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COLLOQUY

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1 (COURT IN SESSION AT 9:30 A.M.)

2 MR. BLAKE: May we approach?

3 (A BENCH CONFERENCE WAS HELD OFF THE RECORD OUT OF THE
4 PRESENCE OF THE JURY.)

5 THE COURT: Before we bring the jury in, Mr. Stewart's
6 got an objection as to the gas can. Was the gas can in
7 evidence yet?

8 MR. BLAKE: No, Your Honor.

9 THE COURT: Sit it under the table for me, and anything
10 that's not in evidence, let's get it off the table.

11 MR. BLAKE: Your Honor, and the table was brought in
12 because there wasn't a table.

13 THE COURT: All right. I can foresee a problem, possibly
14 tomorrow. It may be late this afternoon about some witnesses
15 that may have been subpoenaed by the Defense. But I need to
16 sort of be advised as to where we stand on that. Subpoenas
17 have been served. When were they to report to Court?

18 If they're not here, then I'm going to need to issue some
19 bench warrants. I know there was one yesterday that was
20 passed up that there was a problem with. I countersigned on
21 and change the report date to in the morning at 9:30, but I
22 need to know who has been served, who is here, and who is not
23 cause I don't want to be delaying this trial on that kind of
24 complication when the time comes.

25 MR. CROW: Let me check. Your Honor, I'm having him

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1 check the subpoenas at this time that we have copies of cause
2 he knows these individuals. I do not know some of these
3 individuals, and he has interviewed some the individuals that
4 he subpoenaed. So I don't know, so I'm having him mark them.
5 And we'll give the Court a report in one moment.

6 MR. BLAKE: Your Honor, from the State's side, I believe
7 we have six NCIC informations, two of which are our witnesses
8 who we already had NCICs for. I don't know how many that
9 leaves, but the later it gets, just the more scrambled it is.
10 And we appreciate that as soon as possible.

11 MRS. STEWART: We got all the Social Security numbers and
12 dates of birth that we were to obtain. I gave five of them to
13 Ms. Gurley late night and I gave her the remainder this
14 morning. The only people that I didn't have, I think she's
15 got those, are the two police officers and they refused to
16 give me that.

17 MR. STEWART: The witnesses that were subpoenaed to be
18 here this morning are Deneka Harrington. She's here.
19 Anastasia Love. She's here. ██████ Harper. She's here.
20 Officer Sammy Crossland. He's here. Officer Keith Worsley.
21 He's here. Shakea Rose. She's here. Betty Daniels. I'm
22 unsure about. I don't know if she's here or not.

23 MS. GURLEY: That's the one that you ordered to be here
24 this tomorrow, Your Honor.

25 THE COURT: She'll be here tomorrow, hopefully. If not,

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1 we'll issue a bench warrant.

2 MR. STEWART: Carrie Hughes. She's here. James Sellers
3 was here, but I'm just going to call him back when it's time
4 for him to testify.

5 THE COURT: All right. We'll get that straight. Don't
6 worry about it. We may have to process.

7 MR. STEWART: Sir, was the subpoena served on Jessica
8 Knox? I'm not sure if she's ---

9 THE COURT: We'll check on that. All right. Mr. Blake,
10 you ready with your next witness?

11 MR. BLAKE: Yes, Your Honor.

12 THE COURT: Bring the jury in.

13 (JURY ENTERS COURTROOM AT 10:34 A.M.)

14 THE COURT: Good morning, ladies and gentlemen. I
15 appreciate your patience with us this morning. We're ready to
16 get started. Solicitor, you may call your next witness.

17 MR. BLAKE: Thank you, Judge. State calls Dr. Owens to
18 the stand. I believe he's here.

19 RICHARD OWENS, first being duly
20 sworn, testified as follows:

21 CLERK OF COURT: Come around and state your full name,
22 please.

23 A. Richard Eugene Owens.

24 MR. STEWART: Your Honor, the Defense requests a bench
25 conference.

RICHARD OWENS - DIRECT BY MR. BLAKE

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1 THE COURT: All right.

2 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE PRESENCE OF
3 THE JURY, BUT OUT OF THE HEARING OF THE JURY.)

4 THE COURT: Step back. Start your questions.

5 DIRECT EXAMINATION BY MR. BLAKE

6 Q. Dr. Owens, where do you work?

7 A. In [REDACTED], South Carolina.

8 Q. You have a business there?

9 A. [REDACTED] Eye Care Center in [REDACTED]

10 Q. How long have you had that business?

11 A. Twenty-five years.

12 Q. Where did you go to school?

13 A. Southern College of Optometry for my optometry

14 degree in Memphis, Tennessee, and I went to the University of

15 Tennessee for my undergraduate.

16 Q. And you've been practicing for 30 years?

17 A. Twenty-five years.

18 Q. Twenty-five years. Had any other specialized
19 training since then?

20 A. I am now board certified for the treatment and
21 management of eye disease as well as my original degree.

22 Q. Passing up State's Exhibit 21. Do you remember this
23 girl?

24 A. Yes, I do.

25 Q. Was she a patient of yours?

RICHARD OWENS - DIRECT BY MR. BLAKE

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1 A. Yes.

2 Q. Did you bring your file today?

3 A. Yes, I did.

4 Q. You can refer to it whenever you need to. She saw
5 you for what purpose?

6 A. Poor vision at an early age. She had been in for
7 screening, and I determined that she might need correction for
8 her vision and scheduled an eye exam.

9 Q. And when is the last time you saw her?

10 A. Last time I saw her was January 19th of '99.

11 Q. You have her prescription information there, and
12 obviously, had examined this patient. Is she someone who
13 would normally wear glasses?

14 A. Yes.

15 Q. And the prescription itself, can you tell the Court
16 in layman's terms what that means in terms of her vision?

17 A. She had astigmatism, which was worse in her right
18 eye than her left eye. Her vision without correction in the
19 right eye was about 20/100 vision. In layman's terms, that
20 means a person can see from 20 feet away from an object equal
21 to someone with 20/20 vision, they would be able to see the
22 same object from 100 feet. That's what 20/100 vision means.

23 Q. I'm confused.

24 A. Okay. If you have 20/20 vision, you can see
25 standard size letters at 20 feet. If you have 20/100 vision,

RICHARD OWENS - DIRECT BY MR. BLAKE

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1 what you see from 20 feet is equal to what someone with 20/20
2 vision can see from 100 feet.

3 Q. Okay. How about the other eye?

4 A. The other eye was 20/60 without correction.

5 Q. And what is this astigmatism?

6 A. Astigmatism is an irregular shape to the cornea,
7 which is the clear dome in the front of the pupil and the eye.

8 Q. Did she have any sort of progressive type of eye
9 condition?

10 A. Hers was an unusual type of astigmatism, which had
11 progressed. I saw her a total of three times, and on the
12 third and last visit, the stigmatism had progressed. I made
13 notes in my chart, as she was 13 years old at the time, that
14 she might be in the beginning stages of a condition called
15 keratoconus, which is a particular type of stigmatism.

16 Q. Could you describe how that affects vision.

17 A. It causes a distortion to the vision, which glasses
18 will not fully correct to a perfect 20/20 vision, an irregular
19 distortion to the front of the eye. Normally, the eye is
20 spherical or rounded on the front, and with keratoconus, it's
21 coned shaped.

22 And I saw some hint of keratoconus in one eye. It
23 typically begins at puberty, and so my notes at age 13 we to
24 watch for keratoconus on the next visit one year later. But
25 with that condition, with glasses, the vision is still not a

RICHARD OWENS - DIRECT BY MR. BLAKE

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1 perfect 20/20.

2 Q. Did you ever prescribe or fit her for contacts?

3 A. No.

4 Q. You know that to be a fact?

5 A. Yes, sir, I do know. There are no notes in my chart

6 as contact lenses fitting. No contacts were prescribed to

7 her. No contacts were ever ordered. There is nothing in my

8 chart to indicate contacts at all, not from me.

9 Q. So those glasses were not cosmetic?

10 A. No, they were not cosmetic.

11 Q. And was someone with that kind of an eye condition,
12 would they need to -- how often would they need to wear their
13 glasses? Or how often would they use their glasses?

14 A. I'd say a person with that vision would wear their
15 glasses most all the time.

16 MR. BLAKE: No further questions.

17 THE COURT: Your witness.

18 MR. STEWART: I have no questions for this witness.

19 THE COURT: Thank you. Doctor, you may step down. Next
20 witness.

21 MR. BLAKE: Ebony Watson.

22 EBONY WATSON, first being duly
23 sworn, testified as follows:

24 CLERK OF COURT: Come around here and state your full
25 name.

EBONY WATSON - DIRECT BY MR. BLAKE

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1 A. Ebony Watson.

2 DIRECT EXAMINATION BY MR. BLAKE

3 Q. Where do you live, Ms. Watson?

4 A. Currently at [REDACTED] I used to live
5 at [REDACTED], South Carolina.

6 Q. A little slower so she can get it down.

7 A. [REDACTED] ---

8 Q. Okay.

9 A. --- South Carolina. 29520.

10 Q. Where are you going to school?

11 A. Columbia, South Carolina. [REDACTED] ---

12 Q. What's the name of the school?

13 A. Columbia University of South Carolina.

14 Q. University of South Carolina, Columbia?

15 A. University of South Carolina.

16 Q. How long you been going there?

17 A. Three years.

18 Q. So you're coming into your senior year?

19 A. Yeah.

20 Q. Okay. So you were a few years older than [REDACTED]?

21 A. Yes.

22 Q. But you said you're actually from [REDACTED] ?

23 A. Yes.

24 Q. Did you maintain contact with [REDACTED] once you went
25 down to school in Columbia?

EBONY WATSON - DIRECT BY MR. BLAKE

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- 1 A. Yes.
- 2 Q. And how did you maintain this contact?
- 3 A. Over the internet. We both e-mailed each other. I
4 was allowed to call her at the house collect free.
- 5 Q. Okay. And were those e-mails very often?
- 6 A. Yes.
- 7 Q. And could you give the Court some idea of the
8 regularity?
- 9 A. We talked about her ---
- 10 Q. How often?
- 11 A. Regularly. At least four times a week. We e-mailed
12 each other almost everyday.
- 13 Q. Were you that close with her when you were still in
14 Cheraw?
- 15 A. Yes.
- 16 Q. And what church did you go to here in [REDACTED]?
- 17 A. I went to Pee Dee Union Baptist Church.
- 18 Q. Were the Allens members of that church?
- 19 A. Yes.
- 20 Q. Were the Stewart family members of that church?
- 21 A. Yes.
- 22 Q. Were you active in the church?
- 23 A. Very active, yes.
- 24 Q. In what ways?
- 25 A. I was on the J.C. choir when I was first at the

EBONY WATSON - DIRECT BY MR. BLAKE

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1 church. I was on the gospel choir. I was on the youth
2 auxiliary. I became president of the youth auxiliary ---

3 MR. STEWART: Objection, Your Honor, relevance.

4 THE COURT: Overruled, background.

5 MR. BLAKE: Simple background.

6 A. I was in Sunday school, and I participated in church
7 programs and the history programs and any youth auxiliary
8 programs and any youth day trips.

9 Q. (BY MR. BLAKE): So it's fair to say you were pretty
10 active in the church?

11 A. Yes.

12 Q. Okay. I think we got that idea. Did you ever see
13 the Allens there at the church?

14 A. Yes.

15 Q. See the Stewarts there at the church?

16 A. Yes.

17 Q. See the Defendant there at the church?

18 A. Yes.

19 Q. How close would you say you and [REDACTED] were?

20 A. I'd say after my 11th grade year, we started calling
21 each other god sisters. So we became very close. We shared
22 clothes. We ate at each other's houses. We went to each
23 other from church and school. So we were very close.

24 Q. Okay. Did you have occasion to do each other's
25 hair, do each other's makeup?

EBONY WATSON - DIRECT BY MR. BLAKE

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1 A. I did [REDACTED]'s hair on a regular when I stayed in
2 [REDACTED], and that was almost any other Saturday that she did
3 not go to the hairdresser. Her mom would drop her at my house
4 in the morning. We'd eat breakfast and lunch, and I did her
5 hair.

6 Q. You aware of then her handbag, makeup kit, that kind
7 of thing?

8 A. Yes.

9 Q. Is this something that she would take with her
10 regularly?

11 A. We always had our pocketbooks with us. [REDACTED]
12 never left without her pocketbook, and we always wore our
13 makeup and our lip liners. We always had hair utensils. If I
14 wasn't digging in her head, she was digging in it. If I
15 wasn't digging in my head, she was digging in it.

16 Q. What's a hair utensil?

17 A. Combs, brush, her hair bow, her hair clip. She had
18 good, long hair, and she put it up in a bun.

19 Q. So it's fair to say you spent a lot of time around
20 [REDACTED]

21 A. Yes.

22 Q. Saw her in quite a few different situations?

23 A. Yes.

24 Q. And did you see her ever throw a temper tantrum?

25 A. No. I've never seen her throw a temper tantrum.

EBONY WATSON - DIRECT BY MR. BLAKE

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1 Q. Not once?

2 A. Not even when I told her no.

3 Q. Well, was she just meek and mild?

4 A. No. She wasn't angry. We all had our little ways,
5 but she never threw a temper tantrum around me. I've never
6 seen her catch an attitude with me or something, and I never
7 saw her really get into it with her parents, ever. It was
8 just no. She was fine. She was fine. She never really threw
9 temper tantrums.

10 Q. Did you ever have occasion to hear a phone call
11 between Weldon and [REDACTED]

12 A. Yeah.

13 Q. Okay. Now, excuse me one minute. It's going to be
14 hearsay for you to repeat what [REDACTED] said, but if you can
15 just give us the gist of the conversation, and it's certainly
16 okay to let us know what Mr. Stewart said.

17 MR. STEWART: Objection, Your Honor. Hearsay. I have no
18 way of know that she actually hear a conversation. There is
19 no way of proving this, and I object.

20 THE COURT: Overruled.

21 A. Okay. When I come home from school, we getting
22 ready for Thanksgiving and for Christmas, in which whatever.
23 And it was also during school time. Everybody gets out in
24 high school and I used to go to [REDACTED] house and her dad had
25 a cold, so she washed my car for me. And so this particular

EBONY WATSON - DIRECT BY MR. BLAKE

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1 time, I started dealing with guy from [REDACTED] and I was
2 talking to him on the phone. And I was at her house.

3 Her parents had two lines at this time with two different
4 numbers because they had the internet. I was on the phone
5 with the guy, and she was on the phone with Stewart. And ---

6 Q. Can you slow down a little bit.

7 A. --- they were arguing back and forth, and I got off
8 the phone with the guy from [REDACTED], and I told her to
9 hang the phone up. And she said, "No." And so I took the
10 phone and I was asking her why they were arguing whatever.
11 And he was like because she's stupid.

12 And I was like well, y'all need to get off the phone if
13 y'all arguing. And I hung up the phone, but she called back
14 and they were arguing. And he said that he had a girl on the
15 line. And he said ---

16 Q. Say what?

17 A. He had another girl on another line. And she was
18 arguing and she said she didn't care. And he said she was
19 stupid and he got something for her. And they kept arguing
20 back and forth, and I told her to just get off the phone with
21 him then.

22 And I was like I took the phone and I said, "What are
23 y'all arguing about?" He was like nothing, man. She's
24 stupid, but I ain't worried about it. I got something for
25 her. I got something for her. He said, "I ain't worried

EBONY WATSON - DIRECT BY MR. BLAKE

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1 about it. I got somebody to get her." And then ---

2 Q. He said, "Somebody to get her?"

3 A. Yeah. "I got somebody for her. I got somebody to
4 get her." After they said that and they were arguing, I told
5 her to hang up the phone again, but she wouldn't listen to me.
6 Then, he was like I'm not worried about it.

7 And I was like what you ain't worried about? Why y'all
8 arguing? And he was like I ain't worried about it. I'll
9 handle her myself. And then I told [REDACTED] to get off the
10 phone, but they continued to talk and I got off the phone, and
11 I got back on the other line.

12 Q. But you're not saying this happened just before
13 December 2000 or you -- about when are you ---

14 A. It was around in November. It would be late
15 November or October because I was home for break, and I was
16 talking to Dwayne and I started to talk to Dwayne in November
17 because I got my boyfriend in December.

18 Q. What year?

19 A. This was my freshman year. I graduated in 2000, so
20 maybe 2001. It would have still been 2000, maybe.

21 Q. But she died in December of 2000.

22 A. It would have been in 2000. I graduated in 2000 and
23 went to college in October, and then September, October,
24 November.

25 Q. Okay. Now, you said that you were having regular e-

EBONY WATSON - DIRECT BY MR. BLAKE

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1 mails with [REDACTED], and I guess you both being god sisters as
2 it were, you shared a lot of stuff?

3 A. Yeah.

4 Q. This is an intimate friendship? And did she talk
5 about Weldon. I'm not asking you to say what she said, but
6 did she mention Weldon in those e-mails?

7 A. Yes.

8 Q. All right.

9 A. She talked about him a lot.

10 Q. Okay. You remember about when the last e-mail was
11 from her?

12 A. I accepted two. The last e-mails were the week of
13 my birthday, which my birthday is [REDACTED] and I was
14 fussing at her cause I didn't get a birthday card until
15 [REDACTED] And I was fussing with her and she e-mailed me
16 back and she was mad.

17 And she was talking to me on my birthday. She e-mailed
18 me about Stewart and how she was starting to see other people
19 and was tired of his stupidity. And she cussed. She was
20 tired of the drama that she had to put up with at school.

21 Q. Did you ever see Weldon in any physical fights?

22 A. Yes.

23 Q. Okay. In a moment, I'll talk to you about the
24 Javonda Davis thing, but you see any others?

25 A. There was a time at church where Stewart and my

EBONY WATSON - DIRECT BY MR. BLAKE

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1 brother, Lamar, didn't really get along for whatever reason.
2 It may have been that one being more macho than the other. It
3 may have been the girls at church, like Ranada and Jennifer.
4 We were outside the church one day, and they were getting into
5 it and arguing and going at it with each other.

6 Q. Going at it?

7 A. They were trying to fist fight.

8 Q. Fist fighting?

9 A. But the deacon, Mr. Freeman, and another deacon out
10 there tried to stop it and break it up and told them to go
11 their own way. And not long after that, I think it was a
12 Sunday after church, their parents came to the house to talk
13 my grandmother.

14 Q. Why would they come to talk to your grandmother?

15 A. To talk to her to discuss it because to go ahead and
16 see what she could do. They both still had to go to church
17 together and I don't believe they wanted that to go on.

18 Q. So they talked about it? Did you see any other
19 times where Weldon might have hit or slapped somebody?

20 A. It was another time at church. It might have been a
21 Wednesday. We were at church and had choir rehearsal and
22 prayer meeting at the church. His mom was there, and I have
23 no idea what went on or what they were arguing over. I just
24 remember she was upset and some of the ladies in the church
25 were talking, and they were upset. And Stewart had hit her.

EBONY WATSON - DIRECT BY MR. BLAKE

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1 He had slapped her.

2 Q. Slapped her with an open hand?

3 A. Yeah.

4 Q. Where did he slap her? I mean, where on her body?

5 A. In her face.

6 Q. Slapped her face?

7 A. Yes.

8 Q. Did you ever see Weldon getting in somebody's face?

9 A. My brother's.

10 Q. Okay.

11 A. People at -- the boy at school that he fought.

12 Q. I'll talk about that in a minute.

13 A. Most of the time.

14 Q. Did you see him arguing with his parents?

15 A. Just that one time.

16 Q. Let's go now to February 24th 1997 at [REDACTED] High
17 School. You know quite a bit about this. If you could just
18 sort of tell us what happened before in terms of your
19 conversations with Mr. Stewart and ---

20 MR. STEWART: Objection, Your Honor. What is the
21 relevance for all this?

22 THE COURT: Ladies and gentlemen of the jury, if you will
23 step back to your room just a minute.

24 (JURY EXCUSED TO JURY ROOM AT 10:56 A.M.)

