THIS WAS APRIL 27, 1980

5 O ALL RIGHT, DID YOU HANDWRITE IT OUT?

6 A YES, I DID

7 Q AND ON APRIL 27TH?

8 A APRIL 27TH

9 Q AND DID HE SIGN IT IN YOUR PRESENCE?

10 A YES, SIR, HE DID

11 Q THIS WAS THE HANDWRITTEN VERSION THAT HE SIGNED
12 ON APRIL 27TH?

13 A YES, SIR

14 Q DID YOU READ THE STATEMENT TO HIM BEFORE HE
15 SIGNED IT?

16 A YES, I DID

17 Q WAS THAT STATEMENT SUBSEQUENTLY TYPEWRITTEN OUT?

18 A THE NEXT DAY ON THE 28TH OF APRIL IT WAS TYPED

19 Q ALL RIGHT, SIR, DID YOU READ THAT STATEMENT TO
20 HIM BEFORE HE SIGNED IT?

21 A WELL, THE STATEMENT WAS PREPARED IN THREE COPIES,
22 THE ORIGINAL, A DUPLICATE COPY AND ANOTHER COPY I GAVE
23 HIM ONE COPY AND I READ THE OTHER COPY HE WAS READING
24 ALONG WITH ME

25 Q ALL RIGHT, SIR, AND DID HE SIGN IT?

1 A YES, HE DID I NOTARIZED IT, HE SIGNED IT AND
2 I NOTARIZED HIS SIGNATURE AND ASKED HIM WAS THIS STATE-
3 MENT HE HAD GIVEN THE TRUTH, NOTHING BUT THE TRUTH SO
4 HELP HIM GOD? AND HE SAID YES

5 Q I'LL SHOW YOU A SHEET OF PAPER CONSISTING OF
6 EIGHT PAGES WHICH IS A STATEMENT OF AT THE TOP AND I
7 ASK YOU IF YOU RECOGNIZE IT?

8 A THIS IS THE STATEMENT THAT I WROTE OUT IN MY
9 HANDWRITING OF OWENS CAMPBELL, WHICH HE WAS GIVING ME
10 THE STATEMENT AS TO WHAT HE KNEW

11 Q ON WHAT DATE?

12 A THIS STATEMENT IS DATED THE 27TH OF JULY, 1980

13 Q DID HE SIGN IT?

14 A YES, HE DID HE SIGNFD IT IN TWO PLACES

15 Q DID HE SIGN IT ON EACH PAGE?

16 A WELL, THERE SHOULD BE EIGHT PAGES HE SIGNED
17 ALL EIGHT COPIES, ALL EIGHT PAGES

18 Q DID YOU READ THAT STATEMENT TO HIM IN ITS
19 ENTIRETY PRIOR TO SIGNING IT?

20 A YES, SIR, RIGHT SEE, TO SEE IF THERE WAS ANY
21 CORRECTIONS OR ANYTHING TO BE MADE BEFORE IT WAS TYPED
22 UP THE NEXT MORNING

23 O YOU, I SHOW YOU A SECOND PACKET OF THREE PAGES
24 THAT SAYS STATEMENT UP AT THE TOP I ASK YOU IF YOU
25 RECOGNIZE IT?

1 A THIS IS THE STATEMENT OF FRANCES OWENS CAMPBELL

2 Q ALL RIGHT, SIR, IS THAT THE TYPEWRITTEN STATEMENT?

3 A THIS IS THE VERSION OF THE HANDWRITTEN COPY THAT
4 WAS TYPED UP

5 Q THAT IN YOUR HAND WAS TYPED FROM THAT COPY ON
6 THE BAR THERE?

7 A YES

8 Q AND WHOSE SIGNATURE APPEARS ON THE BOTTOM?

9 A MY SIGNATURE APPEARS ON THE BOTTOM ON THE LEFT
10 HAND SIDE AS A WITNESS AND DOWN AT THE BOTTOM AS BEING
11 THE NOTARY PUBLIC OF SOUTH CAROLINA MR CAMPBELL'S
12 APPEARS ON THE RIGHT SIDE OF THE STATEMENT AND THAT HE
13 SIGNED IT AND RECEIVED A COPY OF IT AND THAT IT IS A TRUE
14 COPY

15 Q ALL RIGHT, SIR, DID HE SIGN IT ON ALL THREE PAGES?

16 A . THE SECOND PAGE HE INITIALLED IT BECAUSE THFRE
17 WAS NO PLACE FOR SIGNATURE AS OPPOSED TO THE FIRST COPY
18 HERE SO, ON THE SECOND PAGE HE INITIALLED THE VERY
19 BEGINNING OF THE STATEMENT HERE, RIGHT HERE, AT THE END
20 OF THIS PARAGRAPH HERE, AND DOWN AT THE BOTTOM OF THE
21 STATEMENT, ON THE SECOND PAGE ON THE THIRD PAGE MR
22 CAMPBELL SIGNED IT HERE, SO, AND OF COURSE, I NOTARIZED
23 IT THERE

24 Q ALL RIGHT, SIR, I BELIEVE YOU TESTIFIED YOU READ
25 TO HIM THE HANDWRITTEN STATEMENT?

1 A YES, I DID

2 Q BEFORE HE SIGNED IT?

3 A YES, SIR

4 Q I SEE HERE A PLACE ON THE FRONT PAGE WHICH
5 STARTS "I FRANCES O CAMPBELL, AFTER HAVING BEEN ADVISED--"
6 DID YOU READ THAT TO HIM AS WELL?

7 A YES, I DID AND I STOPPED AND ASKED MR CAMPBELL
8 DID HE UNDERSTAND THAT AND HE SAID I PROBABLY UNDERSTAND
9 THAT BETTER THAN YOU DO

10 Q ALL RIGHT, SIR, WHEN YOU READ, WHEN YOU WERE
11 READING THE TYPEWRITTEN COPY AS HE WAS READING HIS
12 COPY, DID YOU READ THAT TO HIM?

13 A WELL, I STARTED FROM THE VERY BEGINNING WHERE
14 IT SAYS STATEMENT OF AND I READ HIS NAME OUT, WHITE
15 MALE, TWENTY-EIGHT, POST OFFICE BOX, EASTOVER AND OF
16 COURSE, THE DATE, AND COLUMBIA THE CITY AND SO FORTH
17 THEN I WENT DOWN THE ENTIRE PAGE OF IT

18 Q ARE THESE STATEMENTS THAT HE GAVE TO YOU AFTER
19 OFFERING TO HELP YOU CLEAR UP THE CASE, THE OLIN D
20 WILSON MURDER CASE?

21 A YES, SIR _

22 MR ELLIOTT YOUR HONOR, THE STATE
23 WOULD MOVE TO INTRODUCE BOTH OF THEM AT THIS TIME

24 (ALL THREE ATTORNEYS APPROACH THE
25 BENCH, OFF THE RECORD DISCUSSION)

1 THE COURT JUST SO YOU KNOW, REGARDLESS
2 OF WHICH SIDE INTRODUCES ANYTHING, THE OTHER SIDE HAS
3 THE RIGHT TO LOOK AT IT THERE IS NOTHING WRONG WITH
4 THAT AT ALL I GIVE THEM PLENTY OF TIME, EITHER SIDE
5 THAT INTRODUCES ANYTHING, I SAY THE OTHER SIDE HAS A
6 RIGHT TO DO THAT THOSE CHAIRS ARE COMFORTABLE THAT
7 WE HAVE WHILE YOU ARE SITTING THERE

8 MR ELLIOTT YOUR HONOR, I MOVE TO
9 INTRODUCE THESE STATEMENTS AT THIS TIME

10 (ENTERED HERE AS STATE'S EXHIBITS NOS
11 31 AND 32)

12 MR ELLIOTT THANK YOU IF IT PLEASE
13 THE COURT, I HAVE ASKED PERMISSION THAT I BE ABLE TO
14 PUBLISH THIS STATEMENT AT THIS TIME?

15 "I FRANCES OWN CAMPBELL DO MAKE THE
16 FOLLOWING STATEMENT ON JULY 10, 1978, MONDAY, I LEFT
17 HOME IN EASTOVER, SOUTH CAROLINA AT APPROXIMATELY FOUR
18 OR FIVE P M I WENT TO MY SISTER'S, DELORES MOCKS TRAILER,
19 HORRELL HILL TRAILER PARK ON THE SUMTER HIGHWAY I STAYED
20 THERE APPROXIMATELY ONE HOUR OR ONE AND A HALF HOURS
21 ARGUING ON THE TELEPHONE WITH MY GIRL FRIEND, ANNA DODSON

22 AFTER I LEFT MY SISTER TRAILER I THEN WENT TO
23 THE POOL HALL ON HAZELWOOD DRIVE, LEESBURG ROAD, ON LEES-
24 BURG ROAD I SAT THERE AND DRANK SOME BEERS LATER I
25 LEFT THERE AND WENT TO A LITTLE JOINT, BFER JOINT NEXT

1 TO THE FLEA MARKET ON LEESBURG ROAD AND SHOT A COUPLE OF
2 GAMES OF POOL AND MIGHT HAVE HAD ONE BEER THIS WAS
3 ABOUT NINE P M , I GUESS, WHEN I GOT THERE I STAYED
4 THERE TILL TEN P M I GOT BACK IN MY CAR, A RED 1968
5 FORD FAIRLANE 500

6 ALL THE TIME I WAS BY MYSELF I THEN
7 HEADED WENT ON LEESBURG ROAD TILL I GOT TO TROTTER ROAD,
8 STOPPED AT THE MAJIK MARKET AND GOT A PINT OF WINE I
9 THEN GOT BACK IN MY CAR AND CAME BACK OUT TO LEESBURG
10 ROAD THEN TURNED RIGHT ON LEESBURG ROAD, HEADING WEST
11 AGAIN I DROVE UNTIL I CAME TO A ROAD BEFORE I GOT TO
12 HARMON ROAD I BELIEVE THERE ARE ABOUT TWO OF THREE
13 CHURCHES ON LEESBURG ROAD BEFORE YOU GET TO THAT ROAD

14 I THEN MADE A LEFT ON DEER RIDGE
15 ROAD WHEN I GOT TO THE END OF DEER RIDGE ROAD, EXCUSE
16 ME, WHEN I GOT TO THE END OF DEER RIDGE ROAD, IT COMES
17 INTO HARMON ROAD THAT'S WHEN I HEARD ONE GUNSHOT AND
18 SAW THIS WHITE MAN RUNNING WITH A SHOTGUN IN HIS HAND
19 TOWARD 601 HIGHWAY ON LEESBURG ROAD I SAW HIM GET INTO
20 AN OLD MODEL FORD CAR, MARROON OR WINE COLOR HE HEADED
21 TOWARD 601 HIGHWAY

22 I THEN PARKED MY CAR APPROXIMATELY
23 FIFTY FEET FROM LEESBURG ROAD, GOT OUT AND WENT OVER
24 TO OLIN D WILSON'S PICK UP TRUCK AFTER IT HAD RUN OFF
25 THE ROAD INTO THE WOODS, HIT A TREE AND COME TO A DEAD

1 STOP

2 I SAW OLIN D STILL UNDER OR ON THE
3 SIDE OF THE STEERING WHEEL, SLUMPED TO THE SIDE BLEEDING
4 AND I BELIEVE HE WAS DEAD I DON'T REMEMBER IF THE
5 TRUCK'S MOTOR WAS STILL RUNNING OR NOT I THEN WENT AND
6 GOT BACK IN MY CAR AND LEFT AND WENT HOME, BACK TO EASTOVER,
7 SOUTH CAROLINA WHEN I HEARD THE SHOTGUN GO OFF I WAS
8 APPROXIMATELY THREE HUNDRED, FOUR HUNDRED FEET AWAY THE
9 WHITE MALE THAT I SAW RUNNING THAT NIGHT WITH THE SHOTGUN
10 IN HIS HAND WAS APPROXIMATELY FIVE FOOT TEN OR FIVE FOOT
11 ELEVEN, DARK BROWN HAIR AND WAS ABOUT THIRTY-SEVEN TO
12 FORTY YEARS OLD

13 THE NEXT MORNING I GOT UP, GOT ME A
14 DRINK OF LIQUOR AND WENT TO MY SISTER'S DELORES' TRAILER
15 SHE TOLD ME THAT OLIN D HAD GOTTEN KILLED I DID NOT
16 TELL HER THAT I HAD SEEN OLIN D AFTER HE WAS SHOT THE
17 NIGHT BEFORE DELORES WAS CRYING AT THE TIME LATER
18 I LEFT

19 ON THAT FRIDAY JULY 14, 1978 THE DAY
20 OLIN D WAS BURIED I WENT TO ANN WILSON'S HOUSE THIS
21 WAS BEFORE THE FUNERAL I THINK DELORES WAS THERE AFTER
22 THEY GOT READY TO LEAVE THE HOUSE AND GO TO THE CHURCH
23 ANN GOT IN THE CAR I RODE BEHIND THEM UNTIL I GOT TO
24 THE CHURCH I STOPPED AND TALKED WITH SOME OF THE WILSON'S
25 I DID NOT GO IN THE CHURCH LATER I LEFT AND WENT TO

1 ANNA DODSON'S AFTER THE FUNERAL I WENT BACK TO ANN
2 WILSON'S HOUSE AND ASKED HER "I WONDER WHY SOMEONE WANTED
3 TO KILL OLIN D " SHE DID NOT SAY ANYTHING BUT TOOK A
4 SIP OF LIQUOR I STAYED THERE FOR ABOUT AN HOUR OR AN
5 HOUR AND ONE HALF AND LEFT ANN DID NOT TALK ABOUT OLIN
6 D BEING KILLED, ONLY ABOUT THE FUNERAL

7 I THEN WENT HOME AND CHANGED CLOTHES
8 THE NEXT TIME I SAW ANN WILSON WAS AT DELORES' HOUSE
9 SHE AND DELORES WERE TALKING SHE AND I JUST SPOKE TO
10 EACH OTHER THE NEXT TIME I SAW ANN I WENT TO HER HOUSE
11 THIS WAS ABOUT THREE OR FOUR WEEKS AFTER OLIN D WAS
12 KILLED ANN AND I GOT TO TALKING AND I STILL WANTED TO
13 KNOW WHO KILLED OLIN D I SPENT THE NIGHT THERE WITH
14 ANN I SLEPT ON THE COUCH

15 A COUPLE OF DAYS LATER I WENT BACK
16 TO ANN WILSON'S HOUSE I STAYED OVER NIGHT AND WENT TO
17 BED WITH HER AS THE TIME PAST I KEPT GOING BACK OVER
18 TO ANN'S HOUSE AND ONE THING LED TO ANOTHER LATER
19 ON ANN STARTED GETTING HER CHECKS FROM OLIN D 'S DEATH
20 I HAD BEEN TO ANN'S HOUSE ABOUT FOUR OR FIVE TIMES BEFORE
21 AND ONE DAY WHILE I WAS THERE THE SAME WHITE MAN THAT I
22 SAW RUNNING THE NIGHT OLIN D WAS KILLED WITH THE SHOTGUN
23 IN HIS HAND CAME IN ANN WILSON'S HOUSE I WAS SITTING
24 IN THE LIVING ROOM OF THE HOUSE THE MAN KNOCKED ON
25 THE FRONT DOOR AND ANN WENT TO THE DOOR AND OPENED IT

1 THE MAN WALKED INTO THE HOUSE AND SPOKE TO ME AND I
2 SPOKE BACK TO HIM ANN ASKED HIM IF HE WANTED A DRINK
3 OF LIQUOR HE SAID YES AND TOOK ONE I DON'T REMEMBER
4 IF ANN ASKED HIM OR IF HE ASKED ANN TO LET HIM GO INTO
5 THE BACK BEDROOM BUT THE TWO OF THEM WENT IN THE BEDROOM
6 AND STARTED TALKING TO EACH OTHER I COULD NOT HEAR
7 ALL THAT THEY WERE TALKING ABOUT BUT I DID HEAR THE MAN
8 TELL ANN THAT HE WANTS MONEY I'M NOT QUITE SURE BUT
9 I HEARD HIM ASK ANN FOR \$20,000 TO 25, 000 00 SOMETHING
10 LIKE THAT I DID NOT HEAR ANN REPLY

11 ANN AND THE WHITE MAN CAME BACK IN
12 THE LIVING ROOM AND HE STAYED FOR ABOUT THREE OR FOUR
13 MINUTES AND HE LEFT HE WAS DRIVING THE SAME CAR THAT
14 I SAW THAT NIGHT OLIN D WAS KILLED IT WAS AN OLD
15 MODEL FORD, WINE COLOR AND IT WAS IN THE 60'S MODEL
16 AND THIS WAS THE SAME MAN

17 AFTER THE MAN LEFT ANN TOLD ME THAT
18 HE WAS A GOOD FRIEND OF HERS

19 THE SAME DAY THAT THE MAN WAS AT
20 ANN'S HOUSE I ASKED HER "YOU SURE DON'T--YOU SURE YOU
21 DON'T KNOW WHO KILLED OLIN D ?" AND ANN LOOKED AT ME
22 AS IF I WAS CRAZY AS HELL OR SOMETHING

23 AROUND THE MIDDLE OR THE LAST PART OF
24 SEPTEMBER OF 1978 I WENT TO THE COLUMBIA CHRYSLER CAR
25 DEALER ON SUMTER HIGHWAY AND WAS LOOKING AT SOME CARS

1 I WAS GOING TO TRADE MY 1968 FORD I THEN LOOKED AT
2 A MOTORCYCLE THAT THEY HAD THERE AND I ASKED ONE OF THE
3 SALEMAN WHAT HE WOULD GIVE ME ON MY CAR FOR THE MOTORCYCLE?
4 HE LOOKED AT MY CAR AND TOLD ME THAT IT WOULD BE ABOUT
5 \$1600 00 TO \$1800 00 DIFFERENCE I THEN CALLED ANN AT
6 HOME AND TOLD HER TO COME UP THERE WHEN SHE GOT THERE
7 I TOLD HER THAT I NEEDED ABOUT \$1800 00 SHE TOLD ME
8 TO WAIT TILL SHE COULD GET TO THE BANK AND GET THE MONEY
9 ANN AND I WENT TO THE BANK ON THE CORNER OF VETERANS ROAD
10 AND GARNERS FERRY ROAD, FIRST NATIONAL BANK OF SOUTH
11 CAROLINA SHE DREW OUT ABOUT \$1600 00 TO 1800 00

12 WE THEN WENT BACK TO THE COLUMBIA
13 CHRYSLER CAR DEALERS AND I MADE A DEAL FOR THE MOTORCYCLE
14 ANN GAVE THE SALESMAN THE DIFFERENCE IN CASH FOR THE
15 MOTORCYCLE, ABOUT \$1800 00 I THEN TOLD ANN THAT I NEEDED
16 SOME INSURANCE ON THE MOTORCYCLE AND WE WENT TO AMICK,
17 I THINK, INSURANCE COMPANY AND ANN GAVE ME ABOUT \$400 00
18 FOR THE INSURANCE

19 I KEPT THAT MOTORCYCLE FOR ABOUT A
20 MONTH OR MONTH AND A HALF I THEN HAD A WRECK WITH IT
21 AND BROKE THE WINDJAMMER ON IT ANN AND I WENT TO THE
22 KAWASAKI MOTORCYCLE SHOP ON ROSEWOOD DRIVE AND PAID FOR
23 ME ANOTHER WINDJAMMER FOR ABOUT \$300 00 ABOUT TWO OR
24 THREE WEEKS AFTER THAT I TOLD ANN THAT I THOUGHT THE
25 FRAME WAS WARPED ON THE MOTORCYCLE AND I WANTED ME ANOTHER

1 BIKE I JUST WANTED ANOTHER BIKE ABOUT A WEEK OR TWO
2 LATER I WENT TO KIRBY'S HARLEY DAVISON MOTORCYCLE PLACE
3 ON THE BLUFF ROAD AND LOOKED AT A MOTORCYCLE THAT THEY
4 WANTED \$5,400 00 FOR MR KIRBY LOOKED AT MY MOTORCYCLE
5 AND TOLD ME THAT ON THE TRADE IN HE WOULD GIVE ME ABOUT
6 \$1800 00 TO \$2,000 00 FOR MY BIKE I TOLD HIM TO JUST
7 WAIT A MINUTE AND LET ME USE HIS PHONE

8 I CALLED ANN AT HOME AND ASKED HER
9 TO COME DOWN THERE EXCUSE ME, I CALLED ANN AT HOME AND
10 TOLD HER TO COME DOWN THERE I TOLD HER THAT I WAS GOING
11 TO GET ANOTHER MOTORCYCLE SHE ASKED ME WHAT KIND IT
12 WAS AND I TOLD HER SHE TOLD ME THAT SHE WOULD COME
13 RIGHT ON DOWN THERE LATER ON ANN CAME TO KIRBY'S AND I
14 ASKED MR KIRBY WHAT THE DIFFERENCE WAS ON THE BIKE AND
15 I BELIEVE HE TOLD ME ABOUT \$3400 00 OR 3600 00 ANN AND
16 I THEN WENT TO THE BANK ON GARNERS FERRY ROAD AND I
17 GOT THE MONEY OUT, WENT BACK AND GAVE MR KIRBY THE MONEY
18 AND I GOT THE MOTORCYCLE ALL THIS WAS IN OR ABOUT
19 SEPTEMBER, OCTOBER AND NOVEMBER OF 1978

20 THEN IN DECEMBER OF 1978 ANN GAVE ME
21 A HORSESHOE DIAMOND RING VALUED AT \$700 00 TO 800 00
22 ANN HAD GIVEN ME OTHER THINGS BEFORE THEN BUT I CAN'T
23 REMEMBER ALL OF THEM NOW AFTER I GOT THE HARLEY DAVISON
24 MOTORCYCLE ANN CALLED THE INSURANCE COMPANY AND HAD THE
25 INSURANCE TRANSFERRED FROM THE OTHER MOTORCYCLE TO THE

VOLUME 2

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND)

IN THE GENERAL SEESIONS COURT

3
4 STATE OF SOUTH CAROLINA,)
5 VERSUS)
6 FRANCIS OWNES CAMPBELL,)
7 DEFENDANT)

TRANSCRIPT OF RECORD
TRIAL
82-GS40-537

APRIL 26, 27, 28, 29, 30, 31, 1982
COLUMBIA, SOUTH CAROLINA

8
9 B E F O R E

10 HONORABLE WILLIAM HOWARD BALLENGER, JUDGE/JURY

11
12 A P P E A R A N C E S.

13 BUFORD S MABRY, JR, ASSISTANT ATTORNEY GENERAL
14 SCOTT ELLIOTT, ASSISTANT ATTORNEY GENERAL
15 APPEARING ON BEHALF OF THE STATE

16 • VENABLE VERMONT, JR , ASSISTANT PUBLIC DEFENDER
17 JOY S GOODWIN, ASSISTANT PUBLIC DEFENDER

18
19
20
21
22
23 SUZANNE J BARCZAK
24 OFFICIAL COURT REPORTER
25 FIFTH JUDICIAL CIRCUIT

1 NEW ONE I DID NOT GO WITH HER TO DO THIS

2 BUT THE TWO MOTORCYCLES, DIAMOND RING
3 AND OTHER THINGS ANN WILSON BOUGHT ME, ALONG WITH THE
4 CASH MONEY ANN SPENT OR GAVE ME, APPROXIMATELY \$10,00 00
5 MORE THE ONLY REASON I COULD THINK OF THAT ANN WOULD
6 BUY ME, THESE THINGS FOR ME AND GIVE ME MONEY, CASH,
7 WAS THAT SHE THOUGHT I OVERHEARD THE CONVERSATION SHE
8 AND THAT MAN HAD THAT DAY IN HER HOUSE, OR SHE FIGURED
9 I KNEW OLIN D , OR SHE FIGURED THAT SHE HAD OLIN D
10 KILLED AND WANTED ME TO KEEP MY MOUTH SHUT

11 ONE DAY, I THINK IT WAS STILL IN 1978
12 I HAD ABOUT \$350 00 OF ANN'S MONEY IN MY POCKET AND I
13 BOUGHT A DOBERMAN PINCHER DOG AND PAID \$350 00 FOR HIM
14 THE DOG WAS SO MEAN THAT I HAD TO HAVE HIM TRAINED OR
15 BROKEN AND ANN GAVE ME \$150 00 TO HAVE THE MAN DO IT
16 AFTER THAT ANN WOULD GIVE ME \$50 00, \$100 00 OR JUST
17 WHAT I ASKED HER FOR

18 SHORTLY AFTER THAT ANN AND I BROKE UP
19 I WOULD SEE HER FROM TIME TO TIME AFTER THAT WHEN I
20 FIRST MET ANN SHE TOLD ME HOW OLIN D WOULD JUMP ON HER
21 AND BEAT HER UP, SHE WOULD BE BLACK AND BLUE FROM THE
22 BEATINGS SWORN AND SUBSCRIBED BEFORE ME THIS 28TH DAY
23 OF APRIL, 1980 LT CONNIE LEWIS, NOTARY PUBLIC FOR
24 SOUTH CAROLINA MY COMMISSION EXPIRES FEBRUARY 19, 1985
25 SIGNED F OWENS CAMPBELL"

1 YOUR HONOR PLEASE, THIS MIGHT BE AN
2 APPROPRIATE POINT AT WHICH TO BREAK, I PUBLISHED THAT
3 STATEMENT

4 THE COURT YOU MAY COME DOWN WE
5 ARE MAKING VERY GOOD PROGRESS IN THE CASE OF THIS NATURE
6 I AM GOING TO LET YOU GO ON HOME WE WILL START AGAIN
7 AT 9 30 IN THE MORNING

8 MY INSTRUCTIONS ARE DO NOT READ ANYTHING
9 ABOUT THIS CASE, DO NOT LISTEN TO ANYTHING ABOUT IT, DO
10 NOT WATCH ANYTHING ABOUT IT YOU HAVE A NICE EVENING
11 SAME INSTRUCTIONS I HAVE GIVEN YOU OTHERWISE SEE YOU
12 IN THE MORNING AT 9 30 EVERYONE ELSE REMAIN SEATED UNTIL
13 THE JURORS ARE GONE

14 (JURY LEAVES THE COURTROOM FOR THE
15 EVENING AT 5 10 P M)

16 THE COURT APPROACH THE BENCH
17 (OFF THE RECORD DISCUSSION) ALL RIGHT, WAIT A MINUTE
18 I DIDN'T TELL ANYBODY THEY COULD LEAVE THE JURORS HAVE
19 TO GO ALL THE WAY OUT AND AROUND THIS WAY AND I JUST
20 DON'T LET ANYBODY GET OUT UNTIL THE JURORS ARE GONE JUST
21 REMEMBER MY WARNINGS I GAVE YOU TODAY I WANT TO MAKE
22 IT CLEAR, EVERYONE CAN LEAVE NOW 9 30 IN THE MORNING

23 (RECESS AT 5 30 P M)

24
25 (RESUME AT 10 30 A M --APRIL 28, 1982)

1 THE COURT GENTLEMEN, I APOLOGIZE
2 TO YOU ALL, I WILL EXPLAIN TO THE JURY THAT MY DELAY HAD
3 NOTHING TO DO WITH THE CASE I HAD TWO MATTERS THAT HAD
4 TO BE HEARD THEY WERE OF SOME IMPORTANCE AND I HAD TO
5 HEAR THEM IS THERE ANYTHING?

6 MR VERMONT YES, SIP, I NOTICED
7 THERE WAS SOME COVERAGE IN THE NEWSPAPER OF THE CASE
8 AGAIN, AND I WOULD ASK THAT THE JURY BE POLLED AT THIS
9 TIME JUST TO MAKE SURE THEY FOLLOWED YOUR INSTPUCTIONS

10 THE COURT I'M GLAD YOU TOLD ME, I
11 DIDN'T READ IT

12 MR VERMONT YES, THANK YOU

13 THE COURT ALL RIGHT, BRING THE JURY
14 IN

15 (JURY RETURNS TO THE COURTROOM AT
16 10 30 A M)

17 THE CLERK THE JURY IS PRESENT DOES
18 THE STATE WAIVE POLLING OF THE JURY?

19 MR ELLIOTT YES

20 THE COURT DOES THE DEFENSE WAIVE
21 POLLING?

22 MR VERMONT YES, YOUR HONOR

23 THE COURT LADIES AND GENTLEMEN, I
24 WANT YOU TO KNOW THE DELAY THIS MORNING WAS NOT CAUSED
25 BY THIS CASE AT ALL I HAD TWO EMERGENCIES TO COME UP

1 THAT I HAD TO HANDLE I AM NOT COMPLAINING BUT I WISH
2 THERE WERE TWO OR THREE OF ME SO I COULD DO THAT BUT
3 THERE IS ONLY ONE AND I HAD TO DEAL WITH THOSE MATTERS
4 THIS MORNING

5 NOW, I ASK YOU, HAVE ANY OF YOU DISCUSSED
6 THIS CASE WITH ANYONE OR HAVE ANY OF YOU, IF ANY OF YOU HAVE
7 READ ANY MATTERS ABOUT THIS CASE OR LISTENED TO ANY NEWS
8 MATTER OR WATCH ANY NEWS MATTER, OVER HEARD ANYBODY
9 TALK ABOUT THE CASE OR LISTENED TO IT, I ASK YOU TO PLEASE
10 STAND?

11 (NO REPOSE)

12 THE COURT ARE YOU READY TO PROCEED?

13 MR ELLIOTT THE STATE IS READY,

14 YOUR HONOR

15 (LT LEWIS RESUMES THE STAND)

16 THE COURT LT LEWIS, MAY I STILL
17 REMIND YOU THAT YOU ARE STILL UNDER OATH, SIR
18 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

19 Q LIEUTENANT, DURING YOUR INVESTIGATION DID YOU
20 INTERVIEW JAMIE OWENS, WHO TESTIFIED HERE EARLIER?

21 A YES, I DID

22 Q WOULD YOU EXPLAIN TO THE JURY THE CIRCUMSTANCES
23 SURROUNDING JAMIE'S COMING TO YOUR OFFICE?

24 A YES, SIR I GOT, RECEIVED A PHONE CALL FROM HIS
25 BROTHER THAT JAMIE WAS COMING DOWN TO THE OFFICE TO TALK

1 TO ME I WAITED AT THE SHERIFF'S DEPARTMENT TILL HE
2 GOT DOWN THERE AND HE CAME DOWNSTAIRS AND I TOOK HIM TO
3 MY OFFICE AND SIT DOWN AND WE STARTING TALKING

4 Q HAD YOU MET JAMIE OR TALKED TO HIM PRIOR TO THIS
5 TIME?

6 A NO, SIR, I NEVER SEEN HIM BEFORE

7 Q DO YOU REMEMBER WHEN THIS WAS?

8 A THIS WAS ON OCTOBER THE 20, 1981

9 Q DID YOU HAVE TO PROMISE HIM ANYTHING TO GET HIM
10 TO COME INTO YOUR OFFICE TO TALK WITH YOU?

11 A NO, SIR

12 Q DID YOU HAVE TO THREATEN HIM IN ANYWAY TO GET
13 THE STATEMENT?

14 A NO, SIR

15 Q DID YOU MAKE ANY DEAL WITH HIM WITH REGARD TO
16 ANY PENDING CHARGES TO GET HIM TO MAKE THIS STATEMENT?

17 A I DIDN'T KNOW ANYTHING ABOUT CHARGING HIM LIKE
18 I SAY, IT WAS THE FIRST TIME I HAD EVER SEEN HIM IN MY
19 LIFE

20 Q YOU WERE NOT AWARE THAT THERE MIGHT HAVE BEEN

21 A PENDING CHARGE?

22 A NO, SIR

23 Q AND IN GIVING YOU A STATEMENT, WOULD YOU DESCRIBE
24 TO THE JURY JAMIE'S DEMEANOR AS HE TALKED WITH YOU?

25 A YES, SIR WHEN JAMIE FIRST CAME TO MY OFFICE

1 WE SAT DOWN, I WAS SEATED AT MY DESK AND AFTER WE GOT
2 INTO THE STATEMENT THEN ALL OF A SUDDEN HE JUMPED UP OUT
3 OF THE CHAIR I CAN DEMONSTRATE

4 Q PLEASE?

5 A HE JUMPED UP OUT OF THE CHAIR AND HE PUT HIS
6 HEAD ON THE WALL LIKE THIS AND STARTING BAMMING ON THE
7 WALL

8 Q I'M SORRY, SPEAK UP, WHAT WAS HE DOING?

9 A HE PUT HIS HEAD UP AGAINST THE WALL LIKE THIS,
10 ON HIS HAND AND HE STARTED BANGING ON THE WALL AND STARTED
11 CRYING AND SO WHEN HE TURNED AROUND I SAW THE TEARS
12 RUNNING DOWN HIS EYES I MEAN HE WASN'T PUTTING ON, HE
13 WAS REALLY CRYING

14 O AND AFTER THAT DID HE SIGN A STATEMENT?

15 A WELL, THIS LASTED FOR ABOUT FIVE OR SIX MINUTES
16 AND FINALLY HE SIT BACK DOWN IN THE CHAIR AND I JUST SIT
17 AT MY DESK THERE FOR A WHILE AND UNTIL HE GOT HIS
18 COMPOSURE TOGETHER THEN ALL OF A SUDDEN HE SAID, WELL,
19 I'M READY AND I SAID, READY FOR WHAT? HE SAID, I'M
20 READY TO FINISH THE STATEMENT SO, HE WENT INTO THE
21 STATEMENT I JUST LISTENED TO IT AND THEN AFTER HE
22 TOLD ME WHAT HAPPENED, THEN I CALLED INVESTIGATOR ARREGON
23 TO TAKE HIM BACK THERE AND TALK TO HIM

24 Q ALL RIGHT, SIR HAVE YOU EVER OFFERED HIM ANY
25 REWARD IN EXCHANGE FOR HIS TESTIMONY?

1 A NO, SIR

2 Q HAVE YOU EVER OFFERED HIM ANYTHING?

3 A NO, SIR

4 Q HAVE YOU EVER THREATENED HIM?

5 A NO, SIR

6 Q THANK YOU PLEASE ANSWER ANY QUESTIONS COUNSEL
7 MIGHT HAVE

8

9 CROSS EXAMINATION

10 BY MR VERMONT

11 Q INV LEWIS, HOW LONG WAS JAMIE IN YOUR OFFICE?

12 A I WOULD SAY JAMIE WAS IN MY OFFICE APPROXIMATELY
13 THIRTY-FIVE, FORTY-FIVE MINUTES

14 Q THAT'S ALL?

15 A YES, SIR, IN MY OFFICE

16 Q NOBODY WAS THERE WITH YOU?

17 A INV ARREGON

18 O THE TWO OF YOU HAD THIS TALK INITIALLY?

19 A YES, SIR

20 Q IS THAT CORRECT, JUST YOU AND HE WITH THIS
21 INCIDENT YOU DESCRIBE, THE POUNDING ON THE WALL AND CRYING?
22 THAT WAS JUST YOU AND JAMIE?

