THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2025-000136

Weldon W. Stewart, Jr., #295095 Petitioner,

v.

State of South Carolina, Respondent.

APPENDIX

Weldon W. Stewart, Jr. #295095
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Pro Se Petitioner

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the known standards to this document. We had the document blown up.

THE COURT: All right. Does that help you any, Mr. Stewart? We're just dealing with that one document.

MR. STEWART: Is the witness going to be introducing this document or ---

MR. BLAKE: As evidence, I will not introduce it until Detective Gurley takes the stand because she will establish its chain of custody. But Ms. Heath will analyze the document and compare it to the standards.

THE COURT: Okay.

MR. BLAKE: That were submitted to her.

THE COURT: All right. Now, I guess the next step I need to take here while we got the jury out, instead of playing musical chairs with them, do you have any questions or concerns about her qualifications in the field that she's going to testify to that you would like -- you can certainly ask her any questions that you would outside the presence of the jury.

MR. STEWART: No, sir, just questions about the document itself. The actual documents itself. Mr. Blake said that he is trying to enter it in as an admission, however, because of something a little different in another court hearing.

MR. BLAKE: It's really a jury question, Your Honor, whether, you know -- that's what he's talking about. A lot of

these things are going to weight. I don't know what word I used in one of the eight or nine hearings we had.

THE COURT: Well, he's told me then that he's not concerned with the chain of custody. So that, as far as the order of witnesses, that takes some concern out of that. That puts more of a burden on you to make sure things fall in line cause it could be fatal if something fell through in your case. You understand that as far as continuing the trial or something drastic go wrong.

And in the -- I guess back to the chain of custody issues of the integrity of the evidence, but anyway, back to what I was saying. The chain of custody doesn't seem to be an issue, and her qualifications don't seem to be an issue.

MR. BLAKE: But he is questioning the standards, so in essence, he is questioning the chain of custody because he's questioning the authenticity of the standards. That's his whole argument right there. I don't think he's going to ---

THE COURT: What I'm talking about, though, a proffer outside of the jury. How is that going to help?

MR. BLAKE: I don't think it will.

THE COURT: Would you please talk to your stand by counsel just a minute about this issue?

MR. STEWART: Yes, sir.

MR. CROW: Your Honor, I've attempted to explain to the Defendant how you normally do matters like this. I think with

the help of his parents, we convinced him that this should be handled at cross-examination.

THE COURT: All right. I'll give you all the latitude I can. I just want to make sure that we're all in agreement on the qualifications.

MR. CROW: I don't know if he -- I don't know if he agrees, but anyway.

MR. BLAKE: State -- Your Honor, the State is certainly not opposed to him making some sort of proffer beforehand if that's what he considers necessary. I mean, I don't -- I don't know what his ---

THE COURT: Well, let's air this. What -- tell me the questions you'd like to ask.

MR. BLAKE: He wants to approach.

MR. CROW: Since I'm involved in that, can I hear what it is?

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

THE COURT: All right. Bring the jury back in.

(JURY ENTERS COURTROOM AT 4:41 P.M.)

DIRECT EXAMINATION BY MR. BLAKE

Q. Please state your full name for the record.

A. Brenda Gail Heath. H-E-A-T-H.

Q. And where do you work?

A. I work for the South Carolina Law Enforcement

Division, referred to as SLED.

Q. And what is your position?

A. I am a lieutenant there, and I am supervisor of the Question Documents Department and Photographic Department. And I am licensed by trade a forensic documents examiner.

Q. And could you tell us what that is?

A. Basically, in layman's terms, a handwriting expert. I identify a question writing with a set of known writings and try to determine if a particular individual wrote something.

Q. Do you have any special training in that?

A. Yes, I do. I completed by undergraduate degree at the University of South Carolina. After completion of those, I attended and did a two-year internship in forensic document examination at the SLED Laboratory.

I've also completed courses with the Federal Bureau of Investigation, two classes on question documents there, one class with the United States Secret Service on questions document there. And over the last 20 years, have attended continuing education courses and seminars over those 20 year time period.

Q. Ms. Heath, have you ever been qualified as an expert?

A. Yes, I have.

Q. And that a couple of times or?

A. This will be 136.

Q. So I take it you've testified a number of times in Court?

A. Yes, sir, I have.

Q. In federal court?

A. Yes, sir, also in federal court.

Q. State court?

A. Yes, sir.

MR. BLAKE: State would move to qualify Ms. Heath as an expert in the examination of question documents.

MR. STEWART: No objection, sir.

THE COURT: So qualified without objection.

Q. (BY MR. BLAKE): Now, let's go back to -- you talked about that process, but that's new for the rest of us. Essentially, how are you doing your comparison? You're comparing one thing against the other?

A. That is correct. Usually, a questioned item or questioned writing will come into the laboratory. I will microscopically examine that document. I'm looking for pen lifts, pen drags, pen pressure, how the letters are constructed, whether it's clockwise, whether it goes counterclockwise. I look at connecting strokes. I look at the beginning and ending strokes.

After microscopically looking at a question document, I then move onto the set of known writings that I have, and I microscopically examine that known writing then looking for

any of those pen stops, pen lifts, looking for any similarities or differences that I might see between the question document and the set of known writings.

Q. And in this case, were there a set of known standards submitted to you?

A. Yes, sir, there were.

Q. And what were those documents? Do you have them?

A. I have photocopies of them. The known writings that I received -- I received known writings on two separate occasions. On the first occasion, I received a Miranda Warning and a two page voluntary statement. I later received ---

Q. And who was this from?

A. From Dallas Gurley.

Q. And who wrote it?

A. It was identified to me as known writings of Weldon W. Stewart, Jr.

Q. Is that whose signature appears at the bottom of it?

A. That is correct.

Q. On both the Miranda Warning and the voluntary statement?

A. Yes, sir, that is correct.

Q. Thank you. And did you receive any other standards?

A. Yes, sir. I received a second submission of standards, and they were comprised of three sheets of paper,

which appear to me to be Court-type proceedings that were filed within a court system. One of them is to Mr. Crow. One of them begins, "State of South Carolina, Marlboro County, State of South Carolina v. Weldon W. Stewart, Jr. in the Court of General Sessions," and it's signed Weldon W. Stewart, Jr., dated March the 11th 2001.

And the third document begins, "The State of South Carolina, County of Marlboro v. Weldon W. Stewart, Jr., Defendant and Court of General Sessions for the Fourth Judicial Circuit." It is signed Weldon W. Stewart, Jr., and it is dated September 20th of 2001.

Q. And did you have a document accompanying that called, "Receipt for Exhibits" under Mr. William B. Funderburk's signature -- letterhead?

A. Yes, sir.

Q. This is -- passing this up to you.

A. Yes, sir, but that was not used as the known standards. That was just a document that accompanied the evidence that I received.

Q. All right. And could you read that for the Court, just since that did go with the document.

A. Okay. It on letterhead stationary, William B. Funderburk. It's dated, well, it's -- okay. Let's see. There are -- there is "Number 120, Year 01." I'm not exactly sure what that number means. "Case Number 01-GS-34-120 and

121. Judge Burch. The State. Plaintiff's Attorney, Elizabeth Munnerlyn. Defendant, Weldon Stewart, Jr. Defendant's Attorney, Wade Crow. Date trial started, 8/27/01. Date trial ended, 8/27/01. Received by Diane A. Rutledge" And it says, "Court's copy of handwritten letter to Mr. Crow from Weldon Stewart, two pages." And it's dated, "August the 27th, 2001." And it's signed, "William B. Funderburk."

Q. Thank you. So that was State's Exhibit 61. Now, you did not collect these standards from somewhere? I mean, you didn't go out and say, "Hey, Mr. Stewart, could you give me some handwriting?"

A. That is correct. I did not.

Q. In this case, it was submitted to you by the Bennettsville Police Department?

A. That is correct.

Q. In fact, by Ms. Dallas Gurley with the Bennettsville Police Department?

A. That is correct.

Q. Now, as I understand what you said that you analyzed both the submitted writing, the question document and the submitted standards. And you did the same kind of analysis on both?

A. That is correct.

Q. And then you compared them?

A. That is correct.

Q. All right. And the document that you were questioning or examining, what was that?

A. It was identified as a three-page letter entitled, "The Book of Calamity of the Prophet No Nature," and it was three pages.

Q. All right. Handing up State's Exhibits 62A, 62B, and 62C. Do you recognize these documents?

A. Yes, sir. Each one contains my item number and my initials at the bottom.

Q. And who put them in the cellophane?

A. I would assume someone in the Latent Fingerprint Department. They had been unprocessed at the time I examined them.

Q. Now, I guess for the record we should make it clear. Could you read for us 62A? That's an envelope.

A. An envelope with the return address is "Weldon Stewart, LCCI SMU [redacted] Bishopville, SC, 29010." And the envelope is addressed to, "Dallas Gurley, Bennettsville Police Department, [redacted], Bennettsville, SC, 29502."

Q. Thank you. Did you make enlargements of these?

A. Yes, sir, I did.

Q. Could you get them out for us?

A. Yes, sir. Your Honor, may I step down?

THE COURT: Sure.

(WITNESS STEPS DOWN FROM WITNESS STAND.)

Q. Let me take these other items off the easel for you. It's a little tight in there.

A. Okay.

Q. Okay.

A. There are three pages to the questions letter.

(STATE'S EXHIBIT 63A, 63B, AND 63C MARKED FOR IDENTIFICATION.)

Q. Looking at State's Exhibits 63A, B and C. Are those a true and accurate enlargement of the original document?

A. Yes, sir, they are.

Q. Could you describe for us how that process occurred?

A. I sent the original documents down to our Photography Department. One of the photographers there placed the document on a bed photographing the document, placed an enlarger on it, and enlarged the document so that we can get it to 16x20 so that I could make a Court display ---

Q. Thank you.

A. --- and print it off the document and I mounted it on the board.

Q. All right. I notice on the Book of Calamity there, you have some red arrows.

A. Yes, sir.

Q. Why don't you just tell us what it's all about.

A. Okay. Basically, as I said, I explained earlier to you, what I do is I microscopically look at the question

document and then I microscopically look at the known standard. I look for any similarities or any differences between the question and the known standard.

And in this particular case, I had a set of known standards, and what I did was try to find similar words or letters or letter combinations because in this particular case, I did not have any exact text of the exact words as they appeared on the question document.

So from my known writing, I went back and I tried to find similar letters or words in common with some of the words that were on the question document. For instance, down here, I found the name Weldon W. Stewart, Jr., and on one of my known writings, I had the handwritten name Weldon W. Stewart, Jr.

So I began by looking at the 'w'. It was, basically, a three stroke formation where the writer had drawn one stroke and picked up the pen, drew the other stroke, and microscopically, I could see and right here fairly visibly where those two barely touch and connect. And I found that down here as well as in the question writing.

I went letter for letter comparing those, comparing the formations, and this particular writer had an interesting -- what we look for in handwriting examination are habits the individuals have. They keep repeating time after time, and it's, basically, an unconscious habit. They don't really think about it. It's something they do.

This particular writer does write the end formation terminates the 'n' or ends the end formation down below what would be a baseline. You can't see it on this particular diagram. The lines have -- facing out, but if there were a baseline, the letter 'n' always terminates down below that imaginary baseline.

That was consistent throughout all of the writings on all three pages. Any time I found the letter 'n', I would go down below the baseline.

This particular writer, when writing words like "things, that, and the," anything with a 't', a lot of times, the bar across the 't' or on the left-hand side, right there it barely crosses the diagonal. And I found that throughout, but sometimes a 't' was crossed.

Sometimes it was crossed totally over, but probably 90 percent of the time, the 't' never came back over the center stroke and all. It was always crossed on the left-hand side, and I found that in all three pages any time a 't' was used.

Again, looking at the 'k' formation, the word "knowledgeable" here and then the word "knowledge" here, the 'k' formation was a three-stroke 'k'. It came down then the second stroke was added and then kind of quit like a leg or a crook element.

It almost looks like an 'h' formation. And it was an overhand movement. And here was that 'n' that comes -- begins

down below where the other letters fell. We also have that in the work "and" each time I found that.

And in the 'y' formation, it was kind of a cup or a bowl instead of like maybe a 'v' and a straight line. This particular writer always did a cup formation and then came straight down and curved around, and I found that each time that I have a 'y' formation in here.

And also pretty much basically the same thing with the 'g' formation. There was a circular movement, a straight line down, and then they cupped it over.

With the letter, the 'a' formation, this particular writer would move counterclockwise and back up and the tail of the 'a' would come slightly off at a diagonal, and I found that each time that I found an 'a' written in the question letter. I found 'a' in the known that were constructed the exact same way.

So after comparing each and every word on all three pages with the set of known standards that I had, I arrived at my conclusion.

Q. And that was what?

A. My conclusion was that the writer of the known writing which was identified to me as Weldon W. Stewart, Jr. wrote each of the entries on the three pages of the question letter.

Q. And that's your expert opinion?

A. Yes, sir. That's correct.

Q. Thank you. You can sit down.

(WITNESS RETURNS TO WITNESS STAND.)

Q. So again the standards were given to you?

A. That is correct.

Q. You analyzed them and compared them to the question document?

A. That is correct.

Q. And after that analysis, you concluded that they were the same writer?

A. That is correct.

Q. Thank you.

THE COURT: Your witness.

MR. STEWART: I have no questions for this witness, sir.

THE COURT: Thank you. You may step down.

MR. BLAKE: May we approach, Your Honor.

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

THE COURT: We all in agreement. We need to stop now or we could be here until late in the evening. Let's -- does anybody have any problem with getting here at 9:30? If so raise your hand. Anybody have a problem with 9:30? Fire up at 9:30.

Remember my instructions concerning the press and any contact. See you in the morning. Everybody else remain in

the courtroom while the jury departs for the evening.

(JURY EXCUSED FROM COURTROOM AT 5:04 P.M.)

THE COURT: All right. We're in recess until 9:30.

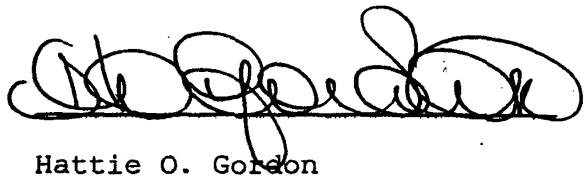
(COURT IN RECESS AT 5:20 P.M.)

- - - END OF TRANSCRIPT OF RECORD - - -

C E R T I F I C A T E

I, the undersigned Hattie O. Gordon, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Marlboro County, South Carolina, on the 30th day of July 2003.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



Hattie O. Gordon

Circuit Court Reporter

September 16, 2003

[redacted]

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF MARLBORO

02-GS-34-1919

STATE OF SOUTH CAROLINA)
)
- vs -) TRANSCRIPT OF RECORD
)
WELDON W. STEWART, JR.)

July 28 - August 1, 2003
Marlboro, South Carolina
VOLUME 4 OF 5

B E F O R E:

The Honorable PAUL M. BURCH, Judge and a jury.