25 THE COURT: All right. Solicitor, normally this doesn't

EBONY WATSON - DIRECT BY MR. BLAKE

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1 come in, but I know the door's been slung wide open over this.
2 You better develop this because the Supreme Court is going to
3 review this later, and they're going to wonder why I didn't
4 get it developed. Why do you feel ---

5 MR. BLAKE: Certainly, Your Honor. Normally, this
6 wouldn't come in. Normally, a trial would be about a specific
7 incident. The Defendant has chosen to basically make a
8 defense saying, "I'm a non-violent person, therefore, when
9 [REDACTED] died, it was an accident." And he, specifically,
10 yesterday denied this incident in open court.

11 I simply want to show the jury, for instance, that it did
12 happen, but Mr. Stewart's case is "I'm non-violent." Well, I
13 got to bring in examples, and I think I have every right to do
14 that given that Mr. Stewart has based his entire case on his
15 good character; that being his non-violence.

16 THE COURT: Mr. Stewart, anything you'd like to add at
17 this time?

18 MR. STEWART: Your Honor, I don't think that I denied an
19 incident occurring, but I do recall his cross-examining Mr.
20 Stanton Wright about his personal knowledge of this incident.
21 And he stated that he was not there, did not see, did not
22 know, he heard. That's as much as I remember doing. I
23 haven't testified yet, so I could not have denied anything.
24 And this evidence that he is trying to introduce is more or
25 less impeachment evidence, and at this moment, I have not

EBONY WATSON - DIRECT BY MR. BLAKE

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1 testified.

2 THE COURT: For the sake of precaution and to protect the
3 record, Solicitor, I am going to sustain his objection.
4 You're fully aware of what can be done on recall or rebuttal.

5 MR. BLAKE: Well, didn't he open the door on his cross-
6 exam?

7 THE COURT: Well, the problem is and what I'm afraid of
8 under the law as I understand it, that witness -- he opened
9 the door with that witness. This is another witness. I'm
10 afraid we're treading on dangerous territory, and I don't want
11 to risk getting ---

12 MR. BLAKE: Well, I want to tell you I had to move
13 mountains to get this witness up from [REDACTED], and she's
14 borrowed transportation to get her so. It's critical to the
15 case, and I understand Your Honor's position.

16 MR. STEWART: Sir, I don't think something that -- may I
17 address the Court?

18 THE COURT: Um-hum.

19 MR. STEWART: I don't think something that happened, I
20 think he said 1996, 1997 can be that critical to something
21 that happened December the 6th 2000.

22 MR. BLAKE: Well, it wouldn't be if you did make -- you
23 know, the character is the issue. And he didn't do it on one
24 witness. He did it on every witness, and he did it in a
25 glaring fashion. And not even according to the rules. He's

EBONY WATSON - DIRECT BY MR. BLAKE

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1 done it, and well, we knew that the problem with Mr. Stewart
2 going pro se. That's why I sat on my hands yesterday, didn't
3 object.

4 THE COURT: My problem is this is totally another
5 witness. You got to take each witness separately even though
6 the door has been opened somewhat. I don't want to take that
7 risk.

8 MR. BLAKE: All right. Thank you, Judge.

9 MR. STEWART: Thank you.

10 THE COURT: We need the jury back, please.

11 (JURY ENTERS COURTROOM AT 11:03 A.M.)

12 Q. (BY MR. BLAKE): Ms. Watson, we were talking about
13 the e-mails. Did [REDACTED] -- you had e-mails just prior to
14 [REDACTED]'s death?

15 A. Yes.

16 Q. Did she tell you that she'd been planning to see
17 Weldon?

18 A. No, sir. She didn't mention that.

19 Q. Have you been around Weldon much?

20 A. At church.

21 Q. All right. Had an occasion to observe Weldon?

22 A. At church.

23 MR. STEWART: Sir, could the witness please speak up.

24 Stand by counsel can't hear her.

25 A. I have been around Weldon Stewart for several years

EBONY WATSON - CROSS BY MR. STEWART

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1 at church with his parents at Sunday school at church. I have
2 observed Weldon Stewart at church. Any time I spent time
3 around him, it had to do with a church affair.

4 Q. And was he always acting in a churchly manner?

5 A. Not always. He got in an argument with my brother.

6 Q. Does he have a temper?

7 A. When I seen him, yes. I mean he argued with my
8 brother. They got into it.

9 Q. Just one time? I mean, that's all you know of his
10 temper?

11 A. They didn't get along. He had a temper when he was
12 going to fight at school. He had an attitude. If it wasn't
13 something that had to do with him and he didn't like it, he
14 had an attitude. But I mean, he came off hard and he came off
15 thugish.

16 Q. Thank you.

17 THE COURT: Your witness, Mr. Stewart.

18 CROSS-EXAMINATION BY MR. STEWART

19 Q. You said you observed me at church, is that correct?

20 A. Yes.

21 Q. Said I was thugish; is that correct?

22 A. Yes.

23 Q. What was I doing that was so thugish at church?

24 A. Well, in a slang term at church or on the street,
25 some people are judged and characterized by others when they

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1 have a different walk from maybe someone who is considered
2 sophisticated and non-thugish.

3 Some people dress and have their pants lower and some
4 guys don't. Those that do are considered thugish. Imitating
5 rappers and people that are thugish, is ghetto with that
6 imitation.

7 You talk different, just like my brother, who is
8 considered to be thugish with a temper. That is my definition
9 of when I observed you of being thugish.

10 Q. So I walk different than everyone else at church?

11 A. No. You walk similar to those who seem to be
12 thugish at church, for example, my brother.

13 Q. I walk similar to those who seem to be thugish?

14 A. Yes.

15 Q. Didn't you and I teach a little kids Sunday school
16 class in church one time?

17 A. More than once.

18 Q. Was I thugish then?

19 A. Yeah. You looked like a pimp doing a teaching job.

20 Q. I look like a pimp doing a teaching job.

21 A. That's right. Just like looking at my brother
22 teaching a Sunday school class. It's a joke. But we all get
23 up and get out of Sunday school. And that's a fact.

24 Q. So I wore my pants down to my ankles in church; is
25 that correct?

EBONY WATSON - CROSS BY MR. STEWART

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1 A. No. I didn't say you wear your pants down to your
2 ankles cause then we'd see your behind. You wore your pants
3 below your waist, just like a lot of guys do. Nothing joke.
4 Nothing serious. They just do it. That's just the style.

5 Q. So just walking ---

6 A. No. Not just walking makes you look thugish. Not
7 just the way you dressed made you look thugish. It's the
8 typical attitude you came off with. How you walk, the way you
9 talked, the way you addressed girls.

10 I mean, you addressed a lot -- you addressed the seniors,
11 you addressed Jennifer, you addressed [REDACTED]. It's like
12 instead of you saying, "Hey, how are you doing," even to me,
13 "What's up?" And those are not normal sophisticated terms.
14 They're just terms used on the street, but that's just my way
15 of observing. That's me observing.

16 Q. So if you walk up to someone and say, "What's up,"
17 you're a thug?

18 A. If I walk up to someone, I don't say, "What's up."
19 I say, "Hello." So I say that's that thugish mentality, even
20 though they're not a thug.

21 Q. Because people don't do what you do, they not okay?

22 A. They're not me.

23 Q. They're not you?

24 A. If they don't do what I do, then they just wouldn't
25 be the category that I'm in.

EBONY WATSON - CROSS BY MR. STEWART

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1 Q. So you wouldn't associate with those type of people,
2 correct?

3 A. I don't associate with people like my brother or my
4 boyfriend. His brothers are thugish.

5 Q. Therefore, you didn't associate with me that much,
6 did you?

7 A. I associated with you whenever we were on church
8 grounds. I associated with your family. I associated with
9 you when we sang on the same choir. When you and Gerard
10 Easterling, y'all would be acting stupid or thugish or crazy
11 at rehearsals, I associated with it.

12 Q. Rehearsal? What type of rehearsal?

13 A. Choir rehearsal. Yeah, when you were on the choir
14 with Gerard. Y'all were doing something stupid. Individuals
15 asked y'all to leave the room.

16 Q. Okay. Choir rehearsal?

17 A. Choir rehearsal. That's where you sang at, and we
18 all practiced together.

19 Q. Thug singing on the church choir?

20 A. You should see how many I know.

21 Q. So you didn't spend that much time around people you
22 considered to be thugish, is that correct?

23 A. If they were in the same place I was.

24 Q. So you didn't spend a lot of time around my
25 girlfriend, myself, other than being in church; is that

EBONY WATSON - CROSS BY MR. STEWART

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1 correct?

2 A. I spent time with your girlfriend and stuff, if
3 you're talking about [REDACTED] I spent time with one lady you
4 brought to a dinner ceremony. When we went out to eat, there
5 was a young lady that I spent time with. I spent time with
6 you when your parents came to the house after church, which
7 they did.

8 Your parents were well in the church. They were well
9 active, so it caused for you to be around. And they had their
10 children to participate. Good church parents do anything. My
11 grandma did it.

12 Q. Have you ever been around my girlfriend and me when
13 we were sneaking around in the middle of the night to be
14 together?

15 A. No.

16 Q. Have you ever been around my girlfriend and me when
17 we were out away from the church together?

18 A. Not away from the church, no.

19 Q. So you only observed us in church; is that correct?

20 A. Exactly.

21 Q. Other than just being around in church, seeing me
22 from time to time in church, we were not that close, were we?

23 A. No.

24 Q. We weren't close at all, were we?

25 A. No.

1 Q. We were just passer-byes at church?

2 A. We were church family members and family members at
3 church. We were all around each other. We talked together.
4 We acted like church family members.

5 Q. But you weren't that close to me personally; is that
6 correct?

7 A. No. We had no personal closeness, no.

8 Q. But you were close to my girlfriend, [REDACTED],
9 personally, weren't you?

10 A. Yes.

11 Q. You were very close to her, weren't you?

12 A. Yes.

13 Q. When this incident occurred, it upset you, didn't
14 it?

15 A. Yes.

16 Q. The rumors you heard about me upset you, didn't
17 they?

18 A. Yes.

19 Q. Enough to come in the courtroom today and lie on me?

20 A. No.

21 MR. STEWART: No further questions.

22 MR. BLAKE: No further questions. Now, unfortunately,
23 because of the structure of this, the witness can certainly
24 leave, go back to Columbia, but she's still under subpoena
25 through this trial. Anthony Watson.

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 ANTHONY WATSON, first being duly
2 sworn, testified as follows:

3 CLERK OF COURT: Come around here and state your full
4 name.

5 THE COURT: You're going to have to speak real loud. The
6 lightening got our microphone.

7 A. Terry Anthony Watson.

8 DIRECT EXAMINATION BY MR. BLAKE

9 Q. You're going to have to do louder than that. Cause
10 we've got an old man over here who wears a hearing aid. He
11 needs to hear you. He's a good guy, but he needs -- he can't
12 hear that well. Anthony, how old are you?

13 A. Twenty.

14 Q. So back December 2000, were you -- where were you
15 then?

16 A. Seventeen or 18.

17 Q. Okay. Well, were you working? You in school?
18 What?

19 A. Yes, sir.

20 Q. Which is it? Which? Working or school?

21 A. Both.

22 Q. Both. Okay. My mistake. What school were you
23 going to?

24 A. Cheraw High.

25 Q. Okay. Where were you working?

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 A. Burger King.

2 Q. Did you know [REDACTED] Allen?

3 A. Yes, sir.

4 Q. Were you in the same grade as her or different
5 grade?

6 A. Higher grade.

7 Q. One grade higher?

8 A. Yes, sir.

9 Q. Did you spend much time together?

10 A. Yes, at school, yeah.

11 Q. Give us an idea of how often you talked.

12 A. About everyday.

13 Q. For a couple minutes or longer?

14 A. Yeah, when I get out of school, I usually talked to
15 her.

16 Q. On the phone?

17 A. Yes, sir.

18 Q. So you were phone buddies?

19 A. Yes, sir.

20 Q. And how long would those conversations go on for?

21 A. Sometimes hours.

22 Q. Hours. When was this relative to her death?

23 A. Good while before.

24 Q. Were you still talking to her around the time of her
25 death?

ANTHONY WATSON - DIRECT BY MR. BLAKE

303

- 1 A. Yes, sir.
- 2 Q. Still regular phone calls?
- 3 A. Yes, sir.
- 4 Q. Have you ever heard Weldon Stewart, Jr.'s voice on
- 5 the telephone?
- 6 A. Yes, sir.
- 7 Q. Describe the circumstances, please.
- 8 A. Most of the time, it was -- it was all the time.
- 9 Q. Well, the first time you heard his voice, could you
- 10 tell us what that was?
- 11 A. He called me and threatened me at my house.
- 12 Q. Did you ever hear him talking to [REDACTED]
- 13 A. Yes. One day, she called him on three way and he
- 14 threatened her, what he'd do to her if she see somebody else.
- 15 Q. What he was going to do to her?
- 16 A. Yes, sir.
- 17 Q. What did he say he was going to do to her?
- 18 A. He was threatening her. I can't remember exactly
- 19 what he was saying what he was going to do to her if she see
- 20 somebody else, but it was threatening.
- 21 Q. You need to slow down a little bit and speak up.
- 22 A. Can't remember exactly what he said to her, but it
- 23 was threatening.
- 24 Q. And was this just one idle threat or did it go on
- 25 for any period of time?

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 A. Well, her to him? I mean?

2 Q. Start with that first.

3 A. Well, that's the only time I heard that on the phone
4 when I was on the phone with them.

5 Q. You heard that because you were on another line or
6 what?

7 A. She called him on the three way. He didn't know I
8 was on the phone.

9 Q. Okay. And how did you know it was Weldon?

10 A. Cause, I mean, I done heard him talk before. His
11 voice -- same voice that called my house. That's how I know
12 the voice.

13 Q. How long did this threatening part go on when you
14 overheard this conversation between [REDACTED] and Weldon?

15 A. That's when it really started.

16 Q. All right. But how long in that conversation was
17 it? 30 seconds? Was it two minutes?

18 A. It was a little while. It wasn't too long. I just
19 heard it. 15, 20 minutes. They didn't know I was on the
20 phone. I was on the phone listening.

21 Q. Fifteen, 20 minutes of what he was going to do to
22 her?

23 A. No, he was just talking. It was all together like
24 in anger really.

25 Q. He was angry?

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 A. Yes, sir.

2 Q. Cause she was seeing somebody else?

3 A. Yes, sir.

4 Q. Did you ever personally receive phone calls from Mr.
5 Stewart at your house?

6 A. Yes, sir.

7 Q. Describe those for us.

8 A. I don't know how he got through, but sometimes it
9 would come from the jail. Sometimes it would come straight
10 through, and he was coming threatening me, telling me I'm next
11 and all that.

12 Q. Well, that happened -- did that happen before

13 [REDACTED] died or was that after the thing about you're next.

14 A. That was after.

15 Q. Okay. So let's try to break it down a little bit.

16 Were there phone calls to you from Weldon Stewart before
17 [REDACTED] died?

18 A. Yes, sir.

19 Q. Threatening phone calls?

20 A. Yes, sir.

21 Q. How long did those go on for?

22 A. Basically, I got -- once or twice a week, he'd call.

23 Q. Was it a two minute call or was it longer?

24 A. Sometimes longer.

25 Q. How long?

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 A. Well, he just asking me -- telling me what he was
2 going to do to me and when I leave my house, I need to tell my
3 mother cause one day he's coming back.

4 Q. Acting kind of thugish?

5 A. You can call it that.

6 Q. Those were calls prior to [REDACTED]'s death?

7 A. Yes, sir.

8 Q. Do you remember how close those calls were prior to
9 your death -- her death? Excuse me.

10 A. No, sir.

11 Q. Well, was it months?

12 A. It was coming -- adds up before, it ran all the way
13 up until.

14 Q. So there was quite a bit of it just before she died?

15 A. Yes, sir.

16 Q. Did he ever call you from the jail after ---

17 A. Yes, sir.

18 Q. --- she was dead?

19 A. Yes, sir.

20 Q. And what did he say then?

21 A. He was asking me -- he was tell me I'm next.

22 Really, he was still threatening, I mean.

23 Q. And how many phone calls did you get like that?

24 A. After he was in jail?

25 Q. Yep.

ANTHONY WATSON - DIRECT BY MR. BLAKE

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1 A. Can't remember exactly how many, but it was more
2 than two or three.

3 Q. Several times?

4 A. Yes, sir.

5 Q. Now, was this -- he was calling you collect and you
6 were accepting the calls?

7 A. I don't know how he got through. Sometimes, it was
8 collect. The call would just forward on, like come on without
9 accepting the charges or whatever.

10 Q. You're from [REDACTED]?

11 A. Yes, sir.

12 Q. Live there your whole life?

13 A. Mostly.

14 Q. Okay. Now, that phone that you had at this time,
15 did that have any long distance capabilities?

16 A. No, sir.

17 Q. And could you accept collect calls?

18 A. We got a block on it. Not supposed to accept
19 collect calls, but somebody got through.

20 Q. All right. Did you ever have sex with [REDACTED]?

21 A. Yes, sir.

22 Q. About how long was that before she died?

23 A. Month or longer.

24 Q. Month or longer. Did you ever know [REDACTED] to carry
25 a box cutter in her purse?

ANTHONY WATSON -- CROSS BY MR. STEWART

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1 A. No, sir.

2 Q. A knife?

3 A. No, sir.

4 Q. A razor?

5 A. No, sir.

6 Q. She ever throw a temper tantrum with you?

7 A. No, sir.

8 Q. No flailing of her arms or anything?

9 A. No, sir.

10 MR. BLAKE: No further questions.

11 CROSS EXAMINATION BY MR. STEWART

12 Q. Good morning, sir. My name is Weldon W. Stewart,
13 Jr. This is the first time that I have seen you. Have you
14 ever seen me before?

15 A. Yes, sir.

16 Q. Where?

17 A. [REDACTED].

18 Q. [REDACTED]. Where?

19 A. You were going to Pee Dee Church for their summer
20 school vacation.

21 Q. So you been to Pee Dee before?

22 A. Yes, sir.

23 Q. You seen me at Pee Dee Baptist Church?

24 A. Yes, sir.

25 Q. Vacation ---

ANTHONY WATSON - CROSS BY MR. STEWART

309

- 1 A. Their summer program.
- 2 Q. Summer program.
- 3 A. Yes, sir.
- 4 Q. At Pee Dee Baptist Church?
- 5 A. Yes, sir.
- 6 Q. You've been there before?
- 7 A. Yes, sir.
- 8 Q. For what?
- 9 A. The summer program they have. Summer Vacation Bible
- 10 School.
- 11 Q. So you been to Vacation Bible School before and you
- 12 seen me?
- 13 A. Yes.
- 14 Q. And you were there?
- 15 A. Yes.
- 16 Q. And you said that I called you threatening you; is
- 17 that correct?
- 18 A. Yes.
- 19 Q. You were on the phone with me and my girlfriend, and
- 20 I was threatening her; is that correct?
- 21 A. Yes.
- 22 Q. That's what you said?
- 23 A. Yes.
- 24 Q. So you said I would call your house and sit on the
- 25 phone with you for about ten or 15 minutes talking junk to

ANTHONY WATSON - CROSS BY MR. STEWART

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1 you?