23 A NO, I BELIEVE INV ARREGON MAY HAVE BEEN IN MY
24 OFFICE HE WAS GOING TO COME IN

25 O JAMIE CAME TO YOU AS A RESULT OF A PHONE CALL

1 FROM JOHNNY OWENS, IS THAT RIGHT, HIS BROTHER?

2 A YES, SIR

3 Q YOU KNEW JOHNNY?

4 A I HAD MET JOHNNY ONE TIME, I BELIEVE, MAYBE ONCE
5 OR TWICE AT MS TAYLOR'S HOUSE

6 Q I'M SORRY, I COULDN'T HEAR YOUR ANSWER?

7 A I MET HIM ONCE, MAYBE ONCE OR TWICE AT MS TAYLOR'S
8 HOUSE BUT I NEVER REALLY HAD ANY CONVERSATION WITH HIM

9 Q ALL RIGHT

10 A I REMEMBER SEEING HIM THERE

11 O ALL RIGHT HAD YOU EVER USED JOHNNY AS AN
12 INFORMANT?

13 A NO, SIR

14 Q AND YOUR TESTIMONY WOULD BE THAT YOU NEVER USE
15 JAMIE AS AN INFORMANT, OBVIOUSLY, SINCE YOU SAID THAT YOU
16 HAD NEVER MET HIM, IS THAT RIGHT?

17 A THAT'S THE FIRST TIME I HAD EVER SEEN HIM WHEN HE
18 CAME OUT TO THE OFFICE

19 Q YOU DIDN'T CHECK HIM OUT? DIDN'T YOU CHECK HIS
20 RECORD OUT AT THAT TIME?

21 A NO, SIR, I DID NOT

22 O YOU DIDN'T LOOK ON THE ALPHA LIST OR CALL TO THE
23 WARRANT ROOM OR ANYTHING LIKE THAT?

24 A NO, SIR

25 Q YOU DID KNOW OR YOU REALIZED, OF COURSE, THAT HE

1 WAS GOING TO BE A KEY WITNESS FOR THIS CASE, ACCORDING
2 TO WHAT YOU KNEW IN THE CASE AT THE TIME, ISN'T THAT RIGHT?

3 A AFTER I TALKED TO HIM, YES, I REALIZED THAT

4 Q DIDN'T IT OCCUR TO YOU THAT IF HE WENT TO JAIL
5 HE WOULDN'T BE A VERY GOOD WITNESS FOR THIS CASE, ISN'T
6 THAT RIGHT?

7 A I DIDN'T KNOW HE WAS GOING TO JAIL I DIDN'T
8 KNOW THERE WERE ANY CHARGES PENDING ON HIM AT THAT TIME

9 O OKAY LET ME ASK YOU, SHIFT THE FOCUS HERE JUST
10 A LITTLE BIT I THINK YOU SAID YOU WERE ON VACATION AT
11 THE TIME THIS THING HAPPENED, BACK IN '78, ISN'T THAT
12 CORRECT?

13 A YES, SIR

14 Q SO YOU DIDN'T GET THE CASE, I THINK YOU SAID,
15 MAYBE THE NINETEENTH OR THE TWENTIETH, A WEEK OR A WEEK
16 AND A HALF, SOMETHING LIKE THAT, LATER? IS THAT CORRECT?

17 A ABOUT NINE DAYS AFTER

18 Q SO, YOU WERE NEVER ACTUALLY AT THE CRIME SCENE,
19 THE STUFF DEPICTED IN THESE THINGS WHILE IT WAS, SAY,
20 FRESH SCENE? YOU NEVER WENT THERE TO DO YOUR OWN
21 INVESTIGATION, IS THAT CORRECT?

22 A I WENT ON THE DAY I STARTED THE CASE, WHICH WAS
23 THE NINETEENTH

24 Q TO FAMILIARIZE YOURSELF WITH THE LAYOUT?

25 A YES, SIR

1 Q AT THAT TIME YOU WERE STILL LOOKING FOR EVIDENCE,
2 OR DID YOU WANT TO CHECK IT OUT?

3 A I WANTED TO GET A LAYOUT OF THE CRIME SCENE AND
4 I DID CHECK AROUND TO SEE WHAT I COULD PICK UP FOR THE
5 FILE

6 Q AT THAT TIME IT WAS PRETTY MUCH TOO LATE TO COME
7 UP WITH FRESH EVIDENCE?

8 A NOT REALLY, IT DEPENDS UPON WHERE THE EVIDENCE
9 WAS LYING

10 Q WELL, DID YOU FIND ANYTHING AT THAT POINT?

11 A UH, YES, I BELIEVE I DID

12 Q DO YOU HAVE IT WITH YOU?

13 A NO, SIR

14 Q ALL RIGHT, LET ME ASK YOU, YOU, UH, WERE THE
15 PERSON WHO COORDINATED, AT LEAST FOR THE MOST PART, THE
16 TESTING OF THE GUNS WITH AGENT PARNELL, WERE YOU NOT?

17 A YES, I TOOK SOME UP THERE TO HIM

18 Q IN FACT, YOU WERE INVOLVED IN MOST OF THE CASINGS
19 AND THE TRANSMISSION OF THE GUNS OR THE TEST SHELLS TO
20 AGENT PARNELL? IS THAT CORRECT?

21 A WELL, NOT ALL OF THEM

22 Q MOST CASINGS, IS THAT AS A GENERAL RULE?

23 A I COULD ONLY SPEAK OF WHAT I DID UP THERE

24 Q ALL RIGHT, LET'S GO THROUGH THEM ONCE YOU HAD
25 TAKEN UP THERE NOW SOMETIME IN, THIS IS '78 OR '79, YOU

1 HAD A SEARCH WARRANT SIGNED BY JUDGE HOWELL TAKEN TO
2 DELORES MOCKS TRAILER, DID YOU NOT?

3 A YES, SIR

4 Q AS A RESULT OF THAT YOU HAD THREE GUNS TAKEN?

5 A YES, SIR

6 Q NOW, THAT WOULD HAVE BEEN--YOU HAVE A COPY OF
7 AGENT PARNELL'S--

8 A NO, SIR, I DON'T

9 Q ALL RIGHT, I WILL SHOW YOU THIS ONE AND ASK YOU
10 IF THAT IS A COPY? WOULD THAT BE FAIR TO SAY THAT IS
11 HIS REPORT? (HANDS IT TO LT LEWIS, LT LEWIS REFUSES IT)

12 A YES, SIR, IT IS

13 Q ALL RIGHT, NOW, OKAY, K-1--K-2 AND K-3, ARE THEY
14 NOT THREE SHOTGUNS TAKEN FROM DELORES MOCKS TRAILER, IS
15 THAT CORRECT? I THINK IT ACTUALLY INDICATES THEY CAME
16 FROM OFFICER FELSBURG, BUT I ASSUME HE IS THERE WITH YOU?

17 A YES, SIR

18 Q ALL RIGHT, AND THOSE ARE THE THREE GUNS, ARE
19 THEY NOT, RELEASED ALL THREE OF THE GUNS WHICH AGENT
20 PARNELL SAID WERE TESTED AS NEGATIVE AS BEING A MATCH UP
21 WITH THE SHELL HERE, IS THAT CORRECT?

22 A YES, SIR

23 Q AND THAT WOULD HAVE BEEN K-1 WAS AN ITHACA 12
24 GAUGE FEATHERWEIGHT PUMP SHOTGUN, AN EASTFIELD 12 GAUGE
25 AND THEN AN LC SMITH DOUBLE BARREL, SOMETHING LIKE THAT?

1 A YES, SIR

2 Q ALL RIGHT, NOW, THESE NEXT TWO, K-4 AND K-5,
3 BROWNING 12 GAUGE AUTOMATIC SHOTGUN AND AN ITHECA AUTO-
4 MATIC, RECEIVED FROM OFFICER BLACKWELL? DO YOU KNOW THE
5 LINEAGE, BACKGROUND OF THOSE TWO WEAPONS? WERE YOU
6 INVOLVED IN TRANSMITTING THOSE TO AGENT PARNELL?

7 A (NO RESPONSE, LOOKING THROUGH REPORT)

8 Q IT MIGHT BE ON THE NEXT PAGE?

9 A YES, SIR, I BELIEVE I RECOGNIZE THESE TWO

10 Q ALL _RIGHT, YOU KNOW WHERE THOSE TWO GUNS CAME
11 FROM?

12 A YES, SIR

13 Q COULD YOU TELL US?

14 A THEY CAME FROM THE PAWN SHOP

15 Q ALL RIGHT, HOW DID YOU KNOW TO GO TO THE PAWN
16 SHOP?

17 A I WAS LOOKING AT THE PAWN LIST AND FOUND OUT
18 THAT THESE, MR OWENS BROTHER TOMMY CAMPBELL HAD PAWNED
19 TWO SHOTGUNS

20 Q AND THEY TESTED NEGATIVE AS WHAT, K-4 AND K-5?

21 A YES, SIR

22 Q HOW ABOUT THIS K-6, WITH THE, FROM LT SKULMAN,
23 AT SLED, A REMMINGTON MODEL 1100, A 12 GAUGE? DO YOU
24 REMEMBER ANYTHING ABOUT THAT?

25 A WHICH ONE? K-6?

1 Q YES, SIR

2 A I'M NOT SURE, THIS IS BACK IN MARCH 20, '79 I
3 WOULD HAVE TO RECOGNIZE WHO THE OWNERS OF IT TO SAY FOR
4 SURE

5 Q YOU DON'T KNOW OFFHAND?

6 A NO, INITIALLY, IF I DON'T HAVE THE OWNER OF THE
7 GUN

8 Q ALL RIGHT, LET'S LOOK AT K-7, ITHECA SHOTGUN,
9 SERIAL NUMBER RECEIVED OCTOBER 2, 1981 FROM CONNIE LEWIS?
10 NOW WE KNOW ABOUT THAT ONE, YOU AND I, DON'T WE?

11 A YES, THIS IS ONE I GOT FROM YOU

12 O YES, SIR I AM ASKING YOU, I'LL TELL YOU THIS,
13 BUT DON'T YOU REMEMBER?

14 A I REMEMBER GETTING ONE FROM YOU

15 Q ALL RIGHT, AND YOU HAD INDEPENDENT CONFORMATION
16 THROUGH THE STORE WHERE THAT GUN WAS BOUGHT THAT THAT
17 WAS, IN FACT, THE GUN OF MR WILLIE CAMPBELL, IS THAT
18 CORRECT?

19 A YES, SIR

20 O THAT WAS THE SHOTGUN THAT WAS INVOLVED, WE HAD
21 SEVERAL CONVERSATIONS ABOUT, AND THEN YOU AND I WENT TO
22 SLED AND TESTED IT TOGETHER?

23 A YES, SIR

24 Q AND THAT WAS ALSO NEGATIVE, IS THAT CORRECT?

25 A YES, SIR

1 Q ALL RIGHT, AND THEN K-8 IS AN ITHECA MODEL XL 12
2 GAUGE SHOTGUN, IT SAYS HERE 'RECEIVED FROM LT LEWIS',
3 NOVEMBER 25, 1981? NOW, WHICH ONE WOULD THAT BE? K-8?

4 A I BELIEVE ONE OF THESE GUNS BELONGED TO MS ANN
5 WILSON SHE CAME DOWN TO THE SHERIFF'S DEPARTMENT AND
6 GAVE ME ONE OF HER GUNS TO TEST OR HAVE IT TESTED

7 Q SHE CAME DOWN VOLUNTARILY WITH THAT GUN, IS THAT
8 CORRECT?

9 A YES, SIR

10 Q AND DID YOU GET A SEARCH WARRANT AT THAT HOUSE
11 TO ROUND UP ALL THE SHOTGUNS?

12 A NO, SIR

13 Q ALL RIGHT, NOW YOU ALSO HAD A COUPLE OF SHELLS--
14 WELL, LET ME ASK YOU THIS? YOU KNOW ENOUGH ABOUT THIS
15 TELL THE JURY HOW YOU WOULD TEST A GUN WHEN YOU GOT A
16 GUN, HOW DO YOU TEST IT WHEN YOU WANT TO MATCH IT TO
17 A SHELL LIKE THIS?

18 A OKAY, JUST A MINUTE

19 Q YEAH? RIGHT THERE IN THE MEDICINE BOTTLE
20 (WITNESS STEPS DOWN BEFORE THE JURY)

21 A THIS IS A 12 GAUGE SHOTGUN ALL RIGHT, THIS,
22 WHEN A SHELL WAS FIRED, YOU KNOW, WHEN YOU PUT IT IN
23 A SHOTGUN NOW, WE SUSPECTED THAT THE SUSPECT MAY HAVE
24 USED AN AUTOMATIC SHOTGUN THAT PARTICULAR NIGHT SO,
25 WHEN THE SHOT IS FIRED THIS GAS OR WHATEVER IS IN THERE,

1 THAT WILL AUTOMATICALLY PUT THE SHELL OUT AND AS IT
2 COMES OUT IT LEAVES SOME LIKE A SPECIAL MARK ON IT OF
3 COURSE, THAT COULD BE MISLEADING IN SOME SENSE BECAUSE IF
4 YOU PUT THE SHELL IN A GUN AND DON'T FIRE IT, WHEN IT
5 KICKS OUT IT IS STILL GOING TO HAVE THAT EXTRACTION MARK
6 ON IT NOW, UNLESS WE GET A BRAND NEW SHELL TO PUT IN
7 THE GUN AND FIRE IT, YOU CANNOT GET A TRUE PICTURE OF
8 IT SO, THE SHELL THAT WAS USED IN THAT COULD HAVE BEEN
9 PUT IN THE GUN BEFORE AND KICKED OUT, NEVER FIRED AND
10 PUT BACK IN A DIFFERENT GUN SO, THAT WOULD REALLY
11 THROW US OFF I'M NOT EVEN SURE THAT WE DID HAVE THE
12 GUN

13 Q ALL RIGHT, SIR, TO TEST THESE GUNS--TAKE YOUR
14 SEAT PLEASE, (WITNESS RESUMES THE STAND) TO TEST THESE
15 GUNS, WHAT YOU DO IS YOU GO UP TO SLED AND TAKE A NEW
16 SHELL AND PUT IT IN THERE AND FIRE IT?

17 A YES, SIR

18 Q REALLY, WHAT YOU ARE INTERESTED IN IS THE SHELL
19 MATCHING THE SHELL FIRED IN THE TEST GUN?

20 A WELL, UNFORTUNATELY WE CAN'T SAY WITH THIS SHELL
21 HERE THAT WE FOUND AT THE CRIME SCENE HAD NEVER BEEN IN
22 THE GUN BEFORE SO THEREFORE, ONE TIME OR ANOTHER I
23 COULD HAVE POSSIBLY HAD THE RIGHT GUN AND SHELL AT SLED

24 Q WELL, TO REALLY BE HONEST ABOUT IT, YOU ARE
25 NOT SURE THAT THIS IS EVEN ACTUALLY A SHELL FROM THE

1 WEAPON THAT IS USED, IS THAT CORRECT?

2 A WE ARE PRETTY SURE THAT THAT IS THE SHELL, YES,
3 SIR

4 Q BUT YOU ARE SURE BASED ON WHAT?

5 A BASED ON THE FACT OF WHERE THIS SHELL WAS FOUND
6 OUT AND THAT THE SHELL WAS RELATIVELY NEW COMPARED WITH
7 THE OTHER DEBRI AND SO FORTH THAT WAS OUT THERE IT, IT
8 JUST COULDN'T POSSIBLY HAVE BEEN OUT THERE ANY LONGER THAN
9 THAT PARTICULAR NIGHT

10 O ALL RIGHT, THE POINT BEING, THOUGH, THAT YOU
11 MATCHED THE SHELL FROM THE SHELL FIRED IN THE TEST GUN,
12 IT IS NOT THE GUN THAT YOU ARE INTERESTED IN, PER SE, BUT
13 THE SHELL THAT HAS BEEN FIRED FROM THE GUN, IS THAT
14 CORRECT?

15 A NO, WE ARE INTERESTED IN THE GUN AT THAT PARTICULAR
16 TIME

17 Q I KNOW YOU WANT THE GUN, BUT THAT IS HOW YOU
18 TEST IT, RIGHT?

19 A YES, SIR

20 Q ALL RIGHT, SIR, WELL, IN FACT, YOU SUBMITTED T-1
21 AND T-2 TO INVESTIGATOR OR AGENT PARNELL, DID YOU NOT,
22 ALSO? FOR HIS TESTING AGAINST THE SHELL?

23 A YES, SIR

24 Q AND T-1 AND T-2 WERE NOT GUNS BUT WERE SHELLS,
25 WERE THEY NOT?

1 A RIGHT, FIRED FROM A GUN

2 Q ALL RIGHT, T-1 WAS A SHELL FIRED FROM WHERE?

3 A FROM A SUSPECT'S GUN IN GEORGIA

4 Q ALL RIGHT, YOU HAD A SUSPECT DOWN IN GEORGIA AT
5 THAT TIME?

6 A WELL, THIS WAS IN THE EARLY STAGES OF THE
7 INVESTIGATION AT THAT TIME WE HAD NO SUSPECT,

8 O WELL, AT SOME POINT YOU HAD A SUSPECT DOWN IN
9 GEORGIA, OBVIOUSLY, OR ELSE YOU WOULDN'T BOTHER TO MAKE
10 THE TEST, IS THAT CORRECT?

11 A UH, YES, SIR, IN THE SENSE

12 Q YES, SIR

13 A WE WAS CHECKING THIS MAN OUT

14 Q ALL RIGHT, FINE, THANK YOU AND YOU WERE ALSO
15 CHECKING OUT T-2, AND THAT WAS ANOTHER SHELL, IS THAT
16 NOT CORRECT?

17 A LET'S SEE? YES, SIR

18 Q AND THAT WAS A SHELL FROM A GUN THAT WAS OWNED
19 BY MS WILSON, IS THAT NOT CORRECT?

20 A YES, SIR, THAT IS CORRECT

21 Q ALL RIGHT, SIR, SO THANK YOU, SIR SO, ALL YOU
22 HAVE CHECKED OUT IN, OR YOU HAVE CHECKED OUT SHELLS FROM
23 TWO OTHER GUNS AND ACTUALLY CHECKED OUT EIGHT GUNS THEM-
24 SELVES, IS THAT RIGHT?

25 A WE ARE STILL LOOKING FOR THE MURDER WEAPON

1 Q ALL RIGHT, WE DON'T HAVE A MURDER WEAPON IN THIS
2 CASE, IS THAT RIGHT?

3 A NO, SIR

4 Q ALL RIGHT, YOU HAD EARLY ON YOU SAY THAT YOU
5 HAD, IN SOME SENSE, I GUESS YOU HAD A LOT OF SUSPECTS
6 AND IN ANOTHER SENSE YOU HAD NO SUSPECTS? IS THAT RIGHT?
7 YOU REALLY COULDN'T NARROW THIS THING DOWN IN EARLY
8 ON, EARLY GOING?

9 A YES, THAT IS CORRECT, YES, SIR

10 Q IN THAT EARLY GOING LASTED FOR SOME TIME? IN FACT,
11 IS THAT CORRECT?

12 A ABOUT THREE AND A HALF YEARS

13 Q UH, YOU DID WIRE SOME PEOPLE FOR THIS CASE, DIDN'T
14 YOU? TO TRY TO HELP YOU IN THE INVESTIGATION OF THIS CASE?

15 A YES, SIR

16 Q YOU WIRED TOMMY CAMPBELL, OWENS' BROTHER AT ONE
17 TIME?

18 A AFTER GOING OVER THIS AGENT MIKE BROWN WHO IS
19 SITTING HERE IN THE COURTROOM WE DID NOT WIRE TOM
20 CAMPBELL AT THE TIME I THOUGHT WE DID DUE TO THE FACT
21 THAT HIS BROTHER HAD AN ARGUMENT OR FIGHT OR SOMETHING
22 AND WE FELT THAT WE PUT THE ELECTRONIC BUG ON HIM, THAT
23 IS WHEN THEY GOT BACK TO FIGHTING, THAT IT WOULD BE
24 DISCOVERED

25 Q ALL RIGHT, BUT YOU DID WIRE TOMMY AT ONE TIME,

1 DID YOU NOT?

2 A YES, SIR, BUT NOT TO GO TO HIM BUT TO SOMEONE
3 ELSE,

4 Q AND, IN FACT, YOU WIRED THE DEFENDANT OWENS
5 CAMPBELL ONE TIME?

6 A YES, SIR, WE DID

7 Q AND, IN FACT, YOU WIRED HIS SISTER DELORES MOCK?

8 A YES, WE DID

9 Q ONE TIME NOW DELORES IS THE SAME, THE SISTER
10 WHO HAS BEEN IN COURT BEFORE?

11 A YES, SIR

12 Q SHE IS NOT HERE TODAY BUT SHE WAS HERE BEFORE?

13 A YES, SIR

14 Q SHE IS THE SAME ONE WHOSE THREE SHOTGUNS YOU
15 TESTED?

16 A YES

17 Q IS THAT CORRECT?

18 A YES

19 Q YOU PUT A LOT OF, WOULD YOU SAY YOU PUT A LOT
20 OF PRESSURE ON DELORES DURING THE INVESTIGATION OF THIS
21 CASE?

22 A NO, SIR, NO PRESSURE AT ALL

23 Q YOU NEVER PUT ANY PRESSURE ON HER AT ALL?

24 A NO, SIR, IT IS A VOLUNTARY THING

25 Q YOU NEVER CALLED HER?

1 A OH, YES, SIR MANY TIMES

2 Q MANY TIMES YOU CALLED HER? DID YOU EVER CALL
3 HER BOSS?

4 A WHO?

5 Q THE MAN SHE WORKED FOR? A MR BLANT, WHAT IS
6 THAT HIS NAME, C J BLANT OR BRANT?

7 A AT THE TIME I DON'T THINK SHE WAS WORKING FOR
8 ANYONE TO ANSWER YOUR QUESTION, NO, I NEVER CALLED HER
9 BOSS

10 Q ALL RIGHT, YOU WENT DOWN THERE TO HER TRAILER
11 A NUMBER OF TIMES, DID YOU NOT, IN THE INVESTIGATION OF
12 THIS CASE EITHER TO TALK TO EITHER HER OR TO OWENS OR
13 TOMMY?

14 A WELL, SOME OF THE TIMES I WENT DOWN THERE SHE
15 CALLED ME TO COME DOWN THERE BECAUSE SHE, BECAUSE SHE
16 SAID THREATS HAD BEEN MADE ON HER LIFE.

17 Q RIGHT, RIGHT DID YOU EVER TELL, DURING THE
18 INVESTIGATION OF THIS CASE, ANY MEMBER OF THE CAMPBELL
19 FAMILY YOU DIDN'T THINK OWENS DID IT?

20 A WELL, I BELIEVE I SAID IT ONE TIME OR ANOTHER
21 THAT HE MAY NOT HAVE BEEN INVOLVED IT WAS STILL IN
22 THE EARLY PART OF THE INVESTIGATION

23 Q YOU TOLD THAT TO DEBBIE FAITH HICKOX, DID YOU NOT?

24 A I PROBABLY DID, YES

25 Q YOU TOLD THAT TO HIS SISTER ELAINE TAYLOR?

1 A I DON'T RECALL IF I TOLD ELAINE THAT I DO
2 REMEMBER TELLING MS HICKOX THAT

3 Q MS HICKOX NOW, ELAINE TAYLOR IS A SISTER THAT
4 JAMIE AND JOHNNY WERE STAYING WITH? ALL RIGHT, SO YOU
5 HAD SOME CONTACT WITH HER?

6 A I DON'T KNOW IF THEY WERE STAYING THERE OR NOT
7 I KNOW I'VE SEEN JOHN THERE I DON'T KNOW WHETHER JAMIE
8 WAS STAYING THERE OR NOT

9 Q BUT YOU COULD FIND JOHNNY THERE WHEN YOU NEEDED
10 HIM?

11 A DURING THAT TIME, YES, SIR

12 Q AND WE, WELL, YOU WENT OVER THERE AT ONE TIME
13 DID YOU NOT?

14 A YES, SIR, I WAS AT MS TAYLOR'S HOUSE TWICE,
15 AND I REMEMBER SEEING HIM THERE BOTH TIMES

16 Q OKAY, NOW, LET ME TALK WITH YOU ABOUT SOME OTHER,
17 THE OTHER LEADS THAT YOU HAD IN THIS CASE? YOU DID HAVE
18 SOME OTHER SUSPECTS AT VARIOUS TIMES, DID YOU NOT?

19 A WE WAS INVESTIGATING ON A LOT OF PEOPLE I TALKED,
20 I WOULD SAY WITH OVER 250 PEOPLE IN THIS CASE

21 Q ALL RIGHT, AND YOU HAD MS WILSON'S BROTHER DINKIE,
22 IN THE BACK OF YOUR MIND AT ONE TIME, DID YOU NOT?

23 A POSSIBLE, YES, SIR

24 Q HE WAS A POSSIBILITY AT ONE TIME?

25 A YES, SIR

1 Q DID YOU EVER TELL OWENS YOU WERE GOING TO CHARGE
2 DINKIE WITH IT?

3 A NO, SIR

4 Q YOU NEVER DID?

5 A NO, SIR, I NEVER DID

6 Q YOU HAVE A STATEMENT MADE AGAINST HIM, AGAINST
7 DINKIE, DID YOU NOT FROM A BOY NAMED BROWELL?

8 A YES, SIR

9 Q ALL RIGHT, NOW, AND HE SEEMED TO HAVE INDICATED
10 THAT HE COULD DO SOMETHING ABOUT IT, DID YOU NOT?

11 MR MABRY IF IT PLEASE THE COURT?
12 IS THIS RELEVANT? HE SAID HE SPOKE TO MANY PEOPLE, MANY
13 SUSPECTS THE INVESTIGATION LASTED THREE AND A HALF
14 YEARS IF COUNSEL IS GOING TO GO THROUGH ALL THE OTHER
15 PEOPLE HE HAD AS SUSPECTS WE STIPULATE HE HAD MANY
16 SUSPECTS BEFORE THEY FOCUSED IT ON THE DEFENDANT

17 MR VERMONT I AM NOT INTERESTED IN
18 ALL TWO HUNDRED FIFTY SUSPECTS, YOUR HONOR

19 THE COURT WELL, LET'S JUST KEEP
20 THE ARGUMENTS DOWN, BOTH OF YOU JUST OBJECT ON THE
21 GROUNDS AND YOU WAIT UNTIL I RULE DON'T GO TOO FAR
22 AFIELD, SIR

23 CROSS EXAMINATION CONTINUES BY MR VERMONT

24 Q YOU HAD AT ONE TIME, DID YOU NOT, INV LEWIS, A
25 BILL HUGHES AND A CINDY CAMPBELL AS POTENTIAL SUSPECTS

1 OR AS SUSPECTS, DID YOU NOT, EARLY ON?

2 A BILL HUGHES?

3 Q DIDN'T YOU TAKE A STATEMENT CONCERNING THEM?

4 A THAT NAME IS A LITTLE HAZY IN MY MIND, IF I SEE
5 THE STATEMENT I COULD REMEMBER IT I'M NOT SAYING I
6 DID NOT

7 Q UH HUH A FELLOW NAMED LEWIS BYERS GIVE YOU A
8 STATEMENT TALKING ABOUT BILL HUGHES AND CINDY CAMPBELL?

9 A HE GAVE THIS STATEMENT TO INVESTIGATOR AARGON
10 AND I NOTARIZED IT AS TO THE TRUTH OF THE STATEMENT BUT
11 HE DID NOT GIVE ME THE STATEMENT, HE GAVE THE STATEMENT
12 TO INV AARGON AND I NOTARIZED IT THERE ON THE 25TH
13 OF NOVEMBER 1978

14 Q ALL RIGHT, THAT WAS WITHIN A FEW MONTHS AFTER
15 THE THING HAPPENED, ISN'T THAT RIGHT?

16 A YES, SIR

17 Q ALL RIGHT DID YOU, UH, KNOW ABOUT A FIGHT THAT
18 TOOK PLACE AT THE WILSON FAMILY PICNIC ON JULY 4TH, 1978?
19 DID YOU COME ACROSS THAT IN YOUR INVESTIGATION?

20 A I'VE HEARD OF IT BUT THAT WAS BEFORE I GOT ON
21 THE CASE AND BEFORE ANYTHING HAPPENED I DON'T KNOW
22 THE DETAILS OF IT AND I DID NOT CHECK IT

23 Q YOU DON'T KNOW WHO WAS INVOLVED, IS THAT CORRECT?

24 A NO, SIR

25 Q YOU DON'T KNOW IF ANY THREATS WERE MADE OR WHAT

1 CAME AS A RESULT OF THAT?

2 A WELL, I DON'T KNOW, PER SE, BUT I DID TALK TO
3 ONE OF THE BROTHERS AND AFTER I GOT INTO THE CASE HE
4 WAS TELLING ME SOMETHING ABOUT IT BUT I NEVER CHECKED
5 INTO IT

6 Q ALL RIGHT, THANK YOU, NOW YOU HAD A SUSPECT DOWN
7 IN GEORGIA, DID YOU NOT?

8 A WELL, AGAIN, LIKE I SAID--

9 THE COURT I THINK WE HAVE BEEN
10 THROUGH THAT ONE

11 MR VERMONT YOUR HONOR PLEASE, I AM
12 ALLOWED A WIDE LATITUDE

13 THE COURT YES, SIR, YOU HAVE BEEN
14 TO THE POINT, DON'T GO INTO THINGS, BOTH OF YOU NOW, TOO
15 MUCH I AM ALLOWING YOU TO DO IT
16 CROSS EXAMINATION CONTINUES BY MR VERMONT

17 Q THE SUSPECTS NAME WAS HORACE LEE, WAS IT NOT?

18 A I'VE TALKED TO A GENTLEMAN IN GEORGIA WHOSE NAME
19 WAS HORACE LEE, SIR

20 MR MABRY YOUR HONOR, MAY I INQUIRE
21 IF COUNSEL IS ELICITING FROM THE WITNESS THE FACT THAT THE
22 WITNESS HAD THESE PEOPLE AS SUSPECTS OR WHETHER THAT'S
23 COUNSEL'S CHARACTERIZATION?

24 THE COURT I HAVE NO IDEA HE HAS
25 GOT A RIGHT ON CROSS TO GO INTO THINGS I AM ALLOWING

1 HIM, I AM TRYING TO KEEP HIM FROM GOING TOO FAR AFIELD,
2 BUT I AM ALLOWING HIM TO GO INTO WHAT HE WANTS

3 MR MABRY YOUR HONOR, YES, I QUESTION
4 THE RELEVANCY OF IT

5 THE COURT IF HE GOES INTO SUSPECT
6 AND WHAT THEY SAID IN THE FINDINGS OF IT YOU HAVE GOT
7 A RIGHT TO COME BACK ON DIRECT

8 MR MABRY FINE, THANK YOU

9 THE COURT FINE

10 CROSS EXAMINATION CONTINUES BY MR VERMONT

11 Q WOULDND'T YOU SAY AT ONE TIME THE FELLOW NAMED
12 HORACE LEE IN SYLVANIA, GEORGIA WAS A SUSPECT?

13 A MR VERMONT, LET ME PUT IT IN THIS RESPECT THAT
14 IF I GOT INFORMATION ON ANYBODY THAT MAY HAVE HAD ANY
15 INVOLVEMENT IN THE WILSON CASE, I WOULD CHECK IT OUT

16 Q ALL RIGHT, WELL, IF THAT--

17 A I DON'T KNOW IF YOU CALL IT A SUSPECT OR WHAT, BUT
18 I WOULD CHECK IT OUT TO SEE IF THEY HAD INVOLVEMENT IN
19 IT

20 Q ALL RIGHT, BUT YOU DIDN'T HAVE ANY INFORMATION
21 ON ME, DID YOU?

22 A NO

23 Q DIDN'T CHECK ME OUT?

24 A I WOULD HAVE CHECKED YOU OUT

25 Q BUT YOU DIDN'T, RIGHT? SO, I WAS NOT A SUSPECT?

1 A NO, SIR

2 O BUT YOU DID LOOK INTO A FELLOW NAMED HORACE LEE
3 IN SYLVANIA, GEORGIA?

4 A IF A, THE NAME WOULD COME UP I WOULD CHECK IT

5 Q AND THAT NAME DID COME UP? DID IT NOT?

6 A YES, IT DID

7 Q IN FACT, YOU CHECKED OUT A BUNCH OF PHONE RECORDS,
8 DID YOU NOT, OR PHONE CALLS?

9 A YES, SIR

10 O GOING BETWEEN THE HOME OF ANN WILSON AND HORACE
11 LEE AND HIS PLACE OF EMPLOYMENT?

12 A YES, SIR

13 Q A NUMBER OF PHONE CALLS ON A NUMBER OF DATES,
14 IS THAT CORRECT?

15 A YES, SIR, I DID

16 Q AND THOSE PHONE CALLS STOPPED ON WHAT DATE?

17 A STOPPED FROM WHOM?

18 THE COURT NOW, I CAN'T QUITE GET
19 THE, UH, OF COURSE, THE PHONE CALLS STOPPED AND THE
20 PHONE CALLS GOING--

21 MR VERMONT ALL RIGHT, SIR, I'LL
22 ASK HIM EVERY PHONE CALL I WILL BE GLAD TO

23 THE COURT NO, SIR, UNLESS IT HAS GOT
24 SOMETHING TO DO WITH THIS CASE, WE ARE NOT GOING INTO IT

25 MR VERMONT I AM GOING INTO THE

1 INVESTIGATION OF THIS CASE, YOUR HONOR

2 THE COURT YES, SIR, LISTEN TO ME
3 CLOSELY, PLEASE?

4 MR VERMONT I AM HAPPY TO, YES, SIR

5 THE COURT FINE IF IT DOES NOT
6 INVOLVE THIS CASE WE ARE NOT GOING INTO THOSE MATTERS

7 MR VERMONT MAY I ARGUE THAT IT
8 DOES, YOUR HONOR?

9 THE COURT I WILL BE GLAD TO, I'LL
10 SEND YOU ALL TO THE JURY ROOM DON'T DISCUSS THE CASE
11 I WILL SEND FOR YOU IN JUST A MOMENT

12 (JURY LEAVES THE COURTROOM AT 10 55 A M)

13 THE COURT I WILL BE GLAD TO HEAR
14 YOU?

15 MR VERMONT MAY I MAKE AN OFFER OF
16 PROOF AS TO THE DIRECTION I AM GOING, YOUR HONOR, WITHOUT
17 ACTUALLY DOING THE CROSS EXAMINATION?