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JOHN ORTUNO, SLED
ROBERT ELVINGTON, SLED
AL STUCKEY, SLED
CECIL BRADSTREET, SLED

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JOHN BOSTON, Bennettsville Police Department
JOHN VALDALISO, Bennettsville Police Department
ALVIN WORSLEY, Bennettsville Police Department
SAMMY CROSSLAND, Bennettsville Police Department
DR. RUSSELL HARLEY, Medical University of South Carolina
SORAYA ALLEN, Victim's Mother
TONY ALLEN, Victim's Father
ANTHONY ALLEN, Victim's Brother
DR. RICHARD OWENS, Ophthalmologist
ROBERT MOORE
ANTHONY WATSON
DELORIS WATSON
EBONY WATSON
CLARISSA BRIDGES
STANTON WRIGHT, JR.
MONIQUE BRIGHT
ANDRENNA SUTHERLAND

Defense Witnesses
CARRIE HUGHES
MARY McLAUGHLIN
ANASTASIA LOVE
JAMES ELLERBE
DENEKA HARRINGTON
DALLAS GURLEY, Bennettsville Police Department
VIRGINIA STEWART, Defendant's Mother
Weldon Stewart, Sr., Defendant's Father

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NO.	DESCRIPTION	ID.	EV.
S-66	PHOTO - AREA BEHIND 701 WELLS		
S-67	MIRANDA WARNING/ORIGINAL/W. STEWART	444	450
S-68	VOL. STMT./ORIG./W. STEWART/PG. 1	444	450
S-69	VOL. STMT./ORIG./W. STEWART/PG. 2	444	450
S-70	STANDARDS USED BY SLED	446	454
S-71	STANDARDS USED BY SLED	446	454
S-72	STANDARDS USED BY SLED	446	454
S-73	STANDARDS REPORT	446	
S-74	STANDARDS SUPPLEMENTAL REPORT	446	
S-75	STANDARDS SUPPLEMENTAL REPORT	446	
S-76	STANDARDS CORRECTED REPORT	446	
S-77	HANDWRITTEN LETTER (24 PAGES)		
D-01	PHOTOGRAPH		
D-02	PHOTOGRAPH		
D-03	PHOTOGRAPH		
D-04	PHOTOGRAPH		
D-05	PHOTOGRAPH		
D-06	PHOTOGRAPH		
D-07	PHOTOGRAPH		
D-08	PHOTOGRAPH		
D-09	PHOTOGRAPH		
D-10	INTERVIEW BRIEF FORM/OFF. WORSLEY		

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
D-11	INTERVIEW BRIEF FORM/OFF. CROSSLAND		
D-12	PHOTOGRAPH		
D-13	PHOTOGRAPH		
D-14	SLED LAB INVENTORY SHEET		
D-15	LETTER TO D. GURLEY FROM W. STEWART		
D-16	COPY OF BOOK OF CALAMITY (4 PGS.)		
D-17	PHOTOGRAPH		
D-18	PHOTOGRAPH		

(COURT IN SESSION AT 9:15 A.M.)

MR. BLAKE: Your Honor, Mr. Stewart wants to approach the bench.

(BENCH CONFERENCE WAS HELD OFF THE RECORD, BUT OUT OF THE PRESENCE OF THE JURY.)

THE COURT: Let's get to work. Bring them in.

(JURY ENTERS COURTROOM AT 9:49 A.M.)

THE COURT: Good morning. We're ready to get back to work. Solicitor, call you next.

MR. BLAKE: State calls Dallas Gurley to the stand.

DALLAS GURLEY, first being duly sworn, testified as follows:

CLERK OF COURT: Please state your full name for the record.

DIRECT EXAMINATION BY DAN BLAKE:

A. Dallas Gurley.

Q. Where do you work?

A. Bennettsville Police Department.

Q. And in what position?

A. Criminal investigations.

Q. And where were you working back on December 6, 2000?

A. Bennettsville Police Department.

Q. In what position?

A. Same position.

Q. Have you been involved with this case?

A. Yes.

Q. In fact, you've been the lead investigator on this case?

A. Yes.

Q. Handing up State's Exhibit 36. Did you have an opportunity to be at the crime scene and to look and see objects thereabout?

A. Yes.

Q. Did you notice this gas can at the crime scene?

A. Yes. It was on the back porch area.

Q. At the Stewart's house?

A. At the Stewart's house.

Q. [redacted]

A. Yes.

Q. Any question about that?

A. No question about the gas can.

Q. Any question that you saw that gas can at the house?

A. Yes, I did see it.

Q. When was that?

A. On December 6, 2000.

Q. And you have any idea about what time that was?

A. The time that I arrived there, it was probably around 1:20, 1:25.

Q. All right. Thank you. Looking now at a second photograph, State's Exhibit 43, what is that a photograph of?

A. Of Weldon Stewart's room.

Q. All right. And in the front part, the left part of the picture, what do you see?

A. I see a black jacket with blue and red on it.

Q. Is that the same jacket marked as State's Exhibit 13?

A. Yes, it is.

Q. Have you had a chance to look at that jacket since it was first taken into custody? Have you seen it here in the courtroom?

A. I've seen it in the courtroom.

Q. Have you seen it in the evidence room at the Bennettsville Police Department?

A. Yes.

Q. Do you recognize it to be the same jacket that was photographed -- that is in the photograph?

A. Yes.

Q. Any question about that?

A. No, it's not. That jacket was held at SLED's Evidence Room, not at the Bennettsville Police Department Evidence Room.

Q. It never come -- never came back to Bennettsville PD after it was at SLED?

A. Any one of the other investigators brought it with him this week.

Q. All right. But you personally did not pick that jacket up from the room?

A. No, I did not.

Q. Because you're not with SLED Crime Scene Processing?

A. Exactly.

Q. Let's turn now to the document 'Calamity' and the standards used to evaluate that. First of all, do you recognize State's Exhibits 62A, B, and C?

A. Yes, sir, I do.

Q. And who is that envelope addressed to?

A. It's addressed to Dallas Gurley.

Q. That being yourself?

A. Yes.

Q. And where is it addressed?

A. Bennettsville Police Department.

Q. And what is the postmark on the letter dated?

A. August 30, 2001.

Q. August 30, 2001?

A. That one letter is date stamped. Also, that was from the prison dated August 29, 2001.

Q. And the return address on that is what?

A. LCC, I guess, maybe CCSMU.

Q. Does it have a name? Is it from anybody?

A. Weldon Stewart.

Q. Okay. And where was he residing at the time?

A. He was in Bishopville at Lee Correctional Facility held in safekeeping.

Q. Are you the one to have opened this letter?

A. Yes.

Q. Did you read it when it came to you?

A. Yes.

Q. All right.

MR. BLAKE: Your Honor, I need a moment to find the previous exhibits. They were introduced through Ms. Heath yesterday. They're not in evidence. They were used for identification.

Your Honor, if I can have a moment to get those documents. I thought they were ID'd yesterday, and I'm sure they were, but it appears that Ms. Heath may have taken them with her. They're the documents examined. We're looking for alternate copies of them.

A. What are you looking for?

Q. Looking for the standards used in Question Documents.

MR. BLAKE: I'm sorry to take the Court's time. We're going need to mark these as exhibits. I thought we already did that yesterday.

(STATE'S EXHIBIT NOS. 67, 68, AND 69 MARKED FOR IDENTIFICATION.)

MR. BLAKE: Your Honor, may I and standby counsel

approach?

THE COURT: Yes.

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

Q. (BY MR. BLAKE): Handing up State's Exhibit 67, 68 and 69. Would you first identify Exhibit 67?

A. Yes, sir. Miranda warning that was advised to Weldon Stewart and he signed it.

Q. Is that an original document or a copy of the document?

A. That's the original document.

Q. And what did you do with that? Did you send it to SLED?

A. Yes, I did.

Q. Did you transport it to SLED?

A. Yes.

Q. Is that one of the submitted standards that Ms. Heath used and talked about yesterday?

A. Yes, it was.

Q. Handing up State's Exhibit 68. Please tell us about that in the same reference.

A. This is the original document of Weldon Stewart's voluntary statement, and I transported this as well to Question Documents at SLED and she used in this case. This was the first page.

Q. And State's Exhibit 69?

A. This is the same as the first page. This is the second page of his voluntary statement, and it's the original document that I transported to SLED as Weldon's.

Q. Would you look at your notes relative to sending this to Question Documents and give us an approximate date or a date when that was sent to Question Documents. That would probably be in Ms. Heath's report also.

A. It says, "Collected standards submitted to known writings of Weldon Stewart, Jr.", and this was done on October 2nd 2002.

Q. Is that the first set of standards or the second set of standards, and if you can, check with the reports that Ms. Heath made, please?

A. I don't have Ms. Heath's reports.

MR. BLAKE: I'm going to have to mark it, Your Honor.

(STATE'S EXHIBIT NOS. 70, 71, 72, 73, 74, 75, AND 76 MARKED FOR IDENTIFICATION.)

Q. (BY MR. BLAKE): Handing up State's Exhibit 73, and looking at that report, when did she say you transported the first set of standards?

A. July 12, 2002.

Q. All right. Did you subsequently receive a request from Ms. Heath for additional standards?

A. Yes, I did. At that time, I got writings from the

Clerk of Court's Office file, and that was the motion that Weldon had filed.

Q. Handing up State's Exhibit 61. What is this?

A. This is the receipt for the motion that he had filed saying that they received it.

Q. And where was the receipt from?

A. From the Clerk of Court's Office.

Q. Okay. Handing up State's Exhibit 70. What is this?

A. This is the motion filed from Weldon Stewart.

Q. Where did you find it?

A. At the Clerk of Court's Office.

Q. And who did you give it to?

A. I gave this to Gail Heath.

Q. Handing up State's Exhibit 71. Same question.

A. This was to Mr. Crow. It's a letter written by Weldon Stewart, and I took this to Gail Heath.

Q. Where did you find that?

A. If I'm not mistaken, I got it out of the Clerk of Court's Office as well.

Q. And State's Exhibit 72. Where did you find this?

A. This was found at the Clerk of Court's Office as well.

Q. Just in the office?

A. In his file.

Q. Mr. Stewart's file?

A. Yes.

Q. Looking again at State's Exhibit 71. What is this other exhibit tag say down there?

A. 01 Court 01-GS-34-120.

Q. Does it say exhibit on it?

A. Yes.

Q. And in your own personal knowledge, why would that have an exhibit tag on it?

A. Because it was used in court.

Q. Used in court. Is that the same purpose as the receipt for exhibits?

A. Yes.

Q. When is that receipt for exhibits filled out?

A. 7/30.

Q. Why is it filled out? For what occasion? For what purpose?

A. For this trial.

Q. For this trial?

A. Yes.

Q. Was it a previous hearing?

A. No.

Q. Could I have that back, please. Looking at State's Exhibit 61. Would you look here where it says, "Day trial started and day trial ended"?

A. 8/27/2001. Date trial ended 8/27/2001.

Q. And you said that you had gotten these papers out of the Clerk's file?

A. Yes.

Q. Do you have in your notes or in Ms. Heath's report the date that you either got them out of the file or transported them to Ms. Heath?

A. No. Do you have a copy?

Q. Recapping, you originally submitted documents to Ms. Heath?

A. The original ones for July 12, 2002.

Q. And is that State's Exhibit 67, 68 and State's Exhibit 69?

A. Yes, they are.

Q. And are those in fact original copies?

A. Yes, sir.

Q. And where did you take these original copies from?

A. Those copies were from the office.

Q. From your file?

A. From my file.

Q. Signed by Mr. Stewart?

A. Exactly.

Q. At this point, the State would move into evidence State's Exhibit 67, 68, and 69.

THE COURT: Any objection?

MR. STEWART: It's already been testimony about this exhibit and big blown up posterboard. I think -- I don't think it's appropriate for it to be entered into evidence.

MR. BLAKE: Well, Your Honor, at the time that the jury goes back, they would certainly only take back the originals or whatever close we have to that, so this is the original document.

THE COURT: One is to be used for demonstrative and one for evidence. Is that your concern?

MR. STEWART: Yes, sir and that testimony has already been provided about this document already from Lieutenant Boston. He's read it over and over again.

THE COURT: I'll have to overrule that objection, but both can't come in.

MR. BLAKE: Understandably, Your Honor.

(STATE'S EXHIBIT NOS. 67, 68, AND 69 ADMITTED INTO EVIDENCE.)

THE COURT: When I say both, I mean the blowup can come in. The small one can't come in. One or the other will have to be.

MR. BLAKE: Yes, Your Honor.

Q. (BY MR. BLAKE): Handing up State's Exhibit 75. Is that -- I'm sorry. I'm a little fuzzy myself. Again handing up State's Exhibit 75. This is titled, "Supplemental Report." Do you recognize this document?

A. Yes, sir. This is the document that SLED used to

provide -- once they received our information.

Q. All right. But it says, "Supplemental Report?"

A. Yes.

Q. And what report was that supplementing?

A. Other known writings of Weldon Stewart.

Q. Okay. And did you also receive, handing up State's Exhibit 76, a corrected report for that?

A. Yes, I did.

Q. And what was the difference on the corrected report?

A. Item 25.

Q. Please explain more fully for the jury.

A. Item 25 would be the additional documents that I submitted to SLED. I accompanied the known writings that were needed for the information with his writing on, too. I provided three more sheets, Item 25, again 4 through 6.

Q. Was item 25 listed on the first supplemental report?

A. No, it was not.

Q. That's the very reason for the corrected report; is that correct?

A. Correct.

Q. But when the corrected report was given, that's not when you submitted those second set of standards, is it?

A. No, it's not.

Q. So the reason for the corrected report was to insert information that just hadn't been put in the first

supplemental report?

A. She had one wrong number in there, and had to go back and finally correct it and did us a corrected copy as well.

Q. I hate to be so profanic, but it is confusing because there are a number of reports. On the corrected report, could you read under there, under evidence received?

A. On the corrected report, under "Evidence Received. On October 2nd 2002, Detective Dallas Gurley submitted the following evidence to South Carolina Law Enforcement Division Question Documents Department for examination."

Q. Continue.

A. "Item 25, 4 through 6 collected standards submitted are known writings of Weldon W. Stewart."

Q. Is that on the supplemental report? Item 25?

A. No, it's not. Item 25 is not on the supplemental report.

Q. That's the reason for the corrected one?

A. Right.

Q. Now, all of that was simply to clarify this information about the second set of the standards. The second set of standards was given to you -- was given to Ms. Heath on what date?

A. October 2nd 2002.

Q. Okay. That was after Ms. Heath requested more standards?

A. After she requested more standards.

Q. And where did you get the second set of standards from?

A. I got the second set of the standards from the Clerk's Office out of Weldon Stewart's file.

Q. That being State's Exhibit 61, 71 ---

MR. STEWART: Objection, Your Honor. He's asking the same question over and over.

MR. BLAKE: I'm getting ready to introduce it as evidence, Your Honor. I'm simply establishing what's going in on the record.

THE COURT: Overruled.

MR. BLAKE: State's Exhibit 72 and State's Exhibit 70. You've already been shown these documents. State at this time would move them into evidence. This was 70, 71, 72, and 61.

MR. STEWART: Your Honor, sir, I object to these documents being entered into evidence. I would like to renew my objection from yesterday them being entered as known writing.

It is my understanding that these were taken from the Clerk's Office and that I was in Bishopville at the time and that no one actually saw me write any of those documents and also there is some inconsistency with the receipt and the

exhibit, State's Exhibit 61 and 71.

State's Exhibit 61 and 71, on the receipt, it says two pages, passing that up, sir. And the actual exhibit is only one page. There are some inconsistency there.

THE COURT: Overruled. They're in.

(STATE'S EXHIBIT NOS. 61, 70, 71 AND 72 ADMITTED INTO EVIDENCE.)

MR. BLAKE: Thank you, Your Honor. These matters do go to weight and not admissibility.

Q. (BY MR. BLAKE): Finally handing up State's Exhibit 74. This is an original document from Ms. Heath. If you can tell us what it is?