2 A. Yeah.

3 Q. And you would just sit on the phone and wouldn't
4 hang up?

5 A. I said there like yeah, yeah, yeah. You constantly
6 threatened me.

7 Q. So I'm threatening you on the phone, ten or 15
8 minutes, and you're not going to hang up the phone?

9 A. No. I didn't hang up the phone. I listened.

10 Q. You sat on the phone and listened ---

11 A. Yes.

12 Q. To someone threatening you?

13 A. Yes.

14 Q. Disrespecting you?

15 A. Yes.

16 Q. Talking junk to you?

17 A. Yes.

18 MR. BLAKE: Objection. Asked and answered several times.

19 THE COURT: Move on.

20 Q. (BY MR. STEWART): You said I called you from the
21 jail after this incident occurred?

22 A. Yes.

23 Q. Is that correct?

24 A. Yes.

25 Q. You said your phone didn't accept collect calls; is

ANTHONY WATSON - CROSS BY MR. STEWART

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1 that correct?

2 A. Yes.

3 Q. So what you're telling me -- you live with your
4 mother; is that correct?

5 A. Yes.

6 Q. And you're saying that I called you at your house in
7 [REDACTED]

8 A. Yes.

9 Q. So you're telling me that I made a long distance
10 telephone call from the Marlboro County Detention Facility to
11 your house directly?

12 A. I don't know how directly. It said something about
13 accepting the call. I didn't say yes or no. I just had the
14 phone. I didn't really hear no name. I just hang on.

15 Q. So you didn't say -- you just -- you said something
16 about accepting a call?

17 A. Yes.

18 Q. Therefore, the call was collect?

19 A. No. It was forwarded on. I didn't say yes or no.
20 I couldn't accept calls.

21 Q. Did it ask you ---

22 A. It wasn't suppose to come through.

23 Q. It asked you did you want to ---

24 THE COURT: Wait a minute. Let him answer the question.

25 A. We had a block on the phone. We're not supposed to

ANTHONY WATSON - CROSS BY MR. STEWART

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1 make collect calls, so I don't know how you got through.

2 Q. All right. But when you picked up the phone, it
3 said, "Do you accept the call?"

4 A. It was -- yes, yes.

5 Q. That's all it said? Do you accept the call?

6 A. It was the operator. I don't know exactly what it
7 said, but it was the operator.

8 Q. It was the operator. You don't know exactly what it
9 said now.

10 A. It said something about prison or detention center
11 or something.

12 Q. It was something about a detention center, and it
13 said, "Do you accept the call;" is that correct?

14 A. Yes.

15 Q. Something about a detention center?

16 MR. BLAKE: Objection, asked and answered.

17 MR. STEWART: Withdrawn, sir. Excuse me.

18 THE COURT: Go ahead.

19 Q. (BY MR. STEWART): And your phone does not accept
20 collect calls?

21 A. No.

22 Q. You had a block on your phone?

23 A. Yes.

24 Q. Okay. And you said I was talking to you at the
25 county jail? I was still threatening you?

ANTHONY WATSON - CROSS BY MR. STEWART

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1 A. You said I was next.

2 Q. I said you were next?

3 A. Yes.

4 Q. Therefore, I had to be accepted and then I talked to
5 you, is that correct?

6 A. I don't know how you got through.

7 Q. Oh, you don't know. I just waved a magic wand and

8 ---

9 A. Whatever you did.

10 Q. Must be Houdini?

11 A. Must be.

12 MR. STEWART: No further questions.

13 MR. BLAKE: Ask that this witness be excused.

14 THE COURT: Any objection?

15 MR. STEWART: No, sir. I do not object to this witness

16 -- Yes, sir, I ask that this witness be still under subpoena.

17 I might want to recall him.

18 THE COURT: Ladies and gentlemen of the jury, step out.

19 (JURY EXCUSED FROM COURTROOM AT 11:26 A.M.)

20 THE COURT: Mr. Stewart, we're going to find out who's

21 got the hardest head. Now, obviously, that motive was

22 improper. I'm going to ask you again. Is this witness

23 excused or not?

24 MR. STEWART: Sir, I'm not sure of -- the reason that I

25 requested that he not be excused is because I was going to try

ANTHONY WATSON - CROSS BY MR. STEWART

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1 to get someone from the county jail ---

2 THE COURT: No, sir. You don't want him excused because
3 you didn't like his testimony, and you're trying to get back
4 to him by keeping him here.

5 MR. STEWART: No, sir. I was going to ask him ---

6 THE COURT: You pull that stunt one more time in here,
7 I'm going to find you in contempt. Do you understand me?

8 MR. STEWART: Sir, I was going to request that ---

9 THE COURT: Do you understand me, sir? Yes or no?

10 MR. STEWART: Yes, sir.

11 THE COURT: You're excused, sir. If we need you, please
12 leave with the Sheriff a telephone number where we can find
13 you. I'm not tolerating such behavior in my courtroom. Pull
14 that again and see what happens.

15 MR. STEWART: Sir, may I address the Court, please?

16 THE COURT: Yes, sir.

17 MR. STEWART: In my defense, I did not like the testimony
18 of Stanton Wright yesterday, however, I did not request that
19 he be held under subpoena, sir. And he -- his testimony was
20 far more disturbing than ---

21 THE COURT: We're not even talking about Stanton Wright.
22 Sit down. We're going to take a ten-minute recess.

23 (COURT IN RECESS AT 11:28 A.M. AND RECONVENES AT 11:45 A.M.)

24 THE COURT: Solicitor, you ready with your next witness?

25 MR. BLAKE: Yes, I am, Your Honor.

DELORIS WATSON - DIRECT BY MR. BLAKE

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1 THE COURT: Bring them in.

2 (JURY ENTERS COURTROOM AT 11:47 A.M.)

3 THE COURT: Thank you, ladies and gentlemen, for your
4 patience. We're ready to start back.

5 MR. BLAKE: State calls Deloris Watson to the stand.

6 DELORIS WATSON, first being duly
7 sworn, testified as follows:

8 CLERK OF COURT: Come around here and state your full
9 name.

10 A. Deloris Watson.

11 DIRECT EXAMINATION BY MR. BLAKE

12 Q. And you're going to need to speak up because our
13 P.A. system is not working. Make sure that people in the back
14 there and the jury can hear you and also over here on this
15 table. All right. Where do you work?

16 A. Delta Mills.

17 Q. How long have you worked there?

18 A. Three months.

19 Q. Where did you work before that?

20 A. I was going to school.

21 Q. Where were you going to school?

22 A. Chesterfield-Marlboro Tech.

23 Q. All right. And what's your relationship to Anthony
24 Watson, the witness who was just here?

25 A. I'm his mother.

DELORIS WATSON - DIRECT BY MR. BLAKE

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1 Q. And where do y'all live?

2 A. [REDACTED]

3 Q. Do you come over to [REDACTED] much?

4 A. No.

5 Q. Back in December 2000 or maybe the months preceding
6 that, were you ever at home where your son received a phone
7 call?

8 A. Yes, I was.

9 Q. And was that phone call from Mr. Stewart?

10 A. Yes.

11 Q. And how did you know it was Mr. Stewart?

12 A. Because first off, Anthony was receiving phone
13 calls, and I was working. And one day he came to pick me up
14 from work, and he was telling me he had -- he was just talking
15 to me every day when I got off of work. And the phone kept
16 ringing, and a lot of times I answered the phone.

17 And I said -- they said, "Is Anthony there?" And I said
18 no, and then when he come home, I said, "Somebody called you.
19 I don't know who it was." And he said, "Maybe they'll call
20 back." I never heard this voice before. He said, "Well,
21 maybe they playing games on the phone."

22 So one day I was there and he picked me up from work.
23 And I was in there cooking, starting to cook. And the phone
24 rang, and he had this look on his face. And I said, "Who is
25 it?" And he said, "It's that boy again." And I said, "Who?"

DELORIS WATSON - DIRECT BY MR. BLAKE

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1 And he said, "I ain't worried about it." And I said, "No,
2 what is he saying?"

3 MR. STEWART: Objection, Your Honor, hearsay.

4 THE COURT: Sustained.

5 Q. (BY MR. BLAKE): Were you -- did you ever listen to
6 a phone conversation between Weldon Stewart and your son,
7 Anthony Watson?

8 A. Yes, I did.

9 Q. Did you hear Weldon Stewart say anything?

10 A. Yes, I did.

11 Q. What did he say?

12 A. Person on the other end of the phone, that was told
13 to me that was Weldon that my son talked to. First time I
14 answered the phone, they said, "You next." Then I said, "Who
15 is this? Who is this?" So the phone hung up. The next time
16 it said, "This is a collect call from Bennettsville
17 something," and I have a block on my phone. I was like how
18 can you call. I have a block.

19 So I called the police department. And then I said, "I
20 don't understand what's going on. My son is being
21 threatened." And the next time I got a phone call -- well, he
22 got a phone call and I got to the point where I was listening
23 to him, and he was fussing about the next time, you're on your
24 way, too. And I got real, real mad.

25 And Anthony, he didn't take it. He was like I'm not

DELORIS WATSON - DIRECT BY MR. BLAKE

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1 worried about it. I said, "No, hang the phone up. Hang the
2 phone cause I'm going to get upset," and they talked.

3 MR. STEWART: Objection, Your Honor, hearsay.

4 THE COURT: You can't go into anything he said. Go ahead
5 with "anything you said or."

6 MR. BLAKE: Or Mr. Stewart said or anything you felt or
7 thought at the time.

8 A. Well, after he got the phone call, I took them
9 serious because he worked at night and stuff and come in by
10 himself. And whenever I didn't know -- I don't know him.
11 I've never seen him until today.

12 And when he kept getting phone calls, he would get this
13 strange look on his face. That's when I started sitting up at
14 night. Because the threats that I heard to him, and it said
15 to him, "you're next."

16 Then I was prepared to do what I had to do to. I'm not
17 going to let my son get hurt trying to get in the house from
18 work. So I would sit up every night for about two weeks and
19 changed my phone number.

20 Q. Changed your phone number?

21 A. Yes.

22 Q. Called the police?

23 A. Yes, I did.

24 Q. You just sitting there in a chair or did you have
25 something with you?

DELORIS WATSON - CROSS BY MR. STEWART

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1 A. I had my gun and it was in the chair with me.

2 Q. You took it seriously?

3 A. That's right.

4 Q. So do you remember the date of this? Was this like
5 -- do you remember when it was?

6 A. It started before this happened, and then after it
7 happened, we were still receiving phone calls ---

8 Q. Okay. So you're saying ---

9 A. --- until I changed my number.

10 Q. You're saying that after [REDACTED] Allen's death, you
11 received some phone calls ---

12 A. Yes, sir.

13 Q. --- from Mr. Stewart?

14 A. Um-hum.

15 Q. And you overheard conversations before ---

16 A. And after.

17 Q. Okay. Do you have any reason to come in here and
18 lie to the Court?

19 A. No reason whatsoever.

20 THE COURT: Your witness.

21 CROSS-EXAMINATION BY MR. STEWART

22 Q. Good morning, Ms. Watson.

23 A. Good morning.

24 Q. You said -- you stated that -- one of the first
25 things you said is that you heard a voice on the phone that

DELORIS WATSON - CROSS BY MR. STEWART

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1 you had never heard before?

2 A. That's true.

3 Q. That's true?

4 A. I never talked to you. This is my first time.

5 Q. This is your first time seeing me face to face?

6 A. This is my first time.

7 Q. Therefore, you cannot say that the voice that you
8 heard on the phone, if you heard a voice on the phone,
9 threatening your son, if he was threatening, you can't say it
10 was me; is that correct?

11 A. Well, would you like for me to explain that? You're
12 right in one way, but my son was already on the phone.
13 Several times, I picked up the phone myself, but I've never
14 talked to you, right. I can't say that that was actually you
15 on the phone, but once my son picked up the phone and he had a
16 funny look on his face and I said, "Who is that," and he would
17 tell me that's Weldon.

18 And I would come to the phone, more than once or twice,
19 maybe three or four times, I'd come to the phone and listen
20 and he said it was you. As far as talking to you, no, I
21 didn't never talk to you until today.

22 Q. So your answer to that question is no?

23 A. I never talked to you until today.

24 Q. So you cannot say that whoever you heard on the
25 phone, if you heard someone on the phone, threatening your

DELORIS WATSON - CROSS BY MR. STEWART

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1 son, you can't say that it was me; is that correct?

2 A. I ---

3 MR. BLAKE: Objection, asked and answered. Incomplete
4 style.

5 MR. STEWART: Sir, I'm asking for clarification because
6 she did not give me a direct answer the first time I asked the
7 question.

8 MR. BLAKE: Your Honor, it's my understanding that the
9 witness can answer the question, which her answer was
10 responsive. She's not required to give a yes or no answer.

11 THE COURT: That's true, too. Pose the question. Let's
12 go.

13 A. What was your question?

14 Q. (BY MR. STEWART): So, are you saying that when you
15 son -- whoever called your son, whenever he was threatened, if
16 he was threatened, you cannot say that it was me?

17 THE COURT: She's already answered that.

18 MR. STEWART: Withdrawn, sir. Sorry.

19 Q. (BY MR. STEWART): Now, do you have a block on your
20 phone?

21 A. Yes, I do.

22 Q. You said someone was on the phone saying, "You're
23 next?"

24 A. Yes.

25 Q. When did this ---

DELORIS WATSON - CROSS BY MR. STEWART

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1 A. This happened after [REDACTED] death.

2 Q. After?

3 A. After.

4 Q. And where did this call come from, do you know?

5 A. I can't tell you that I know where the phone call
6 come from that day, but I have received phone calls where if I
7 would answer the phone and said Bennettsville correctional or
8 something like that right there, and I was -- I couldn't hear
9 it. And then they put the person on through, and that's when
10 I talked to someone on the phone. And I was telling them
11 don't call my house no more.

12 Q. You said they put the person through?

13 A. Yes. If I had never talked to you, and it's been so
14 long ago, I can't keep your voice in my head. I'm not sure
15 that -- I can't say, well -- the only thing I can say is the
16 person that called from the jail called collect, and I said,
17 "No," and they started talking. And I said, "Don't call my
18 house no more."

19 Q. They called collect?

20 A. They called collect.

21 Q. You have a block on your phone for collect calls?

22 MR. BLAKE: Objection, asked and answered.

23 THE COURT: One more time. The rules of baseball apply.

24 MR. STEWART: Excuse me, sir.

25 THE COURT: Sustained.

DELORIS WATSON - CROSS BY MR. STEWART

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1 Q. (BY MR. STEWART): And are you aware of the usual
2 process for collect calls?

3 A. Yes, I am.

4 Q. When someone makes a collect call, what does the
5 operator usually do?

6 A. Usually, the operator comes on the phone and asks
7 will you accept the collect call and she will tell you the
8 caller's name, but in this particular case, it didn't happen
9 that way.

10 That's why I called the police, and see, I'm the one that
11 called the police and said, "I'm getting harassing phone calls
12 on my phone and I want it to stop." And I told them I have a
13 block. And he said, "If you have a block, how are they
14 getting through." That's not my job. I don't know how
15 they're getting through. I just want it to stop.

16 Q. So the operator did not identify a name or anything?

17 A. I can't say that she did. I can't say she did. The
18 only thing I know, and honestly tell that I remember is the
19 Bennettsville Corrections Institute or something like that.

20 And when they said Bennettsville Corrections Institute, I
21 said, "My son can't accept calls." I explained to him and
22 said, "Who's in Bennettsville Jail?" And he told me and I
23 said, "Well, how can they make collect calls?" That's all I
24 know.

25 Q. Did you say the operator just put the call through

DELORIS WATSON - CROSS BY MR. STEWART

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1 without you accepting it?

2 A. No, they said it was a collect call, and then I
3 said, "No." And then the person started talking and just like
4 it was the operator went off and the person came on the phone
5 and started talking.

6 Q. And said, "You're next?"

7 A. Not that day. The day that I said that you're next
8 was the day that Anthony had come home from work and he said,
9 "They on the phone." And he had left one day or something. I
10 was there by myself, and I told Anthony, I said, "Who called
11 and saying you're next?" And he said, "Oh." And then the
12 phone call came again and he let me listen to the phone call
13 and I heard the conversation.

14 Q. This was before or after?

15 A. This was after -- this was after her death.

16 Q. And you said that your son was on the phone,
17 bringing you back from work, and you listened to the
18 conversation? Excuse me. Could you please clarify.

19 A. No, that's not what I said.

20 Q. Could you please clarify that for me?

21 A. Okay. I said my son picked me up from work one day

22 ---

23 Q. Yes, ma'am.

24 A. --- and there at the house, and he had just got off
25 from work. And he was on the phone, and he had a strange look

DELORIS WATSON - CROSS BY MR. STEWART

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1 on his face ---

2 Q. Yes, ma'am.

3 A. --- and he was talking to somebody on the phone, and
4 I said, "What's wrong with you? Who's that on the phone?"
5 And he said it was you. He said, "That's Weldon." And I
6 said, "What did you talk about?" He said, "Here." That's
7 when I bent over, and me and my son are real close and I
8 listened to the conversation. A lot of conversations that he
9 had I listen to. And the phone conversation was "The next
10 time you leave the house, you better tell your mother you
11 won't see her no more." I really got mad. You better kiss
12 her before you leave. And then I got mad. I really got mad,
13 and I didn't take this as a joke. Okay. Then she's not going
14 to do anything. I'm a mother.

15 Q. This was -- all of this was after this incident?

16 A. Explain what you're asking.

17 Q. All of this conversation that you heard, this
18 particular conversation, was after this incident that we're
19 here?

20 A. Let me make sure.

21 Q. After [REDACTED] Allen's death?

22 A. Yes. That's what you're next was about. This was
23 after the fact.

24 Q. And you said that he was on the phone and then he
25 gave you the phone. So the conversation was a pretty good

DELORIS WATSON - CROSS BY MR. STEWART

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1 length of time; is that correct? How long would you say the
2 conversation lasted?

3 A. Sometimes, the conversation before ---

4 Q. I'm talking about that particular conversation.

5 A. Probably about three or four minutes, something like
6 that because I'm in the kitchen. He's right here, and I was
7 in there. And I started getting something ready ---

8 Q. Yes, ma'am.

9 A. --- and when the phone rang, he was sitting right
10 there on the phone talking and he just started looking
11 strange. And I said, "Who's that on the phone?" And he told
12 me and I said, "What is he saying?" And I went over there and
13 I put my ear to the phone to listen.

14 Q. And this call was after [REDACTED] Allen's death from
15 the Marlboro County Detention Center?

16 A. And it was the same person who had called when I
17 answered the phone before her death.

18 Q. Was this the time that it came from the detention
19 facility?

20 A. No, I didn't say both of them. I answered the phone
21 from the detention center. I told him don't accept no calls.
22 I said, "You sitting up on the phone talking to him." I said,
23 "Don't accept no calls." He said, "I'm not accepting calls.
24 They're going through."

25 Q. So that particular call did not come from the

DEBORIS WATSON - REDIRECT BY MR. BLAKE

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1 detention facility, is that what you're saying?

2 A. I don't know if that came from the detention center
3 or not. Just like I said, the one that I answered -- I
4 answered the phone maybe twice from the detention center. I
5 can't actually say it was that day that that phone call came
6 from the detention center, but I do know the conversation that
7 I had with the person, that was the phone, the conversation
8 that I overheard.

9 Q. So that particular conversation, you don't know
10 where it came from?

11 A. Oh, you talking about the place it come from?

12 Q. Yes, ma'am.

13 A. No, because I didn't answer the phone that night.
14 He answered the phone. I couldn't say that came from the
15 detention center.