18 THE COURT I WOULD LIKE TO KNOW WHERE
19 YOU ARE GOING BECAUSE JUST THE FACT THAT HE HAS INVESTI-
20 GATED A NUMBER OF SUSPECTS HE HAS READILY ADMITTED IT
21 HE HAS TOLD YOU CLEARLY THAT ANYBODY HE THOUGHT MIGHT
22 BE INVOLVED, HE INVESTIGATED

23 MR VERMONT YES, SIR, AND HE HAS
24 ADMITTED TO MOST EVERYTHING I HAVE ASKED HIM

25 THE COURT HE HAS ADMITTED IT

1 MR VERMONT AND YOU CUT ME OFF
2 BEFORE I GET TO THE GOOD PART

3 THE COURT I DON'T KNOW WHETHER IT
4 IS GOOD OR NOT YOU ARE GOING INTO A PHONE CALL, A NUMBER
5 OF PHONE CALLS WHICH SUDDENLY STOPPED ON A SUSPECT, NOW,
6 WHAT ARE YOU GOING TO DO? HE WILL HAVE THE RIGHT, IF
7 HE DID SO, TO GO FURTHER INTO THESE MATTERS AND WHY
8 HE DID NOT AND SO FORTH AND SO ON IT GIVES, IT IS OF
9 SOME CONCERN TO ME WE GET INTO TRYING CASES THAT IS NOT
10 INVOLVED IN THIS CASE I AM TRYING TO GIVE YOU AS MUCH
11 LEAWAY AS I CAN

12 MR VERMONT I UNDERSTAND, SIR I
13 AM ALSO TRYING TO SHOW THE JURY FROM OTHER POTENTIAL
14 SUSPECTS,

15 THE COURT THE STATE HAS THE SAME
16 RIGHT TO GO BACK IN IT WHY THEY WERE NOT CHARGED, HIS
17 OPINIONS OF IT, BECAUSE THAT IS EXACTLY WHAT YOU HAVE
18 BEEN DOING,

19 MR VERMONT AND I HAVEN'T OBJECTED
20 TO THEM DOING THAT

21 THE COURT WELL, I AM GOING TO
22 BECAUSE WE ARE NOT TRYING SIXTY PEOPLE, OR THESE PEOPLE
23 NOW, IF ANY OF THOSE HAD ANYTHING TO DO WITH IT, FINE
24 BUT IF HE HAS FULLY INVESTIGATED IT, THE SUSPECT AND FIND
25 NO REASON TO CHARGE HIM WHY IS THAT IN THIS CASE?

1 MR VERMONT WELL, SIR, YOU JUMP
2 TO THE CONCLUSION THAT HE HAS FULLY INVESTIGATED I
3 HAVEN'T FINISHED ASKING HIM THE QUESTIONS

4 THE COURT WELL, ALL RIGHT, I AM
5 GOING TO ALLOW YOU TO DO IT I AM GOING TO ALLOW YOU
6 TO DO IT BUT ALL I AM SAYING IS WE ARE NOT TRYING THIS,
7 THAT IS EXACTLY WHAT YOU ARE TELLING ME YOU ARE GOING TO
8 DO NOW WE ARE NOT TRYING THE OTHER FIFTY CASES, FORTY-
9 FIVE, HOW MANY EVER IT IS

10 MR VERMONT NO, SIR, IT MAY BE WE
11 SHOULD BE TRYING ONE OF THOSE PEOPLE, WE MAY BE TRYING
12 THE WRONG MAN

13 THE COURT I HAVE NO IDEA IF YOU HAVE
14 GOT SOME INFORMATION YOU OUGHT TO GIVE IT TO HIM

15 MR VERMONT HE GAVE IT TO ME

16 THE COURT FINE, LET'S SEE WHAT HE
17 IS GOING TO SAY ASK HIM

18 CROSS EXAMINATION CONTINUES BY MR VERMONT

19 Q INV LEWIS, YOU CHECKED ON A SERIES OF PHONE CALLS,
20 DID YOU NOT, GOING BETWEEN MRS WILSON'S HOUSE AND EITHER
21 THE HOME OR THE PLACE OF EMPLOYMENT OF THIS OTHER MAN
22 I AM TALKING ABOUT IN GEORGIA?

23 A YES, SIR

24 O YOU ALSO HAD SOME POLICE OFFICERS DOWN THERE
25 LOOK INTO IT FROM THAT END, DID YOU NOT?

1 A YES, SIR

2 O YOU HAD THOSE POLICE OFFICERS, IN FACT, TALK TO
3 THIS MR LEE, DID YOU NOT?

4 A YES, SIR, WE HAD THE GEORGIA BUREAU OF INVESTI-
5 GATION TO INTERVIEW MR LEE

6 O AND THERE WAS A DENIAL OF CONTACT BETWEEN HE
7 AND MRS WILSON, IS THAT CORRECT?

8 A THERE WAS A CONFLICT, YES, SIR

9 Q AND YET WHEN YOU SUBPOENAED AND LOOKED AT THE
10 TELEPHONE RECORDS IT SHOWED A SERIES OF PHONE CALLS, DID
11 IT NOT, BETWEEN HER RESIDENCE AND HIS RESIDENCE OR PLACE
12 OF EMPLOYMENT UP UNTIL AND ENDING ON JULY 11, 1978? DID
13 IT NOT?

14 A YES, SIR

15 Q THANK YOU

16 MR VERMONT THAT IS AS FAR AS I AM
17 GOING, YOUR HONOR

18 THE COURT WELL, WHAT HAS THAT GOT
19 TO DO WITH THIS CASE?

20 MR VERMONT LOTS, YOUR HONOR

21 THE COURT WHY DIDN'T YOU CHARGE
22 THAT MAN?

23 MR LEWIS I HAD NO FURTHER INFORMATION
24 THAT HE WAS INVOLVED IN IT I TALKED TO MS WILSON ABOUT
25 THESE PHONE CALLS AND SHE STATED TO ME THAT HER BROTHER

1 DINKY CALLED MR LEE TO MAKE AN ARRANGEMENT TO GO FISHING
2 OVER THE WEEKEND

3 THE COURT WELL, THAT IS WHAT I AM
4 TALKING ABOUT IT JUST OPENS THE DOOR TO ALL OF THESE
5 THINGS BY GOING INTO IT I DON'T MIND YOUR GOING INTO
6 IT IF THEY ARE GOING TO BE OF PROBATIVE VALUE IN THIS
7 CASE

8 (ALL THREE ATTORNEYS HAVE A BENCH
9 CONFERENCE OUT OF THE HEARING OF THE COURT REPORTER, OFF
10 THE RECORD)

11 (JURY RETURNS TO THE COURTROOM AT 11 07
12 A M)

13 THE COURT ALL RIGHT, PROCEED
14 CROSS EXAMINATION CONTINUES BY MR VERMONT

15 Q NOW, INV LEWIS, NOW YOU AND I WERE DISCUSSING
16 A SERIES OF PHONE CALLS, WERE WE NOT?

17 A YES, SIR

18 Q TO AND FROM THE RESIDENCE OF A HORACE LEE IN
19 SYLVANIA, GEORGIA AND HIS BUSINESS PLACE AND MS WILSON'S
20 HOME HERE, IS THAT CORRECT?

21 A YES, SIR

22 Q ALL RIGHT, NOW YOU HAD A MEMBER OF THE GEORGIA
23 BUREAU OF INVESTIGATION OR WAS IT THE FEDERAL BUREAU OF
24 INVESTIGATION?

25 A GEORGIA, THE GBI

1 Q GBI CHECK OUT MR LEE, DID YOU NOT DOWN IN GFORGIA?

2 A I DIDN'T BEFORE I GOT IN THE CASE LT SHEALLY
3 HAD THEM CHECK HIM OUT AND I GOT A REPORT FROM THEM

4 Q YOU HAD KNOWLEDGE THAT HE HAD DENIED CONTACT WITH
5 MRS WILSON, IS THAT NOT CORRECT, FOR A NUMBER OF MONTHS
6 PRIOR TO THIS?

7 A WELL, WHEN HE TALKED TO MR LEE HE SAID HE HAD
8 SEEN MRS WILSON AND TALKED FOR A YEAR AND A HALF, WHICH
9 WOULD HAVE PUT IT BACK AT THAT TIME, BACK SOMETIME AROUND
10 1976

11 Q BUT THEN WHEN YOU WENT AND GOT THE PHONE RECORDS
12 YOU SAW A NUMBER OF PHONE CALLS GOING BACK AND FORTH
13 BETWEEN THE TWO RESIDENCES AND THE BUSINESS THAT WENT ON
14 FOR A NUMBER OF WEEKS AND ENDED ON JULY 11TH, 1978, IS
15 THAT NOT CORRECT?

16 A I BELIEVE THAT IS CORRECT

17 Q I WILL LET YOU LOOK AT THOSE RECORDS (HANDED TO
18 THE WITNESS)

19 A YES, SIR, THAT IS CORRECT

20 Q ALL RIGHT, YOU ALSO, DID YOU NOT COME ACROSS
21 SOME INFORMATION THAT MS WILSON HAD BEEN IN SYLVANIA
22 ON JULY THE FIRST, DID YOU NOT?

23 A YES, SIR

24 Q ALL RIGHT, LET ME ASK YOU AGAIN, ABOUT JAMIE, THE
25 FIRST TIME YOU SAW HIM HOW OLD WAS HE WHEN YOU FIRST SAW

1 HIM AND TOOK HIS STATEMENT FROM HIM?

2 A I BELIEVE HIS AGE IS STATED ON THAT, NO, THAT IS
3 NOT THE RIGHT--WHEN I FIRST SAW HIM I BELIEVE HE WAS IN
4 HIS EARLY TWENTIES

5 Q DO YOU KNOW HOW OLD HE IS NOW?

6 A WELL, HE COULDN'T BE TOO MUCH OLDER THAN WHAT
7 HE WERE THEN

8 Q THAT WAS EIGHT OR NINE MONTHS AGO, RIGHT?
9 AH, SOMETHING LIKE THAT?

10 A YES, SIR

11 Q OKAY WHAT DID HIS CONDITION APPEAR TO BE
12 WHEN HE WALKED IN OFF THE STREET? MIGHT HE HAVE BEEN
13 DRINKING?

14 A NO, SIR, I DIDN'T SMELL ANY ALCOHOL ON HIM AT
15 ALL

16 Q MIGHT HE HAVE BEEN UNDER THE INFLUENCE OF ANY
17 KIND OF DRUGS OR INTOXICATING LIQUOR, TO YOUR KNOWLEDGE?

18 A I KNOW HE WASN'T UNDER ANY INTOXICATING LIQUOR
19 AND HE GAVE NO INDICATION TO ME, WHATSOEVER, HE WAS UNDER
20 DRUGS I CAN'T SMELL DRUGS

21 Q ALL RIGHT, UH, YOU CHECKED OUT HIS RECORD, THOUGH,
22 DID YOU NOT, ULTIMATELY?

23 A NO, SIR, I DID NOT

24 Q YOU NEVER LOOKED?

25 A NO, SIR

1 Q TO THIS DAY HAVE YOU NOT LOOKED?

2 A NO, SIR

3 Q YOUR TESTIMONY IS YOU DON'T KNOW ANYTHING ABOUT
4 A PENDING CHARGE AGAINST HIM?

5 A I'VE HEARD IT BUT I HAVE NOT CHECKED IT OUT

6 Q THANK YOU, INV LEWIS, THAT IS ALL I HAVE

7 A YES, SIR

8

9 REDIRECT EXAMINATION

10 BY MR ELLIOTT

11 Q LT LEWIS, THAT PENDING CHARGE YOU HEARD OF, IS
12 THAT A COUNTY CHARGE OR WAS THAT MADE BY ANOTHER POLICE
13 AGENCY?

14 A I BELIEVE IT WAS BY THE CITY I HAVEN'T CHECKED
15 INTO IT BUT I THINK IT WAS THE CITY

16 Q HAVE YOU HEARD, WELL, THAT IT WAS DISMISSED AT
17 A PRELIMINARY HEARING AT ONE POINT?

18 A I'M SORRY, SIR, I DIDN'T GET YOUR QUESTION?

19 Q DO YOU UNDERSTAND THAT IT WAS AT ONE POINT
20 DISMISSED AT A PRELIMINARY HEARING?

21 A FROM WHAT I CAN UNDERSTAND, YES, SIR,

22 Q AND DO YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE
23 THAT IT IS PENDING NOW?

24 A NO, SIR, I DO NOT

25 Q I BELIEVE YOU TESTIFIED THAT YOU MIGHT HAVE TOLD

1 DEBBIE FAITH HICKOX AT ONE POINT THAT YOU DIDN'T THINK
2 THE DEFENDANT WAS INVOLVED IN THIS MATTER, IS THAT CORRECT?

3 A YES, SIR, THAT WAS IN THE EARLY STAGE OF THE
4 INVESTIGATION

5 Q WHEN, DO YOU RECALL?

6 A BACK AROUND '78, EARLY PART OF '79

7 Q AND WHEN WAS THE DEFENDANT ARRESTED FOR THIS
8 MURDER?

9 A OCTOBER THE 28, 1981

10 Q HOW LONG DID YOU INVESTIGATE THIS CASE, LT LEWIS?

11 A FROM JULY 19, 1978 UP UNTIL THE PRESENT TIME

12 Q AND HOW MANY WITNESSES DID YOU INTERVIEW AND
13 EXAMINE?

14 A WELL IN EXCESS OF OVER TWO HUNDRED AND FIFTY
15 PEOPLE

16 Q AND ARE YOU SATISFIED WITH THE RESULTS OF THIS
17 INVESTIGATION?

18 MR VERMONT OBJECTION, YOUR HONOR,
19 THAT IS THE ULTIMATE QUESTION THAT IS FOR THE JURY

20 MR ELLIOTT YOUR HONOR, I BELIEVE
21 YOU HAVE JUST HEARD A NUMBER OF QUESTIONS DIRECTED TO
22 LT LEWIS TO ELICIT THAT VERY SAME ANSWER

23 THE COURT HE DID AND HE IS RIGHT

24 MR VERMONT NOTE MY OBJECTION FOR
25 THE RECORD

1 REDIRECT EXAMINATION CONTINUES BY MR ELLIOTT

2 Q ARE YOU SATISFIED WITH THE RESULTS OF THE
3 INVESTIGATION?

4 A SIR, IF I WAS NOT SATISFIED I WOULD NOT HAVE
5 SIGNED MY NAME ON THAT WARRANT, I'M SATISFIED

6 Q AND, YOU TESTIFIED THAT YOU WERE RESPONSIBLE
7 FOR HAVING A NUMBER OF SHOTGUNS AND SHELLS EXAMINED
8 AT SLED?

9 A YES, SIR

10 O EXPLAIN HOW IT IS POSSIBLE THAT YOU MIGHT HAVE
11 HAD THE MURDER WEAPON BUT CANNOT BE SURE EVEN TO THIS
12 DAY?

13 A YES, SIR AS I STATED BEFORE, YOU PUT A SHELL
14 IN A GUN AND NOT FIRE IT, AND EJECT THE SHELL OUT AND IT
15 WILL LEAVE A MARK ON IT NOW, YOU WOULD PROBABLY LEAVE
16 A MORE HEAVY INDENTATION IF THE SHELL IS FULL RATHER THAN
17 ONE BEING EMPTY BECAUSE OF THE WEIGHT OF THE SHELL AND
18 EACH GUN, ACCORDING TO THE INFORMATION I RECEIEVED FROM
19 SLED WOULD LEAVE ITS OWN MARK ON IT AND IF THIS
20 PARTICULAR SHELL HAD BEEN IN A GUN ONE TIME OR ANOTHER
21 AND REJECTED, THEN IT IS GOING TO LEAVE THAT MARK ON IT,
22 AND YOU PUT IT IN ANOTHER GUN AND IT IS GOING TO LEAVE
23 ANOTHER MARK YOU WOULD MOST LIKELY LEAVE A HEAVIER
24 MARK BECAUSE OF THE WEIGHT OF THE SHELL, THAN YOU WOULD
25 AS OPPOSED TO AN EMPTY OTHER SHELL SO, THEREFORE, IT IS

1 VERY POSSIBLE THAT I COULD HAVE HAD THE GUN

2 Q I DON'T HAVE ANYTHING FURTHER, SIR

3
4 RECROSS EXAMINATION

5 BY MR VERMONT

6 Q INV LEWIS, YOU TURNED ALL OF THESE THINGS
7 OVER TO OFFICER PARNELL, DID YOU NOT, AT SLED FOR HIM
8 TO DO THE ACTUAL TESTS?

9 A WELL, AT THE TIME, LIKE WE SAID, I WAS NOT THERE
10 WHEN THEY WAS TESTED SO I AM NOT SURE HE DID ALL OF IT
11 O ALL RIGHT, BUT HE TESTIFIED HE OR OTHER MEMBERS
12 OF SLED TRAINED FIREARMS EXPERTS HAD DONE THE TESTS, IS
13 THAT NOT CORRECT?

14 A YES, SIR

15 Q AND THEY TOLD YOU THAT OF THE WEAPONS YOU HAD
16 GIVEN THEM NONE WERE THE WEAPON THAT FIRED THAT SHELL,
17 IS THAT CORRECT?

18 A BUT HE EXPLAINED IT TO ME

19 O DID HE NOT SAY THAT FIRST, THEN YOU MAY EXPLAIN?

20 A YES, SIR

21 Q OKAY, GO AHEAD

22 THE COURT NOW, YOU CAN EXPLAIN

23 A BUT THEN AGAIN, HE EXPLAINED TO ME WHAT I JUST
24 EXPLAINED TO THE JURY

25 Q UH HUH

A THAT THERE IS A POSSIBILITY THAT THEY COULD HAVE--

1 Q I'M SORRY, GO AHEAD

2 A BECAUSE, LIKE I SAY, EACH GUN, IF YOU'VE GOT
3 FIVE OR SIX DIFFRENT GUNS AND YOU PUT SHELLS IN THOSE
4 FIVE OR SIX GUNS THEN YOU ARE GOING TO GET DIFFERENT
5 MARKS

6 Q WHAT WAS HIS EXPERT OPINION THAT HE TESTIFIED TO
7 YESTERDAY AS TO WHETHER THAT SHELL WAS FIRED BY ANY OF
8 THOSE SEVEN OR EIGHT GUNS?

9 THE COURT THAT WAS ASKED ONCE AND
10 EXPLAINED ASKED ONE MORE TIME AND EXPLAINED AGAIN
11 MR VERMONT I AM JUST LOOKING FOR
12 A SUMMATION, A SUMMARY

13 THE COURT YOU JUST ASKED HIM, WE
14 JUST WENT THROUGH IT

15 Q WHAT WAS HIS EXPERT OPINION AS TO THAT SHELL AND
16 THOSE EIGHT GUNS?

17 MR MABRY YOUR HONOR, I JUST OBJECT

18 THE COURT WAIT JUST A MINUTE IT
19 WAS ASKED AND IT WAS ANSWERED HE GAVE HIS OPINION NOW,
20 I TELL YOU, HE CAN ANSWER AND GIVE HIS OPINION AGAIN IF
21 HE HAS ONE ASK IT AGAIN GO AHEAD AND ASK HIM
22 RECROSS EXAMINATION CONTINUES BY MR VERMONT

23 Q ALL RIGHT, THANK YOU, YOUR YONOR, WHAT WAS OFFICER
24 PARNELL'S EXPERT OPINION THAT HE TESTIFIED TO, AS TO THAT
25 SHELL AND THOSE EIGHT GUNS?

1 MR MABRY YOUR HONOR, I OBJECT I
2 DON'T THINK I ASKED THAT QUESTION THE QUESTION WAS DID
3 YOU FIND A MATCH, NOT WHAT HIS EXPFRT OPINION WAS I
4 ASKED HIM DID HE FIND A MATCH

5 MR VERMONT I WILL REPHRASE MY
6 QUESTION

7 THE COURT FIRST LET ME JUST CLARIFY
8 THE JURY CAN FIND ALL THESE QUESTIONS, NOT HIS, AS TO
9 THE OPINIONS THE MAN HAS TESTIFIED HE HAS GIVEN HIS
10 OPINION, FINE

11 MR VERMONT I WILL MOVE ON
12 RECROSS EXAMINATION CONTINUES BY MR VERMONT
13 Q INV LEWIS--

14 MR MABRY I WITHDRAW THE OBJECTION
15 I KNOW THAT SHELL DIDN'T COME FROM ANY OF THOSE GUNS

16 MR VERMONT THANK YOU, WE HAVE GOT
17 THAT IN THE RECORD

18 MR MABRY SURE, WE KNOW THAT

19 MR VERMONT THANK YOU THAT'S ALL,
20 INVESTIGATOR

21 MR ELLIOTT COME ON DOWN THEODORE
22 WILSON?

23 THEODORE WILSON, AFTER
24 BEING DULY SWORN, TESTIFIES AS FOLLOWS
25 DIRECT EXAMINATION

1 BY MR ELLIOTT

2 Q GIVE YOUR FULL NAME FOR THE RECORD PLEASE?

3 A THEODORE LEROY WILSON

4 Q MR WILSON, IF YOU WILL SPEAK LOUDLY SO THAT ALL
5 OF US CAN HEAR YOU?

6 A ALL RIGHT

7 Q HOW OLD ARE YOU, SIR?

8 A FIFTY-SEVEN

9 Q AND WHERE DO YOU LIVE?

10 A EASTOVER

11 Q WHERE IN EASTOVER?

12 A ROUTE 1, BOX 239

13 O WHAT ROAD IS THAT? DOES IT HAVE A STREET NAME?

14 A YES, IT DOES BUT I DON'T, IT IS WILSON MILL
15 ROAD, IT GOING ON SUMTER HIGHWAY AT THE WESTERN END

16 Q ALL RIGHT, SIR, HOW, HOW FAR FROM THE INTERSECTION
17 OF HARMON ROAD AND OLD LEESBURG HIGHWAY DO YOU LIVE?
18 WOULD YOU GIVE US AN ESTIMATE?

19 A ABOUT BETWEEN FOUR AND FIVE MILES

20 Q ARE YOU, WERE YOU OLIN D WILSON'S BROTHER?

21 A YES, SIR

22 Q HOW MANY BROTHERS AND SISTERS DO YOU ALL HAVE?

23 A THERE'S NINE OF US, SEVEN BROTHERS AND TWO SISTERS

24 Q ALL RIGHT, SIR, AND ARE YOU THE OLDEST?

25 A NO, SIR

1 Q WHERE DO YOU FALL IN THE FAMILY?

2 A THIRD

3 Q THIRD FROM THE OLDEST?

4 A YES, SIR

5 Q AND HOW OLD OR HOW MUCH YOUNGER WAS OLIN THAN
6 YOU?

7 A OLIN WAS NEXT TO THE BABY, HE WAS NEXT TO THE
8 YOUNGEST

9 Q WHERE DID YOU ALL GROW UP WHEN YOU WERE CHILDREN?

10 A RIGHT IN THE SAME, SAME VICINITY ABOUT WITHIN
11 FIVE MILES OF WHERE WE ARE LIVING NOW

12 Q IN EASTOVER?

13 A YES, SIR

14 Q EASTOVER AREA, AND DID OLIN GROW UP IN EASTOVER,
15 TOO?

16 A YES, SIR

17 Q AFTER HE GREW UP DID HE JOIN THE NAVY?

18 A YES

19 Q HOW LONG WAS HE IN THE NAVY?

20 A TWENTY YEARS

21 Q DID HE RETIRE FROM THE NAVY?

22 A YES

23 Q WHAT DID HE DO IN THE NAVY, DO YOU KNOW?

24 A HE WAS A CHIEF AND HE WAS OVER THE BOILER
25 DEPARTMENT, SOMETHING ABOUT THE BOILER DEPARTMENT

1 Q DID HE SERVE AT SEA?
2 A YES, SIR
3 Q WHEN OLIN WAS KILLED WAS HE MARRIED?
4 A NO, SIR
5 Q DID HE LIVE ALONE?
6 A NO, SIR
7 Q WHO DID HE LIVE WITH?
8 A WITH ANN AND HIS CHILDREN
9 Q ANN WHO?
10 A ANN WILSON
11 Q NOW, SHE HAS THE SAME LAST NAME WERE THEY
12 EVER MARRIED?
13 A YES, SIR
14 Q WHEN WERE THEY MARRIED, DO YOU RECALL?
15 A NO, I DON'T KNOW EXACTLY BELIEVE 1959 OR '60
16 MAYBE SOMEWHERE ALONG IN THERE
17 MR VERMONT YOUR HONOR, PLEASE I
18 AM GOING TO OBJECT TO THAT UNLESS HE KNOWS OF HIS OWN
19 PERFECTLY GOOD MEMORY I DON'T SEE, NUMBER ONE, THAT IT
20 IS RELEVANT, AND NUMBER TWO, THAT THAT IS THE BEST
21 EVIDENCE WE HAVE GOT OF THAT PARTICULAR PIECE OF
22 INFORMATION
23 THE COURT IF HE DOESN'T KNOW HE
24 CAN'T TESTIFY TO IT
25 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

1 O HOW MANY CHILDREN DO THEY HAVE?

2 A FOUR

3 Q AND IN 1978 HOW MANY WERE LIVING?

4 A THREE

5 Q DO YOU REMEMBER THEIR AGES?

6 A NO, SIR, HE HAD A TEENAGE DAUGHTER AND A TEENAGE
7 SON, AND ONE WASN'T A TEENAGE YET

8 Q AND WHAT HAPPENED TO THE FOURTH CHILD?

9 A IT DIED SOME YEARS AGO

10 Q AND DO YOU RECALL WHEN YOUR BROTHER AND HIS WIFE
11 WERE DIVORCED?

12 A NO, SIR, IT WAS SOME YEARS AGO, THOUGH

13 Q AND DID THEY SUBSEQUENTLY AFTER THEIR DIVORCE,
14 DID THEY MOVE BACK IN TOGETHER? 1)

15 A NOT UNTIL AFTER HE RETIRED

16 Q SOMETIME BEFORE 1978?

17 A I GUESS ABOUT '76

18 Q AND THEY WERE LIVING TOGETHER WITH THEIR CHILDREN
19 IN 1978?

20 MR. VERMONT OBJECTION, YOUR HONOR,
21 HE IS LEADING THE WITNESS

22 THE COURT DON'T LEAD

23 Q WERE THEY LIVING TOGETHER IN JULY OF 1978?

24 A YES, SIR

25 Q AT THE TIME OF OLIN'S DEATH WHERE WAS HE EMPLOYED?

1 A FORT JACKSON

2 Q WHAT DID HE DO AT FORT JACKSON?

3 A OPERATED A, A BOILER, UH, A BOILER UNIT, I GUESS,
4 I DON'T KNOW ANYTHING ABOUT THAT STUFF

5 MR VERMONT YOUR HONOR, PLEASE I
6 AM GOING TO ENTER ANOTHER STANDING OBJECTION TO THIS
7 WHOLE LINE ON THE GROUNDS OF HEARSAY, I KNOW IT IS
8 JUST BACKGROUND INFORMATION BUT I FEEL LIKE IT IS HEARSAY
9 ANYWAY

10 MR ELLIOTT HE SAID HE WAS WORKING
11 AT FORT JACKSON, YOUR HONOR, AND HE SAID HE WORKED
12 AROUND A BOILER HE DID NOT KNOW EXACTLY BEYOND THAT
13 WHAT HIS SPECIFIC FUNCTIONS WERE AND I WILL BE HAPPY TO
14 LEAVE IT AT THAT

15 MR VERMONT I WISH HE WOULD LEAVE
16 THE WHOLE LINE AT THAT

17 THE COURT I DON'T KNOW WHAT ELSE
18 HE MAY ASK I CAN'T FIGURE WHAT IS TO BE PRECLUDED UNLESS
19 I KNOW

20 MR VERMONT ALL RIGHT, SIR.
21 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

22 Q DO YOU KNOW WHAT HOURS OWENS WAS WORKING AT THE
23 TIME OF HIS DEATH?

24 A HE WAS, HE'D GO TO WORK EVERY AFTERNOON, HE'D GET
25 OFF, I MEAN, HE'D GO TO WORK AT MIDNIGHT AND GET OFF IN

1 THE MORNING BUT HE CHANGED, HE'D ROTATE

2 Q WHAT DO YOU MEAN HE ROTATED?

3 A LIKE SWING SHIFT THEY ROTATED IN EIGHT HOUR
4 SHIFTS FROM THE MORNING SHIFT TO A DAY SHIFT TO A NIGHT
5 SHIFT

6 Q AND AT THE TIME OF HIS MURDER, WAS HE WORKING
7 THE NIGHT SHIFT?

8 A YES

9 Q DID YOU TALK TO YOUR BROTHER OLIN SHORTLY BEFORE
10 HE DIED?

11 A YES, SIR,

12 Q WHERE WERE YOU WHEN YOU TALKED TO HIM?

13 A AT MY HOUSE

14 Q NOW WHERE IS YOUR HOUSE IN RELATION TO OLIN'S
15 HOUSE?

16 A UH, ABOUT ONE HUNDRED AND FIFTY YARDS FROM HIS

17 Q DOES ANYBODY LIVE BETWEEN YOUR HOUSE AND OLIN'S
18 HOUSE OR WHERE OLIN USED TO LIVE?

19 A YES, SIR

20 Q WHO LIVES THERE?

21 A MY BABY BROTHER TALLY

22 Q AND DO ANY OF YOUR OTHER BROTHERS LIVE NEARBY
23 IN THE AREA?

24 A YES, SIR, MY OLDEST BROTHER LIVES BELOW HIS HOUSE
25 ABOUT A HUNDRED AND FIFTY YARDS

1 Q DOES YOUR, DID YOUR PARENTS LIVE IN THE AREA?

2 A MY PARENTS LIVED WHERE I AM LIVING NOW

3 Q WHAT WERE THE CIRCUMSTANCES SURROUNDING YOUR
4 CONVERSATION WITH OWEN TWO DAYS BEFORE HE DIED? DO YOU
5 REMEMBER WHERE YOU WERE AND WHAT YOU WERE DOING?

6 A YES, WE WERE, HE COME DOWN, I GAVE HIM MY HOG,
7 ONE EARED DOTTY, I ASKED HIM IF HE WANTED TO RAISE HOGS
8 MR VERMONT YOUR HONOR, PLEASE, HE
9 IS OBVIOUSLY GOING TO GO INTO HEARSAY

10 THE COURT STOP HE IS GOING INTO
11 HEARSAY

12 MR ELLIOTT MAY WE APPROACH THE
13 BENCH?

14 THE COURT I WOULD BE GLAD FOR YOU TO
15 (OFF THE RECORD DISCUSSION AT THE BENCH)

16 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

17 Q MR WILSON, DO YOU REMEMBER THE NIGHT YOUR
18 BROTHER WAS SHOT?

19 A YES, SIR

20 Q DID YOU GO DOWN TO THE HOUSE THAT NIGHT AFTER
21 HE WAS SHOT?

22 A NO, SIR

23 Q WHEN DID YOU GO DOWN TO THE HOUSE?

24 A TUESDAY NIGHT THE ELEVENTH

25 O WHO WAS THERE THAT NIGHT?

1 A ANN WAS THERE AND OWENS--TWO OF OWENS' SISTERS,
2 AND, UH, OLIN'S OLDEST SON AND SOME MAN I BELIEVE WHAT
3 GROWED, I DON'T KNOW WHO IT WAS, NEVER, I NEVER KNEW HIM
4 BEFORE

5 Q WHAT WERE THEY DOING?

6 A WELL, THE TWO SISTERS OF OWENS WAS MAKING SOME
7 COFFEE AND, UH, ANN WAS SITTING AT THE TABLE AND HER
8 SON WAS STANDING ASIDE OF HER ANN AND THIS MAN WAS
9 LOOKING OVER SOME INSURANCE POLICIES

10 Q WAS ANN WILSON LOOKING AT THE INSURANCE POLICIES?

11 A NO, HE WAS LOOKING OVER THEM HE HAD A PAD AND
12 SOME--

13 Q TELL US, POLICIES ON WHOSE LIFE, DO YOU KNOW?

14 A OLIN

15 Q NOW, I BELIEVE YOU TESTIFIED THAT YOU LIVED TWO
16 DOORS DOWN FROM THE VICTIM, YOUR BROTHER?

17 A MY HOUSE IS RIGHT NEXT DOOR, YES, SIR

18 Q NOW, PRIOR TO YOUR BROTHER'S DEATH, LET ME STOP
19 AND BACK UP DO YOU KNOW THE DEFENDANT?

20 A YES, SIR

21 Q DO YOU RECOGNIZE HIM?

22 A YES, SIR

23 Q HOW LONG HAVE YOU BEEN KNOWING HIM?

24 A ALL HIS LIFE

25 Q BEFORE YOUR BROTHER'S DEATH, DID YOU EVER SEE

1 HIM AROUND AT YOUR BROTHER'S HOUSE?

2 A YES, SIR

3 Q WOULD YOUR BROTHER BE THERE?

4 A WELL, SOMETIME HE WOULD COME BY WHEN HE WAS
5 THERE AND SOMETIMES HE WOULD COME BY WHEN HE WASN'T

6 Q TO YOUR KNOWLEDGE, DID YOUR BROTHER KNOW THE
7 DEFENDANT?

8 A YES, SIR

9 Q DID YOU EVER SEE THE DEFENDANT AT YOUR BROTHER'S
10 HOUSE AFTER YOUR BROTHER WAS KILLED?

11 A YES, SIR

12 Q DO YOU REMEMBER WHEN?

13 A UH, THE DAY MY FATHER WAS BURIED HE WAS AROUND
14 OCTOBER THE 25TH, SOMEWHERE ALONG IN THERE, 24TH, 25TH

15 Q OF WHAT YEAR, SIR?

16 A 1978

17 Q SAME YEAR OLIN WAS KILLED?

18 A YES, SIR,

19 Q HOW LONG, HOW OFTEN DID YOU SEE THE DEFENDANT
20 THERE?

21 A WELL, UH, AFTER THAT HE MOVED IN RIGHT AFTER THAT

22 Q WHO DID HE MOVE IN WITH? WHO WAS LIVING THERE?

23 A ANN

24 Q ANN WILSON?

25 A YES

1 Q WERE THE CHILDREN LIVING THERE?

2 A YES

3 Q DO YOU REMEMBER ABOUT HOW LONG THEY LIVED TOGETHER
4 LIKE THAT?

5 A WELL, AS LONG AS SHE WAS THERE UNTIL SHE MOVED

6 Q WHEN DID SHE MOVE, DO YOU RECALL?

7 A NO, SIR, NOT, I DON'T REMEMBER THAT FOR TRUTH

8 Q DO YOU EVER RECALL SEEING THE DEFENDANT ON ANY
9 MOTORCYCLES?

10 A YES, SIR

11 Q WHEN WAS THAT?

12 A THAT WAS AFTER, AFTER OCTOBER THE 25TH

13 Q DO YOU KNOW WHERE HE GOT THE MOTORCYCLES?

14 A I KNOW WHERE HE GOT ONE, ANN BOUGHT ONE FROM
15 FRANKLIN TROTTER FOR HIM

16 MR. VERMONT OBJECTION, YOUR HONOR,
17 UNLESS HE WAS PRESENT AND TESTIFIES ON THAT BASIS, THIS
18 IS ALL GOING TO BE HEARSAY

19 Q DID YOU EVER SEE THE DEFENDANT WEAR A RING?

20 A I SAW HIM WITH A RING ON BUT I DON'T KNOW WHAT
21 IT WAS I DIDN'T PAY MUCH ATTENTION TO THE RING

22 Q YOU DON'T REMEMBER WHAT KIND OF A RING IT WAS?

23 A NO, SIR

24 Q NOW, DO YOU RECALL WHEN YOUR BROTHER OLIN WAS
25 BURIED? DO YOU REMEMBER ABOUT WHEN HIS DEATH WAS, WHEN

1 HE WAS BURIED?

2 A YES, SIR

3 Q WHEN WAS THAT?

4 A WELL, HE DIED ON JULY 10TH, IT WAS ABOUT THE
5 13TH, IT WAS ON THE 13TH

6 Q AND THEN THE NEXT OCTOBER OF THAT SAME YEAR
7 YOUR FATHER DIED, IS THAT RIGHT?

8 A YES, SIR

9 Q AND YOU FIRST SAW THE DEFENDANT AT ANN WILSON'S
10 HOUSE ON THAT OCCASION, THE OCCASION OF YOUR FATHER'S
11 FUNERAL, IS THAT RIGHT, SIR?