A. This is another supplemental report from Ms. Heath. Want me to read it?

Q. Well, why don't you -- if you can tell us the reason for this supplemental report?

A. This is the letter that Weldon Stewart had written to me, and I took it to SLED to have it analyzed as well.

Q. That being State's Exhibit 62A, B and C?

A. Yes.

Q. Graphically enlarged by SLED as 63A, B and C; is that correct?

A. Yes.

Q. And we heard Ms. Heath's conclusions yesterday.

MR. BLAKE: At this time, I would enter to move into

evidence State's Exhibit 62A, B and C.

MR. STEWART: No objection, sir.

THE COURT: In without objection.

(STATE'S EXHIBIT NOS. 62A, 62B, AND 62C ADMITTED INTO EVIDENCE.)

Q. Miss Gurley, the original letter has marks all over it, identification marks. I think it may be easier to read from the blowup. You may need to position it so it works for you. Just to clarify, as it indicates in State's Exhibit 62A, this is a letter mailed to you postmarked what date?

A. August 30, 2001.

Q. And you were the one who opened it?

A. Yes, I was.

Q. And could you read to -- start reading from the top and you may need to take a break or two, but go ahead.

A. "Book of Calamity of the Prophet No Nature. I was a man who processed knowledge, wisdom and understanding. As a young man, my wisdom and understanding left me in that I knew that which was but could not understand.

And in that day truth was given to the multitude who received it not. I was sent to give that which was taken by taking that which was given.

So that the bloodshed would satisfy the sinful hearts of the multitude and unbalance the scale that was once balanced. And in the day of such Calamity, my heart was heavy and my

spirit was greatly troubled.

Those that knew me, knew me not for their desire was to please the multitude, that they would not endure the things that I must endure. For those who seek to slay me sought to do so before that would, correction, that which was not intended.

Yet, my ship sails through the sea of trials and tribulations to reach the land eternal peace where there -- I'm sorry -- where I will then receive my wisdom and understanding. But in my turmoil, my soul is overjoyed for I can see that which the multitude cannot.

And when the time is at hand, I will open their eyes so that they may see that which they could not see. And that which they see will greatly trouble their spirits for they will see that which they have done."

Q. Thank you. That's the end of the first chapter, verses 1 through 11?

A. One through 12.

Q. One through 12. Again, this was given to you by the defendant.

A. Yes, sir, it was. The second chapter.

Q. Go ahead.

A. "And I, the Prophet, No Nature, whose name was changed from Weldon W. Stewart, Jr. saw the evil things that Weldon had done. And the thing which my eyes beheld, I have

recorded in this book.

And I saw Weldon Jr., son of Weldon Sr. found favor in the eye of [redacted] daughter of Anthony. And she was very fair to look upon and admired by all who laid eyes upon her.

And they loved each other and desired to be joined together. Before they were joined, he went in unto her, and she conceived a child which was to be called [redacted]

And one night he was drinking strong drink and went in unto another who was also conceived with child. And [redacted] s heart was grieved by this act and she lost her child and sought to grieve his heart because of this.

And in those times, another man found favor in her eyes and he went in unto her. When Weldon learned of this thing which had taken place, he was overcome with rage."

MR. BLAKE: Again, stop there for a minute. And then continue on with 11 through 17.

A. "And she saw his rage and he knew he had learned of that which had taken place and was sore afraid. And his heart was hardened towards her, and he sought to slay her.

Yet she loved him still and made haste to meet him in the night to calm his rage. He would have her to commit fornication, but she would not and in his madness, he went in unto her by force.

She pleaded with him to have his way with her, but spare her life. He would not take heed and struck her in the face

with his right hand, and in his madness laid his hand upon her neck and slew her.

When he saw that which he had done, it greatly pleased him."

Q. Stop there for a minute. And then go on with the third chapter.

A. Third chapter reads, "He went into his house to take rest and in the seventh hour, he arose and built an alter so that he could make a burnt offering.

And he found that which was for the offering caught in some bushes. And he prepared her, and in the eleventh hour, seven hours after the slaughter, he placed her on the alter. He anointed her with oil and sang and danced praises for the offering.

And when he had done this, he looked towards the sky and stretched forth his hands. That he held the cloth he had taken out of the temple, and a great fire came down from the sky and lit the cloth.

He then cried out with a loud voice and placed the burning cloth on the alter. As the sacrifice burnt, the smoke reached the sky and he knew that it was good.

He was greatly pleased with what he had done and sang and danced and gave thanks. He sacrificed her that she may be forgiven for her sins.

The things which are recorded in this book, I saw with

eyes other than my own. For if I had looked with my eye, I would not have beheld the things that I saw.

For the things which I have manifested are for the eyes of the corrupt. That they may see their faults in the day of judgement and be filled with sorry and misery.

For my eyes have seen and see no more and my hands both have touched and touch no more and my heart beats and beats no more because I am no more. My life is no more because my wisdom has left me and I don't understand this calamity."

Q. I'm showing you some pictures taken by SLED. Those are for your use only. Would you just tell me, just review those shortly and tell me if they're a true and accurate representation of what you saw that day?

THE COURT: While she's looking that up, where is that photograph admitted into evidence yesterday?

MR. BLAKE: May we approach, Your Honor.

THE COURT: Yeah. Mr. Stewart.

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

Q. (BY MR. BLAKE): And are the photographs from SLED a true and accurate representation of what you saw that day?

A. Yes.

Q. And these photos are smaller size photos. Where did they come from?

A. These were taken on a Polaroid by the police

department.

Q. Okay. Are those a true and accurate reflection?

A. Yes.

MR. BLAKE: For the record, Detective Gurley has reviewed a number of photographs, some 60 perhaps taken by SLED, and some 15 taken by Bennettsville Police Department.

They have not been marked for identification, and they are not being attempted to move into evidence. I simply wanted for the record Ms. Gurley to review that.

Q. (BY MR. BLAKE): Now handing up State's Exhibit 65 and 66. What do these pictures show?

A. These pictures show a pinpoint to [redacted]s eyeglasses that were found in the wooded area behind the house of Weldon Stewart.

Q. Do you know -- were you there when these were found?

A. Yes.

Q. Giving you the goofy map here, State's Exhibit 19, the tax assessor's map. I guess I'll try to turn it this way. Would you please point out to the Court, given this is the Stewart's residence, where you found those glasses?

A. This is the Stewart residence and this a path along the back to the Stewart's wood line, and they were found in that path.

Q. All right. They were not found two or three lots over?

A. No.

Q. They were found in the path behind the Stewart house?

A. Yes.

Q. Which is as you said the wooded area back there?

A. Over to the right some, but not two or three houses or backyards down. It was their backyard.

Q. Okay. Handing up State's Exhibit 18. Does that look familiar to you?

A. Yes.

Q. Why?

A. This is the gas can that we collected that morning.

Q. And what morning was that?

A. That picture was marked 12/13, so it had to be -- they usually put the time and date we recover stuff on it. I knew it was a couple days after the actual incident took place.

Q. So a week after?

A. Excuse me?

Q. A week after by that account?

A. Yes.

Q. Incident date December 6th, glasses found December 13th. And how did the police department know to go out there and look for the glasses?

A. We received a phone call. I think it was Mrs.

Stewart, and she said the glasses were in the path and we came to recover them.

Q. Had you been out to the scene on that first day, December 6th?

A. Yes, I was on the scene.

Q. Did you take a look at the path?

A. Yes.

Q. Did anybody else ---

A. Yes.

Q. --- take a look at the path?

A. Several officers took a look at that path.

Q. And you know SLED took pictures of the path?

A. Exactly.

Q. And that's their job, correct?

A. Correct.

Q. They go out to the crime scenes and find and photograph anything they can come up with?

A. Exactly.

Q. You didn't see those glasses then?

A. No, I did not.

Q. Think you just missed them?

A. No, I don't think nobody missed them. If anything, they would have been broke from somebody stepping on them. When we found them on the 13th, they were just lying there on top of leafs, no moisture on them as if they stayed there

overnight or been there for a couple of days. They were just right there.

Q. Handing up State's Exhibit 64. Please identify this document for the Court.

A. This document is another writing from Weldon Stewart. It was given to me by him as "Motive."

Q. Please tell us the conversations that proceded this with Mr. Stewart so you knew to come and pick it up.

A. I think I received a call from one of the jailers because he was being held at the Marlboro County Detention Center in the beginning saying he wanted to talk to me, wanted to see me. So I go to the jail. When he came down, he had written this while he was being held there and that's when I received it.

Q. And did he -- did you get it from the jailer or did you get it from him?

A. No, I got it from him.

Q. Did you ever discuss this document with him?

A. We didn't go over it in great detail. He did explain it to me, went over it, I guess to make sure I was understanding exactly what he was writing. That's about the extent of it.

Q. Counsel's already been provided copies of this, but I'm handing, now, the original document, Motive, entitled "Motive," State's Exhibit 64.

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

THE COURT: Sure.

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

THE COURT: Ladies and gentlemen of the jury, if you will step back to your room.

(JURY EXCUSED TO JURY ROOM AT 10:46 A.M.)

THE COURT: Before we get started with that, we're outside the presence of the jury, now. The Court wants to put something on the record. Solicitor, would you hand up that photograph that I allowed in yesterday.

MR. BLAKE: State's Exhibit 34, Your Honor?

THE COURT: State's Exhibit 34 is the one that has the remains placed on a -- I think someone described it yesterday, and this was also outside the presence of the jury, maybe a pool liner or something.

Sometimes I surprise myself and I was rather stunned a few minutes ago when the Calamity publication came in. I had not reviewed that for later review purposes.

In a case such as this, should it come up, I want to be absolutely clear on the record that I had not reviewed that document and just the general observation that I gave mention, it looked almost like a ritualistic type situation, was totally spontaneous and, Solicitor, there -- I did not have any problem yesterday allowing this photograph in, but

certainly now, after that development, this photograph in anybody's mind should be clearly admissible.

I just didn't want somebody later on for review purposes to think that I made that comment that I had seen that document cause I had not seen it, and it's just rather uncanny that it happened that way. All right. I think I'm clear on the record about what happened with that. All right. Let's see now. We're back to the document we have here, the yellow sheets Mr. Stewart has in his hand.

MR. STEWART: Sir, I want -- I don't recall seeing Detective Gurley at the county jail when I was there. And two, just about the entire time I was there, Mr. Crow can bear witness, too, I was on suicide watch, not allowed pencils, papers, anything.

Three, this document was not entered into the Question Documents Department. And four, it's not even relevant to anything in this case.

THE COURT: Her testimony was that you handed it to her yourself. I don't know why they would even want to bring in Question Documents. Let me take a look at it.

MR. STEWART: I'm saying that I handed it to her, if I did in fact hand it to her, which I doubt very seriously that I wrote it.

MR. CROW: Your Honor, clarification. His parents and I were thinking. Is this something that the Defendant is

suppose to have written one this someone, this document?

THE WITNESS: It's not addressed to anyone. He just wrote it. It's like Motive, and people that I could talk to about this incident and at that time. The conversation with him was who would have done this.

MR. CROW: My question -- the question that Mr. and Mrs. Stewart Sr. has and the Defendant asked me is who prepared the writing. He says he's never seen it.

THE WITNESS: He wrote it. He gave it to me.

MR. STEWART: Did I write it or did I give it to you, which one?

THE WITNESS: It looks like the rest of them, so I assumed you wrote it.

MR. STEWART: Did you submit it to ---

THE COURT: Wait at minute. Both of you sit down. What do y'all think this is some kind of game? Mr. Crow, I don't want to hear anything else out of you, and I could care less what his parents think at this point. Just on the verge of running them back into the galley.

And I can guarantee you this, SLED is going to be called in for the obstruction of justice and tampering with evidence before this thing is over with, whether you believe them or not.

I'm not playing games with anybody in here. This is about as serious a case as you ever want to deal with. I

guarantee you I am going to have them look into why those glasses appeared out there the way they did, whether you're found guilty or not guilty, that's going to happen.

In fact, Sheriff, members of the police department, you just as well start looking into it. I want to know, SLED is going to want to know, and you all are going to want to know who made that call to come get those glasses.

Solicitor, jury's going to be on the way back. This is admissible as far as I'm considered. I note your objection. Let's move on.

MR. BLAKE: For the record, Your Honor, that was provided in discovery materials at least once if not twice.

THE COURT: Bring the jury back.

(JURY ENTERS COURTROOM AT 10:52 A.M.)

THE COURT: Proceed, please.

MR. BLAKE: Thank you, Your Honor.

Q. (BY MR. BLAKE): Just to restate, State's Exhibit 64, did you receive this document from the defendant at the county jail?

A. Yes.

Q. Do you have an approximate date when you received that? Did you keep any notes of it?

A. No, I did not.

Q. Was it within the first month of his arrest? Was it within -- was it a year after his arrest?

A. No, it was within the first month of his arrest.

Q. Pretty soon after December 6th?

A. Yes.

Q. Thank you.

MR. BLAKE: At this time, the State would move to enter into evidence State's Exhibit 64, document has one, two, three, four, five, six, seven pages to it.

THE COURT: It's in subject to objection. Objection noted.

(STATE'S EXHIBIT NO. 64 ADMITTED INTO EVIDENCE.)

Q. (BY MR. BLAKE): I'd like you to read from that document.

A. First page reads, "Motive. In determining motive, I must ask myself:

No. 1, who would have any reason to dislike me or my girl?

No. 2, who would -- who have I disagreement -- who have I had disagreements or fights with?

No. 3, who would feel like they would need to get me back?"

Second page, "Hypothesis," and, it's like a little map drawn over here, the wooded area and where the houses are and [redacted]. "My hypothesis of this situation is as follows:

The killer was someone who knew me as well as my girl. The killer was someone who was from my neighborhood and

knew about the path behind my house. The killer was someone who had developed a hatred toward me built up over the last few years. In my mind, with the help of my girlfriend, I have reconstructed what I think to be the path the killer took.

As on the drawing on the front of this page I exited the front door to meet my girlfriend who I had already let out the back door. I thought of the possible spots that the killer could have been posted up at and I came to the conclusion that the spot I have marked is the only spot the killer could have been at and seen me both out the house as well as go down the hill."

"After the killer saw me going down the hill," note there is the map of an area that he's talking about on the back. Go down the hill. "He then proceeded to go to my backyard having previous knowledge that my girl might come that night.

As the killer nears the path, my girl probably said my name thinking that it was me returning. The killer then more than likely identified himself and my girl probably recognized him and wasn't alarmed. He then I think told my girl some lie to get her to come through the path to the side of my yard. I concluded this because the trail of blood started on my side of the path and there was none on the other side.

The killer then probably tried to make an advance on my girl. I concluded this because her pants were slightly she unzipped. When she refused, the killer was angered and tried

to force himself on her. She screamed and knowing he was at a point of no return, he killed her.

The killer then heard me yell out to tell my girl I would be right back as I went pass Skut's house. He then fled the same way he came, exiting through the path in the back of the Squirt's house.

Ask the Allen's on Tuesday, December 5th, do they recall any Bennettsville numbers showing up on their caller ID, in particular Robert Moore, [redacted]

Building Evidence. Building the Evidence. Andrenna Sutherland, [redacted]

Directions to the residence: You go straight down the road to McColl until you reach the light right beside Nic's Pic Kwik. You make a left at that light. You then travel down the road until you reach the first right.

You should see a school building on the left but you make a right. Then you go down the road until you reach the first little intersection and make a left. Dreanna's house is the first white house on the right. You should see a tree in the front yard.

Questioning of Dreanna. Dreanna, hi. How are you doing. I am officer blank, and this/these are officer/officers blank. Okay. Why are we here is because as you know your friend, Weldon Stewart, Jr., has been charged with some serious crimes, however, new evidence has come up

and we need your full cooperation in answering these questions we are about to ask you.