16 Q. Are you aware of the fact, ma'am, that I have been
17 incarcerated either at the Marlboro County Detention Facility
18 or Lee County Correctional Institution from December the 6th
19 2000 through the present?

20 A. Yes. I'm not sure where you were at, but I know you
21 were incarcerated.

22 MR. STEWART: No further questions.

23 REDIRECT EXAMINATION BY MR. BLAKE

24 Q. Just one point of clarification. I believe you
25 stated this, but it's gotten a little confused. Did you

DELORIS WATSON - RECROSS BY MR. STEWART

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1 receive any calls from Weldon Stewart at your house before
2 [REDACTED] Allen's death?

3 A. Yes, I did.

4 Q. And did you receive calls at your house from Mr.
5 Stewart after [REDACTED] Allen's death?

6 A. Yes, I did.

7 Q. And you were listening to conversations with your
8 son that he was having?

9 A. Yes, I was.

10 Q. And were they threatening in nature?

11 A. Yes.

12 Q. Enough so that you had a gun by your side at night?

13 A. I took the threats seriously.

14 RECROSS-EXAMINATION BY MR. STEWART

15 Q. I'm a little confused, ma'am. Did you just tell me
16 earlier that you've never spoken with me before prior to
17 today?

18 A. No. I'm saying that I don't know to be -- the only
19 thing that I'm saying, as far as me remembering your voice, I
20 cannot remember your voice. I didn't talk to you enough to
21 know that, but I know that the person that was on the phone,
22 that was making the threats, my son had talked to on numerous
23 occasions. He said it was you. Therefore, me and you
24 talking, I never talked to you a day in my life until today.

25 Q. What I'm asking you, ma'am, from your personal

DELORIS WATSON - RE-CROSS BY MR. STEWART

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1 knowledge, not from what your son told you, from your personal
2 knowledge, can you say that I, Weldon W. Stewart, Jr., called
3 your house at any time?

4 A. That's a yes or no answer. I can't -- I can't
5 personally say, "Okay. Weldon, you called my house," but my
6 son wouldn't have any reason to let me overhear a conversation
7 that was, you know -- why was he telling me it's you and it's
8 not you. You know what I'm saying? I don't understand it.

9 Q. Is your answer to that question no?

10 A. It's not a yes or no answer.

11 MR. BLAKE: Objection, witness has answered the question.
12 She answered it on direct. She answered it on cross. Now
13 she's back at redirect.

14 MR. STEWART: Sir, I don't think that she's answered that
15 particular question.

16 THE COURT: I think she has. Move on.

17 MR. STEWART: Yes, sir. No further questions.

18 MR. BLAKE: Ask that this witness be excused.

19 MR. STEWART: No objection from the Defense.

20 THE COURT: Witness is excused.

21 MR. BLAKE: Clarissa Bridges.

22 CLARISSA BRIDGES, first being
23 duly sworn, testified as follows:

24 CLERK OF COURT: Come around here and state your full
25 name, please.

CLARISSA BRIDGES - DIRECT BY MR. BLAKE

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1 A. Clarissa Lashelle Bridges.

2 DIRECT EXAMINATION BY MR. BLAKE

3 Q. Ms. Bridges, where do you live?

4 A. [REDACTED] South Carolina.

5 Q. How old are you?

6 A. Nineteen.

7 Q. Were you in the same grade or different grade as
8 Candice?

9 A. Different.

10 THE COURT: You're going to have to speak up. You have
11 to speak so the jury can hear you. Project your voice and
12 you'll be okay.

13 Q. (BY MR. BLAKE): So how many years older were you to
14 her?

15 A. Two years older.

16 Q. Two years. So you were two grades ahead of her?

17 A. Yes, sir.

18 Q. All right. Did you graduate from high school?

19 A. Yes, sir.

20 Q. And you're working now?

21 A. Yes, sir.

22 Q. How long did you know [REDACTED] just in a general
23 way, just knowing her not real friends, just knew her?

24 A. Since elementary school.

25 Q. Okay. But in terms of actually talking, friends,

CLARISSA BRIDGES - DIRECT BY MR. BLAKE

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1 spending more time together, how long was that before her
2 death?

3 A. Two years.

4 Q. In your presence, did she ever throw a temper
5 tantrum?

6 A. No, sir.

7 Q. Did you ever see her talking to Anthony Watson?

8 A. Yes, sir.

9 Q. How often?

10 A. Everyday during school hours.

11 Q. And she told you about that relationship?

12 A. Yes, sir.

13 Q. So was she the kind of person to just right off get
14 up in your face and get angry at you?

15 A. No, sir.

16 Q. Could you describe your perception of her, how she
17 was, how she interacted with people?

18 A. She got along with everybody. She was a very sweet
19 girl. She never got in trouble, caused any problems.

20 Q. I know this is tough for you. I won't be much
21 longer. If someone did get in her face or make a smart remark
22 to her, what was her response usually?

23 A. She spoke her mind. I mean she might have been
24 little, petite girl, but if somebody came in her face and said
25 something, she wasn't going to stand there and let them talk

CLARISSA BRIDGES - CROSS BY MR. STEWART

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1 to her. She said what she had to say.

2 Q. So she could talk?

3 A. Yes, sir.

4 Q. She knew how to put the word together.. Did you
5 ever see her haul off and hit somebody?

6 A. No, sir.

7 Q. Not once?

8 A. No, sir.

9 Q. You're not saying she never did. You just didn't
10 see it?

11 A. I never saw it.

12 Q. So you knew she'd been talking to Anthony Watson?

13 A. Yes, sir.

14 Q. Prior to her death?

15 A. Yes, sir.

16 Q. Thank you very much.

17 CROSS-EXAMINATION BY MR. STEWART

18 Q. Prior to today, have you ever seen me before?

19 A. Yes, I have seen you before.

20 Q. Where?

21 A. On the streets.

22 Q. Where?

23 A. Like around town.

24 Q. Around town. What town?

25 A. [REDACTED]

CLARISSA BRIDGES - CROSS BY MR. STEWART

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1 Q. [REDACTED] You were -- were you close to [REDACTED]
2 A. Yes.
3 Q. Did you know she was involved in a relationship with
4 me?
5 A. Yes.
6 Q. Have you ever been around us? Did you ever know
7 about us sneaking around anywhere?
8 A. I've never been around y'all together.
9 Q. Never?
10 A. No.
11 Q. Never been around us when we snuck around or
12 anything?
13 A. No.
14 Q. So you never seen her interact with me?
15 A. No.
16 MR. STEWART: No further questions.
17 MR. BLAKE: Ask that this witness be excused.
18 MR. STEWART: I have no objection, sir.
19 THE COURT: Witness is excused.
20 MR. BLAKE: Officer Keith Worsley.
21 KEITH WORSLEY, first being duly
22 sworn, testified as follows:
23 CLERK OF COURT: Come around and state your full name,
24 please.
25 THE COURT: We're going to need you to speak up because

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 the microphone is out.

2 A. Alvin Keith Worsley.

3 DIRECT EXAMINATION BY MR. BLAKE

4 Q. State your full name for the record.

5 A. Alvin Keith Worsley.

6 Q. And here's the obvious question. Where do you work?

7 A. Bennettsville Police Department, sergeant on second
8 shift.

9 Q. How long have you worked there?

10 A. Five years.

11 Q. All right. Did you work in a police department
12 before that or is this first police department?

13 A. First police department.

14 Q. Okay. You like your work?

15 A. Yes, sir.

16 Q. You remember back on December 6, 2000, making a call
17 to [REDACTED]?

18 A. Yes, sir.

19 Q. I'm going to show you a Tax Assessor's map. It's
20 pretty unusual. State's Exhibit 19. Handing it up to you to
21 look at. This is the police station here. In yellow are the
22 streets. Where is [REDACTED]? So do you know what the
23 cross streets are there?

24 A. [REDACTED]

25 Q. What is that area of town called?

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 A. [REDACTED]

2 Q. [REDACTED]

3 MR. BLAKE: State moves to enter into evidence State's
4 Exhibit 19.

5 THE COURT: Any objection to that map?

6 MR. STEWART: No, sir.

7 THE COURT: In without objection.

8 (STATE'S EXHIBIT NO. 19 ADMITTED INTO EVIDENCE.)

9 Q. (BY MR. BLAKE): Looking now -- State's Exhibit 20.
10 It's a little bit easier map to read. I should have given
11 that to you first. You know the area where this occurred,
12 [REDACTED] Where is that on this map? So it's on [REDACTED]

13 [REDACTED]

14 A. Yes, sir. [REDACTED]

15 Q. And you call this [REDACTED]

16 A. Yes, sir.

17 Q. So that's kind of near the cemetery up there, isn't
18 it?

19 A. Yes, sir.

20 Q. All right.

21 MR. BLAKE: State moves to enter into evidence State's
22 Exhibit 20.

23 MR. STEWART: I have no objection, sir.

24 THE COURT: All right. In without objection.

25 (STATE'S EXHIBIT NO. 20 ADMITTED INTO EVIDENCE.)

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 Q. (BY MR. BLAKE): So you were the responding officer?

2 A. Yes, sir.

3 Q. Okay. Do you have your incident report there?

4 A. Not with me, sir.

5 MR. BLAKE: Better mark it for ID.

6 (STATE'S EXHIBIT NO. 59 MARKED FOR IDENTIFICATION.)

7 Q. Okay. I'm simply going to hand you up State's
8 Exhibit 59 so that you have it to refresh your memory if you
9 need it. Who else was with you on that call?

10 A. Officer Crossland.

11 Q. Were you both in the same car?

12 A. Yes, sir.

13 Q. Okay. And if you need to use the notes to refresh
14 your memory, what time did you arrive on the scene?

15 A. About 3:15.

16 Q. 3:15?

17 A. Between 3:00 and 3:15 that day.

18 Q. I'd ask you to look at that a little more closely.
19 1315?

20 A. Military time is 1315. Regular time is 1:15.

21 Q. 1:15. That's a big difference, now. Come on. So
22 about 1:15?

23 A. Yes, sir.

24 Q. Do you know when the call came in?

25 A. Not the exact time the call came in, no.

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 Q. Okay. And how long were you and Officer Crossland
2 on the scene?

3 A. I think I left the scene that day -- I think it was
4 after 4 o'clock.

5 Q. I think if you look there in the "depart time," it
6 will give you the exact time.

7 A. 4:28.

8 Q. Okay. And those things are recorded right after or
9 right when it happens, right? You don't -- you didn't write
10 up this incident report or Crossland didn't write up this
11 incident report three weeks later?

12 A. No, sir.

13 MR. STEWART: Objection, Your Honor. He's leading the
14 witness.

15 THE COURT: That calls for a yes or no. That wasn't
16 necessarily leading.

17 MR. STEWART: Yes, sir.

18 Q. (BY MR. BLAKE): And what was the address where you
19 and Crossland pulled up to?

20 A. [REDACTED]

21 Q. And what did 911 -- what had they told you?

22 A. They told us to ride around [REDACTED] that
23 someone had called 911 about an accidental death or shooting,
24 and they wanted us to ride around and check it out. They
25 weren't sure if it was either a prank call or something real.

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 Q. Okay. But you didn't take the call yourself?

2 A. No, sir. Myself and Officer Crossland were in the
3 car together. Both of us took the call.

4 Q. That call came from 911 Center, correct?

5 A. Yes, sir.

6 Q. What did you first notice upon arriving at the
7 scene?

8 A. We arrived at the scene. I saw Mr. Stewart there
9 standing on the sidewalk. He looked like he was in a confused
10 state and myself and Officer Crossland talked to him and
11 couldn't make out what he was saying. So I went inside the
12 residence. I didn't see no one. I thought he had an argument
13 with his mother.

14 Q. Now, we have -- okay. Go on.

15 A. I came back outside and I went in the backyard and
16 saw something burning in the back.

17 Q. Saw something burning in the back?

18 A. Body burning in the back.

19 Q. Did it look something like that?

20 A. Yes.

21 Q. You stayed there until 4:30. Did you see when it
22 looked like that?

23 A. Yes, sir.

24 MR. BLAKE: At this time, State would move to enter into
25 evidence State's Exhibits 33 and 34.

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 MR. STEWART: Sir, I object. The probative value for
2 this evidence is clearly outweighed by danger of unfair
3 prejudice. This is not an issue in this trial. It can in no
4 way be used to prove any issues in this trial.

5 The only issue is whether the death of Ms. Allen was
6 intentional or unintentionally caused by myself, the
7 Defendant. These pictures establish a separate offense that
8 is not in front of us. They're also very inflammatory, very
9 gruesome, and I think that the probative value is clearly
10 outweighed by the danger of unfair prejudice.

11 MR. BLAKE: Your Honor, the State has selected these two
12 pictures out of probably 50 pictures I have of the scene and
13 the burning. They are in fact the least descriptive, the
14 least prejudicial. They are more general. It's part of the
15 case.

16 It's not proving necessarily -- he says they're not
17 proving the murder, but in fact it does go to his state of
18 mind. And the State is simply wanting to enter that into
19 evidence because it does clarify the situation.

20 THE COURT: You arguing it goes to corpus delicti of the
21 crime?

22 MR. BLAKE: Yes, I am, Your Honor. State of mind.

23 THE COURT: Let me take a look at that again.

24 MR. STEWART: Sir, if I may address the Court.

25 THE COURT: Yes, sir.

ALVIN WORSLEY - DIRECT BY MR. BLAKE

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1 MR. STEWART: These photographs can in no way be used to
2 show state of mind. I had no control over those injuries once
3 the fire was started. I did not inflict those injuries. They
4 were caused by the fire. They were not present at the time of
5 death, and that can in no way be used to show my state of
6 mind. Those injuries were not caused by me.

7 THE COURT: All right. I'm taking a look at 34. I don't
8 want to comment about any of the evidence except to say that
9 --

10 (A BENCH CONFERENCE WAS HELD ON THE RECORD IN THE PRESENCE OF
11 THE JURY, BUT OUT OF THE HEARING OF THE JURY.)

12 I'm outside the presence of the jury. Y'all can listen.
13 I am not going to allow 33 in, but I am going to allow 34 in
14 because of the reasoning of the corpus delicti argument that
15 can be put forth.

16 But also for the fact that it appears from the pictures
17 that the ashes or whatever, the remains are on some type of
18 object, which appears to me could arguably be used by the
19 State for legitimate purposes of the body been placed on top
20 of that object. It appears to be a door or some type of
21 platform.

22 I don't -- I feel like we may have prejudicial value for
23 allowing both of them in. The 33 is a little more explicit,
24 closer up. Because of the reasons I just stated, I'm going to
25 allow 34 in.

ADMISSION OF EXHIBITS HEARING

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1 MR. STEWART: Sir, may I be allowed to comment?

2 THE COURT: Do you want to do it in front of the jury or
3 outside the presence of the jury?

4 MR. STEWART: Outside.

5 (BENCH CONFERENCE ENDS.)

6 THE COURT: Ladies and gentlemen, I'm going to have to
7 ask you to step back just a minute.

8 (JURY EXCUSED TO JURY ROOM AT 12:27 P.M.)

9 ADMISSION OF EXHIBITS HEARING

10 THE COURT: I sent the jury out. Before I hear
11 arguments, just for the sake of curiosity, from the State,
12 what is that that body is on?

13 MS. GURLEY: It's on a pool liner, if I'm not mistaken.
14 Pool liner inside.

15 MR. BLAKE: Fiberglass, and it shrunk up from the heat.

16 THE COURT: Before I finalize my decision, and of course,
17 I'm not going to actually finalize it until I hear back from
18 both sides, but is there anything the State would like to
19 relay on the record about what I'm looking at here and what I
20 just talked about with Madam Court Reporter?

21 MR. BLAKE: Well, Your Honor, that is a picture, the one
22 that you're allowing in, is a very sort of generalized picture
23 of the remains there, and I do have other pictures that may be
24 less graphic. I don't think that really shows anything of the
25 skeleton.

ADMISSION OF EXHIBITS HEARING

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1 I just think it's part of the overall crime scene, and
2 the State's case involves the killing and what happened
3 afterwards. It's not just, just the killing. And do I know
4 his state of mind? Mr. Stewart was the sole eyewitness.

5 The State has to infer his state of mind from his
6 actions, and his actions afterwards of actually burning the
7 body, which he has admitted to, certainly could be something
8 that the jury could use to say, "Well, you know, he was -- he
9 felt guilty or he did it intentionally. It wasn't an
10 accident." And that's just ---

11 THE COURT: The placement of the body on that, I
12 certainly can see why the State's arguing, but I'll be glad to
13 hear from you before I finalize this, Mr. Stewart, but 33 is
14 out.

15 MR. STEWART: Sir, I'm citing State v. Middleton, 339
16 S.E. 2d 692, and this is a 1986 case, and I think it's exactly
17 like what is going on here. The information contained in that
18 photograph is not being disputed by myself, the Defendant. I
19 have pled guilty to desecration of human remains back in, I
20 think it was October.

21 That photograph merely shows that the body was
22 desecrated, and that -- and the location of the desecration.
23 None of these things are in dispute. It is not in dispute
24 that I was the one that committed this offense, and just
25 bringing photographs in of it, it would tend to emotional

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1 arouse the jury just by simply seeing a charred body and
2 that's beyond recognition.

3 That would tend to emotionally arouse the jury, and there
4 is really no probative value for the evidence in my opinion
5 since none of the information contained in those photographs,
6 once again, is in dispute. It can be proven by other
7 testimony.

8 It has been proven by other testimony, by the testimony
9 of the pathologist, who explained the desecration injuries
10 caused therefrom. Officer Worsley, who has described the
11 location of the body and the condition he found it, and I just
12 think that showing the jury the actual pictures, it has no
13 probative value since these injuries were not present at the
14 time of death.

15 And just taking from State v. Alexander, "Unfair
16 prejudice is the tendency to suggest decision on an improper
17 basis, most commonly an emotional one." And viewing a fully
18 charred body, injuries that were not caused at the time of
19 death, were not controlled by me, the Defendant, would tend to
20 emotional arouse the jury and cause them to base their
21 decision as to my guilt on innocence on those injuries, which
22 really are not relevant to the actual death.

23 THE COURT: Well, I'm not impressed with your argument on
24 that. There is some argument that you could put forth, but I
25 find the probative value outweighs the prejudicial value

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1 because of the state of mind argument.

2 It's just appearing that this body's been placed on what
3 appears to be some type of platform or ritualistic type,
4 almost be argued a ritualistic-type setting. I'm going to
5 allow that one in because I don't see anything there that --
6 we've got an intelligent jury. All of them are -- seem to be
7 well educated, intelligent.

8 I'm going to allow that one in, but, Solicitor, Number
9 33, I'm not going to allow that one in. We got flames in it
10 still burning there. That one's too close up, and you really
11 can't tell what the body has been placed on or anything from
12 that.

13 So no point in having that in there as I see it as
14 compared with the other one that would cover every aspect of
15 it that I can see that they could possibly use.

16 (STATE'S EXHIBIT NO. 34 ADMITTED INTO EVIDENCE.)

17 MR. BLAKE: Could I see that, the one that you're looking
18 at, Judge? I just want to compare it to whatever else I have.
19 Judge, I'm just going to hand up just so we kind of got
20 ourselves covered all the way around here.

21 I see something like that, which is Number 47; that's
22 obviously not going to work, and I have many photographs like
23 that. If you could look at these others and identify them by
24 their exhibit number.

25 THE COURT: Okay. I've got 49, and it looks like 49 is a

ADMISSION OF EXHIBITS HEARING

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1 far-off photograph. There is smoke and apparent flames.

2 Well, I don't know what that is up in the tree. Smoke,
3 obviously. Same with 50. 53 is too far off. 52 is too far
4 off. 34 is the one I had, right?