12 A NO, SIR

13 MR VERMONT. OBJECTION

14 THE COURT WAIT, WAIT A MINUTE WHEN
15 THERE IS AN OBJECTION, STOP

16 MR VERMONT HE IS LEADING AGAIN,
17 YOUR HONOR

18 THE COURT FINE, DON'T LEAD

19 MR ELLIOTT YES, SIR

20 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

21 Q TELL US AGAIN, WHEN DID YOU FIRST SAW THE DEFENDANT
22 AT ANN WILSON'S HOUSE AFTER OLIN WAS KILLED?

23 A NO, SIR, I SAW THEM FIRST AT THE CHURCH, SHE
24 BROUGHT HIM THE DAY MY FATHER WAS BURIED, SHE BRUNG HIM
25 TO THE CHURCH WITH HER

1 MR ELLIOTT ALL RIGHT, SIR, I BEG
2 THE COURT'S INDULGENCE? (PAUSE)

3 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

4 Q WHOSE BURIAL, WHOSE FUNERAL WAS IT WHEN YOU FIRST
5 SAW HIM?

6 A MY FATHER'S

7 Q PLEASE ANSWER ANY QUESTIONS THE DEFENSE COUNSEL
8 HAS

9 MR VERMONT I BEG THE COURT'S
10 INDULGENCE AT THIS MOMENT, YOUR HONOR? (PAUSE) I DON'T
11 HAVE ANY QUESTIONS FOR MR WILSON, YOUR HONOR THANK YOU

12 THE COURT THANK YOU, SIR, COME DOWN

13 MR ELLIOTT MR TALLY WILSON

14 TALLY WILSON, AFTER BEING
15 DULY SWORN, TESTIFIES AS FOLLOWS

16 DIRECT EXAMINATION

17 BY MR ELLIOTT

18 THE CLERK PLEASE GIVE US YOUR
19 FULL NAME, SIR?

20 MR WILSON TALLY WILSON

21 THE CLERK YOU BETTER SPELL YOUR
22 FIRST NAME, PLEASE?

23 MR WILSON T A L L Y

24 O MR WILSON, ARE YOU OLIN D 'S BROTHER?

25 A YES, SIR

1 O HOW OLD ARE YOU, SIR?
2 A FORTY-TWO
3 Q AND WERE YOU YOUNGER THAN HE?
4 A YES
5 Q WHERE DO YOU LIVE NOW?
6 A SAME PLACE I LIVED ABOUT TWO HUNDRED FEET FROM
7 MY BROTHER'S HOUSE
8 Q NOW, SIR, WHICH BROTHER?
9 A OLIN, AND MY BROTHER ROY
10 Q DO YOU WILSONS ALL LIVE SORT OF IN THE SAME
11 GENERAL AREA?
12 A YES, SIR
13 Q AND HOW FAR IS OLIN'S HOUSE FROM YOURS?
14 A I'D SAY HIS HOUSE IS A LITTLE OVER TWO HUNDRED AND
15 FIFTY FEET WE GOT LOTS TOGETHER MOM AND DADDY CUT
16 THEM OFF, ACRE LOTS SO I HAVE ONE ACRE AND MY HOUSE, AND
17 HE HAD THE NEXT
18 Q HE LIVED NEXT TO YOU?
19 A YES
20 Q WHERE DID, WHERE DID YOUR BROTHER WORK?
21 A FORT JACKSON
22 O DO YOU KNOW WHAT HE DID THERE?
23 A YES, SIR, HE WAS A BOILER TECHNICIAN, HE WORKED
24 IN A BOILER PLANT, POWER, ENERGY PLANT AT FORT JACKSON
25 Q I'D LIKE O DIRECT YOUR ATTENTION TO THE NIGHT

1 YOUR BROTHER WAS KILLED? DO YOU RECALL ABOUT WHAT TIME
2 YOU WENT TO BED?

3 A YES, WE WERE WATCHING A LATE MOVIE THAT CAME
4 ON AT 9 00 IT WENT OFF AT 12 00 AND I TALKED TO HIM
5 THE DAY BEFORE THAT AND HE SAID HE WAS GOING TO WATCH
6 THE SAME MOVIE

7 MR VERMONT OBJECTION, YOUR HONOR,
8 HEARSAY

9 MR ELLIOTT PLEASE DON'T SAY ANYTHING
10 YOUR BROTHER SAID JUST TELL ME ABOUT WHEN YOU WENT TO
11 BED AND--

12 A ALL RIGHT, WELL, ME AND MY WIFE AND BOY SAT
13 THERE WATCHING A MOVIE AND THEN ABOUT 10 30, 10 45
14 WE WENT TO BED SO, WE WENT IN THERE AND CUT THE TV ON
15 TO WATCH THE REST OF THE MOVIE I IMAGINE WE LAYED
16 THERE TILL ABOUT 10 45

17 Q AND DID YOU HEAR ANYTHING FROM OUTSIDE WHILE
18 YOU WERE THERE IN BED WATCHING TV?

19 A YEAH WE WERE LAYING THERE AND I HEARD MY
20 BROTHER'S CAR CRANK UP AND I TOLD MY WIFE, I SAID, WELL, I
21 SAID, OWENS GOING TO WORK, SAID, HE WON'T GET TO WATCH
22 THE REST OF THE MOVIE UNLESS HE HURRIES UP AND GETS TO
23 THE FORT

24 Q ABOUT WHAT TIME WAS THAT, DO YOU RECALL?

25 A IT WAS RIGHT AT 11 00

1 Q AND WHEN DID YOU GET WORD THAT YOUR BROTHER
2 OWEN HAD BEEN KILLED?

3 A WELL, UH, IT WAS AROUND TWELVE, A LITTLE AFTER
4 TWELVE HIS WIFE CAME TO MY HOUSE SHE HAD DONE CALLED
5 MY TWICE BEFORE THAT AND THEN SHE CAME BACK TO MY
6 HOUSE WITH THIS REDHEADED FELLOW AND SHE WAS HOLLERING
7 AND CRYING AND SHE WANTED ME TO COME UP IN THE YARD, UP
8 IN THE YARD AND THEY GOT OUT I TOLD MY WIFE, OH, LORD,
9 SOMETHING HAS HAPPENED, AND WE GOT TO THE DOOR AND WE
10 LET THEM ON OUR PORCH

11 O AND YOU HAD BEEN TOLD THEM THAT OLIN HAD BEEN
12 SHOT?

13 A YES, SIR, UH HUH

14 Q WHAT DID YOU DO WHEN YOU HEARD THAT?

15 A WELL, I SAT DOWN ON THE PORCH AND THE REDHEADED
16 FOLLOW WHO WAS WITH HER, I ASKED HIM, HE SAID, DID YOU
17 FIND ANYBODY, DID YOU GET ANYBODY? AND HE SAID, NO, NOT
18 YET AND HE WAS GOING BACK

19 MR VERMONT OBJECTION

20 THE COURT DON'T GO INTO CONVERSATION
21 FROM ANYBODY ELSE YOU CAN STATE WHAT YOU SAID BUT
22 YOU CAN'T GO INTO WHAT ANYBODY ELSE SAID
23 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

24 Q DO YOU UNDERSTAND THAT, YOU CAN SAY WHAT YOU SAID
25 BUT YOU CAN'T SAY WHAT ANYBODY ELSE SAID?

1 A ALL RIGHT

2 Q WHAT DID YOU DO WHEN YOU GOT WORD OLIN HAD BEEN
3 SHOT?

4 A WELL, WE SAT ON THE PORCH FOR A FEW MINUTES AND
5 MY WIFE WENT DOWN WITH ANN TO HER HOUSE AND I WALKED
6 UP TO MY DADS AND I TOLD MY BROTHER ROY AND MY OLDEST
7 BROTHER SHORTY WAS OUT THERE, AND I WENT AND I TOLD THEM
8 I SAID, OLIN'S BEEN SHOT I SAID, UH, YOU MIGHT OUGHT
9 TO TELL DAD BUT I CALLED MY BROTHER ED AND HE CAME
10 AROUND

11 Q ALL RIGHT, HE CAME ON DOWN TO WHERE?

12 A TO MY HOUSE

13 Q AND WHERE DID YOU ALL GO?

14 A WELL, WE WALKED ON DOWN TO ANN'S HOUSE, THE
15 WIFE WAS DOWN THERE, SO WE WALKED ON DOWN TO HER HOUSE

16 Q AND WHO WAS THERE AT THAT TIME?

17 A WELL, DELORES, I CALL HER CAMPBELL, I NEVER DID
18 KNOW HER HUSBAND, I'D MET HIM SHE WAS SITTING IN THE
19 FLOOR, ANN WAS AT THE TABLE AND WE WALKED IN AND MY
20 WIFE WAS MAKING SOME COFFEE SHE ASKED IF WE WANTED
21 A CUP OF COFFEE, TOLD HER NO WE HAD SOMETHING ONCE ABOUT
22 A CUP OF COFFEE

23 O WHAT, IF ANYTHING, DID ANN WILSON DO WHILE YOU
24 WERE THERE?

25 THE COURT DON'T GO INTO ANY CONVER-
SATION?

1 Q WHAT WAS SHE DOING?

2 A WELL, SHE WAS SITTING AT THE TABLE AND WE SIT
3 DOWN AT THE TABLE

4 Q WAS THERE ANYTHING OUT ON THE TABLE FOR YOU?

5 A WELL, SHE HAD GOT THE INSURANCE POLICY MY
6 BROTHER HAD FROM THE NAVY AND THE ONE AT FORT JACKSON
7 AND SHE WAS TALKING TO MY BROTHER ABOUT THEM

8 Q WOULD YOU, HOW WOULD YOU DESCRIBE THE EMOTIONS OF
9 THE PEOPLE THERE AT YOUR BROTHER'S HOUSE AT THE TIME?

10 A AT ONE TIME THEY WERE FAIRLY CALM

11 Q DID THAT CHANGE?

12 A YES, IT CHANGED AFTERWARD

13 Q WERE THEY UPSET?

14 A YES, SHE GOT UPSET WE TALKED A LOT
15 AND AFTER THINGS WERE SAID SHE KIND OF GOT UPSET ABOUT IT

16 Q NOW, DO YOU KNOW THE DEFENDANT?

17 A YES, SIR

18 Q HOW LONG HAVE YOU BEEN KNOWING HIM?

19 A ALL OF MY LIFE.

20 Q DID YOU EVER SEE HIM AT YOUR BROTHER'S HOUSE
21 BEFORE YOUR BROTHER'S DEATH?

22 A YES, SIR, I SAW HIM THERE

23 Q MORE THAN ONCE?

24 A I SAW HIM A COUPLE OF TIMES

25 Q WAS YOUR BROTHER THERE?

1 A WELL, ONE TIME HE WAS
2 Q DO YOU KNOW IF YOUR BROTHER KNEW THE DEFENDANT?
3 A YES, SIR
4 Q DID HE?
5 A YES, SIR, HE KNEW HIM
6 Q DID YOU EVER SEE THE DFFENDANT AT YOUR BROTHER'S
7 HOUSE AFTER HE WAS BURIED?
8 A YES, SIR
9 Q WHEN?
10 A WELL, IT WAS THE DAY THEY BURIED MY DAD THEY
11 CAME TO THE FUNERAL TOGETHER
12 Q IN OCTOBER OF THE SAME YEAR?
13 A YES
14 Q AND, HOW OFTEN WOULD YOU SEE THE DEFENDANT AT
15 YOUR SISTER-IN-LAW'S HOUSE AFTER OLIN'S DEATH?
16 A WELL, ALL THE TIME AFTER THAT TILL SHE MOVED TO
17 COLUMBIA, LEESBURG OR SOMEWHERE
18 Q HAD HE MOVED IN?
19 A YES, SIR, HE MOVED IN
20 O WHO WAS LIVING THERE THEN WHEN HE MOVED IN?
21 A WELL, SHE WERE LIVING THERE, ANN WERE LIVING THERE,
22 HER BROTHER DINKY AND HER KIDS AND OLIN I MEAN AND HIM
23 Q DID THE DEFENDANT RIDE A MOTORCYCLE SOMETIME
24 AFTER HE MOVED IN?
25 A YES, SIR, HE DID

1 Q DO YOU KNOW WHERE HE GOT THE MOTORCYCLE?

2 A YES, SIR, ANN BOUGHT IT FOR HIM

3 MR VERMONT OBJECTION, AGAIN, YOUR
4 HONOR, UNLESS HE WAS THERE AND WITNESSED THE TRANSACTION
5 THE COURT IF HE WASN'T THERE HE
6 CAN'T TESTIFY TO IT

7 MR VERMONT I REQUEST THAT REMARK
8 BE STRICKEN

9 THE COURT STRIKE IT FROM THE RECORD,
10 DISREGARD IT ALTOGETHER

11 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

12 Q DID THE DEFENDANT TALK ABOUT THE MOTORCYCLE?

13 A YES, SIR

14 Q DID THE DEFENDANT EVER TELL YOU WHERE HE GOT THE
15 MOTORCYCLE?

16 A YES, SIR

17 Q WHERE DID HE SAY HE GOT THE MOTORCYCLE?

18 A HE SAID ANN BOUGHT IT FOR HIM

19 Q THANK YOU DO YOU KNOW DID THE DEFENDANT EVER
20 DISCUSS ANYTHING ELSE ANN WILSON MIGHT HAVE DONE FOR HIM?

21 A YES, SHE BOUGHT HIM A NICE RING, SAID SHE GAVE
22 HIM THE MONEY FOR THE RING

23 MR VERMONT OBJECTION, YOUR HONOR
24 HE IS GOING TO HAVE TO LAY SOME GROUND WORK, THAT IS
25 HARDLY A CORRECT QUESTION

1 THE COURT I SUSTAIN THE OBJECTION
2 DISREGARD ANY OF THAT STATEMENT YOU'LL HAVE TO DO IT
3 PROPERLY

4 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

5 Q DID THE DEFENDANT TELL YOU THAT ANN WILSON HAD
6 EVER GIVEN HIM ANYTHING ELSE?

7 A YES, SIR

8 Q WHAT DID THE DEFENDANT TELL YOU ANN WILSON GAVE
9 HIM?

10 A A RING

11 Q DID YOU KNOW WHAT KIND OF RING, DID HE SAY WHAT
12 KIND? DID YOU EVER SEE THE RING?

13 A YES, I SAW IT AT THE TIME IT WAS A REAL NICE
14 RING, BUT IT HAS BEEN A GOOD WHILE I DON'T KNOW EXACTLY
15 WHAT IT WAS

16 Q DID THE DEFENDANT TELL YOU ANN WILSON GAVE HIM
17 ANYTHING ELSE?

18 A YES, SIR

19 O WHAT?

20 A SHE GAVE HIM MONEY, SAID SHE GAVE HIM MONEY

21 Q DID HE SAY HOW MUCH OR HOW OFTEN?

22 A WELL, WHENEVER HE WANTED IT

23 Q ALL RIGHT, SIR, PLEASE ANSWER ANY QUESTIONS
24 DEFENSE COUNSEL MIGHT HAVE FOR YOU
25

1 CROSS EXAMINATION

2 BY MR VERMONT

3 Q MR WILSON, ARE YOU FAMILIAR WITH THE MEDICAL
4 PHENOMENON OF SHOCK?

5 A OF SHOCK?

6 Q YES, SIR? NOT ELECTRICAL SHOCK BUT THE MEDICAL
7 PHENOMENON?

8 A /YES, SIR, I GUESS I AM

9 Q WOULD YOU SAY MAYBE THE PEOPLE AT YOUR BROTHER'S
10 HOUSE WERE IN SHOCK? WHEN YOU FIRST GOT THERE?

11 A NO, SIR

12 Q YOU WOULDN'T SAY THAT'S AN ADEQUATE DESCRIPTION
13 OF HOW THEY WERE ACTING?

14 A NO, I DON'T BELIEVE THEY WERE IN SHOCK

15 Q AND THEN LATER THEY GOT UPSET EMOTIONALLY?

16 A YES, SIR

17 Q THERE WAS CRYING AND ALL THAT SORT OF THING?

18 A NO, THERE WASN'T A LOT OF CRYING?

19 Q NO CRYING, THEY JUST GOT UPSET?

20 A YES, SIR

21 Q I DON'T HAVE ANY OTHER QUESTIONS, THANK YOU

22 THE COURT THANK YOU, SIR, YOU MAY
23 COME DOWN

24 NOW, YOU ALL HAVE BEEN HERE FOR A LONG--
25 NOW DON'T DISCUSS THE CASE, I WILL SEND FOR YOU IN A

1 SHORT TIME YOU ALL HAVE BEEN HERE ABOUT AN HOUR

2 (JURY LEAVES THE COURTROOM AT 11 47 A M)

3 (RECESS AT 11 47 A M)

4
5 (RESUME AT 12 05 P M)

6 THE COURT OKAY, YOU ARE READY?

7 MR MABRY YES, YOUR HONOR

8 MR VERMONT YES, SIR

9 (JURY RETURNS TO THE COURTROOM AT 12 10

10 P M)

11 THE COURT ALL RIGHT, PROCEED

12 MR ELLIOTT IF IT PLEASE THE COURT,

13 THE STATE WOULD CALL KERBY POU?

14 KERBY POU, AFTER BEING

15 DULY SWORN, TESTIFIES AS FOLLOWS

16 DIRECT EXAMINATION

17 BY MR ELLIOTT

18 THE CLERK STATE YOUR FULL NAME FOR

19 US PLEASE, SIR?

20 MR POU KERBY KLINE POU

21 THE CLERK SPELL YOUR LAST NAME?

22 MR POU P O U

23 Q MR POU, WHERE ARE YOU EMPLOYED?

24 A I'M SELF EMPLOYED, SIR, WITH KERBY'S HARLEY

25 DAVISON I OWN AND OPERATE IT

1 Q YOU OWN AND OPERATE KERBY'S HARLEY DAVISON?
2 A YES, SIR, THAT IS CORRECT
3 Q SPEAK UP SO ALL OF US CAN HEAR YOU?
4 A ALL RIGHT
5 Q WERE YOU SO EMPLOYED, WERE YOU RUNNING THE HARLEY
6 DAVISON DISTRIBUTORSHIP IN JANUARY OF 1979?
7 A YES, SIR
8 Q DID YOU SEE THE DEFENDANT, DID THE DEFENDANT COME
9 INTO YOUR SHOP IN JANUARY OF '79?
10 A YES, HE DID
11 Q WOULD YOU EXPLAIN FOR THE JURY THE CIRCUMSTANCES
12 SURROUNDING YOUR MEETING THE DEFENDANT? WHAT DID HE DO
13 WHEN HE CAME INTO YOUR SHOP?
14 A OWENS CAME IN RIDING A MOTORCYCLE AND WANTED
15 TO TRADE IT ON A NEW ONE
16 Q YOU RECALL THE KIND HE WAS RIDING?
17 A YES, SIR, IT WAS A YAMAHA, JAPANESE MOTOCYCLE
18 Q HOW OLD WASIT, WOULD YOU KNOW?
19 A I BELIEVE IT WAS ABOUT, UH, '77 MODEL, I BELIEVE
20 IT WAS, YES, SIR
21 Q AND, DID HE LOOK AT ANY OF YOUR MOTORCYCLES ON
22 THE SHOWROOM FLOOR?
23 A OH, YES, HE LOOKED AT ALL OF THEM
24 Q DID HE PICK ONE OUT?
25 A YES, SIR

1 Q DID YOU HAVE A CONVERSATION WITH HIM ABOUT
2 BUYING THAT MOTORCYCLE, ABOUT HIM BUYING IT?

3 A YES, SIR, WE MADE A DEAL IN OTHERWORDS, WE COME
4 TO AN AGREEMENT

5 Q WHAT KIND IF AN AGREEMFNT DID YOU COME TO?

6 A WELL, I BELIEVE I ALLOWED HIM \$1800 00 FOR HIS
7 MACHINE

8 Q A TRADE IN?

9 A YES, SIR

10 O DO YOU RECALL WHAT THE DIFFERENCE WOULD HAVE BEEN
11 FOR THE TRADE-IN AND THE PURCHASE PRICE?

12 A THE OTHER ONE WAS PRICED AT \$4800 00 SOMETHING
13 LIKE THAT

14 Q OKAY, DID HE PAY YOU THE MONEY?

15 A NOT AT THE PRESENT, NO, SIR, RIGHT THEN

16 Q WHAT HAPPENED AFTER YOU AGREED UPON A PRICE?

17 A OWENS MADE A PHONE CALL

18 Q DO YOU KNOW WHO HE CALLED?

19 A NO, SIR, I DID NOT

20 Q DO YOU RECALL WHAT HE SAID WHILE ON THE TELEPHONE?

21 A NO, SIR, I DIDN'T HEAR ANY CONVERSATION BUT HIS
22 VOICE WAS DEMANDING AND VERY PROFANE

23 Q AFTER HE MADE THE PHONE CALL WHAT HAPPENED?

24 A OH, IN A WHILE THIS ANN WILSON CAME

25 Q AND WHY DID SHE COME?

1 A WELL, SHE, SHE PAID FOR THE MOTORCYCLE FOR HIM
2 O ALL RIGHT, DID SHE HAVE THE CASH WITH HER WHEN
3 SHE ARRIVED?

4 A NO, SIR

5 O HOW WERE YOU PAID?

6 A PAID CASH

7 Q DID SHE LEAVE YOUR PLACE OF BUSINESS AND RETURN
8 WITH SOME CASH?

9 A YES, THEY WAS GONE FOR A WHILE AND THEN THEY
10 CAME BACK AND SHE HAD IT

11 Q WHO ACTUALLY PAID YOU?

12 A ANN PAID ME

13 Q DID SHE ACTUALLY HAND YOU THE MONEY?

14 A YES, SIR

15 Q AND HOW DID HE TREAT HER DURING THAT TIME THEY
16 WERE AT THE SHOP?

17 A WELL, IT WAS THE WHOLE TIME HE WAS VERY DEMANDING
18 LIKE I SAY HE WAS, I DON'T KNOW EXACT WORDS BUT HE
19 WAS KIND OF HARSH TOWARDS HER WHILE THEY WERE THERE

20 Q ALL RIGHT, HAD HE BEEN DRINKING WHILE HE WAS
21 THERE?

22 A YES, SIR, YES, SIR, SURE WAS

23 Q DID YOU WRITE OUT A RECEIPT FOR THE MOTORCYCLE?

24 A OH, YES, I SURE DID

25 Q LET ME SHOW YOU THIS YELLOW SHEET OF PAPER AND

1 I ASK YOU IF YOU RECOGNIZE IT?

2 A YES, SIR, THAT IS THE YELLOW COPY OF THE ORIGINAL
3 BILL OF SALE THE YELLOW COPY MEANING THE NUMBER TWO
4 COPY

5 Q THE BILL OF SALE INVOLVED IN THE SALE OF THIS
6 MOTORCYCLE?

7 A IN OUR TRANSACTION, YES, SIR

8 (HANDED TO MR VERMONT)

9 MR VERMONT NO OBJECTION, YOUR
10 HONOR

11 MR ELLIOTT I WOULD LIKE TO MOVE
12 TO INTRODUCE THE RECEIPT?

13 (ENTERED HERE AS STATE'S EXHIBIT NO
14 33)

15 MR VERMONT CAN WE HAVE THE NUMBER
16 ON THAT?

17 MR ELLIOTT IT IS NUMBER 33
18 DIRECT EXAMINATION CONTINUES BY MR ELLIOTT

19 Q LOOK AT THAT, MR POU, AND TELL ME WHO THE
20 RECEIPT WAS MADE OUT TO?

21 A VIRGINIA A WILSON, ROUTE 1, BOX 238, EASTOVER

22 Q AND WHAT KIND OF MOTORCYCLE WAS INVOLVED IN THE
23 SALE?

24 A THIS IS A 1978 HARLEY DAVISON FLH

25 Q HOW MUCH TRADE-IN DID YOU GIVE HIM ON THE YAMAHA

1 MOTORCYCLE?

2 A \$1800 00

3 Q HOW MUCH CASH DID SHE PAY?

4 A SHE PAID ME \$1321 00

5 Q AND WAS THE DEFENDANT PRESENT THROUGHOUT ALL OF
6 THIS?

7 A YES, SIR, YES, SIR

8 Q THANK YOU, I DON'T HAVE ANYTHING FURTHER PLEASE
9 ANSWER ANY QUESTIONS COUNSEL MAY HAVE

10

11 CROSS EXAMINATION

12 BY MR VERMONT

13 Q MR POU, YOU DON'T KNOW OF YOUR OWN KNOWLEDGE,
14 DO YOU, SIR, WHAT SORT OF FINANCIAL ARRANGEMENT WAS MADE
15 BETWEEN ANN WILSON AND OWENS CAMPBELL, DO YOU?

16 A NO, SIR, I DO NOT

17 Q ALL RIGHT, ALL YOU KNOW IS SHE SHOWED UP AND
18 PAID YOU THE MONEY?

19 A THAT'S CORRECT

20 Q AND HE GAVE YOU HIS OWN BIKE ON A TRADE-IN?

21 A YES, SIR

22 O NOW, SOME MONTHS LATER HE BROUGHT YOU THAT SAME
23 BIKE BACK, THIS IS A BIG BIKE AN 80 SERIES HARLEY, A BIG
24 ONE?

25 A THAT'S CORRECT, YES

1 Q THAT'S 1320, 1340, 1320 CC'S SOMETHING LIKE THAT?
2 BIG BIKE?

3 A 1340 BIG CHOP

4 Q ALL RIGHT, NOW, OWENS CAME BACK SOME MONTHS
5 LATER AND WANTED TO TRADE THAT ONE ON A LITTLE RIDER, DID
6 HE NOT? A LOW RIDER?

7 A WELL, ON THE LOW RIDER IT WAS WHAT WE CALL A
8 FAT RIDER, IT WAS SIMILAR TO WHAT WE CALL A LOW RIDER

9 Q ALL RIGHT, SO YOU DID A TRANSACTION SOMEWHAT
10 SIMILAR TO THIS ONE? YOU TOOK THAT BIKE THAT YOU HAD
11 BIKE THAT YOU HAD SOLD HIM ORIGINALLY ON A TRADE-IN OR
12 THE BIKE THAT YOU ARE TALKING ABOUT HERE, IS THAT CORRECT?

13 A YES, SIR

14 Q AND THEN HE CAME UP WITH SOME CASH, WENT AND GOT
15 IT FROM HIS OWN BANK ACCOUNT OR DO YOU RECALL?

16 A I DON'T RECALL THAT, I REALLY DON'T

17 Q OKAY, OKAY, AND THEN I THINK, HE RODE THAT ONE
18 AROUND AND TRADED IT BACK, IN FACT, FOR THIS BIKE THAT
19 WE ARE TALKING ABOUT HERE?

20 A YES, HE RODE IT ON THE WEEKEND AND HE CAME
21 AND SAID HE WANTED HIS OLD ONE BACK SO HE GOT HIS OLD
22 MACHINE BACK

23 Q OKAY BUT OF YOUR OWN KNOWLEDGE, YOU DON'T KNOW
24 ANYTHING ABOUT THE UNDERLYING AGREEMENT ABOUT THIS MONEY?
25 IS THAT RIGHT, YOU JUST KNOW YOU RECEIVED IT?

1 A NO, SIR, I DO NOT

2 Q ALL RIGHT, THANK YOU, MR. POU THAT IS

3 ALL I HAVE

4 MR. ELLIOTT THAT IS ALL PLEASE
5 STEP DOWN

6 MR. MABRY YOUR HONOR, DELORES
7 CAMPBELL MOCK IS NOT IN COURT, AS I UNDERSTAND SHE IS
8 SICK AND SO AT THIS TIME THE STATE WILL REST

9 MR. VERMONT WE HAVE SOME LEGAL
10 MATTERS, NEEDLESS TO SAY

11 THE COURT ALL RIGHT IN ANY PRO-
12 CEEDING IN THIS STATE, SO YOU WILL UNDERSTAND IT BETTER,
13 AT THE CLOSE OF THE STATE'S SIDE IN EVERY CASE, I HAVE
14 TO SEND YOU OUT TO HEAR MATTERS I HAVE STATED THIS
15 CASE IS NO DIFFERENT THAN ANY OTHER CASE OF THIS NATURE
16 TO BE TRIED IN THIS COURT

17 I CANNOT DETERMINE HOW MUCH TIME
18 THIS WILL TAKE NOW, I CAN DO ONE OF TWO THINGS, I CAN
19 KEEP YOU IN THE JURY ROOM OR I CAN CONTINUE TO WORK AND
20 LET YOU GO BUT YOU WOULD HAVE TO LEAVE AND NOT BE
21 AROUND HERE NOTHING WRONG WITH THIS, JUST MATTERS I
22 HAVE TO HEAR AND IT AIN'T GOT A THING TO DO WITH YOU ALL
23 IT DOESN'T HAVE A THING TO DO WITH YOU ALL RENDERING A
24 VERDICT THAT SPEAKS THE TRUTH AND, IF I DO DO THAT, I
25 WOULD SAY WE COULD TRY TO START BACK AT 2 00, WHICH WOULD

1 GIVE YOU PLENTY OF TIME AND GIVE US TIME TO COMPLETE
2 WHAT WE HAVE TO DO NOW, IF YOU WOULD RATHER STAY IN
3 THE JURY ROOM OR WOULD YOU RATHER FOR ME TO LET YOU GO?
4 MAKES NO DIFFERENCE TO ME, NOW

5 MR FOREMAN LET US GO

6 THE COURT LET YOU GO THEN EVERYBODY
7 WOULD BE IN AGREEMENT TO THAT? I SEE NO NEED TO MAKE
8 YOU SIT THERE, YOU HAVE TO SIT THERE OFTEN ENOUGH

9 NOW THE SAME INSTRUCTIONS I TELL THIS
10 EVERY TIME YOU LEAVE DO NOT DISCUSS THIS CASE WITH
11 ANYONE, DO NOT LISTEN TO ANYONE DISCUSS IT DO NOT READ
12 ANY NEWS MATTERS, DON'T WATCH ANY RADIO OR ANY OTHER
13 MATTER OR TELEVISION IF THERE SHOULD BE ANY AGAIN, MY
14 SUGGESTION, I THINK IT WOULD BE NICE WHEN YOU GET HERE TO
15 GO STRAIGHT TO THE JURY ROOM NOW, THEY CAN GET YOU
16 A CUP OF COFFEE, NOW I BELIEVE SOME OF YOU EAT YOUR
17 LUNCH HERE, FINE GO ON IN, SHUT THE DOOR, STAY THERE,
18 THAT'S FINE WITH ME

19 ALL RIGHT, I WON'T RUN YOU OUT OF HERE
20 IF YOU BROUGHT YOUR LUNCH AND YOU WANTED TO EAT IT BUT
21 IT IS ABSOLUTELY NECESSARY THAT YOU BE AWAY FROM THIS
22 COURTROOM I DON'T WANT YOU ACCIDENTALLY COMING IN I
23 AM TELLING YOU THAT NOW I HOPE YOU HAVE A NICE LUNCH
24 OR DINNER AND I WILL SEE YOU AT 2 00

25 (JURY LEAVES THE COURTROOM AT 12 20 P `)

1 MR VERMONT IF YOUR HONOR PLEASE,
2 AT THIS TIME I WOULD MOVE FOR A DIRECTED VERDICT OF NOT
3 GUILTY ON SEVERAL GROUNDS, BUT GENERALLY ON THE INSUF-
4 FICIENCY OF THE EVIDENCE AS A MATTER OF LAW TO EVEN GET
5 THIS CASE TO THE JURY ON SPECIFIC GROUNDS I THINK THERE
6 ARE A NUMBER OF DEFICIENCIES IN THE STATE'S CASE MOST
7 OF THEM BROUGHT ABOUT BY THE STATE'S OWN EVIDENCE

8 WE HAVE LARGELY, BY AND LARGE A
9 CIRCUMSTANTIAL CASE EXCEPT FOR THE TESTIMONY OF ONE JAMES
10 OWENS, WHICH IS SO FAR UNCORROBORATED WE HAVE THE
11 TESTIMONY THAT THE STATE HAS TESTED A NUMBER OF GUNS
12 BELONGING TO FAMILY MEMBERS OF MR CAMPBELL, NONE OF
13 WHICH IS THE MURDER WEAPON NOT BEEN ABLE TO PLACE A
14 MURDER WEAPON WITH HIM OR IN HIS FAMILY I THINK THE
15 CASE IS WEAK, I DON'T THINK IT MERITS GOING TO THE JURY

16 THE COURT WELL, BEING WEAK IS NOT
17 GROUNDS THAT I COULD USE IN RULING THERE IS EVIDENCE,
18 BE IT WEAK OR STRONG, THAT IS FOR THE JURY TO DECIDE
19 THERE IS EVIDENCE, DIRECT EVIDENCE AND THEY HAVE GOT
20 TO DECIDE ONE WAY OR ANOTHER, NOT ME SO YOUR MOTION IS
21 DENIED ANYTHING FURTHER?