There is no need in trying to hold back any information if you want to help your friend. Okay. If you would let me take you back to one night when you and a minor 13 year-old [redacted] were dropped off in [redacted] and Weldon Jr. (Stew) as you call him promised to get you a ride back home.

Okay. Please don't be embarrassed, but we need you to cooperate. After engaging in intercourse with Stew, while [redacted] and a boy named Puffy were having intercourse in the same room everyone exited except for you, who remained naked in the room waiting for Stew to come back.

Instead, another person came in the room and pinned you down on the bed trying to force them self on you saying, "You gave" -- you want me to say all that?

Q. Yes.

A. "You gave Stew the pussy. Why nobody else can get it? Is this how the story happened, and if so who was that person? She should give you the name. If she hesitates, remind her that this could help clear my name.

Do you recall Stew ever mentioning anything to you about conflict between he and this person or this person disliking him? It has also been brought to our attention that he may have tried to force himself on the minor 13 year old [redacted] knowing how old she was. Do you know anything about this?

How long did it take for you to get this person off you? Do you think it would have went further if other people had not been in the house?

What is the Relevance? By questioning Dreanna, you would learn that this person has a problem when it comes to girls. He also dislikes me with a passion.

What is the relevance? I believe my girl was caught up in the same type scenario with the same boy trying to get some pussy from her since I got some. When she refused, it was more about -- it was no one around to save her like how we were in the house for Drenna.

[redacted]

Ask Bo first of all -- ask Bo, first of all, can he recall anyone from up [redacted] that I had conflict with or constantly argued with? He should tell you his name. If he doesn't, just bluff him about it going back to the jail -- going back to jail, and he will tell you whatever you want to know.

Ask him where does he think this anger came from. Ask him if he can ever remember Keg showing strong disapproval to my relationship with [redacted]."

Q. That was given to you by the defendant?

A. Yes.

Q. Within a month after his arrest?

A. Yes.

Q. You were present when he gave his written statement?
A. Yes, I was.
Q. And that written statement, did he say somebody else had killed [redacted]
A. No, he did not.
Q. At any time?
A. No.
Q. No further questions.
THE COURT: Your witness, Mr. Stewart.

CROSS-EXAMINATION BY MR. STEWART:

Q. You say I gave you this?
A. Yes.
Q. In your hand?
A. Yes.
Q. About a month after I was incarcerated?
A. Within the first 30 days.
Q. Did you interview me at the -- when I was taken into the custody of the police?
A. At the police department?
Q. Yes.
A. On December 6th?
Q. Yes.
A. As I was standing in the room when you were being interviewed.
Q. You were there?

A. Yes.
Q. Did you at any time see Lieutenant Boston taking any notes?
A. No, sir. You asked me that on Monday.
Q. But you were in the room?
A. Yes. I was in the room.
Q. Were you paying attention to me?
A. Yes, I was paying attention to you.
Q. Did you visually inspect my face, neck, and hands?
A. I didn't do a full overview of your face, neck and hands, but I did see them.
Q. Did you see any scratches, bruises on my face?
A. No.
Q. Scratches, bruises on my hand?
A. No, I didn't.
Q. Did you see any scratches, bruises on my neck?
A. No, I didn't.
Q. Neither side?
A. No.
Q. But you did look?
A. Yes.
Q. That writing was sent to you by me?
A. Yes, sir, that was.
Q. That writing was sent to you by me?
A. Yes.

Q. Would you read that and that again?

A. That would be Chapter 3, verses 11 and 12. "The things that are recorded in this book, I saw with my eyes other than my own. For if I had looked with my eyes, I would not have behold -- I would not have beheld the things that I saw."

Q. Please read that right there, slowly.

A. Chapter 1, verse 3. "In that day, truth was given to the multitude who receive it not."

Q. Will you please read those last five words?

A. Chapter 3, verse 16. "I don't understand this calamity."

MR. STEWART: No further questions.

THE COURT: Witness may step down.

MR. BLAKE: State rests, Your Honor.

THE COURT: Ladies and gentlemen, at this time, we have to take a brief recess. We got to take up some matters of law. Y'all step back to your room. We'll get right back to y'all in a few minutes.

(JURY EXCUSED TO JURY ROOM AT 11:09 A.M.)

THE COURT: All right. We're still on the record now. Mr. Stewart, you got any motions at this time? There's no point approaching the bench when the jury is out of the room.

MR. STEWART: I'd like to make a motion for directed verdict, acquittal.

THE COURT: All right. I don't think I need to hear any response from the State on that. With the evidence before the Court, that motion would clearly have to be denied.

MR. STEWART: Thank you, sir.

THE COURT: All right. Recess for 15 minutes. We'll get started with the defense.

(COURT IN RECESS AT 11:11 A.M. AND RECONVENES AT 11:37 A.M.)

IN CHAMBER CONFERENCE

(PRESENT WERE MR. CROW, WELDON STEWART, JR., MR. BLAKE AND STEWART RINER OF THE MARLBORO COUNTY DETENTION CENTER.)

MR. CROW: As Weldon Stewart's acting legal counsel, like the Judge asked me to do, answer any questions, so I'm here at your request that I have a conference.

You wanted to have a conference with Judge Burch. I didn't know that Judge Cottingham -- this is the judge to the and, of course, the court reporter, and you know everyone else.

JUDGE COTTINGHAM: I'm not involved in this at all. I'm just visiting the Judge.

MR. STEWART: Sir, I'm requesting to offer my testimony in two parts. The first part in reply -- an explanation for the writing, and the second part at the end of my case to explain what happened during the incident.

THE COURT: So, well, let's just boil it down to brass tacks. You want to take the stand and recall yourself later

on?

MR. STEWART: Yes, sir.

THE COURT: I don't think there is anything wrong with that. What sayest the State?

MR. BLAKE: I never heard of this. I'm really uncomfortable with his testimony from the stand itself since there is no one to ask him questions. Just give an open-ended narrative.

I don't know the reason for having a separate reply. Is he -- he's giving direct examination and I'm giving cross and he's going to give reply. Is that what he said, re-direct? I'm not understanding.

THE COURT: Well, I'm not exactly sure I understand either, but it would be just putting a witness up and later recalling them later on in your case trying to look at simplistic type points of view.

MR. STEWART: The only thing I want to do -- first reply to the writing and after that call in my witnesses and then get back onto the stand. I don't want to talk about what happened first because if I do, I might not be able to go through the rest of it.

THE COURT: No witnesses? That would be the proper way to do it. Once you take the stand, you need to cover whatever you need to. If something else comes up later on, that would justify a recall. In effect, you would be recalling yourself

up there. That may be permissible for you to come in, do your testimony in two parts, and is the State not in agreement with that? I don't think I can help you with that.

MR. BLAKE: Sounds like you want to put up some kind of testimony, then you want to call the other witnesses and then put up some more testimony on his own. My understanding about reply, it's severely restricted to what went on in cross-examination. He's really trying to break up his testimony in two parts before we -- everyone starts.

THE COURT: You need to do it all together just like everybody else.

MR. CROW: Also he questioned me as stand by counsel about -- I told him he has a right to testify or not to testify. You know, and you'd probably cover that with him on the record, but he needs to make that decision now since the defense of his case is now ready to go forward.

THE COURT: We can go ahead and cover that right now to save the jury coming in and out. Mr. Stewart, you need to pay close attention to this. This is real important, and I don't even trust myself to do this just off the cuff, because it is so important.

And it has to do with your Fifth Amendment Constitutional Rights. Under the United States Constitution and State of South Carolina ---

JUDGE COTTINGHAM: I would swear him.

THE COURT: And normally, I would do this out in the courtroom, but since we're on break and the jury is back in the jury room, I'll go ahead and do it, since we're on record here in chambers.

Mr. Crow, I believe you said you already talked with him about that?

MR. CROW: I discussed it briefly, not fully. I just discussed it, but I knew I was trying to save time.

THE COURT: All right. Mr. Stewart, if you would raise your right hand.

WELDON STEWART, JR., first being duly sworn, testified as follows:

THE COURT: All right. Part of the Fifth Amendment to the Constitution of our country provides no party, no person shall be compelled in any criminal case to be a witness against himself. This provision of the constitutional law means you cannot be compelled or required to testify in this case. It is a right and a privilege which the law extends to you.

It's a personal privilege and no one waives this right except you. You have the right not to testify, but you also have a right to testify.

If you elect not to testify, this cannot be used by the State as an inference of guilt and your election not to testify cannot be considered by the jury in its deliberations.

If you elect to testify and waive the privilege extended to you by the Fifth Amendment of the Constitution of the United States, I advise you now that you will then assume the role of a witness in the case.

You waive or give up your constitutional privilege against self-incrimination. This means that you voluntarily take the witness stand and testify.

You will then subject yourself to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case and you may be impeached to the same extent as any other witness, all of which, however, are subject to the rules of procedure and evidence.

I advise you that if you elect to take the witness stand and testify, this decision on your part must be made freely, voluntarily, and intelligently and with knowledge of the protection given to you by the Fifth Amendment of the Constitution of the United States and with knowledge of the consequences of your election to testify. Now, I know what Mr. Crow told me. Have you discussed this particular issue with Mr. Crow?

MR. STEWART: Yes, sir.

THE COURT: You understand everything that he has explained to you?

MR. STEWART: Yes, sir.

THE COURT: You understand everything I just went over with you?

MR. STEWART: Yes, sir.

THE COURT: You don't have any questions about what I went over?

MR. STEWART: No, sir.

THE COURT: Do you intend to testify?

MR. STEWART: Yes, sir.

THE COURT: All right, sir, anything while we're back here?

MR. BLAKE: Yes, Your Honor. I believe that the Defense's case is going to have a number of character witnesses, and I would like to get the rules clear about that, how that evidence is presented.

It's my understanding it can only be in the form of opinion of reputation evidence. Once given by his witness, I then have the opportunity to cross-examine and ask if their opinion would change if such and such was known. And I am also saying this just to make sure we don't spend the next four days going over matters.

I know Your Honor keeps it simple, but I'm concerned about how this testimony -- this testimony is going to take place and I'm presuming it's going to be character.

THE COURT: All right.

MR. STEWART: Sir, the things that, like yesterday, there

were some accusations that he -- not yesterday, but when Mr. Moore, Robert Moore was on the stand. It was, "Would your opinion change if you knew he smacked his mother." I mean that type of question is just pure speculation, and I'm sure everybody's opinion of someone would change if they thought they smacked their mother.

However, it was not proven I smacked my mother and just having a bunch of accusations, then ask witness and asking them if their opinion would change then. I think that's improper.

THE COURT: You would have to be careful. It should be something that some evidence of that if it occurred or whatever.

MR. BLAKE: Yes, sir, and as far as specific instances, that goes to specific instances of conduct to previous character.

THE COURT: All right. Anything else?

MR. CROW: Yes, sir. While we're on the record, I'd like to say that as a result of direction I received in Chesterfield County two weeks ago at the conclusion of a motion hearing before Your Honor, as stand by counsel, I have continued to serve as a conduit between the Defendant, Mr. Weldon Stewart, Jr. and the Solicitor's office.

And whatever Mr. Weldon Stewart, Jr. has communicated to me relative to settlement of this matter or getting this

matter behind him, I have communicated to the Solicitor's Office. Have I not?

MR. STEWART: Yes, you have.

MR. CROW: And I have nothing else to report back to Mr. Stewart, Jr. other than what was reported to him earlier or several days ago, but I was attempting, as Your Honor instructed me to be a conduit between both of them throughout this entire thing, and as of right now, I have nothing else to come to the Solicitor's Office with.

THE COURT: Okay. All right. Y'all step out.

MR. BLAKE: I just need to clarify, Judge, is it true the character witnesses put their testimony in the form of reputation or can he simply talk about specific instances that have no relation to this case? Can they just tell stories forever? He can't parade them up there?

I don't have the rulebook in front of me. I thought it stated that you can only do that in the form of opinion of reputation.

THE COURT: I think that's correct. I'll have to pull the rule book, too. I'm not sure. If I interpret this rule right, I just misunderstood the writing, but 405(B), I think it is that specific instances of conduct is admissible where character is an essential part of a defense where it is claimed.

MR. BLAKE: This is not an essential part of the crime of

murder. The defendant has brought it in as an issue to indirectly prove this was an accident and not a killing. Yes, if it's an essential element, I guess you're talking about fraud. I'm not sure I can't give a good example of this. Character is not an essential element of the crime of murder.

THE COURT: Y'all put me in a pickle here. You got to go forward with your case and follow the rules as best you can. Pose the question. If there is a problem, object to it and then I'll have to rule on it at that time. I don't -- y'all put me in a position back here on advising on how to try your case. That's what y'all are trying to do.

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

THE COURT: Yes, sir.

MR. STEWART: Yesterday my actions were inappropriate when I was examining a witness. I think his name was Anthony Watson. I did -- didn't think about it until His Honor called me on it, and I now realize that I did take it as personal and did try to take it out on him. I apologize for my inappropriate behavior.

THE COURT: I appreciate that. When you switched very quickly, I could tell from the expression on your face you were in effect trying to get back at him by holding him here in court. That was in the heat of battle. I'll be out there in a minute.

(IN CHAMBERS CONFERENCE ENDS AT 11:55 A.M.)

THE COURT: We had a conference in chambers about certain things, and I still reiterate. I don't want to tell y'all how to try your case. Normally, you ask a question and if there is an objection, you object and I rule on it. But just give a little bit of thought about what I just checked in my book. It might give you some guidance especially Mr. Stewart.

Through case law and the rules, South Carolina, you're limited to three character witnesses. Mr. Crow, you may, if he needs some help, he may inquire to you about your knowledge of this.

It used to be a reputation in the community, but a case, I believe, by the Supreme Court several years ago expanded it to where you can know a person. So in effect, you can know personally or from the community that the Defendant's reputation -- about the Defendant's reputation for peace and good order and that's it. We don't get into other specific instances of conduct or whatever.

So I'm just trying to give you a little guideline. Maybe it will help you a little bit. It's not my duty to be helping y'all, but the sincerity of both of y'all talking to me back there, I figured I might better give you that tidbit of advice.

So you know if you go over three witnesses, probably what's going to be coming from the State. Okay.

MR. STEWART: Yes, sir.

MR. BLAKE: Your Honor, could I have just a moment.

THE COURT: Mr. Crow, you follow me on that?

MR. CROW: Yes, sir.

THE COURT: Years ago, it used to be -- it had to be your reputation in the community.

MR. CROW: Yes, sir.

THE COURT: And they expanded it where you could personally know them.

MR. CROW: In the case limited from Watkin, but it's always been three witnesses.

THE COURT: Right.

MR. CROW: It's always been three witnesses. The only thing he was asking me about, he was asking me about proof. It used to be a standard of reputation for peace and good order, you know reputation for truthfulness, good or bad.

Reputation for truthfulness used to be very simple, but I've tried to explain that to him but that's not necessarily the law now and they were in the process of eliminating potential witnesses. Now, since I stressed to him that they can only call three.

THE COURT: Are we ready?

MR. STEWART: Yes, sir.

(BENCH CONFERENCE HELD OFF THE RECORD OUT OF THE PRESENCE OF THE JURY.)

THE COURT: All right. Bring the jury in, please.

(JURY ENTERS COURTROOM AT 12:14 P.M.)

THE COURT: Counsel and Mr. Crow, approach for a second, Mr. Crow.

(BENCH CONFERENCE HELD OFF THE RECORD, BUT OUT OF THE HEARING OF THE JURY.)

THE COURT: All right. Jurors are here. We're ready to go. Mr. Stewart.