5 MR. BLAKE: Yes.

6 THE COURT: For all around purposes of every aspect, I
7 think the State could use it for probative value. I see 34
8 would be the best. That's the only one out of this crowd I
9 would let in.

10 MR. BLAKE: Okay. Your Honor, if we could right now just
11 address one last photo issue. State's Exhibit 53. I was very
12 careful to make sure that the jury didn't see any of the
13 pathologist's photos, however, it is a crucial issue in the
14 case exactly where the injury was.

15 Now, the jury may remember Dr. Harley continually putting
16 his hand up to the top of his head, side of his head. The
17 photos, obviously, could be inflammatory. I picked one out
18 that shows where the blow happened on the head, but obviously,
19 that had to come from a burned skull.

20 And I narrowed that down so that it would have -- didn't
21 have the skin charring and all that. This is for the purpose
22 of showing where the blow to the head was. If that's too
23 inflammatory, certainly, the jury, I guess, can remember Dr.
24 Harley many times touching his head.

25 THE COURT: I'm not going to allow this one in. Might

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1 could arguably convince me if he was still on the stand or at
2 that time, but after everything is developed, the prejudicial
3 value of that could possibly outweigh the probative value.
4 So, Solicitor, I'm not going to allow that one in.

5 MR. BLAKE: Thank you, Judge. I do not believe, at least
6 with the photographs that I want to enter, that there are any
7 problems on the rest of them in terms of prejudicial value,
8 but I would ask Mr. Stewart to look again at them.

9 THE COURT: I want all of these made Court's Exhibits,
10 Madam Court Reporter, cause on possible later appellate review

11 ---

12 MR. BLAKE: For a comparison?

13 THE COURT: --- the Court will want to see what I was
14 talking about, possibly. In other words, that one will be a
15 State's exhibit. Make sure we're clear, Madam Court Reporter.
16 The rest of them that I have reviewed I want as Court's
17 exhibits. Of course, they will not be in evidence.

18 (STATE'S EXHIBIT NOS. 33, 35, 47, 49, 50, 52, AND 53 CHANGED
19 TO COURT'S EXHIBIT NOS. 8, 9, 10, 11, 12, 13, AND 14.)

20 MR. BLAKE: Thank you, Judge.

21 MR. STEWART: Do I need to call these out by exhibits?

22 MR. BLAKE: No, I just wanted you to make sure you looked
23 at them. Your Honor, I have other photos that are really of
24 the house, and they certainly could not be prejudicial. But I
25 would like to hand them up to you so you can just see them. I

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1 will be introducing them into evidence at some point here
2 today.

3 THE COURT: Have you looked at these, Mr. Stewart?

4 MR. STEWART: Yes, sir.

5 THE COURT: What's the position of the Defense on these?

6 MR. STEWART: Do I need to call out the number for them?

7 THE COURT: Well, I guess we could simplify it. You have
8 any objections to any of these?

9 MR. STEWART: Not of the house and the path. I think
10 that's all that's in there, pictures of the house and the
11 path.

12 THE COURT: Let me make sure. You appear to be correct.

13 MR. STEWART: No, sir. I do not have any objection to
14 the pictures of the house, the path, the yard, anything of
15 that nature.

16 THE COURT: All right. Okay. Madam Court Reporter, 58.
17 Sorry I'm not in order here. 39, 41, 40, 42, 36, 43, 46, 44,
18 45, 37, 38, 48, 51, 55, 57, 56, 54. They are in evidence and
19 there in no objection.

20 (STATE'S EXHIBIT NOS. 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,
21 46, 48, 51, 54, 55, 56, 57, AND 58 ADMITTED INTO EVIDENCE.)

22 MR. BLAKE: Judge, those are simply the ones I used with
23 the pathologist, and they're not part of the analysis. So do
24 I just need to keep them in the record?

25 THE COURT: No.

ALVIN WORSLEY - DIRECT BY MR. BLAKE (CONT.)

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1 (JURY ENTERS COURTROOM AT 12:40 P.M.)

2 THE COURT: Ladies and gentlemen, I kept y'all back there
3 a little longer than I thought it would take, but we went
4 ahead and took care of some additional matters, rather than
5 having to send you back later on. Both sides graciously went
6 ahead and we took care of that at the same time. Go ahead,
7 Solicitor.

8 DIRECT EXAMINATION BY MR. BLAKE (CONTINUED)

9 Q. So I think we were -- you went to the backyard and
10 saw the body burning?

11 A. Yes, sir.

12 Q. And where was Crossland at this point?

13 A. He was at the front of the house right there to the
14 sidewalk talking to Mr. Stewart.

15 Q. And at what point did you put Mr. Stewart in the
16 squad car?

17 A. When I walked around to the front of the house, I
18 stayed with Officer Crossland. We handcuffed him and placed
19 him in the backseat.

20 Q. At any time did you give the Defendant, did you give
21 him his Miranda Rights?

22 A. Not me.

23 Q. Okay. Who else got there on the scene?

24 A. I think the next person that arrived I remember
25 talking to Mr. Stewart was Officer Valdaliso.

ALVIN WORSLEY - DIRECT BY MR. BLAKE (CONT.)

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1 Q. Okay.

2 A. I think he was talking to him in the backseat of the
3 patrol vehicle.

4 Q. All right. And who arrived after that?

5 A. I don't recall. I think that they started coming in
6 by the numbers after that.

7 Q. Okay. Just lots of people?

8 A. Yes, sir.

9 Q. And you were managing the scene, essentially?

10 A. At the beginning, yes, sir.

11 Q. Okay. And at what point did Lieutenant Boston get
12 there?

13 A. Right after I called him on the radio and asked for
14 an investigator, the chief. Shortly after that, Lieutenant
15 Boston arrived on the scene.

16 Q. Now, this was 1:15?

17 A. Yes, sir.

18 Q. About how much time did it take before Boston got
19 there?

20 A. Maybe about five to ten, five to ten minutes.

21 Q. Pretty quick really?

22 A. Yes, sir.

23 Q. And in between that time, Valdaliso had talked to
24 Mr. Stewart?

25 A. Yes, sir.

ALVIN WORSLEY - CROSS BY MR. STEWART

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1 MR. BLAKE: No further questions.

2 THE COURT: Any questions?

3 MR. STEWART: Your Honor, sir, may I approach the bench.

4 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE PRESENCE OF
5 THE JURY, BUT OUTSIDE OF THE HEARING OF THE JURY.)

6 CROSS-EXAMINATION BY MR. STEWART.

7 Q. Officer Worsley, when you arrived at the residence,
8 [REDACTED], where was I?

9 A. Standing on the sidewalk.

10 Q. Standing on the sidewalk? From your observations of
11 my demeanor, what state of mind would you say that I was in?

12 A. You looked like you were in a daze.

13 Q. A daze?

14 A. Yeah, like you were spaced out.

15 Q. Would you say confused?

16 A. I couldn't really tell. A little bit confused, and
17 a little bit of something else.

18 Q. Something else?

19 A. Yes, like you were -- couldn't really make out your
20 situation. You were in a daze.

21 Q. And you observed this before I said anything to you?
22 Just by coming to the scene and looking at me?

23 A. Yes.

24 MR. STEWART: No further questions.

25 MR. BLAKE: Ask that this witness be excused.

SAMMY CROSSLAND - DIRECT BY MR. BLAKE

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1 MR. STEWART: No, objection, sir.

2 THE COURT: You're excused. You may step down.

3 MR. BLAKE: I got one that we can finish up pretty quick,
4 and that would take care of it. Officer Crossland.

5 SAMMY CROSSLAND, first being
6 duly sworn, testified as follows:

7 CLERK OF COURT: Come around here and state your full
8 name.

9 A. My name is Sammy Lee Crossland.

10 DIRECT EXAMINATION BY MR. BLAKE

11 Q. You're going to have to boost the volume. You look
12 like you can boom it if you want to.

13 A. Sammy Lee Crossland.

14 Q. Very good. Remember that call back on December 6,
15 2000 at about 1:15?

16 A. Yes, sir, I do.

17 Q. And you went over to the Upper East?

18 A. Yes, sir.

19 Q. You remember the address?

20 A. I know it was [REDACTED]

21 Q. You got your incident report with you?

22 A. Yes, sir. [REDACTED].

23 Q. That's correct. Anybody with you?

24 A. Officer Keith Worsley.

25 Q. Okay. What did you notice as soon as you pulled up?

SAMMY CROSSLAND - DIRECT BY MR. BLAKE

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1 A. That Mr. Stewart was standing on the front porch,
2 and we was in the car. And we looked at him, and we were like
3 something wasn't right. We sat in the car. We got out and
4 talked to him, and he just looked like something had happened,
5 but we didn't know what happened until we talked to him.

6 Q. I don't want you to necessarily go into that at this
7 point. Did you go around the back?

8 A. No, sir, I didn't.

9 Q. So Worsley went around the back and then came and
10 told you?

11 A. He went -- first he went into the house and then he
12 went around the back.

13 Q. Okay. And when Worsley came back, that's when he
14 handcuffed him?

15 A. That's when he stated that whatever he saw in the
16 backyard, that's when Mr. Stewart was put in police custody
17 and put in the backseat of the car.

18 Q. All right. And then who arrived next? Come on now.
19 You work with him.

20 A. He requested the chief of police, lieutenant
21 investigator.

22 Q. But who showed up before that?

23 A. Give me a minute. Office Valdaliso -- Detective
24 Valdaliso. He was there.

25 Q. All right. Did you see him talk to Mr. Stewart?

SAMMY CROSSLAND - DIRECT BY MR. BLAKE

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1 A. He did talk to him briefly. After Detective
2 Valdaliso talked to Mr. Stewart, I went around the back and
3 observed what was back there.

4 Q. You did see ---

5 A. I don't know what was said to him.

6 Q. Oh, I understand, but you saw Valdaliso talking to
7 Stewart?

8 A. Yes, sir.

9 Q. And where was Stewart when Valdaliso was talking to
10 him?

11 A. In the police car.

12 Q. Front seat or back seat?

13 A. Back seat.

14 Q. Was the door shut or closed?

15 A. During the time he was in there, it was closed.
16 When Detective Valdaliso went and talked to him, that's when
17 he opened the door and talked to him.

18 Q. Valdaliso's standing outside?

19 A. Yes, sir.

20 Q. Did you give Mr. Stewart any Miranda Warnings?

21 A. No, I didn't.

22 Q. And how long were you at the scene?

23 A. Until 1628, which would be 4 o'clock. I had
24 initially waited until SLED came down from Columbia.

25 Q. Okay. And you got a number people at the crime

SAMMY CROSSLAND - DIRECT BY MR. BLAKE

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1 scene?

2 A. Yes, we did.

3 Q. What time did Lieutenant Boston arrive on the scene?

4 A. Shortly after we called everybody on the radio. He
5 came shortly after 1:00. No prolonged time.

6 Q. Little bit of time?

7 A. Maybe about 15 or 20 minutes, something like that.

8 Q. Two and a half years ago, but ---

9 A. It wasn't prolonged. It was like maybe immediately
10 after we called everybody.

11 Q. Okay. And so Boston showed up. Did the chief show
12 up?

13 A. Yes, he did.

14 Q. What was your role between 1:15 and 4:28?

15 A. To rope the crime scene off, and well, actually,
16 take names of everybody coming in and out of the crime scene.
17 So I did the initial report, which I did while I was at the
18 scene and just further get evidence and names and whatever
19 statements was possibly I could get as far as going along with
20 the incident that was occurring.

21 MR. BLAKE: No further questions.

22 THE COURT: Any questions?

23 MR. STEWART: Yes, sir, Your Honor, but I'm having
24 trouble finding something that I need to cross-examine this
25 witness. I am requesting could we break for lunch and me

SAMMY CROSSLAND - CROSS BY MR. STEWART

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1 cross-examine this witness after lunch.

2 THE COURT: Any objection from the State?

3 MR. BLAKE: Your Honor, I don't think it would take -- I
4 would just like to give the jury a little break and let's get
5 it done so we can move on to the next segment of the trial.

6 THE COURT: Is there anything that I can help you with?

7 MR. STEWART: No, sir. It's some paperwork similar to
8 the one that I showed you just now, and it would take only a
9 second for us to locate it. I misplaced it.

10 THE COURT: Go ahead and take your time and see if you
11 can find it and get back with me here.

12 (COURT AT EASE AT 12:54 P.M. AND RECONVENES AT 1:00 P.M.)

13 (A BENCH CONFERENCE HELD OFF THE RECORD IN THE PRESENCE OF THE
14 JURY, BUT OUT OF THE HEARING OF THE JURY.)

15 THE COURT: Got it back on the record.

16 (DEFENDANT'S EXHIBIT NO. 11 MARKED FOR IDENTIFICATION.)

17 CROSS-EXAMINATION BY MR. STEWART

18 Q. Officer Crossland, when you arrived at the scene,
19 where did you say I was?

20 A. Front porch.

21 Q. On the front porch. And what observations did you
22 make of my demeanor?

23 A. That you was in some kind of confused state like you
24 might have when you done something, but you didn't know how to
25 express yourself fully or didn't know how to tell us.

SAMMY CROSSLAND - CROSS BY MR. STEWART

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1 Q. You saw a confused look?

2 A. Yeah, like you did something.

3 MR. BLAKE: Objection, asked and answered. This was gone
4 into before our little break. Now, he's asking it at least
5 twice.

6 THE COURT: I don't mind a little leadway. I don't want
7 to hear it too many times. Go ahead.

8 A. It's the look you might have when something has been
9 done.

10 Q. And you observed this by just looking at me? I
11 hadn't said anything to you yet?

12 A. I was sitting in the car when you looked, and you
13 were standing on the front porch like the look that you had
14 like something was wrong before we even talked to you.

15 Q. Did I look angry?

16 A. No, it wasn't no angry look.

17 Q. Did I look like I was -- had gone into a rage or
18 something?

19 A. No.

20 Q. From your years of police experience, when someone
21 commits a crime and they're trying to cover it up or they're
22 trying to prevent themselves from being apprehended, do they
23 usually remain on the scene?

24 A. Most times in cases like that, it's hard to really
25 say as far as if you commit a crime, you may not have known to

SAMMY CROSSLAND - CROSS BY MR. STEWART

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1 the extent -- what level of what you had done. You may stick
2 around, you know, but I felt it was something wrong. Most
3 time when you feel you did something wrong.

4 Q. Did you have any problems with me while you were on
5 the scene? Was I trying to run from you or anything like
6 that?

7 A. No, sir.

8 Q. Who called 911 to bring you to the scene? Do you
9 know?

10 A. At that time, we didn't know. We just got the call.
11 It was an accidental death at [REDACTED].

12 Q. An accidental death at [REDACTED] Do you know
13 now who made the call?

14 A. I wasn't advised who made the call.

15 Q. Officer Crossland, I'm now showing you Defendant's
16 Exhibit 11. Would you please review this document.

17 MR. STEWART: Sorry for the delay, sir.

18 THE COURT: That's okay.

19 Q. (BY MR. STEWART): Officer Crossland, did I conduct
20 an interview with you on July 3rd 2003 at the Marlboro County
21 Detention Facility?

22 A. Yes, you did.

23 Q. Did you voluntarily consent to this interview?

24 A. Yes.

25 Q. Have you seen this document, Defendant's Exhibit 11,

SAMMY CROSSLAND - CROSS BY MR. STEWART

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1 at any time recently?

2 A. Earlier today I have.

3 Q. Earlier today. With the exclusion of Section 2.4 --
4 with the exclusion of Section 2.4, is this document a true
5 representation of the interview that I conducted with you, the
6 questions I asked and the answers you gave?

7 A. Yes, it was.

8 Q. For this question, "So I did not appear to be angry
9 or in a rage," Section 1.6 on this document, will you please
10 read your response for the jury.

11 A. "So I did not appear to be angry or in a rage?"

12 Q. Will you please read your response.

13 A. "No, you looked more or less like something
14 happened. It looked like I didn't know what to do. I mean,
15 people don't normally stick around after they do a crime. It
16 had something to the affect you did something that you didn't
17 mean to do."

18 Q. You made that statement to me; is that correct?

19 A. Yes, I did.

20 Q. And this statement came from your observations of me
21 at the scene?

22 A. Yes, at the time, Yes, sir.

23 Q. So ---

24 MR. BLAKE: Your Honor, at this time I'm going to renew
25 the objection. Asked and answered. He's gone over this

SAMMY CROSSLAND - CROSS BY MR. STEWART

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1 several times as to how he appears, and did they just see him,
2 were they talking.

3 MR. STEWART: Sir, in reference to this particular
4 statement, I have not gone over this.

5 MR. BLAKE: Well, it's just a rehash of what you just did
6 go over.

7 THE COURT: Okay. Post the next question.

8 Q. (BY MR. STEWART): Officer Crossland, by simply
9 arriving on the scene, looking at me, observing my behavior,
10 you came to the conclusion, just by looking at me, before I
11 even said anything to you, you reached a conclusion that I may
12 have done something that I did not mean to?

13 A. When I looked at you, you looked like you had did
14 something.

15 Q. Will you please read the last line of that statement
16 again.

17 THE COURT: He just read it. Why we got to go over it
18 again?

19 MR. STEWART: Excuse me, sir. No further questions.
20 Thank you, Officer Crossland.

21 THE COURT: Anything further?

22 MR. BLAKE: No, Your Honor.

23 THE COURT: It has nothing to do with this case. You
24 must be a dedicated law enforcement not to market that voice
25 you got. May the witness be excused?

ANTHONY ALLEN - DIRECT BY MR. BLAKE

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1 MR. STEWART: I have no objection, sir.

2 THE COURT: Thank you, sir. You may step down. Let's
3 break for lunch. Be back at 2:30. Wait a minute. We break
4 on this case. The jury may be dismissed. I got to take up a
5 matter with Mr. Powers.

6 (JURY EXCUSED FOR LUNCH AT 1:11 P.M.)

7 (COURT IN RECESS AT 1:17 P.M. AND RECONVENES AT 2:00 P.M.)

8 THE COURT: Some of the jurors are a little bit late.

9 MR. BLAKE: State's ready.

10 THE COURT: Bring them in.

11 (JURY ENTERS COURTROOM AT 2:39 P.M.)

12 THE COURT: All right. All jurors are present. We are
13 ready to go.

14 MR. BLAKE: State calls Anthony Allen.

15 ANTHONY ALLEN, first being duly
16 sworn, testified as follows:

17 CLERK OF COURT: Come around here and state your full
18 name.

19 A. Anthony Allen.

20 DIRECT EXAMINATION BY MR. BLAKE

21 Q. What is your relationship to [REDACTED] Allen?

22 A. She's my sister.

23 Q. Were you living in the same house back on December
24 6, 2000?

25 A. No, sir.

ANTHONY ALLEN - DIRECT BY MR. BLAKE

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- 1 Q. Weren't living in the same house as her?
- 2 A. No, sir.
- 3 Q. Did you see her on that night of December 5th?
- 4 A. Yes, sir.
- 5 Q. Where did you see her?
- 6 A. At a basketball game.
- 7 Q. Where was the basketball game?
- 8 A. [REDACTED] igh School.
- 9 Q. Who were they playing?
- 10 A. Dillon.
- 11 Q. Who won?
- 12 A. Dillon.
- 13 Q. You saw her at the basketball game?
- 14 A. Yes, sir.
- 15 Q. About what time did the basketball game end?
- 16 A. About quarter to 11, something like that.
- 17 Q. The game itself ended that late?
- 18 A. Yes, sir.
- 19 Q. And what happened after the basketball game?
- 20 A. My sister called my mother to tell her I was going
- 21 to give her a ride home. So me and my sister just went spent
- 22 quality time together like brother and sister do, just rode
- 23 around talking, just talking about some things.
- 24 Q. Okay. What time did you get her home?
- 25 A. It was about 11:15, something like that.