22 MR VERMONT NOT AT THIS TIME, YOUR
23 HONOR

24 THE COURT NOW, I DIDN'T THINK IT WOULD
25 TAKE VERY LONG BUT YOU MIGHT WANT TO DISCUSS BETWEEN NOW

1 AND 2 00 WITH YOUR CLIENT YOUR PROCEDURE

2 MR VERMONT YES, SIR

3 THE COURT I MADE IT SO YOU WOULD
4 HAVE A LITTLE TIME TO DO THAT IF YOU NEED MORE TIME,
5 FINE

6 MR VERMONT I KNOW, YOUR HONOR, WE
7 WEREN'T OUIITE READY WE WERE THINKING WE WOULD GO
8 THROUGH THE REST OF THE DAY WITH THE STATE WE SHOULD
9 BE READY BY 2 00 OR 2 30

10 THE COURT WE ARE GETTING ALONG
11 WITH THE CASE MOST OF THEM END UP SOONER THAN YOU
12 THINK, BUT I KNOW YOU ALL HAD TOLD ME IT WOULD LAST
13 A WEEK AND A HALF FINE IF YOU NEED A LITTLE MORE
14 TIME I WOULD BE HAPPY TO GIVE IT TO YOU I WANT YOU TO
15 BE FULLY PREPARED WITH YOUR PROCEDURE MAKE THE DEFENDANT
16 AVAILABLE TO US, WHATEVER TIME YOU WANT BETWEEN NOW AND
17 2 00 AND THEN YOU WILL HAVE IT SO THAT YOU CAN BE
18 PREPARED

19 MR VERMONT THANK YOU

20 THE COURT ANYTHING FURTHER?

21 MR MABRY NO, YOUR HONOR

22 MR VERMONT NO, SIR, YOUR HONOR

23 THE COURT ALL RIGHT, THIS CASE IS
24 ADJOURNED AND WILL RETURN BACK TENTATIVELY AT 2 00 OR
25 SOON THEREAFTER AS WE CAN

1 (RECESS AT 12 25 P M)

2
3 (RESUME AT 2 35 P M)

4 THE COURT LADIES AND GENTLEMEN, I
5 AM GOING TO REITERATE WHAT I SAID YESTERDAY I HAVE
6 BEEN INFORMED THERE COULD HAVE BEEN SOME DISTURBANCE
7 AS I STATED YESTERDAY THIS WILL NOT BE TOLERATED WHATSOEVER
8 DISTURBANCE, THREATS, THREATS ON ANY WITNESSES IF THAT
9 BE TRUE, HERE OR ANYWHERE I DON'T CARE WHERE IT IS, WILL
10 BE BROUGHT BEFORE ME TO BE DEALT WITH I AM NOT JOKING
11 ABOUT IT I AM NOT ACCUSING ANYBODY OF ANYTHING BUT
12 I WANT YOU TO KNOW I AM NOT JOKING CERTAINLY ALL OF YOU
13 ARE FINE PEOPLE, EACH AND EVERYONE OF YOU

14 THERE IS GOING TO BE A CERTAIN DECORUM
15 KEPT COMPLETELY AND FULLY IN THIS CASE OR IN ANY OTHER
16 CASE I HAVE TOLD YOU BEFORE, I EXPLAIN THIS USUALLY
17 IN EVERY CASE OF ANY NATURE WHERE I AM CERTAIN OR SURE
18 THERE WOULD BE FEELINGS OF THINGS, NOT JUST IN THIS
19 CASE BUT IN EVERY CASE, IN ALL OF THEM I JUST WANT
20 TO REITERATE I WILL NOT HESITATE TO ENFORCE THIS RULE

21 MATTERS OF THAT, VIOLATORS OF THAT
22 WOULD BE WHAT'S CALL A DIRECT CONTEMPT WOULD BE BEFORE
23 ME WITHOUT A JURY OF COURSE, I WOULD HEAR IT FAIRLY BUT
24 I COULD NOT LET SOME OTHER JUDGE HEAR IT AND IT COULD
25 CARRY A POSSIBLE SENTENCE NOT TO EXCEED SIX MONTHS TO

1 PURGE A CONTEMPT FROM THE RECORD OR SOME OTHER PUNISHMENT
2 I KNOW ALL OF YOU HAVE BEEN VERY GOOD I AM NOT COMPLAINING
3 OF YOUR BEHAVIOR IN THE COURTROOM AT ALL BUT MY ORDER
4 CARRIES FURTHER THAN JUST THIS COURTROOM OUTSIDE IN
5 THE COURTHOUSE, AS FAR AS WITNESSES ARE CONCERNED,
6 EVERYWHERE

7 ORDINARILY YOU MIGHT THINK THAT DIRECT
8 CONTEMPT MUST HAPPEN IN THE COURTROOM NO OF COURSE,
9 IF THIS SHOULD HAPPEN IN THE COURTROOM OR ON THE COURTHOUSE
10 GROUNDS, I AM NOT SAYING ANY WITNESS HAS BEEN THREATENED,
11 BUT ANYWHERE THAT HAPPENS, YOU GET OUT OF THE BOUNDS OF
12 THE COURTHOUSE ALTOGETHER IT STILL WOULD BE, COULD BE
13 A DIRECT CONTEMPT NOW, IF THERE IS ANYTHING YOU WOULD
14 LIKE TO BRING BEFORE ME BEFORE WE GET STARTED?

15 MR VERMONT NO, SIR

16 MR MABRY NO

17 THE COURT ANY OF YOU FEEL THAT YOU
18 HAVE BEEN THREATENED OR MISTREATED, LET THE BAILIFF KNOW,
19 OR ONE OF THE OFFICERS OR ONE OF THE ATTORNEYS, BRING IT
20 TO MY ATTENTION BECAUSE I WOULDN'T KNOW IT HAPPENED
21 UNLESS SOMEBODY BRINGS IT TO MY ATTENTION

22 (JURY RETURNS TO THE COURTROOM AT 2 40

23 P M)

24 THE CLERK STATE WAIVE POLLING OF
25 THE JURY?

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MR MABRY YES, SIR

THE COURT DEFENSE?

MR VERMONT YES, SIR

THE COURT ALL RIGHT, PROCEED

MR MABRY YOUR HONOR, EXCUSE ME,
COUNSEL, THERE IS ONE THING ELSE WE WANT TO PUT ON THE
RECORD BY AGREEMENT AFTER THE JURY LEFT WE SUBSTITUTED
THE YELLOW COPY OF THAT BILL OF MR KERBY POU, I BELIEVE,
NEEDED THE YELLOW COPY OF THAT BILL AND WE SUBSTITUTED
A ZEROXED COPY AND THE DEFENSE COUNSEL HAS AGREED ON IT
I JUST WANTED TO LET THE JURY KNOW

THE COURT YES, THAT WAS AGREED TO,
WITH YOUR KNOWLEDGE AND WE WERE GOING TO DO IT IN OPEN
COURT ALL RIGHT

MR VERMONT WE CALL JOHN OWENS, SR ,
YOUR HONOR

JOHN OWENS, SR , AFTER BEING
DULY SWORN, TESTIFIES AS FOLLOWS

DIRECT EXAMINATION

BY MR VERMONT

THE CLERK HAVE A SEAT PLEASE SIR,
AND STATE YOUR FULL NAME?

MR OWENS MY NAME IS JOHN CHARLES
OWENS

Q WHERE DO YOU LIVE, MR OWENS, PLEASE SIR?

1 A 2620 RIVERSIDE LANE
2 Q THAT IS IN THE COLUMBIA AREA?
3 A THAT IS IN CAYCE
4 Q ALL RIGHT, SIR, WHERE ARE YOU EMPLOYED?
5 A WESTINGHOUSE
6 Q HOW LONG HAVE YOU BEEN OUT THERE?
7 A ELEVEN YEARS
8 Q WHAT DO YOU DO OUT AT WESTINGHOUSE?
9 A I AM A MECHANIC
10 Q ALL RIGHT, NOW, WHAT RELATION ARE YOU TO MRS
11 ELAINE CAMPBELL?
12 A SHE IS MY SISTER
13 Q ALL RIGHT, WHAT KIN DOES THAT MAKE YOU TO
14 DEFENDANT OWENS CAMPBELL?
15 A HE IS MY NEPHEW
16 Q ALL RIGHT, AND WHAT KIN ARE YOU TO MR JAMES
17 OWENS?
18 A HE IS MY SON
19 Q ALL RIGHT, AND WHAT KIN ARE YOU TO JOHNNY OWENS?
20 A HE IS MY SON
21 Q HE IS JOHNNY OWENS, JP ?
22 A RIGHT
23 Q ALL RIGHT, SIR, DID YOU HAVE OCCASION TO HAVE
24 CONTACT WITH YOUR SON BACK, I WILL DIRECT YOU BACK TO
25 AROUND OCTOBER OF THIS PAST FALL, OF 1981?

1 A REPEAT THAT, I DIDN'T QUITE GET IT?

2 Q DID YOU HAVE CONTACT WITH JAMIE BACK IN OCTOBER
3 OF 1981?

4 A RIGHT, I SAW HIM OFF AND ON

5 Q WAS HE LIVING WITH YOU AT THAT TIME?

6 A NO, SIR

7 Q WHAT WAS THE STATUS BETWEEN YOU ALL AT THE TIME?

8 A WELL, I RECKON STATUS IS HE JUST DON'T GET ALONG
9 WITH ME OR SOMETHING

10 Q ALL RIGHT, YOU ALL WEREN'T GETTING ALONG?

11 A RIGHT

12 O LET ME ASK YOU THIS, BEFORE THAT TIME HAD HE
13 EVER SAID ANYTHING TO YOU ABOUT THIS CASE?

14 MR MABRY OBJECTION, YOUR HONOR,
15 HEARSAY

16 A AM I ALLOWED TO ANSWER THAT QUESTION?
17 THE QUESTION HE JUST ASKED ME?

18 MR MABRY YOUR HONOR, HE JUST ASKED
19 HIM IF HIS SON EVER SAID ANYTHING TO ME ABOUT THE CASE
20 BEFORE OCTOBER 1981 MY OBJECTION WAS TO HEARSAY

21 A WELL, I CAN ANSWER PART OF THAT, YOU KNOW

22 MR VERMONT NO, LET THE JUDGE RULE
23 THE COURT PROCEED ON

24 DIRECT EXAMINATION CONTINUES BY MR VERMONT

25 Q DID HE EVER SAY ANYTHING TO YOU BEFOR THAT TIME

1 ABOUT THIS CASE? NOT WHAT HE SAID BUT DID HE EVER SAY
2 ANYTHING?

3 A NO, HE HASN'T MENTIONED IT TO ME AT ALL

4 Q WERE YOU AWARE OF THE DATE ON WHICH HE GAVE HIS
5 STATEMENT TO INVESTIGATOR LEWIS?

6 A I THINK I SAW HIM THAT NIGHT

7 Q ALL RIGHT, SIR, AFTERWARDS OR BEFORE?

8 A IT WAS AFTERWARDS

9 Q CAN YOU DESCRIBE WHAT HE WAS LIKE THAT NIGHT?

10 A HE WAS, UH, HIGHLY NERVOUS UH--

11 Q HOW DO YOU MEAN?

12 A LOOKED LIKE HE JUST COULDN'T HARDLY LIVE WITH
13 HISSELF

14 Q UH HUH, I GOT A PHONE CALL OUT AT THE PLANT FROM
15 NADINE, YOU KNOW, TO COME BY AND SEE HIM BECAUSE SHE
16 WAS HAVING PROBLEMS WITH HIM

17 Q ALL RIGHT?

18 A AND SO THERE WASN'T MUCH I COULD DO, YOU KNOW,
19 BECAUSE HE'S GOT A MIND OF HIS OWN HE ALWAYS HAS

20 Q ALL RIGHT, ALL RIGHT NOW, LET ME JUST ASK YOU
21 THIS, ONE OTHER QUESTION FOR YOU WOULD YOU BELIEVE YOUR
22 SON UNDER OATH?

23 MR MABRY OBJECTION

24 THE COURT YES, SUSTAINED

25 MR VERMONT I DON'T HAVE ANY QUESTIONS

1 PLEASE COME DOWN

2 MR MABRY, NO, SIR, I WOULD LIKE TO
3 CROSS EXAMINE

4 MR VERMONT I AM SORRY, GO RIGHT
5 AHEAD

6
7 CROSS EXAMINATION

8 BY MR MABRY

9 Q ALL RIGHT, YOUR NAME IS JOHN OWENS?

10 A JOHN CHARLES OWNENS

11 Q JOHN CHARLES OWENS, WOULD YOU COME AROUND HERE
12 AND STAND BEHIND THE DEFENDANT PLEASE?

13 (STANDS BEHIND THE DEFENDANT)

14 CAN I ASK YOU TO STAND FACING THE WALL, PLEASE,
15 LOOK TO THE FRONT? THAT'S RIGHT ALL RIGHT, SIR, WOULD
16 YOU HAVE A SEAT UP THERE AGAIN? (WITNESS RESUMES THE
17 STAND)

18 Q THIS YOUNG MAN IS YOUR SON, IS THAT CORRECT?

19 A YES, THAT'S CORRECT

20 Q AND THE DEFENDANT IS YOUR NEPHEW, IS THAT CORRECT?

21 A THAT'S CORRECT

22 Q YOU SAID YOU TALKED WITH JAMIE THE NIGHT AFTER
23 HE GAVE THE STATEMENT?

24 A RIGHT

25 Q WHEN WAS THAT, SIR?

1 A THAT WAS AT STEAK AND EGGS DOWN ON KNOXVILLE DRIVE
2 I CALL IT DOWN IN CAYCE

3 Q IN CAYCE, WHEN WAS THAT, SIR?

4 A THAT WAS AROUND OCTOBER, NOVEMBER OR SOMEWHERE IN
5 THERE

6 Q WHAT YEAR?

7 A JUST LAST YEAR

8 Q OCTOBER, NOVEMBER?

9 A YES, FIGHT

10 Q COULD HAVE BEEN DECEMBER?

11 A NO, I DON'T THINK IT WAS DECEMBER AT ALL

12 Q COULD IT HAVE BEEN SEPTEMBER?

13 A NO

14 Q BUT OCTOBER OR NOVEMBER?

15 A RIGHT

16 Q YOU ARE NOT SURE WHEN?

17 A NO, SIR

18 Q AND YOU AND YOUR SON HAVE NOT GOTTEN ALONG FOR
19 A LONG TIME, HAVE YOU?

20 A NO, NEVER HAVE BEEN ABLE TO GET ALONG BECAUSE HE
21 SEEMS TO STAY IN TROUBLE ALL THE TIME

22 Q I SEE, AND YOU ARE HIS FATHER?

23 A RIGHT

24 Q UH HUH, AND WHEN HE WAS TWELVE YEARS OLD HE HAD
25 A BICYCLE ACCIDENT, DID HE NOT?

1 A THAT'S CORRECT
2 Q INVOLVED WITH AN AUTOMOBILE?
3 A NO, HE WAS INVOLVED ON A BICYCLE
4 Q ON A BICYCLE?
5 A YEAH, HE WAS PEDALING REAL FAST AND THE FRAME
6 SEPARATED AND DROPPED DOWN, I RECKON
7 Q AND HE WAS INJURED?
8 A YEAH, HE HAD A HERNIA OPERATION
9 Q A HERNIA OPERATION?
10 A RIGHT
11 Q HURT HIM IN THE GROIN AREA?
12 A RIGHT
13 Q DIDN'T BOTHER HIS HEAD AT ALL?
14 A NO, IT DIDN'T BOTHER HIS HEAD
15 Q AND AS A MATTER OF FACT, SIR, THERE WAS A CIVIL
16 LAWSUIT SETTLEMENT OVER THAT CASE, WAS THERE NOT?
17 A THAT IS CORRECT
18 Q AND YOU GOT THE MONEY, DIDN'T YOU, SIR?
19 A THAT'S CORRECT
20 O OKAY?
21 A AND I ALSO USED IT ON HIM
22 Q COME DOWN, THANK YOU
23 MR VERMONT THANK YOU, THAT'S ALL I
24 HAVE COME DOWN, MR OWENS, THANK YOU I CALL JIMMY
25 MARSH,

1 JIMMY LEE MARSH, JR , AFTER
2 BEING DULY SWORN, TESTIFIES AS FOLLOWS
3 DIRECT EXAMINATION
4 BY MR VERMONT

5 THE CLERK HAVE A SEAT PLEASE, AND
6 STATE YOUR FULL NAME?

7 MR MARSH MY NAME IS JIMMY LEON
8 MARSH, JR

9 THE CLERK HOW DO YOU SPELL YOUR
10 LAST NAME?

11 MR MARSH M A R S H

12 Q JIMMY, TELL US HOW OLD YOU ARE, PLEASE?

13 A SEVENTEEN

14 Q YOU IN SCHOOL?

15 A YES, SIR

16 Q WHERE DO YOU GO TO SCHOOL?

17 A LOWER RICHLAND HIGH SCHOOL

18 Q AND WHERE DO YOU LIVE?

19 A 7000 JOHN EDWARDS STREET

20 Q LET ME ASK YOU, WHAT GRADE ARE YOU IN HIGH SCHOOL?

21 A TWELVE

22 Q ABOUT TO FINISH?

23 A RIGHT

24 Q EXPLAIN TO US HOW YOU FIT IN WITH ALL THIS
25 CROWD? WHAT RELATION TO YOU IS OWENS?

1 A HE'S MY UNCLE
2 Q HE'S YOUR UNCLE? YOUR MOTHER IS WHAT KIN TO
3 HIM?
4 A SISTER
5 Q ALL RIGHT, AND WHAT IS YOUR MOTHER'S NAME?
6 A KATHERINE R TAYLOR
7 Q ALL RIGHT, THAT PUTS YOU TO WHAT RELATION TO
8 JAMIE?
9 A MY COUSIN, SECOND COUSIN
10 Q COUSIN, ALL RIGHT, YOU ARE KIN TO ALL THE REST
11 OF THESE CAMPBELLS TOO, THEN, IS THAT RIGHT?
12 A RIGHT
13 Q HAVE YOU BEEN LIVING AT THAT SAME ADDRESS ON
14 JOHN EDWARDS FOR THE LAST FEW YEARS?
15 A IN '78 WE WAS LIVING IN CHARLESTON
16 Q ALL RIGHT, WHEN DID YOU COME UP HERE?
17 A IT WAS RIGHT AFTER, I'D SAY IN '79 CAUSE I
18 STARTED GOING TO LOWER RICHLAND
19 Q WHO ELSE LIVES THERE WITH YOU?
20 A MY MOTHER, ME AND MY STEPDADDY, PRATHER C TAYLOR
21 AND MY BROTHER
22 Q YOUR YOUNGER BROTHER WESTON?
23 A WESTON
24 Q ALL RIGHT, DID YOU EVER KNOW CONNIE LEWIS TO COME
25 BY THAT HOUSE?

1 A HE COME BY QUITE A FEW TIMES
2 Q OVER WHAT PERIOD OF TIME ARE WE TALKING ABOUT?
3 A AROUND THE SEPTEMBER AND STUFF LIKE THAT
4 Q DID HE EVER COME BY BEFORE THEN?
5 A UH, I DON'T THINK SO, BUT AFTERWARDS, LIKE
6 Q Q CAN YOU ESTIMATE HOW MANY TIMES HE CAME BY?
7 A I DON'T KNOW, HE CAME THERE TWICE WHILE I WAS
8 THERE, MY MOTHER AND THEM WAS NOT THERE
9 Q ALL RIGHT, WHO WAS HE LOOKING FOR?
10 A HE ASKED TO SPEAK TO MY MOTHER KATHERINE R TAYLOR
11 Q ALL RIGHT, YOU KNOW JAMIE?
12 A YES, I DO
13 Q YOU HAVE HAD SOME CONTACT WITH HIM ON AND OFF OVER
14 THE PAST FEW YEARS?
15 A NOT REALLY NO CONTACT BECAUSE I HADN'T REALLY
16 SEEN HIM, EXCEPT WHEN HE CAME, WHEN HE GOT OUT AND--
17 Q ALL RIGHT, WOULD HE COME BY AND VISIT YOU OR
18 COME BY TO THAT HOUSE?
19 A WELL, HE CAME TO MY HOUSE AFTERWARDS, WHEN YOU
20 KNOW--
21 Q WHAT WOULD BE THE REASON FOR HIM TO COME OVER
22 TO YOUR HOUSE, DO YOU KNOW?
23 A I DON'T KNOW HE JUST CAME THERE AND HE STARTED
24 STAYING
25 Q ALL RIGHT, DID YOU EVER HAVE ANY CONVERSATIONS

1 WITH HIM ABOUT THIS CASE?

2 A AFTER HE MADE HIS STATEMENT

3 MR MABRY YOUR HONOR, WE ARE GETTING
4 INTO HEARSAY AGAIN

5 MR VERMONT WELL, YOUR HONOR--
6 THE COURT PROCEED

7 MR VERMONT THANK YOU

8 DIRECT EXAMINATION CONTINUES BY MR VERMONT

9 Q WHAT DID YOU EVER HEAR HIM SAY ABOUT THIS CASE?

10 A OKAY, AFTER HE MADE HIS STATEMENT HE CAME TO
11 MY HOUSE A COUPLE OF WEEKS LATER AND TOLD ME, HE SAID,
12 UH, FOR OWENS NOT TO WORRY THAT JOHNNY PUSHED HIM INTO
13 SAYING WHAT HE SAID

14 Q NOW, WHO WAS JOHNNY?

15 A JOHNNY IS HIS BROTHER

16 Q ALL RIGHT, WHAT IS THEIR RELATIONSHIP OTHER THAN
17 BEING BROTHERS? DO YOU HAVE ANY IDEA?

18 A I DON'T KNOW

19 Q DO YOU KNOW ABOUT THE DATE OF THAT INCIDENT?

20 A IT WAS A COUPLE OF WEEKS AFTER HIS STATEMENT,
21 WHENEVER THAT WAS

22 Q HOW DO YOU KNOW ABOUT THE STATEMENT?

23 A CAUSE HIS BROTHER JOHN OWENS BROUGHT IT BACK TO
24 THE HOUSE

25 Q WHEN?

1 A RIGHT THE NIGHT THAT HE MADE IT, THE STATEMENT

2 Q JOHNNY CAME BACK TO THE HOUSE WHERE YOU WERE
3 STAYING?

4 A YES

5 Q WHAT HAPPENED?

6 A HE WAS GRINNING WHEN HE BROUGHT THE STATEMENT
7 BACK AND HE HAD TO LEAVE MY HOUSE THAT NIGHT

8 Q WHY DID HE HAVE TO LEAVE YOUR HOUSE?

9 A BECAUSE WHAT HE HAD DONE

10 Q DO YOU HAVE ANY IDEA OF THE RELATIONSHIP BETWEEN
11 HIM AND OWENS?

12 A UH, THERE WAS AN ARGUMENT LIKE

13 Q LIKE HOW ABOUT BETWEEN JAMIE AND OWENS?

14 A I THOUGHT THEY WERE GETTING ALONG PRETTY GOOD

15 Q DID YOU MAKE A SWORN STATEMENT BASICALLY TO
16 THE EFFECT OF WHAT YOU HAVE TOLD ME?

17 A YES, I DID

18 Q WHAT WAS THE DATE OF THAT STATEMENT? WAS--

19 A MARCH THE 20, 1982

20 Q ALL RIGHT

21 (MR VERMONT HANDS THE STATEMENT TO
22 MR ELLIOTT)

23 Q TO WHOM DID YOU MAKE THIS SWORN STATEMENT? WHO
24 NOTARIZED IT FOR YOU?

25 A MR JOHN GEST, AND I THINK DOWN AT EASTOVER

1 Q ALL RIGHT, HOW DO YOU KNOW HIM?

2 A FROM OUR CHURCH

3 Q ALL RIGHT, THAT IS ALL THE QUESTIONS I HAVE,
4 JIMMY PLEASE ANSWER ANY OUESTIONS MR MABRY OR MR
5 ELLIOTT MIGHT HAVE

6

7 CROSS EXAMINATION

8 BY MR ELLIOTT

9 Q MR MARSH, YOUR MOTHER IS ALSO KNOWN AS ELAINE
10 TAYLOR?

11 A RIGHT

12 Q SHE GOES BY ELAINE?

13 THE COURT YOU WILL HAVE TO SPEAK
14 UP SO I CAN HEAR BACK UP A LITTLE AND TALK A LITTLE
15 LOUDER

16 Q YOUR MOMMA IS CALLED ELAINE TAYLOR?

17 A SHE CALLS ELAINE BUT, WHEN THEY CALL HER BY
18 TAYLOR, WHEN PEOPLE CALL HER BY TAYLOR THEY CALL HER
19 KATHERINE TAYLOR

20 Q NOW, DOES YOUR MOM, OR DO YOUR MOM AND JOHNNY
21 OWENS GET ALONG?

22 A YES, THEY DO

23 Q DOESN'T JOHNNY OWENS DATE YOUR MOTHER?

24 A YES

25 Q DOESN'T JOHNNY OWENS OR DIDN'T JOHNNY OWENS LIVE

1 WITH YOUR MOTHER?

2 A YES, HE DID

3 Q DID YOU EVER TELL CONNIE LEWIS, LT LEWIS ABOUT
4 THIS STATEMENT THAT JOHNNY OWENS MADE THAT YOU JUST
5 TESTIFIED TO?

6 A I DON'T THINK I TALKED TO HIM ABOUT THE STATEMENT
7 THAT I MADE

8 Q OKAY, THANK YOU VERY MUCH

9
10 REDIRECT EXAMINATION

11 BY MR. VERMONT

12 Q DID YOU HAVE ANY CONTACT WITH JOHNNY OWENS TODAY?

13 A YES, I HAVE

14 Q WHAT WAS THAT?

15 A WELL, WHEN I WALKED DOWNSTAIRS HE THREATENED ME

16 Q WHERE WAS THAT, IN THIS BUILDING?

17 A RIGHT DOWNSTAIRS, FIRST FLOOR

18 Q ALL RIGHT, THANK YOU

19 MR. ELLIOTT NOTHING FURTHER

20 THE COURT NOTHING FURTHER, YOU MAY
21 COME DOWN

22 MR. VERMONT YOUR HONOR PLEASE, I
23 HAVE A COUPLE OF WITNESSES I AM GOING TO NEED TO CALL
24 OUT OF ORDER JUST BECAUSE--

25 THE COURT ANY OBJECTION?

1 MR MABRY NO OBJECTION
2 MR VERMONT I CALL MR JOHN R T
3 MAJOR, YOUR HONOR
4 JOHN R T MAJOR, AFTER BEING
5 DULY SWORN, TESTIFIES AS FOLLOWS
6 DIRECT EXAMINATION
7 BY MR VERMONT
8 MR VERMONT MAY WE APPROACH THE
9 BENCH, YOUR HONOR?
10 THE COURT COME UP
11 Q MR MAJOR, WHAT IS YOUR POSITION IN THE COURT
12 HOUSE PLEASE?
13 A I AM CLERK OF COURT FOR RICHLAND COUNTY
14 Q YOU ARE THE CLERK OF COURT, RIGHT?
15 A YES, I AM
16 Q ALL RIGHT, SIR, WHAT DOES THAT INVOLVE AS FAR
17 AS YOUR DUTIES GO?
18 A YOU DON'T WANT ME TO SPEND THE REST OF THE AFTER-
19 NOON TALKING TO YOU ABOUT THEM, I AM SURE, BUT BASICALLY
20 MAINTAINING A CUSTODY OF THE RECORDS OF THE COURT, THE
21 DIRECTION OF THE OPERATION OF THE COURTS, THAT SORT OF
22 THING WITHIN THE COURTHOUSE
23 Q WORKING IN A JUMBLE DURING CASES?
24 A POSSIBLY
25 Q ALL RIGHT, NOW DID YOU BRING SOME DOCUMENTS

1 WITH YOU TODAY TO COURT?

2 A UNDER SUBPOENA THEY WERE BROUGHT TO THE COURTROOM
3 BY MY ASSISTANT MRS OWENS, TO WHOM THE SUBPOENA WAS
4 ADDRESSED

5 Q ALL RIGHT, LET ME CALL YOUR ATTENTION TO A
6 DOCUMENT NUMBERED 59638, CAN YOU TELL US WHAT THAT
7 DOCUMENT IS, SIR?

8 A IT APPEARS TO BE AN INDICTMENT

9 Q AGAINST?

10 A THE CAPTION OF THE CASE IS THE STATE VERSUS
11 JAMES BOOZER OWENS IT IS AN INDICTMENT FOR HOUSEBREAKING

12 Q ALL RIGHT, SIR, WHAT IS THE STATUS OF THAT
13 INDICTMENT?

14 A ACCORDING TO THE NOTATION THAT IS DESCRIBED THEREON,
15 IT IS ON THE CONTINGENT DOCKET

16 Q CAN YOU TELL US WHAT THAT MEANS, CONTINGENT DOCKET?

17 A THAT MEANS THE CASE IS STILL PENDING AND IT HAS
18 NOT BEEN PRESENTED TO THE COURT FOR DISPOSITION IT MAY
19 BE ON A CONTINGENT DOCKET FOR ANY NUMBER OF REASONS

20 Q COULD YOU TELL US WHAT DATE THE CASE WAS PLACED
21 ON THE CONTINGENT DOCKET?

22 A ACCORDING TO THE NOTATION IT WAS PLACED THERE
23 DECEMBER 2, 1981

24 O I ASK THIS BE MARKED AS DEFENSE NUMBER ONE, YOUR
25 HONOR?

1 THE COURT SIR?
2 MR VERMONT DEFENSE NUMBER ONE? MOVE
3 IT INTO EVIDENCE?
4 MR MABRY NO OBJECTION
5 THE COURT NO OBJECTION, FINE LET
6 IT GO IN THEN
7 (ENTERED HERE AS DEFENDANT'S EXHIBIT NO
8 1)
9 DIRECT EXAMINATION CONTINUFS BY MR VERMONT
10 Q ALL RIGHT, SIR, DID YOU BRING A SECOND DOCUMENT
11 WITH YOU?
12 A YES
13 (HANDED TO THE CLERK AND THEN HANDED
14 TO MR MABRY)
15 MR VERMONT I OFFER THIS INTO
16 EVIDENCE, YOUR HONOR, AS DEFENSE NUMBER TWO?
17 MR MABRY NO OBJECTION
18 (ENTERED HERE AS DEFENSE'S EXHIBIT NO
19 2)
20 Q ALL RIGHT, MR MAJOR, I SHOW YOU DEFENDANT'S
21 EXHIBIT NO 2, IT HAS GOT A NUMBER UP THERE, 120293,
22 WOULD YOU TELL THE JURY WHAT THAT IS PLEASE?
23 A THAT IS THE NUMBER THAT WE WOULD ASSIGN TO
24 A CIVIL JUDGMENT THAT IS FILED IN MY OFFICE THAT IS
25 A JUDGMENT ROLL NUMBER 120293

1 Q YES, SIR, WHAT'S A CIVIL JUDGMENT?

2 A THAT IS THE RESULTS OF, USUALLY OF A CASE THAT IS
3 DISPOSED OF WITHIN THE COURT SYSTEM THAT IS PRESERVED
4 FOR RECORD IN THE COURT JUDGMENT MAY BE IN THE FORM OF
5 A MONEY JUDGMENT OR MAY BE IN THE FORM OF A JUDGMENT
6 RELATING TO LAND CLEARING TITLE OR IT MAY BE A JUDGMENT
7 PERTAINING TO A DIVORCE I MEAN ANY NUMBER OF REASONS
8 FOR HAVING A JUDGMENT

9 Q DOES THAT KIND OF JUDGMENT COME OUT OF A COURT
10 LIKE THIS COURTROOM HERE?

11 A YES, SIR

12 Q BUT I MEAN, THIS KIND OF COURT, WHAT KIND OF
13 COURT IS THIS?

14 A WELL, IT COMES OUT OF THE COURT OF COMMON PLEAS
15 THE COMMON PLEAS BEING CIVIL COURT THIS COURT THAT WE
16 ARE IMMEDIATELY IN, OF COURSE, IS GENERAL SESSIONS OR
17 CRIMINAL COURT

18 Q CIVIL COURT IS ONE CITIZEN AGAINST ANOTHER ONE,
19 A COMPANY AGAINST ANOTHER, NOT CRIMINAL CHARGES, IS
20 THAT CORRECT?