MR. STEWART: Sir, first I would like to read allegations from the indictment for murder.

MR. BLAKE: Objection, Your Honor. I don't see a witness.

THE COURT: You need to call your witnesses. You might reserve that for closing argument or whenever you're testifying. I have to sustain the objection.

MR. STEWART: I would like to call myself as a witness.

THE COURT: Come up and be sworn.

WELDON STEWART, JR., first being duly sworn, testified as follows:

CLERK OF COURT: Come around here and have a seat and state your full name.

A. Weldon Stewart, Jr.

DIRECT EXAMINATION BY MR. STEWART

MR. STEWART: I'm testifying first for myself, and evidence has been presented throughout this entire case, but

no explanation has been given for me of it. This jacket, the scarf, shirt, glasses, no explanation. This writing was presented ---

MR. BLAKE: Your Honor, I'm going to object and ask to approach to bench.

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

MR. STEWART: I will be explaining all this evidence, where it came from, how it got like it got, cause I was there. And right now, this writing is really representative of the case but not the truth but the case. I'm going to explain this writing simply because I'm the one who wrote it.

It's really not a literal writing as far as just speaking literally. It's a metaphor and each part of the writing is symbolic and means something else. Each, the title, the names, certain things that's in the writing, everything, well not everything, some things are literal and some things are not.

And just to start explaining certain parts, in the beginning the word "prophet" was used simply because I gave everyone the truth from my account what I saw, what I know to be what happened. People who were not there and did not see told me that I was lying and that I wasn't telling the truth.

And that they know what happened and I don't know. Therefore, since I now that there is only three people that

were there, me, my girlfriend, and God, there are only three people who knew what happened, me, my girlfriend, and God.

The people who felt they could tell me what happened, I felt they must consider themselves to be God simply because if I was there and I saw what happened and I know what happened. And they're going to tell me that something differently happen other than what I saw, then they must be God.

And that's why I called this character a prophet. It's not actually me talking and me saying a lot of the things in here. A lot of those things that you hear in here are rumors, gossip, and lies that were put on me once I was incarcerated for this charge. And the person, the character that was in this writing is simply relaying the rumors and the gossip and the lies that all of these people have place on me, and he's just talking about it.

I say he's because he's a character that I created. It's only two parts in this writing where I am speaking directly from me, and that is this part right here, 1 through 12 and at the end, 11 through 16.

That was the only part of this writing were I, myself, am speaking, just me directly. You see that this part is written in first person, I, my, me. Once you get here, from that point all the way -- all through here, all the way up to this point, he, him, things like that.

And just to say why I named it, actually, this is not the

only one that was given to Detective Gurley, but it's the only one they brought in here today and showed to you. It was three of them, but the other two.

MR. BLAKE: Objection.

THE COURT: Yes, sir.

MR. BLAKE: This is no, of course -- of course, he's -- nobody is asking him questions. This is kind of unusual, but he's talking about evidence that has not been brought in, and I don't see why he gets to talk about it now. He can bring it in if he wants to or try to.

MR. STEWART: Sir, this evidence was included on ---

THE COURT: All right. Go ahead. Be careful not to get into something that's not in evidence until you put it in evidence.

MR. STEWART: Yes, sir. I wasn't going to actually explain it on the record. If other two are not in evidence, so I can't talk about them, I guess.

But it was three of them. One of them is called, "The Calamity." The other was called, "Judgment." The other was called "Reservation." And it's basely ---

MR. BLAKE: Objection. He's now named them. Now he wants to talk about them. They're not in evidence.

MR. STEWART: I'm still talking about this one. I only named the other ones, sir.

MR. BLAKE: If that's the case, I withdraw any

objection.

MR. STEWART: The reason that this particular one is named "The Calamity," that means disaster. That word in the literal sense means disaster and I call this writing the disaster because not only was the unfortunate situation that occurred, a disaster, but also the lies and the rumors and the things that happened after this situation, is also a disaster.

It caused me a great deal of trouble with people putting rumors on me. Me being in a lockdown facility, Lee County Correctional Institution. For one, they got me charged with murder. For another, they made officers hate me, inmates hate me, not all inmates, but some. Some officers hate me just because they heard something about me from someone else or someone else had told them something about me or things like that.

And a lot of people probably heard all the rumors and stuff, but just going into it and explaining what that first part means it was talking about I was a man who possessed knowledge, wisdom and understanding.

It has a double meaning, and the reason that it's written like this, chapter verse form, is because if this person -- if all these people are God, then the person, the character I made he must be a prophet because if someone can tell me, see everything, know everything, tell me what happened from -- tell me that I was wrong, that I didn't see

what I saw, that I don't know what I know, then they must be God.

So I made in character a prophet and I wrote the thing in this form right here, and after I get finished going and showing the meaning of this, then I'm going through and show the meaning of all the evidence.

But this right here, this verse right here is talking about my state of mind before the tragedy occurred; that I was a person who had -- I was pretty much an easy going person, stable. I was stable. But it says after -- after the tragedy occurred, it was sudden and unexpected.

And I knew what was happening, but I couldn't understand why it happened. I was confused. I couldn't understand what was going on, and I just didn't know what was going on. It happened over a period of -- the two different incidents happened over a period -- a period of about eight hours. But for me, it seemed like everything happened like that.

So it kind of -- it really threw me, and I didn't understand what was going on. And that's what meant by "I knew what was but did not understand it."

It's talking about December the 6th now. The third one is saying "In that day truth." Now when I say "truth", truth means the statement that I gave to the police the first day they took me into custody. The statement, "I, my girlfriend fell. She didn't get back up. I panicked." That was the

truth. I gave it to them from day one.

In the first days, I give them the truth. The multitude that I'm referring to is the prosecuting agent, the police, the Solicitor, and the two different ones that is on my case. That's the multitude that I'm referring to, and it's saying that they received it not. They didn't believe me. I was lying. I'm a murderer. I wasn't telling the truth.

And it was really at the -- for -- it was telling my state of mind that I was in at the time this writing was written. I was really suicidal. I had been suicidal pretty much the entire time that was I was locked up for this incident.

Look at my wrist. Everybody see it? You see the scar from one of my attempts. I was put on suicide watch about the entire time for -- well, I stayed in county jail for about two months. I was put on suicide watch the entire -- almost the entire time, and even when this was going on, I wasn't eating for about two weeks. I lost a lot of weight since this happened.

I was about 200 pounds before this happened. I wasn't eating, and I was just real suicidal. And I was saying that I was going to take my life -- give -- well, give my life, but actually take it for the life that was taken by taking that which was given.

And saying that with this, I wrote it cause -- so

everybody -- it would confuse people and they wouldn't know what was being said, but they would take it on a literal sense. And by taking it on a literal sense, they would try to use this writing right here to take my life.

But at the point when I wrote this, right, I was so suicidal that I was saying they didn't have to take it. I was going to give it to them. That was the beginning purpose for writing this writing right here.

Because when I first got locked up, people were trying to make me feel that since I was so close to my girlfriend or whatever, that the way to give back or the way to make things right would be to give up my life, too.

They were telling me things like that, and that when I wrote this writing. That was the purpose for it. And when I say, "So that the blood shed will satisfy the sinful heart of the multitude," because it's saying that the prosecution agents don't care about the truth.

That it didn't matter to them what happened or what didn't happen. All they want is a conviction, and I call that sinful because it's not pure to me. To me, everyone should want to know the truth regardless of what the truth is, that I murdered my girlfriend or the truth is that I didn't murder.

But people should be seeking is the truth not just what they want to hear or what they want people to say or what they want people to try to say, the truth. And while I said sinful

heart is because in my opinion, the prosecution agents were not seeking the truth. Because all the evidence, the truthful evidence, the physical evidence, the pictures show the truth.

But you have -- none of that evidence has been explained to you. None of the truth has been given to you, just he said that. She said that. My opinion, the prosecution agent were not seeking the truth. They were just so upset about how I panicked and how I reacted to my girlfriend's death; that upset everybody so badly, it automatically led them to saying, "Well, he's guilty. He's a murderer."

But the truth of the matter is that it was an accident, and when I sent this letter, I was suicidal and when it says, "So that the blood is shed, me losing my life to satisfy the sinful heart of the multitude and unbalance the scale that was once balanced."

Now, the balance is talking about the scale of justice, and it would be an injustice for someone to be convicted of a crime that they did not commit.

THE COURT: Mr. Stewart, you don't have to testify now. Obviously, you're waivering between hard testimony and closing argument.

MR. STEWART: Yes, sir. I'm -- sir, I'm really explaining the meaning of this writing, sir.

THE COURT: I can't allow you to stand right in front of

the jury box through your entire testimony. If you got something you want to cover on the document, please get it covered and come back to your seat. The jury needs a little bit of privacy just as they do any other witness.

MR. BLAKE: Your Honor, just following up on that. Every other exhibit has been shown right over here in this corner, and I don't know if you're reading at the same time or not, but I do object to -- well, I felt it was a closing argument all along, but Mr. Stewart's physical presence there -- if he's a witness, he should be in the witness stand.

He's using this document as a ploy to continue to speak there. He can speak from that same document just like Dallas Gurley did from the witness stand.

THE COURT: I agree with you. Put that back and come back to the witness stand. Mr. Stewart, return to witness stand. Mr. Funderburk is going to help you so you can get a little closer to it. Is that an extendable wand?

MR. STEWART: I can see it.

THE COURT: All right.

MR. STEWART: Talking about the scale of justice that it would be an injustice for someone ---

THE COURT: No, sir. You're going right back into arguing with the jury about closing argument. Now, you're either going to testify or I'm going to have to stop you.

MR. STEWART: Yes, sir.

THE COURT: Go ahead. Is everybody all right? Okay.

(JURY EXCUSED TO JURY ROOM AT 12:38 P.M.)

THE COURT: Counsel, I propose we break for lunch. Mr. Stewart, I know you're up here.

BAILIFF: Your Honor, she was having an anxiety attack before we came out. She was having congestion in her chest. It may be an anxiety attack.

THE COURT: All right. Mr. Clerk, if you will check on her. Tell them to go ahead and go to lunch. Let's break until 2 o'clock.

(JURY EXCUSED FOR LUNCH AT 12:39 P.M.)

(COURT IN RECESS AT 12:39 P.M. AND RECONVENES AT 1:51 P.M.)

MR. BLAKE: Judge, before the jury come in, I would like to put something on the record.

THE COURT: Okay. Mr. Crow isn't here. Yes, he is. Go ahead.

MR. BLAKE: And I can't fault the defendant for this, but the closing went to lunch was, of course, very abrupt because of the medical problem with the juror.

And when we broke for lunch, Mr. Stewart was, of course, on the stand in the middle of testifying as a witness would have been sequestered. And I didn't feel it was my place to step in and do anything, but he did talk to one of his witnesses. And, of course, he was talking to his parents.

I can't change anything that's already happened. I just

want it on the record and just want it to be clear that if we have to take another break, during that break he's not really to be communicating with anybody is my understand.

THE COURT: That's my fault.

MR. BLAKE: Well, everything was very irregular.

THE COURT: I should have -- it's definitely not his fault.

MR. BLAKE: I just wanted to put that on the record; that was all.

THE COURT: Good. Got everybody in that wants to come in? You ready?

MR. BLAKE: Would we hold that for a second. Do you have the information about the juror?

THE COURT: She's fine. She was checked.

(JURY ENTERS COURTROOM AT 2:05 P.M.)

THE COURT: All right. You may continue, Mr. Stewart.

MR. STEWART: Once again, my name is Weldon W. Stewart, Jr. I'm the defendant.

MR. BLAKE: Your Honor, may I move forward? I can't hear the defendant.

THE COURT: Speak up.

MR. STEWART: Once again, my name is Weldon W. Stewart, Jr. I'm the defendant. Before we break, I was in the process of explaining the writing to you. I'm not going to further explain that writing at this time.

I feel that I already explained to everyone it was a metaphor. It was basically about what people were saying about me, not me saying about myself. I've been advised just go ahead, go forward with my testimony and let the evidence speak for itself instead of going on with this writing right here.

I have explained it was a metaphor. It's not literal. It's not me talking about myself. It's rumors that other people placed on me, and I'm not even going to go any further with explaining it.

I'm just going to go tell you about the things surrounding the day and what happened on that day. Just to give you a little background about myself, school -- I started school when I was about three -- three years old. Went to school, gifted and talented classes when I was in the third grade.

Did pretty good in school, honor roll, principal's list most of my years until I got about in the fifth grade. I had a little trouble in the fifth grade -- between my fourth grade and my fifth grade years.

Young man tried to take my life, so it kind of changed me, affected me, and I didn't do that good in my fifth grade year, started getting into a little trouble ---

MR. BLAKE: Objection, Your Honor, relevance.

MR. STEWART: Just -- is just background.

MR. BLAKE: This isn't a bifurcated trial.

THE COURT: I'm going to give him some leadway. Just don't get too far with it. Go ahead.

MR. STEWART: Just, my grades started slipping lower in the fifth grade. Other than that, I did pretty good. Was doing good at home. Got older.

When I got about 15, I started dating this older lady. She was 27, and she kind of played with my -- played with me a little bit and kind of threw me away. So that was that.

But in school, I was pretty good. Shortly after that relationship, I got with another girl, and she got -- she became pregnant. She was older -- she was a little bit older than me. I was still 15. She was like a high school senior or something. She became pregnant, and she forced herself into an abortion by -- not an abortion, but forced herself into a miscarriage by drinking caster oil, something like that.

And had baby out on the floor and took pictures of it and sent it to me. So that's what happened. Shortly after that, I started -- I had problems with. That -- that really bothered me. Just seeing the pictures and stuff, so I really -- I started -- not getting in trouble, but just to be honest, what I said I was going to do in my opening statement, so I started using a little marijuana. That was how I coped with my pain and stuff like that.

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marlboro County

John M. Milling, Circuit Court Judge

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S.C. SUPREME COURT
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WELDON W. STEWART, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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So what happened, I came down through here and pay attention to this little wood thing right here. This little wood thing right here, I came around and came around back here. And you see, I came down through this area right here and met my girlfriend at the fence. That's the fence right there. That's the fence.

From there, you see this back of the house right there? That's the back of the house. That's the back door right there. My girlfriend came down through here and she -- we met -- the fence is back behind this tree right here -- behind the tree right here.

And what we did, we came around here in this open field right here. This is a big open field. We came around here and I showed you the spot. It's up in this area right here. I showed you the spot, and then when she got through crying and stuff -- well, she was still crying, but when I finally got her walking, we came around through here.

This is the field. The field is still going back further, and the field is going toward the path. This is the picture. It's a big -- it's a big -- it's a big -- big open field right there. And we came down through the field right here and we came towards the part which is over here.

The path is here. This area right here is the field. This is the entrance to the path right here. And right here is the entrance to the path. This is where she had become a

little emotional right here, right -- right here a few feet from the path in this area right here.

And she had come a little emotional -- little emotional right here, and about the area -- this area right here, this is where -- this is where I had picked her up at in the area right here anymore and where I had tried -- when I was trying to carry her through the path.

I had fell somewhere. I was -- I had tripped up in here, you know. You see all those boards and stuff in the front of the path. This is the same path it showed you in opening statement. This picture was taken at night.

You can see all the boards. Here is the picture from opening statement. You see all the boards. You see all the board. That picture was taken in the daytime, but you can see all the boards in the front of the path.

And here is the picture right here in the night. This is the path right here taken by SLED. See all this stuff right here that you can trip over right here.