ANTHONY ALLEN - DIRECT BY MR. BLAKE

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1 Q. Okay. Did you just drop her off?

2 A. Yes. I said I'll see her later.

3 Q. Cause you weren't living there?

4 A. I had to work that night.

5 Q. Where were you working?

6 A. Health Board of Disabilities.

7 Q. Did you notice what she was wearing that night?

8 A. I can't quite remember what she was wearing.

9 Q. Did you notice that she had a handbag or not?

10 A. Yes, sir. She had her purse with her.

11 Q. What color was her purse?

12 A. Black.

13 Q. Did you ever know your sister to go somewhere
14 without wearing her glasses?

15 A. No, sir.

16 Q. Handing up State's Exhibit 18.

17 A. That's them.

18 Q. You identify those as the glasses of your sister?

19 A. Yes.

20 MR. BLAKE: Move to enter into evidence State's Exhibit
21 18.

22 MR. STEWART: I have no objection.

23 THE COURT: In without objection.

24 (STATE'S EXHIBIT NO. 18 ADMITTED INTO EVIDENCE.)

25 Q. (BY MR. BLAKE): Passing up State's Exhibit 21. Do

ANTHONY ALLEN - DIRECT BY MR. BLAKE

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1 you recognize that photograph?

2 A. Yes, sir.

3 Q. Who is that?

4 A. My sister.

5 Q. [REDACTED] Allen?

6 A. Yes, sir.

7 MR. BLAKE: Move to enter into evidence State's Exhibit

8 21.

9 MR. STEWART: No objection, sir.

10 THE COURT: In without objection.

11 (STATE'S EXHIBIT NO. 21 ADMITTED INTO EVIDENCE.)

12 Q. (BY MR. BLAKE): So your sister did use her glasses
13 a lot?

14 A. Yes.

15 Q. Can you kind of just tell us a little bit about
16 that. I mean, did she walk around the house without her
17 glasses or she just used them outside?

18 A. I have glasses, too, but mine -- you know, if you
19 know where you're going in the house, you don't have to wear
20 your glasses that much. If you're going to the bathroom, you
21 don't really need them. But if you're going somewhere,
22 especially if it's dark somewhere, you needed to wear them.
23 So she had to have them.

24 Q. So how often did she wear her glasses?

25 A. All the time.

ANTHONY ALLEN - CROSS BY MR. STEWART

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1 Q. All the time?

2 A. All the time.

3 Q. All right. Last time you saw your sister?

4 A. Was the night I took her home from the basketball
5 game.

6 Q. And about what time was that?

7 A. About 11:15. I had to be to work at 12:00.

8 Q. Had to be to work at 12:00?

9 A. Yes, sir.

10 Q. And did you know she had been in a relationship with
11 Weldon Stewart, Jr.?

12 A. Yes, sir.

13 Q. And have you seen Mr. Stewart before?

14 A. Yes, sir.

15 Q. Where?

16 A. Church.

17 Q. Did you ever see him get in a fight with anybody at
18 church?

19 A. No, sir. I hardly went to church. Every time I was
20 at church, he was quiet.

21 Q. Did you ever interact with him besides church?

22 A. No, sir. I spoke to him like how you doing. That's
23 it. Nothing like that. I never sat and had a conversation.

24 Q. Thank you.

25 CROSS-EXAMINATION BY MR. STEWART

ANTHONY ALLEN - CROSS BY MR. STEWART

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1 Q. You said that your sister was with you the night of
2 December 5th?

3 A. Yes, sir.

4 Q. What time did you say the basketball game started?

5 A. I said the time the game ended, not started.

6 Q. What time did the game start?

7 A. I don't know. I just popped up.

8 Q. You just popped up. At the times that you were at
9 the game, was she there the whole time?

10 A. Yes, she was. She never left my sight.

11 Q. She never left your sight. What time did you drop
12 her off at home?

13 A. About 11:15.

14 Q. Did you know she was involved in a relationship with
15 me?

16 A. Yep.

17 Q. Have you ever known me to harm her?

18 A. No. I wasn't around you. I was hardly ever home.

19 I was doing my own thing, to the beach. I was hardly in

20 [REDACTED].

21 Q. In the times that you've seen me at church, have you
22 ever known me to be a violent person?

23 A. No.

24 Q. Thank you.

25 MR. STEWART: No further questions.

SORAYA ALLEN - DIRECT BY MR. BLAKE

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1 MR. BLAKE: No further questions.

2 THE COURT: You may step down. Thank you.

3 MR. BLAKE: State calls Soraya Allen.

4 SORAYA ALLEN, first being duly
5 sworn, testified as follows:

6 CLERK OF COURT: Come around here and state your full
7 name.

8 A. Soraya C. Allen. S-O-R-A-Y-A.

9 DIRECT EXAMINATION BY MR. BLAKE

10 Q. I know this isn't going to be easy for you. What
11 was your relationship to [REDACTED] Allen?

12 A. My daughter.

13 Q. Did you approve of her relationship with Weldon
14 Stewart, Jr.?

15 A. No.

16 Q. Did you attempt to keep them apart?

17 A. Yes.

18 Q. How did you do that?

19 A. Well, I put a block on the phone, and also like I
20 said, we attended the same church together. [REDACTED] and
21 Weldon were both in the same choir. When Weldon got back on
22 the choir, I removed [REDACTED] off the choir, and if we were at
23 church and [REDACTED] had to go to the restroom or something, I
24 went with her to make sure there was no contact.

25 Q. And isn't it true that at some point they left from

SORAYA ALLEN - DIRECT BY MR. BLAKE

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1 church and went up North somewhere?

2 A. I know they left the church.

3 Q. And did they go anywhere?

4 A. Oh, I don't know.

5 Q. Your daughter wore glasses a lot?

6 A. Yes.

7 Q. Most of the times, sometimes?

8 A. All the time.

9 Q. Passing up State's Exhibit 18. Are those her
10 glasses?

11 A. Yes.

12 Q. Did you use any other means to try to keep these two
13 apart?

14 A. On occasion, his parents and my husband and I, we
15 met and talked with his parents and all of us agreed to keep
16 them apart.

17 Q. Did you know they were still seeing each other?

18 A. No, I didn't.

19 Q. Did you know about these -- I don't know what the
20 word is, sneak outs or something?

21 A. No.

22 Q. Okay. Was your daughter usually pretty well
23 dressed?

24 A. Yes, sir.

25 Q. Was she particular about her dress?

SORAYA ALLEN - DIRECT BY MR. BLAKE

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1 A. Yes, sir. She was always very neat.

2 Q. Very neat?

3 A. Very neat. She never went anywhere without her
4 purse.

5 Q. Okay. And you've brought a purse up with you today?

6 A. Yes.

7 Q. Where did you get that purse from?

8 A. Out her room on her dresser where it was left.

9 Q. So to be clear, after her death, this purse was in
10 her room?

11 A. Yes. Matter of fact, Detective Gurley called me
12 about [REDACTED] s purse, and I told her that her purse was at
13 home.

14 Q. All right. And how did you know that was her purse?

15 A. Cause she never left home without it and it was in
16 her room.

17 Q. All right. Did it have any identification in it?

18 A. Her school IDs in it.

19 Q. Okay. Did it have any other things in it?

20 A. It had her hair clip, her hair bow, her lip liner, a
21 brush and a comb.

22 Q. Did she have any other bags?

23 A. Yes.

24 Q. Okay. But did they each have all these things in
25 there?

SORAYA ALLEN - DIRECT BY MR. BLAKE

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1 A. No. Every time she would change her bag, she would
2 put these items in her bag.

3 Q. And what was her standard bag that she used?

4 A. Black bag.

5 MR. BLAKE: I need to make it for identification.

6 (STATE'S EXHIBIT NO. 60 MARKED FOR IDENTIFICATION.)

7 Q. (BY MR. BLAKE): Mrs. Allen, I need to ask you these
8 questions to clarify it for the record, but like you said you
9 found this in her room?

10 A. Yes.

11 Q. And you're had it in your possession since then?

12 A. Yes, sir.

13 Q. And you brought it here to Court today?

14 A. Yes.

15 MR. BLAKE: Move to enter into evidence State's Exhibit
16 60.

17 THE COURT: Any objections. Hearing none, it's in.

18 (STATE'S EXHIBIT NO. 60 ADMITTED INTO EVIDENCE.)

19 Q. (BY MR. BLAKE): Now, Mrs. Allen, I think you could
20 tell better than anybody, having seen your daughter through
21 the terrible two's and all the way up through the years. Now,
22 I'm talking now when she was 14, 15 years old. Was she
23 throwing temper tantrums?

24 A. No..

25 Q. Did you ever see anything like that?

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. No. Of course, you get mad every now and then, but
2 as far as throwing temper tantrums, no.

3 Q. She reach out and strike you?

4 A. No.

5 Q. Did you ever see her be in a physical fight?

6 A. I have never seen her be in a physical fight, but I
7 heard she was in a fight.

8 Q. So for all you knew, back in December 2000, they
9 were not seeing each other?

10 A. Right.

11 Q. And sounds like you had a pretty close watch on the
12 situation?

13 A. I definitely tried.

14 Q. Thank you.

15 MR. BLAKE: No further questions.

16 THE COURT: Your witness, Mr. Stewart.

17 MR. STEWART: I have no questions.

18 THE COURT: You may step down.

19 MR. BLAKE: Lieutenant Boston.

20 JOHN BOSTON, first being duly
21 sworn, testified as follows:

22 CLERK OF COURT: Come around here and state your full
23 name.

24 DIRECT EXAMINATION BY MR. BLAKE

25 Q. Get your full name out there for the record.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. John Boston.

2 Q. And where do you work?

3 A. The Bennettsville Police Department within the city
4 limits of Bennettsville.

5 Q. And how long have you been doing that?

6 A. Twenty-four years, two months, and seven days.

7 Q. How long do you have until retirement?

8 A. Ten months.

9 Q. Did you visit the scene of this crime?

10 A. Yes, sir.

11 Q. Did you take some photographs of the scene of this
12 crime?

13 A. Not that day, I didn't.

14 Q. No?

15 A. No, sir.

16 Q. Is that -- not that day, but did you take some
17 photographs?

18 A. I took some photographs of the path when they found
19 the eyeglasses.

20 Q. So those photographs over there, you don't know who
21 took it?

22 A. No, sir, I don't remember who took this.

23 Q. All right. We're looking at State's Exhibit 36,
24 which is a picture of a gas can. It's already been admitted
25 into evidence, and find all of this stuff here. Excuse me.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 State's Exhibit 14, have you seen this before?

2 A. Yes, sir.

3 Q. And what is it?

4 A. It's a gasoline can.

5 Q. And where did you find it?

6 A. At [REDACTED].

7 Q. Did you see this gas can when you were at the scene?

8 A. I don't recall. I may have. I don't remember.

9 Q. Handing you up a black tee shirt, State's Exhibit 7.

10 It has some cuttings in it now, but do you remember taking
11 that from the Defendant?

12 A. Yes, sir. This appears to be the tee shirt he was
13 wearing that night.

14 Q. And when did you take that from the Defendant?

15 A. At the Marlboro County Detention Center.

16 Q. Okay. And you passed it along then to?

17 A. Agent Stuckey.

18 Q. For SLED?

19 A. Yes, sir.

20 Q. Man who testified earlier?

21 A. Yes, sir.

22 MR. BLAKE: At this point, the State would move to enter
23 into evidence State's Exhibit 7.

24 THE COURT: Any objection?

25 MR. STEWART: No, sir.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 THE COURT: In without objection.

2 (STATE'S EXHIBIT NO. 7 ADMITTED INTO EVIDENCE.)

3 Q. (BY MR. BLAKE): Would you also gather that up at
4 the same time? That's a bandana. That's State's Exhibit 6.

5 A. Yes, sir.

6 Q. Okay. And where did you get that from?

7 A. Marlboro County Detention Center.

8 Q. Was an individual wearing it?

9 A. Yes, sir.

10 Q. Who was that?

11 A. The Defendant, Mr. Stewart.

12 Q. All right. He have that on his head?

13 A. Yes, sir, around his head.

14 Q. Okay. And once you took it, where did you send it
15 off to?

16 A. I gave it to Agent Stuckey from SLED that night,
17 December the 6th, and he took it to SLED Headquarters.

18 MR. BLAKE: Move to enter State's Exhibit 6 into
19 evidence.

20 THE COURT: Any objection?

21 MR. STEWART: No, sir.

22 THE COURT: In without objection.

23 (STATE'S EXHIBIT NO. 6 ADMITTED INTO EVIDENCE.)

24 Q. (BY MR. BLAKE): Did you talk to the Defendant that
25 day?

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. Yes, sir.

2 Q. All right. Did you take notes while you were
3 talking to that Defendant?

4 A. Yes, sir, I jotted down a few notes.

5 Q. Handing up State's Exhibit 4. Does that appear to
6 be your notes?

7 A. Yes, sir.

8 Q. Okay. Now, when you spoke or before you spoke with
9 Mr. Stewart, did you deal with the Miranda Warnings?

10 A. Yes, sir. Detective Gurley did.

11 Q. Okay. Were you present when that happened?

12 A. Yes, sir.

13 Q. Handing up State's Exhibit 1. Is this your
14 signature?

15 A. Yes, sir, the second signature is mine.

16 Q. And the time is what when that was signed?

17 A. Time is 1450, which is 2:50 p.m.

18 Q. Okay. And then you proceeded with the interview; is
19 that correct?

20 A. Yes, sir.

21 Q. Now, the notes, where and when were they taken?

22 A. I jotted down the notes when we talked to him the
23 first time before he gave his written statement.

24 Q. Okay. So there is a period when you were talking
25 and you were taking down notes?

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. Yes, sir.

2 Q. Okay. And then he wrote his statement?

3 A. Yes, sir.

4 Q. Let's try to talk a little bit about that time
5 period where you were interviewing the subject. Looks like
6 you just really have a one-page -- one page of that. And
7 these are your notes of the Defendant's statement?

8 A. Yes, sir.

9 Q. Okay. Do you remember that conversation?

10 A. Most of it. Some of it.

11 Q. Do you need to look at this to refresh your memory?
12 Okay. Can you basically relay to us what he said prior to the
13 written statement?

14 A. During the interview, the -- Detective Gurley and
15 myself, Mr. Stewart, as we were talking, he stated that he,
16 the Defendant, and a friend of his, Stanton Wright, and
17 Stanton's girlfriend went over to [REDACTED] to the victim's
18 residence and picked her up.

19 This was around 1:00 or 1:30 in the morning, came back to
20 [REDACTED] to, I think, to his house. They got out, walked
21 down the street or somethin' to that effect. And they got
22 into an argument. They were coming through the path ---

23 Q. Who got into an argument?

24 A. Mr. Stewart and the victim, Ms. Allen.

25 Q. About what time was that?

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. Around 4:00 a.m.

2 Q. Did the argument happen, according to Mr. Stewart,
3 in the house or outside?

4 A. According to Mr. Stewart, it was outside.

5 Q. Okay. This is a verbal argument?

6 A. Yes.

7 Q. Okay. Sorry. Go ahead.

8 A. And they got into an argument. They were going
9 through -- coming through the path behind his house on Wells
10 Street, and he stated that she pulled a knife on him.

11 Q. Now, are you clear about that? That's what he said,
12 a knife?

13 A. That's what he said at first, a knife. And he said
14 he grabbed her, and he was holding her behind. She fell and
15 he heard something like a popping sound, maybe like something
16 had broke. He fell on top of her, and he tried to pick her
17 up, but she was like limp. She wasn't moving. She wasn't
18 responding.

19 Q. Okay. What happened to this knife when she fell?

20 A. We didn't see a knife. We never found a knife.

21 Q. All right. And did he say anything about her being
22 harmed by the knife or did he give you any alternative
23 explanations?

24 A. No. He mentioned something about she had got mad
25 about another female.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 Q. Okay. About how long did this conversation go on
2 where you were taking notes?

3 A. The interview lasted probably a couple of hours or
4 so.

5 Q. And then what else did he say about later on?

6 A. Well, he said around, about 11:30 that morning, he
7 went back out to the path, and she was still there. And he
8 didn't know what to do, so he went back to his house. There
9 was a gas can, I believe, on the front porch. There was a
10 little bit of gasoline in it. He took the gas can and walked
11 down to the BP Station on [REDACTED]

12 Q. Give me one second. State's Exhibit 20. Can you
13 show the jury essentially where he walked?

14 THE COURT: You're going to have to take it over there
15 because you're blocking the view.

16 Q. (BY MR. BLAKE): Let's bring it over here. I'm
17 going to give you a chance to look at it right quick.

18 (WITNESSES STEPS DOWN FROM WITNESS STAND.)

19 THE COURT: You've got to speak up.

20 A. This is [REDACTED] coming across here, which
21 was BP Gas Station, now, Phillip 66 Station. And he was
22 walking from this direction. He walked from this side right
23 here.

24 Q. Lieutenant, I've got a yellow marker here. I'm
25 going to let you mark that route.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 A. This is his residence here on [REDACTED] and
2 [REDACTED]. The gas station is right here on the
3 corner of [REDACTED]

4 (WITNESS RETURNS TO WITNESS STAND.)

5 Q. Did he walk by the police department?

6 A. Yes, sir. According to what he told us, he walked
7 past the police station on [REDACTED].

8 Q. Thank you. State's Exhibits 23, 24 and 25 are
9 enlargements, merely enlargements of the original documents.
10 Handing up State's Exhibit 23. You certainly can compare it
11 to State's Exhibit 1 to see if it's an accurate
12 representation.

13 A. Yes, it is the same.

14 Q. Okay. And you were present when these Miranda
15 Warnings were given?

16 A. Yes, sir.

17 Q. Okay. Was any coercion, force, or threats used to
18 get Mr. Stewart to talk?

19 A. No, sir.

20 Q. Not at all?

21 A. No, sir.

22 Q. Two officers and the Defendant were in a room?

23 A. Yes, sir, my office.

24 Q. Okay. And about how big is your office?

25 A. I'd say about 12x15.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 Q. Okay. Have any windows in it?

2 A. No, sir.

3 Q. All right. But your gun was holstered? You had
4 your gun?

5 A. Yes, sir.

6 Q. You have them out?

7 A. No, sir.

8 Q. Didn't have them pointed at his head?

9 A. No, sir.

10 Q. Didn't tell him, "Talk and we'll give you a deal?"

11 A. No, sir.

12 Q. He wanted to talk to you?

13 A. Yes, sir.

14 MR. BLAKE: State would move to enter into evidence

15 State's Exhibit 23.

16 THE COURT: Any objection?

17 MR. STEWART: Sir, I don't see the relevance for that.

18 Lieutenant Boston has already testified to what's on the
19 document, and I think that his testimony is enough.

20 THE COURT: Twenty-three is the?

21 MR. BLAKE: Twenty-three is the Miranda Warnings.

22 THE COURT: The Miranda Warnings. I'll overrule the
23 objection. Sorry. I thought we were talking about something
24 else.

25 (STATE'S EXHIBIT NO. 23 ADMITTED INTO EVIDENCE.)

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 Q. (BY MR. BLAKE): All right. But you primarily
2 conducted that interview; is that right?

3 A. No, sir. Detective Gurley, she was the primary
4 investigator on that particular case.

5 Q. Yes, but were you asking any questions?

6 A. Yes, I did ask some of the questions.

7 Q. Okay. And you were there when he wrote this?

8 A. Yes, sir.

9 Q. All right. I'm going to hand up State's Exhibit 2.
10 Let me know if that appears to you to be the statement that
11 we're talking about.