21 A THAT'S RIGHT, THAT'S CORRECT

22 Q AND AGAIN, THIS IS A CERTIFIED COPY OF THE JUDGMENT,
23 IS THAT CORRECT?

24 A A CERTIFIED COPY OF A TRANSCRIPT OF JUDGMENT,
25 RIGHT

1 Q RIGHT, THE--

2 A THE JUDGMENT ITSELF IS FILED IN SUMTER COUNTY

3 Q ALL RIGHT, AND WHAT DOES THAT MEAN THAT THIS
4 IS A CERTIFIED COPY OF A TRANSCRIPT OF A JUDGMENT?

5 A IT MEANS THAT THE PARTY WHO OBTAINED THE JUDGMENT
6 IN SUMTER COUNTY DESIRED TO HAVE THE NOTICE OF THE
7 JUDGMENT FILED IN RICHLAND COUNTY, APPARENTLY DUE
8 TO THE FACT THE DEFENDANT, PERHAPS, IS A RESIDENT OF
9 RICHLAND COUNTY

10 Q I SEE, NOW WHAT IS THE STATUS OF THAT JUDGMENT
11 THAT APPEARS BEFORE YOU NOW?

12 A IT APPEARS TO BE A JUDGMENT, A MONEY JUDGMENT
13 RENDERE DIN THE AMOUNT OF \$5,048 50

14 Q AND WHO ARE THE PARTIES IN THAT CASE?

15 A THE PARTIES, THE PLAINTIFF IS VIRGINIA ANN
16 WILSON THE DEFENDANT IS LISTED AS FRANCIS OWENS CAMPBELL

17 Q ALL RIGHT, SIR, AND WHAT IS THE STATUS OF
18 THAT JUDGMENT, IS IT STILL PENDING?

19 A WELL, IT IS A JUDGMENT THAT IS ON FILE THAT DOES
20 NOT FROM THE FACE OF IT INDICATE THAT IT HAS BEEN
21 SATISFIED IN ANYWAY

22 Q WOULD IT, IF IT WERE SATISFIED?

23 A IT WOULD INDICATE THAT THE DEFENDANT IS INDEBTED
24 TO THE PLAINTIFF IN THE AMOUNT OF \$5,048 50

25 Q THANK YOU, MR MAJOR, PLEASE ANSWER ANY QUESTIONS

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1 MR MABRY MAY HAVE FOR YOU

2 MR MABRY I HAVE NO QUESTIONS OF
3 THE HONORABLE MR MAJOR

4 THE COURT ALL RIGHT, YOU MAY STEP
5 DOWN

6 MR VERMONT I CALL S R ANDERSON
7 S R ANDERSON, AFTER BEING
8 DULY SWORN, TESTIFIES AS FOLLOWS

9 DIRECT EXAMINATION

10 BY MR VERMONT

11 Q MR. ANDERSON, WOULD YOU TELL US, PLEASE SIR,
12 WHAT YOU DO FOR A LIVING?

13 A I AM A LAWYER

14 Q WHAT KIND OF LAW DO YOU DO?

15 A PRIMARILY CIVIL PRACTICE OF LAW

16 Q ALL RIGHT, THINGS LIKE CIVIL JUDGMENTS, WOULD
17 THAT BE FAIR TO SAY?

18 A YES

19 Q ALL RIGHT, WERE YOU EVER EMPLOYED BY VIRGINIA
20 ANN WILSON?

21 A YES, I WAS

22 Q WHAT WAS THE DATE OF THAT EMPLOYMENT, DO YOU
23 RECALL?

24 A BEFORE I GO ANY FURTHER THAN THAT I WOULD LIKE
25 THE RECORD TO SHOW, YOUR HONOR, THAT MS WILSON WAS,

1 INDEED, MY CLIENT AND SHE HAS WAIVED WHATEVER ATTORNEY
2 CLIENT--

3 THE COURT I DON'T KNOW WHETHER SHE
4 HAS OR NOT

5 MR ANDERSON SIR?

6 THE COURT I DON'T KNOW WHETHER SHE
7 HAS OR NOT

8 MR ANDERSON I HAVE A LETTER IN
9 MY FILE VIRGINIA ANN WILSON CAME TO SEE ME IN SEPTEMBER
10 OF 1979

11 THE COURT WAIT, WAIT JUST A MINUTE
12 I AM GOING TO SEND YOU TO THE JURY ROOM FOR A FEW MINUTES
13 DO NOT DISCUSS THE CASE I WILL SEND FOR YOU

14 (JURY LEAVES THE COURTROOM AT 3 10 P M)

15 THE COURT I DO NOT KNOW WHAT THE
16 TESTIMONY WOULD BE I AM NOT CONCERNED WHAT IT WOULD
17 BE WE HAVE AN ATTORNEY WHO REPRESENTED SOMEONE CERTAINLY
18 IT WAS ON THE SAME ACTION THAT YOU HAD FILED THERE SO
19 IT SPEAKS FOR ITSELF AS THE COMPLAINT IS ON RECORD IT
20 SPEAKS FOR ITSELF NOW, IF YOU GO BEYOND THAT, WOULD
21 IT BE HEARSAY? HE SAYS SHE HAS WAIVED IT I AM SURE
22 HE IS CORRECT, BUT I HAVEN'T SEEN ANY WAIVER AND WHAT
23 IS TOLD BETWEEN A CLIENT AND ATTORNEY WHO WAS PRIVILEGED
24 I JUST WANT TO MAKE SURE EVERYTHING IS ON PROPER GROUND

25 MR VERMONT YES, SIR

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1 THE COURT BUT TO SAY THE COMPLAINT
2 IS BROUGHT, IT SPEAKS FOR ITSELF, PERIOD

3 MR VERMONT I INTEND, YOUR HONOR,
4 TO ASK HIM ABOUT THE NATURE OF THE SUIT

5 THE COURT YOU DON'T NEED TO ASK HIM
6 THE NATURE OF THE SUIT WHAT HAS THAT GOT TO DO WITH IT?

7 MR VERMONT IT COULD BE RELATED TO
8 THE CASE AS IT HAPPENS IT WOULD BE RELATED

9 THE COURT CERTAINLY THE COMPLAINT
10 WOULD SHOW THAT

11 MR VERMONT WE DON'T HAVE THAT
12 ENTIRE FILE

13 THE COURT WELL, HE WOULD HAVE A
14 COPY

15 MR VERMONT HE MAY HAVE, I HAVE
16 A COPY OF THE COMPLAINT

17 THE COURT WELL, LET'S SEE IT BEFORE
18 WE GET INTO THE ATTORNEY GOING INTO PERSONAL STATEMENTS

19 MR VERMONT HE HAS A WAIVER

20 THE COURT OFF THE RECORD (OFF
21 THE RECORD DISCUSSION) SOLICITOR?

22 MR MABRY YOUR HONOR, WE UNDERSTAND
23 THE PROFER OF PROOF IS GOING TO BE THAT HE IS GOING TO
24 INQUIRE MR ANDERSON ABOUT BEING, BRINGING THE LAWSUIT
25 WE HAVE NO OBJECTIONS TO THAT QUESTION HE IS ALSO GOING

1 TO INQUIRE OF MR ANDERSON WHAT THE LAWSUIT WAS ABOUT
2 AND I EXPECT THE RESPONSE WOULD BE THE LAWSUIT ABOUT
3 THE RECOVERY OF THE MOTORCYCLE AND HE IS ALSO GOING TO
4 INQUIRE AS TO THE FEE MR ANDERSON RECEIVED FOR BRINGING
5 THE LAWSUIT WE HAVE NO OBJECTIONS TO THOSE QUESTIONS

6 THE COURT IF YOU DON'T OBJECT, FINE
7 IF YOU ARE, IT IS HEARSAY UNLESS HE GOES INTO MATTERS,
8 UNLESS THAT PERSON--

9 MR VERMONT I AM NOT GOING TO ASK
10 WHAT SHE SAID, I AM GOING TO ASK WHAT HIS EMPLOYMENT
11 WAS ABOUT, WHAT HE BROUGHT THE LAWSUIT ON

12 THE COURT WELL, THAT IS NOT AGAINST
13 ANY PRIVILEGE, YOU DON'T HAVE TO GET A WAIVER ON THAT
14 BECAUSE IT IS ON THE RECORD

15 MR VERMONT WE ARE BEING CAREFUL
16 THE COURT WELL, IT IS GOING TO BE
17 CAREFUL YOU ARE GOING TO HAVE TO BRING A LAWSUIT AND
18 IT IS FILED IN THE CLERK OF COURTS OFFICE IF ANYBODY
19 WANTS TO GO LOOK AT IT, THEY CAN

20 MR VERMONT I WANT TO BE CAREFUL, TOO
21 THE COURT I THOUGHT YOU WERE GOING
22 TO GO INTO A CONVERSATION BETWEEN, BUT SINCE YOU SAID YOU
23 WERE GOING TO TELL OF THE WAY FOR--ALL RIGHT, YOU DON'T
24 HAVE TO SAY ANYTHING, PROCEED

25 (JURY RETURNS TO THE JURY BOX AT 3 15
P M)

1 MR VERMONT MAY I PROCEED, YOUR HONOR?

2 THE COURT YES, SIR

3 DIRECT EXAMINATION CONTINUES BY MR VERMONT

4 Q ALL RIGHT, MR ANDERSON, YOU WERE EMPLOYED BY
5 MISS WILSON PERSONALLY

6 A YES, SIR

7 Q IS SHE IN THE COURTROOM?

8 A YES

9 Q WOULD YOU POINT HER OUT?

10 A IT IS THE LADY RIGHT THERE WITH THE BLONDISH
11 RED HAIR

12 Q YES? THE LADY WHO RAISED HER HAND?

13 A YES, SIR, THAT IS CORRECT

14 Q IS THAT CORRECT? WHAT IS THE NATURE OF THAT
15 LAWSUIT? WHAT IS THE SUIT THAT YOU BROUGHT?

16 A AS THE COMPLAINT STATES MRS WILSON CLAIMED THAT
17 FRANCES OWENS CAMPBELL OWED HER APPROXIMATELY \$5,000 00,
18 THAT SHE HAD GIVEN TO HIM OVER A PERIOD OF TIME IN ORDER
19 TO SECURE THE PAYMENT OR REPAYMENT OF THE \$5,000 00 SHE
20 TOOK A LIEN UPON A HARLEY DAVISON MOTORCYCLE THE DEBT
21 WAS NOT PAID AFTER DEMAND AND SHE BROUGHT WHAT IS KNOWN
22 AS A CLAIM AND DELIVERY ACTION IN ORDER TO REGAIN POSSES-
23 SION OF THE MOTORCYCLE, OR IN THE ALTERNATIVE, IF THE
24 MOTORCYCLE COULD NOT BE HELD FOR THE SUM OF \$5,000 00

25 Q SO SHE WANTED \$5,000 00 AND WENT AFTER IT BY

1 MEANS OF THE MOTORCYCLE, IS THAT BASICALLY WHAT THAT MEANS?

2 A BASICALLY

3 Q ALL RIGHT, WHEN WAS THAT SUIT BROUGHT BY YOU?

4 A THAT DATE OF THE SUMMONS IS SEPTEMBER 26, 1979

5 Q ALL RIGHT, AND THE LAWSUIT CARRIED ON IN THAT
6 FALL, I ASSUME?

7 A YES

8 Q ALL RIGHT, NOW, I WILL SHOW YOU DEFENSE EXHIBIT
9 NO 2? AND ASK YOU IF YOU CAN IDENTIFY IT?

10 A THIS IS THE ORIGINAL OF THE TRANSCRIPT OF JUDGMENT
11 THAT I SENT TO THE COURT, CLERK OF COURT FOR SUMTER
12 COUNTY FOR HIM TO MOVE THAT JUDGMENT FROM SUMTER COUNTY
13 TO RICHLAND COUNTY

14 Q NOW WHAT DOES THAT MEAN IN PLAIN ENGLISH?

15 A BECAUSE THIS WAS A CLAIM AND DELIVERY ACTION
16 THAT HAD TO BE BROUGHT IN THE COUNTY IN WHICH THE MOTOR-
17 CYCLE WAS LOCATED AT THAT POINT WE THOUGHT IT WAS
18 SUMTER COUNTY

19 Q UH HUH

20 A MR CAMPBELL, AS I UNDERSTOOD IT WAS A RESIDENT
21 OF RICHLAND COUNTY AND SO I HAD TO MOVE THE JUDGMENT FROM
22 SUMTER TO RICHLAND IN ORDER FOR IT TO BE LEGAL AGAINST
23 ANY PROPERTY THAT HE HELD IN ORDER TO EXECUTE UPON THAT
24 JUDGMENT

25 Q ALL RIGHT, AND TO YOUR KNOWLEDGE, WHAT IS THE

1 STATUS OF THAT LIEN OR THAT JUDGMENT TO THIS DATE?

2 A WE EXECUTED UPON THE JUDGMENT AND RECEIVED BACK
3 FROM THE SHERIFF'S DEPARTMENT A NULL BONER RETURN, WHICH
4 MEANS THERE WERE NO ASSETS AVAILABLE TO SATISFY THE
5 JUDGMENT THE JUDGMENT IS STILL ON RECORD AND IT WILL
6 EXIST FOR TEN YEARS FROM THE DATE THAT IT WAS FILED IN
7 SUMTER COUNTY

8 Q THAT IS THIS JUDGMENT MARKED DEFENSE EXHIBIT NO. 2,
9 IS THAT CORRECT?

10 A THAT IS CORRECT

11 Q AND HOW MUCH WERE YOU PAID FOR YOUR SERVICES
12 FOR THAT CASE?

13 A I RECEIVED \$500 00, NOW HOW MUCH OF THAT WENT TO
14 COSTS AND HOW MUCH OF THAT WAS ACTUALLY ATTORNEYS FEES,
15 I REALLY CAN'T TELL YOU, I DON'T REMEMBER THE VAST
16 MAJORITY OF IT WOULD HAVE BEEN ATTORNEYS FEES

17 Q ALL RIGHT, THANK YOU THAT IS ALL THE QUESTIONS
18 I HAVE PLEASE ANSWER ANY QUESTIONS THAT MR ELLIOTT
19 OR MR MABRY MAY HAVE

20

21 CROSS EXAMINATION

22 BY MR MABRY

23 Q AND MR ANDERSON, HOW LONG HAVE YOU AND I BEEN
24 KNOWING ONE ANOTHER?

25 A EIGHTEEN YEARS, I COUNTED IT UP

1 Q DO YOU MIND IF I CALL YOU BY YOUR NICKNAME?

2 A NO, SIR

3 Q YOUR NICKNAME IS CAM?

4 A YES, SIR

5 Q TELL THE LADIES AND GENTLEMEN OF THE JURY HOW
6 WE KNOW ONE ANOTHER?

7 A BUFORT AND I WERE CLASSMATES AT THE CITADEL
8 WE GRADUATED IN 1968

9 Q YES, SIR, NOW THIS LAWSUIT YOU BROUGHT IS NOT
10 AN UNUSUAL TYPE THING, YOU DO THIS QUITE FREQUENTLY?

11 A YES

12 Q ALL RIGHT, SIR, YOU HAVE NOT BEEN RETAINED BY
13 MRS. WILSON FOR THIS PARTICULAR CASE HAVE YOU?

14 A NO, I HAVEN'T SEEN MRS WILSON, NOR WOULD I HAVE
15 RECOGNIZED HER UNLESS SOMEBODY HADN'T POINTED HER OUT
16 TO ME SINCE THE CONCLUSION OF THIS LAWSUIT, THE ONE THAT
17 I BROUGHT FOR THE MOTORCYCLE

18 Q ALL RIGHT, SIR, THANK YOU VERY MUCH

19 MR. VERMONT NO FURTHER QUESTIONS

20 PLEASE COME DOWN THANK YOU FOR YOUR TIME

21 I CALL DELORES CAMPBELL MOCK, YOUR

22 HONOR

23 DELORES CAMPBELL MOCK,

24 AFTER BEING DULY SWORN, TESTIFIES AS FOLLOWS

25 DIRECT EXAMINATION

1 BY MR VERMONT

2 Q HAVE A SEAT PLEASE AND STATE YOUR FULL NAME?

3 A AS YOU HAVE IT DELORES CAMPBELL MOCK

4 O MOCK, M O C K?

5 A THAT'S RIGHT

6 O OKAY, NOW, MS MOCK, CAN I CALL YOU DELORES, IS THAT
7 ALL RIGHT?

8 A FINE

9 Q I AM GOING TO HAVE TO ASK YOU TO SPEAK UP BECAUSE
10 YOU HAVE KIND OF A SOFT VOICE WHAT RELATION ARE YOU
11 TO THE DEFENDANT OWENS CAMPBELL?

12 A HE'S MY BROTHER

13 Q OLDER OR YOUNGER?

14 A YOUNGER

15 Q HOW DO YOU FIT IN IN ALL THE CAMPBELL CHILDREN?

16 A I'M THE OLDEST

17 Q ALL RIGHT, SOME OF THESE ARE YOUR FAMILY MEMBERS BACK
18 HERE?

19 A YES, SIR

20 Q SISTERS AND BROTHERS?

21 A YES, SIR

22 Q AND MOTHER AND FATHER ARE HERE IN THE COURTROOM, TOO?

23 A YES, SIR

24 Q ALL RIGHT, COULD YOU TELL US WHERE YOU LIVE PLEASE,
25 MA'AM?

1 A HORRELL HILL MOBILE HOME ESTATES

2 Q WHERE IS THAT? RICHLAND COUNTY?

3 A RIGHT OFF THE SUMTER HIGHWAY

4 Q OKAY DELORES, ARE YOU ON SOME KIND OF MEDICATION
5 TODAY?

6 A I HAD A SHOT THIS MORNING

7 Q WHAT DID YOU HAVE THAT SHOT FOR?

8 A UH, NAUSEA AND DIARRHEA AND CHILLS

9 Q IS THAT GOING TO AFFECT THE WAY YOU HEAR ME OR THE
10 WAY YOU CAN ANSWER MY QUESTIONS? THE WAY YOU ACT IN THIS
11 COURTROOM? IS IT AFFECTING YOUR MIND?

12 A I DON'T GUESS

13 Q YOU DON'T GUESS, ALL RIGHT, WOULD YOU LET US KNOW
14 IF IT WAS?

15 A YES, SIR

16 Q ALL RIGHT, WHY DID YOU HAVE TO TAKE THAT SHOT?

17 A I'M JUST SCARED TO DEATH

18 Q WHY ARE YOU SCARED? WHAT IS THERE THAT YOU ARE
19 SCARED OF?

20 A YOU REALLY WANT ME TO TELL YOU?

21 Q YES, SIR YES, MA'AM

22 A I'M SCARED OF GOING TO JAIL AND SCARED OF BEEN GOT
23 FOR CONSPIRACY

24 Q WHY DO YOU THINK THAT MAY HAPPEN?

25 A WELL, EVER SINCE I, AFTER, WELL, OLIN D WAS KILLED

1 THAT NIGHT AND WHEN I GOT HOME THE NEXT MORNING

2 Q UH HUH?

3 A ABOUT IT, IT WAS, I GUESS IT WAS ABOUT FIVE MINUTES
4 AFTER I GOT IN THE HOUSE I GOT A TELEPHONE CALL

5 Q LET ME INTERRUPT YOU JUST A MINUTE WHERE WERE YOU
6 COMING FROM?

7 A FROM MY AUNT'S HOUSE

8 THE COURT JUST ONE SECOND, YOU ALL
9 COME UP HERE

10 MR. VERMONT HOLD ON JUST ONE MINUTE
11 (ATTORNEYS BEFORE THE BENCH, OFF THE
12 RECORD DISCUSSION)

13 THE COURT I AM GOING TO SEND YOU
14 BACK TO THE JURY ROOM FOR A WHILE JUST DON'T DISCUSS
15 THIS CASE

16 (JURY LEAVES THE COURTROOM AT 3 30 P M)

17 THE COURT NOW, ORDINARILY I COULD
18 BE WRONG, ANY CONTRADICTING WITNESS OR THE TESTIMONY, USE
19 TO EVERYBODY THOUGHT YOU HAD TO PUT THEM ON NOTICE, BUT
20 YOU DON'T BUT THE QUESTION HAS TO BE CLEAR GOT HER IN
21 ENOUGH TO BE UNDERSTOOD, OR WHEN YOU ARE CONTRADICTED
22 ORDINARILY YOU PUT SOMEBODY UP AND SAY, NOW, THAT'S SUCH
23 AND SUCH WITNESS WAS ASKED THIS QUESTION, WHATEVER IT IS,
24 AND THE ANSWER IS NO NOW, I WILL ASK YOU TO STATE
25 WHETHER OR NOT THAT IS TRUE AND THEN YOU HAVE TO SAY,

1 YES OR NO; AND THAT IS AS FAR AS YOU CAN GO

2 NOW, IF I AM INCORRECT, THEN YOU WILL
3 HAVE TO DECIDE

4 MR. MABRY YOUR HONOR, THE STATE'S
5 POSITION IS, I TALKED TO THE COUNSEL ABOUT, AT THE SIDE-
6 BOARD CONFERENCE, I WAS GOING TO SAY, I WAS GOING TO REQUIRE
7 OF THE WITNESS WHETHER OR NOT LT LEWIS PUT PRESSURE ON HER

8 WHEN LT LEWIS WAS ON THE STAND HE ASKED LT LEWIS
9 IF LT LEWIS PUT PRESSURE ON MRS MOCK LT LEWIS SAID
10 NO, NOW THE ATTEMPT AT WHAT HE IS DOING, HE IS TRYING
11 TO IMPEACH LT LEWIS' CREDIBILITY BY HAVING THIS WITNESS--

12 THE COURT RIGHT, HE IS ATTEMPTING
13 TO DO THAT

14 MR MABRY YES, SIR, HE IS ATTEMPTING
15 TO IMPEACH HIS CREDIBILITY NOW, THE ONLY WAY HE CAN
16 IMPEACH LT LEWIS' CREDIBILITY IN THIS CONTEXT IS IF HE
17 HAD ASKED LT LEWIS, DID YOU NOT SAY TO DELORES MOCK ON
18 TIME AND DATE, THAT YOU WOULD PUT HER IN JAIL HAD LT
19 LEWIS SAID NO, THEN HE COULD SHOW THAT THIS WAS A PRIOR
20 INCONSISTENT STATEMENT OTHERWISE, WHAT HE IS TRYING TO
21 DO IS IMPEACH LT LEWIS ON A PAST ACT OF MISCONDUCT HE
22 WILL AGREE THAT LT LEWIS DID SOMETHING LIKE PRESSURING
23 SOMEBODY IN THE CONTEXT OF THE POLICE OFFICER SOMETIMES
24 HAS TO BE GRUFF WITH PEOPLE, THAT IS RECOGNIZED BUT
25 UNDUE PRESSURE, WE ALL RECOGNIZE THE IMPROPER CONDUCT

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1 NOW, IF HE IS TRYING TO IMPEACH LT
2 LEWIS, WHICH I PERCEIVE HE IS TRYING TO DO THAT LT LEWIS
3 USED UNDUE INFLUENCE ON, PRESSURE ON MRS MOCK IN ORDER
4 TO TALK WITH HER, THEN THAT WOULD BE A PAST ACT OF MIS-
5 CONDUCT LT LEWIS HAS DENIED THAT AND THE LAW IS THAT
6 THE PAST ACT OF MISCONDUCT ONCE IS DENIED CANNOT BE PROVED
7 WITH LT LEWIS

8 THE COURT I, I DON'T, THAT IS SOMETHING
9 TO TAKE UP AT THE EVENT PROPER HE HAS ASKED DID YOU PUT
10 ANY PRESSURE ON MRS SO AND SO IN THIS CASE AND HE ANSWERED
11 NO I DON'T KNOW WHETHER THAT ANSWER IS TRUE OR NOT, THAT
12 ALL FOR HIM TO GO, THAT IS THE WAY I HAVE ALWAYS
13 ATTACKED THE CREDIBILITY ALL RIGHT, SIR, DO YOU KNOW OF
14 ANY OTHER SYSTEMS, SOLICITOR?

15 MR VERMONT NO, SIR, YOUR HONOR,
16 MY POSITION, SHE SAID SHE IS SCARED

17 THE COURT NO, I AM NOT GOING INTO
18 THAT THAT DON'T GOT A THING TO DO WITH IT

19 MR VERMONT I AM GOING TO ASK HER,
20 DOES SHE FEEL HERSELF TO BE PRESSURED AND THEY CAN CROSS
21 EXAMINE ON THAT

22 THE COURT NO, SIR, THE PROPER
23 QUESTIONS AS I HAVE STATED WOULD BE AS I--NOW, MA'AM, I
24 MAY HAVE MISUNDERSTOOD YOU, IF I HAVE YOU JUST TELL ME
25 RIGHT QUICKLY I THOUGHT YOU SAID THAT YOU WERE AFRAID

1 OF GOING TO JAIL BECAUSE OF SOME CONSPIRACY OR SOMETHING?

2 MS MOCK YES, SIR

3 THE COURT I, WELL, I JUST WANT
4 TO ADVISE YOU THAT I DON'T KNOW THE FACTS, DON'T WANT TO
5 KNOW DON'T WANT TO ASK THEM BUT YOU HAVE THE RIGHT
6 IF YOU SO DESIRE TO EXERCISE IT, AS LONG AS YOU ARE ON
7 THE STAND, AND I DON'T CARE WHICH ONE YOU DO A WITNESS
8 IS NOT REQUIRED TO, IF THEY DON'T WANT TO, ANSWER
9 QUESTIONS THAT MAY INCRIMINATE THEM NOW, I DON'T KNOW
10 WHAT YOU ARE TALKING ABOUT, I DON'T WANT TO KNOW BUT I
11 DO WANT TO ADVISE YOU TO THAT, IF I HEARD YOU CORRECTLY
12 THAT IS WHAT YOU SAID IT APPEARS TO ME THAT YOU ARE
13 AFRAID YOU ARE GOING TO JAIL BECAUSE YOU ARE INQUIRED
14 OF SOMETHING THAT IS POSSIBLY ILLEGAL SO MY DUTY IS
15 TO ADVISE YOU THAT YOU CAN'T BE COMPELLED TO INCRIMINATE
16 YOURSELF IF YOU DON'T WANT TO DO YOU UNDERSTAND WHAT I
17 AM TALKING ABOUT? THEY CALL THAT SIMPLE FORM, I AM GOING
18 TO TAKE THE FIFTH AMENDMENT I DON'T KNOW WHETHER YOU
19 HAVE BEEN ADVISED OF THAT OR NOT I AM NOT TRYING TO TELL
20 YOU TO GO IN ANY KIND OF DIRECTION BUT I JUST WANT TO
21 ADVISE YOU OF YOUR RIGHTS DO YOU UNDERSTAND THAT?

22 MS MOCK YES, SIR, NO

23 THE COURT NOW, I AM GOING TO GIVE YOU
24 A FEW MINUTES TO THINK ABOUT IT IF YOU HAVE GOT AN
25 ATTORNEY AND YOU WANT TO ASK HIM, I WOULD BE GLAD FOR YOU

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1 TO ASK HIM I DON'T WANT YOU TO TELL ME ANYTHING, SEE,
2 UNTIL YOU GET READY BUT IF YOU DO I WANT YOU TO FULLY
3 KNOW IF YOU HAVE THIS FEAR OF WHAT YOU TOLD ME, OF
4 INCRIMINATING YOURSELF THROUGH YOUR ANSWER, AND FEAR OF
5 JAIL AND VIOLATION, I THINK I HAVE TO ADVISE YOU OF THIS
6 BEFORE YOU GO THAT FAR DO YOU UNDERSTAND?

7 MS MOCK YES, SIR

8 THE COURT DO YOU HAVE AN ATTORNEY?

9 MS MOCK NO, SIR

10 THE COURT DO I SEE ANY GOOD ATTORNEYS
11 OUT THERE? I NEED A MESSAGE CARRIER

12 MR VERMONT IF YOUR HONOR PLEASE,
13 MAY I OFFER A SUGGESTION? I MERELY WANTED MS MOCK TO
14 EXPLAIN WHY SHE WAS SCARED

15 THE COURT I HEARD WHAT SHE SAID AND
16 I THINK SHE HAS TO BE ADVISED YOU CAN'T ADVISE HER I
17 AM GOING TO ASK YOUR OFFICE TO DO IT BUT THEY CAN'T JUST
18 FIND ME A LAWYER, A GOOD LAWYER

19 MR VERMONT MAY I MAKE AN OFFER
20 OF PROOF ON THAT MATTER, YOUR HONOR?

21 THE COURT SIR, I AM TALKING ABOUT
22 HER RIGHTS IF YOU DON'T MIND, JUST SIT TILL I GET THIS
23 CLEARED UP THEN I WILL BE GLAD TO HEAR FROM YOU FULLY
24 IT MAY NOT BE, NOW I HAVE HEARD WHAT SHE SAID SO FAR AND
25 I DON'T WANT TO HEAR ANYMORE UNTIL SHE FINDS, SHE IS

1 ADVISED OF HER RIGHTS (OFF THE RECORD DISCUSSION)

2 THE COURT ALL RIGHT, THIS YOUNG
3 LADY STARTED TO TESTIFY VERY GOOD ATTORNEY, HE IS A
4 VERY GOOD ATTORNEY, HE IS, I HAVE ASKED HIM AS A FRIEND
5 OF THE COURT TO COME IN AND ADVISE YOU MAY BE FINE AND IT
6 MIGHT NOT (MR JACK SWERLING BEFORE THE BAR)

7 I HAVE ASKED THE YOUNG LADY IF SHE
8 DID TESTIFY, WHAT THEY TOLD HER TO TESTIFY TO AND SHE DID,
9 BUT SHE FEARED THAT SHE WAS SCARED OF GOING TO JAIL BECAUSE
10 OF SOME POSSIBILITY OF BEING INVOLVED IN A CONSPIRACY
11 NOW, I WANT YOU TO ADVISE HER OF HER RIGHTS THE WITNESS
12 CANNOT REMAIN, MADE TO INCRIMINATE THEMSELVES I AM NOT
13 SAYING SHE DID, BUT I DON'T WANT TO HEAR ANY MORE UNTIL
14 SHE IS ADVISED PROPERLY ON THIS MATTER THAT IS ALL I
15 HAVE HEARD JUST THAT PART AND SO I ASKED HER AGAIN,
16 AND THAT IS WHAT SHE SAID AND YOU DON'T HAVE TO TALK TO
17 THIS MAN IF YOU DON'T WANT TO BUT HE IS A FINE ATTORNEY
18 AND IT WON'T COST YOU ANYTHING BECAUSE I ASKED HIM AS
19 A FRIEND OF THE COURT TO TALK TO, ALL RIGHT?

20 MS MOCK ALL RIGHT, SIR, THANK YOU
21 THE COURT WHATEVER, YOU NEED TO GO
22 IN A ROOM THERE IS NO JURY IN HERE IF YOU DON'T MIND,
23 JUST FOLLOW MR SWERLING

24 MR SWERLING, I DO APPRECIATE YOUR
25 COMING OVER HERE

1 MR SWERLING NO PROBLEM
2 THE COURT WHILE THIS IS BEING DONE
3 WE WILL BE AT EASE

4 (RECESS AT 3 50 P M)

5
6 (RESUME AT 5 05 P M)

7 THE COURT I HAVE BEEN REQUESTED BY
8 THE STATE AND DEFENSE, I BELIEVE, TO CONTINUE IN THE MORNING.
9 ALL THIS OTHER MATTER IS CLEARED UP TO MY SATISFACTION
10 SO, I AM GOING TO DO THAT

11 (JURY RETURNS TO THE COURTROOM AT 5 10
12 P M)

13 THE COURT MADAM FOREMAN, LADIES AND
14 GENTLEMEN OF THE JURY, I AM GOING TO EXCUSE YOU IN JUST
15 A MOMENT AND LET YOU GO HOME THE SAME INSTRUCTIONS I
16 HAVE BEEN GIVING YOU ALL ALONG I WILL ASK YOU AGAIN IN
17 THE MORNING MAYBE INADVERTENTLY, I DO NOT WANT YOU TO
18 MAKE A MISTAKE I WANT YOU BACK IN THE JURY ROOM AT 9 30
19 TOMORROW MORNING I WOULD LIKE FOR YOU, IF YOU CAN, NOT
20 TO COME THROUGH THE COURTROOM BECAUSE WE STILL MIGHT BE
21 IN HERE IF YOU COME, JUST COME THROUGH THE BACK WAY, GO
22 AROUND YOU HAVE LEARNED HOW TO GET BACK AND FORTH TO THE
23 COURTROOM THROUGH THE BACK WAY, I KNOW I HAVE FORGOTTEN
24 THE EASIEST WAY TO GET UP HERE IS TO USE THE FREIGHT
25 ELEVATOR, IN A WAY, SO, EVEN I, SOMETIMES, THAT IS THE ONE

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1 OUGHT TO BE ON, I GUESS COME ACROSS FROM THE PARKING
2 LOT SOMETIMES IT MAKES YOU WAIT A LITTLE WHILE I FEEL
3 LIKE IF I SPEAK BADLY ABOUT IT IT GETS EVEN WITH ME IT
4 IS EASIER TO COME UP AND COME AROUND I HOPE YOU HAVE
5 A NICE EVENING SEE YOU TOMORROW AT 9 30

6 NOW, EVERYONE ELSE REMAIN SEATED WHILE
7 THE JURY RETIRES

8 (JURY LEAVES THE COURTROOM FOR THE
9 EVENING AT 5 10 P M)

10 THE COURT I WANT YOU TO WAIT TILL
11 YOU ARE GONE I HAVE BEEN READING THE GUIDE TO EVIDENCE
12 HANDED TO ME BY MR GREER, WRITTEN BY MR GREER NOT
13 SUBMITTED BY HIM NOW, I MAY BE MISREADING IT BUT I AM
14 HAPPY, I FEEL REAL GOOD, I THINK HE IS AGREEING WITH ME
15 AND, MY REASON, I THINK HE DOES IT MAKES ME FEEL A LITTLE
16 BETTER I WOULD BE GLAD TO LOAN IT, IT BELONGS TO THE
17 STATE I WOULD BE GLAD TO LOAN IT TO THE DEFENSE, ON
18 MATTERS OF IMPEACHMENT

19 MR VERMONT CAN WE ASK FOR A PAGE
20 REFERENCE TO WHERE YOUR HONOR HAS BEEN READING?

21 THE COURT YES, SIR, IT STARTS WITH
22 IMPEACHMENT, PAGE 13, CHAPTER THREE

23 MR WABRY THAT IS THE ORIGINAL VERSION
24 THE COURT. WELL, THAT IS THE ORIGINAL
25 VERSION, ANYWAY IT WOULD BE IN THE CHAPTER ENTITLED

435

1 IMPEACHMENT FOR ALL CONCERNED, I THINK WE ARE MAKING
2 A WHOLE LOT BETTER PROGRESS EVEN NOW IT DOESN'T LOOK
3 LIKE WHAT HAS BEEN ANTICIPATED THE CASE WILL NOT BE
4 AS LENGTHY AS APPARENTLY WHAT WE WERE TOLD IT WOULD, OR
5 WHAT EVERYBODY BELIEVED IT WOULD SO, WE ARE GETTING
6 ALONG VERY WELL

7 I REMIND THE AUDIFNCE AGAIN OF MY
8 INSTRUCTIONS THAT I HAVE GIVEN YESTERDAY AND TODAY ALL
9 RIGHT, I THINK THAT IS SUFFICIENT TIME 9 30 SHARP I HAD
10 SOME HEARINGS THIS MORNING I HAD TO HEAR BUT I DON'T
11 THINK I HAVE ANYTHING IN THE MORNING SO WE WILL START AT
12 9 30

13 (RECESS FOR THE EVENING AT 5 20 P M)

14
15 (RESUME --APRIL 29, 1982--10 40 A ")

16 THE COURT ALL RIGHT, DO YOU HAVE
17 A MOTION THAT YOU WANT TO PUT IN THE RECORD?

18 MR VERMONT NOT UNTIL AFTEP HE MAKES
19 HIS--

20 THE COURT MR SWERLING, I APPRECIATE
21 HAVING YOUR COMPANY HAVE YOU HAD FULL OPPORTUNITY TO
22 EXPLAIN TO THIS WITNESS?

23 MR SWERLING ONE MINUTE, YOUR HONOR
24 (PAUSE) IF YOUR HONOR PLEASE, I HAVE HAD SUFFICIENT TIME
25 TO DISCUSS THE MATTER WITH MS MOCK I AM PREPARED TO

1 GO FORWARD

2 THE COURT ALL RIGHT, HAVE YOU HAD
3 SUFFICIENT TIME TO TALK TO MR SWERLING?

4 MS MOCK YES, SIR

5 THE COURT YOU UNDERSTAND THAT NOW?

6 MS MOCK YES, SIR

7 THE COURT HE WILL BE UP AT THE
8 STAND TO ADVISE YOU IF YOU WANT -TO YOU CAN TAKE HIS
9 ADVISE, IF YOU DON'T WANT TO, DON'T IF YOU WANT TO TAKE
10 IT

11 MR SWERLING YOUR HONOR, I HAVEN'T
12 EXPLAINED THAT TO MS MOCK I AM ONLY ADVISORY CAPACITY
13 AS COUNSEL, THAT I CAN MAKE CERTAIN RECOMMENDATIONS TO
14 HER, BUT THE ULTIMATE DECISION IS HERS

15 THE COURT DO YOU UNDERSTAND THAT?

16 MS MOCK YES, SIR

17 THE COURT ALL RIGHT, NOW, ANY
18 MOTIONS?

19 MR SWERLING YOUR HONOR, I WOULD
20 LIKE, SINCE I AM REPRESENTING MS MOCK FOR THE PURPOSES
21 OF THESE PROCEEDINGS, I WOULD LIKE TO MOVE THAT SHE BE
22 WITHDRAWN FROM THE STAND AT THIS TIME AS I UNDERSTAND IT
23 AND I WAS NOT HERE WHEN SHE TESTIFIED, THERE WAS NO
24 TESTIMONY CONCERNING ANY SUBSTATIVE ISSUES IN THIS CASE
25 THEY WERE MERELY PRELIMINARY ISSUES, QUESTIONS I HAVE

1 DISCUSSED THIS MATTER WITH MS MOCK, SHE IS EXTREMELY
2 UPSET, SHE IS NERVOUS AND WE WOULD ASK THAT SHE BE WITHDRAWN
3 AT THIS TIME RATHER THAN HAVING HER POSSIBLY ASSERT HER
4 RIGHTS UNDER THE FIFTH AMENDMENT?