You got to imagine trying to carry a person through here when it's pitch dark, and we was twisting and turning and stuff going through the path. If you look right there -- if you look right there, that little dark spot right there, that's a pack of cigarettes. If you look right there in that dark spot here, and if you look right here, there is a limb -- this is a limb right here.

You can see it laying down on the ground going across the path. This is a limb right -- right there. Pay close attention to that pack of cigarettes and that limb.

Now, as you can see, there is the pack of cigarettes and there is the limb -- there is the limb right there laying on ground. There is a strip of metal strip -- strip of metal right there, like on -- laying on the ground in the path. It's a lot of stuff on the ground in the path.

Like -- like you see roots and stuff all over. Big -- big size roots and stuff all over the ground. This is the same pack of cigarettes right here. Remember the pathologist, roots and stuff on the ground and all the roots and stuff down there and the roots. And this is a blood stain right here, and this is a little -- this is a little stick right here.

It's not -- it's a picture blown up. It's not as big as it looks, but you can see by that right there, that little stick is about like that right there, pretty much like that right there.

But you see all these roots and stuff in the path and this is a little bloodstain. It probably got on the ground when it was coming out her mouth and stuff. And this -- this is the -- you see nothing but little spots -- little spot here and a little spot there.

And it wasn't coming out her mouth that fast, but it was coming out a little bit. It was a little bit. It was just a

little bit coming out. It wasn't coming out real bad like just gushing out. It was just a little, little bit coming out.

MR. BLAKE: Objection, repetition.

MR. STEWART: Excuse me. Excuse me.

THE COURT: Careful.

MR. STEWART: And this right here, that's the same little blood stain right there on the leaves right there in the path. And that -- that -- that little -- that little -- that little stick right -- that little stick right there.

And this right here, that's the log. You remember I showed you the log in the middle -- that's the metal strip going down through the log. That's the log right there.

All of these pictures right here, these cigarettes and the blood from the bloodstain -- the cigarettes and the bloodstains right here, all of those bloodstains right here on this side of the path.

When you -- like when you coming into the path before you get to the log right here, all of this right here is on -- is on -- is on this side like when you decide where you coming from my house and going over to the other yard, it's on this side of the log right here.

On this side -- on the side where you going to my house at, but all these pictures right here -- all these pictures right here -- this is the log from the other side. This

picture right here was taken from the log on the other side of the path.

Now, this picture right here is looking from -- like you're coming from the other way going over and this, the metal right here. This is metal right here. This piece of metal right here, this is the metal and this is some bloodstains on the other side of the log when I had told you I had -- I had picked her up.

And when I got ready to move her and that's when -- and I had laid her back down, this is on the other side where I had moved over from that side to the other side and laid her on the other side, that's where the little bloodstain and stuff and she was still bleeding a little bit.

That's a little bloodstain. It wasn't just coming out bad. It was just coming out a little bit, but that's the other side of the path. And that just goes to show you my girlfriend's route from my house to the path.

And my mind -- my mind's not really working too clearly right now to say too much more about the situation, but I just want to say that my girlfriend, she wasn't bad and she wasn't a bad girl. And people -- everybody had problems. Everybody makes mistakes in life, but she was a good girl. She had good family. I had a good family. We all went to church together and it's just a messed up situation. Thank you.

THE COURT: Have a seat, Mr. Stewart, please. Mr.

Solicitor.

MR. BLAKE: Thank you, Your Honor.

CROSS-EXAMINATION BY MR. BLAKE:

Q. That was your girlfriend? That was your girlfriend?

A. Yes, sir.

Q. Or was it [redacted] Harper, the one you got pregnant? Come on, answer me. We've listened to you forever now. Just answer my question. I'll be brief.

A. It was [redacted] Allen.

Q. Oh, I know that, [redacted] Allen, but what about [redacted] Harper, the one you got pregnant, the same age, while you were dating [redacted] Allen? Which is your girlfriend?

A. Which is or which was?

Q. You seem to know this path very, very, very well. I'm amazed.

A. We used it about every day.

Q. Oh, used it about every day. Okay. When was the last time you used it, Mr. Stewart?

A. December 6, 2000.

Q. Two and a half years. But you still remember it in intimate detail, and it was dark that night, wasn't it? Answer me.

A. It was dark that morning.

MR. BLAKE: I'm sorry, Your Honor. I'm getting his exhibits.

Q. (BY MR. BLAKE): Well, you certainly used it in your testimony, didn't you? Well, excuse me. Answer the questions. They don't seem to be hard. Hello?

A. I don't know what question you asked me.

Q. It's convenient what you remember and don't remember, Mr. Stewart. You knew this path very, very well, didn't you?

A. I know it very well.

Q. You know it very well. No, you haven't placed a foot on it in two and a half years, correct?

A. Hadn't left my mind.

Q. Since the day or the night that your girlfriend died where you say you she fell, you fell; is that right?

A. Yes, sir.

Q. And you say this is where that accident happened?

A. I was there. Yes, sir.

Q. You were there. And is it true that she was bleeding or she wasn't bleeding?

A. She was bleeding.

Q. She was bleeding?

A. Yes, sir. Not bad. It was a little bit, but it wasn't like just gushing out or anything from the mouth.

Q. You remember writing some letters to the victim's parents? Of course, you do. Do you remember being warned by law enforcement to stop that activity?

A. I haven't answered the first question yet.

Q. It's a pretty simple question.

A. As I recall, I think I tried -- I think I tried to communicate with them a couple of times since it happened.

Q. Couple of times. Think that's about right? It's hard to remember, I know. January 29, 2003, "Mr. and Mrs. Allen, please respond to this letter." Of course, it was -- had a return address from somebody else, but you wrote it and you were told numerous times to stop communicating with the Allens, but you kept doing it?

A. You said it had a return address from somebody else?

Q. Yes, so they wouldn't know that it was from you.

A. Okay.

MR. BLAKE: Excuse me, Your Honor. I'm trying to find this letter.

Q. (BY MR. BLAKE): You mentioned going to [redacted] Academy, is that right?

A. Yes, sir.

Q. Do you remember about when you did go there?

A. Sometime in 1997, I think or 1998 one.

Q. That was after you were kicked out of [redacted] High School?

A. Yes, sir, it was after that.

Q. For that knifing incident?

A. Yes, sir. The boy got about two stitches, yes, sir.

Q. Excuse me.

A. The young man had to get about two stitches. It was a dull ---

Q. You answered that enough. Did you have any problems there when you were at [redacted] Academy?

A. I got kicked out for having sex with a girl.

Q. You remember talking to Mr. Denny Beady there at the [redacted] Academy?

A. He was our peer group -- he was our peer -- we had like peer groups and he was one of our peer group counselors.

Q. And in a report of May 1998, I'm sure he shared this with you. "He appears distant and frustrated, but when confronted, Weldon becomes very angry and hostile. He struggles to ask for what he needs in appropriate ways and resorts to blaming others for his actions."

Do you remember sitting down and talking to Mr. Beady about your behavior?

A. Can I see that, please?

Q. Are you admitting or not admitting? I've shown all this to you before in previous discovery. It's nothing new.

A. Can I see that document, please.

Q. Sure, I can show it right to you.

A. Oh yes, sir. This is when they were trying to take me out in the woods, and I refused to go.

Q. Okay. So you do have an explanation for that?

A. Oh, yes, sir. They were trying to take me in the woods.

Q. Okay. Thank you. "Although his writing skills are exceptional, he does not participate in class and many times he causes tremendous disruptions." Your explanation?

A. I was a class clown.

Q. You say this is where it happened, but of course nobody else was there when it happened or nobody else living. And you say that you know the path so very, very well.

Well, why would you go there in the first place if you knew it so well? If you knew that there would be a log there where you might trip, why would you take that path anyway?

A. I didn't know I would be carrying my girlfriend through that path. I thought she would be walking through there on her own.

Q. Oh, you were swept along by the dogs howling?

A. It didn't start howling until after she was deceased.

Q. But you now admit that you wrote The Book of Calamity, and you sent it to Ms. Gurley?

A. I never denied that.

Q. If you could, and we'll use your diagram if I could find it. Let's use State's Exhibit 19. It's already been entered into evidence. You keep mentioning the backyard of 706 Woodrow. Where is that? Point it out on here.

A. Can't tell by looking at that one.

Q. Well, then let's find your map, and we will find it. Here it is. Defendant's Exhibit 13, which is pretty blurry actually.

A. Where is [redacted]?

Q. [redacted] is in orange. The streets are highlighted in yellow. These are the lots. These are the streets right here, [redacted] That's lots. Those are houses there. [redacted] Well, this is [redacted]. I don't know. You lived there your whole life?

A. [redacted] is about right there.

Q. Okay. So you go all the way around. Did you go -- did you go -- you went all the way around? Did you go through [redacted]

A. What do you mean go around -- go all the way around?

Q. Well, for instance, when you went to get Bo to help you with the dead body, he drove around, right? Didn't he and you talk about your girl going around you? You use [redacted] very many times. I want to make sure the jury knows where that is.

A. It's about right there. It's to the right. I can't tell you just by looking at this, but you got to cover the backyard and go to the right. And then go -- it's not like directly in behind the house. You got to go to the right first to get to the path.

Q. So show the Court the path behind [redacted].

A. It's two paths. It's one directly behind the house and it's one down by [redacted] I mean down by [redacted]

The one directly behind the house, we didn't -- we didn't use that too much because it was a field in there, and you get your shoes and stuff messed up going through this. The grass is high back there.

Q. And you were carrying [redacted] before she was dead so that you could go to Bo's house?

A. We were going to Monique's house to find Bo.

Q. To get a ride?

A. To get a ride back to [redacted] She didn't want to take the cab because the cab -- we had talked about that earlier when we were in my room.

The cab had broken down like two weeks before that when I got ready to meet her before Thanksgiving when her parent ---

Q. I think I understood what you said.

A. She didn't feel comfortable taking a cab.

Q. And you were going to Monique's house to find Bo to get a ride home; is that correct? Yes or no this time, please.

A. Not to get a ride home. To get a ride to take her home.

Q. Good. Stand corrected. Get a ride to take [redacted] home?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. Thank you. Now, in your testimony, you just said that this dear, sweet girl wasn't jealous of the gal that you got knocked up and had a baby with who was the same age as her and went to the same school. Is she inhuman?

A. I wasn't -- some people call it jealousy. I just said she was upset about the situation, and it was understandable. She was my girlfriend, and I went and got somebody else pregnant. Her being upset was understandable.

Q. She was understanding or you understood her being upset?

A. I understood her being upset.

Q. But I thought you said earlier she wasn't jealous?

A. I said I wouldn't call it jealousy, but she was upset. Some people call it jealousy.

Q. Kind of a play on words. Now, would it surprise you to find out that [redacted] was on birth control pills and that her mother was strictly monitoring that she took those pills every day?

A. Her mother watched her put the pill in her mouth. [redacted] put it up under her tongue. And when her mother turned her back, she spit it out and threw it in the toilet.

Q. Just like t.v. Thank you.

A. Yes. I did know she was on birth control pills, closely.

Q. Supposedly, but you had that all figured out?

A. [redacted] was a smart girl. She would figure anything out for herself.

Q. You can take some credit. You're pretty smart, too.

A. No, I am not.

Q. That's why you weren't doing so well in school so you got to adolescence and started having problems?

A. School came easily for me. I think anything I would be doing with school being so smart. I just started school early, when I was three years old. Nothing spectacular.

Q. We have heard Bo Wright very reluctantly testify. He had given -- has given a statement, of course, and you have spoken of this event, that is his discovery of [redacted]'s body in several different places.

Reading now from your voluntary statement, which is under various exhibit numbers. This is Exhibit 2 that I'm looking at. "Went in the house to get a flashlight for me and my friend, Bo. After Bo saw the body, he got in his car and left."

And then, today you had a much longer, longer story in which you kept saying that, "All I said was I tripped. I tripped. I tripped." Bo Stewart. Sorry, I always do that.

Excuse me. Been doing that for two years now. Bo

Wright, Stanton Bo Wright, best friends, at least until this happened, is that true?

A. Still friends.

Q. Was he your best friend.

A. My girlfriend was my best friend?

Q. Okay. Was he your best boy friend?

A. Didn't have boy friends.

Q. Well, then, just answer the question and quit playing around. Were you pretty tight with Bo Wright?

A. Yes, sir, we were close.

Q. You were tight, very close?

A. Yes, sir.

Q. Grew up in the same neighborhood?

A. Yes, sir.

Q. Across the street from one another?

A. Down the street, across the street.

Q. You're not smart and you're not good in English. I'll remember that.

MR. BLAKE: Where is the exhibit, the statement that was entered?

COURT REPORTER: Which one was it?

MR. BLAKE: It was Stanton Wright's statement. It's not there. Was ID'd earlier.

Q. (BY MR. BLAKE): I'm simply going to read from it at this point. Now, Bo Wright and you are tight. Back, you said

to him, "You my home boy, right? You my home boy, right?" Now, why -- first, let's establish this.

It was in his written statement and it was in his testimony regardless of how many times you asked him the question, "As we walked towards the path, he said to me -- [redacted] said to me -- said that she had sex with another dude before she had sex with him, and that she didn't shower."

Then he said that, "He flipped." He is, of course, you in that statement.

A. My girlfriend wouldn't do anything like that.

Q. She wouldn't say anything out of spite just to get you mad?

A. She wouldn't.

Q. She had a mouth on her?

A. She wouldn't say anything like that.

Q. Why would he say anything like that? That's not the question. Why she wouldn't say it. Why would he say it? Cause he's just saving his ass, right?

A. That's what he said on the stand.

Q. He did -- well, not going to pit one wisdom against the other.

A. Said he was just telling the police what they wanted to hear so he could go home.

Q. So it's your testimony, because you were there. So you can contradict Mr. Wright; that pretty much what Mr.

Wright said really was a lie?

A. I'm not going to call him a liar. I'm just going to say that when he was on the stand on his own, he would not say that I told him my girlfriend told me anything. Only time he would say it was when you got him to read it off the statement. He never said it out of his mouth. He just read the statement.

Q. Because he sat there terrified of you, wasn't he, just like everybody else is.

A. He -- I wasn't leading him. I just asked him.

Q. You don't have to lead. Intimidation happens in a lot of ways.

A. He was locked in the room with me at Marlboro County Detention Center by his own choice. I don't think he was that scared of me.

Q. I'm talking about when he testified in this courtroom, I couldn't get a word out of him.

A. Maybe he was scared of you.

Q. Probably.

A. And the charge you got on him.

Q. Tell me about that happy grass -- that happy grass that had you giggling; that happy grass that had you just kind of doing anything; that happy grass that had you killing somebody; that happy grass that had you burning that body.

A. Everybody knows when you smoke marijuana it makes

you mellow and calm. It doesn't make you violent. Everybody knows that.

Q. Not saying it made you violent. You're trying to say that you panicked. This is all an accident and then you panicked and the body was burned?

A. Exactly.

Q. So panicked that you went to the store, able to find the money and purchase a beer and some cigarettes?

A. For my nerves. I lost my pack of cigarettes in the path on the ground. I had just bought a pack ---

Q. Wait. Excuse me, Mr. Stewart, I get to ask the questions. You get to give me the answer and I think they're fairly simple questions. Please, yes or no?

A. Excuse me, sir.

Q. You have had a lot of different stories about this incident, haven't you?

A. There have been a lot of different rumors. I haven't had a lot of different stories. You said that yourself in your motion.

Q. Well, where's the motive? Earlier today, there was a document entered into evidence, which I'm going to take the time to find, State's Exhibit 64. Are you denying giving this to Ms. Gurley?