12 A. Yes, sir. Yes, sir, this is the Defendant's
13 statement.

14 Q. Okay. Now, I'm handing you up State's Exhibit 24
15 and 25. Could you please make sure that's a true and accurate
16 representation of the original.

17 A. Yes, sir.

18 Q. That is?

19 A. Yes, sir.

20 Q. If you could look at the larger exhibit for me and
21 read, starting here with the word "when."

22 MR. STEWART: Your Honor, sir, I object to his publishing
23 that before the jury and it has not been put into evidence.

24 MR. BLAKE: State moves to enter into evidence State's
25 Exhibits 24 and 25.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 THE COURT: What say the Defense?

2 MR. STEWART: Your Honor, I object. I think that
3 Lieutenant Boston can testify from the document. I don't
4 think ---

5 THE COURT: I'll have to overrule on that.

6 (STATE'S EXHIBIT NOS. 24 AND 25 ADMITTED INTO EVIDENCE.)

7 MR. BLAKE: Cause this is an exception to the general
8 rule because it's a statement by the Defendant.

9 (WITNESS STEPS DOWN FROM WITNESS STAND.)

10 Q. (BY MR. BLAKE): Okay. Now, first of all, this
11 written statement was given how long after the notes that you
12 took?

13 A. Shortly after.

14 Q. Mean, same room, same day?

15 A. Same room. Same day.

16 Q. Wasn't an hour's difference?

17 A. No, sir. Wasn't an hour's difference.

18 Q. Okay. So go ahead and read that for us.

19 A. "When we got to the path, [REDACTED] pulled out a
20 razorblade and came at me with it. I dodged it twice, and
21 then grabbed her and proceeded to go through the path. I had
22 one of my arms wrapped around her to hold the blade still and
23 the other arm around her upper shoulder.

24 "As I walked through the path with her, I tripped and she
25 fell on top of her -- I fell on top of her. I'm sorry. She

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 fell on her face."

2 Q. Fell on her face. Is that what it says?

3 A. Yes, sir.

4 Q. Says it was a razorblade?

5 A. That's what he said in his statement.

6 Q. What did he say in the notes he gave you just
7 minutes before?

8 A. He said a knife when I talked to him the first time.

9 Q. Did you find knife or a razorblade at the scene?

10 A. No, sir.

11 Q. Okay. So he didn't talk about being cut or bruised
12 in there?

13 A. No, sir.

14 Q. Please have a seat.

15 (WITNESS RETURNS TO WITNESS STAND.)

16 Q. (BY MR. BLAKE): That is the question I have. You
17 interviewed Mr. Stewart, and I assumed, you looked at him when
18 you were interviewing him?

19 A. Yes, sir.

20 Q. Did you see any bruises or cuts?

21 A. I believe he had a scratch mark on one side of his
22 face. I don't recall what side it was.

23 Q. Scratch mark on one side. And did you see any
24 bloody marks on his tee shirt?

25 A. It was some stains on the tee shirt.

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 Q. Okay. Did he complain about having been injured or
2 hurt in any way?

3 A. Not that I recall.

4 Q. Okay. And you were talking to him right after the
5 call came out from the 911. How did he appear to you? Did he
6 -- what was his state when he was talking to you?

7 A. He appeared to be pretty calm.

8 Q. Calm. Dazed?

9 A. No, sir.

10 Q. All right. Continue on reading here if you would.

11 (WITNESS STEPS DOWN FROM WITNESS STAND.)

12 A. "When I went to pull her back up, she was limp. I
13 layed her back on the ground and tried to revive her, but she
14 would not respond."

15 Q. And just keep going.

16 A. "I then left and went in the house to get a
17 flashlight for me and my friend, Bo. I assumed [REDACTED] was
18 dead by now because when I had checked her heartbeat and pulse
19 before I left from where she was lying."

20 Q. All right. Thank you. You can stay right there.
21 We can move onto State's Exhibit 25.

22 A. "Whe [REDACTED] fell, I heard a sound that was like
23 her neck had popped. I didn't really know what -- don't
24 really know how she died, but I know when she was in my arms
25 she was moving, but when I -- when we fell and I tried to pick

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 her up -- pick her back up she wasn't. I smoked two blunts
2 and drank an Icehouse and a Natural Light prior to going to
3 her house."

4 Q. Let's go back to State's Exhibit 24 again. Same
5 statement.

6 A. "As I was walking through the path with her -- as I
7 walked through the path with her, I tripped and fell on top of
8 her. She fell on her face. When I went to pull her up --
9 pull her back up, she was limp. I layed her back down on the
10 ground and tried to revive her."

11 MR. STEWART: Your Honor, objection, sir. This is
12 repetitious. He's already read this once before.

13 MR. BLAKE: "The reason it's repetitious is because it's
14 contradictory. That's the reason I'm doing it.

15 THE COURT: Go ahead.

16 A. "But she would not respond."

17 Q. Okay. "She fell on her face and when I went to pull
18 her back up, she was limp," is that correct?

19 A. Yes, sir.

20 Q. Read this sentence here.

21 A. "I don't really know how she died, but I know when
22 she was in my arms, she was moving but when she fell and I
23 tried to pick her up, she wasn't."

24 Q. Thank you. Lieutenant Boston, you can sit down.

25 (WITNESS RETURNS TO WITNESS STAND.)

JOHN BOSTON - DIRECT BY MR. BLAKE

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1 MR. BLAKE: Your Honor, I'd like to pass State's Exhibit
2 4 up or at least the part that we're discussing cause it
3 really is -- it's not him. It's as if written by him.

4 THE COURT: Give me just a second, please. I follow what
5 you're saying. It's admissible.

6 MR. BLAKE: I'll show it to the Defendant.

7 MR. BLAKE: State moves to enter into evidence State's
8 Exhibit 4.

9 THE COURT: Any objection?

10 MR. STEWART: He's already testified from it.

11 MR. BLAKE: He's told his version. He's told us what he
12 remembers. Now I'm simply asking him to read from one
13 paragraph the document, which is now in evidence, which is
14 contradictory. The purpose for all of this is that within a
15 half an hour, we're getting different stories.

16 THE COURT: I first had an impression that was his notes.
17 The State maintains that is a statement.

18 MR. BLAKE: It is his notes, but it's written in -- it's
19 saying, "As we, I went back to." It's really -- he's writing
20 down what the Defendant is saying. So it's the Defendant's
21 statement.

22 THE COURT: It's admissible. I'll allow it in, but note
23 our objection.

24 (STATE'S EXHIBIT NO. 4 ADMITTED INTO EVIDENCE.)

25 Q. (BY MR. BLAKE): Please read the middle paragraph.

JOHN BOSTON - CROSS BY MR. STEWART

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1 A. "As we were coming through the path fro [REDACTED]
2 Street to my backyard, [REDACTED] pulled out a knife. We started
3 struggling. I was holding her from behind. Then she fell. I
4 fell on top of her. I heard something -- some kind of sound."

5 Q. Thank you. So there was a razor or knife?

6 A. Yes. That's what he told us originally.

7 MR. BLAKE: One moment, please. No further questions.

8 THE COURT: Your witness.

9 CROSS-EXAMINATION BY MR. STEWART

10 Q. Lieutenant Boston, you did do an investigation of
11 this case; is that correct?

12 A. I assisted Detective Gurley, yes, sir.

13 Q. You assisted. And you were present while I was
14 being interrogated?

15 A. Interviewed, yes, sir.

16 Q. And you say I wrote that statement; is that correct?

17 A. Yes, sir.

18 Q. Tell me the procedure for writing a statement.

19 A. What the procedure is for writing a statement?

20 Q. Yes, sir.

21 A. We interview a person. We give them Miranda Rights
22 first. After we give them the Miranda Rights, we ask them do
23 they want to give a statement. If they don't want to give a
24 statement, they don't. If they do, they do.

25 Q. What does a person usually do before they begin

JOHN BOSTON - CROSS BY MR. STEWART

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1 their statement -- before they begin writing their statement
2 as far as the statement itself?

3 A. Well, we usually ask questions before they write the
4 statement to just tell us about the event, what occurred. And
5 then we ask them do they want to give a written statement. If
6 they agree, they do. If they don't, they don't.

7 Q. Doesn't a person usually put their initials at the
8 beginning of a statement?

9 A. No, sir. After the statement is completed, but not
10 during the time they are writing it.

11 Q. They do not put their initials at the beginning of
12 the statement when they start writing?

13 A. No, sir.

14 Q. Will you please look at State's Exhibit 24 and tell
15 me what that is in the left-hand corner at the beginning of
16 that line.

17 (WITNESS STEPS DOWN FROM WITNESS STAND.)

18 A. This here?

19 Q. Yes, sir.

20 A. Looks like W.S.

21 Q. W.S.?

22 A. Yes, sir.

23 (WITNESS RETURNS TO WITNESS STAND.)

24 Q. Isn't my name Weldon W. Stewart, Jr.?

25 A. To my knowledge, yes, sir.

JOHN BOSTON - CROSS BY MR. STEWART

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1 Q. Therefore, wouldn't W.S. be my initials?

2 A. Yes, it would.

3 Q. They are at the beginning of that statement; is that
4 correct?

5 A. That's correct. But you put those there after the
6 statement was written. We don't initial anything until the
7 statement is completed and it's signed.

8 Q. So when you complete your statement, you put your
9 initials at the end of the statement also?

10 A. At the beginning and the end and anything that might
11 have been crossed out or scratched out.

12 Q. So your initials at the end of the line indicates
13 that you are finished with your statement?

14 A. No, sir. That indicates that that is your
15 statement.

16 Q. Okay. And you put it at the beginning and the end?

17 A. Yes, sir.

18 Q. And on the first page of this statement -- please
19 step back over, sir.

20 (WITNESS STEPS DOWN FROM WITNESS STAND.)

21 Q. Will you please identify what that is at the bottom
22 of Court's Exhibit 24.

23 A. W.S.

24 (WITNESS RETURNS TO WITNESS STAND.)

25 Q. Those are my initials, aren't they?

JOHN BOSTON - CROSS BY MR. STEWART

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1 A. Yes, sir.

2 Q. Isn't it true that I indicated to you and the
3 members of the Bennettsville Police Department that I did not
4 want to write a statement and did not want to talk?

5 A. No, sir. You indicated that we could have the
6 statement today.

7 Q. Isn't it true that you told me I had to write a
8 statement?

9 A. No, sir, I did not.

10 Q. You deny that?

11 A. No, sir, I did not tell you you had to write a
12 statement.

13 Q. Isn't it true that when I was coerced into writing a
14 statement, this first page, isn't it true that I said I was
15 finished with my statement, indicated by my initials in the
16 bottom corner?

17 A. No, sir.

18 Q. State's Exhibit 24?

19 A. No, sir.

20 Q. Why are those initials there?

21 A. Cause that's the end of that page.

22 Q. Isn't it true that you told me word for word almost
23 what to include on this page here?

24 A. No, sir, I did not.

25 Q. State's Exhibit 25?

JOHN BOSTON - CROSS BY MR. STEWART

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1 A. No, sir, those were your words.

2 Q. Those are my words?

3 A. Yes, sir.

4 Q. Lieutenant Boston, you said you observed a scratch
5 on my face; is that correct?

6 A. Yes, sir, I recall it on your neck.

7 Q. Did you -- excuse me.

8 A. I don't recall which side, left or right side, but
9 there was a scratch on one side of your neck.

10 Q. Did you conduct a thorough investigation of this
11 case, you and Detective Gurley?

12 A. To my knowledge, I think we conducted a thorough
13 investigation.

14 Q. You've been a police officer for 24 years; is that
15 correct?

16 A. Twenty-four plus.

17 Q. When someone indicates that there may have been a
18 struggle, and you suspect possible homicide and you see a
19 scratch or a bruise on the suspect, isn't it police procedure
20 to take pictures of the injury?

21 A. There was no injury. It was just a small scratch.

22 Q. It was something that you observed that could not
23 possibly be significant; is that correct?

24 A. I wouldn't say that.

25 Q. In other words, you were saying you did not have any

JOHN BOSTON - CROSS BY MR. STEWART

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1 pictures of this scratch you talk about?

2 A. No, I don't.

3 Q. That's convenient.

4 A. Say that again.

5 Q. That's convenient.

6 THE COURT: Is that a question.

7 Q. (BY MR. STEWART): You say you saw me with the scarf
8 on my head?

9 A. Yeah, you had it around your head at one time.

10 Q. This scarf?

11 A. That bandana.

12 Q. Take any pictures?

13 A. No, I didn't.

14 Q. Say I made contradictory statements while you were
15 interviewing me. The first statement I allegedly made, why
16 didn't you have me to write that statement down if I made it?

17 A. Cause, like I said, it was procedure that we
18 interview a person. We talk to them first about the incident,
19 and after we finish that conversation, we then ask them if
20 they want to give a written statement. And if they so desire
21 to give a written statement, they do. If they don't, they
22 don't.

23 Q. Stanton Wright. Did you interview him also?

24 A. Yes, sir.

25 Q. Didn't you have him to write two statements?

JOHN BOSTON - CROSS BY MR. STEWART

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1 A. He wrote two.

2 Q. Two contradictory statements?

3 A. They may have been contradictory.

4 Q. But you did have him to write both of his alleged
5 statements; is that correct?

6 A. We didn't have him write them. He wrote them
7 voluntarily.

8 Q. Everything is voluntary; is that correct?

9 A. Yes, sir.

10 Q. Did I at any time request a lawyer -- attorney to be
11 present during your interview with me?

12 A. No, sir, you didn't.

13 Q. And you did take these notes during the interview
14 with me, State's Exhibit -- what number is these notes?

15 MR. BLAKE: I'm sorry.

16 MR. STEWART: What number is this on this exhibit?

17 MR. BLAKE: For the record, originally State's Exhibit 4
18 had several pages to it, and because they did not relate to
19 Mr. Stewart's statement, we removed those last three pages.
20 So at this point, State's Exhibit 4 is one page of Mr.
21 Stewart's statement that Mr. Boston took.

22 THE COURT: All right.

23 Q. (BY MR. STEWART): You did take these notes, State's
24 Exhibit 4?

25 A. Yes, sir, I did.

JOHN BOSTON - CROSS BY MR. STEWART

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1 Q. While you were interviewing me?

2 A. Yes, sir, while doing the first conversation, yes,
3 sir.

4 Q. How big did you say the room was that we were in?

5 A. Probably 12x15.

6 Q. Could you point to something in here to show about
7 the length and width of the room, from where to where -- from
8 where to where in here?

9 A. About, maybe from the witness steps down from this
10 wall to that back wall, to about here.

11 Q. Thank you. Was there a table in that room?

12 A. Yes, sir.

13 Q. Were you ---

14 A. One table.

15 Q. --- sitting at the table?

16 A. Yes, sir.

17 Q. Were you writing your notes on the table?

18 A. Yes, sir.

19 Q. Detective Gurley, was she present?

20 A. Yes, sir.

21 Q. The entire time?

22 A. Say that?

23 Q. The entire time you were interviewing me?

24 A. To my knowledge.

25 Q. Was she present while you were writing your notes?

JOHN BOSTON - CROSS BY MR. STEWART

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1 A. To my knowledge.

2 Q. And you didn't have your notes up under the table
3 writing, did you?

4 A. No, sir.

5 Q. Right there on the top?

6 A. Right on the top of the table.

7 Q. You weren't behind the partition or anything, were
8 you?

9 A. No, sir.

10 Q. Right there in the open?

11 A. Yes, sir.

12 Q. Directing your attention to December 10, 2000, on or
13 about that date, isn't it true that my mother, Mrs. Virginia
14 S. Stewart, called you in reference to a jacket being removed
15 from my room at the residence located at [REDACTED]

16 A. She did.

17 Q. What did she tell you about the disappearance of
18 that jacket? Do you recall?

19 A. To my knowledge, she said the jacket was missing
20 from the room.

21 Q. And this was on or about December 10th 2000?

22 A. Probably. It was a few days after the incident.
23 Yes, it was on or about December 10th 2000.

24 Q. On December the 6th 2000, were you present when the
25 residence located at [REDACTED] that being my parents'

JOHN BOSTON - CROSS BY MR. STEWART

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1 residence, were you present when that residence was being
2 searched?

3 A. No, sir, I wasn't.

4 Q. Did you at any time on that day after interviewing
5 me bring me back to the scene?

6 A. No, sir, I did not. Another officer may have, but I
7 didn't.

8 Q. Did you at any time take me in the house after
9 interviewing me?

10 A. Not that I can recall.

11 Q. Where were -- excuse me. I'm getting ahead of
12 myself. You said that you did find some glasses; is that
13 correct?

14 A. We did.

15 Q. "We?" Who is we?

16 A. Detective Gurley and myself.

17 Q. State's Exhibit 18. Those the glasses you found?

18 A. Those appear to be the glasses we found.

19 Q. Where did you find these glasses.

20 A. In the path behind your house.

21 Q. In the path behind my house. Is that what you said?

22 A. Yes, sir. Between your house and [REDACTED]
23 Street.

24 Q. I did make -- while you were interviewing me, I did
25 make statements about walking with my girlfriend through a

JOHN BOSTON - CROSS BY MR. STEWART

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1 path; is that correct?

2 A. You did.

3 Q. I did make statements about having her in my arms
4 and us tripping and falling on the ground in this path?

5 A. Yes, sir, you did.

6 Q. You have heard testimony that -- well, excuse me.

7 Where do people usually wear glasses?

8 A. On their eyes. On their face.

9 Q. On their face?

10 A. Yes, sir.

11 Q. Face is a part of the head; is that correct?

12 A. Yes, sir.

13 Q. You found these glasses, State's Exhibit 18, has
14 been identified as my girlfriend's glasses?

15 A. Yes, sir.

16 Q. You found these glasses on the ground in that path;
17 isn't that correct?

18 A. Yes, sir, that's correct.

19 Q. On the ground in the same path I made statements
20 about tripping and falling with my girlfriend; is that
21 correct?

22 A. Yes, sir.

23 Q. That's where you found those glasses?

24 A. Yes, sir.

25 MR. STEWART: No further questions.

JOHN BOSTON - REDIRECT BY MR. BLAKE

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1 REDIRECT BY MR. BLAKE

2 Q. And when did you find those glasses?

3 A. I believe about two days later. It might have been
4 on December 8th.

5 Q. And why was it that you were even led to look for
6 those glasses?

7 A. Mrs. Stewart had either came by the police
8 department or called Detective Gurley and complained about a
9 cat that kept hanging around their residence on back on that
10 path. And if I recall, I think she said she -- they went out
11 there and they saw the glasses.

12 And myself and Detective Gurley went over there that
13 morning to see about the glasses, and that's when we found the
14 glasses laying in the same path.

15 Q. Okay. That path?

16 A. Yes, sir.

17 Q. Arrived on the scene somewhere around 1:00 in the
18 afternoon, everybody that day on December 6th?

19 A. Day of the incident?

20 Q. Yeah.

21 A. Well, I think we may have got there somewhere
22 between 1:00 and 1:30.

23 Q. Between 1:00 and 1:30?

24 A. Yes, sir.

25 Q. And how many officers did you have out there?

JOHN BOSTON - REDIRECT BY MR. BLAKE

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1 A. I'd say at least six to eight officers was there.