5 THE COURT I THINK NECESSARILY I
6 WOULD HAVE TO DENY THE MOTION I KNOW OF NO PROCEDURE TO DO
7 IT THAT WAY IN THE STATE COURTS THE PERSON HAS THE RIGHT
8 TO REFUSE TO ANSWER WHEN THEY ARE ON THE STAND, THEY HAVE
9 TO EXERCISE THAT RIGHT I KNOW OF NO WAY JUST TO WITHDRAW
10 HER

11 I THINK YOU JOIN IN THAT MOTION, DO YOU
12 NOT, SIR? TO WITHDRAW HER OR NOT?

13 MR VERMONT I DON'T JOIN IN HIS,
14 I MAKE MY OWN INDEPENDENT MOTION

15 THE COURT ALL RIGHT, SIR, CALL IT
16 ONE WAY OR ANOTHER

17 MR VERMONT ADVERSE INTEREST, YOUR
18 HONOR

19 THE COURT FINE, DENIED

20 MR VERMONT YES, SIR CAN I GO
21 AHEAD AND PUT IN MY GROUNDS FULLY ON THAT?

22 THE COURT FINE

23 MR VERMONT IN FACT, MY MOTION IS
24 NOT ONLY TO WITHDRAW HER, ALLOW ME TO WITHDRAW HER AS A
25 WITNESS AT THIS TIME, AND ALLOW ME TO WITHDRAW MY SUBPOENA

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1 OF HER BUT I WOULD ALSO MAKE A MOTION FOR A MISTRIAL BASED
2 ON THE SAME ISSUE, YOUR HONOR I FEEL LIKE THE WAY THAT
3 IT HAS BEEN HANDLED WOULD BE SO PREJUDICIAL NOW FOR US
4 TO PROCEED AS TO DO IRREPARABLE DAMAGE TO MR CAMPBELL'S
5 CASE?

6 THE COURT DENIED ANYTHING FURTHER?

7 MR VERMONT YES, SIR I WOULD
8 REQUEST THAT ONCE MRS MOCK AND I ASSUME, I DO NOT KNOW,
9 WILL RESPOND IN A MANNER--

10 THE COURT I HAVE NO IDEA

11 MR VERMONT THAT SHOWS THAT SHE
12 HAS ACCEPTED THE ADVICE OF HER ATTORNEY AND, IN FACT,
13 TAKES THE FIFTH, I WOULD REQUEST THAT THE COURT PROHIBIT
14 THE STATE FROM ANY FURTHER CROSS EXAMINATION?

15 THE COURT THEY HAVE A RIGHT TO YOU
16 CAN'T HALFWAY TAKE, EXERCISE THAT RIGHT YOU MUST EXERCISE
17 IT IN ANY AREA THAT YOU WANT ORDINARILY YOUR BIRTHDAY
18 AND AGE AND ALL HASN'T GOT A THING TO DO WITH IT, USUALLY
19 TO USE, TO EXERCISE THE RIGHT TO NOT ANSWER SHE IS ON
20 THE STAND, SHE IS A WITNESS, SHE HAS TESTIFIED TO A
21 DEGREE SHE CAN EXERCISE THAT RIGHT OR NOT EXERCISE IT
22 I DO NOT CARE WHICH WAY SHE GOES AS LONG AS SHE IS
23 FULLY ADVISED SHE CAN WAIVE THAT OR SHE CAN EXERCISE THAT
24 RIGHT

25 MR VERMONT YES, SIR

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1 THE COURT I CAN'T INFRINGE ON THAT,
2 OF COURSE

3 MR VERMONT I FEEL LIKE, YOUR HONOR,
4 THAT ONCE SHE INVOKES THAT RIGHT, THE FACT THAT WE HAVE
5 CALLED HER IN COMBINATION WITH HER EXERCISE OF THAT RIGHT
6 WILL HAVE A NET PREJUDICIAL EFFECT

7 THE COURT WELL, I CAN'T HELP THAT,
8 I HAD NOTHING TO DO WITH YOUR CALLING HER

9 MR VERMONT YES, SIR, THAT IS CORRECT
10 MAY I THEN--

11 THE COURT NO, SIR

12 MR VERMONT STRIKE THAT, I DON'T
13 HAVE ANY MORE TO SAY

14 THE COURT I WILL BE GLAD FOR YOU TO
15 PUT ANYTHING ON THE RECORD I JUST DON'T KNOW OF ANY
16 PROCEDURE TO CONFORM WITH YOUR MOTION I JUST DON'T KNOW
17 YOU MAY FIND IT, IF IT IS NECESSARY THAT YOU MAY HAVE TO
18 APPEAL, YOU MAY FIND THAT I AM WRONG BUT RIGHT NOW I
19 MUST PROCEED I DON'T KNOW OF ANY OTHER WAY IN THIS
20 STATE

21 MR VERMONT MAY I HAVE JUST A MOMENT?
22 (PAUSE) MAY I HAVE A COUPLE OF THINGS, YOUR HONOR? I HAVE
23 A COUPLE OF THINGS, YOUR HONOR, IF YOUR HONOR PLEASE, I
24 WOULD JUST LIKE TO PUT INTO THE RECORD? WE HAVE BEEN PUT
25 ON NOTICE, AT LEAST BACK IN YOUR HONOR'S CHAMBERS WITH

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1 THE STATE PRESENT, MYSELF AND MR SWERLING, THE ATTORNEY
2 FOR MS MOCK PRESENT THAT HE HAS ADVISED HER OF HER
3 RIGHT TO TAKE THE FIFTH AMENDMENT HE INDICATES THAT MORE
4 THAN LIKELY SHE WILL, BUT WE DON'T KNOW THAT AT THIS TIME
5 BUT I THINK IT IS A KIND OF A SAFE ASSUMPTION THAT SHE
6 WILL LIKELY IN A COUPLE OF CRITICAL AREAS, THAT IN HIS
7 JUDGMENT, THOSE AREAS WHERE SHE SHOULD NOT DISCUSS I
8 WOULD LIKE TO HAND UP TO THE COURT SOME CASES THAT INDICATE,
9 THESE ARE BASED ON THE UNITED STATES CONSTITUTION, FIFTH
10 AMENDMENT, THAT IT IS IMPROPER ONCE THE PROSECUTION AND
11 THE TRIAL COURT ARE AWARE THE WITNESS MAY INVOKE EITHER
12 HIS OR HER RIGHT, IT IS IMPROPER FOR THE JURY, OR THE
13 COURT TO PERMIT THE JURY TO HEAR THAT

14 THE COURT LET ME SEE WHAT YOU HAVE
15 GOT?

16 MR VERMONT YES, THE CASES ARE
17 HILL VERSUS STATE, H I L L, WHICH IS FLORIDA APPEALS 337--

18 THE COURT BUT YOU REALIZE THAT, LET
19 ME--I DON'T CARE, THEY MAY BE ABSOLUTELY CORRECT, AND I
20 KNOW THEY HAVE A WHOLE LOT MORE SENSE THAN I DO BUT THE
21 ONLY PLACE YOU CAN EXERCISE THE FIFTH AMENDMENT IS ON THE
22 STAND, UNDER OATH

23 MR VERMONT YES, SIR

24 THE COURT SO, I DON'T KNOW WHERE THEY,
25 WHETHER IT IS PROPER OR NOT

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1 MR VERMONT YES, SIR AND ANOTHER
2 CASE IS HANKERSON VERSUS FLORIDA, WHICH IS JUNE 7TH, 1977
3 FLORIDA APPEALS 347, SOUTHERN 2D 744 AND I WOULD ASK
4 IN LIGHT OF MY MOTION, YOUR HONOR, I WOULD ASK MR SWERLING.
5 TO ASK THE COURT TO ASK MR SWERLING WHAT HIS CLIENT INTENDS
6 TO DO AFTER THOSE AREAS?

7 THE COURT NO, SIR, LET ME READ THIS
8 AND I WILL SEE I DON'T KNOW OF ANY PLACE YOU COULD
9 PROPERLY EXERCISE YOUR RIGHT OF THE FIFTH AMENDMENT IS
10 ON THE STAND

11 MR VERMONT MY POINT BEING, YOUR
12 HONOR, THAT SHE CAN EXERCISE HER RIGHT TO HER ATTORNEY
13 AND NOTIFY THE COURT AHEAD OF TIME

14 THE COURT (PAUSE) WELL, YOU HAVE
15 GOT A LOT OF THINGS IN HERE, IN THIS CASE, SIR, THAT ARE
16 DIFFERENT THIS WAS A WITNESS FOR THE STATE PRIOR TO THE
17 TRIAL. THE PROSECUTOR WAS ON NOTICE THAT HE WOULD NOT
18 TESTIFY NEVER THE LESS THE STATE CALLED HIM IT IS
19 ENTIRELY A DIFFERENT FACTUAL SITUATION THAN IS HERE HE
20 WAS INTERROGATED, THE WITNESS WAS BY THE COURT I DIDN'T
21 INTERROGATE ANYBODY I HAVEN'T THE COURT THEN FULLY
22 ADMONISHED HIM THAT HE WAS, HAD IMMUNITY I CANNOT GRANT
23 IMMUNITY, NO WAY IN THE WORLD IN THE STATE COURT THAT I
24 KNOW OF FROM PROSECUTION ARISING, OUT OF THE QUESTION
25 AND SO HE HAD NO STANDING, UH, TO EXERCISE HIS RIGHT HE

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1 PERSISTED AND THEY EVEN FIND HIM IN CONTEMPT THEN THEY
2 CALLED THE JURY IN AS A COURT WITNESS, THE COURT PUT HIM
3 UP BROUGHT THE JURY IN THE COURT NATURALLY FOUND HIM
4 IN CONTEMPT AGAIN, APPARENTLY AT THAT TIME OVER OBJECTION
5 THE STATE SOUGHT TO REFRESH MC DONALD, THE MEMORY, BY
6 PLAYING IN THE PRESENCE OF THE JURY A TAPE RECORDED
7 CONVERSATION AND HE CONTINUED TO STAND ON HIS FIFTH
8 RIGHTS (PAUSE) BOTH OF THESE CASES RELATE TO A WITNESS
9 CALLED BY THE STATE AND I WOULD BE WITH YOU ABOUT THIS
10 POINT HERE, BUT THE STATE DID NOT CALL THIS WITNESS

11 MR VERMONT YFS, SIR I WOULD ASK
12 THE COURT TO LOOK BEYOND THE SURFACE DIFFERENCES IN WHO
13 CALLS WHO, AND WHO CALLS THE WITNESS AND THAT SORT OF THING,
14 AS TO THE NET PREJUDICIAL EFFECT AND I THINK THAT IS
15 WHY THEY CITE THE FIFTH AMENDMENT OF THE UNITED STATES
16 CONSTITUTION

17 THE COURT WELL, YOU CAN'T, YOU CAN'T,
18 YOU MAY BE ABSOLUTELY CORRECT BUT I JUST DON'T KNOW THE
19 PROCEDURE IN THIS STATE WHEN THE DEFENDANT PUTS THE WITNESS
20 UP AND THEY ARE NOT GOING TO LIKE WHAT THEY ARE GOING TO
21 SAY AND THEN SAY I WITHDRAW HER I JUST DON'T KNOW OF IT
22 AND I MAY BE, YOU MAY BE ABSOLUTELY CORRECT

23 MR VERMONT YOUR HONOR, WELL, WILL
24 YOU HEAR ME ON FURTHER?

25 THE COURT I HEARD YOU, I THOUGHT

1 MR VERMONT WFL, YOU CUT ME OFF
2 I WOULD LIKE TO FINISH

3 THE COURT WELL, I THOUGHT YOU MADE
4 THE FULL ARGUMENT AND YOU SAT DOWN I THOUGHT YOU WERE
5 THROUGH, SIR I AM SO SORRY, BUT I--

6 MR VERMONT WHAT I WANT THE COURT
7 TO DO, YOUR HONOR, IS LOOK AT THE DUE PROCESS BASIS OF THE
8 DECISION, WHICH IS THE NET PREJUDICIAL EFFECT ON THE TRIAL
9 IN TERMS OF IT FAIRNESS TO THE DEFENDANT NOT WHO CALLS
10 WHO AND NOT WHOSE WITNESS IT WAS AND IN THIS CASE THE
11 OPERATIVE FACTS ARE THAT BOTH THE STATE AND THE DEFENSE
12 ARE ON NOTICE AS TO WHAT HER ANSWERS WILL BE AND I FEEL
13 IF THE COURT IS, IF THE COURT HAS NOT SATISFIED ITSELF
14 AS TO WHAT THOSE ANSWERS MIGHT BE, THAT THE COURT SHOULD
15 HOLD AN IN CAMERA HEARING AND PROCEED OUT OF THE PRESENCE
16 OF THE JURY TO SATISFY ITSELF AS TO HOW MS MOCK WILL ANSWER
17 ANY QUESTIONS ADDRESSED TO HER CERTAINLY THERE IS NO
18 HARM THERE?

19 THE COURT I UNDERSTAND YOUR POSITION
20 THE STATE HAS NOTHING TO DO WITH CALLING UP THIS WITNESS,
21 WHATSOEVER THE DEFENSE CALLED THIS WITNESS UH, THERE
22 MAY BE CERTAIN AREAS THAT SHE WISHES TO EXERCISE THIS
23 RIGHT, THERE MAY NOT BE I HAVE EXPLAINED TO HER SHE HAS
24 A RIGHT TO DO WHAT, THE ADVICE SHE GETS FROM HER ATTORNEY
25 OR SHE CAN WAIVE IT I DO NOT KNOW THAT UNTIL SHE GETS

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UP THERE

MR VERMONT WOULD THE COURT CONSIDER
HAVING SUCH AN EVIDENTIARY HEARING?

THE COURT NO, SIR

MR VERMONT IN CAMERA HEARING?

THE COURT (NODS NO)

MR VERMONT WOULD THE COURT ALSO
RECONSIDER OUR PROOF AND ALLOW US TO CONTINUE AN IN CAMERA
EXAMINATION OF HER AND LET HER EXPLAIN HER STATEMENT?

THE COURT SHE DOESN'T HAVE TO
EXPLAIN ANYTHING

MR VERMONT MY POINT, YOUR HONOR,
IS YESTERDAY AFTERNOON I WOULD LIKE TO TIE MY MISTRIAL
MOTION TO THAT?

THE COURT I AM NOT GOING TO, I AM
NOT GOING TO DO ANYTHING IN CAMERA THAT MAY BE IN CAMERA
WITH A WITNESS THAT, WHO WON'T, 'AYBE TO EXERCISE HER
RIGHTS AND I AM NOT GOING TO BREECH HER RIGHTS I AM
NOT GOING INTO THOSE MATTERS

MR VERMONT MAY I BE HEARD, YOUR
HONOR?

THE COURT YES, SIR?

MR VERMONT I WANT TO TIE, IF THE
COURT PLEASE, MY MOTION FOR A MISTRIAL THAT I MADE THIS
MORNING TO YESTERDAY AFTERNOON'S REFUSAL BY THE COURT TO

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1 ALLOW ME TO PROCEED BEFORE THE COURT DECIDED IT WAS
2 NECESSARY TO BRING MR SWERLING IN?

3 I THINK WE COULD HOPEFULLY HAVE
4 AVOIDED THIS WHOLE ISSUE AND YOUR HONOR DENIED ME AT THAT
5 TIME

6 THE COURT YES, SIR, I MAY BE IN
7 ERROR IN PROTECTING SOMEBODY'S RIGHT, SIR, I MAY BE IN
8 BAD ERROR BUT I AM GOING TO CONTINUE TO DO IT THANK YOU
9 VERY MUCH I AM NOT HEARING ARGUMENT ON THAT NOW BECAUSE
10 THAT IS ALREADY OVER

11 MR VERMONT YOUR HONOR WON'T ALLOW
12 ME TO ADDRESS THE RECORD ON THAT ISSUE?

13 THE COURT I AM NOT GOING TO KEEP
14 YOU FROM ADDRESSING ANYTHING, BUT I WANT YOU TO HURRY UP
15 AND GET THROUGH IT FULLY SO I CAN RULE

16 MR VERMONT I AM ATTEMPTING TO,
17 YOUR HONOR, AND I AM MERELY ASKING TO BE HEARD SO I MIGHT
18 DO THAT I WANT ALL OF THIS IN THE RECORD, 'YOUR HONOR

19 THE COURT I IMAGINE IT IS IN THERE
20 I THINK SHE IS TAKING IT, I AM SURE SHE IS GO AHEAD, SIR
21 GO RIGHT ON, I HAVEN'T STOPPED YOU YET BUT ONCE YOU
22 QUIT YOUR ARGUMENT AND SIT DOWN I TAKE IT YOU ARE THROUGH,
23 IF YOU ARE NOT THROUGH GO RIGHT AHEAD I WOULD BE GLAD
24 TO HEAR IT

25 MR VERMONT I WANT THE COURT TO

1 UNDERSTAND THAT MY MOTION FOR A MISTRIAL, I WOULD LIKE
2 IT TO BE REFLECTED BACK TO YESTERDAY'S REFUSAL OF THE
3 COURT TO ACCEPT AN OFFER OF PROOF I FEEL LIKE THAT
4 WOULD HAVE BEEN THE PROPER THING TO DO AT THE TIME AND
5 I STILL FEEL THAT AND WHEN I MAKE MY EXCEPTION ON THAT
6 GROUND, REFUSING US THE OPPORTUNITY, THE OPPORTUNITY TO
7 PROCEED THEN AND THE COURT REFUSES US THE OPPORTUNITY
8 TO PROCEED AT THIS TIME I ALSO WANT THE RECORD TO
9 REFLECT AND CONSIDER ASKING THE COURT TO DECLARE MISS
10 MOCK A SURPRISE WITNESS IN TERMS OF THE DEFENSE AND I AM
11 NOT SURE THAT THAT IS APPLICABLE HERE AND I AM ALSO
12 NOT SURE THAT I WOULD BE ABLE TO MAKE THAT DETERMINATION
13 DUE TO THE FACT THAT YOUR HONOR PROHIBITED ME FROM ASKING
14 HER IN THE PRESENCE OF THE JURY--OR OUT OF THE PRESENCE
15 OF THE JURY ANY FURTHER QUESTIONS THERE WAS NO WAY FOR
16 US TO DETERMINE EXACTLY--

17 THE COURT I HAVEN'T PROHIBITED YOU,
18 SIR WHEN HAVE I TOLD YOU YOU CAN'T ASK QUESTIONS?

19 MR. VERMONT YESTERDAY, YOUR HONOR

20 THE COURT AT THAT POINT, YES THIS
21 MORNING WHEN SHE GETS BACK ON THE STAND YOU CAN CONTINUE
22 YOUR EXAMINATION YOU, SIR, YOU ARE THE ONE WHO TOLD ME
23 YOU WERE THROUGH I HAVEN'T RESTRICTED YOU ONE IOTA ON IT
24 YOU HAVE AN ABSOLUTE RIGHT TO ASK YOUR WITNESS QUESTIONS
25 I AM NOT KEEPING YOU FROM THAT

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1 MR VERMONT I FEEL THAT YOUR HONOR
2 DID YESTERDAY, AND BY THIS ENTIRE PROCEDURE--

3 THE COURT YES, SIR, YOU CAN TAKE
4 THAT UP APPEAL IT IF I AM WRONG, FINE, BUT I HAVE
5 ALREADY DONE IT I DON'T KNOW OF ANYTHING THAT WENT BEFORE
6 THE JURY THAT WOULD AFFECT THEM, BUT EVERYBODY HAS RIGHTS,
7 WITNESSES, DEFENDANTS, STATE, ALL OF THEM I COULD BE
8 WRONG BUT I AM TRYING TO PROTECT ALL THE RIGHTS I CAN, IF
9 I CAN FROM WHAT SHE SAID YESTERDAY, SHE NEEDED TO BE
10 ADVISED BY SOMEONE AND WHAT SHE WILL DO ON THE STAND,
11 I DON'T KNOW I AM NOT KEEPING YOU FROM QUESTIONING HER,
12 AT ALL (PAUSE)

13 MR VERMONT, I AM GOING TO TAKE A FEW
14 MINUTES TO READ THESE MORE CLOSELY, BUT IN THESE CASES
15 THAT YOU HAVE PREPARED FOR ME I AGREE WITH THEM FULLY THE
16 FACTUAL ISSUE IS A LITTLE DIFFERENT HERE, THE STATE AND
17 THE PROSECUTION HAD FULL KNOWLEDGE OF THE WITNESS THEY
18 WANTED TO CALL, WOULD NOT TESTIFY, INVOKE HIS CLAIM UNDER
19 HIS RIGHTS, HIS CLAIM UNDER THE RIGHT THE STATE PUT HIM
20 UP ANYWAY AND HE INVOKED IT AND I AGREE WITH THE COURT
21 BUT YOU HAVE CALLED THE WITNESS, THE STATE HAD NOTHING
22 TO DO WITH CALLING THE WITNESS AND IT COULD BE THAT PUTS
23 A LITTLE DIFFERENT LIGHT ON THERE, DIFFERENT THINKING
24 NOW, AS I SAY, I AGREE WITH YOU ON THESE CASES I CAN
25 UNDERSTAND THAT THEORY IF THE STATE, FOR INSTANCE, YOU

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1 KNEW THAT THIS WITNESS WOULD CLAIM THAT RIGHT, KNOW ALL
2 ALONG WOULD NOT TESTIFY AND PUT HIM UP JUST FOR THAT
3 PURPOSE, YOU ARE ABSOLUTELY CORRECT BUT NOW WE HAVE
4 THAT SAME WITNESS CALLED BY THE DEFENSE, WENT INTO CERTAIN
5 MATTERS, AND YOU ASKED THE QUESTION "WHAT ARE YOU SCARED
6 OF AND WOULD MAKE YOU SO FRIGHTENED? THE ANSWER WAS IN
7 WORDS TO THIS EFFECT, WELL, I AM AFRAID OF GOING TO JAIL,
8 UH, THAT I MIGHT BE INVOLVED IN A CONSPIRACY WHOA, THAT
9 IS ALL THAT WAS SAID IT WAS SAID, THAT WAS ALL THAT WAS
10 SAID, I COULDN'T HELP THAT, THE JURY HEARD IT, SENT THEM
11 OUT THE JURY WENT OUT AT THAT POINT I THINK THAT
12 NECESSARILY I HAD TO BRING IT TO HER ATTENTION SHE HAD
13 RIGHTS IF I'M WRONG, I WILL NEVER ADVISE A WITNESS OF
14 ANY RIGHTS AGAIN BUT TO ME IT WOULD SEEM ONLY FAIR AND
15 EQUITABLE IN A SITUATION OF THAT NATURE, A STATEMENT OF
16 THAT NATURE, I HAD TO ADVISE OR GET A LAWYER TO ADVISE HER
17 I THINK ME DISCUSSION, BRIEFLY, THAT THERE IS SUCH A
18 CLAIM TO A PRIVILEGE I DIDN'T CARE WHETHER SHE EXERCISED
19 IT OR NOT, AS LONG AS SHE WAS ADVISED PROPERLY BY SOME
20 ATTORNEY WELL, A FINE ATTORNEY HAS ADVISED HER

21 NOW, I DON'T KNOW WHAT THEY ARE GOING
22 TO DO BUT SHE IS ON THE STAND, YOU CALLED HER UH, I,
23 I COULD BE WRONG BUT I JUST DON'T KNOW OF ANY PROCEDURE, NOW
24 THAT WOULD ALLOW ME TO WITHDRAW THAT WITNESS FROM THE STAND

25 MR. VERMONT MAY I ASK A QUESTION OF

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1 THE COURT, YOUR HONOR?

2 THE COURT YES, SIR

3 MR VERMONT DOES NOT THE FACT THAT
4 BOTH SIDES HAVE BEEN ON NOTICE THAT SHE WILL OR MAY TAKE
5 THE FIFTH PUT US WITHIN THE PRECEPTS OF THE LOGIC OF THOSE
6 CASES? THAT WAS NOT THE CASE YESTERDAY, ADMITTEDLY IT
7 TOOK US ALL BY SURPRISE BUT NOW WE KNOW?

8 THE COURT NO, SIR, UNDER THAT, THAT
9 THEORY, YOU MAY BE RIGHT, BUT UNDER THAT THEORY YOU COULD
10 PUT A WITNESS UP TO SAY CERTAIN THINGS AND THEN TAKE, UH,
11 CLAIM THE PRIVILEGE AND YOU COULD SAY, WELL, I WANT HIM
12 DOWN FROM THE STAND NOW UH, AND THERE IS NO SUCH RIGHT
13 TO THAT PROCEDURE AND I AGREE WITH YOU FULLY ON THESE
14 CASES, I AGREE WITH THEM BUT I HAVE GOT TO STICK WITH
15 THE SITUATION YOU MAY BE RIGHT I WOULD THINK POSSIBLY
16 IF SHE DID INVOKE HER CLAIM TO PRIVILEGE THAT THEY
17 COULDN'T GO FURTHER INTO IT I WOULDN'T LET THEM BELABOR
18 THAT POINT, NO I DON'T THINK HE HAS GOT A RIGHT TO
19 CROSS, WHY ARE YOU TAKING ANYTHING LIKE THAT, ONCE THEY
20 TELL YOU THEY TAKE IT BUT I THINK THEY HAVE GOT A RIGHT
21 TO ASK THE QUESTIONS THAT BRING IT ABOUT

22 MR VERMONT GIVEN THE--

23 THE COURT I UNDERSTAND THAT THERE
24 ARE SOME MATTERS THAT SHE WILL NOT CLAIM THIS PRIVILEGE,
25 THAT MAY BE IMPORTANT, I DON'T KNOW WHAT THOSE ARE I

1 CAN'T INTERFER WITH THE PROPERLY TAKEN EVIDENCE THEY
2 MAY HAVE SOME LIGITIMATE QUESTIONS THAT SHE WOULD BE MORE
3 THAN HAPPY TO ANSWER THAT WOULD NOT REQUIRE HER TO CLAIM
4 HER PRIVILEGE I WOULD BE CUTTING THAT OUT I JUST DON'T
5 SEE HOW THE PROCEDURE WOULD WORK THAT WAY ONCE THE WITNESS
6 IS ON THE STAND NOW, YOU MAY BE ABSOLUTELY CORRECT
7 ALTOGETHER YOU MAY HAVE A RIGHT TO YOUR MISTRIAL I
8 DON'T KNOW UH, I DON'T THINK SO AT THIS POINT NOW, IF THE
9 SUPREME COURT REVERSES ME THEN I WILL KNOW THAT SHE DID

10 MR VERMONT YES, SIR, IN LIGHT OF
11 THE DELICATE NATURE OF THE CASE COULD WE NOT PROCEED FOR
12 A FEW MOMENTS OUTSIDE OF THE PRESENCE OF THE JURY TO
13 ASCERTAIN EXACTLY THE NATURE OF THE PROBLEM HERE?

14 THE COURT WELL, WOULDN'T THEY STILL
15 HAVE THE RIGHT TO ASK QUESTIONS REGARDLESS IN FRONT OF THE
16 JURY ON THE MATTERS THAT SHE DOESN'T CLAIM I AM NOT
17 GOING TO, I DON'T KNOW OF ANY PROCEDURE THAT I WOULD GO
18 THROUGH HER COMPLETE TESTIMONY AND FIND OUT WHICH PARTS
19 THEY ARE GOING TO, MAYBE

20 MR VERMONT MY POINT BEING THAT
21 SHE MAY INVOKE THE FIFTH ON EVERY QUESTION, YOUR HONOR

22 THE COURT I DON'T KNOW

23 'R VERMONT AT THAT POINT IT WOULD
24 BE SQUARE UNDER THESE CASES

25 THE COURT WELL, YOU SEE, I DON'T

1 KNOW, I HAVE NO IDEA I DON'T REMEMBER REALLY, HOW MANY
2 QUESTIONS YOU ASKED

3 MR VERMONT I THINK MY QUESTION WAS
4 SOMETHING TO THE EFFECT, WHY WERE YOU SO SCARED, WHY
5 WERE YOU SO NERVOUS

6 THE COURT WELL, SIR, IT WENT INTO
7 THE FACT THAT SHE'D HAS A SHOT, WHO SHE WAS, THE
8 DIFFERENT RELATIONSHIPS, I BELIEVE, UH, TO THE DIFFERENT
9 PEOPLE AND I DON'T KNOW HOW MUCH SHE WENT INTO BUT I
10 KNOW SHE TESTIFIED SOME BUT I THINK THE SITUATION IS
11 ENTIRELY DIFFERENT ALL RIGHT, WHAT IS THE STATE'S
12 POSITION?

13 MR MABRY THE STATE'S POSITION IS
14 THE WITNESS HAS BEEN CALLED FOR DIRECT EXAMINATION THE
15 RULES OF THE STATE OF SOUTH CAROLINA, THE STATE WOULD
16 BE ENTITLED TO CROSS EXAMINATION FULLY OF THIS PARTICULAR
17 WITNESS

18 THE COURT ANYTHING FURTHER WE NEED
19 TO PLACE IN THE RECORD?

20 MR VERMONT NO, SIR, NOT AT THIS
21 TIME

22 THE COURT YOUR MOTION IS DENIED
23 OTHERWISE, WE ARE READY TO PROCEED

24 MR VERMONT YES, SIR

25 MR MABRY YES, SIR

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1 MR VERMONT SUBJECT TO MY EXCEPTIONS
2 THE COURT YES, SIR, YOUR EXCEPTIONS
3 ARE NOTED MA'AM, IF YOU WOULD, IF YOU PLEASE, JUST A
4 MOMENT GET THE JURY OUT YOU CAN COME UP UNLESS YOU
5 WOULD LIKE TO GET UP THERE NOW BEFORE THEY GET OUT HERE?

6 (MS MOCK RESUMES THE WITNESS STAND)

7 (JURY RETURNS TO THE JURY BOX AT 11 15

8 A M)

9 THE CLERK THE JURY IS PRESENT, DOES
10 THE STATE WAIVE POLLING?

11 MR MABRY THE STATE WAIVES POLLING?

12 THE CLERK DOES THE DEFENSE WAIVE
13 POLLING?

14 MR VERMONT THE DEFENSE WAIVES POLLING
15 THE COURT LET ME ASK YOU THE USUAL
16 MORNING QUESTION HAVE ANY OF YOU DISCUSSED THIS CASE
17 WITH ANYONE, LISTEN TO ANYONE DISCUSS IT, READ ANY
18 NEWS MEDIA OR WATCH OR LISTEN TO IT ABOUT THIS CASE? OR
19 IF ANYONE HAS ATTEMPTED TO TALK TO YOU AFTER YOU INFORMED
20 THEM YOU ARE JURORS, WOULD YOU PLEASE STAND? (NO RESPONSE)

21 ALL RIGHT, PROCEED

22 MR VERMONT SUBJECT TO PROCEED
23 DISCUSSIONS, YOUR HONOR, I HAVE NO FURTHER QUESTIONS ON
24 MS MOCK

25 THE COURT THANK YOU VERY MUCH

1 MR MABRY IF IT PLEASE THE COURT?

2

3 CROSS EXAMINATION

4 BY MR MABRY (MR SWERLING STANDS BESIDE THE WITNESS)

5 Q MS MOCK, ARE YOU FEELING BETTER THIS MORNING?

6 A YES, SIR

7 O WOULD YOU LIKE A GLASS OF WATER? MS MOCK, I BELIEVE

8 YOU TOLD US YESTERDAY, I THINK, THE OLDEST DAUGHTER OF

9 MR AND MRS CAMPBELL, IS THAT CORRECT?

10 A YES, SIR

11 Q YOU ARE NOW REPRESENTED BY JACK SWERLING, YOUR

12 ATTORNEY?

13 A YES, SIR

14 Q AND YOUR FULL NAME IS WILLIE DELORES CAMPBELL MOCK?

15 A YES, SIR

16 O ALL RIGHT, WOULD YOU SPEAK UP A LITTLE BIT, PLEASE,

17 MA'AM, OR MOVE IN CLOSER TO THE MICROPHONE?

18 A THAT'S TRUE

19 Q ALL RIGHT, AND MRS MOCK, YOU LIVE CURRENTLY AND DID

20 IN 1978 IN JULY OF '78 IN THE HORRELL HILL MOBILE HOME

21 TRAILER COURT, WHICH IS LOCATED APPROXIMATELY WHERE THIS

22 YELLOW PIN IS ON THE MAP?

23 A THAT'S TRUE

24 Q THAT'S TRUE, AND THE DEFENDANT IS YOUR BROTHER, IS

25 THAT NOT CORRECT?

1 A THAT'S TRUE

2 Q IS HE THE OLDEST BOY IN THE FAMILY?

3 A NO, SIR, HE IS NOT

4 Q WOULD YOU TELL ME, YOU HAVE HOW MANY BROTHERS AND
5 SISTERS?

6 A THERE'S SIX OF US

7 Q ALL RIGHT, AND YOU ARE THE OLDEST DAUGHTER?

8 A I'M THE OLDEST

9 Q I SEE AND YOUR FATHER'S NAME IS WILLIE, ALSO?

10 A YES

11 Q HE NAMED YOU FOR HIM, IS THAT CORRECT?

12 A YES, SIR

13 Q ALL RIGHT, AND AFTER YOU COMES?

14 A UH, ELAINE

15 Q AND THAT IS ELAINE CAMPBELL TAYLOR, THE MOTHER OF
16 THE YOUNG MAN SEATED BACK THERE THAT TESTIFIED YESTERDAY,
17 MR MARSH?

18 A YES

19 Q THEN AFTER ELAINE COMES?

20 A TOMMY

21 Q TOMMY IS THE FELLOW SITTING BACK THERE IN THE GREEN
22 SUIT?

23 A RIGHT

24 Q TOMMY IS KIND OF THE BLACK SHEEP OF THE FAMILY, IS
25 HE NOT?

- 1 A I WOULDN'T EXACTLY CALL HIM THE BLACK SHEEP
- 2 Q WELL, HE DOESN'T ALWAYS GET ALONG WITH THE FAMILY,
- 3 DOES HE?
- 4 A ASK ME THAT AGAIN?
- 5 A HE DOESN'T ALWAYS GET ALONG WITH THE FAMILY, DOES
- 6 HE?
- 7 A HE HAS HIS TIMES
- 8 Q OKAY, AND THEN AFTER TOMMY?
- 9 A COMES OWENS
- 10 Q COME OWENS, THE DEFENDANT?
- 11 A YES
- 12 O AND THEN AFTER OWENS?
- 13 A EUNICE
- 14 Q EUNICE? THEN AFTER EUNICE?
- 15 A THEN DEBBIE
- 16 O DEBBIE, IS THAT DEBBIE FAITH HICKOX?
- 17 A YES, IT IS
- 18 Q AND THEN AFTER DEBBIE?
- 19 A THERE'S NO MORE
- 20 Q THAT IS THE CAMPBELL CLAN?
- 21 A RIGHT
- 22 Q AND YOU ALL GENERALLY WERE BORN AND REARED IN THE
- 23 EASTOVER SECTION OF RICHLAND COUNTY?
- 24 A YES, SIR
- 25 Q WHICH IS LOCATED BY THIS RED PIN ON THE MAP, IS THAT
- RIGHT?