A. I take responsibility for everything I do. I didn't give that to Ms. Gurley. No, sir. I was on suicide watch

almost the entire time I was at Marlboro County Detention Center facility.

Q. Thank you.

A. No clothing.

Q. Thank you. We heard that before. Thank you for your answer. In that document it talked about how to investigate this crime because you didn't do it. But, that doesn't matter cause you didn't write that, correct?

A. It doesn't.

Q. Excuse me?

A. It does not matter because I did not write that. You're correct, sir.

Q. You did not write it?

A. No, sir.

Q. And you did not write a letter to the Allens which says in very similar language, "I think the killer was someone that I knew well. I know it was somebody that I knew. They also knew -- was somebody that knew how close I was to [redacted] and knew if they killed her how bad it would hurt me."

That's what this case is all about, isn't it? It's about you. What gets forgotten in all this is there is a dead girl.

A. I haven't been the one trying to stain her memory. I have been trying to protect her memory.

Q. Mr. Stewart, in a letter to the Allens, did you not state that it was someone else who knew you well very similar

to the language in the Motive who killed [redacted] Allen?

A. That letter was to the Allens?

Q. Um-hum.

A. Can I see it, please?

Q. You've seen it several times, but of course, I'll show it to you again.

A. This is ---

THE COURT: Solicitor.

Q. Can -- well, you've had a chance to examine the document. You say this was not written by you?

A. No, sir.

Q. Okay.

A. It was not sent to the Allens by me, no, sir.

Q. Did you write it?

A. No, sir. Please show me the envelope where the postage and when it was sent.

Q. I will read from this letter.

A. Please show me the envelope.

Q. Wait a minute. Are you the Court, Judge and the jury? You deny writing the letter. I heard that. I'll put Mr. and Mrs. Allen on the stand and I also do handwriting comparisons from something that has been admitted into evidence. Don't be asking me or telling me.

MR. STEWART: Sir, I object to the Solicitor not producing the envelope.

THE COURT: No, sir. You sit there and answer the questions and keep you mouth shut. Solicitor, it's your turn, too, now. There's been some editorializing going on. I want that to stop. All right. Let's go on with this trial. You quit playing games here and let's move on.

MR. BLAKE: Yes, Your Honor.

Q. (BY MR. BLAKE): In this letter, it is described, "She pulled a box cutter from her pocket and swung it at me. I snatched it out of her hand the first time she swung it, the first time, and put it in my pocket."

Continuing on, "We went through the path and she sat on the bench and told me to go ahead and get Bo and she would be -- she would wait right there." You said you would go and get Bo. "I walked back" -- you went somewhere, walked back to your backyard to go back to where [redacted] was -- "and I was going through the path."

MR. STEWART: Sir, I object to him reading from the document.

THE COURT: Ladies and gentlemen, step back to your room please.

(JURY EXCUSED TO JURY ROOM AT 4:55 P.M.)

THE COURT: Solicitor, pose the question again, please.

MR. BLAKE: Thank you, Your Honor. I apologize. Well, I guess I'm not posing it, so I'm not quite sure how to pose it since now he hasn't written it, so I can't even ask the

question until I prove of the document.

THE COURT: All right. Let's get the game route straight. There is just so much I can do up here. You pose the question. In case I wasn't clear, you answer the question and you keep your mouth shut unless you're responding to a question. Do you understand?

MR. STEWART: Yes, sir.

THE COURT: That is the last time I'm going to tell you. You're not going to make any editorial comments whenever there is not a question on the floor. You're not going to make any other comment that's derogatory toward anybody. You are to respond to the question, either yes or not, if possible and then explain your answer thereafter.

MR. STEWART: May I object to an issue?

THE COURT: How can you object from up here?

MR. STEWART: I don't have anybody to object for me.

THE COURT: Well, why didn't you think about that when you bargained with the Court all this time that you didn't want a lawyer? Sir?

MR. BLAKE: State is ready, Your Honor, and I apologize for any editorializing that I have done -- Solicitor's Office has done.

MR. STEWART: I apologize, too, sir.

THE COURT: Okay. I'm going to take the extra step here. I don't think you realize what you got into about this. It

becomes a problem that you can't answer a question or there is something that's a problem, you can enter the objection, but I'm going way out of the path of normal things to do it. But I understand the situation you're in. All right. Bring the jury back in.

MR. STEWART: Thank you, sir.

(JURY ENTERS COURTROOM AT 4:59 P.M.)

Q. (BY MR. BLAKE): In the letter to the Allens, did you write, "She pulled a box cutter from her pocket and swung it at me. I snatched it out her hand the first time she swung it and put it in my pocket." Did you write this?

A. No, sir.

Q. Did you write, "We went through the path and she sat on the bench and told me to go ahead and get Bo and she would wait right there"?

A. No, sir.

Q. Did you write, "I walked back through in my backyard to go back to where [redacted] was. When I was going through the path, I tripped over something that wasn't usually there and fell. When I looked back, I realized why I had tripped -- that what I had tripped over was [redacted] who was on the ground in the path face down." Did you write this?

A. No, sir.

Q. "I lit my cigarette lighter to see what was going on because it was dark in the path. It was a note on [redacted]

back" that said -- excuse the Court -- "Pay backs a motherfucker. Guess whose next. I turned her over and saw there was a little blood on her face like she had threw up blood. I wiped it off with my jacket sleeve. Other than that, nothing else was swole nor bleeding." Did you write that?

A. No, sir. I might have told somebody that.

Q. Did you write, "It just looked like she was sleeping. That's all I could do just sit there. All of a sudden, I just felt rage all through my body, and I gently laid [redacted] down. I felt the box cutter I had taken from [redacted] earlier. I threw it as far as I could." Did you write that?

A. Sir, I probably told somebody that, and I did not write that down in my statement.

MR. BLAKE: Your Honor, I request that the witness give a yes or no answer where possible.

THE COURT: Seems like I remember about five minutes ago I asked that that be done.

MR. STEWART: No, sir.

Q. (BY MR. BLAKE): Okay. Then said you, "Met up with Bo," and you said, "When we got to the path, I stopped and shined my flashlight through the path. He said, "Nigger, what did you stop for. I pointed to the ground. That's when he saw [redacted]. He said, "Oh, shit. That's your girl." I said,

"I know." He asked me what happened. I said, "She made me mad." Did you write that?

A. No, sir.

Q. Did you write, "That me and Bo went to his house and got his car and he backed the car up close to the path. He got out the car and I told Bo to open his trunk. He said wait, let me back up a little bit more. Bo hopped in his car, cranked it up and pulled off so fast, he almost wrecked." Did you write that?

A. No, sir.

Q. Did you write this, " Now I know when the autopsy came back, the pathologist determined that her cause of death was a blow to the head. But I am telling you that is not how she died. A blow to the head so forceful that it put a hole in her skull, would have left her covered in blood with her head split wide open.

I removed the scarf she had tied around her head and rung my fingers all through her hair. And it was not busted nor swollen in any spot. I did, however, notice that her neck was badly bruised leading me to believe she was strangled to death." Did you write that?

A. No, sir.

Q. Is your testimony that you didn't write any of that?

A. Yes, sir.

Q. And it's also your testimony that you did not hand

this document entitled "Motive", State's Exhibit 64, to Dallas Gurley?

A. Yes, sir.

MR. BLAKE: No further questions, Your Honor.

THE COURT: You may step down. Ladies and gentlemen of the jury, I know this is Thursday evening. We still have a full day tomorrow, Friday.

But just looking at everybody and having had sympathy for my court reporter, I think it's going to be in everybody's best interest that we stop now and don't go any later this evening. I know she's probably about to lose her fingers.

So we will stop now. We will resume at 9:30 in the morning unless somebody has any problem starting at 9:30. Any juror have any problem with 9:30?

Okay. Remember don't discuss the case with anyone. Should anybody try to approach or contact you, do not discuss it with them. Immediately notify the Sheriff's Department of any such contact.

Y'all have a good night. We'll see you at 9:30 in the morning. Sheriff, Mr. Bailiff, would y'all escort the jury out to their cars. See you in the morning.

(JURY EXCUSED FOR THE DAY AT 5:07 P.M.)

THE COURT: Gentlemen, I would like to have gone a little further this evening considering it is Thursday, however, with the events of the day and the gentlemen whose emotions got the

best of him back there in the courtroom.

Fortunately, he did not make it past the bench or by the first bar, I think we needed to go ahead and stop at this point in time and let everybody cool off a little bit, reflect on things.

We'll come back in the morning and resume at that time. We got a full day we can put tomorrow, and we should be able to complete this case with no problem. All right. See everybody at 9:30 in the morning.

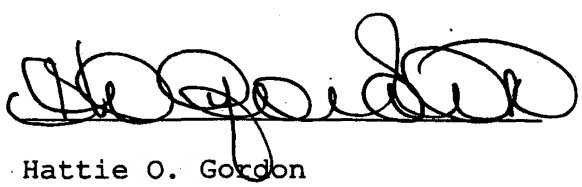
(COURT IN RECESS AT 5:15 P.M.)

- - - END OF TRANSCRIPT OF RECORD - - -

CERTIFICATE

I, the undersigned Hattie O. Gordon, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Marlboro County, South Carolina, on the 31st day of July 2003.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



Hattie O. Gordon

Circuit Court Reporter

September 18, 2003

Wallace, South Carolina

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF MARLBORO

02-GS-34-1919

STATE OF SOUTH CAROLINA)
)
- vs -) TRANSCRIPT OF RECORD
)
WELDON W. STEWART, JR.)

July 28 - August 1, 2003
Marlboro, South Carolina
VOLUME 5 OF 5

B E F O R E:

The Honorable PAUL M. BURCH, Judge and a jury.

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

DANIEL BLAKE, Assistant Solicitor
Attorney for the State

WELDON W. STEWART, JR., Pro Se Defendant

WADE R. CROW, Public Defender
Stand By Attorney for the Defendant

State's Witnesses
GAIL HEATH, SLED
JOHN ORTUNO, SLED
ROBERT ELVINGTON, SLED
AL STUCKEY, SLED
CECIL BRADSTREET, SLED

HATTIE O. GORDON
CIRCUIT COURT REPORTER
FOURTH JUDICIAL CIRCUIT
[redacted]
WALLACE, SC 29596-0597

State's Witnesses (continued)
DALLAS GURLEY, Bennettsville Police Department
JOHN BOSTON, Bennettsville Police Department
JOHN VALDALISO, Bennettsville Police Department
ALVIN WORSLEY, Bennettsville Police Department
SAMMY CROSSLAND, Bennettsville Police Department
DR. RUSSELL HARLEY, Medical University of South Carolina
SORAYA ALLEN, Victim's Mother
TONY ALLEN, Victim's Father
ANTHONY ALLEN, Victim's Brother
DR. RICHARD OWENS, Ophthalmologist
ROBERT MOORE
ANTHONY WATSON
DELORIS WATSON
EBONY WATSON
CLARISSA BRIDGES
STANTON WRIGHT, JR.
MONIQUE BRIGHT
ANDRENNA SUTHERLAND

Defense Witnesses
CARRIE HUGHES
MARY McLAUGHLIN
ANASTASIA LOVE
JAMES ELLERBE
DENEKA HARRINGTON
DALLAS GURLEY, Bennettsville Police Department
VIRGINIA STEWART, Defendant's Mother
Weldon Stewart, Sr., Defendant's Father

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(COURT IN SESSION AT 9:00 A.M.)

(BENCH CONFERENCE HELD OFF THE RECORD, OUT OF THE PRESENCE OF THE JURY.)

THE COURT: Okay. We're ready. Madam Bailiff, bring them in.

(JURY ENTERS COURTROOM AT 9:40 A.M.)

THE COURT: Good morning, ladies and gentlemen. We'll be ready to go in just a second. Okay, Mr. Stewart, we're ready.

MR. STEWART: Defense calls Anastasia Love.

THE COURT: Ms. Love, if you'll come up and be sworn, please.

ANASTASIA A. LOVE, first being duly sworn, testified as follows:

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

MR. STEWART: The microphone don't work too hot. You got to speak up so everyone can hear you.

A. Anastasia Love.

DIRECT EXAMINATION BY MR. STEWART

Q. Okay. Stacey, did you know [redacted] Allen?

A. Yes.

Q. How long did you know her?

A. Since the Allen's came to the church. Since she was small.

Q. Since she was small. Were you -- were the two of

you friends?

A. Yes.

Q. Pretty close?

A. Yes.

Q. Where did you see her or hang around her at?

A. I saw [redacted]at Pee Dee at the church. I saw her out of the church. And I saw her at school, and out of church and in the church.

MR. BLAKE: She needs to speak up.

THE COURT: Speak a little louder. That deputy all the way back there in the back of the courtroom needs to hear you.

Q. (BY MR. STEWART): Did you know me? Do you know me?

A. Yes.

Q. How long have you known me?

A. I've known Weldon Stewart since he came to the church. We grew up in the church together.

Q. Were we pretty close?

A. Yes.

Q. Did you know me just from being at church?

A. No, I knew the Weldon Stewart family. We were all friends. We spent the night at each other's house since we were small.

Q. So did you spend a considerable amount of time with both me and [redacted]

A. Yes.

Q. Were you aware of our relationship?

A. Yes.

Q. Did you spend a considerable amount of time around us together?

A. Yes.

MR. BLAKE: Your Honor, may we approach.

(BENCH CONFERENCE HELD OFF THE RECORD IN THE PRESENCE OF THE JURY.)

Q. (BY MR. STEWART): I'm going to pose that last question to you again. You did get to spend a considerable amount of time with us together?

A. Yes, I did.

Q. Did you ever at any time know [redacted] to get upset or anything when she was around me or something like that?

A. The only time [redacted] got upset with you that I've seen is when [redacted] got pregnant with your child. That's the only time I saw her get upset. And the only thing that I saw her do was just raise her voice or fuss and get upset.

Q. Okay. And how did I respond?

A. You tried to calm her down. The only thing I saw you do was put your hand on her to hold her, to calm her down.

Q. Just to hold her?

A. Yes.

Q. Okay. So have you ever seen me hit my girlfriend or do anything like that to her?

A. No.

MR. BLAKE: Your Honor, we're back to the same issue again. We're not talking about the victim anymore. We're talking about his good character.

THE COURT: Okay. You need too -- I think Mr. Crow can help you ---

MR. STEWART: Yes, sir?

THE COURT: --- with that so you need to reel it on in for us.

Q. (BY MR. STEWART): From being around me, being around my girlfriend, how would you said that she felt about me?

A. She loved you to death. She loved you.

Q. From being around me and from being around my girlfriend, how would say I felt about her?

A. You loved her also.

Q. And this was your opinion from being -- spending considerable amount of time around us?

A. Yes.

Q. Have you ever heard her talk about leaving me or breaking up with me?

A. No.

Q. I have a couple more questions for you. State's Exhibit 63A. This writing right here, Calamity of the Prophet, have you seen this before?

A. Yes.
Q. When did you see it?
A. At the Solicitor's Office.
Q. What do you mean at the Solicitor's Office?
A. He read it to me. Basically, he read it to me.
Q. The Solicitor read this to you?
A. Yes.
Q. At his office?
A. Yes.
Q. Is that Solicitor in this courtroom?
A. Solicitor Daniel Blake.
Q. Solicitor Dan Blake. He read this to you?
A. Yes.
MR. BLAKE: Asked and answered, objection.
MR. STEWART: Withdrawn, sir.
Q. (BY MR. STEWART): What do you think about this writing here?
A. What do you mean?
Q. Do you -- did this writing here sound familiar to the Weldon Stewart you knew -- that you know?
A. It sounds like you're talking in a third person from what he read. You've always had a gift for telling different -- something in different ways. So yes, that could be, yes.
Q. The things that says were done in this writing, does it sound like things that Weldon Stewart that you know would

do?