2 Q. Okey-dokey. And they were looking around?

3 A. Yes, sir.

4 Q. And you knew or you were told by Mr. Stewart where
5 the scene was, where it happened?

6 A. Yes, sir.

7 Q. You have any officers looking out there at that
8 path?

9 A. To my knowledge, later on that evening, I think SLED
10 agents also went back to check that path again.

11 Q. I understand that, and they took a lot of pictures?

12 A. Yes, sir.

13 Q. Did the police department take pictures that day?

14 A. We may have took a few.

15 Q. Okay. That was the scene of the crime. Was anybody
16 from your department out there investigating it that day?

17 A. Yes, sir.

18 Q. More than one?

19 A. Yes, sir.

20 Q. It was daylight?

21 A. Yes, sir.

22 Q. Y'all could see?

23 A. Yes, sir.

24 Q. But you didn't see any glasses?

25 A. No, sir.

JOHN BOSTON - RECROSS BY MR. STEWART

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1 Q. They popped up two days later?

2 A. Apparently.

3 Q. When Mrs. Stewart called you?

4 A. Yes, sir.

5 MR. BLAKE: No further questions.

6 RECROSS-EXAMINATION BY MR. STEWART

7 Q. Isn't it true that there are a lot of leaves in this
8 path?

9 A. Yes, sir, there was some leaves, Yes, sir.

10 Q. All on the ground?

11 A. Yes, sir.

12 Q. Isn't it true these glasses were found lying under a
13 log?

14 A. No, sir.

15 Q. When officers were searching the path, did they take
16 and move all the leaves around in the path before they took
17 their pictures?

18 A. I couldn't answer that, sir. I wasn't there. I
19 wasn't there that day, so I can't answer that.

20 Q. Did they bend down and feel all over the ground?

21 A. I can't answer that. I wasn't there. I can't
22 answer that.

23 Q. So some glasses were -- it's about eight, nine hours
24 between the time the incident occurred and the time police
25 officers arrived on the scene; is that correct?

BELL SOUTH PHONE RECORDS

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1 A. Correct.

2 Q. 4:00, 4:30 a.m., 1:00, 1:30 p.m.?

3 A. Correct.

4 Q. Leaves could have been moved around; is that
5 correct?

6 A. Again, Mr. Stewart, I wasn't there. I wasn't there
7 at that time.

8 Q. At the time officers searched the path, if they
9 didn't move leaves around and feel on the ground with their
10 hands -- these glasses are pretty small. They could have
11 overlooked them, couldn't they?

12 A. I don't think so.

13 MR. STEWART: No further questions.

14 MR. BLAKE: No further questions from the State, Your
15 Honor.

16 THE COURT: You may step down.

17 MR. BLAKE: State calls John Valdaliso.

18 THE COURT: Hold up just a second. Need to take a ten
19 minute break. The jury needs a recess.

20 (JURY EXCUSED TO JURY ROOM AT 3:48 P.M.)

21 (COURT IN RECESS AT 3:48 P.M. AND RECONVENES AT 4:02 P.M.)

22 BELL SOUTH PHONE RECORDS

23 MR. BLAKE: Judge, before the jury comes back in, I need
24 to inform the Court about the status of the phone records from
25 Bell South. We put a considerable amount of effort in with

BELL SOUTH PHONE RECORDS

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1 subpoenas and follow-up, and as you know, Bell South is a
2 large organization.

3 They have policies where they delete out things in their
4 files on a periodic basis. But Ms. Gurley has that
5 information and can tell the Court -- really I think the gist
6 of it is that asking for records at this late date means that
7 we only got long distance records -- long-distance calls from
8 these numbers that we submitted.

9 That's not what people were looking for, but Ms. Gurley
10 can speak to that directly. She spoke to a person at Bell
11 South.

12 MS. GURLEY: Your Honor, if I may please the Court. I
13 spoke with someone at Bell South this morning as I was trying
14 to get them to rush these records to me. They had mailed them
15 out Sunday, but we hadn't received it yet. So I needed them
16 to fax them to me as soon as possible, and they did today.

17 They stated to me that local calls are kept in the log
18 for 60 days in their system, the ones that appear on your
19 phone bill. Area Plus calls are kept in their system for six
20 months, therefore, all the phone calls on here that I would
21 have received would only be long-distance calls.

22 So their Area Plus is between [REDACTED] [REDACTED]
23 and any of these residences, they're wiped out the system by
24 now.

25 MR. BLAKE: The State has provided the copies of the

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 records that we received, but we wanted to make it clear on
2 the record that they're pretty much are not the phone records
3 that everybody is looking for.

4 THE COURT: Well I want to thank everybody for their
5 efforts on that. I appreciate your exhausting every effort to
6 get that going. Anything else?

7 MR. BLAKE: No, Your Honor.

8 (JURY ENTERS COURTROOM AT 4:03 P.M.)

9 THE COURT: Okay.

10 MR. BLAKE: State calls John Valdaliso.

11 JOHN VALDALISO, first being duly
12 sworn, testified as follows:

13 CLERK OF COURT: Come around here and state your full
14 name.

15 A. John Valdaliso.

16 DIRECT EXAMINATION BY MR. BLAKE

17 Q. And spelling it.

18 A. V-A-L-D-A-L-I-S-O.

19 Q. Thank you. And where do you work?

20 A. At the Bennettsville Police Department.

21 Q. Where were you working back on December 6, 2000?

22 A. The Bennettsville Police Department.

23 Q. Did you respond to a call at [REDACTED]

24 A. Yes, sir.

25 Q. Do you remember about what time that was?

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 A. It was in the afternoon sometime after lunch or
2 sometime after 1:00.

3 Q. Okay. And when you did that, who did you see there
4 when you got to the scene?

5 A. Officer Worsley and Officer Crossland.

6 Q. Anybody else?

7 A. At -- not at first. I spoke to them first.

8 Q. All right. And upon arriving at the scene, what did
9 you do?

10 A. Officer Worsley asked me to step into the backyard
11 of the residence where there was a crime scene. After that, I
12 instructed Officer Crossland to stay in the backyard and make
13 sure that nobody came from the adjoining street on the other
14 side.

15 I walked back to the front with Officer Worsley. Officer
16 Worsley had said he had the subject that called in the back of
17 his vehicle. I told Officer Worsley to write down the names
18 of everybody that had -- like, see who came into the crime
19 scene, write their name down and what not.

20 And as I walked over towards his vehicle then to look in
21 the back of the patrol car to see who he was talking about
22 cause he had said the person's name, but I didn't know them.
23 And I was looking in the back of the patrol car.

24 Q. Did the Defendant speak to you?

25 A. Yes, sir. He said he wanted -- I looked in the back

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 of the patrol car, and he said that he wanted to tell me what
2 had happened. And I told him that he needed to wait until
3 Lieutenant Boston arrived and he needed to wait until he went
4 to the police department.

5 He kept telling me he wanted to tell me what happened,
6 and at that time I told him, I said, "Just wait one second."
7 I took a Miranda card that I keep -- I usually keep in my
8 wallet or had in my wallet at that time and read the Miranda
9 Warnings to him.

10 Q. And did he want to get an attorney or remain silent,
11 talk to you?

12 A. He wanted to talk to me at this time.

13 Q. He was eager to talk?

14 A. Yes, sir.

15 Q. Do you -- I'm handing up State's Exhibit 5 in case
16 you need to refresh your memory, but that's your notes of that
17 encounter. Were you inside or outside of the squad car?

18 A. I was sitting in the front driver's seat speaking to
19 the subject.

20 Q. Okay. And without reading that, I want you just to
21 tell us in your own words what you remember about what was
22 said.

23 A. Mr. Stewart stated that he had had an argument with
24 the deceased in the backyard; that they had been walking
25 through a path in the backyard and that she had fallen and

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 making funny sounds.

2 He didn't know what to do. He had gone back to his
3 house, and he had gone back out there. She was no longer
4 breathing, and he had panicked and was trying to dispose of
5 the body.

6 Q. So making sure, now, you just go ahead and read your
7 notes just to make sure you have everything. By the way, when
8 were these notes taken?

9 A. After Lieutenant Boston arrived. Maybe 20 to 30
10 minutes after speaking with him. I immediately went to the
11 police department and wrote them out -- or typed them on the
12 computer is what I had done, printed them out, and signed them
13 and gave them to Lieutenant Boston.

14 Q. Is there anything else you want to add after looking
15 at that?

16 A. No, sir.

17 Q. Okay. So in essence, the Defendant said that there
18 was an argument; that she had fallen or that they had fallen?

19 A. That she had fallen. That she had fallen.

20 Q. Any mention of a knife or a box cutter?

21 A. No, sir.

22 Q. All right. And these funny sounds, what do you
23 mean?

24 A. He just stated funny sounds. I took it to be like
25 maybe difficulty breathing or something like that is what I

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 took it as.

2 Q. When she was on the ground, she was alive?

3 A. By the way he said it ---

4 MR. STEWART: Objection, Your Honor. He's speculating.

5 The question calls for speculation.

6 THE COURT: I agree. Sustained.

7 Q. (BY MR. BLAKE): She was on the ground and making
8 funny sounds?

9 A. That's what he stated to me.

10 Q. Okay. And he left?

11 A. Yes, sir.

12 Q. And when he came back, she was no longer breathing?

13 A. Yes, sir.

14 Q. That's what he said to you?

15 A. Yes, sir.

16 Q. No mention of a knife or a box cutter?

17 A. No, sir.

18 Q. Didn't say he was holding her?

19 A. No, sir, not to my recollection. What I wrote down
20 is what he told me that day.

21 Q. And you were really the first police officer that he
22 spoke to, weren't you, in terms of telling us what happened?

23 A. Yes, sir, as far as I know.

24 Q. So the -- I think the call came out about 1:15,
25 something like that?

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 A. Yes.

2 Q. Any idea when you arrived?

3 A. It was shortly after that. Maybe -- no more than
4 five minutes after that.

5 Q. And after you arrived, how long was it before you
6 took this statement from the Defendant?

7 A. I had been there, maybe, at this time ten minutes.

8 Q. All right. How long did this go on for, your
9 conversation with him?

10 A. It was just a short conversation. Maybe, five --
11 five to ten minutes.

12 Q. All right. And shortly after that, you went to the
13 police station and wrote it down?

14 A. Yes, sir.

15 Q. Okay. Had you seen the Defendant earlier that day?

16 A. Yes, sir.

17 Q. Where did you see him?

18 A. As I was leaving the police department around
19 noontime to go home for lunch, I remember seeing the Defendant
20 walking past the police department carrying a gas can.

21 Q. Okay. What did you think?

22 A. At the time, I was -- it struck me as odd because it
23 was wintertime, and I was thinking, well, nobody would be
24 cutting grass around now. At that time, I thought, well,
25 maybe, he was getting kerosene for a kerosene heater because

JOHN VALDALISO - DIRECT BY MR. BLAKE

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1 it was wintertime or around winter.

2 Q. And where was he? Was he on the same side as the
3 police station?

4 A. That I don't recall.

5 Q. Okay. Was he headed towards the gas station or back
6 towards Wells Street?

7 A. That I don't recall either.

8 Q. But you did see him with a gas can?

9 A. Yes, sir.

10 Q. Now, when you wrote this statement down, State's
11 Exhibit 5, had you had an opportunity to talk to Lieutenant
12 Boston about what Mr. Stewart said?

13 A. I don't recall if I talked to Lieutenant Boston at
14 that time. I think I had talked to Lieutenant Boston prior to
15 that when he arrived.

16 Q. Talked to him. Was this after or before he had
17 interviewed the Defendant?

18 A. That was prior to him interviewing the Defendant.

19 Q. Looking at State's Exhibit 23. What is the time
20 there signed for the Miranda Warnings?

21 A. 1450.

22 Q. Which is?

23 A. 2:50 in the afternoon.

24 Q. Was that before or after you spoke to the -- before
25 or after you had taken your notes?

JOHN VALDALISO - CROSS BY MR. STEWART

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1 A. That was taken after I had written my notes.

2 Q. So this was done completely independent of this
3 other statement?

4 A. Yes, sir.

5 Q. You weren't involved in taking this statement?

6 A. No, sir.

7 Q. And you memorialized that conversation very shortly
8 after talking to Mr. Stewart?

9 A. Yes, sir.

10 Q. And he wanted to speak to you?

11 A. Yes, sir.

12 MR. BLAKE: No further questions.

13 CROSS-EXAMINATION BY MR. STEWART

14 Q. Mr. Valdaliso ---

15 A. Yes, sir.

16 Q. --- Investigator Valdaliso, during direct
17 examination, you stated that I told you when I went back to
18 the path my girlfriend was -- please don't refer to your
19 notes. During direct examination, you told me -- you stated
20 to the Solicitor that I told you when I went back to the path,
21 my girlfriend was no longer breathing; is that correct?

22 A. Yes, sir.

23 Q. That's what you just said in direct examination?

24 A. Off of memory, yes, sir.

25 Q. Please refer to -- let me see the exhibit number.

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1 Please refer to Exhibit Number 5. Read that I told you, "When
2 I went back to the path, my girlfriend was no longer
3 breathing." Read that from those notes that you took five --
4 however many minutes you said after.

5 A. In the notes, I don't have that. That's why I write
6 notes.

7 Q. And the notes, you don't have that? So you don't --
8 you didn't recall me saying that five minutes -- how many
9 minutes did you say you wrote those notes after you talked to
10 me?

11 A. He asked me the question. I went off of memory, and
12 after reading my notes, I know what I wrote.

13 Q. So I didn't tell you that?

14 A. Obviously not.

15 Q. But you said I did?

16 A. Off of memory, I thought you had until I read the
17 notes.

18 Q. Now, you said you remember seeing me walking with a
19 gas can; is that correct?

20 A. Yes, sir.

21 Q. Where is the report you did? Where is your report?

22 A. I didn't write a report on that.

23 Q. You didn't feel the need to write the report after
24 coming to the scene and seeing what you saw, talking to me in
25 the backseat of the car? You didn't feel that it was

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1 significant?

2 A. The first officers on the scene wrote the report. I
3 just wrote down what you told me in the back of the car.

4 Q. None of the officers on the scene claim to have seen
5 me earlier with a gas can; is that correct?

6 A. I don't know what the other officers seen. I wasn't
7 with them.

8 Q. But you did not feel the need to write a report
9 saying that you saw me walking with this gas can or a gas can
10 that looked similar to this, is that correct?

11 A. I didn't write it in the report. I didn't write a
12 report. All I wrote was what you told me at the time when I
13 was speaking to you in the back seat.

14 Q. But all of a sudden, you felt the need to come in
15 here today and say you saw me; is that correct?

16 MR. STEWART: No further questions.

17 A. I'm just telling him what I seen.

18 REDIRECT EXAMINATION BY MR. BLAKE

19 Q. On State's Exhibit No. 5, in response to earlier
20 questions by the Defendant, would you please read the sentence
21 above what Mr. Stewart was having you read?

22 A. "Subject stated that the night before he and his
23 girlfriend got into a verbal altercation while walking through
24 the road behind the residence. His girlfriend had fallen and
25 hit her head and was making strange sounds."

JOHN VALDALISO - RE-CROSS BY MR. STEWART

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1 Q. Thank you.

2 MR. BLAKE: No further questions.

3 RE-CROSS-EXAMINATION BY MR. STEWART

4 Q. Excuse me. I neglected to ask you something
5 earlier. Did you ---

6 MR. BLAKE: Objection. He supposed to -- we've narrowed
7 it down now to what this last statement was.

8 THE COURT: Is it concerning anything about that last
9 statement?

10 MR. STEWART: No, sir.

11 THE COURT: I'm going -- I know you're unfamiliar with
12 it. I'm going to make an exception. I'm going to allow you
13 to do it. Keep in mind that you sort of need to keep order.

14 MR. STEWART: Yes, sir. Thank you, sir.

15 THE COURT: Go ahead.

16 Q. (BY MR. STEWART): Are on the scene -- how long did
17 you stay on the scene?

18 A. I was there probably, about, maybe 20 to 30 minutes
19 before I went back to the police department and wrote this.

20 Q. Twenty to 30 minutes?

21 A. Twenty to 30 minutes after arrival, somewhere around
22 there. I'm not exactly sure on the time.

23 Q. Earlier, didn't you say something about five or ten
24 minutes between talking to me and writing that?

25 A. No, I said it was about five or ten minutes that I

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1 was on the scene prior to talking to you.

2 Q. Oh. Excuse me. My misunderstanding.

3 MR. STEWART: No further questions.

4 MR. BLAKE: Nothing further from the State.

5 THE COURT: Thank you, sir. You may step down.

6 MR. BLAKE: State calls Gail Heath to the stand.

7 GAIL HEATH, first being duly
8 sworn, testified as follows:

9 CLERK OF COURT: Come around here and state your name for
10 the record.

11 MR. STEWART: Your Honor, sir, may I approach the bench.

12 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE PRESENCE OF
13 THE JURY, BUT OUT OF THE HEARING OF THE JURY.)

14 THE COURT: Ladies and gentlemen of the jury, if you'll
15 step back to your room a few minutes. I need to discuss a
16 matter of law.

17 (JURY EXCUSED TO JURY ROOM AT 4:24 P.M.)

18 THE COURT: All right. I got a little unusual request.
19 Normally, something like this would be handled on routine
20 cross, but, Solicitor, I'm going to make an exception. I
21 guess, well, call this is a proffer. Defense would like to
22 straighten out a few details before we get into the matter
23 before the jury.

24 MR. BLAKE: Your Honor, Ms. Heath, of course, is from
25 SLED, and she did the examination. The transportation of the

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1 documents was Ms. Gurley, so if there is questions about where
2 they came from, that really is Ms. Gurley's, and Ms. Heath did
3 the examination. I just want to make that clear in case ---

4 THE COURT: Well, I need some guidance, then from Mr.
5 Stewart as to what we -- what he's looking for. Is it from
6 Ms. Gurley, or is it from Ms. Heath?

7 MR. STEWART: Since Mr. Blake said the actual bring the
8 documents to Ms. Heath was Ms. Gurley, I think it would be
9 more from Ms. Gurley. I think the actual documents that were
10 submitted as being collected standards or known writings of
11 mine, there are some contradictory statements or admissions
12 about what these things are.

13 There are some questions as to whether these writings
14 that are supposed to be known to be mine are actually known
15 writings that were done by me.

16 THE COURT: Why can't that be handled from cross-
17 examination then?

18 MR. STEWART: To be honest, sir, I was not -- I was
19 unsure about the method for addressing these issues. That's
20 why.

21 THE COURT: Is it the chain of custody or is it the
22 samples that you're concerned with?

23 MR. STEWART: It's more of the -- I wouldn't necessarily
24 say the chain of custody, but the actual -- what documents
25 were submitted to the Department, and how these documents are

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1 known writings of mine.

2 Because there were numerous reports done, and I did --
3 there are some things that concern me about the actual reports
4 and which documents were sent to the Department and what they
5 were and things of that nature.

6 MR. BLAKE: Your Honor, if I could clarify. Originally,
7 the standard that was sent was his Miranda Waiver and his
8 written statement. Ms. Heath asked for more standards. We
9 got some writings from the file in the Clerk's Office. That
10 was sent to Ms. Heath. It was transported by Ms. Gurley.

11 Originally, we had several different documents that we
12 were looking at. Today, we're only looking and talking about
13 one document. So some of these other reports, this and that,
14 are irrelevant because they're not about this document.

15 THE COURT: All right. What document are we talking
16 about?

17 MR. BLAKE: We're talking about a letter that's written
18 to Ms. Gurley that's in the form of -- nothing other that I
19 can say than biblical verse called "The Book of Calamity,"
20 which the State is -- wants to enter in as an admission by the
21 Defendant in which he describes the entire event.

22 Now, I'm sure he may have questions or things to say on
23 cross-examination, but that is the only document that the
24 State is dealing with. And Ms. Heath is in Question
25 Documents. She did handwriting analysis and comparison from