1 A I GUESS

2 Q ALL RIGHT, NOW, DELORES, YOU RECALL TALKING WITH ME
3 ABOUT THIS CASE ONCE, ONE TIME, DON'T YOU?

4 A COULD YOU BE MORE SPECIFIC?

5 Q ABOUT A MONTH AGO IN MY OFFICE, DID NOT YOU COME TO
6 MY OFFICE AND HAVE A CONVERSATION WITH ME ABOUT THIS CASE?

7 A YES, SIR, I WAS TOLD TO COME

8 Q OKAY, FINE, AND I BELIEVE YOU TOLD ME IN GROWING UP,
9 YOU BEING THE OLDEST DAUGHTER YOUR DAD TAUGHT YOU TO HUNT
10 AND FISH, DID HE NOT?

11 A YES, SIR

12 Q AND AS A MATTER OF FACT YOU SPENT A LOT OF TIME AT
13 THE WATEREE SWAMP AND THE CONGAREE SWAMP HUNTING AND
14 FISHING, HAVE YOU NOT?

15 A YES, SIR

16 Q ALL RIGHT, AND I BELIEVE YOU TOLD ME, AND I WAS
17 KIND OF SURPRISED THAT YOU ARE, YOU YOURSELF ARE ABLE TO
18 SKIN AND GUT AND BUTCHER A DEER, IS THAT NOT RIGHT?

19 A YES, SIR

20 Q AND AS A MATTER OF FACT, I THINK YOU TOLD ME THAT YOU
21 AND YOUR BROTHER-IN-LAW ED COULD PROBABLY SKIN AND BUTCHER
22 A DEER IN RECORD TIME, IS THAT RIGHT?

23 A YES, SIR

24 Q SO, YOU SPENT A LOT OF TIME DEER HUNTING IN EASTOVER/
25 WATEREE RIVER SWAMP AREA, HAVE YOU NOT?

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1 A YES, SIR

2 Q AND YOU HAVE HUNTED DEER WITH SHOTGUNS?

3 A YES, SIR

4 Q AND WITH RIFLES?

5 A YES, SIR

6 Q AND AS A MATTER OF FACT, UP UNTIL RECENTLY YOU OWNED
7 QUITE A COLLECTION OF SHOTGUNS AND RIFLES?

8 A YES, SIR

9 Q OKAY, AND YOU USE TO KEEP THOSE SHOTGUNS AND RIFLES
10 IN YOUR TRAILER, DID YOU NOT?

11 A YES, SIR

12 Q ALL RIGHT, AND YOU DO HAVE IN YOUR TRAILER A GUN
13 CABINET, DO YOU NOT?

14 A YES, SIR

15 Q AND IN THAT GUN CABINET YOU ALSO KEPT AMMUNITION, DID
16 YOU NOT?

17 A YES, SIR

18 Q ALL RIGHT, AND YOU ALSO USED BUCKSHOT TO HUNT DEER,
19 DID YOU NOT?

20 A YES, SIR

21 Q AND SOMETIMES YOU USED MAGNUM SHOT TO HUNT DEER, DID
22 YOU NOT?

23 A NOW THAT I CAN'T SAY

24 Q YOU DID HAVE MAGNUM BUCKSHOT SHELLS, DID YOU NOT?

25 A I DON'T KNOW HOW TO EXPLAIN, I DIDN'T HAVE A MAGNUM

1 BUT I DID BUY MY SON A REMMINGTON 1100 REMMINGTON UM, IT
2 IS A THREE INCH MAGNUM AND I DID BUY HIM THAT, BUT THIS
3 WAS, I MEAN THAT'S THE ONLY TIME THAT, UH, I THINK WE HAD
4 MAGNUM SHOT I'M NOT SURE ABOUT THAT

5 Q I SEE BUT WOULD YOU, WOULD YOU TAKE A LOOK AT
6 STATE'S EXHIBIT 27, IF I CAN OPEN THIS THING? HAVE YOU
7 EVER SEEN A SHELL THAT LOOKS SIMILAR TO THAT? YOU CAN
8 HOLD IT?

9 A YES, SIR

10 Q AND DO YOU RECOGNIZE THIS AS BEING A 12 GAUGE DOUBLE
11 OO BUCK MAGNUM SHELL?

12 A (LOOKING AT IT) YES, SIR, I RECOGNIZE IT AS ONE

13 Q ALL RIGHT, SO YOU ARE NOT UNFAMILIAR WITH MAGNUM
14 SHELLS, ARE YOU?

15 A WITH MAGNUM SHELLS TRULY, YEAH, I JUST KEEP BUCKSHOT
16 SHELLS

17 O BUCKSHOT BUT YOU HAVE ALL YOUR LIFE GROWING UP
18 HUNTED DEER WITH SHOTGUNS AND WITH RIFLES, HAVE YOU NOT?

19 A YES.

20 Q OKAY, AND IN FACT YOU'VE HUNTED WITH YOUR FAMILY, HAVE
21 YOU NOT?

22 A YES, SIR

23 Q AND WITH FRIENDS?

24 A YES, SIR

25 Q SO, YOU WOULD PROBABLY KNOW THE WATEREE RIVER AREA,

1 WATEREE SWAMP RIVER GOOD, WOULD YOU NOT?

2 A YES, SIR

3 (MR SWERLING IS STANDING NEXT TO THE
4 WITNESS ADVISING HER DURING TESTIMONY)

5 Q NOW, MRS MOCK, I THINK YOU TOLD ME ONCE, ONE TIME
6 THAT YOUR HUSBAND IS A LONG DISTANCE TRUCK DRIVER, IS THAT
7 CORRECT?

8 A NO, SIR, HE IS NOT

9 Q WHAT DOES HE DO?

10 A HE'S A SUPERINTENDENT

11 Q OF WHAT?

12 A OF A POWER COMPANY

13 Q BUT HE TRAVELS A LOT, DOES HE NOT?

14 A YES

15 Q STAYS ON THE ROAD OUITE A BIT?

16 A RIGHT

17 Q IN FACT, I THINK YOU TOLD ME HE EVEN LIVES IN CHARLES-
18 TON MOST OF THE TIME, IS THAT RIGHT? STAYS IN CHARLESTON
19 MOST OF THE TIME?

20 A NO, SIR, HE IS IN COLORADO

21 O COLORADO, EXCUSE ME, I'M SORRY MS MOCK, THE AREA
22 IDENTIFIED ON STATE'S EXHIBIT NO 1 BY THE BLUE PIN, DO
23 YOU RECOGNIZE THAT AS THE INTERSECTION OF HIGHWAY 378 AND
24 HIGHWAY 764 WHICH IS KNOWN AS SEVEN MILE ROAD, WOULD YOU
25 NOT? GOING DOWN TO EASTOVER? CAN YOU SEE IT ALL RIGHT?

1 A I SEE DOTS, THE BLUE PIN

2 O MA'AM? (BRINGING THE MAP CLOSER TO THE WITNESS)
3 THERE ARE QUITE A BIT OF FIELDS ALONG THAT ROAD, ARE THERE
4 NOT? ON BOTH SIDES?

5 A YES, IT IS

6 Q SOY BEAN FIELDS AND SOME WITH LIME AND MAYBE CORN
7 FIELDS AND THINGS LIKE THAT? FARMERS PLOW AND WHATNOT?

8 A YES, SIR

9 Q I'M SORRY?

10 A YES, SIR

11 Q OKAY, YOU KNEW THE DECEASED OLIN D WILSON, DID YOU
12 NOT?

13 A - YES, SIR

14 Q AND YOU KNEW HIS WIFE ANN?

15 A YES, SIR

16 Q AND YOU KNEW WHERE THEY LIVED OVER HERE OFF OF WILSON
17 POND ROAD?

18 A YES, SIR, I KNEW WHERE THEY WERE BUILDING A HOME
19 THERE, YEAH

20 Q - I SEE, WELL, DID YOU NOT KNOW THAT THEY WERE LIVING
21 THERE IN JULY OF 1978?

22 A YES, SIR, I DID

23 Q IN FACT, YOU AND ANN WERE PRETTY CLOSE FRIENDS, WERE
24 YOU NOT?

25 A YES, SIR, WE WAS THERE FOR A WHILE

1 O OKAY, YOU ALL USE TO TEND A GARDEN TOGETHER, IS THAT
2 RIGHT?

3 A YES, SIR

4 Q OKAY, MS MOCK, EXCUSE ME, MS MOCK, YOU REMEMBER
5 THE NIGHT OLIN D WAS KILLED?

6 A UNDER THE FIFTH AMENDMENT I REFUSE TO ANSWER THAT
7 QUESTION ON THE GROUNDS THAT MY ANSWER MIGHT TEND TO
8 INCRIMINATE ME

9 O ALL RIGHT, HAS THE DEATH OF OLIN D WILSON UPSET YOU
10 TREMENDOUSLY?

11 A YES, SIR

12 Q AS A MATTER OF FACT, I THINK YOU'VE TOLD ME THAT SINCE
13 HIS DEATH YOU HAVE GOTTEN RID OF ALL YOUR SHOTGUNS AND
14 RIFLES, HAVE YOU NOT?

15 A UNDER THE FIFTH AMENDMENT I REFUSE TO ANSWER THAT
16 QUESTION ON THE GROUNDS THAT I MIGHT TEND TO INCRIMINATE
17 ME

18 Q MS MOCK, WHAT KIND OF WORK DID YOUR FATHER DO?

19 A (NO ANSWER)

20 Q WASN'T YOUR FATHER THE CHIEF OF POLICE OF EASTOVER
21 AT ONCE UPON A TIME?

22 A YES, HE WAS

23 O AND I THINK HE GOT FIRED AND REHIRED AND THEN FIRED
24 AGAIN, IS THAT CORRECT?

25 A SOMETHING TO THAT EFFECT

1 Q SOMETHING TO THAT EFFECT? OKAY, IS HE RETIRED NOW?

2 A UH, HE IS NO LONGER CHIEF OF POLICE BUT HE WORKS
3 AT WESTINGHOUSE NUCLEAR FUEL

4 Q I SEE MS MOCK, YOUR BROTHER GREW UP CERTAINLY
5 KNOWS THE LOWER SIDE OF RICHLAND COUNTY, HE GREW UP IN
6 THERE, DID HE NOT?

7 A YES, SIR

8 Q AND YOUR BROTHER KNEW OLIN D WILSON, DID HE NOT?

9 A YES, SIR, I GUESS YOU COULD SAY HE KNEW HIM BUT NOT--

10 Q CAN YOU ANSWER THE LAST QUESTION PLEASE?

11 A SIR, CAN I EXPLAIN THAT QUESTION?

12 Q CERTAINLY, I JUST WANT TO KNOW IF HE KNEW OLIN D
13 WILSON, YES OR NO?

14 A TO MY KNOWLEDGE, THE FIRST, THE FIRST OF OWENS REALLY
15 SEEING OLIN D WAS, I HAVE, OF MAYBE AROUND DINNER TIME
16 I TOOK HIM TO OLIN D 'S HOUSE ONE DAY THIS WAS WHEN
17 OLIN D WAS GOING TO SELL THE STATION WAGON

18 Q OKAY, UH, ON JULY THE 10TH, 1978 YOUR FIRST COUSIN
19 JAMIE OWENS AND YOUR BROTHER OWENS CAMPBELL CAME TO YOUR
20 HOUSE OR YOUR MOBILE HOME TO HORRELL HILL MOBILE HOME PARK
21 AND BORROWED TWO 12 GAUGE BUCKSHOT SHELLS FROM YOU, DID
22 THEY NOT?

23 A UNDER THE FIFTH AMENDMENT I REFUSE TO ANSWER THAT
24 QUESTION ON THE GROUNDS THAT IT MIGHT TEND TO INCRIMINATE
25 ME

1 Q MRS MOCK, DID YOU NOT ON NOVEMBER THE 13, 1981 MAKE
2 A SWORN STATEMENT--

3 MR VERMONT YOUR HONOR, PLEASE--

4 Q TAKEN BEFORE--

5 THE COURT WAIT, WAIT, WAIT JUST
6 A MINUTE OBJECTION

7 'R VERMONT TO PRESERVE OUR PREVIOUS
8 DISCUSS I NOTE MY OBJECTION AT THIS POINT
9 CROSS EXAMINATION CONTINUES BY MR MABRY

10 Q DID YOU NOT ON NOVEMBER 13, 1981 IN A SWORN STATEMENT
11 TAKEN BEFORE LT CONNIE LEWIS, STAND UP PLEASE, CONNIE,
12 AND MS JULIE BONEDEAU? STAND UP PLEASE, JULIE, OF THE
13 SOLICITOR'S OFFICE IN A SWORN STATEMENT SAY "THE NIGHT
14 OLIN D WILSON" EXCUSE ME, "THE NIGHT OLIN D WAS KILLED
15 OWENS AND MY COUSIN JAMIE OWENS CAME TO MY TRAILER AND
16 SAID THEY WERE GOING NIGHT HUNTING " DID YOU NOT SAY THAT?

17 A UNDER THE FIFTH AMENDMENT I REFUSE TO ANSWER THAT
18 QUESTION ON THE GROUNDS THAT IT MIGHT TEND TO INCRIMINATE
19 ME

20 Q MRS MOCK, WOULD YOU LOOK AT THE SIGNATURE THAT
21 APPEARS ON THAT PIECE OF PAPER, PLEASE MA'AM, AND I ASK
22 YOU IS THAT NOT YOUR SIGNATURE?

23 A UNDER THE FIFTH AMENDMENT I REFUSE TO ANSWER THAT
24 QUESTION ON THE GROUNDS THAT IT MIGHT TEND TO INCRIMINATE
25 ME

1 Q THANK YOU, MA'AM, NO FURTHER QUESTIONS

2 THE COURT ARE YOU THROUGH?

3 MR MABRY WE ARE THROUGH

4 MR VERMONT MAY I HAVE JUST A MOMENT,
5 YOUR HONOR? I HAVE NO FURTHER QUESTIONS OF MRS MOCK
6 WOULD YOU PLEASE COME DOWN?

7 THE COURT THANK YOU, MA'AM, YOU MAY
8 COME DOWN

9 MR VERMONT I CALL JOHN MAHON, ESO ,
10 YOUR HONOR

11 JOHN MADISON MAHON, AFTER
12 BEING DULY SWORN, TESTIFIES AS FOLLOWS

13 DIRECT EXAMINATION

14 BY MR VERMONT

15 THE CLERK STATE YOUR FULL NAME FOR
16 US?

17 MR MAHON MY NAME IS JOHN MADISON
18 MAHON, JR.

19 Q JUST A MINUTE, MR MAHON, I WOULD LIKE TO REMOVE
20 THIS MAY I PROCEED, YOUR HONOR?

21 THE COURT YES

22 Q MR MAHON, YOU ARE AN ATTORNEY HERE IN COLUMBIA?

23 A YES, SIR, I AM

24 Q WHAT KIND OF LAW DO YOU DO?

25 A AT THE PRESENT TIME I AM IN THE LEGAL DEPARTMENT AT

1 THE SOUTH CAROLINA ELECTRIC AND GAS COMPANY

2 Q PRIOR TO BEING WITH THE SOUTH CAROLINA ELECTRIC AND
3 GAS WHAT KIND OF LAW DID YOU DO?

4 A I HAVE BEEN WITH SC&G THREE YEARS AND PRIOR TO THAT
5 I WORKED FOR THE LAW FIRM OF
6 AND WE WERE GENERALLY INVOLVED IN CIVIL PRACTICE OF LAW
7 IN COLUMBIA

8 Q THANK YOU, THAT INVOLVED DISPUTES BETWEEN CITIZENS,
9 PRIVATE CITIZENS, CORRECT?

10 A RIGHT

11 Q ALL RIGHT, IN THE COURSE OF YOUR PRACTICE AS A PRIOR
12 ATTORNEY, DID YOU EVER HAVE OCCASION TO COME IN CONTACT
13 WITH OWENS CAMPBELL, THE DEFENDANT IN THIS CASE?

14 A YES, I REPRESENTED OWENS IN SEVERAL AUTOMOBILE
15 ACCIDENTS AND I THINK WE HAD A TRAFFIC TICKET OR TWO, A CASE
16 LIKE THAT MAYBE

17 Q ALL RIGHT, IN REGARD TO AT LEAST ONE OF THOSE DID YOU
18 HAVE OCCASION TO RECOVER MONEY, SOME MONEY ON HIS BEHALF?

19 A YES, SIR, ACCORDING TO MY RECORDS, UH, THE 9TH OF
20 APRIL OF 1979, UH, WE RECOVERED \$10,000 00 ON BEHALF OF
21 OWENS CAMPBELL IT WAS A RESULT OF AN AUTOMOBILE ACCIDENT
22 HE WAS INVOLVED IN IN FERNANDINA BEACH, FLORIDA

23 Q ALL RIGHT, AS A RESULT OF THAT RECOVERY YOU ALSO
24 HAD OCCASION TO MAKE SOME DISPERSEMENTS ON HIS BEHALF, DID
25 YOU NOT?

1 A YES, SIR, WE MADE DISPERSEMENTS

2 Q THOSE DISPERSEMENTS WERE THE NORMAL SORTS OF THINGS
3 FOR THE MOST PART FOR SOMETHING LIKE THAT? DOCTORS' BILLS,
4 COURT COSTS, YOUR OWN FEES?

5 A YES, THAT IS CORRECT

6 Q ALL RIGHT, SIR, DID YOU HAVE ANY CONVERSATIONS WITH
7 HIM ABOUT HOW HE WANTED THAT MONEY DISPERSED?

8 A YES OWENS HAD TOLD US THAT HE OWED ANN WILSON MONEY
9 AND THAT HE WANTED THE MONEY PAID TO HER OUT OF THE
10 RECOVERY OF THIS ACCIDENT

11 Q ALL RIGHT, SIR, AND AS A RESULT OF THAT DISCUSSION
12 DID YOU, IN FACT, PAY MS WILSON SOME MONEY ON HIS
13 BEHALF?

14 A ACCORDING TO MY RECORDS ON APRIL THE 16TH OF 1979
15 WE WROTE A CHECK OUT OF OUR TRUST FUND TO ANN WILSON, A
16 VIRGINIA ANN WILSON FOR \$1720 00

17 Q ALL RIGHT, SIR, DO YOU HAVE THAT CHECK WITH YOU, DID
18 YOU BRING IT TO COURT?

19 A YES, I DID

20 Q DOES IT APPEAR TO YOU THAT A CHECK WENT THROUGH THE
21 NORMAL CHANNELS OF COMMERCE AND PROBABLY ENDORSED IT
22 ULTIMATELY CAME BACK TO YOU HAVING BEEN CASHED, IS THAT
23 RIGHT?

24 A THE CHECK SHOWS AN INDORSEMENT ON THE BACK OF VIRGINIA
25 ANN WILSON, THE VARIOUS BANK STEPS IT SHOWS IT HAS

1 BEEN NEGOTIATED

2 MR MABRY NO OBJECTION, YOUR HONOR

3 MR VERMONT DEFENSE NUMBER 3, I BE-
4 LIEVE, YOUR HONOR?

5 THE COURT I HAVE FORGOTTEN WHAT
6 NUMBER IT WOULD BE CONTINUE

7 (ENTERED HERE AS DEFENDANT'S EXHIBIT
8 NO 3)

9 MR VERMONT ALL RIGHT, MR MAHON,
10 THAT IS ALL THE QUESTIONS I HAVE, SIR PLEASE ANSWER
11 ANY QUESTIONS BY MR MABRY

12
13 CROSS EXAMINATION

14 BY MR MABRY

15 Q MR MAHON, MAY I CALL YOU JOHN?

16 A YES, SIR, YOU MIND IF I CALL YOU BUFORT?

17 Q YES, SIR, TELL THE JURY HOW LONG WE HAVE BEEN
18 KNOWING ONE ANOTHER?

19 A WELL, I'LL BE FORTY IN AUGUST AND I THINK YOU'LL BE
20 THIRTY-NINE SOME TIME CLOSE TO THAT AND WE WERE BOTH
21 BORN AND RAISED IN SUMTER COUNTY

22 O JOHN, I WANT YOU TO LOOK AT MY DRIVER'S LICENSE NOW,
23 FOR YOUR INFORMATION I WILL BE THIRTY-SIX IN OCTOBER,
24 MR MAHON I HAVE HAD SOME HARD TIMES MR MAHON, DID
25 YOU DO CRIMINAL WORK IN YOUR PRIOR PRACTICE?

1 A WHEN I FIRST STARTED PRACTICING LAW IN SUMTER I WAS
2 WITH THE FIRM OF NASH AND CHAPPELL, AND I HAVE DONE
3 CRIMINAL WORK, YES, SIR, I HAVE HAD MY SHARE OF CRIMINAL
4 EXPERIENCE

5 Q I SEE DID YOU DO ANY CRIMINAL WORK IN RICHLAND
6 COUNTY?

7 A VERY LITTLE, THE CRIMINAL BAR AND THE CIVIL BAR IN
8 RICHLAND COUNTY ARE FAIRLY DISTINCT AND THEY DON'T USUALLY
9 CROSS PATHS VERY OFTEN

10 Q THIS CIVIL SUIT WAS THE SOLE MATTER THAT YOU HANDLED
11 FOR THE DEFENDANT THEN?

12 A I HAD HANDLED ANOTHER CIVIL MATTER ACCORDING TO MY
13 RECORDS INVOLVING ANOTHER AUTOMOBILE ACCIDENT AND I BELIEVE
14 IT TOOK PLACE IN TIME IN SEPTEMBER OF 1978

15 Q WAS THERE A RECOVERY ALSO ON THAT?

16 A APPARENTLY THERE WAS RECOVERY ON THAT

17 Q WAS ANY MONEY PAID TO ANN WILSON OUT OF THAT?

18 A NO, SIR, THERE WASN'T ANY

19 O AND AS FAR AS THE DISPERSEMENTS OUT OF THE RECOVERY
20 OF THE \$10,000 00 HOW MUCH OF IT WENT TO THE DEFENDANT,
21 IF YOUR RECORD REFLECTS?

22 A THE AMOUNT THAT WENT TO THE DEFENDANT WAS \$4,199 67

23 O THE REST OF IT WAS CONSUMED IN COSTS?

24 A CONSUMED IN COSTS, LEGAL FEES AT THAT TIME THIS
25 WAS AN OUT OF STATE RECOVERY AND THERE WAS SOME NO FAULT

1 INSURANCE THAT THE COMPANY SUBROGATED AGAINST AND THERE
2 WAS AN AMOUNT PAID THERE

3 Q DO YOU KNOW WHETHER OR NOT THE PAYMENT TO MRS ANN
4 WILSON BY THE DEFENDANT OUT OF THE FUNDS THAT YOU RECOVERED
5 IN THE CIVIL SUIT, THE AUTOMOBILE ACCIDENT, WENT TO SATISFY
6 A PARTICULAR DEBT?

7 A I CANNOT REMEMBER EXACTLY WHAT THE AMOUNT WAS PAID
8 FOR I KNEW THAT IT WAS MONEY OWED BY OWENS TO ANN AND
9 I DIDN'T KNOW WHAT THE DETAILS WERE

10 Q JOHNNY, THANK YOU VERY MUCH NO FURTHER QUESTIONS

11 MR VERMONT NO OTHER QUESTIONS,

12 MR MAHON, PLEASE COME DOWN

13 THE COURT YOU EXCUSE HIM?

14 MR VERMONT EXCUSE HIM FROM MY,
15 YES, SIR, HE WOULD, I THINK THEY NEED HIM AT THE POWER
16 COMPANY

17 THE COURT YOU NEED, ANY OBJECTION?

18 MR MABRY NO, SIR, AS LONG AS I
19 STRAIGHTEN OUT MY AGE WITH HIM PLEASE

20 THE COURT ALL RIGHT, YOU MAY BE
21 EXCUSED

22 MR VERMONT MAY I HAVE JUST A MOMENT
23 PLEASE? (PAUSE) I WOULD LIKE TO RECALL MR MAJOR, YOUR
24 HONOR? JOHN R T MAJOR?

25 JOHN MAJOR, AFTER BEING
PREVIOUSLY SWORN, TESTIFIES AS FOLLOWS

1 DIRECT EXAMINATION

2 BY MR VERMONT

3 Q MR MAJOR, YOU ARE STILL THE SAME CLERK OF COURT YOU
4 WERE YESTERDAY?

5 A AFRAID SO

6 Q ALL RIGHT, AT MY REQUEST DID YOU SOMETIME DURING
7 THE BREAK, SEARCH YOUR RECORDS AS A RESULT OF THE REQUEST
8 I MADE TO YOU?

9 A I DID

10 Q DID YOU, WELL, LET ME ASK YOU THIS? WOULDN'T IT
11 BE NORMAL FOR, IN THE COURSE OF DISPOSITION OF A FELONY,
12 THE ARREST WARRANT TO COME TO YOUR HANDS, IS THAT CORRECT?

13 A NORMALLY SPEAKING THEY WOULD COME THROUGH OUT HANDS,
14 UNDER THE NEW COURT PROCEDURES AND RULES

15 Q RIGHT AND THAT IS GENERALLY BEEN THE CASE, WOULD IT
16 NOT?

17 A YES

18 Q AND ANY WARRANT THAT IS PENDING WOULD BE IN YOUR
19 POSSESSION, WOULD IT NOT?

20 A YES

21 Q AND ANY WARRANT THAT IS DISPOSED--

22 A ANY WARRANT, I WOULDN'T SAY ANY WARRANT PENDING OVER
23 A PERIOD OF TIME REQUIRING THE SUBMISSION TO THE CLERK

24 Q YES, ANY FELONY FOLLOWING INDICTMENTS WOULD BE
25 PENDING OR DISPOSED OF WOULD BE IN YOUR POSSESSION?

1 A YES

2 Q ALSO, ALL RIGHT, DID YOU RESEARCH YOUR RECORDS FOR
3 A PENDING WARRANT OR A PENDING INDICTMENT OR DISPOSED
4 WARRANT OR DISPOSED INDICTMENT AGAINST ANN WILSON IN
5 CONNECTION WITH THE MURDER OF OLIN D WILSON?

6 A IN CONNECTION WITH THE MURDER OF OLIN D WILSON, YFS,
7 AND I FOUND NOTHING

8 Q THANK YOU, MR MAJOR, THAT IS ALL THE QUESTIONS I
9 HAVE

10 MR MAJOR LIKE YESTERDAY, I HAVE
11 NO QUESTION OF THE HONORABLE CLERK TODAY THANK YOU, MR
12 MAJOR

13 MR VERMONT YOUR HONOR, CAN WE TAKE
14 ABOUT A FIVE MINUTE BREAK, YOUR HONOR?

15 THE COURT WELL, WE ARE GOING TO HAVE,
16 WE ARE GOING TO QUIT A 1 00

17 MR VERMONT YES, SIR

18 THE COURT AN HOUR AND TWENTY MINUTES
19 TO LONG TO MAKE THEM SIT, IS GOING TO BE HERE YOU ARE
20 NOT GOING TO HAVE MUCH TIME DON'T DISCUSS THE CASE I
21 WILL SEND FOR YOU

22 MR VERMONT THANK YOU

23 (JURY LEAVES THE JURY LEAVES THE JURY
24 BOX AT 11 45 A M)

25 (RECESS 1 P M)

1 (RESUMES AT 12 20 P M)

2 THE COURT IS EVERYONE READY TO CON-
3 TINUE?

4 MR VERMONT YES, SIR, I AM READY
5 I HAVE A MATTER TO TAKE UP BEFORE THE JURY COMES IN? IF
6 THE COURT PLEASE, IT IS OUR INTENTION TO CALL THE
7 DEFENDANT OWENS CAMPBELL NEXT AS A WITNESS, YOUR HONOR
8 AND WE WOULD LIKE TO MOVE AT THIS TIME FOR THE STATE TO
9 PRODUCE ANY PRIOR RECORD, IF ANY, OF MR CAMPBELL AND THE
10 COURT CAN RULE ON WHAT MATTERS, IF ANY, CONTAINED IN THAT
11 RECORD USED FOR IMPEACHMENT PURPOSES?

12 MR MABRY YOUR HONOR, WE HAVE THE
13 DEFENDANT'S RECORD THE STATE'S POSITION IS HE HAS AN
14 EXTENSIVE RECORD FOR MOSTLY BAD CHECK CHARGES HE HAS,
15 I THINK, TWELVE, TWELVE CONVICTIONS OF WRITING FRAUDULENT
16 CHECKS YOUR HONOR, OUR POSITION WOULD BE THE ACT OF
17 WRITING A FRAUDULENT CHECK IS AN ACT OF MISCONDUCT, ITSELF,
18 FOR WHICH HE CAN BE IMPEACHED IN ADDITION TO THE
19 CONVICTIONS FOR WRITING FRAUDULENT CHECKS, BECAUSE ANY
20 CRIME INVOLVING FRAUD--

21 THE COURT WELL, THE CHARGES, THE
22 CHARGES CANNOT, JUST CHARGES ALONE YOU HAVE TO HAVE
23 CONVICTIONS

24 MR MABRY YES, SIR, BUT WE CAN ASK
25 HIM DID HE NOT WRITE A FRAUDULENT CHECK TO SO AND SO, DID

1 HE NOT WRITE A FRAUDULENT CHECK ON SUCH AND SUCH A DATE
2 AS A PAST ACT OF HIS CONDUCT

3 THE COURT IF THERE HAS BEEN A
4 CONVICTION GIVE ME YOUR LITTLE BOOK HERE?

5 MR MABRY CAN I LOAN IT TO YOU,
6 YOUR HONOR?

7 THE COURT CHAPTER THREE, IMPEACHMENT?

8 MR MABRY YES, SIR, PAGE NINETEEN
9 IS WHAT I AM TALKING ABOUT, RIGHT THERE, YOUR HONOR

10 THE COURT YES I WANTED TO HAVE
11 EVERYBODY READ IT BECAUSE IT IS PRETTY CLEAR THE DIFFERENCE
12 BETWEEN CONDUCT, MISCONDUCT, AND I TAKE IT, IT MUST BE
13 CONDUCT THAT WOULD COME UNDER THE SAME RULE AS CREDIBILITY
14 AS TO CONVICTION, MORAL TURPITUDE?

15 MR MABRY YES, SIR, I THINK IT MUST
16 HAVE SOME AURA OF MORAL--

17 THE COURT IT HAS GOT TO FIT IN OUR--
18 OR ELSE YOU CAN'T ASK IT TO BEGIN WITH NOW, THE
19 DIFFERENCE IS BETWEEN THE TWO, THAT IS THIS, UNLESS THERE
20 HAS BEEN A CONVICTION THE WITNESS' DENIAL OF MISCONDUCT
21 PERTINENT TO THIS INQUIRY PERIOD, AND AFFIRMATIVE PROOF
22 OF GUILT WILL NOT BE PERMITTED

23 MR MABRY THAT'S CORRECT, SIR IN
24 THAT VEIN, YOUR HONOR, WE COULD HYPOTHETICALLY ASK A WITNESS
25 OR THE DEFENDANT, DID YOU NOT IN 1976 OPERATE A HOUSE OF

1 PROSTITUTION

2 THE COURT THEN IF THEY SAID, NO, YOU
3 ARE THROUGH, TOO

4 MR VERMONT THAT'S RIGHT, YES, SIR
5 THE COURT BECAUSE IT WOULD FIND AT
6 THE CROSS EXAMINEE IN THE TRADITIONAL PHRASE--

7 MR MABRY MUST TAKE THE ANSWER
8 THE COURT MUST TAKE THE ANSWER
9 MR MABRY THAT IS MY POINT WITH LT
10 LEWIS YESTERDAY

11 THE COURT YOU READ IT AS I READ IT?
12 MR VERMONT AS TO EXACTLY WHICH,
13 YOUR HONOR, I'M SORRY?

14 THE COURT MISCONDUCT, NOT THE SUBJECT
15 OF CONVICTION I SAW, IT'S ON PAGE NINETEEN I DON'T
16 KNOW WHAT PAGE IT WOULD BE ON IN YOURS

17 MR MABRY PAGE THIRTY-FOUR, IN THE
18 THEMES EDITION, VERSION

19 MR VERMONT THE PROBLEM WITH THAT IS
20 AS I SAID, I WOULD ASSUME, THE ATTEMPT TO IMPEACH WOULD BE
21 BY ASKING HIM A SERIES OF FRAUDULENT CHECKS I DON'T KNOW
22 WHAT INFORMATION HE HAS

23 THE COURT WELL, I AM GOING TO MAKE
24 HIM SHOW YOU WHAT THEY ARE GOING TO QUESTION WHAT I AM
25 TRYING TO FIND OUT, IF I UNDERSTAND THIS, AND THIS IS

1 THE LAW? AND THE MISCONDUCT IS ONE THAT IF THERE IS A
2 SENTENCE AND CONVICTION YOU CAN BRING IT OUT BUT I
3 THINK FIRST YOU MUST REACH THAT AS MORAL TURPITUDE OTHER-
4 WISE, YOU COULDN'T HAVE A CONVICTION, OTHERWISE YOU COULDN'T
5 BRING OUT MISCONDUCT

6 NOW, LET'S ASSUME THAT WHAT THEY WANT
7 TO ASK INVOLVED MORAL TURPITUDE, ALL RIGHT? LET'S
8 ASSUME THEY ASK A WITNESS, DID YOU WRITE A FRAUDULENT CHECK
9 SUCH AND SUCH, SO AND SO, AND HE SAYS, NO? AND, UNLESS
10 THERE HAS BEEN A CONVICTION THEY'RE THROUGH, PERIOD, ON THAT
11 QUESTION UH, THE ONLY ONE THEY CAN GO FORWARD ON, UNLESS IF
12 HE SAYS, YES, AS FAR AS THAT THEY CAN GO ANYWAY I
13 DON'T THINK YOU CAN GO INTO THE DETAILS OF IT EVEN ON
14 CONVICTION YOU DO NOT GO INTO THE DETAILS HAVE YOU BEEN
15 CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE? ONLY

16 MR. MABRY THE ONLY THING YOU COULD
17 DO WOULD BE TO BRING OUT ENOUGH ABOUT THE CONVICTION TO
18 SHOW IT WAS A CRIME OF MORAL TURPITUDE FOR INSTANCE,
19 ASSESSORY OF A FELONY, THE QUESTION BE PUT, DID YOU WRITE A
20 FRAUDULENT CHECK?

21 THE COURT I DON'T THINK YOU GO INTO
22 EACH INDIVIDUAL CHECK AND ALL THAT KIND OF STUFF NOW, IT'S
23 NOT RIGHT NOW, THEY WANT TO ASK HIM, HAVE YOU BEEN
24 CHARGED OR CONDUCT OF WRITING ASSUMING IT BE, IF HE HAD
25 BEEN CONVICTED, ONE THAT WOULD GO TO MORAL TURPITUDE HE'S