MR. BLAKE: Objection, Your Honor. It's been asked and answered. He's playing on the same ground again. He already asked is it something that he would write; that he would do.

MR. STEWART: I'm asking now the things it said were done. The thing that were actually done in this writing.

THE COURT: Overruled. She answered.

Q. (BY MR. STEWART): Could you repeat that answer?

A. No.

Q. Have you spoken with me at all prior to today?

A. Yes.

Q. Where?

A. At the Detention Center. You subpoenaed me.

Q. When you first came into the detention facility to talk with me, how did you feel?

A. I was upset and angry.

Q. Why?

A. Because of rumors that I've heard, things I didn't know for a fact.

Q. Because of rumors you heard. Rumors like some of the things that are in this ---

MR. BLAKE: Objection, irrelevant. Courtroom's not for rumors.

THE COURT: Well, he never finished his question. Go ahead and finish your question.

Q. (BY MR. STEWART): Rumors like some of the things that's in this writing right here?
A. Yes.
Q. And these rumors that you heard had you upset with me, correct?
A. Yes.
Q. But you had -- up until the point that you came to the county jail, you had never talked to me face to face?
A. No.
Q. Now, was anyone else in the room with us?
A. The public defender was there for about ten minutes, then he left. Right there. The white haired man.
Q. Mr. Crow?
A. Yes.
Q. He left?
A. Yes.
Q. Did you feel comfortable after he left?
A. Yes.
Q. Being in the room with me alone?
A. Yes.
Q. Did we talk?
A. Yes.
Q. Did you ask me what happened?
A. Yes.
Q. Did I tell you what happened?

A. Yes.

Q. Give them, just don't go into a lot of detail, but can you give this jury an idea of what I told you?

MR. BLAKE: Objection, bolstering.

THE COURT: I'm going to give you some leadway. I'm going to overrule it.

MR. BLAKE: Your Honor, I'm just going to object again on the record. He said this after the incident and now he's got a witness repeat it in Court. That's hearsay.

MR. STEWART: Your Honor, sir, all of the alleged statements that was supposed to have been made by me that has been brought into Court were made after the incident, sir.

THE COURT: Go ahead.

A. You said that you went and picked [redacted] up. Y'all went to the house. It was time to leave. You said that she wasn't ready to go. It was getting late. Her mother and father was getting ready to wake up. You said y'all went on your way going outside.

It was something buried in the ground she wanted to see. You said that she went over there and she started crying and getting upset.

You said that [redacted] -- you said she pulled a blade or a knife or something out, and you said, "[redacted], it's time to go" and, she said, "Don't rush me.

I don't rush you when you're with your baby. Don't

rush me when I'm with mine." You said that you went behind her, you pulled the blade down and you kind of picked her up. And you started walking her through the path.

Q. And?

A. You said that as you were holding her ---

MR. BLAKE: Request that the defendant step back from the witness unless he has something to take from her or give to her.

A. She was shaking because she didn't want to leave. You said the path was dark and there were tree stumps and wood in the path.

And you said you that you tripped and you fell, and she was up underneath you. And you said that you jumped up, expecting her to jump up also, but she didn't.

Q. You can stop there. You can stop there. You can stop there.

MR. BLAKE: I'm sorry for standing up, but she's right in the middle of the story. I'd like to hear the end of it.

THE COURT: Anything more you'd like to say? Any response to that?

A. No, sir.

MR. STEWART: Sir, just for the record, the reason that I asked her to stop is just because right now we're dealing with how the death occurred, and that was the only part of the story that was relevant to the death, how it occurred, she's

getting real emotional. So I asked her to stop, just for the record.

Q. And, Stacey, when I told you what happened, did you believe me?

A. At first, I didn't, but then started believing you, yes.

Q. And why did you believe me?

A. Because I've known you for so long, and I never seen you bring harm to her and I knew how you both were about each other.

MR. BLAKE: Objection. Indirect character evidence. We deal with it all the time.

THE COURT: You're certainly getting way out of line. I'm going to have to put a stop to it.

MR. STEWART: Withdrawn, sir. No further questions.

CROSS-EXAMINATION BY MR. BLAKE

Q. Ms. Love, I was hoping I wouldn't have to ask you any questions, and I don't like doing it. Mr. Stewart had you stop at the point which [redacted] did not get up. Did he say anything else to you about that incident?

A. Yes.

Q. And what did he say?

A. After that she laid there, and she said, "Stewart, help me." And Stewart said they had been -- I guess they had been arguing or something before that and he said he was

playing hard to get, and he is like, "No, get up yourself, Shorty, get up." And she -- he said she just laid there and the last words that she spoke to him was, "I'm happy now because I'm with my baby."

Q. My apologies. No further questions.

RE-DIRECT EXAMINATION BY MR. STEWART

Q. I just have a few more questions for you. I know you're upset. Did you -- do you know Ebony Watson?

MR. BLAKE: Objection. He's supposed to follow what I went into on cross. I asked about what happened right after where he had cut it off. He's now starting a new exam.

THE COURT: Try to limit your questions to what was on cross.

MR. STEWART: Sir, excuse me. I misunderstood what you said. Sir, I mean -- I didn't.

THE COURT: It narrows down -- the process narrows down. You got to try to reel your questions in as to what questions were asked on cross by the Solicitor.

MR. STEWART: May we approach the bench, sir.

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

Q. (BY MR. STEWART): Okay, Stacey, you know Ebony Watson; is that right?

A. Yes.

Q. And any times that you spent with me around my

girlfriend and we've all been hanging together, has Ebony Watson every hung around us?

A. No.

Q. Did she -- did we sing on the choir together at any time?

A. You and I?

Q. Yes.

A. Yes, sir.

Q. Was [redacted] on that choir?

A. Yes.

Q. Was Ebony Watson on that choir?

A. No, sir.

MR. STEWART: No further questions.

MR. BLAKE: May the witness be excused?

MR. STEWART: I have no objection.

THE COURT: You may be excused. You may step down.

MR. STEWART: Sir, Defense calls Deneka Harrington.

DENEKA HARRINGTON, first being duly sworn, testified as follows:

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

A. My name is Deneka Harrington.

DIRECT EXAMINATION BY MR. STEWART

Q. Deneka, did you know [redacted] Allen?

A. Yes.

Q. Were the two of you friends?
A. Yes.
Q. How did you know her?
A. Cause we went to school together.
THE COURT: You've got to speak up.
A. We went to school together.
Q. The two of you went to school together?
A. Yes.
Q. Were you friends?
A. Yes.
Q. Okay. Do you know me?
A. Yes.
Q. How do you know me?
A. Through [redacted].
Q. You know me as being [redacted]'s boyfriend?
A. Um-hum.
Q. Is that how you met me?
A. Yes.
Q. Did you -- did you like [redacted]?
A. Yes.
Q. Were the two of you pretty close?
A. Yes.
THE COURT: You've got to speak up. See that deputy back in the back of the room? Speak so he can hear you.
Q. (BY MR. STEWART): Did the two of you spend time

together other than being in school?

A. Yes.

Q. When?

A. On the weekends.

Q. What would you do on the weekends?

A. She'd stay at my house, we would go places and come home.

Q. Ever seen me on any of those weekends?

A. Yes.

Q. Was I with [redacted]

A. Yes, sir.

Q. At your house?

A. Yes.

Q. Did the two of you ever sneak around and come to Bennettsville?

A. Yes.

Q. So have you spent a considerable amount of time around the two of us together sneaking around over the years?

A. Sometimes.

Q. Have you ever seen [redacted] throw a temper tantrum or fit or something like that?

A. If she got mad, she'd probably fuss or something.

Q. What would she usually do when she was doing this?

A. Fuss.

Q. Fuss. What would be my usual response?

A. You would sit there or you would hold her.
Q. I would hold her.
A. Yes.
Q. Ever seen me hit her?
A. Not around me, no.
Q. So you're saying that all you ever known me to do is just hold her?
A. When I was around, that's all I saw.
Q. Okay. And have you spoken to me any time prior to being here today?
A. When you subpoenaed me to come see you at the jail house.
Q. Were we -- who was in there with us?
A. Nobody.
Q. No one. Were we locked in the room or were we out in open, just waiting there or what?
A. We were locked in the room.
Q. Did you feel comfortable?
A. At first, I was nervous. After I sat there for a while and talked, I was okay.
MR. STEWART: No further questions.

CROSS-EXAMINATION BY MR. BLAKE

Q. We've talked before?
A. Um-hum.
Q. Talked in my office?

A. Um-hum.
Q. You said you were friends with [redacted]
A. Yes, sir.
Q. You're also friends with [redacted] Harper?
A. Yes.
Q. [redacted] Harper is the girl who had a child by Weldon?
A. Yes, sir.
Q. In fact, you were at the house that night with Bo, is that right, when Weldon and [redacted] got together?
A. Yes, sir.
Q. Would you say you were closer to [redacted] or to [redacted]?
A. We was the same.
Q. It was the same back then?
A. Um-hum.
Q. And what happened when this riff came between them because she was pregnant with his child?
A. All of us still talked.
Q. Were you just caught in the middle?
A. Um-hum. Everybody still talked.
Q. Everybody still talked. And were you and [redacted] in exactly the same year in school?
A. No, sir.
Q. Did you ever talk about Marcus Black with [redacted]?

A. Um-hum.

Q. If I told who -- that's what you had said to me in the office last week?

A. I told -- you mentioned it to me, but we never talked about him.

MR. BLAKE: No further questions.

RE-DIRECT BY MR. STEWART

Q. Deneka, did you ever have any problems with [redacted] or confrontations or anything like that?

A. We got into something, but we always got back friends. It was never anything serious.

Q. So the two of you were close?

A. Um-hum.

Q. In other words, did you come in the courtroom today and lie on [redacted]?

A. No, sir.

MR. STEWART: No further questions.

THE COURT: You may step down.

MR. STEWART: Your Honor, sir, I move to excuse this witness.

MR. BLAKE: Without objection.

THE COURT: All right.

MR. STEWART: Defense calls Miss Carry Hughes.

CARRIE HUGHES, first being duly sworn, testified as follows:

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

A. My name is Carrie Hughes.

DIRECT EXAMINATION BY MR. STEWART

Q. Miss Hughes, do you know me?

A. Yes.

Q. How long have you known me?

A. Since you were born.

Q. How do you know me?

A. I beg your pardon?

Q. How do you know me?

A. How do I know you?

Q. Yes, ma'am.

A. Because you were a member of Pee Dee Baptist Church, and I'm also a member.

Q. Did you get to see me a considerable amount of time at the church?

A. Yes, I did.

Q. You did. Do you know personally my reputation for peace and good order in the time you've been around me?

A. Yes.

Q. Is it good or bad?

A. It was good.

Q. Thank you.

MR. STEWART: No further questions.

THE COURT: Any questions, Solicitor?

MR. BLAKE: Yes, Your Honor.

CROSS-EXAMINATION BY MR. BLAKE

Q. Miss Hughes, would your opinion change if you knew Weldon had stabbed a boy at [redacted] High School?

A. Yes.

Q. Would your opinion change if you knew he had slapped his mom on church grounds?

A. Yes.

Q. Would your opinion change if you knew he had been in and out of four schools within a period of two or three years because of behavior problems?

A. Yes.

Q. Thank you.

THE COURT: Anything further?

MR. STEWART: No, sir.

THE COURT: You may step down. Thank you. You want to excuse this witness?

MR. STEWART: Defense moves to excuse the witness.

MR. BLAKE: Without objection.

MR. STEWART: I would like to call Miss Mary McLaughlin.

MARY McLAUGHLIN, first being duly sworn, testified as follows:

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

A. My name is Mary McLaughlin.

DIRECT EXAMINATION BY MR. STEWART

Q. Miss McLaughlin, where do you live?

A. [redacted]

Q. Where is that in relation to my parents' residence?

A. Up east a little, a block and three houses down.

Q. On the same side of the street?

A. Opposite side.

Q. Opposite side. Do you know me?

A. Yes.

Q. How?

A. By living on [redacted] and by being friends with my son.

Q. Excuse me. Could you say the last part?

A. By being friends with my son.

Q. Who is your son?

A. Stanton Wright.

Q. You're Stanton Wright's mother?

A. Yes.

Q. Directing your attention to December 6, 2000, at about 5 o'clock in the morning. Where were you?

A. We was on our way to Columbia. We were leaving the house.

Q. You were leaving, and what route did you go leaving the house?

A. We went to the end of the street where y'all live at.

Q. Excuse me. Excuse me. Can you tell the street on this? For the record this is Defendant Exhibit 13, and the witness is pointing out the route on the map.

(WITNESS STEPS DOWN FROM WITNESS STAND.)

Q. Will you point out the route you were going on this map?

A. We came down [redacted] to the end of the corner and went down [redacted].

Q. And, okay ---

(WITNESS RETURNS TO WITNESS STAND.)

Q. --- and once you came down [redacted] where did you go then?

A. We proceeded down the hill.

Q. What did you see when you started going down the hill?

A. We seen someone walking towards us up the hill, and as we got closer we seen you.

Q. And what did you do when you saw me?

A. We stopped.

Q. Who is we?

A. We is me and my husband.

Q. Did you speak with me when you saw me?

A. Yes, we stopped and talked with you for a few

minutes.

Q. And our conversation, did I seem angry or anything?

A. No.

Q. Seem like I was in a rage?

A. No.

Q. When I was answering your questions, did I -- was my answers snappy or rude?

A. No, you just talked regular just like -- just talked.

Q. About what time was it that you saw me?

A. It was a little after five.

Q. Okay five a.m., p.m.?

A. A.m.

Q. Did you get a chance to look at my face?

A. Yes.

Q. Did I have an angry expression on my face?

A. No.

Q. It was 5:30 in the morning; is that correct?

A. I know after five.

Q. Well, five -- five -- five something?

A. Something along in there.

Q. Excuse me. Was it still dark?

A. Yes.

Q. How did you get a good look at my face then?

A. It has a light pole as you go down. There is a

light pole between trailer houses on the left side and houses on the right. There is a light pole.

Q. The light pole has a light on it?

A. Yes.

Q. Was the light on that morning?

A. Yes, sir.

Q. And this afforded you a pretty good look at my face?

A. Yes, sir.

Q. Did you notice anything else about me?

A. You were carrying something in your arms.

Q. Could you see what it was?

A. It looked like a can or something. I don't know what it was. It was like in your arms.

Q. And how long did you talk to me?

A. Had to be about a minute. I just asked you where was my son. That was it.

Q. And then what did you do?

A. We just left after we finished talking to you.

Q. You and your husband?

A. Yes.

Q. And what did you see then?

A. As we was leaving, my son was coming up the hill and we passed by him, but he never did stop.

Q. Did you see me at any other time after that point after you left?

A. No.

MR. STEWART: No further questions.

CROSS-EXAMINATION BY MR. BLAKE

Q. So what you're saying is you saw Weldon that morning somewhere around 5 o'clock?

A. Correct.

Q. In the neighborhood?

A. Yes.

Q. You and your husband were in your car?

A. Yes.

Q. Taking him to work or somebody's going to work, I assume?

A. We were going out of town.

Q. I understand. I couldn't hear part of that. And what you're saying is you saw your son pass you. He was in a car, too?

A. Right.

Q. But he didn't stop?

A. Right.

Q. Now, Mr. Stewart asked you about if the lighting was good and you could see his face, and you said yes?

A. Yes.

Q. And talked with him for a while?

A. Yes.

Q. Did he appear panicked?